Digital Publication of Tribal Laws Pilot Project

Overview

The University of Wisconsin Law Library, in partnership with the Stockbridge-Munsee Community Band of Mohican Indians, the UW Law School Great Lakes Indigenous Law Center, the National Indian Law Library, and the Open Law Library, requests a three-year IMLS National Digital Infrastructures and Initiatives grant in the amount of $239,087 to support the Digital Publication of Tribal Laws Pilot Project.

The right to know the laws by which we are governed is a fundamental right in a democratic society. Access to our laws is essential to protect and promote due process and equal protection, access to justice, and tribal self-governance. However, for a majority of the 574 federally recognized American Indian tribes, no laws have been published. Where it is available, tribal law is scattered across databases, websites, and print publications, often incomplete and outdated. This lack of access to tribal law negatively impacts Native Nations and their members, hinders non-member partnerships with tribes, and limits general understanding of tribal sovereignty and perspectives. Tribal leaders' ability to effectively govern, legislate, or administer justice is limited without comprehensive access to their own laws. Tribal members and those doing business with the tribe may be unaware of laws governing their actions, thereby retarding economic investment and development. The inaccessibility of tribal law also deters broader understanding of and respect for tribal viewpoints by scholars and the public. Therefore, there is a critical need for improved public access to tribal laws. Without such access, these negative impacts will persist.

Our long term goal is to make tribal law more accessible to all through the creation of an extensive federated tribal legal publishing ecosystem. This ecosystem will empower libraries to more fully serve the needs of diverse users - tribal members and leaders, legal, business and government professionals, academic researchers and learners, and the general public - by curating and aggregating the laws of many Native Nations into open access, authenticated, federated digital collections. Our objective for the Digital Publication of Tribal Laws Pilot Project is to create a small but fully functioning publishing ecosystem with legislation from two tribes, the Pueblo de San Ildefonso and the Stockbridge-Munsee Community, and two libraries, the UW Law Library and the National Indian Law Library. Although initially small, this Pilot Project publishing ecosystem will be scalable for use by many tribes and libraries in the future.

The federated tribal legal publishing ecosystem combines both a *publishing platform* and a *library platform*.
- The publishing platform, already developed by Open Law Library (OLL), enables any tribe to publish their legislation onto the open Internet in an authenticated, standardized format while respecting their unique processes and retaining complete control and ownership of the content.
- The library platform, which would be developed by the Pilot Project, would allow a library to curate a collection of laws from tribes using the OLL publishing platform for inclusion in their open access digital repository. Laws would be automatically incorporated into the library repository as updated by tribes. This would enable all library users to simultaneously search the current laws of multiple tribes in a federated collection rather than having to visit numerous websites, databases, and print publications.

The Digital Publication of Tribal Laws Pilot Project will be impactful in numerous ways. It will increase public access to the laws of Native Nations, many for the first time, and enable sophisticated federated searching of the laws of multiple tribes simultaneously. Tribal members and leaders would benefit from knowledge of their laws which are essential for good governance and ensuring the rights of due process and equal protection. Broader public access to tribal law would facilitate inter-governmental collaboration, encourage economic partnerships, and foster greater understanding of tribal sovereignty and perspectives.

Statement of National Need

Libraries are keenly aware of the importance of access to legal information but few can justify 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 outdated. While barriers for access to federal, state, and local laws are substantial, barriers for access to tribal laws are even greater. For most of the 574 federally recognized Indian tribes, no laws have been published. Where it is available, tribal law is scattered across websites, databases, and print titles often only accessible to legal professionals and large law libraries.

Need for Improved Access to Tribal Law

The national need for public access to tribal law is great, especially through a platform that would enable all users to search across the current, authenticated laws of multiple tribes simultaneously.

Risk of Denial of Due Process, Equal Protection, and Access to Justice

The right to know the laws by which we are governed is a fundamental right in a democratic society. Access to our laws is essential to safeguard our rights of due process and equal protection and to provide access to justice. For due process and access to justice, individuals have notice of the law - what the law requires of them and what remedies are afforded to them. Similarly, the right of equal protection of the laws requires not just equal protection *from* the law but first equal access *to* the law. Without free and reliable access to a tribe's law, the due process and equal protection rights of and access to justice for its members are at risk.

Reduced Capacity for Self-Governance

Access to the law also promotes the self-governance of the tribe. In order to ensure that a government is acting consistently with the people's will, the people must be informed of the actions of their government. For a democracy to work, such information must be freely shared; otherwise ultimate decision-making by the people becomes impossible. Lack of access to the law reduces the ability of tribal members to evaluate laws and communicate their concerns to tribal leaders.

Challenges for the Creation, Administration, and Practice of Law

The unavailability of tribal law creates challenges for the creation, administration, and practice of law. Tribal leaders' ability to effectively govern, legislate, or administer justice is limited without comprehensive access to their own laws. Nor can attorneys effectively advise or represent their clients without knowledge of the law.

Disincentives for Economic Development

The inability to access a tribe's law creates a disincentive for non-members to do business with the tribe. The U.S. Supreme Court has established that tribal law may regulate the activities of non-members who enter business relationships with the tribe or its members.[1] However, business partners may be justifiably wary of subjecting themselves to unknown tribal laws.

