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**Employment**

1979 - Yale Law School: Simeon E. Baldwin Professor Emeritus of Law, 2009 to date; Simeon E. Baldwin Professor, 1986-2009; Professor of Law, 1981-86; Associate Professor of Law, 1979-81. Deputy Dean, 1993-94. Baldwin Professor of Law Emeritus, since 2009

Visiting professorships at Georgetown University Law Center; New York University Law School; New York Law School; Fordham Law School; Jindal Global Law School; University of California at Berkeley (Law School and Goldman School of Public Policy) (spring semesters 2014-19); University of California at Hastings Law School (spring 2019)

1977 - 1979 Principal Deputy Assistant Secretary for Planning and Evaluation, U.S. Department of Health, Education and Welfare, 1977-79; Visiting Scholar, American Enterprise Institute for Public Policy Research

1971 - 1977 "Public interest" law practice in Washington, D.C. with Consumers Union and the Center for Study of Responsive Law

1968 - 1970 Harvard Graduate Prize Fellow in Government; Teaching Fellow in Government

1965 - 1968 Private law practice in New York City

**Education**

1968 - 1970 Harvard University, M.A. in Government (1969), completed requirements for Ph.D. except dissertation

1965 - 1966 New York University Law School, LL.M. in International Law (1966)

1962 - 1965 Harvard Law School, J.D. (1965)

1958 - 1962 Cornell University, B.A. (1962)

AWARDS AND FELLOWSHIPS:

Elected to American Academy of Arts and Sciences, 2016  
Fulbright Senior Fellowship, India, 2004  
Rockefeller Foundation, Residency Fellowship at Bellagio, July-August 2001  
Guggenheim Fellowship, 1984-85  
Harvard Graduate Prize Fellowship, 1968-70  
Various awards for books

PUBLICATIONS:

**Work in Progress**

“Trump’s America” – an extended limerick

“Affirmative Action and Multiculturalism,” *Justice Magazine*

Still inchoate book on how to restore liberal democracy in a post-Trump America

**Published Books**

One Nation Undecided: Clear Thinking about Five Hard Issues That Divide Us (Princeton U. Press, 2017, paperback in spring 2019)

Why Government Fails So Often, and How It Can Do Better (Princeton U. Press, cloth 2014, paperback 2015 )

Understanding America: The Anatomy of an Exceptional Nation (co-editor with James Q. Wilson) (Public Affairs/Perseus, cloth 2008, paperback 2009)

Targeting in Social Programs: Avoiding Bad Bets, Removing Bad Apples (Brookings Institution Press, 2006 cloth, 2010 paperback) (with Richard J. Zeckhauser). Received honorable mention for Charles Levine Prize for best book in Comparative Policy and Administration

Meditations of a Militant Moderate: Cool Views on Hot Topics (Rowman & Littlefield, 2006, cloth and paperback)

Immigration Stories (co-editor, with David A. Martin (Foundation Press, 2005))

Foundations of Administrative Law (editor) (2<sup>nd</sup> ed., Foundation Press, 2004, paperback; 1<sup>st</sup> ed., Oxford University Press, 1994, cloth and paperback). Chinese translation: China Law Press (2009)

Diversity in America: Keeping Government at a Safe Distance (Harvard University Press, 2003, cloth and paperback)

The Limits of Law: Essays on Democratic Governance (Westview Press, 2000, cloth and paperback)

Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship (Westview Press, cloth 1998, paperback 2000)

Paths to Inclusion: The Integration of Migrants in the United States and Germany (with Rainer Munz, co-editor) (Berghahn Books, 1998, cloth and paperback)

Tort Law and the Public Interest: Competition, Innovation, and Consumer Welfare (W.W. Norton & Co. 1991, cloth and paperback) (editor)

Agent Orange on Trial: Mass Toxic Disasters in the Courts (Belknap/Harvard University Press, 1986 cloth, 1987 enlarged edition in paperback). Awarded the 1987 Silver Gavel from the American Bar Association for outstanding book on law

Citizenship Without Consent: Illegal Aliens in the American Polity (Yale University Press, 1985, cloth and paperback) (with Rogers Smith)

Suing Government: Citizen Remedies for Official Wrongs (Yale University Press, cloth 1983, paperback 1984)

The Judiciary Committees: A Study of the House and Senate Judiciary Committees (Viking Press, 1975 cloth and paperback)

### **Published Articles, Chapters, Review Essays, Poem, and Longer Commentary**

“Campaign-Finance Reform Revisited,” *National Affairs* (Winter 2019), pp. 76-93

“The Question of Birthright Citizenship,” *National Affairs*, Summer 2018, (with Rogers M. Smith), <https://nationalaffairs.com/publications/detail/the-question-of-birthright-citizenship>

Review of David Mayhew, The Imprint of Congress, *New Rambler*, <http://newramblerreview.com/book-reviews/political-science/congress-in-the-large>

“Trump’s America: A Limerick,” July 5, 2017, [http://www.huffingtonpost.com/entry/trumps-america-limerick\\_us\\_595d2b18e4b05c37bb81b507?nwl](http://www.huffingtonpost.com/entry/trumps-america-limerick_us_595d2b18e4b05c37bb81b507?nwl)

Review of Reuel Schiller, Forging Rivals, *New Rambler*, <http://newramblerreview.com/book-reviews/history/toward-a-more-perfect-union>

“Immigration Reform: Hard, But Not Impossible,” The American Interest, May/June 2017, pp. 56-65, <https://www.the-american-interest.com/2017/04/18/immigration-reform-hard-but-not-impossible/>

Review of Adrian Vermeule, Law’s Abnegation: From Law’s Empire to the Administrative State, *New Rambler*, <http://newramblerreview.com/book-reviews/law/law-s-province>

- Review of Peter J. Spiro, *At Home in Two Countries: The Past and Future of Dual Citizenship*, in 53 *Journal of Social History* (2017), <http://jsh.oxfordjournals.org/cgi/content/full/shw134?>
- “Comment on Blocher & Gulati, “Competing for Refugees,” 1 *Human Rights Law Review* 15 (2017), <http://hrlr.law.columbia.edu/comment-on-blocher-gulati-competing-for-refugees-a-market-based-solution-to-a-humanitarian-crisis/>
- “James Q. Wilson and American Exceptionalism,” *National Affairs*, Winter 2016, pp. 135-53
- “What the President of Yale Should Have Said,” <http://www.mindingthecampus.org/2015/11/what-the-president-of-yale-should-have-said/>
- “Poor Performance by Government: A Functional Explanation of Public Disaffection, 13 *The Forum* 395-415 (2015), file:///C:/Users/schuckp/Downloads/for-2015-0031.pdf
- “Should Those Who Attack the State Have an Absolute Right to Remain Its Citizens?” <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/1268-the-return-of-banishment-do-the-new-denationalisation-policies-weaken-citizenship?showall=&start=2>
- “Refugee Burden-Sharing: A Modest Proposal, Fifteen Years Later,” in *Contemporary Challenges to the Nation State: Global and Israeli Perspectives*, vol. III: *The Nation State and Immigration: The Age of Multiculturalism*, edited by A. Shapira, Y.Z. Stern, A. Jakobson, & L. Orgad (2014), pp. 67-116
- “Assessing Affirmative Action,” *National Affairs*, Summer 2014, pp. 76-96
- “Reg Neg Redux: the Career of a Procedural Reform” (with Steven Kochevar), 15 *Theoretical Inquiries in Law* 417-46 (2014)
- “Immigrant Criminals in Overcrowded Prisons: Rethinking an Anachronistic Policy,” 27 *Georgetown Immigration Law Journal* (Summer 2013), pp. 597-748
- “Citizen Terrorists and the Challenges of Plural Citizenship,” in *Varieties of Sovereignty and Citizenship* (Sigal R. Ben-Porath & Rogers M. Smith, U. Pennsylvania Press, 2013, pp. 97-110)
- “What Happens to the ‘Bad Apples’: An Empirical Study of Suspensions in New York City Schools,” 87 *Notre Dame Law Review* 2063-2086 (2012) (with Matthew Matera & David I. Noah)
- “The Paradoxical Relation between Religion and Liberal Democracy in the United States,” in *El Constitucionalismo en transición* (SELA, 2012), pp. 309-334
- “Professor Rabin and the Administrative State,” 61 *DePaul Law Review* 595-614 (2012)
- “Immigration Policy: Myths, Realities, and Reforms,” 51 *Washburn Law Review* 189-200 (2012)

