

DANIEL J. SHARFSTEIN
Vanderbilt University School of Law
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EMPLOYMENT

VANDERBILT UNIVERSITY LAW SCHOOL

Professor of Law, 2012-present; winner of 2013 Chancellor's Research Award; winner of 2013 Hall-Hartman Outstanding Professor Award for first-year Property
Associate Professor of Law, 2010-2012; winner of 2012 Hall-Hartman Outstanding Professor Award for seminar on the Legal History of Race in the United States
Assistant Professor of Law, 2007-2010
Professor of History (secondary appointment), 2015-present
Professor of American Studies (secondary appointment), 2015-present
Affiliated Faculty, History Department, 2008-2015

NEW YORK UNIVERSITY SCHOOL OF LAW

Samuel I. Golieb Fellow in Legal History, 2006-07

HARVARD LAW SCHOOL • Cambridge, MA

Inaugural Raoul Berger-Mark DeWolfe Howe Visiting Fellow in Legal History, 2005-06

NATIONAL ENDOWMENT FOR THE HUMANITIES

Fellow, Law and Jurisprudence, 2004-05

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Law Clerk to Judge Rya W. Zobel, 2002-04

BOSTON COLLEGE LAW SCHOOL

Adjunct Professor of Law, 2003-04

STRUMWASSER & WOOCHEER LLP • Santa Monica, CA

Associate and Public Interest Law Fellow, 2001-02

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Law Clerk to Judge Dorothy W. Nelson, 2000-01

EDUCATION

YALE LAW SCHOOL, J.D., 2000

Yale Law Journal, Senior Editor

Coker Teaching Fellow, Torts, Professor Peter Schuck

Research Assistant to Professor Carol M. Rose

HARVARD COLLEGE, A.B., *summa cum laude* in History & Literature and Afro-American Studies, 1994

Honors: Phi Beta Kappa (junior election); Sheldon Traveling Fellowship, 1994-95; Hoopes Prize;

Alain Locke Senior Prize in Afro-American Studies; NEH Younger Scholar

Harvard Crimson, Arts Editor

ADDITIONAL FELLOWSHIPS

CHANCELLOR'S FACULTY FELLOW, VANDERBILT UNIVERSITY, 2015-17

Member of inaugural cohort of fourteen professors in university-wide fellowship program designed "to support outstanding faculty who have recently received tenure"

GUGGENHEIM FELLOW, 2013-14

ROBERT PENN WARREN CENTER FOR THE HUMANITIES, VANDERBILT UNIVERSITY, 2012-13, 2014-15

Fellow in faculty seminars on "The Age of Emancipation: Black Freedom in the Atlantic World" and "Public Scholarship in the Humanities"

ALPHONSE FLETCHER, SR., FELLOW, 2011-12

AMERICAN SOCIETY FOR LEGAL HISTORY

William Nelson Cromwell Foundation Fellow, 2006-07

SOUTHERN HISTORICAL COLLECTION, UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL

