

## Davison M. Douglas

William and Mary Law School  
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### CURRENT EMPLOYMENT

William and Mary Law School

Dean of the Law School, 2009-2020.

John Stewart Bryan Professor of Jurisprudence (2018-Present).

Arthur B. Hanson Professor of Law, 2001-2018.

Professor of Law, 1996-2001.

Associate Professor of Law, 1994-1996.

Assistant Professor of Law, 1990-1994.

Director, Election Law Program, 2005-2008.

Co-founded this joint venture with the National Center for State Courts and coordinated its activities, including supervising the drafting of a *Manual on Election Law*, developing a web course on election law, organizing educational programs for state supreme court chief justices, and procuring a grant to provide necessary funding.

Director, Institute of Bill of Rights Law, 1997-2004.

Coordinated the activities of the Institute, including annual scholarly conferences, public debates, book series, scholarly journal, distinguished visitors-in-residence program, public lecture series, and media outreach.

Courses Taught:

American Legal History, Constitutional Law, Contracts, Election Law, Employment Law, Evidence, Labor Law, Law and Religion, Race and American Legal History.

Honors and Awards:

Omicron Delta Kappa Honor Society, 2019.

Plumeri Award for Faculty Excellence, 2009 (College-wide award; one of twenty recipients).

Walter Williams Teaching Award, 1993, 1995, 1999, 2001, 2006 (selected by the graduating class of the law school).

Black Law Students Association Outstanding Faculty Award, 2004.

State Council of Higher Education Outstanding Faculty Award, 2002 (one of eleven recipients from all colleges and universities in Virginia).

William and Mary Phi Beta Kappa Faculty Award for the Advancement of Scholarship, 1995 (College-wide award for junior faculty).

Selected Law School Service:

Chair, Judicial Clerkship Committee, 2004-2008.

Chair, Faculty Appointments Committee, 2001-2002, 2005-2006.

Chair, Faculty Status (Promotion and Tenure) Committee, 2000-2001.  
Chair, Dean Search Committee, 1997-1998.  
Chair, Dean's Advisory Committee, 1994-1996.  
Chair, Admission Committee, 1993-1995.  
Faculty Advisor, *William and Mary Law Review*, 2006-2008.  
Faculty Advisor, *William & Mary Bill of Rights Journal*, 1997-2004.

## OTHER EMPLOYMENT

### Visiting Professorships:

Cornell Law School, Fall semester 2007 (Marc and Beth Goldberg Distinguished Visiting Professor).  
University of Melbourne Law School, April 2007.  
University of Auckland Faculty of Law, July 2004.  
Emory University School of Law, Fall semester 1996.  
University of Iowa College of Law, Spring semester 1989.

Smith, Patterson, Follin, Curtis, James, Harkavy & Lawrence; Raleigh and Greensboro, NC (currently known as Patterson Harkavy LLP). Partner, 1987-1990; Associate, 1984-1987. Civil litigation law practice.

Honorable Walter R. Mansfield, United States Court of Appeals for the Second Circuit. Judicial Law Clerk, 1983-1984.

## EDUCATION

Yale Law School, J.D. 1983.  
*Yale Law Journal*, Note Editor, 1982-1983.

Yale University Graduate School (History). Ph.D. 1992; M. Phil. 1983; M.A. 1980.  
Major Field: American Legal History.  
Minor Fields: American Religious History; Protestant Reformation.  
Dissertation: "The Desegregation of the Charlotte Schools, 1954-1975."

Yale Divinity School, M.A.R. 1983.

Princeton University, A.B. 1978. Major: History.  
Graduated *Summa Cum Laude*, Phi Beta Kappa.  
Joline Prize for best American history senior thesis:  
"The Struggle for Academic Freedom at the University of North Carolina During the Evolution Controversy of the 1920s."  
Varsity Heavyweight Crew Team, 1975-1978. Second Place, Intercollegiate Rowing Association Championships, 1976.

