

## JAY D. WEXLER

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### Academic Experience

#### **Boston University School of Law**

Michaels Faculty Research Scholar, July 2021-Present

Professor of Law, September 2007-Present

Associate Professor, July 2001-September 2007

- Have taught classes in administrative law, American Indian law, cannabis law, constitutional law, environmental law, the first amendment, law and religion, legislation, natural resources law, and U.S. law for foreign students.
- Received the Michael Melton Award for Excellence in Teaching (2009) and the Dean's Service Award (2018).
- Served on the Law School's Writing Reform Task Force (chaired); Academic Program Review and Strategic Planning Committee (chaired); Lateral Appointments Committee (co-chaired); Career, Planning, Placement, and Clerkship Committee (chaired); Awards Committee (chaired); Melton Teaching Award Committee (chaired); Admissions Committee; Assessment and Outcomes Committee; Promotion and Tenure Committee; Public Interest Committee; 2007, 2013, and 2020 Conference Committees; Public Interest Alumni Loan Payment Working Group; and J.D. Program Committee. Served as faculty advisor for the Moot Court Program (2002-2007), the American Constitution Society's Boston University Chapter (2010-present), and the Environmental and Energy Law Society (2005-2020).
- Organized eight-panel virtual *Boston University Law Review* conference, Marijuana Law 2020: Lessons from the Past, Ideas for the Future (November 12-14, 2020).
- Served on the University's Free Speech Committee (2018-2019) and as a Member of the Dean Search Committee for the School of Theology (2019-2020). Served as internal committee review member on the Academic Review Program for the College of Arts and Sciences Graduate Division of Religious Studies (2016-2017). Served on the University Promotions and Tenure Committee (2009-2011); Graduate Council (2016-2018); and internal Fulbright Review Committee (2018-20).
- Reviewed manuscripts and proposals for Oxford University Press, Aspen/Wolters-Kluwer Press, Routledge, University Press of Kansas, Yale University Press, *Educational Policy*, *Election Law Journal*, *HUMOR: International Journal of Humor Research*, *Journal of Church and State*, *Journal of Law and Religion*, *Law and Society Review*, *Radical History Review*, *Religion and Politics*, and the *Yale Law Journal*. Served on the Advisory Board of the American Constitution Society's Boston Lawyer's Chapter.

**Fulbright Lecturer, University of Buenos Aires.** August-December 2014

Taught class in U.S. constitutional law on fellowship from Fulbright Scholar Program.

**Fulbright Lecturer, Jagiellonian University, Krakow, Poland.** February-July 2008  
Taught course in U.S. church-state law on fellowship from Fulbright Scholar Program.

**Visiting Professor, Lyon 3, Lyon, France.** January-February 2008  
Taught course in U.S. constitutional civil liberties.

### **Books**

WEED RULES: TOWARD A JUST, JOYOUS, AND SENSIBLE MARIJUANA POLICY FOR A POST-LEGALIZATION NATION (under contract with University of California Press for publication in 2023; first draft submitted August 17, 2021).

OUR NON-CHRISTIAN NATION: HOW ATHEISTS, SATANISTS, PAGANS, AND OTHERS ARE DEMANDING THEIR RIGHTFUL PLACE IN PUBLIC LIFE (Stanford University Press/Redwood 2019) (winner of 2019 Independent Publisher Book Award, Gold Medal, Religion Category).

WHEN GOD ISN'T GREEN: A WORLD-WIDE JOURNEY TO PLACES WHERE RELIGIOUS PRACTICE AND ENVIRONMENTALISM COLLIDE (Beacon Press 2016).

TUTTLE IN THE BALANCE: A NOVEL (American Bar Association/Ankerwycke Press 2015).

THE ADVENTURES OF ED TUTTLE, ASSOCIATE JUSTICE, AND OTHER STORIES (Quid Pro Books 2012).

THE ODD CLAUSES: UNDERSTANDING THE CONSTITUTION THROUGH TEN OF ITS MOST CURIOUS PROVISIONS (Beacon Press 2011).

HOLY HULLABALOO: A ROAD TRIP TO THE BATTLEFIELDS OF THE CHURCH/STATE WARS (Beacon Press 2009).

### **Academic Articles, Essays, Book Chapters, and Reviews**

*American Edibles: How Cannabis Regulatory Policy Rehashes Prohibitionist Fears and What to do About It*, 44 SEATTLE UNIVERSITY LAW REVIEW (2021) (forthcoming) (with Connor Burns).

*Secular Invocations, the First Amendment, and the Promise of Religious Pluralism*, 102 ROGER WILLIAMS LAW REVIEW 101-146 (2021).

*Fun with Reverse Eiusdem Generis*, 105 MINNESOTA LAW REVIEW 1-37 (2020).

*When Religion Pollutes: How Law Should Respond When Religious Practice Threatens Public Health?*, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES (Cambridge University Press 2017).

*Book Review* of James W. Ely, Jr., *The Contract Clause: A Constitutional History*, *Journal of Interdisciplinary History*, vol 48, No. 3, Winter 2017, pp. 415-417.

