

Lea VanderVelde

JOSEPHINE R. WITTE PROFESSOR OF LAW

Guggenheim Fellow in Constitutional Studies, 2011

University of Iowa College of Law, Iowa City, Iowa 52242

L-vandervelde@uiowa.edu 319-335-9102

Current Academic Positions: University of Iowa College of Law: Josephine R. Witte Chair since 2001, Professor since 1985, Associate Professor, 1980.

Principle Investigator, Law of the Antebellum Frontier: Stanford Spatial History Lab, since 2012

Subject areas: Constitutional Law; Slavery and Freedom; 19th c. American Legal History; Property Law; Land Use; Labor, Employment, & Work Law; Gender & the Law; Law of the Frontier.

International experience:

Nominated 2014 Nobel Peace Prize Laureate Kailash Satyarthi, founder of BBA and Global March, originating in 2005 until his recognition in 2014.

Delegate to Laureates and Leaders, Delhi, December 2016.

Japan Foundation Scholar, Kyoto, Japan 2017

Visit to the Courts of the Republic of Marshall Islands, December 2013.

Guest Professor – University of Vienna Juridicum (Law School), Spring 2000 & 2001

Lectures: “The Right to Free Mobility,” “Women and Empire – Ancient Rome and Modern America,” and American Labor Law

Distinguished Visiting Scholar, Wirtschaftsuniversität–Vienna, spring 1998

Invited Guest, Working sub-group on labor migration & European Union accession issues; OECD, Bratislava, Slovakia, 2000.

Consultant to the U. S. Government on Labor Side Agreement to NAFTA, 1995

American delegation of Academic Labor Law experts, to investigate the SONY complaint brought under the North American Free Trade Agreement.

Professor, Iowa Interdisciplinary Program to study the construction and expected effect of the Three Gorges Dam, Yangtze River, China before its operation. May 2000

Professor, Comparative Zoning Law, Bordeaux summer program, Arcachon, France, 1985-86.

Other Law Schools:

Visiting Professor, University of Hawai'i Richardson School of Law, 2018

Visiting Scholar, Stanford Law School, summer 2012 & 2014

Visiting Professor, Yale Law School, 1994-95

Visiting Scholar, American Bar Foundation, 2011 & 2012
Scholar in Residence, NYU Law School, spring 1997
Visiting Professor, University of Pennsylvania Law School, 1985-86

Selected Professional Positions, Professional Service, & Awards:

Principle Organizer, The 13th Amendment Project. 2015 to present

Conference Organizer, The 13th Amendment and Economic Injustice, scheduled March 2018, UNLV Law School

Conference Organizer, 150th Celebration of the 13th Amendment, "The Thirteenth Amendment through the Lens of Class and Labor, Seattle, Washington, June, 2015.

Convener of Experts' Meeting on the proposed Restatement of Employment Law, American Bar Foundation, Chicago, Illinois, Nov. 2011

Contributor, Experts' Meeting on the proposed Restatement, Hastings Law School, Feb. 2001

Member, American Law Institute, since 1993, Lifetime Member as of 2018, Members' Consultative groups for Restatement of Agency and Restatement of Employment.

Author, Report to Illinois Secretary of State, Jesse White Re: Illinois Servitude and Emancipation Record Database, Its Meaning and Its Accuracy. May 2011.

Member, Labor Law Group, since 1984. Editorial Board member; Task force on Teaching Work Law in American Law Schools, 2003, Conference Convener, Chicago, 2011

Member, Arts on Campus Committee, for the University of Iowa, 2008-2013.
Collaboration with mosaicist Gary Drostle on The River of Life, public art installment. 2010

Member, Law & Society, Labor CRN, organizer, Chinatown Labor History Tour, 2011.

Member, Organization of American History, Distinguished Speaker for 2015-2018.

Board Member, Missouri Historical Records Advisory Board, since 2003.

Principal investigator, The Freedom Project – How Slaves used the Courts for Freedom.

Member, State of Wisconsin Sesquicentennial Commission, 1997-98

Special project: created a traveling public exhibition about "Slaves in Free Territory."

