

1 knitting and chopping firewood.²⁵ It was only in the nineteenth century that
2 separate asylums for the mentally ill were first built in America, sometimes in rural
3 locations outside major cities, environments that were seen as beneficial to
4 patients.²⁶

5 12. Fever hospitals were temporary institutions erected during epidemics.
6 They were often intended to isolate the sick, and limit the spread of disease.²⁷
7 During the 1793 yellow fever epidemic in Philadelphia, for example, the Guardians
8 of the Poor appropriated an estate outside the city and fever patients were housed in
9 the outbuildings. Chaos reigned as the epidemic raged on, and ultimately, about
10 half of the patients in the fever hospital died.²⁸ Again, the patients of the fever
11 hospital were the city’s poorest; many of the city’s better-off residents had fled the
12 city and others were treated in their homes.²⁹

13 **SUMMARY OF OPINIONS**

14 13. Hospitals in late eighteenth and early nineteenth century America were
15 very different from the high-tech medical workplaces that exist today. In early
16 America, almost anyone with any financial resources received medical treatment in
17 their home, not in an institution. The “worthy” poor might seek admission to a
18 hospital if their medical complaints were treatable and they could activate networks
19 of patronage to get a recommendation for admission. Anyone else went to
20 almshouses. The two specialized types of hospitals, mental asylums and fever

21 ²⁵ Malin, *Some Account*, 20, 18.

22 ²⁶ Rothman, *The Discovery of the Asylum*; Nancy Tomes, *A Generous Confidence: Thomas Story Kirkbride and the Art of Asylum-Keeping, 1840-1883*, (Cambridge: Cambridge University Press, 1984).

23 ²⁷ Toba Schwaber Kerson, “Almshouse to Municipal Hospital: The Baltimore Experience,” *Bulletin of the History of Medicine*. Vol. 55 Issue 2, (Summer 1981): 203-220.

24 ²⁸ J. H. Powell, *Bring Out Your Dead*, (Philadelphia, University of Pennsylvania Press 1949). 233-59.

25 ²⁹ Billy G. Smith, *Ship of Death: A Voyage that Changed the Atlantic World*, (New Haven: Yale University Press, 2013), 206-241; Jacquelyn C. Miller, “Beyond Therapeutics: Technology and the Question of Public Health in Late-Eighteenth-Century Philadelphia,” in J. Worth Estes, et. al, eds, *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, (Canton, MA: Published for the College of Physicians of Philadelphia and the Library Company of Philadelphia by Science History Publications/USA, 1997).

1 hospitals, were also only for the poor. All of these institutions were oriented to
2 disciplining and improving the morals of their inmates as well as treating their sick
3 bodies.

4 14. To the extent that early hospital rules do not specify that inmates or
5 visitors could not carry firearms, this absence is due to the fact that the nature of
6 these institutions made it very unlikely that such a rule would be necessary. First,
7 the patients of these early hospitals were too impoverished to have the money
8 needed to acquire firearms; because this patient population did not own firearms,
9 there was no need for a specific rule prohibiting patients from carrying them.
10 Second, the emphasis that early America's hospitals placed upon order and
11 control—and the rules they imposed upon patients in their attempts to enforce such
12 order and control—would have made specific rules prohibiting the carry of firearms
13 redundant.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct.

16 Executed on October 20, 2023, at Baltimore, Maryland.

17 

18 _____
19 Dr. Mary Fissell

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Exhibit 1

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MARY E. FISSELL

Education

PhD History and Sociology of Science, University of Pennsylvania, May 1988.
MA History and Sociology of Science, University of Pennsylvania, May 1984.
BA History, University of Pennsylvania, May 1981.

Research Interests

Early-modern science and medicine; the patient's perspective in the history of medicine; gender, sexuality, and the history of the body; popular culture; books and reading in early modern England and the Atlantic world.

Positions Held

July 2023-June 2024, Interim Director, Department of the History of Medicine, The Johns Hopkins University.
Sept. 2022 - present, Inaugural J. Mario Molina Professor in the History of Medicine,
May 2005 - Aug 2022, Professor, Department of the History of Medicine,
Department of the History of Medicine, Johns Hopkins University. Hopkins University.
July-Dec. 2013, Acting Director, Department of the History of Medicine, The Johns Hopkins University.
Nov. 1994 - May 2005, Associate Professor, Department of the History of Science, Medicine, and Technology, Johns Hopkins University; additional appointments in the History and History of Science Departments.
Jan. 1992-Oct. 1994, Assistant Professor, Department of the History of Science, Medicine, and Technology, Johns Hopkins University.
July 1988-Dec. 1991, Lecturer and Research Associate, Wellcome Unit for the History of Medicine, University of Manchester.

Additional Professional Roles

Fall, 2020, Curator, "Picturing Pandemic Baltimore" photography exhibition, <https://tinyurl.com/ppbalt>.

June-Nov 2020, WHO Western Pacific Region COVID-19 "Futures" think tank.
January 2019, Marie Jahoda Visiting Chair in International Gender Studies, Ruhr Universität, Bochum, Germany.
Jan 2016-present, Project Organizer, Reading Early Medicine (REM), digital humanities project (with Elaine Leong, MPIWG Berlin).
Jan 2014-July 2020, Director, Online Program in the History of Medicine, The Johns Hopkins University.
Jan-July 2013, Visiting Fellow, History and Philosophy of Science, Cambridge University.
Jan 2012-present, Life Member, Clare Hall, Cambridge University.
Jan-July 2011, Visiting Fellow, Clare Hall, Cambridge University.
Jan-July 2011, Co-Curator, *Books & Babies*, exhibit, Cambridge University Library, Cambridge, England. <http://www.lib.cam.ac.uk/exhibitions/Babies/index.html>; <http://www.bbc.co.uk/news/health-14110843>.
Sept 2006-April 2007, Director, Folger Seminar, "Vernacular Health and Healing", Folger Shakespeare Institute, Washington, DC.
Jan. 2006-July 2021, Co-Editor, *Bulletin of the History of Medicine*.
1996-99, Section Editor, *Oxford Dictionary of National Biography*, "Women and Medicine".
July 2023-June 2024 Acting Director, Dep't of the History of Medicine, The Johns Hopkins University.

Publications

Books

Patients, Power and the Poor in Eighteenth-Century Bristol, Cambridge: Cambridge University Press, 1991.

Manchester Women's History Group (six member group including Mary Fissell), *Resources for Women's History in Greater Manchester*, Manchester: National Labour History Museum, 1993.

Vernacular Bodies: The Politics of Reproduction in Early Modern England, Oxford: Oxford University Press, 2004. [<http://www.oup.co.uk/isbn/0-19-926988-2>].
Paperback edition, Fall, 2006. See Forum on *Vernacular Bodies*, *Journal of Women's History*, 22 (3), 2010: 185-213.

Articles

"The Sick and Drooping Poor' in Eighteenth Century Bristol", *Social History of Medicine*. 1989; 2(1): 35-58.

"The Disappearance of the Patient's Narrative", in Andrew Wear and Roger French, eds., *Medicine in an Age of Reform*, London: Routledge, 1991: 92-109.

"Charity Universal: The Founding of the Bristol Infirmary", in Lee Davison, et al., eds., *Stilling the Grumbling Hive: Debates on Social and Economic Problems in England 1698-1740*, Stroud: Alan Sutton, 1992: 121-144.

"Readers, Texts and Contexts: Vernacular Medical Works in Early Modern England." in Roy Porter, ed., *The Popularization of Medicine 1650-1850*, London: Routledge, 1992: 72-96.

"Health in the City: Putting Together the Pieces." *Urban History*. 1992; 19 (3): 251-56.

"Innocent and Honourable Bribes: Medical Manners in Eighteenth-Century England." in Robert Baker, Dorothy Porter and Roy Porter, eds., *The Codification of Morality: Historical and Philosophical Studies of the Formalization of Western Medical Morality in the Eighteenth and Nineteenth Centuries*, Dordrecht: Kluwer Press, 1993: 19-45.

"Eighteenth-century Medical History." *Eighteenth Century Life*. 1995; 19(2): 98-102.

"Gender and Generation: Representing Reproduction in Early Modern England", *Gender and History*, 7 (1995): 433-456. Reprinted in *The Sexualities in History Reader*, ed. Kim Phillips and Barry Reay, London: Routledge, 2001.

"Constructing Vermin in Seventeenth-Century England", *History Workshop Journal*, no. 47 (1999): 1-29. Reprinted in *Identity and Alterity*, ed. William Chester Jordan and Angela Creager, Rochester: University of Rochester Press, 2002.

and Kathleen Coyne Kelley, "Virtuous Bodies: Constructing a History of the Hymen", in *Attending to Early Modern Women*, ed Jane Donawerth and Adele Seef, College Park: University of Maryland Press, (2000): 96-98.

"Hairy Women and Naked Truths: Gender and the Politics of Knowledge in *Aristotle's Masterpiece*," *William and Mary Quarterly* 60 (2003): 43-74.

"Making a Masterpiece: The *Aristotle* Texts in Vernacular Medical Culture." in Charles E. Rosenberg, ed., *Right Living: An Anglo-American Tradition of Self-Help Medicine*, Baltimore: Johns Hopkins University Press, (2003): 59-87.

and Roger Cooter, "Exploring Natural Knowledge: Science and the Popular in the Eighteenth Century", *Cambridge History of Science*, vol. 4, *Science in the Eighteenth Century*, ed. Roy Porter, Cambridge University Press, (2003): 145-179.

"Making Meaning from the Margins: The New Cultural History of Medicine." John Warner and Frank Huisman, eds., *Medical History: The Stories and their Meanings*, Baltimore: Johns Hopkins Press, (2004): 364-89.

- “The Politics of Reproduction in the English Reformation.” *Representations* 87 (Summer 2004): 43-81.
- “The Marketplace of Print” in Mark Jenner and Pat Wallis, eds. *Medicine and the Market in England and Its Colonies*, London: Palgrave, (2007): 108-132.
- “Introduction: Women, Health, and Healing in Early Modern Europe”, *Bulletin of the History of Medicine* 82 (Spring 2008): 1-17.
- “The Doctor-Patient Relationship”, Robert Baker and Lawrence McCullough, eds., *The Cambridge History of Medical Ethics*, Cambridge: Cambridge University Press, (2009): 501-17.
- “Healing Spaces”, in Laura Lunger Knoppers, ed., *The Cambridge Companion to Early Modern Women’s Writing*, (Cambridge: Cambridge University Press, 2010).
- “Going Vernacular”, *Journal of Women’s History*, 22 (3), (2010): 209-213.
- “Popular Medical Books”, Joad Raymond, ed. *Oxford History of Popular Print Culture, vol 1: Beginnings to 1660*, (Oxford: Oxford University Press, 2011): 418-431. Volume is winner of the Sixteenth Century Society and Conference (SCSC) Bainton Literature Prize.
- "A Book of Receipts of All Sorts: Elizabeth Strachey, 1693-1730s", in Michael Sappol, ed, *Hidden Treasure*, (New York: Blast Books, 2012): 204-5.
- “Women and Medicine.” in *Oxford Bibliographies in Renaissance and Reformation*, Ed. Margaret King. New York: Oxford University Press, 2013.
- “Material Texts and Medical Libraries in the Digital Age”, *RBM a Journal of Rare Books Manuscripts and Cultural Heritage*, (2014): 135-145.
- “Remaking the Maternal Body in England, 1680–1730”, *Journal of the History of Sexuality*, Vol. 26, No. 1, January 2017, 114-139.
- “Man-Midwifery Revisited”, in *Reproduction: Antiquity to the Present Day*, ed. Nick Hopwood, Rebecca Flemming, Lauren Kassell, (Cambridge: Cambridge University Press, 2018): 319-332.
- “Aristotle’s Masterpiece”, in *Reproduction: Antiquity to the Present Day*, ed. Nick Hopwood, Rebecca Flemming, Lauren Kassell, (Cambridge: Cambridge University Press, 2018): 672.
- with Jeremy Greene et al, editor, Special Issue on COVID-19, *Bulletin of the History*

of Medicine, 94:4 (2020).

with Jeremy Greene, et. al., "Introduction", Special Issue on COVID-19, *Bulletin of the History of Medicine*, 94:4 (2020): 543-561.

with Guido Alfani, Mary Augusta Brazelton, et. al., "History as a Partner In Public Health: A Report of the Foresight Think Tank on the History of Pandemics", WHO.

with Suzanne Bell, "A Little Bit Pregnant? Productive Ambiguity and Fertility Research", *Population and Development Review* vol. 47:2 (June 2021): 1-22.

Sally Pezaro, Karen Maher, and Mary Fissell, "Midwives Need a Useable Past to Shape their Future", *The Lancet*, vol. 399, issue 10329, p.1046-1047, March 12, 2022, DOI:[https://doi.org/10.1016/S0140-6736\(22\)00231-8](https://doi.org/10.1016/S0140-6736(22)00231-8).

with Elizabeth Atkins, "Marking Maternity: Integrating Historical and Archaeological Evidence for Reproduction in the Late Eighteenth and Early Nineteenth Centuries", in *The Material Body: Embodiment, History and Archaeology in England, 1700-1880*, ed. Elizabeth Atkins and Karen Harvey, (Manchester: Manchester University Press, 2023): 47-80.

Forthcoming/In Press:

"Reproducing Ballads," in *Early Modern Medicine: A Source-Centered Introduction*, ed. Olivia Weisser, (London: Routledge Press, 2024).

"Prying in the the Secrets of Nature: Reading Aristotle's Masterpiece," in *Sources and Methods in the History of Sexuality*, ed. Anna Clark and Elizabeth Williams, (London: Routledge, 2025).

"Medicine, Science, and Magic," in *The New Cambridge History of Britain, Volume 5: 1500-1750*, ed. Susan Amussen and Paul Monod, (Cambridge: Cambridge University Press, 2025).

"Pigeons and Blasphemy: Tracing Abortion in Colonial Courtrooms," *Nursing Clio*.

Interview, *History of Pharmacy and Pharmaceuticals*, special issue on abortion.

Non-Peer-Reviewed Articles

"Women and Water". *Women's Health in Primary Care*. 1998; 1(1): 110.

"Domestic Consumption". *Women's Health in Primary Care*. 1998; 1(2): 198.

"The Birth of Gossip". *Women's Health in Primary Care*. 1998; 1(3): 298.

[and subsequent monthly columns to March 2001]

Recent Invited Lectures:

- Nov. 2018, "Under the Bed and in the Factory Canteen: 20th-century Readers of *Aristotle's Masterpiece*" The History of the Medical Book, Huntington Library, San Marino, CA.
- Jan. 2019, "The Extraordinary Affair at Walworth: An Abortionist in Early 19th Century London", Inaugural Marie Jahoda Lecture, Ruhr Universität, Bochum, Germany.
- Jan. 2019, "Aristotle's Masterpiece – The Young Folks Bible: Sexual Knowledge and Courtship, 1680-1800", University of Bielefeld, Bielefeld, Germany.
- Jan. 2019, "Reading Sex: The History of a Popular Medical Manual, 1684-1930" Institute for Ethics, History and Theory of Medicine, LMU, Munich, Germany.
- March 2020, "Before Sex Ed", Center for the History of Science, Technology, and Medicine, Philadelphia.
- March 2022, "The Extraordinary Affair at Walworth: An Abortion Provider in 19th Century London", Delbert McQuade Distinguished Lectureship in History, Juniata College, Huntingdon, PA.
- Sept. 2022, Inaugural Lecture, J. Mario Molina Professorship, Johns Hopkins University.
- March 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression" University of Maryland, Baltimore County.
- April 2023, "The Long View", Abortion History Workshop, Exeter University, Exeter, UK.
- April 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression" Montclair State University, Montclair, NJ.

Recent Outreach, Podcasts, etc.

- Nov. 2022, "Cesarean Section Surgery in 16th Century England", That Shakespeare Life, <http://www.cassidycash.com/ep238>
- Feb. 2022, BBC History Extra, "Periods, fertility & childbirth: a pre-modern history", <https://shows.acast.com/historyextra/episodes/periods-fertility-childbirth-a-pre-modern-history>
- Sept. 2021, "Making Babies in the 17th Century", *Not Just the Tudors*, podcast, <https://play.acast.com/s/not-just-the-tudors/makingbabiesinthe17thcentury>
- March 2021 JHU DAR Women's History Month Talk: "Call the Midwife: Sarah Stone, Eighteenth-century Midwife"

Feb. 2021 JHU SAIS European Alumni meeting: “The Pandemic in Global Historical Context”

Dec. 2020 BBC History Extra, “The History of Medicine: Everything You Wanted to Know”

<https://www.historyextra.com/period/modern/history-medicine-medical-everything-you-wanted-know-podcast/>

Nov. 2020 “*Aristotle’s Masterpiece: Early Modern Sex Ed*”, Historical Perspectives On Contemporary Issues, CHSTM, <https://www.chstm.org/earlymodernsexed>

“Pandemics Come and Go. The Way People Respond to Them Barely Changes.” *Washington Post*, May 7, 2020. <https://www.washingtonpost.com/outlook/2020/05/07/coronavirus-bubonic-plague-london/>

March 2017, Undark podcast: <https://soundcloud.com/undark-magazine/ep12-wear-and-tear#t=0:00>.

“When the Birds and the Bees Were Not Enough: Aristotle’s Masterpiece”, *Public Domain Review*, August 20, 2015, <http://publicdomainreview.org/2015/08/19/when-the-birds-and-the-bees-were-not-enough-aristotles-masterpiece/>

Reviews

Book reviews in *Isis*, *Bulletin of the History of Medicine*, *Social History of Medicine*, *Journal of Interdisciplinary History*, *Medical History*, *History and Philosophy of the Life Sciences*, *Journal of British Studies*, etc., etc.

Grants and Awards

1992-93 Course development grant, Hughes Foundation.

1997-8 Fellowship, Shelby Cullom Davis Center for Historical Studies, History Department, Princeton University.

1997 Fellowship, American Council of Learned Societies (declined).

2000 Fellowship, Folger Institute, Folger Shakespeare Library, Washington, DC.

2001-2002 Grant, National Library of Medicine (NIH 1 G13 LM07054-01).

2005 *Vernacular Bodies*, Honorable Mention, Katharine Briggs Folklore Award.

2010-2012, Grant, National Library of Medicine (NIH 1G13LM010198-01).

2023 Discovery Grant, The Johns Hopkins University, \$100,000.

2023 Teaching Improvement Grant, The Johns Hopkins University, \$12,000.

University Service

Medical School Admissions Committee, 1992-1995.
Medical School Admissions Screening Committee, 1996-1998.
Medical School Council, 1995-1999.
Dean's Teaching Fellowship Selection Committee, 1993, 1995, 1998.
Women's Studies Faculty Board, 1995-2000, 2014-15.
Organized departmental colloquium series. 1992-1993, 1996-1997, 1999-2000.
Organized series of outside speakers on "Women, Medicine and History", funded by Hughes Foundation. 1992-1995.
Consultant, Mary Garrett website, Chesney Archives, 2003-5
Chair search committee, Chinese Medicine, 2004.
Chair search committee, Early Medicine, 2005-6.
Member, search committee, 2011-12.
Professionalism Sub-Committee, Curriculum Reform, 2004-6.
Co-Director, Scholarly Concentration, designed, implemented, and taught medical school program in history of medicine. 2009-2012.
Chair, Website Committee, oversaw planning and design of new department website. 2013-14.
Director, Online Program In the History of Medicine, 2014-2020. Directed creation and implementation of new online program, including accreditation, curriculum development, administration, and pedagogy.
Member, PhD COVID Relief Fellowship Selection Committee, 2021-2.

Professional Societies and Service

Member: American Association for the History of Medicine; American Historical Association; North American Conference on British Studies.

Honorary Secretary, Society for the Social History of Medicine (U.K.), 1990-1992.
Article Prize Committee, Berkshire Conference of Women in History, 1993-97.
Program Committee, American Association for the History of Medicine, 1996.
Osler Prize Committee, American Association for the History of Medicine, 1996, 1999.
Shryock Prize Committee, American Association for the History of Medicine, 2003, chair 2005.
Education and Outreach Committee, American Association for the History of Medicine, 2003-6.
Advisory Board member, H-Sci-Med-Tech, 2006-present.
Jameson Prize Committee, American Historical Association, 2009.
Chair, Dan David Prize Committee, "Past", 2021.
Referee for *American Historical Review*, *William and Mary Quarterly*, *Medical History*, *Social History of Medicine*, *Bulletin of the History of Medicine*, *Gender & History*, etc.
Referee for university presses including Yale, Oxford, Chicago, Manchester, etc.
Referee for Wellcome Trust, Hannah Foundation, Philadelphia Area Consortium in

the History of Science, ACLS, Folger Institute, Huntington Library, Research Triangle; Institute for Advanced Study, Advanced Study, etc.
Vice-President, president-elect, American Association for the History of Medicine, May 2022-2024
Chair, Task Force on the Future of Meetings, American Association for the History of Medicine, May 2023-

Conferences (last 5 years)

Organized conference, "The History of the Medical Book," The Huntington Library, San Marino, CA, Nov. 2018.
Organized panel, "Teaching and Researching the Early Modern with Digital Tools", Renaissance Society of America, March 2019.
Organized panel, "Digital Tools for Teaching Early Medicine to a New Generation," AAHM, May 2021.
Organized panel, "Publication and Patient Privacy: A Round-Table on Editorial Practice" AAHM, May 2021.
Speaker, WHO Western Pacific Region COVID-19 "Futures" Conference, August 2021.
Presentation: "Print, Pills, and Promotion in Seventeenth-Century London", AAHM, May 2022.
Co-organized "Roe v. Wade at 50" workshop and public panel, The Johns Hopkins University, March 2023.
Commentator: "Art and Abortion," 2 sessions, Association for Art History, London, England, 2023.

Invited Presentations (last 5 years)

April 2018, (joint keynote address with Karin Wulf, Director, Omohundro Institute of Early American History and Culture), "Rethinking Narratives of Family and Kinship in the British Atlantic", MACBS, U MD College Park.
April 2018, "Becoming Obscene", SUNY Buffalo, Buffalo, NY.
Nov. 2018, "Under the Bed and in the Factory Canteen: 20th-century Readers of *Aristotle's Masterpiece*" The History of the Medical Book, Huntington Library, San Marino, CA.
Jan. 2019, "The Extraordinary Affair at Walworth: An Abortionist in Early 19th Century London", Inaugural Marie Jahoda Lecture, Ruhr Universität, Bochum, Germany.
Jan. 2019, "Aristotle's Masterpiece – The Young Folks Bible: Sexual Knowledge and Courtship, 1680-1800", University of Bielefeld, Bielefeld, Germany.
Jan. 2019, "Reading Sex: The History of a Popular Medical Manual, 1684-1930" Institute for Ethics, History and Theory of Medicine, LMU, Munich, Germany.
March 2020, "Before Sex Ed", Center for the History of Science, Technology, and Medicine, Philadelphia.

March 2022, ““The Extraordinary Affair at Walworth: An Abortion Provider in 19th Century London”, Delbert McQuade Distinguished Lectureship in History, Juniata College, Huntingdon, PA.

Sept. 2022, Inaugural Lecture, J. Mario Molina Professorship, Johns Hopkins University.

March 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression," University of Maryland, Baltimore County, Baltimore.

April 2023, “The Long View”, Abortion History Workshop, Exeter University, Exeter, UK.

April 2023, "Abortion and the Reformation: Women, Witchcraft, and Repression," Montclair State University, Montclair, NJ.

Recent Outreach

Dec. 2016, Interviewed on NPR program, "The Seahorse in Your Brain: Where Body Parts Got Their Names."

March 2017, Interviewed on Undark podcast: <https://soundcloud.com/undark-magazine/ep12-wear-and-tear#t=0:00>.

BBC History Extra consultant, Fall 2020.

Chaired commentary, “Viriditas”, Alkemie (early music concert), Art, Heath and Healing, Johns Hopkins School of Medicine, April 2021.

“Pandemics”, SAIS European Alumni Conversation, April 2021.

Courses Taught

Undergraduate:

Humans and Animals, 1993, 1996.

History of Modern Medicine, [undergraduate course team-taught with Dr. Harry Marks], 1996, 1997, 2001, taught solo 2003, 2006.

History of Medicine: Antiquity to the Scientific Revolution, 2009, 2011, 2012, 2014, 2019, 2021.

Health and Healing in Early-Modern England, 1993, 1996.

Making Monsters: The Natural History of the Unnatural, [team-taught with Dr. Gabrielle Spiegel & Dr. Ruth Leys], 1994.

Women and Medicine, 1993, 1994, 1995, 2002.

Medicine and Magic, 1993.

Graduate:

A History of the Early Modern Body, 1994.

History of Modern Medicine, [team-taught with Dr. Harry Marks], 1992, 93, 94, 95,

96, 97, 99, 01, 03, taught solo 2006.
History of Medicine: Antiquity to the Scientific Revolution, 2009, 2011, 2012, 2014, 2019, 2021.
Online Survey 1: Classical Antiquity to the Early Middle Ages 2016, 2018, 2019, 2020.
Online Survey 2: Medicine from the Black Death to the Scientific Revolution, 2016, 2018, 2020.
Online Introduction to the History of Medicine, 2016; 2017, 2018.
Online Research Practicum, 2017, 2019.
What is the Cultural History of Medicine (Science and Technology)?, 2002.
An Introduction to Historical Methods, 1998, 2005, 2007.
Popular Knowledge, 1993, 1999, 2003, 2006.
Colonial Knowledge, 2008.
Medicine from Patients' Perspectives, 1992, 1995.
Issues in Early Modern Medicine, 2004, 2006, 2008.
Online Program Methods in the History of Medicine, 2020.
The Work of Healing: Medicine and Materiality, 2020.

Medical School:

Social History of the Patient (PAS 2 selective), 1995, 1996, 1998, 1999, 2000.
Historical Perspectives on Gender, Race and Medicine (PAS 1 selective), 2003, 2004, 2007, 2008.
Scholarly Concentration in the History of Medicine 2009-2010

Mentoring

Advisees:

Nyssa Strottman, MA 1994, currently practicing law.
Susan Ferry, PhD 2003.
Maggy Brown, 1992-1996, deceased.
Trudy Eden, 1992-1998, completed PhD with another advisor 1999, associate professor, Northern Iowa State University.
Kathleen Crowther, PhD 2000, associate professor, University of Oklahoma.
Shoshanna Green, 1993-96.
Alexa Green, PhD 2007, nursing school.
Allison Kavey, 1999-2003, completed PhD with another advisor 2003, assistant professor, John Jay College of Criminal Justice.
Manon Parry, MA 2002, Assistant Professor, University of Amsterdam.
Massimo Petrozzi, PhD 2010, Archivist, The Computer Museum, Mountain View, CA.
Melissa Grafe PhD 2009, Director, Cushing-Whitney Medical Historical Library, Yale University, CT.
Nick Stanzo MLA 2004.
Olivia Weisser PhD 2010, associate professor, U Mass Boston.
Barbara Chubak MA, MD 2007; assistant professor, Einstein College of Medicine,

NY.

Lisa Boulton, PhD 2014.

Alicia Puglionesi, PhD 2014, writer and independent scholar.

Katherine Arner, PhD 2014, History Department, Park School, Baltimore.

Seth LeJacq, PhD 2016; assistant professor, New York Institute.

Claire Gherini, PhD co-supervised with History Dep't 2016, assistant professor, Fordham University.

Brooke Lansing, History Dep't, PhD 2023, post doc JHU.

Michelle Silva, MA 2022.

Paul Child, MA 2023, prof. Sam Houston State.

Chris Sloffer, MA 2023.

Anna Weerasinghe, PhD 2023, working in communication, Washington DC.

Emily Clark, student.

Sheridon Ward, co-supervised History Dep't, student.

Katarina Sawtelle, MA student.

Cole Giller, MA student.

Ryan Falk, MA student.

Julie Lemmon, MA student.

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R. MATTHEW WISE
3 Supervising Deputy Attorneys General
TODD GRABARSKY
4 JANE REILLEY
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Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12

13
14 **RENO MAY, an individual, et al.,**
Plaintiffs,
15
16 v.
17 **ROBERT BONTA, in his official**
capacity as Attorney General of the
18 **State of California, and Does 1-10,**
Defendants.
19
20

Case Nos. 8:23-cv-01696 CJC (ADSx)
8:23-cv-01798 CJC (ADSx)

**DECLARATION OF LEAH
GLASER IN SUPPORT OF
DEFENDANT’S OPPOSITION TO
PLAINTIFFS’ MOTIONS FOR
PRELIMINARY INJUNCTION**

Date: December 20, 2023
Time: 1:30 p.m.
Courtroom: 9B
Judge: Hon. Cormac J. Carney

21 **MARCO ANTONIO CARRALERO, an**
individual, et al.,
22 Plaintiffs,
23 v.
24 **ROBERT BONTA, in his official**
capacity as Attorney General of
25 **California,**
26 Defendant.
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DECLARATION OF LEAH GLASER

I, Leah Glaser, declare under penalty of perjury that the following is true and correct:

1. I have been retained by the Office of the Attorney General of the California Department of Justice to provide expert opinions and testimony in these cases. For this engagement, I have been asked to provide an expert opinion on the history/development of parks and State Parks in the United States and California, including whether modern day parks and State Parks existed around 1791 and/or 1868. I have been further asked to provide an expert opinion on the history/development of particular cultural spaces and institutions, generally, in the United States and California, including whether modern versions existed around 1791 and/or 1868.

2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

BACKGROUND

3. I am a tenured, full Professor of History at Central Connecticut State University and coordinator of the Public History program. For the last 20 years, I have taught college-level courses on American History, the history of the American West, Public History, and, more recently Environmental History, for which I focus on historic preservation. I have taught students and supervised over 40 capstone projects on topics primarily related to Connecticut history.

4. I earned a PhD in American History, the American West and Public History from Arizona State University, where I also earned a Master’s degree in Public History. During and since my 8 years in the West, I worked for several entities whose missions address public land use and resource management, including the Salt River Project, the United States Bureau of Reclamation (USBR) and the National Park Service (NPS) in Alaska and Pennsylvania. I also worked as

1 a consultant for the cities of Tucson and Tempe, Arizona, and for the State of
2 Connecticut (in the 2023 case of *Nastri v. Dykes*) and the County of Fairfax,
3 Virginia (in the 2023 case of *LaFave v Fairfax County*). A copy of my complete
4 CV is attached as **Exhibit 1**.

5 5. Since 2009, I have also been a leader in encouraging inclusion of
6 environmental issues as a central component in the field of Public History,
7 including in an issue of the professional journal I edited and as a theme for two
8 national conferences, one in Hartford in 2019. From 2010 to 2013, I conducted
9 extensive research into Connecticut forests and parks in anticipation of the
10 centennial of the Connecticut Park and Forest Commission. I presented conference
11 papers (see CV), and published on the topic for connecticuthistory.org (Connecticut
12 Humanities), and I edited an issue of Connecticut Explored, the popular history
13 magazine of the state, on the relationship between Connecticut and the American
14 West, including the state's influence on national public land policy and the
15 activities of Samuel Colt involving mining investment. I am currently co-editing a
16 book on the cultural significance of trees in American history, for which I wrote an
17 essay that focuses on forestry in Connecticut.

18 6. I am currently contracted with the National Council on Public History
19 (NCPH) and the NPS to conduct a Historic Resource Study of the soon to be
20 established Coltsville National Historic Park in Hartford, Connecticut.

21 7. I currently serve on the Connecticut State Historic Preservation
22 Council, the Board of Connecticut Preservation Action and the Advisory Board of
23 Wesleyan University's Center for the Study of Guns and Society, the first academic
24 center in the U.S. dedicated to interdisciplinary humanities study and teaching on
25 the social and cultural history of firearms.

26 8. I am aware of this lawsuit, have reviewed the Complaints filed by
27 Reno May, et al. and Marco Antonio Carralero, et al. in this matter, and am familiar
28 with the claims and allegations of the Complaints.

1 efforts, led by Progressive era ideologies advocating that public resource policy
2 should address “the greatest good for the greatest number of people.” A great
3 number of thinkers defined ideas about public land use and management at all
4 levels, but urban park designer Frederick Law Olmsted and his firm had a particular
5 influence on defining the purpose and management of California’s park system. He
6 and other “park-builders” based their ideas about use and purpose on philosophies
7 of natural resource conservation, land preservation and health, both mental and
8 physical. The state park movement, based on similar ideals, expanded primarily in
9 the twentieth century when city parks grew insufficient and workers gained access
10 to automobiles allowing them to leave the city for less manicured and more
11 “natural” and meditative spaces. These ideas and practices reflected anxious
12 responses to the rapid changes brought by new technology, urbanization, the
13 industrial economy, and western expansion.

14 15. Historical context is critical for understanding the purpose and
15 function of modern-era parks. Early English settlers in the original thirteen colonies
16 brought with them the belief that land ownership equated to independence and self-
17 sufficiency. However, early New England towns featured centralized public land,
18 known as commons, or greens, for planting and shared grazing, around which many
19 built their homes. Access to the commons was a legal property right. According to
20 some, the tradition dates back to medieval England and is intended to protect
21 livestock from wild animals, for use by commoners who did not own much land, or
22 for public markets and fairs, but that is still highly debated. By the Colonial era,
23 places like the Boston Commons allowed multiple people to access the natural
24 resources of pasture and trees. Communities managed use and regulated access to
25 and among private individuals to prevent overuse at town meetings. Access
26 remained a property right that could be bought and sold. English colonists of the
27 Connecticut Colony established a green as a central feature in the nation’s oldest
28

1 planned city of New Haven, Connecticut. While it is managed by the city, it
2 continues to be owned by a private group of citizens.¹

3 16. As the primary public space in the community, “town greens” also
4 served as public gathering spaces, particularly religious, and many historic churches
5 continue to occupy prominent sites adjacent to these public spaces today. As
6 Michael Lawson explained, the line between labor and leisure did not exist at this
7 time, for example, craftsmen, journeymen and farmers worked at home. Likewise,
8 people used sites like greens and the Boston Commons for a huge spectrum of
9 purposes, including play and strolling. Communities also used them for formal
10 military exercises, public executions, the grazing of their animals, and sometimes
11 dumping grounds for discarded household items. While Colonial-era towns
12 reserved these shared public spaces, such as commons, town squares, plazas, or
13 greens, for a variety of shared uses and purposes, the idea and purpose of parks in
14 the nineteenth century was more specific and deliberate in purpose.²

15 17. After the Revolutionary War, in the 1820s and 30s, improvements in
16 roads allowed some people to move further away from the town center, and the
17 green became more of a commercial and civic center. Some claim the Boston
18 Common was America’s first public park because Boston began to make this shift
19 in the 1820s. Boston and other local, municipal governments established parks as
20 antidotes for the mental and physical stress and dehumanizing effects of heavy
21 industrialism, development, and urbanization in an era driven by the political and
22
23

24 ¹ Rob Shirley, *Village Greens of England: A Study in Historical Geography*,
25 Durham theses, Durham University, 11-12, 21 (1994). Available at Durham E-
26 Theses Online: <http://etheses.dur.ac.uk/6120/>

27 ² Michael Rawson, *Eden on the Charles: The Making of Boston* (Harvard
28 University Press, 2014), 22-73.

1 economic opportunities of western expansion and the development of western
2 natural resources for manufacturing purposes.³

3 **Frederick Law Olmsted and the Mid-Nineteenth Century Origins of**
4 **Municipal (and later National) Parks**

5 18. Only in the mid-late nineteenth century, in response to
6 industrialization and urbanization, did most greens evolve into a place of refuge and
7 recreation, as public, urban parks. The modern notion of parks began in the decade
8 before the Civil War. It evolved out of a sense of anxiety over profound social and
9 economic changes of “modern” life. Municipal parks such as Central Park in New
10 York City proliferated throughout the Northeast region since the 1850s, shaping
11 public perceptions of state parks and forests. The landscaping and manicured, or
12 “parklike,” maintenance of the green corresponded with a larger movement,
13 beginning shortly before the Civil War, to find ways to beautify the increasingly
14 industrialized cities, and recall the pastoral and agrarian roots so central to core
15 American values.

16 19. In the mid-nineteenth century, cities looked to set aside nature for
17 urban workers, and urban planners saw parks as a physical and deeply spiritual
18 escape from the harshness of urban and industrial life into nature. Landscape
19 architect Frederick Law Olmsted envisioned and articulated a model of the urban
20 park in his designs for places like New York City’s Central Park, Boston’s Emerald
21 Necklace, and parks in smaller cities in other states. Municipal park design
22 essentially began with Olmsted, who witnessed how the growth of cities and
23 industry had transformed northeastern rural landscapes, as well as the lands and
24 resources in the American West.

27 ³ Rawson and Eric Lehman, *Connecticut Town Greens* (Globe Pequot,
28 Illustrated edition, August 1, 2015), xi-xvi.

1 20. Olmsted’s parks echo the aesthetic of the mid-nineteenth century
2 Hudson River Valley (HRV) school of painters influenced by the Romantic style.
3 He later translated their naturalistic landscape vision to western lands, depicting
4 vast fields and vistas, majestic mountains, and calming lakes and streams, where
5 man was inconsequential. His landscapes lured out thousands of explorers and
6 homesteaders. Hartford’s Frederic Church, the founder of the HRV painting school,
7 was an early advocate of national parks, particularly Niagara Falls in New York,
8 which was established in 1885 and is now the nation’s oldest state park.⁴ These
9 images convinced many Americans that nature was important to physical,
10 emotional and mental health, and defined the spiritual core of a newer nation, the
11 equivalent of the cathedrals of Europe.

12 21. The landscapes of artists like Thomas Moran and Albert Bierstadt,
13 who painted his first Yosemite landscape in 1864 after he camped there the year
14 before, also greatly influenced public perceptions of western lands and inspired the
15 federal government to establish its first preserve in Yellowstone National Park in
16 1872 and then Yosemite National Park in 1890. Like the popular HRV School and
17 other nineteenth century landscape painters, Olmsted envisioned a controlled but
18 naturalistic landscape. He designed his parks as pastoral and naturalistic landscapes,
19 where urban residents could feel invigorated and escape the harsh realities of
20 industrial work without losing the comforts of the city.

21 22. Olmsted also developed his philosophy about the influence of natural
22 beauty on moral and social behavior from close family friend and spiritual advisor,
23 Reverend Horace Bushnell. Bushnell’s sermons, including “Unconscious
24 Influence,” and others in the Transcendentalist movement (e.g., Ralph Waldo
25 Emerson and Henry David Thoreau) of the 1820s and 30s surely inspired young
26

27 ⁴ California first designated Yosemite a state park, but Congress later
28 designated it as the second national park behind Yellowstone.

1 Olmsted’s ideas about nature and “public parks as instruments of moral influence
2 and reform and the value of passive recreation and unconscious mental and spiritual
3 refreshment...” as well as communal well-being as a way of coping with and
4 healing from the stresses of industrial revolution.⁵ Olmsted’s philosophies about the
5 essential purposes of urban parks as a natural space reserved for the general public
6 for passive contemplation and spiritual renewal in pastoral surroundings continued
7 to provide the model for urban park design.

8 23. Olmsted’s vision resonated with many, although not everyone seemed
9 to understand the concept and the use of a park in the same way. Worker volatility,
10 as seen in numerous street strikes beginning in the 1870s, also contributed to
11 support for urban parks. Genteel ideas about recreation like those of Bushnell and
12 Olmsted stressed receptive (or passive) recreation (e.g., arts, music) to restore the
13 soul, but people disagreed about whether parks served a therapeutic role or that of
14 amusement and/or activity, and interpreted recreation in different ways. Conrad
15 Wirth, who served as NPS Director in the 1950s, reflected both interpretations
16 when he began his memoir quoting Transcendentalist Henry David Thoreau, then
17 wrote, “The importance of reserving space for what we have come to call recreation
18 has long been understood.”⁶

19 24. After New York City’s Central Park, several cities across New
20 England began establishing parks in 1860s. In the West as well, anxiousness about
21 urbanization overtaking rural and “natural” places and the proliferation of urban
22

23
24 ⁵ “Olmsted in Connecticut: Landscape Documentation Project, Statewide
25 Context and Survey Report (September 2022), 20-25, 58-59; George Scheper. “The
26 Reformist Vision of Frederick Law Olmsted and the Poetics of Park Design,” *The
New England Quarterly* 62: 3 (1989), 378.

27 ⁶ Conrad Wirth, *Parks, Politics, and the People* (Norman: University of
28 Oklahoma Press, 1980), 3-5.

1 power helped create support to establish city as well as national parks.⁷ With the
2 start of the Civil War in 1861, Olmsted took leave as director of Central Park to
3 work in Washington, D.C., as Executive Secretary of the U.S Sanitary Commission,
4 which predated the Red Cross.⁸

5 **Western Expansion, Industrialization, and Urbanization**

6 25. Much of Colonial America was based upon an agrarian economy. By
7 1791, those who crafted the Declaration of Independence and the Constitution
8 defended independence by declaring “natural rights,” rooted in the ideas of the
9 Enlightenment, the intellectual and philosophical movement that swept through
10 Europe in the 17th and 18th centuries. Property was one of the “natural rights.”
11 Many of the founding fathers, especially Thomas Jefferson, valued and celebrated
12 farming as a noble, ideally independent, self-sufficient existence, in a natural,
13 pastoral setting. He advocated and promoted America as an “agrarian nation,” and
14 he wove this idea into the Northwest Ordinance of 1785 and 1787, the law that set
15 out the plan for America’s western expansion, distribution of public lands for
16 settlement and criteria for statehood.

17 26. After the Civil War, the proliferation of the railroad and technology
18 spurred settlement out west. The urbanization of the agrarian nation, and the
19 realization that not every part of arid western lands could be farmed, became
20 important factors in the federal government setting aside other lands for public use.

21
22 ⁷ Roy Rosenzweig, *Eight Hours for What We Will: Workers and Leisure in*
23 *an Industrial City, 1870-1920*, Interdisciplinary Perspectives on Modern History.
24 (Cambridge; New York: Cambridge University Press, 1985); Alexander Von
25 Hoffman, *Local Attachments: The Making of an American Urban Neighborhood,*
26 *1850 to 1920* (Johns Hopkins Paperbacks Ed., 1996); *Creating the North American*
27 *Landscape.* (Baltimore: Johns Hopkins University Press, 1996); Stephen Hardy,
28 “Parks for the People: Reforming the Boston Park System, 1870-1915,” *Journal of*
Sport History 7:3 (Winter 1980), 5-24. 18.

⁸ Olmsted tended to be wounded during the American Civil War. Exhausted,
in 1863 he took a job managing a gold mining estate in California.

1 27. In the West, most lands remained in the public domain, while in the
2 original thirteen colonies land remained largely under private ownership. The
3 federal government bequeathed California with the responsibility to manage the
4 first public state park in the country (Yosemite Valley and the nearby Mariposa Big
5 Tree Grove) on June 30, 1864, predating Congress’s establishment of the first
6 National Park (1872), yet initially managed by Frederick Law Olmsted, whose
7 Central Park had ignited the municipal park movement.

8 28. President Lincoln signed legislation placing Yosemite into California’s
9 trust in 1864, before the end of the Civil War. Like the transcontinental railroad and
10 the Homestead Act, the decision about public land use asserted federal power,
11 imbuing the federal government with new responsibilities to facilitate public access
12 to public lands and its natural resources. Former National Park Superintendent Rolf
13 Diamont and Landscape Historian Ethan Carr argue that the Civil War played a
14 central role in the creation of a Yosemite Park. They argue that there is a direct
15 connection between the state/national parks movement, begun with the
16 establishment of Yosemite State Park in California, and the post-Civil War laws
17 and “constitutional reforms to significantly broaden people’s relationship to their
18 national government,” which raised their expectations of government’s role in
19 improving public life.”⁹

20 29. Naturally, Olmsted, who had designed Central Park to realize
21 republican and democratic ideals centered on the people and their enjoyment,
22 received the appointment to chair the Yosemite Commission. Between September
23 1864 and August 1865, Olmsted wrote the Commission’s entire founding report,
24 which served as a “blueprint” for all future parks: national and state. Olmsted
25 characterized the landscape as an act of “equity and benevolence” for all citizens
26

27 ⁹ Rolf Diamont and Ethan Carr, “Three Landscapes: An Excerpt from
28 Olmsted and Yosemite,” *Park Stewardship Forum* 38:3, 2022.

1 aiding in the nation’s recovery and reconstruction. Olmsted addressed this point
2 directly in the third paragraph of the Yosemite Report, citing the Civil War’s
3 influence on the events leading to the park’s establishment and arguing for the
4 government’s obligation “to provide means of protection for all its citizens in the
5 pursuit of happiness against the obstacles, otherwise insurmountable, which the
6 selfishness of individuals or combinations of individuals is liable to interpose to
7 that pursuit.” Recreation was key to that pursuit, and he emphasized that the
8 government obligation to preserve the site was aimed toward the populace, rather
9 than individuals.¹⁰

10 30. Regarding management, Olmsted first stressed preservation to
11 maintain the natural scenery as closely as possible, in its present condition “as a
12 museum of natural science,” without compromising public access, “that is to say,
13 within the narrowest limits consistent with the necessary accommodations of
14 visitors, of all artificial constructions and the prevention of all constructions
15 markedly inharmonious with the scenery or which would unnecessarily obscure,
16 distort or detract from the dignity of the scenery.” He further stressed that the
17 management should include certain oversight, stating: “It should, then, be made the
18 duty of the Commission to prevent a wanton or careless disregard on the part of
19 anyone entering the Yosemite or the Grove, of the rights of posterity as well as of
20 contemporary visitors, and the Commission should be clothed with proper authority
21 and given the necessary means for this purpose.” And Olmsted wrote that:
22 “[W]ithout means taken by government to withhold them from the grasp of
23 individuals, all places favorable in scenery to the recreation of the mind and body
24 will be closed against the great body of the people. For the same reason that the
25 water of rivers should be guarded against private appropriation and the use of it for
26

27 ¹⁰ Frederick Law Olmsted, “The Yosemite Valley and the Mariposa Big Tree
28 Grove,” 1865. https://www.nps.gov/parkhistory/online_books/anps/anps_1b.htm

1 the purpose of navigation and otherwise protected against obstruction, portions of
2 natural scenery may therefore properly be guarded and cared for by government. To
3 simply reserve them from monopoly by individuals, however, it will be obvious, is
4 not all that is necessary. It is necessary that they should be laid open to the use of
5 the body of the people....”¹¹

6 31. When Yosemite homesteaders protested their rights to property by
7 earlier legislation all the way the Supreme Court, the Court affirmed the
8 constitutionality of the 1864 Yosemite Act to allow the government to set land
9 aside for a different purpose, especially before it has been surveyed. The decision
10 helped support the park idea, and indeed, in 1872, the same year as the decision,
11 Congress reserved and established the first national park in what was then
12 Wyoming Territory, that is, Yellowstone National Park, which was described as a
13 “public park or pleasuring-ground for the benefit and enjoyment of the people.”¹²
14 Twenty-five years after Yosemite became a state park, in 1890, the federal
15 government designated the Yosemite National Park. In 1905, California granted its
16 first state park, Yosemite Valley and the Mariposa Grove of Big Trees to the federal
17 government, completing the Yosemite National Park boundaries.¹³

18 32. As seen in the prior discussion of Central Park, this concept of
19 “enjoyment” for “people” or the “public,” is repeated throughout most literature
20 across the board upon the creation of parks at local, state, and national levels, and

21 ¹¹ Olmsted, “Yosemite Report;” see also Rolf Diamant and Ethan
22 Carr, *Olmsted and Yosemite: Civil War, Abolition, and the National Park Idea*
23 (United States: Library of American Landscape History, 2022).

24 ¹² For the text of laws relating to the national park system, see Hillary A.
25 Tolson, *Laws Relating to the National Park Service and the National Parks and*
Monuments (Washington, DC: Government Printing Office, 1933).

26 ¹³ Theodore A. Goppert, *The Yosemite Valley Commission, “The*
27 *Development of Park Management Policies, 1864-1905*, California State College,
28 Hayward, MA Thesis, 1972.

1 repeated for decades afterward. It echoes Progressive era philosophies about
2 managing resources for the collective good and protecting them against individual
3 or corporate exploitation.

4 33. The Department of Agriculture created a Division of Forestry in 1881
5 to “provide timber for the purposes of western agrarian settlement,” eventually
6 becoming the U.S. Forest Service in 1901.¹⁴ Both public forests and parks served to
7 protect natural resources, but forests followed the Progressive era idea of efficient
8 resource use for the “greatest good” of the most people while National Parks served
9 to preserve natural resources for the enjoyment and benefit of present and future
10 generations.

11 **Progressive Reform (1880s-1920s)**

12 34. During what historians refer to as the Gilded Age, the proliferation of
13 technology transformed an agrarian nation into an industrial economy, thereby
14 challenging national values and identities. The changes yielded an increasingly
15 imbalanced allocation of resources, both in monetary wealth and in access to
16 natural, political, and social resources. Vocal, often middle class, reformers alarmed
17 by the rapid changes protested against corruption and the consolidation of wealth,
18 which in their view compromised the values of equality in the United States. They
19 collectively developed programs and laws that could address anxiety about a
20 rapidly growing diverse population and changing landscape. Urbanization and wage
21 labor challenged American identity and values around economic opportunity and
22 political participation, not to mention public health. In 1890, Congress realized big
23 businesses were limiting competition through monopolies and passed the Sherman
24 Antitrust Act, regulating such corporate behavior. At the turn of the century,
25 Progressive reformers found a like mind in President Theodore Roosevelt, a well-

27 ¹⁴ Harold K. Steen, *The U.S. Forest Service: A Centennial History* (Seattle,
28 WA: University of Washington Press), 3-21.

1 known supporter of Progressive reforms such as fair housing standards and natural
2 resource conservation. Progressives embraced the Conservationist philosophy that
3 discouraged waste, and advocated for expert-directed and scientifically planned
4 management of natural resources, particularly forests, for the benefit of the *public*
5 *good*— often, but not always, defined in economic as well as social terms.

6 **Conservation vs Preservation**

7 35. Two schools of thought regarding natural resource management for
8 future generations dominated the Progressive era: preservation as exemplified by
9 parks, and conservation, efficient natural resource use and management, as
10 exemplified by forests and other public lands. Conservation and development seem
11 like opposing inclinations, but in 1910, Gifford Pinchot, the first chief of the United
12 States Forest Service (and the founder of scientific forestry in the United
13 States), asserted that, “The first principle of conservation is development, the use of
14 natural resources now existing on this continent for the benefit of the people who
15 live here now. There may be just as much waste in neglecting the development and
16 use of certain natural resources as there is in their destruction.”¹⁵ He advocated for
17 the scientifically planned development of natural resources, particularly forests.
18 Like the preservationists, resource conservation served “the greatest good to the
19 greatest number of people for the longest time.”¹⁶

20 36. These environmental philosophies came to a head in 1911 with a very
21 public debate that epitomized the different ideas about the environment: the battle
22 over damming the Yosemite Valley to serve the growing city of San Francisco. A
23 supporter of conservation, Gifford Pinchot, fought and won the highly public and
24

25 ¹⁵ Gifford Pinchot, “The Fight for Conservation,” 1910 (University of
26 Washington Press, 1967, reprint), 42-43.

27 ¹⁶ Gifford Pinchot in Char Miller, *Gifford Pinchot: Selected Writings*
28 (University Park, PA: Penn State University Press, 2017), 110.

1 political debate against his former friend John Muir and the preservation-minded
2 Sierra Club he headed.

3 37. Neither the public, nor Congress, trusted the Forest Service to protect
4 cherished sites of natural beauty, but both Pinchot and Henry Graves, Dean of the
5 Yale School of Forestry and a Chief of the USFS, insisted that creating a park
6 board, in addition to the Forest Service, was wholly unnecessary. The dispute led to
7 a lengthy debate about what constituted a forest, and what constituted a park.¹⁷
8 Congress dismissed the foresters' view that forests could serve the same purpose as
9 parks by establishing the NPS within the Department of the Interior in 1916 to
10 protect exceptional lands for "public enjoyment."¹⁸

11 38. Olmsted's son, Frederick Law Olmsted, Jr. drafted the statement of
12 purpose paragraph in Section 5 of the 1916 NPS bill: "That the parks, monuments
13 and reservations herein provided for shall not at any time be used in any way
14 contrary to the purpose thereof as agencies for promoting public recreation and
15 public health through the use and enjoyment by the people of the said parks,
16 monuments and reservations, and of the natural scenery and objects of interest
17 therein, or in any way detrimental to the value thereof for such purpose."¹⁹

18 **The State Park Movement**

19 39. The state's Yosemite Commission worked and planned for several
20 decades to develop the park for public use and tourism before the federal
21 government absorbed the park under NPS jurisdiction in 1890. The state's drawn-
22 out process was largely due to the California legislature, which had protested the

23 ¹⁷ Steen, 113-114

24 ¹⁸ An Act to establish a National Park Service, and for other purposes. Pub.
25 L. Tooltip Public Law (United States) 64-235, H.R. 15522, 39 Stat. 535,
26 enacted August 25, 1916.

27 ¹⁹ Quote in Diamont and Carr from 8 Letter From Frederick Law Olmsted Jr.
28 to Frank Pierce, Acting Secretary of the Interior, December 31, 1920, Frederick
Law Olmsted National Historic Site 109.

1 use of land for such a purpose and refused to fund it, but also because those (often
2 businessmen) appointed to the Commission lacked the expertise to understand how
3 to manage the landscape and its unique environment. There was therefore little
4 visitation between 1865 and 1890.

5 40. The Yosemite Commission brought in the Sierra Club to help address
6 vandalism in 1894. Sierra Club recommendations helped the Commission develop
7 initial Park rules entitled “Rules and Regulations for the Convenience and Safety of
8 campers and Tourists and the Preservation of the Valley.” These rules included, in
9 addition to camping site assignments, leaving all firearms at the gate office during
10 visits to the Park. Elsewhere under “Rules and Regulations,” was a strict
11 prohibition on the discharge of firearms in Yosemite Valley and the Mariposa
12 Grove and a request for men who could patrol the park and enforce the
13 regulations.²⁰

14 41. The development of an “American System of Manufacturing” and
15 mass production accelerated urbanization across the country, and the rapid change
16 into the twentieth century triggered tremendous social anxiety and political tensions
17 between rural and urban power. Concerns included urban density, poverty, disease,
18 crime, labor conflicts, unsanitary living environments, unsafe working conditions,
19 and an overworked labor force. To many urban reformers, modernity had destroyed
20 leisure and family time and the worker was in desperate need for outlets of
21 recreation. Horace McFarland, President of the American Civic Association and a
22 key figure in the City Beautiful Movement articulated the “American Park Idea.” In
23 a 1910 speech, McFarland argued that like the ideas for municipal parks in the
24

25 ²⁰ See Goppert, 50-71, 98; “Biennial Report of the Commissioners to Manage
26 the Yosemite Valley and the Mariposa Big Tree Grove,” (United States: T.A.
27 Springer, state printer, 1894), 11-12, 25; Biennial Report of the Commissioners to
28 Manage the Yosemite Valley and the Mariposa Big Tree Grove. United States: T.A.
Springer, state printer, 1896), 29. See **Exhibit 2**.

1 1850s, county and state parks could also serve a broader purpose that fell
2 somewhere in between the city park and the national park. “If, when a natural
3 wonder is found to be of national importance and to need national protection, it may
4 properly be controlled by the nation, surely a location or opportunity too large for
5 local or municipal control may as properly be controlled by the state.” In line with
6 other proponents, he agreed that state parks “must be unmistakably beautiful, they
7 must present to the enjoyment of all some consistent unspoiled type of landscape.”
8 He added that parks should be accessible by the public and ideally connected by
9 parkways—indicating that he saw the park system and recreation as integrated with
10 parkways across the state. He asserted that state parks should lie no more than a
11 day’s travel to industrial populations, and that ideally, a state should hold an acre of
12 land per 1000 population.²¹ Seemingly as an afterthought, he added that another
13 characteristic of the state park “may well be the inclusion of historical sites, to be
14 suitably and permanently marked so that in a sense of life of the state as man has
15 dealt with it is persevered for future generations, as well as the natural features of
16 the state as Nature made them. Not infrequently both of these characters may be
17 combined to advantage in one state.”²²

19
20 ²¹ J. Horace McFarland, President, American Civic Association, “A Brief
21 Discussion of the Later Development of the Recreation Movement” by J. Horace
22 McFarland, President, American Civic Association, Washington Convention,
23 December 14, 1910, SFPC, Wilkins, Documents 1909-1915, State Archives;
McFarland, “State Park- Their size and character” Parks and Recreation, volume 5,
p. 471. 1921-22.

24 ²² J. Horace McFarland, President, American Civic Association, “A Brief
25 Discussion of the Later Development of the Recreation Movement” by J. Horace
26 McFarland, President, American Civic Association, Washington Convention,
27 December 14, 1910, SFPC, Wilkins, Documents 1909-1915, State Archives;
28 McFarland, “State Park- Their size and character” Parks and Recreation, volume 5,
1921-22, p. 471.

1 42. State park systems gained momentum with the increase in leisure time,
2 urban density, and recreational access, and the proliferation of the automobile,
3 which allowed more people of all socioeconomic backgrounds to escape the city for
4 short periods of time. In order to protect the exclusiveness of the National Park
5 designation, NPS Director Stephen Mather, born in California, organized the first
6 meeting of the National Association of Parks in Des Moines, Iowa in 1921 to
7 encourage all states to adopt a park system and coordinate their efforts. California
8 was in regular attendance.²³

9 43. This National Conference on (State) Parks grew out of the National
10 Park movement, but was an independent body of delegates from several states.²⁴ Its
11 stated objective was “to urge upon our governments, local, county, State, and
12 National, the acquisition of additional land and water areas suitable for recreation,
13 for the study of natural history and its scientific aspects, and the preservation of
14 wild life, as a form of the conservation of our natural resources...”²⁵

15 44. State parks could be beneficial in that they would not be held to the
16 same high standards of selection as National Parks. Others saw state parks as more
17 “natural,” and hosting far less *organized* recreative activities than municipal
18 parks.²⁶ Albert Turner, who served as the state park secretary and primary official
19 for Connecticut’s State Park Commission and on the executive committee of the
20 National Conference on State Parks, emphasized that a state park’s purpose, like

21 ²³ “Proceedings of the National Conference on State Parks,” 1922, 1923,
22 1924. GoogleBooks.

23 ²⁴ Ney C. Landrum, *The State Park Movement in America a Critical Review*,
24 2004; State Park Anthology: Rebecca Conard, “The National Conference on State
25 Parks: Reflections of Organizational Genealogy,” *George Wright Forum* 14:4
(1997), 47-93.

26 ²⁵ Conard, 35.

27 ²⁶ Thomas R. Cox, “From Hot Springs to Gateway: The Evolving Concept of
28 Public Parks, 1832-1976,” *Environmental Review* 5: 1 1981: 14-26.

1 urban parks, was one of public mental health, an essential refuge from the stresses
2 of modern urban life.²⁷

3 45. The definition of a park, however, varied by state, and Mather believed
4 each state should determine its own park development. As Historian Rebecca
5 Conard observed, “A common vision of parks as special places, whether they be
6 valued for their scenic quality, their recreational amenities, their scientific
7 attributes, or their educational potential, makes it incumbent that public land
8 management agencies serve as society’s fulcrum to balance demands of ‘the public’
9 who would enjoy parks to environmental ruin with those of ‘the public’ who would
10 unnecessarily limit access to them.”²⁸

11 46. The development of State Park systems therefore emerged through
12 national and municipal efforts, led by Progressive era (1880s-1920s) ideologies, to
13 reserve certain lands for both the purposes of environmental preservation and public
14 use. The state park movement inherited Progressive era philosophies as it expanded
15 upon the spiritual purpose of a park into that of “play,” or recreational use, where
16 authorities designated certain areas for certain uses. Due to the preservation
17 purposes of parks, stewardship required establishing expectations regarding public
18 behavior in these new shared spaces.

19 47. The “park-builders” based these ideas about collective use and purpose
20 on philosophies of natural resource conservation and land preservation, but also
21 advanced natural spaces for the social good, including both mental and physical
22 health. These ideas and practices reflected anxious responses to the rapid changes
23 brought by new technology, urbanization, the industrial economy and western

24 _____
25 ²⁷ Report of the State Park Commission to the Governor, 1920, 23.
Connecticut Digital Archive, <http://hdl.handle.net/11134/30002:21895214>.

26 ²⁸ Conard, 40; Stephen Mather to Albert Turner, February 6, 1922. Series 2,
27 Box 3, Folder 1, RG 079:017 State Park and Forest Commission, Connecticut State
28 Archives, Hartford, CT.

1 expansion. Numerous worker strikes encouraged better hours through welfare
2 capitalism (company concessions) and workplace reforms that restricted work hours
3 to 8-10 hours a day.²⁹ Along with the affordability of personal automobiles,
4 increased leisure time allowed industrial workers to escape their urban environment
5 and gain access to increased recreational opportunities, to escape the city for less
6 manicured and more “natural” and meditative spaces.

7 48. Albert Turner, the Field Secretary Connecticut’s State Park
8 Commission hired in 1914, served on the organization’s executive committee. That
9 same year, Turner implored the newly founded National Conference on State Parks
10 to distinguish forests and parks. “We have supposed the Park to be first of all for
11 recreation, and the Forest for economic purposes- to wit, namely to grow timber.
12 This subtle distinction seems to be confined almost entirely to the old Nutmeg
13 state...”³⁰ Turner saw the definition of parks as fluid, but consistently stressed the
14 conservationist philosophy that conceived parks and forests as shared, public spaces
15 set aside for the “greatest good for the greatest number of people.” Regarding
16 proposed rules and regulations for use of the State Parks, he asked the Commission
17 “to make the rules as few and simple as is consistent with the preservation of the
18 public property and individual freedom. In general, that measure of freedom may be
19 permitted which does not interfere with the rights or enjoyment of others, pollute
20

21
22 _____
23 ²⁹ See Roy Rosenzweig, *Eight Hours for What We Will: Workers and Leisure*
24 *in an Industrial City, 1870-1920* (Cambridge University Press, 1985), Wayne F.
25 Stormann, The ideology of the American urban parks and recreation movement:
26 Past and future, (*Leisure Sciences*, 13:2, 1991) 137-
27 151, DOI: [10.1080/01490409109513132](https://doi.org/10.1080/01490409109513132), and the Fair Labor Standards Act of
28 1938, 52 Stat. 1060 through 52 Stat. 1070

26 ³⁰ Turner to Miss Harlean James, December 31, 1921, Series 2, Box 3, Folder
27 1, RG 079:017 State Park and Forest Commission, Connecticut State Archives,
28 Hartford, CT.

