

Lea VanderVelde

UNIVERSITY DISTINGUISHED CHAIR (FORMERLY JOSEPHINE R. WITTE PROFESSOR OF LAW)
2022 University of Iowa Research Scholar of the Year

University of Iowa College of Law, Iowa City, Iowa 52242
L-vandervelde@uiowa.edu 319-335-9102

Subjects: Constitutional Law and Reconstruction; Labor & Employment Law; Slavery and Freedom, 19th c. American Legal History; Property & Land Use; Gender & Law, Digital Text Analysis.

Principal Investigator, the RAOS project, digital analysis of the Reconstruction Congress debates from 1861-1875 to discover new meanings.

Principal Investigator, Law of the Antebellum Frontier: Stanford Spatial History Lab, digital analysis of the Territorial Records of the U.S.

Additional Law School Affiliations:

University of Hawai'i Richardson School of Law, Visiting Professor 2018; Stanford, Visiting Scholar, summer 2012 & 2014; Yale Law School, Visiting Professor, 1994-95
American Bar Foundation, Visiting Scholar, 2011 & 2012; NYU Law School, Visiting Scholar, 1997; University of Pennsylvania Law School, Visiting Professor, 1985-86; Wirtschaftsuniversität Wien, Visiting Professor, Vienna 1998-2001; University of Vienna Juridicum, Visiting Professor, Austria, 1998 -2001.

Honors and Grants:

- University of Iowa Research Scholar of the Year, 2022.
- Selected to deliver the University Presidential Lecture in 2023
- Brophy Prize for 2020 Best Legal History Article published in the AJLH.
- May Brodbeck Humanities Fellowship 2019-2020.
- Law School's Nominee for Distinguished University Chair, 2021.
- Guggenheim Fellow (Constitutional Studies) 2011
- Distinguished Speaker, Organization of American History, 2015-present
- Fellow of the American Bar Foundation, 2019 (declined.)
- Japan Foundation Travel Scholar, 2017 travel to Japan
- Invited Delegate, Laureates & Leaders Meeting, New Delhi, 2016, by Zoom, 2020.
- Law School's Nominee for Outstanding University Scholar of the year, 2014
- University of Iowa Faculty Scholar, 1992-96, Global Scholar 2003-2005.

- Smaller Grants from Missouri Supreme Court Local Records Project, 2002; Wisconsin Humanities Council, 1996; Nellie Ball Trust Research Fund, 1993-95; Fund for Labor Relations Studies, 1989 & 1990

Selected Professional Positions, Professional Service

Historian Consultant for The Center for Constitutional Rights, N.Y.C. 2020-present. Projects include civil rights projects that link to Reconstruction: descendants' access to slave burial grounds for St. James Rising, police checkpoints in Buffalo, N.Y., election access, and constitutional exception permitting forced labor in prisons.

Historian Consultant for Advisory Board, U.S. National Park Service, Pathways to Freedom, 2018 to present, documenting runaway slaves' experiences.

Founding member, The 13th Amendment Project, a collection of scholars dedicated to invigorating the Amendment's interpretation. 2015 to present -- Conferences and Symposia: 2019, Chicago Kent; 2018, UNLV Law School; Seattle, 2015.

Lifetime Member, American Law Institute, as of 2018, Members' Consultative groups for Restatements of Agency and Employment. Convener of Experts' Meeting on Employment Law, American Bar Foundation, 2011, and Hastings Law School, 2001

State Historical Archives service:

Advisor, **Missouri** State Museum Archives, Chouteau Papers Indexing project, 2015; Advisor, **Missouri**: Missouri Historical Records Advisory Board, since 2003; Advisor, **Illinois**: Report to Illinois Secretary of State, Illinois Servitude and Emancipation Record Database, Its Meaning and Its Accuracy. 2011; Advisor, **Wisconsin**: State Sesquicentennial Commission, 1998.

Invited Member, Labor Law Group, since 1984, Professors seeking to improve legal pedagogy.

Trustee, Iowa Law School Foundation, delegate, 1990-1999; Honorary Trustee, to present.

Member, Wisconsin Bar, since 1978.

