

DAVID SCHRAUB
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EMPLOYMENT

LEWIS & CLARK UNIVERSITY SCHOOL OF LAW, PORTLAND, OR

Assistant Professor of Law, 2021 – present

- Courses Taught: Constitutional Law I, Constitutional Law II

DEPAUL UNIVERSITY LAW SCHOOL, CHICAGO, IL

Visiting Assistant Professor of Law, Spring 2021

- Courses Taught: Constitutional Law (day and evening programs)

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW, BERKELEY, CA

Lecturer in Law & Senior Research Fellow, California Constitution Center, 2016 – 2020

Darling Foundation Fellow in Public Law, 2014 – 2016

- Courses Taught: Constitutional Law (Spring 2015, Summer 2020); Energy Law (Summer 2016)
- Coordinator: Public Law Workshop (Spring & Fall 2015); Law, Political Theory, and Philosophy Workshop (Spring 2017)

COVINGTON & BURLING LLP, WASHINGTON, DC

Associate, 2013 – 2014

- Practice Groups: Energy, Environmental, Litigation
 - Substantial focus on American Indian law issues across practice groups
- Administrator and Contributor: *Inside Energy & Environment*

JUDGE DIANA E. MURPHY, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT, MINNEAPOLIS, MN

Law Clerk, 2012 – 2013

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, URBANA-CHAMPAIGN, IL

Visiting Assistant Professor, 2011 – 2012

- Courses Taught: Anti-Discrimination (Fall 2011); Constitutional Law I (Spring 2012)

LAW REVIEW PUBLICATIONS

(The Limits of) Judicial Resegregation, 58 HARV. C.R.-C.L. L. REV. __ (forthcoming 2022)

Doctrinal Sunsets, 93 S. CAL. L. REV. 431 (2020)

Sadomasochistic Judging, 35 CONST. COMM. 437 (2020) (reviewing RICHARD H. FALLON, JR., LAW AND LEGITIMACY IN THE SUPREME COURT (2018)) (invited contribution)

Deliberation and Dismissal, 22 U. PA. J. CONST. L. 1319 (2020)

- Featured, as “Dismissal,” in *Jotwell: Journal of Things We Like (Lots)*

Torgerson’s Twilight: The Antidiscrimination Jurisprudence of Judge Diana E. Murphy, 103 MINN. L. REV. 65 (2018)

Post-Racialism and the End of Strict Scrutiny, 92 IND. L.J. 599 (2017)

Unsuspecting, 96 B.U. L. REV. 361 (2016)

Racism as Subjectification, 17 BERKELEY J. AF.-AM. L. & POL’Y 3 (2016)

The Siren Song of Strict Scrutiny, 84 UMKC L. REV. 859 (2016) (invited symposium contribution)

Renewing Electricity Competition, 42 FLA. ST. U. L. REV. 937 (2015)

- Excerpted in RENEWABLE ENERGY: LAW, POLICY & PRACTICE (West American Casebook Series 2018).

Sticky Slopes, 101 CALIF. L. REV. 1249 (2013)

Our Divine Constitution, 44 LOY. U. CHI. L.J. 1201 (2013) (reviewing ROBERT A. BURT, IN THE WHIRLWIND: GOD AND HUMANITY IN CONFLICT (2012))

The Perils and Promise of the Holder Memo, 2012 CARDOZO L. REV. DE NOVO 187 (invited symposium contribution)

The Price of Victory: Political Triumphs and Judicial Protection in the Gay Rights Movement, 77 U. CHI. L. REV. 1437 (2010) (comment)

When Separation Doesn't Work: The Religion Clause as an Anti-Subordination Principle, 5 DARTMOUTH L.J. 145 (2007)

PEER-REVIEWED AND OTHER PUBLICATIONS

The Epistemic Dimension of Antisemitism, __ J. JEWISH IDENTITIES __ (forthcoming 2022) (peer-reviewed)

Epistemic Injustice in Collecting and Appraising Evidence, in THE ROUTLEDGE COMPANION TO EVIDENCE (Maria Lasonen-Aarnio & Clayton Littlejohn, eds. forthcoming 2022) (invited contribution) (with Joel Sati)

Arguing about Antisemitism: Why We Disagree about Antisemitism, and What We Can Do About It, 45 ETHNIC & RACIAL STUDS. __ (2022) (with Dov Waxman & Adam Hosein) (peer-reviewed)

The Distinctive Political Status of Dissident Minorities, 114 AM. POL. SCI. REV. 963 (2020) (peer-reviewed)

White Jews: An Intersectional Approach, 43 ASSOCIATION FOR JEWISH STUDIES (AJS) REV. 379 (2019) (peer-reviewed)

Finding the "Sovereign" in "Sovereign Immunity": Lessons from Bodin, Hobbes, and Rousseau, 29 CRIT. REV. 388 (2017) (peer-reviewed)

Playing with Cards: Discrimination Claims and the Charge of Bad Faith, 42 SOC. THEORY & PRAC. 285 (2016) (peer-reviewed)

SHORTER WORKS

Book Review, 64 J. CHURCH & STATE 333 (2022) (reviewing JONATHAN FOX & LEV TOPOR, WHY DO PEOPLE DISCRIMINATE AGAINST JEWS? (2021))

What's Left of the Fight Against Antisemitism?, in FAULT LINES: EXPLORING THE COMPLICATED PLACE OF PROGRESSIVE AMERICAN JEWISH ZIONISM 60 (Menachem Creditor & Amanda Berman, eds. 2021)

On Loving "Jews" and Hating Jews, ASSOCIATION FOR JEWISH STUDIES (AJS) PERSPS. (Spring 2020): 22-23.