*When God Isn't Green: Some Thoughts on the Thoughts of Nagel and Schindler*, 96 BOSTON UNIVERSITY LAW REVIEW ANNEX 15 (2016)

*Constitutional Exaptation, Political Dysfunction, and the Recess Appointments Clause*, 94 BOSTON UNIVERSITY LAW REVIEW 807-813 (2014).

*Some Thoughts on the First Amendment's Religion Clauses and Abner Greene's Against Obligation, With Reference to Patton Oswalt's Character "Paul from Staten Island" in the Film Big Fan*, 93 BOSTON UNIVERSITY LAW REVIEW 1363-1371 (2013).

*Government Disapproval of Religion*, 2013 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 119-152.

*The First Ever (Maybe) Original Jurisdiction Standings*, 1 JOURNAL OF LEGAL METRICS 19 (2012) (with David Hatton).

*I'm a Laycockian! (for the most part)*, 89 TEXAS LAW REVIEW 935-47 (2011).

*Eagle Party*, 14 GREEN BAG 2D 181-189 (2011).

*Judicial Minimalism and the Evolution Controversy: Further Thoughts on the "Is it Science?" Question*, 4 ST. THOMAS JOURNAL OF LAW & POLICY 30-34 (2010).

*Justice Ginsburg's Footnotes*, 43 NEW ENGLAND LAW REVIEW 857-867 (2010).

*Religion in Public Schools*, in THE CHILD: AN ENCYCLOPEDIA COMPANION (University of Chicago Press 2009).

*What Should We Teach When We Teach About Religion? The Case for a Global Perspective*, Conference Proceedings, "Religion and the Rule of Law in Southeast Asia: Continuing the Discussion" (Nov. 2-3, 2007) (in English and Vietnamese).

*Protecting Religion Through Statute: The Mixed Case of the United States*, THE REVIEW OF FAITH AND INTERNATIONAL AFFAIRS, Fall 2007, pp. 17-25.

*Laugh Track II – Still Laughin!*, 117 YALE L.J. POCKET PART 130 (2007).

*From the Classroom to the Courtroom: Intelligent Design and the Constitution*, in NOT IN OUR CLASSROOMS: WHY INTELLIGENT DESIGN IS WRONG FOR OUR SCHOOLS 83-104 (Beacon Press 2006), reprinted in 3:2 *Evolution: Education and Outreach* 215-24 (2010) (peer reviewed).

*Kitzmiller and the "Is it Science?" Question*, 5 FIRST AMENDMENT LAW REVIEW 90-111 (2006).

*Too Much, Too Little: Religion in the Public Schools*, 6 UNIVERSITY OF MARYLAND JOURNAL OF RACE, RELIGION, GENDER, AND CLASS 107-116 (2006).

*The Endorsement Court*, 21 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 263-306 (2006).

*Intelligent Design and the First Amendment: A Response*, 84 WASHINGTON UNIVERSITY LAW REVIEW 63-98 (2006).

*The (Non)Uniqueness of Environmental Law*, 74 GEORGE WASHINGTON LAW REVIEW 260-316 (2006).

*The Scopes Trope*, 93 GEORGETOWN LAW JOURNAL 1693-1721 (2005) (reviewing Larry Witham's WHERE DARWIN MEETS THE BIBLE: CREATIONISTS AND EVOLUTIONISTS IN AMERICA).

*Laugh Track*, 9 GREEN BAG 2D 59-61 (2005) (subject of front page article in the NEW YORK TIMES and segment on ABC's Nightline).

*Parks as Gyms? Recreational Paradigms and Public Health in the National Parks*, 30 AMERICAN JOURNAL OF LAW & MEDICINE 150-184 (2004).

*Darwin, Design, and Disestablishment: Teaching the Evolution Controversy in Public Schools*, 56 VANDERBILT LAW REVIEW 751-855 (2003).

*Framing the Public Square*, 91 GEORGETOWN LAW JOURNAL 183-218 (2002) (reviewing Stephen Carter's GOD'S NAME IN VAIN: THE WRONGS AND RIGHTS OF RELIGION IN POLITICS).

*Preparing for the Clothed Public Square: Teaching About Religion, Civic Education, and the Constitution*, 43 WILLIAM & MARY LAW REVIEW 1159-1263 (2002).

*Defending the Middle Way: Intermediate Scrutiny as Judicial Minimalism*, 66 GEORGE WASHINGTON LAW REVIEW 298-352 (1998).

*Risk in the Balance*, 30 CONNECTICUT LAW REVIEW 225-255 (1997) (reviewing John Graham and Jonathan Baert Wiener's RISK VERSUS RISK: TRADEOFFS IN PROTECTING HEALTH AND THE ENVIRONMENT).

Note, *Of Pandas, People, and the First Amendment: The Constitutionality of Teaching Intelligent Design in the Public Schools*, 49 STANFORD LAW REVIEW 439-470 (1997).

Book Note, *Cleaning the Mess?*, 49 STANFORD LAW REVIEW 667-689 (1997) (reviewing Jesse Choper's SECURING RELIGIOUS LIBERTY).

