

## RICHARD W. GARNETT

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### ACADEMIC APPOINTMENTS

- Fall 1999-present UNIVERSITY OF NOTRE DAME, Notre Dame, IN  
*Paul J. Schierl / Fort Howard Corporation Professor of Law* (2015-present); *Faculty Director, Notre Dame Program on Church, State & Society* (2010-present); *Concurrent Professor of Political Science* (2010-present); *Associate Dean for Faculty Research* (2011-2013); *Associate Dean for Student Affairs* (2009-11); *Professor of Law* (2008-15); *John Cardinal O'Hara, C.S.C. Associate Professor* (2005-08) (with tenure); *Associate Professor* (2002-05); *Assistant Professor* (1999-2002).
- Courses taught: Criminal Law; Constitutional Law; Constitutional Criminal Procedure; Modern Constitutional Theory; The First Amendment; Catholic Social Thought & the Law; Policing; The Law of Democracy; Sentencing; The Freedom of Speech; The Freedom of Religion; The Establishment Clause; The Death Penalty; State Constitutional Law; Church, State, & Society Colloquium; Religious Liberty Clinic; Religion and the Constitution (Philosophy, Politics, & Economics Colloquium); Constitutional Law: Powers & Institutions (Department of Political Science).
- December 2010 RADZYNER SCHOOL OF LAW – IDC HERZLIYA, Herzliya, Israel  
*Visiting Lecturer*. Course taught: Religious Freedom in the United States.
- October 2007 USC GOULD SCHOOL OF LAW, Los Angeles, CA  
*Distinguished Visiting Professor of Law*.
- Spring 2007 UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL  
*Visiting Professor of Law*. Courses taught: Criminal Law, Law & the Catholic Social Tradition.
- Fall 2006 ERASMUS INSTITUTE, Notre Dame, IN  
*Visiting Scholar*.

May 2005 HOOVER INSTITUTION, Stanford, CA  
*Visiting Scholar.*

Spring 2004 NORTHWESTERN UNIVERSITY SCHOOL OF LAW, Chicago, IL  
*Visiting Scholar.*

Fall 2003 NOTRE DAME LONDON LAW PROGRAM, London, UK  
*Associate Professor.* Course taught: The Freedom of Speech.

Spring 1996 UNIV. OF ARKANSAS-LITTLE ROCK SCHOOL OF LAW, Little Rock, AR  
*Adjunct Professor.* Course taught: The Tradition, Law, and Future of the American Jury.

### JUDICIAL CLERKSHIPS

1996-1997 HON. WILLIAM H. REHNQUIST, Chief Justice of the United States

1995-1996 HON. RICHARD S. ARNOLD, Chief Judge, United States Court of Appeals for the Eighth Circuit

### EDUCATION

1992-1995 YALE LAW SCHOOL, New Haven, CT  
Juris Doctor, 1995

1986-1990 DUKE UNIVERSITY, Durham, NC  
Bachelor of Arts, *summa cum laude*, Philosophy, with Honors, 1990

1988-1989 BRASENOSE COLLEGE, University of Oxford, Oxford, UK  
Visiting Student

### LAW PRACTICE AND LEGAL EXPERIENCE

1997-1999 MILLER, CASSIDY, LARROCA & LEWIN, Washington, DC  
*Associate*

Summer 1995 MILLER, CASSIDY, LARROCA & LEWIN, Washington, DC  
*Summer Associate*

- Summer 1994      MEYER, HENDRICKS, VICTOR, OSBORN & MALEDON, Phoenix, AZ  
*Summer Associate*
- SPENCER, FANE, BRITT & BROWNE, Kansas City, MO  
*Summer Associate*
- Summer 1993      ARIZONA CAPITAL REPRESENTATION PROJECT, Tempe, AZ  
*Summer Law Clerk*
- FEDERAL PUBLIC DEFENDER, Phoenix, AZ  
*Summer Law Clerk*
- 1990-1991      JESUIT VOLUNTEER CORPS, San Francisco, CA  
*Sentencing Consultant*. Worked at the Center on Juvenile and  
Criminal Justice while living in community with other volunteers.

## BOOKS

- FIRST AMENDMENT STORIES (ed., with Andrew Koppelman) (Foundation Press, 2011).

## ARTICLES AND REVIEW ESSAYS

- *Roe and Casey Were Egregiously Wrong and Should Be Overruled*, HARVARD J. LAW & PUB. POL'Y *Per Curiam* (Nov. 22, 2021).
- *The Communitarian Work and Vision(s) of Robert Cochran (and Thomas Shaffer)*, 47 PEPPERDINE L. REV. 361 (2020).
- *Religious Freedom and the Churches: Contemporary Challenges in the United States Today*, STUDIES IN CHRISTIAN ETHICS, Vol. 32, Issue 4 (2019).
- *Religious Freedom and Recycled Tires: The Meaning and Implications of Trinity Lutheran*, 2016-2017 CATO SUP. CT. REV. 105 (with Jackson C. Blais).
- *Religious Accommodations and—among—Civil Rights: Separation, Toleration, and Accommodation*, 88 S. CAL. L. REV. 493 (2015).
- *Accommodation, Establishment, and Freedom of Religion*, 67 VAND. L. REV. EN BANC 39 (2014).
- *"The Freedom of the Church": (Towards) an Exposition, Translation, and Defense*, 21 J. CONTEMP. LEGAL ISSUES 33 (2013).
- *The Story of Kedroff v. St. Nicholas Cathedral*, 38 J. SUPREME COURT HISTORY 80 (2013).

- *Neutrality and the Good of Religious Freedom: An Appreciative Response to Professor Koppelman*, 39 PEPPERDINE L. REV. 1149 (2013).
- *Hosanna-Tabor, Religious Freedom, and Constitutional Structure*, 2011-12 CATO SUPREME COURT REVIEW 307 (with John M. Robinson).
- *Religious Freedom, Church-State Separation, and the Ministerial Exception*, 106 NW. U. L. REV. COLLOQUY 175 (2011).
- *The Political (and Other) Safeguards of Religious Freedom*, 32 CARDOZO L. REV. 1815 (2011).
- *Whom Should a Catholic University Honor? "Speaking" with Integrity*, 49 ST. JOHN'S J. OF CATH. LEGAL STUD. 233 (2010).
- *Religious Freedom, Church Autonomy, and Constitutionalism*, 57 DRAKE L. REV. 901 (2009).
- *Standing, Spending, and Separation: How the No-Establishment Rule Does (and Does Not) Protect Conscience*, 54 VILL. L. REV. 655 (2009).
- *Judicial Review, Local Values, and Pluralism*, 32 HARV. J. L. & PUB. POL'Y 5 (2009).
- *A Hands Off Approach to Religious Doctrine: What Are We Talking About?*, 84 NOTRE DAME L. REV. 839 (2009).
- *Judicial Enforcement of the Establishment Clause*, 25 CONST. COMMENT. 273 (2008).
- *Do Churches Matter? Toward an Institutional Understanding of the Religion Clauses*, 53 VILL. L. REV. 273 (2008).
- *"Two There Are": Understanding the Separation of Church and State*, in M. HOGAN & L. FREDERKING, EDS., THE AMERICAN EXPERIMENT IN RELIGIOUS FREEDOM (2008).
- *Can There Really Be "Free Speech" in Public Schools?*, 12 LEWIS & CLARK L. REV. 45 (2008).
- *Religion and Group Rights: Are Churches (Just) Like the Boy Scouts?*, 22 ST. JOHN'S J. LEG. COMMENT. 515 (2007).
- *Pluralism, Dialogue, and Freedom: Professor Robert Rodes and the Church-State Nexus*, 22 J. L. & RELIGION 503 (2007).
- *Church, State, and the Practice of Love*, 52 VILLANOVA L. REV. 281 (2007).
- *Civic Unity and Religious Pluralism*, 23 CONST. COMMENT. 241 (2006) (reviewing NOAH FELDMAN, DIVIDED BY GOD: AMERICA'S CHURCH-STATE PROBLEM—AND WHAT WE SHOULD DO ABOUT IT (2005) and KEVIN SEAMUS HASSON, THE RIGHT TO BE WRONG: ENDING THE CULTURE WAR OVER RELIGION IN AMERICA (2005)).
- *Taking Accommodation Seriously: Religious Freedom and the O Centro Case*, 2006 CATO SUP. CT. REV. 257 (2006) (with Joshua D. Dunlap).
- *Religion, Division, and the First Amendment*, 94 GEO. L.J. 1666 (2006).
- *The Freedom of the Church*, 4 J. CATH. SOCIAL THOUGHT 59 (2006).
- *Changing Minds: Proselytism, Freedom, and the First Amendment*, 2 UNIV. OF ST. THOMAS L. J. 453 (2005).

- *Jaycees Reconsidered: Judge Richard S. Arnold and the Freedom of Association*, 58 ARKANSAS L. REV. 587 (2005).
- *Assimilation, Toleration, and the State's Interest in Religious Doctrine*, 51 U.C.L.A. L. REV. 1645 (2004).
- *American Conversations With(in) Catholicism*, 102 MICH. L. REV. 1191 (2004) (reviewing JOHN T. MCGREEVY, *CATHOLICISM AND AMERICAN FREEDOM: A HISTORY* (2003)).
- *The Theology of the Blaine Amendments*, 2 FIRST. AMD. L. REV. 45 (2003).
- *The New Federalism, the Spending Power, and Federal Criminal Law*, 89 CORNELL L. REV. 1 (2003).
- *Christian Witness, Moral Anthropology, and the Death Penalty*, 17 NOTRE DAME J. ETHICS, L. & PUB. POL'Y 541 (2003).
- *The Right Questions About School Choice: Education, Religious Freedom, and the Common Good*, 23 CARDOZO L. REV. 1281 (2002).
- *Sectarian Reflections on Lawyers' Ethics and Death-Row Volunteers*, 77 NOTRE DAME L. REV. 795 (2002).
- *Common Schools and the Common Good: Reflections on the School-Choice Debate*, 75 ST. JOHN'S LAW REV. 219 (2001).
- *A Quiet Faith? Taxes, Politics, and the Privatization of Religion*, 42 B.C. L. REV. 771 (2001).
- *The Story of Henry Adams's Soul: Education and the Expression of Associations*, 85 MINN. L. REV. 1841 (2001).
- *Brown's Promise, Blaine's Legacy*, 17 CONST. COMM. 651 (2000) (reviewing JOSEPH P. VITERITTI, *CHOOSING EQUALITY: SCHOOL CHOICE, THE CONSTITUTION, AND CIVIL SOCIETY* (1999)).
- *Taking Pierce Seriously: The Family, Religious Education, and Harm to Children*, 76 NOTRE DAME L. REV. 109 (2000).
- *Francis Bacon Takes On the Ghouls: The "First Principles" of Religious Freedom*, 3 GREEN BAG 2D 447 (2000) (reviewing JOHN WITTE JR., *RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT* (2000)).
- *School Choice, The First Amendment, and Social Justice*, 4 TEX. REV. L. & POL. 301 (2000) (with Nicole Stelle Garnett).
- *Once More Into the Maze: United States v. Lopez, Tribal Self-Determination, and Federal Conspiracy Jurisdiction in Indian Country*, 72 N.D. L. REV. 433 (1996).
- *Why Informed Consent? Human Experimentation and the Ethics of Autonomy*, 36 CATH. LAW. 455 (1996).
- Note, *Depravity Thrice Removed: Using the "Heinous, Cruel, or Depraved" Factor to Aggravate Convictions of Nontriggermen Accomplices in Capital Cases*, 103 YALE L. J. 2471 (1994).

