

Nos. 23-4354 and 23-4356

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RENO MAY, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**
No. 8:23-cv-01696-CJC-ADSx
The Honorable Cormac J. Carney, Judge

**APPELLANT'S EXCERPTS OF RECORD
VOLUME 8 of 11**

ROB BONTA
Attorney General of California
THOMAS S. PATTERSON
Senior Assistant Attorney General
R. MATTHEW WISE
MARK R. BECKINGTON
Supervising Deputy Attorneys General

ROBERT L. MEYERHOFF
TODD GRABARSKY
JANE REILLEY
LISA PLANK
CAROLYN DOWNS
Deputy Attorneys General

CALIFORNIA DEPARTMENT OF JUSTICE
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
(213) 269-6177
Robert.Meyerhoff@doj.ca.gov
*Attorneys for Rob Bonta as Attorney
General of the State of California*

January 19, 2024

(Additional caption appears on next page)

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MARCO ANTONIO CARRALERO, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**
No. 8:23-cv-01798-CJC-ADSx
The Honorable Cormac J. Carney, Judge

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ROB BONTA
Attorney General of California
MARK R. BECKINGTON
R. MATTHEW WISE
Supervising Deputy Attorneys General
TODD GRABARSKY
JANE REILLEY
LISA PLANK
ROBERT L. MEYERHOFF
Deputy Attorneys General
State Bar No. 298196
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Telephone: (213) 269-6177
Fax: (916) 731-2144
E-mail: Robert.Meyerhoff@doj.ca.gov
*Attorneys for Rob Bonta, in his Official Capacity as
Attorney General of the State of California*

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RENO MAY, an individual, et al.,

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of the
State of California, and Does 1-10,**

Defendants.

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

**MARCO ANTONIO CARRALERO, an
individual, et al.,**

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of
California,**

Defendant.

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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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,
Haynes. 2000. *American Libraries before 1876*. Greenwood Publishing Group.

24 ³ Edwards, Edward. 1848. “A Statistical View of the Principal Public Libraries in Europe
25 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
28 of the Boston Public Library; Whitehill, W.M., 1956. *Boston Public Library: A Centennial
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.

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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
Political Process*. Columbia University Press; Dain, Phyllis. 1996. "American Public Libraries
and the Third Sector: Historical Reflections and Implications." *Libraries & Culture*, 56–84.

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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*
United States of America: Their History, Condition, and Management.

27 ¹⁰ California State Assembly. "An Act to establish and maintain free public libraries and
28 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*
24 *the Public Library Movement in New England 1629-1855*, The University of Chicago Press.;
25 Dain, Phyllis. 1996. “American Public Libraries and the Third Sector: Historical Reflections and
26 Implications.” *Libraries & Culture*, 56–84.

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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the Common School Movement: 1820–1850.” *Journal of the History of Economic Thought* 37
(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

MICHAEL KEVANE

Department of Economics, Santa Clara University, Santa Clara, CA 95053
408-554-6888 mkevane@scu.edu mkevane.com

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 Djemai).
3. “Classification into ethnic groups in Burkina Faso using names and localities” (with Aleksandr Michuda).
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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.

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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 Djemai) World Development, 2023, Vol. 165, 106184.
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 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.
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- 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.
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 7. “Variation urbain-rural dans les habitudes et les attitudes de lecture 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. 55-74.
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 13. “Why Is there Not More Financial Intermediation in Developing Countries?” (with Jonathan Conning) in Insurance Against Poverty, Stefan Dercon, editor. Oxford University Press, 2005, pp.330-60.
 14. “Extra-Household Norms and Intra-household Bargaining: Gender in Sudan and Burkina Faso,” in Women Farmers and Commercial Ventures: Increasing Food Security in Developing Countries Anita Spring, editor, Boulder, CO: Lynne Rienner Publishers, 2000, pp. 89-112.
 15. “A Developmental State without Growth? Explaining the Paradox of Burkina Faso in Comparative Perspective” (with Pierre Englebert), in Good Governance and Economic Development: African Development Perspectives Yearbook 1997/98 Karl Wohlmuth, Hans Bass and Frank Messner, editors. Münster: Lit Verlag, 1999, pp. 259-85.
 16. “Introduction: Kordofan Invaded” (with Endre Stiansen), in Kordofan Invaded: Peripheral Incorporation and Social Transformation in Islamic Africa Endre Stiansen and Michael Kevane, editors. Leiden, The Netherlands: Brill Academic Publishers, 1998, pp. 1-45.

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3. “Qui sont les lecteurs du village? L’expérience de FAVL au Burkina Faso” (with Sanou Dounko)

- Bibliothèque(s) Dossier: A quoi servent les bibliothèques No.92-93 2018.
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 5. "Comment améliorer la gouvernance du secteur minier en abordant les enjeux locaux? Le cas du Burkina Faso" (with Luigi Arnaldi and Peter Hochet) Gouvernance & Citoyennetés n°11 Juin 2011 Laboratoire Citoyennetés, Burkina Faso.
 6. "Public Library Services in Sierra Leone" (with Anne-Reed Angino) BookLinks Issue 12, Book Aid International, 2010.
 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
 8. "Macroeconomic trends and scenarios for post-referendum Sudan" in Post-2011 scenarios in Sudan: What role for the EU? Damien Helly editor. European Institute for Security Studies, Report n°6, November 2009, pp. 36-43.
 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 Nexux, 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. Ertzen 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.
9. *All About Darfur (documentary film distributed by California Newsreel, 2005)* by Taghreed Elsanhoury for Sudan Studies Association Newsletter 2006.
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.

1 ROB BONTA
 Attorney General of California
 2 MARK R. BECKINGTON
 R. MATTHEW WISE
 3 Supervising Deputy Attorneys General
 TODD GRABARSKY
 4 JANE REILLEY
 LISA PLANK
 5 ROBERT L. MEYERHOFF
 Deputy Attorneys General
 6 State Bar No. 298196
 300 South Spring Street, Suite 1702
 7 Los Angeles, CA 90013-1230
 Telephone: (213) 269-6177
 8 Fax: (916) 731-2144
 E-mail: Robert.Meyerhoff@doj.ca.gov
 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
 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.
 26
 27
 28

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 Tartaglioni,
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).

