

Lea VanderVelde

JOSEPHINE R. WITTE PROFESSOR OF LAW & GLOBAL SCHOLAR

University of Iowa College of Law
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Academic Positions:

University of Iowa College of Law: 1978-79; 1980-present, Professor since 1985; Faculty Scholar, 1992-1996, Josephine R. Witte Chair, since 2001. Global Scholar for 2003-2005

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

Global Scholar Research - Delhi and Jaipur, India, interviewing activists in the service of enforcing the legal rights of children to be free from slave labor conditions. Spring 2005.

Participant, Study tour of Women in Work in Japan, sponsored by INTELL and the Japanese Parliament, Kyoto, Japan, Spring 2004

Guest Professor – University of Vienna Juridicum, Spring 2000 & Spring 2001
Courses on the subject of “The Right to Free Mobility,” “Women and Empire -- Ancient Rome and Modern America,” and American Labor and Employment Law

Professor, Int’l Program to study the Three Gorges Dam of the Yangtze River, China May 2000.

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

Distinguished University Guest, Wirtschafts Universitaet–Vienna, Spring 1998
Professor, Comparative Zoning Law, Iowa-Bordeaux program, Arcachon, France, Summer 1986.

Scholar in Residence, NYU Law School, Spring 1997
Visiting Professor, University of Pennsylvania Law School, 1985-86.
Visiting Professor, Yale Law School, 1994-95

Selected Professional Positions, Professional Service, and Awards:

Principal investigator, The Freedom Project – How Slaves used the Courts for Freedom Fellowship, Missouri Supreme Court Local Records Project, 2002

Global Scholar visiting Kailash Satyarthi, BBA, SAACS, and Global March in Delhi, India studying the success and timing of a social movement to end child labor, 2005.

Task force member, The Teaching of Work Law in American Law Schools for The Labor Law Group, 2003

Consultant to the U. S. Government on Labor Side agreement to NAFTA, since 1995 duties: describing the dimensions of American labor law pursuant to the first public 3-nation tribunal of Academic experts, to investigate complaints brought under the North American Free Trade Agreement.

Distinguished Guest to Working sub-group on labor migration and European Union accession issues; OECD, Bratislava, Slovakia, 2000.

Member, American Law Institute, since 1993. special duties: Members' Consultative on proposed Restatement of Agency, since 1995

Member, Wisconsin Bar Association, admitted to the Bar.

Member, State of Wisconsin Sesquicentennial Commission, 1997-98

Special project: conceived, designed, and executed a traveling public exhibition on the subject of "Slaves in Free Territory." Exhibit currently touring the State of Wisconsin.

Member, Labor Law Group, since 1984.

Member, Commission on Folk Law & Legal Pluralism, since 1988.

Member, Law & Society Association.

Trustee, Iowa Law School Foundation, 1990-1999

Director, RAOS Project -- Reconstruction Amendments Optical Scanning, 1989-1993. duties: supervising a staff of research assistants in creating a computer database of the debates of the Reconstruction Congress

Founding Member, Group B Strep Association.

Governor's Blue Ribbon panel to judge Environmental Awards, 2000

Grant Recipient, Wisconsin Humanities Council, 1996.

Grant Recipient, Nellie Ball Trust Research Fund, 1993, 1994, 1995.

Grant Recipient, Fund for Labor Relations Studies, 1989, 1990.

State of Iowa Ad Hoc Mediator, Public Employment Relations Board.

Clerkships:

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

The Honorable William Callow, Associate Justice, Wisconsin Supreme Court
Judicial Intern, January-June 1978

Research Positions:

Employer International Institute of Applied Systems Analysis (IIASA), Laxenburg, Austria
Research Assistant and Editor, Summers 1976 and 1977
duties: edited research reports for publication and assisted research on world food
production and trade.

Employer State of Wisconsin Planning Office, Madison, Wisconsin
Planning intern, Summer 1975 to Spring 1976

Employer University of Wisconsin Institute of Environmental Studies, Project Specialist,
1973-74 and Spring 1975

Law School Education: University of Wisconsin Law School, J.D. 1978
"A" grade point average: 87.5 Order of the Coif

Honors Wisconsin Law Review: Note & Comment Editor.
Wm. Herbert Page Award, selected by the faculty for the Outstanding Student
Contribution to the Law Review.

Publications - Books

**SLAVES IN FREE TERRITORY: THE BACKGROUND STORY OF THE DRED SCOTT
DECISION** -- (biography in manuscript. 1050 pp., submitted for publication.)

CASES AND TEXT ON PROPERTY, Casner, Leach, French, Korngold, & VanderVelde
(4th ed., 2000)(5th edition 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).

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

REDEMPTION SONGS: ONE HUNDRED FREEDOMS (book ms. in progress)

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

Selected Articles

Slaves in Free Territory (article in preparation for submission)

The American Tradition of Free Labor (accepted for publication, 13th Amendment symposium, Toledo Law Review)

Dred Scott v. Sanford: A Case of Frontiersmanship (accepted for publication by one journal, still under review by others)

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 Specific Performance 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 Publ. 2000)

Reprinted in *Contract Stories*, Douglas Baird, ed. (forthcoming 2007)

Local Knowledge, Legal Knowledge, and Zoning Law, 75 IOWA L.REV. 1057-1075 (1990).