1 the waters, or injure the forest-growth. This would involve the prohibition of
2 firearms, but not the gathering of nuts, berries, or wild flowers....”³¹

3 49. In 1918, the Commission adopted a general “form of notice,” to be
4 posted in all parks addressed “To the Citizens of Connecticut,” explaining that the
5 state park “belongs to you,” the general public. It stated that “there is a reason for
6 every rule and regulation made... It is desired that this park shall be used for picnic
7 parties, camping, and outdoor life by the people of Connecticut, provided the park
8 is used in a wholesome and reasonable way, and the trees, shrubs, and plants are not
9 injured, and all rubbish is placed in receptacles prepared for it, or buried, or burned.
10 The People using this state park should not monopolize it, nor disturb, nor
11 unpleasantly intrude upon other parties using it.” Fires outside of stone fireplaces
12 were prohibited, and “the use of firearms or having them in your possession is
13 forbidden, also the killing or disturbing of wild animals, birds, or birds’ nests.”³²

14 50. Turner laid out his “system” approach, which other state park officials
15 would cite as a model for other states, as well, stressing such factors as natural
16 suitability, beauty, fitness; historical or traditional association; distribution with
17 regards to centers of population, size, accessibility, and level of development of
18 park properties.³³ Turner believed that state parks had a specific purpose quite
19 different from city parks, which were more art than science, more “museum-like”
20 than natural. State parks provided a more natural, less landscaped aesthetic to the
21 controlled movement and limited recreative options in the Olmstedian city parks,
22 without departing from those basic values. The 1920 annual report continued to
23 debate the purposes of state parks: public recreation, historical association, and/or
24 natural and scenic beauty. Turner began to emphasize a state park’s purpose as one
25

26 ³¹ Annual Report, Report of State Park Commission, 1914, 29.

27 ³² Report of the State Park Commission, State of Connecticut (1918), 30-31.

28 ³³ Annual Report, Report of State Park Commission, 1914, 23-20.

1 of public mental health, an essential refuge from the stresses of modern urban life,
2 and he called out the carrying and use of firearms as an example, even for a
3 recreative activity like hunting. “Why do we issue hunting licenses by tens of
4 thousands to “sportsmen” who frequently tramp the woods all day without getting a
5 legitimate shot at a moving thing? Must we forever be condemned to carry a gun as
6 an excuse for the pleasure of walking in the woods?”³⁴ Firearms, associated with
7 hunting, were incompatible with wildlife preservation, but also with the spiritual
8 and special purpose of a public park as a peaceful refuge and remedy for the
9 dangers of the city.

10 51. In California, after the establishment of Yosemite as a National Park, a
11 grassroots campaign began to preserve the redwoods in the Santa Cruz Mountains.
12 Thereafter California continued to seek to preserve other natural spaces, while
13 acquisition efforts took years. The state created the California Redwoods State
14 Park, and the Humboldt and Del Norte State Parks in 1918. By 1925, the state
15 administered its six parks under three different administrations with little financial
16 support for development.³⁵

17 52. In 1927, the California state legislature established a state park
18 commission and authorized it to undertake a comprehensive survey to guide the
19 “ultimate development of a comprehensive, state park system” as a means of
20 “conserving and utilizing the scenic and recreational resources of the state.” The
21 commission hired Frederick Olmsted, Jr. who like his father had advocated for
22 national and state parks.³⁶ As part of Olmsted, Jr.’s survey, he divided the state into
23

24 ³⁴ Report of the State Park Commission to the Governor, 1920, 23.
25 Connecticut Digital Archive, <http://hdl.handle.net/11134/30002:21895214>.

26 ³⁵ Beatrice Ward Nelson, *State Recreation: Parks, Forests, and Game*
Reserves, National Conference on State Parks, 1928. 36-44.

27 ³⁶ Olmsted, Jr. also planned Palos Verdes Estates (1923), and moved there
28 with his family in 1927.

1 regions and consulted with local residents and experts; his process and criteria
2 remained policy through the 1950s. Olmsted, Jr. also served as a National Park
3 Board advisor for nearly his whole life.³⁷

4 53. The rising popularity of and access to the car in the 1930s increased
5 recreational demand and park visitation. At the same time, there were fewer
6 appropriations for acquiring additional lands. The Great Depression provided
7 additional opportunity for state conservation efforts through expansion of federal
8 programming and powers in New Deal programs like the Civilian Conservation
9 Corps (CCC) initiated in 1933, one of President Franklin Delano Roosevelt’s
10 flagship work programs. It served as a boon for California’s recreational and
11 economic forest development. By 1934, California had 49 parks offering relief
12 during the economic crisis. The parks covered 300,000 acres, and they expanded
13 further in 1964 and 1984, as automobile access expanded opportunities to more
14 sites. The state also established more parks closer to cities to engage urban
15 populations.

16 54. California State Park Rules and Regulations echoed the stipulations of
17 the Yosemite Commission, that “Firearms are not allowed, and must be sealed or
18 checked at the warden’s office.”³⁸

19 55. The Digest of Laws Relating to State Parks,” published in 1936, lists
20 firearms bans in several states. As part of its “Rules and Regulations,” Connecticut
21 explained the purpose of parks as public spaces and included “The use of firearms
22 or having them in possession is forbidden, also the killing or disturbing of wild
23

24 ³⁷ Frederick Law Olmsted, Jr. “Report of the Director of the Survey to the
25 California State Park Commission,” December 29, 1928 in National Association for
26 Olmsted Parks 14:1 (Spring 2012); Rolf Diamont, Ethan Carr, and Lauren Meir,
27 The Olmsteds and the National Park Service, Northeast Regional History Program,
28 NPS, US Department of the Interior, 2020), 113-126.

³⁸ “Digest of Laws relating to State Parks,” Volumes I (National Park
Service: Department of the Interior, 1936), 20. See **Exhibit 3**.

1 animals, birds, or birds' nests." Indiana had a similar strategy, stating "Firearms are
2 prohibited at all times." Kansas and Michigan forbade firearms in its state parks.
3 See **Exhibit 4**. New York prohibited "the possession of any firearms or fireworks
4 of any kind" within park areas, but had laws specific to each park, some related
5 specifically to hunting, and others not. The Central New York State Parks
6 Commission further instructed in Ordinance No. 4 that "no person except
7 employees or officers of the commission shall carry firearms of any description
8 within the park." In Ohio, "Shooting of firearms of any description or the carrying
9 of firearms, either loaded or unloaded, in any state park under the control of the
10 Ohio State Archeological and Historical Society" was "positively forbidden."
11 Virginia instructed visitors that that "Firearms are prohibited at all times." West
12 Virginia prohibited shooting anywhere near a park or "other place where persons
13 gather for purpose of pleasure" in Section 6054, Code of 1932."³⁹

14 56. In 1939, California adopted a Department of Natural Resources in its
15 Public Resources Code (Chapter 93 in Laws of 1939). The State Park Commission
16 designated all parks as game reservations, and thus hunting was not allowed. In
17 1951, the Division of Fish and Game was charged with designating public shooting
18 grounds, not in the parks, and not under the jurisdiction of the Division of Beaches
19 and Parks.⁴⁰

20 57. From 1945 until approximately 1966, California operated its parks
21 under a "Division of Beaches and Parks" within that Department. The Division was
22 responsible for "all parks, beaches, monument sites, landmark sites, and sites of
23

24 ³⁹"Digest of Laws relating to State Parks," Volumes I (National Park Service:
25 Department of the Interior, 1936), 27, 35, 55, 77, 122 (**Exhibit 4**); "Digest of Laws
26 relating to State Parks," Volumes II and III (National Park Service: Department of
27 the Interior, 1936), 190, 195, 201, 205, 310, 347, 368, 397 (**Exhibit 5**).

27 ⁴⁰ Flavel Shurtleff, Planning and Zoning Commission, "Digest of Laws
28 Relating to State Parks," (Washington, DC, National Conference on State Parks,
1955), 12-18.

1 historic interest created or acquired by the State,” excepting Balboa Park in San
2 Diego and the State Fair Grounds in Sacramento. It was empowered to administer,
3 protect and develop such areas “for the enjoyment of the public.” The Division was
4 “authorized to establish rules and regulations for the government and administration
5 of the State Park System not inconsistent with law; and may confer on the Chief of
6 the Division of Beaches and Parks and such other employees as it may designate
7 full authority and powers of peace officers for the parks. Any person who violates
8 the established rules and regulations to be guilty of a misdemeanor (Chapter 93 in
9 Laws 1939).”

10 58. In 1966, the California Department of Parks and Recreation was
11 created and assumed the Division of Beaches and Parks’ jurisdiction over parks and
12 beaches, among other things. Cal. Pub. Resources Code, § 53.

13 59. Public Resources Code Section 5001, subdivision (a), provides
14 in part that: “California’s state parks are a true reflection of our state’s collective
15 history, natural and cultural heritage, and ideals. The state parks can be models of
16 healthy, natural, and sustainable ecosystems and they can also commemorate
17 important cultural traditions or historic events. To remain relevant now and into the
18 future, state parks must protect California’s heritage and be welcoming in order that
19 visitors may understand and appreciate these special places that have been set aside
20 for their inspiration and enjoyment.” California law forbids the carrying,
21 possession, or discharge of any firearm “across, in, or into any portion of any unit”
22 of a state park, except in designated hunting areas.⁴¹

23 60. Today, California has the largest state park system in the United
24 States, with a total of 280 units, totaling nearly 1.4 million acres.

25 ⁴¹ “Firearms not having a cartridge in any portion of the mechanism . . . may
26 be possessed within temporary lodging or mechanical mode of conveyance when
27 such implements are rendered temporarily inoperable or are packed, cased, or
28 stored in a manner that will prevent their ready use.” CAL. CODE REGS., tit. 14, §
4313; see Pub. Resources Code, § 5003.

1 **Recreational and Cultural Gathering Spaces**

2 61. Over time, recreation extended beyond parklike activities, however,
3 and this demand led to the development of more spaces of leisure in or at the
4 outskirts of cities. While for leaders like Olmsted parks served as a primary outlet
5 for the ills of industrialism, recreation took many forms and created many new
6 spaces for public gathering.

7 62. In the Colonial Era, work, entertainment, and socializing all took place
8 far more often in and near the home than in large public gatherings. People gathered
9 for leisure in the theatre and music halls with minstrel shows and novelty acts in the
10 mid-nineteenth century, all this growing increasingly popular in the 1830s, likely as
11 improved transportation allowed both audiences and entertainers to travel further
12 distances.⁴² In his classic study of working class leisure, Historian Roy Rosenzweig
13 characterized the factory as a place of workplace discipline, separated from the
14 socializing, drinking, sharing and storytelling that had been part of artisan
15 workshop life. Factory work moved leisure and social time to taverns and saloons,
16 pool and dance halls. Efforts to limit workday hours began as early as the 1840s.⁴³

17 63. Park advocates like Olmsted and Turner often described parks as
18 spaces akin to museums for the working class. Museums and libraries in early
19 America were not the centers of extensions of public education or the family outing
20 destinations that they are today, rather they were primarily the private collections of
21 the wealthy, often of a scientific variety. Few, by the late 18th century, would be
22 open to the public.⁴⁴ These included Charleston Museum (1773), Pierre Eugène Du
23 Simitière’s American Museum in Philadelphia (open only from 1782 to 1784),

24 _____
25 ⁴² Foster Rhea Dulles, *A History of Recreation: America Learns to Play*, New
26 York Meredith Publishing Company, 1965.

27 ⁴³ Rosenzweig, *Eight Hours for What You Will*, 38-50.

28 ⁴⁴ Andrea Stulman Dennett, *Weird and Wonderful: The Dime Museum in
America* (New York: New York University Press, 1997), 1 as quoted in NHL.

1 Scudder’s Museum in New York City (1791-1841) and Charles Willson Peale’s
2 Philadelphia Museum (1786–1845). They were primarily for artifacts and personal
3 objects, and associated with the intellectual pursuits of the learned and/or upper
4 class, often naturalistic, ethnological, and zoological. Peale’s “Museum” even
5 featured a live menagerie, a predecessor to the zoo, but almost by definition for the
6 purpose of private, not public viewing.⁴⁵ Scudder’s and the Peale Musuem inspired
7 P.T. Barnum’s opening of the American Museum in New York City in 1842 as a
8 place for “instructional entertainment.” It included a research library, exhibit space,
9 and lecture hall. He even created the “Ocean and River Gardens” exhibit,
10 America’s first public aquarium, in 1857. It was primarily with the post-Civil War
11 era, however, that he found success. Interested in profit, Barnum sought his
12 audience with the “common man,” the museum catered his collections and exhibits
13 to the working class, and he is certainly one of the founders, along with people like
14 Buffalo Bill, who resonated with audiences through what we know today as popular
15 culture. He began traveling shows in the 1870s and 80s, eventually merging with
16 the Ringling Brothers for the well-known circus. Barnum’s museums, like other
17 “dime museums” catered to the masses at all levels of culture, and he supported
18 scholarly and research-based museums such as the Smithsonian Institute and the
19 Barnum Museum at Tufts University in Medford, Massachusetts. Barnum opened
20 his circus which included a menagerie and curiosity museum in 1871.⁴⁶

23 ⁴⁵ Philadelphia was the first city to open a zoo in 1874, but Central Park
24 included one in the mid-nineteenth century. Alexander, *Museums in Motion*, 110-
25 116; Golden Gate Park in San Francisco added a zoo in the 1930s, but it regularly
26 displayed a range of animals, from exotic to farm, throughout the 1880s and into
27 the twentieth century. Young, 38; “Animals of Golden Gate Park,” at “Historical
28 Images of San Francisco,” accessed October 15, 2023,
https://opensfhistory.org/Photoset/Animals_of_Golden_Gate_Park.

⁴⁶ Adams, et. al.

1 64. Even the Smithsonian Institution—which was created by Congress in
2 1846 following a gift from Englishman James Smithson—was similarly based
3 around large private collections. By establishing the Smithsonian in 1846 as “an
4 establishment for the increase and diffusion of knowledge,” Congress had the
5 federal government assume the role of preserving the nation’s history, but it did not
6 realize its museum form until 1873, when the primary function extended beyond
7 collections to public education as a venue through which to democratize
8 knowledge. It then received many of the exhibitions from Philadelphia’s Centennial
9 Exposition, constructing a new building to house it, completed in 1881. However,
10 as William Walker discusses in his new book, *A Living Exhibition*, the “castle” still
11 did not quite resemble the cultural centers of large themed exhibits and family
12 public programming we know today until after World War II.⁴⁷

13 65. The American Museum of Natural History and the Metropolitan
14 Museum of Art (1870) in New York City and the Boston Museum of Fine Arts
15 (1876), grew out of private collections, and catered increasingly to the adult middle
16 and upper classes.⁴⁸

17 66. The end of the Reconstruction period coincides with America’s
18 centennial celebration in 1876, with the World’s Fair in Philadelphia, Pennsylvania,
19 also known as the Centennial Exposition, which tended to display the kind of
20 spectacle and public exhibitions we associate with today’s museum exhibit spaces.
21 Directed toward large crowds of varying social and economic class, these more
22 resembled today’s blockbuster museums, festivals and amusement parks. The
23 privately funded and organized, but federally supported (congressional

24 ⁴⁷ William Walker, *A Living Exhibition: The Smithsonian and the*
25 *Transformation of the Universal Museum* (Amherst, MA: University of
26 Massachusetts Press, 2013).

27 ⁴⁸ William Walker, *A Living Exhibition: The Smithsonian and the*
28 *Transformation of the Universal Museum*. Amherst, MA: University of
Massachusetts Press, 2013.

1 appropriation took the form of a loan) Columbian Exposition and fairs in Chicago
2 in 1893, Buffalo in 1901—and even an international exposition in San Francisco in
3 1894—served to assert America’s unity, economic, political, cultural, and
4 technological power to its citizens and to the world. Thousands attended, and
5 officials anticipated, planned, and provided public security for the masses. The
6 World’s Fairs inspired global collecting world-wide.

7 67. At its 1893 fair, to accommodate the unusually large crowds of over
8 15,000, Chicago assembled a police force explicitly to provide safety and security
9 to its attendees, with a special “secret service” as “a branch of the physical force of
10 the Fair under the Department of Works, deriving its authority from the State,
11 operating on park territory...”⁴⁹ These fairs collectively coalesced and solidified
12 American identity after the fracture of the Civil War.

13 68. Similarly growing out the success of the World’s Fairs, amusement
14 parks, most notably Coney Island in New York City, which opened as the first
15 enclosed amusement park in 1895, served as one of the original sites of leisure for
16 the working class.⁵⁰

17 69. Like other deliberately designed and defined cultural spaces, there is
18 no true analogue for modern playgrounds in America prior to the late-nineteenth
19 and twentieth century. By conception and definition, Progressive era reformers
20 conceived and designed these urban places to offer safe spaces for leisure and play,
21 and within those spaces, dictate behavior by organizing and purposing those spaces.
22 While European gardens inspired public park design, historians have characterized
23 such late nineteenth century reformers as using both parks and playgrounds for

24 ⁴⁹ R.W. M’Clughry, General Superintendent Chicago Police, and John
25 Bonfield, Chief Secret Service World’s Columbian Exposition, “Police Protection
26 at the World’s Fair,” 1893.

27 ⁵⁰ See Roy Rosenzweig, “Eight Hours for What We Will: Workers and
28 Leisure in an Industrial City, 1870-1920” (Cambridge, MA: Cambridge University
Press, 1983), 127-152.

1 social control, repeatedly insisting on regulating proper behavior. It was, however,
2 more complicated than that. Planners like Olmsted and civic leaders held sincere
3 beliefs about nature and concerns for public health in the cities, but workers and
4 children often revised the design and use of these spaces, often using them less for
5 enlightenment and repose, and more for play-centered activities. Middle and upper
6 classes would embrace this notion of sports and recreation in the mid- to late-
7 nineteenth century.

8 70. Designers of mid-nineteenth century parks like Frederick Law
9 Olmsted did not initially include playgrounds in urban park planning, favoring
10 passive recreation over active. In most public places in the world, playgrounds did
11 not become ubiquitous until the twentieth century. The concept of educating
12 children through play was just emerging. In the early 1800s, Germany educational
13 reformer Friedrich Fröbel’s kindergartens featured sand gardens to encourage the
14 development of morally, mentally, and physically healthy children. American
15 Elizabeth Palmer Peabody opened the first English-language kindergarten in the
16 United States in the 1860s.⁵¹ Progressive social reformers like John Dewey saw
17 playspaces for children as educational.⁵² Interestingly, San Francisco claims the
18 first playground in the nation as early as 1888, Sharon’s Quarter.

19 71. Progressive reformers formed the Playground Association of America
20 (PAA) in 1906 and it was under their guidance that playgrounds established a moral
21 code of child development with directed child-centered activities.⁵³ Officers

22 ⁵¹ Robert D. Putnam, *Bowling Alone: The Collapse and Revival of the*
23 *American Community* (New York, NY: Simon & Schuster, October 2020), 395.

24 ⁵² Putnam, *Bowling Alon*, New York, NY: Simon & Schuster, (October
25 2020), 393; Walter de Burley Wood, *The Playground Movement in America and its*
26 *Relation to Public Education* (Board of Education. London, England: His Majesty
Stationary Office, 1913).

27 ⁵³ Kim Hart, “The History of Playgrounds and the First Playgrounds,” AAA
28 State of Play, aaastateofplay.com, (2021); Playground Association of

1 included well-known Progressives like Honorary President Theodore Roosevelt,
2 Honorary Vice President famed muckraker journalist Jacob Riis (author of *How the*
3 *Other Half Lives*, published in 1890), Horace McFarland of the City Beautiful
4 movement, and Jane Addams, founder of the well-known Hull House in Chicago, a
5 Settlement House which supported immigrants' assimilation into American life.
6 Representatives from San Francisco, Los Angeles, and San Diego attended the first
7 convention of the PAA.⁵⁴

8 72. Reformers hoped to mediate the crowded, unsanitary, and unsafe
9 living conditions of urban cities, and the working-class demand for play spaces.
10 The great influx of immigration from the 1880s through the 1910s overwhelmed
11 city tenements with immigrant families. Populations outpaced housing and space.
12 Urban children played in the streets. In some places, playing in the street became so
13 dangerous that it became illegal. Furthermore, prior to child labor laws in the
14 1930s, many older urban children were simply not available for daytime play.

15 73. Formally designated American playgrounds began with places like
16 Jane Addams' Hull House in Chicago and other major cities at the turn of the
17 twentieth century. Such settlement houses, located near tenements and poor
18 immigrant worker neighborhoods, began to host fenced-in playgrounds as a way to
19 support immigrant families, but also a vehicle for assimilating children in spaces
20 distanced from their parents and neighborhoods.⁵⁵ Early on, such places were

21 _____
22 America, Playground and Recreation Association of America. *The Playground*
23 (New York, NY: Executive Committee of the Playground Association of America,
24 April, 1923).

24 ⁵⁴ Kaitlin O'Shea, "How We Came to Play: The History of Playgrounds,"
25 <https://savingplaces.org/stories/how-we-came-to-play-the-history-of-playgrounds/>;
26 Playground Association of America, *The Playground* ((New York, NY: Executive
27 Committee of the Playground Association of America, April 1907-1909).

27 ⁵⁵ O'Shea; Playground Association of America, *The Playground* (1907-
28 1909).

1 highly regulated, with separate areas for boys and girls and trained playground
2 workers to organize play and provide instruction on acceptable behavior when
3 needed.⁵⁶

4 74. Efforts to assimilate immigrant families also influenced the
5 proliferation of local public libraries. Benjamin Franklin did start the nation's first,
6 again in Philadelphia, "Library Company," but it operated by member subscription.
7 After he donated it to a town in Franklin, Massachusetts, the town voted in 1790 to
8 offer them for free and it served as a model for towns and cities. Boston Public
9 Library did not open until 1848, coinciding with the arrival of German and Irish
10 immigrants. During and after World War I, both museums and libraries served as
11 Americanization vehicles for immigrants, the latter growing especially popular with
12 the passage of the 1917 Immigration Act that required literacy to gain citizenship.

13 75. Spectator events became more popular in the mid-nineteenth century.
14 Foster Rhea Dulles argued that as villages broke up, informal games and activities
15 declined. Event sites included theaters and race tracks, but games like baseball also
16 evolved from children's play and gained popularity. Other sports skewed toward
17 amateur athletic clubs, especially for the middle and upper class, with croquet,
18 skating, archery, and rowing. Intercollegiate sports also grew in popularity in the
19 1860s and 1870s.⁵⁷

20 76. Formal baseball teams formed in about 1842 when business and
21 professional men organized teams and games in Hoboken, New Jersey. The Boston
22 Common hosted games in the 1850s, and the game began to attract spectators
23 across the country until the Civil War interrupted momentum. Basketball did not
24

25 ⁵⁶ Henry Curtis, *Education Through Play*, New York, NY: The MacMillan
26 Company. (1915), 63-65; Robert D. Putnam, *Bowling Alone: The Collapse and
27 Revival of the American Community*, New York, NY: Simon & Schuster, (October
28 2020), 393-394.

⁵⁷ See Dulles, *A History of Recreation*.

1 begin as a game until the 1890s. Rhea Dulles argued that limited leisure time
2 restrained the numbers of spectators that such games might attract, although there
3 were certainly exceptions.⁵⁸

4 77. When union activity of the late nineteenth century saw wages rise and
5 limits to work hours, and with the introduction of affordable transportation in the
6 form of the streetcar, urban centers saw significant participation in commercialized
7 leisure, and what one would now understand as mass culture, that could unite an
8 ethnically diverse population.⁵⁹ Historian Roy Rosenzweig characterized those who
9 saw commercial profits in offering what historians like Kathy Paiss have coined as
10 “cheap amusements” as “recreational entrepreneurs;” referring to those who created
11 large theaters and amusement parks, spaces specifically designed to cater to
12 communities and large crowds.⁶⁰

13 78. The prosperity of the 1920s included the availability of credit, which
14 meant more disposable income and leisure time for the working class, and this is
15 the time when states begin to focus on acquiring parklands for recreational activity
16 as well.

17 **Conclusion**

18 79. It is my opinion, as a professional historian, that the park idea was part
19 of a concerted movement for a far more defined, and different, notion about public
20 use and behavior than the greens and commons in Colonial America. Rather, the
21 park movement is far more a reflection of the Civil War and Reconstruction era that

22 ⁵⁸ Dulles, *A History of Recreation*, 182-200.

23 ⁵⁹ Rosenzweig, *Eight Hours for What We Will*, 171-221; John Kasson,
24 *Amusing the Million: Coney Island at the Turn of the Century* (New York: Hill and
25 Wang, 1978); Kathy Peiss, *Cheap Amusements: Working Women and Leisure in
26 Turn-of-the-Century New York* (Philadelphia, PA: Temple University Press, 1986).

27 ⁶⁰ Rosenzweig and see Kathy Peiss, *Cheap Amusements: Working Women
28 and Leisure in Turn-of-the-Century New York* (Philadelphia: Temple University
Press, 1985).

1 shook and shifted political, economic, and regional identities. The post-war period
2 saw rapid changes in American life from industrialization, urbanization, and
3 immigration. The words and work of America’s most influential park designer and
4 steward, Frederick Law Olmsted, articulated and defined the park movement he
5 began and influenced at the local, state, and national levels, prescribing certain uses
6 and behaviors for those shared spaces. Formal and designated parks served as
7 places of physical and deeply spiritual escape from the harshness of urban and
8 industrial life into nature. Olmsted conceived and designed parks as places of
9 preservation as well as physical recreation and mental refuge, not conservation. It
10 would therefore be consistent to restrict firearms as well as hunting in such places.
11 Carrying firearms was very much inconsistent with the lofty and transcendentalist
12 views of Progressive era conservationists and preservationists when they
13 established public parks for collective “public enjoyment.”

14 80. Similarly, as responses to and products of the industrial era, cultural
15 sites of public gathering today have little similarity to places in colonial America.
16 In colonial and early America, sites of leisure, recreation and entertainment stayed
17 in and/or close to home and community. After Reconstruction, museums, fairs,
18 parks, and spectator sports evolved in form and purpose out of political and
19 business leaders’ need and desire to control behavior and provide a diverse, restive,
20 and growing labor class population with entertainment, leisure, and recreation at a
21 time when an industrial economy and urban space now rigidly defined the
22 workplace.

23 81. This Declaration is based on my knowledge as a trained Historian of
24 the American West, and as a Public Historian who has worked in federal land use
25 agencies such as the National Park Service and the Bureau of Reclamation, and
26 taught about American culture and its cultural institutions. It addresses the context
27 and form in which several types of cultural spaces began in the United States. When
28 initially conducting any original archival research on this topic, it was specific to

1 Connecticut. Furthermore, I was not looking specifically for references to firearms
2 and hunting, nor to California. My initial questions focused upon debates about the
3 purpose and use of parks, searching for definitions delineating parks from forests.
4 For this declaration, I have included background knowledge regarding California
5 and enlisted cursory research available online, as well as some recent scholarship.
6 There may some more explicit discussion of prohibition or regulation in undigitized
7 archives, like the Yosemite and State Park Commission reports, papers, and
8 correspondence in the California State Archives, land deeds that may include
9 provisions beyond maintenance, or patrolling reports, that could imply something
10 more specific about the regulations. There are also likely additional resources,
11 including correspondence that could provide evidence of intent for these public land
12 reservations in California, or further insight into the values and definitions around
13 recreation, including additional evidence regarding public attitudes towards
14 firearms in these spaces, but I had neither the time nor access to locate and evaluate
15 those sources.

16
17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct

19 Executed on October 31, 2023, at New Britain, Connecticut.

20
21 

22 _____
23 Leah S. Glaser
24
25
26
27
28

Exhibit 1

Leah S. Glaser, PhD

Department of History, Central Connecticut State University
1615 Stanley Street, PO Box 4010
New Britain, CT 06050-4010
860-832-2825, glaserles@ccsu.edu

EDUCATION

Arizona State University, Tempe, AZ May 2002

Doctor of Philosophy in American History

Fields: Public History, U.S. History from 1865, American West

Dissertation: "Rural Electrification to Multiethnic Arizona: A Study in Power, Urbanization, and Change."

Advisors: Jannelle Warren-Findley, Peter Iverson, Robert Trennert, Vicki Ruiz

Master of Arts in Public History: Historic Preservation emphasis.

December 1996

Thesis: "The Story of Guadalupe, Arizona: The Survival and Preservation of a Yaqui Indian Community."

Tufts University, Medford, MA

Bachelor of Arts in History and Art History.

May 1992

Syracuse University, Florence, Italy

Fall 1990

TEACHING

Central Connecticut State University, New Britain, CT

Coordinator, Public History Program

Spring 2014- *present*

Professor of History

Fall 2017-*present*

Associate Professor of History (tenured)

Fall 2011-Spring 2017

Acting Coordinator, Public History Program

Fall 2009- Spring 2010

Assistant Professor of History

Fall 2006

HIST 511: Historic Resource Preservation and Planning (Graduate)

HIST 510: Seminar in Public History (Graduate)

HIST 502: Historiography: American West (Graduate /team-taught)

HIST 405/505/LTN 470: Local History and Community Development (Undergraduate/ Graduate)

HIST 492: Public History Intern Experience (Undergraduate)

HIST 302: Introduction to Public History (Undergraduate)

HIST/LTN 316: History of the American West to 1890 (Undergraduate)

HIST/LTN 317: History of the American West from 1890 (Undergraduate)

HIST 305: Connecticut and the Nation (Undergraduate online)

HIST 301: The Historical Imagination: Immigration/ Mexican Immigration and Labor/

American West/ Borderlands/ Japanese Internment/The 60s (Undergraduate)

HIST 162: History of American Life II (Undergraduate /classroom and online)

HIST 100: US Environmental History

Supervise internships for MA in Public History (2-4 annually)

Supervise capstone projects for MA in Public History (40 to completion)

Supervise theses for MA in History (2 to completion)

Class Projects:

"Rooted in History:" Connecticut Tree Stories, Grating the Nutmeg, podcast, HIST 405/505, Spring 2021.

"Pandemic in Perspective," Online Exhibit, CCSU Burritt Library, HIST 302, Fall 2020.

Women's Suffrage Transcription Project, Connecticut State Archives, HIST 302, Fall 2019.

Latino History Harvest, HIST 405/505, Spring 2017-2018.

Iwo Jima Biography Project, HIST 302, Fall 2014-2018.

Glaser 2
“Historic Structure Reports,” Coltsville National Historic Park, Hartford, CT, HIST 511, Fall 2016 and Spring 2017.
New Britain Industrial Museum Visitors’ Survey, HIST 302, Fall 2016.
“Triumph Through Adversity: The Borinqueneers,” Exhibit, New Britain Visitors’ Center Gallery, New Britain, CT, HIST 302, Fall 2015.
“Voices from Vietnam,” Veterans History Project, CCSU, HIST 302, Fall 2014.
“The History of Homelessness in New Britain,” HIST 405/505, Spring 2012.

Quinnipiac University, Hamden, CT
Adjunct Assistant Professor of History Fall 2003- Spring 2006
Introduction to Public History
The Gilded Age and Progressive Era
The West in American History to 1900
United States History (to 1877 and from 1877)

Arizona State University, Tempe, AZ
Faculty Associate Fall 1999-Fall 2001
American Cultural History from 1865 to Present
United States History Survey (to 1877 and from 1865)

Maricopa County Community Colleges, Maricopa County, AZ
Adjunct Faculty Fall 1998-Spring 2002
Chandler-Gilbert Community College, Chandler, AZ
United States History Survey (to 1877 and from 1865)
South Mountain Community College, Phoenix, AZ
Yaqui Indian History and Culture (designed, developed and co-taught)

Arizona State University, Tempe, AZ
Research Graduate Assistant, Center for Indian Education Fall 1995-Fall 2001
Teaching and Research Graduate Assistant, History Department Fall 1994-Fall 1996; 1998

PUBLICATIONS

Books

w/ Philip Levy, eds. *Branching Out: The Public History of Trees*. Amherst, MA: University of Massachusetts Press (Public History in Historical Perspective series), *under contract*.
Interpreting Energy at Museums and Historic Sites. Lanham, MD: American Association of State and Local History (AASLH)/ Rowman and Littlefield (*Interpreting History series*), 2023.
Electrifying the Rural American West: Stories of Power, People, and Place. Lincoln, NE: University of Nebraska Press, 2009.
Favorably reviewed in 13 prominent and prestigious academic journals including the *American Historical Review*, *Journal of American History*, *Western Historical Quarterly*, the *Pacific Historical Review*, and the *Montana Magazine of Western History*.
The History, Values, and Visions of Carollo Engineers. Walnut Creek, CA: Carollo Engineers, 2003.
Linenberger, Toni Rae and Leah S. Glaser, *Dams, Dynamos, and Development: The Bureau of Reclamation’s Power Program and Electrification of the West*. Washington, DC: US Government Printing Office, 2002.

Book Chapter

“When a Tree Falls...: Listening to and Managing Connecticut’s Historic Landscape,” in *Branching Out: The Public History of Trees*. University of Massachusetts Press (Public History in Historical Perspective series), *under contract*.
“‘An Absolute Paragon of Paradoxes:’ Native American Power and the Electrification of Arizona’s Reservations,” in Sherry L. Smith and Brian Frehner, eds. *Indians and Energy: Exploitation and Opportunity in the American Southwest*. Santa Fe, NM: School of Advanced Research Press, 2010.

Glaser

3

Edited Journal

Guest Editor (theme issue), "Public History and Environmental Sustainability," *The Public Historian* 36:3 (August 2014).

Articles in Academic Journals

"Hidden Gems: Hopewell Furnace National Historic Site," *Pennsylvania Magazine of History and Biography*, Special Issue on Energy (October 2015), 353-355.

w/ Nicholas Thomas, "Sam Colt's Arizona: Investing in the West," *Journal of Arizona History* 56:1 (Spring 2015), 29-52.

"Identifying and Defining Issues of Environmental Sustainability in Public History" *The Public Historian* 36:3 (August 2014), 10-16.

"Let's Sustain This!" *The Public Historian* 36:3 (August 2014), 130-144.

"Beyond the Boom/Bust Cycle: Locating Enduring Stories in the Cultural Resources of the West," in *Field Notes, Western Historical Quarterly* 41 (Summer 2010): 218-226.

"Nice Towers, eh? Evaluating a Transmission Line in Arizona," *CRM: Cultural Resource Management* 20:14, U.S. Department of the Interior, National Park Service (1997): 23-24.

"Working for Community: The Yaqui Indians at the Salt River Project," *Journal of Arizona History* 37: 4 (Winter 1996): 337-356.

Articles in Popular Magazines, Newspapers

"Trees as Memorials and Witnesses to History," *Connecticut Explored* (Spring 2021): 14-19.

"Readers Respond to Removal of Christopher Columbus Statues," *Hartford Courant* (June 26, 2020).

"Historic Preservation Checks a Lot of Boxes," *Connecticut Preservation News* (January/February 2019): 4-5.

"Taking Away Conservation Funds Hurts the State," editorial, *Hartford Courant* (June 20, 2017).

Guest Editor (theme issue), "Connecticut in the West," *Connecticut Explored* (Winter 2017).

- "Sam Colt Mines the Arizona Territory," *Connecticut Explored* (Winter 2017).
- "Western Ideas for Eastern Lands," *Connecticut Explored* (Winter 2017).

Reports (peer-reviewed)

w/ Elizabeth Correia. National Register of Historic Places, "Congregation Mishkan Israel," Hamden, New Haven County, Connecticut, *approved by Connecticut State Historic Preservation Review Board, March 2021.*

National Register of Historic Places, "New Haven Armory," New Haven, New Haven County, Connecticut, *approved by Connecticut State Historic Preservation Review Board, December 4, 2020.*

Glaser, Leah S. *et.al.* National Register of Historic Places, "Downtown New Britain," New Britain, Hartford County, Connecticut, National Register #93000771. Reviewed/approved by Connecticut State Preservation Board, December 7, 2015. Submitted to National Park Service February 2016. Listed May 3, 2016.

Glaser, Leah S. (chair) with Maren Bzdek, Priya Chhaya, Rebecca Conard, David Glassberg, William Ippen, Melinda Jetté, and Angela Sirna (National Council on Public History Task Force on Environmental Sustainability), "Public History and Environmental Sustainability: A Role for the National Council on Public History," White Paper, submitted to the NCPH Board in September, 2014.

Connecticut State Register of Historic Places, "1631 Chapel Street," New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut Historic Preservation Council, 2006.

Connecticut State Register of Historic Places, "Short Beach Union Chapel," New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut Historic Preservation Council, 2006.

National Register of Historic Places, "Ball's Oyster Dock," Branford, New Haven County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2006.

National Register of Historic Places, "Perry Avenue Bridge," Norwalk, Fairfield County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2006.

National Register of Historic Places, "Westville Village Historic District (Boundary Increase)," Reviewed/approved by Connecticut State Preservation Board, 2005.

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National Register of Historic Places, "Knickerbocker Golf Club," New Haven, New Haven County, Connecticut, Reviewed/approved by Connecticut State Preservation Board, 2005.

"An Industrial Place in a Rural Space: The Administrative History of Hopewell Furnace National Historic Site," Philadelphia, PA: Northeast Regional Office/ National Park Service/ Bloomington, IN: Organization of American Historians, August 2005.

"The Navajo Indian Irrigation Project," Bureau of Reclamation History Program, Denver, CO, 1998.

"The San Juan-Chama Project," Bureau of Reclamation History Program, Denver, CO, 1998.

"The EMA Transmission Line," No. AZ-6- B. Historic American Engineering Record (HAER), National Park Service, Western Region, 1996.

Encyclopedia Entries

"Dynamic Tensions: Conservation and Development in Connecticut to 1920s," *ConnecticutHistory.org*. Connecticut Humanities Council, September 2012.

"A Public Responsibility: Conservation and Development in Connecticut in the Twentieth Century," *ConnecticutHistory.org*. Connecticut Humanities Council, September 2012.

"Hopewell Furnace National Historic Site," *United States Geography Database*. ABC-CLIO, Santa Barbara, CA. (posted August 2011).

Blog and Newsletter Publications

"Guidelines for Historic Tree Preservation," *History@Work* in "Public Historians in our Climate Emergency" series. www.ncph.org (October 5, 2021).

"From the Desk of Leah Glaser: Hey Texas! Read my Electricity Book," UNP Guest Blog, University of Nebraska Press, March 1, 2021.

Michelle McClellan, Carolyn Barske Crawford, and Leah Glaser, "Repairing National Register Nominations: Educational Institutions and The National Register Process," *History@Work*, The NCPH Blog, www.ncph.org, July 28, 2020.

"Public History and Sustainability: An Overview and Invitation," *History@Work*, www.ncph.org, (June 7, 2013).

"A Point Paper from the Public Historians and Sustainability Working Group," *History@Work*, www.ncph.org, (July 20, 2012).

w/ Will Ippen. "Public History and Sustainability," *Public History News* 32:4 (September 2012), 11.

"Public Historians Take on Climate Change," *History@Work* (April 29, 2012).

w/ Janelle Warren-Findley, "Negotiating Histories: Perspectives on Public History," *Perspectives: A Newsletter of the American Historical Association* (May 1999).

Reviews

Book Review of Richard F. Hirsch, *Powering American Farms: The Overlooked Origins of Rural Electrification*. Baltimore, MD: Johns Hopkins University Press, 2022 in *Business History Review* 97:1 (May 2023), 180-183.

Book Review of Debra Reid and David Vail, *Interpreting the Environment at Museums and Historic Sites*. Lanham, MD: AASLH/Rowan and Littlefield, 2019 in *The Public Historian* 43:2, (May 2021), 167-169.

Book Review of Casey P. Cater, *Regenerating Dixie: Electric Energy and the Modern South*. (History of the Urban Environment.) Pittsburgh, Pa.: University of Pittsburgh Press, 2019 in *American Historical Review* 126:1 (March 2021), 352-353.

Book Review of Marisa Elena Duarte, *Network Sovereignty: Building the Internet Across Indian Country*. Seattle, WA: University of Washington Press, 2017 in *Pacific Historical Review* (2018), 43-44.

Exhibit Review of "Rising Tides: Fairfield's Coast: Past to Future," Fairfield Museum and History Center, Fairfield, CT in *The Public Historian* 39:2 (May 2017), 91.

Book Review of James Robert Allison, III, *Sovereignty for Survival: American Energy Development and Indian Self-Determination*. New Haven, CT: Yale University Press, 2015 in *Journal of American History* 103: 3 (December 2016), 841-842.

Glaser 5

Book Review of David B. Danbom, ed. *Bridging the Distance: Common Issues of the Rural West*. Forward by David M. Kennedy. Salt Lake City, UT: University of Utah Press, 2015 in *Western Historical Quarterly* 21 (July 2016), 488-489.

Book Review of Don E. Albrecht, *Rethinking Rural: Global Community and Economic Development in the Small Town West*, Pullman: University of Washington Press, 2014 in *Environment, Space, Place* (Fall 2015).

Book Review of Greg Gordon, *When Money Grew on Trees: A.B. Hammond and the Age of the Timber Baron*. Norman: University of Oklahoma Press, 2014 in *Journal of American History* 101:4 (2015), 1287-1288.

Book Review of Diane Barthel-Bouchier, *Cultural Heritage and the Challenge of Sustainability*. Walnut Creek, CA: New Left Press, 2013 in *H-Environment, H-Net Reviews* (June 2014).

Book Review of Paul Hirt, *The Wired Northwest: The History of Electric Power, 1870s–1970s*. Lawrence, KS: University Press of Kansas, 2012 in *Western Historical Quarterly* 44 (Autumn 2013), 355-356.

Book Review of Mary S. Melcher, *Pregnancy, Motherhood, and Choice in Twentieth Century Arizona*. Tucson, AZ: University of Arizona Press, 2012 in *Journal of Arizona History* 54:3 (Autumn 2013), 349-530.

Book Review of Ronald M. James, *Virginia City: Secrets of a Western Past*. Historical Archaeology of the American West Series. Lincoln: University of Nebraska Press and the Society for Historical Archeology, 2012 in *Western Historical Quarterly* 43:4 (Winter 2012), 526-527.

Exhibit Review of “Making Connecticut,” Connecticut Historical Society Museum in *Connecticut History* 51:1 (Spring 2012), 103-107.

Book Review of Brian Q. Cannon, *Reopening the Frontier: Homesteading in the Modern West*. Lawrence: University Press of Kansas, 2009 in *American Historical Review* 116: 2 (April 2011), 484.

Book Review of Marsha Weisiger, *Dreaming of Sheep in Navajo Country*. Seattle: University of Washington Press, 2010 in *Agricultural History* 85:2 (Spring 2011), 261-2.

Book Review of David Grayson Allen, *The Olmsted National Historic Site and the Growth of Historic Landscape Preservation*. Boston: Northeastern University Press, 2007 in *Connecticut History* 47:1 (Spring 2008), 174-176.

Exhibit Review of “Remembering Our History: The Chinese American Presence in Phoenix,” Phoenix Museum of History in *The Public Historian* 24:3 (Summer 2002), 86-88.

CONFERENCE Participation

Chair, “Telling a Revolving American Story: Museums and Firearms History,” October 13, 2023
 “Current Perspectives on the History of Guns and Society,”
Center for the Study of Guns and Society, Wesleyan University, Middletown, CT

Participant, Working Group: “Five Year Combined BA/MA in Public History,” April 2023
National Council on Public History, “To Be Determined,” Atlanta, GA

Participant, Working Group: “Developing Partnerships and Teaching Cultural Heritage and Heritage Tourism in the University Classroom” April 2023
National Council on Public History, “To Be Determined,” Atlanta, GA

Chair, “Museums and Firearms History,” October 14, 2022
 “Current Perspectives on the History of Guns and Society,”
Center for the Study of Guns and Society, Wesleyan University, Middletown, CT

Organizer and Participant, “Environmental Stewardship and Storytelling through the Humanities,” May 19, 2021
Campuses for Environmental Stewardship 2021 Summit, Maine Campus Compact (virtual).
<http://mainecompact.org/ces-summit-2021/>

Participant, **National Council on Public History**, “The Presence and Persistence of Stories,” March 2021
 Salt Lake City, UT (virtual)

Participant, Working Group: “Public Historians in our Climate Emergency” March 2020
National Council on Public History, “Threads of Change,” Atlanta, GA (virtual)

Co-Chair, *Local Arrangements Committee*, April 2018- March 2019

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<i>Member, Program Committee,</i> National Council on Public History, "Repair Work," Hartford, CT	
<i>Planner/ Coordinator, Public Plenary, "Considering Coltsville: A Revolving Story," Center Church, Hartford</i> National Council on Public History, "Repair Work," Hartford, CT	March 2019
A conversation with community leaders and local gun safety advocates about the future of Coltsville in Hartford, a city facing serious concerns about gun violence. <u>What role will the park play in communities most affected?</u>	
<i>Participant, Structured Conversation: "Trees, Preservations, and Public Historians: Challenges and Opportunities"</i> National Council on Public History, "Repair Work," Hartford, CT	March 2019
<i>Participant, Working Group: "Repairing National Register Nominations,"</i> National Council on Public History, "Repair Work," Hartford, CT	March 2019
<i>Co-Chair, "History on the Fly: Gun Violence, Gun Safety, and Gun Rights,"</i> National Council on Public History, "Power Lines," Las Vegas, NV	April 2018
<i>Co-Chair, Local Arrangements Committee, Planning and Presentation (Awards Breakfast Presentation) for Annual NCPH Conference 2019, "See You in Hartford"</i> National Council on Public History, "Power Lines," Las Vegas, NV	April 2018
<i>Participant, Structured Conversation: "Resources and Best Practices for Public History Education and Training and Environmental Sustainability"</i> National Council on Public History, "Power Lines," Las Vegas, NV	April 2018
<i>Participant, Working Group: "Public History Education and Sustainability,"</i> National Council on Public History, "In the Middle," Indianapolis, IN	April 2017
<i>Paper, "Urban Tree Preservation in this Era of Climate Change,"</i> National Council on Public History, "Challenging the Exclusive Past," Baltimore, MD	March 2016
<i>Invited Panelist, "Old Roots, New Routes,"</i> Connecticut Trust for Historic Preservation, Hartford, CT	October 2015
<i>Panelist, "Sustaining Historic Preservation as a Cultural Practice: A Structured Conversation"</i> National Council on Public History, "On the Edge," Nashville, TN	April 2015
<i>Co-facilitator, "Memorials and Violence and the American West" Discussion,</i> Western Historians in the Northeast Region, Yale University, New Haven, CT	May 2014
<i>Invited Panelist, "Sustaining Public History in a Changing Climate- A State of the Field Roundtable,"</i> New England Historical Association, Springfield College, Springfield, MA	April 2014
<i>Co-Chair, Program Committee</i> National Council on Public History, "Sustainable Public History," Monterey, CA	March 2014
<i>Co-Moderator, Public Plenary, A Conversation with Keynote Speaker Richard Heinberg, "The End of Growth,"</i> National Council on Public History, "Sustainable Public History," Monterey, CA	March 2014
<i>Chair, "Public History and Environmental Sustainability Task Force White Paper: Feedback,"</i> National Council on Public History, "Sustainable Public History," Monterey, CA	March 2014
<i>Discussant, "Beyond Saving: Achieving Sustainability in Historic Preservation" Working Group</i> National Council on Public History, "Sustainable Public History," Monterey, CA	March 2014
<i>Paper, "Choo, Choo (Cough, Cough): Interpreting and Preserving Western Scenic Railroads in the Era of Sustainability,"</i> Western History Association, "Vital Signs," Tucson, AZ	October 2013
<i>Co-Chair, Program Committee, Planning for Annual NCPH Conference 2014.</i> National Council on Public History, Ottawa, ON, Canada	April 2013
<i>Paper, "Western Ideas for Eastern Lands: The Influence of Western Environmental Policies on Connecticut's State Parks and Forests, 1913-1943,"</i> Western History Association, "Boundary Markers and Border Crossings," Denver, CO	October 2012

Glaser	7
<i>Paper</i> , “‘Now, That’s the Smell of History!’ Addressing Environmental Sustainability in Historic Preservation,” Preservation Education: Best Practices , Providence, RI	September 2012
<i>Organizer, Co-facilitator</i> , Working Group: “Public History and Sustainability,” National Council on Public History/ Organization of American Historians , Milwaukee, WI	April 2012
<i>Organizer, Chair, Panelist</i> , “Public History and Sustainability” Roundtable, American Society for Environmental History , Phoenix, AZ	April 2011
<i>Chair</i> , “Many Languages, Cultures, and Wests: Contestation of American Education in the Southwest and the United States.” Western History Association , “Many Wests,” Lake Tahoe, NV	October 2010
<i>Organizer and Chair</i> , “Green Planning: Green Jobs for Liberal Arts Majors,” Global Environmental Sustainability Symposium , “A Green Economy for a Sustainable Future,” Central Connecticut State University, New Britain, CT	April 2010
<i>Organizer, Chair, Panelist</i> , “History in the Balance: Reconciling the Management of Natural and Cultural Resources in the National Parks” Roundtable, National Council on Public History/ American Society for Environmental History , Portland, OR	March 2010
<i>Organizer, Co-facilitator</i> , Working Group: “Recycling Buildings? Reframing Historic Preservation in the Language of Sustainability and the Green Economy,” National Council on Public History/ American Society for Environmental History , Portland, OR	March 2010
<i>Panelist</i> , “The Electric West” Roundtable Western History Association , “The Wired West,” Denver, CO	October 2009
<i>Co-Organizer</i> , “Memory and the American West” Discussion, Western Historians in the New England Region , Amherst, MA	May 2009
<i>Discussant</i> , “So You’re Teaching in a Public History Program,” Working Group National Council for Public History , Providence, RI	April 2009
<i>Organizer</i> , “Recycling Buildings: Historic Preservation and Embodied Energy” Global Environmental Sustainability Symposium: Renewable Energy and Carbon Neutrality , Central Connecticut State University, New Britain, CT	April 2009
<i>Chair</i> , “Learning the Hard Way: A Century of National Park Planning,” American Historical Association , New York, NY	January 2009
<i>Organizer and Chair</i> , Roundtable: “Historic Preservation IS Smart Growth,” Statewide Smart Growth Conference , New Haven, CT	November 2008
<i>Paper</i> , “Power to the Indians: The Production and Use of Electricity on Arizona’s Reservations,” Indians and Energy: Exploitation and Opportunity in the American Southwest Symposium and Conference at the School of American Research, Santa Fe, New Mexico (September 2007) and at Clements Center for Southwestern Studies, Southern Methodist University, Dallas, TX (April 2008), respectively.	September 2007/ April 2008
<i>Panelist</i> , “Environmental History and Changes at Hopewell,” Hopewell Furnace National Historic Site Natural Resources Roundtable , Birdsboro, PA Sponsored by the National Park Service	August 2003
<i>Panelist</i> , “The Founding Legislation and Intent of Hopewell Furnace National Historic Site,” Hopewell Furnace National Historic Site Natural Resources Roundtable , Birdsboro, PA Sponsored by the National Park Service	June 2003
<i>Paper</i> , “Power Through Diversity: Rural Electrification to Arizona’s White Mountains,” Arizona History Convention , Pinetop/Lakeside, AZ	April 2001
<i>Paper</i> , “Native American Power: The Navajo Tribal Utility Authority,” Western History Association , Portland, OR	October 1999
<i>Paper</i> , “Surviving Across the Border: Yaqui Immigration to the United States, 1880-1940,” National Association for Chicano and Chicana Studies , Mexico City, Mexico	June 1998
<i>Paper</i> , “Guadalupe’s Current Problems and Past Issues,” National Council for Public History , Albany, NY	May 1997
<i>Paper</i> , “Working for Community: The Yaqui Indians at the Salt River Project,” Arizona History Convention , Sierra Vista, AZ	April 1996

Glaser

8

HONORS and AWARDS

Excellence in Teaching Honor Roll, Central Connecticut State University, 2008-9, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23.

State of Connecticut Board of Regents for Higher Education, *Connecticut State University System-Wide Norton Mezvinsky Research Award*, 2012.

State of Connecticut Board of Regents for Higher Education, *Central Connecticut State University-Level Norton Mezvinsky Research Award*, 2012.

Best Graduate Student Paper, “Working for Community: The Yaqui Indians at the Salt River Project,” Arizona Historical Convention, 1996.

GRANTS

“Finding your Place: Teaching the History of People of Color in Connecticut through Place-Based Learning,” *Spotlight on Humanities in Higher Education, Grant, National Endowment for the Humanities*, 2023-24. \$60,000.

Consultant, Institute of Museums and Library Services w/ Connecticut Historical Society, Hartford, CT, “Community Historian Project,” 2021. < \$200K

Participant/ Consultant, National Park Service Battlefield Preservation Interpretation Grant, “Forgotten Voices of the Revolutionary War,” w/ CRIS Radio, Windsor, CT. October 2021-May 2023.

Sabbatical Leave, “Love and War: Climate and Trees,” Spring 2020.

Campuses for Environmental Stewardship Grant, (awarded with Dr. Charles Button, *et. al.*). 2019. \$7000

National Endowment for the Humanities/ American Library Association Grant, Host on-campus screenings of PBS’ *Latino Americans* (awarded with Heather Rodriguez (Sociology) for Latino Studies). Recruited and booked up guest speakers. Involved students through class projects (see load credit), 2015-16. \$10,000

Sabbatical Leave, “Public History and Sustainability,” Spring 2013.

Faculty Development Grant, “The National Council on Public History 2014 Conference: Making CCSU a Leader in Public History Education, 2013-14 (awarded with Professor Heather Prescott). \$1350

Faculty Development Grant, “Public History and Sustainability,” 2010-2011. \$900

CCSU Community Engagement Grant, “Local History and Community Development: Homelessness and Affordable Housing in New Britain,” 2011-2012. \$1000

CCSU Community Engagement Grant, “Sustainability Education Programs for the CCSU Community and Beyond,” 2010-2011. \$1000

Dean’s Research Initiative Grant, College of Arts and Sciences, Central Connecticut State University, 2008. \$900.

Associated Students of Arizona State University (ASASU) Graduate Research Grant, 2000.

Charles Redd Center for Western Studies Upper Division and Graduate Student Summer Research Award, 2000.

Max Millett Family Fund Summer Research Award, 2000.

OTHER PROFESSIONAL WORK EXPERIENCE

National Park Service March 2023-present
Project Historian

Conduct Historic Resource Study for Coltsville National Historical Park

Attorney General’s Offices, Several States March 2023-present
Historical Expert/ Consultant
Provided historical declarations primarily about state park history for pending cases on the prohibition of firearms.

Connecticut Department of Energy and Environmental Protection October 2021-October 2022
Historical Consultant

Drafted text for an interpretative panel with Dr. Stephen Amerman and Ms. Rachel Sayet, MA (Mohegan) on Native use and connections for Sleeping Giant State Park, in Hamden.

Arcadis, Inc. August 2019-March 2021
Historical Consultant

Glaser

9

National Register nomination for Goffe Street Armory and text for an interpretative panel for 71 Shelton Street, both in the City of New Haven.

Department of Public Works, New Britain, CT

January 2014-*present*

Writer, Contributor, and Content Development for Downtown Way-finding and Historic Signage project

New Britain Historic District Commission, New Britain, CT

January 2014-December 2015

Historical Consultant

Worked with Commission and State Historic Preservation Office to revise a draft, develop, further research, document, write, and submit the New Britain Downtown Historic District for listing on the National Register of Historic Places.

Morgan, Angel, and Associates, Washington, DC

2004-2012 (*intermittent*)

Historical Consultant

Wild and Scenic River, Lower Farmington River and

Fall 2009

Salmon Brook Study Committee, National Park Service, Simsbury, CT

Lead Consultant of Cultural Landscape Study. Senior researcher for reviewing and documenting the cultural landscape of the lower Farmington River and Salmon Brook for proposal to Congress to designate the river as a National Wild and Scenic River. Worked with Public History MA students (one former and one current as my co-consultants).

New Haven Preservation Trust, New Haven, CT

October 2004-September 2007

Historical Consultant, Secretary/ Recorder for New Haven Historic District Commission, and Volunteer

Greater New Haven Holocaust Memory, Inc. New Haven, CT

October 2005-May 2007

Curriculum Committee

Consulted on the development of grade school curriculum to examine the role and function of memorials and memory.

Virginia Center for Digital History, University of Virginia, Charlottesville, VA

April-August 2004

Contract Historian

Identified online primary documents for and wrote bibliographic summaries on several topics in American History corresponding to Virginia Standards of Learning. Teachers in Virginia use these essays to help guide development of eleventh grade curriculum.

National Park Service/ Organization of American Historians, Philadelphia, PA

July 2002-June 2004

Contract Historian

Researched and wrote administrative history of Hopewell Furnace National Historic Site in Pennsylvania to inform park's general management plan regarding the management and preservation of the park's resources.

Carollo Engineers, Walnut Creek, CA

March 2002-December 2003

Contract Historian

Researched, documented, and wrote published corporate history of a sanitary engineering company. Also authored script for company training video.

City of Tucson, Tucson, AZ

December 1999-July 2000

Litigation Consultant

Provided historical research support for law firm representing Tucson in unresolved court case regarding telephone utilities and property issues. Provided information for opposing council in formal deposition.

National Park Service, Anchorage, AK

June 1-August 11, 1999

Cultural Landscape Historian, GS-170-7/9

Compiled data, explored sites, assessed historical and cultural significance, and developed inventories, maps, and histories for cultural landscapes (CLIs) in accordance with federal preservation regulations for Alaska parks.

United States Bureau of Reclamation, Lands, Recreation, and Cultural Resources Office, Lakewood, CO

May 28-September 30, 1998

Historian, GS-170-5/7

Co-authored 100+ page draft describing the development of Reclamation's hydroelectric power program (see publications). Conducted primary research and drafted historical studies of historic Reclamation projects.

Salt River Project Archives, Phoenix, AZ

June 1995-November 1996

Research Historian

Conducted historical research and analysis for water and power corporation.

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**CONFERENCES/WORKSHOPS/ PROFESSIONAL DEVELOPMENT,
TRAINING and SKILLS**

“Connecticut’s Sites of Conscience,” **CT Humanities/State Historic Preservation Office** August 8, 2022
Mashantucket Pequot Museum, Mashantucket/Ledyard, CT

“The Presence and Persistence of Stories,” **National Council on Public History**, March 2021
Salt Lake City, UT (virtual)

Certified Interpretative Guide Training, **National Association for Interpretation**, January 6-9, 2021
Fort Collin, CO (virtual).

Past Forward Online, a conference of the **National Trust for Historic Preservation** (virtual) October 27-30, 2020

“Migrations, Meeting Grounds, and Memory,” **Western History Association** (virtual) October 12-17, 2020

“Dismantle Preservation Unconference.” (virtual) July 28, 2020

“Coltsville in Context: Presentation and Public Discussion Scholars” March 26, 2019
Roundtable for Coltsville National Historic Park, Church of the Good Shepherd, Hartford, CT

“Preservation in a Changing Environment,” **Connecticut State Historic Preservation Office**, Storrs, CT May 18, 2017

“Olmsted Parks in Transition,” **Connecticut Chapter of the American Society of Landscape Architects**, Hartford, CT April 28, 2017

The Future of the Past in Connecticut: The National Historic Preservation Act at 50,” October 29, 2016
New Haven Preservation Trust/ CT Trust for Historic Preservation/ State Historic Preservation Office,
New Haven, CT

“Preserving Diverse Communities: Making Historic Tax Credits Work,” October 7, 2016
Connecticut Preservation Action Symposium, Mashantucket, CT

“Keeping History Above Water: A Conference on Sea-level Rise and Historic Preservation,”
Newport Restoration Foundation, et. al., Newport, RI April 11, 2016

“Connecticut Preservation Now! Challenges and Opportunities in Funding” November 2015
Connecticut Preservation Action Symposium, Bridgeport, CT

Connecticut Main Street Center, 2015 Awards Gala, New Britain, CT June 8, 2015

“Precision Valley Symposium,” **Springfield Armory National Historic Site** May 2015
and **Springfield Technical Community College**, Springfield, MA

“Where There’s a Mill, There’s a Way! Effective Strategies for Restoring, Repurposing, and Redeveloping Connecticut’s Historic Mills and Factories.” May 2015
Torrington Historic Preservation Trust, Warner Theater, Torrington, CT

Advocacy Day for History, Preservation, and the Humanities. April 2015
Connecticut League of History Organizations

“New Money for Old Places: Revenue Sources for Gap Funding: A Seminar for Developers, January 2012
Contractors, Architects, and Historic Preservationists,” **Connecticut Preservation Action** Symposium,
Bloomfield, CT

“New Money for Old Places: Historic Preservation Incentives for the Economy,” September 2010
Connecticut Preservation Action Symposium, Hartford, CT

Short Course on *Historic Preservation: Sustainability*,
“Green Building: Tools and Strategies for Sustainable Reuse” June 2008
Cornell University Historic Preservation Planning Program, Cornell AAP Center, New York, NY

New Faculty Meetings with Provost: College Teaching Fall 2006
Central Connecticut State University, New Britain, CT

Summer Technology Institute
Chandler Gilbert Community College, Chandler, AZ June 2000, May 2001
Training in technology for teaching and curriculum development.