Guion Griffis Johnson Visiting Scholar, 2006-07

YALE LAW SCHOOL

Research Scholar in Law, 2004-05

W.E.B. DU BOIS INSTITUTE FOR AFRICAN AND AFRICAN AMERICAN RESEARCH, HARVARD UNIVERSITY

Non-Resident Fellow, 2004-05, 2006-07

PUBLICATIONS—BOOKS

THE INVISIBLE LINE: THREE AMERICAN FAMILIES AND THE SECRET JOURNEY FROM BLACK TO WHITE (Penguin Press, 2011; in paperback as THE INVISIBLE LINE: A SECRET HISTORY OF RACE IN AMERICA). Winner of the 2012 *J. Anthony Lukas Book Prize* for excellence in non-fiction (awarded by the Columbia Journalism School and the Nieman Foundation for Journalism at Harvard). Co-winner of the Law & Society Association's 2012 *James Willard Hurst Prize* for best book in sociolegal history. Winner of the 2012 *William Nelson Cromwell Book Prize*, awarded by the American Society for Legal History. Chronicling the evolution of laws and ideologies of race in the United States through the histories of three families whose racial identities shifted from African American to white from the 18th to the 20th centuries. Acclaimed as "an astonishingly detailed rendering of the variety and complexity of racial experience" by the *New York Times Book Review*, "a powerful evocation of the peril and insecurity that blacks faced both before and after the Civil War" by the *New Yorker*, "not only a work of serious scholarship based on exhaustive archival research but an immensely satisfying read" by the *Boston Globe*, "extraordinary" and "engaging" by the *Times Literary Supplement*, "authoritative and elegantly written" by the *New York Review of Books*, and a "must read" by the *Financial Times* and *San Francisco Chronicle*. Selected as one of the *Chicago Tribune's* Favorite Books of 2011; Booklist Editor's Choice for 2011.

PUBLICATIONS—SCHOLARLY JOURNALS

Frizzly Studies: Negotiating the Invisible Lines of Race, 19 COMMON KNOWLEDGE 518 (2013)
(invited contribution to *Fuzzy Studies: A Symposium on the Consequence of Blur*)

Atrocity, Entitlement, and Personhood in Property, 98 VIRGINIA LAW REVIEW 635 (2012).
Winner of the 2011-12 AALS Scholarly Papers Competition.

The Backwards Gesture: Historical Narratives in Carol Rose's Property Scholarship, 19
WILLIAM & MARY BILL OF RIGHTS JOURNAL 1039-46 (2011) (invited symposium contribution)

Crossing the Color Line: Racial Migration and the Emergence of the One-Drop Rule, 1600-1860,
91 MINNESOTA LAW REVIEW 592-656 (2007)

The Secret History of Race in the United States, 112 YALE LAW JOURNAL 1473-1509 (2003)

European Courts, American Rights: Extradition and Prison Conditions, 67 BROOKLYN LAW
REVIEW 719-84 (2002)

*Human Rights Beyond the War on Terrorism: Extradition Defenses Based on Prison Conditions
in the United States*, 42 SANTA CLARA LAW REVIEW 1137-57 (2002) (symposium contribution)

Case Note, *No Cure for a Broken Heart: Davis v. District of Columbia*, 158 F.3d 1342 (D.C. Cir.
1998), 108 YALE LAW JOURNAL 2451-58 (1999)

PUBLICATIONS—BOOK REVIEWS

Review of *Crafting the Overseer's Image* by William E. Wiethoff, 26 LAW & HISTORY REVIEW
445-46 (2008).

Review of *The Race Card: How Bluffing About Bias Makes Race Relations Worse* by Richard
Thompson Ford, WASHINGTON POST BOOK WORLD, March. 9, 2008, at BW03.

PUBLICATIONS—SELECTED NEWSPAPER, MAGAZINE, AND ENCYCLOPEDIA ARTICLES

Rachel Dolezal's 'Passing' Isn't So Unusual, N.Y. TIMES MAGAZINE ONLINE, June 15, 2015,
available at <http://www.nytimes.com/2015/06/25/magazine/rachel-dolezals-passing-isnt-so-unusual.html?_r=0>

Wall, Orindatus S.B., in AFRICAN AMERICAN NATIONAL BIOGRAPHY (Henry Louis Gates, Jr., &
Evelyn Brooks Higginbotham eds., Jan. 2014 update)

Black or White?, Disunion Online Opinion Feature, N.Y. TIMES, May 14, 2011, available at
< <http://opinionator.blogs.nytimes.com/2011/05/14/black-or-white/>>, anthologized in *THE NEW
YORK TIMES, DISUNION: MODERN HISTORIANS REVISIT AND RECONSIDER THE CIVIL WAR FROM
LINCOLN'S ELECTION TO THE EMANCIPATION PROCLAMATION* (Ted Widmer ed., 2013).

