

**DAVID SCHRAUB**  
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## EMPLOYMENT

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### **LEWIS & CLARK UNIVERSITY SCHOOL OF LAW, PORTLAND, OR**

*Assistant Professor of Law, 2021 – present*

- Courses Taught: Constitutional Law I, Constitutional Law II, Anti-Discrimination

### **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)

## PUBLICATIONS

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*Liberal Jews and Religious Liberty*, 98 N.Y.U. L. REV. \_\_ (forthcoming 2023)

*Microaggressions as Negligence*, \_\_ J. SOC. PHIL. \_\_ (2023) (peer-reviewed)

*(The Limits of) Judicial Resegregation*, 58 HARV. C.R.-C.L. L. REV. 311 (2023)

*The Epistemic Dimension of Antisemitism*, 15 J. JEWISH IDENTITIES 153 (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. 1803 (2022) (with Dov Waxman & Adam Hosein) (peer-reviewed)

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

- Winner, Huffman Faculty Scholarship Award for best paper written by a Lewis & Clark Law School faculty member

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

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

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

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

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

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

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

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

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

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

*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)

## SHORTER WORKS

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*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

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

*Jews, Antisemitism, and the Law* (book project) (with Diane Kemker & Paul Finkelman)

*Broken Windows Policing Reform*

*Admitting Discrimination*

## EDUCATION

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**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

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**ENCATE, EUROPEAN NETWORK FOR COUNTERING ANTISEMITISM THROUGH EDUCATION, BERLIN, GERMANY**

- Presenter: "White Jews: An Intersectional Approach" (March 30, 2023) (virtual)

**LAW VS. ANTISEMITISM CONFERENCE, LEWIS & CLARK LAW SCHOOL, PORTLAND, OR**

- Presenter: "Liberal Jews and Religious Liberty" (March 26, 2023)

**SOLOMON'S LEGACY (JEWISH LAWYERS' AFFINITY GROUP), PORTLAND, OR**

- Presenter: "Combatting Antisemitism in the Shadow of First Amendment *Lochnerism*" (Feb. 15, 2023)

**SERLING INSTITUTE FOR JEWISH STUDIES AND MODERN ISRAEL, MICHIGAN STATE UNIVERSITY, LANSING, MI**

- Panelist: "Education About Antisemitism on College Campuses" (January 25, 2023) (virtual)

**LOYOLA UNIVERSITY CONSTITUTIONAL LAW COLLOQUIUM, CHICAGO, IL**

- Presenter: "Liberal Jews and Religious Liberty" (November 4, 2022)

**LEGAL SCHOLARSHIP WORKSHOP, UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL**

- Presenter: "Liberal Jews and Religious Liberty" (Oct. 3, 2022)

**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) (Raeeefa 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**

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American Political Science Association

Association for Political Theory

District of Columbia Bar

Maryland Bar (inactive)