Teaching Tools Workshop Fall 1999
Arizona State University, Tempe, AZ

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<i>Automating Processing Practices and Finding Aids</i>	February 1996
Society of American Archivists	
<i>Identification and Management of Traditional Cultural Places</i>	Spring 1997
National Preservation Institute	
<i>Oral History Workshop</i>	Fall 1996
Southwest Oral History Association	

PROFESSIONAL ACTIVITY

Professional Affiliations, past and present

National Council on Public History; Western History Association, Western Historians in the Northeast Region; American Society of Environmental History, American Association of State and Local History

SERVICE to the Community

<i>Council Member, Connecticut Historic Preservation Council</i> , Hartford, CT State appointment by the Governor.	June 2016- <i>present</i>
<i>Advisory Board Member, Center for the Study of Guns and Society,</i> Wesleyan University , Middletown, CT	October 2022- <i>present</i>
<i>Speaker, "Branching Out: Preserving Tree History in the Era of Climate Change,"</i> Fairfield Museum and History Center , Fairfield, CT.	May 10, 2023
<i>Invited Speaker, "The Goffe Street Armory: Putting History in Historic Preservation,"</i> <u>John Herzan Lecture Series, New Haven Preservation Trust</u> , New Haven, CT.	February 21, 2021
<i>Invited Speaker, "Talking About Preservation: Future Preservationists,"</i> Preservation Connecticut	September 18, 2020
<i>Invited Speaker, "Colleague Circle: Digital Internships,"</i> CT League of History Organizations	June 19, 2020
<i>Member, Spring Forward (A Task Force for Housing Equity)</i> in Hamden, CT	September 3, 2020- <i>present</i>
<i>Member, Desegregate Connecticut</i>	July 2020- <i>present</i>
<i>Guest, "Through Local History: A Stronger Sense of Place,"</i> <i>Where We Live</i> w/ Lucy Nalpathanchil, WNPR , Hartford, CT	February 13, 2018
<i>"Two Jima Biography Project</i> at CCSU,"	November 7, 2015; May 27, 2017
<i>Interview on WTIC News- Talk 1080</i> with Steve Parker, CBS Connecticut.	
<i>"Tour of Walnut Hill Park,"</i> New Britain, CT for "Olmsted Parks in Transition," Connecticut Chapter of the American Society of Landscape Architects	April 29, 2017
<i>Panelist, "Salon at Stowe,"</i> Harriet Beecher Stowe Center , Hartford, CT	April 2017
<i>Invited Speaker, "Sam Colt Mines the West,"</i> <i>Grating the Nutmeg! Connecticut Explored</i>	February 28, 2017
<i>Board Member, Whitneyville Cultural Commons</i> , Hamden, CT Helped oversee the creation of this non-profit, non-denominational community center located in a historic church and parish that serves to develop, preserve, and maintain the aesthetic, spiritual, and social center of the neighborhood, while envisioning a future where every community has valuable resources preserved for perpetual public use, with just and equitable access to enhance the quality of life for all.	January 2016- <i>present</i>
<i>President, Connecticut Preservation Action</i> , Hamden, CT	June 2015- <i>July 2018</i>
<i>"Taking Away Conservation Funds Hurts the State,"</i> <i>Hartford Courant</i>	July 20, 2017
<i>"Testimony Regarding SB90: An Act Regarding Responsible Development,"</i> Committee of Planning and Redevelopment , Connecticut Legislature, Hartford, CT	February 19, 2016
<i>Host, "Preserving Diverse Communities: Making Historic Tax Credits Work,"</i> Connecticut Preservation Action Symposium, Mashantucket, CT	October 7, 2016
<i>"Connecticut Preservation Now! Challenges and Opportunities in Funding"</i> Connecticut Preservation Action Symposium, Bridgeport, CT	November 2015
<i>Board Member, Connecticut Preservation Action</i> , Hartford, CT Work with Connecticut state legislature to preserve funding for historic preservation in Connecticut. Set monthly meeting agendas, testify to legislature. Plan symposia.	February 2010- June 2015, July 2018- <i>present</i>

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“Testimony Regarding Elimination of the Community Investment Act,” Finance, Revenue and Bonding Committee , Connecticut Legislature, Hartford, CT	March 9, 2015
<i>Board of Directors, Jewish Historical Society of New Haven</i> , New Haven, CT Archives Committee	2016-present
<i>Board of Trustees, Jewish Historical Society of New Haven</i> , New Haven, CT	2014-2016
<i>Invited Panelist</i> , “Surviving Academic Motherhood,” Southern Connecticut State University , New Haven, CT	April 15, 2016
“Testimony Regarding HB 5150: An Act Concerning Tree Wardens’ Notices on Trees and Shrubs Prior to Removal, Tree Removal along State Highways and Clean-up by Public Utility Corporations following Certain Tree Removal,” Environment Committee , Connecticut Legislature, Hartford, CT	February 19, 2016
<i>Invited Participant</i> , “Imagining the Future of Parks,” <i>Next Parks</i> , Coltsville Workshops, National Park Service and Van Allen Institute , Hartford, CT	December 7, 2015 November 16, 2015
The two workshops brought together key stakeholders- NPS staff, historians, local residents, designers, government officials, social programs- to brainstorm and develop ideas for innovative visitor experiences, partnerships, and stories to guide future planning and programming of the new Coltsville National Historic Park. Invited to give part of tour on “Coltsville National Historic Park and Sustainability.”	
<i>Grant Advisory Committee</i> , “Come Home to Downtown,” Connecticut Main Street Program , New Britain, CT	February 2014-Summer 2015
<i>Advisor/ Consultant</i> , <u>Way-Finding and Historic Signage Project</u> Department of Public Works , City of New Britain, CT	January 2014-present
<i>Invited Speaker</i> , “The Downtown New Britain National Register Historic District: A Proposal” <i>Trinity-on-Main</i> , New Britain Historic Preservation Commission , New Britain, CT	October 2014
<i>Invited Keynote Speaker</i> , “The History and Architecture of the Knickerbocker Golf Clubhouse,” <u><i>Knickerbocker Golf Club 70th Anniversary Gala</i></u> , Knickerbocker Golf Club , New Haven, CT	September 2014
<i>Workshop Leader</i> , “Western Expansion,” American Voices, Teaching American History , Central Connecticut State University, New Britain, CT	January 2011
<i>Panelist</i> , “Making Use of Old Buildings,” <i>Where We Live</i> with John Dankowsky, WNPR , Hartford, CT	September 16, 2010
<i>Lecture</i> , “The Role of Art in Western History,” New Britain Museum of American Art , New Britain, CT	November 2, 2009
<i>Lecture and Workshop</i> , “Energy and the Development of Natural Resources in the West” “Technology and the West” Teaching American History Grant, Capitol Region Education Council (CERC), Hartford, CT	July 24, 2009 April 30, 2009
“Researching Your Historic House,” Fair Haven Homeowner’s Association , Fair Haven Public Library, New Haven, CT	April 5, 2008
“Water Rights in the City of Tempe: Past and Present.” Moving Waters: The Colorado River and the West , Lecture Series, Tempe Public Library, Tempe, AZ	April 2002

Exhibit 2

REPORT OF YOSEMITE VALLEY COMMISSIONERS.

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insist upon going on the trails with their road horses, animals entirely unfit for such service. They take the trails without guides and without regard to the perils of passing parties that may be met mounted on the regular trail animals, and without thought of the consequences fatal to themselves and others that may result from their own lack of judgment and the inexperience of their animals. During the last season the committee has to report two accidents on the Glacier Point trail from these causes. In one, a road horse, ridden by a lady, went over the cliff, carrying with it the rider, who, fortunately, was caught by a tree top and saved from death. In the other, a horse unaccustomed to packing, but used to carrying a camper's lunch up the same trail, went over and was never seen nor heard of afterward. Your committee need not dwell upon the melancholy consequences, if at the occurrence of either accident, when the bodies of the animals went rolling and bouncing down the cliff, loosening stones and dirt, there had been a mounted party below, with the resulting scare and stampede which such a sight would cause even amongst the regular trail animals. Other visitors, who take the trail on foot, were found to practice leaving the path and cutting across the zigzags, thereby loosening stones and starting avalanches. In other cases it was perfectly evident that they had willfully removed the stones of the retaining walls of the trail to use in rolling down the cliff, across walls and parapets, and knocking them out of place, endangering the trail, destroying its defensive walls, and creating risks for others, and even for themselves.

These several acts attracted not only the attention of your committee, but were observed by others, and widely and correctly reported, and as a result we received the following communication from the Sierra Club, an organization devoted to acquiring and spreading knowledge of our mountains, to the preservation of forests and natural scenery, all public objects of high importance:

MARCH 9, 1894.

To the Yosemite Commission, etc.:

The following named members of the Sierra Club have been appointed a committee to consider certain reports relating to the injury and defacement of natural objects in the Yosemite Valley, and to recommend such measures as may be found to be practicable and advisable to prevent such injuries in the future: Prof. George Davidson, Judge M. H. Myrick, Thomas Magee, James Runcie, Elliott McAllister.

The committee has received statements setting forth the details of acts of vandalism by visitors to the Valley, which, in the absence of any system of patrol and supervision, may be repeated at any time. The committee is prepared to submit these statements to the Commission and will be glad to be advised if it will be convenient for the Commissioners to confer with them with a view to taking such measures as will secure the Valley from such injuries at the hands of visitors during the coming season.

For the committee.

J. E. RUNCIE,
Secretary, 317 Powell Street.

In response to this invitation members of your committee met the representatives of the club and thoroughly canvassed the interests and affairs of the Valley and Big Tree Grove. The consultation developed an active sympathy on the part of the club with this Commission and its work. We submitted to the club the following proposed code of rules and discipline, aimed at correcting the abuses above named:

Rules and Regulations for the Convenience and Safety of Campers and Tourists and the Preservation of the Valley.

- I. All campers must report to the Guardian upon entering the Valley, and before pitching camp, and will occupy such location as he may assign them, and no other.
- II. Campers will deposit all firearms, unloaded, with the Guardian, **Exhibit 2** therefor, and the same will be returned when the owners leave the Valley.

REPORT OF YOSEMITE VALLEY COMMISSIONERS.

III. Persons using the trails in the Valley will not be permitted to take thereon their road or wagon horses, either packed or under the saddle.

IV. Persons using the trails on foot are forbidden to leave the trail by cutting across zigzags, and are forbidden to disturb the trail walls or to roll stones down the cliff.

V. The painting or carving of names, dates, devices, or other marks on trees, rocks, buildings, bridges, or any other thing in the Valley, is prohibited.

VI. Each camping party will notify the Guardian of the time of intended departure from the Valley, and will remove from its camping place all papers, cans, and litter, and leave the ground in a clean condition satisfactory to the Guardian.

VII. All camp fires and other fires must be kept under control of persons using them, and be so effectually guarded as to prevent conflagration of the grasses, plants, underbrush, and timber.

The club, through its committee, after careful consideration, submitted the following conclusions:

MAY 5, 1894.

To the Secretary of the Board of Yosemite Commissioners, San Francisco, California:

Sir: The committee of members appointed by the Sierra Club to confer with the Executive Committee of the Yosemite Commissioners, with a view to securing such action as will prevent or punish vandalism in the Valley, having met the Executive Committee and been asked by them to consider certain rules and regulations to be proposed by them, are of the opinion that such of those rules as tend to the prevention of vandalism are reasonable, judicious, and well calculated to accomplish their object, and therefore deserving the cordial support of the Sierra Club.

But the existing rules for the government of the visitors to the Valley, particularly campers, as well as the additions proposed, however judicious and comprehensive, will not be self-operative, and will fail of their purpose unless some provision be made for enforcing them and punishing those who violate them. The extent of the Valley and the burden of his other duties make it impossible for the Guardian alone to do this.

This committee therefore respectfully recommend to the consideration of the Board the employment, during the open season, of two or more competent men (who shall have no other employment) to serve as a patrol, furnishing their own arms and mounts, and responsible to the Guardian, under whose orders they would be placed. To this force the Guardian could intrust the duty of receiving campers on their arrival in the Valley, the charge of their arms, the inspection of their camps, and, in general, the immediate enforcement of the police regulations. All trails and roads within the limits of the grant could be patrolled by such a force at short intervals, securing prompt reports of accidental damages and of depredations. The discharge of such duties as the Commissioners might devolve on these patrolmen would probably be facilitated by clothing them with the powers of peace officers, and this would doubtless be readily done by the authorities of the county of Mariposa. The employment of such a force as that recommended would probably reduce to a minimum the acts of vandalism which it has been hitherto found impossible to prevent or to punish. For such bardy offenders as might still be found transgressing, prompt arrest by the patrol and punishment at the hands of the nearest magistrate would generally be assured. And this leads the committee to make the additional suggestion to the Commissioners, that it is highly desirable to secure the presence of a resident magistrate in the Valley, at least during the open season, before whom such offenders as may be apprehended could be promptly arraigned, without adding greatly to the expense of the county and without increasing unduly, by delays and long journeys, the penalties incurred by offenders. In every effort which the Commissioners may make to these ends the committee believes that the cordial support and assistance of the Sierra Club will be given.

The Board of Commissioners have wisely kept in view, in the regulations made by them, and in the improvements and conveniences which they have introduced and maintained in the Valley, the large increase in the number of visitors which will inevitably follow on the filling up of the country and the improvement of the means of travel, and this committee respectfully urges upon the Board that the same consideration favors the establishment, at the earliest day possible, of such regulations as those referred to, and of such provisions for enforcing them as have been suggested—things at present comparatively easy of accomplishment, but which will become more and more difficult of introduction as the volume of travel increases and the custom of license or, at least, lack of restraint grows stronger with time.

This committee desires to express its hearty appreciation of the cordiality with which its oral suggestions made at a recent conference were received by a committee of the Yosemite Commissioners.

(Signed:) Very respectfully,

GEORGE DAVIDSON.
M. H. MYRICK.
JAMES RUNCIE, per M.
THOS. MAGEE.
ELLIOTT McALLISTER.

REPORT OF YOSEMITE VALLEY COMMISSIONERS.

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IX.

The Guardian shall, upon complaint of any tourist or visitor, of the conduct or behavior of a guide, inquire into the cause, and advise the complainant of the result, enforcing Rule V if necessary.

X.

The Guardian is empowered to suspend a guide from his privilege during the investigation of charges preferred against said guide. If the guide be found in fault, he shall be dismissed, in accordance with Rule V.

XI.

The Guardian shall inspect all horses, their trappings, and all vehicles used for hire; and if any such horses, trappings, or vehicles shall by him be deemed unsuitable or unsafe, he shall cause the same to be removed at once from the Valley or Grove.

XII.

Any person offering for hire, or otherwise, any horse, trapping, or vehicle, or refusing or neglecting to remove the same from the grant after the Guardian shall have condemned the same, shall forfeit his privilege to reside or transact business within the grant.

XIII.

The Guardian shall direct campers to the grounds set apart for their use while within the grant, and shall establish such rules as will contribute to their comfort.

XIV.

No camp fires shall be permitted within the grant of either Valley or Grove without the express permission of the Guardian.

XV.

The Guardian shall promptly cause the arrest of any person violating Rule XIV, and prosecute the offender to the full extent of the law, under Section 6 of the Act of April 2, 1866, as found elsewhere in this book.

XVI.

No trees shall be cut or injured, or any natural object defaced.

XVII.

The discharge of firearms, either in the Valley or Grove, is strictly prohibited.

Exhibit 2
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Exhibit 3

V. STATE PARK RULES AND REGULATIONS.

California State Park System

This is Your Park

All of California's State Parks have been established for the purpose of preserving outstanding examples of nature's handiwork, for future generations, whether it be Redwood groves, beaches or other areas set aside for the use and enjoyment of all of the people.

That this enjoyment may not be destroyed it is necessary that certain restrictions governing the use of the parks be effected.

In order to preserve the natural beauty of the parks so that the public may enjoy them, please observe the following:

Do not pick flowers nor remove shrubs or small trees and please explain to others you may see violating this rule that these areas are being preserved, not only for our use but for posterity.

Do not destroy State property. It is your property.

Place all garbage and other refuse in garbage cans.

Protect human and wild life from danger by driving vehicles within the limit prescribed by the caution signs. Dogs are not permitted to run loose.

Note: In some parks, dogs are not allowed; therefore, suitable facilities are provided for caring for them at a small cost to the owner.

Firearms are not allowed, and must be sealed or checked at the Warden's Office.

Please confine travel to paths and roads.

Please confine campfires to camp stoves which are provided for this purpose.

Please report to the Warden any suggestions you may have to offer in order that he may use every effort to make your stay in the park enjoyable and comfortable.

Exhibit 4

the research divisions of public and private agencies; (5) act in the capacity of a research clearing house; (6) formulate plans for advancing the wise use of the resources of the State and assist in carrying out such plans.

V. STATE PARK RULES AND REGULATIONS.

This is a State Park. It belongs to you. It was paid for out of the State money, your money, or given to the State, for the preservation of natural beauty or historical association, and for the recreation of yourselves and your guests from other States.

The custodian of the State Park is the State Park Commission established by your representatives in the General Assembly, whose members are appointed by the Governor with the approval of the Senate. They are your servants, to see that the State Parks are properly cared for, rightly used and not abused.

There is a reason for every rule and regulation made, and they should be complied with, even though the reason is not evident. If the rules seem onerous or unnecessary, your criticisms or suggestions made in writing, will receive careful consideration.

It is desired that this park shall be used for picnic parties, camping and outdoor life by the people of Connecticut, provided the park is used in a wholesome and reasonable way, and that the trees, shrubs and plants are not injured, and all rubbish is placed in receptacles prepared for it, or buried or burned.

People using this State park should not monopolize it, nor disturb, nor unpleasantly intrude upon other parties using it. Fires are a source of danger to the forest, and must not be built in dry times, but at other times they may be made in stone fireplaces built by the Commission or acceptable to them; the fire should never be left alone, and must be put out on leaving.

The use of firearms or having them in possession is forbidden, also the killing or disturbing of wild animals, birds or birds' nests.

The directions of the caretakers should be followed. If they seem unreasonable or undesirable, or if suggestions are to be offered, please write to the Secretary or any member of the Commission.

No park employee is permitted to accept tips.

It is Permitted:

1. To fish in accordance with the Public Statutes.
2. To gather nuts, berries or wild flowers except for market.
3. To use any dead wood for the fireplace.
4. To camp for two nights without a permit, camping for longer periods to be by special permit.

V. STATE PARK RULES AND REGULATIONS.

The following rules and regulations for the government of this Park are hereby established. These rules and regulations are promulgated to cover only the Government owned or controlled lands and waters in the Park area.

1. **PRESERVATION OF NATURAL FEATURES AND CURIOSITIES:** The destruction, injury, defacement, or disturbance in any way of the public buildings, signs, equipment, or other property, or the trees, flowers, vegetation, rocks, minerals, animal or bird or other life is prohibited; Provided, that the flowers may be gathered in small quantities when in the judgment of the Superintendent, or other authorized representative of the Florida Park Service, their removal will not impair the beauty of the Park. Before any flowers are picked, permit must be obtained from the Superintendent in charge.

2. **CAMPING:** When the Park is constructed by the Florida Park Service by means of the Civilian Conservation Corps in cooperation with the National Park Service, adequate camping places with pure water and other conveniences will be provided. Until such time no camping overnight or fires of any sort will be permitted except by special permit of the Superintendent or his duly authorized representatives. In such instances the following rules must be carefully observed: Wood for fuel only can be taken from dead or fallen trees. Combustible rubbish shall be burned on camp fires, and all other garbage and refuse of all kinds shall be buried.

3. **FIRES:** Fires constitute one of the greatest perils to the Parks; they shall not be kindled near trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on earth. Should camp be made in a locality where no such open space exists or is provided, the dead wood, grass, moss, dry leaves, etc., shall be scraped away to the earth over an area for five feet around the fire.

Fires shall be lighted only when necessary and when no longer needed shall be completely extinguished and all embers and bed smothered with earth or water, so that there remains no possibility of reignition.

Smoking may be forbidden by the superintendent in any part of the Park during the fire season when in his judgment the fire hazard makes such action advisable.

NOTE: Especial care shall be taken that no lighted match, cigar, cigarette, or burning pipe tobacco is dropped in any grass, twigs, leaves, moss or tree mold.

4. **HUNTING:** The Park is a sanctuary for wild life of every sort, and all hunting or the killing, wounding, frightening, pursuing, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury or taking the eggs of any bird, is prohibited within the limits of said Park. Firearms are prohibited within the Park except upon written permission of the Superintendent.

5. **FISHING:** Fishing with nets, seines, traps or by the use of drugs or explosives or in any other way than with rod, hook and line held in hand, or for merchandise or profit, is prohibited. Fishing in the Park will be permitted only during the open season as prescribed by the State of Florida.

- Recommendations. To make recommendations from time to time as to the best methods of such conservation, utilization and development;
- Cooperation. To cooperate with other agencies, national and State;
- Master plan. To make and adopt an official master plan for the physical and economic development of the State, including, among other things, the general location, character and extent of highways, expressways, parkways, waterways, water front development, flood prevention works, parks, preservations, forests, wildlife refuges.
- Restrictions. Following adoption of the State master plan, no State highway, park, forest, reservation or other State way, ground or property may be constructed or acquired with State funds, or located, constructed or authorized by any State agency unless the location and extent thereof is first submitted to the Board for its report and advice.
- Ten-year program. The Board is further directed to prepare and keep up to date a ten year construction and financial program, to be prepared in consultation with the several State departments; to cooperate with municipal, county, regional and other local planning commissions; furnish advice and reports to any State officer or department; prepare and submit to the Governor and General Assembly drafts of legislation for carrying out the master plan; encourage the creation of county, municipal and regional planning commissions, and to act as a clearing house for information relating to such planning.

VII. STATE PARK RULES AND REGULATIONS

This is YOUR PARK

All visitors are expected to observe the following rules that we can fulfill the purpose for which this and other state parks were established, the preservation of a primitive landscape in its original condition and a place where you might enjoy the out-of-doors.

1. Do not injure or damage any structure, rock, tree, flower, bird or wild animal within the park.
2. Firearms are prohibited at all times.
3. Dogs must be kept on leash while in the park.
4. There shall be no vending or advertising without permission of the Department of Conservation.
5. Camping areas are provided at a fee of twenty-five cents per car or tent for each 24 hours or fraction.

vation as it may deem to be of particular historic interest or which, in its judgment, may be favorably situated and well adapted for park purposes, and the setting aside of which for park purposes will not interfere with the reasonable use of the reservation by the educational institutions thereon.

IV. STATE PARK RULES AND REGULATIONS.

The following rules and regulations have been adopted by the Forestry, Fish and Game Commission covering the actions of the public on the State parks, and such rules and regulations have the full force and effect of law and violators are subject to prosecution:

1. The destruction or injury of any sign, guidepost or property of any kind is unlawful. This includes the peeling of bark, carving and chopping of trees, cutting branches, driving nails, digging ground from roots and the removal of trees, shrubs and plants, picking wild flowers and other injuries.
2. To carry or have firearms in possession in a State park is unlawful.
3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment, is prohibited.
4. Washing or the throwing of waste of any kind around well or spring, or the use of woods as toilets, or the use of toilets for bathhouses, is prohibited.
5. Building or starting fires in the open or in any place except where the proper provisions have been made, or to leave fires while burning, is prohibited.
6. Dogs in the park must be tied with a chain or controlled on a leash. They are not allowed to run loose about the park.
7. Speed limit for motor vehicles on park roads is 25 miles per hour, except where otherwise posted.
8. Camping, horseback riding or driving of automobiles or other vehicles on picnic grounds, children's playground, bathing beaches, and areas posted against such traffic or use is prohibited.
9. Persons desiring to camp in a State park are required to obtain permit before making camp. A permit authorizes the holder to camp in the park not to exceed three days. When time of permit has expired, campers are required to move from the park or have permit renewed. The park superintendent shall record the name and address of the responsible head of each camping party, the number of persons, and names and license numbers of cars.
10. Camping in the park by boys under seventeen years of age, unaccompanied by an adult, and girls under eighteen years of age, unaccompanied by their parents or chaperon, is prohibited.

2. To carry or have firearms in possession in a State park is unlawful.

3. Throwing of tin cans, bottles, papers, junk or refuse of any kind on the ground or in a lake or stream; or the misuse and abuse of seats, tables and other park equipment is prohibited.

4. Speed limit for motor vehicles on park roads is 20 miles per hour except where otherwise posted.

5. Dogs in park must be tied with chain or controlled on a leash. They are not allowed to run loose about the park.

6. The sale of eggs, milk, cream, butter, fruits and vegetables by farmers is permitted in State parks. All other vending or peddling in parks is prohibited.

7. Building or starting fires in the open or in any place except where proper provisions have been made or to leave fires while burning is prohibited.

8. Washing or the throwing of waste of any kind around well or spring or the use of woods as toilets or the use of toilets for bath houses is prohibited.

9. Persons desiring to camp in State parks are required to obtain permit before making camp. A permit will be issued to camp 7 days or less on a single site in parks within Oakland, Livingston, Macomb, St. Clair, Ottawa and Bay counties. The time limit in all other parks will be 15 days on a single site. When time of permit has expired, campers are required to move from the park. To again camp in parks now permits must be obtained.

10. Camping, horseback riding or driving of automobiles or other vehicles on areas (picnic ground, children's playground, bathing beaches, etc.) posted against such traffic or utilization is prohibited.

11. Carping in the park by boys under seventeen years of age unaccompanied by an adult or adults and girls under eighteen years of age unaccompanied by their parents or chaperon is prohibited.

12. Disorderly conduct in the way of drunkenness, vile language, fighting and personal exposure by change of clothing in automobiles, woods, park or any other place where person is not properly sheltered is prohibited.

Sec. 3-a - Act 17, Public Acts 1921, as amended by Act 337, P.A. 1927, provides that (any person who shall do or perform any act prohibited by such rules and regulations concerning the use and occupancy of lands and property under the control of said commission of conservation, which shall have been made, promulgated and pub-

Exhibit 5

5. Papers, garbage, and refuse of all kinds shall be placed in the receptacles provided for that purpose.
6. No person shall post or affix, or cause to be posted or affixed any printed or written bill, placard, sign, advertisement, or other notice upon any tree, post, fixture or structure within the park system. Nor shall any person deface, damage, or destroy any notice of the rules, regulations, ordinances or signs for the Government of said park system which shall have been posted by order of the Commission.
7. No picnics shall be held upon park property except at such places as are designated by signs.
8. The following acts and activities are prohibited within the park areas under jurisdiction of this Commission except by permit:-
The possession of any firearms and fireworks of any kind; making or building fires except in fireplaces provided by park authorities; carrying any musical instrument; carrying or displaying flags, banners, placards of any kind; delivering speeches or orations; holding parades or other demonstrations; conducting religious or other ceremonies; soliciting alms or contributions for any purpose; the taking of commercial equipment for the taking of motion and sound pictures.
9. No person shall disobey an order of a park patrolman or other park official when such official is engaged in the enforcement of a State or park ordinance; nor shall he use bad, obnoxious or indecent language, nor act in a disorderly or suspicious manner.
10. No intoxicating liquors or beverages shall be brought, caused to be brought, or drunk within the limits of the State parks, nor shall any intoxicated person enter or remain upon any portion of the park system, except that intoxicating liquors and beverages may be sold by such persons and at such places as may be specifically authorized by the Niagara Frontier State Park Commission.
11. No booth, tent, stall, stand, or other structure shall be erected for any purpose, and no begging, hawking, peddling, advertising, or soliciting shall be done; nor any article or service be advertised, or caused to be advertised or offered for sale, or hire, within the property limits of lands under the jurisdiction of this Commission, except by written permit of the Commission.
12. No commercial vehicles, or any vehicle displaying any advertising placard or advertisement of any kind, shall be driven within the park or over the parkways of said park system for advertising, demonstration, or other purposes.
13. Motorists shall obey all signs regulating traffic placed in the parks and along the parkways under the jurisdiction of this Commission. In no instance shall a vehicle be operated at a greater rate of speed than thirty (30) miles per hour. Where one direction in roads is designated, traffic in the opposite direction is prohibited. Bus and taxicab parking areas will not be for the use of privately owned vehicles. All vehicles must be parked in parking areas provided.

(f) Every person twelve years of age or older in each party making use of Park camping facilities, cabins or campsites must register with the rental clerk.

5. COMMERCIAL ENTERPRISES.

(a) No person shall, without a permit from the Commissioners, sell or offer for sale within the Park on lands owned by the State, any property or privilege whatsoever, nor shall any person to whom property of the Park has been intrusted for personal use, hire, lease or rent out the same to another person.

(b) No person shall take photographs or moving pictures within the Park camping areas for the purpose of selling negatives or prints therefrom without having first obtained a permit from the Commissioners.

(c) No person shall operate a bus, taxicab or other vehicle for the transportation of passengers or property for hire on the Park controlled roads without having obtained a permit from the Commission.

6. FIREARMS.

(a) No firearms may be used or possessed within the Park area by visitors or used by residents except by special permission of the Commissioners.

(b) No target or trapshooting allowed in the Park except by written permission of the Commissioners, or an executive officer.

7. HUNTING AND FISHING.

(a) No person shall hunt, pursue with dogs, trap or in any other way molest any of the wild birds or beasts found within the Park except by permission of, and in a manner specified by the commission.

(b) No person shall fish in any of the Park streams except by written permission of the Commissioners.

8. PUBLIC NUISANCE.

(a) Gambling in the Park is prohibited and no person shall bring into the Park or have in his possession while there, any implement or device commonly used or intended for gambling purposes.

(b) No person shall sell or attempt to sell any beer, wine, whiskey or other intoxicating liquor or beverage within the area of the Park except by permission of the Commissioners.

9. SIGNS.

No sign or notice shall be erected or posted at any place in the Park on lands owned by the State, without permission in writing from the Commissioners.

5. HUNTING AND FIREARMS - No person shall carry or have in his possession any gun, firearms, ammunition, or explosives and no person shall hunt or trap with- in or from the park areas except when especially authorized by the Commission to do so. No person shall engage in fishing, spearing or netting in waters restricted by the Commission against such uses.

6. FIRE DANGER - No person shall start or maintain a fire except in the fire- places provided for that purpose or at places especially indicated by the official in charge of the park and all fires shall be continuously under the care of a competent person. No person shall allow any fire to injure or des- troy any shrub, tree or branches thereof or discard or throw away lighted matches, cigarettes or cigars in such a manner as to create a fire risk of any sort. In addition to the fines or penalties provided for the violation of these Rules and Regulations, any person responsible for fire damage or loss of park property, including trees and vegetation, shall pay to the Commission the full cost of restoring such property to its original condition.

7. SPORTS - Boating or landing of boats within a bathing area is forbidden and all persons operating boats shall conform strictly to the instructions of the official in charge of the park as to the limits of such areas. No person shall operate toilets on a boat or throw refuse or litter into the water in the near vicinity of such bathing areas. Any person bathing in waters not specifically designated as bathing areas and protected by lifeguard service shall do so en- tirely at their own risk, and if observed, may be ordered by park officials to cease such bathing. Bathing without proper bathing suits, or undressing and dressing outside of duly provided bath-houses and/or in the public view is pro- hibited. Games of various kinds shall be played only at places provided for such games. No camp shall be maintained in any park except under permit ob- tained from the park superintendent and at such places and for such periods as he may designate. No skating or use of frozen-over waters shall be per- mitted except after the ice has been declared safe by the park official in charge.

8. MEETINGS - No person or organization shall hold or conduct any meeting in- volving ceremonies, speeches, religious services, performances or entertain- ments except after obtaining a permit to do so.

9. OMNIBUSES, TAXIS, AND TRUCKS - No omnibuses, taxis or trucks shall operate within property controlled by the Commission except by duly authorized permit and the procedure and conduct of persons operating such vehicles shall at all times be strictly in accordance with the instructions of the park official in charge. The rate of speed for any motor vehicle being operated within the park area shall not be such as will endanger the public and in no case in excess of 30 miles per hour.

10. LOST AND FOUND ARTICLES - Any person finding or taking possession of any personal property of which such person is not the owner, shall deliver the same immediately to the Park Superintendent or to the headquarters of the Commission at Ithaca, N. Y., and losers of such property shall apply to the said Superintendent of park headquarters for restoration of articles.

Commission for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the Commission of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of any Central New York State Parks Commission Ordinance.

Ordinance No. 4

Prohibited Uses

Section 1. Boating. Boating of any kind in a bathing area is forbidden except such boating as is necessary to keep such areas properly protected and policed. The use of privately owned boats or canoes on any park waters is prohibited.

Section 2. Protection of Bathing Area. No person shall throw, cast, lay or deposit any glass, crockery, or any part thereof or any metallic substance on any bathing area in or adjoining any park.

Section 3. Firearms. No person except employees or officers of the Commission shall carry firearms of any description within the park.

Section 4. Explosives. No person shall bring into or have in any park any explosive or explosive substance.

Section 5. Fires, Lighted Cigars, etc. No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purpose except by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, or other burning object within, on or against any structure, boat, vehicle or enclosure, or under any tree or in underbrush or grass.

Section 6. Alms and Contributions. No person shall solicit alms or contributions for any purpose.

Section 7. Commercial Enterprises. No person shall, without a permit, do any of the following: - Sell or offer for sale, hire, lease or let out, any object of merchandise, or any other thing, whether corporeal or incorporeal; take photographs within the limits of any park for the purpose of selling the negatives thereof, or prints therefrom, or for the purpose of exhibiting negatives thereof, or prints therefrom in public; while operating a boat for hire, land or receive passengers at any dock or wharf under the jurisdiction of the Commission. No person to whom property of the park has been entrusted for personal use shall hire, lease or let out the same to any other person.

Discharge of firearms.

Rule 39. No person shall be permitted to discharge firearms from the main shore of a reservoir, or from the islands within such reservoir, or from boats thereon across the waters of any public park, except during the hunting season authorized by the statutes, and parties guilty of reckless shooting on or around such reservoirs shall be arrested and fined in accordance with the provisions of this act.

Disposal of garbage.

Rule 40. No lessee of a state lot, cottage owner, or other occupant of a cottage located upon state or adjacent lands shall deposit garbage upon the rear of such lot or throw the same into the lake, but such garbage shall be burned or removed from the premises so as not to be a nuisance to the cottage owners either on or off the state land.

State landings may be used by all boats.

Rule 41. No boat line company or individual shall have control of any state landing to the exclusion of other boat lines, or individuals owning and operating boats upon the waters of any state reservoir, and all boats shall have the right to land at any dock or landing for temporary purposes, but passenger boats operated for hire may only discharge passengers at private docks or landings, and shall not take on passengers from such docks or landings without the permission of the owner or owners thereof.

Permit to build boat house or private landing required.

Rule 42. No boat owner or lessee of a state lot shall build a boat house or dock landing over the water of any state reservoir that has been dedicated and set apart as a public park and pleasure resort, except by the written permission of the conservation commissioner who shall first approve the plans for such boat house or dock landing before work thereon shall be commenced.

Permission to cut trees.

Rule 43. No trees shall be cut by the lessees of state lots to make room for the erection of cottages or other buildings without permission of the conservation commissioner or his authorized agent.

Duty of lessees as to woods, refuse, etc.

Rule 44. Lessees of state lands or state lots shall keep the woods and poisonous vines cut on their leases and shall keep their lots, cottages and other buildings free from rubbish, garbage and all other unsightly things.

Oils, gasoline and other inflammable substances shall be stored in such a manner as not to endanger cottages and their occupants, or other property either on or off the state land.

Limitation of speed of water craft in canal.

Rule 45. Boats running in any canal connecting with a reservoir park, shall limit their speed while in the canal to four miles per hour and parties operating boats, and water craft of all kind, upon any state reservoir, dedicated and set apart as a public park and pleasure resort, shall limit the speed thereof to five miles an hour when

ance of roads within the limits of such park, and for the development of such park; No money may be appropriated for expenditures beyond the territorial limits of such county (P. L. 1925).

Alteration of roads leading to parks,

Whenever a public road or highway within a park or public ground, title to which is vested in the State, is laid out, located, relocated, altered or vacated in such manner that a public road or highway approaching, leading to or contiguous to such park or public ground becomes useless, inconvenient or burdensome, the same may be altered, relocated, or vacated by the officers charged with its maintenance for the purpose of making it convenient and suitable as an approach to the roads within the park or public grounds, upon the consent and agreement of: (a) the commissioners or officers charged with the care and management of the park or public grounds; (b) the officials charged with the duty of maintaining the roads or highways; and (c) the owners of the majority of the frontage of land abutting upon the relocated portion of the roads or highway approaching, leading into or contiguous to the public or park grounds. Such road or highway, when altered or relocated, to be maintained and repaired in the same manner as township roads (P. L. 1919, 1931).

Park roads,

The Department of Highways, with the approval of the Governor, may build, rebuild, construct, and maintain that portion of any or all roads running through or over the lands of any State park; the cost and expense to be paid out of any moneys appropriated to the Department of Highways for the construction, reconstruction or maintenance of State highways (P. L. 1927).

No race discrimination,

All persons within the jurisdiction of the Commonwealth are entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons (P. L. 1887, 1935).

Hunting in parks prohibited,

It is unlawful for any person at any time of the year to discharge a shotgun, rifle or firearm of any description, except in defense of person or property, or by written consent of the owner or person controlling the same, upon the grounds belonging to or connected with and controlled by those operating a public or private park or resort, set apart to the use of the public either free or otherwise, and upon which human beings congregate in the open in quest of health, recreation or pleasure -- such lands being surrounded by a marker, either a fence or single wire or a marker of any description that will clearly designate the boundaries thereof, and a line of notices printed upon

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excess of revenues derived for school purposes, except upon resolution of the park board advising the school board of its willingness to contribute the necessary funds for the maintenance of such additional schools;

- Encourage summer homes; leases. To encourage the erection of summer cottages and summer homes, may make term permits or leases for such purposes, but no lease may be made on the slopes of Sylvan Lake or within view of the Lake; the minimum rental for a site to be \$10 annually, and the Board may cancel the lease in case of failure to comply with such permit or lease, or to pay the rental. No leases may be made for homes along the highway but only upon locations designated by the Board;
- Sale of timber. May contract for and sell timber on any of the State lands in the Park, but not in excess of 100,000 lumber feet in any one year. No trees may be cut adjacent to the highway, except as may be necessary to improve the appearance of growing conditions. Proceeds derived from the sale of timber are to be placed in the General Fund of the State, except where such timber is from school land, in which case the proceeds are to be credited to the permanent school fund and applied to the purchase price of said land;
- Superintendent. Is directed to employ a Superintendent to care for the park property, manage and execute park enterprises and activities, direct and supervise other employees, and perform such other duties as the Board requires. The Board may also employ such other personall as may be necessary, including a park Forester, or the Superintendent may be required to act as such;
- Park Forester.
- Rules and regulations. May make and enforce necessary rules and regulations, and designate one or more employees as game wardens to enforce the provisions of the Act or any of the laws of the State;
- Game warden.
- Annual reports to Governor. Must annually file with the Governor a report of all funds received from any source during the preceding year and a statement of all moneys paid out; including a report of all lands purchased, the price paid therefor, the lands rented and rental paid therefor; also a detailed report of all property sold or disposed of and the price received therefor.
- State-wide park plan. Is directed to formulate and recommend a State-wide plan for a State park system, embracing the different scenic and recreational areas in different sections of the State and report to the next Legislature.
- Hunting regulated, Firearms; dogs. Hunting, trapping, killing or capturing game animals or game birds within the boundaries of the park is unlawful except under such regulations as may be prescribed by the Board. It is also unlawful to carry firearms therein or or permit dogs to run at large.

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 Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12

13
 14 **RENO MAY, an individual, et al.,**
 Plaintiffs,
 15
 16 v.
 17 **ROBERT BONTA, in his official**
capacity as Attorney General of the
State of California, and Does 1-10,
 18 Defendants.
 19
 20

Case Nos. 8:23-cv-01696 CJC (ADSx)
 8:23-cv-01798 CJC (ADSx)

**DECLARATION OF MICHAEL
 KEVANE IN SUPPORT OF
 DEFENDANT’S OPPOSITION TO
 PLAINTIFFS’ MOTIONS FOR
 PRELIMINARY INJUNCTION**

Date: December 20, 2023
 Time: 1:30 p.m.
 Courtroom: 9B
 Judge: Hon. Cormac J. Carney

21 **MARCO ANTONIO CARRALERO, an**
individual, et al.,
 22 Plaintiffs,
 23 v.
 24 **ROBERT BONTA, in his official**
capacity as Attorney General of
California,
 25 Defendant.
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DECLARATION OF MICHAEL KEVANE

I, Michael Kevane, declare under penalty of perjury that the following is true and correct:

1. I have been retained by the Office of the Attorney General of the California Department of Justice to provide expert opinion and testimony regarding the history of public libraries in America. Specifically, I have been asked to opine regarding the state of the public library system in America during the Founding era (in and around the year 1791) and the Reconstruction era (in and around the year 1868), as well as the purposes served by, and the justifications for, public libraries during these two historical periods.

2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

BACKGROUND AND QUALIFICATIONS

3. I am a Professor of Economics at Santa Clara University’s Leavey School of Business. I received my Ph.D. from the University of California, Berkeley, in 1993. My expertise includes analysis of the spread of public libraries in the United States in the 1800s. My scholarship on this topic includes an article entitled “The Development of Public Libraries in the United States, 1870-1930: A Quantitative Assessment,” (co-authored with Prof. William Sundstrom) which was published in *Information and Culture: A Journal of History* in 2014, as well as a two working papers “State Promotion of Local Public Goods: The Case of Public Libraries” (co-authored with Prof. William Sundstrom) and “America’s public libraries and political participation, 1870-1930” (co-authored with Prof. William Sundstrom). A true and correct copy of my current curriculum vitae is attached as **Exhibit 1** to this declaration.

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RETENTION AND COMPENSATION

4. I am being compensated for services performed in the above-entitled case at an hourly rate of \$150. My compensation is not contingent on the results of my analysis or the substance of any testimony.

SOURCES OF EVIDENCE

5. Since the early years of establishment of association, social, and public libraries, Americans were writing and publishing opinions and interpretations of the institutions: what their purpose was, how they did and should function; what effects they might have, and what public policy should be to promote and regulate libraries. In the mid-1800s, a new profession of librarian emerged, leading to the establishment in 1876 of a professional association, the American Library Association, and regular publications of scholarship and professional opinion about libraries, such as The Library Journal (first published in 1877). Universities established schools of library science, and faculty teaching in those departments published extensively. Increasingly professionalized librarians wrote annual reports, full of commentary and statistics on library performance and issues, and quite commonly these librarians drew on their library archives to write on the origins and history of the libraries in which they served.

6. There are now hundreds of individual monographs that provide histories of libraries and the public library movement, and comment on their character.

7. The collection of monographs, both contemporaneous and produced on the basis of examination of archives and other memories of the past, are incomplete. Many libraries were destroyed in the frequent fires that consumed American cities and towns. Libraries closed, for many reasons, and their archives were stored away and forgotten. Librarians wrote about the things that interested them, and not about what might be of interest to researchers in 2023. Researchers themselves may fail to understand the context of the records that they examine, and misinterpret them. For

1 these reasons, interpretation of the purposes and justifications of librarians in early
2 America should be viewed as provisional, rather than as definitive.

3 **GENERAL OVERVIEW OF LIBRARIES IN THE 1731-1875 PERIOD**

4 8. Public libraries in the early United States evolved gradually from
5 being similar to exclusive clubs, to being open to subscribers at modest fees, to
6 being subsidized by philanthropists and open to the public, to finally being tax-
7 supported free libraries open to the general public. The different forms of libraries
8 often overlapped, and libraries sometimes started as one form and morphed or
9 merged into an institution having a different form.

10 9. Benjamin Franklin is commonly credited with establishing the first
11 shareholder library in the colonies, in 1731 in Philadelphia.¹ Franklin, and fellow
12 members of a social debating club, that they called the Junto, established the
13 Library Company for the purpose of sharing in the costs of acquiring books. The
14 library, they felt, would aid greatly in their mission to improve their general
15 knowledge and their capabilities for reasoned debate. Like other shareholder
16 libraries that were founded in the following decades, the Library Company was
17 closed to the general public; only paid shareholders or subscribers could borrow
18 books. The Library Company and similar shareholder libraries were often located in
19 a room in a convenient shop building or home.

20 10. Through the following century, these shareholder or club libraries
21 diminished in importance and were gradually replaced by libraries that came to be
22 called, by library historians and late-19th century commentators, association
23 libraries and social libraries. Association libraries were open to members of broad-
24 purpose associations, whether professional (Mechanics, Merchants), religious

25 _____
26 ¹ Abbot, George Maurice. 1913. *A Short History of the Library Company of Philadelphia: Compiled from the Minutes, Together with Some Personal Reminiscences*. Philadelphia, Board of
27 directors, Library Company of Philadelphia; Wolf, E., 1976. *At the instance of Benjamin Franklin: a brief history of the Library Company of Philadelphia, 1731-1976*. Philadelphia, The
28 Library Company of Philadelphia.

1 (YMCA, YWCA), or social (Odd Fellows, Masons).² Social libraries were often
2 established and funded by prominent citizens or philanthropists. These association
3 and social libraries were likely to have reading rooms and regular opening hours, as
4 well as a paid librarian. There was no bright line between club, association, and
5 social libraries, and the historical record of their membership and usage regulations
6 remains spotty.

7 11. These privately-owned libraries typically had restrictions on access,
8 but many were open to the public, free of charge. For example, in 1792 the Library
9 Company merged with a large social library established through a bequest of James
10 Logan. The united library, comprising 55,000 volumes, was, apparently, “open to
11 every respectable person for reading or consultation every day.”³

12 12. It was not until 1833 that a government entity established the first
13 public library, defined by the two traits of being open to the general public and
14 being funded by tax revenue. This was in the town of Peterborough in New
15 Hampshire.⁴ Other municipalities followed that example, and especially the
16 example set by Boston. The Boston Public Library was established in 1848 and
17 opened in 1854, and became the premier example of a large municipal public
18 library.⁵ Within a few decades many major cities and towns in the United States
19 established similar public libraries. The funding arrangements for these municipal
20 and town libraries often followed a similar pattern: wealthy citizens donated to
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22 _____
23 ² McMullen, Haynes. 1965. “The Founding of Social Libraries in Pennsylvania, 1731-
1876.” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 32 (2): 130–52; McMullen,
24 Haynes. 2000. *American Libraries before 1876*. Greenwood Publishing Group.

25 ³ Edwards, Edward. 1848. “A Statistical View of the Principal Public Libraries in Europe
and the United States of North America.” *Journal of the Statistical Society of London* 11 (3):
250–81, p. 275).

26 ⁴ Wiegand, W.A., 2015. *Part of Our Lives: A People's History of the American Public
Library*. Oxford University Press, p. 17.

27 ⁵ Wadlin, H.G., 1911. *The Public Library of the City of Boston: A History*. The Trustees
of the Boston Public Library; Whitehill, W.M., 1956. *Boston Public Library: A Centennial
28 History*. Harvard University Press.

1 cover construction costs and books, and municipalities provided land and paid the
2 salaries of employees and operating costs through tax revenues.

3 13. Because of this history and reliance on philanthropy, many public
4 libraries were structured as semi-autonomous public corporations, with boards of
5 trustees that were partly picked by the municipality, and some ex officio seats on
6 the board for municipality officials, but having some independence from city
7 government.⁶

8 14. Many association and social libraries donated their book collections to
9 the rapidly spreading public libraries. Starting in the 1880’s, Andrew Carnegie
10 began making grants for construction of library buildings, provided the recipient
11 towns and cities passed laws that would levy taxed that would generate annual
12 revenue equivalent to 10% of the grant. A typical grant was \$10,000, and so a city
13 had to have a tax levy of \$1,000 per year. About 1,400 communities in the United
14 States took up the offer, and other philanthropists also increased their funding of
15 libraries. This resulted in the vast expansion of the network of public libraries in
16 America over the 1880-1920 period.⁷

17 **LIBRARIES IN EARLY CALIFORNIA**

18 15. It appears that at the founding of the State of California in 1849 there
19 were no libraries, whether public, associational, or social.⁸ Over the next ten years,
20 several subscription, association, and social libraries were established. The
21 Monterey Library Association, established in 1849, lays claim to being the first.

22
23
24 ⁶ Joeckel, Carleton Bruns. 1935. *The Government of the American Public Library*.
Chicago, IL: University of Chicago Press; Garceau, Oliver. 1949. *The Public Library in the
25 Political Process*. Columbia University Press; Dain, Phyllis. 1996. “American Public Libraries
and the Third Sector: Historical Reflections and Implications.” *Libraries & Culture*, 56–84.

26 ⁷ Kevane, M. and Sundstrom, W.A., 2014. The development of public libraries in the
United States, 1870–1930: A quantitative assessment. *Information & Culture*, 49(2), pp.117-144.

27 ⁸ Baker, Hugh S. 1959. “‘Rational Amusement in Our Midst’: Public Libraries in
California, 1849-1859.” *California Historical Society Quarterly* 38 (4): 295–320; Stieg, Lewis F.
28 1952. “Notes on the Origins of Public Libraries in California, 1850-1900.” *The Library Quarterly*
22 (3): 263–69.

1 16. Reading rooms and subscription libraries were established in
2 Sacramento and San Francisco in the early 1850s. By 1856, San Francisco
3 apparently had 15 or more subscription libraries, many of them with very modest
4 fees. The YMCA of San Francisco had established a reading room, with about 1,500
5 books, that was open to all. By 1859, a Mechanics’ Institute library in the city had
6 almost 2,000 volumes. Several dozen small social libraries were established in
7 mining camps and towns in the Sierra Nevada during the 1850s.

8 17. At the time of the comprehensive U.S. Bureau of Education survey of
9 libraries in 1875, California had only one library listed as a public library, at
10 Knight's Ferry, established in 1860.⁹ There were 30 libraries listed as social or
11 society libraries. Of these, 8 were Odd Fellows’ libraries, many of which were free
12 to the public. The other 22 were association or social libraries, mostly open only to
13 subscribers.

14 18. California’s first law enabling municipalities to establish public
15 libraries was not passed until 1878.¹⁰

16 19. An example of how libraries evolved from social and associational
17 libraries to public libraries comes from the city of Santa Cruz.¹¹ In 1868, thirty
18 residents of the city established a Library Association and selected a board of
19 trustees. The trustees began soliciting book donations from private collections and
20 from the State of California, and drew up plans for subscription membership. The
21 library opened in 1870, in a local store. A few months later, it was moved to the
22 back of a newly opened bookstore. Then it moved to some unused rooms above a
23 drugstore. The drugstore owner’s wife was appointed librarian, and she received a
24 percentage of the dues and fines. In a separate initiative, a Santa Cruz ladies group

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26 ⁹ U.S. Department of Education, Bureau of the Interior. 1876. *Public Libraries in the*

27 *United States of America: Their History, Condition, and Management.*
28 ¹⁰ California State Assembly. “An Act to establish and maintain free public libraries and
reading-rooms.” *Twenty-second Session of the Legislature. Statutes of California.* State of
California. Ch. CCLXVI pp. 329-331.

¹¹ Souza, Margaret. n.d. “The History of the Santa Cruz Public Library System.” Mimeo.

1 established a reading room, paid for by subscribers but open to all. The Library
2 Association apparently merged with the ladies' social library in 1876, and then was
3 moved to another location above a store. In 1881 the library books were donated to
4 the City of Santa Cruz. The City appointed a board of trustees, and over the next
5 decade the nascent public library incorporated several other social and association
6 libraries, and eventually was moved to a room in City Hall. In 1894, the library was
7 moved to rooms in a nearby hotel. Eventually, a Carnegie library grant in 1904
8 permitted construction of a large building owned by the city.

9 20. Mention should also be made of what were called school district
10 libraries. These were tax-supported libraries initiated by school districts. Very often
11 they were intended to be open to adults in the community (who typically
12 subscribed) and were not just for school children. Legislation passed in 1851 first
13 authorized their establishment, and subsequent legislation specified regulations and
14 tax rates.¹²

15 **PURPOSES AND JUSTIFICATIONS OF PUBLIC LIBRARIES**

16 21. The record of library histories makes clear that libraries in the 1791
17 period and the 1868 period (whether club, associational, social, or, eventually,
18 public) exhibited a wide variety of characteristics. Their founders, sustainers, and
19 patrons had varied justifications for their actions, and likely varied in their stated
20 (or unstated) purposes for establishing libraries and using libraries. Despite this
21 variety, some clear patterns emerge.

22 22. Library historians suggest that the motivations of participants in public
23 library movement that emerged in the 1850s was an amalgam of four conceptions
24 of the role of libraries: as democratic institutions promoting good citizenship; as
25 educational institutions complementing public schools (early on intended for
26 continuing adult education and self-education, but by the late 1800's increasingly

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28 ¹² Held, Ray E. 1959. "The Early School-District Library in California." *The Library Quarterly* 29 (2): 79–93.

1 serving children as their main educational function); as complementing efforts to
2 inculcate what Protestant elites saw as “American” civilizational values (providing
3 an alternative to the saloon and keeping young people away from temptations of the
4 streets); and offering opportunities for self-improvement for recent immigrants.¹³

5 23. The education component was central. Public libraries, spreading through
6 the country starting in the 1850s, were largely conceived and promoted in the
7 context of the nation’s broader educational movement. It was the educational
8 function of libraries that provided the principal justification for public support.
9 Libraries were intended to enable workers, farmers, and inventors to improve
10 themselves by consulting trade and scientific books, and to enable citizens to better
11 engage in democratic governance, by consulting works of history, philosophy, and
12 theology.

13 24. The timing of public library expansion falls squarely in the broader
14 context of, and was linked to, the expansion of primary and secondary education.
15 By the late 19th century, most children in the country were enrolled in primary
16 school, thanks to free and compulsory elementary school movement championed by
17 Horace Mann.¹⁴ Many states were approaching nearly universal primary
18 education. The high school movement gained momentum slowly in the 1890s and
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21 ¹³ Ditzion, Sidney. 1947. *Arsenals of a Democratic Culture: A Social History of the*
22 *American Public Library Movement in New England and the Middle States*. Chicago: American
23 *Library Association*; Shera, Jesse Hauk. 1949. *Foundations of the Public Library: The Origins of*
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27 ¹⁴ Hinsdale, Burke Aaron. 1898. *Horace Mann and the Common School Revival in the*
28 *United States*. Vol. 8. C. Scribner’s sons; Goldin, Claudia. 1999. “A Brief History of Education in
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(2): 247–62.

1 took off after 1910.¹⁵ Public libraries were conceived as complements to the great
2 American investment in schooling and learning.

3
4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6 Executed on October 31, 2023, at Santa Clara, California.

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8 Michael Kevane

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Michael Kevane

¹⁵ Goldin, C., 1999. "Egalitarianism and the returns to education during the great transformation of American education." *Journal of Political Economy*, 107(S6), pp. S65-S94.

Exhibit 1

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RESEARCH AND TEACHING FIELDS

Development Economics
Public libraries and reading

African Economic Development
Gender Economics

EDUCATION

University of California-Berkeley, Ph.D., 1993, Development Economics
Georgetown University, B.S. Foreign Service, 1983, International Economics

CURRENT WORKING PAPERS AND PROJECTS

1. “Adolescent Girl Economic Empowerment: Estimates for Africa of Costs of Inaction” (with Laura Rossouw)
2. “Inter-generational transmission of schooling in Burkina Faso” (with Elodie Djemaï).
3. “Classification into ethnic groups in Burkina Faso using names and localities” (with Aleksandr Michuda).
4. “Ethnicity, public goods, and elections in Burkina Faso: Insights for the jihadist insurgency of 2016-21.”
5. “America's public libraries and political participation, 1870-1930” (with William Sundstrom).
6. “State promotion of local public goods: The case of public libraries, 1880-1920” (with William Sundstrom).

PUBLICATIONS

Books

1. Women and Development in Africa: How Gender Works Boulder, CO: Lynne Rienner Publishers, Co., 2004. (2nd edition 2014).
2. Rural Community Libraries in Africa: Challenges and Impacts co-authored with Valeda F. Dent and Geoff Goodman Hershey, PA: IGI Global, 2014.
3. Promotion de la Lecture au Burkina Faso: Enjeux et Défis co-edited with Félix Compaoré and Alain Sissao, Ouagadougou: Institut Nationale des Sciences de la Société, 2012.
4. Kordofan Invaded: Peripheral Incorporation and Social Transformation in Islamic Africa co-edited with Endre Stiansen, Brill Academic Publishers, Leiden, The Netherlands, 1998.

Articles in refereed journals

1. “Evidence Review of Women-Led Small and Medium-Sized Enterprises (SMEs) in the COVID-19 pandemic context: Examining Barriers and Opportunities” (with Aishwarya Lakshmi Ratan and Diva Dhar) Feminist Economics, forthcoming, 2023.
2. “Effects of education on political engagement in Burkina Faso” (with Elodie Djemaï) World Development, 2023, Vol. 165, 106184.
3. “Effects of an ‘Urban Village’ Planning and Zoning Strategy in San Jose, California” (with C.J. Gabbe and William Sundstrom) Regional Science and Urban Economics 2021, Vol. 88, 103648.
4. “Improving Reverse Correlation Analysis of Faces: Diagnostics of Order Effects, Runs, Rater Agreement, and Image Pairs” (with Birgit Koopmann-Holm) Behavioral Research Methods 2021, 53(4), 1609-1647.
5. “Reading Fiction and Economic Preferences of Rural Youth in Burkina Faso.” Economic Development and Cultural Change 2020, Vol. 68(3): 1041–1079.
6. “The Development of Public Libraries in the United States, 1870-1920” (with William Sundstrom) Information and Culture: A Journal of History 2014, Vol. 49(2): 117-144.
7. “Gendered Production and Consumption in Rural Africa” Proceedings of the National Academy of Science 2012, Vol. 109(31): 12350-12355.
8. “Habitudes de lecture et performances scolaires des élèves des classes de 3e et de 1ère d’Ouagadougou” (with

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9. "Darfur: Rainfall and Conflict" (with Leslie Gray) Environmental Research Letters 2008, Vol. 3(3).
10. "How Much do Village Libraries Increase Reading? Results from a Survey of 10th Graders in Burkina Faso" (with Alain Sissao) LIBRI: International Journal of Libraries and Information Services 2008, 58(3):202-10.
11. "Official Representations of the Nation: Comparing the Postage Stamps of Sudan and Burkina Faso" African Studies Quarterly 2008, Vol. 10(1).
12. "Habitudes de lecture au Burkina Faso: L'exemple des élèves de 3e dans les villages et les petites villes" (with Alain Sissao) Bulletin des Bibliothèques de France 2007, Vol. 52(1) 86-93.
13. "Dim Delobsom: French Colonialism and Local Response in Upper Volta" African Studies Quarterly 2006, Vol. 8(4).
14. "The Cost of Getting Books Read in Rural Africa: Estimates from a Survey of Library Use in Burkina Faso" (with Alain Sissao) World Libraries, 2006, Vol. 14(2).
15. "Are Investments in Daughters Lower When Daughters Move Away? Evidence from Indonesia" (with David Levine), World Development 2003, Vol. 31(6): 1065-1084.
16. "Improving Design and Performance of Group Lending: Suggestions from Burkina Faso" (with Barbara McKnelly), World Development 2003, Vol. 30(11): 2017-32.
17. "Community Based Targeting for Social Safety Nets" (with Jonathan Conning) World Development 2002, Vol. 30(3): 375-94.
18. "Microenterprise Lending to Female Entrepreneurs: Sacrificing Economic Growth for Poverty Reduction?" (with Bruce Wydick) World Development 2001, Vol. 29(7): 1225-36.
19. "Social Norms and the Allocation of Women's Labor in Burkina Faso" (with Bruce Wydick) Review of Development Economics 2001, Vol. 5(1): 119-29.
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21. "Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa" (with Leslie Gray) African Studies Review 1999, Vol. 42(2):15-39.
22. "A Woman's Field is Made at Night': Gendered Land Rights and Norms in Burkina Faso" (with Leslie Gray) Feminist Economics 1999, Vol. 5(3):1-26. Reprinted in Gender and Development edited by Janet Momsen, Routledge, 2008, as Ch 39, in Vol.III pp. 82-107.
23. "Titanium Hoes? Explaining Why Wealthier Farmers Have Higher Yields in Western Sudan" Sudan Notes and Records, 1999, Vol. 3:105-29.
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29. "For Whom is the Rural Economy Resilient? Initial Effects of Drought in Western Sudan" (with Leslie Gray) Development and Change 1993, Vol. 24(1):159-76.

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1. "Evaluation d'un programme de promotion de la lecture et littérature pour la jeunesse rurale Burkinabè" (with Alain Sissao and Félix Compaoré), in La lecture littéraire : Quelles compétences pour une exploitation didactique des littératures africaines francophones ? Jean-Claude Bationo and Kandayinga Landry Guy Gabriel Yameogo, editors. Editions L'Harmattan, Paris, 2021, pp. 99-134.
2. "Economies and development" in Understanding Contemporary Africa Peter J. Schraeder, editor. Boulder, CO: Lynne Rienner Publishers, 2020, pp. 117-46.
3. "Gold Mining and Economic Change in West Africa" in Handbook of Africa and Economics Celestin Monga

- and Justin Yifu Lin, editors. Oxford University Press, 2014.
4. “Changing Access to Land by Women in Sub-Saharan Africa” in Handbook of Gender and Development Janet Momsen, editor. Routledge Press, 2014.
 5. “Efficacité d’un Programme de Lecture Pendant l’été dans des Bibliothèques de Village au Burkina Faso” (with Alain Sissao and Félix Compaoré) in Promotion de la lecture au Burkina Faso: Enjeux et Défis Félix Compaoré, Michael Kevane and Alain Sissao, editors. Institut Nationale des Sciences de la Société, 2012. pp. 170-97.
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3. “Qui sont les lecteurs du village? L’expérience de FAVL au Burkina Faso” (with Sanou Dounko)

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4. "Dim Delobsom" Dictionary of African Biography Henry Louis Gates and Emmanuel K. Akyeampong. editors. W. E. B. Du Bois Institute for African and African American Research, Harvard University, 2011.
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7. "Fuel-Efficient Stove Programs in IDP Settings Summary Evaluation Report Darfur, Sudan," (team leader) Contract No. DOT-I-00-04-00002-00, Task Order No. 1, Sub-Activity 14, available at: http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/sectors/files/darfur_final_summary.pdf
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9. "Economic Systems in Africa" New Encyclopedia of Africa 2nd edition, Gale Publishing, 2008.
10. "Economic Development in Sudan" The Ahfad Journal: Women and Change Vol. 23, No. 2 (December, 2006), pp. 50-57.
11. "Women's Access to Credit in Sub-Saharan Africa: Sudan." (with Endre Stiansen) Encyclopedia of Women and Islamic Cultures, Leiden: Brill, Vol. 4, 2006.
12. "Résultats Préliminaires d'une Enquête sur la Lecture à Ouagadougou" (with Alain Sissao) Espace Scientifique: Revue de Vulgarisation de L'Institut des Sciences de Societes (INSS) October 2005, pp. 37-41.
13. "Reflections on the Joint Assessment Mission" in Forced Migration Review Vol. 24, p.19, 2005.
14. "Marriage in Africa: Simple Economics" The Ahfad Journal (special issue on Women and Change) Vol. 19, No. 2, pp. 24-41, December 2002.
15. "Qualitative Impact Study of *Credit with Education* in Burkina Faso" Freedom from Hunger Research Paper No. 3, Davis, CA, 1996.