Orindatus Simon Bolivar Wall, SLATE, Feb. 22, 2011, available at
< <http://www.slate.com/id/2285549/>>

Saving the Race, LEGAL AFFAIRS, Mar.-Apr. 2005, at 50, available at <http://www.legalaffairs.org/issues/March-April-2005/feature_sharfstein_marapr05.msp>

Passing Fancy, LEGAL AFFAIRS, Sept.-Oct. 2003, at 65, available at <http://www.legalaffairs.org/issues/September-October-2003/story_sharfstein_sepoct03.msp>

Gangbusters: Enjoining the Boys in the 'Hood, AMERICAN PROSPECT, May-June 1997, at 58, available at <<http://www.prospect.org/print/V8/32/sharfstein-d.html>>

Numerous other articles on politics, society, travel and the arts in West Africa and Southern California. Published in the *New York Times*, *Economist*, *Africa Report*, *St. Louis Post-Dispatch*, *Pasadena (California) Star-News*.

SELECTED LECTURES & PRESENTATIONS

Kentucky Wesleyan College, Stanley Reed Pre-Law and Politics Society, March 29, 2016 (lecture on “Constructing Racial Categories in the United States”)

Legal History Workshop, University of Minnesota, November 5, 2015 (presented “Chief Joseph’s Struggle: Law, Lawlessness, and Administration in Nez Perce Country, 1872-1877”)

American Society for Legal History Annual Meeting, October 30, 2015 (participating in roundtable discussion on “Tracing the Past into the Present: How Living Descendants Affect the Substance, Methods, and Ethical Stakes of Legal History”)

2015 Hendricks Lecture in Law and History, Washington & Lee University, October 8, 2015 (lecture on “Thunder in the Mountains: Chief Joseph’s Encounter with the Administrative State, 1872-1877”)

Critical Race Studies in Education Association Annual Conference, May 28, 2015 (invited presenter on opening panel, “Teaching and Learning About Race and Racism in the Academy”)

Organization of American Historians Annual Meeting, April 19, 2015 (roundtable on “Life Beyond Boxes: Fashioning and Refashioning American Identity in the Long Twentieth Century”)

Americanist Seminar, Vanderbilt University History Department, November 11, 2014 (presented “The Administrative State in the Wilderness: Chief Joseph’s Advocacy for Nez Perce Tribal Land, 1872-75”)

Boston College Legal History Series, October 22, 2014 (presented “The Administrative State in the Wilderness: Chief Joseph’s Advocacy for Nez Perce Tribal Land, 1872-75”)

Conference on Opportunities for Law’s Intellectual History, Baldy Center for Law and Social Policy, SUNY Buffalo Law School, October 10-11, 2014 (invited to present “Bureaucracy in the Wilderness: Chief Joseph’s Advocacy for the Nez Perce”)

Spring Faculty Assembly, Vanderbilt University, April 3, 2014 (invited lecture to university-wide assembly on “Thunder in the Mountains: A Story of America After Reconstruction”)

BlackBoard Jungle, University of Vermont, March 28, 2014 (invited speaker at annual symposium on identity and pedagogy)

American Historical Association Annual Meeting, January 4, 2014 (panel on the intersection of genealogy and history)

University of Southern California, November 5, 2013 (presenting “Frizzly Studies: Law, History, Narrative, and the Color Line,” invited participant on panel for Center for Japanese Religions and Culture’s Mellon Foundation Sawyer Seminar, “Critical Mixed-Race Studies: A Transpacific Approach”)

Harvard Legal History Colloquium, October 30, 2013 (presenting “West from Reconstruction: Struggles Over Liberty and Equality, 1865-74”)

Southern Festival of Books, Nashville, Tennessee, October 11, 2013 (panel discussing *The New York Times: Disunion: Modern Historians Revisit and Reconsider the Civil War from Lincoln’s Election to the Emancipation Proclamation*)

Creative Intelligence Lecture Series, Transylvania University, March 28, 2013 (lecture on nineteenth-century Kentucky and the history of race in the United States)

Noon Seminar, Johns Hopkins Urban Health Institute, February 21, 2013 (lecture and discussion on *The Invisible Line*)

Americanist Seminar, Vanderbilt University History Department, November 6, 2012 (presenting “Litigating Massive Resistance: Lawyers Against Civil Rights in the Decade After *Brown*”)