## BOOK CHAPTERS

- Tandon v. Newsom, South Bay Pentecostal, Diocese of Brooklyn, and Calvary Chapel on *Religious Liberty and the Pandemic*, in MORGAN MARIETTA, ED., SCOTUS 2021: MAJOR DECISIONS AND DEVELOPMENTS OF THE US SUPREME COURT (2022) (with Mitch Koppinger).
- *The Ministerial Exception and the Distinction Between Church and State*, in SHANNON HOLZER, ED., ROUTLEDGE HANDBOOK ON CHURCH & STATE (Palgrave 2022)(with Caleb Acker).
- *Public Holidays and the Law*, in TIMOTHY LARSEN, ED., THE OXFORD HANDBOOK OF CHRISTMAS (Oxford University Press 2020) (with Jackson Blais)
- *Attempts, Complicity, Virtue, and the Limits of Law*, in MARK HILL, ET AL., EDs., CHRISTIANITY AND CRIMINAL LAW 238-29 (Routledge 2020).
- *Freedom 'for' Religion: (Yet) Another View of the Cathedral*, in RELIGIOUS FREEDOM AND THE LAW: EMERGING CONTEXTS FOR FREEDOM FOR AND FREEDOM FROM RELIGION (Brett G. Scharffs, Asher Maoz, and Ashley Isaacson Woolley eds., Routledge 2019).
- *Religious Accommodations and – and Among – Civil Rights: Separation, Toleration, and Accommodation*, in LEORA BATNITSKY & HANOCH DAGAN, EDs., INSTITUTIONALIZING RIGHTS AND RELIGION: COMPETING SUPREMACIES (Cambridge University Press, 2017).
- *Wrongful Discrimination? Religious Freedom, Pluralism, and Equality* in TIMOTHY SAMUEL SHAH & THOMAS F. FARR, EDs., RELIGIOUS FREEDOM AND GAY RIGHTS: EMERGING CONFLICTS IN NORTH AMERICA AND EUROPE (Oxford University Press, 2016).
- *The Freedom of the Church”: (Towards) an Exposition, Translation, and Defense*, in MICAH SCHWARTZMAN, CHAD FLANDERS, & ZOE ROBINSON, EDs., THE RISE OF CORPORATE RELIGIOUS LIBERTY (Oxford University Press, 2016).
- *The Worms and the Octopus: Religious Freedom, Pluralism, and Conservatism*, in S. LEVINSON, J. PARKER, & M. WILLIAMS, EDs., NOMOS: AMERICAN CONSERVATISM (NYU Press, 2016).
- *Chief Justice Rehnquist, Religion, and the Constitution*, in BRADFORD P. WILSON, ED., THE CONSTITUTIONAL LEGACY OF WILLIAM H. REHNQUIST (West Academic Press, 2015).
- *Religious Freedom and the Antidiscrimination Norm*, in AUSTIN SARAT, ED., LEGAL RESPONSES TO RELIGIOUS PRACTICES IN THE UNITED STATES: ACCOMMODATION AND ITS LIMITS (Cambridge University Press, 2012).



- *Religious Freedom and (and in) Institutions*, in GERARD V. BRADLEY, ED., CHALLENGES TO RELIGIOUS LIBERTY IN THE TWENTY-FIRST CENTURY (Cambridge University Press, 2012).
- “Two There Are”: *The Story of Kedroff v. St. Nicholas Cathedral*, in R. GARNETT & A. KOPPELMAN, EDs., FIRST AMENDMENT STORIES (Foundation Press, 2011).
- *Religious Liberty, Church Autonomy, and the Structure of Freedom*, in FRANK ALEXANDER & JOHN WITTE, JR., EDs., CAMBRIDGE COMPANION TO CHRISTIANITY AND HUMAN RIGHTS (Cambridge University Press, 2010).
- *Less Is More: Justice Rehnquist, the Freedom of Speech, and Democracy*, in C. BRADLEY, ED., THE REHNQUIST LEGACY (Cambridge University Press, 2006).
- “Everlasting Splendours”: *Death-Row Volunteers, Lawyers’ Ethics, and the Dignity of Creatures*, in MICHAEL A. SCAPERLANDA & TERESA STANTON COLLETT, EDs., SELF-EVIDENT TRUTHS: CATHOLIC PERSPECTIVES ON AMERICAN LAW (CUA Press, 2007).
- *Regulatory Strings and Religious Freedom: Requiring Private Schools To Promote Public Values*, in S. MACEDO, ET AL., EDs., EDUCATING CITIZENS: INTERNATIONAL PERSPECTIVES ON CIVIC VALUES AND SCHOOL CHOICE 324 (Brookings Institution Press, 2004).
- *Christian Witness, Moral Anthropology, and the Death Penalty*, in ERIK C. OWENS, ET AL., EDs., A CALL FOR RECKONING: RELIGION AND THE DEATH PENALTY 139 (Wm. B. Eerdmans Pub. Co., 2004).

### SELECTED ADDITIONAL PUBLICATIONS

- [Nagle tribute]
- [USCCB handbook]
- [“Briefly Noted” in First Things]
- *Gillman and Chemerinsky’s Masonic Religion Clauses*, Law & Liberty (June 8, 2020)(reviewing HOWARD GILLMAN & ERWIN CHERMERINSKY, THE RELIGION CLAUSES (2021)).
- *Persons and the Point of the Law*, 58 J. CATH. LEGAL STUD. 101 (2019).
- Book Review, ELLIS M. WEST, THE FREE EXERCISE OF RELIGION IN AMERICA: ITS ORIGINAL CONSTITUTIONAL MEANING (2019), 82 REVIEW OF POLITICS 175 (2019).
- *From First Street to the Speedway: NASCAR, Daytona, and Justice Thomas*, in JOHN JOSEPH CASSIDY ET AL., MILLER, CASSIDY, LARROCA AND LEWIN: STORIES FROM AN AMAZING LAW FIRM OF THE LATE TWENTIETH CENTURY IN WASHINGTON, D.C. (2019) (on file with author).
- *Exemplary Legal Writing 2018: Five Recommendations*, 2019 GREEN BAG ALMANAC & READER 414 (with Christian R. Burset).
- *Equitable Establishments*, FIRST THINGS (March 2019).

- *"There Are No Ordinary People": Christian Humanism and Christian Legal Thought*, 56 J. CATH. LEGAL STUD. 77 (2017).
- *Afterword*, S. HENDRIANTO, S.J., ED., PRIESTS, LAWYERS, AND SCHOLARS: ESSAYS IN HONOR OF ROBERT J. ARAUJO, S.J. 152 (2017).
- *Church, State & Playgrounds*, COMMONWEAL (Sept. 8, 2017).
- *Life Affirming?*, NOTRE DAME MAGAZINE (August 2017).
- *Justice Scalia, Religious Freedom, and the First Amendment*, in ELIZABETH SLATTERY, ED., THE LEGACY OF JUSTICE ANTONIN SCALIA: REMEMBERING A CONSERVATIVE LEGAL TITAN'S IMPACT ON THE LAW (Special Report, The Heritage Foundation, Aug. 2016).
- *Article III, Section 1*, The Interactive Constitution, National Constitution Center (2016)(with David A. Strauss).
- *Case Closed?*, Symposium on John Witte Jr.'s THE WESTERN CASE FOR MONOGAMY OVER POLYGAMY, 17 *Politics, Religion & Ideology* 310 (2016).
- *Introduction*, Book Review Roundtable, "Polycarp's Dilemma: A Discussion of Nicholas Wolterstorff's *The Mighty and the Almighty: An Essay in Political Theology*", 30 J. LAW & RELIGION 496 (2015).
- *Robert E. Rodes, Jr., 1927-2014*, 61 AM. J. JURISPRUDENCE 2 (2016)
- *Introduction: Essays in Honor of Prof. Robert E. Rodes Jr.*, 90 NOTRE DAME L. REV. 1981 (2015).
- *Freedom of Religion and the Freedom of the Church*, Liberty Law Forum (Aug. 2014).
- *The Freedom of Association*, in S. SCHECHTER, ED., ENCYCLOPEDIA OF AMERICAN GOVERNANCE (2015).
- *Commentary on Garcetti v. Ceballos*, in FREE TO TEACH, FREE TO LEARN: UNDERSTANDING AND MAINTAINING ACADEMIC FREEDOM IN HIGHER EDUCATION (ACTA 2013).
- *Worth Worrying About? Same-Sex Marriage & Religious Freedom*, COMMONWEAL (Aug. 2013).
- *Things Not Caesar's*, FIRST THINGS (March 2012).
- *2012 Supreme Court Roundup*, FIRST THINGS (October 2012).
- *Executive Overreach*, COMMONWEAL (Sept. 14, 2012).
- *The Conscience of a Constitutional Conservative*, WALL STREET JOURNAL (Oct. 23, 2012) (reviewing JOHN JENKINS, THE PARTISAN (2012)).
- *Understanding the HHS Lawsuits*, NOTRE DAME MAGAZINE (Summer 2012).
- *Jacques Maritain, Man and the State (1951)*, 1 J. CHRISTIAN LEGAL THOUGHT 13 (Spring 2011).
- *School Choice and the Challenges that Remain: A Comment on Richard D. Komer's "School Choice and State Constitutions' Religion Clauses"*, 4 J. SCHOOL CHOICE 93 (2010).



- *Judicial Modesty*, COMMONWEAL (March 2010) (reviewing MICHAEL J. PERRY, CONSTITUTIONAL RIGHTS, MORAL CONTROVERSY, AND THE SUPREME COURT (2008)).
- *Religious Liberties: The International Religious Freedom Act*, 31 HOUS. J. INT'L L. 469 (2009).
- *Freedom for Faith, Freedom for All*, FIRST THINGS (Dec. 2009) (reviewing DAVID NOVAK, IN DEFENSE OF RELIGIOUS LIBERTY (2009)).
- *Briefly Noted*, FIRST THINGS (March 2009) (reviewing PAUL BENJAMIN LINTON, ABORTION UNDER STATE CONSTITUTIONS (2008)).
- *Briefly Noted*, FIRST THINGS (Feb. 2009) (reviewing KENNETH L. GRASSO & ROBERT P. HUNT, EDS., CATHOLICISM AND RELIGIOUS FREEDOM: CONTEMPORARY REFLECTIONS ON VATICAN II'S DECLARATION ON RELIGIOUS LIBERTY (2008)).
- "Excluding Religion": A Response, 156 U. Penn. L. Rev. PENNUMBRA 113 (2008), <http://www.pennumbra.com/responses/response.php?rid=56>.
- *Righting Wrongs and Wronging Rights*, FIRST THINGS (Oct. 2008) (reviewing NICHOLAS WOLTERSTORFF, JUSTICE: RIGHTS AND WRONGS (2007)).
- *Briefly Noted*, FIRST THINGS (March 2008) (reviewing PHILIP BESS, TILL WE HAVE BUILT JERUSALEM: ARCHITECTURE, URBANISM, AND THE SACRED (2006)).
- *Briefly Noted*, FIRST THINGS (Oct. 2007) (reviewing PATRICK M. GARRY, WRESTLING WITH GOD: THE COURTS' TORTUOUS TREATMENT OF RELIGION (2007)).
- *A Matter of Opinion: Hein v. Freedom From Religion Foundation, Inc.*, LIBERTY (Nov./Dec. 2007).
- *Our Structural Constitution: Religious Freedom and Church Autonomy* (A Response to Mark Chopko), 46 CHICAGO STUDIES 123 (2007).
- *Drop "Coffers,"* 10 GREEN BAG 2d 299 (2007) (with Benjamin P. Carr).
- *Free To Believe*, FIRST THINGS (May 2007) (reviewing CHRISTOPHER L. EISGRUBER & LAWRENCE G. SAGER, RELIGIOUS FREEDOM AND THE CONSTITUTION (2007)).
- *Individuals First*, COMMONWEAL (April 6, 2007) (reviewing CHARLES FRIED, MODERN LIBERTY AND THE LIMITS OF GOVERNMENT (2006)).
- *Law, Lawyers, the Court, and Catholicism*, American Catholic Studies Newsletter, Cushwa Center for the Study of American Catholicism, Vol. 33, No. 2 (Fall 2006).
- *Debate, Judicial Activism and its Critics*, 155 U. PENN. L. REV. PENNUMBRA 112 (2006), <http://www.pennumbra.com/debates/debate.php?did=3> (with Kermit Roosevelt).
- *Personal Reflections on the Chief*, 10 TEX. REV. L. & POL. 283 (2006).
- *Chief Justice Rehnquist's Enduring, Democratic Constitution*, 29 HARV. J. L. & PUB. POL'Y 395 (2006).
- *William H. Rehnquist: A Life Lived Greatly, and Well*, 115 YALE L. J. 1847 (2006).
- *Introduction: Religion, Division, and the Constitution*, 15 WM. & MARY BILL OF RIGHTS JOURNAL 1 (2006).