- “Deportation Before Incarceration,” Policy Review, Feb.-March 2012, pp. 73-83
- “Reflections on Improving Immigration Journalism,” in M. Suarez-Orozco, V. Louie, & R. Suro, eds., Writing Immigration: Scholars and Journalists in Dialogue (University of California Press, 2011), pp.
- “Policymakers in the Dock,” Policy Review, Oct.-Nov. 2011, pp. 63-77
- “Suing Government Lawyers for Giving Dubious Legal Advice in a National Security Crisis: Notes on How (Not) to Become a Banana Republic,” 8 University of St. Thomas Law Journal 496-512 (2011)
- “Lawyers Behaving Badly,” The American Lawyer, Fall 2011, pp. 81-2 (review of Lester Brickman, Lawyer Barons, and Walter Olson, Schools for Misrule)
- “Tort as a Litigation Lottery: A Misconceived Metaphor,” (with Timothy Lytton and Robert Rabin), 52 Boston College Law Review 267-88 (2011)
- “Making the Case for Changing U.S. Policy Regarding Highly Skilled Immigrants,” 38 Fordham Urban L.J. 327-62 (2010). Shorter versions are “U.S. Policy Regarding Highly-Skilled Immigrants: Change Whose Time Has Come,” in Rules for Growth (R. Litan, ed., Kauffman Foundation, 2011) (with John E. Tyler); and *Wall St. Journal* op-ed, May 13, 2011
- “Fixer-Upper,” The American Lawyer, Dec. 2010
- “Citizen Terrorist,” Policy Review 61-73 (December 2010-January 2011)
- “The Golden Age of Aging, and Its Discontents,” 18 Elder Law Journal 25-70 (2010)
- “Crisis and Catastrophe in Science Law, and Politics: Mapping the Terrain,” in Catastrophe: Law, Politics, and the Humanitarian Impulse (Austin Sarat & Javier Lezaun, eds., U. of Massachusetts Press, 2009), pp. 19-59
- “Immunity, Not Impunity,” The American Lawyer, Nov. 2009
- “Healing Power,” The American Lawyer, Oct. 2009 (review of Amy Wax, Race, Wrongs, and Remedies)
- “Three Models of Citizenship,” in Citizenship in America and Europe: Beyond the Nation-State? (Michael Greve and Michael Zoller, eds., AEI Press, 2009), pp. 151-84
- “Courts in a Democracy,” 1 Jindal Global Law Review 7-21 (2009)
- “Is a Competent Civil Service Becoming Oxymoronic?” (review of Light, A Government Ill-Executed: The Decline of the Federal Service and How to Reverse It, and Alan Gerber & Eric Patashnik, eds., Promoting the General Welfare: New Perspectives on Government Performance, in 77 George Washington University Law Review 973-91 (2009)

- "Immigrants' Political and Legal Incorporation in the United States after 9/11: Two Steps Forward, One Step Back", in Bringing Outsiders In: Immigrant Political Incorporation in the United States and Europe (J. Hochschild and J. Mollenkopf, eds., Cornell University Press, 2009), pp. 158-75
- "In Moral Argument, the Details Matter," Boston Review, May-June 2009, <http://bostonreview.net/BR34.3/schuck.php>
- "Tort Reform, Kiwi-Style," 27 Yale Law & Policy Review 187-203 (2008). Also published in 29 Graduate Law Review of China University of Political Science and Law (June 2011)
- "Immigration Law's Organizing Principles: A Response," <http://www.pennumbra.com>
- "Preemption Games," The New Republic Online, [http://blogs.tnr.com/tnr/blogs/the\\_treatment/archive/2009/03/05/preemption-games.aspx](http://blogs.tnr.com/tnr/blogs/the_treatment/archive/2009/03/05/preemption-games.aspx)
- "The Morality of Immigration Policy, 45 San Diego Law Review 865-97 (2008)
- "Trimming Litigation," The American Lawyer (December 2008), pp. 79-80
- "FDA Preemption of State Tort Law in Drug Regulation: Finding the Sweet Spot," 13 Roger Williams Law Review 73-114 (2008)
- Review of Daniel Kanstroom, Deportation Nation: Outsiders in American History, 9 Journal of International Migration and Integration, 225-6 (2008)
- "Demography, Human Rights, and Diversity Management, American-Style," 2 Journal of Law & Ethics of Human Rights 87-127 (2008)
- "The American Creed," September 2007, [http://www.transatlanticforum.de/pdf/schuck\\_final.pdf](http://www.transatlanticforum.de/pdf/schuck_final.pdf)
- "Understanding America," The American Lawyer (May 2008), pp. 73-77
- Review of Motomura, Americans in Waiting, 122 Political Science Quarterly 674-76 (2007-08)
- "In Diversity We (Sorta) Trust," The American Lawyer (December 2007), pp. 83-84. A shorter version is published at [http://www.atlantic-community.org/index/Open\\_Think\\_Tank\\_Article/In\\_Diversity\\_We\\_%28Sorta%29\\_Trust](http://www.atlantic-community.org/index/Open_Think_Tank_Article/In_Diversity_We_%28Sorta%29_Trust)
- "Taking Immigration Federalism Seriously," 2007 U. of Chicago Law Forum 57-92. Reprinted in 28 Immigration and Nationality Law Review 273 (2007). A version also appears in 7 The Forum (2009), <http://www.bepress.com/forum/vol7/iss3/art4>
- "Bordering on Folly," The American Lawyer (October 2007), pp. 83-86
- "Law and the Study of Migration," Migration Theory: Talking Across Disciplines (C. Brettell & J. Hollifield, eds., Routledge, 2<sup>nd</sup> ed., 2007), pp. 239-257
- "Safe Harbors," The American Lawyer (July 2007), pp. 63-66

“Speaking of Tongues,” Democracy: A Journal of Ideas (Summer 2007)  
<http://www.democracyjournal.org/article.php?ID=6541>

“Some Reflections on the Future of Mass Torts,” 12 Connecticut Insurance Law Journal 505-15 (2005-06)

“The Meaning of Citizenship in a Post-9/11 World,” 75 Fordham Law Review 2531-40 (2007)

Essay on affirmative action for Encyclopedia of Law and Society: American and Global Perspectives (D. Clark, ed., Sage Publications, 2007)

“Concluding Thoughts: How the Whole Is Greater than the Sum of Its Parts,” in Creating Competitive Markets: The Politics of Regulatory Reform (M. Landy, M. Levin, and M. Shapiro, ed., Brookings Institution Press, 2007), pp. 343-52

“The Disconnect Between Public Attitudes and Policy Outcomes in Immigration,” in Debating Immigration (C. Swain, ed., Cambridge University Press, 2007), pp. 17-31

Essay on “Citizenship,” in Encyclopedia of Legal History: American and Global Perspectives (S. Katz, ed., Oxford University Press, 2007)

“Citizenship and Nationality Policy,” in The New Americans: A Guide to Immigration Since 1965 (M. Waters & R. Ueda, eds., Harvard University Press, 2007), pp. 43-55

“Toward A Better Future for the Democratic Party,” [www.openingargument.com](http://www.openingargument.com), November 2006

“Banish the Bad Apples,” The American Lawyer, October 2006, pp. 73-6

“Good Cop, Bad Cop,” The American Lawyer, August 2006, pp. 69-71

“Federalism: A View from the United States,” in Global Law v. Local Law (C. Amato & G. Ponzanelli, eds., Giapichelli, 2006)

“Federalism,” 38 Case Western Reserve Journal of International Law 5-12 (2006)

“Kim Barry’s Fruitful Provocation,” 81 New York University Law Review 3-10 (2006)

“Rebels No More,” The American Lawyer, April 2006, pp. 79-82 (review of Laura Kalman, Yale Law School and the Sixties)

"Lottery Program (US)" and "U.S. Immigration Legislation: Post-1945," in M. J. Gibney and R. Hansen, eds., Immigration and Asylum: from 1900 to the Present (2005), pp. 385 and 645-49.

Review of Gertrude Himmelfarb, The New History and the Old, 17 Journal of Interdisciplinary Studies 196-97 (2005)

“Diversity, Community, and Government Action,” in Uniting America: Restoring The Vital Center to American Democracy (N. Garfinkle & D. Yankelovich, eds., Yale University Press, 2005)

[http://legalaffairs.org/webexclusive/debateclub\\_diversity0106.msp](http://legalaffairs.org/webexclusive/debateclub_diversity0106.msp) (online debate in Legal Affairs about viewpoint diversity on elite law faculties)

“Leftward Leaning,” The American Lawyer, December 2005, pp. 77-79

“The Story of *Kleindienst v. Mandel: Plenary Power and the Professors*,” in Immigration Stories (D. Martin & P. Schuck, eds., 2005), chap. 7

“El poder judicial en una democracia,” in Los Limites de la Democracia (Roberto Saba, ed., 2005), pp. 327-38 (English version also available)

“Incivility’s Virtues,” The American Lawyer (June 2005), pp.