Book Review of *"Why Things Bite Back: Technology and the Revenge of Unintended Consequences,"* 16 STANFORD ENVIRONMENTAL LAW JOURNAL 334-337 (1997).

### **Selected Non-Academic Writings**

*Final Assignment*, The New Yorker, October 5, 2020, at pp. 18-19 (Talk of the Town piece about RBG memorial).

*The Honor and Joy of Clerking for RBG*, BU Today (September 25, 2020).

*The Supreme Court's Maryland Peace Cross Decision Turns the Constitution on its Head*, Newsweek (June 21, 2019).

*6 Things I Wish People Understood About Atheism*, Vox (June 14, 2019).

*Challenging Religious Liberty in the Public Square Could Open the Door to Satan. Good.*, USA Today (June 7, 2019).

*The Confirmation Hearing of Neil Gorsuch, if Supreme Court Confirmation Hearings Really Were a Form of Kabuki Theater*, McSweeney's Internet Tendency (March 20, 2017).

*When it Comes to Gorsuch, Ask Him a Question He Can't Refuse*, Beacon Broadside (March 9, 2017).

*Trump and the Presents Clause*, Beacon Broadside (January 25, 2017).

*Article I, Section 6*, National Constitution Center's *Interactive Constitution* (with Steve Calabresi) (October 2016).

*Of Birds and Buddhists: Wildlife Rehab, NYC Style*, Religion Dispatches (June 16, 2016).

*Preseason at the Supreme Court*, McSweeney's Internet Tendency (September 23, 2013).

*The Supreme Court and Legislative Prayer*, Jewish Exponent (June 25, 2013).

*One of a Kind Government Positions*, McSweeney's Internet Tendency (May 16, 2013).

*Not Your Ordinary Home for Birds*, National Geographic NewsWatch, April 11, 2013.

*Are Your Palm Sunday Palms Bad for the Environment?*, Slate, March 22, 2013.

*Review of "Out of Order" by Sandra Day O'Connor*, Boston Globe, March 9, 2013.

*Review of "My Beloved World" by Sonia Sotomayor*, Boston Globe, January 12, 2013.

*I Made Justice Thomas Laugh*, Salon (August 18, 2012).

*Law and Disorder*, Boston Globe, September 18, 2011, at K4 (reviewing LEO KATZ, WHY THE LAW IS SO PERVERSE and WILLIAM J. STUNTZ, THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE).

*Can Having an Eagle Feather Get You Arrested?*, Mental Floss, March/April 2011, at 18.

*Woodsy the Owl Loses His Mojo*, McSweeney's Internet Tendency (February 2, 2011).

*Ogletree's Take on Gates Case Focuses on Racial Profiling*, Boston Globe, July 16, 2010, at G14 (reviewing CHARLES OGLETREE, THE PRESUMPTION OF GUILT: THE ARREST OF HENRY LOUIS GATES AND RACE, CLASS, AND CRIME IN AMERICA).

*Rebalancing Act*, Boston Globe, March 28, 2010, at C6 (reviewing JEFF SHESOL, SUPREME POWER: FRANKLIN ROOSEVELT VS. THE SUPREME COURT).

*"Under God" and the Religion Clauses*, Beacon Broadside (March 25, 2010).

*Henry Clay Will Solve Our Problems*, McSweeney's Internet Tendency (January 21, 2010).

*School Prayer and Senate Prayer are Not the Same*, Washington Post/Newsweek's "On Faith" Blog (September 24, 2009).

*The Court's Cross to Bear*, Huffington Post (September 16, 2009).

*The Confirmation Hearing of Sonia Sotomayor, if the Hearing Were Held in Front of the 1977 Kansas City Royals Instead of the Senate Judiciary Committee*, McSweeney's Internet Tendency (July 13, 2009).

*The Advisor*, Monkeybicycle #6 (June 2009).

*The Adventures of Ed Tuttle, Associate Justice*, Barrelhouse #6 (July 2008).

*The Sound of Silence, Supreme Court Style*, Beacon Broadside (March 4, 2008).

*Responses to Recurrent Critiques of my "Toothbrush of the Month Club" Idea*, McSweeney's Internet Tendency (November 14, 2006).

*E=mc<sup>3</sup>, Opium* #3 (September 2006), *reprinted in THE &NOW AWARDS: THE BEST INNOVATIVE WRITING* (Lake Forest College Press 2009)

*You are Not Tu Fu*, Ink Pot #6 (April 2005).

*The Linear Apartment*, Bullfight #2 (February 2005).

*Guestbook: Vermont Applebrook Inn, Lancaster Suite, January 1, 1999-May 1, 2001 (Excerpts)*, McSweeney's Internet Tendency (Feb. 2004).

*Black and White Zoo*, Eyeshot.net (September 2003).

*Consume Mass Quantities: Clinton's Secret Health Plan?*, Spy, January, 1994, at p.20.

### **Professional Presentations and Activities**

Panelist, Religion, Secularity, and the Satanic Temple: A Roundtable with Scholars and Community Members, American Academy of Religion Annual Conference, San Antonio, TX (November 22, 2021).

