

Digital Publication of Tribal Laws Pilot Project

Summary: The University of Wisconsin Law Library (UWLL), in partnership with the Stockbridge-Munsee Community Band of Mohican Indians, the UW Law School Great Lakes Indigenous Law Center (GLILC), the nonprofit National Indian Law Library (NILL), and the nonprofit Open Law Library (OLL), requests a three-year IMLS National Digital Infrastructures and Initiatives grant in the amount of \$216,053 to support the Digital Publication of Tribal Laws Pilot Project. The Pilot Project will develop an Open Law *library platform* that will empower libraries to improve public access to tribal laws published into the public domain using the already-developed Open Law *publishing platform*. It will demonstrate the benefits of the combined platforms for tribes, their members, academia, the legal profession, and the public by creating a fully-functional tribal legal ecosystem comprising:

- two independent tribes using the *publishing platform* to publish their laws onto the open Internet in standardized formats without copyright or contractual use restrictions, and
- two independent libraries using the *library platform* to incorporate those laws, and all subsequent updates, into their extensive digital collections seamlessly making the combined collections available to the public.

National Need: The right to know the laws by which we are governed is a fundamental right in our democratic society. Access to our laws is essential to ensure our rights to governmental transparency and accountability, notice and due process, and equal protection. Libraries are keenly aware of the importance of access to legal information but few are able to afford the high fees for public access to commercial legal databases. Instead they must refer library users to free websites that may be unofficial, incomplete, duplicative or even contradictory, and often outdated.

While the barriers for access to federal, state, and local laws are substantial, the barriers for access to tribal laws are even greater. For the majority of the 573 federally recognized tribes, no laws have been published. Most tribes are reluctant to work with traditional legal publishers who infringe on sovereignty by claiming copyright interest, placing restrictions on content, and misunderstanding tribal legislative processes. Where tribal law is available, it is scattered across websites, databases, and print publications.

This lack of access negatively impacts tribes and their members, hinders non-member partnerships with tribes, and limits general understanding of tribal views and values. Tribal leaders cannot effectively govern, legislate, or administer justice without comprehensive access to their own laws. Tribal members and those doing business with the tribe may be unaware of laws governing their actions, retarding economic investment and development. Better access would promote academic research with more diverse tribal perspectives, and facilitate deference to, and respect for, tribal law in other jurisdictions' legal and policy decisions.

Phase of Maturity: The *publishing platform*, used by governments to publish their laws in free, standardized, cryptographically authenticated computer-readable (github.com/dccouncil/dc-law-xml), and human-readable formats (code.dccouncil.us - over 40k unique visitors/mo), is under constant development by OLL and has been in production use for two years. The data format (1) simplifies publication and (2) is easy for lawyers to understand and, thus, trust. The *library platform* is currently in the design phase. OLL has solicited feedback from libraries, legal aid, and the public and completed preliminary requirements and technical design.

Tribes - The Pueblo de San Ildefonso will launch their laws using the *publishing platform* in Q4 2019 (github.com/sanipueblo/law-xml). The Stockbridge-Munsee Community has signed an MOU with OLL to publish their laws using the *publishing platform* as part of this Pilot Project and has committed to continue publishing updates to their laws on the platform after the Pilot completes.

Libraries - NILL already maintains the most authoritative and up-to-date digital collection of tribal law (narf.org/nill/triballaw). Staff spend significant time maintaining this free public resource. The *library platform* will improve the timeliness and accuracy of the collection, reduce the time staff spend manually updating the

collection, and free them to focus on value-add materials such as their research guides and law bulletins. In partnership with GLILC, the UWLL has been working to develop a Great Lakes Tribal Law Collection for their digital repository that could eventually contain both legislation and judicial opinions for Great Lakes tribes. The *library platform* will be used to improve the sustainability, accuracy, and timeliness of the project.

Project Design: The Pilot Project will create a small but fully functioning and useful federated tribal legal publishing ecosystem with two tribes using the *publishing platform* to publish their laws and two libraries using the *library platform* to automatically incorporate those laws as they are published into their existing collections. Each tribe will publish its own laws using the *publishing platform* in a standardized format on a publicly accessible server it controls. Each law library will use the *library platform* to incorporate the laws from one or both tribes (depending on their collection development plan) into their existing collections. Every night, updates from the tribes' servers will be automatically downloaded, authenticated, and incorporated into the libraries' digital collections. Patrons will be able to use either library's collection just as they always have (search, browse, etc), but with the tribal laws seamlessly integrated and always up-to-date. The *library platform* will be released under an open source license and all laws will be published into the public domain.

David Greisen, OLL Director and Bonnie Shucha, UWLL Director will plan and manage this project.

- **Aug 1 - Dec 31, 2020 - Help Stockbridge-Munsee Community publish their laws using *publishing platform*:** OLL and UW Law Professor and GLILC Director, Richard Monette will work with tribal leaders to adapt the *publishing platform* to the tribe's unique legislative processes, then codify and publish their laws through the platform.
- **Jan 1 - Nov 30, 2021 - Develop and implement *library platform*:** OLL employees and contractors will iteratively develop the *library platform* in collaboration with UWLL and NILL. UWLL staff led by Assistant IT Director, Jarrod Bogucki and NILL Director Anne Lucke will coordinate the integration of the *library platform* with their respective library collections through regular testing and feedback.
- **Dec 1 - Jul 31, 2022 - Launch UWLL and NILL tribal law collections using *library platform*:** tribes publish updates to their laws (~60 updates/yr); libraries automatically integrate updates; troubleshoot issues.
- **Aug 1 - Jul 31, 2023 - Tribe and Library outreach:** direct outreach, conferences, and webinars to encourage adoption of the platform by both tribes and libraries.

National Impact: This Pilot Project will create an interoperable framework for libraries to curate and aggregate tribal laws into their digital collections addressing many of the national needs outlined above. Because it respects tribes' legislative processes and allows them to maintain control over their laws, the *publication platform* will encourage tribes to publish their laws online. As a result, not only will this fundamental, authenticated legal content be made available online for the first time, it will be accessible to everyone at no cost using an Open Access publishing model. Further, the development of the *library platform* will allow libraries to select and freely import this continuously updated tribal content to their own digital collections.

In addition to addressing these important national needs, there is great potential for further growth and expansion beyond the pilot project. With the *library platform*, any library can select and freely import any laws from any government using the standard publishing format into a unified digital collection curated to meet the unique needs of their users. As more tribes and other governments publish on the platform, the number and depth of these curated library collections will grow further increasing the value to the public. The last year of the grant will focus on growing the ecosystem beyond the initial four participants. As it expands, this tribal law ecosystem will chart an alternative Open Access path to legal publishing that prioritizes government autonomy, library curation, and public access over corporate control.

Budget Summary: The estimated project budget is \$216k comprising codification/publication (\$32k), software development (\$114k), library feedback/integration (\$24k), travel/outreach (\$9k), and overhead (\$37k).