

**STEVEN KEITH GREEN**

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**CURRENT EMPLOYMENT**

**The Fred H. Paulus Professor of Law and Affiliated Professor of History and Religious Studies**, Willamette University, 900 State St., SE, Salem, OR 97301, (503) 370-6405. Teaching areas: Constitutional Law, First Amendment, Legal History, Education Law, Jurisprudence, Religious History, and Criminal Law. (Professor rank since 2006).

**Associate Professor of Law** (2001-2005) Willamette University College of Law.

**Director**, Willamette Center for Religion, Law and Democracy, Willamette University (since 2007). Direct interdisciplinary academic program in religion and public life.

**EDUCATION**

**Ph.D.** in Constitutional History, University of North Carolina, Chapel Hill, 1997.

**M.A.** in American Religious History, University of North Carolina, Chapel Hill, 1987.

**J.D.**, University of Texas School of Law, 1981.

**B.A.** in History and Political Science (Religious Studies minor), Texas Christian University, 1978. *Magna Cum Laude*, Phi Beta Kappa.

Additional graduate study at Duke Law School and Duke Divinity School, 1986-1988.

**OTHER TEACHING EXPERIENCE**

**Visiting Assistant Professor**, Vermont Law School, 1988-1991. Taught courses in Church and State, Wills and Estates, Criminal Law, Lawyering (civil procedure, ethics and jurisprudence), Appellate Advocacy, and Legal Writing and Analysis.

**Guest Lecturer**, Georgetown University Law Center and Washington College of Law at American University, 1994-2001. Regular guest lecturer in church-state and First Amendment classes.

**Graduate Teaching Fellow**, University of North Carolina, 1986-1988. Lectured, led discussion groups, and graded papers and examinations in undergraduate history courses in American survey (both sections), American constitutional history, and military history.

## **AWARDS**

Religious Liberty Award, Northwest Religious Liberty Association, 2016.  
Robert L. Misner Award for Scholarship Excellence, Willamette College of Law, 2014.  
Religious Liberty Award, United Sikhs of Oregon, 2010.  
Robert L. Misner Award for Scholarship Excellence, Willamette College of Law, 2006.  
Professor of the Year Award for Teaching, Willamette College of Law, 2003.

## **PUBLICATIONS**

### **Books**

*The Grand Collaboration: Thomas Jefferson, James Madison, and the Invention of American Religious Freedom* (University of Virginia Press, 2024).

*Separating Church and State: A History* (Cornell University Press, 2022).

*The Third Disestablishment: Church, State, and American Culture, 1940-1975* (Oxford University Press, 2019).

*Inventing a Christian America* (Oxford University Press, 2015).

*The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine* (Oxford University Press, 2012).

Finalist, Oregon Book Award (2013); Nominated for the John Philip Reid Book Award by the American Society for Legal History (2013); Nominated for the Philip Schaff Prize by the American Society of Church History (2013).

*The Second Disestablishment: Church and State in Nineteenth Century America* (Oxford University Press, 2010).

*Religious Freedom and the Supreme Court*, with Ronald B. Flowers and Melissa Rogers (Baylor University Press, 2008).

*Stars in the Constitutional Constellation: Federal and State Constitutional Provisions on Church & State* (Americans United Research Foundation, 1993).

### **Book Chapters**

“The Supreme Court and Religion,” *Routledge Handbook of Politics and Religion in Contemporary America* (Routledge, 2024).

“The Bible in American Law, Politics, and Rhetoric,” *The Bible in the American Experience* (Society for Biblical Literature, 2020).

“The Public Funding of Private Religious Schools,” *The Oxford Handbook of Religion and American Education* (Oxford University Press, 2018).

“The Nineteenth-Century ‘School Question’: An Episode in Religious Intolerance or an Expansion of Religious Freedom?” *The Lively Experiment: The Story of Religious Toleration in America* (Rowman & Littlefield, 2015).

“The Separation of Church and State in the United States,” *Oxford Research Encyclopedia of American History* (Oxford University Press, 2015).

“The First School Prayer Debate and its Impact on Modern Church-State Doctrine,” *Religious Freedom in America* (University of Oklahoma Press, 2015).

“Separationism as an Organizing Principle,” *The Wiley-Blackwell Companion to Religious Diversity* (Wiley-Blackwell Pub., 2013).

“Religion and Law,” *The Wiley-Blackwell Companion to American Legal History* (Wiley-Blackwell Pub., 2013).

“School Prayer,” *The Oxford Encyclopedia of American Political and Legal History* (Oxford University Press, 2012).