## PUBLICATIONS

### Books and Edited Collections

PAULI MURRAY AND THE PURSUIT OF AMERICAN DEMOCRACY (in progress, supported by a grant from the National Endowment for the Humanities).

Editor, THE CONSTITUTIONAL LAW LECTURES OF JOHN MARSHALL HARLAN (in progress).

JIM CROW MOVES NORTH: THE BATTLE OVER NORTHERN SCHOOL SEGREGATION, 1865-1954 (Cambridge University Press 2005) (part of the Cambridge Historical Studies in American Law and Society book series).

Co-Editor, A YEAR AT THE SUPREME COURT (Duke University Press 2004) (with Neal Devins).

Co-Author, CONSTITUTIONAL LAW IN CONTEXT (Carolina Academic Press 1st ed. 2003; 2d ed. 2006) (with Michael Curtis, Paul Finkelman, and Wilson Parker) (includes a teacher's manual and annual supplements).

Co-Editor, REDEFINING EQUALITY (Oxford University Press 1998) (with Neal Devins).

READING, WRITING, AND RACE: THE DESEGREGATION OF THE CHARLOTTE SCHOOLS (University of North Carolina Press 1995).

Editor, THE DEVELOPMENT OF SCHOOL BUSING AS A DESEGREGATION REMEDY (Garland Press 1994).

Editor, THE PUBLIC DEBATE OVER BUSING AND ATTEMPTS TO RESTRICT ITS USE (Garland Press 1994).

### Articles, Book Chapters, and Review Essays

*The Surprising Role of Racial Hierarchy in the Civil Rights Jurisprudence of the First Justice John Marshall Harlan*, 15 U. PA. J. CONST. L. 1037 (2013).

*Rosenberger v. Rector and Visitors of the University of Virginia*, in LAW AND RELIGION: CASES IN CONTEXT (Leslie Griffin ed., Aspen Publishers 2009).

Symposium Issue, *How We Vote: Electronic Voting and Other Voting Practices in the United States*, 17 WM. & MARY BILL RTS J. 319 (2008) (introductory essay).

Symposium Issue, *The Legacy of St. George Tucker*, 47 WM. & MARY L. REV. 1111 (2006) (introductory essay).

Symposium Issue, *The Death Penalty and International Law*, 13 WM. & MARY BILL RTS J. 305 (2005) (introductory essay).

Reinhold Niebuhr, in *THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS, AND HUMAN NATURE* (John Witte & Frank Alexander eds., Columbia University Press 2005).

Reprinted in *THE TEACHINGS OF MODERN PROTESTANTISM ON LAW, POLITICS, AND HUMAN NATURE* (John Witte & Frank Alexander eds., Columbia University Press 2007).

Brown v. Board of Education *and Its Impact on Black Education in America*, in *FROM THE GRASSROOTS TO THE SUPREME COURT: EXPLORATIONS OF BROWN V. BOARD OF EDUCATION AND AMERICAN DEMOCRACY* (Peter Lau ed., Duke University Press 2004).

Symposium Issue, *The Rhetorical Uses of Marbury v. Madison: The Emergence of a 'Great Case'?*, 38 WAKE FOREST L. REV. 375 (2003).

*The Struggle for School Desegregation in Cincinnati Before 1954*, 71 U. CIN. L. REV. 979 (2003) (invited lecture).

Review Essay, *Contract Rights and Civil Rights*, 100 MICH. L. REV. 1541 (2002) (reviewing DAVID E. BERNSTEIN, *ONLY ONE PLACE OF REDRESS: AFRICAN AMERICANS, LABOR REGULATIONS, AND THE COURTS FROM RECONSTRUCTION TO THE NEW DEAL* (2001)).

Reinhold Niebuhr and Critical Race Theory, in *CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT* (Michael McConnell et al. eds., Yale University Press 2001).

*The Jeffersonian Vision of Legal Education*, 51 J. LEGAL EDUC. 185 (2001).

Symposium Issue, *Religion in the Public Square*, 42 WM. & MARY L. REV. 647 (2001) (introductory essay).