“Why Regulating Guns through Litigation Won’t Work,” in Suing the Gun Industry: A Battle at the Crossroads of Gun Control and Mass Torts (Timothy D. Lytton, ed., U. of Michigan Press, 2005)

Author’s response to comments on Diversity in America, 23 Yale Law & Policy Review 75-91 (2005)

“Vital Centrism,” The American Lawyer (January 2005), pp. 61-5

“Diversity and Candor,” <http://www.scu.edu/ethics/publications/submitted/schuck/diversity-and-candor.html>

“No Stranger to Rights,” The American Lawyer (November 2004), pp. 59-63. Reprinted in Legal Times, Nov. 22, 2004, p. 60

“Passage to India,” The American Lawyer (November 2004), pp. 100-05

Remarks in “Symposium: *Brown v. Board of Education* at Fifty: Have We Achieved Its Goals?,” 78 St. John’s Law Review 311-320 (2004)

“Special Dispensation,” The American Lawyer (June 2004), pp. 69-71 (on 9/11 Compensation Fund)

“Equal Opportunity Recruiting,” The American Lawyer, January 2004, pp. 57-59. A shorter version is published as “Why Yale should open its interview program to the military,” Yale Alumni Magazine (January/February 2004), pp. 23-4.

“Reflections on *Grutter*,” The Jurist, <http://jurist.law.pitt.edu/forum/symposium-aa/index.php> (Sept. 9, 2003)

“Free to Lie,” The American Lawyer (August 2003), pp. 59-61



“Some Thoughts on Victim Compensation,” <http://www.ncvc.org>

“*Tarasoff v. Regents of the University of California: The Therapist’s Dilemma*” in Tort Stories, R. Rabin & S. Sugarman, eds., Foundation Press, 2003), pp. 99-128 (with Daniel J. Givelber)

“Defensible Discrimination,” The American Lawyer (July 2003), pp. Also published in Legal Times, June 9, 2003, p. 60

“Affirmative Action Is Poor Public Policy,” Chronicle of Higher Education, May 2, 2003, pp.

“Chartering a New Course,” The American Lawyer (Jan. 2003), pp.

“Remembering Gary Schwartz,” 50 UCLA Law Review 275-78 (2002)

“Some Federal-State Developments in Immigration Law,” 58 NYU Annual Survey of American Law 387-90 (2002)

“Slavery Reparations: A Misguided Movement,” Jurist (Dec. 9, 2002).  
[Http://jurist.law.pitt.edu/forum/forumnew78.php](http://jurist.law.pitt.edu/forum/forumnew78.php)

Review of Aleinikoff, Semblances of Sovereignty, in 117 Political Science Quarterly 536-538 (2002).

“China’s Legal Tea Leaves,” The American Lawyer (November 2002), pp. 73-75.

“The Pledge on the Edge,” The American Lawyer (September 2002), pp. 65-69.

“Liberal Citizenship,” in Handbook of Citizenship Studies (E. Isin & B. Turner, eds., Sage Publishing Co., 2002), chap. 8, pp. 131-144.

“Groups in a Diverse, Dynamic, Competitive, and Liberal Society: A Comment on Owen Fiss’s ‘Groups and the Equal Protection Clause’” online at: <http://www.bepress.com/ils/iss2/art15>

“Judging Remedies: Judicial Approaches to Housing Segregation,” 37 Harvard Civil Rights-Civil Liberties Law Review 289-368 (2002). A shorter version is published in Diversity in America, chap. 6

“Diversity Dodge,” The American Lawyer, July 2002, pp. 75-76

“Affirmative Action: Past, Present, and Future,” 20 Yale Law & Policy Review 1-97 (2002). A shorter version is published in Diversity in America, chap. 5. A very short version appears as “Affirmative Action: Don’t End It or Mend It -Bend It,” Brookings Review, Winter 2002, pp. 24-27, reprinted in Current Controversies: Racism (Gale Publications, 2003) and in Perspectives on American Politics (W. Lasser, ed., Houghton Mifflin, 2004).

“Tort Liability,” in The Tools of Government: A Guide to the New Governance (L. Salamon, ed., Oxford U. Press, 2002), chap. 15, together with workbook on tobacco litigation.

“A Case for Profiling,” The American Lawyer, January 2002, pp. 59-61. It is reprinted in At Issue: Racial Profiling (K. Hirschmann, ed., Greenhaven Press, 2006). A shorter version is published in the Los Angeles Times, Jan. 26, 2002.

“Legal Liability,” entry in International Encyclopedia of the Social and Behavioral Sciences (N. J. Smelser & Paul B. Baltes, eds., Pergamon, Oxford, 2001), pp. 8774-79. Also in an online version (2002).

“Immigration Reform Redux,” in Seeking the Center: Politics and Policymaking at the New Century (M. Levin, M. Landy, & M. Shapiro, eds., Georgetown U. Press, 2001), chap. 5.

“Smoking Gun Lawsuits,” The American Lawyer, September 2001, pp. 81-5.

“The Perceived Values of Diversity, Then and Now,” 22 Cardozo Law Review 1915-60 (2001). A shorter version is published in Diversity in America, chap. 3

“Immigration at the Turn of the New Century,” 33 Case Western Reserve Journal of International Law 1-11 (2001).

“The Classroom Clash,” The American Lawyer, February 2001, pp. 63-4.

“Benched: The Pros and Cons of Having Judges Make Law,” The Washington Monthly, December, 2000, pp. 35-41.

“A Reply to Professor Rubin,” Books on Law (<http://jurist.law.pitt.edu/lawbooks/reviews.htm>), October 6, 2000

“The Discretionary Function Exception in the Second Circuit,” 20 Quinnipiac Law Review 55-73 (2000) (with James Park)

“Law and Post-Privatization Regulatory Reform: Perspectives from the U.S. Experience,” in Post-Privatization Regulation in Latin America: Post-Privatization Realities (L. Manzetti, ed., 2000), pp. 25-48

“Citizenship in Federal Systems,” 48 American Journal of Comparative Law 195-226 (2000). A slightly different version is published in Federalism (M. Calvo-Garcia and W.L.F. Felstiner, eds., Dykinson, 2004). A shorter version is published in Individual, Community, Nation: 50 Years of Australian Citizenship (K. Rubenstein, ed., 2000), pp. 150-169. Also reprinted in Immigration and Nationality Law Review

“Law and the Study of Migration,” Migration Theory: Talking Across Disciplines (C. Brettell & J. Hollifield, eds., Routledge, 2000), pp. 187-204

“The Politics of Asylum,” The Public Interest, Summer 2000, pp. 125 (book review)

“Diversity Demands Exclusivity,” The American Lawyer, September 2000, pp. 67-69

“Class Clarity,” The American Lawyer (January 2000), pp. 41-42

"A Response to the Critics," 12 Harvard Human Rights Journal 385-88 (1999)

"Removing Criminal Aliens: The Pitfalls and Promises of Federalism," 22 Harvard Journal of Law & Public Policy 367-463 (1999) (with John Williams)

Poem: "Deficit Reduction Made Easy: Change Tax Day," 1 Green Bag 2d 345-348 (1998). Also published in Wall St. J. and at [www.wallstreetpoet.com/New%20Pages/pages/pg2x.html](http://www.wallstreetpoet.com/New%20Pages/pages/pg2x.html)

"Judicial Avoidance of Juries in Mass Tort Litigation," 48 DePaul Law Review 479-502 (1998)

"Current Debates About U.S. Citizenship," in 21 In Defense of the Alien (L. Tomasi, ed., 1999), pp. 80-98

"The Problem with Punitive Damages," The American Lawyer (May 1999), pp. 97-98

"Delegation and Democracy: Comments on David Schoenbrod," 20 Cardozo Law Review 775-793 (1999)

"Comment: the Normative and Political Structure of Family Unification in Immigration Policy," in Immigration Control and Human Rights (K. Hailbronner & E. Klein, eds., C.F. Muller, 1999), pp. 117-124

"Lawyers and Policymakers in Government," 61 Law & Contemporary Problems 7-18 (Winter 1998)

"Border Crossing," The American Lawyer (January-February 1999), pp. 78-80

"The Profession and the Professors," The American Lawyer (June-July 1998), pp. 85-86

"Plural Citizenships," in Immigration and Citizenship in the 21st Century (N. Pickus, ed., Rowman & Littlefield, 1998), chapter 5. Also published in Dual Nationality, Social Rights, and Federal Citizenship in the U.S. and Europe (P. Weil & R. Hansen, eds., Berghahn, 2002), chap. 3.