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

27 ⁷ The Facility Guidelines Institute webpage “Earlier Editions of the Guidelines,” links to
28 or lists many of the earlier editions of hospital design guidelines
(<https://www.fgiguideines.org/guidelines/earlier-editions/>). Up to 1987, the guidelines were
published by the Public Health Service under the Department of Health, Education and Welfare,
see, for example, Federal Register 29:252 (Tuesday, December 29, 1964) Public Health Service:
Rules and Regulations, 18447-18474; Minimum Requirements of Construction & Equipment for
Hospital & Medical Facilities, United States, HEW Publication No. (HRA) 74-4000, U.S.
Government Printing Office, Washington, D.C., 1974. From 1987 to 2006, the guidelines were
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.

⁸ As just one relevant example, see Codes and Regulations, California Department of
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.

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

20 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>).

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

27 ¹³ California Department of State Hospitals, “Patient’s Rights,”
28 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*
19 *Hill-Burton program, 1948-1973*. Washington, D.C., American Institute for Public Policy
20 Research.

21 ¹⁵ Kisacky, *Rise of the Modern Hospital: An Architectural History of Health and Healing*,
22 University of Pittsburgh Press, 2017. *Charity Hospital in New Orleans was founded in 1721* (John
23 *Salvaggio, New Orleans' Charity Hospital: A Story of Physicians, Politics, and Poverty*, Baton
24 *Rouge/London: Louisiana State University Press, 1992*). *Pennsylvania Hospital in Philadelphia*
25 *was founded in 1751, opened in a temporary facility in 1752, and moved to its permanent location*
26 *in 1756* (Thomas G. Morton and Frank Woodbury, *The History of the Pennsylvania Hospital:*
27 *1751-1895*, Philadelphia: Times Printing House, 1895)

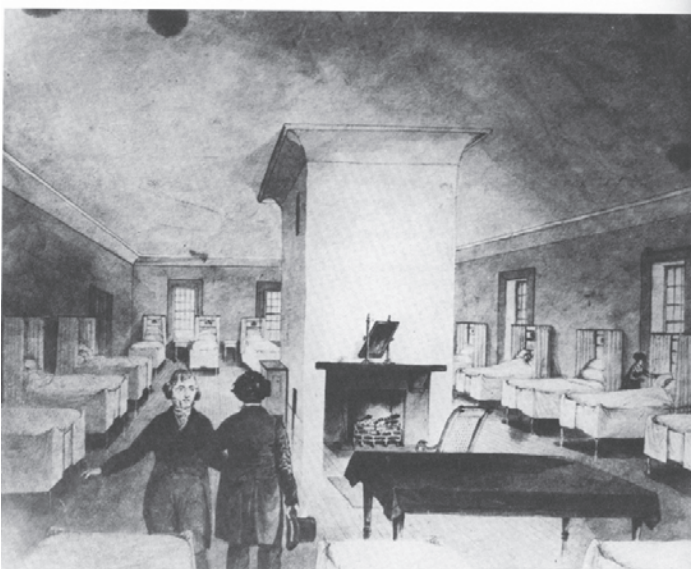
28 <https://digirepo.nlm.nih.gov/ext/dw/68130800R/PDF/68130800R.pdf>. *The New York Hospital in*
New York City was founded in 1771 but only opened and began admitting patients in 1791 (Eric
Larrabee, *The Benevolent and Necessary Institution: The New York Hospital 1771-1971*, Garden
City, NY: Doubleday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

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).

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

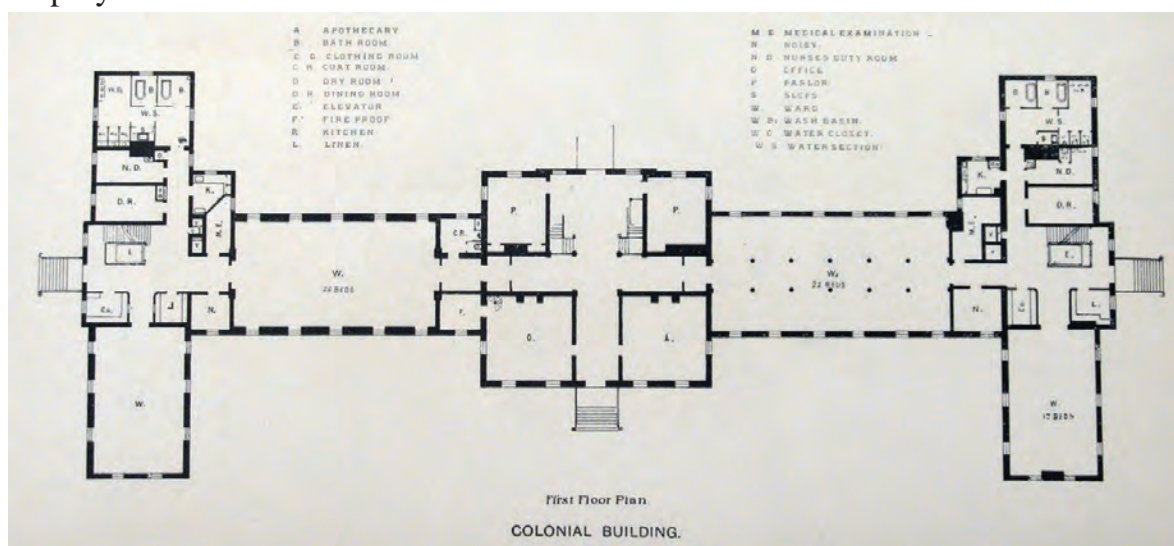
22 ¹⁸ David J. Rothman, The Discovery of the Asylum: Social Order and Disorder in the New
23 Republic, (Boston: Little, Brown and Company, 1971).

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,
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
an Architecture of Air,” in Anthony Gerbino, Ed., *Geometrical Objects: Architecture and the*
Mathematical Sciences 1400-1800, Switzerland: Springer, 2014.

26 ²² I base these general observations about hospital design and practice on archival research
27 in the collections of the New York Hospital, the Presbyterian Hospital, Mount Sinai Hospital, the
28 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.
20

21 _____
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
ill (Morton and Woodbury, The History of the Pennsylvania Hospital; 1751-1895, *op. cit.*, 128-
129).

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

27 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.

