

CURRICULUM VITAE:

David Thomas Konig**Contact Address:**

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 Washington University Box 1120
 St. Louis, MO 63130
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Education:

A.B., magna cum laude, with Highest Honors in History, from New York
 University, 1968. Woodrow Wilson Honorary Fellowship
 A.M. (History), Harvard University, 1969
 Ph.D. (History), Harvard University, 1973

Teaching Positions:

1970-73: Teaching Fellow in History, Harvard College
 1973-2017: Instructor to Professor of History, Washington University, St. Louis
 2002-2017: Professor of Law, Washington University in St. Louis

Visiting Positions:

1981-1982 Fulbright-Hays Senior Lecturer
 Facolta di Magistero, Universita degli Studi di Roma (Storia Americana,
 Letteratura Americana)
 Facolta di Scienze Politiche, Universita degli Studi di Perugia (Storia
 Americana)
 1999: Visiting Professor of Law, St. Louis University Law School (Anglo-American
 Legal History)

Administrative Positions, Major Committees at Washington University

Chair, Department of History
 Founder and Director, Undergraduate Program in Legal Studies
 Chair, Washington University Sports and Recreation Advisory Committee
 University Faculty Representative to the University Athletic Association and the
 National Collegiate Athletic Association
 Secretary, Washington University Faculty Senate Council
 Chair, Arts and Sciences Faculty Council [The Faculty Council is the vehicle of faculty
 governance, and the elected chair presides as executive.]
 Dean's Advisory Committee on Personal [Arts and Sciences, tenure and promotion]
 Review Committee on Faculty Personnel Procedures [Arts and Sciences review of grievances in
 promotion and tenure]
 Admissions Committee (Law School)
 Curriculum Committee (Law School)

Other Professional Positions:

Senior Research Fellow, Colonial Williamsburg Foundation (historical supervision of restoration of
 eighteenth-century county courthouse; writing of interpretation program; training of

interpreters)

Recent Courses Taught at Washington University in St. Louis

Undergraduate

Law in American Life: 1776 to the Present
 The Enigma of Thomas Jefferson
The Federalist: Ideas and Politics of the American Founding
 The American Revolution in History and Tradition

Graduate/Law

Seminar in Law and History: Problems of Original Meaning and Intent
 History of American Law
 Property Law

University Awards and Distinctions (Washington University)

Interfraternity Council Performance in Teaching Award
 Council of Students of Arts and Sciences Teaching Award
 Faculty Address to Annual Meeting of Board of Trustees
 Faculty Baccalaureate Commencement Speaker (twice)
 Founders' Day Distinguished Faculty Award
 Graduate Student Senate in Arts and Sciences, Outstanding Faculty Mentor Award

Selected Scholarly Papers (* = invited papers)

1973

"Legal Records and the Social Historian" (Annual Meeting of the American Society for Legal History)

1976

"Patterns of Social Control in Early Massachusetts, 1630-1640: The English Background" -- (Colloquium, University of Chicago)

* "Puritanism and Localism in England and America, 1580-1640" -- (Colloquium, The Newberry Library)

* "Law and Provincial Culture in Massachusetts" -- (Colloquium, Yale University School of Law)

1977

"The Editing of Manuscript Legal Records: Problems and Solutions" -- (Annual Meeting of the American Society for Legal History)

1978

"Law, Order, and Witchcraft in Massachusetts" -- (Plenary Session, Annual Meeting of the Institute for Early American History and Culture)

1979

"Order and Obligation in the Prerevolutionary Economic Community" -- (Annual Meeting of the American Society for Legal History)

1980

* "English Anticipations of Criminal Justice in the New World" -- (Annual Meeting of the International Association for the History of Crime and Criminal Justice)

1982

- * "Tecnologia e Democrazia; Le Implicazioni della Guerra Civile Americana" (University of Messina)
- * "Storiografia della Rivoluzione Americana" (University of Palermo)
- * "George Washington e la Cultura Repubblicana" (University of Palermo)
- * "La Mentalita 'Yankee' e la Nascita della Tecnologia Americana" (University of Padua)
- * "Lo Sviluppo della 'Common Law' nelle Colonie Americane (University of Florence)

