Early State Records for 26 U.S. States and Territories West of the Appalachians: a Digital Record from European Contact to Early Statehood Based on the Library of Congress' Microfilm Collection

-- epitomizes once hidden and now enhanced
Bios

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AGENDA

• Who are we?
• Why ESR?
• When we built it – did they come?
• What were the Hidden and Accessible implications?
  • Production Challenges
  • Content Enhancements
• Where will we go from here?
• 501(c)3 since 1976

• independent and self-governing, managed by a Board of Directors and Advisory Council elected by the members

• mission: preserve legal and government documents while providing online access via LLMC Digital, LLMC Open Access, Indigenous Law Portal, and RIGHTS! Portal

• global member community

• dark-storage, permanent preservation in salt mines

• database collections are global and growing, currently offering:
  • US STATES and FEDERAL, including Early State Records, sponsored by Patrons and CLIR; 9,000+ titles
  • INTERNATIONAL – titles from over 175 countries and 68 languages
  • INCLUSIVITY and DIVERSITY including international Indigenous Law Portal; RIGHTS!
Why ESR? (Early State Records)

- Absence of ‘market demand’
- Challenges to doing it ‘right’
  - Multi-faceted bibliographic, editorial, and production effort
  - Costs
- Takes a Village!
  - CLIR & Library Patrons

Build It – But Will They Come?
• Created in 1940’s

• 1,808 reels of microfilm

• 2,666,462+ images

  • CLIR -- 6,896 ESR volumes (830,442 images) on LLMC Digital and LLMC Open Access

  • 39 Patrons -- As of September 2022, 24,194 ESR volumes (1,586,294 images) on LLMC Digital; 7,528 volumes (249,726 images) in pipeline
Value Proposition

Top 10 LLMC Digital Collections Viewed First Half of 2022

- Early State Records: 111,875
- Hawaii: 38,572
- Virginia: 28,823
- South Carolina: 27,456
- Canada, Provinces & Territories: 27,103
- Anglo-American Legal Treatises: 25,223
- Canada, Federal: 17,258
- India: 12,611
- Judicial: 12,399
- Cuba: 12,180
• Records of the States of the United States of America

• Early State Records (ESR)

• How was this collection “hidden”? 

LLMC DIGITAL
How was this collection “hidden”?

- OBSOLETE FORMAT
- UNFAMILIAR ORGANIZATIONAL MODEL
A. Statutory
B. Constitutional
C. Legislative
D. Administrative
E. Executive
F. Court
L. Local
M. American Indian nations
N. Newspapers
X. Miscellany
• Organization of the **Guide** is by type of document

• Organization of the **Film** is first by State then by type of document
Either provides information down to the volume/piece level.
Or, items grouped within collection types …. Broadsides

- 1708? – 1741 Apr. 30  45 items
- 1741 June ? - 1758 Dec. 8  54 items
- 1759 Jan. 11 – 1765 Nov. 11  62 items
Indexing Challenges

- Index information is incorrect
- Items listed in index are not on film
- Images on film not listed on index pages
Changing hands ....

Saint Louis

1. Microfilm: SLU → Minnesota

3. Creates spreadsheet of volumes with titles & coverage

5. Cataloging & abstracts

Minnesota

2. NBS/OSG scans film. FTPs images & index to SLU

4. Isolating volumes. Page tagging. Loading images into Admin. module

6. Bibliographic data loaded into database

And, voilà! The title is available online.
Some images contain multiple documents.
Each document needs to be a unique image.
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Source: University of Chicago, Kentucky State Library, Library of Congress, University of Kentucky
A DECLARATION
By the Representatives of the United Colonies
Of NORTH-AMERICA, now met in
General Congress
At PHILADELPHIA,
Setting forth the CAUSES and NECESSITY
OF their TAKING UP
ARMS.

A View of that great and flourishing City of BOSTON, when in its purity, and out of the Hands of the Philistines.