"Introduction" and "The Treatment of Aliens in the U.S." in Paths to Inclusion: The Integration of Migrants in the United States and Germany (P. Schuck & R. Munz, eds., Berghahn Books, 1998), pp. vii-xxii and 203-246

"Reflections on the Effects of Immigrants on African Americans -- and Vice-Versa," in Help or Hindrance? The Economic Implications of Immigration for African-Americans (D.S. Hamermesh & F.D. Bean, eds., Russell Sage Foundation, 1998), pp. 361-375

"No Fault, No Foul," The New Republic, May 4, 1998, pp. 15-16

"The Open Society," The New Republic, April 13, 1998, pp. 16-18

"The Reevaluation of American Citizenship," 12 Georgetown Immigration Law Journal 1 (1997). An earlier version is published in Challenge to the Nation-State: Immigration in Western Europe and the United States (C. Joppke, ed., Oxford U. Press, 1998), chap. 6

- "The Legal Rights of Citizens and Aliens in the U.S." (in Temporary Workers or Future Citizens: Japanese and U.S. Migration Policies (M. Weiner & T. Hanami, eds., NYU Press, 1998)
- "INS Detention and Removal: A White Paper," 11 Georgetown Immigration Law Journal 667-708 (1997)
- "Refugee Burden-Sharing: A Modest Proposal," 22 Yale Journal of International Law 243-297 (1997)
- "Against (And For) Madison: An Essay in Praise of Factions," 15 Yale Law & Policy Review 553-597 (1997)
- "Perpetual Motion," 95 Michigan Law Review 1738-1760 (1997) (review essay on Thomas Sowell, Migration and Culture: An International Perspective)
- "Introduction: Some Reflections on the Federalism Debate," in Yale Law & Policy Review and Yale Journal on Regulation, Symposium issue, March 1996, pp. 1-22
- "Alien Ruminations," 105 Yale L.J. 1963-2012 (1996)
- "Political Structure and Politics that Facilitate Assimilation of Immigrants," in In Defense of the Alien, Vol. XVIII (L. Tomasi, ed., Center for Migration Studies, 1995); translated in R. Gargarella, ed., Derecho y Grupos Desaventajados (Gedisa Editorial, Barcelona, 1999), pp. 209-20
- "Let Them In," The New Republic, September 4, 1995, pp.13-14 (with Julie Schuck)
- "Mass Torts: An Institutional Evolutionist Perspective," 80 Cornell Law Review 941-989 (1995)
- "The Message of 187," The American Prospect 85-92 (No. 21, Spring 1995). A footnoted version appears in "The Message of Proposition 187," 26 Pacific Law Journal 989-1000 (1995)
- "Tortured Logic," The New Republic, March 27, 1995, pp. 11-12
- "Whose Membership Is It, Anyway? Comments on Gerald Neuman," 35 Virginia Journal on International Law 321-31 (1994)
- "Tort Liability To Those Injured By Negligent Accreditation Decisions," 57 Law & Contemporary Problems 185-197 (1994)
- "Rethinking Informed Consent," 103 Yale Law Journal 899-959 (1994). Shorter versions appear in A Health Law Reader: An Interdisciplinary Approach (J. Robinson et al., eds., 1999), pp. 255-73, and in Patients Rights: Informed Consent, Access and Equality (L. Westerhall & C. Phillips, ed.) (Stockholm: Nerenius & Santerus, 1994).
- "Race Matters" (review essay), 2 Reconstruction 84-89 (1994)

"The New Immigration and the Old Civil Rights," The American Prospect, no. 15 (Fall 1993), pp. 102-111. This is also reprinted as chapter 6 in Peter H. Schuck, Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship (1998), and as "The Evolving Civil Rights Movement: Old Civil Rights and New Immigration," in Current, Jan. 1994, at p. 13. Short excerpts appear in The Reconciler, Spring 1996, p. 3. Another version is forthcoming in Immigration and Race Relations (G. Jaynes ed., forthcoming Yale U. Press, 1997). Remarks adapted from this appear in 11 New York Law School Journal of Human Rights 54-549 (1994)

"Mapping the Debate over Jury Reform," in Verdict: Assessing the Civil Jury System (R. Litan, ed. 1993), chap. 9. A short, unfootnoted version will appear in 77 Judicature 1-7 (March-April 1994)

"Public Law Litigation and Social Reform" (review essay) 102 Yale Law Journal 1763-86 (1993)

"Multi-Culturalism Redux: Science, Law, and Politics," 10 Yale Law and Policy Review 1-46 (1992)

"Continuity and Change: Patterns of Immigration Litigation in the Courts," 45 Stanford Law Review 115-183 (1992)

"Legal Complexity: Some Causes, Consequences, and Cures," 42 Duke Law Journal 1-52 (1992)

"The Politics of Rapid Legal Change: Immigration Policy in the 1980s," in 6 Studies in American Political Development 37-92 (S. Skowronek & K. Orren, eds., 1992); a shorter version is published in The New Politics of Public Policy (M. Landy & M. Levin, eds., Johns Hopkins University Press, 1994) 47-87

"The Worst Should Go First: Deferral Registries in Asbestos Litigation," 15 Harvard Journal of Law and Public Policy 541-594 (1992). A shorter version appears in 75 Judicature 1-13 (1992)

"Consensual Citizenship," 16 Chronicles 21-25 (July 1992) (with Rogers Smith)

"Citizenship" and "Governmental Wrongs" entries in Encyclopedia of the American Constitution (L. Levy, ed., 1991)

"The U.S. Perspective on Catastrophic Torts," in The Cambridge Lectures - 1991 (F. McArdle, ed., 199\_)

"The Emerging Consensus on Immigration Law in the 1990s," 5 Georgetown Imm. L. J. 1-33 (1991). A shorter, earlier, unfootnoted version is published as "The Great Immigration Debate," 1 The American Prospect 100-118 (Fall 1990); a reply to a critic is at 1 The American Prospect 20-22 (Winter 1991)

"Scheduled Damages and Insurance Contracts for Future Services: A Comment on Blumstein, Bovbjerg, and Sloan," 8 Yale J. Reg. 213-21 (1991)

"Two Causation Conundrums: Mass Exposures and Social Causes," 1 Courts, Health Science & the Law 305-19 (1991)

- “Obstacles to Suing the Government,” The World & I (1991)
- “Immigration, Refugee, and Citizenship Law in the United States,” in Immigrants in Two Democracies: French and American Experience (D. Horowitz and G. Noiriél, eds., NYU Press, 1992)
- “To the Chevron Station: An Empirical Study of Federal Administrative Law,” 1990 Duke L.J. 984-1077 (with E. Donald Elliott). Abbreviated versions are published as “A Model for Empirical Research on Administrative Law,” 42 Admin. L. Rev. 519-43 (1990), and in Administrative Law (P. Cane, ed., 2002), pp. 193-217
- “Il risarcimento del danno alla persona: l'esperienza nordamericana” (“Compensation for personal injuries: the North American experience”), in Giornate Di Studio Sul Danno Alla Salute (Luciani & Poletti, eds., Padua: 1990), at pp. 355-61
- “Agent Orange on Trial,” in P. Atwood, ed., Agent Orange: Medical, Scientific, Legal, Political and Psychological Issues (U. Mass. at Boston, 1990), pp. 54-57
- “The Civil Liability of Judges in the United States,” 37 American Journal of Comparative Law 655-73 (1989)
- “Why Don't Law Professors Do More Empirical Research?,” 39 Journal of Legal Education 323-36 (1989); also translated in Martin F. Bohmer, ed., La Enseñanza del Derecho y el Ejercicio de la Abogacía (Gedisa Editorial, Barcelona, 1999), pp.
- “Municipal Liability Under Section 1983: Some Lessons From Tort Law and Organization Theory,” 77 Georgetown L. J. 1753-85 (1989); excerpted in A Section 1983 Civil Rights Anthology (S. Nahmod, ed. 1993), at 65-75
- “Overview: Immigration Law and Policy in the 1990s,” 7 Yale L. & Policy Rev. 1-19 (1989)
- “Government Funding for Organ Transplants,” 14 Journal of Health Politics, Policy, and Law 169-190 (1989); also published in J. Blumstein & F. Sloan, eds., Organ Transplantation Policy: Issues and Prospects (Duke University Press, 1989), pp. 169-190
- “Membership in the Liberal Polity: The Devaluation of American Citizenship,” in R. Brubaker, ed., Immigration and the Politics of Citizenship in Europe and North America (University Press of America, 1989), chap. 2; also published in 3 Georgetown Immigration L.J. 1-18 (1989) and in 6 Revue Européenne des Migrations Internationales 93-110 (1990)
- “Some Reflections on the Baby M Case,” 76 Georgetown L. J. 1793-1810 (1988); a summary, from remarks to a Federalist Society Symposium, is also published as “The Social Utility of Surrogacy” in 13 Harvard Journal of Law & Public Policy 132-38 (1990), and in \_\_\_\_\_, ed., Human Sexuality (Greenhaven Press, 1991).
- “The New Judicial Ideology of Tort Law,” in W. Olson, ed., New Directions in Liability Law (Academy of Political Science, 1988), pp. 4-17. Also published in 92 The Public Interest 93-109 (Summer 1988)

“The Thickest Thicket: Partisan Gerrymandering and Judicial Regulation of Politics,” 87 Columbia L. Rev. 1325-1384 (1987). A shorter version appears in B. Grofman, ed., Political Gerrymandering and the Courts (Agathon Press, 1990)

“What Went Wrong With the Voting Rights Act,” 19 The Washington Monthly 51-55 (November 1987) (review essay)

“The Status and Rights of Undocumented Aliens in the United States,” in Cross-Border Relations: European and North American Perspectives (S. Ercmann, ed., Shulthess Polygraphischer Verlag, Zurich, 1987). Also published in 25 International Migration 125-38 (1987).