- *Chief Justice Rehnquist and the Freedom of Speech*, ENGAGE (Vol. 7, Issue 1) (2006).
- *Bush v. Holmes: School Vouchers, Religious Freedom, and State Constitutions*, 17 EDUC. & THE LAW 173 (2005) (with Christopher S. Pearsall).
- *Permanent Conflict*, COMMONWEAL (Nov. 18, 2005) (reviewing NOAH FELDMAN, *DIVIDED BY GOD* (2005), MARCI A. HAMILTON, *GOD VS. THE GAVEL* (2005), and WINNIFRED FALLERS SULLIVAN, *THE IMPOSSIBILITY OF RELIGIOUS FREEDOM* (2005)).
- *Good News Club v. Milford Central School*, in K. HALL, ED., *THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES* (2005).
- *Public Trial*, in MATTHEW SPALDING & DAVID FORTE, EDS, *THE HERITAGE GUIDE TO THE CONSTITUTION* (2005).
- *Hail to the Chief?*, LEGAL AFFAIRS (March 2005).
- *Citizens, Not Outlaws*, NATIONAL REVIEW (Aug. 11, 2003) (reviewing MICHAEL J. PERRY, *UNDER GOD? RELIGIOUS FAITH AND LIBERAL DEMOCRACY* (2003)).
- *Final Justice*, AMERICA (Oct. 27, 2003) (reviewing S. BANNER, *THE DEATH PENALTY: AN AMERICAN HISTORY* (2002) & F. ZIMRING, *THE CONTRADICTIONS OF AMERICAN CAPITAL PUNISHMENT* (2003)).
- *The Rehnquist Choice*, TRIAL (June 2002) (reviewing JOHN DEAN, *THE REHNQUIST CHOICE* (2002)).
- *Section 666, The Spending Power, and the Federalization of Criminal Law: Salinas, Fischer, and the Way Ahead*, THE CHAMPION (May 2001) (with John P. Elwood).
- *Education Reform at the Crossroads: Politics, The Constitution, and the Battle Over School Choice*, 10 GEO. MASON CIV. R. L. J. 107 (2000).
- *What Are the Limits on Warrantless Drug Testing of Pregnant Women?*, 1 A.B.A. PREVIEW 31 (September 13, 2000).
- *Does the Constitution Permit Federal Prosecution for the Arson of a Private Residence?*, 6 A.B.A. PREVIEW 331 (March 8, 2000).
- *Are Payments to a Hospital for Services Provided Medicare Beneficiaries "Benefits" Under the Federal-Program Bribery Statute?*, 5 A.B.A. PREVIEW 251 (February 5, 2000).
- *Tribute to the Honorable Richard S. Arnold*, 1 J. APP. PRAC. & PROC. 204 (1999).
- *The Justice of School Choice*, THE WEEKLY STANDARD (December 13, 1999) (reviewing JOSEPH P. VITERITTI, *CHOOSING EQUALITY: SCHOOL CHOICE, THE CONSTITUTION, AND CIVIL SOCIETY* (1999)).

## WORKS IN PROGRESS

- *TWO THERE ARE: UNDERSTANDING THE SEPARATION OF CHURCH AND STATE* (under contract with Cambridge University Press).

- RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT (5th edition, forthcoming 2022, Oxford University Press) (co-author, with John Witte, Jr. & Joel A. Nichols).
- PARENTS, SCHOOL, AND GOD: ESSAYS ON PARENTAL CHOICE (co-editor with Nicole Stelle Garnett & Ernest Morrell) (under contract with Notre Dame University Press).

## SELECTED COMMENTARY

Professor Garnett's analysis and commentary appears frequently in local, regional, and national print, broadcast, and electronic media. He also contributes regularly to several law-related blogs, including *Mirror of Justice* and *Prawfsblawg*. His recent published editorial and opinion work includes:

- *Court Hears Why it Must Right its Past Wrongs Regarding Abortion*, OUR SUNDAY VISITOR (Dec. 19-25, 2021).
- *States Must Stop Discriminating Against Religious Schools*, Newsweek (Nov. 30, 2021)(with Olivia Rogers).
- *Revisiting the "Separation of Church and State" in Our Time of Deep Division*, CORNERSTONE (Oct. 8, 2021).
- *Rehnquist's Reservations and the Future of Roe*, LAW & LIBERTY (Aug. 6, 2021).
- *What Is Religious Freedom?*, FIRST FREEDOM BLOG, United States Conference of Catholic Bishops (July 26, 2021).
- *Fulton and the Art of Cooperation: Religious Freedom as a Public Good*, BERKLEY FORUM (July 26, 2021).
- *After Fulton, Religious Foster Care Agencies Still Vulnerable*, FIRST THINGS (June 22, 2021).
- *The Supreme Court Has an Opportunity To Correct the Mistake of Roe v. Wade*, OUR SUNDAY VISITOR (May 20, 2021).
- *Religious Health Providers Deserve Legal Protection, Not False Charges of Discrimination*, NATIONAL CATHOLIC REGISTER (June 2, 2021).
- *Religious Freedom and the Roberts Court's Doctrinal Clean-up*, SCOTUSblog (August 7, 2020).
- *Religious Schools and the Freedom of the Church*, LAW & LIBERTY (July 10, 2020).
- *A Win for Religious Schools*, FIRST THINGS (July 3, 2020).
- *Justices Fail To Correct a Serious Mistake in Latest Abortion Ruling*, OUR SUNDAY VISITOR (June 29, 2020).
- *Presidential Candidates Fail to Consider Harm Against Religious Institutions*, Real Clear Religion (Oct. 23, 2019).

- *Principles or Improvisations? Why (and How) the Justices Should Reject Anti-Religious Discrimination*, SCOTUSblog (Sept. 18, 2019).
- *Some Thoughts for New Law Students*, PUBLIC DISCOURSE (Aug. 26, 2019).
- *Why Lawsuits Against Catholic Schools Should Fail*, INDIANAPOLIS STAR (Aug. 11, 2019).
- *Covering Columbus Is in Line with Notre Dame's Catholic Character*, THE IRISH ROVER (Feb. 15, 2019).
- *The End of a Walking Dead Doctrine?*, SCOTUSblog (Dec. 11, 2018).
- *The Church's Accountability and Autonomy*, Law & Liberty (Sept. 12, 2018).
- *Justice Kennedy, Judge Kavanaugh, and Our Two Supreme Courts*, Church Life Journal (July 13, 2018).
- *A Personal Case for Judge Amy Coney Barrett*, FIRST THINGS (July 4, 2018).
- *Two Supreme Court rulings*, Catholic News Service (June 27, 2018).
- *Colorado Baker Case Hints at How Supreme Court Will Rule on Trump Travel Ban*, CNBC (June 4, 2018).
- *Conscience, Conditions, and Access to Civil Society*, SCOTUSblog (Sept. 15, 2017).
- *Neil Gorsuch, the Supreme Court, and Religious Freedom*, RELIGION & POLITICS (March 22, 2017).
- *Behind the First Amendment*, U.S. CATHOLIC (Oct. 2016).
- *Confronting a Nativist Past; Protecting School Choice's Future*, SCOTUSblog (Aug. 10, 2016).
- *Neither of the Above*, COMMONWEAL (Sept. 23, 2016).
- *Should Churches Be Tax Exempt?*, U.S. CATHOLIC (July 2016).
- *The Future of Accommodation*, SCOTUSblog (May 18, 2016).
- *What's Obama's Supreme Court Strategy?*, CNBC.com (March 17, 2016).
- *Integrity, Mission, and the Little Sisters of the Poor*, SCOTUSblog (Dec. 17, 2015).
- *Dignitatis Humanae and the Conditions for Religious Freedom*, CORNERSTONE, Berkley Center for Religion, Peace, and World Affairs Religious Freedom Project (Dec. 15, 2015).
- *Tax Exemptions Protect Religious Freedom. We Should Keep Them.*, WASHINGTON POST (Sept. 15, 2015).
- *How To Protect Endangered Religious Groups You Admire*, CHRISTIANITY TODAY (Aug. 4, 2015) (with Prof. John D. Inazu and Prof. Michael W. McConnell).
- *When It Comes to Abolishing the Death Penalty, Who Should Decide?*, AMERICA (June 29, 2015).
- *Hard Questions from Chief Justice on Same-Sex Decision*, AMERICA (June 26, 2015).
- *Overlooked Speech Rulings from SCOTUS*, AMERICA (June 19, 2015).
- *Should Washington Set Out To Change Religious Beliefs?*, USA TODAY (May 20, 2015).