July 6, 1775 A declaration by the representatives of the United Colonies of North American, which met in the General Congress at Philadelphia; it set forth the causes and necessity of taking up arms. The document was by order of Congress with John Hancock as the president and printed in Philadelphia. See LLMC #20864 for the New York printing. (Digitized from a microfilm copy of the title originally held by the Historical Society of Pennsylvania Library).
After considering the scope of Early State Records collection and the methodology:

Examples covered the spectrum of historical documents

- Newspapers
- Proclamations by a governor
- Treatise
- Official Civil War report
- Pamphlets
Two examples from newspapers

• Most newspapers contained
  • National news (at times official documents)
  • Local news and events
  • Editorials
  • Poetry and/or stories
  • And as always – advertisements

• Important to realize that these articles are not always evident without close reading, as the print on microfiche (and thus scanned document) shows six-column pages.
Transcript of the veto resulting in future Jim Crowe laws

President Johnson’s veto of the Arkansas bill regulating readmittance of the Confederate states into the Union

Specifically, Johnson found unconstitutional a section which required the state constitution to never be “so amended or changed as to deprive any citizen or class of citizen of the US of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for crimes as are now felonies to all inhabitants of said State.”

Johnson stated that imposing a fundamental right was the right of state constitution, not the federal government.
Tension between State and Federal Constitutional Powers

- Voter's qualification oath contained the clause of equality:
  - "that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men."

  Versus

- Johnson’s position that the US Congress not able to limit state representations and constitutions

- His biases:" It is well known that a very large portion of the electors in all the States,...do not believe in or accept the political equality of Indians, Mongolians, or Negroes with the race to which they belong."
San Francisco's Evening Bulletin, October 20, 1857, page 2

• Use and dangers of chloroform

• An article detailing need for chloroform for painful surgery in Sacramento. However, the patient died from its use

• Postmortem found the patient had a serious heart issue

• Article assured the readers that those “free from organic diseases” would do well.

• Of course pre-surgery checks still needed to be developed
Battle of Springfield, Missouri, August 1861

- Casualty lists of those killed, wounded, and missing by Union regiments
- Official field reports by regiments
- Congressional resolution in honor of the Brigadier General Nathaniel Lyon killed in action in the defense of US during this battle
Contrasts in the style of the reports

- Official describing troops movements and engagements
  - Maj. Haldeman of the First Regiment

- More personal and emotional
  - Col. Blair of the Second Regiment

- Advantage to more fully appreciate the battle
“The people of the State [of California] have so often and so emphatically expressed their hostility to the importation of Chinese laborers that their representatives will doubtless leave no legitimate means untried to execute the popular will in this respect.”

“Mr. Haile offered a concurrent resolution in reference to instructing our Senators and Representatives in Congress to use all the means in their power, by the passage of laws or otherwise, to prevent the immigration of Chinese, Japanese and other inferior races.”
“The life and property of our citizens, and those of the Chinese as well, who are engaged in our midst in peaceful occupations, are entitled to and must receive the equal protection of the laws of our Territory.”

“And I warn those organizations and committees having in view the forcible expulsion of the Chinese, or any other persons now pursuing their peaceful labor, against such acts of violence, with the assurance that the law will hold those who may engage in such deeds responsible individually and collectively, for the results of their acts.”
Polygamy

- Pamphlet on Utah affairs by “Veritas” in 1874

- Desert News, Salt Lake City, April 20, 1874
  Letter to the editor on jury selections

- Desert News, Salt Lake City May 1, Letter to the editor by “Veritas” against the proposal which would allow the governor, not court, to make up jury lists

- And biblical and other religious justification for polygamy
Nevertheless, Utah waited four decades to become a state until the Mormon church renounced polygamy.
So why are these examples significant?

• The documents provide detail unavailable in historical summaries found in textbooks.
• Primary sources contextualize isolated incidents
• Digital access makes the process easier by putting all the material in one catalog
  • abstracts for all these documents making them keyword searchable; provides access to manuscripts
  • the source library for where each document is provided should a researcher wish to view the original
• Thanks to the CLIR grant, LLMC now makes these treasured Early State Records available in open access.
“...Our aim would be to compile and preserve the record of the fortitude which had gone into building of a nation, for the benefit of more stately mansions in the world of the future.”

William S. Jenkins on the *Microfilm Collection of Early State Records*
Thank You!

CLIR, organizers and attendees of CLIR Digitizing Hidden Collections Symposium!

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