Processed work for teaching

1. Guide to R: Data Analysis for Economics (with William Sundstrom) Processed document distributed as PDF file. Creative Commons license, 2017. Used in teaching Economics 42 at SCU and has been adopted in several econometrics courses at other universities (SJSU, UC Davis).
2. "Understanding Sudan" (A short article commissioned as teaching material for the DVD edition of the documentary, Lost Boys of Sudan, that premiered on PBS in the Fall 2004.) October 2004.

Other published or processed work

1. "Microsoft Education Award" STS Nexus Santa Clara University, 2008.
2. "Microsoft Education Award" STS Nexus, Santa Clara University, 2007, pp. 32-6.
3. "Microsoft Education Award" STS Nexus, Santa Clara University, 2006, Vol 7, no. 1, pp. 28-33.
4. "Crisis in Darfur: Ethical Choices" At the Center. Markkula Center for Applied Ethics Newsletter, Santa Clara University, Winter 2005.
5. "Knight Ridder Equality Award" STS Nexus Santa Clara University, 2005 Vol 6, no. 1, pp. 44-50.
6. "The Work of the Civilian Protection Monitoring Unit in Sudan" Sudan Studies Association Newsletter 2004.
7. "The Agile Equality Award" STS Nexus, Santa Clara University, 2004, pp. 31-36.
8. "The Intel Environment Award" (with Dorothy Glancy) STS Nexus Santa Clara University, 2003, pp. 26-33.
9. "Interview with Lako Tongun, Sudanese political scientist," Sudan Studies Association Newsletter Vol. 22, no. 2, 2003.
10. "Interview with Deborah Scroggins, author of 'Emma's War: An Aid Worker, a Warlord, Radical Islam, and the Politics of Oil--A True Story of Love and Death in Sudan,'" Sudan Studies Association Newsletter Vol. 22, no. 1, 2003.

11. "Globalization and Development: Some Personal Reflections" explore Santa Clara University, Fall 2002, 6(1):32-35.
12. "Why Do I Live in African Villages" explore Santa Clara University, Spring 2000, 3(3):27-30.

Working papers (no longer active)

1. "Effects of greater access to polling places and turnout in Burkina Faso elections" (with Estelle Koussoube).
2. "Community Libraries and Reading Programs for Youth in Burkina Faso" Presented at International Federation of Library Associations (IFLA) annual conference, Capetown, August 2015 and Korea National Children's Library Service's annual conference, 2015.
3. "Robustness of climate as an instrumental variable to estimate effect of GDP declines on political change in Africa" (with Rahul Hirani). Presented at seminars at Santa Clara University, UC Riverside and Loyola-Marymount, 2013.
4. "Nation-Building and Economic Growth in Africa: The Evidence from Postage Stamps" Mimeo, Department of Economics, Santa Clara University 2005.
5. "Determinants of Ratification of the Convention for the Elimination of Discrimination Against Women" Mimeo, Department of Economics, Santa Clara University, 2004.
6. "The Changing Status of Daughters in Indonesia" (with David Levine) Working Paper 077_00, Institute of Industrial Relations. Institute of Industrial Relations Working Paper Series, University of California at Berkeley, 2000. Available at http://repositories.cdlib.org/iir/iirwps/iirwps_077_00.
7. "'Removal of Injustice': Market Logic versus Moral Economy in Islamist Sudan" (with Endre Stiansen) Mimeo, Department of Economics, Santa Clara University, 2000.
8. "Can there be an Identity Economics? Review of the literature with reference to Sudan" Mimeo, Department of Economics, Santa Clara University, 1997.

Book reviews

1. *Democratie par le bas et Politique Municipal au Sahel (Uppsala Universitet)* by Sten Hagberg, Ludovic O. Kibora and Gabriella Korling for African Studies Quarterly 2020.
2. *Mediators, Contract Men and Colonial Capital; Mechanized Gold Mining in the Gold Coast Colony 1879-1909 (Rochester Studies in African History and the Diaspora, University of Rochester Press)* by Cassandra Mark-Thiesen for AFRICA, Journal of the International African Institute 2020.
3. *Hawks and Doves in Sudan's Armed Conflict: Al-Hakkamat Baggara Women of Darfur (James Currey, Eastern Africa Series)* by Suad M. E. Musa for African Studies Review 2020.
4. *Improvised Planned Development on The Gezira Plain, Sudan, 1900-1980 (New York: Palgrave Macmillan, 2016)* by Maurits W. Ertsen for International Journal of African History 2016.
5. *Women, Land and Justice in Tanzania (James Currey, 2015)* by Helen Dancer for The Journal of Modern African Studies 2015.
6. *The Emergence of Land Markets in Africa (Washington, DC, Resources for the Future, 2009)* by Stein Holden, Keijiro Otsuka and Frank Place, eds. for Economic Development and Cultural Change 2011, 59(3):686-9.
7. *One Foot in Heaven* by Karim Willemse for SSRC blog "Making Sense of Sudan", 2010.
8. *Thomas Sankara Speaks: The Burkina Faso Revolution 1983-1987* by Thomas Sankara for African Studies Review Sept. 2009, 52(2): 212-4.
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10. *Darfur: A Short History of a Long War (London, Zed Books, 2005)* by Alex de Waal and Julie Flint for Sudan Studies Association Newsletter 2006.
11. *Women in the South African Parliament: From Resistance to Government (Champaign, University of Illinois Press, 2005)* by Hannah E. Britton for Political Science Quarterly 2006, pp. 355-358
12. *Marginal Gains*, by Jane Guyer, for Economic Development and Cultural Change 2006, 54(4):991-94.

13. *African Economic Development*, by Emmanuel Nnadozie for Journal of Economic Literature Vol. 43, No. 1, p. 140, 2005
14. *Darfur: The Ambiguous Genocide*, by Gérard Prunier for Sudan Studies Association Newsletter Vol. 24, no. 1, 2005.
15. *Sword of the Prophet: The Mahdi of Sudan and the Death of General Gordon* by Fergus Nicoll in Sudan Studies Association Newsletter Vol. 24, No. 20, 2004.
16. *Living with Colonialism*, by Heather Sharkey Sudan Studies Association Newsletter 2004.
17. *The Root Causes of Sudan's Civil War*, by Douglas Johnson's in Sudan Studies Association Newsletter Vol. 22, no. 3, 2003.
18. *Women, Poverty and Demographic Change*, by Brigida Garcia for Journal of Economic Literature 2002.
19. *Intervening in Africa*, by Herman Cohen Sudan Studies Association Newsletter 2001.
20. *Development Microeconomics*, by Pranab Bardhan and Christopher Udry for American Journal of Agricultural Economics 1999.
21. *Battle for Peace in the Sudan*, by Ann Lesch and Steven Wondu for Sudan Studies Association Newsletter 2000.
22. *Development Economics: From the Poverty to the Wealth of Nations*, by Yujiro Hayami for Journal of Economic Literature 2000.
23. *Aman: The Story of a Somali Girl*, by Aman with Virginia Lee Barnes and Janice Boddy for Sudan Studies Association Newsletter 2000
24. *Desert Flower: The Extraordinary Journey of a Desert Nomad*, by Waris Dirie with Cathleen Miller for Sudan Studies Association Newsletter 2000.
25. *Imperial Echoes: The Sudan - People, History & Agriculture*, by Arthur Staniforth for Sudan Studies Association Newsletter 2000.
26. *Sudan: Contested National Identities*, by Ann Lesch for Sudan Studies Association Newsletter 1999, and New Political Science 1999.
27. *Making a Living in Rural Sudan*, by Elke Graewert for Sudan Studies Association Newsletter 1999.
28. *On Trek in Kordofan: The Diaries of C.K. Lea*, edited by M.W. Daly for Sudan Studies Association Newsletter 1999.
29. *Politics and Islam in Contemporary Sudan*, by Abdel Salam Sidahmed for Sudan Studies Association Newsletter 1999.
30. *Reflections on Human Development*, by Mahbub ul Haq for Journal of Economic Literature 1997.
31. *Commodities in Crisis*, by Alfred Maizels for Economic Development and Cultural Change 1997.
32. *Social Change and Economic Reform in Africa*, by Peter Gibbon (ed.) for Canadian Journal of African Studies 1996.
33. *Fieldwork in Developing Countries*, by S. Devereux and J. Hoddinott (eds.) for Journal of the African Economies 1994.
34. *National Integration and Local Integrity: The Nuba of Miri Mountains of the Sudan*, by Gerd Baumann for Sudan Studies Association Newsletter 1992.
35. *Cultivating Workers: Peasants and Capitalists in a Sudanese Village*, by Victoria Bernal for Sudan Studies Association Newsletter 1992.

ACADEMIC EXPERIENCE

Principal work positions

- Professor, Department of Economics, Santa Clara University. Teach classes including Economics of Gender, International Economics, Economics of Emerging Markets, and African Economic Development at MBA, EMBA and undergraduate levels. 2022-present.
- Associate Professor, Department of Economics, Santa Clara University. 2003-2021.
- Assistant Professor, Department of Economics, Santa Clara University. 1996-2003.
- Academy Scholar, Harvard Academy for International and Area Studies, Harvard University, 1993-1995.

Service

- Editorial Review Board, African Studies Review, 2021-present.
- Outside team member (one of two), Program Review, Economics Department, University of San Francisco, April 2015.
- Outside team member (one of two), Program Review, Economics Department, University of San Diego, May 2014.
- Interim Newsletter editor, SSA Newsletter, Sudan Studies Association, 2006.
- President and President-elect, Sudan Studies Association, 2001-2005.
- Book Review editor SSA Newsletter, Sudan Studies Association, 2001-2006.

Teaching

- Instructor, Osher Lifelong learning class for Santa Clara University, on contemporary macroeconomic issues, (five 2-hour sessions), January 2015, and on Sudan and conflict in Darfur, March 2006..
- Co-Director and founder, Reading West Africa, Santa Clara University study abroad program in Burkina Faso, 2009-12.
- Lecturer, The Sudan Course, Rift Valley Institute, 2006.
- Visiting Associate Professor, Foundation for Advanced Study in International Development, Tokyo, Japan, 2003. Taught two-week course on African Economic Development.
- Visiting Assistant Professor, Dept. of Economics, University of California at Berkeley. Taught graduate class in development economics. Fall, 1999.
- Visiting Lecturer, University of Illinois, Urbana-Champaign, Spring 1993. Taught Macroeconomics for first-year MBA students.
- Visiting Lecturer, International Agricultural Development Program, UC Davis, 1992. Taught course entitled, "Markets and Marketing in Developing Countries".

Consulting

- Consultant, Global Center for Gender Equality at Stanford University, 2020-present. Serve as a consultant supporting the gender equality work of the Global Center for Gender Equality, primarily providing technical assistance to the Center in its support of gender integration initiative at the Bill & Melinda Gates Foundation.
- Consultant, The World Bank, 2010. Prepared paper on engagement of civil society in transparency mining sector in Burkina Faso, focusing on EITI process.
- Consultant, Academy for Educational Development and USAID, 2008. Evaluation of fuel-efficient stoves in Darfur displaced persons camps, Sudan.
- Expert witness, asylum hearing for Burkinabè national, 2001.
- Expert witness, PepsiCo vs. NIC, American Arbitration Association, 2000. Prepared and delivered expert witness testimony on economic damages.
- Consultant, The World Bank, 1999, 2000, 2002. Prepared paper and workshop on community-based targeting for social safety nets.
- Consultant, The World Bank, 1996. Prepared background papers on gender and land rights in sub-Saharan Africa.
- Consultant, Freedom from Hunger, Davis, CA, 1995. Evaluated credit program for women in Burkina Faso
- Consultant, United Nations Development Program, El Obeid, Sudan, 1990. Conducted and wrote evaluation of social impact of ILO public works program.

Other

- Editorial Assistant, Journal of Development Economics, 1987-89, 1991. Implemented journal referee process and processed accepted articles.

SEMINARS AND ACADEMIC PRESENTATIONS

1. "Making Reverse Correlation Even More Powerful: Proposed Methodological Advances" with Birgit Koopmann-Holm, Santa Clara University Economics Dept. Yellow pad seminar, April 2020.
2. "The effects of 'urban village' upzoning strategy in San Jose, California" (with William Sundstrom and C.J.Gabbe), Santa Clara University Economics Dept. Yellow pad seminar, October 2019.
3. "Greater access to polling places increased turnout substantially and favored certain in Burkina Faso elections of 2012 and 2015" (with Estelle Koussoubé), Santa Clara University Economics Dept. Yellow pad seminar. 2019.
4. "Reading fiction and economic preferences of rural youth in Burkina Faso" Institut des sciences des sociétés INSS, Centre National de la Recherche Scientifique et Technologique, August 2016.
5. "How does reading change rural Burkinabè youth? Effects on economic preferences" Seminars at Portland State University Dept. of Economics, February 2014, Santa Clara University Economics Department, April 2014, and University of San Francisco Economics Dept. 2015.
6. "America's public libraries and political participation, 1870-1930" (with William Sundstrom) Presented at Stanford Economics seminar, November 2013 and Santa Clara University. November 2014.
7. "Préférences économiques mesurées par des jeux expérimentaux au Burkina Faso: Confiance, bien public, risque et patience" (with Alain Sissao and Félix Compaoré), Institut Nationale des Sciences des Sociétés, Ouagadougou, Burkina Faso. August 2014.
8. "Robustness of climate as an instrumental variable to estimate effect of GDP declines on political change in Africa" (with Rahul Hirani). Seminars at Santa Clara University, UC Riverside and Loyola-Marymount. 2012.
9. "Transparence dans le secteur minier: Le cas du Burkina Faso" Institut Nationale des Sciences des Sociétés, Ouagadougou, Burkina Faso. August 2011.
10. "Efficacité d'un programme de lecture pendant l'été dans des bibliothèques de villages au Burkina Faso" (with Alain Sissao and Felix Compaoré) INSS, Ouagadougou, Burkina Faso, December 2009.
11. "Macroeconomic issues confronting Sudan" European Union Institute of Security Studies workshop, "The Future of Sudan", Paris. June 2009.
12. "Understanding Darfur" King Law School, University of California-Davis, Lecture for Human Rights Law class. February 2009.
13. "Dim Delobsom: Colonialisme en Haute-Volta" Université Cheick Anta Diop, Dakar, Senegal. November 2008.
14. "Village Libraries in Rural Africa," University of San Francisco. October 2008.
15. "Village Libraries in Rural Africa," Center for Science, Technology, and Society symposium, Santa Clara University, February 2008.
16. "Is the Darfur Crisis a Climate Change Crisis," Working Group on African Political Economy, Stanford University. December 2007.
17. "The Darfur Crisis Is Not a Climate Crisis," Sudan Research Institute Conference, Franklin and Marshall College. November 2007.
18. "Habitudes de Lecture au Burkina Faso," Institut Nationales des Sciences des Sociétés (INSS), Ouagadougou, Burkina Faso. May 2007.
19. "Intervention in Darfur," Working Group on African Political Economy, University of California Los Angeles. December 2006.
20. "Conflict in Darfur: Explanations and Policies" Bush School of Public Policy, Texas A&M University. October 2006.
21. "Enquête sur la Lecture au Burkina Faso," AREB seminar, Institut de Recherche pour le Developpement, Ouagadougou. March 2006.
22. "What's Next in the Darfur Crisis?" Workshop on Sudan and Darfur, Rhode Island College. February 2006.
23. "A Comprehensive Peace for Sudan and Darfur," Lecture, Occidental College. November 11, 2005).
24. "Economic Development in Sudan: Some reflections on the Joint Assessment Mission Report" keynote address, Sudan Studies Association, annual conference of the SSA at York University, Toronto, Canada.

August 2005.

25. "Comments on the Sudan's Wealth-sharing Agreement," Harvard Academy Alumni Conference, Harvard University, March 10-12, 2005 and Harvard Law School program on Negotiation and the Weatherhead Center for International Affairs, Harvard University, March 2005
26. "Nation-building Via Stamps and Economic Growth in Africa," the Working Group of African Political Economy quarterly meeting, UCLA, May 2005, and the first annual Pacific Development Economics Conference at the University of San Francisco, March 2005.
27. "Résultats préliminaires d'une enquête sur la lecture à Ouagadougou," (co-authored with Alain Sissao), monthly colloquium of the Workshop on Research on Education in Burkina Faso, Ouagadougou, Burkina Faso, February 2005.
28. "Dim Delobsom: L'indigène devant le colon," seminar at the University of San Francisco, March 2004, and at a regular meeting of the Working Group of African Political Economy held at Pomona College, May 2004.
29. "Construction of the Nation: The Evidence from Postage Stamps of Sudan and Burkina Faso," Sudan Studies Association conference, Santa Clara University, May 2004.
30. "Recent Issues and Controversies in Economics of Gender in Sub-Saharan Africa," Law School Faculty Forum, Santa Clara University, and University of California at Davis, April 2002.
31. "What Can Economics Say about Marriage in Africa?" African Studies Center, Yale University, November 2001.
32. "Community Based Targeting for Social Safety Nets" The World Bank, October 2000 and February 2002.
33. "The Changing Status of Daughters in Indonesia" UC Riverside Economics Department seminar, November 2000 and UC Berkeley Economics Dept., November 2001.
34. "Community Based Targeting for Social Safety Nets" The World Bank, October 2000.

Seminars prior to 2000

UC Berkeley, UC Santa Cruz, University of Illinois, Northwestern University, Harvard University, University of Chicago, University of Khartoum, USC, Northwestern University, UCLA.

CONFERENCE PARTICIPATION

1. West Coast Regional Conference on West Africa, 28-29 June 2021, University of California at Berkeley, "Ethnicity, public goods, and elections in Burkina Faso: Insights for the insurgency of 2016-21?"
2. African Studies Association, Nov 2020 "Ethnicity, public goods, and elections in Burkina Faso: Insights for the insurgency of 2016-21?"
3. "Ethnicity, public goods, and elections in Burkina Faso: Insights for the jihadist insurgency of 2016-20?" Sustainability and Development conference, University of Michigan, October 2019.
4. "Supporting Community Libraries and Reading Programs for Youth in Burkina Faso and Ghana" International Board on Books for Young People (IBBY) regional conference, Accra, Ghana. August 2019.
5. "Reading fiction and economic preferences of rural youth in Burkina Faso" Western Economics Association annual conference, July 2016.
6. "Reading fiction and economic preferences of rural youth in Burkina Faso" International Society for the Empirical Study of Literature and Media biennial conference, July 2016.
7. "Community Libraries and Reading Programs for Youth in Burkina Faso" Presented at International Federation of Library Associations (IFLA) annual conference, Capetown, August 2015, and Korea National Children's Library Service's annual conference, 2015.
8. "Partnership experience with community libraries in Burkina Faso" Presented at International Federation of Library Associations (IFLA) annual conference, Capetown, August 2015.
9. "How Does Reading Change Rural Burkinabè Youth? Effects on Economic Preferences" Presented at International Federation of Library Associations (IFLA) annual conference, Lyon, August 2014, and at IFLA Satellite conference, Bibliothèque Nationale de France, Paris, August 2014.
10. "How does reading change rural Burkinabè youth? Effects on economic preferences" African Studies

- Association annual meetings, November 2013.
11. "Darfur: Rainfall and Conflict" Association for Environmental Studies and Science, AESS, June 2012.
 12. "Darfur: Rainfall and Conflict" Western Economics Association, WEA, June 2012.
 13. "Using climate as an instrument to estimate effect of GDP decline on civil conflict in Africa," African Studies Association annual conference, November 2010.
 14. "Darfur: Rainfall and Conflict" San Francisco, Middle East Economics Association/ASSA Annual meetings. January 2009.
 15. "Cost-Effectiveness of a summer reading program in community libraries in Burkina Faso" Pacific Development Economics Association conference. March 2009.
 16. "Comparing Urban and Rural Reading Habits in Burkina Faso" Comparative and International Education Studies annual meeting, New York. March 2008.
 17. "Cost of Getting Books Read: Estimates from a Survey in Burkina Faso" African Studies Association, United Kingdom, annual meeting, London. September 2006.
 18. "Understanding Economic Development in Southern Sudan" Sudan Studies Association Annual Meeting, Sudan Studies Association, Rhode Island College. August 2006.
 19. "Cost of Getting Books Read: Evidence from a Survey of Students in Burkina Faso" Biennial conference Center for the Study of African Economies, Oxford University. April 2006.
 20. "Economic Development in Southern Sudan" Sudan Studies International conference, Sudan Studies Association, Bergen, Norway. March 2006.
 21. "Corruption in Africa" talk at symposium organized by the Santa Clara Journal of International Law, entitled "Combating Corruption: The Legal and Ethical Challenges" The symposium was approved for MCLE credit by the State Bar of California. March 2004.
 22. "Determinants of Ratification of the Convention for the Elimination of Discrimination against Women" Western Economics Association annual meeting. 2002.
 23. "What Can Economics Say about Marriage in Africa?" Western Economics Association annual meeting, 2002.
 24. "Trustworthy Bridges: Intermediation in Finance and Safety nets in Developing Countries" WIDER workshop on social insurance and poverty (by invitation), Helsinki, June 2001.
 25. "'Removal of Injustice': Market Logic Versus Moral Economy in Islamist Sudan" African Studies Association annual meeting, Nashville, TN, Nov. 2000; American Economics Association annual meeting, World Development, 2001.
 26. "Islamic Banking in Action: *Salam* and agricultural finance in the Sudan" International Sudan Studies Association conference, Durham, U.K., 2000.
 27. "Do Social Norms Matter more for Girls? Schooling Decisions in Indonesia" Western Economics Association annual meetings, 2000.
 28. "Islamic Banking in Action: *Salam* and agricultural finance in the Sudan" Berkeley-Stanford African Studies Center annual conference, 2000.
 29. "Islamic Banking in Action: *Salam* and agricultural finance in the Sudan" Sudan Studies Association annual conference, Boston, May 1999.
 30. "Social Norms and the Allocation of Women's Labor in Burkina Faso" Western Economic Assoc. Meetings, 1998.
 31. "Tenure Security and the Fertilizer/Manure Tradeoff in Southwestern Burkina Faso" International Association of Agricultural Economics annual meetings, 1997.
 32. "Can there be an Identity Economics?" Annual meeting of the Berkeley-Stanford Center for African Studies, 1997.
 33. "Determinants of Home and Market Production in South-Western Burkina Faso" Stanford University Food Research Institute symposium on Markets in Sub-Saharan Africa, 1996.
 34. "Determinants of Home and Market Production in South-Western Burkina Faso" Annual meeting of the Berkeley-Stanford Center for African Studies, Berkeley, CA, 1996.

35. “Determinants of Women’s Time Allocation in Burkina Faso” Annual meeting of the Western Economics Association, San Francisco, 1996.
36. “Determinants of Women’s Time Allocation in Burkina Faso.” International workshop (by invitation) “Poverty and Growth” organized by Faculty of Economics, Université de Namur, Belgium. July 1996.

Other presentations prior to 1995

- African Studies Association conference, 1991, 1993, 1994 (presenter).
- Western Economics Association conference, 1993, 1994 (panel organizer, presenter and discussant)
- Berkeley-Stanford African Studies conference. 1991 (presenter).
- Sudan Studies Association, 1989, 1993, 1994 (presenter).
- SSRC workshop in Dakar, Senegal, 1992 (presenter).

PRESENTATIONS FOR PUBLIC OR NON-SPECIALIST AUDIENCES

1. “The effects of ‘urban village’ upzoning strategy in San Jose, California” SPUR community advocacy group lunch talk, September 2020.
2. “The effects of ‘urban village’ upzoning strategy in San Jose, California” LSB faculty connect talk, Santa Clara University, May 2020.
3. “Housing Crisis in California: Economics Perspectives” Evergreen Rotary Club, 2019.
4. “Using R teaching undergraduate statistics” (with Bill Sundstrom) Bay Area R Users Group, 2018.
5. “Economic and Political Change in Burkina Faso” College of Special Operations at the Joint Special Operations University Burkina Faso Applied Research Inquiry, 2018.
6. “Economics of gender equality at the corporate level: A survey of research findings” Caterpillar Corp. Women Initiative Network, 2018.
7. “Economic and Political Change in Burkina Faso” and “Libraries and Reading Fiction in Burkina Faso” invited presentations, University Library of St John’s University, 2017.
8. “Executive Analytic Exchange on Burkina Faso for incoming Ambassador Andrew Young,” United States Department of State, November 2016.
9. “Understanding effects of the minimum wage,” St. Jude’s Episcopal Church, Adult Education Forum, October 2016.
10. Literary Cuisine, Santa Clara University. “All Children Reading: Literacy, Libraries, and Development in West Africa,” Thursday, November 2015.
11. “African libraries and reading programs” Colloquium at San Jose State University ischool, February 2015.
12. “Executive Analytic Exchange on Burkina Faso for incoming Ambassador Tulinabo Mushingi,” United States Department of State, August 2013.
13. “Promotion de la Lecture au Burkina Faso” Book launch at the U.S. Embassy in Ouagadougou, Burkina Faso. March 2013.
14. “Mining in Burkina Faso” Stanford Africa Table, January 2012.
15. “Public Libraries in Rural Africa: Evidence and Programs” Montana State University, Engineers without Borders, April 2011.
16. “Understanding Darfur” St. Vincent de Paul Young Adult group, July 2009.
17. “Prospects for Peace in Sudan” (three talks in different libraries) San Mateo County Library System, Sept.-Oct. 2008.
18. “Does Aid Work?” Stanford University Hospital International Medicine Certificate Course. October 2008.
19. “Sudan and Darfur” Osher Lifelong Learning Institute, May 2008.
20. “Education in Africa” Rotary Club of Santa Clara. November 2007.
21. “The Conflict in Darfur” St. Lawrence Academy Candlelight Vigil for Darfur. October 2007.
22. “Reflections on ‘The Lost Boys of Sudan’,” Embassy of the United States, Ouagadougou, Burkina Faso, June 2007.
23. “Public Libraries in Rural Africa: Evidence and Programs” Stanford University, Africa Roundtable, Stanford

University. April 2006.

24. "The Conflict in Darfur" Mission College International Public Affairs Forum, Mission College. April 2006.
25. "The Conflict in Darfur" Save Darfur coalition, Santa Clara University. March 2006.
26. "Conflict and Peace in Sudan" keynote speech American Friends of the Episcopal Church of Sudan 2nd annual conference, American Friends of the Episcopal Church of Sudan, San Jose, CA. February 2006.
27. "The Conflict in Darfur" Fall State Convention, Junior State of America, Marriot Hotel, Santa Clara, CA. November 2005.
28. "The Conflict in Darfur" University of California, Davis, CA. 2006.
29. "The Conflict in Darfur" Priority-Action Network, Oakland, CA, 2006.

REFEREE AND REVIEW WORK

2022

African Studies Review (5), Review of Economics and Statistics, Nations and Nationalisms.

2021

Working Group on African Political Economy (WGAPE) reviewer for April workshop; PLOS One.

2020

World Development, Journal of Institutional Economics, Food Policy, Multicampus Research Programs and Initiatives MRPI University of California system-wide large grant, European Journal of Development Research, Journal of Development Studies.

2019

Journal of Comparative Economics, World Development, Journal of Political Ecology

2018

World Development (2), University of San Francisco (tenure and promotion external reviewer), Multicampus Research Programs and Initiatives MRPI University of California system-wide large grants, Book manuscript Editorial Department of Springer Japan, Women's Studies International Forum, Journal of Development Studies

2017

Economic Development and Cultural Change, Information & Culture, Journal of Urban Economics, African Studies Review

2016

African Studies Association (Best Graduate Student paper award), Information & Culture: A Journal of History, World Development, IFLA Journal, Multicampus Research Programs and Initiatives MRPI University of California system-wide large grants, Journal of Development Studies, Feminist Economics, Journal of International Development, Seattle University (tenure and promotion external reviewer).

2015

Journal of Peace Research, Journal of Asian and African Studies, Politikon, World Development, Dissertation defense, University of Paris, Estelle Koussoube, African Studies Association (Best Graduate Student paper award)

2014

Feminist Economics, Multicampus Research Programs and Initiatives MRPI University of California system-wide large grants, Journal of Development Studies, Canadian Journal of African Studies, World Development

2013

Fulbright screening committee, Ohio University Press, Journal of Development Studies

2012

Journal of Development Economics, Feminist Economics, African Studies Quarterly

2011

Nations and Nationalism, Feminist Economics, Oxford Economic Papers, Environmental and Resource Economics, American Political Science Review, World Bank Economic Review

2010

I4 Index Insurance Innovation Initiative proposal reviewer, Ecological Economics, American Political Science Review, Economic Development and Cultural Change

2009

Feminist Economics, African Geographical Review, National Science Foundation, Seattle University (tenure and promotion external reviewer), World Development, Montana State University external grant review, Feminist Economics

2008

CUNY External Grant review, American Political Science Review, CAREER grant proposal, National Science Foundation, Economic Development and Cultural Change, Journal of Modern African Studies, Economic Development and Cultural Change, Lynne Rienner Press, Loyola Marymount University tenure review.

2007

Journal of Human Resources; Blackwell Publishing; Transparency; University of Wisconsin BASIS grant (review board); African Studies Association sub-program chair

2006

Selection Committee for the annual SSRC International Dissertation Field Research Fellowship Program; World Development; University of Wisconsin BASIS grant (review board); American Journal of Agricultural Economics; World Development

2005

Selection Committee for the annual SSRC International Dissertation Field Research Fellowship Program, Ohio University Department of Economics (tenure reviewer).

2004

Economic Development Cultural Change; Yale University Press ; Selection Committee for the annual SSRC International Dissertation Field Research Fellowship Program; University of Wisconsin BASIS grant (review board); SSRC Program in Applied Economics ; University of Michigan Press ; World Development ; Economic Development and Cultural Change; Journal of Population Economics ; African Studies Quarterly

2003

GeoJournal; Journal of Development Economics; Economic Development and Cultural Change; World Development; The Geographical Journal; Journal of the African Economies; Social Science Research Council International Fellowship competition (referee)

2002

African Studies Review; World Development; Journal of the African Economies; Tech Museum of Innovation (award jury)

2001

Economic Development and Cultural Change; World Development; Journal of Development Economics; Social Science Research Council; Tech Museum of Innovation (award jury)

2000

Food Policy; National Science Foundation; MacArthur Foundation; Journal of Development Studies; African Studies Review; Climate Research: Interactions of Climate with Organisms, Ecosystems, and Human Societies International Food Policy Research Institute

1999

Journal of the African Economies; American Agricultural Economics Association (abstracts review panel for annual conference); Journal of Development Economics; Feminist Economics; Journal of Economic Behavior and Organization; African Finance Journal; African Studies Review International Agribusiness Review

1998

*University of Michigan Press; African Studies Review; World Development; Journal of Institutional and Theoretical Economics
Journal of Economic Behavior & Organization*

Previous

Journal of Development Economics (1994), Journal of the African Economies (1995, 1997),

The University of Michigan Press (1995), World Development (1996), Journal of Theoretical and Institutional Economics (1997).

AWARDS AND HONORS

- Brutocao Teaching Innovation Award, 2017, in recognition of developing teaching of statistics in undergraduate Economics program.
- Leavey Impact Award, 2016, in recognition for Teaching and Learning.
- Broncos Read, for service promoting reading, Santa Clara University, March 2011.
- Outstanding Service Learning Award from Montana State University, April 2010
- Santa Clara University President's Special Recognition Award, 2007, for work as chair of Core Curriculum Revision Committee
- Humanitarian Award, National Society of Black Engineers, Santa Clara University chapter, 2006.

- Sudan Studies Association Appreciation Award, 2005, for service as President of the Association
- Phi Beta Kappa, Georgetown University, 1983.

GRANTS AND FELLOWSHIPS

- Fulbright Research Grant, Institute for International Education, 2012-2013.
- Presidential Research Grant Santa Clara University, Santa Clara University, \$5000. (2012-13).
- Leavey School of Business Summer research grant, Santa Clara University, \$8600. (2011-12).
- Presidential Research Grant Santa Clara University, Santa Clara University, \$5000. (2009-10).
- Technology Innovation Grant, Santa Clara University, Santa Clara University, \$5750. (July 2009 - June 2010).
- Cheryl Breetwor Teaching Fellowship, Santa Clara University (Sponsored Research), Santa Clara University, \$10000. (January 2008 - December 2009).
- Effects of Summer Reading Programs on Reading Ability (Grant), sponsored by Center for Science Technology and Society, Santa Clara University, \$5000. (July 2008 - December 2008).
- Effects of Summer Reading Programs on Reading Abilities (Grant), sponsored by Leavey Grant, Santa Clara University. (June 2008 - November 2008).
- “What Are Secondary School Students Reading in Ouagadougou, and Does It Matter?” Santa Clara University Research grant, (\$3,280, spring 2006).
- “How much do libraries change reading habits, aspirations, and school outcomes? Impact of libraries on students in rural Burkina Faso” Santa Clara University Research grant, (\$4,000, spring 2005).
- “Understanding Sudan: Resources for Teachers and Researchers,” (proposal prepared with Martha Saavedra and Mariane Ferme, both at UC Berkeley) International Research And Studies Program, International Education Programs Service, U.S. Department Of Education, Title VI, (\$318,000 awarded over three years, 2005-07).
- Cheryl Breetwor Teaching Fellowship, Santa Clara University,” Santa Clara University, \$10,000.00. (January 2002 - December 2004).
- “Economic Growth and the Convention for the Elimination of Discrimination against Women” Leavey School of Business summer 2003 research grant.
- “Ethical Issues in Village Libraries” Hackworth Faculty Research Grant, summer 2003, research grant, \$1500.
- Dean Witter Fellowship, Santa Clara University, Santa Clara University, \$10,000.00. (January 2000-December 2002).

Previous Grants and Fellowships

- Thomas Terry Teaching grant, 2001
- Santa Clara University Technology fund, 2001
- Dean Witter Foundation Fellowship, 2000- 2002
- University Research Grant, Santa Clara University, 1996, 1998, 2000, 2002
- Leavey School of Business Summer Grant, 1997, 1999, 2001, 2002
- West Africa Research Association Fellowship, 1995
- Harvard Academy for International and Area Studies Post-Doctoral Fellowship, 1993-1995.
- Mellon Foundation Area Studies Fellowship, 1991-92.
- Social Science Research Council Dissertation Fellowship, 1989-90.
- Fulbright Collaborative Fellowship, 1989-90.
- SSRC Pre-Dissertation Grant, 1988.
- Foreign Language Area Studies (FLAS) Fellowship, 1988.
- PLAN International Development Fellowship, 1985-86.

NON-PROFIT AND COMMUNITY EXPERIENCE

- Director and co-founder, Friends of African Village Libraries www.favl.org, 2001-present.
- Member, International Federation of Library Associations Section on Libraries for Youth and Children, 2015-16.
- Treasurer and co-founder, Horace Mann School Foundation, 2003-2009
- Horace Mann School Site Council, elected member, 2003-2005

SERVICE TO SANTA CLARA UNIVERSITY

Leadership positions

- Director and organizer, Civil Society Institute, 2016-19.
- Convener, Faculty Learning Community, sponsored by Faculty Development office, for faculty interested in using R in for teaching and research, 2015-17.
- Chair, Task Force on Faculty Feedback to Senior Administrators, established by the University Coordinating Committee, 2016.
- Faculty Director, Assessment & Accreditation, Leavey School of Business, 2014-15.
- Director and Founder, Reading West Africa study abroad program, 2009-12.
- Chair, Economics Department, 2007-11.
- Chair, University Core Curriculum Revision Committee, 2006-07.
- Chair, Core Curriculum World Cultures committee, 2004-07.
- Chair, Judging Committee, Technology Benefitting Humanity Tech Awards. 2003-06.
- Chair, Rank and Tenure Committee. Leavey School of Business. 2005-2006.

Significant service

- Member, Undergraduate Leadership Team, 2020-present.
- Member, University Budget Council, 2018-present.
- Member, Rank and Tenure Committee. Leavey School of Business, 2013-16.
- Member, MBA Core Curriculum revision committee, 2011-12.
- Member, Rank and Tenure Committee. Leavey School of Business, 2004-07.

Regular service

- Member, Provost Budget Priorities Committee, 2020-present.
- Mock interview panels (2) for Fellowships office, 2020-21.
- Member, Faculty Senate (also served on two Senate task forces), 2016-2019.
- Library liaison, Economics Department, 2013, 2016-19.
- Member, Search committee Orradre Library Associate Librarian, 2017.
- Faculty Research Mentor, Global Social Benefit Fellowship, 2016-17.
- Member, Core Curriculum Committee for Diversity requirement, 2016.
- Faculty Teaching Associate, Collaborative for Teaching Innovation, 2013-15.
- Member, Brutocoa Teaching award judging panel, 2014.
- Member, Economics Department recruiting committee, 2013-14.
- Member Civic Engagement Committee, Core Curriculum, 2008-14.
- Member, application review committee for Santa Clara University Study Abroad selection process, 2013.
- Member, University Librarian search committee, 2011.
- Member, Study Abroad advisory committee, 2011.
- Member, Steering Committee, Center for Science, Technology and Society, September 2007-11.
- Co-Chair, African Studies minor. 2008-11.

- Member, Economics Dept. recruitment committee, 2011.
- Member, Core Curriculum World Cultures committee, 2004-05.
- Member, University representative to Curriculum Review Committee, Institute for the International Education of Students (IES). 2004-06.

Guest speaker or presenter on campus

1. Professor Dennis Gordon, course Conflict and Peace, October 2017.
2. Professor Dennis Gordon, Center for the Arts and Humanities course on Conflict and Peace, September 2016.
3. Professor Cheryl McElvain, Master's level class in Education, on African libraries and reading programs, November 2015.
4. Presentation in VITAL with Stephen Carroll for faculty development, April 2015.
5. Professor Catherine Montfort, French for Business class in Modern languages, February 2015.
6. Presentation CAFÉ on clickers for faculty development, Feb 2015.
7. Cheryl McElvain Master's level class in Education, on African libraries and reading programs, November 2014.
8. Talk on Google scholar for new faculty orientation, September 2014.
9. Professor John Ifcher Economics 190 research seminar class, 2014.
10. Professor Leslie Gray, World Geography, 2012.
11. Professor Linda Alepin, Global Fellows program, 2012.
12. Professor John Ifcher Economics 190 research seminar class, 2011.
13. Professor Catherine Montfort, French class, 2011.
14. Professor Kris Mitchener Econ 3H, March 2011.
15. Professor Linda Alepin, Global Fellows program, BUSN 196 microfinance presentation. April 2011.
16. Professor John Ifcher Economics 190 research seminar class, 2010.
17. El Salvador LSB immersion trip, lecture on economic development. February 2009.
18. SCAAP, talk on Friends of African Village Libraries. February 2009.
19. Cyphi RLC Panel on Foreign Policy Challenges facing President Obama. January 2009.
20. Alumni Weekend, talk on "Village Libraries in Africa", May 2008.
21. Professor Catherine Montfort, Modern Languages - Business French, April 2008.
22. Political Science Department - Introduction to African Politics, April 2008.

OTHER INFORMATION

Languages

- Spanish Fluent (Elementary and secondary school in Puerto Rico).
- French Fluent (University coursework, 20 years practical experience in Burkina Faso, written books and articles).
- Arabic Very good Sudanese Colloquial (Two years living in a Sudanese village).
- Arabic Good Intermediate-level Modern Standard (Three years university-level study).
- Bamanankan/Dioula Beginning-Level (One year village language lessons).

Affiliations

- American Economics Association
- African Studies Association
- Sudan Studies Association (association board 1998-2005; assistant editor Sudan Studies Association newsletter 1998-2005, President elect, 2001-3, President 2003-2005).

Media appearances

1. Interview, Voice of America (French). November 2017.
2. Voice of America (French) speaking on economic policy with China, April 2017.
3. Voice of America (French) speaking on OPEC decision to raise oil prices, Sept 2016.

4. Quoted in International Business Times article, Fall 2015, <http://www.ibtimes.com/burkina-faso-elections-2015-coup-transitional-government-jeopardizing-fragile-2106834>
5. Spoke on Voice of America (French) story concerning on Federal Reserve decision to raise interest rates December 15, 2015.
6. Quoted in Article on gender discrimination in Brazil. Inertia (online magazine) <http://www.theinertia.com/surf/where-are-all-of-the-brazilian-women/>
7. AP media – consulted for advance obit on Pres. Blaise Compaore of Burkina Faso, 2013.
8. Voix de l’Amerique, spoke on retail and GDP growth after Black Friday, December 2, 2013.
9. KXRW Channel 4 spoke on nomination of Janet Yellen to Federal Reserve chair, Oct 2013.
10. KTVU interview about Invisible Children campaign and Joseph Kony March 2012
11. KCBS on war in Sudan, April 2012.
12. KQED Forum to discuss Sudan and Darfur. March 10, 2009.
13. KNBC Bay Area television, quoted on stimulus package. February 2009.
14. Radio Jamaica on Madoff Ponzi scheme and U.S. economy. January 2009.
15. KLIV news radio, speaking on Fed Reserve. December 15, 2008.
16. Quoted in San Jose Mercury News. October 7 and 15, 2008.
17. Interview on Radio Jamaica. October, 2008.
18. Guest blogger on NBC11 News at 5:00, on recession in U.S. economy. January 23, 2008.
19. U.S. Weekly - Quoted in story about Angelina Jolie and Darfur. November 2007.
20. KGO ABC News Channel 7; spoke on global warming and Darfur crisis. October 12, 2007.
21. Interview on Radio Jamaica. October 24, 2006.
22. Quoted in New York Times. October 23, 2006.
23. San Jose Mercury News - Quoted in article on Darfur. October 17, 2006.
24. KCBS Live news. Spoke on United Nations resolution 1706 and intervention in Darfur. September 9, 2006.
25. Quoted in International Business Times. August 14, 2006.
26. Quoted in article in on Tech Awards, The Santa Clara magazine. March 2006.
27. Quoted in article UC to drop stocks tied to Sudan, “To oppose Darfur genocide, regents approve first socially based divestment since 1986” by Matt Krupnick. <http://www.contracostatimes.com/mld/cctimes/news/local/states/california/14121497.htm>, Contra Costa Times. March 17, 2006.
28. Interviewed on for story about divestment from Sudan-related stocks by U.C. Berkeley, KTVU. March 17, 2006.
29. Quoted in article, “UC seeks to distance itself from business with Sudan” Jan 20, 2006, picked up by Monterey County Herald, CA, and Bradenton Herald. “... Divestment by the UC system would put pressure on foreign corporations and the Sudanese government, said Michael Kevane, an economist and Sudan expert at Santa Clara...”, Contra Costa Times. January 20, 2006.
30. Quoted in article “UC pressed on Sudan stock ties” by Matt Krupnick, Contra Costa Times. October 1, 2005.
31. Spoke on the inauguration of a government of national unity in Sudan, KCBS News Live. September 24, 2005.
32. Quoted in article in Contra Costa Times on status of 'Lost Boys', refugees repatriated to the Bay Area.
33. Appeared on radio KCBS Live, interview on John Garang’s death, August 2005 (producer Ted Goldberg)
34. Appeared on panel discussion at the World Affairs Council in San Francisco, on Darfur, May 2005.
35. Appeared on radio KCBS Live, interview on Darfur Accountability Act, March 7, 2005, 5:20 pm (producer Ted Goldberg)
36. Appeared on ABC News 7, 12/9/04 on story about crisis in Darfur in bay Area
37. Interviewed on KKUP 91.5 radio, with Emmanuel Nado, “Echoes of Africa”, October 2004, and then again on November 1, 2004 about Darfur
38. Interviewed by Pacific News Service on US policy towards Sudan and terrorism. Quoted in article that appeared Dec. 13, 2001. “No Place to Hide - Impoverished Sudan, Somalia Offer Little to Al Qaeda” by Donal Brown, Pacific News Service.
39. Interviewed by San Jose Mercury News regarding award of Nobel Prize to George Akerlof. I was quoted in

article that appeared on October 11, 2001.

40. Letter published in Wall Street Journal, entitled “But Whose Tradition?” replying to op-ed piece by Judge Robert Bork. August 2001.
41. KQED Forum radio talk show, speaking on the civil war in Sudan. May 2001.
42. Quoted in article in Contra Costa Times on status of 'Lost Boys', refugees repatriated to the Bay Area.
43. Letter published in Wall Street Journal, in section entitled, “Will the U.S. Rescue Its Captive Children”, dealing with Saudi Arabia and treatment of girls. The letter referred to Saudi Arabia's signing, with reservations, of the CEDAW treaty.
44. KNTV Channel 11 news, commenting on effects of uncertainty about Presidential elections on stock market. Nov. 13, 2000.
45. KNTV Channel 11 news, commenting on trade relations with China, May 2000.
46. KNTV Channel 11 News, for story on Chinese spying and export controls on high technology. May 27, 1999.

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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12

13
 14 **RENO MAY, an individual, et al.,**
 Plaintiffs,
 15
 16 v.
 17 **ROBERT BONTA, in his official**
capacity as Attorney General of the
State of California, and Does 1-10,
 18 Defendants.
 19
 20

Case Nos. 8:23-cv-01696 CJC (ADSx)
 8:23-cv-01798 CJC (ADSx)

**DECLARATION OF DR. JEANNE
 KISACKY IN SUPPORT OF
 DEFENDANT’S OPPOSITION TO
 PLAINTIFFS’ MOTIONS FOR
 PRELIMINARY INJUNCTION**

Date: December 20, 2023
 Time: 1:30 p.m.
 Courtroom: 9B
 Judge: Hon. Cormac J. Carney

21 **MARCO ANTONIO CARRALERO, an**
individual, et al.,
 22 Plaintiffs,
 23 v.
 24 **ROBERT BONTA, in his official**
capacity as Attorney General of
California,
 25 Defendant.
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DECLARATION OF DR. JEANNE KISACKY

I, Dr. Jeanne Kisacky, declare under penalty of perjury that the following is true and correct:

1. I have been retained by the Office of the Attorney General of the California Department of Justice to provide expert opinions and testimony regarding the history of medical facilities and hospitals in America. Specifically, I have been asked to opine regarding the similarities and differences between hospitals as they existed in the Founding era (in and around the year 1791) and the Reconstruction era (in and around the year 1868) and hospitals as they exist in the modern era.

2. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

BACKGROUND AND QUALIFICATIONS

3. I am an Historian and Independent Scholar with a background in architectural practice. My chosen professional name is Jeanne Susan Kisacky. In 2017, my book Rise of the Modern Hospital: An Architectural History of Health and Healing, won the Fred B. Kniffen Book Award for best authored publication from the International Society of Landscape, Place, and Material Culture. In 2009, I received an individual award from the National Institutes of Health (Grant G13LM 009479) through the National Library of Medicine’s Grant for Scholarly Works in Biomedicine and Health program, which supported the preparation of that book. From 2003 to 2012, I taught variously as Lecturer, Adjunct Assistant Professor, and Assistant Professor at Cornell University, Syracuse University, and Binghamton University. Before undertaking my historical research, I trained in architectural design and between 1987 and 1993, I worked as an architectural intern at the Children’s Hospital in St. Louis, Kohn Pederson Fox Architects in New York City, and Ford, Farewell, Mills, and Gatsch in Princeton, New Jersey. My

1 educational background includes a Ph.D. and M.A. in History from Cornell
2 University, where my Thesis was on the architectural transformation of American
3 hospital design from the eighteenth century to the early twentieth century with
4 special attention to social, medical and cultural influences. Prior to that, I received
5 an M. Arch. from Princeton University, and a B.A. from Washington University in
6 St. Louis. A true and correct copy of my current curriculum vitae is attached as
7 **Exhibit 1** to this declaration.

8 **RETENTION AND COMPENSATION**

9 4. I am being compensated for services performed in the above-entitled
10 case at an hourly rate of \$225. My compensation is not contingent on the results of
11 my analysis or the substance of any testimony.

12 **BASIS FOR OPINIONS AND MATERIALS CONSIDERED**

13 5. The opinions that I provide in this declaration are based on my
14 education, expertise, and research in the field of the history of American hospitals,
15 through the lens of architectural design. My opinions are informed by the
16 knowledge that I have gained over the course of more than 25 years of archival
17 research, including my analysis of numerous primary and secondary sources.

18 **OPINIONS**

19 **I. Hospitals As They Exist In The Modern Era**

20 6. Hospitals as they exist in the United States in the modern era are the
21 preferred location for receipt of pay-for-service, expert, technologically supported
22 medical treatment for persons in medical need. They are understood to have
23 specialized facilities designed to accommodate medical diagnosis, treatment, and
24 care.¹ Based on the 2010 edition of the Guidelines for Design and Construction of

25 _____
26 ¹ Examples of books detailing the history and details of hospital facilities design include,
27 for example, Stephen Verderber, Innovations in Hospital Architecture, (New York, Routledge,
28 2010); Richard L. Miller, Earl S. Swensson, J. Todd Robinson, Hospital and Healthcare Facility
Design, 3rd ed. (New York/London, W.W. Norton & Company, 2012); Cor Wagenaar, Ed., The
Architecture of Hospitals. (Belgium, NAI Publishers, 2006).

1 Hospitals, examples of diagnostic facilities include examination rooms, imaging
2 suites (such as x-ray, MRI, and CAT scanners), and clinical laboratories for
3 specimen acquisition and analysis (such as hematology, pathology, and cytology).
4 Examples of treatment facilities include surgical suites, outpatient departments,
5 emergency units, and special units devoted to specific medical specialties (such as
6 otolaryngology, oncology, pediatrics, and cardiology). Examples of care facilities
7 include inpatient units, critical care units, isolation units, and palliative care units
8 each of which accommodates patient rooms as well as nursing stations and service
9 areas.² For best functioning, all these different units are interconnected by extensive
10 circulation infrastructure for persons, items, and information (including corridors,
11 elevators, pneumatic tube delivery systems, phone, intercom, and computer inter-
12 and intra-net interconnections).³ Hospitals have specialized requirements for
13 mechanical systems, including negative and positive air pressure rooms, high-
14 voltage and explosion-proof electrical outlets, and plumbing systems that provide
15 pure water, sterilizing systems, and centralized suction.⁴

16 7. Generally, when seeking medical treatment at a modern-era hospital in
17 the United States, a patient moves throughout the different parts of the hospital—
18 from admission through a series of diagnostic and treatment facilities (e.g.
19 hematology, X-ray, MRI, CAT Scan, ultrasound, surgery, endoscopy, dialysis,
20 physical therapy). Inpatients often move from one unit (and bed) to another as their
21 conditions change from acute (critical care, observation unit, cardiac care unit, or
22

23 ² The most current version of the guidelines was published in 2022, but the 2010 edition
24 has been made publicly available: The Facility Guidelines Institute, with assistance from the U.S.
25 Dept. of Health and Human Services, Guidelines for Design and Construction of Health Care
26 Facilities, FGI, 2010, [https://www.fgiguideines.org/wp-
27 content/uploads/2022/03/2010_FGI_Guidelines.pdf](https://www.fgiguideines.org/wp-content/uploads/2022/03/2010_FGI_Guidelines.pdf).

28 ³ An overview of current literature on hospital circulation zones provides an idea of the
complexity and depth of research on this design feature. *See* S. Jiang. and S. Verderber, "On the
Planning and Design of Hospital Circulation Zones: A Review of the Evidence-Based Literature."
HERD: Health Environments Research & Design Journal 10:2 (January 2016), 124-146.

⁴ Guidelines for Design and Construction of Health Care Facilities, 2010, *op. cit.* 63-88,
373-393.

1 surgical recovery unit) to moderate-risk (general or intermediate care unit) to stable
2 (rehabilitation unit or chronic care units).⁵

3 8. Hospital facilities in the modern era are subject to intensive
4 regulations, guidelines, and minimum standards. The passage in 1946 of the
5 Hospital Survey and Construction Act (Public Law 725, 79th Congress, commonly
6 referred to as the Hill-Burton Act) resulted in the establishment of Federal standards
7 for hospital design in 1947 by the Public Health Service.⁶ These have been
8 regularly updated.⁷ State and local building codes are now also layered onto
9 hospital facilities.⁸ These standards influence hospital layouts, hospital details, and
10 selection of hospital construction materials. For example, in inpatient units, recent
11 hospital design standards specify the size of patient rooms, recommend only one

12 ⁵ The promotion of Progressive Patient Care facility designs in 1959 and 1962 by the
13 Public Health Service encouraged the movement of inpatients through a sequence of specially
14 designed inpatient units (such as critical care, intermediate care, and minimal care) as they
15 progressed on their recovery. See Elements of Progressive Patient Care, Division of Hospital and
16 Medical Facilities, Public Health Service, U.S. Dept. of Health Education and Welfare, Public
17 Health Service Publication #930-C-1, 1962. See also D. Kirk Hamilton, Jeanne Kisacky, and
18 Frank Zilm, “Critical Care 1950 to 2022: Evolution of Medicine, Nursing, Technology, and
19 Design,” Critical Care Clinics 39:3 (July 2023) 603-625 doi:10.1016/j.ccc.2023.01.002. On the
20 patient’s journey through the hospital, see also R Gualandi, C Masella, D Viglione, D Tartaglini,
21 “Exploring the hospital patient journey: What does the patient experience?” PLoS One. 14:12
22 (Dec 5 2019), e0224899, doi: 10.1371/journal.pone.0224899 and Muriel R. Gillick, Old and Sick
23 in America: The Journey through the Health Care System (Chapel Hill, NC: University of North
24 Carolina Press, 2017).

19 ⁶ Federal Register 12:30 (Wednesday, February 12, 1947) “Appendix A.—General
20 Standards of Construction and Equipment,” 985-1001.

20 ⁷ The Facility Guidelines Institute webpage “Earlier Editions of the Guidelines,” links to
21 or lists many of the earlier editions of hospital design guidelines
22 (<https://www.fgiguilines.org/guidelines/earlier-editions/>). Up to 1987, the guidelines were
23 published by the Public Health Service under the Department of Health, Education and Welfare,
24 see, for example, Federal Register 29:252 (Tuesday, December 29, 1964) Public Health Service:
25 Rules and Regulations, 18447-18474; Minimum Requirements of Construction & Equipment for
26 Hospital & Medical Facilities, United States, HEW Publication No. (HRA) 74-4000, U.S.
27 Government Printing Office, Washington, D.C., 1974. From 1987 to 2006, the guidelines were
28 published by the American Institute of Architects (AIA) with assistance from the U.S.
Department of Health and Human Services, see, for example, Guidelines for Construction and
Equipment of Hospital and Medical Facilities, AIA Committee on Architecture for Health with
assistance from the U.S. Dept. of Health and Human Services, 1987. In 2010, the guidelines were
published by the Facility Guidelines Institute with assistance from the U.S. Department of Health
and Human Services.

27 ⁸ As just one relevant example, see Codes and Regulations, California Department of
28 Health Care Access and Information, <https://hcai.ca.gov/construction-finance/codes-and-regulations/>.

1 bed per room, specify the required number of airborne infection isolation rooms,
2 outline the necessary details of protective environment rooms, and determine the
3 number of visitor lounges.⁹ Extensive design features for physical safety (including
4 handrails, non-slip floors, and call buttons and cords) and infection control
5 (including positive and negative pressure ventilation, antibacterial material choices,
6 and handwashing stations) protect an inherently at-risk population.¹⁰

7 9. Hospital practice in the modern era is also intensely regulated by
8 multiple agencies and institutions which provide codes, standards, certification,
9 licensing, and accreditation for hospitals and hospital practitioners.¹¹ The Medicare
10 Conditions of Participation set the standards necessary for payments to be made to
11 an institution.¹² In many states, including California, hospital patients have rights
12 as to how they may be treated and by whom.¹³

13 10. The Hill-Burton Act also established the American expectation of
14 proximate and equal access to a hospital for all communities and citizens in all
15 locations. The Act supported the construction of more than 7,000 hospital facilities
16

17 _____
18 ⁹ Guidelines for Design and Construction of Health Care Facilities, FGI, 2010, *op. cit.* 89-
19 95.

¹⁰ Guidelines for Design and Construction of Health Care Facilities, FGI, 2010, *op. cit.*
20 43-44, 57-63.

¹¹ The American College of Surgeons initiated minimum hospital standards and
21 accreditation processes in 1917, with the process being taken over by the Joint Commission on
22 Accreditation of Hospitals in 1951 (see timeline at the JCAH website:
23 <https://www.jointcommission.org/-/media/tjc/documents/tjc-history-timeline-through-2022.pdf>
24 and Kisacky, Rise of the Modern Hospital, 229-232, 260-264). Current overview of hospital
25 standards and accreditation process are available at:
26 <https://www.jointcommission.org/standards/about-our-standards>. The American Hospital
27 Association also publishes standards and guidelines for hospital practice (“Standards/Guidelines,”
28 <https://www.aha.org/taxonomy/term/134>; Nurse standards and certification influence hospital
care (American Nurses Association, Nursing: Scope and Standards of Practice, 4th ed., 2021). The
Academy of Architecture for Health, of the American Institute of Architects, through the Center
for Health Design, provides evidence-based design accreditation and certification
(<https://www.healthdesign.org/certification-outreach>).

¹² Medical Conditions of Participation, 42 CFR Part 482,
<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482?toc=1>

¹³ California Department of State Hospitals, “Patient’s Rights,”
https://www.dsh.ca.gov/About_Us/Patients_Rights.html

1 over its 30-year period, a majority of which were built in smaller communities,
2 underserved, and rural areas.¹⁴

3 11. In sum, in the United States today, hospitals are widespread, highly
4 regulated, technologically advanced treatment centers that are considered to be the
5 preferred location for the receipt of medical care.

6 **II. Hospitals As They Existed In The Founding Era (In And Around**
7 **The Year 1791)**

8 12. Only a handful of hospitals existed in the United States by the year
9 1791; all of them were in the larger cities.¹⁵ They were not the preferred location of
10 medical care. House calls, where the doctor treated patients in their own homes,
11 were the standard of medical care, but were accessible only to persons with homes
12 and with disposable income to afford the doctor's fees.¹⁶ Initially, the sick poor
13 were either given "outdoor relief" (the delivery of direct money or services to the
14 needy in their places of residence) or sent to an almshouse or poorhouse (to which
15 the closest modern equivalent would be a homeless shelter).¹⁷ In the mid-1700s,
16 interest in creating hospitals to separate the medically sick (who could potentially

17 _____
18 ¹⁴ Lave, J. R. and L. B. Lave (1974). *The Hospital Construction Act: An Evaluation of the Hill-Burton program, 1948-1973*. Washington, D.C., American Institute for Public Policy Research.

19 ¹⁵ Kisacky, *Rise of the Modern Hospital: An Architectural History of Health and Healing*, University of Pittsburgh Press, 2017. *Charity Hospital in New Orleans was founded in 1721 (John Salvaggio, New Orleans' Charity Hospital: A Story of Physicians, Politics, and Poverty, Baton Rouge/London: Louisiana State University Press, 1992). Pennsylvania Hospital in Philadelphia was founded in 1751, opened in a temporary facility in 1752, and moved to its permanent location in 1756 (Thomas G. Morton and Frank Woodbury, The History of the Pennsylvania Hospital; 1751-1895, Philadelphia: Times Printing House, 1895)*

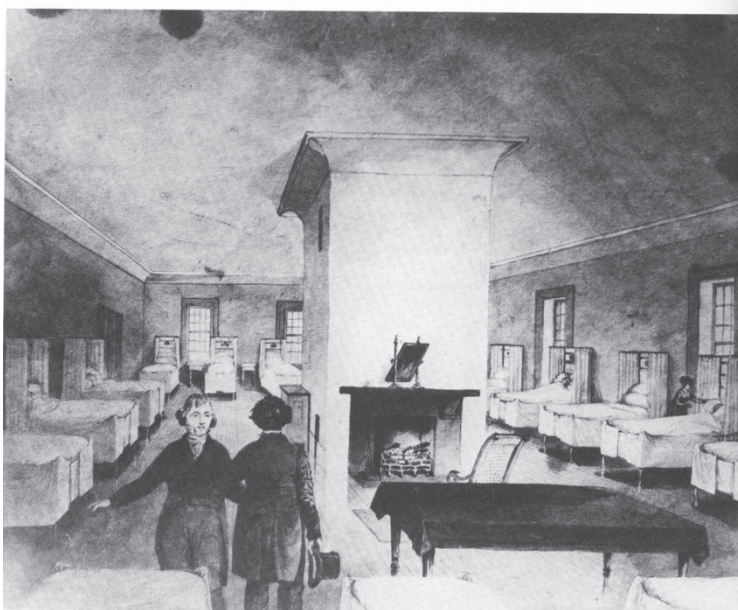
20 <https://digirepo.nlm.nih.gov/ext/dw/68130800R/PDF/68130800R.pdf>. *The New York Hospital in New York City was founded in 1771 but only opened and began admitting patients in 1791 (Eric Larrabee, The Benevolent and Necessary Institution: The New York Hospital 1771-1971, Garden City, NY: Doubleday and Company, 1971).*

21 ¹⁶ Charles E. Rosenberg, *The Care of Strangers: The Rise of America's Hospital System*, New York: Basic Books, 1987; Oscar Reiss, *Medicine in Colonial America*, Lanham: University Press of America, 2000; Paul Starr, *Social Transformation of American Medicine*, New York: Basic Books, 1982).