Limitations on Tribal Jurisdiction and Sovereignty

As sovereign nations, tribes have jurisdiction over tribal lands and tribal members. However, federal and state governments may also exercise authority creating jurisdictional uncertainty. When this occurs, federal and state courts may wish to consult and potentially defer to tribal law, but cannot if tribal law is unavailable. Native Nations that don't make their law publicly available are also barred from participation in two federal programs that would otherwise grant them increased jurisdiction over crimes occurring in Indian country.[2]

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[1] *Montana v. United States*, 450 U.S. 544, 565 (1981).
[2] Tribal Law and Order Act of 2010, Pub. L. No. 111-211, sec. 234(c)(4), 124 Stat. 2261, 2280 and Violence Against Women Reauthorization Act of 2013, Pub. L. No 113-4, sec. 204(d), 127 Stat. 54, 122.

Missed Opportunities for Inter-Tribal, State, and Federal Governmental Idea Sharing

Access to a federated collection of tribal law could facilitate idea sharing, both between tribes and between tribal and federal or state governments. Tribal leaders and judges could search across the law of numerous tribes to see how others have addressed thorny legal issues. Such idea sharing may not only save limited time and resources, but also help Native Nations better articulate customary law and tradition. State and federal governments could also learn much from innovative tribal strategies such as traditional dispute resolution, restorative justice, natural resource management and protection, and more. However even when tribal law is available, it's unlikely that tribal, state, and federal government leaders would track down and search individual tribal codes scattered across various databases, websites and print publications. Without a platform to search across the law of multiple tribes simultaneously, valuable idea sharing opportunities may be missed.

Misunderstanding and Lack of Representation of Tribal Viewpoints

A lack of knowledge about tribal law can perpetuate misunderstandings and negative stereotypes about Native Americans. Without access to tribal law and perspectives, media coverage about native issues may be uninformed and one-sided. There is public "misperception that [tribes] have 'no written laws' or that it's a 'lawless place'" observed Korey Wahwassuck, associate judge of the Leech Lake Band of Ojibwe Tribal Court. This, she believes, could be corrected through increased transparency and communication.[3] The inability to access tribal law also discourages consideration of diverse tribal perspectives in academic research resulting in a missed opportunity for better understanding of and representation of tribal legal and policy decisions. Even where tribal law is available, the current scattered availability discourages wide discovery and deep research across the law of numerous tribes.

Barriers to the Publication of Tribal Law

Many tribes are interested in making their laws available but are held back for two main reasons: lack of funding and lack of a satisfactory publishing platform.

Lack of Funding to Publish

One of the biggest reasons that more Native Nations do not publish their laws is lack of funding to do so. When asked what one of the biggest obstacles facing tribal courts was, "Money," Judge Wahwassuck replied, "I think that's a huge problem."[4] Congress has also recognized that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation."[5] The distribution of laws requires funds for both creation and maintenance of the publication medium as well as the personnel to compile, organize, review, and post the content, not to mention to build the more sophisticated tools required for authentication, preservation, and enhanced discovery. Without such funding, most tribes will find it difficult to make their laws available, even if they have the desire to do so.

Lack of Satisfactory Publishing Platforms

Although many commercial vendors would like to include tribal law in their databases or print publications, few tribes have entered into such agreements. The two largest legal databases, LexisNexis and Westlaw, only include a combined total of thirty tribal legislative codes. Because tribes are fiercely protective of their sovereignty and their laws, most are reluctant to work with commercial publishers who misunderstand tribal processes and who would claim copyright interest in their laws and restrict access to all but paid subscribers.

In order to maintain control over their laws, some tribes self-publish either in print or electronically. Print publication is problematic because it requires significant compilation time, printing and distribution costs to

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[3] Interview, Korey Wahwassuck, Associate Judge, Leech Lake Band of Ojibwe Tribal Court, 2 *Journal of Court Innovation* 405, 407 (2009).
[4] Ibid, 408.
[5] Indian Tribal Justice Act, Pub. L. No. 103-176,§ 2, 107 Stat. 2004, 2004 (1993).

keep current. More commonly, those who self-publish - 139 Native Nations which is less than 25% of all federally recognized tribes - do so via the tribe's website. However this, too, has disadvantages including the cost of compiling and updating content. Authentication is another concern, especially for legal content. As information travels through the Internet, it is susceptible to virtually undetectable alterations. Unless content is cryptographically authenticated, as recommended by the Uniform Electronic Legal Material Act (UELMA), the authenticity of law published on a tribe's website is uncertain.[6]

Another disadvantage of publishing laws on a tribe's website is the difficulty in preserving a complete record of laws. As laws are updated on the web, the retention of superseded laws is at risk as older content is overwritten with the new. Few tribes have addressed this critical need, and fewer still have a UELMA compliant infrastructure in place to monitor older data and keep storage methods up-to-date.

The publication of laws on individual tribal websites also poses disadvantages for discovery. Researchers who rarely venture farther than their favorite legal database may not realize that a tribe's laws are accessible on its website. The National Indian Law Library's Tribal Law Gateway[7] contains the most complete collection of tribal legislation - about 60 tribal codes - but like individual tribal websites, it is hindered by similar concerns of upkeep costs, currentness, authentication, preservation, and discovery. Although it does include a basic cross tribal search, it cannot support sophisticated section-level searching across the laws of multiple tribes.