Reprinted in 23 LAND USE & ENVIRONMENT 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. 437-504 (1989).

Making Good on Vaca's Promise: Apportioning Backpay to Achieve Remedial Goals , 32 U.C.L.A. L. REV. 302-395 (1984).

A Fair Process Model for the Union's Fair Representation Duty , 67 MINN. L. REV. 1079-1164 (1983).

Comment, *Utility Extensions: An Untested Tool for Controlling Urban Sprawl* , 1977 WIS. L. REV. 1132-1157. (Awarded the Wm Herbert Page Award for Outstanding Student Contribution to the Law Review.)

Articles in Progress:

The Slaves of Milton Duty (ms. being read by readers)

Three Models of Loyalty (article in progress: conceptual guidelines for the revision of the duty of loyalty in employment law in the proposed Restatement of Agency)

From Tolerating Violence to Recognizing Coercion: the End of the Master's Prerogative to Beat His Servant (draft ms.)

Feminism and Globalization: A response to Sassin (commentary soon to be submitted)

What to do about Kelo (article in progress)

Published Book Chapters and Book Reviews

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**)

COERCION IN AT-WILL TERMINATION OF EMPLOYMENT AND IN SEXUAL HARASSMENT (BOOK CHAPTER FOR 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 University Press, 1992) pp. 99-127.

Book Review, *Free to Work: Labor Law, Emancipation, and Reconstruction, 1815-1880* by James Schmidt, 45 *American Journal of Legal History* 522 (2004).

Book Review, *CAPITALISM AND UNFREE LABOUR: ANOMALY OR NECESSITY?* by Robert Miles, 16 *LAB. STUDIES J.* 65 (1991).

Book Review, *Labor's Lost Horizons - The Austrian System of Industrial Relations*, 8 *COMP. LAB. L.J.* 400 (1987).

Languages: English, German, French

Other Related Scholarship

Work, Labor and Employment in the Constitutional Order, 680 pp. (2001)

Enforcing Collective Bargaining Agreements, teaching materials, 2 vol., 614 pp.

A Tale of Three Cities: Comparative Zoning Law and Urban Development in Paris, Vienna, and New York, 651 pp.

Selected Recent Invited Presentations

“The Thirteenth Amendment as a Basis for Civil Rights Litigation,” Thirteenth Amendment Symposium in honor of its author James Ashley, founder of the Toledo Law School, at Toledo, Ohio (Oct 13, 2006)

“John F. A. Sanford, the Fur Trade years of Dred Scott’s Master,” Ninth North American Fur Trade Conference in St. Louis (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)

“A Case of Frontiersmanship,” Dred Scott Symposium, University of Texas, Austin (Spring 2006)

"A Case of Frontiersmanship," University of Iowa Faculty Seminar (Fall 2005)

“Scale Matters,” University of Iowa Inequality Studies Institute seminar (January 2006)

“Lessons from those who help the worst off: Anti-slavery activists in India,” **INTELL 8** (upcoming summer 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)

“Response to Ruth Colker: Homophobia and Phobias of Otherness under the ADA.” Conference on “Exploring Gender, Race and Sexual Orientation Within Disability Law,” October 11, 2004. *Journal of Gender, Race and Justice*

“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, upcoming 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

(1814-1860).

“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, November 2001

Intentional Meeting of Scholars of African-American History, Minnesota Historical Society, October 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 Frontiersmanship,” 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

Wisconsin Sesquicentennial Symposium: Historical Perspectives on Race and Law in the U.S.: Three Case Studies, Sept. 27, 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 2, 1995.

“The Legal Ways of Seduction,” New York University Faculty Colloquium, April 7, 1995 & Yale Law Faculty Workshop, February 13, 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 Cardoza symposium on Bondage, Slavery and the Constitution, February 19-20, 1995.

“Listening for Rhythm at Critical Junctures in Legal History,” Organization of American Historians, April 16, 1994, Atlanta, Ga.

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

“Married to the Job: A Metaphor for Employers’ Expectations of Women Employees,” Law & Society Meetings, Amsterdam, June 1991.

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

“Zoning Variances as an Example of Local Change: The Problem of Equal Treatment,” Symposium on Legal Pluralism, International Congress of Anthropological and Ethnographic Societies, Zagreb, Yugoslavia, July 1988.

“Ways to Understand the Wage Differential: A Response to the Endgame Hypothesis,” Conference on Labor Law and Labor Economics, Institute of Law and Economics, University of Pennsylvania, Nov. 1985.

“A Primer on American Labor Law for the French Lawyer,” Centre De Droit Compare Du Travail Et De La Securite Sociale, University of Bordeaux, Bordeaux, France, July 1985.