Trustee, Iowa Law School Foundation, 1990-1999

Member, Wisconsin Bar, admitted to the Bar, 1978.

Director, RAOS, Reconstruction Amendments Optical Scanning Project, 1989-1993, a project ahead of its time, attempting to create a computer database of Reconstruction Congress debates
Founding Member, Group B Strep Association.

Honors and Grants

NEH Proposal (currently under consideration) "Discourses Across Empire: A Digital Analysis of How the United States Incorporated the Antebellum West
Japan Foundation Travel Scholar, 2017
Delegate, Laureates and Leaders Meeting, New Delhi, 2016
OAH Distinguished Speaker for 2015-2018.
College of Law Nominee for Outstanding University Scholar of the year, 2014
Guggenheim Fellowship, 2011
University of Iowa Faculty Scholar, 1992-96, Global Scholar 2003-2005.
Missouri Supreme Court Local Records Project, 2002
Wisconsin Humanities Council, 1996
Nellie Ball Trust Research Fund, 1993, 1994, 1995
Fund for Labor Relations Studies, 1989, 1990

Clerkships:

The Hon. Harold D. Vietor, U.S. District Judge, Southern District of Iowa, Des Moines, Iowa
Senior Law Clerk, 1979-80

The Hon. William Callow, Justice, Wisconsin Supreme Court, Clerk Intern, 1978

Additional Research Positions:

International Inst. of Applied Systems Analysis (IIASA), Laxenburg, Austria
Research Editor, summers 1976 & 77 editing research reports on global food production & trade.
State of Wisconsin Planning Office Intern, 1975 -1976, project: Lakeshore Development Study
Madison, Wisconsin
University of Wisconsin Institute of Environmental Studies, Project Specialist, 1973-75

Law School Education: University of Wisconsin Law School, J.D. 1978

Honors "A" grade point average: 87.5 Order of the Coif
Wisconsin Law Review, Note & Comment Editor and Writer
Wm. Herbert Page Award, for Most Outstanding Student article.
Co-Chair, National Organization of Women and the Law Conference, 1977.
National Moot Court Team

Publications - Books

REDEMPTION SONGS: SUIING FOR FREEDOM BEFORE DRED SCOTT (Oxford University Press, 2014.)

MRS. DRED SCOTT: A LIFE ON SLAVERY'S FRONTIER (Oxford University Press, hardcover 2009)(paperback 2010),

CASES AND TEXT ON PROPERTY, with Casner, Leach, French, Korngold (4th ed., 2000)(5th ed., 2004)

EMPLOYMENT LAW, with M. Rothstein, C. Craver, E. Shoben, & E. Schroeder (West Publishing, Practitioner series 1994) 2 volumes.

Also, **EMPLOYMENT LAW**, with M. Rothstein, *et. al.* (West Publishing, Hornbook series 1994).

And **HUMAN RESOURCES AND THE LAW**, with M. Rothstein, *et. al.* (BNA Publishing 1994).

Selected Articles:

From the Thirteenth Amendment to the At-will Doctrine: the Path of Labor Republicanism
(under submission)

Where is the Concept of Good Faith in the Restatement of Employment Law? 21 Empl Rts & Empl Policy J. 335 (2018)

Henry Wilson: Cobbler of the Frayed Constitution, Strategist of the Thirteenth Amendment, 15 Georgetown J. of Law and Public Policy 173 (2017).

The Last Legally Beaten Servant in America, Symposium on the 150th Anniversary of the Thirteenth Amendment, 39 Seattle Law Review: 727 (2016)

Dred Scott in Context, 40 Journal of Supreme Court History, 263 (2015.)

The Proposed Restatement of Employment Law at Midpoint, 16 Empl Rts & Empl Policy J 359 (2012).

The Dred Scott Case as an American Family Saga, OAH Magazine of History 2011 25: 24-28.