Symposium Issue, *God and the Executioner: The Influence of Western Religion on the Death Penalty*, 9 WM. & MARY BILL RTS J. 137 (2000).

Review Essay, *Justifying Racial Reform*, 76 TEX. L. REV. 1163 (1998) (reviewing DARYL MICHAEL SCOTT, *CONTEMPT AND PITY: SOCIAL POLICY AND THE IMAGE OF THE DAMAGED BLACK PSYCHE, 1880-1996* (1997)).

Co-Author, *The Pursuit of Equality*, in *REDEFINING EQUALITY* (Neal Devins and Davison M. Douglas eds., Oxford University Press 1998) (with Neal Devins).

Review Essay, *The End of Busing?*, 95 MICH. L. REV. 1715 (1997) (reviewing GARY ORFIELD AND SUSAN E. EATON, *DISMANTLING DESEGREGATION: THE QUIET REVERSAL OF BROWN V. BOARD OF EDUCATION* (1996)).

*Foreword*, in PAULI MURRAY, *STATES' LAWS ON RACE AND COLOR* (University of Georgia Press 2d ed. 1997).

*The Limits of Law in Accomplishing Racial Change: School Segregation in the Pre-Brown North*, 44 UCLA L. REV. 677 (1997).

Honorable Mention, Association of American Law Schools, Call for Scholarly Papers Competition, 1996 (competition open to all law professors with fewer than seven years teaching experience).

Honorable Mention, History of Education Society Award for best article published during the 1996-1997 biennium.

*An Old Debate Continues Over Integrated Schools*, 1 GREEN BAG 13 (1997).

Symposium Issue, *The Promise of Brown Forty Years Later*, 36 WM. & MARY L. REV. 337 (1995) (introductory essay).

*The Rhetoric of Moderation: Desegregating the South During the Decade After Brown*, 89 NW. U. L. REV. 92 (1994).

Winner, History of Education Society Award for best article published during the 1994-1995 biennium.

Symposium Issue, *The Quest for Freedom in the Post-Brown South: Desegregation and White Self-Interest*, 70 CHI.-KENT L. REV. 689 (1994).

Reprinted in part in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado and Jean Stefancic eds., Temple University Press 1997).

Note, *Labor Unions in the Boardroom: An Antitrust Dilemma*, 92 YALE L. J. 106 (1982).

## Book Reviews

Review, 49 J. CHURCH & STATE 151 (2007) (reviewing DAVID HOLMES, *THE FAITHS OF THE FOUNDING FATHERS* (2006)).

Review, H-NET REV. HUMAN. & SOC. SCI. (2002) (reviewing ADAM FAIRCLOUGH, *TEACHING EQUALITY: BLACK SCHOOLS IN THE AGE OF JIM CROW* (2001)).

Review, 105 AM. HIST. REV. 1771 (2000) (reviewing GLENN ESKEW, *BUT FOR BIRMINGHAM: THE LOCAL AND NATIONAL MOVEMENTS IN THE CIVIL RIGHTS STRUGGLE* (1997)).

Review, 105 AM. HIST. REV. 961 (2000) (reviewing WILLIAM KELLAR, *MAKE HASTE SLOWLY: MODERATES, CONSERVATIVES, AND SCHOOL DESEGREGATION IN HOUSTON* (1998)).

Review, 109 OHIO HIST. 104 (2000) (reviewing GREGORY JACOBS, *GETTING AROUND BROWN: DESEGREGATION, DEVELOPMENT, AND THE COLUMBUS PUBLIC SCHOOLS* (1998)).

Review, 16 L. & HIST. REV. 628 (1998) (reviewing STEPHEN WASBY, RACE RELATIONS LITIGATION IN AN AGE OF COMPLEXITY (1995) and DAVID ARMOR, FORCED JUSTICE: SCHOOL DESEGREGATION AND THE LAW (1995)).