Clean Air Act Developments - 2013, ALI CLE Course of Study Materials (Feb. 2014) (with E. Donald Elliott & Thomas R. Brugato)

Academic Freedom versus Academic Legitimacy, 9 FLA. INT'L U. L. REV. 71 (2013)

Book Review, 30 L. & HIST. REV. 935 (2012) (reviewing SERENA MAYERI, REASONING FROM RACE: FEMINISM, LAW, AND THE CIVIL RIGHTS REVOLUTION (2011))

WORKS-IN-PROGRESS

Deliberation, Dismissal, and Democracy (book project, manuscript under review)

Jews, Antisemitism, and the Law (book project) (with Diane Klein & Robert Katz)

Broken Windows Policing Reform

EDUCATION

UNIVERSITY OF CALIFORNIA, BERKELEY, BERKELEY, CA

M.A., with distinction; Ph.D., Political Science

- Subfields: Contemporary Political Theory, History of Political Thought, Public Law
- Dissertation: "Deliberation, Dismissal, and Democracy"
 - Committee: Sarah Song (Chair), Mark Bevir (Co-Chair), Joshua Cohen, Christopher Kutz
- Graduate Student Instructor:
 - Introduction to American Politics (Fall 2016)
 - Just Political Participation (Spring 2017, Fall 2017)
 - Introduction to Political Theory (Spring 2018)
 - Political Psychology (Fall 2020)
- Kadish Center Graduate Fellow (Spring 2017)
- Departmental Fellowship (Fall 2018 – Spring 2020)

UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL

J.D., with high honors

- Articles Editor, *The University of Chicago Law Review*
- Kirkland & Ellis Scholar (Top 5% of Class)
- Casper Platt Award for Most Outstanding Paper
- Morrison & Foerster Award for Outstanding Appellate Brief-Writing
- Order of the Coif
- Research Assistant, Profs. David Strauss and Emily Buss
- Teaching Assistant, Prof. Lisa Bernstein, Legal Scholarship Workshop

CARLETON COLLEGE, NORTHFIELD, MN

B.A., magna cum laude, with distinction in Political Science

- Class of '63 Fellowship for Independent Research
- Research Assistant, Prof. Anna Moltchanova, Dept. of Philosophy

SELECTED PRESENTATIONS

CONFERENCE ON THE RECONSTRUCTION AMENDMENTS, UNIVERSITY OF CHICAGO LAW SCHOOL CONSTITUTIONAL LAW INSTITUTE, CHICAGO, IL

- Presenter: "(The Limits of) Judicial Resegregation" (Apr. 22, 2022)

LAW VS. ANTISEMITISM INAUGURAL CONFERENCE, INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW, INDIANAPOLIS, IN

- Presenter: "Epistemic Antisemitism" (March 14, 2022)
- Presenter: "White Jews: An Intersectional Approach" (March 15, 2022)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, WASHINGTON, DC

- Presenter: "Admitting Discrimination" (November 12, 2021)

ALLIANCE AGAINST ANTISEMITISM, COLOGNE, "WEEKS OF ACTION AGAINST ANTISEMITISM 2021," COLOGNE, GERMANY

- Invited presenter: "White Jews: An Intersectional Approach" (November 2, 2021)

MICHIGAN STATE UNIVERSITY, JONATHAN NETANYAHU SYMPOSIUM ON ANTISEMITISM, LANSING, MI

- Invited presenter, "White Jews: An Intersectional Approach" (October 8, 2021)

LEWIS & CLARK FACULTY COLLOQUIUM, PORTLAND, OR

- Presenter: "Jews, Antisemitism and the Law: The Project of a New Casebook" (Oct. 1, 2021)
(with Diane Klein)

ASSOCIATION FOR ISRAEL STUDIES ANNUAL MEETING, CHAMPAIGN, IL

- Roundtable Participant: “Roundtable on Zionism, Antisemitism and Free Speech on Campus: Challenges for US Academia” (June 8, 2021) (Raeefa Shams, moderator)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Broken Windows Policing Reform* (Nov. 6, 2020)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Sadomasochistic Judging* (Nov. 8, 2019)

ASSOCIATION FOR POLITICAL THEORY CONFERENCE, IRVINE, CA

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (October 25, 2019) (Jeremy Elkins, discussant)

BERKELEY POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (October 21, 2019) (Kristin Zuhone, discussant)

AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, DC

- Presenter: *Uncle Toms & As-a-Jews: The Distinctive Political Status of Dissident Minorities* (poster session: “Exploring the Dynamics of Race, Ethnicity, and Politics”) (August 29, 2019)