Invited Speaker, "Our Non-Christian Nation," at the Freedom from Religion Foundation's National Conference, Boston MA (November 19, 2021).

Panelist, Tribute to Justice Ruth Bader Ginsburg, Women in Litigation Conference of the Litigation Section of the American Bar Association, Boston MA (November 17, 2021).

Lecturer, The Constitution's Odd Clauses, Madison's Montpelier "Constitution 101" Series (Oct. 17, 2021).

Panelist, Discussion of the Documentary "Hail Satan?" American Academy of Religion Annual Conference (December 8, 2020).

Panelist/Discussant on Remembering Justice Ginsburg: University of Georgia Women's Law Society (Oct. 1, 2020); Boston University School of Law (Oct. 6, 2020); Society for

Humanistic Judaism (Oct. 13, 2020); Boston University School of Law Class of 1999 Reunion Event (Oct. 21, 2020).

Panel Presentation, “Secular Invocations and the Promise of Pluralism,” Conference on “Is This a Christian Nation?” Roger Williams University Law School (September 25, 2020).

Webinar Presentation, Our Non-Christian Nation, *American Atheists Summer Series* (July 1, 2020) (online).

Workshop Presentation, “Fun With Reverse *Ejusdem Generis*,” Boston University Faculty Workshop Series (January 23, 2020).

Lecture, “Presidential Powers and the Constitution under Trump,” Pinehills Women of Conscience, Plymouth MA (September 19, 2019).

Book Reading and Discussion on Our Non-Christian Nation: How Non-Christians are Demanding Their Rightful Place in American Public Life: Brookline Booksmith (June 11, 2019) (with Lucien Greaves); Strand Bookstore, New York City (June 12, 2019) (with Penny Lane); Head House Books, Philadelphia (June 14, 2019); Papercuts J.P., Boston (June 21, 2019) (with Lucien Greaves); Third Place Books, Seattle (July 5, 2019); Rose City Book Pub, Portland Oregon (July 8, 2019); Green Apple Books, San Francisco (July 11, 2019); Kramerbooks, Washington DC (July 25, 2019); Harvard Bookstore (Sept. 13, 2019); Tattered Cover Bookstore, Denver (September 16, 2019); Nox Cocktail Lounge, Rochester NY (November 23, 2019).

Lectures on Our Non-Christian Nation: How Non-Christians are Demanding Their Rightful Place in American Public Life: American Humanist Association National Conference, Brooklyn, NY (June 8, 2019); Emory University, Center for Study of Law and Religion (April 9, 2019); Harvard Institute for Learning in Retirement (December 10, 2018).

Panelist, Discussion of Comparative Freedom of Expression and Hate Speech Laws, Instituto Católico de Administración y Dirección de Empresas, Madrid, Spain (May 9, 2019).

Panelist, Civil Liberties and the (post-Kennedy) Roberts Court, Boston University School of Law (September 17, 2018).

Participant, Facebook Live Event on Massachusetts Cannabis Laws (with Dan Adams of the *Boston Globe*) (June 25, 2018).

Lecture, Constitutional Odd Clauses and the American Presidency, Federal Judicial Center’s National Conference for Appellate Staff Attorneys, Santa Fe, New Mexico (April 24, 2018).

Lecture, When God Isn’t Green: A World-Wide Journey to Places Where Religious Practice and Environmentalism Collide, The Lighthouse Center for Exploration & Discovery, Virginia Wesleyan University (Feb. 27, 2018).

Lecture, Religion and the Constitution, Temple Beth Abraham, Nashua, New Hampshire (Feb. 3, 2018).

Public Law Workshop Presentation, *Our Non-Christian Nation: How Non-Christians are Demanding Their Rightful Place in American Public Life*, University of Minnesota Law School (October 26, 2017).

Moderator, Authors Panel [law professors discussing the writing of novels and memoirs], Stanford Law School (October 14, 2017)

Panelist, Religious Freedom Rights and the Rights of Others, Suffolk University Law School (October 3, 2017).

Lecture, *When God Isn't Green: A World-Wide Journey to Places Where Religious Practice and Environmentalism Collide*, Boston Bar Association (March 3, 2017).

Guest Speaker on *The Odd Clauses*, Stanford Law School (Constitutional Law course of Pam Karlan) (February 20, 2017).

Lecture, *Our Non-Christian Nation: How Non-Christians are Demanding Their Rightful Place in American Public Life*, Stanford Law School (February 20, 2017) (sponsored by the American Constitution Society).

Panelist, Muslims, Refugees, and Immigrants: Making Sense of the Trump Administration's Controversial Executive Order, Howard Thurman Center for Common Ground, Boston University (February 15, 2017).

Lecture, *Taking Action: The Reach and Limits of Presidential Directives*, Boston Athenaeum (February 14, 2017).

Panelist, *The Trump Presidency: Corruption Concerns and Ethical Issues*, Center for the Advancement of Public Integrity, Columbia Law School (February 7, 2017).