“The ‘Second Disestablishment’: The Evolution of Nineteenth Century Understandings of Separation of Church and State,” *No Establishment of Religion: America’s Contribution to Religious Liberty* (Oxford University Press, 2012).

“In Bad Faith: The Corruption of Charitable Choice,” *Fundamentalism and the Rule of Law* (Palgrave MacMillan Pub., 2011).

“Church and State in the Nineteenth Century,” *Oxford Handbook on Church and State in the United States*, (Oxford University Press, 2010).

“William Strong,” *The Yale Biographical Dictionary of American Law* (Yale University Press, 2009).

“Respecting Respective Spheres: The Role of Religion in Public Life,” *The American Experiment Religious Freedom* (Garaventa Center, 2008).

*The Encyclopedia of American Civil Liberties* (Eight Entries) (Routledge Reference Pub., 2006).

“Seminal or Symbolic: The Meaning of *Zelman v. Simmons-Harris* and its Future Impact,” *What’s Next for School Vouchers* (Hoover Institute Press/Stanford University Press, 2003).

## Articles

“Religion Clause Chaos,” *American Constitution Society Supreme Court Review* (2022).

“Requiem for State ‘Blaine Amendments,’” *Journal of Church and State* 64 (2022): 437-457.

“The Supreme Court’s Ahistorical Religion Clause Historicism,” *Baylor Law Review* 73 (2021): 507-561.

“No Aid, No Agency,” *William & Mary Bill of Rights Journal* 29 (2021): 1053-1096.

“The Legal Ramifications of Christian Nationalism,” *Roger Williams Law Review* 26 (2021): 430-494.

“The Path No Taken: Reinhold Niebuhr, John Courtney Murray, and the Proposition of Church-State Separation,” *Oxford Journal of Law and Religion* 7 (2019): 1-20.

“The Irrelevance of Church-State Separation in the Twenty-First Century,” *Syracuse Law Review* 69 (2019): 999-1040.

“The Mixed Legacy of Magna Carta for American Religious Freedom,” *Journal of Law and Religion* 32 (2017).

“The Slow, Tragic Demise of Standing in Establishment Clause Challenges,” *Advance* 5 (Fall 2011): 117-129.

“Understanding the ‘Christian Nation’ Myth,” *Cardozo Law Review De Novo* (2010): 245.

“All Things Not Being Equal: Reconciling Student Religions Expression in the Public Schools,” *U.C. Davis Law Review* 42 (2009): 843.

“The Insignificance of the Blaine Amendment,” *B.Y.U. Law Review* (2008): 295.

“Religious Liberty as a Positive and Negative Right,” *Albany Law Review* 70 (2007): 1453.

“Reconciling the Irreconcilable: Military Chaplains and the First Amendment,” *West Virginia Law Review* 110 (2007): 167.

“A ‘Spacious Conception’: Separationism as an Idea,” *Oregon Law Review* 443 85 (2006): 443.

“Religion Clause Federalism: State Flexibility over Religious Matters and the ‘One-Way Ratchet’,” *Emory Law Journal* 56 (2006): 107.

“‘Bad History’: The Lure of History in Establishment Clause Adjudication,” *Notre Dame Law Review* 81 (2006): 101.

“A ‘Legacy of Discrimination?’ The Rhetoric and Reality of the Faith Based Initiative: Oregon as a Case Study,” *Oregon Law Review* 84 (2006): 725.

“Federalism and the Establishment Clause: A Reassessment,” *Creighton Law Review* 38 (June 2005): 761.

“Locke v. Davey and the Limits to Neutrality Theory,” *Temple Law Review* 77 (Winter 2004): 913.

“‘Blaming Blaine’: The Mixed Legacy of the Blaine Amendment,” *First Amendment Law Review* 2 (Winter 2003): 107.

“Religious Discrimination, Public Funding, and Constitutional Values,” *Hastings Constitutional Law Quarterly* 30 (Fall 2002): 1.

“Of (Un)Equal Jurisprudential Pedigree: Rectifying the Imbalance between Separation and Neutrality,” *Boston College Law Review* 43 (Sept. 2002): 1111.

“The Illusionary Aspect of ‘Private Choice,’” *Willamette Law Review* 38 (Fall 2002): 549.

“Critical Legal Issues Involving Vouchers,” *St. John’s Univ. Law Review* 75 (Spring 2001): 209.

“The Constitutionality of Vouchers After Mitchell v. Helms,” *N.Y.U. Annual Survey of American Law* 57 (2001): 57.