- *Correcting Misimpressions about Religious Freedom*, SOUTH BEND TRIBUNE (March 25, 2015).
- *Conscience and Community: Understanding the Freedom of Religion*, CORNERSTONE, Berkley Center for Religion, Peace & World Affairs Religious Freedom Project (Sept. 25, 2014).
- *Freedom of the Church*, LAW AND LIBERTY (Sept. 15, 2014).
- *Religious Pluralism, Civic Unity, and the Judicial Role*, SCOTUSblog (May 8, 2014).
- *Accommodations, Religious Freedom, and the Hobby Lobby Case*, SCOTUSblog (Feb. 28, 2014).
- *The Righteousness in Hobby Lobby's Cause*, LOS ANGELES TIMES (Dec. 5, 2013).
- *Top Court Not Likely to Block Town Prayers*, CNN OPINION (Nov. 7, 2013).
- *Legislative Prayer and Judicial Review*, SCOTUSblog (Sept. 27, 2013).
- *Moral Anthropology, Social Ontology, and Authentic Human Freedom*, PUBLIC DISCOURSE (Sept. 12, 2013).
- *Mary Ann Glendon and the Structure of Religious Freedom*, PUBLIC DISCOURSE (July 23, 2013).
- *Simple Justice: Kids Deserve School Choice*, PUBLIC DISCOURSE (Feb. 4, 2013).
- *Constitutional Basics After the Ruling*, CHICAGO TRIBUNE (July 1, 2012).
- *Confusion About Discrimination*, PUBLIC DISCOURSE (April 5, 2012).
- *HHS Mandate Still Undermines Religious Freedom*, USA TODAY (February 15, 2012).
- *Hosanna-Tabor Ruling a Win for Religious Freedom*, USA TODAY (January 12, 2012).
- *Why To Scrap the Contraception Mandate*, USA TODAY (November 28, 2011).
- *A Right to Discriminate?*, USA TODAY (April 25, 2011).
- *On Religious Liberty, What Would Kagan Do?*, USA TODAY (July 26, 2010).
- *The Minority Court*, THE WALL STREET JOURNAL (April 17, 2010).
- *Life Is Good*, NOTRE DAME MAGAZINE (Spring 2010).
- *Behind the Angst at Notre Dame*, USA TODAY (May 11, 2009).
- *How the No-Establishment Rule Does (and Does Not) Protect the Freedom of Conscience*, PUBLIC DISCOURSE (April 3, 2009).
- *We Must Guard Our Free Speech Fortress*, USA TODAY (March 30, 2009).
- *Positive Secularism and the American Model of Religious Liberty*, PUBLIC DISCOURSE (Jan. 30, 2009).
- *Treasure A.C.E.*, NATIONAL REVIEW ONLINE (Sept. 10, 2008).
- *Politics and the Pulpit*, INDIANAPOLIS STAR (Feb. 3, 2008).
- *When Catholicism was the Target*, USA TODAY (Jan. 28, 2008).
- *Our Real National Pastime*, USA TODAY (Sept. 10, 2007).
- *Carhart, Casey, and the Court's Catholics*, JURIST (April 25, 2007).
- *China's Lesson on Freedom of Religion*, USA TODAY (March 26, 2007).



- *What Would Lincoln Do? A Test for the Roberts Court*, THE WEEKLY STANDARD (Oct. 16, 2006) (with Michael Stokes Paulsen).
- *Don't Use First Amendment To Erase Divisions*, LOS ANGELES DAILY JOURNAL (October 9, 2006).
- *Downsizing and the Catholic Church*, USA TODAY (July 16, 2006).
- *Campaigning from the Pulpit: Why Not?*, USA TODAY (April 16, 2006).
- *An Unassuming Decision*, NATIONAL REVIEW ONLINE (Feb. 23, 2006).
- *Two Justices Who "Get" Religion*, USA TODAY (Jan. 23, 2006).
- *Just Right*, N.Y. SUN (Nov. 1, 2005).
- *Rehnquist's True Legacy*, N.Y. DAILY NEWS (Sept. 7, 2005).
- *Tennis and Top Buttons: Remembering William H. Rehnquist*, SLATE (Sept. 4, 2005).
- *Religious Expression Should Be Welcomed*, INDIANAPOLIS STAR (July 17, 2005).
- *Supreme Commandment*, NATIONAL REVIEW ONLINE (June 28, 2005).
- *Unanimous!*, NATIONAL REVIEW ONLINE (June 1, 2005).
- *How High a Wall?*, COMMONWEAL (May 2005).
- *Debate Club*, LEGAL AFFAIRS (Feb. 2005).
- *Law Schools and the Military*, COMMONWEAL (Jan. 2005).
- *Keep it to Yourself*, COMMONWEAL (Aug. 2004).
- *Crime Victims' Rights Law Riddled With Pitfalls*, CHICAGO SUN-TIMES (May 3, 2004).
- *Confine and Conquer: The California Supreme Court and Religious Freedom*, NATIONAL REVIEW ONLINE (March 3, 2004).
- *Let Off With a Warning*, LEGAL AFFAIRS (Jan./Feb. 2004).
- *Conservatives, Federalism, and Consistency*, NATIONAL REVIEW ONLINE (Dec. 1, 2003).
- *Judging Scalia*, COMMONWEAL (May 23, 2003).
- *Deciding the Future of Choice*, NATIONAL REVIEW ONLINE (May 20, 2003).
- *Yes to Vouchers*, COMMONWEAL (Aug. 16, 2002).
- *Future Church-State Battles Loom*, THE WALL STREET JOURNAL (July 1, 2002).
- *Choice Win: In the Spirit of Brown*, NATIONAL REVIEW ONLINE (June 27, 2002).
- *Personal Problems, The Supremes Ignore the Constitution in Atkins*, NATIONAL REVIEW ONLINE (June 20, 2002)
- *Square Deal*, THE NEW REPUBLIC
- *Kids' Choice, Fresh air from the Supremes*, NATIONAL REVIEW ONLINE (Sept. 25, 2001).
- *Disrobed! Actually, They Think for Themselves*, THE WASHINGTON POST (July 1, 2001).
- *A Supreme Court Ruling Bodes Well for School Vouchers*, THE WALL STREET JOURNAL (June 13, 2001).
- *Hard Times in Law School*, NATIONAL REVIEW ONLINE (Jan. 11, 2001).



- *Misguided Voucher Verdict*, THE WASHINGTON TIMES (Dec. 14, 2000).
- *Lieberman Talks the Talk*, THE LOS ANGELES TIMES (Oct. 29, 2000).
- *Establishment Clause Housecleaning*, NATIONAL REVIEW ONLINE (June 28, 2000).
- *The Courts and Abortion*, THE WEEKLY STANDARD (June 12, 2000).
- *A Victory for the Family*, THE WALL STREET JOURNAL (June 6, 2000).
- *Free the States, or Free the People?*, THE LEGAL TIMES (April 10, 2000).
- *After 200 Years, School Choice Loses in Maine*, THE WALL STREET JOURNAL (May 3, 1999).

### LEGISLATIVE TESTIMONY

Professor Garnett consults regularly with legislators and legislative staff on matters relevant to his scholarly interest and expertise. He was also invited to testify before the United States Senate:

- *Beyond the Pledge of Allegiance: Hostility to Religious Expression in the Public Square*. United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights (June 8, 2004).

### SELECTED AMICUS CURIAE BRIEFS

Professor Garnett consults regularly with litigators and is a signatory to many *amicus curiae* briefs regarding questions relevant to his scholarly interests. In addition, he is the author or co-author of the following:

- *Carson v. Makin*, No. 20-1088, Brief for the Partnership for Inner-City Education, Council of Islamic Schools in America, and National Council of Young Israel as *Amicus Curiae* in Support of Petitioners (with Nicole Stelle Garnett, *et al.*).
- *Shurtleff v. City of Boston*, No. 20-1800, Brief of *Amicus Curiae* Notre Dame Law School Religious Liberty Initiative in Support of Petitioners (with Nicole Stelle Garnett, *et al.*).
- *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, Brief of *Amicus Curiae* Ethics and Public Policy Center in Support of Petitioners and Reversal (with Charles W. Cooper, *et al.*).
- *Gordon College v. DeWeese-Boyd*, No. 21-145, Brief of *Amici Curiae* Benedictine College and Franciscan University of Steubenville in Support of Petitioners (with Nicole Stelle Garnett, *et al.*).

- *Chabad-Lubavitch of Michigan v. Schuchman*, No. 15-1005, Brief of the Catholic University of America, et al., as *Amici Curiae* in Support of Petitioners (authored with David M. Hyams).
- *McCullen v. Coakley*, 573 U.S. \_\_\_\_ (2014), Brief of Richard W. Garnett, et al., as *Amici Curiae* in Support of Petitioners.
- *Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 565 U.S. 171 (2012) (Brief *Amicus Curiae* in Support of Petitioner of Prof. Eugene Volokh et al.).
- *Arizona Christian School Tuition Organization v. Winn*, 563 U.S. 125 (2011) (Brief *Amicus Curiae* in Support of Petitioners of the American Center for School Choice).
- *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010) (Brief *Amicus Curiae* in Support of Petitioner of the Christian Medical and Dental Associations, et al.).
- *Gonzales v. Planned Parenthood*, 550 U.S. 124 (2007), Brief *Amicus Curiae* in Support of Petitioner of the Christian Legal Society, et al. (with Michael Stokes Paulsen and Greg Baylor).
- *Sabri v. United States*, 541 U.S. 600 (2004), Brief *Amicus Curiae* of the National Association of Criminal Defense Lawyers in Support of Petitioner (with Joshua Dratel and Richard Greenberg).
- *Locke v. Davey*, 540 U.S. 712 (2004), Brief *Amici Curiae* of the Becket Fund for Religious Liberty, the Catholic League for Religious and Civil Rights, and Historians and Legal Scholars in Support of Respondent (with Kevin Hasson, Roman Storzer, and Anthony Picarello).
- *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), Brief *Amicus Curiae* of the Becket Fund for Religious Liberty in Support of Petitioners (with Kevin Hasson, Eric Treene, and Roman Storzer).
- *Good News Club v. Milford Central School*, 533 U.S. 98 (2002), Brief *Amicus Curiae* of Christian Legal Society and Union of Orthodox Jewish Congregations of America in Support of Petitioners (with Carl Esbeck and Nathan Diament).
- *K.D.M. v. Reedsport School Dist., cert. denied*, 531 U.S. 1010 (2000), Petition for Writ of Certiorari (with Michael Stokes Paulsen).
- *Troxel v. Granville*, 530 U.S. 57 (2000), Brief *Amici Curiae* of Christian Legal Society, et al., in Support of the Respondent (with Michael Stokes Paulsen, Carl Esbeck, Gregory Baylor, and Kimberlee Wood Colby).
- *Fischer v. United States*, 529 U.S. 667 (2000), Brief of the National Association of Criminal Defense Lawyers as *Amicus Curiae* in Support of Petitioner (with Lisa Kemler).
- *Andrews, et al. v. Vermont Dep't of Education, cert. denied*, 528 U.S. 1066 (1999), Petition for Writ of Certiorari (with Michael Stokes Paulsen).

## CONFERENCES CONVENED

- Twelfth Annual Law and Religion Roundtable, Brigham Young University J. Reuben Clark Law School (June 24-26, 2021)(via Zoom)(with Nelson Tebbe and Paul Horwitz)
- Eleventh Annual Law and Religion Roundtable, Pepperdine University School of Law, Malibu, CA (June 25-26, 2020) (via Zoom) (with Nelson Tebbe and Paul Horwitz).
- Tenth Annual Law and Religion Roundtable, University of Toronto Faculty of Law, Toronto, Canada (June 20-21, 2019) (with Nelson Tebbe and Paul Horwitz).
- Roundtable Conference on Richard Garnett's *Two There Are*, Notre Dame Law School (April 12, 2019).
- Ninth Annual Law and Religion Roundtable, University of Pennsylvania Law School, Philadelphia, PA (June 21-22, 2018) (with Nelson Tebbe and Paul Horwitz).
- Eighth Annual Law and Religion Roundtable, University of Notre Dame, Chicago, IL (June 15-16, 2017) (with Nelson Tebbe and Paul Horwitz).
- Roundtable Conference on Steven Smith's *Pagans and Christians in the City*, Notre Dame Law School (March 24, 2017).
- Seventh Annual Law and Religion Roundtable, McGill University Faculty of Law, Montreal, Canada (June 20-21, 2016) (with Nelson Tebbe and Paul Horwitz).
- Roundtable Conference on Kathleen Brady's *The Distinctiveness of Religion in American Law: Rethinking Religion Clause Jurisprudence*, Notre Dame Law School (April 15, 2016).
- Sixth Annual Law and Religion Roundtable, Georgetown University Law Center (June 24-26, 2015) (with Nelson Tebbe and Paul Horwitz).
- Roundtable on John Inazu's *A Confident Pluralism*, Notre Dame Law School (Dec. 5, 2014).
- Fifth Annual Law and Religion Roundtable, Washington University Law School (June 25-27, 2014) (with Nelson Tebbe and Paul Horwitz).
- Roundtable Conference on Nicholas Wolterstorff's *The Mighty and the Almighty: An Essay in Political Theology*, Notre Dame Law School (March 28, 2014) (papers later published in *The Journal of Analytic Theology*, Vol. 4.)
- Fourth Annual Law and Religion Roundtable, Stanford Law School (June 27-28, 2013) (with Nelson Tebbe and Paul Horwitz).
- Roundtable on Law, Theology, and the Human Person, Notre Dame Law School (April 19, 2013) (with David Opderbeck).