Addressing These Needs
The Digital Publication of Tribal Laws Pilot Project will make tribal law more accessible for all users through the creation of a small but fully functioning federated tribal legal publishing ecosystem. The ecosystem combines Open Law Library's (OLL) *publishing platform* which addresses issues that plague other publishing methods - tribal control, currentness, authentication and preservation - with a newly created *library platform* that combines the law of many tribes via an open access, federated search portal for enhanced discovery. This will empower libraries to more fully serve the needs of diverse users - tribal members and leaders, legal, business, and government professionals, academic researchers and learners, and the public.

Although this Pilot Project is focused on the creation of the *library platform*, it includes support for additional content development using the *publishing platform*. As noted, OLL has already developed the *publication platform* but only one tribe, the Pueblo de San Ildefonso, is now using it to publish their laws. This Pilot Project will enable a second tribe, the Stockbridge-Munsee Community, to add their laws to the platform in order to assemble a sufficient amount of content to develop and test the federated *library platform*. At the end of this Pilot Project, we hope that additional tribes will publish their laws with the *publishing platform* enabling libraries to add this additional content via the *library platform* to create more robust federated collections.

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Project Design

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The Digital Publication of Tribal Laws Pilot Project is a proof of concept that will create a small but fully functioning and useful implementation of the 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. 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 and interface just as they always have, but with the tribal laws seamlessly integrated and always up-to-date. An open source software development kit (SDK) will be released allowing libraries to effortlessly implement the *library platform*.

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[6] *Uniform Electronic Legal Material Act*, October 4, 2011 available at https://go.wisc.edu/49f8vy.
[7] Tribal Law Gateway available at https://narf.org/nill/triballaw/index.html. NILL is a project of the Native American Rights Fund.

This proof of concept will establish that the federated legal publishing ecosystem can scale beyond just two tribes and two libraries. Because the tribal laws will be published in a standardized format on the *publishing platform*, their incorporation into the *library platform* will apply to any other collection of laws in the same format. The *library platform* is being developed for two libraries, the University of Wisconsin Law Library (UWLL) and the National Indian Law Library (NILL), with varying expertise, technological infrastructure, and resources. It will be designed to be generally applicable and integrate into a wide range of libraries with different systems to minimize the amount of work each library must perform.

Project Deliverables
- Publish the laws of the Stockbridge-Munsee Community using the *publishing platform*
- Develop and test the *library platform* with feedback from librarians
- Launch *library platform* for UWLL and NILL with laws from the two tribes
- Distribute *library platform* software development kit
- Conduct outreach to onboard more tribes and libraries

Expertise of Partners:

University of Wisconsin Law Library: The UW Law Library is a large academic law library that supports the research and learning needs of UW Madison students, faculty and staff, the broader legal community, and the citizens of the State of Wisconsin and beyond. UWLL hosts the UW Law School Digital Repository, which provides free online access to scholarship, legal sources, and unique research and historical collections.

National Indian Law Library: The National Indian Law Library, a project of the Native American Rights Fund, is a law library devoted to federal Indian and tribal law. NILL maintains a unique and valuable collection of Indian law resources and assists people with their Indian law-related research needs. Its Tribal Law Gateway contains the most complete collection of tribal codes and constitutions.

Great Lakes Indigenous Law Center: The Great Lakes Indigenous Law Center provides practical legal skills to students interested in Federal Indian Law and is a legal resource for Native Nations. GLILC Director, Professor Richard Monette has drafted or consulted on more tribal constitutions than any other person or organization.

Open Law Library: Open Law Library's mission is to make all official laws freely and openly accessible to governments and their citizens. OLL supports governments in streamlining their drafting and publishing processes. OLL has experience meeting the drafting, codifying, and publishing needs of jurisdictions with varying levels of size, expertise, funding, and technological infrastructure, such as Washington DC, the City of San Mateo, and the Pueblo de San Ildefonso.

Stockbridge-Munsee Community Band of Mohican Indians: The Stockbridge-Munsee Community, known as "the people of the waters that are never still," is one of eleven federally recognized Indians tribes in Wisconsin. In 1995, recognizing the need to have an internal mechanism for dispute resolution and enforcement of tribal laws, the community developed a tribal justice system through its elected council. Starting slowly, with only a few tribal codes developed, this mechanism has become the backbone for tribal self-governance and is an exercise of its sovereign rights.

Project Framework and Principles

Audience: The project's primary audience will be the two Native Nations - the Pueblo de San Ildefonso and the Stockbridge-Munsee Community Band - and the two law libraries - UWLL and NILL. The secondary audience includes all tribes, as well as other legal jurisdictions who wish to publish their laws openly, and all libraries who wish to aggregate and curate those laws on behalf of their users.

Evaluation: David Greisen, OLL Director and Bonnie Shucha, UWLL Director will plan and manage this project. The project is designed using the agile methodology - a collaborative and iterative development process in scheduled two week sprints where we will regularly meet with product owners, stakeholders, and users. Daily stand-up meetings and integration of feedback from users ensures that staff can quickly iterate towards a real world tested final product that seamlessly integrates into the existing workflow of both tribes and libraries.

Performance Measures & Outcomes: The success of this project will be measured on the completion of the *library platform* for both UWLL and NILL, the creation of two tribal law collections on those platforms, the release of the *library platform* SDK, and the publishing of tribal laws for a new tribe on the *publishing platform*.