GOETHE-INSTITUT, SAN FRANCISCO, CA

- Panelist: “Lest We Forget: Perspectives on Historic and Contemporary Anti-Semitism,” (May 13, 2019) (Sue Fishkoff, moderator)

NATIONAL CONFERENCE OF CONSTITUTIONAL LAW SCHOLARS, TUCSON, AZ

- Presenter: *Doctrinal Sunsets* (March 9, 2019) (Aziz Huq, discussant)

BERKELEY RACE, RESISTANCE, AND INEQUALITY WORKSHOP, BERKELEY, CA

- Presenter: *Discursive Dismissal* (Nov. 8, 2018)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Resegregation as Remedy* (Nov. 3, 2018)

BERKELEY GRADUATE STUDENT POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *Against (In)Humanism* (Oct. 11, 2018)

WESTERN POLITICAL SCIENCE ASSOCIATION, SAN FRANCISCO, CA

- Presenter: *White Jews: An Intersectional Approach* (panel on “Truth Telling: Resisting Through Testimony and Lived Experience”) (Mar. 29, 2018) (Ainsley LeSure, discussant)

BERKELEY INSTITUTE FOR JEWISH LAW AND ISRAEL STUDIES GRADUATE STUDENT WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Mar. 5, 2018)

BERKELEY GRADUATE STUDENT POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Presenter: *White Jews: An Intersectional Approach* (Jan. 23, 2018)

NORTHWESTERN UNIVERSITY LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 7, 2017)

UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 6, 2017)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Doctrinal Sunsets* (Nov. 3, 2017)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Kate Manne, *Women, All Too Human* (Feb. 3, 2017)

LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL

- Presenter: *Dismissal* (Nov. 4, 2016)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Clarissa Hayward, *Motivated Ignorance and Disruptive Politics* (Sept. 16, 2016)

SAN DIEGO STATE UNIVERSITY "ISRAEL IN THE 21ST CENTURY: NEW HOPES, NEW CHALLENGES" LECTURE SERIES, SAN DIEGO, CA

- Presenter: *An Intersectional Failure: Situating Mizrahi and Sephardic Jews in Contemporary Jewish Discourse* (April 25, 2016) (with Analucia Lopezrevoredo)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Barbara Fried, *Facing Up to Risk* (Jan. 29, 2016)

UNIVERSITY OF CALIFORNIA LAW, PHILOSOPHY, & POLITICAL THEORY WORKSHOP, BERKELEY, CA

- Discussant: Avani Mehta Sood, *Does Criminal Egregiousness Influence Judges in Search-and-Seizure Cases?: An Empirical Triangulation of Motivated Admissibility Decisions* (Nov. 13, 2015)

UNIVERSITY OF CALIFORNIA, BERKELEY, CA

- Presenter: *Racism as Subjectification*; Discussant, Nancy Leong, *Identity Entrepreneurs* (Sept. 17, 2015)

UNIVERSITY OF CALIFORNIA FACULTY WORKSHOP, BERKELEY, CA

- Presenter: *Dismissal* (June 9, 2015)

UNIVERSITY OF CALIFORNIA PUBLIC LAW WORKSHOP, BERKELEY, CA

- Presenter: *Unsuspecting* (Jan. 26, 2015)

UNIVERSITY OF CONNECTICUT WORKSHOP ON DOMINATING SPEECH, HARTFORD, CT

- Presenter: *Playing with Cards: Discrimination Claims and the Charge of Bad Faith* (Nov. 23, 2014)

UNIVERSITY OF CHICAGO LEGAL SCHOLARSHIP WORKSHOP, CHICAGO, IL

- Presenter: *Unsuspecting* (Sept. 30, 2013)

UNIVERSITY OF ILLINOIS FACULTY WORKSHOP, CHAMPAIGN, IL

- Presenter: *Sticky Slopes* (Oct. 6, 2011)

UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL

- Presenter: *Sticky Slopes* (Nov. 17, 2010) (John Acevedo, discussant)

UNIVERSITY OF CHICAGO LAW, CULTURE, AND SOCIETY WORKSHOP, CHICAGO, IL

- Discussant: Sheldon Lyke, *Lost in Translation or Found in Conversation? Foreign Courts' Use of Brown v. Board of Education and Cosmopolitan Innovation* (Oct. 20, 2010)

LAW AND SOCIETY CONFERENCE, CHICAGO, IL

- Organizer and Panelist: "Social Change in Unexpected Ways"; presented *Sticky Slopes* (May 28, 2010) (Gerald Rosenberg, discussant)

UNIVERSITY OF VIRGINIA JEFFERSON SCHOLARS FOUNDATION, CHARLOTTESVILLE, VA

- Presenter: *Racism as Subjectification* (Feb. 23, 2008)

CARLETON COLLEGE CLASS OF '63 FELLOWSHIP, NORTHFIELD, MN

- Presenter: *Racism as Subjectification* (Nov. 8, 2007)

MEMBERSHIPS

American Political Science Association
 Association for Political Theory

District of Columbia Bar
Maryland Bar (inactive)