A Singular Conscience: *In Re Summers*, 14 Empl Rts & Empl Policy J. 153 (2010)

Employment Contracts: Termination (Working Group on Chapter 2 of the Proposed Restatement of Employment Law, with Finkin, Corbett & Befort,) 13 Empl Rts & Empl Policy J., 94-139 (2009)

The Thirteenth Amendment of Our Aspirations, 38 TOLEDO L. REV. 855 (2007)

The Role of Captives in the Rule of Capture, 35 ENVTL. L. 649-672 (2005)

Substituting Social Inclusion for Equal Treatment – A Response to Professor Hugh Collins, 14 TRANSNAT'L LAW & CONTEMP. PROBLEMS 919-925 (2005)

And Equalities for All, 1 JURIDICUM (2000)

Mrs. Dred Scott, with Sandhya Subramanian, 106 YALE L.J. 1033-1122 (1997)
Reprinted in *Critical Race Feminism*, (2d. ed., A. Wing, ed. NYU Press 2003)

The Legal Ways of Seduction, 48 STAN. L. REV 817-901 (1996)

The Moral Economy of the Purchase of Freedom: Ethical Lessons from the Slave Narratives,
17 CARDOZO L. REV. 1983 (1996).

Legal Pluralism and Equal Treatment in the Context of Zoning Variances, 33 J. LEGAL
PLURALISM 91 (1993).

**The Gendered Origins of the Lumley Doctrine: Binding Men's Consciences and
Women's Fidelity**, 101 YALE L.J. 775-852 (1992).
Reprinted in *THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY* (2d
series, Brian Bix, ed., Ashgate 2000)
Reprinted in *CONTRACT STORIES*, Douglas Baird, ed. (2006)

Local Knowledge, Legal Knowledge, and Zoning Law, 75 IOWA L.REV. 1057-1075 (1990).
Reprinted in 23 *LAND USE & ENVIRON. L.REV.* 59 (1992).
Reprinted in *A LAND USE ANTHOLOGY*, Jon W. Bruce, ed. (1998)

The Labor Vision of the Thirteenth Amendment, 138 U. PA. L.REV. 437 (1989).

Making Good on Vaca's Promise: Apportioning Backpay to Achieve Remedial Goals, 32
U.C.L.A. L.REV. 302 (1984).

A Fair Process Model for the Union's Fair Representation Duty, 67 MINN. L.REV. 1079 (1983).

Book Chapters:

WAL-MART AS A PHENOMENON IN THE LEGAL WORLD: MATTERS OF SCALE, SCALE MATTERS, in
WAL-MART WORLD, Stanley Brunn, ed. (Routledge Univ. Press 2006) pp. 115-140.

Coercion in At-Will Termination of Employment and in Sexual Harassment in Catharine A.
MacKinnon & Reva B. Siegel, **DIRECTIONS IN SEXUAL HARASSMENT LAW** (Yale Univ.
Press 2003) pp. 496-515.

Hidden Dimensions in Labor Law History: Gender Variations on the Theme of Free Labor,
LABOR LAW IN AMERICA: HISTORICAL AND CRITICAL ESSAYS, Chris Tomlins, ed., (Johns
Hopkins Univ. Press, 1992) pp. 99-127.

In Progress: Long term works

THE MASTER NARRATIVE OF 19TH CENTURY AMERICAN LAW: The Significance of Slavery and its
Abolition for American Work Law (book in progress).

SLAVES IN THE LAND OF LINCOLN: How Domestic Slavery Impacted National Expansion

TALIAFERRO'S LAW (Indian Agent Lawrence Taliaferro's journal, as he brought "settlement law"
to the Minnesota Frontier.)

In Progress: Articles

The Thirteenth Amendment, the Carceral State, and the Settler Frontier

The Thirteenth Amendment and the Right to Quit.

Three Models of Loyalty (conceptual guidelines for the revision of the duty of loyalty in
employment law in the Restatements of Agency and Employment)

How the Antebellum West Sheds Light on the Reconstruction Amendments.

A Grievance based Method of Constitutional Interpretation.

Short Films and C-span Presentations

Split in Two: The Dred Scott Decision - 1857. Minnesota and the Civil War, Minnesota
Historical Society and Minnesota Public Television (2013.)

Dred Scott in Context, U.S. Supreme Court, May 1, 2014.

