I am pleased to have the opportunity to provide input into what I consider to be a turning point in the exploration of the new uses of technology as they relate to the process by which those of us in the legal academy perform research into the study of the history of chattel slavery and its aftermath in the United States of America. I am a law professor whose scholarly agenda seeks to examine the ways in which the rule of law in this nation have been employed to reinforce the legal mechanisms by which the institution of slavery was created and reinforced, as well as the ways in which they operated to pave the various pathways to liberation. I began the pursuit of my scholarly agenda almost a quarter of a century ago, as I made my way into the archives of the state of Missouri to examine the physical records of court cases that had served as the legal antecedents of the *Dred Scott v. Sanford* United States Supreme Court decision. I subsequently began to focus my research on case law and statutes of pre-colonial and *antebellum* Virginia with the goal of continuing to attempt to shed some light on these matters. As technology has evolved over the years, access to legal records has been transformed by the availability of troves of online legal records from the 18th and 19th centuries, such as those made available by the Library of Virginia. [1] Given the

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[1] The Library of Virginia describes its vast resources as follows: "…provid[ing] digital access to records at the Library of Virginia that document the lived experiences of enslaved and free Black and multiracial people. Sources such as local court records and state records contain the names of millions of enslaved and free Black men, women, and children. These records are access points to the individual experiences of Black Americans who lived in Virginia from the establishment of slavery in the 1600s until the late 1860s. During processing, staff extracted details from each

extensive number of files available in this vast, large-scale database, that take the form of both digital facsimiles of handwritten documents as well as crowd-sourced transcriptions of the same, the question arises as to whether AI might be employed to render the examination and categorization of these files with efficiency beyond unaided human capacity. Although I am cognizant of a number of technological impediments to the implementation of this approach, I would like to have the opportunity to raise two general concerns, with the sincere hope of guiding the investigation of this topic by those who are much more educated concerning the technological and policy implications of the questions posed by this Notice of Inquiry.

First, although the files implicated by my proposed use case have been classified as "public domain" by the custodians of the records, I am concerned that the use of AI to accomplish the inquiry contemplated by my research methodology may in some way complicate the categorization of the original files. Posed in another way, does the use of AI as a research tool implicate in any way or impair

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document such as names, ages, and dates and created datasets organized by record type (e.g. judgments, legislative petitions, etc.). These datasets are accessible on the Virginia Open Data Portal, allowing researchers to map patterns and trends over time, create visualizations, and link data across datasets." https://lva-virginia.libguides.com/virginia-untold .

the ability of the author of the work to assert copyright protection in any expanded or amplified work based upon such research subsequently produced by that author?

Second, would the use of AI as an assistive research tool compromise the ability of the author of any expanded or amplified work subsequently produced by that author to assert copyright protection under the "requisite originality" doctrine as set forth in the United States Supreme Court *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.* case?

In conclusion, although I am aware that the questions I have raised here may be quite rudimentary, I felt the need to raise them in response to this Notice of Inquiry. I would like to thank in advance all who are involved in this administrative process. Please feel free to contact me if you have any questions, comments, or concerns. Again, I thank you for the opportunity to be heard.