Tribal Respect: Respect for the sovereignty of our tribal partners is a paramount priority. Unlike other legal publishers, we do not seek to profit off of publishing tribal law and will never claim copyright over the law or impose restrictive terms of service. In this Pilot Project, the Stockbridge-Munsee Community will receive the value of publishing service, which would otherwise cost tens of thousands of dollars. Once laws are codified and published, access is free to the tribe forever. Tribes clearly convey their wish to publish their laws freely and openly to their members and the general public through contracts and memoranda of understanding.

Tribal Control: Unlike traditional cultural heritage materials which tribes may not wish to share for cultural and public policy reasons, the publication of laws is distinct because the right to know the laws by which we are governed is a fundamental right in a democratic society. However, there may be occasions in which a tribe prefers not to share certain legal materials. With our *publishing platform*, tribes retain complete control over what laws they choose to publish. If a tribe does not wish to publish something openly, it may provide a placeholder instead. Furthermore, each tribe maintains complete control over the databases containing their digital laws and can freely make modifications themselves or grant or restrict third party access to do so.

Accessibility: We are committed to making the law open to everyone and will ensure that both the *publishing* and *library platforms* will be accessible to all. The machine readable data is structured to be accessible to the blind and visually impaired. Additionally, the platforms will work on mobile and dial-up internet and the entire contents for each tribe can even be downloaded and viewed offline, providing reliable and instant access.

Sustainability: The federated legal publishing ecosystem is designed with long-term sustainability in mind. The *publishing platform* is modeled on the open access publishing paradigm. After one-time fees to prepare laws for publication, the low cost of xml and html publishing allows the laws to be published for free without copyright restrictions. The *publishing platform* is designed around the needs and workflow of the tribe, creating a low barrier to entry to publish. The *library platform* will be developed around the existing infrastructure of libraries. It will be low cost and easy to use and maintain by library staff. Both UWLL and NILL offer their continued commitment to host the tribal law collections with ongoing support as required.

Phase of Maturity: OLL has already solved the challenges of federated publishing and built a production-ready *publishing platform* already in use in several jurisdictions, including Washington, DC, City of San Mateo, and the Pueblo de San Ildefonso.[8] A significant amount of work has already been completed on the UELMA compliant framework which allows official law to be authenticated, preserved, and accessible. In addition to the Pueblo de San Ildefonso, we have reached out to over a dozen other tribes to understand their legal publishing concerns and needs. The Tribal Council of the Stockbridge-Munsee Community has passed a resolution authorizing the Memorandum of Understanding outlining their participation in the Pilot Project.

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[8] Washington, DC (https://code.dccouncil.us), City of San Mateo (https://sanmateo.ca.us.open.law), and Pueblo de San Ildefonso (https://law.sanipueblo.org/); *see also* Appendix for select screenshots of Pueblo de San Ildefonso's Law Library.

Pilot Project Phase I **- The Stockbridge-Munsee Community publish its laws using** *publishing platform* **(Aug. 1, 2020 - Dec. 31, 2020):** OLL and GLILC Director, Richard Monette will work with Stockbridge-Munsee Community leaders to adapt the *publishing platform* to the tribe's unique legislative processes, then codify and publish its laws through the platform.

Digitize, codify, and publish tribal law: We will conduct a detailed legislative process analysis and work with the Stockbridge-Munsee Community to understand their drafting, codifying, and publishing needs to ensure the *publishing platform* seamlessly integrates with their processes. We will review their legal documents, consult on their document structure, and collaboratively develop a schema for their digital data in xml.

After the content of the legal documents is digitized, we then codify the tribe's laws using the already built codification engine. This involves marking up their laws with computer-readable instructions that tell the codification engine how to modify their legal code. This is an important step because it allows anyone to view the law as it existed at any date and compare with other dates.

After codification, the computer-readable xml is transformed into human-readable html and published online. The tribe can elect to have a custom website theme or can use a default theme provided by OLL. The tribe can also choose whether to host its laws on its own website or on OLL's website. For example, of the jurisdictions currently using the *publishing platform*, Washington, DC hosts its laws itself while the City of San Mateo hosts its laws on OLL's website. The canonical digital laws and code, with complete historical record, will always be under a tribe's control, and copies are published into the public domain with no terms of service.

Access and control of digital laws: The Stockbridge-Munsee Community will maintain control over the database containing its digital laws. The standard implementation places the databases under a password protected GitHub organization controlled by the tribe.[9] The tribe will merely give outside access to the database to OLL to make modifications that the tribe requests. The tribe can make modifications to the database without permission and can discontinue access to OLL at any time.

The database, containing both computer-readable xml and human-readable html can be downloaded by anyone and, unlike commercial legal databases, researchers can download the raw xml and perform sophisticated analyses that are not possible through the web interface. Libraries, or anyone interested in doing so, can download the html and serve an exact copy of the laws. These databases are versioned peer-to-peer replicable databases. This means that whenever a change occurs, libraries or other users can sync those changes to their local server without downloading the entire repository again.

Ongoing support of tribes using *publishing platform***:** Throughout the Pilot Project, we will provide continued technical support to the tribes, ensuring that the *publishing platform* is meeting their needs and new laws are being drafted with it. Feedback from the tribes will be integrated into the development process to tune the process for tribes and keep their digital laws and code up-to-date.