Redemption Songs: Suing for Freedom Before Dred Scott, National Archives, Washington, D.C.
Feb. 15, 2015.

Book Reviews

Review, Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600-
1700 by Michelle A. McKinley, Law and History Review (forthcoming 2017).

Review, Making Race in the Courtroom: The Legal Construction of Three Races in Early New

Orleans by Kenneth R. Aslakson, 121 *The American Historical Review* 564 (2016).
Review, New Works on Slavery in the Antebellum Midwest, 43 *REV. IN AM. HIST.* 498 (2015).
Review, To Free a Family: The Journey of Mary Walker by Sydney Nathans, 3 *J CIVIL WAR ERA* 129 (2013).
Review, Free to Work: Labor Law, Emancipation, and Reconstruction, 1815-1880 by James Schmidt, 45 *AMER. J. LEGAL HISTORY* 522 (2004).
Review, Capitalism and Unfree Labour: Anomaly or Necessity? by Robert Miles, 16 *LAB. STUDIES J.* 65 (1991).
Review, Labor's Lost Horizons - The Austrian System Of Industrial Relations, 8 *COMP. LAB. L.J.* 400 (1987).

Scholarship and Ms. Reviewer for :

Cambridge University Press; University of Illinois Press; Oxford University Press; American Journal of Legal History; Law and History Review; Reviews in American History; American Historical Review; Law & Social Inquiry; Missouri Historical Review. U.S. and Canadian tenure and promotion files

Selected Recent Invited Scholarly Presentations

“The 13th Amendment in the Constitutional Reconstruction” 2018 AALS meeting, January 2018, San Diego, California.
“How the State Courts Responded to the 13th Amendment’s Labor Vision,” ASLH Conference, Las Vegas Nevada, October 27, 2017.
“The Master Narrative of American Labour Law: Raw Subordination Principles in American Common Law,” LLRN Toronto 2017
“Protecting Low Wage Workers: Opportunities for Regulation & Enforcement,” Commentator, Law & Society Mexico 2017
“Missed Opportunity in the Master Narrative of US Law: How Did American Workers Lose Legal Ground?” McGill University, Montreal, March 2017
“You Never Know Where You May Find Domestic Slavery – Even in Minnesota before the Civil War,” 2016 Nobel Peace Prize Forum, June 6, 2016.
“Senator Henry Wilson: Cobbler of the Constitution, Strategist of the 13th Amendment.” Georgetown Center for the Constitution, Second Annual Salmon P. Chase Colloquium celebrating the Thirteenth Amendment, December 4-5, 2015.
“The Last Legally Beaten Slave in America,” 150th Anniversary Celebration of the 13th Amendment Conference, Seattle, June 2015, co-sponsored by the Fred Korematsu Center, Seattle Law School and the University of Washington Law School, June 1, 2015.
“The Constitutional Right to Quit,” Law & Society Annual Meeting, Seattle, May 29, 2015.
“Redemption Songs: Sung for Freedom before Dred Scott, National Archives, Washington, Feb. 15, 2015.
“Are We Asking Enough of Our Students,” Faculty Food for Thought, Iowa Law School
“Slave Suits for Freedom before Dred Scott, Loyola Los Angeles Law School, Jan. 2015
Panel discussion “Salmon P. Chase, as Lawyer and Jurist,” Georgetown Law School, Dec. 5, 2014.
“Aspects of Slavery on the Antebellum Frontier,” Harvard Law School Legal History Workshop,