Founding Member, Group B Strep Association, 1990 -1995, parents' group that successfully achieved a change in national prenatal screening protocol by working with the CDC, ACOG, and American Academy of Pediatrics resulting in saving the lives of more than 8,000 newborns each year in the U.S.

Scholarship and Ms. Reviewer for:

- U.S. and Canadian tenure and promotion files.
- University Presses and Peer Review Journals: Cambridge, Oxford; Berkeley; University of Illinois; AJLH; Law & History Review; Reviews in American History; American

Historical Review; Law & Social Inquiry; Missouri Historical Review, Law & Society prize panel.

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, Intern, 1978

Publications – Books

MODERN EMPLOYMENT LAW: IN TIME AND SPACE, a casebook (West Publishing, 2022)

ANALYZING TEXTUAL INFORMATION: FROM WORDS TO MEANINGS THROUGH NUMBERS, a textbook with Johannes Ledolter (Sage, 2021).

REDEMPTION SONGS: SING FOR FREEDOM BEFORE DRED SCOTT (Oxford, 2014.)

MRS. DRED SCOTT: A LIFE ON SLAVERY’S FRONTIER (Oxford, hardcover 2009)(paperback 2010)(compact edition, under contract, anticipated 2023).

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

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

Also, **EMPLOYMENT LAW**, with Rothstein, *et. al.* (West Publishing, Hornbook series 1994). and **HUMAN RESOURCES AND THE LAW**, with Rothstein, *et. al.* (BNA Publishing 1994).

Articles:

The Meaning of “Except for Punishment” Before Jim Crow, submitted for publication.)

The Anti-Republican Origins of the At-Will Doctrine, 60 AJLH 397 (2021). (winner of the Prophy prize for best article of the year.)

Sowing the Seeds of Chinese Exclusion as the Reconstruction Congress Debates Civil Rights Inclusion, 12 TSINGHUA L. REV. 185 (2021) and ASIAN PACIFIC L.J. (forthcoming), with Gabriel J. Chin.

Fourteenth Amendment Constitutional Disqualifications from Office, On-Line commentary, Balkinization available at: <https://balkin.blogspot.com/2021/01/constitutional-disqualifications->

from.html

A Case Study in Text Mining: Textual Analysis of the Territorial Papers, with Johannes Ledolter, 35 Digital Scholarship in the Humanities 101 (2020).

Servitude and Captivity in the Common Law of Master-Servant: Judicial Interpretations of the Thirteenth Amendment's Labor Vision after Reconstruction, 27 WM. & MARY BILL RTS. J. 1079 (2019).

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 13th Amendment, 15 GEORGETOWN J. OF LAW AND PUBLIC POLICY 173 (2017). Reprinted, *The Original Meaning and Continuing Relevance of the 13th Amendment*, Georgetown Center for the Constitution (2020).

The Last Legally Beaten Servant in America, Symposium on the 150th Anniversary of the 13th Amendment, 39 SEATTLE L. REV. 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, 25 OAH Magazine 24 (2011).

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

Employment Contracts: Termination -Working Group, Chapter 2 of the Restatement of Employment Law, (with Finkin, Corbett & Befort,) 13 EMPL RTS & EMPL POLICY J., 94 (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 (2005).

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

And Equalities for All, 1 JURIDICUM (2000).

Mrs. Dred Scott, with Sandhya Subramanian, 106 YALE L. J. 1033 (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 (1992).

Reprinted, *THE INT'L LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY* (2d series, Brian Bix, ed., Ashgate 2000); Reprinted, *CONTRACT STORIES*, Douglas Baird, ed. (2006)

Local Knowledge, Legal Knowledge, and Zoning Law, 75 *IOWA L.REV.* 1057-1075 (1990). Reprinted, 23 *LAND USE & ENVIRON. L.REV.* 59 (1992). Reprinted, *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).

Utility Extensions: An Untested Control on Wisconsin's Urban Sprawl, 1977 *WIS. L. REV.* 1132.

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 *DIRECTIONS IN SEXUAL HARASSMENT LAW*, Catharine A. MacKinnon & Reva B. Siegel, ed. (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: Articles

Reparations for Miss Sue Ann Murphy: The Discourse on Constitutional Property Principles at

the Cusp of Change

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).