22 ¹⁷ Gary Nash, "Poverty and Politics in Early American History," In *Down and Out in Early America*, (University Park, Pa.: Pennsylvania State University Press, 2004. See also *Britannica Online* s.v. "Almshouse"; <https://www.britannica.com/topic/almshouse>.

1 be cured and returned to productive lives) from the other inmates (described
2 variously as vagrants, beggars, etc.) developed.¹⁸ City administrators also believed
3 that these hospitals would offer a more efficient solution: Benjamin Franklin
4 believed that hospital care would cost only one-tenth as much as private home
5 care.¹⁹

6 13. There were no hospital design standards or guidelines in 1791. These
7 earliest American hospitals occupied structures based on the sparse existing



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18 Figure 1: View of Ward in Massachusetts General
19 Hospital in 1845. Showing the placement of beds in a
20 large open room. The central fireplace was unusual.
21 Figure from John D. Thompson and Grace Goldin, The
22 Hospital: A Social and Architectural History, (New
23 Haven, Conn.: Yale University Press, 1975).

8 descriptive literature on hospital
9 design (mostly written by
10 European doctors and
11 reformers) and on the personal
12 experience of European
13 hospitals brought back by
14 American doctors who had done
15 medical training abroad.²⁰ At a
16 time before germ theory, bad air
17 was considered the cause of
18 many diseases and to prevent
19 airborne spread of disease
20 between patients, the literature
21 emphasized design features

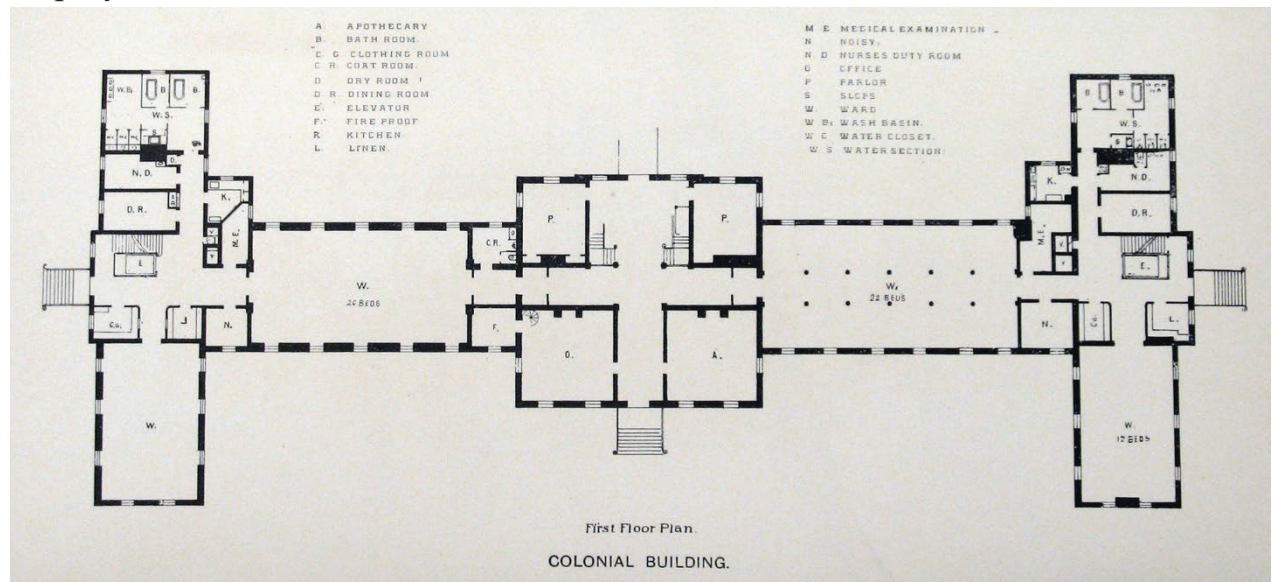
22 ¹⁸ David J. Rothman, The Discovery of the Asylum: Social Order and Disorder in the New
23 Republic, (Boston: Little, Brown and Company, 1971).

24 ¹⁹ Benjamin Franklin, Some Account of the Pennsylvania Hospital from its First Rise to
25 the beginning of the fifth Month called May, 1754, (Philadelphia: B. Franklin and D. Hall, 1754)
26 <https://digirepo.nlm.nih.gov/ext/mhl/2554043R/PDF/2554043R.pdf>, 21.

27 ²⁰ See, e.g., John Aikin, Thoughts on Hospitals, ([London] 1771); Samuel Bard, A
28 Discourse Upon the Duties of a Physician, with Some Sentiments, on the Usefulness and
Necessity of a Public Hospital . . . (New York: A. & J. Robertson, 1769)
<https://digirepo.nlm.nih.gov/ext/mhl/2542034R/PDF/2542034R.pdf>; and Dr. John Jones, Plain,
Concise, Practical Remarks on the Treatment of Wounds and Fractures; To Which is Added, a
Short Appendix on Camp and Military Hospitals . . . (New York: John Holt, 1775)
<https://digirepo.nlm.nih.gov/ext/mhl/2559023R/PDF/2559023R.pdf>.

1 (narrow, well-windowed rooms and widely spaced beds) that provided voluminous
 2 fresh air between patients.²¹

3 14. Hospitals in the 1790s primarily consisted of “wards” – large open
 4 rooms which housed from 10 to 30 patients. [See Figures 1 and 2.] For the most
 5 cost-effective care, one head nurse and a couple assistants cared for all the patients
 6 within one ward; each ward had a handful of adjacent basic service spaces, such as
 7 bathrooms, stores, washrooms, kitchen, and a nurses’ room. Other than wards,
 8 hospital buildings typically held only an administrative office, an apothecary room
 9 (pharmacy), central kitchen, central laundry, and apartments for the staff (nurses,
 10 superintendent, matron, etc.) who were provided housing as part of their
 11 employment.²²



21 Figure 2: Floor Plan of Pennsylvania Hospital in 1896. In 1791, only the East Wing (the left
 22 third of this image) was completed. Figure from Pennsylvania Hospital, Annual Report, 1896,
 23 frontispiece.

23 ²¹ The science of ventilation at the time was limited to the use of natural ventilation
 24 (winds through openings) or to temperature differentials (the updraft created by chimneys or
 25 fireplaces). See Jeanne Kisacky, “Restructuring Isolation,” Bulletin of the History of Medicine,
 79:1 (2005) 1-49 DOI: 10.1353/bhm.2005.0029; Jeanne Kisacky, “Breathing Room: Calculating
 26 an Architecture of Air,” in Anthony Gerbino, Ed., Geometrical Objects: Architecture and the
 27 Mathematical Sciences 1400-1800, Switzerland: Springer, 2014.

28 ²² I base these general observations about hospital design and practice on archival research
 in the collections of the New York Hospital, the Presbyterian Hospital, Mount Sinai Hospital, the
 National Library of Medicine, the University of Pennsylvania archives, and the New York
 Academy of Medicine, which included analysis of available hospital annual reports published
 between 1751 and 1945 for over 100 hospitals.

1 15. With their almshouse pedigree, persons of means rarely became
2 patients in hospitals; travelers caught ill away from home were the notable
3 exception. Admission to the hospital required personal application to a governor (a
4 prominent community member on the board of governors), a hospital surgeon, or a
5 hospital physician.²³ For both the Pennsylvania Hospital and the New York
6 Hospital, applicants who resided in the State but not in the City, had to be
7 recommended to the hospital “by a justice of the peace and an overseer or overseers
8 of the poor in the township wherein they reside.”²⁴ If the applicant was deemed a
9 worthy case, the governor would give the applicant a note of recommendation that
10 could be presented to the visiting committee at the hospital. The applicant would
11 then be examined by hospital doctors to determine if their condition were treatable.
12 Persons in need of immediate emergency treatment could be admitted immediately,
13 and the interview and determination of eligibility would follow later.²⁵

14 16. At the Pennsylvania Hospital, it was expected that if a patient could
15 pay for some or all of their stay, they would do so, and that the income would be
16 used to offset the charitable care provided to other patients.²⁶ Pay patients could
17 choose (and pay for) a specific doctor; charitable patients received care from one of
18 the appointed institutional doctors.²⁷ The bulk of the care was provided by house
19 doctors, young practitioners starting out on their careers who lived in the hospital.

22 ²³ The admission process is outlined in multiple locations as each party’s responsibilities
(governor, doctor, patient) was spelled out separately (Society of the New York Hospital, A Brief
23 Account of the New York Hospital, [New York City: Isaac Collins & Sons, 1804),
<https://digirepo.nlm.nih.gov/ext/mhl/2572040R/PDF/2572040R.pdf>, pp. 21-22, 27-28, 34, 36).
24 The Pennsylvania Hospital had similar admission procedures (Some Account of the Pennsylvania
Hospital . . ., 1754, op. cit. 26).

25 ²⁴ A Brief Account of the New York Hospital, 1804, op.cit. p. 34; Some Account of the
Pennsylvania Hospital . . ., 1754, op. cit. 225-6.

26 ²⁵ Some Account of the Pennsylvania Hospital op. cit., 26, 1754, op. cit.; A Brief Account
of the New York Hospital, 1804, op.cit. pp. 21-22

27 ²⁶ Some Account of the Pennsylvania Hospital . . ., 1754, op.cit. 26; A Brief Account of
the New York Hospital, 1804, op.cit. p. 32-34

28 ²⁷ Some Account of the Pennsylvania Hospital, 26-27.

1 The attending physicians volunteered their service and visited the hospital a couple
2 times a week, and on a rotating monthly schedule.²⁸

3 17. There were no separate rooms for paying patients. Patients were
4 assigned to a ward based on gender (whether they were male or female) and
5 whether they were a medical or surgical patient. Pregnant women in the New York
6 Hospital were assigned to a specific lying-in ward.²⁹ Mentally ill patients who
7 could be disruptive of ward order were often placed apart, in a basement or remote
8 ward.³⁰ Beyond those distinctions, patients were assigned randomly to available
9 beds in one of the large wards. Once admitted, patients stayed in the same bed in
10 the same ward for the duration of their stay, which was typically measured in weeks
11 or even months.³¹

12 18. Patients surrendered bodily autonomy with their admission. The Rules
13 for patients of both the Pennsylvania Hospital and the New York Hospital make this
14 explicit. At the New York Hospital, “any patient misbehaving by going out without
15 leave, getting drunk, swearing, or be [sic] guilty of other disorderly conduct,” could
16 be confined or discharged regardless of condition.³² Smoking or playing at cards,
17 dice or other games of chance, or begging were also grounds for discharge.³³
18 According to historian Charles E. Rosenberg, misbehaving patients could be

19 ²⁸ A Brief Account of the New York Hospital, *op. cit.*, 1804, 28-31. Rosenberg, Care of
20 Strangers, *op. cit.* 15-46. By 1837, Bellevue Hospital noted that each attending doctor had the
21 care of an average of 400 patients (Report of the Special Committee upon the Memorial,
Remonstrance, &c., of Sundry Physicians, Relative to a new Organization of the Hospital
Department of the Alms House, Document No. 108 New York City Board of Assistant Alderman
[New York City: T. Snowden, 1837]).

22 ²⁹ Society of the New York Hospital, An Account of the New-York Hospital, (New York:
23 Collins & Co., 1811), <https://digirepo.nlm.nih.gov/ext/mhl/2572041R/PDF/2572041R.pdf>, 6.

24 ³⁰ At the Pennsylvania Hospital, the directors added cells in the basement for the mentally
25 ill (Morton and Woodbury, The History of the Pennsylvania Hospital; 1751-1895, *op. cit.*, 128-
129).

26 ³¹ In 1844, the directors of the Massachusetts General Hospital pointed out that private
27 patients stayed in the hospital an average of 3 weeks and 6 days, while charity (free) patients
28 stayed an average of 7 weeks and 1 day (Massachusetts General Hospital, Annual Report 1844, p.
4).

³² A Brief Account of the New York Hospital, 1804, *op. cit.* p. 26-27. Similar rules were
also in Some Account of the Pennsylvania Hospital, pp. 25-27.

³³ A Brief Account of the New York Hospital, 1804, *op. cit.* p. 35.

1 punished, whether by being prescribed a ‘low diet,’ transferred to a less desirable
2 ward, or even given cold showers. “In most hospitals, authorities withheld the
3 patients’ clothes so as to control their comings and goings.”³⁴ The Pennsylvania
4 Hospital’s ward design included “clothing rooms” for safekeeping but this also
5 enabled control of a patient’s street clothes and personal effects. [See Figure 2.]

6 19. Patients were not allowed to enter the kitchen or any of the servants’
7 apartments; this in effect confined them to the ward.³⁵ To leave the hospital grounds
8 even for a short time, house staff, nurses, and domestic servants as well as patients



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17 Figure 3: View of Pennsylvania Hospital in 1799
18 by Wm. Birch showing the hospital wall.
19 <https://www.loc.gov/item/2002718889/>

20 had to request a “pass.”³⁶ Hospitals
21 had walls around them, with a
22 gatehouse and gate keeper to control
23 who could enter and leave. [See
24 Figure 3.] By the early 1800s, the
25 governors of the New York Hospital
26 added bars to the windows of one of
27 the ward buildings to reduce unofficial
28 comings and goings. Visitors to
patients (such as family and friends)
were strictly regulated. At the
Pennsylvania Hospital visiting hours were limited to the one hour between noon
and one o'clock on every day but Sunday.³⁷ The physician at the New York
Hospital could prohibit visitors entirely to asylum (mentally ill) patients.³⁸ As they
recovered, patients were expected to assist in menial chores—typically sweeping,

34 Rosenberg, Care of Strangers, op. cit. 36.

35 A Brief Account of the New York Hospital, 1804, op. cit. p. 35.

36 Rosenberg, Care of Strangers, op. cit., p. 35

37 Rosenberg, Care of Strangers, op. cit., p. 35

38 An Account of the New-York Hospital, New York: Collins & Co., 1811, p. 52.

1 simple washing, or helping feed the bedridden.³⁹ At the New York Hospital, once a
2 week one of the patients was required to read the Bible to the other patients.⁴⁰

3 20. Nurses were untrained and poorly paid, and nursing was difficult,
4 onerous, and dangerous work. Many were recovered former patients or persons
5 with prior experience in housekeeping positions.⁴¹ The rules created for Nurses
6 indicate some of the problems experienced. At the New York Hospital the
7 superintendent had license to “discharge such of them as may be guilty of swearing,
8 drunkenness, or other bad conduct, or of clandestinely bringing spirituous liquors
9 into the house for the use of themselves or the patients.”⁴² Typically the nurses
10 worked in two shifts with multiple day nurses but only one night nurse or even a
11 hired untrained ‘watcher’ for a ward, or perhaps multiple wards.⁴³

12 21. The ward was a public space: the patients were in it all day and night,
13 coughing, talking, and (before painkillers) groaning or even screaming. Hospital
14 managers, the superintendent, matron, doctors, house doctors, medical students and
15 staff visited the ward regularly, at their convenience, at all times of day. Without
16 separate examination or treatment rooms, the house doctors and attending doctors
17 provided whatever care was needed (even surgery) within the ward space itself.⁴⁴
18 There was no privacy; each patient could see and hear the examination and
19 treatment of the surrounding patients. [See Figure 1.] Medical treatments of the age
20 still followed the ancients (Hippocrates and Galen) and included bloodletting,
21 purges, emetics, and restoratives (such as alcohol) as well as practical care such as
22 restorative diets and rest.⁴⁵

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24 ³⁹ A Brief Account of the New York Hospital, 1804, op. cit., p. 35.

25 ⁴⁰ A Brief Account of the New York Hospital, 1804, op. cit., 32-33.

26 ⁴¹ Rosenberg, Care of Strangers, op. cit., 38-39

27 ⁴² A Brief Account of the New York Hospital, 1804, op. cit., p. 32.

28 ⁴³ Rosenberg, Care of Strangers, op. cit., 38-39.

⁴⁴ Rosenberg, Care of Strangers, op. cit., 15-46.

⁴⁵ John Parascandola, “Drug Therapy in Colonial and Revolutionary America,” Am J Hosp Pharm. 33:8 (Aug 1976) 807-810. PMID 782235.

1 22. There were no operating rooms in hospitals in 1791; most surgical
2 treatments were performed in the ward, without anesthesia (which would not be
3 discovered until 1846); antisepsis (which would not be discovered until 1868); and
4 penicillin (which would not be discovered until 1928 and only put into broad use in
5 the 1940s).⁴⁶ Treatments and care for existing wounds (such as bonesetting and
6 wound care) were regularly performed, but surgery as an intervention was
7 infrequent and a last resort. The event was traumatic not only for the patient, but for
8 the others in the room who had to hear and experience the event.⁴⁷

9 23. Hospitals were also dangerously subject to cross-infections within the
10 wards. In the surgical wards, post-surgical septic infections affected a majority of
11 patients; in 1776, Dr. John Jones described ‘laudable’ pus as a normal step in
12 wound healing.⁴⁸ Statistics listed in hospital annual reports of the 1790s and 1800s
13 regularly counted a 10-15% patient mortality rate for all patients. According to Dr.
14 Jones, during times of internal outbreaks, 20-40% of patients in the hospital might
15 die from diseases they caught after admission, and amputations were so deadly (40-
16 60% of amputees died) that doctors often chose not to perform them.⁴⁹ In the
17 medical wards, though hospitals barred admission to any patient with an infectious
18 ailment, many entered with latent illness and internal epidemics of typhus,
19 erysipelas, and other infections occurred regularly.⁵⁰

20 ⁴⁶ Kisacky, “Restructuring Isolation,” *op. cit.*; Kisacky, “Consequences of Migrating U.S.
21 Contagious Facilities Into General Hospitals, 1900-1950,” *Health Environments Research &*
22 *Design Journal*, 15:1 (Jan 2022) 75-96; Owen H. Wangensteen and Sarah D. Wangensteen, The
Rise of Surgery: From Empirc Craft to Scientific Discipline (Minneapolis, Minn.: University of
Minnesota Press, 1978).

23 ⁴⁷ Atul Gawande, “Two Hundred Years of Surgery,” New England Journal of Medicine,
366:18 (2012) 1716-1723. DOI 10.1056/NEJMra1202392.

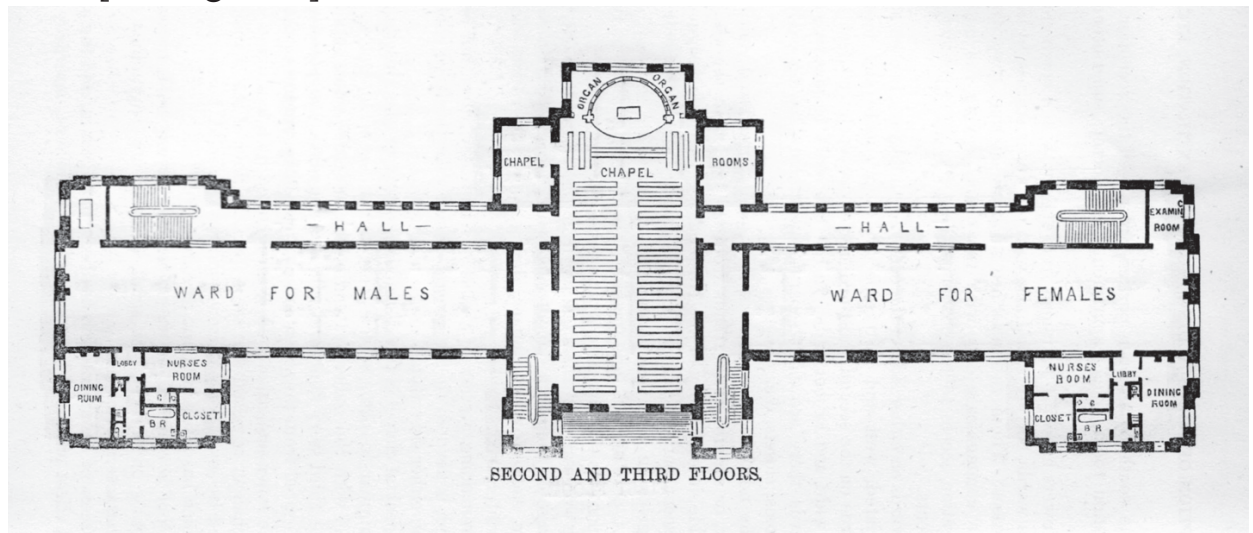
24 ⁴⁸ Jones, Plain, Concise, Practical Remarks, *op. cit.*, 5.

25 ⁴⁹ Jones, Plain, Concise, Practical Remarks, *op. cit.*, 5; Owen H. Wangensteen, Sarah D.
Wangensteen, Charles F. Klinger, “Surgical cleanliness, hospital salubrity, and surgical statistics,
historically considered.” Surgery 71:4 April 1972 477-493; J. W. Alexander, “The contributions
26 of infection control to a century of surgical progress,” Annals of Surgery 201:4 (April 1985) 423-
428, doi: 10.1097/00000658-198504000-00004.

27 ⁵⁰ Graham A. J. Ayliffe, Hospital Infection: From Miasmas to MRSA, Cambridge/New
York: Cambridge University Press, 2003; George Hayward, “History of the Erysipelatous
28 Inflammation that Recently Appeared in the Massachusetts General Hospital,” New England

1 27. Nightingale indicated that pavilion plans would make hospitals safe--
2 the extensive ventilation would prevent airborne disease spread, while the
3 professional nurses would make the ward a controlled, clean, moral environment
4 and provide basic care.⁵⁸ This enabled the growth of hospitals and by the 1870s,
5 cities across the country began to add more hospitals built along Nightingale's
6 guidelines.⁵⁹

7 28. Nightingale's reformatory efforts, however, were a refinement of the
8 existing charitable institution, not a transformation of the hospital to a location of
9 specialized medical care for all citizens. Hospitals of the 1860s were essentially
10 sanitized, more orderly versions of the hospitals of the 1790s. They held mostly
11 large (10-to-30 bed) wards, with the necessary ward services (including kitchen,
12 laundry, and administration). As locations for moral as well as physical care, many
13 hospitals included chapels. St. Luke's Hospital in New York City included 200 beds
14 but no operating rooms. At its center was a chapel that accommodated 350 persons,
15 and the building was arranged so that all patients could hear the services from their
16 beds. [See Figure 5.]



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25 Figure 5: St. Luke's Hospital in New York City, floor plans, ca. 1860. From St.
26 Luke's Hospital, Annual Report 1860.

27 ⁵⁸ Charles E. Rosenberg, "Florence Nightingale on Contagion: The Hospital as Moral
28 Universe," in Healing and History: Essays for George Rosen, ed. Rosenberg (New York: Science
History Publications, 1979), 118.

⁵⁹ Kisacky, Rise of the Modern Hospital, *op. cit.*, 22-77.

1 29. While hospitals still did not include extensive specialized surgical or
2 medical treatment facilities, many did include a surgical amphitheater or a
3 rudimentary pathological laboratory to increase the value of medical education in
4 the hospital. While the development of anesthesia in 1846 increased the value of a
5 separate room for administration of and recovery from anesthesia, it also allowed
6 doctors to perform longer, more complex surgeries without any concomitant
7 improvement in strategies to prevent or treat infections. The survival rate of
8 surgical patients in hospitals was abysmal.⁶⁰ A high percentage of patients survived
9 the operation, but soon died of post-operative complications, such as what we
10 would now know as shock or simple decline, but most often of septic infections.⁶¹
11 In 1872, after spending time as a house surgeon at Bellevue Hospital, Dr. Thomas
12 K. Cruse called it a “slaughter pen of the wounded,” and noted that even the long-
13 time doctors could not remember a patient recovering from a thigh amputation in
14 the hospital.⁶² Lister’s series of articles on germ theory and the success of antiseptic
15 surgery appeared in 1867, but were initially received by US doctors with as much
16 skepticism as acceptance.⁶³ The transformations of germ theory, of antiseptic
17 surgery, and eventually aseptic surgical practices, occurred in the late 1870s and
18 afterwards.

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21 ⁶⁰ Bellevue Hospital listed mortality rates for amputation cases at 48 percent in 1872 and
22 1837 and for lying-in (obstetric) patients at 40 percent in May of 1874 (State Charities Aid
23 Association, Visiting Committee, Bellevue Hospital, New York City, Annual Report 3 [1875] 10;
24 Edward D. Churchill, “The Pandemic of Wound Infection in Hospitals: Studies in the History of
25 Wound Healing,” Journal of the History of Medicine, 20 (Oct 1965), 391-404,
26 <https://www.jstor.org/stable/24621509>; Kisacky, Rise of the Modern Hospital, *op. cit.*, pp. 78-
27 104.

28 ⁶¹ “Bellevue Hospital,” New York Times 18 June 1873.

⁶² Thos. K Cruse, “The Treatment of Compound Fractures of the Leg, at Bellevue
Hospital,” Medical Record 7 (15 April 1872), pp. 140.

⁶³ Lister, “On the Antiseptic Principle in the Practice of Surgery,” British Medical Journal
2:351 (Sept 21 1867) 246-248, <https://www.bmj.com/content/2/351/246>; Thomas P. Gariepy,
“The Introduction and Acceptance of Listerian Antisepsis in the United States,” Journal of the
History of Medicine and Allied Sciences 49:2 (April 1994) 167-206., DOI:
10.1093/jhmas/49.2.167.

Exhibit 1

Jeanne S. Kisacky

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EDUCATION

2000	Ph.D.	Cornell University, Ithaca, New York, History of Architecture and Urban Design
1995	M.A.	Cornell University, Ithaca, New York, History of Architecture and Urban Design
1990	M.Arch.	Princeton University, Princeton, New Jersey
1988	B.A.	Washington University, St. Louis, Missouri, magna cum laude

GRANTS

1/2009-9/2011	Grant G13LM 009479, National Library of Medicine/National Institute of Health, Grant for Scholarly Works in Biomedicine and Health, Individual Award for preparation of book manuscript: <u>From Pavilions to Hospitals: A History of Healthy Hospital Design.</u>
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PROFESSIONAL EXPERIENCE

GRANT MANAGEMENT/ADMINISTRATIVE

2022-present	<u>Grant and Contract Officer.</u> Cornell University. Pre- and post-award non-financial research administration.
2020-2022	<u>Communications Assistant</u> and <u>Temp Administrative Assistant</u> , Cornell University.
2014-2020	<u>Administrative Assistant to Prof. Susan McCouch</u> , Cornell University. Assist Prof. McCouch in managing approximately \$18M of research grants.

TEACHING/ACADEMIC

Oct-Dec 2012	<u>Instructor</u> , Syracuse University. Department of Architecture. I finished teaching two already-in-progress courses for an instructor who was placed on emergency medical leave.
Spring 2012	<u>Instructor</u> , Syracuse University. Department of Architecture.
Summer 2009	<u>Participating Historian</u> , "Ellis Island 1891-1924: Immigration, Public Health and the American Workforce," NEH Landmarks in American History and Culture Workshop for Teachers at the Ellis Island Institute.
Fall 2008	<u>Visiting Lecturer</u> , Cornell University. Department of City and Regional Planning.
Summer 2008	<u>Participating Historian</u> , "Ellis Island 1891-1924: Immigration, Public Health and the American Workforce." As described above.
Fall 2007	<u>Adjunct Professor</u> . Syracuse University. Department of Architecture.
2005-2006	<u>Assistant Professor</u> . Syracuse University. Department of Architecture.
Spring 2005	<u>Lecturer</u> . Syracuse University. Department of Architecture.
Spring 2005	<u>Adjunct Assistant Professor</u> , Binghamton University, Dept. of Art History,
2003-2004	<u>Lecturer</u> . Syracuse University. Department of Architecture

Fall 2002 Visiting Lecturer, Cornell University. Department of Architecture;
2001-2004 Visiting Scholar. Cornell University. Department of Science and
 Technology Studies.
1994-1996 Teaching Assistant, Cornell University, Architecture Department
Fall 1989 Assistant in Instruction, Princeton University, Architecture Department

PUBLISHING

1999-2001 Managing Editor of Isis, the Journal of the History of Science Society,
 (then affiliated with the Dept. of Science and Technology Studies, Cornell
 University).
Fall 1997, 1998-1999 Book Review Assistant, or Manuscript Assistant for Isis.

ARCHITECTURAL DESIGN/PRACTICE

1990-1993 Architectural Intern, Ford, Farewell, Mills, and Gatsch, Architects
 (formerly Short and Ford and Partners, Architects) Princeton, New Jersey
Summer 1989 Architectural Intern, Kohn Pederson Fox Architects, New York, NY
1987-1988 Architectural Assistant to Vice President of Facilities Management,
 Children's Hospital, St. Louis, Missouri, under Roger E. Becker, AIA.

PUBLICATIONS

Books

Jeanne Kisacky, *The Rise of the Modern Hospital: An Architectural History of Health and Healing* (Pittsburgh: University of Pittsburgh Press, 2017).

Recipient of the 2017 Fred B. Kniffen Book Award for best authored publication from the International Society of Landscape, Place, and Material Culture.

Articles

D. Kirk Hamilton, Jeanne Kisacky, Frank Zilm; "Critical Care 1950 to 2022: Evolution of Medicine, Nursing, Technology, and Design," *Critical Care Clinics*, July 2023 39 (3): 603-625. DOI: 10.1016/j.ccc.2023.01.002

Jeanne Kisacky, "Consequences of Migrating US Contagious Facilities into General Hospitals, 1900-1950," *HERD-Health Environments Research & Design Journal*, Jan 2022 15:(1) 75-96. DOI: 10.1177/19375867211049818

Jeanne Kisacky "An Architectural History of US Community Hospitals," *AMA J Ethics* 21:3 (March 2019) E288-296. doi: 10.1001/amajethics.2019.288.

Jeanne Kisacky "When Fresh Air Went Out of Fashion at Hospitals," *Smithsonian.com*, Jun 14, 2017, <http://www.smithsonianmag.com/history/when-fresh-air-went-out-fashion-hospitals-180963710/>

Jeanne Kisacky "How Hospital Rooms Went from Airy Temples to "Inhuman" Machines: Architecture Used to Pamper Patients. Then Designers Began Prizing Efficiency," June 7, 2017 on <http://www.zocalopublicsquare.org/2017/06/07/hospital-rooms-went-airy-temples-inhuman->

[machines/ideas/nexus/](#)

Jeanne Kisacky "Illuminations of Theme: How Critique can Teach Us What Our Work Is Trying to Say," in *Author in Progress: A No-Holds Barred Guide to What it Really Takes to Get Published*, (New York: Writer's Digest Books, 2016)

Jeanne Kisacky "Breathing Room: Calculating an Architecture of Air." In *Geometrical Objects: Architecture and the Mathematical Sciences 1400-1800*, edited by Anthony Gerbino. (Archimedes 38, New Studies in the History and Philosophy of Science and Technology) Switzerland: Springer, 2014.

Jeanne Kisacky "Germs are in the Details: Aseptic Design and General Contractors at the Lying-In Hospital of the City of New York, 1897-1901," *Construction History*, 28:1 (2013) 83-106.

Jeanne Kisacky "The Color of Surgery," in Marilyn DeLong and Barbara Martinson, eds., *Color in Design*, London/New York: Berg, 2012

Jeanne Kisacky "Restructuring Isolation: Hospital Architecture, Medicine, and Disease Prevention" *Bulletin of the History of Medicine*, 79:1 (Spring 2005), 1-49.

Jeanne Kisacky "History and Science: Julien-David Leroy's Dualistic Method of Architectural History," *Journal of the Society of Architectural Historians*, 60: 3 (Sept 2001), 260-289.

Book Reviews:

Annmarie Adams, *Medicine by Design: The Architect and the Modern Hospital, 1893-1943*. (Minneapolis/London: University of Minnesota Press, 2008). *Winterthur Portfolio*, 44: 2/3, (Summer/Autumn 2010), 248-250.

Carla Yanni, *The Architecture of Madness: Insane Asylums in the United States*. (Minneapolis/London: University of Minnesota Press, 2007) reviewed in *The Journal of the History of Medicine and Allied Sciences*, 65: 1 (Jan. 2010), 135-137.

Carla Yanni, *The Architecture of Madness: Insane Asylums in the United States*. (Minneapolis/London: University of Minnesota Press, 2007) reviewed in *The Register of the Kentucky Historical Society*, 105:4 (Autumn 2007)

ACADEMIC PRESENTATIONS

June 2023 "Design of Critical Care Facilities," Recorded collaborative presentation (with Frank Zilm and D. Kirk Hamilton) presented at CHCC (China Hospital Construction Conference), Western China International Expo City, Chengdu, June 17-19,2023.

December 2021 "Critical Care Design: The History and Future," collaborative webinar presentation (with Frank Zilm, D. Kirk Hamilton, and Julie Fairman), AIA

- Webinar presented through the Academy of Architecture for Health, December 14, 2021.
- August 2021 “What Nineteenth Century Hospital Designers Knew about Minimizing Airborne Transmission and Why It’s Been Forgotten,” Cecil Striker Society for the History of Medicine Webinar Lecture, University of Cincinnati (by zoom), August 26, 2021.
- April 2022 “Open and Shut: A Brief History of the Changing Expectations of the Hospital Window,” Centro Interuniversitário de História das Ciências e da Tecnologia (CIUHCT), Lisbon, Portugal, web conference, April 22, 2022.
- March 2020 “Open and Shut: A Brief History of Hospital Windows and Shifting Perceptions of Institutional Efficiency,” George Washington Corner Society Lecture, Rochester Academy of Medicine, NY, March 11, 2020.
- January 2020 Commentary at “Feeling Dis/Ease—New Perspectives on Contemporary History, Max Planck Institute for Human Development, Berlin, January 29-31, 2020.
- April 2019 “The Changing Design of the Minimum Effective Hospital (And Its Consequence) 1900-1950,” American Association of Historians of Medicine, Columbus April 25-28, 2019.
- May 2017 Poster Presentation “The Long History of Evidence-Based Design,” American Association of Historians of Medicine, Nashville, May 4-7, 2017.
- May 2013 "How Group Practice Influenced Early Twentieth-Century American Hospital Design," American Association of Historians of Medicine, Atlanta, May 16-19, 2013
- March 2007 "Breathing Room." Paper read at 'Geometrical Objects,' Oxford University, March 18-20, 2007. Oxford.
- April 2005 “Breathing Room: Measuring the Immaterial Requirements of Architecture” Society of Architectural Historians, Vancouver, B.C., Canada
- 28 Oct 2004 “From Chasing Air to Corraling Germs: Architectural Strategies of Disease Prevention in the New York Hospital to the 1930s” Invited Lecturer, Heberden Society, New York Hospital, New York, NY
- June 2003 Poster Presentation “How to Get Light and Air” International Network of Hospital Historians, Montreal, QC, Canada
- April 2003 “The Body as Source of Utilitarian Dimensions or as Source of Putrid Effluvia: Changing Expectations of Hospital Ward Design.” Society of Architectural Historians, Denver, CO
- April 2002 “Making the Hospital Urban: Choosing a Site for the New York Hospital, 1850-1932” Society of Architectural Historians, Richmond, VA
- Sept 2001 “Walls of Light and Air: Ventilation, Health, and Nineteenth-Century Hospital Architecture” Invited Lecturer, Dept. of Science, Technology, and Society, Pennsylvania State University, State College, PA

- April 2001 “Redefining Isolation: Hospital Diseases, Hospital Architecture, and the New York Hospital” American Association for the History of Medicine, Charleston, SC
- Nov. 2000 “Redefining Function: From Hygienic to Efficient Hospital Form” Department of Science and Technology Studies, SSRG Graduate Research Group; Cornell University, Ithaca, NY
- April 1998 “Apportioning the Hospital: Changing Categorization in Nineteenth-Century Hospital Design” American Association for the History of Medicine, Toronto, ON, Canada
- April 1996 “The Architecture of Medicine: Hospitals in Nineteenth-Century Philadelphia” Society of Architectural Historians, St. Louis MO

FELLOWSHIPS/AWARDS

- 1998-1999 Robert D. Macdougall Memorial Fellowship, Cornell University
- 1996-1997 Graduate Fellowship, Cornell University
- 1993-1994 Sage Graduate Fellowship, Cornell University
- 1990-1992 Graduate Fellowship, Princeton University
- 1984-1988 Chancellor's Scholarship, Washington University
- 1984-1988 Quaker State Scholarship
- 1984 High School Valedictorian

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9 *Attorneys for Rob Bonta, in his Official Capacity as
Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12

13
14 **RENO MAY, an individual, et al.,**
Plaintiffs,
15
16 v.
17 **ROBERT BONTA, in his official
capacity as Attorney General of the
18 State of California, and Does 1-10,**
Defendants.
19

Case Nos. 8:23-cv-01696 CJC (ADSx)
8:23-cv-01798 CJC (ADSx)

**DECLARATION OF PETER C.
MANCALL IN SUPPORT OF
DEFENDANT’S OPPOSITION TO
PLAINTIFFS’ MOTIONS FOR
PRELIMINARY INJUNCTION**

Date: December 20, 2023
Time: 1:30 p.m.
Courtroom: 9B
Judge: Hon. Cormac J. Carney

20
21 **MARCO ANTONIO CARRALERO, an
individual, et al.,**
Plaintiffs,
22
23 v.
24 **ROBERT BONTA, in his official
capacity as Attorney General of
25 California,**
Defendant.
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DECLARATION OF PETER C. MANCALL

I, Peter C. Mancall, declare under penalty of perjury that the following is true and correct:

1. I have been asked to provide an expert opinion on the use and regulation of firearms in colonial America. I have also been asked to opine on the history of drinking establishments and casinos in colonial America. This declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this declaration.

2. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration and testify based on my personal knowledge and information.

BACKGROUND AND QUALIFICATIONS

3. I am a historian and author of dozens of articles, six single-authored books, one co-authored book, and the editor of approximately 20 scholarly volumes. I received my A.B. degree from Oberlin College in 1981, an A.M. from Harvard University in History in 1982, and a Ph.D., also in History from Harvard University, in 1986. In addition to my scholarly publications, I have written for a wider public audience on various issues relating to early America in magazines and newspapers including *Time*, the *Los Angeles Times*, *Alta*, *The Conversation*, and *Zocalo*. A true and correct copy of my curriculum vitae is attached as **Exhibit 1** to this declaration.

4. I have served on the faculty at the University of Southern California since 2001. I am currently Distinguished Professor; the Andrew W. Mellon Professor of the Humanities; the Linda and Harlan Martens Director of the USC-Huntington Early Modern Studies Institute; and Professor of History, Anthropology, and Economics. From 1989 to 2001 I was a member of the Department of History at the University of Kansas. I was the Harold Vyvyan

1 Harmsworth Professor of American History at the University of Oxford for the
2 2019-2020 academic year.

3 5. The contents and opinions in this declaration are solely my own.

4 **RETENTION AND COMPENSATION**

5 6. I am being compensated for services performed in the above-entitled
6 case at an hourly rate of \$250 for research and preparing documents and an hourly
7 rate of \$500 for appearances in court or at depositions. My compensation is not
8 contingent on the results of my analysis or the substance of any testimony.

9 **BASIS FOR OPINION AND MATERIALS CONSIDERED**

10 7. The opinion I provide in this report is based on my review of the
11 various documents filed in this lawsuit, and my education, expertise and research in
12 the field of American history. The opinions contained herein are made pursuant to
13 a reasonable degree of professional certainty.

14 **SUMMARY OF OPINIONS**

15 8. In English America, the territory that would eventually include the 13
16 colonies that declared independence on July 4, 1776, there were three kinds of
17 colonies: royal colonies, which in theory were governed directly from London;
18 colonies organized by companies (eg, the Virginia Company of London, the
19 Massachusetts Bay Company); and proprietary colonies, which were governed by a
20 proprietor (eg, William Penn in Pennsylvania), who had derived his authority from
21 the monarch. After the formation of a representative assembly in Virginia in
22 1619—an entity later known as the House of Burgesses—even royal colonies had
23 some form of local governance.

24 9. During the entire colonial era, the monarch retained his or her
25 authority to make proclamations intended to govern life in North America and, in
26 certain instances, within England. In 1540, King Henry VIII, aware that his
27 “officers and subjects, being in the highway, in the open street, or in their own
28 houses, chambers, or gardens, have been put in great jeopardy of their lives” by

1 handgun shootings, limited the use of handguns to “places of the marks, pricks, and
2 butts appointed for the shooting and exercising of said handguns or hacks.” [32
3 Henry VIII, reprinted in Paul L. Hughes and James F. Larkin, eds., *Tudor Royal*
4 *Proclamations*, 3 vols. (New Haven: Yale University Press, 1964-1969), I; 288-
5 289.]

6 **I. ALCOHOL-SELLING ESTABLISHMENTS IN COLONIAL AMERICA, AND**
7 **REGULATION THEREOF**

8 10. Alcohol-selling establishments across colonial North America and in
9 the early American republic played a central role in the life of towns and cities
10 alike. From the earliest years of English colonization, immigrants erected
11 ordinaries near the center of town, typically close to the most important public
12 institutions such as court houses and churches. When these communities grew, the
13 larger ones had multiple ordinaries. Many existed to serve the demand by colonists
14 (and, after the Revolution, citizens of the United States) for alcohol.

15 11. This drinking culture developed in the seventeenth century across
16 English America, and no doubt could trace part of its origins to unclean water that
17 migrants had experienced in London and other English cities. Drinking water could
18 be dangerous to one’s health, especially in an age that lacked modern notions of
19 contagion or any effective means to measure water-borne pathogens in a river,
20 pond, or well. As a result, the consumption of beer, ale, and hard cider were
21 ubiquitous. Given its ubiquity, it is not surprising, as one historian put it, that
22 taverns “are clearly the number one exhibit in early America of a business regulated
23 by government.” [Paton Yoder, “Tavern Regulation in Virginia: Rationale and
24 Reality,” *Virginia Magazine of History and Biography* 87 (1979), 259-278,
25 quotation at 273.]

26 12. Colonial authorities, like officials in England, were well aware of the
27 dangers posed by inebriation. In 1751, the famed engraver William Hogarth
28 created two images. The first he labeled “Beer Street,” where people lived in peace

1 because their consumption of alcohol did not lead to social problems. But the
2 second image, which he called “Gin Lane,” depicted a society collapsing as a direct
3 result of the drinking of distilled beverages.

4 13. In the colonies and early republic, the fears of social problems caused
5 by drink focused on ordinaries because of the singular role that they played in
6 providing alcohol, especially distilled spirits, to the public. Colonial and state
7 legislators were eager to limit violence in their society. They did so first by trying
8 to prevent the sale of alcohol to Native Americans, though colonial authorities
9 eventually concluded that such bans might interfere with the fur trade, which led
10 authorities to look the other way, especially since the violence that inebriated
11 Indigenous caused, according to contemporary reports, occurred within Native
12 communities. [See, eg., *The Speech of a Creek-Indian, Against the Immoderate*
13 *Use of Spirituous Liquors* (London, 1754); Peter C. Mancall, *Deadly Medicine:*
14 *Indians and Alcohol in Early America* (Ithaca: Cornell University Press, 1995).]
15 Officials’ concern for drunken violence focused on colonists of European descent
16 as well as populations (such as enslaved as well as Indigenous) that typically
17 attracted attention of authorities. [Jessica Kross, “If you will not drink with me, you
18 must fight with me”: The Sociology of Drinking in the Middle Colonies,”
19 *Pennsylvania History* 64 (1997), 28-55).]

20 14. Public concern for possible violence in ordinaries was reasonable in an
21 age when there were so many distributors of alcohol. Philadelphia in 1769, to take
22 one example, had a population of 28,042 and 178 taverns, meaning that there was
23 an establishment for selling alcohol for every 158 residents. Local officials were
24 aware that these institutions were gathering places for locals and visitors alike, the
25 first to drink and the second to find lodging at a time when such institutions were
26 the most common place to find a place to sleep for a traveler. In this instance,
27 officials worried about what happened in venues that often hosted cock fights,
28 sailors on shore leave, and individuals, primarily men, who often argued when they

1 were drunk. The fears of possible social disorder as well as a hope to generate
2 revenue led to the need to license ordinaries, which put them under the jurisdiction
3 of municipal authorities. [See Peter Thompson, *Rum Punch and Revolution:
4 Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Penn, 1999).]

5 15. In an age of widespread availability of alcohol and the potential for
6 social chaos and violence, municipal authorities focused on the most lethal weapons
7 of that era—swords. But it is reasonable to conclude from the context that
8 legislators would have banned any weapon that contributed to violence in these
9 establishments. They outlawed swords because it was much easier for a drunken
10 man (or woman) to slash or stab someone in a tavern. It would have been much
11 more difficult in an age when handguns were still uncommon to use a musket or a
12 pike to shoot someone in the close range and crowded conditions of a typical
13 ordinary. As the historian Rhys Isaac wrote in a Pulitzer Prize winning book:
14 “Since gentlemen sometimes wore their swords in the ordinaries, despite laws to
15 the contrary, aggressive banter could have fatal consequences.” [Isaac,
16 *Transformation of Virginia*, 95.].

17 **II. REGULATION OF GAMBLING IN AMERICA**

18 16. In 1779, after the tide of the Revolutionary War had turned in favor of
19 the American rebels (though the outcome of the contest would not be known until
20 the Battle of Yorktown in 1781), state authorities in Virginia passed an act to
21 regulate gaming. They began by declaring that all debts accrued “by betting or
22 laying on the hands or sides of any person who shall play at such games; or won or
23 obtained by betting or laying on any horserace, or cockfighting, or any other sport
24 or pastime, or on any wager whatsoever” were at that point voided. The state did
25 not seek to ban all gambling but, instead, legislators passed their act “to suppress
26 excessive gaming.” Small-wage betting was still permissible, under certain rules.
27 Specifically, the legislators sought to prevent gambling in places licensed to sell
28 alcohol. “Any tavern-keeper who shall permit cards, dice, billiards, or any

1 instrument of gaming to be made use of in his house; or shall permit any person to
2 bet or play for money or other goods, in any outhouse, or under any booth, arbour,
3 or other place” that the licensee possessed needed to report the gamblers to local
4 court officials. Any licensee who failed to stop the gambling or, alternatively, to
5 report the offenders, faced a severe fine and would also lose their license. [Hening,
6 *Statutes at Large* X: 205-207.]

7 17. These post-Revolution acts followed colonial precedent, which
8 maintained government authority to regulate who obtained a liquor license and to
9 suspend the operations of an ordinary if a tavern-keeper permitted gambling. An
10 act of 1740 intended to prevent gambling at taverns levied a fine of 10 pounds on
11 the licensee, a substantial sum at the time. [Hening, *Statutes at Large*, V: 102-
12 103.]. An act of 1748 specified that “if any ordinary keeper shall in his house
13 permit unlawful gaming, or suffer any person or persons to tipple in his house, or
14 drink any more than is necessary, on the Lord’s day, or any other day, set apart by
15 public authority for religious worship, or shall harbour or entertain any seaman, or
16 servant, contrary to this act,” then the ordinary would be shuttered until the court
17 could conduct a proper investigation. If that investigation confirmed an offense, the
18 keeper could lose his license. [Hening, *Statutes at Large*, XII: 71-76.]

19 18. During their October 1748 session, Virginia’s legislators also passed
20 an act trying to reduce what they saw as the dangers of excessive gambling that
21 produced debt (or profit) to an extent that it had real economic consequences (eg,
22 that someone might transfer property to settle a debt). But they paid particular
23 attention to gambling within taverns. “[T]o prevent gaming at ordinaries, and other
24 public places, which must be often attended with quarrels, disputes, and
25 controversies, the impoverishment of many people and their families, and the ruin
26 of the health, and corruption of the manners of youth, who upon such occasions
27 frequently fall in company with lewd, idle, and dissolute persons, who have no
28 other way of maintaining themselves but by gaming,” the legislators enacted fines

1 for individuals who played games other than chess, billiards, backgammon, lawn
2 bowling, and “draughts” (checkers) in these establishments. The legislators also
3 singled out their concern about violence in taverns. In order “to prevent quarrels
4 happening by gaming,” the act specified that “if any person shall assault, and beat,
5 or shall challenge, or provoke to fight, any other person or person whatsoever, upon
6 account of any money, or other thing won by gaming, or betting, the person and
7 persons so assaulting, beating, challenging, or provoking to fight” shall, upon
8 conviction, pay a fine of 10 pounds and be liable for further judgment if the
9 aggrieved party took them to court under the common law. [Hening, *Statutes at*
10 *Large*, XII: 76-81.]

11 19. In October 1785, legislators in Virginia exerted their authority over
12 taverns in the era when states, now freed of any imperial oversight, had the
13 opportunity to rewrite their legal codes. The state, following colonial precedent,
14 required that anyone who was going to sell “wine, beer, cyder, or rum, brandy, or
15 other spirituous liquor, or a mixture thereof,” to be consumed at the place of
16 purchase “or in any booth, arbour or stall,” must have a license to sell alcohol.
17 Anyone who lacked a license had to pay a substantial penalty. Legislators noted
18 that only tavern keepers who offered rooms for travelers would be able to obtain a
19 license. Licensees had an additional obligation under the law. “If guests or others
20 play at any game, contrary to law, in a tavern, and the keeper thereof shall not
21 endeavour to hinder them, and if they persist, to give information of the offence to
22 the court, or two justices of the peace,” then the licensee needed to provide
23 information that they were unaware of the activities taking place and, in addition,
24 that they had no reason to suspect such actions had occurred within the tavern.
25 [Hening, ed., *Statutes at Large* 12: 173-174.]

26 20. As the situation in Virginia revealed, taverns, in addition to being sites
27 for alcohol, also attracted gamblers. In the era after the American Revolution, in an
28 age before casinos, taverns hosted people, typically men, playing dice and cards.

1 Other common gambling activities, which often took place inside or near a tavern,
2 included billiards, horse racing, and cock fights. [Isaac, *Transformation of Virginia*,
3 94-104.]

4 21. The desire to gamble and the lack of formal establishments led to
5 individuals traveling from one town to another offering games of chance. States
6 sought to regulate gaming and gamblers, in part because of their association with
7 unsavory characters. In October 1787, the state of Virginia took a stand against
8 these traveling purveyors of gambling: “All and every keeper or keepers, exhibiter
9 or exhibitors, of either of the gaming-tables commonly called A. B. C. or E.O.
10 tables, or of a Pharoah bank, or of any other gaming-table ... shall be deemed and
11 treated as vagrants.” Under the statute, a local justice of the peace or magistrate of
12 a local court could “order such gaming-table to be seized, and publicly burnt or
13 destroyed.” [Hening, ed., *Statutes at Large XII*: 579.] The state issued the order
14 about gaming tables as part of an effort to exercise its authority over travelers,
15 many of whom the state determined were vagrants. Since such individuals often set
16 up their games within taverns, the state’s effort to regulate them was part of an
17 effort to regulate behavior deemed socially unacceptable in such institutions.

18 22. The experience in Virginia was typical of the early United States from
19 the late eighteenth century into the early decades of the nineteenth century.
20 According to the historian Ann Fabian, who wrote the most authoritative account of
21 gambling in nineteenth-century America, state legislators in both the south and the
22 north in the early decades of the century prohibited public gambling. It is important
23 to remember that the United States was from the late eighteenth century through the
24 early decades of the nineteenth century primarily only in eastern North America.
25 The Louisiana Purchase of 1803 added substantial territory to the nation, but state
26 formation in the newly acquired land took decades. As a result, the most germane
27 legislation relating to state control of gambling took place in the states that had
28 developed out of the thirteen colonies that declared Independence in 1776.

1 23. The historian Fabian, writing about these early states, has observed
2 that in both the North and the South, legislators created laws “designed to regulate
3 behavior of the poor and working class in inns and taverns and to protect unwary
4 travelers from the cheats of professional gamblers.” She characterized this state
5 control of gambling as coming from different sources. In the south, legislators
6 wanted to limit “the vice, disorder, and loss that might come out of excessive
7 gaming than with gaming itself, and laws ignored private bets among the wealthy.”
8 The situation in the north was different, primarily because the culture of northern
9 states was less dependent on the labor of enslaved people and hence had not
10 developed the same kinds of economic stratification as had existed in the south. In
11 the south, the power of the gentry remained, though as a cultural force it was less
12 potent than it had been. The north, by contrast, was becoming more urbanized
13 more quickly, and those cities attracted what became the middle class—a sector of
14 the population concerned with public order (particularly evident in efforts to reduce
15 alcohol consumption in the 1830s) and less attracted to class-based demonstrations
16 of wealth and status. In those northern states, Fabian observed, “gambling in
17 private was discouraged by injunctions to save and to spend in only the most
18 rational fashion, and gambling in public was specifically prohibited by local
19 ordinances.” She acknowledged that these laws did not eliminate gambling in
20 private, meaning that “laws against gambling were little more than optimistic
21 fictions of an ideal bourgeois financial republic.” Still, by the middle of the 1830s,
22 “northern states banned most games and most no longer permitted lotteries as
23 official ways to raise revenue.” [Ann Fabian, *Card Sharps, Dream Books, and*
24 *Bucket Shops: Gambling in Nineteenth-Century America* (Ithaca: Cornell
25 University Press, 1990), quotations at 13-14.)

26 24. When the United States expanded westward following the Louisiana
27 Purchase of 1803, legislators in states and territories exercised authority over
28 gambling. In Louisiana, where gambling had already existed, especially in New

1 Orleans, legislators at first outlawed all casinos, but then relented for a time to
2 allow the operation of several in New Orleans. But by the mid-1830s, under
3 growing pressure relating to fears of immorality and an economic panic, the state
4 rescinded licenses. Any casinos that remained became hidden away from the eyes
5 of legislators. [See Herbert Asbury, *Sucker's Progress: An Informal History of*
6 *Gambling in America from the Colonies to Canfield* (New York: Dodd, Mead,
7 1938, 111-117.)

8 25. What happened in Louisiana was common across the United States for
9 the period from the 1830s to the end of the century, including through the era of the
10 passage of the 14th amendment. As the historian Fabian observed, “[b]y the 1890s
11 recreational gambling, with the important exception of the sport of horse racing,
12 was largely prohibited by local ordinance and state law.” A new kind of morality
13 drove these prohibitions against organized houses for gambling. Rather than wager
14 money in a bet on a card game or slot machine at a casino, American legislators, by
15 outlawing these venues, instead drove those who wanted to speculate into more
16 widely accepted outlets, notably through investment in stocks. It was only in the
17 twentieth century that some states saw the utility of allowing gambling, which led
18 to the rise of casinos as they now exist in certain cities (eg, Atlantic City or Las
19 Vegas) or certain kinds of places (eg, Native American lands) or spaces that seem
20 to be between states (riverboat casinos). When casinos re-emerged, state authority
21 lay at the core. Again, as the historian Fabian put it, legalization was “a defense
22 against powers of organized crime so deeply entrenched that lawmakers have no
23 recourse but imitation.” Similarly, lotteries, common in the English colonies and in
24 the early American republic, but then another gambling institution that states came
25 to prohibit, came back when legislators realized that those who wanted to play them
26 would take their money to a different state if they were not allowed to play at home.
27 The trick for state legislators was to channel the desire to gamble into state-
28 sanctioned outlets. [Fabian, *Card Sharps, Dream Books, and Bucket Shops*, 10-11.]

1 26. Existing laws relating to the regulation of taverns and gambling reveal
2 that the state had an interest in reducing violence in taverns, and that the threat of
3 violence was higher when there was gambling taking place there. Laws from
4 Virginia, the most well-documented for the early era, reveal that state officials also
5 had the authority to regulate both taverns, via licensing, and gambling. The
6 prohibition against gambling establishments could be found alongside efforts by
7 legislators to limit other behaviors that they believed threatened the social order. In
8 Pennsylvania in 1901, for example, state authorities granted to municipalities the
9 ability to “restrain, prohibit and suppress tippling-shops, houses of prostitution,
10 gambling-houses, gaming-cock or dog fighting and other disorderly or unlawful
11 establishments or practices, desecration of the Sabbath day, commonly called
12 Sunday, and all kinds of public indecencies.” [Pennsylvania General Assembly
13 1901Act 14, section xxv.]

14 27. The link of alcohol to violence, evident in colonial times and the era of
15 the early American republic, has been a constant across historical eras, even to the
16 present. [See Timothy P. Schofield and Thomas F. Denton, “Alcohol Outlet
17 Business Hours and Violent Crime in New York State,” *Alcohol and Alcoholism* 48
18 (2013), 363-369.] Such fears motivated legislators across the nation. Mark Edward
19 Lender and James Kirby Martin, historians of alcohol consumption in the United
20 States, noted that authorities in the era of the early American republic “could close
21 a troublesome tavern by refusing to renew its license.” This authority had direct
22 roots in the colonial era. As Lender and Martin have written, “[e]ach colony
23 developed an extensive legal code to combat all aspects of liquor violations. These
24 laws told tavern owners, for example, what they could sell, to whom, when, and
25 even at what prices.” [Mark Edward Lender and James Kirby Martin, *Drinking in*
26 *America: A History* (New York: Free Press, 1982), 17, 72.]

27 28. Given the widespread prohibition against casinos or other gambling
28 establishments in the nineteenth century, state legislators spent more time and effort

1 regulating the sale of alcohol. They were often very specific in the acts they wrote.
2 For example, Pennsylvania’s 1830 act restricted the sale of alcohol in any quantity
3 less than one quart. They did this not to encourage binge drinking of large volumes
4 of liquor but instead because they saw their authority as extending to behavior
5 within establishments where alcohol was being sold and so they tried to prevent
6 sales by the glass. They allowed for some exceptions: “physicians, apothecaries,
7 surgeons [and] chemists” could distribute smaller amounts “in the preparation or
8 making up of medicines for sick, lame, or disordered persons.” [1830 Act 193,
9 Pennsylvania General Assembly.]

10 29. But into the nineteenth century, state legislators remained concerned
11 about the link between gambling and alcohol consumption in taverns. In 1835,
12 legislators in Connecticut, eager to prevent any licensed tavern keep from allowing
13 excessive drinking, “gambling, disorders, and irregularities, to be practiced,
14 contrary to law, they, or a major part of them,” could order tavern keepers to appear
15 before them. A first hearing might produce a warning. But any licensee who
16 continued to allow such behavior risked losing their license. [An Act Relating to
17 Taverns and the Sale of Spirituous Liquors, Title LIV [1835], Connecticut Digital
18 Archive.]

19 30. In one state after another, often following colonial precedent as well as
20 national trends, legislators in the nineteenth century enacted laws to prevent
21 disorder, excessive drinking, and threats to the social order that they saw presenting
22 threats in taverns. Reviews of such laws reveal a pattern evident in South Carolina:
23 legislators had the authority to dictate allowable behavior in taverns. [See Paul R.
24 Hibbard, “A History of South Carolina Liquor Regulation,” *South Carolina Law*
25 *Review* 19 (1967), 157-175.] Legislators into the twentieth century continued to
26 enact laws intended to limit dangerous behaviors in taverns. [See Trey Malone and
27 Mark Stack, “What Do Beer Laws Mean for Economic Growth?” *Choices* 32: 3
28 (2017), 1-7.] Scholars have amply documented the link between alcohol

1 consumption and violence in the United States. [See Daniel W. Webster, “Public
2 Health Approaches to Reducing Community Gun Violence,” *Daedalus* 151: 1
3 (Winter 2022), 38-48, esp. 42-43.]

4
5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7 Executed on October 31, 2023, at Los Angeles, California.

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PETER C. MANCALL

Exhibit 1

Revised October 16, 2023

CURRICULUM VITAE

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EDUCATION

Harvard University, Ph.D. in History, 1986
Harvard University, A.M. in History, 1982
Oberlin College, A.B., 1981

DISSERTATION

"Environment and Economy: The Upper Susquehanna Valley in the Age of the American Revolution," Harvard University, November 1986. Advisor: Adams University Professor Bernard Bailyn.

HONORS, FELLOWSHIPS, AND GRANTS

Robert Ritchie Distinguished Fellow, The Huntington Library, 2023-2024
Professeur Invité, Faculté des Lettres, Sorbonne, March 2024
Distinguished Professor, USC, 2023-
Honorary Fellow (elected), Massachusetts Historical Society, 2022
Harold Vyvyan Harmsworth Professor of American History, Oxford University, 2019-2020
Dyason Fellowship, University of Melbourne, 2016
Furthermore Publication Grant (for NATURE AND CULTURE), 2016.
Fellow (elected), Royal Historical Society, 2015
Member (elected), Colonial Society of Massachusetts, 2015
Fellow (elected), Los Angeles Institute for the Humanities, 2014
USC Associates Award for Creativity in Research, 2013
(University's highest research prize; only one or two awarded each year)
Linda and Harlan Martens Director, USC-Huntington Early Modern Studies Institute, 2013-
Chair (elected), Council of the Omohundro Instit of Early Am Hist and Cult (2013-2016)
Andrew W. Mellon Professor of the Humanities, USC, 2012-
Mellon Distinguished Lecturer, University of Pennsylvania, 2012
USC Mellon Mentoring Award (for mentoring post-doctoral fellows), 2012
Fellow (elected), Society of American Historians, 2010
Phi Kappa Phi Faculty Recognition Award, USC, 2010, for HAKLUYT'S PROMISE
Council (elected), Omohundro Institute of Early American Hist. and Cult. (2010-2013)
Member (elected), American Antiquarian Society, 2008

HONORS, FELLOWSHIPS, AND GRANTS (cont.)