Phase I Deliverables:
- Launch publishing platform for Stockbridge-Munsee Community
  - Digitize tribal laws
  - Codify tribal laws
  - Publish tribal laws

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[9] For example, Washington, DC's laws can be found in the Github organization controlled by the DC Council: https://github.com/DCCouncil/dc-law-xml.

Pilot Project Phase II - Develop and implement library platform (Jan. 1, 2021 - Nov. 30, 2021): 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. While the specific use cases are the tribal law collections for UWLL and NILL, the software development kit (SDK) created will be generalizable so that any library anywhere can create their own collection of federated laws from laws published with the *publishing platform*.

Interoperability of *publishing* and *library platforms*: By decoupling the *publishing platform* (used by tribes) from the *library platform* (used by libraries), we can rapidly adapt and optimize each platform to the needs of its users without impacting the very different needs of the users of the other platform. Interoperability between the two will be defined via an open specification. Other organizations can build alternative implementations of the *publishing* or *library* platforms that meet different needs. As long as those implementations conform to the open specification, then they can interoperate with, reap the benefits from, and contribute to, the ecosystem of other federated users.

Easy creation, hosting, and maintenance of collections: Libraries must be able to use the *library platform* to quickly create customized collections so that their staff can spend time focusing on their other responsibilities. The open sourced SDK used to create these collections will be developed iteratively with continuous user testing involving staff from UWLL and NILL. We will develop intermediate representations of the legal data to make it easier for libraries to interface with the *publishing platform*.

Because the underlying legal data is in common formats and the SDK will work across different content management systems, library staff will be able to use the tools in the SDK to quickly create new collections. The SDK will allow libraries to manipulate the xml and html data from the *publishing platform* into the format needed by their content management system, extract metadata and transform it into common formats such as the Dublin Core Schema, and create hyperlinks to other documents inside of the collection. We will create a user manual, as well as generalized documentation for the SDK that walks libraries through how to create collections. With these tools libraries will be able to take data from the *publishing platform* and integrate it into their existing content management system without external assistance.

Maintenance and support of the tribal law collections should be limited to the cost of the servers used by UWLL and NILL. The hosting costs are expected to be very low. We are targeting system requirements met by a $10/month cloud server or a $35 Raspberry Pi (https://www.raspberrypi.org/).

Authenticated and up-to-date collections: The *library platform* will be designed to authenticate laws received from the *publishing platform* guaranteeing that data has not been changed or compromised. The collections on the *library platform* will also always be up-to-date. The servers hosting the *library platform* at UWLL and NILL will automatically update their collections daily to match the laws available on the relevant databases.

Phase II Deliverables:
- Working *library platform* for UWLL and NILL
    - Interoperable with existing content management systems and collections
    - Easy creation, hosting, and maintenance of collections
    - Authenticated and up-to-date laws
- Collect and integrate feedback from librarians at UWLL and NILL

Pilot Project Phase III - Launch UWLL and NILL tribal law collections using library platform (Dec. 1, 2021 - Jul. 31, 2022): UWLL and NILL will launch their tribal law collections using the developed *library platform*. Tribes will continue to publish updates to their laws (~60 updates/yr), libraries will automatically integrate those updates, we will continue to refine the implementation of the *library platform*, and we will release the SDK containing the tools needed to implement the *library platform* under an open source license.

Launch UWLL and NILL tribal law collections: UWLL and NILL will use the *publishing* and *library platforms* to select and curate collections of tribal law from participating Native Nations. In the pilot, this will include the two participating tribes, but in the future, as hopefully more tribes publish their laws with the OLL *publishing platform*, libraries may wish to create more regional collections. Once the collection is created, users will be able to view, search, and interact with the tribal legal data - xml and html - as a single unified collection on the library's currently existing interface. Although each tribe's data will be in separate databases under the direct control of each tribe, users will be able to search across those multiple databases with the library's interface. Each night, updates from the tribes' servers will be automatically downloaded, authenticated, and incorporated into the libraries' digital collections. Patrons will be able to use the libraries' collections just as they always have, but with the tribal laws seamlessly integrated and always up-to-date. The libraries will also be able to contextualize the collections by adding links to complementary materials such as research guides or indigenous cultural heritage materials available through Mukurtu or other digital platforms.[10]

We will continue to refine the implementation of the *library platform* and troubleshoot any issues that arise. Because the *library platform* will be developed iteratively with the feedback of UWLL and NILL, troubleshooting should be minimal during this phase. It is important, however, for the sustainability of the federated legal publishing ecosystem that library staff can comfortably use the platforms so we have allotted part of this phase to continue refinement of that process.

Phase III Deliverables:
- Launch library platform for both UWLL and NILL
  - Implement *library platform* on UWLL and NILL servers
  - UWLL and NILL staff create tribal law collections using *library platform*
  - Refine the implementation of the *library platform* and troubleshoot any issues
- Open source and distribute *library platform* SDK
- Continue to collect feedback from tribes, library staff, and users

Phase IV - Library and tribal outreach (Aug. 1, 2022 - Jul .31, 2023): After the launch of the *library platform*, we will conduct outreach to encourage the adoption of both the *publishing platform* by tribes and the *library platforms* by libraries. If we complete all phases under budget, we have multiple stretch goals ready, such as adding plug-ins for more content management systems and adding support for more metadata formats.