Land, Sovereignty, and Belonging: The Curious Life of William M’Intosh (The litigant in Johnson v. M’Intosh experienced a more complex relationship to sovereignty than the Supreme Court’s leading case on the subject ever revealed.)

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

Reconstruction Heroes, Editor, (A set of biographical chapters of selected Reconstruction Congressmen and Freedman’s Bureau Leaders, composed of contributions by biographers. (soon to be submitted to interested presses.)

Short Films and C-span Presentations

- Screen Credit in film, **Kailash**, 2018 Sundance Film Festival best documentary.
- Oregon Law Lab, 2 episodes, “The Rise of Employment At-Will, & ”The Origin of Master-Servant Doctrine” (2019).
https://www.youtube.com/watch?v=a_YqKVAVJFA&ab_channel=OregonLawLab
- University of Missouri, African American Experience Lecture Series - "The Legacy of Slavery and Freedom in St. Louis before the Civil War,"
<https://www.youtube.com/watch?v=oGhjYX4qlGg> (2016).
- Slave Stampedes on the Missouri Borderlands, A Joint National Park Service – House Divided Project research initiative (2019)
https://www.youtube.com/watch?v=Tc3_kv8LgBQ&t=7s
- **Redemption Songs: Suing for Freedom Before Dred Scott**, National Archives, Washington, D.C. (2015).
- **Dred Scott in Context**, U.S. Supreme Court, (2014).
- **Split in Two: The Dred Scott Decision – 1857.** Minnesota and the Civil War, Minnesota Historical Society and Minnesota Public Television (2013).

Book Reviews and Encyclopedia Entries

- *On-Line Book Review*, Embracing the Entirety; Close and Distant Reading of The Congressional Globe, For the Symposium on Kurt Lash, The Reconstruction Amendments: The Essential

Documents, (July 2021) <https://balkin.blogspot.com/2021/06/embracing-entirety-close-and-distant.html>

- *Review*, Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857 by Anne Twitty, 124 AMERICAN HIST. REV. 1894 (2019).
- *Review*, Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600-1700 by Michelle A. McKinley, 35 LAW & HISTORY REV. 1083 (2017).
- *Review*, Making Race in the Courtroom: The Legal Construction of Three Races in Early New Orleans by Kenneth R. Aslakson, 121 AMERICAN HIST. REV. 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).
- Entry, Dred Scott, The Yale Biographical Dictionary of American Law (Roger Newman, ed. 2007.)
- *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).

Additional Earlier Research Positions:

- Int'l Inst. of Applied Systems Analysis (IIASA), Laxenburg, Austria. Research Editor, summers 1976 & 77, reports on global food production.
- State of Wisconsin Planning Office Intern, 1975 -1976, project: Lakeshore Development Study.
- Univ. of Wisconsin Institute of Environmental Studies, Project Specialist, 1973-75, data linking utility expansion and land sales values.

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

Honors: "A" grade point average: 87.5; Order of the Coif; National Moot Court Team, Wisconsin Law Review, Note & Comment Editor. Outstanding Student article Award. Co-Chair, 7th National Organization of Women and the Law Conference, 1977.

Selected Invited Scholarly Presentations

How the Reconstruction Congress Let Down Freedwomen like Mrs. Dred Scott, UC-Davis Law School, Sept 24, 2021

Background Notes for Discussing America's Carceral State: Abolished Except as Punishment for Crime, International Workshop on Prison Labor, University of Haifa Law School, on Zoom, Sept. 9, 2021.

Labor Law Research Network, Valparaiso, Chile 2019. LLRN Toronto 2017

The Anti-Republican Origins of the At-Will Doctrine, LAPA Princeton 2019.

ASLH Meeting, 2017.

2016 Nobel Peace Prize Forum.

National Archives, Washington, 2015.

Dred Scott in Context. U.S. Supreme Court Historical Society, Leon Silverman Lecture, 2014.