28 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



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

had to request a “pass.”³⁶ Hospitals
 had walls around them, with a
 gatehouse and gate keeper to control
 who could enter and leave. [See
 Figure 3.] By the early 1800s, the
 governors of the New York Hospital
 added bars to the windows of one of
 the ward buildings to reduce unofficial
 comings and goings. Visitors to
 patients (such as family and friends)
 were strictly regulated. At the

20 Pennsylvania Hospital visiting hours were limited to the one hour between noon
 21 and one o'clock on every day but Sunday.³⁷ The physician at the New York
 22 Hospital could prohibit visitors entirely to asylum (mentally ill) patients.³⁸ As they
 23 recovered, patients were expected to assist in menial chores—typically sweeping,
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26 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

23
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); antiseptics (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.
26 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
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
28 York: Cambridge University Press, 2003; George Hayward, “History of the Erysipelatous
Inflammation that Recently Appeared in the Massachusetts General Hospital,” New England

III. Hospitals As They Existed In The Reconstruction Era (In And Around The Year 1868)

24. For the first half of the nineteenth century, hospitals remained few in number (particularly compared to overall population growth) in the United States.⁵¹ During this period of intense immigration and urbanization, the hospitals that were in operation were often overcrowded.⁵² It was a simple thing to put more beds into a large open ward, but the crowding increased the problems of internal disease spread and of social control of the wards by overburdened nurses. The wards could become uncontrolled, unsavory, and dangerous locations. Sensational newspaper articles about Bellevue Hospital in New York City in 1860 detailed the horrors of rats in the wards.⁵³ The patient statistics in the civil hospitals clearly indicated a majority of hospital patients were recent immigrants who had no other options for medical care.⁵⁴

25. Between 1859 and 1863, the writings and experiences of Florence Nightingale initiated professional nursing and provided basic guidelines for hospital construction and hygiene.⁵⁵ These were rapidly adopted worldwide; in the United

Medical Review and Journal 16:3 (1 Jul 1827) 284-294. “McCready, “Address,” in Alms House, New York City, Annual Report 8 [1856] 14-15; Kisacky, “Restructing Isolation,” *op.cit.*

⁵¹ US Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1970 (Washington, D.C.: Department of Commerce, 1975), https://www2.census.gov/library/publications/1975/compendia/hist_stats_colonial-1970/hist_stats_colonial-1970p1-chB.pdf, 78.

⁵² For example, “A Crowded Hospital,” New York Times, Saturday July 15, 1854, p. 4 stated the City hospital had 50 more patients in the female wing than beds to give them. See also Rosenberg, The Care of Strangers, op. cit., pp. 97-114.

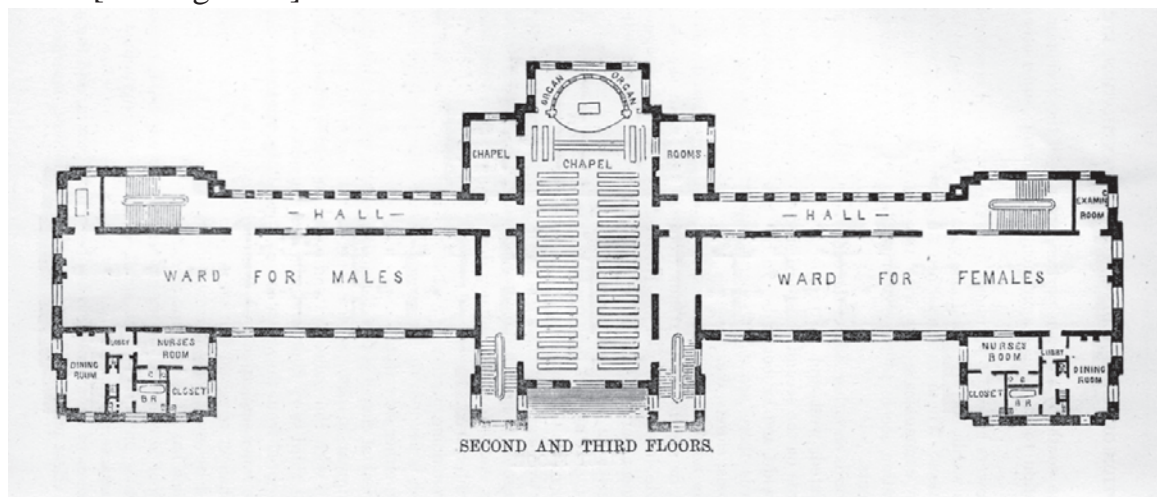
⁵³ “Rats at Bellevue Hospital” New York Times, April 27, 1860, Page 8.

⁵⁴ This observation is based on research encompassing dozens of hospital annual reports in this era, which typically cited patient statistics including nationality, ethnicity, gender, etc.

⁵⁵ Florence Nightingale, Notes on Nursing: What it Is and What it Is Not, New York: D. Appleton and Company, 1860, <https://digirepo.nlm.nih.gov/ext/dw/68161120R/PDF/68161120R.pdf>; and Nightingale, Notes on Hospitals, London: Longman, Green, Longman, Roberts, and Green, 1863, <https://babel.hathitrust.org/cgi/pt?id=hvd.32044019953553&seq=6> .

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.]



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
 Universe," in Healing and History: Essays for George Rosen, ed. Rosenberg (New York: Science
 History Publications, 1979), 118.

28 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.

19
20
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;
Edward D. Churchill, “The Pandemic of Wound Infection in Hospitals: Studies in the History of
24 Wound Healing,” Journal of the History of Medicine, 20 (Oct 1965), 391-404,
<https://www.jstor.org/stable/24621509>; Kisacky, Rise of the Modern Hospital, *op. cit.*, pp. 78-
104.

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

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

28 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. Garipey,
“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.

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32. Hospitals of 1791 and 1868 were the last, not the first, place persons would choose to go when injured and sick.

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

Executed on October 27, 2023, at Ithaca, New York.

Jeanne Kisacky
Digitally signed by Jeanne Kisacky
Date: 2023.10.27 09:52:02 -04'00'

Dr. Jeanne Kisacky

Exhibit 1

Jeanne S. Kisacky

111 Brandon Place, Ithaca, NY 14850, USA. 607-592-2802 jeannekisacky@gmail.com

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.

PUBLICATIONSBooks

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.