Critical Mixed Race Studies Conference, November 2, 2012 (presenting “Negotiating the Invisible Lines of Race: ‘Passing’ and the Law” on panel, “Clearly Invisible: Racial Passing and the Color of Mixed-Race Identities”)

Summersell Center for the Study of the South, University of Alabama, October 18, 2012 (lecture and discussion on *The Invisible Line*)

2012 Willard Kniep Lecture in History, Pacific University, September 24, 2012 (lecture and discussion on *The Invisible Line*)

Law and Society Annual Meeting, June 7, 2012 (presenting “*Brown*, Massive Resistance, and the Lawyer’s View: Cecil Sims, Nashville Moderate” on panel, “The Histories of Lawyers as Shapers, Administrators, and Resisters of Social Change”)

New York Historical Society, April 12, 2012 (discussing *The Invisible Line* with *N.Y. Times* editorial board member Brent Staples), broadcast on C-SPAN’s American History TV, available at <http://www.c-spanvideo.org/program/Complexi>

Tennessee Williams New Orleans Literary Festival, March 23, 2012 (discussing *The Invisible Line* on panel about free people of color)

University of Maryland Law School, Junior Faculty Exchange, February 9, 2012 (presenting “Atrocity, Entitlement, and Personhood: The Value of Violence in Property Law”)

C.V. Starr Center for the Study of the American Experience, Washington College, February 2, 2012 (lecture and discussion on *The Invisible Line*)

Lloyd Jones Appalachian Studies Center, Berea College, January 26, 2012 (discussion of *The Invisible Line* and racial identity in Appalachia)

Association of American Law Schools Annual Meeting, January 6, 2012 (presenting “Atrocity, Entitlement, and Personhood: The Value of Violence in Property Law” as winner of the 2011-12 AALS Scholarly Papers Competition)

University of Kentucky History Department, public lecture, Nov. 16, 2011 (presenting “Secrets and Lines: Uncovering a History of Race in the United States”)

American Society for Legal History Annual Meeting, November 12, 2011 (presenting “Atrocity, Entitlement, and Personhood in the American Property Tradition” on panel, “New Directions in the History of Property”)

Southern Festival of Books, Nashville, Tennessee, October 16, 2011 (discussing *The Invisible Line*)

Fall for the Book Festival, George Mason University, Sept. 19, 2011 (lecture and Q&A on *The Invisible Line*, followed by presentation and discussion at history graduate student colloquium)

Eastern Kentucky Genealogy Conference, Johnson County Historical & Genealogical Society, Paintsville, Ky., Sept. 17, 2011 (Keynote address on racial identity in Appalachia, legal materials as sources for local history, and *The Invisible Line*)

Melungeon Heritage Association Annual Conference, Warren Wilson College, Swannanoa, N.C., July 15, 2011 (Keynote address on racial identity in Appalachia and *The Invisible Line*)

Juneteenth Oberlin Celebration, Oberlin (Ohio) Public Library, June 16, 2011 (Keynote address on Oberlin’s abolitionist history and legacy, as featured in *The Invisible Line*)

Printers Row Lit Fest, Chicago, Illinois, June 5, 2011 (a conversation about *The Invisible Line* with University of Chicago historian Jane Dailey)

American Constitution Society, Nashville Chapter, March 22, 2011 (discussed the law’s role in the construction of racial categories in the U.S., as featured in *The Invisible Line*)

Compromising Positions: Biography and Ethics Conference, Leon Levy Center for Biography, City University of New York, March 10, 2011 (discussed the privacy implications of researching *The Invisible Line*)

Enoch Pratt Free Library, Baltimore, Md., March 9, 2011 (discussed and read from *The Invisible Line*)

Yale Legal History Forum, Yale Law School, March 7, 2011 (discussed *The Invisible Line*)

Harry Phillips Inn of Court, Feb. 15, 2011 (presented on the legal history of racial categories in the U.S. for a program called “The Law of Race: Who’s White, Who’s Black, Who’s Other and Who Cares?”)