1983

- * "Law and the Legal System in Eighteenth-Century New England" (Dalhousie University School of Law, Symposium on Canadian and American Colonial Law)

1984

- * "Judicial Restraint of Legislative Action in Eighteenth-Century America" (Colloquium, Princeton University)

1985

- * "The Development of 'Due Process of Law' In Virginia, 1650-1750" (Colloquium, Marshall-Wythe School of Law, College of William and Mary)
- * "Courts and the Gentry in Mid-Eighteenth-Century Virginia" (Colloquium, Institute of Early American History and Culture)

1987

- * "Country Justice: The Rural Roots of Constitutionalism in Colonial Virginia" (University of Florida School of Law, Symposium on the South and the American Constitutional Tradition)
 - * "The South's First Justices of the Peace: The Sources of Local Autonomy in Virginia, 1609-1634" (Citadel Conference on the South)
 - * "Slavery, Law, and Constitutionalism in Virginia" (University of Mississippi, Chancellor's Symposium on the South)
- "The Due Process Revolution in Virginia: The Ironic Progress of Legal Reform, 1660-1720" (Annual Meeting of the American Historical Association)

1988

- "The York County Project and Legal History" (Annual Meeting of the Organization of American Historians)

1990

- * "Caveat Scriptor: Some Cautions and Suggestions for Revising the Legal History of Virginia before 1865" ("New Directions in Virginia History," Virginia Historical Society)
- * "A Comparison of the Legal Cultures of 17th and 18th Century Virginia and Massachusetts" (300th Anniversary of the Massachusetts Supreme Judicial Court)
- * "Reclaiming the Eighteenth Century: The Context and Logic of Rights in Revolutionary America" (University of Minnesota, "America and the Bill of Rights")

- * "The Americanization of Virtue: Middle-Class Society and the Achievement of Justice in Eighteenth-Century Virginia" (Colonial Williamsburg Foundation)
- * "Law and Liberty in Colonial Virginia" (Williamsburg History Forum)

1993

- * "Law, Culture, and the Courtroom in Contemporary Perspective" (American Bar Association)
- * "The Legal Education of Thomas Jefferson" (NEH Summer Seminar for College Teachers)

1994

- "The Jurisprudence of Sociability in the Early Republic" (Society for the History of Early American Republic)
- "Constitutional Historians and the Colonial Past" (American Society for Legal History)

1995

- * "The Legal Mind of Thomas Jefferson" (International Center for Jefferson Studies)

1996

- * "John Adams as Lawyer and Citizen" (Massachusetts Historical Society)
- * "Legal Fictions and the Law's Rule(s)" (Institute of Early American History and Culture)

1997

- * "Legal Fictions and the Law's Rule(s)" (University of Chicago Law School-History Department Workshop in legal History)

1999

- * "Thomas Jefferson and the Study of Law" (University of Pennsylvania Law School-History Department Colloquium)
- * "Legal Fictions and the Law's Rule(s)" (Yale University Law School)

2000

- "Thomas Jefferson and the Search for an American Natural Law Tradition" (Annual Meeting of the American Society for Legal History)

2001

- "The Second Amendment and the Scottish Precedent of 1745" (Annual meeting of the American Historical Association)
- *"The American Provinces and the British Empire: Bound by 'the Crooked Cord' of the Law" ("Law and Enlightenment: The Imperial State at Law" - Australian National University)
- *"Judging and the Common Law: The Vision of Thomas Jefferson" (22nd Annual Chief Judges Seminar, American Bar Association)
- *"Thomas Jefferson and the Law" (Monticello)

2002

- *"Credit, Law, and the Forming of a Property Regime in Seventeenth-Century Virginia" ("Law's Enterprise," Australia-New Zealand Legal History Society and Macquarie University, Katoomba, New South Wales)

2003

- *"Law and Regionalism," Annual Meeting, American Society for Legal History, Washington, DC

2004

*"The St. Louis Circuit Court Records Project," American Association for State and Local History, Annual Meeting

*"Thomas Jefferson, the Lawyer as President," American Bar Association

*"Property Rights in Early America," University of California, Los Angeles, School of Law, Legal History Seminar