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[machines/ideas/nexus/](#)

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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 Corralling 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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ROB BONTA
Attorney General of California
MARK R. BECKINGTON
R. MATTHEW WISE
Supervising Deputy Attorneys General
TODD GRABARSKY
JANE REILLEY
LISA PLANK
ROBERT L. MEYERHOFF
Deputy Attorneys General
State Bar No. 298196
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Telephone: (213) 269-6177
Fax: (916) 731-2144
E-mail: Robert.Meyerhoff@doj.ca.gov
*Attorneys for Rob Bonta, in his Official Capacity as
Attorney General of the State of California*

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RENO MAY, an individual, et al.,

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of the
State of California, and Does 1-10,**

Defendants.

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

**MARCO ANTONIO CARRALERO, an
individual, et al.,**

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of
California,**

Defendant.

1 **DECLARATION OF PETER C. MANCALL**

2 I, Peter C. Mancall, declare under penalty of perjury that the following is true
3 and correct:

4 1. I have been asked to provide an expert opinion on the use and
5 regulation of firearms in colonial America. I have also been asked to opine on the
6 history of drinking establishments and casinos in colonial America. This declaration
7 is based on my own personal knowledge and experience, and if I am called to
8 testify as a witness, I could and would testify competently to the truth of the matters
9 discussed in this declaration.

10 2. I am over the age of eighteen (18) years, competent to testify to the
11 matters contained in this declaration and testify based on my personal knowledge
12 and information.

13 **BACKGROUND AND QUALIFICATIONS**

14 3. I am a historian and author of dozens of articles, six single-authored
15 books, one co-authored book, and the editor of approximately 20 scholarly
16 volumes. I received my A.B. degree from Oberlin College in 1981, an A.M. from
17 Harvard University in History in 1982, and a Ph.D., also in History from Harvard
18 University, in 1986. In addition to my scholarly publications, I have written for a
19 wider public audience on various issues relating to early America in magazines and
20 newspapers including *Time*, the *Los Angeles Times*, *Alta*, *The Conversation*, and
21 *Zocalo*. A true and correct copy of my curriculum vitae is attached as **Exhibit 1** to
22 this declaration.

23 4. I have served on the faculty at the University of Southern California
24 since 2001. I am currently Distinguished Professor; the Andrew W. Mellon
25 Professor of the Humanities; the Linda and Harlan Martens Director of the USC-
26 Huntington Early Modern Studies Institute; and Professor of History,
27 Anthropology, and Economics. From 1989 to 2001 I was a member of the
28 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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11 PETER C. MANCALL
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Exhibit 1

Revised October 16, 2023

CURRICULUM VITAE

Peter C. Mancall

1140 Roscomare Road
Los Angeles, California 90077
(310)-597-0253

Department of History
SOS 153, 3520 Trousdale Parkway
University of Southern California
Los Angeles, California 90089-0034

email: mancall@usc.edu

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

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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/ff1aad01>).

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.

FATAL JOURNEY: THE FINAL EXPEDITION OF HENRY HUDSON—A TALE OF MUTINY AND MURDER IN THE ARCTIC (New York: Basic Books, 2009; paperback 2010). History Book Club (Main selection, July 2009); Military Book Club; Canada History Society Book Club; QPB ed. January 2010; audio book from audio.com (available on iTunes), December 2009; Top 50 books of the year from the History Book Club (reached number 1 on HBC best seller list). **Media (selected):** MSNBC.com (July 7, 2009); "Daily Show with Jon Stewart," Comedy Central, July 14, 2009 [available at <http://thedailyshow.cc.com/videos/mfgw9k/peter-mancall>]; Leonard Lopate show, WNYC (NPR NY affiliate), July 14, 2009; "Focus 580," WILL (NPR Urbana, Ill., affiliate); "Think," KERA (NPR Dallas affiliate), July 30, 2009; "The Roundtable," WAMC (NPR Albany affiliate), July 31, 2009; "WGVU Morning Show," WGVU (NPR Grand Rapids, Mich., affiliate), July 31, 2009; "Marvels and Wonders" (book of the week, July 8); "Book TV," C-Span (taped at the Museum of the City of New York, September 2009 (available at: <http://www.c-span.org/video/?289297-1/book-discussion-fatal-journey>); New Books in History (interview with Marshall Poe, September 4, 2009 [available at: <http://newbooksinhistory.com/2009/09/04/peter-mancall-fatal-journey-the-final-expedition-of-henry-hudson/>]).

HAKLUYT'S PROMISE: AN ELIZABETHAN'S OBSESSION FOR AN ENGLISH AMERICA (New Haven: Yale University Press, 2007; paperback, 2010). BBC History Book Club; British Scholar Book of the Month (September 2007); *Phi Kappa Phi* prize, 2010.

AT THE EDGE OF EMPIRE: THE BACKCOUNTRY IN BRITISH NORTH AMERICA (with Eric Hinderaker) (Baltimore: Johns Hopkins University Press, 2003).

DEADLY MEDICINE: INDIANS AND ALCOHOL IN EARLY AMERICA (Ithaca and London: Cornell University Press, 1995; paperback 1997). A "Nota Bene" selection of the *Chronicle of Higher Education*; excerpt in Mike Jay, ed., *Artificial Paradises: A Drugs Reader* (Penguin, 2000).

VALLEY OF OPPORTUNITY: ECONOMIC CULTURE ALONG THE UPPER SUSQUEHANNA, 1700-1800 (Ithaca and London: Cornell University Press, 1991; paperback, 2011).

SERIES GENERAL EDITOR:

The Early Modern Americas, University of Pennsylvania Press, 2010-
Twenty-four volumes to date

Voices of Native American History, 5 vols. (New York: Facts on File, 2016)

Perspectives in American Social History, 16 vols. (Santa Barbara: ABC Clío), 2007-2012

Encyclopedia of Native American History, 3 vols. (New York: Facts on File, 2011)

BOOKS EDITED:

VIRGINIA 1619: SLAVERY, FREEDOM, AND THE EMERGENCE OF ENGLISH AMERICA, with Paul Musselwhite and James Horn (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2019).

GOVERNING THE SEA IN THE EARLY MODERN ERA with Carole Shammas (San Marino, Calif.: Huntington Library Press, 2015).

COLLECTING ACROSS CULTURES: MATERIAL EXCHANGES IN THE EARLY MODERN ATLANTIC WORLD with Daniela Bleichmar (Philadelphia: University of Pennsylvania Press, 2011; pbk 2013).