- Third Annual Law and Religion Roundtable, Harvard Law School (June 21-22, 2012) (with Nelson Tebbe and Paul Horwitz).
- Second Annual Law and Religion Roundtable, Northwestern University School of Law (June 23-24, 2011) (with Nelson Tebbe and Paul Horwitz).
- First Annual Law and Religion Roundtable, Brooklyn Law School (June 24-25, 2010) (with Nelson Tebbe and Paul Horwitz).
- “The Interpretation-Construction Distinction in Constitutional Law,” Program of the American Association of Law Schools Section on Constitutional Law (Jan. 9, 2010).
- Roundtable Conference on Kent Greenawalt’s *Religion and the Constitution*, Notre Dame Law School (Oct. 10, 2008).
- Roundtable Conference on Steven D. Smith’s *Law’s Quandary*, Notre Dame Law School (March 31, 2006).
- “Religion, Division, and the Constitution,” Program of the American Association of Law Schools Section on Law and Religion (Jan. 7, 2006).
- “The (Re)Turn to History in Religion Clause Law and Scholarship,” Program of the American Association of Law Schools Section on Law and Religion (Jan. 6, 2006).
- “Education Reform at the Crossroads: Politics, the Constitution, and the Battle Over School Choice,” Toledo, OH (March 26, 1999).

### **SELECTED LECTURES, WORKSHOPS, PANELS, AND PRESENTATIONS**

Professor Garnett participates regularly in colloquia and workshops at the University of Notre Dame and elsewhere and addresses a wide variety of student groups and community organizations on constitutional and other legal matters. His invited academic presentations include:

- “Last Rights: Religious Liberty, the Death Penalty, and *Ramirez v. Collier*,” The Federalist Society, University of Chicago Law School (Nov. 16, 2021).
- “The Book That Changed My Life: Aleksandr Solzhenitsyn’s *One Day in the Life of Ivan Denisovich*,” Notre Dame DeNicola Center for Ethics & Culture (Oct. 14, 2021).
- “Religious Freedom and the Constitution in America Today,” Constitution Day, The Citadel, Charleston, S.C. (Sept. 23, 2021).
- “Religion and the Law”, National Association of Attorneys General State Solicitors General and Appellate Chiefs Conference, Chicago, IL (Sept. 22, 2021) (invited speaker).

- “Litigation Developments,” Notre Dame Law School Religious Liberty Initiative Summit (June 29, 2021)(invited moderator).
- “Dulles Colloquium,” Institute on Religion and Public Life (May 24, 2021)(invited discussant).
- “From *Employment Div. v. Smith* to *Fulton v. City of Philadelphia: The Free Exercise Clause in 2021*,” The Federalist Society, Chattanooga and Nashville Lawyers Chapter (May 19, 2021).
- Yale Law School Free Exercise Speaker Series (May 7, 2021)(invited presenter).
- “Permissible or Impermissible? A Conversation About the Establishment Clause,” Michigan State University Law School ACLU Student Chapter (April 6, 2021)(invited presenter).
- “Must Churches Be Democratic?,” Research Group on Constitutional Studies Debate, McGill University, Montreal, Canada ( March 25, 2021) (invited debater and speaker).
- “Resolved: *Employment Div. v. Smith Should Be Overruled*,” Welcome and Luncheon Debate, Federalist Society National Lawyers Conference (Jan. 6, 2021) (invited moderator).
- “Battle for Barrett: The Supreme Court Nomination of Amy Barrett,” Notre Dame Constitutional Studies Minor panel discussion (Oct. 19, 2020) (invited panelist).
- “Religious Freedom for Private Schools,” University of Cincinnati College of Law, Federalist Society (Oct. 1, 2020) (invited speaker).
- “Coronavirus and the Curtailment of Religious Liberty: A Global Review,” Notre Dame Law School Global Spotlight Lecture Series (Oct. 5, 2020) (invited moderator).
- “Religious Freedom and the Constitution Today,” Holy Cross College Constitution Day Lecture (Sept. 21, 2020).
- “Constitutions, Peoples, and Sovereignty,” University of Notre Dame London Global Gateway Conference (Feb. 21, 2020) (invited commentator).
- “A Light Unseen: A History of Catholic Legal Education in the United States,” *Journal of Catholic Legal Studies* 2020 Symposium, St. John’s University School of Law (Feb. 14, 2020) (invited presenter).
- “From Persecution to Inclusion,” Kick-off Conference for Religious Persecution research project, Brigham Young University, J. Reuben Clark School of Law (Jan. 31, 2020).
- “Soft State Power and the Institutional Dimension of Religious Freedom, The Religion Clauses Symposium co-sponsored by the *Washington University Law Review* and the John C. Danforth Center on Religion and Politics (Jan. 24, 2020) (invited presenter).

- “Strategies and Perspectives on Transforming Catholic Schools,” United States Conference of Catholic Bishops (Jan. 21-22, 2020) (invited speaker).
- Boston University Law School faculty workshop (Nov. 14, 2019).
- “The Religion Clause: Recent Developments and Upcoming Challenges,” Federalist Society Toledo Lawyers Chapter (Nov. 20, 2019).
- “What Just Happened, and What’s Ahead, for Our Two Supreme Courts?,” Endowments & Foundations Counsels’ Council Fall Conference, University of Notre Dame (Sept. 27, 2019).
- “Religious Freedom and the Establishment Clause Post-*American Legion*,” Penn Law Federalist Society (September 18, 2019).
- “Religious Accommodations and Civil Rights,” Panel Discussion with Prof. William Eskridge and Judge Jeffrey Sutton, National Association of Attorneys General State Solicitors General and Appellate Chiefs Conference, Washington, D.C. (July 12, 2019).
- “Religious Freedom and the Ethics of Public Life,” Notre Dame Alumni Association CLE, New York, NY (June 12, 2019).
- “What’s Next for the Supreme Court?,” University of Notre Dame Reunion Seminar (June 1, 2019).
- Project Launch Event, Freedom of Religious Institutions in Society, Washington Hebrew Congregation, Washington, D.C. (May 29, 2019) (invited panelist and conference participant).
- “Second Annual Duncan Lecture on Constitutional Law,” University of Nebraska College of Law (April 15, 2019).
- “Freedom of Religion in America Today,” Notre Dame Club of Wyoming Hesburgh Lecture, Jackson, WY (March 10, 2019).
- “Issues in Religious Liberty,” Federalist Society Midwest Regional Symposium, University of Chicago Law School, Chicago, IL (Feb. 23, 2019) (invited panelist).
- “Tradition in a Global Context,” The Tradition Project, Universita LUMSA, Rome, Italy (Dec. 10-12, 2018) (invited participant).
- “‘The Call to Holiness’ . . . Even for Lawyers,” Archdiocese of Oklahoma City Red Mass Lecture, Oklahoma City, OK (Oct. 25, 2018).
- “Christianity and Criminal Law” Book Roundtable, Middle Temple, London, U.K. (Oct. 13-15, 2018) (invited participant and contributor).
- “Integration, Vocation, and Creation,” Blackstone Legal Fellowship, Washington, D.C. (Aug. 2, 2018).
- “Religious Freedom and the Churches in the 21<sup>st</sup> Century,” McDonald Centre for Theology, Ethics, and Public Life, Christ Church, Oxford, United Kingdom, “Is Religion Under Threat: Transatlantic Perspectives” Conference (May 23-25, 2018) (invited speaker).



- Journal of Catholic Legal Studies Symposium on *Christian Legal Thought: Materials and Cases*, New York, NY (Jan. 26, 2018) (invited presenter).
- “Trinity Lutheran and the Future of Public Funding for Religious Entities,” Lumen Christi Institute, Chicago, IL (Nov. 20, 2017) (invited speaker).
- “Faith, Common Good, and Democracy in a Time of Pope Francis and Donald Trump,” Initiative on Catholic Social Thought and Public Life, Georgetown University, Washington, D.C. (Nov. 16, 2017) (invited presenter).
- “Tradition, Culture, and Citizenship,” The Tradition Project, St. John’s University School of Law, New York, NY (Nov. 2-4, 2017) (invited participant and discussant).
- “Morality and Social Control in Criminal Law,” Notre Dame Center for Ethics & Culture Annual Fall Conference (Nov. 10, 2017) (panel convener and moderator).
- “The Supreme Court: Past and Prologue,” Cato Institute Constitution Day Conference, Washington, D.C. (September 18, 2017) (invited speaker on the Trinity Lutheran decision).
- “Is Religious Freedom Still Our “First Freedom”? Understanding the Separation of Church and State Today,” Notre Dame Alumni Association Hesburgh Lecture, Orange County, CA (Sept. 15, 2017).
- The Church’s Relationship with the State, The Convocation of Catholic Leaders, Orlando, FL (July 1-4, 2017) (invited panelist).
- The First Amendment and the Freedom of Speech, Notre Dame Lawyers Committee of Portland (June 27, 2017).
- Student Formation at Notre Dame, Sorin Seminar for Faculty on the Mission of a Catholic University, May 23, 2017 (invited panelist).
- Seminar on the Founding and the Constitution, Notre Dame Warrior-Scholar Project, Notre Dame, IN (June 7, 2017) (invited presenter).
- “What’s Next for the Supreme Court?,” University of Notre Dame Reunion Seminar (June 3, 2017).
- “Religious Freedom in America Today: Understanding the Separation of Church and State,” Anselm House, University of Minnesota Law School (Feb. 9, 2017) (invited speaker).
- “Sanctuary Hopes and Realities,” The Center for Civil and Human Rights (Jan. 17, 2017) (invited panelist).
- “The Pluralism Project,” The University of Virginia Institute for Advanced Studies in Culture (Dec. 8-9, 2016) (invited discussant).
- “Is the Religious Freedom Restoration Act the Future of Religious Liberty?,” Federalist Society National Lawyers Convention, Washington, D.C. (Nov. 17, 2016) (invited panelist).