Brigham-Kanner Property Rights Conference, William & Mary Law School, Sept. 30, 2010 (presented on “Historical Narratives in Carol Rose’s Property Scholarship”)

American Bar Foundation/Illinois Legal History Seminar, October 30, 2009 (presented “The Burdens of Race: Becoming White in Washington, D.C., 1890-1910”)

NYU Legal History Colloquium, October 21, 2009 (presented 250 pages of *The Invisible Line*)

Vanderbilt Exchanges, A Law School-Department of History Workshop: Race, the Law and the Atlantic World, April 3, 2009 (presented “Building a New South in the Shadow of Race: A Story of Legal Consciousness and Racial Ambiguity in Louisiana, 1866-1878”)

Elizabeth Battelle Clark Legal History Series, Boston University School of Law, October 15, 2008 (presented “Becoming White in Washington, D.C.: The Passing of the Wall Family, 1870-1910”)

Stanford Faculty Workshop, April 30, 2008 (presented “‘Passing Thru’: Becoming White in Jim Crow Washington, D.C.”)

Judicial Reputation: A Conference on Neglected Justices, Vanderbilt University Law School, April 4, 2008 (commentator on Marshall Court Panel)

American Society for Legal History Annual Meeting, October 2007 (Craft of Legal History Seminar, “Micro-Histories, Macro-Projects”)

New York University School of Law Legal History Colloquium, September 2006 (presented “Crossing the Color Line: Racial Migration and the Emergence of the One-Drop Rule, 1600-1860”)
Law and Society Association Annual Conference, July 2006 (discussant on panel, “Law and Power in U.S. History in Community, Economy, and Diplomacy”)

Harvard Legal History Colloquium, April 2006 (presented “Crossing the Color Line: The One-Drop Rule as Law and Lived Experience”)

TEACHING AND SERVICE AT VANDERBILT UNIVERSITY LAW SCHOOL

Courses Taught

Property; American Legal History; Legal History of Race in the United States (seminar)

Service

Co-Director, Social Justice Program, 2012-13, 2014-present

Appointments Committee, 2015-16

Bennett Douglas Bell Prize Committee, Spring 2016

Faculty Advisor, Black Law Students Association, 2012-13

Entry Level Appointments Committee, 2008-09, Fall 2009, 2012-13

Law School Commencement Speaker, May 2011 (selected by vote of the graduating class)

Ad Hoc Law Library Director Search Committee, Spring & Fall 2011

Curriculum Committee, 2010-11

Faculty Supervisor, Environmental Law & Policy Annual Review, Fall 2009

OTHER PROFESSIONAL ACTIVITIES

Distinguished Lecturer, Organization of American Historians (2014-17)

Nominating Committee, American Society for Legal History (elected position; 2014-17)

Chancellor's Humanities Advisory Committee, Vanderbilt University (2015-present)

Future of the Libraries Committee, Vanderbilt University (2014-15)

Editorial Committee, Vanderbilt University Press (2011-2014; Chair, 2012-13)

James Willard Hurst Book Prize Committee, Law & Society Association (2012-13)

Kluge Fellowship Selection Panelist, National Endowment for the Humanities (2012-13)

Scholarly Papers Competition Selection Committee, Association of American Law Schools (2012-13)

Projects and Proposals Committee, American Society for Legal History (2012-15)

Reviewer, Oxford University Press (2012-present)

Referee, Law & Society Review (2010-present)

Referee, Law & History Review (2008-present)

Referee, Law & Social Inquiry (2007-present)

Referee, American Political Science Review (2011-present)

Voter Protection Volunteer, Tennessee Democratic Party, Nashville, TN (Fall 2008, Fall 2012)

Poll Monitor, Florida Voting Rights Team, Kerry for President, Belle Glade, FL (Nov. 2004)

Voter Education Volunteer, Matla Trust, Bloemfontein, South Africa (Summer 1993)

Member, American Society for Legal History, American Historical Association, Organization of American Historians, Southern Historical Association, American Bar Association

Member, State Bar of California (active)

Admitted to Practice before the United States Court of Appeals for the Ninth Circuit and the United States District Court for the Central District of California