Review, 556 ANNALS AM. ACAD. POL. & SOC. SCI. 214 (1998) (reviewing ROBYN LADINO, DESEGREGATING TEXAS SCHOOLS: EISENHOWER, SHIVERS, AND THE CRISIS AT MANSFIELD HIGH (1996)).

Review, 79 GA. HIST. Q. 995 (1995) (reviewing CHRISTOPHER SILVER AND JOHN V. MOESER, THE SEPARATE CITY: BLACK COMMUNITIES IN THE URBAN SOUTH (1995)).

Review, 37 AM. J. LEGAL HIST. 513 (1993) (reviewing RACE, LAW, AND AMERICAN HISTORY, 1700-1990 (Paul Finkelman ed., 1992)).

Review, 36 AM. J. LEGAL HIST. 392 (1992) (reviewing JOHN FRANK, CLEMENT HAYNSWORTH, THE SENATE, AND THE SUPREME COURT (1991)).

### Encyclopedia Entries

*Pauli Murray*, in ENCYCLOPEDIA OF AFRICAN-AMERICAN HISTORY, 1896 TO THE PRESENT (Oxford University Press forthcoming 2009).

*Jim Crow and Voting Rights*, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Macmillan Reference 2008).

*St. George Tucker*, in ENCYCLOPEDIA VIRGINIA (Virginia Foundation for the Humanities online, undated)

*Agostini v. Felton; Aguilar v. Felton; Belief-Action Distinction in Free Exercise Clause History; Board of Education v. Allen; Brown v. Board of Education; Ceremonial Deism; Committee for Public Education and Religious Liberty v. Nyquist; Committee for Public Education and Religious Liberty v. Regan; Concept of 'Christian Nation' in American Jurisprudence; Corrigan v. Buckley; County and City Seals with Religious Content; Days of Religious Observance as National or State Holidays; Elk Grove Unified School District v. Newdow; Engel v. Vitale; Free Exercise Clause Doctrine: Supreme Court Jurisprudence; Judicial Resolution of Church Property Disputes; National Motto – 'In God We Trust'; Pledge of Allegiance ('Under God'); Tony and Susan Alamo Foundation v. Secretary of Labor; Watson v. Jones; Zobrest v. Catalina Foothills School District*, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge Press 2006).

*Family and Medical Leave Act*, in THE FAMILY IN AMERICA: AN ENCYCLOPEDIA (ABC-CLIO 2001).

*'Christian Nation' as a Concept in Supreme Court Jurisprudence; Church of the Holy Trinity v. United States*, in RELIGION AND AMERICAN LAW: AN ENCYCLOPEDIA (Garland Press 2000).

*Missouri v. Jenkins*, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Macmillan Publishing 2000).

*Jackie Robinson*, in AMERICAN NATIONAL BIOGRAPHY (Oxford University Press 1999).

*Badges of Slavery*, in ENCYCLOPEDIA OF SLAVERY (Macmillan Publishing 1998).

*Fair Employment Practice Committee*, in ENCYCLOPEDIA OF THE AMERICAN PRESIDENCY (Simon & Schuster 1993).

### **Other Scholarly Work**

Associate Editor, ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES. 3 Volumes (Routledge Press 2006) (with Paul Finkelman, General Editor; Gabriel Chin, Rodney Smolla, Melvin Urofsky, Mary Volcansek, Associate Editors) [I had responsibility for editing all essays on religious freedom].

### **CONFERENCE PRESENTATIONS AND LECTURES**

I have presented papers at the annual meetings of the following scholarly associations:

- American Society of Legal History
- Association of American Law Schools
- Australia and New Zealand Legal History Society
- History of Education Society
- Law and Society Association
- National Academy of Education
- North Carolina Historical Society
- Southern Historical Association

I have given lectures on American constitutional law and history at various universities throughout the United States, as well as in Africa, Asia, Australia, and Europe.

### **RESEARCH GRANTS**

National Endowment for the Humanities, 2003, 1992.  
Spencer Foundation Postdoctoral Fellowship, 1996-1998.