2005

*"The Long Road to Dred Scott: Suing for Freedom in the Shadow of Slavery," National Archives and University of Missouri-Kansas City, School of Law

*"St. George Tucker and States' Rights," Institute of Bill of Rights Law, Marshall-Wythe School of Law, College of William and Mary

2006

*"Creating a Property Regime in Seventeenth-Century Virginia," New York University School of Law, Legal History Colloquium

*"The Original Originalists," American Association of Law Librarians, Annual Meeting

"Thomas Jefferson as Translator," Tsinghua University (Beijing)

2009

"The Second Amendment after *Heller*" - UCLA Law School

"Liberty in the Thought of Sir Edward Coke," - Liberty Fund

"Whig Lawyering in the Legal Education of Thomas Jefferson" - Massachusetts Historical Society

"Women's Legal Troubles in the Early Republic" - Comment, Annual Meeting of Society for Historians of the Early American Republic

"Asymmetries of the Lawyer-Historian Debate" - Annual Meeting of American Society for Legal History
Guest faculty, National Endowment for the Humanities Institute for Constitutional Studies, University of California, Santa Barbara

2010

**Heller* and the Perils of Judge-Made History in Democratic Society," Northeastern University Law School

*"Nation Building in the Early Republic," *Ab Initio: Law in Early America*: McNeil Center for Early American Studies

*"The Constitutionalism of John Adams," Oxford Centre for Socio-Legal Studies, Foundation for Law, Justice, and Society

2011

*"Thomas Jefferson on Rights, Liberties, and Law" -- University of Chicago Law School, Public Law and Legal Theory Workshop

*Thinking Like a Lawyer: Thomas Jefferson on Race, Slavery, and Law" - Princeton University

"Thomas Jefferson, the Lawyer as Executive - Brookings Institution, Executive Education Seminar

"The Founders' Constitution and the Problem of States' Rights" - George Washington Teachers' Institute (Gilder-Lehrman, at Mt. Vernon)

2013

"Property and Liberty in the Long Nineteenth Century" - Commentator, Annual Meeting of the American Society for Legal History

"The *Dred Scott Case* as Strategic Litigation" – Annual Meeting of Missouri Bar Association

2014

"Thomas Jefferson, Antislavery Lawyer" – University of Maryland Early American Seminar

"*Americanization of the Common Law – A Comment*" – American Society for Legal History

2015

"Thomas Jefferson's Legal Commonplace Book: Insights into the Mind of a Legal Reformer" – International Center for Jefferson Studies

"Thomas Jefferson and Antislavery Law" – University of Virginia Law School

"The Local Roots of Economic Development in Early American History: A Comment" Annual meeting of the Organization of American Historians

2016

"Thomas Jefferson: L'Espressione Architettonica dei Principi del Diritto e del Podere: Trasportare Roma, Milano e Firenze a Monticello" – Università degli Studi della Campania

2018

"Gun Violence and Communities of Color, Immigration, Trafficking of Firearms, and U. S. Law" – Interdisciplinary and Human Rights Approaches to the Gun Violence Crisis in the United States" – Washington University in St. Louis

"Questioni giuridiche e costituzionali nel regolamento delle armi da fuoco negli Stati Uniti" – Archivio Disarmo [Rome]

Other Academic Activities

Referee on articles submitted to:

The William and Mary Quarterly
The American Historical Review
The Journal of Interdisciplinary History
The Journal of American History
The Journal of the History of Philosophy
Eighteenth-Century Life
American Quarterly
Virginia Magazine of History and Biography
Pennsylvania Magazine of History and Biography
Massachusetts Historical Society Collections
Agricultural History
The Historian
Law and History Review
Ethnohistory
Canadian Journal of History

Journal of the Early Republic

Referee on book manuscripts submitted to:

The Pennsylvania State University Press
 The University of Pennsylvania Press
 The New York University Press
 Canadian Social Science Foundation
 The Cornell University Press
 The Indiana University Press
 Random House/Alfred A. Knopf
 Holt, Rinehart, Winston
 The University of North Carolina Press
 The University of Illinois Press
 Cambridge University Press
 University of Kansas Press
 University of Georgia Press