- Sept 14, 2014.
- “Dred Scott in Context.” Supreme Court Historical Society, U.S. Supreme Court, Leon Silverman Lecture, May 1, 2014.
- “Aspects of Slavery on the Antebellum Frontier,” Harvard Law School, Legal History Workshop, Sept. 2014.
- “The Duncan Brothers, White and Black” Keynote Speech, Missouri Historical Society Annual Meeting, Jefferson City, March 15, 2014.
- “Digital Humanities, an introduction to an Emerging Methodology” Iowa Law School, Jan. 29, 2014.
- “Redemption Songs,” Interview with Iowa Public Radio, Jan. 31, 2014.
- “Slaves on the American Frontier,” The Atlantic Slave Database Research Colloquia, Michigan State University History Department, Nov. 8, 2013.
- “St. Louis Freedom Suits,” Southern History Association Conference, Old Courthouse, St. Louis, Nov. 1, 2013.
- “New Research on Dred Scott v. Sandford,” Conference of the Council of Chief Judges of the State Courts of Appeal, St. Louis, Oct. 31, 2013
- Dred Scott and Minnesota, video-taped interview for Minnesota Public Television series on Minnesota and the Civil War, July, 2013.
- Interview with The Junto, Webzine for Society for History of the Early American Republic, May, 2013.
- “Employment At-Will and the Proposed Restatement of Employment Law,” Vulnerability and Labor conference, Emory University Law School, April 6, 2013.
- “Slavery in the New World,” Discussant, “Law and the French Atlantic,” Newberry Library, Chicago, Oct. 5, 2012.
- “Teaching Employment Law without a Textbook, with Research and a Wiki,” New Teaching Methods, Labor Law Group Conference. Asheville, N. Ca. Apr. 9, 2012.
- “Three Black Women in the Shadow of Slavery,” Discussant, Organization of American Historians, Milwaukee April 20, 2012.
- “The Proposed Restatement of Employment Law at Mid-point,” Panel of Experts Conference organizer and convener, American Bar Foundation, Nov. 14, 2011.
- “How the Antebellum West Sheds Light on the Reconstruction Amendments,” American Society of Legal History, Atlanta, Georgia Nov. 10, 2011
- “The Thirteenth Amendment and the Right to Quit,” Conference on the Constitutionalization of Labor Law, University of Wisconsin Oct. 28, 2011.
- Labor History Tour of San Francisco’s Chinatown, Tour organizer, Law & Society Annual meeting, San Francisco, Ca. July 2, 2011.
- “The Kidnap of Lydia’s Children: A Chapter from Redemption Songs,” University of Chicago Law School Workshop on Family, Sex, and Gender, May 4, 2011.
- “A Grievance-based Interpretation of the Constitution,” Schmooze on the 13th Amendment, University of Maryland Law School, Feb. 25, 2011.
- “How the Frontier Slaves got Lawyers” American Bar Foundation, Jan. 12, 2011.
- Commentator, Panel on Don Fehrenbacher’s work on Dred Scott, by the next generation of Dred Scott Scholars, Rights Conference. San Francisco State University. Sept. 16, 2010.
- “Author meets Readers panel on my book, *Mrs. Dred Scott: A Life on Slavery’s Frontier.*” Commentators: Judith Resnick, Randy Barnett, Marley Weiss, Michael Les