- The Past, Present, and Future of Religious Freedom in America,” President’s Lecture Series, Assumption College (Nov. 14, 2016).
- Campus Free Speech in the Digital Age, “Summit: The Future of Liberal Education in the Digital Age” (Oct. 28, 2016) (invited discussant).
- “Tradition in Law and Politics,” The Center for Law and Religion Tradition Project, New York, NY (Oct. 21-22, 2016) (invited discussant).
- Law, Religion, and Politics: Understanding the Separation of Church and State, Notre Dame Club of Greater Boston (Sept. 26, 2016).
- Religious Freedom Restoration Acts: Past, Present, and Future, The Federalist Society, University of Illinois College of Law (Sept. 20, 2016).
- Freedom “for” Religion: (Yet) Another View of the Cathedral, Fourth Conference of the International Consortium for Law and Religion Studies, “Freedom of/for/from/in Religion: Differing Dimensions of a Common Right?”, St. Hugh’s College, Oxford (September 10, 2016) (invited plenary-session presenter).
- Colloquium: The Past and Future of Free Exercise, The Federalist Society, San Francisco, CA, June 24-25, 2016 (invited conference moderator).
- The Legacy of Justice Scalia, The Heritage Foundation, May 19, 2016 (invited presenter).
- Student Formation at Notre Dame, The Sorin Seminar for Faculty, University of Notre Dame, May 18, 2016 (invited panelist).
- Harms, Dignity, and Religious Accommodations, Nootbaar Conference, “Doing Justice Without Harm,” Pepperdine University School of Law, March 11-12, 2016 (invited presenter).
- “American Multiculturalism: Its Force and Limits from 1776 to Today,” Federalist Society Annual Faculty Conference, New York, NY (Jan. 9, 2016).
- The Infrastructure of Religious Freedom, “For Freedom Set Free,” Notre Dame Center for Ethics and Culture Fall Conference (Nov. 21, 2015) (invited speaker).
- Law, Religion, and Politics: Understanding the Separation of Church and State, Florida International University Law School Faculty Workshop Series (Nov. 12, 2015).
- *Dignitatis Humanae* and the Secular Purpose of Promoting and Protecting Religious Freedom, “Religious Liberty and the Free Society: Celebrating the 50th Anniversary of *Dignitatis Humanae*,” Notre Dame Law Review Symposium (Nov. 6, 2015) (invited speaker).
- Fordham University School of Law Faculty Workshop, The Tension Between Religious Freedom and Equality (October 15, 2015).
- Libertas Project on Religious Freedom, Villanova University School of Law (July 6-8, 2015) (invited workshop moderator).

- Understanding the Separation of Church and State, Legatus, South Bend, Indiana (April 15, 2015).
- The First Amendment and Religion, The Rehnquist Court: Ten Years Later, William H. Rehnquist Center on the Constitutional Structures of Government, University of Arizona (Feb. 6, 2015) (invited presenter).
- “Beards and Bibles: Is America a Secular Nation?,” University of Arizona (Feb. 5, 2015) (invited panelist).
- Many, Not One: Understanding the Separation of Church and State, SMU Dedman School of Law Faculty Forum (Feb. 4, 2015) (invited presentation).
- Religious Accommodations, Civil Rights, and Pluralism, “Religion, Rights, and Institutions,” Princeton University, Program on Law and Public Affairs (Nov. 23-24, 2014) (invited presenter).
- Law, Religion, and Politics: Understanding the Separation of Church and State, University of Arizona James E. Rogers College of Law (Sept. 19, 2014).
- Discrimination, Accommodation, and Toleration, “Religious Accommodation in the Age of Civil Rights,” Harvard Law School (April 3-5, 2014) (invited presenter).
- Faith, Politics, and the Constitution, University of Montana School of Law (March 10, 2014).
- Regulation v. Religious Freedom, The Federalist Society, Harvard Law School (Oct. 17, 2013) (presentation with Prof. Noah Feldman).
- The Freedom of the Church: (Towards) an Exposition, Translation, and Defense, Conference on the New Religious Institutionalism, DePaul University School of Law (Sept. 26-27, 2013) (invited presenter and participant).
- Freedom of Speech, Freedom of Faith: Understanding the First Amendment and its Global Implications, Butler University Center for Faith and Vocation lecture series (Sept. 24, 2013).
- Law, Religion, and Politics in the American Constitution and Tradition, University of Illinois Engaged Citizenship Common Experience Speakers Series, Constitution Day lecture (Sept. 17, 2013).
- The Freedom of the Church: (Towards) an Exposition, Translation, and Defense, “Groups, Pluralism, and Religious Freedom,” American Political Science Association Annual Meeting (Aug. 30, 2013) (invited presenter and panelist).
- Prof. Mary Ann Glendon and the Structure of Religious Freedom, “A Celebration of the Life and Work of Mary Ann Glendon” Conference, Florence, Italy (June 17, 2013) (invited participant).
- Response to “The Blogger as Public Intellectual,” “Public Intellectualism in Comparative Context” conference, Notre Dame Institute for Advanced Study (April 22-24, 2013) (invited respondent).

- Religious Freedom in America, The Stranahan Lecture, The University of Toledo College of Law (March 26, 2013).
- “Freedom of Assembly and Religious Liberty” Colloquium, The Federalist Society, Charlotte, North Carolina (March 22-23, 2013) (invited participant).
- Religious Freedom and the Antidiscrimination Norm, Law and Religion Colloquium, J. Reuben Clark Law School (Feb. 9, 2013).
- Individuals, Institutions, and Religious Freedom, Boisi Center for Religion and American Public Life, Boston College, Boston, MA (Nov. 29, 2012).
- Religious Freedom and the Nondiscrimination Norm, 13th Annual Fall Conference: The Crowning Glory of the Virtues: Exploring the Many Facets of Justice, Notre Dame Center for Ethics & Culture, Notre Dame, IN (Nov. 8-10, 2012).
- Is Religious Freedom at Risk?, A Debate sponsored by the Institute for Law and Religion, University of San Diego School of Law, San Diego, CA (Oct. 11, 2012).
- Freedom of the Church in the Modern Era, Institute for Law and Religion, University of San Diego School of Law, San Diego, CA (Oct. 12-13, 2012) (invited participant and presenter).
- A Roundtable Conference with Brad Gregory, Christ College, Valparaiso University, Valparaiso, IN (Sept. 15, 2012) (invited participant).
- Religious Freedom in the American Tradition and Today, Red Mass Lecture, Diocese of Ft. Wayne-South Bend, Ft. Wayne, IN (Oct. 3, 2012).
- Religious Freedom and the Constitution, Constitution Day Lecture, George Washington Forum, Ohio University, Athens, OH (Sept. 17, 2012).
- Religious Freedom in America Today, Lumen Christi Institute & Chicago Catholic Lawyers Guild, Chicago, IL (Sept. 26, 2012).
- Religion in the Public Square: What Do Our Constitution and Traditions Have to Say?, Hesburgh Lecture, Phoenix, Arizona (June 13, 2012).
- Church Autonomy, the Ministerial Exception, and Hosanna-Tabor v. EEOC, Hot Topics Panel, Annual Meeting of the American Association of Law Schools, Washington, D.C. (Jan. 7, 2012).
- Constitutional History, Theory, and Law Colloquium, University of Illinois School of Law (Dec. 5, 2011) (presenter).
- Religious Freedoms, Modern Contexts Seminar, Mellon-ISLA Workshop, University of Notre Dame (Nov. 17, 2011) (presenter).
- Matters of Faith: Religious Experience and Legal Response, University of Alabama School of Law (Oct. 14, 2011) (presenter).
- 2011 Leon Silverman Lecture Series, “The People Behind the Supreme Court’s Religion Cases,” Washington, D.C. (May 5, 2011).

- The Right Questions About School Choice, Hesburgh Lecture, Ft. Wayne, IN (May 7, 2011).
- Proportionality in Constitutional Law: Why Everywhere But Here, Nanovic Forum Lecture with Bernhard Schlink, Notre Dame Law School, Notre Dame, IN (April 7, 2011) (invited panelist).
- *Positive Secularism: Understanding the Separation of Church and State*, St. Anselm Institute, University of Virginia, Charlottesville, VA (Feb. 4, 2011).
- *Religious Liberties: Christian Legal Society v. Martinez*, National Lawyers Convention, The Federalist Society, Washington, D.C. (Nov. 19, 2010) (invited panelist).
- *Freedom for Religion*, Hon. Guido Calabresi Lecture, St. Thomas More Catholic Center & Chapel, Yale University, New Haven, CT (Oct. 27, 2010).
- *Render Unto Caesar: The Role of Faith in the Public Square*, Wabash College, Crawfordsville, IN (October 25, 2010).
- *Positive Secularism: Understanding the Separation of Church and State*, Annual Red Mass, Bridgeport, CT (Oct. 18, 2010).
- *Abortion in America: Should it be a Constitutional Question?, "Open Hearts, Open Minds, and Fair Minded-Words": A Conference on Life and Choice in the Abortion Debate,* Princeton University, Princeton, NJ (October 16, 2010) (invited panelist).
- *The Political (and Other) Safeguards of Religious Freedom, "Twenty Years After Employment Div. v. Smith: Assessing the Twentieth Century's Landmark Case on the Free Exercise of Religion and How it Changed History,"* Conference at Benjamin N. Cardozo School of Law, New York, NY (Oct. 7, 2010).
- *Religion in the Public Square: What Do Our Constitution and Traditions Have to Say?*, Hesburgh Lecture Series, Notre Dame Club of Orange County, Newport Beach, CA (Aug. 12, 2010).
- *What Is the Place of Religion in the Public Square?*, Hesburgh Lecture Series, Notre Dame Club of Memphis, Memphis, TN (May 18, 2010).
- *Feminism, Marriage, and Family in Political Thought and Contemporary Life, "Jean Bethke Elshtain: The Engaged Mind,"* Chicago, IL, Feb. 25-26, 2010 (invited respondent).
- *EU Courts v. The Crucifix*, Nanovic Institute for European Studies, University of Notre Dame, Notre Dame, IN (Jan. 25, 2010) (invited presenter).
- *Religious Freedom in America Today: "Freedom From," "Freedom Of," or "Freedom For"?*, Annual Fall Conference, "The Summons of Freedom: Virtue, Sacrifice, and the Common Good, The Notre Dame Center for Ethics & Culture, Notre Dame, IN (Nov. 14, 2009).