“Regulatory Reform in the Third World: The Case of Peru,” 4 Yale J. on Regulation 51-78 (1986) (with Robert Litan). Also appears as Brookings Series, Reprint No. 426 (Brookings Institute, 1987) A shorter version appears in 11 Regulation 36-43 (1987).

“The Supreme Court and Immigration Law in the 1980's: Some Impressions,” in 9 In Defense of the Alien (L. Tomasi, ed., Center for Migration Studies, 1987), at 34-45

“The Role of Judges in Settling Complex Cases: The Agent Orange Example,” 53 U. of Chicago L. Rev. 337-65 (1986)

“Designing Hospital Care Subsidies for the Poor,” in Uncompensated Care: Rights and Responsibilities (F. Sloan et al., eds., Johns Hopkins University Press, 1986), chapter 4

“Immigration Law and the Problem of Community,” in Clamor at the Gates: The New American Immigration (N. Glazer, ed., Institute for Contemporary Studies, 1985), 285-307

“The Politics of Economic Growth,” 2 Yale L. & Policy Rev. 359-81 (1984) (review of Mancur Olson, The Rise and Decline of Nations)

“When the Exception Becomes the Rule: Regulatory Equity and the Formulation of Energy Policy Through An Exceptions Process,” 1984 Duke L. J. 163-300 (1984)

“The Transformation of Immigration Law,” 84 Col. L. Rev. 1-90 (1984). Excerpts are published in Law and Migration (S. Goulbourne, ed., 1998), chap. 7

“Regulation, Non-Market Values, and the Administrative State: A Comment on Professor Stewart,” 93 Yale L. J. 1602-13 (1983)

“Organization Theory and the Teaching of Administrative Law,” 33 J. Leg. Educ. 13-23 (1983)

“Malpractice Liability and the Rationing of Care,: for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, November 13, 1981. Also published at 59 Texas L. Rev. 1421 (1982)

“Age Discrimination Revisited,” 57 Chicago-Kent L. Rev. 1029-47 (1981)

“Suing Our Servants: The Court, Congress and the Liability of Public Officials for Damages,” 1980 Supreme Court Review 281-368 (1981)

“The Politics of Regulation,” 90 Yale L. J. 702-25 (1981) (review essay)

“The Graying of Civil Rights Law: The Age Discrimination Act of 1975,” 89 Yale L. J. 27-93 (1979). A shorter version appears in 60 The Public Interest 63-93 (Summer 1980). Portions are reprinted in T. Eisenberg, Civil Rights Legislation (1981)

“Litigation, Bargaining, and Regulation,” 3 Regulation 26-34 (July/August 1979). Portions are reprinted in Evans et al., Administrative Law: Cases, Text, and Materials (1981)

“A Tool for Assessing Social Legislation,” in Clark et al., eds., Reforming Regulation (1980), at 117-23

“Regulation: Asking the Right Questions,” Natl. J., April 28, 1979, at 711-17

“On the Chicken Little School of Regulation,” The Washington Post, Outlook Section, January 28, 1979

“Public Interest Groups and the Policy Process,” 37 Public Admin. Rev. 132-40 (March/April 1977). Reprinted elsewhere.

“Whisperings in the Press Gallery,” and “Letter,” Harper's, March 1977 and April 1977

“Terry and the Pirates,” The New Republic, September 11, 1976

“National Economic Planning: Slogan Without Substance,” 45 The Public Interest 63-78 (Fall 1976). Reprinted elsewhere

“The Ethics of Lawyering Advertising,” Discovery (1976)

“Lawyers' Fees,” The New Republic, October 11, 1975

“Why Regulation Fails,” Harper's, September 1975, at 16-29. Reprinted elsewhere

“Keeping Secrets,” The New Republic, June 7, 1975

“The Consumer Class Action: An Endangered Species,” 12 San Diego L. Rev. 39-75 (1974) (with Marsha Cohen)

“Electronic Funds Transfer Systems: A Technology in Search of a Market,” in The Economics of a National Electronic Funds Transfer System (Federal Reserve Bank of Boston, 1974), at 151-64. Also published in 35 Maryland L. Rev. 78-87 (1975)

“The Possibilities of Effecting Institutional Change,” Prepaid Legal Services and Beyond (American Bar Association, 1974), at 108-14

“In the Consumer Interest,” International Consumer, Winter 1973-74



“A Consumer's View of the Health Care System,” in Ethics of Health Care (National Academy of Sciences, 1974), at 95-118

“The Nader Chronicles,” 50 Texas L. Rev. 1455-67 (1972)

“The Curious Case of the Indicted Meat Inspectors,” Harper's, September 1972. Reprinted in R. Stillman, ed., Public Administration: Concepts and Cases (2nd ed. 1980) and elsewhere

“Black Land-Grant Colleges: Discrimination as Public Policy,” Saturday Review, June 24, 1972. Reprinted elsewhere

“Tied to the Sugar Lands,” Saturday Review, May 6, 1972. Reprinted elsewhere

“Democracy and the Good Life in a Company Town: The Case of St. Mary's,” Harper's, May 1972 (with Harrison Wellford). Reprinted elsewhere

“Food Anyone?” The Progressive, May 1972

“An Alternative to the Nixon Income Maintenance Plan,” 19 The Public Interest 120-30 (Spring 1970) (with Richard Zeckhauser). Reprinted in Crandall and Eckhaus, eds., Contemporary Issues in Economics: Selected Readings (1972), at 461-66

### **Short Essays, Reviews, Commentaries, Op-Eds, Blogs**

“Trump is Half Right. Congress Can End Birthright Citizenship for US-Born Children of Illegal Immigrants,” [https://www.washingtonpost.com/outlook/2018/10/31/trump-is-half-right-congress-can-end-birthright-citizenship/?utm\\_term=.674db25f6c00](https://www.washingtonpost.com/outlook/2018/10/31/trump-is-half-right-congress-can-end-birthright-citizenship/?utm_term=.674db25f6c00) (with Rogers M. Smith)

“Grounds for Optimism? Or Whistling Past the Graveyard?,” Oct. 8, 2018  
<http://peterschuck.blogspot.com>

“Yale Takes Sides Against Kavanaugh,” <https://www.mindingthecampus.org/2018/09/25/yale-law-takes-sides-against-kavanaugh/>

“Five Reasons Student Loans are a Looming Disaster,”  
<https://www.mindingthecampus.org/2018/09/13/five-reasons-students-loans-are-an-enormous-disaster/>

“No More Grandstanding. Ask Kavanaugh Better Questions,” Sept. 6, 2018,  
<https://www.nytimes.com/2018/09/06/opinion/brett-kavanaugh-supreme-court-confirmation.html>

“The Court Ruled Correctly on the Travel Ban,” June 26, 2018,  
<https://www.nytimes.com/2018/06/26/opinion/the-court-ruled-correctly-on-the-travel-ban.html>

“Five Weaknesses of Tribal Politics,” March 12, 2018,  
<https://www.mindingthecampus.org/2018/03/5-ways-to-stop-identity-politics-from-tearing-america-apart/>

“What Professors Ought to Tell Students,” Feb. 8, 2018,  
<https://www.mindingthecampus.org/2018/02/what-professors-ought-to-tell-students/>

Redistricting Roundtable, [https://ballotpedia.org/The Ballot Bulletin: February 2018](https://ballotpedia.org/The_Ballot_Bulletin:_February_2018)

“Thinking Clearly about Sexual Harassment,  
[https://www.huffingtonpost.com/entry/thinking-clearly-about-sexual-harassment\\_us\\_5a4a9e12e4b06d1621ba2f62?lpb](https://www.huffingtonpost.com/entry/thinking-clearly-about-sexual-harassment_us_5a4a9e12e4b06d1621ba2f62?lpb)

