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Abstract:	Tribal Constitutions, Citing Slavery, and Petitioning for Freedom are digital legal history projects focused on expressions of sovereignty within tribal constitutions, the remnants of slavery in modern law, and the underexamined role of habeas petitioners in challenging coercion and confinement in the long-nineteenth-century United States. Each project deploys legal databases differently, but with the shared goal of contributing key insights to legal historical scholarship and offering interfaces that appeal to a broad, public audience.

Sovereignty, Race, and Freedom in Constitutions, Citations, and Corpuses

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Legal historians employing digital tools and methodologies share an interest in access and relationality. Whether drawing on published or unpublished materials, we look for the connections across judicial opinions, statutes, and constitutions. Some of us are especially interested in identifying the actions and influence of marginalized or underexamined actors in legal history: the enslaved, the disfranchised, the noncitizens, and the convicted, for instance. The projects introduced here share these concerns with a focus on American legal history. Together, they are concerned with improving public and scholarly access to disparate and underutilized legal records that highlight the contributions and significance of marginalized people to the broad sweep of American history. Each employs digital tools differently to do so.

Drawn together for a roundtable at the 2022 Law & Society Association Conference, scholars from the Tribal Constitutions Project (TCP), the Citing Slavery Project (CSP), and the Petitioning for Freedom Project (PFF) each argue for a deeper interrogation of records and actors not widely considered throughout the American legal history canon and are using powerful digital methods to do so. Beth Redbird and Erin Delaney of Northwestern University have developed a database of tribal constitutions to demonstrate both the extensive diversity among tribal constitution making and the significance of tribal constitutions as models of democratic governance. At Michigan State University, Justin Simard leads a team of researchers who are revealing the connections between modern legal opinions and their precedents in slavery to challenge the ways mainstream legal databases—and scholarship derived from them—erase these vivid legacies. Katrina Jagodinsky has launched PFF with support from postdoctoral project manager Cory Young and a team of scholars and staff at the Center for Digital Research in the Humanities at University of Nebraska Lincoln to bring thousands of unpublished state, federal, and county case files to light as evidence of marginalized people’s challenges to coercion and confinement over the long nineteenth century.

In the forum that follows, each team explains the goals and methods of their projects with the hope of inviting *Digital Legal History* readers to build and draw on our work. Our interest is in extending the conversation among scholars engaged in similar ventures at future conferences and in virtual venues, and to offer useful content for community constituents engaged in the work of revitalization and empowerment. We look forward to such exchange in the interest of expanded access and increased relationality across our digital legal history projects. Although each of us is working in discrete areas of law: tribal governance, slavery, and habeas; we share a common interest in building databases that inform a broader public and push for scholarly interrogation.

For instance, all of our projects are asking scholars to reconsider assumptions that stem from a reliance on federal courts and published records. The TCP emphasizes the importance of tribal governance, bringing an underexamined area of federal Indian law to the surface using digital tools and mixed method analysis. Formerly unpublished, these constitutions are now assembled in one dataset and can be read comparatively or individually. Redbird has also implemented extensive analysis of the constitutional corpus to indicate novel innovations, shared conventions, and temporal shifts. The project is of use to tribal law scholars, of course, but is also of interest to comparative and global constitutional scholars.

Simard’s team is highlighting the inadequacies of the most widely known databases, Westlaw & LexisNexis, in identifying the relationships between modern case law and slavery. Their data structure and analysis reveals the proximity of slavery to current cases and has the potential to inform torts and property law curriculum and scholarship in addition to highlighting the persistence of slavery law for a curious public. PFF demonstrates that habeas petitions in state and federal courts disturb scholarly assumptions about the supremacy of federal law and rulings in contentious periods of American history. Many read a suspension of federal habeas review in the 1850 Fugitive Slave Act, for instance, but black petitioners used habeas to obtain their freedom throughout the 1850s—even after the 1857 Dred Scott Supreme Court ruling barred black litigants from federal courts. Others have a limited view of Indigenous legal challenges to the Office of Indian Affairs authority to regulate reservation confinement and compulsory boarding school attendance, but this project makes clear that Native petitioners wielded habeas against these federal agents in state and federal courts throughout the long nineteenth century—including after the 1884 *Elk v. Wilkins* Supreme Court case that determined Indigenous Americans could not claim 14th Amendment protections. The nearly universal nature of habeas made it a tool accessible to most, if not all, during a long century of racialized and gendered coercion and confinement. As with the other two projects profiled here, PFF aims to characterize this diverse and contested terrain for a broad audience.

Each team has made their own choices in grappling with challenges common to Digital Legal Historians that are discussed in the project summaries below and elaborated on each project’s website. As projects reliant on sizeable teams of scholars, students, and developers, they denote the expansion of ambitious digital legal history projects that are building on Digital Humanities and Law & Science practices and principles simultaneously. As humanists, we are interested in contributing to broader understandings of personal engagement with law, whether from the tribal governance perspective of TCP, the legacy of enslaved people’s legal challenges in CSP, or the marginalized petitioners in PFF. As social scientists, we are also concerned with quantifying the characteristics and trends that emerge in these legal domains and are drawing on a variety of disciplinary tools to undertake our analysis as we carefully structure our data and design our multi-user interfaces. This shared interest in applying digital tools to mixed methods analysis also signals the importance of scholarly forums like the *Journal for Digital Legal History* and cross-disciplinary conversations about methods and strategies. We look forward to joining such discussions as we share our projects with colleagues and constituents alike.