Outreach to libraries: To realize our goal of making tribal law more accessible to all, we will reach out to libraries to encourage adoption of the *library platform* to incorporate tribal laws into their digital collections. We will do so by authoring an article or whitepaper and presenting or exhibiting at law and tribal library conferences such as the American Association of Law Libraries Annual Meeting, including the AALL Native Peoples Law Caucus, as well as the Tribal College Librarians Professional Development Institute and/or International Conference of Indigenous Archives, Libraries, and Museums. We may also conduct broader outreach at the American Library Association Annual Conference or other regional library conferences.

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[10] Mukurtu is a content management system and digital access tool for cultural heritage, built for and in ongoing dialogue with indigenous communities. It is available at https://mukurtu.org/.

Outreach to tribes: As more tribes add their laws to the *publishing platform*, the federated search capacity of the *library platform* will become more robust and useful for libraries. Therefore, outreach to tribes will also be important. NILL will assist with this outreach by hosting a Continuing Legal Education course demonstrating the platforms, contributing articles to the Indian Law Bulletin and the NARF Legal Review, and working directly with Native Nations that contribute to the Tribal Law Gateway. We will also explore presenting or exhibiting at conferences such as the Tribal In-House Counsel Association Indigenous Law Conference, National Congress of American Indians Annual Convention, Federal Bar Association Indian Law Conference, National Tribal Judicial and Court Personnel Conference, Indigenous Law and Policy Center, and other local or regional meetings.

Stockbridge-Munsee Community takes over maintenance of its legal code: The Stockbridge-Munsee Community has agreed to financially support and continue to update their digital collections for one year following the end of the grant. We expect this will provide them with ample evidence of the benefits of publishing their laws online, and that they will choose to continue publishing their laws online indefinitely. We are committed to supporting the tribe for as long as it wishes to continue publishing its laws online.

Phase IV Deliverables:
- Direct outreach to tribes and libraries
- Present or display at conferences
- Publish an article or whitepaper
- Continue to maintain both *publish* and *library platforms* developed under grant

National Impact

The Digital Publication of Tribal Laws Pilot Project will be nationally impactful in many ways. It will improve reliable, public access to the laws of Native Nations, many for the first time. Tribal members and leaders will benefit from knowledge of their laws which are essential for good governance and ensuring due process and equal protection rights. Improved access to tribal law would also facilitate inter-governmental collaboration, encourage economic partnerships, and foster greater understanding of tribal sovereignty and perspectives.

The Pilot Project will address existing barriers to the publication of tribal law - lack of a satisfactory publishing platform and lack of funding. The *publishing platform* resolves issues that make other publishing methods unattractive to tribes - it ensures currentness, authentication and preservation, and it respects tribal legislative processes and grants tribes full control of their laws. Add to this the *library platform* which enables libraries to incorporate tribal laws into their digital repositories and creates an open access, federated search portal for enhanced discovery and comparative research.

The Pilot Project would also address the funding barrier by providing the resources needed to build a small, proof of concept that can scale up to create a more extensive federated tribal legal publishing ecosystem capable of including many tribes and many libraries. It would also help generate content to populate that ecosystem by providing money for outreach to Native Nations to encourage them to add their laws to the *publishing platform.* Funds for outreach to libraries would promote wider adoption of the *library platform* providing patrons with more robust tribal law collections with federated search capacity.

Rather than seeking funding from tribes, many of whom are already inadequately resourced, we believe that this Pilot Project is a strong candidate for a IMLS National Digital Infrastructures and Initiatives grant because the benefits extend well beyond any one tribe, or even to all of Indian country. Rather, the federated tribal legal publishing ecosystem serves the needs of many diverse users - tribal members and leaders, as well as legal, business, and government professionals, academic researchers and learners, the press, and the public - by empowering libraries to more provide free and reliable access to tribal law.

DIGITAL PRODUCT FORM

INTRODUCTION

The Institute of Museum and Library Services (IMLS) is committed to expanding public access to digital products that are created using federal funds. This includes (1) digitized and born-digital content, resources, or assets; (2) software; and (3) research data (see below for more specific examples). Excluded are preliminary analyses, drafts of papers, plans for future research, peer-review assessments, and communications with colleagues.

The digital products you create with IMLS funding require effective stewardship to protect and enhance their value, and they should be freely and readily available for use and reuse by libraries, archives, museums, and the public. Because technology is dynamic and because we do not want to inhibit innovation, we do not want to prescribe set standards and practices that could become quickly outdated. Instead, we ask that you answer questions that address specific aspects of creating and managing digital products. Like all components of your IMLS application, your answers will be used by IMLS staff and by expert peer reviewers to evaluate your application, and they will be important in determining whether your project will be funded.

INSTRUCTIONS

If you propose to create digital products in the course of your IMLS-funded project, you must first provide answers to the questions in **SECTION I: INTELLECTUAL PROPERTY RIGHTS AND PERMISSIONS.** Then consider which of the following types of digital products you will create in your project, and complete each section of the form that is applicable.

> ### SECTION II: DIGITAL CONTENT, RESOURCES, OR ASSETS
> Complete this section if your project will create digital content, resources, or assets. These include both digitized and born-digital products created by individuals, project teams, or through community gatherings during your project. Examples include, but are not limited to, still images, audio files, moving images, microfilm, object inventories, object catalogs, artworks, books, posters, curricula, field books, maps, notebooks, scientific labels, metadata schema, charts, tables, drawings, workflows, and teacher toolkits. Your project may involve making these materials available through public or access-controlled websites, kiosks, or live or recorded programs.
>
> ### SECTION III: SOFTWARE
> Complete this section if your project will create software, including any source code, algorithms, applications, and digital tools plus the accompanying documentation created by you during your project.
>
> ### SECTION IV: RESEARCH DATA
> Complete this section if your project will create research data, including recorded factual information and supporting documentation, commonly accepted as relevant to validating research findings and to supporting scholarly publications.