Lecture, *Our Non-Christian Nation: How Non-Christians are Demanding Their Place in American Public Life*, The Satanic Temple, Salem MA (December 15, 2016).

Participant, Consultation Meeting, Freedom of Religion or Belief and Security Draft Guideline Document, Organization of Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, Washington DC (Nov. 3-4, 2016).

Panelist, Marijuana Reform in Massachusetts, Newton/Needham Chamber of Commerce Lawyers Committee (Oct. 5, 2016).

Panel Presentation, *The Educative Function of Religion in the Public Square*, Conference on Freedom of Religion or Belief in Situations of Crisis (Tallinn, Estonia, June 16-19, 2016).

Lecture, *Our Non-Christian Nation: How Non-Christians are Demanding Their Place in American Public Life*, Americans United for the Separation of Church and State, Rochester NY Chapter (May 2, 2016).

Reading and Discussion of *When God Isn't Green*, Brookline Booksmith (March 21, 2016); BU Law Mini-Symposium (March 28, 2016); Kramerbooks, Washington DC (March 30, 2016); Lebanon NH Public Library (April 7, 2016); NYU Bookstore (April 21, 2016).



Panelist, Writing About the Supreme Court, Georgetown Supreme Court Institute (April 5, 2016).

Reading and Discussion of *Tuttle in the Balance*, Harvard Bookstore, Cambridge MA (December 8, 2015); Cardozo School of Law, New York, sponsored by the American Constitution Society's New York Lawyers' Chapter (December 10, 2015); Teatism, Washington D.C., sponsored by the American Constitution Society's D.C. Lawyers' Chapter (December 14, 2015); Ethical Society of Philadelphia (December 15, 2015); One More Page Bookstore, Washington DC (January 15, 2016).

Faculty and Workshop Leader, "Humor Outside the Humor Piece," Sanibel Island Writer's Conference, Sanibel Island, Florida (November 5-8, 2015).

Panelist, Religion & Satire: Is Anything Sacred, Suffolk University Law School (October 21, 2015).

Panel Presentations, "When Religion Pollutes: How Should the Law Respond to Religious Beliefs and Practices that Harm the Environment and Public Health?" Petrie-Flom Center for Health Law Policy's Conference on Law, Religion, and Health in America, Harvard Law School (May 8-9, 2015); Law and Society Annual Conference (May 31, 2015); Vermont Law School's Annual Environmental Law Scholarship Colloquium (October 3, 2015).

Lecture on Federal and State Power to Protect the Environment in the United States, Third Argentine Congress on Environmental Law, University of Buenos Aires (December 12, 2014).

Lectures on Religion, Law, and Politics in the United States, Instituto Cultural Argentino Norteamericano, Buenos Aires (November 20, 2014) and Consejo Argentino Para Las Relaciones Internacionales, Buenos Aires (December 10, 2014).

Lecture on Environmental Law in the United States, Universidad del Museo Social Argentina, Buenos Aires (November 7, 2014).

Panelist, Supreme Court Review, Sponsored by the American Constitution Society, Louisville KY (June 27, 2014).

Guest Speaker, Boston College School of Law's Religion and Law Program (March 14, 2014).

Keynote Speech, Conference on U.S. Supreme Court Review and Preview, Sponsored by the American Constitution Society and the Bar Association of Erie County, Buffalo, NY (November 22, 2013).

Panel Presentation, "Political Dysfunction and the Recess Appointments Clause," Symposium on America's Political Dysfunction, Boston University School of Law (November 15, 2013).

Speaker, "Holy Hullabaloo and Beyond: The State of Church/State Law in the United States," Ethical Society of Philadelphia (July 1, 2013) and Delaware Association for Humanism, Wilmington DE (June 30, 2013).

Speaker, “Canning v. NLRB: A New Scope and Meaning of the Recess Appointments Clause,” Roundtable Symposium on Trends and Issues in Politics & The Law, University of Massachusetts School of Law (March 1, 2013).

Participant, Book Symposium on works by Abner Greene and Michael Seidman, Boston University School of Law (November 8, 2012).

Presenter, “Saatchi & Saatchi’s 7x7,” B.B. King’s, New York City, NY (October 4, 2012) (program consisting of seven professionals from different fields, each speaking for seven minutes—presented as part of New York’s “Advertising Week”).

Reading from *The Adventures of Ed Tuttle, Associate Justice, and Other Stories*, Brookline Booksmith, Brookline MA (September 27, 2012); Quimby’s Bookstore, Chicago IL (March 30, 2013); South End Library, Boston (October 1, 2013).

Panel Presenter, Constitution Day Event on Freedom of Religion, Boston University School of Law (September 20, 2012).

Panel Moderator, *Conscience in the Public Square*, American Constitution Society National Convention, Washington DC (June 15, 2012).

Lecture and Discussion, “Spicing Up Your Non-Fiction With Non-Prose Elements,” Grub Street’s Muse and the Marketplace Conference, Boston MA (May 6, 2012).

Lecture on Class Actions and Damages in Environmental Cases to Justices of the Thailand Supreme Court and other Judges, Bangkok, Thailand (February 23, 2012).