Book reviews in:

American Historical Review
The American Journal of Legal History
The Journal of American History
The New England Quarterly
History: Reviews of New Books
Law and History Review
Virginia Magazine of History and Biography
William & Mary Quarterly
Journal of Interdisciplinary History
Georgia Historical Quarterly
Journal of the Early Republic

Service to the Profession (History and Law)

National Endowment for the Humanities -- Director of Summer Seminar for College Teachers, "The New Legal History: Law in American Life, 1600-1865"

National Endowment for the Humanities, Grant Selection Panel

Fellowship Evaluator, The John D. and Catherine T. MacArthur Foundation

Board of Directors, American Society for Legal History (two terms)

Educational Testing Service, Consultant and Reader, Advanced Placement Program in American History

Littleton-Griswold Prize Committee of the American Historical Association (for the best book in American legal history; two terms, including chairing committee)

Editorial Board, New York University Press "Series in Legal History"

Editorial Board, Journal of Southern Legal History

Council for the International Exchange of Scholars, Advisory Panel on Southern

Europe (Spain, Portugal, Italy, Greece, Cyprus, Malta)

Program Chair, Annual Meeting of American Society for Legal History

Consultant, Law and Citizenship Education Program, St. Louis Public Schools

Editorial Board, *Law and History Review*

Editorial Board, *Australia-New Zealand Journal of Legal History*

Program Committee, American Historical Association Annual Meeting

[Honorary] Corresponding Member, Massachusetts Historical Society

Fellow, International Center for Jefferson Studies

Board of Directors, American Society for Legal History (two terms)

Book Prize Committee, Society of Historians of the Early American Republic

Walker-Cowan Book Prize Committee, University Press of Virginia (best book in eighteenth-century Studies)

Chair, William Nelson Cromwell Foundation Prize Committee (best work in American legal history by a junior scholar)

Editorial Board, University Press of Virginia series on Eighteenth-Century America

Advisory Board, Salem Witchcraft project

Advisory Board, Missouri Historical Court Records Project

Australia Research Council, "Expert Assessor of International Standing"

Chair, J. Willard Hurst prize (best book on historical sociolegal studies), Law and Society Association

Kathryn T. Preyer Prize Committee (best article by a graduate student in legal history), American Society for Legal History

Legal Consulting/Expert Witness

Expert Witness, *Bell v. Town of Wells* (Maine Superior Court, 1987) (Lexis 256)

Consultant, *Pazolt v. Director of the Division of Marine Fisheries*. (Supreme Judicial Court of Massachusetts, 1994) (417 Mass. 565)

Consultant, Attorney-General of the State of Maine, *New Hampshire v. Maine* (Supreme Court of the United States, 2001) (532 U.S. 742)

Pertinent Service to the Community

Director, "With Liberty and Justice to All": Teaching American History program (U.S. Department of Education) for middle- and high school in the St. Louis City Public Schools

Board of Directors, Dred Scott Heritage Foundation (with descendants of Dred and Harriet Scott, a charitable foundation dedicated to advancing racial equality and reconciliation)

Professional Organizations

American Historical Association
 Organization of American Historians
 American Society for Legal History
 Institute of Early American History and Culture
 Law and Society Association
 American Bar Association (Associate)

Select Publications

1974

"Community Custom and the Common Law: Social Change and the Development of Land Law in Seventeenth-Century Massachusetts," *American Journal of Legal History*, XVIII, (April) [reprinted in Kermit L. Hall, ed., *Land Law and Real Property in American History: Major Historical Interpretations* (New York: Garland, 1987)]

"A New Look at the Essex 'French': Social Conflict and Community Tensions in Seventeenth-Century Essex County, Massachusetts," *Essex Institute Historical Collections*, CIX (July)

1978

"English Legal Change and the Origins of Local Government in Northern Massachusetts," in B. C. Daniels, ed., *Town and County: Essays in the Structure of Local Government in the American Colonies* (Middletown, Conn.: Wesleyan University Press)