THE ATLANTIC WORLD AND VIRGINIA, 1550-1625 (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2007).

BRINGING THE WORLD TO EARLY MODERN EUROPE: TRAVEL ACCOUNTS AND THEIR AUDIENCES (Leiden and Boston: Brill, 2007). (NB: This is the book version of the special issue of *Journal of Early Modern History* on travel narratives.)

TRAVEL NARRATIVES FROM THE AGE OF DISCOVERY (New York: Oxford University Press, 2006). History Book Club; Discovery Channel Book Club.

THREE WORLDS MEET, volume 1 of *The Facts On File Encyclopedia of American History* [Gen. Ed.]

Gary Nash] (New York: Facts On File, 2003; 2nd ed. 2010). The series as a whole has been named "Outstanding Reference Source, 2004" by RUSA/ALA; "Editor's Choice Reference Source, 2003" by *Booklist/RBB*; "Best Reference Source, 2003," by *Library Journal*; and a *Choice* "Outstanding Academic Title, 2003."

AMERICAN NATIONS: ENCOUNTERS IN INDIAN COUNTRY, 1850-2000, with Frederick Hoxie and James H. Merrell (New York: Routledge, 2001).

AMERICAN ENCOUNTERS: NATIVES AND NEWCOMERS FROM EUROPEAN CONTACT THROUGH REMOVAL, 1500 to 1850, with James H. Merrell (New York: Routledge, 2000; 2nd ed., 2007).

AMERICAN ERAS: WESTWARD EXPANSION, 1800-1860 (Detroit: Gale Research, 1999).

LAND OF RIVERS: AMERICA IN WORD AND IMAGE, with a foreword by Edward Hoagland (Ithaca and London: Cornell University Press, 1996). (Named a "Top Ten Travel Book" by Amazon.Com)

ENVISIONING AMERICA: ENGLISH PLANS FOR THE COLONIZATION OF NORTH AMERICA, 1580-1640 (Boston and New York: Bedford Books of St. Martin's Press, 1995; 2nd edition in press with publication in 2017).

ROLL ON, RIVER: RIVERS IN THE LIVES OF THE AMERICAN PEOPLE (Washington: National Council on the Aging through the National Endowment for the Humanities Discovery Through the Humanities Program, 1990).

FILMOGRAPHY:

"Origins and Ideologies of the American Revolution," 48-part lecture series, The Teaching Company [now called The Great Courses] (available October 2006).

"8 ½ Minutes with Richard Hakluyt," screened at the University of Washington, University of Oregon, McNeil Center for Early American History at the University of Pennsylvania, Bay Area Early American Seminar/Stanford University, University of Utah, University of Sussex (England), University of Paris X, National Maritime Museum, Greenwich. (Film produced at the Institute for Multimedia Literacy at USC.)

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).

JOURNALS GUEST EDITOR:

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).

Journal of Early Modern History 10: 1-2 (2006), special issue on Travel Literature; published in book form as Peter C. Mancall, ed., *Bringing the World to Early Modern Europe: Travel Accounts and their Audiences* [Brill, 2007]).

Huntington Library Quarterly 70:1 (2006), special issue entitled *Travel Writing in the Early Modern World*.

ARTICLES and ESSAYS (see also JOURNALISM):

"Disappointment, Grievance, and Violence in Early Virginia," *William and Mary Quarterly*, 80 (2023), 465-472.

"Bernard Bailyn's Barbarous Modernism," *New England Quarterly* XCV (2022), 462-488.

"Landscape and History in the Early Modern Atlantic Basin," *Proceedings of the American Philosophical Society* 162:2 (issue dated June 2020; published in August 2022), 103-117.

"Knowledge of Insects in the Renaissance" in Sherilyn Smith, ed., *A Cultural History of Insects in the Renaissance* (London: Bloomsbury, forthcoming).

"The Age of Failure," *Early American Literature* 56 (2021), 23-50.

"Power and Identity," in Amy Buono and Sven Dupré, eds., *A Cultural History of Color in the Renaissance* (London: Bloomsbury, 2021), 53-69.

"Economic History of the United States: Precolonial and Colonial Periods" in *Oxford Research Encyclopedia of Economics and Finance* (New York: Oxford University Press, May 2020) doi: 10.1093/acrefore/9780190625979.013.480

Feature review of Sam White, *A Cold Welcome*, *American Historical Review* 124 (2019), 1393-1395.

"Before 1619," in Paul Musselwhite, et al., eds., *Virginia 1619: Slavery, Freedom, and the Emergence of English America* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2019), 22-41.

"Preface," *New England Quarterly* XCI (2018), 3-11 (for special issue marking the 50th anniversary of the publication of Bernard Bailyn's *Ideological Origins of the American Revolution*).

"Thinking with James Bay: Crees, English, and Cold," *Northeastern Naturalist* 24 (special issue 7) (2017): H115-H132. [Special issue devoted to Winter Ecology.]

"World and Ground" (with Chris Grasso), *William and Mary Quarterly*, 3d Ser., 74 (2017), 195-202.

"Reading about New Madrid from the Edge of the Ring of Fire," *H-Environment* 5: 3 (March, 2015), 13-16.

"The Early Explorers," *Oxford Bibliographies online: Ecology* (posted March 31, 2015).

"The Raw and the Cold: Five English Sailors in Sixteenth-Century Nunavut," *William and Mary Quarterly*, 3d Ser., 70 (2013), 3-40.

"Exports from the Colonies and States of the Middle Atlantic Region, 1720-1800" (with Joshua Rosenbloom and Thomas Weiss), *Research in Economic History* 29 (2013), 257-305.

"The Inhabited Universe," *Reviews in American History* 40 (2012), 355-359.

"Richard Hakluyt and the Visual World of Early Modern Travel Narratives," in Daniel Carey and Claire Jowitt, eds., *Richard Hakluyt and Travel Writing in Early Modern Europe*, Hakluyt Society Extra Series 47 (London, 2012), 87-101.

"Collecting Americans," in Daniela Bleichmar and Peter C. Mancall, eds., *Collecting across Cultures: Material Exchanges in the Early Modern Atlantic World* (Philadelphia: University of Pennsylvania Press, 2011), 192-213.