Series of Lectures on “Freedom of Expression in the United States” in Bangkok, Thailand: Assumption University (February 20, 2012); Chulalongkorn University (February 22, 2012); and The Constitutional Court of Thailand (February 24, 2012).

Guest Speaker, Worcester Humanists, Worcester MA (January 10, 2012).

Guest Speaker, Concord Humanists, Concord MA (January 4, 2012).

Discussion of *The Odd Clauses: Understanding the Constitution Through Ten of its Most Curious Provisions*, Harvard Institute for Learning in Retirement (November 9, 2011); Brookline Booksmith (November 10, 2011); Pinehills, Plymouth MA (February 10, 2012); Boston University School of Law Mini-Symposium (March 5, 2012); Longfellow Books, Portland ME (May 10, 2012); American Independence Museum, Exeter NH (June 6, 2012)

Presenter and Non-Fiction Writing Workshop Leader, Sanibel Island Writers Conference (November 3-6, 2011).

Panel Presentation, “Disapproval of Religion under the U.S. Constitution,” International Consortium for Law and Religion Studies (ICLARS), Second Conference on “Religion and Constitution,” Santiago, Chile (September 9, 2011).

Presenter and Participant, Summer Workshop on Law, Religion & Culture, University of Colorado Law School (July 21-22, 2011).

Conference Speaker, American Humanist Association Annual Meeting, Cambridge, MA (April 8, 2011).

Panel Presentation, “Feathers and Freedom: What the Case of *U.S. v. Wilgus* Tells Us About Toleration in America,” Conference on “Toleration and Freedom: The American Experience in Context,” Hosted by Boston University’s Institute for Philosophy and Religion and Boston College’s Boisi Center for Religion and Public Life (March 25, 2011).

Workshop Presentation, “Illegal Eagles,” Boston University Faculty Workshop Series (November 18, 2010).

Ed Likeover Memorial Lecturer, Ohio ACLU, Cleveland, OH (October 17, 2010).

Keynote Speaker, New Mexico ACLU Annual Meeting, Albuquerque, NM (May 22, 2010).

Commenter, Religion and Big Government: A Talk by Richard Garnett, Federalist Society Event, Boston University School of Law (March 24, 2010).

Workshop Presentation, “The Odd Clauses,” Saint Louis University (February 17, 2010).

Presenter and Workshop Leader, Sanibel Island Writer’s Conference, sponsored by Florida Gulf Coast University (November 4-8, 2009).

Workshop Presentation, “The Odd Clauses,” University of Colorado Workshop Series (Oct. 9, 2009).

Constitution Day Speaker, “Two Errors About the Evolution Controversy (or What I Learned From My Trip to the Creation Museum),” Babson College (September 17, 2009).

Reading from *Holy Hullabaloo: A Road Trip to the Battlefields of the Church/State Wars* and Discussion of Church/State Law: Brookline Booksmith (June 17, 2009); Barnes & Noble, Des Peres, Missouri (July 9, 2009); Malaprop's Bookstore, Asheville, North Carolina (July 30, 2009); Barnes & Noble at Boston University (September 29, 2009); American Constitution Society, Denver CO (Oct. 8, 2009); The Pinehills, Plymouth, Massachusetts (October 16, 2009); Marin Academy, Conference on Democracy, San Rafael, California (October 23, 2009); Sanibel Island Writers Workshop, Sanibel Island, Florida (November 5, 2009); Newton North High School, Newton, Massachusetts (Huntington Lecture) (November 12, 2009); American Constitution Society, Boston MA (December 9, 2009); Social Law Library, Boston (December 10, 2009); American Constitution Society, Kansas City MO (February 18, 2010); American Constitution Society, New York Law School (April 8, 2010); Page One Bookstore, Albuquerque, NM (May 22, 2010); Jewish Community Relations Council of Greater Boston (June 16, 2010); Sam Weller’s Bookstore, Salt Lake City UT (July 7, 2010); All Souls Unitarian Universalist Church, Braintree, MA (January 15, 2011).

Guest Speaker, National Endowment for the Humanities Summer Seminar 2009: “Religious Diversity and the Common Good,” Boisi Center for Religion and Public Life at Boston College (June 25, 2009).

Lecturer on U.S. Church-State Law at three venues in Moscow, Russia: International Institute of Law of the Russian Ministry of Justice; People's Friendship University of Russia, Department of Law; and American Club (April 24, 2009).

Conference Presentation, "Justice Ginsburg's Footnotes," Symposium on Jurisprudence of Justice Ruth Bader Ginsburg, New England School of Law (March 12, 2009).

Workshop Presentation, "The Odd Clauses," Boston University Faculty Workshop Series (March 5, 2009).

Panel Moderator, "Religion and Public Life," J. Reuben Clark Law Society's Annual Conference, Harvard Law School (February 13, 2009).

Edward G. Donley Memorial Speaker, "Two Errors About the Evolution Controversy (or What I Learned From My Trip to the Creation Museum)," Darwinfest, University of West Virginia (February 9, 2009).