“Charitable Choice and Neutrality,” *N.Y.U. Annual Survey of American Law* 57 (2001): 33.

“The Ambiguity of Neutrality,” *Cornell Law Review* 86 (March 2001): 101.

“Should We Put Faith in Charitable Choice?” *The Responsive Community* 10 (Fall 2000): 31.

“The Fount of Everything Just and Right? The Ten Commandments as a Source of American Law,” *Journal of Law and Religion* 13 (2000): 101.

“‘Private’ Prayer and Public Audiences,” *Nexus* 5 (2000): 27.

“Private School Vouchers and the Confusion over ‘Direct’ Aid,” *George Mason Univ. Civil Rights Law Journal* 10 (2000): 47.

“Justice David J. Brewer and the ‘Christian Nation’ Decision,” *Albany Law Review* 63 (1999): 101.

“Contemporary Challenges Facing the First Amendment’s Religion Clauses,” *New York Law School Law Review* 48 (1999): 102.

“Religion in Public Schools: Of Misnomers and Misinformation,” *Federal Lawyer* 46 (June 1999): 38.

“Is Public Education Hostile to Religion?” *American Teacher* 83 (Dec. 1998): 4.

“The Legal Argument Against Private School Choice,” *University of Cincinnati Law Review* 62 (Summer 1993): 37.

“The Blaine Amendment Reconsidered,” *American Journal of Legal History* 36 (January 1992): 38.

“Evangelicals and the Becker Amendment: A Lesson in Church-State Moderation,” *Journal of Church and State* 33 (Summer 1991): 541.

“The Misnomer of Equality Under the Equal Access Act,” *Vermont Law Review* 14 (1990): 369.

“The Misguided Search for a Christian America,” *Church & State* 42 (May 1989): 105.

“Freedom of Religion in Alaska: Interpreting the Alaska Constitution,” *Alaska Law Review* 5 (December 1988): 237.

## **Reviews**

*Sincerely Held: American Secularism and Its Believers*, by Charles McCrary. *Fides et Historia* (2022).

*City on a Hill: A History of American Exceptionalism*, by Abram C. Van Engen. *Church History* (2021).

*The Religion Clauses: The Case for Separating Church and State and Beyond Belief, Beyond Conscience*, SCOTUS Blog, September, 2020.

“Why Public Schools Should be Mindful of Meditation,” *Religious Studies Review* 46 (June 2020): 169-170.

*Sacred Liberty: America's Long, Bloody, and Ongoing Struggle for Religious Freedom*, by Steven Waldman. *Church History* 88 (2019): 869-870.

*Taxing the Church: Religion, Exemptions, Entanglement, and the Constitution*, by Edward A. Zelinsky, *Reading Religion* (September, 2018).

*Religious Freedom: The Contested History of an American Ideal*, by Tisa Wenger, *Church History* (2018).

*Reading the Bible with the Founding Fathers*, by Daniel L. Dreisbach, *Church History* (2017).

*The Evangelical Origins of the Living Constitution*, by John Compton, *American Historical Review* 120 (Feb. 2015): 279-280.

*Religious Lessons: Catholic Sisters and the Captured Schools Crisis in New Mexico*, by Kathleen Holscher, *Church History* (2014).

*The Religious Roots of the First Amendment*, by Nicholas Miller, *Church History* (2013): 624-625.

*The Spirit of the Law: Religious Voices and the Constitution in Modern America*, by Sarah Barringer Gordon, *American Historical Review* (2012): 117.

*Clergy Malpractice in America*, by Mark A. Weitz, *Journal of Church and State* 45 (Winter 2003): 189.

*The Culture of Disbelief*, by Stephen L. Carter, *Georgia State Bar Journal* 30 (Summer 1994): 240.

#### **COMMENTARY AND BLOGS (selected)**

“Set to Privilege Christianity in Public Schools, Texas Sends a Message About Who is Welcome – And Who is Not,” *Religion Dispatches*, April 28, 2023.

“We Must Still Defend Separation of Church and State: Here's How,” *Church & State* (Sept. 2022): 10-11.

“What a Turn of the Century Anti Abortion and Contraceptive Crusader Reveals about GOP Efforts to Ban Abortion Pills by Mail,” *Religion Dispatches*, August 2, 2022.

“A ‘Revolutionized Supreme Court Term,’” *Canopy Forum*, Emory University, August 1, 2022.

“Religious beliefs give strength to the anti-abortion movement – but not all religions agree,” *The Conversation*, May 10, 2022.