Benedict, and Guyora Binder. Law & Society Annual Meeting, May 28, 2010.
Organizer, Hastings- Labor Law Group Conference on the Restatement of Employment Law,
presenter: "Section 2.01, is the At-will Core Stable?" Feb. 2009.
Workshop series, "The Slaves of Milton Duty," Iowa Law Faculty Workshop, Jan. 2009.
Marquette Law School, Nov. 2007
Law & Society, Berlin, July 2007
Dred Scott v. Sanford, at 150 years, Harvard Law School, April 2007 &
Washington University - St. Louis, March 2007
"Mrs. Dred Scott" to OAH Secondary School Teachers education, Dickinson College, March
2007
"The Dred Scott case from the Family perspective," University of Minnesota Law School, Sept.
2006 & Federal Bar Association of the 8th Circuit, St. Paul Minnesota, June 2007.
"The Thirteenth Amendment as a Basis for Civil Rights Litigation," Thirteenth Amendment
Symposium in honor of James Ashley, Toledo Law School, Toledo, Ohio, Oct. 2006.
"Lessons from those who help the worst off: Anti-slavery activists in India," INTELL 8, summer
2006.
"How can we abolish Child Labor in a Globalized Economic Order? Report from India" in The
Earth is Flat: The Globalization of Labor Law, at Labor Law Group Conference, Summer 2006).
"John F. A. Sanford, the Fur Trade years of Dred Scott's Master," Ninth North American Fur
Trade Conference, St. Louis, Summer 2006.
"A Case of Frontiersmanship," Dred Scott Symposium, University of Texas, Austin, Spring 2006.
and University of Iowa Faculty Seminar, Fall 2005.
"Scale Matters," University of Iowa Inequality Studies Institute seminar, Jan. 2006.
"Child Slavery in India," Iowa City Foreign Relations Council, Spring 2006.
"The Common Basis of Blackstone's Master-Servant in American and Indian Law", New Delhi
Law School Delhi, India, Spring 2005.
Study tour of Women in Work in Japan, sponsored by INTELL & the Japanese Parliament,
Kyoto, Japan, Spring 2004
Constitutional Law and Work Law as Converging Doctrines" presented at Labor Law Group
Meeting in Toronto in July 2003.
Labor and Globalization" panel chair and commentator, Law & Society meeting, Pittsburgh, July
2003.
An Overview of the St. Louis Freedom Cases" showcased at a conference organized by Washington
University St. Louis entitled, "Challenging Slavery: Seeking Freedom in St. Louis".
American Citizenship in Historical Perspective," SASE Conference on Socio-Economics,
University of Minnesota, July 2002.
Searching for Harriet and Dred Scott," Missouri Supreme Court Historical Society, Oct. 2002.
Conference on Constitutional Courts, Institute for Global Legal Studies, Washington University
School of Law, Nov. 2001.
Intentional Meeting of Scholars of African-American History, Minn. Historical Society, Oct. 2001.
Gender and Power in Historical Context," moderator and organizer, Law & Society, Budapest,
Hungary, June 2001.
All Across the Border: Structuring Gaming Moves in Equalization of Labor Standards," presented
at Law & Society, Budapest, Hungary, June 2001.
McDonaldization of American Labor Law," University of Vienna, Institute for Labor and Social

Security, May 2001.

The Litigants in the Dred Scott Case: A Case of Frontierism," AALS, 2001.

Slaves in Free Territory" presented at the ASLH, Princeton, fall 2000.

"Harriet's World" presented at the Faculty symposium of the law school of Florida State University, Spring 2000.

Study tour of Labor Reform in South Africa, INTELL conference, Capetown, South Africa, Spring 1999.

Wisconsin Sesquicentennial Symposium: Historical Perspectives on Race and Law in the U.S.: Three Case Studies, Sept. 1998.

"New Developments in American Industrial Relations -- What Ever Happened to Collective Bargaining," WirtschaftsUniversitaet -- Vienna, Austria, May 1998.

"Coercion in At-Will Employment and Sexual Harassment," CEU University, Budapest, Hungary, May 1998.

"Coercion and At-will in Sexual Harassment Litigation," Sexual Harassment Symposium, 20 years later, Yale Law School, Feb-March 1998.

"Property in the Mind," Innovation Symposium, NYU Law School, February 1998 .

"Prerogative, Discipline, and Loyalty: The Marginalization and Death of the Practice of Whipping Servants and Slaves in the First Half of the Nineteenth Century," June 1996, Glasgow, Scotland, Law and Society Meetings.

"Against the Depiction of Domestic Violence as Situation Comedy," Workshop on the Status of Women in New Market Economies, April, 1996, University of Connecticut School of Law.

Commentary, "Reconstruction Politics," Organization of American Historians, April 1995.

"The Legal Ways of Seduction," NYU Faculty Colloquium, April 1995 & Yale Law Faculty Workshop, Feb. 1995.

"Their Presence in the Galleries," Quinnipiac Law School Faculty Colloquium, April 12, 1995.

"The Moral Economy of the Purchase of Freedom: Lessons from Slave Narratives," presented at the Cardozo symposium on Bondage, Slavery and the Constitution, Feb. 1995.

"Listening for Rhythm at Critical Junctures in Legal History," Organization of American Historians, April 1994, Atlanta, Ga.

"Actresses and Free Labor in 19th Century America," The Mitchell Lectures at State University of New York at Buffalo, March 1992.

"Free Labor and the Reconstruction Amendments," The Schouler Lectures at Johns Hopkins University History Department, April 1990.