Albert S. Raubenheimer Outstanding Faculty Award (Social Science), USC College, 2008
Faculty Fellow, USC Center for Excellence in Research, 2007-2010
British Scholar Book of the Month (September 2007) for HAKLUYT'S PROMISE
Research Economist, National Bureau of Economic Research, 2004-2006
National Endowment for the Humanities/Huntington Library Postdoctoral Fell., 2004-2005
National Science Foundation Grant (with T. Weiss and J. Rosenbloom), 2004-2007 (\$173,023)
Institute for Multimedia Literacy, University of Southern California, Summer Fellowship, 2004
Gamma Sigma Alpha, University of Southern California, Professor of the Year, 2004
President (elected), Forum on European Expansion and Global Interaction, 2002-2004
Multimedia Literacy Program Faculty Fellow, University of Southern California, 2002-2003
National Endowment for the Humanities Research Fellowship, 2001-2002
Del Shankel Teaching Excellence Award, University of Kansas, 2001
PEAES Prize for Best Journal Article in early American economic history for 1999 (with T. Weiss)
National Science Foundation Grant (with T. Weiss and J. Rosenbloom), 1998-2000 (\$148,360)
Alcohol Advisory Council of New Zealand ALAC Research Fellowship, 1998-1999
W.T. Kemper Fellowship for Teaching Excellence (Prize), University of Kansas, 1998
Hall Center for the Humanities, University of Kansas, Travel Grant, 1999
Andrew W. Mellon Foundation Post-Doctoral Fellowship, Library Company of Philadelphia, 1997
Hall Center for the Humanities (University of Kansas) Fellowship, Spring, 1997
Wood Institute for the History of Medicine, College of Physicians of Philadelphia, Fell., 1995
Mellon Resident Research Fellowship, American Philosophical Society Library, 1994
Arts Faculty Fellowship, University College Galway (National University of Ireland), 1993
Hall Center for the Humanities, University of Kansas, Travel Grant, 1993
Charles Warren Center Fellowship, Harvard University, 1991-1992
National Endowment for the Humanities Summer Stipend, 1991
University of Kansas General Research Fund Grants, 1991-1999
Phillips Fund Grant, American Philosophical Society, 1990
Historical Society Pennsylvania/Library Company of Phila. summer research fell., 1990
National Endowment for the Humanities Travel to Collections Grant, 1990
University of Kansas New Faculty General Research Fund Grant, 1990
Michael Kraus Research Grant, American Historical Association, 1987
Artemas Ward Dissertation Fellowship, Harvard University, 1985-1986
CBS Bicentennial Narrator's Scholarship, Harvard University, 1984-1985
Charles Warren Center, Harvard University, summer research grants, 1984, 1985
Life Scholarship Prize in American History; honors in History, Oberlin College, 1980/1981

INSTITUTIONAL GRANTS FOR USC AND FOR EMSI

NEH Digital Humanities grant (PI; to support "Booksnake"); 2022-2023 (\$150,000)
Mellon Foundation, for humanities in the university of the future, 2019-2022 (\$1,250,000)
Mellon Foundation, for humanities in a digital world, 2017-2022 (\$1,500,000)
ACLS Post-Doctoral Partner Initiative for 2016-2017 (\$85,000)
Mellon Foundation, for digital humanities at USC, 2014-2019: \$1,900,000
Mellon Foundation, for EMSI, 2012: \$1,750,000 (= \$3.25m after challenge)
Mellon Foundation for Postdoctoral Fellowships at USC College, (with Howard Gillman): 2011-2015: \$1,645,000

Borchard Foundation, for EMSI, 2011: \$35,000
Mellon Foundation, for EMSI, 2009-2012 (with Howard Gillman): \$883,000
Mellon Foundation for Postdoctoral Fellowships at USC (with Peter Starr), 2007-2011: \$874,000
NEH Challenge Grant (with William Deverell), 2007: \$350,000 (= \$1.7m after challenge)
Mellon Foundation (with Peter Starr), for EMSI, 2006-2009: \$650,000
Borchard Foundation, for EMSI, 2006: \$30,000
Mellon Foundation (with Joseph Aoun), for EMSI, 2003-2006: \$629,000

ACADEMIC APPOINTMENTS

Professor of History, Anthropology, and Economics, 2022-
Divisional Dean for the Social Sciences, USC Dornsife, 2020-2023
Divisional Dean for the Humanities, USC Dornsife, 2015-2020; for 2015-2017: also Interim
Divisional Dean for Social Sciences
Linda and Harlan Martens Director, USC-Huntington Early Modern Studies Institute, 2013-
Andrew W. Mellon Professor of the Humanities, University of Southern California, 2012-
Vice Dean for Humanities, USC Dornsife College of Letters, Arts and Sciences, 2012-2015
Chair, Department of History, University of Southern California, 2010-2012
Professor of History and Anthropology, University of Southern California, 2005-
Director, USC-Huntington Early Modern Studies Institute, 2003-
Associate Vice Provost for Research Advancement, University of Southern California, 2007-2009
Professor of History, University of Southern California, 2001-2005
Professor of History, University of Kansas, 1996-2001
Associate Professor of History, University of Kansas, 1992-1996
Visiting Faculty Fellow, University College Galway (National University of Ireland), spring, 1993
Assistant Professor of History, University of Kansas, 1989-1992
Lecturer on History and Literature, Harvard University, 1987-1989
Visiting Assistant Professor of History, Connecticut College, 1986-1987
Teaching Fellow, Harvard University, 1983-1985

EDITORIAL BOARDS

JOURNALS: *Environmental History* (2021-); *Eighteenth-Century Studies* (2022-);
Commonplace (2021-); *Studies in Medieval and Renaissance History* (2015-); *William and
Mary Quarterly* (2010-2013; chair, 2011-2012); *French Journal of American Studies* (conseille
scientifique, 2010-); *Journal of American History*, 2005-2008; *HLQ: Huntington Library
Quarterly* (2004-); *Itinerario*, 2007-2012; *Pennsylvania History*, 2004-2008; *Reviews in
American History*, 1998-2008; *History Compass* (Blackwell on-line journal) (section editor,
2004-2007; editorial board 2008-2010).

Advisory Board, Oxford University Press/John Carter Brown Library series on the Americas
(2011-)

Editorial Board, *Oxford Encyclopedia of American Cultural and Intellectual History*, 2 vols.
(New York: Oxford University Press, 2013).

Editorial advisor, Oxford edition of Hakluyt, *Principal Navigations*, ed. Claire Jowitt and Dan
Cary, 14 vols. (Oxford: Oxford University Press, 2014-)

RESEARCH

BOOKS:

AMERICAN ORIGINS, volume one of the Oxford History of the United States (New York: Oxford University Press, under contract with delivery scheduled for spring 2023).

THE TRIALS OF THOMAS MORTON: AN ANGLICAN LAWYER, HIS PURITAN FOES, AND THE BATTLE FOR A NEW ENGLAND (New Haven: Yale University Press, 2019; audio book from Tanter Media, available via Audible). **Media (selected):** “Tides of History” podcast (January 23, 2020; available at <https://www.stitcher.com/show/tides-of-history/episode/pilgrims-puritans-and-the-battle-for-new-england-interview-with-historian-peter-mancall-66786095>); Colonial Society of Massachusetts podcast (March 19, 2021; available at: <https://www.youtube.com/watch?v=1OJ3IG5j4CY&t=14s>); “Thomas Morton and The New Canaan: The America that Could Have Been--Story Search from Special Collections,” Free Library of Philadelphia (May 2021; available at: <https://anchor.fm/freelibraryofphiladelphia/episodes/Thomas-Morton-and-The-New-Canaan-The-America-That-Could-Have-Been-e10qq24>); Book Society podcast (January 2022; available at <https://share.transistor.fm/s/ff1aado1>).

Selected reviews: *Wall Street Journal*, November 29, 2019; *New York Review of Books* (Christopher Benfey: “Pranksters and Puritans”), February 25, 2021; *La Vie des Idées* (Sorbonne), November 2, 2020.

NATURE AND CULTURE IN THE EARLY MODERN ATLANTIC (Philadelphia: University of Pennsylvania Press, 2018, paperback 2020; audio book with Redwood Audiobooks, available via Audible). Recipient of a Furthermore publication grant from the J.M. Kaplan Fund. **Media (selected):** “Tides of History” podcast (December, 2018; available at <https://art19.com/shows/tides-of-history/episodes/0c73dd71-d3a9-4183-96b8-4eb45b12e3d8>); John Carter Brown Library lecture (available at: <https://www.youtube.com/watch?v=LwjKBkxePWM>); *TLS* (Harriet Ritvo, “Wild Things”), October 5, 2018.

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Consultant/interview subject:

TV: “Terra X: Drogen—Eine Weltgeschichte” (“Drugs—A World History”) for Story House on ZDF, episode entitled “Zwischen Medizin und Missbrauch” (“Between Medicine and Abuse”), September 2018; “The Hudson Mutiny,” Cinegrafica Films (Québec); “Saints and Strangers” (2007; not yet produced); “Supernatural” (for DVD of season 2 episode “Croaton,” 2007); “The Real Story of Thanksgiving” (History Channel, 2010).

Documentary film: “Journeys into Genocide” (Concordia Films), 2004; “The Lost Colony” (Thought, Inc.), 2004; West Rim Pictures (2003); “The Spirit of Lady Moody” (dir. Patty Salier; screened at Ogeechee (Georgia) Film Festival, February 2021).

Feature film: “Strange World” (Disney, 2022).

HUNTINGTON MUSEUM SHOWS:

Guest Curator (with Robert Ritchie and Olga Tsapina), “Jamestown at 400: Natives and Newcomers in Early America,” Huntington Library exhibit, July 24, 2007, to January 14, 2008.

Advisory Committees: “Legacy and Legend: Images of Indians from Four Centuries,” Huntington Museum (Boone Gallery) exhibit, June 9 to September 2, 2007; “Junipero Serra and the Legacies of the California Missions, Huntington (August 17, 2013-January 6, 2014); “Visual Voyages: Images of Latin American Nature from Columbus to Darwin,” Huntington (Fall 2017).

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Guest Co-editor (with Richard D. Brown and Steven Pincus), *New England Quarterly* XCI (2018); special issue on the 50th anniversary of Bernard Bailyn’s IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION. Includes preface I wrote (pp. 3-11).

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Liz Marsham, *DISNEY PRINCESS BEGINNINGS: ARIEL MAKES WAVES* (Disney, 2017).

Margaret Peterson Haddix, *THE MISSING: BOOK 4: TORN* (Simon and Schuster, 2001).

Marty R. Figley, *OREGON TRAIL JOURNEY* (Millbrook Press/Lerner, 2011).

Carla Mooney, *EXPLORERS OF THE NEW WORLD* (Nomad Press, 2011).

Peter and Connie Roop, *RIVER ROADS WEST* (Calkins Creek, 2007).

Elizabeth Cody Kimmel, *THE LOOK-IT-UP BOOK OF EXPLORERS* (Random House, 2004).

INVITED PUBLIC LECTURES:

“The Poisoning: A War Crime in Virginia and the Origins of English America,” Robert C. Ritchie Distinguished Fellow Lecture, The Huntington Library, November 2023. Earlier versions delivered at the University of California, Riverside (October 2023) and the University of California, San Diego (October 2023).

“Thomas Jefferson, John Adams, and the Lord of Misrule,” Robert H. Smith International Center for Jefferson Studies, Monticello, Virginia, November 2022.

“The Historian, The Story, and The Public,” discussion with Peter Inker, Omohundro Institute for

Early American History and Culture, November 2022.

“Virginia, 1622-1624: The Turning Point in American History,” Jamestowne Society, Richmond, Virginia, November 2022 and Society of Colonial Wars, Pasadena, January 2023.

“The Thanksgiving Dilemma: Reevaluating Our Annual Celebration,” One Day University, November 2021.

“Bad Pilgrims: The Battle for New England,” Pebble Beach Authors and Ideas Festival, October 2021.

“The Origins of the American Economy,” Harmsworth Professor Inaugural Lecture, Oxford University, October 19, 2019.

“Landscape and History in the Early Modern Atlantic Basin,” American Philosophical Society, April 2019.

“Before Jamestown,” Bosworth Memorial Lecture, Yale University, March 2019.

“Before Jamestown: The Real Origins of America,” Newberry Library, February 2019.

“The First Battle for New England,” Society of Colonial Wars, Pasadena, California, January 2019.

“In the Beginning: An American Origins Story,” plenary lecture, Omohundro Institute of Early American History and Culture annual conference, June 2017.

“America Before America,” One Day University, Seattle, May 2017.

“Art and Violence in Early North America,” Council Lecture, Omohundro Institute of Early American History and Culture, May 2017.

“Writing America’s Origins,” Sorbonne, Paris, March, 2015.

“The Landscape of History,” École Normale Superior Lyon, March 2015.

“Richard Hakluyt and the Book of Nature,” John Carter Brown Library, February 2015.

“Pigs for Historians,” Chicago Humanities Festival, November 2013.

[Talk available at: <http://chicagohumanities.org/events/2013/animal/pigs-for-historians-a-new-view-of-early-america>]

“Secota: The Landscape at the End of Time,” keynote lecture for conference on “Conversion, Materiality, and Early Modern Globalization,” Vancouver (sponsored by University of British Columbia, Simon Fraser University, and McGill University), April 30, 2012.

“Nature and Culture in the Sixteenth-Century Atlantic World,” Mellon Distinguished Lectures, University of Pennsylvania; three lectures delivered in April 2012.

“Ecological Imaginings in the Sixteenth-Century Atlantic World,” Coastlines program, SUNY
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Stony Brook, May 2011.

“How Europeans Thought, about the American past, for example,” keynote address, European Early American Studies Association, Paris, December 2010.

“Henry Hudson’s Fatal Journey,” Fraunces Tavern, New York, October 2010; Tang Museum/Skidmore College, February 2010; Huntington Library, October 2009.

“Fatal Journey: The Final Expedition of Henry Hudson,” Museum of the City of New York, September 17, 2009. [Talk available at: <http://www.c-span.org/video/?289297-1/book-discussion-fatal-journey>]

“Henry Hudson and the Early Modern Atlantic World,” Anderson Lecture, Oberlin College, September 2009.

“Mutiny and Murder in the Arctic: The True History of Henry Hudson’s Final Expedition,” Society of Fellows, Huntington Library, January 2009.

“Native Americans and the Atlantic World,” 2nd Annual Atlantic History lecture, California State University at Northridge, October 2008.

“The Visual World of Richard Hakluyt,” Plenary address, international conference on Richard Hakluyt, Greenwich Maritime Museum, Greenwich, England, May 2008.

“John White, Richard Hakluyt, and the Making of American Icons,” opening keynote address for the exhibit “A New World: England’s First View of America,” Yale Center for British Art, March 2008.

PAPERS and PRESENTATIONS:

“*Deadly Medicine at 25: Investigating Indigenous Alcohol Use over Time*,” American Historical Association, January 2022 (delivered online February 2022).

“The Origins of the American Economy,” States and Atlantic Seminar, University of Chicago, March 2019; revised version American Seminar, Cambridge University, January 2020.

“Writing Early American Nature,” Early Modern Ecologies seminar/Consortium for the Study of the Premodern World,” University of Minnesota, February 2019.

“Thomas Morton and the First Battle for New England,” Center for Early Modern History, University of Minnesota, February 2019.

“Drinking through the Ages: A Brief History of Alcohol Use and Abuse,” HEAL program, Keck School of Medicine at USC, November 2017.

“Birds of (Early) America,” “Early Modern Collections in Use” conference, Huntington Library, September 2017; revised version at “Writing Across Cultures” symposium, University of

California at Santa Cruz, October 2017.

“In the Beginning” (revised version), McNeill Center salon, University of Pennsylvania, September 2017.

“Frobisher and Hudson into the Arctic,” Cornell University, September 2017.

“Bodies and Mountains in Early North America,” at roundtable on “What About Early America?” Organization of American Historians, April 2017.

“History of Medicine: Plague, Smallpox, Alcohol Abuse, and HIV/AIDS,” HEAL Intersession, Keck School of Medicine at USC, April 2017.

“The Colonial Moment of Ferdinando Gorges,” Imperial History Seminar, Yale University, April 2016.

“Owning the Arctic: Rules and Rituals in Sixteenth-Century North America,” Renaissance Society of America, March/April 2016.

“Thomas Morton and the Tragic Origins of New England,” University of Melbourne, March 2016.

“Homelands: Ninnimissinuok/English,” Early American seminar, Princeton University, February 2016.

“Exploring the Arctic: Frobisher and Hudson among the Inuit...and in the Ice,” Cornell University, September 2015.

“Ten Minutes with Thomas Morton,” Omohundro Institute/Society of Early Americanists conference, June 2015.

“Early Modern Oecologies,” roundtable participant, Renaissance Society of America, March, 2014.

“The Future of Graduate Education: Faculty Perspectives on the Dissertation Format,” roundtable participant, American Historical Association, January 2014.

“Henry Hudson’s Fatal Journey,” Cornell University, October 2013.

“Les habitants de Nouveau Monde vus d’Europe,” Lycée Français de New York, October 2013.

“The Raw and the Cold: Five Missing Men in the Sixteenth-Century North Atlantic,” Columbia Early American History seminar, October 2011; preliminary version delivered at the USC-Huntington Early Modern Studies Institute workshop, “Maritime Communities of the Early Modern Atlantic World,” Missillac, Brittany, France, June 2011.

“When did ‘American’ History begin?” University of Pennsylvania early American history “salon,” October 2010.

“Illness and Death among Americans in Bernard Picart’s *Ceremonies and Religious Customs of* Exhibit 1

the Various Nations of the Known World,” at conference “At the Interface of Religion and Cosmopolitanism: Bernard Picart’s *Cérémonies et Coutumes Religieuses de Tous les Peuples dur Monde* (1723-1743) and the European Enlightenment, Getty Research Institute and Clark Library, December 2007.

“Collecting Americans in the Age of NAGPRA,” Project for the Study of Collecting and Provenance Forum VII, Getty Research Institute, November 2007.

“Hakluyt, Paris, and the Visual Culture of the Early Modern Atlantic World,” University of Paris 10 (June 2007, including screening of “8 ½ Minutes with Richard Hakluyt”).

“Hakluyt and Hudson,” University of Paris 12 (June 2007).

“Illness and Death among Americans in Bernard Picart’s *Ceremonies and Religious Customs of the Various Nations of the Known World*,” Getty Picart seminar, June 2007.

“Henry Hudson’s Journey into Nothingness,” UCLA History Department seminar, May 2007.

Participant, roundtable on “Native Americans and the Economy,” Organization of American Historians annual meeting (March 2007).

“The Revolutionary Origins of Indian Removal,” American Origins seminar and the Native Peoples of the Americas seminar of the USC-Huntington Early Modern Studies Institute, March 2007.

“The Visual World of Richard Hakluyt,” Rocky Mountain Early American Seminar, February 2007; McNeil Center for Early American History, University of Pennsylvania, August 2006; University of Washington, February, 2006.

“Other Close Encounters of the Third Kind: Richard Hakluyt, His Readers, and the English ‘Discovery’ of the World,” University of Oregon, February 2006.

“8 ½ Minutes with Richard Hakluyt,” (film and lecture), University of Oregon, February 2006; Bay Area Early American History Seminar/Stanford University, December 2005; University of Utah, March 2005.

“Monsters: A Problem in Atlantic History,” delivered at a conference on “Beasts of Land and Sea in the Early Modern Atlantic World,” USC-Huntington Early Modern Studies Institute, March 2005.

“*At the Edge of Empire: A Symposium*” (with Eric Hinderaker), Western History Workshop of the Autry National Center and the American Origins Seminar of the USC-Huntington Early Modern Studies Institute, May 2004.

“Encounters on the Ice: Natives and Newcomers in the North Atlantic in the Sixteenth Century,” American Culture and Politics Series, Oregon State University, May 2004.

“Eating and Drinking on Europe’s Far Shores,” presented as the Presidential Address to the Forum on European Expansion and Global Interaction in Providence in February 2004.

“Two British Hinterlands: North America and New Zealand,” presented at the American Historical Association-Pacific Coast Branch, August 2003.

“Ethnographic Reports: Native Americans in sixteenth-century global context,” presented at the Harvard University International Seminar on the History of the Atlantic World workshop on “The Americas in the European Imagination,” April 2003.

“The Ice,” presented at Early Modern Seminar, University of Kansas, March 2003.

“Richard Hakluyt and the Devouring Sea,” presented at Renaissance Seminar, Cal State Long Beach, December 2002.

“The Ice: Hakluyt, Frobisher, and the Meaning of the North Atlantic,” presented at the Early Modern British Seminar, Huntington Library, November 2002.

“Richard Hakluyt and the Improbable Journey of David Ingram: Truth and Lies in Elizabethan England,” presented at the Center for Medieval and Renaissance Studies, UCLA, October 2002.

“The Economic Activities of Native Americans in British America,” (with Joshua Rosenbloom and Thomas Weiss), presented (by Weiss) at the XIIIth World Congress on Economic History, Buenos Aires, July 2002.

“The Value of Diet in the Lower South in the Eighteenth Century” (with Joshua Rosenbloom and Thomas Weiss) presented (by Rosenbloom) at the Development of the American Economy program, National Bureau of Economic Research, Cambridge, Mass., July 2002.

“Agricultural Labor Productivity in the Lower South, 1720-1800” (with Joshua Rosenbloom and Thomas Weiss), presented (by Rosenbloom) at Von Greppe Seminar, Department of Economics, UCLA, April 2002.

“Tales Tobacco Told in Early Modern Europe,” presented at the American Historical Association, January 2001 (see article about this paper and the panel in *Chronicle of Higher Education*, Jan. 26, 2001).

“Measuring Indigenous Economies: Quantitative Estimates for the Carolinas and Georgia during the Eighteenth Century” (with Joshua Rosenbloom and Thomas Weiss), Economic History Association panel at the American Historical Association, January 2001.

“Conjectural Estimates for the Lower South” (with Joshua Rosenbloom and Thomas Weiss), presented (by Rosenbloom and Weiss) at a conference honoring Paul David at Stanford University, June 2000.

“Monsters, Savages, and Humans: The Visual Language of Colonization in Sixteenth-Century Europe,” presented at the “Sometimes An Art” conference honoring Bernard Bailyn’s Fifty Years of Teaching at Harvard, at Harvard University, May, 2000.

“The Wonders of the Sea in the Sixteenth-Century Atlantic,” presented at the Forum for European Expansion and Global Interaction, St. Augustine, February 2000.

“Slave Prices in the Lower South, 1722-1809” (with Joshua Rosenbloom and Thomas Weiss), presented at the Cliometric Society session at the annual meeting of the Allied Social Sciences Association, in Boston, January 2000.

“The Economic Activity of Native Americans in the Eighteenth Century: Preliminary Methods and Conjectures” (with Thomas Weiss and Joshua Rosenbloom) presented at the Economic History Association, October 1999.

“Carolina Indians and the Economy of the Atlantic World” (with Thomas Weiss and Joshua Rosenbloom) presented at the Rise of the Atlantic World Conference, College of Charleston, October 1999.

“Deadly Medicine: Indians and Alcohol in Early America,” invited lecture presented at the Library Company of Philadelphia, September 1999.

“The Public Finances of the Colonies of the Lower South” (with Thomas Weiss and Joshua Rosenbloom) presented at the National Bureau of Economic Research Summer Institute on the Development of the American Economy, July 1999.

“Alcohol and the Fur Trade in North America, 1600 to 1800” presented at the American Anthropological Association, December 1998.

“The sundrie shapes of wilde Beasts’: American Animals in Sixteenth-Century European Printed Books,” invited lecture presented at the John Carter Brown Library in November 1998 and presented as a paper to the Washington Area Early American Seminar in December 1998.

“Contours of the Indian Economy in Colonial Mainland British North America” (with Thomas Weiss) presented at the International Congress on Economic History, Madrid, September 1998.

“Alcohol and Indigenous Peoples,” presented at a DART (Drug and Alcohol Research and Training) Seminar, University of Auckland School of Medicine (Auckland, New Zealand), August 1998.

“Alcohol and the Origins of New Zealand Society,” presented at the Department of History, University of Canterbury, Christchurch, New Zealand, August 1998, and at the Social and Economic History Seminar, University of Kansas, October 1998.

“Native and Newcomer Alcohol Use in Two Colonial Societies: English America and New Zealand,” presented at the conference “Race, Health, and Sexuality in the British Empire,” University of Canterbury (Christchurch, New Zealand), June 1998.

“The Improbable Journey of David Ingram: Truth, Lies, and the Origins of English America,” presented at the Early Modern Empires Workshop and the Legal History Workshop, University of Chicago, May 1998, and at the University of Kansas Early Modern Seminar, April 1998.

“Botanical Knowledge: European Minds and American Plants, 1550-1650” presented at the Forum on European Expansion and Global Interaction, Huntington Library, April 1998.

“Growing by nature only’: American Plants in European Colonial Plans in the long sixteenth century” presented at the University of Kansas Environmental Colloquium, February 1998.

“Two Richard Hakluyts and the Creation of English America,” work-in-progress presented at the Mellon Fellows Seminar, Library Company of Philadelphia, June 1997.

“Contours of Indian Economic Behavior in Colonial Mainland British North America” (with Thomas Weiss) presented at the Yale Economic History Seminar in March 1997.

“I was addicted to drinking rum’: Four Centuries of Alcohol Consumption in Indian Country,” presented at the conference Historical Perspectives on Alcohol and Drug Use in American Society, 1800-1997, College of Physicians of Philadelphia in May 1997.

“The Cousins Hakluyt: Two Guys in Search of an Empire?” presented at the annual meeting of the Organization of American Historians in April 1997.

“Indian Drinking in Early America: An Historian's Perspective,” presented at Haskell Indian Nations University in September 1996, and at the University of Kansas, Native American Heritage Month, November, 1996.

“Begging, thieving, naked, filthy, wretched, starving, debauched, and lazying about in the most abject indigence’: Missionaries, Indians, and Alcohol in Early America,” presented to the History Workshop, University of Delaware, in March 1996.

“American Indians and ‘Addiction’ to Alcohol,” presented at the Wood Institute for the History of Medicine Seminar, College of Physicians of Philadelphia, and at Villanova University, March 1996.

“Two Richard Hakluyts and Their Atlantic World,” presented at the annual meeting of the American Historical Association, January 1996.

“Rum is Like a Woman’: Historical Perspectives on American Indian Beliefs about Alcohol Addiction,” presented at the annual meeting of the American Anthropological Association, November 1995.

“Conjectural Estimates of Colonial Output” (with Thomas Weiss), presented at a conference sponsored by the Institute of Early American History and Culture and the Huntington Library on “The Economy of Early British America: The Domestic Sector,” Huntington Library, in October 1995.

“Native Americans and Europeans in English America, 1500-1700,” presented at the Oxford Conference on the British Empire, St. Antony's College, Oxford, September 1995.

“The Economy of the Eastern Woodlands,” presented to the annual meeting of the Cliometric Society, May 1995.

“Rivers and the Making of a Nation,” keynote address to conference, “The Flood of 1993,” Society for the Study of Local and Regional History, Southwest State University (Minnesota), April 1995.

“Founding Fathers and Intoxicated Indians: The Federal Government and the Regulation of Indian Drinking in the Early American West,” presented at the annual meeting of the Western Historical Association, October 1994.

“Philadelphia Women and the Eighteenth-Century Fur Trade,” work-in-progress presented to the Mellon Fellows Seminar at the American Philosophical Society Library, July 1994.

“‘Abominable filthyness’: The Liquor Trade and the Course of Empire in British America,” presented at the annual meeting of the American Historical Association in December 1992.

“American Indians, Alcohol, and the Columbian Exchange,” Western Civilization Program “1492” Lecture Series, University of Kansas, November 1992.

“‘Rivers so great and deep’: American Rivers and the Promise of Prosperity,” keynote address at the Worcester: Headwaters of the Blackstone River conference, sponsored by the Massachusetts Foundation for the Humanities and the Massachusetts Audubon Society, delivered in April 1992.

“Drinking and Sobriety in Indian Villages in Colonial America,” presented at the annual meeting of the Organization of American Historians in April 1992.

“‘That accurs’d Practice of Drunkenness’: Indians and Liquor in Early America,” presented at the Charles Warren Center, Harvard University, March 1992.

“‘The old English sort of Drunkenness’: The Transatlantic Context of Inebriation,” presented at the Harvard British History Workshop, March 1992.

“‘The bewitching Tyranny of Custom’: The Social Costs of Indian Drinking in Colonial America,” presented at the Boston Area Early American Seminar at the Massachusetts Historical Society, February 1992.

“The Landlord's Store: Land Speculation and Settlement in the Pennsylvania Backcountry,” presented at the New England Historical Association, October 1991.

“‘The Waste of the Creation’: Environment and Economy in the Upper Susquehanna Valley in the Eighteenth Century,” presented at the American Studies Association, November 1991.

“Alcohol and Empire: Indians, Colonists, and the Liquor Trade in British North America,” presented to the Historical Society of Pennsylvania/Library Company of Philadelphia, summer fellows program, June, 1991.

“Indians and Other Foreign Nations: The Construction of Indianness in British America,” presented at the Hall Center Faculty Seminar on Human Rights, Ideology, and Social Change, University of Kansas, October 1990.

“‘Up to Their Lips in Rum’: Indian Temperance Appeals in the Middle Colonies,” presented at the annual meeting of the American Society for Ethnohistory, November 1989.

“Way-Way, Harrower, and Equiano: Historical and Geographical Perspectives on the Peopling of Colonial America,” presented at conference on “The American Experience: Contemporary and Historical Perspectives,” sponsored by The Academy for Educational Development and USIA, at

the University of Kansas, October 1989.

“Myth and Reality for the Yeomanry: Economic Opportunity in the Upper Susquehanna Valley After the Revolution,” presented at the annual meeting of the Society for Historians of the Early American Republic, July 1988.

“War and the Indians of the Upper Susquehanna Valley,” presented at the annual meeting of the Southern Historical Association, November 1987.

CONFERENCE COMMENTS:

Comment, “American Ruins and Antiquities in the Long 19th Century” conference, Huntington Library, March 2010.

Comment, roundtable summary of “Economies of Empire” conference, Huntington Library, January 2010.

Comment, panel on “The Imperial Gaze,” Omohundro Institute of Early American History and Culture 11th Annual Conference, Santa Barbara, June 2005.

Moderator, panel on “Commercial Worlds” at “The Transformation of the North Pacific, 1778-1850” conference, Huntington Library, April 2005.

Moderator, New Generations: Tudor History in the Twenty-First Century, Huntington Library, January 2004.

Moderator, session on “Mapping’ the Pacific,” at conference “From the South Sea to Pacific Ocean: Conceptualizing the Pacific, 1500-1945,” the Huntington Library, March 2003.

Chair, session on Indigenous Environmental Issues in Latin America, Center for Latin American Studies conference, University of Kansas, November 2000.

Chair, session on early American Indian history, Mid-American History Conference, September 2000.

Chair, session on indigenous citizenship, Indigenous Nations Studies Program conference, University of Kansas, September 2000.

Chair, session on “Indian Nations in Theory and Practice,” annual meeting of the Omohundro Institute of Early American History and Culture, Toronto, June 2000.

Comment, session on “Indian-White Relations in Colonial America: James Merrell’s *Into the American Woods: Negotiators on the Pennsylvania Frontier*,” given at the Pennsylvania Historical Association meeting in Pittsburgh, November, 1999.

Chair and comment, session on “Trade and Human Values,” International Seminar on the History of the Atlantic World: The Economy of the Atlantic World, 1500 to 1800, Harvard University, August 1999.

Chair and comment, “The English Civil War in an Atlantic Context,” Midwest Conference on British Studies, October 1997.

Moderator, “Historical Perspectives on Federalism,” Federalism in the 21st Century Conference, University of Kansas School of Law, September 1996.

Chair and comment, “Re-Estimating U.S. National Alcohol Consumption Statistics,” Social Science History Association, November 1993.

Chair and comment, “The Nineteenth-Century West,” Irish Assoc. for American Studies, April 1993.

Chair and comment, “Colonial Virginia History in Honor of W. Stitt Robinson,” Mid-America Conference on History, September 1992.

BOOK REVIEWS:

- Ward, ed., *European Empires in the American South*, *English Hist Rev*, forth.
- Braddock and Igoe, ed., *A Greene Country Town*, in *Winterthur Portfolio*, 52:4 (2019), 255-6.
- Miller, ed., *The Princeton Companion to Atlantic History*, IN *Renaissance Quarterly*, forth.
- Regard, ed., *The Quest for the Northwest Passage*, IN *Renaissance Quarterly* 67 (2014), 1381-2.
- Carlos and Lewis, *Commerce by a Frozen Sea*, IN *Enterprise and Society* 15 (2014), 195-197.
- Childs, *Invading America*, IN *The Mariner's Mirror* 99 (2013), 358-359.
- Bowen, ed., *Wales and the British Overseas Empire*, IN *International Journal of Maritime History* xxiv (2012), 317-318.
- Williams, *Brittle Thread of Life*, IN *New England Quarterly* 83 (2010), 355-358.
- Voight, *Writing Captivity in the Early Modern Atlantic*, IN *Renaissance Q.* (2009), 1019-1021.
- Martin, *Buying into the World of Goods*, IN *Winterthur Portfolio* 43 (2009), 261-262.
- Betteridge, ed., *Borders and Travellers in Early Modern Europe*, IN *Biography* (2009).
- Edelson, *The Plantation Enterprise* IN *Journal of Economic History* 68 (2008), 943-945.
- Canizares-Esguerra, *Puritan Conquistadors* IN *Journal of British Studies* 47 (2008), 666-668.
- Taylor, *The Divided Ground* IN *Journal of American History* 93 (2007), 1213-1214.
- Grenier, *The First Way of War* IN *J. Imperial and Commonwealth History* 34 (2006), 434-436.
- Anderson, *Creatures of Empire* IN *Social History* 31: 2 (2006), 248-250.
- Fitzmaurice, *Humanism and America*, for H-Albion (online), May 2005.
- Calloway and Salisbury, eds., *Reinterpreting New England Indians and the Colonial Experience*, IN *William and Mary Quarterly*, 3rd Ser. LXII (2005), 319-324.
- Pond, *Fish into Wine* IN *New England Quarterly*, 78 (2005), 493-495.
- Rubertone, *Grave Undertakings* IN *American Historical Review*, (2005), 468-469.
- Merritt, *At the Crossroads* IN *J. Imperial and Commonwealth History*, 32: 3 (2004), 130-132.
- Vickers, ed., *Blackwell Companion to Colonial American History* IN *J. Southern Hist.*, 70 (2004), 885-888.
- Jackson, et al., *The Mighty Niagara* IN *Journal of American History* (2004), 267-268.
- Richter, *Facing East from Indian Country*, for EH.Net (online), 2003.
- Steckel and Rose, *The Backbone of History* IN *Journal of Economic History* (2003).
- Enterline, *Erikson, Eskimos, and Columbus*, for The Medieval Review (online), 2003.
- Gallay, *The Indian Slave Trade*, for EH.Net (online), 2003.
- Shannon, *Indians and Colonists at the Crossroads of Empire* IN *Pennsylvania History*.
- Jennings, *The Creation of America* IN *Journal of American History* 88 (2001), 1058-1059.
- Swatzler, *A Friend among the Senecas* IN *Pa. Mag. Hist. and Bio.* 125 (2001), 408-409.
- Hauptman, *Conspiracy of Interests* and Mintz, *Seeds of Empire* IN *AHR* 105 (2000), 1733-1735.
- Morris, *The Bringing of Wonder* IN *Journal of Economic History*, 60 (2000), 296-297.
- Brandao, "Your Fyre Shall Burn No More" IN *American Indian Quarterly* 23 (1999), 180-82.
- July 1997 issue of *William and Mary Quarterly* IN *Mid-America*.
- Gleach, *Powhatan's World and Colonial Virginia* IN *Amer. Ind. Cult. Res. J.* 23 (1999), 249-251.
- Cayton and Teute, eds., *Contact Points* IN *William and Mary Quarterly*, LVI (1999), 645-647.
- Perkins, *Border Life* IN *Journal of the Early Republic* 19 (1999), 342-344.
- Egnal, *Divergent Paths* IN *Journal of American History* 86 (1999), 742-743.
- Kunitz and Levy, *Drinking Careers* IN *American Indian Quarterly*, 22 (1999), 549-550.
- Fowler, *Samuel Adams: Radical Puritan* IN *The Historian* 61 (1999), 903-904.
- Sayre, *Les Sauvages Américains* IN *Pacific Historical Review* (1999), 97-98.
- Kennedy, *Whiskey Trade of the Northwestern Plains* IN *Great Plains Res.*, 8 (1998), 352-353.

Unrau, *White Man's Wicked Water* IN *Ethnohistory* 45 (1998), 166-168.
Waddle, *Changing Tides* IN *The American Neptune*, 56 (1996), 395-396
Frazier, *The Mohicans of Stockbridge* IN *American Historical Review*, 101 (1996), 233.
Perkins, *American Public Finance and Financial Services*, IN *AHR* 100 (1995), 1666-1667.
Braund, *Deerskins and Duffels* IN *American Indian Quarterly* 18 (1994), 432-434.
Bellesiles, *Revolutionary Outlaws* IN *Journal of American History* 81 (1994), 1288-1289.
Dowd, *A Spirited Resistance* IN *William and Mary Quarterly*, 3d Ser., L (1993), 219-221.
Grinde and Johansen, *Exemplar of Liberty* IN *Journal of American History* 80 (1993), 248.
White, *The Middle Ground* IN *American Historical Review* 97 (1992), 1587-1588.
Carr, et al., *Robert Cole's World* IN *Journal of Economic History* LII (1992), 510-512.
Harper, *Transformation of Western Pennsylvania* IN *J. Early Republic* 12 (1992), 392-394.
Taylor, *Liberty Men and Great Proprietors* IN *Journal of Economic History* LI (1991), 753-755.
Calloway, *Western Abenakis of Vermont, 1600-1800* IN *J. American Hist.* 78 (1991), 632-633.
Brown, *Knowledge is Power* IN *American Studies* 31 (1991), 118-120.
Russo, *Free Workers in a Plantation Economy* IN *J. Economic History* L (1990), 749-751.
Rosswurm, *Arms, Country, and Class* IN *American Studies* 32 (1991), 121.
Daniels, *The Fragmentation of New England* IN *American Studies* 30 (1990), 120-121.
Smaby, *The Transformation of Moravian Bethlehem* IN *American Studies* 30 (1990), 121.
Silver, *A New Face on the Countryside* IN *American Studies* 31 (1990), 145-146.

TEACHING

Harvard University: Sophomore, Junior, and Senior Tutorials in History and History and Literature; Freshman Seminar entitled “Indians and Colonists in Early America.”

Connecticut College: Survey of United States History, from the Colonial period to the Present; American Colonial History; The American Revolution; Early American Environmental History.

University College Galway: American History from the Constitution to 1900.

University of Kansas: Survey of United States History from pre-contact to 1865; Honors Survey of United States History from pre-contact to 1865; Undergraduate Seminar; Undergraduate Pro-seminar (Methods Course); The American Revolution; Colonial American History; Atlantic Societies; Early American Indian History; Graduate Colloquium on American History to 1787; Graduate Colloquium on "The Nature of History"; Graduate Research Seminar on the American Revolution; Graduate Research Seminar on Colonial America; Graduate Research Seminar on the Early Modern Atlantic World.

University of Southern California: Telling Native American Stories; Early American Indian History; The American Revolution; Drugs, Disease, and Medicine in History; Graduate Review of American Historical Literature to 1860; Environmental History, 1500-2000 (graduate); Graduate Seminar on North American Colonial/Atlantic History; Graduate Seminar on Illness and Healing in the Modern World; Graduate Review of American Historical Literature to 1800; The Art of Historical Writing (graduate).

DIRECTOR OF GRADUATE STUDENTS and UNDERGRADUATE HONORS THESES

At University of Southern California:

Martha Robinson (Ph.D. 2005; associate professor of history, Clarion University)

Karin Huebner (Ph.D. 2009; co-advisor with Lois Banner; program director, USC Center for Polymathic Studies)

Michael Block (Ph.D., 2011; co-director with William Deverell; USC College Distinguished Post-Doctoral Teaching Fellow; NEH fellow, Library Company of Philadelphia; lect, Cal State Channel Islands)

Anne (Andie) Reid (Ph.D., 2013, co-advisor with William Deverell; assistant professor, Cal Poly San Luis Obispo)

Juliette Giannini Parsons (Ph.D. 2015)

Keith Pluymers (co-advisor with Cynthia Herrup; Ph.D. 2015; post-doctoral fellow, Caltech, 2015-2018; assistant professor, Illinois State, 2018-)

Nicholas Gliserman (Ph.D. 2016; visiting asst prof, Haverford College; post-doctoral fellow in digital humanities, University of Nebraska)

Jeanne McDougall (Ph.D. 2017; song database to be launched by Omohundro Institute for Early American History and Culture)

John Fanestil (Ph.D. 2017; former Rhodes Scholar; book forthcoming from Fortress Press; Lead Pastor, First United Methodist Church, San Diego)

Karin Amundsen (Ph.D. 2017; preceptor, USC, 2017-2019; NEH Postdoctoral Fellow, Omohundro Institute for Early American History and Culture, 2019-2021; Postdoctoral Fellow, Huntington Library, 2021-2022 and USC, 2022-2023)

Will Cowan (Ph.D., 2021; co-advisor with William Deverell; visiting lecturer, Loyola Marymount University and Santa Monica College).

Harrison Diskin (Ph.D., 2022; consultant, New York City).

Current Ph.D. students: **Corey Blanchard; Rebecca Simpson-Menzies; AnnaBella Grant.**

Undergraduate Honors Theses: Laurel Wojcik (2006); Ben May (2006); Leslie Swanson (2007); Ray Martin (2009); Waqas Amal (2011); Madeline Adams (co-advisor with Elinor Accampo, 2017); Mallory Novicoff (2021-2022); Emily Johnson (2022).

At University of Kansas:

Cynthia Jo Ingham (1997, with distinction; co-winner, Anderson dissertation prize from Department of History; winner Dorothy Haglund Award for Outstanding Dissertation given by the Graduate School; assistant professor, Florida Atlantic University [2001-2005], Peace Corps [2005-3007], visiting assistant professor University of Arkansas [2007-2008], assistant professor of history, University of Toledo [2008 -])

Stephanie Roper (1998; lecturer, Southern New Hampshire University and Daniel Webster College)

Christophe Boucher (2000, with distinction; associate professor, College of Charleston)

John Grigg (2002; dissertation revised and published by Oxford University Press; professor, University of Nebraska at Omaha)

David Dewar (Ph.D. 2005; associate professor, Angelo State University, Texas).

M.A. director: **Lynn Albert Nelson** (1992), **Amy Schwartz** (co-chair, 1995, with distinction), **Christophe Boucher** (co-chair, 1995), **Nancy Ross** (1997); **John Grigg** (1999; winner Greaves master's thesis prize from Department of History; winner Outstanding M.A. thesis prize, given by the Graduate School); **Anne Hawkins** (2001, with distinction); **Kimberly Sambol-Tosco** (2001).

Undergraduate Honors Theses: Diana Dresser (1991), Michael Mills (1995), Micah Nierman (1995), Jerry Potocnik (1995), Rochelle Mollen (1997).

OTHER PROFESSIONAL ACTIVITIES

Fatal Journey: Interview on “The Daily Show with Jon Stewart” (July 14, 2009); featured on “Marvels and Wonders” (July 2009).

Picturing United States History (PUSH), City College of New York and the National Endowment for the Humanities, November 2008 (led national on-line discussion about using visual images in the teaching of early American history)

Consultant, Teaching American History program with teachers from Los Angeles Unified School District, Pasadena Unified School District, 2002- ; San Bernardino Unified School District (2010); Ventura County Unified School District (2010-); approximately 40 sessions to date.

Hakluyt’s Promise featured in *Huntington Frontiers* (November-December 2006).

Deadly Medicine featured in *Explore* magazine (Spring, 1994); *Indian Country Today* (July 27, 1995); “Nota Bene” column in *The Chronicle of Higher Education* (August 11, 1995); interview with Robert Siegel for National Public Radio’s “All Things Considered” (aired September 7, 1995); *Prevention Quarterly*, a publication of the Bureau of Indian Affairs of the United States Department of the Interior (Fall, 1995); Kansas Radio Newslines (October, 1995); interview on “Libri,” WPSU, the NPR affiliate in State College, Pennsylvania (January, 1996).

Land of Rivers featured in *Parade* magazine, November 10, 1996.

Radio interviews about alcohol use in New Zealand for “The Kim Hill Show,” National Radio (New Zealand), August 1998, and MANA Radio (Maori News Service), National Radio (New Zealand), August 1998. Interviews about Maori and alcohol in Health Research Council of New Zealand *Newsletter* 26 (September 1998), 8, and *Say When* [Alcohol Advisory Council of New Zealand], 80 (September 1998), 3.

Radio interviews about the first Thanksgiving for Kansas Radio News Line (November 1996, picked up by television stations in Wichita and Kansas City), KMBZ (Kansas City, November 26, 1996), KIUL (Garden City, Kansas, November 27, 1996). Radio interviews about Columbus for Kansas Radio News Line (October 1997), KJHK (October 13, 1997), KIUL (Garden City, October 13, 1997).

Presentations on the Kansas River (at the “Rolling Down the River” Series, October 1997) and the Wakarusa River (for Jayhawk Audubon Society, April 1998), Lawrence, Kansas.

SERVICE

A. National/International:

Book/Article prize juries: Heizer article prize, American Society for Ethnohistory (1998); Merle Curti book prize, Organization of American Historians, 2014; Bentley prize (global history), American Historical Association, 2018-2020; Donagan essay prize, *Huntington Library Quarterly* (2019); Shapiro Center book prize (inaugural prize), Huntington Library, 2020; Winthrop book prize (inaugural prize), Colonial Society of Massachusetts, 2020-2021.

Omohundro Institute for Early American History and Culture: annual conference program committee, 2005; Council (2010-2013); co-program chair, annual conference, 2012; nominations committee, 2011-2013 (chair, 2011-2012); editorial board, *William and Mary Quarterly*, 2010-2102 (chair, 2011-2012); chair, Council and member of Executive Committee (2013-2016).

Organization of American Historians: *Journal of American History* editorial board (2005-2008); Membership committee (1997-2001; chair, 1998-2001); Frederick Jackson Turner book prize committee (2001-2002); Merle Curti book prize committee (2014); program committee (for 2015 program).

Forum on European Expansion and Global Interaction: President (2002-2004); Vice President/Program Chair (2000-2002); Executive Board (2002-2006).

Promotion and/or tenure reviewer for City University of New York (1997); Pomona College (1997); University of California (1998, 2001, two in 2003); Kansas State University (1998); Oregon State University (2001); Vanderbilt (2001); University of Michigan (2001), Claremont McKenna College (2002-2003), Ohio State University (2004, 2005), Bryn Mawr College (2004), University of Oklahoma (2004); Haverford College (2005); University of Oregon (2005); MIT (2006); College of Charleston (2006); Brigham Young University (2006); Washington University in St. Louis (2006); University of Notre Dame (2007); University of Michigan (2007); SUNY Buffalo (2007); Florida State University (2007), Bates College (2007); Rutgers University (2007); College of William and Mary (2008); Cornell University (2008); University of Massachusetts at Amherst (2008); MIT (2009); University of California, Berkeley (2010); Harvard University (2010); George Washington University (2011); Boston College (2011); University of Michigan (2012); Columbia University (2012); Texas Tech University (2012); Harvard University (ad hoc, 2013); NYU (2013); University of Iowa (2013); Ohio State University (2013); University of Alabama (2013); University of Oklahoma (2013); California State University Long Beach (2013); University of California, Riverside (2013); Columbia University (2014); University of Chicago (2014); College of William and Mary (2014); Bryn Mawr College (2014); Ohio State University (2014); University of Alabama (2014); University of Notre Dame (2014); Duke University (2014); Brown University (2014); Trinity College (2015); Vanderbilt University (2015); University of Illinois (2015); University of Oregon (2015); University of Nebraska/Omaha (2015); Tufts University (2017); Harvard University (2017); Princeton University (2017); University of Oregon (2017); University of California, Riverside (2017); University of California, San Diego (2017); Rutgers (two cases, 2017); Yale (2017); University of Tennessee (2017); Northeastern University (2018); Oberlin College (2018); Georgetown University (2018); Rutgers (2019); University of

Nevado at Reno (2019); New York University (2019); Notre Dame (2019); North Carolina State University (2019); Washington University at St. Louis (2019); University of Cardiff, Wales (2020); University of Texas at Arlington (2020); Ohio State (2020); Boston College (2020); University of Pennsylvania (2020); University of California, Irvine (2020); Binghamton University (comp lit; 2020); Lancaster University (UK), 2022; Rutgers (2022); Yale (2022); UC Berkeley (2022); UC Riverside (2022); University of Rochester (2023); University of Hong Kong (2023).

Reader/Referee for *William and Mary Quarterly*, *Journal of American History*, *American Historical Review*, *American Studies*, *Locus*, *American Indian Culture and Research Journal*, *Agricultural History*, *Environmental History Review*, *Ethnohistory*, *Western Historical Quarterly*, *Journal of Imperial and Commonwealth History*, *Pennsylvania Magazine of History and Biography*, *Law and History Review*, *American Nineteenth Century History*, *Pennsylvania History*, *Atlantic Studies*, *Early American Studies*, *Studies in Travel Writing*, *Diplomatic History*, Cornell University Press, St. Martin's Press, D.C. Heath, HarperCollins, Houghton Mifflin, Bedford Books/St. Martin's Press, Northeastern University Press, Prentice Hall/Simon and Schuster, Blackwell Publishers, Addison Wesley Longman, University of Oklahoma Press, University Press of Kansas, University of Georgia Press, University of Northern Illinois Press, McGill-Queen's University Press, University Press of Florida, Routledge, Penn State Press, McGraw-Hill, University of Pennsylvania Press, Oxford University Press, Cambridge University Press, W.W. Norton, Harvard University Press, Yale University Press, Random House.

Reviewer for **American Council of Learned Societies** (ACLS) (2007, 2008, 2009; Ryskamp and Burkhart fellowships, 2011, 2012, 2013); **Mellon Foundation** (2010); **Social Science Research Council of Canada** (2007, 2010, 2011); **Canada Council for the Arts** (2008); **Newberry Library** (2009); **Borchard Foundation** (2009, 2011); **Leverhulme Trust** (2009); **John Carter Brown Library** (2010); **Huntington Library** (2010, 2011); **City University of New York** (1994); **Notre Dame Institute for Advanced Studies** (2016); **Social Sciences and Humanities Research Council of Canada** (2018); **University of Cambridge** (Junior Research Fellow, 2020), **American Philosophical Society** (Franklin grants, 2015, 2018, 2019, 2020, 2021).

Miscellaneous: Advisor for Native American History, **Routledge** (1999-2001); **Society for Early Americanists** committee for best conference paper, 2005; External Ph.D. thesis examiner, **University of Otago**, New Zealand (1999); visiting committee, Department of History, **Southern Methodist University** (2013); consultant for external review of the **John Carter Brown Library**, 2014; outside evaluator, Department of History, **Florida State University** (2018).

B. University of Southern California:

Divisional Dean for the Social Sciences, USC Dornsife (2020-): primary responsibility for seven departments and related centers and institutes, including advancement.

Divisional Dean for the Humanities, USC Dornsife (2017-2020): primary responsibility for 18 departments and programs and related centers and institutes, including advancement.

Divisional Dean for the Humanities and Social Sciences, USC Dornsife (2015-2017): primary responsibility for 25 departments and programs and related centers and institutes, including advancement.

Vice Dean for the Humanities, USC Dornsife (2012-2015): primary responsibility for 17 departments and programs and related centers and institutes, including advancement.

Chair, Department of History (2010-2012)

Associate Vice Provost for Research Advancement (2007-2009): primary responsibility for humanities, social sciences, and the arts; **LA Urban League-USC Research Governing Board, 2008.**

Linda and Harlan Martens Director of the USC-Huntington Early Modern Studies Institute (2013-); Director, USC-Huntington Early Modern Studies Institute (2003-2013).

University: Dornsife College Dean Search Committee (2011-2012); Provost's Post-Doctoral Fellows Advisory Committee (2011-2012); ASHSS grant reviewer (2010, 2011, 2012); Associate Vice Provost for Humanities Research Advisory Committee (2009-); USC Library bibliographer search committee (2010, 2011); University Research Committee (2002-2004; chair, subcommittee on Zumberge grants for the social sciences, 2002-2003; subcommittee on Zumberge grants for the social sciences, 2003-2004; ex officio, 2007-2009); University Mentoring Committee (2007); Provost's search committee (2019); Vice President for Research search committee (2021); USC intellectual property policy sub-committee (2021).

USC Dornsife College: College Humanities Council (2010-2012); Early Modern North America and/or Atlantic World search committee (chair, 2010-1011); Early Modern Studies search committee (chair, 2008-2009); Shoah Foundation Institute Faculty Advisory Council, 2008- ; Research Excellence Advisory Board, 2008- ; Spanish and Portuguese external (search) committee, 2005-2006; Doctoral Research Awards Committee (2002).

Department of History: PI for Department of History Mentoring Grant from Center for Excellence in Teaching (2006-2007); Director of Graduate Studies (2002-2004); Graduate Studies committee (2005-2007, 2008-2010); search committee for senior position in United States History, (2001-2003); Ad Hoc Department Hiring Priorities Committee (2002-2003); search committee for position in history of Islam (2003-2004); tenure and promotion committees for Harkness (chair, 2006), Martinez (2006); Department dissertation prize committee (chair, 2006); Executive Committee (2006-2007, 2009-2010); Search Committee for Early Modern Studies (chair, 2008-2009); Search committee for Early Modern North America/Atlantic World (chair, 2010-2011).

Promotion and Tenure: University Committee on Promotion and Tenure (2003-2004); College Committee on Promotion and Tenure: Science and Math (2007); College Committee on Promotion and Tenure: Social Sciences (2009-2010).

C. University of Kansas:

Department of History: Director of Undergraduate Studies (1993-1996); Undergraduate Committee (1989-1996; chair 1993-1996); Graduate Board (spring, 1991); Task Force on Graduate Awards (1995-1997); Salary Board (1994-1996); Sabbatical Subcommittee (1995-1996); Honors Coordinator (spring, 1994); United States Standing Field Committee (1989-2001; chair, 1993-1994, 1996); Advisory Board (1997-2000, chair 1999-2000); Graduate Awards Committee (1997-1999); Graduate Admissions and Awards Committee (1999-2001); Graduate Placement Officer (1998-2000); Third-Year Review Committee (1999).

Search Committees (department): for United States Women's History (1989-1990); for Hall Professor of British History (1993-1994); for Department Chair (chair, 1996); for United States History Visiting appointment (chair, 1996); for United States (Early National) History (1996-1997); for Environmental History (1999-2000).

Search committees (college and university): For Director of Indigenous Nations Studies Program (chair, 1997-1998); for British History/Law (1997-1998; ex officio member of Law School search committee); for Dean of Libraries (1999); Special Collections Librarian at the Spencer Research Library (1999).

College: Co-Director, with Sherry Velasco et al., Early Modern Seminar, Hall Center for the Humanities (1995-2001); co-director, with Lisa Bitel, University of Kansas Summer Program: Irish Studies in Galway, Ireland (1997); Advisory Board, This Week in Kansas University History (on-line project) (2001); advisory board, Kansas History Today (on-line project) (2000-2001); *guest lecturer:* Irish Culture Course (Fall, 1996, Fall 2000); American Studies Graduate Seminar (Fall, 1996; Fall, 1997); Witches in European History and Historiography (Spring, 1997); Science, Technology, and Society (Spring, 1998); American Culture to 1876 (Spring, 1999); Anthropology Graduate Seminar on Prehistory, History, and Molecular Genetics (Fall, 1999); Humanities and Western Civilization II (Spring, 2000).

University: Grant Reviewer, Hall Center for the Humanities, National Endowment for the Humanities Summer Stipend Nominations (1993); Faculty Rights, Privileges, and Responsibilities Committee (fall, 1992); Humanities Lecture Series Committee (1994-1997; 1999-2002, chair 1999-2000); Humanities Program Advisory Board (1994-1997); Humanities and Western Civilization Program Advisory Board (1997-); Native American Studies Task Force (1995-1998); Indigenous Nations Studies Program Committee (1998-2001); University Committee on Promotion and Tenure (1997-2000); Hall Center for the Humanities Executive Committee (1999-2001); Chair, Hall Lecture Series Committee (1999-2001); Chair, Hall Center for the Humanities Travel Funds Committee (2000-2001); Faculty Committee on Latin American Studies (1999-2001); General Research Fund Review Committee for the Humanities (2000); lecture for Kansas Honors Program (2000); participant, "Perspective on Promotion and Tenure Seminar" (2000).

MEMBERSHIPS:

Elected fellow, Royal Historical Society; Elected member, Colonial Society of Massachusetts; Elected fellow, Los Angeles Institute for the Humanities; Elected member, American Antiquarian Society; Elected fellow, Society of American Historians; Elected affiliate, Center for Medieval and

Renaissance Studies Center, UCLA; American Historical Association, Organization of American Historians, Omohundro Institute of Early American History and Culture (Associate), Hakluyt Society, Forum on European Expansion and Global Interaction (FEEGI); Renaissance Society of America; Sixteenth-Century Studies; American Society for Environmental History.

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 Attorney General of the State of California*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13

<p>14 RENO MAY, an individual, et al.,</p> <p style="text-align: right;">15 Plaintiffs,</p> <p style="text-align: center;">16 v.</p> <p>17 ROBERT BONTA, in his official capacity as Attorney General of the 18 State of California, and Does 1-10,</p> <p style="text-align: right;">19 Defendants.</p>	<p>Case Nos. 8:23-cv-01696 CJC (ADSx) 8:23-cv-01798 CJC (ADSx)</p> <p>DECLARATION OF PROFESSOR SHARON MURPHY IN SUPPORT OF DEFENDANT’S OPPOSITION TO PLAINTIFFS’ MOTIONS FOR PRELIMINARY INJUNCTION</p> <p>Date: December 20, 2023 Time: 1:30 p.m. Courtroom: 9B Judge: Hon. Cormac J. Carney</p>
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<p>21 MARCO ANTONIO CARRALERO, an 22 individual, et al.,</p> <p style="text-align: right;">23 Plaintiffs,</p> <p style="text-align: center;">24 v.</p> <p>25 ROBERT BONTA, in his official capacity as Attorney General of 26 California,</p> <p style="text-align: right;">27 Defendant.</p>	
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1 **DECLARATION OF PROFESSOR SHARON MURPHY**

2 I, Sharon Ann Murphy, declare under penalty of perjury that the following is
3 true and correct:

4 1. I am over the age of eighteen (18) years, competent to testify to the
5 matters contained in this declaration, and testify based on my personal knowledge
6 and information.

7 2. I am a Professor of History and Chair of the Department of History and
8 Classics at Providence College in Providence, Rhode Island, where I have worked
9 as an academic since 2005. I have been an associate editor of *Enterprise and*
10 *Society: The International Journal of Business History* since 2011, and I am
11 currently serving as president of the Business History Conference (2023-2024),
12 which is the largest international organization in the field of business history.

13 3. Sharon Ann Murphy is my maiden name, which I use for all professional
14 work, even though I changed my name legally in 1996 when I married.

15 **BACKGROUND AND QUALIFICATIONS**

16 4. I received my B.A. (1996), M.A. (1999), and Ph.D. (2005), all from the
17 University of Virginia. I am a financial historian of the United States, with a
18 particular interest in the complex interactions between financial institutions and
19 their clientele. I focus on understanding why financial institutions emerged, how
20 they were marketed to and received by the public, and what the reciprocal relations
21 were between the institutions and the community at large. My first book, *Investing*
22 *in Life: Insurance in Antebellum America* (Johns Hopkins University Press, 2010),
23 won the 2012 Hagley Prize for the best book in business history. It considers the
24 creation and expansion of the American life insurance industry from its early
25 origins in the 1810s through the 1860s, and examines how its growth paralleled and
26 influenced the emergence of the middle class. My third book, *Other People's*
27 *Money: How Banking Worked in the Early American Republic* (Johns Hopkins
28 University Press, 2010) traces the evolution of banking from the nation's founding

1 to the creation of the national banking system during the Civil War, and how the
2 monetary and banking structures that emerged from the Civil War provided the
3 basis for our modern financial system under the Federal Reserve. My most recent
4 book, *Banking on Slavery: Financing Southern Expansion in the Antebellum United*
5 *States* (Chicago University Press, 2023) examines the critical role played by
6 southern banks in supporting and promoting the system of slavery on the frontier,
7 particularly through the use of enslaved lives as loan collateral. I have also
8 published several articles on early financial institutions, including the entry on
9 “Banking and Finance from the Revolution to the Civil War” for the *Oxford*
10 *Research Encyclopedia of American History* (Oxford University Press, 2019).

11 5. I have delivered dozens of presentations on early American financial
12 institutions at universities in the U.S. and abroad, including Yale University,
13 Columbia University, the University of Pennsylvania School of Law, Brown
14 University, Princeton University, University of Virginia, New York University, the
15 University of Louisville School of Law, University of Maryland, the George
16 Washington University School of Business, University of Missouri, the John F.
17 Kennedy Institute for North American Studies at Freie Universität (Berlin), and
18 Wake Forest University. I have also presented my work to various professional
19 forums including the Treasury Historical Association, the Connecticut Supreme
20 Court Historical Society, the International Conference on Risk and the Insurance
21 Business in History (Seville, Spain), the American Society for Legal History, the
22 Texas Supreme Court Historical Society, the Business History Conference, and the
23 Society for Historians of the Early American Republic. My research on financial
24 institutions has been supported by grants from the National Endowment for the
25 Humanities, the American Council of Learned Societies, the American Antiquarian
26 Society, and the American Philosophical Society, among other organizations.

27 6. I have been retained by the Office of the Attorney General of California
28 to provide expert testimony in litigation challenging California’s restrictions on the

1 concealed carry of firearms in sensitive locations. I am being compensated at a rate
2 of \$200/hour for my work on this matter. My compensation is not contingent on the
3 results of my analysis or the substance of any testimony.

4 7. I have not worked as an expert witness on any previous cases. A true and
5 correct copy of my curriculum vitae is attached as Exhibit 1 to this declaration.