“Most Favored Status: How the Supreme Court is Converting Religious Freedom into an Instrument for Discrimination and Preference,” *Church & State*, June 2021, 20-21.

“How the Supreme Court Found its Faith and Put ‘Religious Liberty’ on a Winning Streak,” *The Conversation*, April 2021.

“Religion and the Presidential Election,” *Canopy Forum*, Emory University, October, 2020.

“The Supreme Court just expanded the ‘ministerial exception’ shielding religious employers from anti-bias laws,” *The Conversation*, July 8, 2020.

“Using a ‘Little Bad History’ the Supreme Court Just Guttled Church-State Separation in 38 States,” *Religion Dispatches*, July 6, 2020.

“Trump’s Problem with Race and Religion,” *Canopy Forum*, Emory University, July 2020.

“RIP State Blaine Amendments: Espinoza and the No-Aid Principle,” SCOTUS Blog, June 30, 2020.

“No Higher Source than the Consent of the People,” *Cato Unbound*, Cato Institute, June 24, 2020.

“Trump’s Low-Hanging Fruit,” *Berkeley Forum*, Georgetown University, February 2020.

“Blindsided by the Blitz,” *Church & State*, May 2019, 20-21.

“Gorsuch’s Religious Question,” *The Conversation*, March 2017.

“Was America Founded as a Christian Nation?” *CNN Online*, March, 2015.

## **PRESENTATIONS, PAPERS AND LECTURES**

“Religious Freedom Today,” Smithsonian Folklife Festival, Washington, DC, July 8, 2023.

“Separating Church and State: A History,” Harvard Divinity School, Oct. 13, 2022.

“Separating Church and State: A History,” Christian Legal Society National Conference, Newport Beach, CA, Oct. 7, 2022.

“Re-establishing (Christian) America,” Religion and Society Conference, University of Cordoba, Cordoba, Spain, June 9-10, 2022.



“The Supreme Court’s Religion Clause Docket,” Oregon State Bar Association CLE, May 19, 2022.

“Inventing a Christian America,” Association for Lifelong Learning, Corvallis, OR, April 6, 2022.

“Teaching About Religion in Texas Public Schools: Historical and Legal Perspectives and a Case Study,” the Religion and Public Schools and the Law, Religion, and Culture sections of the American Academy of Religion, San Antonio, TX, Nov. 20, 2021.

“Judging History: Espinoza and the Legal Interpretation of our Educational Past,” History of Education Society, San Diego, CA, Nov. 3, 2021.

Constitution Day Lecture, University of Portland, Sept. 16, 2021.

“Religious Liberty at the Crossroads,” Institute for Humane Studies, George Mason University, April 10 & 11, 2021.

Panel discussion on the Future of the Establishment Clause, Michigan State University Law School, April 6, 2021.

“COVID Restrictions and Religious Liberty,” The Federalist Society, Willamette University College of Law, March 17, 2021.

Panelist, “The Decline of the Establishment Clause,” ABA Section on Civil Rights and Social Justice, Oct. 8, 2020.

“The Legal Ramifications of Christian Nationalism,” Roger Williams University Law School, Sept. 25, 2020.

“Religion in Strange Times,” Religious Studies Symposium, Texas Christian University, Ft. Worth, TX, Feb. 20, 2020.

“The Supreme Court’s Shadow Docket and Religion,” Association of American Law Schools, Washington, DC, Jan. 5, 2020.

Commentator on *Teaching Mindfulness and Yoga in Public Schools*, American Academy of Religion, San Diego, CA, Nov. 25, 2019.

Respondent on *The Third Disestablishment*, American Academy of Religion, San Diego, CA, Nov. 23, 2019.

“Espinoza and State No-Aid Provisions,” National Organization of Lawyers for Education Associations Conference, Seattle, WA, Oct. 10, 2019.

“Impeachment,” American Constitution Society, Willamette University, Oct. 9, 2019.

Church-State Workshop, Georgia State University Law School, Atlanta, Aug. 8-9, 2019.

“The Irrelevance of Church-State Separation,” Religion in American Life Conference, University of East Anglia, Norfolk, UK, July 24-25, 2019.

Annual Historian’s Lecture on *Inventing a Christian America*, Minnesota Historical Society, St. Paul, MN, March 9, 2019.

“The Public Funding of Private Religious Schools,” American Academy of Religion, Denver, CO, Nov. 19, 2018.

Forum on Religious Liberty Issues, LDS Church, Roseburg, OR, October 14, 2018.

“Religious Liberty and Non-Discrimination,” Constitution Day, Willamette University, Salem, OR, September 17, 2018.