"Pigs for Historians: *Changes in the Land* and beyond," *William and Mary Quarterly*, 3d Ser., LXVII (2010), 347-375.

"Illness and Healing in Bernard Picart's *Cérémonies Religieuses de Tous Les Peuples du Monde*," in Lynn Hunt, Margaret Jacob, and Wijnand Mijnhardt, eds., *The First Global Vision of Religion: Bernard Picart's Ceremonies and Religious Customs of All the Peoples of the World* (Los Angeles: Getty Research Institute, 2010), 271-287.

"American History: Summary and Introduction," in *European Visions: American Voices*, ed. Kim Sloan, British Museum Occasional Papers 172 (2009), 98-100.

"Our Savage Ancestors," *Reviews in American History*, 36 (2008).

"Cultural Encounters: Europeans and Americans," in Karen Halttunen, ed., *A Companion to American Cultural History* (Malden, Mass., and Oxford: Blackwell, 2008), 3-16.

"Savagery in Jamestown," *Huntington Library Quarterly* 70 (2007), 661-670.

"Exports and Slow Economic Growth in the Lower South Region, 1720-1800" (with Joshua Rosenbloom and Thomas Weiss), *Research in Economic History* 25 (2008), 1-68.

"Jamestown[®]," *Common-Place* 8:1 (October 2007).

"The Architect of Colonial Desires," *Common-Place* 7:4 (July 2007).

"Richard Hakluyt's Problem," *Historically Speaking* VIII: 4 (March/April 2007), 8-10; **reprinted** in Donald A. Yerxa, ed., *Recent Themes in Early American History* (Columbia, S.C.: University of South Carolina Press, 2008, 47-52).

"Observing more things and more curiously," *Huntington Library Quarterly* 70 (2007), 1-10.

"Slave Prices, the African Slave Trade, and Productivity in Eighteenth-Century South Carolina: A Reply" (with J. Rosenbloom and T. Weiss), *Journal of Economic History* 66 (2006), 1066-1071.

"Introduction: What Fynes Moryson Knew," *J. of Early Modern History* 10: 1-2 (2006), 1-9.

"Epilog: Becoming Atlantic," in Allan Macinnes, ed., *Shaping the Stuart World* (Leiden: Brill, 2006), 367-377.

"Indians and the Economy of Eighteenth-Century Carolina" (with Joshua Rosenbloom and Thomas Weiss), in Peter A. Coclanis, ed., *The Atlantic Economy during the Seventeenth and Eighteenth Centuries: New Perspectives on Organization, Operation, Practice, and Personnel* (Columbia: University of South Carolina Press, 2005), 297-322.

"Richard Hakluyt the Younger's Notes for the East India Company in 1601: A Transcription of Huntington Library Manuscript EL 2360," with Heidi Brayman Hackel, *Huntington Library Quarterly* 67 (2004), 423-436.

"Tales Tobacco Told in Sixteenth-Century Europe," *Environmental History*, 9 (2004), 648-678.

"Lost in Jamestown," *Reviews in American History* 32 (2004), 317-328.

"The ones who hold up the world': Native American History since the Columbian Quincentennial," *Historical Journal* 47 (2004), 477-490.

"Robert Plot's *Natural History of Oxford-Shire*," *Environmental History* 9 (2004), 300-305.

"` I was addicted to drinking rum': Four Centuries of Alcohol Use in Indian Country," in Sarah Tracy and Caroline Acker, eds., *Altering American Consciousness: Essays on the History of Alcohol and Drug Use in the United States, 1800-1997* (Amherst: University of Massachusetts Press, 2004), 91-107.

"Conjectural Estimates of Economic Growth in the Lower South, 1720-1800" (with Joshua Rosenbloom and Thomas Weiss), in William Sunstrum, et al., eds., *History Matters: Essays on Economic Growth, Technology, and Demographic Change* (Stanford: Stanford University Press, 2003), 389-424

"Alcohol and the Fur Trade in New France and English America, 1600 to 1800" in William Jankowiak and Daniel Bradburd, eds., *Stimulating Trade: Drugs, Labor, and Colonial Expansion* (Tucson: University of Arizona Press, 2003), 89-99.

"Amsterdam's America," *Reviews in American History* 31 (2003), 14-23.

"Agricultural Labor Productivity in the Lower South, 1720-1800" (with Joshua Rosenbloom and Thomas Weiss), *Explorations in Economic History* 39 (2002), 390-424.

"Conquering Bodies," *William and Mary Quarterly* 3d Ser. LIX (2002), 981-986.

"Atlantic Colonies," *New England Quarterly* LXXV (2002), 477-487.

"South Carolina Slave Prices, 1722-1809" (with Joshua Rosenbloom and Thomas Weiss), *Journal of Economic History* 61 (2001), 616-639.

"Maori and Alcohol: A reconsidered history" (with Paul Robertson and Terry Huriwai), *Australian & New Zealand Journal of Psychiatry* (Journal of the Royal Australian and New Zealand College of Psychiatry) 34 (2000), 129-134.

"` Growing by nature only': American Plants in Europeans' Imaginations, 1550-1650," *History Now/Te Pae Tawhito O Te We* 6:1 (May 2000), 30-35.

"Was Economic Growth Likely in Eighteenth-Century North America?" (with Thomas Weiss), *Journal of Economic History* 59 (1999), 17-40. (Winner PEAES Prize for best journal article in early American economic history; prize awarded in 2000).

"Native Americans and Europeans in English America, 1500 to 1700" in *The Origins of Empire*, ed. Nicholas Canny [volume one of the five-volume *Oxford History of the British Empire*, gen. ed. Roger Louis] (Oxford: Clarendon Press of Oxford University Press, 1998), 328-350.

"The Age of Discovery," commissioned for the twenty-fifth anniversary edition of *Reviews in American History* 26 (1998), 26-53; **reprinted** in Louis Masur, ed., *The Challenge of American History* (Baltimore: Johns Hopkins University Press, 1999), 26-53.

"`A Separate People': Becoming and Being Choctaw and Cherokee," *Reviews in American History* 26 (1998), 353-358.

"Three Renaissance Travel Plays," in *Medieval and Renaissance Drama in England* 10 (1998), 364-372.

"'The Art of Getting Drunk' in Colonial Massachusetts," *Reviews in American History* 24 (1996), 383-388.