- *Conscience and the Common Good*, Annual Fall Conference, “The Summons of Freedom: Virtue, Sacrifice, and the Common Good, The Notre Dame Center for Ethics & Culture, Notre Dame, IN (Nov. 14, 2009) (panel chair).
- *Catholic School Closings and Educational Diversity*, Diversity Week event, University of Chicago Law School (Oct. 22, 2009) (with Nicole Stelle Garnett).
- *Individual Rights*, The Constitution in 2020 Conference, Yale Law School, New Haven, CT (Oct. 2-4, 2009) (invited panelist).
- *Courses in Catholic Social Thought and the Law*, Joseph T. McCullen, Jr., Symposium on Catholic Social Thought and the Law, “Catholic Social Thought and Legal Education,” Villanova University School of Law, Villanova, PA (Sept. 26, 2009) (invited panelist).
- *The Constitution, Necessity, and Emergency*, Summer Institute, Jack Miller Center for Teaching America’s Founding Principles and History (Aug. 10-16, 2009) (invited faculty).
- *The Moral and Legal Case for School Choice*, The Lumen Christi Institute, Law and Culture Forum, Chicago, IL (June 2, 2009) (invited panelist).
- *Keynote Address: “Two There Are”: Understanding the Separation of Church and State*, Annual Meeting of the National Diocesan Attorneys Association, Charleston, SC (May 3, 2009).
- *Coercion of Religious Belief*, Law and Religion: Historical and Constitutional Perspectives Conference, The Witherspoon Institute Center on Religion and the Constitution, Princeton University, Princeton, NJ (April 16-18, 2009) (invited presenter).
- *Religious Freedom, Church Autonomy, and Constitutionalism*, Global Perspectives on Religion, the State, and Constitutionalism Conference, Constitutional Law Center, Drake University Law School, Des Moines, IA (April 4, 2009).
- *Standing, Spending, and Separation: How the No-Establishment Rule Does, and Does Not, Protect the Liberty of Conscience*, The Third Annual John F. Scarpa Conference on Law, Politics, and Culture, “Liberty of Conscience and Religious Equality,” Villanova University School of Law, Villanova, PA (Feb. 19, 2009).
- *Religious Freedom in America Today*, Conference, “The American Model of Religious Freedom,” sponsored by the U.S. Embassy to the Holy See, Villa Aurelia, Rome, Italy (Jan. 13, 2009).
- *United States The International Religious Freedom Act*, The Federalist Society, 2008 National Lawyers Convention (Nov. 20, 2008).
- *Religion in the Public Square: What Do Our Laws and Traditions Have To Say?*, Thomas More College (Oct. 27, 2008).
- *The Presidential Election and the Future of the Supreme Court*, The Federalist Society, Indianapolis Lawyers Chapter (Sept. 25, 2008).



- *Recent Constitutional Controversies Over Religious Liberty*, Law and Religion Conference, Program in Law and Public Affairs, Princeton University (May 29, 2008) (invited speaker).
- *"Two There Are": Understanding the Separation of Church and State*, Christian Legal Society, University of Chicago School of Law (May 20, 2008).
- *Judicial Interference with Community Values*, Federalist Society Student Symposium, University of Michigan Law School (March 7, 2008) (invited presenter).
- *Religion, Citizenship, and Multiculturalism*, Conference at Harvard Law School (Feb. 29-March 1, 2008) (invited participant).
- *Chief Justice Rehnquist, Religion, and the Constitution*, Conference on the Contributions of William H. Rehnquist to American Constitutional Jurisprudence, sponsored by the James Madison Program in American Ideals and Institutions and the Program in Law and Public Affairs, Princeton University (Feb. 8, 2006) (invited speaker).
- *Natural Law, Human Rights, and Cultural Dialogue*, Conference: The Dialogue of Cultures, The Notre Dame Center for Ethics and Culture (Nov. 30, 2007).
- *Distinguished Visiting Professor of Law*, University of Southern California Gould School of Law (Oct. 1-5, 2007).
- *The Supreme Court: Past and Prologue – A Look at the October 2006 and October 2007 Terms*, Constitution Day symposium, Cato Institute (Sept. 17, 2007) (panel participant).
- *The U.S. Supreme Court: Its Recent Term & Its New Justices*, American Political Science Association Annual Meeting (Aug. 30, 2007) (panel participant).
- *Highlights of the Supreme Court Term: How Has the New Conservative Majority Affected the Court?, The New Media: Bloggers and the Court, "Justice Talking,"* National Constitution Center, Philadelphia, PA (July 10, 2007).
- *Are Churches (Just) Like the Boy Scouts?*, Lehrman Summer Institute, Princeton, NJ (June 27, 2007).
- Annual Meeting of the 7<sup>th</sup> Circuit Bar Association, Milwaukee, WI (May 8, 2007) (panel participant).
- *Are Churches (Just) Like the Boy Scouts?* Faculty Works In Progress Workshop, University of Chicago Law School (April 19, 2007).
- *Two There Are: Understanding the Separation of Church and State*, Conference on the American Experiment in Religious Freedom, The Garaventa Center for Catholic Intellectual Life and American Culture, University of Portland (April 14, 2007).
- *Two There Are: Understanding the Separation of Church and State*, The Kamm Memorial Lecture on Jurisprudence, Wheaton College (April 10, 2007).

- *Rethinking Separation: Churches as First Amendment Institutions*, Faculty Workshop Series, Marquette University School of Law (April 3, 2007).
- *Religion and Group Rights*, Religion and Morality in the Public Square: A Symposium on Philosophy, History and Law, St. John's University School of Law (March 23, 2007) (panel discussion).
- *Do Churches Matter? Toward an Institutional Understanding of the Religion Clauses*, The Gianella Memorial Lecture, Villanova University School of Law (March 21, 2007).
- *What Is Morality? The Philosophical and Theological Foundations of Moral Debate*, Federalist Society Student Symposium, Northwestern University School of Law (Feb. 23, 2007) (panel discussion).
- *Catholicism and American Freedom*, Yves Simon Series, Lumen Christi Institute, Chicago, IL (Feb. 15, 2007) (panel discussion).
- *Religious Freedom, Pluralism, and Conservatism*, "American Conservative Thought and Politics" Conference, American Society for Political and Legal Philosophy Annual Meeting (Jan. 6, 2007) (invited presenter).
- New Book Symposium, *The Myth of Judicial Activism*, University of Pennsylvania Law School (Dec. 5, 2006).
- *Two There Are: Understanding Church-State Separation and Religious Freedom*, Christian Jurisprudence Project, Center for the Study of Law and Religion, Emory University School of Law (Nov. 3, 2006).
- *May Churches Discriminate?*, Federalist Society, Pepperdine University School of Law (Oct. 17, 2006).
- *Religion in the Public Square: What Do Our Laws and Traditions Have To Say?*, Holy Cross Center for Religion, Ethics & Culture, College of the Holy Cross (Oct. 12, 2006).
- *Pope Benedict XVI and the Freedom of the Church*, First Annual Scarpa Conference: From Pope John Paul II to Benedict XVI: Continuing the Re-Evangelization of Law, Politics, and Culture, Villanova University School of Law (Sept. 15, 2006).
- *Constitutional Reflections on the Parish as an Organization*, Conference on the Parish, Dominican School of Philosophy and Theology, Loyola University-Chicago (July 18, 2006).
- *Summit on Church Autonomy*, Christian Legal Society (June 22-23, 2006).
- *Arizona's Supreme Court Legacy: Chief Justice William H. Rehnquist & Justice Sandra Day O'Connor*, Appellate Practice Section, State Bar of Arizona (June 16, 2006).
- *Catholic Social Thought and the Law "Brainstorm,"* Fordham University School of Law (May 31-June 1, 2006).

- *Religious Freedom, Church Autonomy, and Libertas Ecclesiae*, Colloquium on Constitutional Law and Theory, Georgetown University Law Center (April 25, 2006).
- *The Rehnquist Legacy*, Federalist Society, University of Kansas School of Law (March 10, 2006).
- *The Jurisprudence of the Rehnquist Court and the Enterprise of Judging*, “The Legacy of the Rehnquist Court,” Conference Sponsored by the Milwaukee Lawyers Chapter of the Federalist Society (Feb. 23, 2006).
- *The Freedom of the Church*, Faculty Workshop, Seton Hall University School of Law (February 20, 2006).
- *Religion, Division, and the First Amendment*, University of Kansas School of Law (March 10, 2006); Colloquium on Religion and History, University of Notre Dame (Feb. 15, 2006); Ave Maria School of Law (Nov. 16, 2005); Wake Forest University School of Law (Oct. 21, 2004); University of St. Thomas School of Law (Oct. 19, 2004); University of Illinois College of Law (Oct. 12, 2004); Northwestern University School of Law (June 24, 2004); University of San Diego School of Law (Sept. 22, 2003); “Under God? “Religious Liberty and Contemporary First Amendment Jurisprudence,” American Political Science Association Annual Meeting (Sept. 2, 2004).
- *The Rehnquist Legacy*, Federalist Society, University of Chicago Law School (Jan. 13, 2006).
- *Chief Justice Rehnquist and the Future of the United States Supreme Court*, Chicago Lawyers Chapter of the Federalist Society (Jan. 10, 2006).
- *Religion, Division, and the Constitution*, Program of the Section on Law and Religion, AALS Annual Meeting (January 8, 2006) (program chair).
- *The Rehnquist Legacy*, Federalist Society, Ave Maria School of Law (Nov. 16, 2005).
- *The Legacy of the Rehnquist Court*, Valparaiso University School of Law (Oct. 10, 2005).
- *The Catholic Law School*, Conference: Joy in the Truth: The Catholic University in the New Millennium, The Notre Dame Center for Ethics and Culture, Notre Dame, Indiana (Sept. 30, 2005) (panel chair).
- *Changing Minds: Evangelism, Proselytism, and Religious Freedom*, The Foundation of Freedom Conference, The Garaventa Center for Catholic Intellectual Life and American Culture, University of Portland (June 3, 2005).
- *Free Speech, Public Property, and Government Money*, Symposium, “The Rehnquist Legacy,” Indiana University School of Law (April 1, 2005).

- *Should Christian Legal Thought Be Taken Seriously?* Annual Conference, Law Professors Christian Fellowship (Jan. 8, 2005).
- *The Law of Changing Minds: Evangelism, Proselytism, and the First Amendment*, 2004 Culture of Law Lecture Series: Christian Contributions to Contemporary Jurisprudence, John Paul II Cultural Center, Washington, D.C. (Dec. 2, 2004).
- *Terror, Torts, and Telecom: The Supreme Court's 2003-2004 Term*, American Enterprise Institute, Washington, D.C. (June 29, 2004).
- *Reflections on the Catholic Charities Case*. St. Thomas More Society, University of Chicago Law School (May 4, 2004).
- *No More Certain Antithesis? Assimilation, Toleration, and the State's Interest in Religious Doctrine*. Symposium, "Integration, Difference, and Citizenship: Celebrating 50 Years of the UCLA Law Review," UCLA School of Law (Jan. 30, 2004).
- *The Theology of the Blaine Amendments*. Arizona State University College of Law (Sept.17, 2003).
- *Property, Race, and Poverty*. New York University School of Law, Villa Law Pietra, Florence, Italy (July 13-16, 2003) (discussant).
- *Voluntary Associations and the American Experience*. Law and Society Association Annual Meeting (June 5, 2003) (panel chair and discussant).
- *Regulating School Choice to Promote Civic Values: What the United States Can Learn from Other Countries*. Conference, Brookings Institution / Gates Foundation National Working Commission on School Choice, University of London, London, U.K. (Apr. 10-12, 2003) (commentator and participant).
- *The Theology of the Blaine Amendments*, Symposium, "The Separation of Church and States: An Examination of State Constitutional Limits on Government Funding for Religious Institutions," University of North Carolina School of Law (March 28, 2003).
- *Religious Freedom, the First Amendment, and Educational Choice: What's Next After Zelman?*, Federalist Society, University of Oklahoma Law Center (Feb. 3, 2003).
- *The Catholic Experience: Americanism, Dignitatis humanae, and the First Amendment*. Symposium, "Faith Under Democracy: What Have Religious Believers Gained? What Have They Lost?", Ave Maria School of Law (Mar. 22, 2002) (panel moderator) (published as *The Catholic Experience in America*, 1 GEO. J. L. & PUB. POL'Y 311 (2003)).
- *Religious Witness in the Public Square: How Not to Think About the Death Penalty, Punishment, and Human Dignity*, Conference, "A Call for Reckoning: Religion & the Death Penalty," University of Chicago Divinity School (Jan. 25, 2002).