Symposium Speaker, "Intelligent Design and the Public Schools," Liberty University (February 6, 2009).

Presentation on Judicial Clerkships in the United States to Law Clerks and Justices of the Polish Constitutional Court, Warsaw University, Warsaw, Poland (June 11, 2008).

Panel Presentation on Teaching Religion and Values in the United States, Helsinki Foundation for Human Rights, Warsaw, Poland (June 11, 2008).

Panel Presentation, "Separation of Church and State in the United States: What Does it Mean?" Warsaw University, Warsaw, Poland (May 14, 2008).

Panel Presentation, "What Should We Teach When We Teach About Religion? The Case for a Global Perspective," Conference on "Religion and Rule of Law in Southeast Asia," Hanoi, Vietnam (November 3, 2007).

Panel Moderator, "The Presidency in Perspective," Boston University School of Law Conference, "The Role of the President in the 21<sup>st</sup> Century" (October 11, 2007).

Guest Speaker, National Endowment for the Humanities Summer Seminar 2007: "Religious Diversity and the Common Good," Boisi Center for Religion and Public Life at Boston College (June 28, 2007).

Moderator, Public Discussion of Elizabeth de la Vega's *U.S. v. George W. Bush et al*, Cambridge Forum (May 9, 2007).

Conference Participant, "Beyond the Culture Wars: A Leadership Conference on the Future of Religion in the Public Schools," First Amendment Center, Vanderbilt University (March 5-6, 2007).

Panel Presentation, "Protecting Religion Through Statute: The Mixed Case of the United States," Comparative Approaches to Implementing International Standards in Religion Legislation, Conference on Law and Religion in Transitional Societies, Oslo, Norway (December 3, 2006).

Workshop Presentation, “Civic Recreation,” Boston University School of Law Workshop Series (October 28, 2006).

Panel Moderator, “Health and Well-Being,” Boston University School of Law Conference, “Extraordinary Powers in Ordinary Times” (September 30, 2006)

Lunch Speaker, “Judging Intelligent Design: Should the Courts Decide What Counts as Science or Religion?” Boisi Center for Religion and Public Life at Boston College (September 28, 2006).

Conference Participant, Carnegie Foundation Conference, Boisi Center for Religion and Public Life at Boston College (April 21, 2006) (commenting, along with religious studies scholars, on draft papers introducing American Pluralism, Theology, and Church-State Separation to readers in Muslim countries).

Symposium Presentation, “Too Much, Too Little: Religion in the Public Schools,” University of Maryland Journal of Race, Religion, Gender, and Class’s Symposium on “Religion and the Law” (April 11, 2006).

Panel Participant, Frank J. Murray Inn of Court’s Evening Program on Constitutional Issues at the Supreme Court (March 21, 2006).

Symposium Presentation, “Intelligent Design and the ‘Is it Science?’ Question,” University of North Carolina First Amendment Law Review’s Symposium on “Religion in the Public Schools” (February 24, 2006).

Panel Presentation, “Intelligent Design and the First Amendment,” American Association for the Advancement of Science’s 2006 Annual Meeting, Panel on “Science and the State” (February 18, 2006).

Conference Presentation, “The Endorsement Court,” Washington University Journal of Law and Policy’s Conference on “The Rehnquist Court and the First Amendment” (November 18, 2005).

Faculty Workshop Presentation, “Intelligent Design and the First Amendment: A Response,” Boston University School of Law Workshop Series (September 29, 2005).

Debate on the Constitutionality of Intelligent Design with Francis J. Beckwith (Baylor University), Harvard University Federalist Society Event (April 15, 2005).

Faculty Workshop Presentation, “Environmental Law and the Judicial Role,” Washington University, St. Louis (December 7, 2004).

Workshop Presentation, “Environmental Law and the Judicial Role,” Boston University School of Law Workshop Series (November 11, 2004).

Panel Moderator, “Congress and the *Lochner* Court,” Boston University School of Law’s *Lochner* Centennial Conference (October 16, 2004).

Panel Respondent, “Religion and Science: Should Schools Teach the Controversy?” PEW Forum on Religion and Public Life and First Amendment Center’s Conference on “Teaching About Religion: Where Do We Go From Here?” (May 22, 2003) (transcript located at <http://www.pewforum.org/events/index.php?EventID=48>).

Workshop Presentation, “Darwin, Design, and Disestablishment: Teaching About the Evolution Controversy in the Public Schools,” Boston University School of Law Workshop Series (January 16, 2003).

## **Education**

**Stanford Law School, J.D.**, June 1997

- Nathan Abbott Scholar for student graduating with highest cumulative GPA; Order of the Coif; First and Second-Year Honors for highest GPA after the first and second years.
- Steven M. Block Civil Liberties Award for best written work relating to issues of personal freedom; Irving J. Hellmann, Jr. Award for best note published in volume 49 of the *Stanford Law Review*; Hilmer Oehlmann, Jr. Memorial Prize for excellence in legal research and writing.
- Semifinalist and best preliminary round brief, Kirkwood Moot Court Competition.
- Member and Note Editor, *Stanford Law Review*; Member and Associate Managing Editor, *Stanford Journal of International Law*; Vice-President, Kirkwood Moot Court Competition.