(ed.) *The Plymouth Court Records, 1686-1859: The Records of the Inferior Court of Common Pleas and the Court of General Sessions of the Peace. Introduction and Volumes I-III: General Sessions, 1686-1781; Common Pleas, 1688-1702* (Wilmington, Del.: Michael Glazier)

1979

Law and Society in Puritan Massachusetts. Essex County, 1626-1693 (Chapel Hill: University of North Carolina Press) [Nominated for the Merle Curti Prize in American Social History, of the Organization of American Historians]

(ed.) *The Plymouth Court Records. Volumes IV-IX: General Sessions, 1782-1827; Common Pleas, 1702-1785* (Wilmington, Del.: Michael Glazier)

1980

(ed.) *The Plymouth Court Records, Volumes X-XI: Common Pleas, 1785-1807* (Wilmington, Del.: Michael Glazier)

1981

(ed.) *The Plymouth Court Records. Volumes XII-XVI: Common Pleas, 1807-1859*
(Wilmington, Del.: Michael Glazier)

1982

"Dale's Laws' and the Non-Common Law Origins of Criminal Justice in Virginia,"
26 American Journal of Legal History 354

1984

"The Theory and Practice of Constitutionalism in Prerevolutionary
Massachusetts: James Otis on Writs of Assistance, 1761," *8 Dalhousie Law
Journal* 25 [reprinted in John A. Yogis, ed., *Law in a Colonial
Society* (Toronto)]

1989

"Country Justice: The Rural Roots of Constitutionalism in Colonial Virginia,"
in *An Uncertain Tradition: Constitutionalism and the History of the
South*, ed. Kermit Hall and James Ely (University of Georgia Press)

1991

"Natural Rights, Bills of Rights, and the People's Rights in Virginia
Constitutional Discourse, 1787-1791" in *The South's Role in the Creation
of the Bill of Rights*, ed. Robert Haws (University Press of Mississippi).
"Colonization and the Common Law in Ireland and Virginia, 1569-1634," in *The
Transformation of Early American History*, ed. James Henretta, Michael
Kammen, and Stanley Katz (Alfred A. Knopf).

1992

"The Virgin and the Virgin's Sister: The Competing Legal Legacies of Colonial
Virginia and Massachusetts," in *The Massachusetts Supreme Judicial
Court, 1692-1992*, ed. Russell K. Osgood (Supreme Judicial Court Historical
Society)
"The Salem Witchcraft Cases"; "The Writs of Assistance Case"; "The Quok Walker
Case," in John W. Johnson, ed., *Encyclopedia of Historic U. S. Court
Cases, 1690-1990* (Garland).

1993

"A Summary View of the Law of British America," *William and Mary Quarterly*, 50: 42

1995

(ed.) *Devising Liberty: Creating and Preserving Freedom in the New American Republic* (Stanford University
Press)
"Jurisprudence and Social Policy in the New American Republic," in *Devising Liberty*

1998

"Contingency and Constitutionalism in Colonial New York," *16 Law and History
Review* 381
"Rethinking Law and the Humanities," *American Bar Association Focus on Law Studies*

2000

"Edmund Pendleton," *American National Biography* (New York: Oxford University Press)

2001

"Legal Fictions and the Rule(s) of Law: The Jeffersonian Critique of Common Law Adjudication," in Bruce H. Mann and Christopher L. Tomlins, eds., *The Many Legalities of Early America* (Chapel Hill: University of North Carolina Press)

"Arms, Right to Bear," *Encyclopedia of American Law* (Facts on File)

2002

"Constitutional Contexts: The Theory of History and the Concept of Constitutional Origins in Revolutionary America," in Sandra F. VanBurkleo, et al., eds., *Constitutionalism and American Life. Writing the New Constitutional History* (University Press of Kansas). Named among "Outstanding Academic Titles, 2002," by *Choice*

Plymouth Court Records 1686-1859 (CD-ROM edition, New England Historic Genealogical Society, 2002)

"Right to Bear Arms," *Encyclopedia of American Law* (Facts on File)

2003

"Thomas Jefferson's Scientific Project and the American West" in *Lewis and Clark: Journey to Another America*, ed. Alan Taylor (Missouri Historical Society, 2003)

"Blue Laws," "Sumptuary Laws," "Colonial Laws," in *Encyclopedia of New England Culture* (Yale University Press)

2004

"The Second Amendment: A Missing Transatlantic Context for the Historical Meaning of "the right of the people to keep and bear arms'," *22 Law and History Review* 119.