Keynote, Missouri Historical Soc'y Annual Meeting, 2014, 2002.
 Southern History Assn Conference, 2013.
 Conference of the Council of Chief Judges of the State Courts of Appeal, St. Louis, 2013 Federal Bar Assn of the 8th Circuit, St. Paul Minnesota, 2007.
 Interview with The Junto, Webzine for SHEAR, 2013.
 Newberry Library, Chicago, 2012.
 LLG Meeting. 2012; 2006, 2003.
 ABF, 2011.
 ASLH, 2011
 Hastings- LLG Meeting 2009.
 Mrs. Dred Scott, to OAH Secondary School Teachers education, Dickinson College, 2007
 The Dred Scott case from the Family Perspective, University of Minnesota Law School, 2006
 INTELL 8, 2006, Kyoto, Japan, 2004.
 9th North American Fur Trade Conference, St. Louis, 2006.
 Child Slavery in India, Iowa City Foreign Relations Council, 2006.
 SASE Conference on Socio-Economics, University of Minnesota, 2002.
 Slaves in Free Territory ASLH, Princeton, 2000.
 Invited Speaker at the following Law Schools and Universities: UNLV, 2018; Michigan State 2013; University of Hawaii, 2018; McGill University, Montreal, 2017 Harvard Law School, 2014. Georgetown Center for the Constitution, 2015. Loyola Los Angeles Law School, 2015. University of Seattle, 2015, Fred Korematsu Center, University of Washington Law School. 2015; Emory, 2013; University of Wisconsin 2011; University of Chicago Law School, 2011. University of Maryland, 2011; San Francisco State 2010. Harvard Law School, 2007, Washington University – St. Louis, 2007, 2003, 2001; Marquette Law School, 2007; Toledo, 2006. University of Texas, Austin, 2006. New Delhi Law School Delhi, India, 2005. University of Vienna, Juridicum, 2001. Florida State University Law School, 2000. Wirtschafts Universitaet -- Vienna, Austria, 1998. , CEU University, Budapest, Hungary, 1998. Cardozo Law School 1995. Quinnipiac Law School, 1995. Univ of Connecticut, 1996. NYU Law School, 1995, 1998, Yale Law School, 1998, 1995,
 Frequent Speaker at National Meetings such as: OAH Annual Meeting, 2012, 1995, 1994.
 Law & Society, 2017, 2015, 2010, 2007, 2003, 2001, 1996
 AALS, 2018, 2001
 Labor Reform in South Africa, INTELL, Capetown, South Africa, 1999.
 Wisconsin Sesquicentennial Symposium: Historical Perspectives on Race and Law in the U.S.: Three Case Studies, 1998.
 Actresses and Free Labor in 19th Century America, The Mitchell Lectures, SUNY -Buffalo, 1992.
 Free Labor and the Reconstruction Amendments, The Schouler Lectures, Johns Hopkins University, 1990.

International experience:

- India: successfully nominated 2014 Nobel Peace Prize Laureate Kailash Satyarthi, child rights' activist, beginning in 2005 continuing to his recognition in 2014.
- Invited Delegate to Nobel Laureates & World Leaders, Delhi, 2016, Jordan 2018, and on Zoom 2020.
- Invited Delegate, 2016 Nobel Peace Prize Forum, Minneapolis, Minnesota.

- Consultant on film, *The Price of Free*, chronicling Satyarthi's mission, 2018.
- Global Scholar, in residence in Delhi with Kailash Satyarthi's Bachpan Bachao Andolan, documenting the mission's success in rescuing children 2003.
- Japan Foundation Scholar, Kyoto and Tokyo, Japan 2017.
- Visited the Courts of the Republic of Marshall Islands, 2013.
- Invited Observer, Working Sub-group on Labor migration & European Union accession issues; OECD, Bratislava, Slovakia, 2000.
- Vienna, of Counsel to Weiss, Tessbach, law firm handling mergers and acquisitions for international acquisitions, 2000-2001.
- U.S. Consultant, Labor Side Agreement to NAFTA, 1995, Mexico: first U.S. delegation of American law experts, the SONY case.
- China: Professor, Iowa Interdisciplinary Program to study the environmental effect of the Three Gorges Dam, Yangtze River, China before its operation. May 2000.
- France: Professor, Comparative Zoning Law, Arcachon, France, summer, 1985-86.
- member of International Network on Transformative Employment and Labor Law (INTELL) 1996-2006.
- Invited member of Labour Law Research Network, 2015- present.

Languages: English, German (fluent), French (reading.) Extensive experience throughout Europe, North America, and Asia. Some experience in Africa and South America.