"Men, Women and Alcohol in Indian Villages in the Great Lakes Region in the Early Republic," *Journal of the Early Republic* 15 (1995), 425-448.

Rivers and the Making of a Nation, published in pamphlet form by the Society for the Study of Local and Regional History, Southwest State University (Minnesota), (Marshall, Minnesota, 1995).

"'The bewitching Tyranny of Custom': The Social Costs of Indian Drinking in Colonial America," *American Indian Culture and Research Journal*, 17:2 (1993), 15-42. Reprinted in Roger L. Nichols, ed., *The American Indian Past and Present*, fifth edition (New York: McGraw-Hill, 1999), 37-51; reprinted in Mancall and Merrell, ed., *American Encounters* (New York, Routledge, 2000), 194-215.

"Land and Time in Eighteenth-Century Virginia: A Comment," *Locus* 6 (1994), 151-157.

"The Moral Economy of the Eighteenth-Century Backcountry," *Reviews in American History*, 20 (1992), 453-458.

"The Multicultural Origins of British America," *American Studies*, 33 (1992), 103-111.

"Independence and Interdependence in the Upper Susquehanna Valley After the American Revolution," *Locus* 2 (1989), 1-15.

"The Revolutionary War and the Indians of the Upper Susquehanna Valley," *American Indian Culture and Research Journal* 12: 1 (1988), 39-57; **reprinted** in Roger L. Nichols, ed., *The American Indian Past and Present*, fourth edition (New York: McGraw-Hill, 1992), 87-98.

JOURNALISM:

"What the GOP Gets Wrong about the Puritans," *Zocalo*, September 27, 2023.

"Was the 1623 Poisoning of 200 Native Americans One of the Continent's First War Crimes?" *Smithsonian Magazine* (online), May 22, 2023.

"Braving the Old World" (review), *Wall Street Journal*, March 1, 2023.

"End the romance of Thanksgiving, as a great Pequot scholar argued two centuries ago," *Los Angeles Times*, November 22, 2022; reprinted as "We Can Tell New Thanksgiving Stories," *Zocalo*, November 23, 2022.

"This Must Be the Place" (review), *Wall Street Journal*, November 19, 2022.

"Sir Francis Drake's Date with Destiny," *Alta* Spring 2022, 10-15.

"The Moment that Changed Colonial-Indigenous Relations Forever," *Time*, March 22, 2022.

"The 'First Thanksgiving' Story Covers up the Violence in America," *Time*, November 24, 2021.

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"Becker, Carl Lotus," in John A. Garraty and Mark C. Carnes, eds., *American National Biography* (New York: Oxford University Press for the American Council of Learned Societies, 1999), II: 440-442.

"Alcohol and Indians" in Frederick Hoxie, ed., *Encyclopedia of North American Indians* (Boston: Houghton Mifflin, 1996), 14-16.

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"Black Cabinet," "National Association for the Advancement of Colored People," and "George Peek," in Otis L. Graham and Meghan Wander, eds., *Franklin D. Roosevelt, His Life and Times: An Encyclopedic View* (Boston: G. K. Hall, 1985), 38-39, 272-273, 319.

WORKING PAPERS:

"Economic Growth in the Mid Atlantic Region: Conjectural Estimates for 1720 to 1800" (with Joshua Rosenbloom and Thomas Weiss), National Bureau of Economic Research Working Paper, SI 2010 DAE (Cambridge, Mass., March 2010); revised NBER working paper 17215 (July 2011).

"Commodity Exports, Invisible Exports and Terms of Trade for the Middle Colonies, 1720-1775" (with Joshua Rosenbloom and Thomas Weiss), National Bureau of Economic Research Working Paper 14334 (Cambridge, Mass., January 2010). NB: this version revises "The Role of Exports in the Economy of Colonial North America: New Estimates for the Middle Colonies" (September 2008).

"Exports and Slow Economic Growth in the Lower South Region, 1720-1800" (with Joshua Rosenbloom and Thomas Weiss), Working Papers Series on Historical Factors in Long Run

Growth, National Bureau of Economic Research (Cambridge, Mass., January 2006).

"The Value of Diet in the Lower South in the Eighteenth Century," in Working Papers Series on the Development of the American Economy, National Bureau of Economic Research (Cambridge, Mass., July 2002).

"South Carolina Slave Prices, 1722-1809" (with Joshua Rosenbloom and Thomas Weiss) in Working Papers Series on Historical Factors in Long Run Growth, Historical Paper 123, National Bureau of Economic Research (Cambridge, Mass., March 2000).

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"Conjectural Estimates of Colonial Output," (with Thomas Weiss), printed in papers for conference on "The Economy of Early British America: The Domestic Sector," Institute of Early American History and Culture and the Huntington Library, October 1995 (edited by John J. McCusker), 129-162.

CONSULTANT FOR CHILDREN'S LITERATURE:

Laura Hamilton Waxman, *A JOURNEY WITH HENRY HUDSON* (Lerner, 2018).

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).

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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

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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 Atlantics 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*"

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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 Gremp 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 filthiness': 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

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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, 2010-2011); 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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ROB BONTA
Attorney General of California
MATTHEW WISE
MARK R. BECKINGTON
Supervising Deputy Attorneys General
TODD GRABARSKY
JANE REILLEY
LISA PLANK
ROBERT L. MEYERHOFF
Deputy Attorneys General
State Bar No. 298196
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Telephone: (213) 269-6177
Fax: (916) 731-2144
E-mail: Robert.Meyerhoff@doj.ca.gov
*Attorneys for Rob Bonta, in his Official Capacity as
Attorney General of the State of California*

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RENO MAY, an individual, et al.,

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of the
State of California, and Does 1-10,**

Defendants.

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

**DECLARATION OF PROFESSOR
SHARON MURPHY 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

**MARCO ANTONIO CARRALERO, an
individual, et al.,**

Plaintiffs,

v.

**ROBERT BONTA, in his official
capacity as Attorney General of
California,**

Defendant.

DECLARATION OF PROFESSOR SHARON MURPHY

1
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.

BACKGROUND AND QUALIFICATIONS

15
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

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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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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 ²¹ Lamoreaux, 3.

26 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.

26 ²⁴ Steven Hirsch, “Rural America by the Numbers,” *Generations: Journal of*
27 *the American Society on Aging*, Vol. 43, No. 2 (Summer 2019), 9-10.