Debate on *Masterpiece Cakeshop*, Federalist Society and American Constitution Society, Willamette University, Salem, OR, February 12, 2018.

“The Bible and American Public Life in the Time of Trump,” Society for Biblical Literature, Boston, MA, Nov. 19, 2017.

“The Future of “No-Aid” Separationism and State “Blaine” Amendments after *Trinity Lutheran Church v. Comer*,” Religion and Law Discussion Group, American Academy of Religion, Boston, MA, Nov. 19, 2017.

Debate, “Masterpiece Cakeshop and Religious Discrimination,” Linfield College, McMinnville, OR, Nov. 9, 2017.

“Constitution Day Talk,” American Constitution Society, Willamette University College of Law, Salem, OR, Sept. 19, 2017.

“The Constitutionality of President Trump’s Travel Ban,” Federalist Society Debate, Willamette University College of Law, Salem, OR, Aug. 28, 2017.

“Trinity Lutheran and the Future of State Blaine Amendments,” Federalist Society Western Conference, Ronald Reagan Presidential Library, Simi Valley, CA, Jan. 28, 2017.

“The Emerging Imbalance within Separationism,” Religion and Law Discussion Group, American Academy of Religion, San Antonio, TX, Nov. 20, 2016.

“A Fine Mess You Left Us,” Oregon Law Review Symposium on the Legacy of David Frohnmeyer, Portland, OR, April 1, 2016.

“The Irrelevance of Church-State Separation,” Religious Liberty in the Twenty-First Century Conference, Claremont Graduate University, Claremont, CA, March 25-26, 2016.

“The Irrelevance of Disestablishment,” The Legitimate Scope of Religious Establishment Conference, Venice, Italy, March 7-9, 2016.

“Magna Carta and Religious Freedom,” Magna Carta Conference, Dartmouth University, Hanover, NH, Nov. 7, 2015.

Panelist, “Christian Nationalism,” Society of U.S. Intellectual History, Washington, DC, Oct. 17, 2015.

Debate, “Gay Marriage and Religious Liberty,” Willamette University College of Law Federalist Society, Sept. 9, 2015.

Keynote, “Religious Liberty in American History, Ashland University, Newport, RI, May 1-3, 2015.

Panelist, “Vaccinations and the Law,” Salem Statesman Journal and Willamette University College of Law, Salem, OR, April 16, 2015.

“The Hobby Lobby Decision,” Twenty-First Century Healthcare Reform Symposium, Willamette University College of Law, Salem, OR, Feb. 27, 2015.

“The Hobby Lobby and Greece v. Galloway Decisions,” Beit Haverim, Lake Oswego, OR, Jan. 18, 2015.

“The Meaning and Ramifications of Greece v. Galloway,” Religion and Law Discussion Group, American Academy of Religion, San Diego, Ca., Nov. 23, 2014.

“The Hobby Lobby Decision,” University of Memphis Law School, Memphis, TN, Nov. 7, 2014.

“The Hobby Lobby Ruling,” The Hobby Lobby Aftermath, Northwest Religious Liberty Association, Vancouver, WA, Sept. 29, 2014.

“Did America Have a Christian Founding?” George Fox University, Newberg, OR, Sept. 18, 2014.

Panelist, “Religious Liberty and the Roberts’ Court,” American Constitution Society, Portland, OR, July 8, 2014.

Panelist, *The Sacred Rights of Conscience*, Liberty Fund, Indianapolis, June 13-15, 2014.

Panelist, “The Contraceptive Care Debate: Obama Care and Religious Accommodation,” Willamette University College of Law, Salem, OR, March 20, 2014.

“The Rhetoric of Separation in Public and Policy Debates,” Weapons of Mass Seduction Conference, Ghent University, Ghent, Belgium, November 6-9, 2013.

Keynote: “The Nineteenth Century School Question: An Episode of Religious Intolerance or an Expansion of Religious Freedom?” Religious Freedom, Cultural Conflict, and the Moral Role of the State Conference, Brown University and Salve Regina University, Newport, RI, October 3-6, 2013.

“The First School Prayer Debate and its Impact on Modern Church-State Doctrine,” Fifty Years after *Schempp* Conference, Indiana University, Bloomington, IN, Sept. 27-29, 2013.

“The Endorsement Test and Funding,” Symposium on the Endorsement Test, Charleston Law School and Furman University, Charleston, SC, April 15, 2013.

“The Legacy of *People v. Philips*,” Conference on Religious Freedom in America, New York University Law School, New York, NY, April 13, 2013.