“The Widening Gap between Our Politics and Our Civil Society,”  
[https://www.huffingtonpost.com/entry/the-widening-gap-between-our-politics-and-our-civil-society\\_us\\_5a2a16dbe4b069ec48ac30bd?ach](https://www.huffingtonpost.com/entry/the-widening-gap-between-our-politics-and-our-civil-society_us_5a2a16dbe4b069ec48ac30bd?ach)

“Why the ‘Diversity Lottery’ Needs to End,”  
[https://www.nytimes.com/2017/11/02/opinion/diversity-lottery-skilled-immigrants.html?\\_r=0](https://www.nytimes.com/2017/11/02/opinion/diversity-lottery-skilled-immigrants.html?_r=0)

“Free Speech on Campus: Where are the Adults in the Room?” Oct. 23, 2017,  
<http://www.mindingthecampus.org/2017/10/free-speech-where-are-the-adults-in-the-room/>

“Taking a Knee: How to Squander a Teaching Moment,”  
[https://www.huffingtonpost.com/entry/taking-a-knee-how-to-squander-a-teaching-moment\\_us\\_59de5c86e4b0fdad73b17889?fcf](https://www.huffingtonpost.com/entry/taking-a-knee-how-to-squander-a-teaching-moment_us_59de5c86e4b0fdad73b17889?fcf)

“Searching for Public Courage,” [http://www.huffingtonpost.com/entry/political-courage-ceos-politicians\\_us\\_5996e6c4e4b0a2608a6bc5c5?section=us\\_contributor](http://www.huffingtonpost.com/entry/political-courage-ceos-politicians_us_5996e6c4e4b0a2608a6bc5c5?section=us_contributor), August 18, 2017

“Trump’s America: A Limerick,” July 5, 2017, [http://www.huffingtonpost.com/entry/trumps-america-limerick\\_us\\_595d2b18e4b05c37bb81b507?nwl](http://www.huffingtonpost.com/entry/trumps-america-limerick_us_595d2b18e4b05c37bb81b507?nwl)

“Commentary: Principles to Guide a Nation Through Issues That Divide Us,  
[http://www.philly.com/philly/opinion/20170319 Commentary Principles to guide a nation through issues that divide us](http://www.philly.com/philly/opinion/20170319_Commentary_Principles_to_guide_a_nation_through_issues_that_divide_us)

“Still in the Thickest Thicket,” <http://electionlawblog.org/?p=89747>, December 6, 2016

[http://www.nytimes.com/2016/05/18/opinion/a-bathroom-of-ones-own.html?\\_r=0](http://www.nytimes.com/2016/05/18/opinion/a-bathroom-of-ones-own.html?_r=0)

<http://www.barrons.com/articles/taking-on-the-u-s-s-regulatory-state-1454131608>

(review of Charles Murray book)

<http://www.regblog.org/2016/01/05/schuck-understanding-government-failure/> and  
<http://www.regblog.org/2016/01/05/is-government-prone-to-fail/>

[http://www.huffingtonpost.com/peter-h-schuck/what-to-do-about-isiss-am\\_b\\_8281958.html?1444682541](http://www.huffingtonpost.com/peter-h-schuck/what-to-do-about-isiss-am_b_8281958.html?1444682541)

New York Times, June 9, 2015 [http://www.nytimes.com/2015/06/09/opinion/creating-a-market-for-refugees-in-europe.html?\\_r=0](http://www.nytimes.com/2015/06/09/opinion/creating-a-market-for-refugees-in-europe.html?_r=0)

“Should those who attack the nation have an absolute right to remain its citizens?”: a reply to Audrey Macklin  
[http://cadmus.eui.eu/bitstream/handle/1814/34617/RSCAS\\_2015\\_14.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/34617/RSCAS_2015_14.pdf?sequence=1), pp. 9-10.

Barron's, May 2, 2015 (review of Peter Wallison book),  
[http://online.barrons.com/articles/two-perils-dodd-frank-and-antitrust-1430542200?mod=BOL\\_hp\\_mag](http://online.barrons.com/articles/two-perils-dodd-frank-and-antitrust-1430542200?mod=BOL_hp_mag)

Barron's, March 2, 2015 (review of Edward Kleinbard book)

Huffington Post, December 22, 2014, [http://www.huffingtonpost.com/peter-h-schuck/racism-and-racialism-are-b\\_6368010.html?1419275840](http://www.huffingtonpost.com/peter-h-schuck/racism-and-racialism-are-b_6368010.html?1419275840)

New York Times, November 21, 2014, <http://www.nytimes.com/2014/11/22/opinion/the-impeachment-of-obama-on-immigration-may-be-legal-but-its-wrong.html?module=Search&mabReward=relbias%3Aw%2C%7B%221%22%3A%22RI%3A8%22%7D>

Los Angeles Times, November 21, 2014, <http://www.latimes.com/opinion/op-ed/la-oe-schuck-citizenship-birthright-immigration-20141123-story.html>

<http://www.brookings.edu/events/2014/10/31-can-we-make-government-work>

<http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/1268-the-return-of-banishment-do-the-new-denationalisation-policies-weaken-citizenship?showall=&start=2>

<http://www.washingtonpost.com/blogs/on-leadership/wp/2014/10/20/the-deep-rooted-problems-with-government/>

Washington Post, August 27, 2014, at A5,  
[http://www.washingtonpost.com/opinions/attack-ads-have-their-plus-sides/2014/08/26/c1150cd8-27eb-11e4-958c-268a320a60ce\\_story.html](http://www.washingtonpost.com/opinions/attack-ads-have-their-plus-sides/2014/08/26/c1150cd8-27eb-11e4-958c-268a320a60ce_story.html)

Huffington Post, July 8, 2014, [http://www.huffingtonpost.com/peter-h-schuck/one-or-two-cheers-for-una\\_b\\_5568417.html](http://www.huffingtonpost.com/peter-h-schuck/one-or-two-cheers-for-una_b_5568417.html)

National Public Radio posting on Civil Rights Act 50<sup>th</sup> anniversary, July 2, 2014,  
<http://apps.npr.org/behind-the-civil-rights-act/#/annotations>

Huffington Post, June 16, 2014, [http://www.huffingtonpost.com/peter-h-schuck/federal-student-loans\\_b\\_5500760.html](http://www.huffingtonpost.com/peter-h-schuck/federal-student-loans_b_5500760.html)

Huffington Post, June 16, 2014, [http://www.huffingtonpost.com/peter-schuck/conservatives-vergara-decision\\_b\\_5500728.html](http://www.huffingtonpost.com/peter-schuck/conservatives-vergara-decision_b_5500728.html)

Huffington Post, May 30, 2014, [http://www.huffingtonpost.com/peter-h-schuck/the-commencement-disinvt\\_b\\_5417184.html](http://www.huffingtonpost.com/peter-h-schuck/the-commencement-disinvt_b_5417184.html)

Washington Post, May 30, 2014, at A15,  
[http://www.washingtonpost.com/opinions/congress-owns-a-part-of-the-vas-failures/2014/05/29/ab94248e-e5b0-11e3-8f90-73e071f3d637\\_story.html](http://www.washingtonpost.com/opinions/congress-owns-a-part-of-the-vas-failures/2014/05/29/ab94248e-e5b0-11e3-8f90-73e071f3d637_story.html)

Monkey Cage, May 29, 2014, <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/05/29/why-does-government-fail-so-often/>

“On Sexual Assault Policy, Trust Colleges, Not Uncle Sam,” Los Angeles Times, May 17, 2014, at A17, <http://www.latimes.com/opinion/op-ed/>

Slate, April 21, 2014, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2014/04/the\\_top\\_dozen\\_federal\\_government\\_programs\\_in\\_history.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2014/04/the_top_dozen_federal_government_programs_in_history.html)

Los Angeles Times, April 20, 2014, <http://www.latimes.com/opinion/op-ed/laoe-schuck-campaign-finance-mccutcheon-20140420-story.html>

Huffington Post, March 16, 2014, [http://www.huffingtonpost.com/peter-schuck/obamacare-markets\\_b\\_4974038.html?1394974977](http://www.huffingtonpost.com/peter-schuck/obamacare-markets_b_4974038.html?1394974977)

Wall Street Journal, November 5, 2013, at A15,

[http://www.washingtonpost.com/opinions/congress-owns-a-part-of-the-vas-failures/2014/05/29/ab94248e-e5b0-11e3-8f90-73e071f3d637\\_story.html](http://www.washingtonpost.com/opinions/congress-owns-a-part-of-the-vas-failures/2014/05/29/ab94248e-e5b0-11e3-8f90-73e071f3d637_story.html)

Russia Direct, October 4, 2013, <http://russia-direct.org/content/american-exceptionalism-curse-or-boon>