SECTION I: INTELLECTUAL PROPERTY RIGHTS AND PERMISSIONS

A.1 We expect applicants seeking federal funds for developing or creating digital products to release these files under open-source licenses to maximize access and promote reuse. What will be the intellectual property status of the digital products (i.e., digital content, resources, or assets; software; research data) you intend to create? What ownership rights will your organization assert over the files you intend to create, and what conditions will you impose on their access and use? Who will hold the copyright(s)? Explain and justify your licensing selections. Identify and explain the license under which you will release the files (e.g., a non-restrictive license such as BSD, GNU, MIT, Creative Commons licenses; RightsStatements.org statements). Explain and justify any prohibitive terms or conditions of use or access, and detail how you will notify potential users about relevant terms and conditions.

The digitized laws of the Stockbridge-Munsee Community Band of Mohican Indians created under the pilot project will be released directly into the public domain with no copyright or terms of service.

Copyright for the software development kit for implementing the library platform will be held by Open Law Library. It will be released under an open source license such as the Mozilla Public License or GNU-GPL license. We want to allow users to copy, distribute and modify the software provided that modifications are described and licensed for free under the same license. This is to encourage flexibility in uses of the software development kit, especially to enable the it to be used across a diverse range of library systems while maintaining its open source nature. The license will be listed in the license section documentation with the code repository at GitHub.

A.2 What ownership rights will your organization assert over the new digital products and what conditions will you impose on access and use? Explain and justify any terms of access and conditions of use and detail how you will notify potential users about relevant terms or conditions.

Copyright for the software development kit for implementing the library platform will be held by Open Law Library. It will be released under an open source license such as the Mozilla Public License or GNU-GPL license. Potential users will see the license listed in the license section documentation with the code repository at GitHub.

A.3 If you will create any products that may involve privacy concerns, require obtaining permissions or rights, or raise any cultural sensitivities, describe the issues and how you plan to address them.

N/A

SECTION II: DIGITAL CONTENT, RESOURCES, OR ASSETS

A.1 Describe the digital content, resources, or assets you will create or collect, the quantities of each type, and the format(s) you will use.

> The laws of the Stockbridge-Munsee Community Band of Mohican Indians will be digitized into machine readable XML and human readable HTML.

A.2 List the equipment, software, and supplies that you will use to create the digital content, resources, or assets, or the name of the service provider that will perform the work.

> Open Law Library will work with the Stockbridge-Munsee Community Band of Mohican Indians to digitize their laws.

A.3 List all the digital file formats (e.g., XML, TIFF, MPEG, OBJ, DOC, PDF) you plan to use. If digitizing content, describe the quality standards (e.g., resolution, sampling rate, pixel dimensions) you will use for the files you will create.

> XML, HTML

Workflow and Asset Maintenance/Preservation

B.1 Describe your quality control plan. How will you monitor and evaluate your workflow and products?

> Open Law Library will work closely with the Stockbridge-Munsee Community Band of Mohican Indians to ensure the accurate digitization of their laws using its already built and implemented publishing platform. Tribal attorneys and Open Law Library attorneys and developers will use their expertise to review and evaluate the digitized product.

B.2 Describe your plan for preserving and maintaining digital assets during and after the award period. Your plan should address storage systems, shared repositories, technical documentation, migration planning, and commitment of organizational funding for these purposes. Please note: You may charge the federal award before closeout for the costs of publication or sharing of research results if the costs are not incurred during the period of performance of the federal award (see 2 C.F.R. § 200.461).

The digitized laws will published using the Open Law Platform. The platform is UELMA-compliant (https://www.aallnet.org/wp-content/uploads/2018/01/2011Oct-UniformElectronicLegalMaterialAct-Final.pdf) ensuring the published laws will be authenticatable, accessible, and preservable in perpetuity. For as long as Stockbridge-Munsee continues its partnership with OLL, OLL will ensure the digital laws are preserved at at least NDSA level 2 (https://ndsa.org//publications/levels). Stockbridge-Munsee has agreed to partner with OLL and continue to update their digital collections for at least one year following the end of the grant. In addition, the digitized laws will be indefinitely stored and freely available through GitHub, the Tribe's law library, UWLL, and NILL.

Metadata

C.1 Describe how you will produce any and all technical, descriptive, administrative, or preservation metadata or linked data. Specify which standards or data models you will use for the metadata structure (e.g., RDF, BIBFRAME, Dublin Core, Encoded Archival Description, PBCore, PREMIS) and metadata content (e.g., thesauri).

Open Law Library will work closely with the Stockbridge-Munsee Community to develop an xml metadata schema that meets the unique needs of lawyers within their jurisdiction. This metadata will be stored in their digitized laws. The software development kit developed under the pilot project will provide tools that allow libraries to transform the metadata into their preferred format, such as Dublin Core. The work of creating metadata records will be done at the library level and the metadata records created will belong to the library.

C.2 Explain your strategy for preserving and maintaining metadata created or collected during and after the award period of performance.