**University of Chicago Divinity School. M.A.**, Religious Studies, August 1993

Studied modern religious thought, theological ethics, Buddhism, and Confucianism.

**Inter-University Program for Chinese Studies.** Taipei, Taiwan, September 1991-June 1992

Studied Chinese language in intensive program, emphasizing speaking and reading.

**Harvard University.** B.A., *Magna Cum Laude*, East Asian Studies, June 1991

Studied Chinese history and philosophy, Japanese history, religion, and Western political philosophy. Dean’s list every semester. Wrote senior thesis on Western interpretations of the *Chuang Tzu*.

## **Experience**

**U.S. Department of Justice, Office of Legal Counsel**, Washington, D.C.

*Attorney-Advisor*, August 1999-June 2001

Reviewed pending legislation for constitutionality. Advised Justice Department components and executive agencies, including the Attorney General and the White House Counsel, on constitutional and statutory matters. Wrote legal opinions on issues of administrative and constitutional law. Reviewed Attorney General and executive orders for form and legality. Areas of emphasis included national security, the pardon power, the appointment power, abortion rights, environmental law, federal land management, and separation of powers.

**Hon. Ruth Bader Ginsburg, United States Supreme Court, Washington, D.C.**  
*Law Clerk, July 1998-July 1999*

**Hon. David S. Tatel, D.C. Circuit Court of Appeals, Washington, D.C.**  
*Law Clerk, August 1997-July 1998*

**Professor Kathleen Sullivan, Stanford, CA**  
*Research Assistant, May 1996-June 1997*  
Researched and wrote memoranda on First Amendment issues to assist Professor Sullivan with articles, speeches, and the preparation of Gunther & Sullivan, *Constitutional Law*.

**Professors Marc Franklin & Robert Rabin, Stanford, CA**  
*Research Assistant, March 1995-June 1996*  
Researched tort law, tort reform policy, and media law issues to assist with preparation of Franklin & Rabin, *Cases and Materials on Tort Law and Alternatives*.

**Hon. Stephen Reinhardt, Ninth Circuit Court of Appeals, Los Angeles, CA**  
*Summer Extern, June 1995-July 1995*  
Researched and wrote bench memoranda. Discussed upcoming cases with clerks.

**Lewis, D'Amato, Brisbois, Bisgaard, Buxbaum & Choy, Xiamen, P.R.C./Hong Kong**  
*Legal Assistant, October 1993-June 1994*  
Translated legal documents from Chinese into English. Translated between English and Chinese at joint venture negotiations. Wrote memoranda on issues of Chinese law.

### Other

- Member of the Massachusetts Bar since March 2018 and the Illinois Bar since 1999.
- Scholarship cited by two federal circuit courts, two federal district courts, and the Vermont Supreme Court.
- Have appeared as legal expert and commentator in a documentary film by Penny Lane on the Satanic Temple called "Hail Satan?" which premiered at the 2019 Sundance Film Festival, and in an episode of A&E's Emmy-award winning show *Leah Remini: Scientology and the Aftermath* (Feb. 5, 2019).
- Quoted in the *Atlanta Journal Constitution, Arizona Republic, Boston Globe, Chicago Tribune, Christian Science Monitor, Cleveland Plain Dealer, Harper's Magazine, International Herald Tribune, Los Angeles Times, New York Newsday, New York Times, Politico, Salon, Slate, Time, U.S. News and World Report, USA Today, Washington Times*, and many other media publications.
- Appeared on ABC's *Nightline*, CSPAN's *BookTV*, CNBC's *Last Call*, FOX News Channel's *Fox Report*, WCVB Boston's *City Line*, WGBH's *Greater Boston*, TVN Morning News Show (Polish national television); National Public Radio's *On Point* and *All Things Considered*, CBS Radio, Court TV Radio's *Court TV Morning*, WNYC's *Brian Lehrer Show*, Air America's *State of Belief*, Boston University Radio's *Here and Now*, WGBH Boston's *Emily Rooney Show*, New Hampshire Public Radio's *Word of Mouth*, WBZ Boston Radio's *NightSide with Dan Rae*, KCUR Kansas City Public Radio's *Up to Date With Steve Kraske*, and many other media outlets.
- Have blogged on my own websites, PrawfsBlawg, and other prominent sites. Tweet at @SCOTUSHUMOR

- Studied Spanish at the College of Arts and Sciences, Boston University and Vamos Spanish Academy, Buenos Aires (2013-2015); some ability in spoken and written Mandarin.
- Completed course, including field training, in Introductory Wetland Delineation given by the Wetland Training Institute (2018). Volunteered for one week studying whooping crane behavior and habitat in East Texas with Earthwatch (2019).
- Paint and write fiction. Art show at Espresso Royale, 736 Commonwealth Avenue, Boston MA (March-April, 2011). Have published over forty short stories and humor pieces in various online and print journals.