Huffington Post, July 3, 2013, [http://www.huffingtonpost.com/peter-h-schuck/national-security\\_b\\_3543312.html](http://www.huffingtonpost.com/peter-h-schuck/national-security_b_3543312.html)

[http://branch.com/b/what-does-the-fisher-v-texas-ruling-mean/invite\\_link/ZHLwgyX9VFDwXQ](http://branch.com/b/what-does-the-fisher-v-texas-ruling-mean/invite_link/ZHLwgyX9VFDwXQ)

[http://www.mindingthecampus.com/originals/2013/02/valdosta\\_and\\_the\\_future\\_of\\_the.html](http://www.mindingthecampus.com/originals/2013/02/valdosta_and_the_future_of_the.html)

Los Angeles Times, February 17, 2013, at  
[http://www.mindingthecampus.com/originals/2013/01/when\\_law\\_schools\\_teach\\_advocac.html](http://www.mindingthecampus.com/originals/2013/01/when_law_schools_teach_advocac.html)

Wall Street Journal, March 14, 2012, at A11  
 Los Angeles Times, February 28, 2012, at A11  
 Huffington Post, January 5, 2012, [http://www.huffingtonpost.com/peter-schuck/paying-damages-to-falsely\\_b\\_1184459.html](http://www.huffingtonpost.com/peter-schuck/paying-damages-to-falsely_b_1184459.html)  
 New York Times, March 11, 2012, at SR 12  
 Wall Street Journal, July 22, 2011, at A 15  
 Los Angeles Times, July 13, 2011, at A15  
 New York Times, June 23, 2011, at A27  
 Wall Street Journal, May 13, 2011, at A15  
 Yale Law Report, Summer 2011, at 47  
 Los Angeles Times, January 30, 2011, at  
 New York Times, December 7, 2010, at A33  
 New York Times, August 14, 2010, at A19  
 Wall Street Journal, May 14, 2010, at A19  
 Los Angeles Times, July 15, 2009; shorter version in Newsday, July 17, 2009  
 Boston Globe, March 26, 2007, at  
 Wall Street Journal, March 8, 2006, at A20 (with Tony Sebok)  
 New York Times, December 9, 2005, at A  
 Los Angeles Times, August 29, 2005, at B11; also in Newsday, August 30, 2005, at A33  
 Roundtable discussion of work of Judge Weinstein, 12 Journal of Law & Policy 149-239 (2003)  
 Los Angeles Times, August 1, 2004, at B13  
 Los Angeles Times, July 9, 2004  
 Review of "The Rule of Lawyers," New York Law Journal, June 13, 2003, p. 2  
 New York Times, August 8, 2002, at A25  
 New York Times, May 23, 2002, at A31  
 New York Times, December 19, 2001, at A35  
 Review of "A Trial By Jury," New York Law Journal, July 17, 2001  
 "Memo to the President," The American Lawyer, January 2001, pp. 78-79  
 National Law Journal, September 6, 1999, at A21  
 Dialogue on Immigration: 14 Focus on Law Studies (ABA, Spring 1999)  
 Book review, New York Law Journal, July 16, 2001, at \_\_\_\_.  
 Wall Street Journal, March 18, 1998, at A22  
 Wall Street Journal, May 27, 1997, at A18  
 New York Times, Sunday Business Section, April 13, 1997 (with Ian Ayres)  
 Wall Street Journal, February 27, 1997 (with Bruce Brown)  
 Remarks at Federalist Society Symposium on "Federalism and Judicial Mandates," 28 Ariz. State L.J. 175-81 (Spring 1996)  
 New York Times, August 13, 1994  
 Washington Post, June 13, 1993  
 The Law and Politics Book Review, vol. 3, no. 4 (April 1993), pp. 38-40  
 Los Angeles Times, May 5, 1991, reprinted in Interracial America: Opposing Views (1996), pp. 136-40  
 Washington Post, January 13, 1991  
 American Journal of International Law, January 1990  
 American Journal of International Law, January 1989  
 American Bar Association Journal, January 1988  
 American Journal of International Law, January 1988  
 American Journal of International Law, July 1987  
 Washington Post, April 12, 1987

Washington Post, September 21, 1986  
American Journal of International Law, July 1986  
New York Times, September 24, 1984  
Washington Post, October 7, 1984  
Washington Post, July 22, 1984  
Washington Post, January 8, 1984  
New York Times, September 7, 1983  
Washington Post, August 7, 1983  
Washington Post, December 12, 1982  
Public Welfare, Fall 1982  
Separate Statement to Report of Task Force on Group Status in America, American Jewish Committee (1981)  
New York Times, May 31, 1981. Also published in 28 Yale Law Report 16 (Fall 1981)  
New York Times, July 13, 1980  
Wall Street Journal, April 11, 1980  
Wall Street Journal, July 3, 1979  
Washington Post, June 4, 1979  
Commentary, March 1979  
Commentary, July 1977  
Washington Post, December 31, 1976  
Journal of Policy Analysis and Management, (Fall 1986)  
Dissenting remarks in Trial Advocacy as a Specialty: Final Report, Annual Chief Justice Earl Warren Conference on Advocacy in the United States, June 1976  
Harper's, February 1976  
Juris Doctor, February 1976  
Washington Post, January 1976  
The New Republic, December 20, 1975  
Washington Post, March 10, 1974  
14 Santa Clara Lawyer, Spring 1974

#### **Congressional & Agency Testimony (Partial List)**

Birthright Citizenship  
House Judiciary Committee, December 13, 1995

Revision of Federal Tort Claims Act  
House Judiciary Committee, April 14, 1988

Revision of Federal Tort Claims Act  
Senate Judiciary Committee, Subcommittee on Agency Administration, March 31, 1982, in "Federal Tort Claims Act," pp. 13-122.

Federal Trade Commission  
House Commerce Committee, Subcommittee on Consumer Protection and Finance, March 8, 1977

Banking Regulation  
House Government Operations Committee, Subcommittee on Commerce, Consumer and Monetary Affairs, March 2, 1977

#### Truth in Lending Act Enforcement

House Government Operations Committee, Subcommittee on Commerce, Consumer, and Monetary Affairs, September 16, 1976, in "Federal Banking Agency Enforcement of Truth in Lending Act," pp. 20-28

#### Oversight of the Bank Regulatory Agencies

Senate Banking, Housing and Urban Affairs Committee, July 28, 1976

#### Control of Health Care Costs

Council on Wage & Price Stability, June 29, 1976

Attorney's Fees and Reimbursement of Agency Intervenor Senate Judiciary Committee, Subcommittee on Administrative Practice and Procedure, January 30, 1976, in "Public Participation in Federal Agency Proceedings, S. 2715," pp. 40-65

#### Attorney's Fees

House Judiciary Committee, Subcommittee on Courts Civil Liberties, and the Administration of Justice, October 8, 1975

#### Banking Regulation

Senate Banking, Housing and Urban Affairs Committee, Subcommittee on Financial Institutions, June 11, 1975, in "Financial Institutions Act of 1975"

#### Federal Energy Administration Procedures

Senate Judiciary Committee, Subcommittee on Separation of Powers, June 3, 1975

#### Federal Energy Administration

Senate Interior and Insular Affairs Committee, April 28, 1975, in "Federal Energy Administration Oversight"

#### Banking Regulation

House Banking and Currency Committee, Subcommittee on Domestic Monetary Policy, April 23, 1975, in "Audit of the Federal Reserve"

#### Consumer Product Safety Act

House Commerce Committee, Subcommittee on Consumer Protection and Finance, April 22, 1975, in "Consumer Product Safety Commission Improvements Act"

#### Banking Regulation

Senate Banking, Housing and Urban Affairs Committee, Subcommittee on Financial Institutions, March 14, 1975, in "Electronic Funds Transfer Moratorium Act of 1975," pp. 87-89

#### Consumer Product Safety Commission

Senate Commerce Committee, Subcommittee for Consumers, February 28, 1975, in "Consumer Product Safety Commission Oversight," Committee Serial 94-12A, pp. 20-32

#### Regulatory Reform

Senate Commerce Committee, November 20, 1974, in "To Create a National Commission on Regulatory Reform," Committee Serial 93-127, pp. 208-15

Utility Regulation

House District of Columbia Committee, September 30, 1974, in "Utility Rates and People's Counsel for the Public Service Commission," Committee Serial 93-38

Banking Regulation

Senate Banking, Housing and Urban Affairs Committee, Subcommittee of Financial Institutions, July 25, 1974, in "Variable Rate Securities and Disintermediation," pp. 235-47

Natural Gas Regulation

Senate Commerce Committee, November 7, 1973, in "Consumer Energy Act of 1974, Part 2," Committee Serial 93-63

Wholesome Meat Act

Senate Commerce Committee, Subcommittee on Agriculture, Agricultural Research, and General Legislation, September 20, 1973

Consumer Protection Agency

House Government Operations Committee, Subcommittee on Legislation and Military Operations, September 19, 1973, in "To Establish a Consumer Protection Agency"

Freedom of Information Act

House Government Operations Committee, June 7, 1973, in "Freedom of Information, Executive Privilege, Secrecy in Government," Vol. 2

Consumer Protection Agency

Senate Government Operations Committee, Subcommittee on Reorganization, Research, and International Organizations, March 28, 1973, in "To Establish an Independent Consumer Protection Agency"

Life Insurance

Senate Judiciary Committee, Subcommittee on Antitrust and Monopoly, February 23, 1973, in "Life Insurance Industry, Part 3"

Discrimination Against Black Land-Grant Colleges -- Senate Subcommittee on Migratory Labor, June 19, 1972, in "Farmworkers in Rural America, 1971-71; Part 4A: The Role of Land Grant Colleges."