"Influence and Emulation in the Constitutional Republic of Letters," *22 Law and History Review* 179

"Thomas Jefferson - The Lawyer as President," *From Law Office to Oval Office -- America's Lawyer Presidents*, ed. Norman Gross (Northwestern University Press, 2004)

"The Persistence of Resistance: Civic Rights, Natural Rights, and Property Rights in the Historical Debate Over the 'right of the people to keep and bear arms,'" *53 Fordham Law Review* 539.

2005

"Virginia and the Imperial State: Law, Enlightenment, and the 'Crooked Cord of Discretion,'" in *The British And Their Laws in the Eighteenth Century*, ed. David Lemmings (Woodbridge[UK]: Boydell and Brewer)

"Inheritance," "Property," "State Law and Common Law," "Popular Sovereignty," *Encyclopedia of the New American Nation* (Thomson Gale)

2006

"St. George Tucker and the Limits of States' Rights Constitutionalism: Understanding the Federal Compact in the Early Republic," *47 William and Mary Law Review* 1279.

"The Long Road to *Dred Scott*: Personhood and the Rule of Law in the Trial Court Records of St. Louis Slave Freedom Suits," *75 University of Missouri-Kansas City Law Review* 51

2007

"Arms and the Man: What Did the Right to 'Keep' Arms Mean in the Early Republic?" *25 Law and History Review* 177

2008

(co-author) BRIEF OF AMICI CURIAE ... IN SUPPORT OF PETITIONERS, ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES, DISTRICT OF COLUMBIA, *et al.*, *Petitioners, v. DICK ANTHONY HELLER, Respondent*. (United States Supreme Court, No. 07-290)

"Regionalism and Early American Law" in *The Cambridge History of American Law*, Volume I: *Early America (1580-1815)*, ed. Michael Grossberg and Christopher Tomlins (New York: Cambridge University Press)

"Thomas Jefferson's Armed Citizenry and the Republican Militia" 1 *Albany Government Law Review* 251

"Thomas Jefferson: Translating Law Across Time and Space," in *Translating Global Cultures: Toward Interdisciplinary (Re)Constructions*, ed. Wang Ning (Beijing: Foreign Language Teaching and Research Press)

2009

"Why the Second Amendment Has a Preamble: Original Public Meaning and the Political Culture of Written Constitutions in Revolutionary America," 56 *UCLA Law Review* 1295

2010

(co-ed. and auth.) *The DRED SCOTT Case. Historical and Contemporary Perspectives on Race and Law* (Ohio University Press)

"James Madison and Common-Law Constitutionalism," 28 *Law and History Review* 507

"Whig Lawyering in the Legal Education of Thomas Jefferson," *The Libraries, Leadership, and Legacy of John Adams and Thomas Jefferson*, ed. Robert C. Baron and Conrad Edick Wright (Massachusetts Historical Society)

2011

(co-author) BRIEF OF HISTORIANS AND LEGAL SCHOLARS ... EZELL V. CITY OF CHICAGO (United States Court of Appeals for the Seventh Circuit)

"Heller, Guns, and History: The Judicial Invention of Tradition," 3 *Northeastern University Law Journal* 175

2012

Thomas Jefferson and the Practice of Law," *Encyclopedia Virginia*

"Jefferson and the Law," *A Companion to Thomas Jefferson*, ed. Francis D. Cogliano (Blackwell)

2014

"Americanization of the Common Law: The Great Migration Meets the Intellectual Migration" 89 *Chicago-Kent Law Review* 917

2015

"John Adams, Constitution Monger" in *Constitutions and Classics. Patterns of Constitutional Thought from Fortescue to Bentham*, ed. Denis Galligan (Oxford University Press)

2019

(co-ed. and author) *The Papers of Thomas Jefferson, series 2: The Legal Commonplace Book of Thomas Jefferson*,
(Princeton University Press)

In progress

Nature's Advocate: Thomas Jefferson and the Republic of Law