Keynote: “The Unknown Disestablishment of the Nineteenth Century,” Religion and the State Conference, Roger Williams University, Bristol, RI, April 12, 2013.

“The Origins of the School Controversy,” Religion in American Life Conference, King’s College-London, London, UK, Feb. 22-24, 2013.

“How America Became a Christian Nation,” American Society of Church History, New Orleans, LA, January 6, 2013.

“Did America Have a Christian Founding?” University of Idaho Law School, Moscow, ID, Nov. 15, 2012.

“Religion and the 2012 Presidential Election,” Lake Oswego Congregational Church, Lake Oswego, OR, October 21, 2012.

“Religious Conscience Clause Exceptions,” Planned Parenthood of Oregon and Americans United for Separation of Church and State, First Unitarian Church, Portland, May 30, 2012.

“Church-State Boundaries,” Fortnightly Club of Eugene, Eugene, OR, April 19, 2012.

“The School Question and the Second Disestablishment of the Nineteenth Century,” Religious Freedom Symposium, Oklahoma University, Norman, OK, April 2, 2012.

“Spirituality and Secularism: The Liberal Struggle over the Role of Religion in the Public Sphere,” Nineteenth Century Studies Association, Asheville, NC, March 22, 2012.

“Blaine Amendments,” National Secular Humanist Conference, Orlando, FL, March 2, 2012.

Competing Claims of Law and Religion Conference, Pepperdine U. Law School, Malibu, CA, Feb. 25, 2012.

“How America Became a Christian Nation, and Other Myths,” U-Think Pub, Salem, OR, Feb. 8, 2012.

“The Second Disestablishment,” OSU Life-Long Learning, Corvallis, OR, Dec. 1, 2011.

“The Image of the Ten Commandments in American Law,” American Studies Association, Baltimore MD, October 21-23, 2011.

“Unraveling the ‘Myth’ of America’s Christian Founding,” Conference on Religion and the State, Roger Williams University, Bristol, RI, April 1-3, 2011.

“The Christian Nation Myth” and “Church-State Update,” Northwest Free-Thought Conference, Portland State University, Portland, Or, March 26, 2011.

“Religious Expression in the Public Schools,” Oregon School Boards Association Leadership Conference, Salem, OR, February 18, 2011.

“School Vouchers,” Lewis and Clark University Law School, Portland, OR, February 17, 2011.

“Religious Dress and Religious Liberty,” Northwest Religious Liberty Association, Ridgefield, WA, October 4, 2010.

Panelist on “Religious Symbols,” Oxford Conference on Law and Religion, Balliol College, Oxford, United Kingdom, June 6-9, 2010.

“Religious Dress in the Public Schools,” Solomon’s Legacy Lecture, Jewish Federation of Portland, Portland, OR, Nov. 4, 2009.

“Church-State Legal Cases,” Northwest Humanist Association, Portland, OR, March 28, 2009.

“Freedom of Speech in the Public Schools,” National School Boards Association, Orlando, FL, March 30, 2008.

“First Amendment Rights in America’s Public Schools,” University of California at Davis School of Law, Davis, CA, March 7, 2008.

“Educational Choice: Emerging Legal and Policy Issues,” Brigham Young University Law School, Provo, Utah, October 22-23, 2007.

“The Supreme Court’s 2006 Term,” Solomon’s Legacy Lecture, Jewish Federation, Portland, OR, October 2, 2007.

“Churches, the Sanctuary Movement, and the Law,” Ecumenical Ministries of Oregon and Center for Religion, Law, and Democracy, Portland, OR, September 25, 2007.

“The Corruption of Charitable Choice,” Humanists of Greater Portland, Portland, OR, September 9, 2007.

“Another Viewpoint: Religious Freedom and the Law – A Response to Justice Scalia,” American Constitution Society, Portland, OR, May 23, 2007.

“The American Experiment,” Religious Freedom Conference, University of Portland, Portland, OR, April 12-14, 2007.

“Religion Clauses in the 21<sup>st</sup> Century,” West Virginia University College of Law, Morgantown, WV, April 12-13, 2007.

“Free Exercise Symposium,” Albany Law School, Albany, NY, March 29, 2007.

“The Corruption of Charitable Choice,” Lewis and Clark Law School, Portland, OR, March 15, 2007.

“Religious Expression in the Public Schools,” Oregon School Boards Association, Salem, OR, March 9, 2007.

“Free Exercise as a Negative Right,” Southern Methodist University Law School, Dallas, TX, March 6, 2007.