27 ²⁵ Lamoreaux, 4.

27 ²⁶ Lamoreaux, 5.

28 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,"
25 *The Business History Review*, Vol. 85, No. 3 (Autumn 2011), 504.

26 ³¹ John Lauritz Larson, *The Market Revolution in America: Liberty,*
27 *Ambition, and the Eclipse of the Common Good* (New York: Cambridge University
28 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;
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.
Greenberg, *Banknotes and Shiplasters: 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:
 Louisiana State University Press, 1987), 167.

24 ³³ Lynne Pierson Doti, *Banking in an Unregulated Environment: California,*
 25 *1878-1905* (London: Taylor & Francis, 2012), 30-31.

26 ³⁴ Doti, 32.

27 ³⁵ Warren E. Weber, *Census of Early State Banks in the United States* (2005),
 28 <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.

29 ³⁶ Doti, 33-34.

30 ³⁷ Roger Lane, “Urban Police and Crime in Nineteenth-Century America,”
Crime and Justice (1992), vol. 15: 43.

31 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
25 Stability?” <https://www.federalreserve.gov/financial-stability/what-is-financial-stability.htm> [accessed October 27, 2023.]

26 ⁴⁹ Yasemin Irvin-Erickson, Bing Bai, Annie Gurvis, Edward Mohr, “The
27 Effect of Gun Violence on Local Economies,” (Urban Institute, 2016), p. 17.
28 https://www.urban.org/sites/default/files/publication/85401/the-effect-of-gun-violence-on-local-economies_2.pdf.

⁵⁰ Yasemin Irvin-Erickson, Bing Bai, Annie Gurvis, Edward Mohr, “The
Effect of Gun Violence on Local Economies,” (Urban Institute, 2016), p. v.
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 
7 _____

8 Sharon Ann Murphy
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27 ⁵¹ “2021 FDIC National Survey of Unbanked and Underbanked Households
28 Executive Summary,” <https://www.fdic.gov/analysis/household-survey/2021execsum.pdf>, page 4.

Exhibit 1



DEPARTMENT
OF HISTORY
AND CLASSICS

PROVIDENCE COLLEGE

Sharon Ann Murphy, Ph.D.

(401) 865-2380

Professor and Chair

sharon.murphy@providence.edu

EDUCATION

- 2005 **Ph.D.** University of Virginia, Charlottesville, VA Department of History
Major Field: 19th & 20th Century U.S. Minor Field: Latin America
Specialty: Social, Economic, and Business History
[committee: Mark Thomas, Peter Onuf, Charles McCurdy, John James]
- 1999 **M.A.** University of Virginia, Charlottesville, VA Department of History
Thesis: "Wealth Accumulation and Economic Mobility in Mid-Nineteenth-Century America"
- 1996 **B.A.** University of Virginia, Charlottesville, VA Major: History Minor: Economics
With Distinction, Phi Beta Kappa
Mayonian Award for best undergraduate thesis in history

TEACHING and RELATED EXPERIENCE

- 2021-24 Chair, Department of History and Classics
- 2023-24 President, Business History Conference [President-elect 2022-23]
- 2014- Professor Providence College
- 2011- Associate Editor *Enterprise & Society: The International Journal of Business History*
- 2014-18 Assistant Chair, Department of History and Classics
- 2016 IES Abroad, Rome, Italy
- 2009-14 Associate Professor Providence College
- 2005-09 Assistant Professor Providence College
- 2005 Postdoctoral Fellow, The Program in Early American Economy and Society at The Library Company, Philadelphia
- 2005 Research Associate, The McNeil Center for Early American Studies, U. of Penn.
- 2004 Instructor Sweet Briar College
- 2002-04 Instructor University of Virginia

Foreign Language *Spoken:* Italian (proficient), French (proficient)
Reading: French (advanced), Italian (prof.), Spanish (intermed.), German (elem.)

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]

“Enslaved Financing of Southern Industry: The Nesbitt Manufacturing Company of South Carolina, 1836-1850,” *Enterprise & Society: The International Journal of Business History*, v. 23, no. 3, September 2022 (online February 2021): 746-789.

“Gone to Texas: Deadbeat Debtors and their Human Property,” *Journal of the Texas Supreme Court Historical Society*, v. 11, no. 2, Winter 2022: 27-43.
[https://www.texascourthistory.org/Content/Newsletters//TSCHS%20Winter%202022%202-18%20\(2\).pdf](https://www.texascourthistory.org/Content/Newsletters//TSCHS%20Winter%202022%202-18%20(2).pdf)

“The Financialization of Slavery by the First and Second Banks of the United States,” *Journal of Southern History*, v. 87, no. 3, August 2021: 385-426.

“Collateral Damage: The Impact of Foreclosure on Enslaved People during the Panic,” for a Forum on the Panic of 1819 in *The Journal of the Early Republic*, v. 40, no. 4, Winter 2020: 691-696.

“Agents, Regulations, and Scandals: US Life Insurance Companies in Late-Nineteenth-Century Latin America,” in *Risk and the Insurance Business in History*, Robin Pearson and Jeronía Pons Pons (eds.), Fundación Mapfre, 2020: 61-89. **Winner of the Mansutti Foundation Best Paper Prize.**
<https://www.fundacionmapfre.org/documentacion/publico/es/consulta/registro.do?id=171682>

“Financing Faith: Latter-day Saints and Banking in the 1830s and 1840s,” in *Business and Religion: The Intersection of Faith and Finance*, Matthew C. Godfrey and Michael Hubbard MacKay (eds.), Brigham Young University Press, 2019.

“The Panic of 1819 and the Second Bank of the United States,” (co-authored with Robert Bruner), Darden Business School case, July 2018.

“The Myth and Reality of Andrew Jackson’s Rise during the Election of 1824,” in *A Companion to the Era of Andrew Jackson*, Sean Patrick Adams (ed.), Blackwell Publishing, 2013: 260-279.

“Banks and Banking in the Early American Republic,” *History Compass*, Blackwell Publishing, 2012: 409-422.

“How to Make a Dead Man: Murder, Fraud and Life Insurance in 19th-century America,” *Financial History*, Kristin Aguilera (ed.), Museum of American Finance, Spring 2010.

“‘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/Guteberg-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. Buenker (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%B6j%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