- *A Quiet Faith? Taxes, Politics, and the Privatization of Religion*, Symposium, “The Conflicted First Amendment: Tax Exemptions, Religious Groups and Political Activity,” Boston College Law School (April 20, 2001).
- *Education and the Expression of Associations*, Symposium, “The Freedom of Expressive Association,” University of Minnesota Law School (Feb. 10, 2001).
- *The Spending Power and Federal Criminal Jurisdiction*, Federalist Society Faculty Division Conference, San Francisco, CA (Jan. 5, 2001).
- *School Choice and the Common Good*, Conference, “Law, Religion, and the Public Good,” St. John’s University School of Law (Nov. 2000).
- *Religious Liberty and Public Money: Will Charitable Choice Require Faith-Based Organizations to Sell Their Souls?*, Conference, “Faith (and) Works: Charitable Choice, Religious Liberty, and Defining the Common Good,” Indianapolis, IN (July 13, 2000) (panel moderator and conference organizer).
- *School Choice, the First Amendment, and Social Justice*, Federalist Society, University of Iowa School of Law (April 14, 2000).
- *Taking Pierce Seriously: The Family, Religious Education, and Harm to Children*. Joint Program of the Sections on Law and Religion & Family and Juvenile Law, AALS Annual Meeting, Washington, D.C. (Jan. 9, 2000).
- *School Choice in the Courts*, Conference, “Education Reform at the Crossroads: Politics, The Constitution, and the Battle Over School Choice,” Toledo, OH (March 26, 1999) (panel moderator and conference organizer).

## HONORS AND AWARDS

- Distinguished Faculty Honoree, Notre Dame v. Texas, Notre Dame Stadium (Sept. 5, 2015).
- “Media Legend of the Year” Award, University of Notre Dame Office of News and Information (Fall 2010).
- Hon. Guido Calabresi Fellowship in Religion and Law, St. Thomas More Catholic Center and Chapel, Yale University, New Haven, CT (Fall 2010).
- Commitment Award, Notre Dame Black Law Students Association (Spring 2004).
- Charles Crutchfield Professorial Excellence Award, Notre Dame Black Law Students Association (Spring 2001).

## SELECTED PROFESSIONAL SERVICE AND ACTIVITIES

- The Lumen Christi Institute, Board of Directors (2020-present).
- Nootbaar Institute on Law, Religion, and Ethics, Fellow (2020-present).



- Yale Law School Association Executive Committee, Regional Representative for Indiana (2019-present).
- Steering and Planning Committee, Edward J. Mahoney Visiting Professorship in Medieval and Renaissance Philosophy, Duke University (2017-present).
- Chair, Planning Committee, AALS New Law Professors Conference (2017-18).
- Lay consultant, United States Conference of Catholic Bishops Ad Hoc Committee on Religious Liberty (2011-2014).
- Member, International Advisory Board, *Journal of Law and Religion* (2015-present).
- Member, Indiana Advisory Committee, U.S. Commission on Civil Rights (2014-2018).
- Senior Fellow, Center for the Study of Law and Religion, Emory University School of Law (2004-present).
- Member, International Consortium for Law and Religion Studies (2016-present).
- Affiliated Scholar, Institute for Law and Religion, University of San Diego School of Law.
- AALS Section on Law and Religion (Chair, Chair-elect, Executive Committee member, Program chair, Nominating Committee, Prize Committee, Berman Award Committee).
- Advisory Committee, *Journal of Legal Education* (2013-16).
- Appointed counsel in Arizona capital-defense case, *State v. William Herrera, Jr.*
- Co-founder and contributor, *Mirror of Justice* ([www.mirrorofjustice.com](http://www.mirrorofjustice.com)); contributor, *Prawfsblawg* (<http://prawfsblawg.blogs.com>).
- Project Council Member, *A New Science of Virtues*, A Project of the University of Chicago (2008-2012).
- AALS Committee on Recruitment and Retention of Minority Law Teachers and Students (2010-2013).
- Global Education Law Forum Scientific Committee (2015-present).
- AALS Section on Constitutional Law (Chair, Chair-elect, Executive Committee, Secretary) (2007-present).
- Nominating Committee of the AALS (2008-2009).
- Executive Committee, Religiously Affiliated Law Schools (2006–present).
- Fellow, Institute on Educational Initiatives, University of Notre Dame (2000-present).
- Member, National Board of Academic Advisors, William H. Rehnquist Center on the Constitutional Structures of Government (2007 – present).
- Committee on Resolutions, Bar of the Supreme Court of the United States, *Resolution in of the Bar of the Supreme Court of the United States in Gratitude and Appreciation for the Life, Work, and Service of Chief Justice William H. Rehnquist* (Summer 2006).

- Center Committee, Center for Law and Religious Freedom (2006-present).
- Board Member, Indiana Coalition Acting to Suspend Executions (2008-2010).
- Circle of Scholars, Lumen Christi Institute (2006-2009).
- Academic Advisory Board, Center for Constitutional Jurisprudence, Claremont Institute (2004-present).
- Peer referee: *The Review of Politics*, *The Journal of Law and Religion*, *The Journal of School Choice*, *The American Journal of Jurisprudence*, *American Political Thought*, *International Journal of Constitutional Law*, *Political Studies*, *European Journal of Political Theory*.
- Outside reviewer: Princeton University Press, Oxford University Press, Cambridge University Press, Lexington Books, University of Michigan Press, Harvard University Press, Yale University Press, University of Chicago Press, Oxford Journal of Legal Studies, Journal of Law and Religion.
- Editorial Board, *Journal of School Choice* (2008-present).
- Editorial Board, “Law and Christianity” Book Series (John Witte, Jr., ed.), Cambridge University Press (2014 – present).
- Editorial Board, *Revista Juridica Digital UANDES* (2016-present).
- Executive Committee, AALS Section on Criminal Justice (2004-2005).
- Board of Advisors, Americans United for Life (2001-present).
- Member, Steering Committee, TEXAS REVIEW OF LAW & POLITICS (2001-2010); Member, Board of Advisors (2010-present).
- Executive Committee, Religious Liberties Practice Group, Federalist Society (1997-2002, 2005-present).
- Member of the District of Columbia Bar (active) and the State Bar of Arizona (inactive).
- Program Excellence Committee, St. Joseph High School, South Bend, Indiana (2018-2019).

### SELECTED UNIVERSITY AND LAW SCHOOL SERVICE

- Academic Council (2021-present)(elected Law School representative).
- University Provost Search Committee (2021-present)(elected faculty representative).
- Law School Promotions Subcommittee (Fall 2021).
- Faculty Fellow, Center for Citizenship & Constitutional Government (2021-present).
- Life Fellow, McGrath Institute for Church Life (2019-present).
- Dean’s Delegate, Law School Honor Council (2015-16).
- Member, University Ad Hoc Columbus Murals Committee (2019).

- Member, Faculty Steering Committee, Notre Dame Institute for Advanced Study (2014-2019).
- Chair, Law and Legal Topics Review Committee, Notre Dame Institute for Advanced Study (2018-2019).
- University Ad Hoc Committee on Faculty Governance (2015-2018).
- Member, Faculty Steering Committee, Tocqueville Program for Inquiry into Religion and Public Life (2005-present).
- Provost's Advisory Committee (2014-2017).
- Transcending Orthodoxies Conference, Institute for Humane Affairs, Steering Committee (2015-2016) (papers published in KENNETH GARCIA, ED., REEXAMINING ACADEMIC FREEDOM IN RELIGIOUSLY AFFILIATED UNIVERSITIES (2016)).
- University Committee on Appeals (2014-17).
- Center for Civil and Human Rights, Faculty Affiliate (2014-2017).
- Hesburgh Series Lecturer (2005-present).
- Fellow, Institute on Educational Initiatives, University of Notre Dame (2000-present).
- Academic and Faculty Affairs Committee, University of Notre Dame Board of Trustees (2011-2014).
- University of Notre Dame Task Force on Community Engagement (Spring 2011-Spring 2013).
- Editor, SSRN Notre Dame Law School Legal Studies Research Paper Series (2011-13).
- University Strategic Research Committee (Fall 2011-Summer 2013).
- Faculty Research Support Program Committee (Fall 2011-Summer 2013).
- Global Gateways Academic Governance Committee (Spring-Fall 2013).
- Limited Submissions Committee (Fall 2011-Summer 2013).
- Subcommittee Chair, Notre Dame Special Initiative on Catholic Education (2005-2006).
- Faculty Appointments Committee (2005-2006, 2007-2011).
- Vice-Chair, Faculty Appointments Committee (2008-2009).
- Faculty Development Committee (2007-2009, 2011-2014).
- Advisory Board, Alliance for Catholic Education Press (2007-present).
- Faculty Clerkship Committee (2007-2010, 2015-2017, 2018-present).
- Faculty Colloquium Committee, Notre Dame Law School (2004-2005, 2007-2009, 2010-2014, 2015-2016, 2017-2018).
- Curriculum Committee, Notre Dame Law School (2001-2003).
- Ad Hoc Library Acquisitions Committee (2015).
- Ad Hoc Honor Code Minor Revisions Committee (2014).
- Ad Hoc Honor Code Committee (2013-14).

- Advanced Legal Writing Committee, Notre Dame Law School (2004-2005).
- Admissions Committee, Notre Dame Law School (2000-2002, 2019-present).
- Dissertation Committee, Departments of Philosophy and Political Science, University of Notre Dame, for Margaret Penrose, Jeffrey Langan, Brendan Dunn, David Petron, Felix Valenzuela, Kevin Vance, Jesse Covington, Susanna DeStradis, and Tiernan Kane.
- Faculty Advisor: Native American Law Students Association, *Jus Vitae*, St. Thomas More Society.

## PERSONAL

- Born Bryn Mawr, Pennsylvania (November 6, 1968).
- Raised in Anchorage, Alaska; graduated East Anchorage High School (1986).
- Married: Prof. Nicole Stelle Garnett (October 22, 1994). Four children: Margaret Clare Garnett (September 27, 1999), Thomas William Garnett (June 23, 2001), Elizabeth Ann Garnett (April 22, 2004), John Joseph Garnett (July 20, 2012).
- Member, Choctaw Nation of Oklahoma.
- St. Joseph Catholic Church & School, South Bend, Indiana (Pastoral Council, School Board, Lector, Prayers of the Faithful Writer, Strategic Gifts Phase Committee for “Living Our Faith, Building our Future” Capital Campaign, volunteer coach).
- East Side Baseball Softball Association, South Bend, Indiana (Player Agent, At-Large Board Member, Equipment Manager, Rookie Division Representative, volunteer coach).

## REFERENCES

- John H. Garvey, President Emeritus, Catholic University of America.
- John Witte Jr., Robert W. Woodruff Professor of Law, McDonald Distinguished Professor, and Center for the Study of Law and Religion Director, Emory University School of Law.
- Steven D. Smith, Warren Distinguished Professor of Law and Co-Executive Director of the Institute for Law and Religion, University of San Diego School of Law.
- Philip Hamburger, Maurice & Hilda Friedman Professor of Law, Columbia Law School.
- Andrew M. Koppelman, John Paul Stevens Professor of Law and Professor of Political Science, Northwestern University.

- Michael W. McConnell, Richard and Frances Mallery Professor and Director of the Constitutional Law Center, Stanford Law School.