“Religion and the American Founding,” George Fox University, Newberg, OR, March 3, 2007.

“Creationism on Trial,” Center for Religion, Law and Democracy, Willamette University, Salem, OR, February 9, 2007.

“Unparalleled Justice: The Legacy of Justice Hans Linde,” Willamette University College of Law, Salem, OR, October 27, 2006.

“Religious Expression in the Public Schools,” Oregon Parent Teachers Association, Portland, OR, April 22, 2006.

“Disentangling Church and State,” University of Oregon School of Law, Portland, OR, March 24, 2006.

“Legal, Cultural, and Political Conceptions of the Separation Between Church and State,” Association for the Study of Law, Culture and the Humanities, Syracuse University School of Law, Syracuse, NY, March 17, 2006.

“Fundamentalism and the Rule of Law,” Cardozo School of Law, New York, NY, March 14, 2006.

“Interactive Federalism: Filling the Gaps?” Emory University School of Law, Atlanta, GA, February 16, 2006.

“The (Re)Turn to History in Religion Clause Law and Scholarship,” Association of American Law Schools, Washington, DC, January 6, 2006.

“The Future of Religious Freedom in America,” McCormick Tribune Foundation and the First Amendment Center, Chicago, IL, October 10-11, 2005.

“Cities in the Middle: The Emerging Debate over Religion in Public Life,” UC Hastings Law School, San Francisco, CA, October 5, 2005.

“The Separation of Church and State: Should the Wall be Lowered?” Solomon’s Legacy Lecture, Jewish Federation of Portland, Portland, OR, June 9, 2005.

“Section 1983 Actions – Constitutional Law Update,” Oregon Bar Association, Portland, OR, April 1, 2005.

“Religious Expression in the Public Schools,” Oregon School Boards Association, Salem, OR, March 11, 2005.

Panel Discussion on the Ten Commandments’ Cases, Georgetown University Law Center, February 2, 2005.

“Gender, Religion and Morality in Nineteenth Century America,” American Historical Association, Seattle, WA, Jan. 9, 2005.

“Christians for Peace and Justice Summit,” Ecumenical Ministries of Oregon, Portland, OR, Oct. 23, 2004.

“Reconciling the Free Exercise and Establishment Clauses,” Creighton University School of Law Centennial Symposium, Omaha, NE, Oct. 9, 2004.

“Pledge of Allegiance Case,” Historical Society of the U.S. District Court of Oregon, Portland, OR, Sept. 23, 2004.

Lawyers and Activists Summit, National Center for Science Education, Berkeley, CA, Sept. 10-12, 2004.

“Religion and the Law: Contrasting Views on Establishment Clause and Free Exercise Clause Developments,” National Association of Attorneys General Conference, Santa Monica, CA, June 16, 2004.

“Elk Grove Unified School District v. Newdow” (The Pledge of Allegiance Case), National Organization of Lawyers for Education Associations Conference, San Diego, CA, June 3-5, 2004.

“Fifty Years after Brown: What Has Been Accomplished and What Remains to be Done?” Harvard University, J.F.K. School of Government, Cambridge, MA, April 22-24, 2004.

“When Hate Happens Here: Free Speech vs. Hate Speech,” Chemeketa Community College, Salem, OR, March 5, 2004.

Debate on *Locke v. Davey* with Texas Solicitor General Ted Cruz, The Federalist Society, Houston and Austin Chapters, February 12 & 13, 2004.

“Supreme Court Preview, 2003-2004,” The Institute of Bill of Rights, William and Mary School of Law, Williamsburg, VA, October 24-25, 2003.

Faith-Based Conference, Anchorage, AK, August 12, 2003.

“Pledge of Allegiance Case,” Inns of Court, Salem, OR, April 17, 2003.

“Religion in Public Schools?” Thomas J. White Center on Law and Government, Notre Dame University Law School, South Bend, IN, April 13, 2003.

“Separation of Church and States,” University of North Carolina School of Law, Chapel Hill, NC, March 28, 2003.

“Southwest Commission on Religious Studies,” American Academy of Religion, Dallas, TX, March 15-16, 2003.

“Charitable Choice, Creating Change Conference,” National Gay, Lesbian Task Force Annual Conference, Portland, OR, November 8, 2002.

“What’s Next for Vouchers?” John F. Kennedy School of Government, Harvard University, Cambridge, MA, October 17-18, 2002.

“School Vouchers: Past Lessons and Future Prospects,” The Federalist Society, Indianapolis, IN, June 28, 2002.



“Student Religious Expression in Public Schools,” National PTA Convention, San Antonio, TX, June, 23, 2002.