6 **PURPOSE AND SUMMARY**

7 8. I have been asked to provide an explanation of the function of financial
8 institutions in American society at the founding in 1791, with an overview of how
9 financial institutions later evolved into our modern institutions. Below I make two
10 basic points. First, financial institutions were extremely rare in 1791. The
11 overwhelming majority of Americans would have had no contact with financial
12 institutions at the time of the nation’s founding, although these institutions would
13 soon develop rapidly beginning around the turn of the century and especially during
14 the 1810s and 1820s. Second, even following the rapid growth of financial
15 institutions in the decades after the founding, the function of these institutions—and
16 consequently how the public interacted with these institutions—was entirely
17 different from the function of modern financial institutions.

18 **I. FINANCIAL INSTITUTIONS WERE EXTREMELY RARE IN 1791.**

19 9. **Colonial Finance.** During the colonial period, neither government-
20 sanctioned commercial banks nor private bankers (individuals or groups engaging
21 in banking activities without government sanction) existed. As one banking
22 historian unequivocally states, “There were no commercial banks in the British
23 North American colonies. Arrangements for clearing business transactions and
24 providing short-term credit were underdeveloped, just as they were in the provinces
25 of eighteenth-century England.”¹ There were a few attempts by the colonists to
26 create so-called “land banks.” These were government institutions that lent

27 _____
28 ¹ Benjamin J. Klebaner, *American Commercial Banking: A History* (Boston: Twayne Publishers, 1990), 3.

1 landholders state-issued paper money up to half the value of their property, which
2 borrowers paid back over the course of several years with interest. Yet unlike a true
3 commercial bank, loan offices provided no financial intermediation services (i.e.,
4 bringing together lenders and borrowers). They did not accept money on deposit or
5 provide other financial services. They primarily served as a means of injecting
6 much-needed liquidity into the economy.² Additionally, all of these land banks
7 were ruled illegal under British colonial law, which many monetary historians “cite
8 as the prime reason for the stunted institutional development of American
9 finance.”³ Nor did colonists attempt to bypass this legal restriction by engaging in
10 banking activities without government sanction (i.e., private banking.) As a leading
11 expert on colonial finance writes: “In the colonies, surviving records point to no
12 private bankers who issued even modest amounts of currency over a sustained
13 period of time. Some merchants may have signed IOUs that passed from hand to
14 hand in limited geographical areas, but no American firm called itself a private
15 bank and proceeded to solicit deposits and issue bank notes against fractional specie
16 reserves.”⁴ The limited banking functions required by the colonists were
17 “performed by merchants with access to London and Glasgow.”⁵

18 **10. Revolutionary Finance.** The first American bank to open its doors was
19 the Bank of North America in 1782. In creating this bank, the Continental Congress
20 hoped that the bank would help with the continued financing troubles of the
21 Revolutionary War effort, just as the Bank of England had helped Britain

22 ² Theodore Thayer, “The Land-Bank System in the American Colonies,”
23 *Journal of Economic History* 13 (Spring 1953), 146; Edwin J. Perkins, *American*
24 *Public Finance and Financial Services, 1700–1815* (Columbus, OH: Ohio State
25 University Press, 1994), 44–46; Katie A. Moore, “America’s First Economic
26 Stimulus Package: Paper Money and the Body Politic in Colonial Pennsylvania,
27 1715–1730,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 83 (Autumn
28 2016), 529–57.

³ Perkins, 41.

⁴ Perkins, 41.

⁵ Klebaner, 4.

1 successfully finance major wars for almost a century. Although intended to help
2 with war financing, the Bank of North America did not open its doors until the
3 fighting was virtually over. Congress later rescinded the national charter for the
4 bank, and from 1783 it continued to function as a state-chartered commercial bank
5 in Pennsylvania.⁶ However, as banking historian Howard Bodenhorn (economics
6 professor at Clemson University) notes, “After the war, however, the bank was
7 dominated by Philadelphia’s elite merchants who were loathe to lend to other than
8 their own. Most of the city’s inhabitants and many of the state’s legislators, perhaps
9 rightly, considered the bank of little practical use.”⁷

10 **11. Finance during the Founding Era.** The only other banks to begin
11 operations before the passage of the Bill of Rights by Congress in 1789 were the
12 Bank of Massachusetts in Boston (1784) and the Bank of New York, which began
13 operations in 1784 but did not receive a state charter until 1791 (a year after that
14 state had ratified the Bill of Rights).⁸ As the late financial historian Edwin Perkins
15 (former professor of history at the University of Southern California) writes, this
16 creation of chartered commercial banks was “the most radical departure from the
17 colonial past,”⁹ yet it was initially also highly limited in its scope. “The private
18 commercial bank was an innovative institution in the immediate postwar period, but
19 its debut came in only three major port cities along the Atlantic coast during the
20 1780s.”¹⁰ Maryland would add a fourth bank in 1790, but this was several months
21 after that state had already ratified the Bill of Rights in December 1789. Similarly,
22 Rhode Island would add the Bank of Providence in 1791, several months after that

23
24
25 ⁶ Perkins, 113-15.

26 ⁷ Howard Bodenhorn, *A History of Banking in Antebellum America: Financial Markets and Economic Development in an Era of Nation-Building* (Cambridge University Press, 2000), 35.

27 ⁸ J. Van Fenstermaker, *The Development of American Commercial Banking: 1782-1837*. (Kent, Ohio: Kent State University, 1965).

28 ⁹ Perkins 187.

¹⁰ Perkins, 136.

1 state had ratified the Bill of Rights in June 1790.¹¹ By the time Alexander Hamilton
2 issued his *Report on the Bank* in December of 1790, which called for the creation of
3 a federally chartered commercial bank, nine states had already ratified the Bill of
4 Rights. The Bank of the United States would receive its charter in July 1791, but
5 not formally open its doors for operation at its headquarters in Philadelphia until
6 December 12, 1791, just three days before Virginia finally ratified the Bill of Rights
7 and it became the law of the land.¹²

8 12. **Rarity of Banks.** At the time of the ratification of the Second
9 Amendment, banks were a novel innovation, largely limited to elite merchants in
10 the few cities of the nation. Although this would begin to change rapidly during the
11 1790s and into the nineteenth century, the statement made in Plaintiffs’
12 Memorandum of Points and Authorities in Support of Plaintiff’s Motion for
13 Preliminary Injunction [Case No.: 8:23-cv-01696 CJC (ADSx)] that “Banks have
14 existed since the Founding (and long before)” is a gross over-simplification and
15 does not accurately reflect the historical record.

16 **II. LATE-EIGHTEENTH AND NINETEENTH-CENTURY FINANCIAL**
17 **INSTITUTIONS FUNCTIONED VERY DIFFERENTLY FROM THEIR MODERN**
18 **COUNTERPARTS.**

19 13. **Modern commercial banks.** Commercial banks today are an integral
20 part of their local communities and perform a wide variety of services for the
21 general public, from offering checking and savings accounts; to providing car loans,
22 small business loans, mortgages, and credit cards; to offering small investments
23 such as certificates of deposit and other services such as safe deposit boxes; to
24 providing government-sanctioned services such as the notarization of documents.¹³
25 Since the colonial period, notary publics have been essential public officials. While

25 ¹¹ J. Van Fenstermaker, *The Development of American Commercial Banking: 1782-1837*. (Kent, Ohio: Kent State University, 1965).

26 ¹² David J. Cowen, *The Origins and Economic Impact of the First Bank of the United States, 1791-1797*. (New York: Garland Publishing, 2000).

27 ¹³ Board of Governors of the Federal Reserve System, “What is Financial
28 Stability?” <https://www.federalreserve.gov/financial-stability/what-is-financial-stability.htm> [accessed October 27, 2023.]

1 notary publics were initially appointed by the President of the United States, “the
2 legislatures of the states eventually took control by passing statutes regulating the
3 appointment and supervision of notaries, which was usually delegated to the
4 secretary of state.”¹⁴ This remains the procedure today. As the National Notary
5 Association states, “A Notary Public is an official of integrity appointed by state
6 government—typically by the secretary of state—to serve the public as an impartial
7 witness in performing a variety of official fraud-deterrent acts related to the signing
8 of important documents.”¹⁵ On the one hand, “The notary public is a government
9 appointee, a creature strictly of legislation, and scores of case decisions...have
10 pronounced that notaries are public officials.”¹⁶ Yet these government appointees
11 are now commonly found in modern commercial banks, where they notarize
12 documents not only directly related to bank business, but for any “customers who
13 carry documents to the bank for notarization.”¹⁷ While the presence of notaries in
14 commercial banks has been common throughout the twentieth century, it was not a
15 feature of early banks. In fact, several states specifically barred this practice. For
16 example, an 1840 Pennsylvania law stated that “no person, being a stockholder,
17 director, cashier, teller, clerk, or other officer in any bank or banking institution, or
18 in the employment thereof,...shall, at the same time, hold, exercise or enjoy the
19 office of notary public.” This Pennsylvania law continued to be enforced at least
20 through the 1890s.¹⁸ Similarly, the Ohio Court of Appeals ruled in the 1890s that a

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22
23
24 ¹⁴ Michael L. Closen and G. Grant Dixon III, “Notaries Public from the Time
of the Roman Empire to the United States Today, and Tomorrow,” *North Dakota
Law Review*, 68 N.D. L. Rev. 873, (1992), 876.

25 ¹⁵ National Notary Association, “What is a Notary,”
26 [https://www.nationalnotary.org/knowledge-center/about-notaries/what-is-a-notary-
public](https://www.nationalnotary.org/knowledge-center/about-notaries/what-is-a-notary-public) [Accessed October 28, 2023]

27 ¹⁶ Michael L. Closen, “The Public Official Role of the Notary,” *John
Marshall Law Review*, 31 J. Marshall L. Rev. 651, (Spring 1998), 651.

28 ¹⁷ Closen, “The Public Official Role,” 678.

¹⁸ *Commission of Notary Public*, 4 Pa. D. 269, (April 27, 1895), 269.

1 “relation...between a bank and a notary public” was “in contravention of sound
2 public policy, and therefore void.”¹⁹

3 14. **Presence of Children and Families.** In the twenty-first century, families
4 bring their children to these commercial banks both as a matter of convenience as
5 they go about their days and as a way to teach them about financial responsibility.
6 For example, commercial banks today permit parents to open savings accounts for
7 their children. While all of these activities and services are typical of banks since
8 the mid-twentieth century, they were either atypical or nonexistent prior to the Civil
9 War. Few people held money on deposit; loans were short-term and reserved for
10 businesses; the average person had no reason to interact directly with a bank; and
11 children were rarely, if ever, present in banks. As economic historian Naomi
12 Lamoreaux (emerita professor at Yale) writes in her seminal work on early banking
13 in New England, “Despite their large numbers, early banks—unlike modern
14 institutions—rarely provided financial services to ordinary households. Their
15 customers consisted almost entirely of local businessmen whose borrowings took a
16 very different form from what is common today.”²⁰

17 15. **The functions of early commercial banks.** Commercial banks bring
18 together lenders and borrowers. For early banks, the main means of accumulating
19 loanable funds was through the sale of stock shares in the bank, which gave the
20 shareholder partial ownership of the bank and (hopefully) earned them dividends
21 based on the bank’s profits. Bank charters usually required that this bank stock—
22 which typically cost from \$50 to several hundred dollars per share—be purchased
23 wholly in specie, although this gold or silver could be paid in several installments
24 over time. Thus, only wealthy individuals could purchase bank shares, and only a
25 small segment of society had occasion to visit or otherwise directly interact with

26 ¹⁹ *The Ohio National Bank of Washington v. Hopkins*, 8 App.D.C., (March 5,
27 1896), 153.

28 ²⁰ Naomi Lamoreaux, *Insider Lending: Banks, Personal Connections, and
Economic Development in Industrial New England* (Cambridge University Press,
1996), 1.

1 these banks. As Lamoreaux summarizes: “Early banks obtained the funds they lent
2 to borrowers from very different sources than modern banks. Today, for example,
3 the most important component of a bank’s liabilities is deposits, but these were
4 relatively insignificant during the early nineteenth century, making up only about
5 10 to 20 percent of the total, depending on locality...the preponderance of the
6 banks’ liabilities consisted of shares of their own capital stock. This pattern
7 contrasts sharply with that of modern banks. Today such securities account
8 typically for only a minuscule part of total liabilities—a few percentage points at
9 most.”²¹ Although banks also accepted money on deposit, this was not a common
10 practice until the nineteenth century when banks started paying interest on deposits
11 and the use of checks became more common. According to Perkins, “Most
12 commercial banks in the early national and antebellum periods did not concentrate
13 on deposit growth as a key means of expanding the volume of loanable funds but
14 looked instead to the augmentation of capital.”²²

15 16. **Bank loans.** The most common type of lending engaged in by
16 commercial banks was discounting, which was a specific type of short-term loan for
17 businesspeople engaged in trade. A merchant would obtain goods from a seller by
18 issuing a promissory note known as commercial paper, promising to pay the full
19 amount at a specified future date after he had sold the goods in question. The seller
20 could then take this note to a bank to be discounted; the bank would loan him the
21 face value of the note (in banknotes) less a discount reflecting the interest rate.
22 When these discounted notes became due, usually after thirty to ninety days, the
23 loan recipient could repay his or her debt or request a renewal of the loan for an
24 additional discount.²³ These loans were necessarily short term and self-liquidating,

25 _____
26 ²¹ Lamoreaux, 3.

²² Perkins, 122.

27 ²³ Robert E. Wright, “Origins of Commercial Banking in the United States,
28 1781-1830,” in *Online Encyclopedia of Economic and Business History*, ed. Robert
(continued...)

1 meaning that as soon as a sale was completed, the note would be repaid. The short-
2 term nature of the arrangement was its key feature; this feature is also what made
3 these loans of little use to the agricultural sector. According to the US Census
4 Bureau, in 1800 only 6.1% of the population lived in urban areas (defined as
5 “incorporated cities and towns with at least 2,500 people”); and as late as 1870,
6 almost 50% of the population was still employed in agriculture.²⁴ Therefore, the
7 vast majority of individuals in the early republic had no access to or contact with
8 commercial paper, and thus had no means of obtaining loans from commercial
9 banks. As Lamoreaux has documented for early New England banks, “Directors
10 often funneled the bulk of the funds under their control to themselves, their
11 relatives, or others with personal ties to the board. Though not all directors indulged
12 in this behavior, insider lending was widespread during the early nineteenth century
13 and most conspicuously differentiates early banks from their twentieth-century
14 successors.”²⁵ She thus concludes, “Although we call these early-nineteenth-
15 century institutions banks, in actuality they functioned more like investment
16 clubs.”²⁶ In examining Philadelphia banks, Bodenhorn adds, “By 1803 Philadelphia
17 merchants had again grown dissatisfied with the existing banks. The Bank of North
18 America still catered to an elite few and the Bank of Pennsylvania’s resources were
19 tied up with state business.”²⁷

20 **17. The expansion of commercial banking in the early nineteenth**
21 **century.** While banks were rare at the moment of the founding, by 1800 there were
22 29 banks with an authorized capital of \$27.42 million, although these were still
23 primarily located in the major port cities of the nation. By 1819, the year of the
24

25 Whaples. [https://eh.net/encyclopedia/origins-of-commercial-banking-in-the-united-](https://eh.net/encyclopedia/origins-of-commercial-banking-in-the-united-states-1781-1830)
26 [states-1781-1830](https://eh.net/encyclopedia/origins-of-commercial-banking-in-the-united-states-1781-1830); Perkins, 124-126.

27 ²⁴ Steven Hirsch, “Rural America by the Numbers,” *Generations: Journal of*
28 *the American Society on Aging*, Vol. 43, No. 2 (Summer 2019), 9-10.

²⁵ Lamoreaux, 4.

²⁶ Lamoreaux, 5.

²⁷ Bodenhorn, 36.

1 nation's first major economic panic, that number had ballooned to 342 banks with
2 \$195.98 million in authorized capital. Many of these banks were now opening in
3 more rural parts of the country, although they still catered to a merchant clientele by
4 focusing on short-term discount loans. By 1837, at the time of the nation's next
5 major panic, there existed 657 commercial banks.²⁸ It was only much later in the
6 nineteenth century that commercial banks began lending to a wider swathe of the
7 public. "By mid-century, bank lending had changed...No longer closely tied to the
8 mercantile community, banks became increasingly specialized and offered credit to
9 organizations in proportion to their representation within the local business
10 community. Merchants no longer received the bulk of the banks' funds, nor did
11 they receive credit on more favorable terms than others."²⁹

12 18. **Savings banks.** Distinct from for-profit commercial banks were mutual
13 savings banks, which emerged in the 1810s as philanthropic organizations to help
14 the working classes save money for emergencies and old age. These banks
15 possessed no capital stock. Instead, they accumulated funds by accepting small
16 amounts of money on deposit. Working-class men and women from all occupations
17 would deposit as little as a nickel or a dime in their account each week. These
18 deposits were recorded in bankbooks, which they would be required to present in
19 order to withdraw their funds, although they were often required to request
20 withdrawals in advance and could not withdraw funds on demand. Savings banks
21 expanded even more rapidly than commercial banks during the twenty years prior
22 to the Civil War. The industry grew from 61 institutions with \$14 million on
23 deposit in 1840 to 278 banks with \$149 million in deposits by 1860.³⁰

24 ²⁸ Wright, "Origins of Commercial Banking in the United States, 1781-
25 1830"; Warren E. Weber, *Census of Early State Banks in the United States* (2005),
26 <https://www.minneapolisfed.org/people/warren-e-weber>; Warren E. Weber, "Early
27 State Banks in the United States: How Many Were There and When Did They
28 Exist," *Journal of Economic History* 66, no. 2 (June 2006): 433-55.

²⁹ Bodenhorn, 219-220.

³⁰ R. Daniel Wadhvani, "Citizen Savers: Family Economy, Financial
Institutions, and Public Policy in the Northeastern United States," *Enterprise and*
(continued...)

1 19. **How the public interacted with early commercial banks.** The earliest
2 commercial banks were designed to meet the needs of elite merchants in the major
3 port cities. The average citizen would have had almost no contact with banks
4 themselves, having neither the funds to purchase stock or place money on deposit,
5 nor the business paper upon which discount loans would be granted. This remained
6 true through the end of the Civil War. The main way people would interact with the
7 banking system was through banknotes, which circulated in the local economy.
8 While in theory these banknotes were redeemable for specie upon presentation at
9 the bank, in practice people would continue to circulate the notes in the economy
10 rather than go through the hassle of redemption. The time and effort required to
11 return a banknote to its bank of issue for redemption meant that the average person
12 rarely engaged in this practice. Instead, merchants who specialized as note brokers
13 attempted to acquire banknotes trading at a discount and then bring them to the
14 bank of issue for redemption at par.³¹

15 20. **Anti-banking and early banking in California.** In the aftermath of the
16 panics of 1837 and 1839, especially in those states of the Midwest and Southwest
17 that experienced the worst banking failures, anti-banking legislators rose to power.
18 Louisiana passed a new state constitution in 1845 that banned the incorporation of
19 new banks. Texas's first constitution, also in 1845, declared that "[n]o corporate
20 body shall hereafter be created, renewed or extended with banking or discounting
21 privileges," while Arkansas passed a constitutional amendment in 1846 stating that
22 "[n]o Bank or Banking Institution, shall be hereafter incorporated, or established in

23 *Society* 5 (December 2004): 617-624; R. Daniel Wadhvani, "The Institutional
24 Foundations of Personal Finance: Innovation in U.S. Savings Banks, 1880s-1920s,"
The Business History Review, Vol. 85, No. 3 (Autumn 2011), 504.

25 ³¹ John Lauritz Larson, *The Market Revolution in America: Liberty,*
Ambition, and the Eclipse of the Common Good (New York: Cambridge University
26 Press, 2010), 26, 39-45; Perkins, 118-123; Gary M. Walton and Hugh Rockoff,
History of the American Economy (New York: Dryden Press, 1994), 254-257;
27 Stephen Mihm, *A Nation of Counterfeiters: Capitalists, Con Men, and the Making*
of the United States (Boston: Harvard University Press, 2007), 1-19; Joshua R.
28 Greenberg, *Banknotes and Shinplasters: The Rage for Paper Money in the Early*
Republic (University of Pennsylvania Press, 2020), 45-58.

1 this State.”³² According to one history of California banking, “In 1849, at least six
2 banks operated in San Francisco. Most of the early bankers were exchange dealers,
3 offering certificates of deposit or other types of notes in return for gold...The early
4 banks also offered loans and ‘borrowed’ gold from customers.”³³ But these banks
5 were soon banned. The new constitution of California (1849) stated that “No
6 association may issue paper to circulate as money” and “No person can act as a
7 bank or circulate money.”³⁴ California would charter zero banks before the outbreak
8 of the Civil War.³⁵ The ban on charters for banks in California would remain until
9 the 1879 revision of the state constitution removed the statement.³⁶

10 21. **Bank robbery.** During the antebellum period, armed robberies of banks
11 were virtually unknown. Indeed, according to one study of the topic, “In nineteenth-
12 century cities, robbery in the modern sense—that is armed robbery—was quite
13 rare.”³⁷ Another study of bank robbery asserts that “The first armed bank robbery
14 by a civilian in America happened...on December 16, 1863, when a heavily
15 indebted postmaster named Edward Green shot and killed a bank clerk in a robbery
16 of \$5,000 from Malden Bank, in Malden, Massachusetts, north of Boston. Other
17 early armed bank robberies took place during the Civil War.”³⁸ Prior to the Civil
18 War, bank robberies using firearms do not appear in the historical record; if they
19 occurred, they were likely extremely rare. The nation’s first *known* bank robbery,

20 _____
21 ³² *Constitution of the State of Texas* (Houston, 1845), 20; “Notice,” *Weekly*
22 *Arkansas Gazette* (Little Rock), May 5, 1845, 3; Larry Schweikart, *Banking in the*
23 *American South from the Age of Jackson to Reconstruction* (Baton Rouge:
24 Louisiana State University Press, 1987), 167.

25 ³³ Lynne Pierson Doti, *Banking in an Unregulated Environment: California,*
26 *1878-1905* (London: Taylor & Francis, 2012), 30-31.

27 ³⁴ Doti, 32.

28 ³⁵ Warren E. Weber, *Census of Early State Banks in the United States* (2005),
<https://www.minneapolisfed.org/people/warren-e-weber>; Warren E. Weber, “Early
State Banks in the United States: How Many Were There and When Did They
Exist,” *Journal of Economic History* 66, no. 2 (June 2006): 433–55.

³⁶ Doti, 33-34.

³⁷ Roger Lane, “Urban Police and Crime in Nineteenth-Century America,”
Crime and Justice (1992), vol. 15: 43.

³⁸ Jerry Clark and Ed Palattella, *A History of Heists: Bank Robbery in*
America (Rowan & Littlefield, 2015), 5.

1 for example, involved the theft of \$162,821.21 (approximately \$3.2 million today)
2 from the vault of the Bank of Pennsylvania in September 1798. But the culprit in
3 this case accessed the vault by using a key that he had secretly copied while
4 working for the bank’s locksmith, with the additional help of the bank’s porter; it
5 was an inside job.³⁹ The next major recorded theft of a bank, which occurred at City
6 Bank of New York in 1831, was likewise an inside job. “The heist at the City Bank
7 is also credited as an impetus for the introduction of the bank safe in the United
8 States in 1834—one of the first measures designed to foil bank robbers.” It was
9 only later in the century, approaching the Civil War, that bank robbers became
10 “more adept and more violent.”⁴⁰

11 22. **Armed robbery in transit.** Prior to the Civil War, armed robberies
12 involving banknotes were much more likely to take place in transit, such as on
13 stagecoach routes. In the spring of 1820, the *National Recorder* of Dover,
14 Delaware, published the harrowing tale of a young woman’s encounter with an
15 armed robber. This popular account told the story of a farmer’s daughter who
16 traveled by horseback to town to exchange a large \$100 banknote for smaller notes.
17 On arrival, she quickly discovered that the bank had shut down and the local
18 merchants would no longer accept her banknote; her paper money was apparently
19 worthless. Suddenly, a seemingly kind man appeared who rode alongside her on the
20 way back home. On reaching a remote area, the stranger pulled a gun on the woman
21 and demanded that she turn over the technically defunct banknote. The robber knew
22 that the banknote still potentially had value—if he could pass it off to someone in
23 another community who lacked knowledge of that specific bank’s failure. By a
24 twist of fate, a puff of wind blew the money out of her hand. When the man
25 dismounted to chase after the note, the woman quickly set her horse to gallop. The
26 robber fired his gun, spooking his now unoccupied horse, which followed the

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28 ³⁹ Clark and Palattella, 5-7.

⁴⁰ Clark and Palattella, 15.

1 woman back to the farm. Once home, the farmer and his daughter soon discovered
2 that the robber’s saddle bags contained both a large quantity of counterfeit
3 banknotes and “fifteen hundred dollars in good money”—meaning banknotes of
4 banks still in existence. Although they had lost the \$100 uncurrent banknote—
5 meaning a banknote that no longer had worth as currency due to the bank’s
6 closure—they surmised that the robber’s horse itself was worth as much. Called “A
7 Good Story,” newspapers from around the country soon reprinted this saga—the
8 nineteenth-century version of “going viral.” Whether or not the details of this story
9 are all true (it is more than likely an apocryphal tale), the story clearly resonated
10 with early Americans and presents a snapshot of the concerns of average Americans
11 in dealing with money in the early 1820s.⁴¹

12 23. **Stagecoach Robberies.** The first armed robbery of a stagecoach in
13 California was recorded in 1856. “In California’s earliest years there was a rapid
14 growth in the number of footpads, those who lay in ambush along trails and
15 pathways waiting to rob unsuspecting travelers. When gold and silver began to
16 accumulate at mining camps, and was then transported to some major community
17 by mule train, gangs began to form to overwhelm the armed guards that
18 accompanied these treasure shipments.”⁴² This type of theft was more successful
19 than trying to break into a bank vault, since they could grab the treasure box
20 carrying the valuable cargo and flee. “One of the advantages in robbing
21 stagecoaches was that the work could be done at some isolated location, allowing
22 the road agents time to flee before a posse could be organized and ride to the scene.
23 The preferred place for a robbery was where the stagecoach would naturally travel

24 ⁴¹ “A Good Story,” *New-York Daily Advertiser*, May 20, 1820; *Newburyport*
25 *[MA] Herald*, May 26, 1820; *Providence [RI] Patriot*, May 27, 1820; *American*
26 *Mercury [CT]*, May 30, 1820; *Cherry-Valley [NY] Gazette*, May 30, 1820;
27 *Connecticut Courant*, May 30, 1820; *Westchester [NY] Herald*, May 30, 1820;
28 *Middlesex [CT] Gazette*, June 1, 1820; *Washington [NJ] Whig*, June 5, 1820;
Rochester [NY] Telegraph, June 6, 1820; *Republican Advocate [NY]*, June 9, 1820;
Vermont Gazette, June 10, 1820; *Edwardsville [IL] Spectator*, June 27, 1820;

⁴² R. Michael Wilson, *Stagecoach Robberies in California: A Complete Record, 1856-1913* (McFarland & Co., Inc., 2014), 3.

1 at a slow pace, such as when the coach was ascending a steep or long grade, driving
2 across soft sand, crossing a narrow bridge, or where there was a sharp curve in the
3 road. A stagecoach could be stopped by almost anything, or by nothing more than a
4 man stepping in front of the horses, pointing his gun at the driver, and ordering him
5 to halt.”⁴³ A result of this increasing risk was the emergence of a private security
6 industry. “Wells Fargo started guarding stagecoaches in 1852, and Brink’s Security,
7 which would become the armored car company, began its operations in 1859.” The
8 best known of these security firms was the Pinkerton Detective Agency.⁴⁴

9 **24. The Rise of Violent Armed Bank Robbery after the Civil War.** The
10 emergence of Jesse James and his gang during the late-nineteenth century first
11 established bank robbery in the public mind as a major problem. “They held up
12 banks and trains, which also had safes, by deploying deception, shock, and other
13 paramilitary techniques they mastered as Confederate guerrillas. The Jameses’
14 robberies often ended in unprecedented displays of violence—the result of the
15 depth of Missouri’s internecine hatred and the increase in the public availability of
16 firearms after the Civil War.”⁴⁵ As one book on the history of bank robbery asserts:
17 “even today many bank robberies, especially those that are the successful work of
18 skilled serial thieves, follow the pattern that James established.”⁴⁶

19 **25. Bank Robberies during the Great Depression.** The incidence of bank
20 robberies jumped sharply during the Great Depression and was part of a wider
21 crime spree that led to the creation of the Department of Justice’s Division of
22 Investigation in 1933 (the direct forerunner of the Federal Bureau of Investigation
23 [FBI]). “As 1934 started, [Attorney General] Cummings and [President] Roosevelt
24 focused on federal involvement in the control of bank robbery and other crimes.”
25 That same year, the federal government passed the Federal Bank Robbery Act,

26 ⁴³ Wilson, 7.

27 ⁴⁴ Clark and Palattella, 30.

28 ⁴⁵ Clark and Palattella, 21.

⁴⁶ Clark and Palattella, 20-21.

1 making bank robbery a federal crime for the first time. “Other bills would make the
2 interstate flight of felons a federal crime if they were trying to avoid prosecution;
3 strengthen the federal kidnapping law; and require the registration of machine guns,
4 sawed-off shotguns, and rifles—the types of weapons gangsters favored.”⁴⁷

5 26. **Bank Stability Essential to the Operation of the United States**

6 **Economy.** The smooth operation of banks and other financial institutions is
7 essential to the health of the overall economy. As the Board of Governors of the
8 Federal Reserve notes, “A financial system is considered stable when banks, other
9 lenders, and financial markets are able to provide households, communities, and
10 businesses with the financing they need to invest, grow, and participate in a well-
11 functioning economy.” On the other hand, “in an unstable system, an economic
12 shock is likely to have much larger effects, disrupting the flow of credit and leading
13 to larger-than-expected declines in employment and economic activity.”⁴⁸ These
14 types of economic shocks can take many forms, but widespread fear for one’s
15 safety is one potential disruptor. A recent in-depth quantitative study of the
16 economic effects of gun violence on communities by the Urban Institute concludes
17 that “retail and service industries” including financial services are
18 “disproportionately affected by gun violence levels.”⁴⁹ This report finds “a
19 significant relationship between gun violence and the ability of businesses to open,
20 operate, and grow in the affected communities.”⁵⁰ While many bank services today
21 can be conducted online, a significant proportion of the population still accesses

22
23 ⁴⁷ Clark and Palattella, 77-78.

24 ⁴⁸ Board of Governors of the Federal Reserve System, “What is Financial
Stability?” <https://www.federalreserve.gov/financial-stability/what-is-financial-stability.htm> [accessed October 27, 2023.]

25 ⁴⁹ Yasemin Irvin-Erickson, Bing Bai, Annie Gurvis, Edward Mohr, “The
Effect of Gun Violence on Local Economies,” (Urban Institute, 2016), p. 17.
26 https://www.urban.org/sites/default/files/publication/85401/the-effect-of-gun-violence-on-local-economies_2.pdf.

27 ⁵⁰ Yasemin Irvin-Erickson, Bing Bai, Annie Gurvis, Edward Mohr, “The
Effect of Gun Violence on Local Economies,” (Urban Institute, 2016), p. v.
28 https://www.urban.org/sites/default/files/publication/85401/the-effect-of-gun-violence-on-local-economies_2.pdf.

1 bank services in-person, including some of the most vulnerable segments of the
2 population like “older households.”⁵¹

3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct.

5 Executed on 10/31/2023, at Providence, RI.

6 

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8 Sharon Ann Murphy
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28 ⁵¹ “2021 FDIC National Survey of Unbanked and Underbanked Households
Executive Summary,” [https://www.fdic.gov/analysis/household-
survey/2021execsum.pdf](https://www.fdic.gov/analysis/household-survey/2021execsum.pdf), page 4.

Exhibit 1



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PUBLICATIONS: Books

Banking on Slavery: Financing Southern Expansion in the Antebellum United States, University of Chicago Press, 2023. <https://press.uchicago.edu/ucp/books/book/chicago/B/bo190178034.html>

Other People's Money: How Banking Worked in the Early American Republic, Johns Hopkins University Press, 2017. <https://jhupbooks.press.jhu.edu/content/other-peoples-money>

Anglo-American Life Insurance, 1800-1914 (co-edited with Timothy Alborn), Pickering & Chatto, 2013 [paperback Routledge, 2016]. <https://www.routledge.com/Anglo-American-Life-Insurance-18001914/Alborn-Murphy/p/book/9781848933521>

Investing in Life: Insurance in Antebellum America, Johns Hopkins University Press, 2010 [paperback 2013]. **Winner of the 2012 Hagley Prize for the best book in business history.** <https://jhupbooks.press.jhu.edu/content/investing-life>

PUBLICATIONS: Articles, Book Chapters, and Cases

“How to Define (or Not to Define) the New History of Capitalism,” for a forum in *Enterprise & Society: The International Journal of Business History* [forthcoming November 2023]

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<https://www.fundacionmapfre.org/documentacion/publico/es/consulta/registro.do?id=171682>

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“‘Doomed...to Eat the Bread of Dependency’? Insuring the Middle Class Against Hard Times,” *Common-place*, Michael Zakim (ed.), American Antiquarian Society, April 2010.

“Selecting Risks in an Anonymous World: The Agency System for Life Insurance in Antebellum America” *Business History Review*, Spring 2008: 1-30.

“Securing Human Property: Slavery, Life Insurance, and Industrialization in the Upper South,” *The Journal of the Early Republic*, v. 25, Winter 2005: 615-652.

“The Advertising of Installment Plans During the 1920s,” in *Turning Points in World History – The Roaring Twenties*, Phillip Margulies (ed.). San Diego: Greenhaven Press, 2004.

“The Advertising of Installment Plans During the 1920s,” in *Essays in History*, volume 37, Corcoran Department of History, University of Virginia, 1995.

PUBLICATIONS: Book Reviews

Review of Sara T. Damiano, *To Her Credit: Women, Finance, and the Law in Eighteenth-Century New England Cities* (Johns Hopkins University Press, 2021) and Joshua R. Greenberg, *Bank Notes and Shinplasters: The Rage for Paper Money in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2020) in *Reviews in American History* [forthcoming]

Review of Dale Tomich (ed.), *Slavery and Historical Capitalism During the Nineteenth Century* (Lexington Books, 2017) in *The Journal of Southern History*, August 2019.

Review of Josh Lauer, *Creditworthy: A History of Consumer Surveillance and Financial Identity in America* (Columbia, 2017) and Anne Fleming, *City of Debtors: A Century of Fringe Finance* (Harvard, 2018) in "Up Close and Personal with the American Debtor," *Reviews in American History*, June 2019.

Review of Tatiana Seijas and Jake Frederick, *Spanish Dollars and Sister Republics: The Money that Made Mexico and the United States* (Rowman & Littlefield, 2017) in *The Journal of the Early Republic*, Summer 2019.

Review of Christy Clark-Pujara, *Dark Work: The Business of Slavery in Rhode Island* (NYU, 2016) in *Agricultural History*, Winter 2018.

Review of Jane Ellen Knodell, *The Second Bank of the United States: "Central" banker in an era of nation-building, 1816-1836* (Routledge, 2016) in *Enterprise and Society*, March 2018.

Review of Noam Maggor, *Brahmin Capitalism: Frontiers of Wealth and Populism in America's First Gilded Age* (Harvard, 2017) in *Business History Review*, Winter 2017.

Review of Rowena Olegario, *The Engine of Enterprise: Credit in America* (Harvard, 2016) in *The Journal of American History*, Oxford University Press, September 2017.

Review of Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago, 2016) in *The American Historical Review*, Robert A. Schneider (ed.), Oxford University Press, June 2017.

Review of Donald Ratcliffe, *The One-Party Presidential Contest: Adams, Jackson, and 1824's Five-Horse Race* (Kansas, 2005), in "A Not-So-Corrupt Bargain," *Common-place*, Anna Mae Duane and Walter W. Woodward (eds.), American Antiquarian Society, <http://common-place.org/book/a-not-so-corrupt-bargain/> Vol. 16, No. 4, September 2016.

Review of Timothy Kistner, *Federalist Tycoon: The Life and Times of Israel Thorndike* (Maryland: University Press of America, 2015), in *New England Quarterly*, Jonathan M. Chu (ed.), Massachusetts Institute of Technology Press, December 2015.

Review of Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*, (Cambridge: Harvard University Press, 2012), in *Journal of the Civil War Era*, William A. Blair (ed.), University of North Carolina Press, March 2014.

Review of Scott Gabriel Knowles, *The Disaster Experts: Mastering Risk in Modern America*, (Philadelphia: University of Pennsylvania Press, 2011), in *American Historical Review*, Robert A. Schneider (ed.), Oxford University Press, October 2013.

Review of Geoffrey Clark, et. al. (eds.), *The Appeal of Insurance*, (Toronto: Univ. of Toronto Press, 2010), in EH.NET Book Reviews <http://eh.net/bookreviews>, Robert Whaples (ed.), 2011.

Review of Timothy Alborn, *Regulated Lives: Life Insurance and British Society, 1800-1914*. (Toronto: University of Toronto Press, 2009), in *Connecticut Insurance Law Journal*, Adam J. Allegro (ed.), University of Connecticut School of Law, 2011.

Review of Brian P. Luskey, *On the Make: Clerks and the Quest for Capital in Nineteenth-Century America*, (New York: New York University Press, 2010), in *The Historian*, Richard Spall (ed.), Phi Alpha Theta History Honor Society, Summer 2011.

Review of Timothy Alborn, *Regulated Lives: Life Insurance and British Society, 1800-1914*. (Toronto: University of Toronto Press, 2009), in EH.NET Book Reviews <http://eh.net/bookreviews>, Robert Whaples (ed.), 2010.

Review of Andrew M. Schocket, *Founding Corporate Power in Early National Philadelphia*. (DeKalb, IL: Northern Illinois University Press, 2007), in *Pennsylvania Magazine of History and Biography*, Tamara G. Miller (ed.), Historical Society of Pennsylvania, April 2008.

Review of Joshua Greenberg, *Advocating the Man: Masculinity, Organized Labor, and the Market Revolution in New York, 1800-1840*. (Columbia University Press/Gutenberg-e, 2007) in "Bread and Butter Activism," *Common-place*, Edward G. Gray (ed.), American Antiquarian Society, <http://common-place.org/book/bread-and-butter-activism>, Vol. 8, No., 2, January 2008.

Review of Michael Zakim, *Ready-Made Democracy: A History of Men's Dress in the American Republic, 1760-1860*. (Chicago: University of Chicago Press, 2003), in *The Journal of Economic History*, C. Knick Harley and Jeremy Atack (eds.), Cambridge University Press, September 2004.

PUBLICATIONS: Reference Articles

"Banking and Finance from the Revolution to the Civil War." In *Oxford Research Encyclopedia of American History*, Jon Butler (ed.). New York: Oxford University Press, 2019 [10,000 words].

"Slave Insurance," in *Encyclopedia of Virginia*, Brendan Wolfe (ed.). Charlottesville, VA: Virginia Foundation for the Humanities, 2018 [2800 words].
https://www.encyclopediavirginia.org/Slave_Insurance

"Economy," and "Labor, Non-Agricultural," in *Enslaved Women in America: An Encyclopedia*, Daina Ramey Berry (ed.). Santa Barbara, CA: ABC-CLIO, 2012, p. 69-72, 162-166 [3300 words].

"New York State Insurance Department," "Henry Wells," and "John Butterfield," in *The Encyclopedia of New York State*, Peter Eisenstadt (ed.). New York: Syracuse University Press, 2005, p. 246, 778, 1683 [800 words].

"Life Insurance," in *The Encyclopedia of American Business History*, Owen Lancer (ed.), New York: M.E. Sharpe, Inc., 2004 [1000 words].

"Regulation of Insurance Companies" and "United States Bureau of Corporations," in *The Encyclopedia of the Gilded Age and the Progressive Era*, John D. and Joseph D. Bunker (eds.). New York: M.E. Sharpe, Inc., 2004 [1000 words].

"Life Insurance in the United States before World War I," in *Online Encyclopedia of Economic and Business History*. Robert Whaples (ed.), 2002 [3500 words]. <http://eh.net/encyclopedia/life-insurance-in-the-united-states-through-world-war-i/>

“Railroads,” in *Encyclopedia of the Great Depression and the New Deal*, James Ciment (ed.). New York: M.E. Sharpe, Inc., 2001, p. 216-219 [2000 words].

Other Scholarly Products and Media Appearances

Interview for *The Reckoning: Facing the Legacy of Slavery in Kentucky* radio and podcast series, September 30, 2020 (premier), episodes 1 & 2 <https://reckoningradio.org/podcast/>

“Other People’s Money,” for *Historically Thinking* podcast, May 13, 2020, <http://historicallythinking.org/>

“How Banking Worked in the Early American Republic,” for *The Age of Jackson Podcast*, July, 2018, <https://theageofjacksonpodcast.com/2018/07/06/episode-30-how-banking-worked-in-the-early-american-republic-with-sharon-ann-murphy/>

“Providence College Professors Investigates Slavery and Banking,” for *Morning Edition* on Rhode Island Public Radio, May 10, 2018. <http://ripr.org/post/providence-college-professor-investigates-slavery-and-banking#stream/0>

“Follow the Money: Uncovering How Banking Financed Slavery” for *Uncovering the Civil War* podcast with Antonio Elmaleh, episode 109, January 2018. <https://uncoveringthecivilwar.com/upcoming-podcasts/>

Other People’s Money featured on The Republic blog, SHEAR, May 16, 2017. <http://www.shear.org/2017/05/16/other-peoples-money-how-banking-worked-in-the-early-republic/>

Historian for episode of *Who Do You Think You Are?* on TLC [aired March 26, 2017].

Other People’s Money featured on The Page 99 Test blog, March 22, 2017. <http://page99test.blogspot.com/2017/03/sharon-ann-murphys-other-peoples-money.html>

Other People’s Money featured on The Campaign for the American Reader blog, March 22, 2017. <http://americareads.blogspot.com/2017/03/pg-99-sharon-ann-murphys-other-peoples.html>

Other People’s Money excerpted for Johns Hopkins University Press Blog, “Why is Andrew Jackson-Harriet Tubman on the \$20 Bill?,” March 13, 2017. <https://www.press.jhu.edu/news/blog/why-a%CC%B6n%CC%B6d%CC%B6r%CC%B6e%CC%B6w%CC%B6-%CC%B6i%CC%B6a%CC%B6c%CC%B6k%CC%B6s%CC%B6o%CC%B6n%CC%B6-harriet-tubman-20-bill>

Other People’s Money excerpted for Time.com, “Early American Colonists had a Cash Problem. Here’s How They Solved It,” February 27, 2017. <http://time.com/4675303/money-colonial-america-currency-history/?xid=homepage>

Quoted in Rachel L. Swarns, “Insurance Policies on Slaves: New York Life’s Complicated Past,” *New York Times*, December 18, 2016. <http://www.nytimes.com/2016/12/18/us/insurance-policies-on-slaves-new-york-lifes-complicated-past.html>

Interview for *All In: A History of Gambling in America* for Back Story with the History Guys, May 6, 2016. <http://backstoryradio.org/shows/all-in/>

Interview about *Investing in Life: Insurance in Antebellum America* for New Books in American Studies, October, 19, 2013. <https://newbooksnetwork.com/sharon-ann-murphy-investing-in-life-insurance-in-antebellum-america-johns-hopkins-up-2010/>

“Security in an Uncertain World: Life Insurance and the Emergence of Modern America” in *Summaries of Doctoral Dissertations, The Journal of Economic History*, C. Knick Harley and Jeremy Atack (eds.), Cambridge University Press, June 2007.

“A History of the Baltimore Life Insurance Company,” Introduction to *Baltimore Life Insurance Company Genealogical Abstracts*, Jerry M. Hynson. Westminster, MD: Heritage Books, 2004.

FELLOWSHIPS, GRANTS, and AWARDS

- 2020 National Endowment for the Humanities Fellowship (taken Spring 2021)
- 2020 Harold F. Williamson Prize of the Business History Conference, for a “mid-career” scholar who has made significant contributions to the teaching and writing of business history
- 2019 American Antiquarian Society-National Endowment for the Humanities Fellow (fall)
- 2019 Mansutti Foundation Prize for the best paper presented at the Risk and the Insurance Business in History conference, Seville, Spain
- 2019 Outstanding Faculty Scholar Award, Providence College
- 2018-19 American Council of Learned Societies (ACLS) Fellowship (fall-spring)
- 2018-19 Franklin Research Grant, American Philosophical Society
- 2018 Hugh L. McColl Library Fund Research Fellowship, Wilson Special Collections Library, University of North Carolina at Chapel Hill
- 2017-18 CAFR Research Grant, Providence College
- 2017 National Endowment for the Humanities (NEH) Summer Scholars Stipend
- 2016 IES Abroad Teaching Grant Award
- 2015 Providence College Interdisciplinary Faculty Seminar on “Value”
- 2014-15 Providence College Nominee for 2015 NEH Summer Scholars Stipend
- 2013-14 Providence College Nominee for 2014 NEH Summer Scholars Stipend
- 2012 Hagley Prize for the best book in business history
- 2010-11 CAFR Research Grant, Providence College
- 2006 Finalist: Allen Nevins Dissertation Prize in American Econ. Hist., Economic History Assoc.
- 2005 K. Austin Kerr Prize for the best first paper delivered at the annual meeting of the Business History Conference by a new scholar
- 2005 The Library Company of Philadelphia Post-Doctoral Fellow, Program in Early American Economy and Society (PEAES)
- 2003-04 Economic History Association Dissertation Award
- 2002-03 Dissertation Year Fellowship, UVa Graduate School of Arts and Sciences
- 2001-02 John E. Rovensky Fellowship in Business and Economic History
- 2001-02 Alfred D. Chandler, Jr. Traveling Fellowship, Harvard Business School

- 2001-02 Bankard Fund for Political Economy Predoctoral Fellowship, UVa Office of Research and Public Service
- 2001 State Farm Companies Foundation Doctoral Dissertation Award
- 1997-2001 Philip Francis du Pont Fellowship, UVa Graduate School of Arts and Sciences
- 1996 Mayonian Award for best undergraduate thesis in history, University of Virginia
- 1994 Phi Beta Kappa Honor Society

CONFERENCE PAPERS and PRESENTATIONS

by competitive selection

- “Banking, Slavery, and Public Education in Louisiana,” Organization of American Historians, New Orleans, Louisiana, April 11-14, 2024.
- “Merchant Bankers and Plantation Finance in Antebellum Louisiana,” WMQ-EMSI workshop on “Money in Vast Early America,” Huntington Library, December 7-9, 2023.
- “The Political-Economic Implications of Anti-Banking in the 1840s on the Southern Frontier,” Society for Historians of the Early American Republic Annual Meeting, Philadelphia, PA, July 13-16, 2023.
- “Stabilizing Plantation Economies through Mercantile Capitalism,” Society for Historians of the Early American Republic Annual Meeting, New Orleans, LA, July 21-24, 2022.
- “Gone to Texas: Deadbeat Debtors and their Enslaved Property,” American Society for Legal History Conference, New Orleans, LA, November 4-6, 2021.
- “Collateral Damage: The Impact of Bank Failures on the Enslaved,” Organization of American Historians, Chicago, IL [virtual conference], April 15-18, 2021.
- “Slaves, Banks, and Married Women’s Property Rights,” Organization of American Historians, Washington, DC, April 2-4, 2020 [canceled due to Covid-19].
- “Gone to Texas: Deadbeat Debtors and their Enslaved Property,” Business History Conference, Charlotte, NC, March 12-14, 2020.
- “Bad Bicentennial: A Roundtable on the Panic of 1819 and the History of Capitalism Boom,” Society for Historians of the Early American Republic Annual Meeting, Cambridge, MA, July 18-21, 2019.
- “Agents, Regulations, and Scandals: US Life Insurance Companies in Late-Nineteenth-Century Latin America,” International Conference on Risk and the Insurance Business in History, Seville, Spain, June 11-14, 2019. **Winner of the Mansutti Foundation Prize for best paper.**
- “Slavery and the Second Bank of the United States,” Society for Historians of the Early American Republic Annual Meeting, Cleveland, OH, July 19-22, 2018.
- “Free Banking in Louisiana during the 1850s,” Business History Conference, Baltimore, MD, April 5-7, 2018.
- “Making Free Banking Legitimate: Marketing Louisiana Banks in the 1850s,” Society for Historians of the Early American Republic Annual Meeting, Philadelphia, PA, July 20-23, 2017.

"Bank Financing of Slavery during the 1840s and 1850s," *Histories of Capitalism v. 2.0*, Cornell University, Ithaca, NY, September 29 – October 1, 2016.

"1824 Reconsidered: A Roundtable on Donald Ratcliffe, *The One Party Presidential Contest: Adams, Jackson, and the 1824's Five-Horse Race*," Society for Historians of the Early American Republic Annual Meeting, New Haven, CT, July 21-24, 2016.

"Taking the Moral Lead? The Public Expectations of State Banks around the Panic of 1819," Organization of American Historians, Providence, RI, April 7-10, 2016.

"Banks, Slavery, and the Civil War," Business History Conference, Portland, OR, March 31-April 2, 2016.

"When Banks Fail: Stockholders, Stakeholders, & the Moral Economy around the Panic of 1819," Business History Conference/European Business History Association, Miami, FL, June 24-27, 2015.

"Banks and Civic Life in the Early Republic," American Historical Association Annual Meeting, Washington, DC, January 2-5, 2014.

"The Literature of Banking in the Early Republic," Society for Historians of the Early American Republic Annual Meeting, St. Louis, MO, July 18-21, 2013.

"The Public Response to Commercial Banks during the Panic of 1819," Business History Conference, Columbus, OH, March 21-23, 2013.

"Banking on the Public's Trust: The Image of Commercial Banks in Kentucky, 1815-1824," Business History Conference, St. Louis, MO, March 31 – April 2, 2011.

"Banking on the Public's Trust: The Image of Commercial Banks in the Early American Republic," American Historical Association Annual Meeting, Boston, MA, January 6-9, 2011.

"Banking on the Public's Trust: The Image of Commercial Banks in Pennsylvania around the Panic of 1819," Boston Early American History Seminar, Mass. Historical Society, Dec. 9, 2010.

"Banking on the Public's Trust: The Image of Commercial Banks in Pennsylvania around the Panic of 1819," Crisis and Consequence Conference of the Center for the History of Business, Technology, and Society, Hagley Museum and Library, November 4-5, 2010.

"Making Charity Fashionable: Female Reformers and the Prevention of Pauperism in Antebellum America," Business History Conference, Milan, Italy, June 11-13, 2009.

"Public Interest, Private Industry: Life Insurance and the State in Antebellum America," The Policy History Conference, St. Louis, MO, May 29 – June 1, 2008.

"Selecting Risks in an Anonymous World: The Life Insurance Agency Network of Early America," Society for Historians of the Early American Rep. Annual Mtg, Worcester, MA, July 19-22, 2007.

"Selecting Risks in an Anonymous World: The Life Insurance Agency Network of Early America," Economic & Business Historical Society Conference, Providence, RI, April 26-28, 2007.

"Protecting Middle-Class Families: Life Insurance in Antebellum America," Social Science History Association Annual Meeting, November 2-5, 2006.

"Security in an Uncertain World: Life Insurance and the Emergence of Modern America," presentation for the Allen Nevins Dissertation Prize in American Economic History, Economic

History Association Annual Meeting, September 15-17, 2006.

"The Money Value of a Man: Insuring Life in the Early Republic," Society for Historians of the Early American Republic Annual Meeting, Philadelphia, PA, July 21-24, 2005.

"Protecting Middle-Class Families: Life Insurance in Antebellum America," Business History Conference Annual Meeting, Minneapolis, MN, May 19-21, 2005. **Winner of the J. Austin Kerr Prize for best first paper presented.**

"Nineteenth-Century Rural Wealth Accumulation: A Microeconomic Analysis," The Cliometrics Society Conference, University of Arizona, May 18-20, 2001.

"The Myth and Reality of Economic Opportunity: A Case Study of the Rural United States from 1850 to 1870," New Frontiers Graduate Student History Conference, York University, Toronto, March 16-17, 2001.

CONFERENCE PAPERS and PRESENTATIONS

by invitation

Book Talk: "Banking on Slavery: Financing Southern Expansion in the Antebellum United States," Treasury Historical Association Lecture Series (online), December 13, 2023.

Book Talk: "Banking on Slavery: Financing Southern Expansion in the Antebellum United States," Julis-Rabinowitz Center for Public Policy & Finance, Economic History Workshop, Princeton University, November 2, 2023.

Book Talk: "Unearthing a Dark Legacy: Banking on Slavery," George Washington University School of Business, Washington, DC, October 11, 2023.

"Merchant Bankers and Plantation Finance in Antebellum Louisiana," George Washington University Finance Department Seminar Series, Washington, DC, October 10, 2023.

Keynote Speaker: "Banking on Slavery: Financing Southern Expansion in the Antebellum United States," Financial History Network Webinar Series, June 12, 2023.

Author Talk: "Banking on Slavery: Financing Southern Expansion in the Antebellum United States," Massachusetts Historical Society, May 22, 2023.

Guest lecturer on banking and finance for "Breonna Taylor's Louisville: Race, Equity and Law" course at the Louis D. Brandeis School of Law, University of Louisville, October 29, 2020.

"Enslaved Financing of Southern Industry: The Nesbitt Manufacturing Company of South Carolina, 1836-1850," Brown University Early American Money Symposium, October 2020.

"America's First Nationwide Financial Panic," Maine Historical Society Forum: Maine & the Nation in 1820, July 11, 2020.

"Bad Bicentennial: Reflections on the Panic of 1819," Kinder Institute on Constitutional Democracy, University of Missouri, October 18, 2019.

"Banking on Slavery in the Antebellum American South," Columbia University Seminar in Economic History, Columbia University, December 13, 2018.

Keynote Speaker: "Business, Wealth, Enterprise, and Debt: The Economic Side of Mormon History, 1830-1930," Symposium on Mormon History, Brigham Young University, Provo, UT, March 1-2, 2018.

“Slavery and Life Insurance,” Edward V. Sparer Symposium on “What Institutions Owe,” University of Pennsylvania Law School, January 19, 2018.

Other People’s Money book talk and signing, The Filson Historical Society, Louisville, KY, June 12, 2017.

“Free Banking in Louisiana during the 1850s,” The Tobin Project’s History of American Democracy conference, Cambridge, MA, June 1-2, 2017.

“Slavery and Finance in the Antebellum American South,” Economic History Workshop, Yale University, May 1, 2017.

“A Divergence of Interests: When Banks Fail,” A Re-Union of Interests Conference for the Program in Early American Economy and Society, Philadelphia, PA, October 6-7, 2016.

“Risky Investments: Banks and Slavery in the Antebellum American South,” workshop on Uncertainty and Risk in America: (Un)Stable Histories from the Late Colonial Period to the Gilded Age, John F. Kennedy Institute for North American Studies, Freie Universität, Berlin, Germany, June 30 – July 2, 2016.

Keynote Speaker: “How to Make a Dead Man: Murder, Suicide, and Insurance Fraud in Nineteenth-Century New England,” Connecticut Supreme Court Historical Society, May 12, 2016. http://jud.ct.gov/HistoricalSociety/annual_0416.htm

“Slavery, Finance, and Risk in the Antebellum American South,” Uncertainty/Risk/Management Workshop, John F. Kennedy Institute for North American Studies, Freie Universität, Berlin, Germany, October 26, 2015.

“Slavery and Finance in the Antebellum American South,” Perilous Passages – The History of Risk in 19th Century American Culture, Schloss Thurnau, Germany, October 23-24, 2015.

“Bank Financing of Antebellum Slavery,” University of Virginia’s MADCAP: Movements and Directions in Capitalism Workshop, Charlottesville, VA, September 1, 2015.

Roundtable Panelist: “The New History of Capitalism and Southern History,” Southern Historical Association, Atlanta, GA, November 13-16, 2014.

“In Search of the Common Good: Banks and the Panic of 1819,” Brown University’s 19th Century US History Workshop, Providence, RI, November 8, 2013.

“The Public Perception of Banks in the Early American Republic,” Providence College Post-Sabbatical Lecture Series, Providence, RI, March 18, 2013.

“The Public Interest in a Private Industry: Life Insurance Regulation in Antebellum America,” The Insurance and Society Study Group, Boston, MA, February 29, 2008.

“Protecting Women and Children ‘in the hour of their distress:’ Insuring Lives after the Panic of 1837,” The Panic of 1837 Conference of the Program in Early American Economy and Society, Philadelphia, PA, October 10-11, 2007.

“Securing Human Property: Slavery, Life Insurance, and Industrialization in the Upper South,” New York University, Stern School of Business, Financial History Seminar, April 7, 2006.

“Addressing Moral Hazards: Life Wagers, Murder, and Insurance Fraud in the Early American Republic,” University of Maryland Early American History Seminar, March 9, 2006.

“Creating Markets: The Adaptation, Innovation, and Diffusion of Life Insurance in the Early Republic,” The Library Company of Philadelphia Program in Early American Economy and Society Seminar, March 18, 2005.

“Threats to Actuarial Soundness and Reputation: Life Wagers, Murder, and Insurance Fraud,” Wake Forest University Economic History Workshop, March 21, 2002.

CONFERENCE PAPERS and PRESENTATIONS

as chair/discussant

Panel Chair/Discussant: “Divine Business,” The Business History Conference, Detroit, Michigan, March 16-18, 2023.

Panel Chair: “Experiments in Finance,” The Business History Conference, Mexico City, Mexico, April 6-9, 2022.

Panel Chair/Discussant: “Money and Politics in Early America,” The Business History Conference [virtual conference], March 11-13, 2021.

Discussant: “Waterways, Wolves, and World Fairs: Nineteenth-Century Southern Entrepreneurs in Brazil, Mexico, and Central America,” Southern Historical Association Convention [virtual conference], November 19-21, 2020.

Panel Chair/Discussant: “Rethinking Hard Money in the Age of Bitcoin,” Organization of American Historians Annual Meeting, Philadelphia, PA, April 2019.

Panel Chair/Discussant: “International Financial Crises and Regulatory Responses” and “Risk and Insurance,” The Business History Conference, Cartagena, Colombia, March 14-16, 2019.

Discussant: “Risky Matters: Perspectives on the Beginning of Insurance in North America,” Davis Center Seminar, Princeton University, April 27, 2018.

Panel Chair/ Discussant: “Pimps, Rebels, and ‘Fancy Girls’: Troubled Circulations in the North American Slave Trade,” Organization of American Historians Annual Meeting, New Orleans, LA, April 6-9, 2017.

Panel Chair/Discussant: “Converting Social Networks into Bonds in the Early Republic, Antebellum, and Civil War Eras,” Business History Conf., Denver, CO, March 30 – April 1, 2017.

Panel Discussant: “Managing Risk and Uncertainty in the Agricultural Marketplace,” Business History Conference, Portland, OR, March 31-April 2, 2016.

Panel Chair/ Discussant: “Three Centuries of Brewing: Canada, Amsterdam, and the UK,” Business History Conference/European Business History Assoc., Miami, FL, June 24-27, 2015.

Panel Chair/ Discussant: “The Culture of Savings,” Business History Conference, Frankfurt, Germany, March 13-15, 2014.

Panel Chair: “Setting Up Shop: Domesticating Global Business in the Age of Revolution,” Business History Conference, Columbus, OH, March 21-23, 2013.

Panel Discussant: “Fueling Panic: Energy and Economic Crisis in American History,” Policy History Conference, Richmond, VA, June 6-9, 2012.

Panel Discussant: “Banking on Change,” Business History Conf., Athens, GA, March 25-28, 2010.

Panel Discussant: "Timothy Alborn's *Regulated Lives: Life Insurance and British Society, 1800-1914*," The Insurance and Society Study Group, UConn Law School, February 11, 2010.

Panel Discussant: "Risky Business: Mortgaging, Warranting, and Insuring Slaves in the Antebellum U.S. South," Southern Historical Association Convention, Richmond, VA, October 31 – November 3, 2007.

Panel Chair: "Public-Private Regulation and Bank Entry in the Nineteenth Century US," Business History Conference, Cleveland, OH, May 31 – June 2, 2007.