PCB's in Food Supply

House Commerce Committee, Subcommittee on Public Health and Environment, September 14, 1971, in "FDA Oversight: Food Inspection," Committee Serial 92-51

Food Safety

House Commerce Committee, Subcommittee on Public Health and Environment, August 4, 1971, in "FDA Oversight: Food Inspection," Committee Serial 92-51

**LITIGATION (Partial List)**



Consumers Union v. Periodical Correspondents' Association, 365 F. Supp. 18, reversed, 515 F.2d 1341 (D.C. Cir. 1975), cert. denied, \_\_\_ U.S. \_\_\_, 96 S. Ct. 780 (1976). Constitutional challenge to congressional press rules excluding Consumers Reports.

Consumers Union v. Federal Power Commission, 510 F.2d 656, rehearing denied, 510 F.2d 661 (D.C. Cir. 1975). Successful challenge to FPC's costing method in optional procedure cases.  
Consumers Union v. Sawhill, 512 F.2d 1112 (TECA 1975), reversed en banc (4-3 decision), 525 F.2d 1068 (1975). Challenge to FEA's pricing regulations on "new" and "released" crude oil.

Consumers Union v. Zarb, 523 F.2d 1401 (TECA 1975), affirming, 383 F. Supp. 639 (D.D.C. 1975). Successful challenge to FEA pricing regulations on unleaded gasoline.

Consumers Union v. Cost of Living Council, 491 F.2d 1396 (TECA 1974), cert. denied sub nom. Business Roundtable v. Consumers Union, 416 U.S. 984 (1974). Successful challenge to Council's public disclosure regulations governing corporate data during Phases 2 and 3 of the price control programs.

Consumers Union v. Consumer Product Safety Commission, 491 F.2d 810 (2d Cir. 1974). Unsuccessful challenge to regulations on electrical hazards in toys.

Consumers Union v. Federal Reserve Board, 410 F. Supp. 63 (D.D.C. 1976), appeal pending in D.C. Circuit. Successful suit under Freedom of Information Act to obtain comparative interest rates on consumer loans changed by board-regulated banks. The District Court granted the first award of attorney's fees under the FOIA, and the Government has appealed.

Consumers Union v. American Bar Association, 427 F. Supp. 506 (E.D. Va. 1976) (three-judge court), vacated and remanded, 433 U.S. 917 (1977). This suit was the first to challenge the legal profession's ethical restrictions on advertising and solicitation.

Consumers Union v. Richardson, \_\_\_ F. Supp. \_\_\_ (D.D.C. 1974). Successful suit under the Freedom of Information Act to compel public disclosure of Antitrust Division's "business review procedure" correspondence.

Consumers Union v. Albright, Superintendent of Banks, 427 F. Supp. 840, vacated and remanded sub nom. Consumers Union v. Heiman. Challenge on constitutional grounds to the statutory restrictions on the availability to consumers of low-cost savings bank life insurance.

Jordan v. Goodwin, \_\_\_ F. Supp. \_\_\_ (E.D. Va. 1978) (three-judge court), appeal dismissed for want of jurisdiction, \_\_\_ U.S. \_\_\_ (1977). This suit challenged the constitutionality of state laws which requires that all members of the state occupational licensing boards must be from regulated occupation.

Consumers Union v. Weinberger. Successful challenge to administration of the Hill-Burton Act program to support outpatient facilities in poverty areas.

Consumers Union v. Consumer Product Safety Commission. Suit under Freedom of Information Act to compel disclosure of certain data that industry had suppressed through so-called "reverse FOIA" action.

Consumers Union v. Schmidt, 409 F. Supp. 473 (D.D.C. 1976).

Unsuccessful suit testing applicability of Federal Advisory Committee Act to meetings between FDA and the cosmetic industry.

Consumers Union v. Butz. Challenge to USDA's food stamp regulations issued early in 1975. Suit was mooted by congressional action, but only after a temporary restraining order forced USDA to rescind the regulations.

Consumers Union v. Comptroller of the Currency, 589 F.2d 531 (D.C. Cir. 1978). Unsuccessful suit under the Freedom of Information Act to compel disclosure of reports on national banks' complying with truth-in-lending law; the first suit to test the scope of the FOIA exemption for bank examination reports.

### Miscellaneous

“Ruminations and Rhymes” blog: [peterschuck.blogspot.com](http://peterschuck.blogspot.com) , 2018-

Contributing Editor: The American Lawyer, 1998- . Received National Gold Award for Regular Columnist, American Society of Business Publication Editors, 2006

Speeches and lectures to numerous professional, academic, business, university, government and citizen groups in U.S., Japan, France, Germany, Italy, Israel, Sweden, Canada, U.K., U.S.S.R., Chile, Argentina, Peru, and elsewhere

Visiting Professorships: Berkeley Law School, 2014-19 spring semesters; Jean Monnet Scholar-in-Residence, European University Institute (Florence, Italy; January 1996); Visiting Professor, N.Y.U. Law School (Fall semester 1994); Scuola Superiore Di Studi Universitari E Di Perfezionamento S. Anna in Pisa, Italy, May 1989, May 1991, January 1996, May 2005; Georgetown University Law Center, 1986-87; Visiting Scholar, American Enterprise Institute for Public Policy Research, 1979

Study Commissions: National Academy of Sciences, Committee on Estimating Costs to the Department of Justice of Increased Border Security Enforcement by the Department of Homeland Security, 2010-11; National Academy of Sciences, Committee on Risk and Decision-Making, 1979-81; Task Force on Group Status in America, American Jewish Committee, 1980-81

Non-Profit Board Memberships: Humanity in Action, 1997-; Community Mental Health Center Foundation, 1993- ; I Have A Dream, New Haven, 1993- ; Initiative for Public Interest Law at Yale, 1990-3; Creative Arts Workshop, 1988-91; Friends of Legal Services for South Central Connecticut, 1981- ; Asian Community Services, 1984-86; Hillel Sunday School at Yale, 1980-86; National Council for Public Assessment of Technology, 1975-78; Washington Center for the Study of Services, 1975-77; Consumer Federation of America, 1975-76; D.C. Bar, Division on Antitrust Trade Regulation and Consumer Protection, 1975-76; Policy Council, Association for Public Policy Analysis and Management, 1987-91

Consultancies and Expert Testimonies: State of Connecticut, 1994-98 (arbitrator in transportation dispute with New York State); U.S. Department of Justice, 2005 (on remedies for civil rights violations); ACE Insurance (2004-05) (on tort litigation); CNA Insurance Co., 2004-05 (on asbestos litigation); Canadian Department of Justice 1994, 2005 (on citizenship issues); lawyers for plaintiffs and defendants in various personal injury and civil rights litigation; 3M, 1995-96 (on

breast implant litigation); Center for Claims Resolution, 1991-94 (on asbestos litigation); Kroll Associates, 1989 (on congressional rules); Administrative Conference of the United States, 1983-91 (on administrative law issues); Environmental Protection Agency, 1983-84 (on regulatory issues); Institute for Liberty and Democracy, Lima, Peru, 1984- (on regulatory reform); Ford Foundation, Project on Business and the Media, 1976-77 (on TV series)

Advisory Committees: American Law Institute, Restatement (Third) of Torts: General Principles, 1998-; Connecticut Mental Health Center, 1990- (chair); College of Arts and Sciences, Cornell University, 1978-81; National Science Foundation Studies on regulation, 1976-77; Public Member, National Advisory Committee to the Comptroller of the Currency, 1976-77

Yale University Committees: Chair, Advisory Committee on Investor Responsibility, 1990-92; Member, Committee on Retirement Issues, 1989-91; chair and member, numerous Law School committees

Regulation Books Editor, Journal of Public Policy Analysis and Management, 1984-85

Listed in Who's Who in America; Who's Who in American Politics; Who's Who in American Law; Who's Who in the World