“Shifting into Neutral? Emerging Perspectives on the Separation of Church and State,” Boston College Law School, Newton, MA, April 5, 2003.

“Symposium on Law and Education,” Willamette University College of Law, Salem, OR, March 2, 2002.

“School Choice, Charters, and Vouchers,” University of San Diego School of Law and School of Education, San Diego, CA, January 18, 2002.

“First Amendment Review,” Oregon School Boards Association, Portland, OR, November, 2001.

“Town Hall on Charitable Choice,” Portland State University, Portland, OR, November 6, 2001.

## **PREVIOUS LEGAL EMPLOYMENT**

**Legal Director and Special Counsel**, Americans United for Separation of Church and State, Washington, D.C. January, 1992 to June, 2002. Directed legal and legislative programs for national public interest organization committed to preserving religious liberty and separation of church and state; oversaw litigation and appeals; filed party and amicus briefs in U.S. Supreme Court and other appellate courts; reviewed and drafted proposed legislation; testified before Congress, state legislatures, and various government committees, agencies, and boards.

**Trial Court Magistrate**, Alaska Court System, Palmer, Alaska, February 1984 to July 1985. Judicial officer for the District Court for the Matanuska-Susitna Borough. Presided over misdemeanor jury and non-jury trials as well as felony criminal hearings, small claims trials and traffic trials. Also served as Superior Court Master for juvenile, child in need-of-aid, probate, and domestic matters.

**Staff Attorney**, Alaska Legal Services Corporation, Dillingham and Anchorage, Alaska, July 1982 to January 1984. Represented low-income clients in a civil practice consisting of domestic, children's, landlord-tenant, public entitlements, and probate law. Also represented Alaska Natives in land claims, allotments, and fishing rights cases.

**Judicial Law Clerk**, Texas Court of Appeals, Houston, Texas, August 1981 to June 1982. Served as judicial law clerk for Associate Justice George Miller; performed legal research, wrote legal memoranda and opinions.

## **SIGNIFICANT LEGAL EXPERIENCE**

Served as co-counsel in three Supreme Court church-state cases (*Simmons-Harris v. Zelman*, *Mitchell v. Helms*, *Chandler v. DeKalb County Schools*); assisted on other Supreme Court appeals (*Santa Fe Independent School Dist. v. Doe*, *Agostini v. Felton*, *Rosenberger v. Rector*, and *Kiryas Joel School Dist. v. Grumet*).

Authored/collaborated on more than 25 amicus briefs before the U.S. Supreme Court, including briefs in *Carson v. Makin* (2022), *Espinoza v. Montana Dept. of Revenue* (2020), *American Legion v. American Humanist Association* (2019), *Trump v. Hawaii* (2018), *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018); *Trinity Lutheran Church v. Comer* (2017), *Zubik v. Burwell* (2016), *Hobby Lobby v. Burwell* (2014), and *Town of Greece v. Galloway* (2014).

Advised the Clinton Administration’s Justice and Education Departments on matters concerning Charitable Choice and religious expression in the public schools (co-author of the Joint Statement on Current Law on Religion and Public Education, 1995).

Authored party and amicus briefs in various U.S. Courts of Appeals and in the supreme courts of Alabama, Alaska, Arizona, California, District of Columbia, Florida, Illinois, Maine, Minnesota, New Hampshire, North Carolina, Ohio, Puerto Rico, Texas, and Wisconsin.

Served as co-counsel in challenges to private school voucher programs in Wisconsin, Ohio, Vermont, Maine, Florida, Pennsylvania, Puerto Rico, Arizona, and Illinois. Also co-counsel in Alabama “Student-Initiated Prayer” and “Ten Commandments” cases as well as in several school prayer cases.

## **PROFESSIONAL ASSOCIATIONS AND ACTIVITIES**

Bar of the Supreme Court of the United States  
Licensed to Practice Law in Texas, Alaska, Minnesota, and Maryland  
Admitted to Practice Law before the United States Courts of Appeals for the Second, Fourth, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuits  
American Bar Association  
American Society of Church History  
American Academy of Religion, Law, Religion and Culture Section  
National Council of Churches, Committee on Religious Liberty  
*Journal of Church and State*, Editorial Council  
American Constitution Society, Oregon Lawyers Chapter

Member, Oregon Law Commission Work Group on Standing, 2014-2015  
Convener, Oregon Task Force on Religious Attire in the Public Schools, 2010  
Author, Oregon Law Commission Study on the Faith-Based Initiative, 2002-2004