COURSES TAUGHT

upper level/majors

Honors Thesis in History Writing Seminar

American Business History: Corporations and Entrepreneurs in US History

Panics and Depressions US History, 1789-present

Marketing Campaigns in US History, c. 1850-present

Creating a Nation from Founding to Civil War (1789-1877)

The Gilded Age, 1877-1897

History of the United States, 1815-1900

History of the United States, 1900 to the Present

America's Obsession with Information and Communication from Poor Richard's Almanac to the World Wide Web [junior/senior writing seminar]

Reform Movements in Antebellum America [junior/senior writing seminar]

Financial Markets and Institutions [Finance Department, Providence College Business School]

Marketing and Consumption in Twentieth-Century Italy [IES Study Abroad, Rome, Italy]

lower level/surveys

Thinking and Writing about History: Religion in America in the 1920s [freshmen/sophomore methodology course]

United States History, 1865-Present

America, Origins to 1877

Development of Western Civilization: From the French Revolution to the Present

Development of Western Civilization (pt. III): From Absolutism to the Industrial World

Development of Western Civilization (pt. IV): From New Imperialism to the Present

Development of Western Civilization Colloquium: Capitalism: The Good, the Bad, the Ugly

PROFESSIONAL AFFILIATIONS and SERVICE

National Endowment for the Humanities Tier-2 Fellowship Selection Panelist, 2023

Associate Editor of *Enterprise & Society*, July 2011-present

University of New Hampshire, dissertation committee, 2020-2023

Journal of the Early Republic, Ralph D. Gray Article Prize selection committee, 2022

Southern Historical Association, Bennett H. Wald Award selection committee, 2019-2020

University of Tennessee Department of History, dissertation committee, 2019

University of Virginia Department of History, History of Capitalism Ph.D. candidate examiner, 2015

Massachusetts Historical Society Short-term Fellowship Committee, 2015

Business History Conference: member since 2002

President, 2023-2024

Budget Committee, 2022-2026

Program Committee, 2023-2024

Henry Kaufman Financial History Fellowship Program Committee, 2023-2024

Executive Committee, 2022-2024

President-elect, 2022-2023

Hagley Prize Selection Committee, 2016-2018, 2020-2021

Nominating Committee [elected], 2018-2020

Doctoral Colloquium Advisory Committee, 2017-2018

Emerging Scholars Committee, 2008-2011

Trustee [elected], 2010-2013

Kerr Prize Selection Committee, 2010-2012 (chair 2011)

Electronic Media Oversight Committee, 2010-2013 (chair 2012)

responsible for recruiting, vetting, and appointing:

1. a new editor for the organization's on-line publication BEH-online
2. a new web editor for the overall organization

Society for Historians of the Early American Republic: member since 2004

Article manuscript referee for:

American Historical Review

Business History Review

Connecticut Insurance Law Journal

eh.net Encyclopedia

Enterprise & Society

Explorations in Economic History

Financial History Review

Journal of the Early Republic

Oxford University Press Bibliographies

Sibley's Harvard Graduates

Studies in American Political Development

Western Journal of Black Studies

William and Mary Quarterly

Book manuscript referee for:

Columbia University Press

Johns Hopkins University Press

Macmillan Education; Bedford/St. Martin's

Princeton University Press

University of Chicago Press

University of Georgia Press

University of North Carolina Press

University of Pennsylvania Press

Yale University Press

Tenure & promotion evaluator for:

Bucknell University

Tulane University

University of Delaware

Miami University

Faculty Consultant, US History Advanced Placement Reading, 2001-2007 (table leader 2007)

SERVICE to Providence College

- 2021-24 Chair, Department of History and Classics
- 2017- Phi Beta Kappa Committee (college-wide)
- 2013- Oversight of History Department's Gladys Brooks Foundation Endowment (\$225,000)
- 2010- Oversight of Honors Thesis in History
- 2006- Department Liaison for students interested in pursuing graduate study
- 2006- Advising of history majors
- 2020-23 Committee on Academic Rank and Tenure (college-wide)
- 2020-21 History Department Task Force on Diversity and Inclusion
- 2019-21 Oversight of History Department Internships and Career Development
- 2009-18 History Department Committee to Promote Research
 - 2012-18 Making History Student Conference
 - 2010-18 Making History Faculty Lecture Series
 - 2009 creation of Honors Thesis in History
- 2016-18 Arts & Sciences Summer Scholar Selection Committee (college-wide)
- 2016-17 Committee to redesign the Business Studies Program (college-wide)
- 2015-16 Post-Baccalaureate Fellowships and Scholarships Committee (college-wide)
- 2014-18 Assistant Chair, Department of History and Classics
- 2013-15 History Department Committee for the Revision of Tenure and Promotion Standards
- 2013-14 Job Search Committee in British History
- 2012-14 Undergraduate Research Committee (college-wide): School of Arts & Sciences Rep.
- 2010 Adjunct Job Search Committee in American History
- 2009-11 Joseph R. Accinno Faculty Teaching Award Selection Committee (college-wide)
[chair 2010-11]
- 2006-09 Academic Appeals Committee (college-wide)
- 2007-08 Job Search Committee in 19th/20th century American history
- 2007 Seminar Standards Committee for department curriculum review
- 2006 Communications Skills Subcommittee of the Core Curriculum Review Com. (college-wide)
- 2006 Address for the Phi Alpha Theta History Honor Society Induction, March 24, 2006
"Addressing Moral Hazards: Life Wagers, Murder, and Insurance Fraud in Nineteenth-Century America"
- 2005-06 Departmental Secretary

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13
14 **RENO MAY, an individual, et al.,**
15 Plaintiffs,
16 v.
17 **ROBERT BONTA, in his official**
18 **capacity as Attorney General of the**
19 **State of California, and Does 1-10,**
20 Defendants.

Case Nos. 8:23-cv-01696 CJC (ADSx)
8:23-cv-01798 CJC (ADSx)

**DECLARATION OF DR.
BRENNAN RIVAS IN SUPPORT
OF DEFENDANT'S OPPOSITION
TO PLAINTIFFS' MOTIONS FOR
PRELIMINARY INJUNCTION**

Date: December 20, 2023
Time: 1:30 p.m.
Courtroom: 9B
Judge: Hon. Cormac J. Carney

21 **MARCO ANTONIO CARRALERO, an**
22 **individual, et al.,**
23 Plaintiffs,
24 v.
25 **ROBERT BONTA, in his official**
26 **capacity as Attorney General of**
27 **California,**
28 Defendant.

1 **DECLARATION OF DR. BRENNAN GARDNER RIVAS**

2 I, Dr. Brennan Gardner Rivas, declare under penalty of perjury that the
3 following is true and correct:

4 1. I have been retained by the Office of the Attorney General of the
5 California Department of Justice to provide expert opinions and testimony in this
6 case. I submit this declaration on the basis of my training, professional expertise,
7 and research. For this engagement, I was asked to provide expert opinions about
8 historical gun regulations that pertained to public carry laws and sensitive places,
9 with a particular focus on regulations related to travelers, transit companies, and
10 transportation-related spaces.

11 2. This declaration is based on my own personal knowledge and
12 experience, and if I am called to testify as a witness, I could and would testify
13 competently to the truth of the matters discussed in this declaration.

14 **BACKGROUND AND QUALIFICATIONS**

15 3. I am a historian and independent scholar. During the 2021-2022
16 academic year, I was the Lloyd Lewis Fellow in American History at The Newberry
17 Library. From 2020 to 2021, I was a Bill & Rita Clemens Fellow for the Study of
18 Southwestern America within the Clemens Center for Southwest Studies at
19 Southern Methodist University. From 2019 to 2020, I was a Lecturer in American
20 History at Texas Christian University (TCU). I hold a Ph.D in in history from TCU,
21 where my dissertation was on the development, evolution, and enforcement of gun
22 and weapon policy in Texas form the era of Mexican independence to the 1930s.

23 4. My expertise includes historical weapon regulations in the United
24 States. I have several publications on this topic, including peer-reviewed articles in
25 the *Southwestern Historical Quarterly*, and a chapter in an edited collection
26 forthcoming by Oxford University Press. Last year, my article, “Enforcement of
27 Public Carry Restrictions: Texas as a Case Study” (June 2022), was published in the
28 *UC Davis Law Review*. I am currently completing a book manuscript, based upon

1 my dissertation research, which traces the development and implementation of
2 weapon and firearm policies in Texas across a century-long period. This manuscript
3 has undergone the first round of peer-review and is currently under contract with an
4 academic press.

5 5. A true and correct copy of my current curriculum vitae, which details
6 my education, experience, and publications, is attached as **Exhibit 1** to this
7 declaration. It contains all publications that I have authored within the last ten
8 years, including a number of articles related to the regulation of guns, especially as
9 to the history of nineteenth-century weapons policies and the socio-political context
10 that made them possible.

11 6. I am being compensated for services performed in the above-entitled
12 case at an hourly rate of \$200/hour for research, \$250/hour for document
13 preparation, and \$350/hour for deposition and trial testimony. My compensation is
14 not contingent on the results of my analysis or the substance of any testimony.

15 7. The opinions I provide in this declaration are based on my education,
16 expertise, and research in the fields of transportation, the history of firearms and
17 firearm regulation, and my review and analysis of a wide range of primary and
18 secondary sources.

19 8. This declaration is a work of historical scholarship, informed by
20 analysis of primary and secondary sources. Having studied the subject of historical
21 gun regulations for several years now, I have drawn upon knowledge gained from
22 reading numerous peer-reviewed books and articles, in addition to law review
23 articles and media such as blogs and news articles. I have also drawn upon primary
24 sources, such as historical laws and ordinances found in digital databases like Hein
25 Online and Hathi Trust, and historical newspaper articles from databases like
26 Chronicling America, ProQuest Databases, Newspapers.com, America's Historical
27 Newspapers, and more. The writing and composition of scholarly works of history
28 require the historian to evaluate both primary and secondary sources—using

1 secondary sources to contextualize and interpret primary sources in ways that
2 illuminate the past rather than confuse or obscure it.

3 9. This declaration also involved new research, particularly in relation to
4 the history of Philadelphia from the latter 1600s through the early 1800s. I
5 consulted scholarly works of history about Philadelphia, particularly those
6 addressing architecture, urban planning, and sites of social gathering. I also
7 consulted relevant primary sources, from paintings of the city and its structures
8 (often reprinted in architecture books) to maps and population statistics. A
9 particularly important source for this study is a multivolume history called *Annals*
10 *of Philadelphia*. Though it was written and published in the nineteenth century, the
11 author, John F. Watson, related oral histories from longtime residents and reprinted
12 some government records. I also visited some of Philadelphia’s historic sites and
13 colonial-era gathering places during July 2023. As one of the United States’ oldest
14 and most-studied urban centers, the case study of Philadelphia’s transportation and
15 public gathering spaces could be carried much further—and such continued study
16 would likely reinforce conclusions within this report rather than undermine them.

17 **SUMMARY OF OPINIONS**

18 10. First, this declaration sets forth my expert opinion that the search for
19 and analysis of historical analogues for sensitive place laws and transit-specific gun
20 regulations should be undertaken in light of historical transportation infrastructure
21 as well as the types, locations, and sizes of historical public gathering places. A
22 case study of Philadelphia shows that even one of the largest and most cultured
23 cities in colonial and early America lacked indoor gathering spaces akin to modern
24 venues of entertainment, art, and education, and it remained a “walking city” with
25 relatively few intra-city transit options until the nineteenth century. Its outdoor
26 places of public assembly, such as the city center, fairs, and marketplace, were
27 exactly the types of gathering places encompassed within the text of the Statute of
28 Northampton. Thus, to the extent there is any lack of direct analogues to the

1 contested statute, this lack stems from unlike circumstances rather than historical
2 Americans' rejection of safety-focused gun regulation.

3 11. Additionally, this declaration presents evidence drawn from historical
4 research showing that Americans have historically regulated the presence of
5 weapons in sensitive places, including transportation-related spaces. Public carry
6 laws were in force across much of the United States during the nineteenth century
7 and prohibited the carrying of various weapons and particularly the concealed-
8 carrying of them. By 1900, most American states and territories had enacted one,
9 and hundreds of municipalities had enacted similar or overlapping ordinances to
10 apply within their city limits. Public carry laws applied throughout an entire
11 jurisdiction and did not cease to be operative aboard trains, trolleys, streetcars, and
12 ferries. Private transportation companies also held the authority to establish rules
13 about the carrying and shipping of firearms, and there is evidence showing that
14 some rail companies required firearms to be transported unloaded and stowed away
15 from passengers.

16 12. This declaration proceeds in four parts. First, it describes the nature of
17 public transportation and gathering spaces in eighteenth-century America, using
18 Philadelphia as a case study. Second, it provides an overview of the general history
19 of public carry restrictions in the North American colonies and the United States.
20 Third, it describes the specific application of public carry restrictions to travelers
21 and transportation-related spaces. Fourth, this declaration briefly explains how the
22 lack of relevant extant records hinders our ability to understand the full history of
23 firearms regulation (particularly within transit spaces) in the United States.

24 **OPINIONS**

25 **I. Public Transportation and Gathering Spaces in Eighteenth-Century** 26 **America**

27 13. For this declaration, I explored the similarities and differences between
28 the American urban experience today versus in the eighteenth century. This is an

1 undertaking which a historian could spend many years studying and developing—
2 and indeed, some have written marvelous histories of the evolution of mass transit
3 and the growth of urban centers. In order to work within the time constraints for a
4 project of this kind (rather than a peer-reviewed monograph or article), I employed
5 a case study method.

6 14. At the time of the Founding, Philadelphia, Pennsylvania was the
7 second most populous city in the United States, with approximately 28,000
8 residents.¹ More than that, Philadelphia had been one of the largest cities within the
9 entire British Empire during the colonial period. As a result, Philadelphia led the
10 nation in architecture, voluntary associations, and urban planning. Most Americans
11 of the eighteenth century lived in small, rural areas very much *unlike* Philadelphia.
12 That being said, the few large cities of the Founding Era provide a better analogue
13 to modern life in the United States—where most Americans live in urban areas with
14 access to transportation infrastructure, public safety agencies, and a population of
15 5,000 or more²—than the small, rural areas where most Americans resided during
16 the Founding Era. A look at transportation infrastructure in this sophisticated
17 Founding-Era city, as well as its sites of public assembly, demonstrate that intra-
18 city transportation and the scale of sensitive places in Philadelphia were quite
19 different from what was common in the mid-to-late nineteenth century, and
20 certainly from what we know today.

21
22 ¹ U. S. Bureau of the Census, “Population of the 24 Urban Places: 1790,” *Population of the*
23 *100 Largest Cities and Other Urban Places In The United States: 1790 to 1990* (June 1998).
<https://www2.census.gov/library/working-papers/1998/demographics/pop-twps0027/tab02.txt>

24 ² Approximately 80.0% of Americans live in “urban areas” as defined by the U.S. Bureau
25 of the Census. Following the 2020 census, that agency raised the minimum population threshold
26 for “urban area” from 2,500 to 5,000. This caused a slight decline in the nation’s urban population
27 (down from 80.7 to 80.0) even while “the nation’s urban population increased by 6.4% between
28 2010 and 2020.” See “Nation’s Urban and Rural Populations Shift Following 2020 Census,”
Press Release Number CB22-CN.25, United States Census Bureau (December 29, 2022),
<https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html>; and
Michael Ratliffe, “Redefining Urban Areas Following the 2020 Census,” (December 22, 2022),
[https://www.census.gov/newsroom/blogs/random-samplings/2022/12/redefining-urban-areas-
following-2020-census.html](https://www.census.gov/newsroom/blogs/random-samplings/2022/12/redefining-urban-areas-following-2020-census.html).

1 **A. Philadelphia: Transit Infrastructure**

2 15. The city of Philadelphia was established on the western bank of the
3 Delaware River, across from West Jersey, in 1682. Inhabitants built makeshift
4 caves and dwellings for themselves along the riverbank until land could be cleared
5 and surveyed for the construction of homes on town lots. The town grew around a
6 creek useful for docking boats, which came to be known as Dock Creek. In its
7 earliest years, the city consisted of a cluster of buildings—particularly homes and
8 taverns—near Dock Creek. The most notable was the Blue Anchor Inn, which was
9 the site of a ferry connecting both sides of the creek. To the north grew what is now
10 called the Old City, and to the south grew Society Hill. Near the turn of the
11 eighteenth century, a drawbridge replaced the Dock Creek ferry, and by about a
12 century after that, Dock Creek had been filled in and paved over.³

13 16. Wharves and docks were built along the riverfront allowing goods to
14 be loaded and unloaded. The Society of Traders, a group of investors in
15 Pennsylvania whose offices were in Society Hill, was made up primarily of
16 merchants. The buying and selling, trading and transporting, of goods was the
17 lifeblood of the city economy. Goods were transported across the wharves on carts
18 and deposited at warehouses near the river.⁴ Merchants showed and sold their
19 warehoused products and shipped them by wagon or boat to their destinations. By
20 1726, there were two privately owned wharves in Philadelphia, both being situated
21 between High Street (now Market Street) and Dock Creek.⁵ As the population and
22
23
24

25 ³ John F. Watson, *Annals of Philadelphia and Pennsylvania in the Olden Time*, 2 vols.
26 (1850), I: 35-38. See Also Martin P. Snyder, *City of Independence: Views of Philadelphia Before
1800* (New York: Praeger, 1975), 26-27 (on cave structures and scarcity of public buildings).

27 ⁴ On Philadelphia as a center of eighteenth-century international and regional trade, see Carl
28 Bridenbaugh and Jessica Bridenbaugh, *Rebels and Gentlemen: Philadelphia in the Age of Franklin*
(New York: Oxford University Press, 1962), 5-12.

⁵ Watson, *Annals of Philadelphia*, I: 51.

1 economic significance of the city grew, more were built along the riverbank of the
2 Old City, Society Hill, and even outlying areas.⁶

3 17. Important public buildings were constructed near the Delaware River,
4 and the city itself initially grew along the riverbank rather than westward toward the
5 Schuylkill River as planned. As quickly as 1685, there were some 600 homes under
6 construction in the Philadelphia area, all of them dotting the blocks nearest the
7 riverbank to provide access to fresh water and infrastructure. To the west of the
8 settled and developed town lots were the Governor's Woods, which extended to the
9 Schuylkill River. By the Revolution, clearing of the forest had reached Broad
10 Street, which is the current site of City Hall.⁷ Construction for City Hall began in
11 1871, and prior to that time the site had been set aside as a park and temporarily
12 used for a water pumping station. Even though it is at the heart of the city as
13 envisioned by Penn and early planners, it was at the fringe of settlement until the
14 Founding Era. The first century of development in Philadelphia hugged the
15 coastline rather than expand into the interior. Even though the space between the
16 rivers was ultimately cleared and surveyed, settlement did not immediately follow.
17 So much development had occurred outside of the planned grid by 1854 that a new
18 charter was issued that brought these other settlements under the organization of the
19 city and county of Philadelphia.

20 18. In the mid-to-late eighteenth century, the Old City remained the heart
21 of Philadelphia—and High Street (now Market Street) was the very heart of the Old
22 City. High Street was home to Philadelphia's main marketplace, which provided
23 food, essentials, and other consumer products to residents near and far. The road
24 itself was the primary east-west thoroughfare from the docks to the interior of the
25

26 ⁶ Sketches, paintings, and lithographs of eighteenth-century Philadelphia sometimes
27 presented a view of the city from the Delaware River, which would have been the arrival point for
28 most immigrants and visitors. Docks covered the riverbank across the eastern edge of the whole
city. See images in Snyder, *City of Independence*, 30-33, 46, 58, 63.

⁷ Snyder, *City of Independence*, 35.

1 city, so it featured tremendous foot, horse, and wagon traffic. Vendors rented stalls
2 and complied with strict regulations designed to protect the trade in essential goods
3 from bad-faith actors. Market days were limited and specified by local ordinance,
4 and Philadelphians built a watch tower to guard the marketplace.⁸ During the
5 colonial period, semiannual “fairs” brought all manner of goods to Philadelphia
6 from outlying areas. The mayor of Philadelphia opened a fair by issuing a
7 proclamation that reiterated the obligation of colonists to keep the King’s peace,
8 which mandated “that no person...carry any unlawful weapon, or gallop or strain
9 horses within the built part of the city.”⁹ By the Revolutionary era, the center of
10 High Street featured covered stalls, sometimes derisively labeled “shambles,”
11 where vendors showed and sold their wares to passersby. The marketplace
12 continued several blocks, passing Fourth Street in the late 1780s.¹⁰ In the nineteenth
13 century, Philadelphia removed the vendor sheds, established market corporations to
14 build fully enclosed market houses, and renamed the roadway Market Street.¹¹

15 19. With High Street being the center of the Old City, Philadelphians
16 constructed important buildings in its vicinity. The intersection of Second and High
17 Streets was particularly significant, being home to the first Quaker meetings house
18 as well as sites of justice, like the first courthouse and jail.¹² A whipping post and

19 ⁸ Watson, *Annals of Philadelphia*, I: 59.

20 ⁹ Philadelphia City Ordinance, 1753, quoted in Watson, *Annals of Philadelphia*, 364. In his
21 description of the city’s markets and the colonial-era fairs (that had ceased to be held by the time
22 of his writing), Watson provided the 1753 mayoral proclamation as an example of how such fairs
23 would be opened. The suggestion is that the process of opening with a proclamation along these
24 lines was standard procedure. It is worth noting that the rules laid out in the proclamation align with
25 the Statute of Northampton and the common law view of keeping the peace. “O yez! &c. Silence
26 is commanded while the Fair is proclaiming, upon pain of punishment! A. B., Esq., Mayor of the
27 city of Philadelphia, doth hereby, in the King’s name, strictly charge and command all persons
28 trading and negotiating within the Fair to keep the King’s peace, and that no person presume to set
up any booth or stall for the vending of strong liquors within this Fair—that none carry any unlawful
weapon, or gallop or strain horses within the built part of the city. And if any person be hurt by
another, let him repair to the Mayor here present. God save the King!”

¹⁰ On markets, see Helen Tangires, *Public Markets and Civic Culture in Nineteenth Century
America* (Baltimore: Johns Hopkins University Press, 2003), 3-47. See esp. Figure 2.2.

¹¹ Helen Tangires, “Public Markets,” *Encyclopedia of Greater Philadelphia* (2016),
<https://philadelphiaencyclopedia.org/essays/public-markets/#essay>.

¹² Watson, *Annals of Philadelphia*, I: 59.

1 pillory were also installed there, meaning that corporal punishments were
2 administered in an area of civic significance as well as public gathering. The office
3 of town whipper was a paying position, and “The whipping post and pillory display
4 was always on a market day—when the price of eggs went up much.”¹³ In the same
5 area hung a bell whose ringing notified residents that a proclamation or other
6 important notice was about to be read to the public.¹⁴

7 20. Connecting these sites to one another were roads laid out in a
8 purposefully designed grid pattern. Many roads remained unpaved, ostensibly
9 because loamy soil reduced some of the inconveniences arising from water or wet
10 conditions. Still, until the 1760s there was no plan or funding for paving the city’s
11 roads. Prior to that, sections of roadway might be cobbled with flagstone for
12 wagons and feature an elevated sidewalk for pedestrians. Carts and wagons
13 crisscrossed the city, running ruts into the roads and struggling across uneven or
14 muddy stretches. When the roads were being paved, the elevation of some of them
15 had to be altered dramatically. High points were lowered, and low-lying roadways
16 were raised up—all of which required considerable earthwork and construction.¹⁵
17 Goods related to a booming regional and international trade moved along these
18 roads in carts and wagons, including agricultural produce heading from the
19 hinterland to many warehouses and docked ships.¹⁶ Affluent residents traversed the
20 city in carriages, but from the colonial period until well into the nineteenth century,
21 most Philadelphians navigated their city on foot.¹⁷

22
23 ¹³ Watson, *Annals of Philadelphia*, I: 103.

24 ¹⁴ Snyder, *City of Independence*, 26-29.

25 ¹⁵ Watson, *Annals of Philadelphia*, I: 233-235.

26 ¹⁶ Mary McKinney Schweitzer, “The Economy of Philadelphia and Its Hinterland,” in
27 *Shaping a National Culture: The Philadelphia Experience 1750-1800*, ed. Catherine E. Hutchins
28 (Winterthur: Henry Francis du Pont Winterthur Museum, 1994), 99-127.

¹⁷ John K. Alexander, “Poverty, Fear, and Continuity: An Analysis of the Poor in Late
Eighteenth-Century Philadelphia,” in *The Peoples of Philadelphia: A History of Ethnic Groups and
Lower-Class Life, 1790-1940*, Allen F. Davis and Mark H. Haller, eds. (Philadelphia: Temple
University Press, 1973), 17 (“Since Philadelphia was still a walking city, the least desirable housing
areas were at a distance from the center of activity.”).

1 21. Transportation in Philadelphia also embraced regional passenger
2 travel. Within a few years of establishing Philadelphia, ferries connected the
3 commercial center to West Jersey across the Delaware River. During the eighteenth
4 century, stage lines connected the city to New York and Boston. Roadways also
5 stretched into the surrounding countryside enabling farmers to travel into the city to
6 sell or ship their crops. Turnpikes and improvements rescued these roadways from
7 becoming “as claypits, by the continual increase of population and use.”¹⁸ There
8 were also packet ships that moved goods, passengers, and letters to port cities
9 elsewhere in the British colonies and later United States.

10 22. Ferryboats, packets, and turnpikes exhausted the public transportation
11 options in Philadelphia until the 1830s, when horse-drawn omnibuses began
12 offering alternatives. These vehicles were on wheels and carried paying passengers
13 along fixed routes within the city and its surrounds. Within twenty or thirty years,
14 they were replaced by horsecars, which were similarly drawn by horses, but rather
15 than wagon wheels, they were pulled along tracks built into the road like later
16 streetcars. Omnibuses and horsecars presented a fairly expensive way to travel and
17 were used primarily by the middling and upper classes of Philadelphia rather than
18 its urban poor and laboring class. The first rail lines were built in the Philadelphia
19 area in the 1830s, and the city subsequently became an important rail hub in the
20 Mid-Atlantic region. The most significant developments in intra-city travel
21 occurred well after the Founding period, and much closer to the mid- and late-
22 nineteenth century when technology and demographic growth made urban mass
23 transit both possible and necessary to Philadelphia.¹⁹

24 _____
25 ¹⁸ Watson, *Annals of Philadelphia*, I: 257 (“Had no turnpikes been made, roads would have
become as claypits, by the continual increase of population and use.”).

26 ¹⁹ On transportation development in Philadelphia, see *Annals*, I: 37-39, 211-219; II: 465-
27 470; Charles W. Cheape, *Moving the Masses: Urban Public Transit in New York, Boston, and*
28 *Philadelphia, 1880-1912* (Cambridge: Harvard University Press, 1980), 157-159; John Hepp,
“Public Transportation,” *Encyclopedia of Greater Philadelphia* (2013),
<https://philadelphiaencyclopedia.org/essays/public-transportation/> ; John Hepp, “Omnibuses,”
(continued...)

1 **B. Philadelphia: Public Gathering Places**

2 23. As the leading city of the Founding-Era United States, the scale of
3 public gathering places in Philadelphia diverged sharply from the norm throughout
4 most of the country. Most Americans lived in exceedingly small, rural enclaves
5 oriented around agriculture. In these rural areas of the colonial North America and
6 the early United States, public gatherings were almost always outdoors. Regular
7 church services were held indoors if the congregation had constructed a building,
8 but even then, revivals and visits from preachers might draw large crowds in
9 outdoor areas. The county courthouse was the center of public life, where men
10 transacted business, recorded official documents, and sought legal redress for civil
11 and criminal wrongs. On the days when court was in session, men and women from
12 the surrounding countryside descended upon the small and otherwise deserted
13 county seats. Court day was a time of festivity, entertainment, and fellowship with
14 neighbors. Spectators and witnesses crowded into courtrooms, with others
15 overflowing onto lawns. Livestock and other goods might be displayed for sale at
16 court day, and the small taverns or “ordinaries” of the county seat became full to
17 overflowing. On court days in rural areas, and more frequently in the seaside
18 commercial centers, other activities were likely to take place, such as brawling,
19 cockfighting, horse racing, and all manner of gambling. Court days were primarily
20 about the carrying out of government business, but the rituals of the event also
21 reinforced shared values and social connections among neighbors.²⁰

22
23 _____
24 *Encyclopedia of Greater Philadelphia* (2012),
25 <https://philadelphiaencyclopedia.org/essays/omnibuses/> .

26 ²⁰ On Court Day and other occasions in rural communities, see Rhys Isaac, *The*
27 *Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982),
28 88-114; Robert M. Ireland, *Little Kingdoms: The Counties of Kentucky, 1850-1891* (Lexington:
 University Press of Kentucky, 1977), 90-100; A. G. Roeber, “Authority, Law, and Custom: The
 Rituals of Court Day in Tidewater, Virginia, 1720 to 1750,” *The William and Mary Quarterly* 37,
 no. 1 (January 1980), 29-52; E. Lee Shepherd, “ ‘This Being Court Day’: Courthouses and
 Community Life in Rural Virginia,” *The Virginia Magazine of History and Biography* 103, no. 4
 (October 1995), 459-470; Carl Lounsbury, *The Courthouses of Early Virginia: An Architectural*
 History (Charlottesville: University of Virginia Press, 2005).

1 24. Large cities like Philadelphia diverged from this pattern. Philadelphia
2 was constantly bustling, and its justice system was active in its policing of residents
3 and visitors alike. Still, most of the public gathering places in early modern
4 Philadelphia were open-air, outdoor spaces. As previously described, High Street
5 near the banks of the Delaware was the beating heart of the city as home to
6 government buildings and the main public market. Residents, visitors, immigrants,
7 and all manner of other travelers walked up and down the nearby wharves and
8 docks, along the intersecting streets, and through the numerous alleyways.
9 Residents likely visited the marketplace several times per week, if not every day, in
10 order to purchase fresh foodstuffs for their households. The commerce along the
11 waterfront generated the wealth that made life in Philadelphia possible, and
12 indirectly propped up other industries, like construction and other skilled trades.
13 The original plan of the city called for five symmetrical squares to serve as parks
14 and public gathering places, but Centre Square at the intersection of Broad and
15 Market Streets was used for a water works facility during the very early 1800s and
16 subsequently became the site of City Hall later in the nineteenth century.

17 25. Aside from the older courthouse at High and Second Streets,
18 Philadelphia boasted additional public buildings. As the city expanded in the late
19 1700s, a new county courthouse and city hall were constructed about six blocks
20 west of the riverfront and just a block south of High Street. The structures straddled
21 the Pennsylvania State House and were temporarily home to the United States
22 Congress and Supreme Court during the early republic period. Continued growth
23 forced Philadelphians to construct yet another city hall in the nineteenth century.
24 That one still stands in Centre Square, several blocks west of the previous site.
25 Philadelphia's iconic City Hall was constructed over a thirty-year period beginning
26 in the 1870s.²¹

27 ²¹ On the Old Philadelphia County Courthouse (Congress Hall) and Old City Hall (Old
28 Supreme Court), see James D. Kornwolf, *Architecture and Town Planning in Colonial North*
(continued...)

1 26. As the capital of Pennsylvania, Philadelphia of the eighteenth century
2 became home to the public buildings of state government. The State House, now
3 known as Independence Hall, held chambers and courtrooms for various courts and
4 housed the Legislative Assembly. It was completed in 1735 and was the meeting
5 place of the Second Continental Congress. The main building was flanked by
6 others, creating a government campus unparalleled until the development of the
7 nation’s permanent capital in Washington, D.C. The State House complex
8 temporarily housed the national government, including the United States Congress,
9 during the period when Philadelphia served as a national capital.²² The State House
10 building itself was 40’ x 100’, with the ground-floor chambers measuring 40’ x 40’
11 and separated by a hallway 20’ wide. Upstairs was designed for public gatherings,
12 with a long hallway measuring 20’ x 100’ providing access to five separate
13 rooms.²³ The square surrounding the buildings was an outdoor gathering place for
14 residents and demonstrators, and the site was an important one for civic activities.
15 Some of the rooms were rentable and usable for different functions—for instance,
16 the Library Company and Philosophical Society rented space there prior to
17 completing their own buildings.²⁴ A large building for its time, the interior of the
18 State House was a space for civic engagement and government functions, and its
19 exterior was a site for large gatherings.

20 27. Some of the largest buildings in Founding-Era Philadelphia were the
21 well-established churches near the Delaware River. Christ Church is one of the
22 more famous, and was one of the largest churches and tallest structures in the early
23 United States. The building measured 61’ x 118’ and its sanctuary may have

24 _____
America, 3 vols. (Baltimore: Johns Hopkins University Press, 2002), II: 1172-1173 (map and
25 legend), 1179-1182.

26 ²² On the history of the State House, see Edward M. Riley, “The Independence Hall Group,”
*Historic Philadelphia from the Founding until the Early Nineteenth Century: Papers Dealing with
27 its People and Buildings, with an Illustrative Map* (Philadelphia: American Philosophical Society,
1953, repr. 1973), 7-42. See also Kornwolf, *Architecture*, III: 1420.

28 ²³ Kornwolf, *Architecture*, II: 1181.

²⁴ Charlene Mires, “Independence Hall,” *Encyclopedia of Greater Philadelphia* (2012),
<https://philadelphiaencyclopedia.org/essays/independence-hall/> .

1 accommodated 1,000 worshippers.²⁵ Still, those dimensions would not be
2 considered particularly large by today’s standards, when megachurches can host
3 upwards of 2,000 people per service in stadium seating. The structure of St.
4 Patrick’s Cathedral in New York City, constructed more than a century after Christ
5 Church, measures 334’ long and upwards of 100’ wide at the transepts. Other
6 churches, including the Quaker meeting house, peppered the city and provided
7 opportunity for Philadelphians to worship in accordance with their own
8 consciences. Still, the church-to-population ratio (1 : 2,200) indicates that a
9 substantial portion of Philadelphia’s residents did not attend regular church
10 services.²⁶

11 28. Another class of large buildings in eighteenth-century Philadelphia
12 were private homes. These were certainly not public spaces, although it was not
13 uncommon for the owners of large houses to allow them to be used for public
14 functions at times. For example, the Maryland colonial assembly met in private
15 residences during the seventeenth century, and even purchased one for permanent
16 use as an assembly hall. When the assembly was not in session, the building was let
17 out to innkeepers and functioned as an “ordinary.”²⁷ Philadelphia’s mansions
18 undoubtedly hosted balls, parties, weddings, and feasts that brought together dozens
19 or hundreds of guests.

20 29. By the mid and late eighteenth century, Philadelphia was home to
21 several large buildings that served various social functions. One of the largest
22 meeting halls in the city during the eighteenth century was Carpenter’s Hall, the
23 official headquarters of the carpenter’s guild. Today, the first floor is one open
24 room beyond a small entry hall and stairwell. The building’s dimensions indicate

25 ²⁵ For dimensions of the building, see Kornwolf, *Architecture*, II: 1193. The figure of 1,000
26 worshippers is an estimate.

26 ²⁶ Bridenbaugh and Bridenbaugh, *Rebels and Gentlemen*, 18.

27 ²⁷ Wesley R. Willoughby, “Community, Identity, and Public Spaces: The Calvert House as
28 the First State House of Maryland,” in *Unearthing St. Mary’s City: Fifty Years of Archaeology at Maryland’s First Capital*, Henry M. Miller and Travis G. Parno, eds. (Tallahassee: University Press of Florida, 2021), 151.

1 approximately 2,400 square feet in this room, which can accommodate 125 guests
2 standing and 82 guests seated at dinner tables.²⁸ But the space was originally
3 divided into two identically sized rooms on either side of a central hallway,
4 effectively cutting the usable square footage by half or more.²⁹ The first Continental
5 Congress met in one of the first-floor rooms in 1774. The First Bank of the United
6 States rented the space prior to the completion of its building (nearby) in 1797.³⁰
7 The upstairs rooms could also be let out, and the Library Company used some of
8 that space prior to the completion of its building in 1791.

9 30. The Library Company began as an association of rationalist, scientific
10 thinkers intent upon promoting scientific innovation and discovery in what was one
11 of the largest and most significant cities within the British Empire. The members
12 collected books that could be read and enjoyed by subscribers. They collected
13 thousands of titles during the eighteenth century, and rented space in various
14 buildings before raising the necessary funds to construct their own in 1791. The
15 Library Company collection was open to its members—who were mostly men of
16 education and status in Philadelphia. The Library Company building contained a
17 lecture hall to provide educational opportunities to Philadelphians. The company
18 itself was private, and the benefits of assembly and association within its walls were
19 reserved to members of the middle and upper classes, if not members of the
20 organization itself.³¹

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23 ²⁸ The dimensions of the structure are two wings of 30' x 20', plus a central area of 30' x 40'. For its current rental capacity, see <https://www.carpentershall.org/hall-rental>.

24 ²⁹ On Carpenter's Hall, see Kornwolf, *Architecture*, II: 1187-1188.

25 ³⁰ A member of the Carpenter's Company guild was involved in a bank robbery during the time that the First BUS was renting the space. On the Bank of the United States building in Philadelphia, see Kornwolf, *Architecture*, III: 1423-1424.

26 ³¹ On the Library Company see George F. Frick, "The Library Company of Philadelphia: America's First Philosophical Society," in Catherine E. Hutchins, ed., *Shaping a National Culture: The Philadelphia Experience, 1750-1800* (Winterthur: Henry Francis du Pont Winterthur Museum, 1994), 181-200. See also Kenneth Finkel, "Library Company of Philadelphia," *Encyclopedia of Greater Philadelphia* (2017), <https://philadelphiaencyclopedia.org/essays/library-company-of-philadelphia/> (estimates that 1/10 of city households were members).

1 31. Eighteenth-century Philadelphia also had a sizeable hospital and
2 prison. These buildings certainly brought residents together, but under unfortunate
3 circumstances. Almshouses provided some shelter to the poor and tended to be
4 significant structures within the city. They can hardly be interpreted as sites of
5 public gathering and assembly. The College of Philadelphia, also known as
6 Franklin Academy and subsequently renamed the University of Pennsylvania, was
7 established in the eighteenth century. Its initial building measured 70' x 100' and
8 had been built as an assembly hall in the aftermath of the First Great Awakening. A
9 dormitory was also constructed for the students.³²

10 32. The strong Quaker presence in Philadelphia stymied the growth of the
11 theater there during much of the colonial period. The earliest theaters were built
12 outside the city limits to avoid laws prohibiting performances.³³ Even though plays
13 were considered low-brow entertainment and a wasteful way to spend one's money,
14 American audiences of the eighteenth century behaved better than their
15 counterparts in the urban centers of the United Kingdom. London audiences were
16 notorious for rioting, but only one such theater-driven riot occurred during the
17 colonial era.³⁴ In 1791, Thomas Wignell opened the Chestnut Street Theater, which
18 stood near the State House (Independence Hall) and became the preeminent venue
19 for plays and performances until the structure burned down in 1820. The theater
20 could seat about 1,100 people and fit approximately 2,000 when the pit was full.
21 Elites rented the boxes on the two lower levels but avoided the top tier of boxes,
22 which "was a notorious meeting place for prostitutes and ruffians."³⁵ Despite that,
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24 ³² Kornwolf, *Architecture*, II: 1183-1189.

25 ³³ Odai Johnson and William J. Burling, *The Colonial American Stage, 1665-1774: A*
26 *Documentary Calendar* (Madison: Fairleigh Dickinson University Press, 2001), 54, 73-78. See also
27 Irvin R. Glazer, *Philadelphia Theatres, A-Z: A Comprehensive Descriptive Record of 813 Theatres*
28 *Constructed since 1724* (New York: Greenwood Press, 1986), 3.

27 ³⁴ That riot occurred in New York in 1776. See Johnson and Burling, *Colonial American*
28 *Stage*, 87-88.

28 ³⁵ Calvin Lee Printer, "William Warren's Management of the Chestnut Street Theatre
Company," Ph.D. diss. (University of Illinois, 1964), 23-24.

1 the theater had become by the late eighteenth and early nineteenth century an
2 important social space for Philadelphians to “see and be seen.”³⁶

3 33. A critically important social space in Philadelphia was the tavern. The
4 city was home to dozens of taverns or ordinaries—places where visitors could stay
5 the night, and where residents could meet for a drink. As many as a few dozen men
6 gathered in the barroom of a tavern (depending upon the size of the structure) to
7 exchange ideas and hear the latest news. Tavern culture has been associated with
8 the democratic spirit and the Revolution itself.³⁷ Downstairs at a tavern were rooms
9 that clubs and societies could rent for parties and special occasions. One of
10 Philadelphia’s largest taverns, the Indian King, was three stories tall and had five
11 such rooms on the ground floor; two of them could be joined with adjacent rooms
12 to form larger spaces that could host up to one hundred people.³⁸ The remaining
13 two floors held eighteen guest rooms, at least some of which would have bunked
14 two or more men together. The building itself measured 40’ x 21’, so the space
15 must have been fairly crowded during the times when the larger event rooms were
16 rented out.³⁹

17 34. Although the city council and other government bodies with authority
18 over Philadelphia did not enact weapon-specific regulations for these places of
19 public assembly, city leaders were certainly aware of and sensitive to potentially
20 unruly gatherings there. The city government considered enacting an ordinance in
21 1732 to put a stop to the large gatherings of children, servants, and slaves that
22 caused a nuisance to other residents by making noise, swearing, etc.⁴⁰ The problem

23 ³⁶ Printer, “William Warren’s Management of the Chestnut Street Theatre Company,” 24-
24 25, quotation at 25.

25 ³⁷ Peter Thompson, *Rum Punch and Revolution: Taverngoing and Public Life in*
26 *Eighteenth-Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999); David
27 W. Conroy, *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts*
(Chapel Hill: University of North Carolina Press, 2018).

28 ³⁸ Thompson, *Rum Punch and Revolution*, 86-88, 59 (“Four of these rooms could be
converted to form two even larger rooms capable of seating up to a hundred ‘gentlemen’.”).

³⁹ Thompson, *Rum Punch and Revolution*, 59.

⁴⁰ Annals of Philadelphia, I: 62. At this time, it remains unclear whether that ordinance was
(continued...)

1 persisted, with numerous complaints “that many disorderly persons meet every
2 [evening] about the Court house of this city, and great numbers of Negroes and
3 others sit there with milk pails, and other things, late at night, and many disorders
4 are there committed against the peace and good government of this City.” In 1741,
5 the city government issued an ordinance requiring the dispersal of people from the
6 vicinity of the courthouse, marketplace, and public buildings (most of which were
7 located near Second and High Streets at that time). Constables were charged with
8 enforcing the rule and bringing violators before a magistrate.⁴¹ In 1743, the
9 government enacted an ordinance providing for the construction and manning of
10 chains blocking carriage and cart access to High Street on market days. The leaders
11 considered “the great danger the Inhabitants of this city are in by means of Carts
12 and Carriages driving thro’ the streets at the Market Place on Market Days,” and
13 intended “to prevent the mischief that may Ensur.”⁴² Philadelphia militia laws
14 prohibited militia members from meeting on muster⁴³ days at taverns, ostensibly for
15 fear that they would become inebriated and fail to perform their duties.⁴⁴ There was
16 also a consideration to close tavern barrooms on Sundays “as it would prevent
17 youth from committing excesses to their own ruin, the injury of their masters, and
18 the affliction of their parents and friends.”⁴⁵ In response to an audience at the

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passed. Volume I of *Annals of Philadelphia* contains some selectively excerpted minutes from city council meetings, and an update on the status of this ordinance was not included.

⁴¹ Watson, *Annals of Philadelphia*, I: 62-63.

⁴² Watson, *Annals of Philadelphia*, I: 63.

⁴³ Militia muster was an important occasion when militia members gathered together for drill and presentation of their weapons. Militia laws generally prescribed when and where musters should take place.

⁴⁴ 1793 Pa. ch. 1696, “An Act for the regulation of the militia of the Commonwealth of Pennsylvania,” Sec. XXIV, § 17, 473 (“No company or regiment shall meet at tavern on any of the days of exercise, nor shall march to any tavern before they are discharged, and any person who shall bring any kind of spirituous liquors to such place of training, shall forfeit such liquors, so brought, for the use of the poor belonging to the ward, district or township where such offender lives.”) (**Exhibit 2**).

⁴⁵ Watson, *Annals of Philadelphia*, I: 101.

1 Chestnut Street Theater turning into a mob, theater management hired constables to
2 “rigidly enforce decorum” in future.⁴⁶

3 35. At times, armed men caused problems in Philadelphia’s public spaces.
4 Watch houses and lamps were constructed to provide the necessary infrastructure
5 for policing the public square and protecting the peace. The constables employed by
6 the government, in addition to the residents drafted into night watch service, were
7 the first line of defense against such disturbances. One of the colony’s early leaders,
8 skeptical of the Quaker commitment to pacifism, woke residents of the city one
9 morning in 1686 “with sword drawn” and sounding the alarm for an imminent
10 attack. The Quaker residents stood fast to their principles, and John Evans’s
11 political career came to a swift end over the ugly joke.⁴⁷ William Penn’s eldest son,
12 John, became embroiled in conflict over an affray outside a tavern in 1704, and the
13 debacle prompted his permanent departure from colonial leadership. Penn, Jr.
14 argued with members of the night watch about local politics and the formation of a
15 militia, when the encounter turned into a brawl. At some point, he called on his
16 friends to draw their pistols but was given a “severe beating” after the street light
17 was put out. A grand jury heard evidence about the fracas, which ended Penn, Jr.’s
18 career in Pennsylvania even though the case was dropped.⁴⁸ In 1716, a man “armed
19 with pistols” attacked the Speaker of the House of the colonial assembly and was
20 indicted. The failure to prosecute and punish him cased “great dissatisfaction” to
21 other members of the Assembly.⁴⁹

22 36. By the Civil War Era, the carrying of concealed weapons was more
23 common than it had been in the eighteenth century, and pocket-sized pistols were
24 more readily available to consumers. This posed a special problem in Philadelphia,

25 ⁴⁶ Printer, “William Warren’s Management of the Chestnut Street Theatre Company,” 27-
26 28, quotation at 28. It is unclear which building the Chestnut Street Theater Company occupied at
27 this time. The theater burned in 1820 and reopened in 1822. This riot may have occurred at a
28 different, likely smaller theater.

⁴⁷ Watson, *Annals of Philadelphia*, I: 26.

⁴⁸ Watson, *Annals of Philadelphia*, I: 114-115.

⁴⁹ Watson, *Annals of Philadelphia*, I: 97.

1 where a sizeable population and the potential for riotous assemblies made weapon-
2 carrying a serious concern. As early as 1850, persons found carrying deadly
3 weapons at any riotous gathering were “deemed guilty of an intention to riot,
4 whether said fire-arms, or deadly weapon, shall be used or not”⁵⁰ State
5 lawmakers subsequently punished the carrying of “any fire-arms, slung-shot, other
6 deadly weapon concealed upon his person” in Philadelphia, “with the intent
7 therewith unlawfully and maliciously to do injury to any other person.”⁵¹ In 1881,
8 when a US president had been shot by an armed assassin and concealable revolvers
9 were readily available at cheap prices, the mayor of Philadelphia issued a
10 proclamation reiterating the city’s public carry restrictions.⁵²

11 37. Even though Philadelphia was one of the largest cities in the early
12 United States and featured some of the largest public buildings, its main gathering
13 places were outdoors. The docks, streets, markets, and public squares were the
14 arteries of transit and commerce for residents, and the lifeblood of the city. The
15 scale of urban life in Philadelphia sheds light upon the longstanding Statute of
16 Northampton, enforced in England, its overseas empire, and even in the United
17 States. It broadly prohibited the carrying of arms in “Fairs, Markets, nor in the
18 Presence of the Justices or Ministers nor in no Part elsewhere.”⁵³ The lawns, streets,
19 and marketplaces of Philadelphia were the very spaces which that longstanding rule
20 was designed to protect. These features of village, town, and urban life were
21 notably missing from the demographic and architectural development of the
22 plantation South and the rural backcountry, where farm families lived miles away

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25 ⁵⁰ John Purdon and Frederick C. Brightly, *Digest of the Laws of Pennsylvania*
(Philadelphia: Kay & Brother, 1862), 181. The prohibition against carrying concealed weapons in
26 Philadelphia was enacted in May 1850 (see 181 n. 1).

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⁵¹ *Idem*.
⁵² Charles, *Armed in America*, 163-165.
⁵³ 2 Edw. 3, c. 3 (1328) (Eng.) (**Exhibit 3**); see also 25 Edw. 3, st. 5, c. 2, § 13 (1350) (Eng.)
(if “any Man of this Realm ride armed covertly or secretly with Men of Arms against any other . .
. shall be judged Treason.”). (**Exhibit 4**).

1 from one another and public buildings were generally empty outside of scheduled
2 court days.

3 **II. Overview of the History of Public Carry Laws in America**

4 38. As detailed below, Americans of the late eighteenth and nineteenth
5 centuries had laws that broadly prohibited the carrying of firearms and other deadly
6 weapons in public. Early versions of these regulations, particularly those enacted in
7 the eighteenth century by colonial and early American legislatures, tended to draw
8 heavily from legal language with deep roots in the English common law tradition,
9 reaching at least as far back as the Statute of Northampton from 1328.⁵⁴ The Statute
10 of Northampton generally prohibited the carrying of arms in “Fairs, Markets, nor in
11 the Presence of the Justices or Ministers nor in no Part elsewhere.”⁵⁵ The public
12 spaces specifically named and protected under the Statute were the very public
13 areas that people frequented in their daily lives—the town markets and gatherings,
14 and the town itself under the direction of local officials, formed the very heart of
15 community life.

16 39. This tradition was absorbed into American law, where numerous
17 colonies and states enacted similar measures that forbade someone to “go or ride”
18 armed in public spaces and called for a weapon-free public square.⁵⁶ Under this

19 ⁵⁴ Patrick J. Charles, “The Faces of the Second Amendment Outside the Home: History
20 versus Ahistorical Standards of Review,” *Cleveland State Law Review* 60, no. 1 (2012), 7-40;
Saul Cornell, “The Long Arc of Arms Regulation in Public: From Surety to Permitting, 1328-
21 1928,” *UC Davis Law Review* 55, no. 5 (June 2022), 2560-2566.

22 ⁵⁵ 2 Edw. 3, c. 3 (1328) (Eng.) (**Exhibit 3**); see also 25 Edw. 3, st. 5, c. 2, § 13 (1350)
(Eng.) (if “any Man of this Realm ride armed covertly or secretly with Men of Arms against any
23 other... shall be judged Treason”). (**Exhibit 4**).

24 ⁵⁶ A non-exhaustive list includes: 1835 Mass. Acts 750 (“If any person shall go armed
25 with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable
26 cause to fear an assault or other injury, or violence to his person, or to his family or property, he
27 may on complaint of any person having reasonable cause to fear an injury, or breach of the peace,
28 be required to find sureties for keeping the peace.”) (**Exhibit 5**); 1786 Va. Laws 33, ch. 21, An
Act forbidding and punishing Affrays (... “nor go nor ride armed by night nor by day, in fair or
markets, or in other places, in terror of the Country, upon pain of being arrested and committed to
prison by any Justice on his own view, or proof of others, there to abide for so long a time as a
Jury, to be sworn for that purpose by the said Justice shall direct, and in like manner to forfeit his
armour to the commonwealth,”) (**Exhibit 6**); Francois Xavier Martin, *A Collection of Statutes of
the Parliament of England in Force in the State of North Carolina*, 60-61 (Newbern 1792) (“...nor
(continued...)”) (continued...)

1 regulatory system, no one was permitted to carry arms into public areas without
2 having a justifiable reason. Anyone violating this rule would have been subject to
3 questioning by local officials and “bound” to the peace through a peace bond or
4 surety.⁵⁷

5 40. Another type of public carry law that restricted the presence of
6 weapons in public spaces, including those that related to transportation services,
7 took the form of concealed carry laws. States and municipalities enacted regulations
8 like these primarily during the nineteenth century, beginning around the turn of that
9 century. An early example incorporated the policy alongside language drawn from
10 the Statute of Northampton:

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13 to go nor ride armed by night nor by day, in fairs, markets nor in the presence of the King’s
14 Justices, or other ministers, nor it [sic, likely “in”] no part elsewhere, upon pain to forfeit their
15 armour to the King, and their bodies to prison at the King’s pleasure,”) (**Exhibit 7**); See also 1821
16 Me. Laws 285, ch. 76, § 1 (simplified to a requirement that officials “cause to be staid and
17 arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go
18 armed offensively, to the fear or terror of the good citizens of this State,”) (**Exhibit 8**). This
19 approach can also be found in numerous state penal codes of the nineteenth century. See 1838-
20 1839, Wisconsin, *Statutes of Wisconsin*, “An Act to Prevent the Commission of Crimes,” 381 §
21 16 (**Exhibit 9**); *Revised Statutes of the State of Maine, Passed October 22, 1840* (Augusta: W. R.
22 Smith, 1841), ch. 169, “Of Proceedings for the Prevention of Crimes,” 709 § 16 (**Exhibit 10**);
23 *Revised Statutes of the State of Michigan, Passed and Approved May 18, 1846* (Detroit: Bagg &
24 Harmon, 1846), Title 31, ch. 162, “Of Proceedings to Prevent the Commission of Crime,” 692 §
25 16 (**Exhibit 11**); 1847 Virginia, 1847-1848 Session, Title 3, ch. 14, “Of Proceeding to Prevent the
26 Commission of Crimes,” 129, §16 (**Exhibit 12**); *Revised Statutes of the Territory of Minnesota,*
27 *Passed at the Second Session of the Legislative Assembly, Commencing January 1, 1851* (St.
28 Paul: J. M. Goodhue, 1851), ch. 12, “Of Proceedings to Prevent the Commission of Crimes,” 528
§ 18 (**Exhibit 13**); 1853 Oregon, General Laws, 5th Regular Session, 220 § 17 (**Exhibit 14**).

⁵⁷ The peace bond was one of many processes inspired by America’s common law
heritage. See Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation
of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press,
2009), 73-74, 96; Saul Cornell, “History, Text, Tradition, and the Future of Second Amendment
Scholarship: Limits on Armed Travel under Anglo-American Law, 1688-1868,” *Law and
Contemporary Problems* 83, no. 3 (Summer 2020), 73-95; Saul Cornell, “Right to Carry Firearms
outside of the Home: Separating Historical Myths from Historical Realities,” *Fordham Urban
Law Journal* 39, no. 5 (October 2012), 1719-1723. Edwards’s passage on peace bonds is worth
quoting at length: “Peace bonds threw enforcement back on the community, summoning family,
friends, and neighbors to police the troublemakers. Bonds required one or more other people to
put up the amount, making them liable if the accused broke the peace again. That economic
obligation represented the signers’ promise to keep the offender in line. Peace bonds put everyone
else in the community on notice as well, investing them with the responsibility of policing the
peace until the end of the probation period.”

1 “That if any person or persons shall publicly ride or go armed to the terror of
2 the people⁵⁸, or privately carry any dirk, large knife, pistol or any other
3 dangerous weapon, to the fear or terror of any person, it shall be the duty of
4 any judge or justice, on his own view, or upon the information of any other
5 person on oath, to bind such person or persons to their good behavior, and if
6 he or they fail to find securities, commit him or them to jail, and if such person
7 or persons shall continue so to offend, he or they shall not only forfeit their
8 recognizance, but be liable to an indictment, and be punished as for a breach
9 of the peace, or riot at common law.”⁵⁹

6 Another early example came from Louisiana, whose statute stated, “That from and
7 after the passage of this act, any person who shall be found with any concealed
8 weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed
9 in his bosom, coat, or in any other place about him that do not appear in full open
10 view, any person so offending, shall on conviction thereof before any justice of the
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14 ⁵⁸ Early language for these laws, such as this one quoted from Tennessee, often made use
15 of the phrase “to the terror of the people,” which was itself an inheritance from the Statute of
16 Northampton. Historical research by trained scholars has shown that, according to common law,
17 the act of carrying deadly weapons in public spaces was inherently terrifying and therefore a breach
18 of the peace. See Saul Cornell, “The Long Arc of Arms Regulation in Public: From Surety to
19 Permitting, 1328-1928,” *U.C. Davis Law Review* 55 (June 2022), 2555-2556 (“There was no
20 requirement that one establish an intent to terrify or that the armed travel terrorized any specific
21 person, the injury was to the King’s Peace and sovereignty.”); Mark Anthony Frassetto, “To the
22 Terror of the People: Public Disorder Crimes and the Original Public Understanding of the Second
23 Amendment,” *Southern Illinois University Law Journal* 43 (2018), 65 (“Those who take a textual
24 approach to interpreting the Statute of Northampton...argue that carrying weapons in populated
25 public places was intrinsically terrifying and that the discussion of public terror in judicial opinions
26 and legal treatises was an explanation for the prohibition, rather than a separate element of the
27 crime.”); Patrick J. Charles, “The Faces of the Second Amendment Outside the Home, Take Two:
28 How We Got Here and Why It Matters,” *Cleveland State Law Review* 64, no. 3 (June 2016), 381-
382 (“But those that subscribe to the Standard Model view of the Second Amendment proclaim the
Statute of Northampton can only be read as applying to the ‘carrying arms in ways that caused
public terror.’ In making this claim, Standard Model writers have never provided sufficient
evidence, at least in total historical context, to support it.”); see also Patrick J. Charles, “The Fugazi
Second Amendment: Bruen’s Text, History, and Tradition Problem and How to Fix It,” *Cleveland
State Law Review* 71, no. 3 (2023), 635 (“What [English jurists’] restatements inform is that by the
early-to-mid-seventeenth century, England’s preeminent legal minds understood that the act of
carrying dangerous weapons was sufficient to amount to an affray, ‘strike a feare’ or ‘strikerh a
feare.’”).

⁵⁹ Judge Edward Scott, *Laws of the State of Tennessee: Including Those of North Carolina Now in Force in this State: From the Year 1715 to the Year 1820* (Vol. I, 1821), 710. Available at the Duke Center for Firearms Law, Repository of Historical Gun Laws: <https://firearmslaw.duke.edu/laws/judge-edward-scott-laws-of-the-state-of-tennessee-including-those-of-north-carolina-now-in-force-in-this-state-from-the-year-1715-to-the-year-1820-inclusive-page-710-image-714-vol-1-1821-the/>

1 peace, be subject to pay a fine...”⁶⁰ The approach of prohibiting the carrying of
2 concealed weapons spread rapidly.⁶¹

3 41. The language of concealed carry laws might at first suggest that open
4 carry of firearms was accepted and commonplace, but that was not the case.
5 Individuals generally did not view concealed carry laws as giving permission to
6 openly carry in populated places during a person’s ordinary activities.⁶² For
7 example, in 1843, an appellate court in North Carolina stated, “No man amongst us
8 carries [a firearm] about with him, as one of his every day accoutrements—as a part
9 of his dress—and never we trust will the day come when any deadly weapon will be
10 worn or wielded in our peace loving and law-abiding State, as an appendage of
11 manly equipment.”⁶³ And a Louisiana case from 1856 held that a partially visible
12 weapon was a violation of the concealed carry law because it was “the result of
13 accident or want of capacity in the pocket to contain, or clothes fully to cover the
14 weapon, and not the extremely unusual case of the carrying of such weapon in full
15 open view, and partially covered by the pocket or clothes.”⁶⁴

16 **III. Sensitive Places Laws**

17 42. In addition to public carry laws, nineteenth century Americans turned
18 to regulations that prohibited firearms and weapons in certain specified locations.
19 One that I have studied in detail is a law from Texas enacted in 1870. This

21 ⁶⁰ 1813 La. Acts 172, An Act Against Carrying Concealed Weapons, and Going Armed in
Public Places in an Unnecessary Manner, § 1 (**Exhibit 15**).

22 ⁶¹ Examples include: Revised Statutes of the State of Arkansas, Adopted at the October
23 Session of the General Assembly of Said State, A.D. 1837 (**Exhibit 16**); 1846 Fla., ch. 75,
Available at the Duke Center for Firearms Law, Repository of Historical Gun Laws:
24 <https://firearmslaw.duke.edu/laws/act-of-jan-5-1847-ch-75-%c2%a7-3-1846-fla-laws-20/>; 1838
Vir., ch. 101 (**Exhibit 17**); 1840 Ala., ch. 7 (**Exhibit 18**); 1819 Ind., Acts 39., Available at the
25 Duke Center for Firearms Law, Repository of Historical Gun Laws:
[https://firearmslaw.duke.edu/laws/1819-ind-acts-39-an-act-to-prohibit-the-wearing-of-concealed-
26 weapons/](https://firearmslaw.duke.edu/laws/1819-ind-acts-39-an-act-to-prohibit-the-wearing-of-concealed-weapons/); 1821 Miss., ch. 49 (**Exhibit 19**); 1812 Ken., ch. 89 (**Exhibit 20**); 1813 La. Acts 172
(**Exhibit 15**).

27 ⁶² Mark Anthony Frassetto, “The Myth of Open Carry,” *U.C. Davis Law Review* 55
(June 2022).

28 ⁶³ *State v. Huntley*, 25 N.C. 418 (1843).

⁶⁴ *State v. Smith*, 11 La. Ann. 633 (1856).

1 sweeping law prohibited weapons in a broad range of sensitive places.⁶⁵ The statute
2 provided:

3 That if any person shall go into any church or religious assembly, any
4 school room or other place where persons are assembled for
5 educational, literary or scientific purposes, or into a ballroom, social
6 party or other social gathering composed of ladies and gentlemen, or to
7 any election precinct on the day or days of any election, where any
8 portion of the people of this State are collected to vote at any election,
9 or to any other place where people may be assembled to muster or to
10 perform any other public duty, or any other public assembly, and shall
11 have about his person a bowie-knife, dirk or butcher-knife, or fire-
12 arms, whether known as a six shooter, gun or pistol of any kind, such
13 person so offending shall be deemed guilty of a misdemeanor, and on
14 conviction thereof shall be fined in a sum not less than fifty or more
15 than five hundred dollars, at the discretion of the court or jury trying
16 the same; provided, that nothing contained in this section shall apply to
17 locations Subject to Indian depredations ; and provided further, that
18 this act shall not apply to any person or persons whose duty it is to
19 bear arms on such occasions in discharge of duties imposed by law.

20 It is important to note that this bill included the terms “firearms” and “gun,” which
21 would have applied to rifles and shotguns as well as pistols.

22 43. At the time Texas enacted this law, revolvers were flooding American
23 consumer markets. After Samuel Colt’s patent on his revolver design expired in
24 1857, other manufacturers began producing similar models for the United States
25 military during the Civil War. After the war, demobilization ended those contracts,
26 and gunmakers turned to American consumers to buy their pistols. The net result
27 was more and cheaper pistols throughout the country,⁶⁶ including in areas plagued
28 by violence and social dislocation, such as postbellum Texas.

44. The primary exemption created by the 1870 sensitive spaces law was
a proviso for “any person or persons whose duty it is to bear arms on such

⁶⁵ 1870 Tex. Gen. Laws 63, ch. 46, § 1 (**Exhibit 21**).

⁶⁶ Colt’s Army revolvers cost about \$20 at the time of the Civil War, but subsequent entrants into the market sold small pocket pistols for as little as \$1.40. For example, *see* digitized Sears and Roebuck catalog (1898), pp. 365-367. Regardless of caliber, the pistols from Colt’s ran about \$12 to \$13 in the catalog but retailed elsewhere for something closer to \$18 (*see* p. 367). Meanwhile, the smaller caliber pocket pistols from other brands could be ordered for as little as \$1.40 (*see* p. 365). For the 1898 Sears & Roebuck catalog online, *see* <https://archive.org/details/consumersguideno00sear/page/365/mode/1up?q=pistol>.