The metadata stored in the digitized laws will be hosted by GitHub, and after the completion of the pilot project, UWLL and NILL as well.

Libraries will be able to preserve and maintain their separate metadata records through the use of the software development kit.

C.3 Explain what metadata sharing and/or other strategies you will use to facilitate widespread discovery and use of the digital content, resources, or assets created during your project (e.g., an API [Application Programming Interface], contributions to a digital platform, or other ways you might enable batch queries and retrieval of metadata).

The digitized laws containing their metadata will be freely available on GitHub in both XML and HTML formats as bulk downloads.

Access and Use

D.1 Describe how you will make the digital content, resources, or assets available to the public. Include details such as the delivery strategy (e.g., openly available online, available to specified audiences) and underlying hardware/software platforms and infrastructure (e.g., specific digital repository software or leased services, accessibility via standard web browsers, requirements for special software tools in order to use the content, delivery enabled by IIIF specifications).

Digitized laws will be openly available online, accessible via standard web browsers, and available in XML and HTML as bulk downloads. There will be no restrictions or terms of service.

D.2. Provide the name(s) and URL(s) (Universal Resource Locator), DOI (Digital Object Identifier), or other persistent identifier for any examples of previous digital content, resources, or assets your organization has created.

Pueblo de San Ildefonso Law Library:
https://law.sanipueblo.org/
https://github.com/sanipueblo

SECTION III: SOFTWARE

General Information

A.1 Describe the software you intend to create, including a summary of the major functions it will perform and the intended primary audience(s) it will serve.

We intend to create a software development kit (SDK) to be used by library staff that allows them to implement the library platform. This platform integrates already published laws into their existing content management systems. The SDK will allow libraries to manipulate the xml and html data from the publishing platform into the format needed by their content management system, extract metadata and transform it into the format needed, and create hyperlinks to other documents inside of the collection.

A.2 List other existing software that wholly or partially performs the same or similar functions, and explain how the software you intend to create is different, and justify why those differences are significant and necessary.

No current existing software allows libraries to take laws from the publishing platform and integrates them into their content management systems.

Technical Information

B.1 List the programming languages, platforms, frameworks, software, or other applications you will use to create your software and explain why you chose them.

The primary programming language used will be Python. Python is compatible with major platforms and systems, prioritizes maintainable code, and has an expansive library of open source tools and frameworks.

B.2 Describe how the software you intend to create will extend or interoperate with relevant existing software.

> The software development kit for implementing the library platform will take already published legal data and transform it to integrate into the existing content management systems of libraries.

B.3 Describe any underlying additional software or system dependencies necessary to run the software you intend to create.

> There will be no software or system dependencies necessary.

B.4 Describe the processes you will use for development, documentation, and for maintaining and updating documentation for users of the software.

> Development will happen using the agile methodology - a collaborative and iterative development process in scheduled two week sprints where we will regularly meet with product owners, stakeholders, and users. We will have daily stand-up meetings to integrate the feedback from users to quickly iterate towards a real world tested final product. We will document the code with docstrings and write general code documentation and instructions using markdown and restructured text. We will also create a manual that walks users through the implementation of the library platform using the software.

B.5 Provide the name(s), URL(s), and/or code repository locations for examples of any previous software your organization has created.

Access and Use

C.1 Describe how you will make the software and source code available to the public and/or its intended users.

The software will be released with an open-source license and all code will be published, updated, and available on GitHub.

C.2 Identify where you will deposit the source code for the software you intend to develop:

Name of publicly accessible source code repository:

GitHub (repository yet to be named)

URL:

https://github.com/

SECTION IV: RESEARCH DATA

As part of the federal government's commitment to increase access to federally funded research data, Section IV represents the Data Management Plan (DMP) for research proposals and should reflect data management, dissemination, and preservation best practices in the applicant's area of research appropriate to the data that the project will generate.

A.1 Identify the type(s) of data you plan to collect or generate, and the purpose or intended use(s) to which you expect them to be put. Describe the method(s) you will use, the proposed scope and scale, and the approximate dates or intervals at which you will collect or generate data.

N/A

A.2 Does the proposed data collection or research activity require approval by any internal review panel or institutional review board (IRB)? If so, has the proposed research activity been approved? If not, what is your plan for securing approval?

N/A

A.3 Will you collect any sensitive information? This may include personally identifiable information (PII), confidential information (e.g., trade secrets), or proprietary information. If so, detail the specific steps you will take to protect the information while you prepare it for public release (e.g., anonymizing individual identifiers, data aggregation). If the data will not be released publicly, explain why the data cannot be shared due to the protection of privacy, confidentiality, security, intellectual property, and other rights or requirements.

N/A

A.4 What technical (hardware and/or software) requirements or dependencies would be necessary for understanding retrieving, displaying, processing, or otherwise reusing the data?

N/A

A.5 What documentation (e.g., consent agreements, data documentation, codebooks, metadata, and analytical and procedural information) will you capture or create along with the data? Where will the documentation be stored and in what format(s)? How will you permanently associate and manage the documentation with the data it describes to enable future reuse?

N/A

A.6 What is your plan for managing, disseminating, and preserving data after the completion of the award-funded project?

N/A

A.7 Identify where you will deposit the data:

Name of repository:

N/A

URL:

N/A

A.8 When and how frequently will you review this data management plan? How will the implementation be monitored?

N/A