



NATIONAL CONFERENCE OF CONSTITUTIONAL LAW SCHOLARS

CONFERENCE AGENDA

FRIDAY, MARCH 20, 2020

- 8–8:30 a.m. Registration and Continental Breakfast
- 8:30–9:45 a.m. **Administrative Law**—Distinguished Commentator Maggie Lemos
- ▶ Craig Green—*Deconstructing the Administrative State*
 - ▶ Shalev Roisman—*Presidential Law*
 - ▶ Bijal Shah—*Judicial Administration*
- 9:45–10 a.m. Break
- 10–11:15 a.m. **Courts**—Distinguished Commentator Vicki Jackson
- ▶ Joshua Braver—*The Myth of Recurrent Court-Packing*
 - ▶ Aaron Tang—*Towards a Best Cost-Avoider Theory of Constitutional Law*
 - ▶ Justin Weinstein-Tull—*The Structures of Local Courts*
- 10–11:15 a.m. **Jurisprudence**—Distinguished Commentator Mitch Berman
- ▶ Connie Rosati—*Moral Learning and Constitutional Interpretation*
 - ▶ Christopher Schmidt—*What is a Conservative Supreme Court?*
 - ▶ Jeremy Telman—*Which Part of “Our Law” is Originalism?*
- 11:15–11:30 a.m. Break
- 11:30–12:45 p.m. **“The Spirit of Constitution” Book Panel**—Moderator Andrew Coan
- ▶ Craig Green—*Comments on The Spirit of the Constitution*
 - ▶ Kurt Lash—*Comments on The Spirit of the Constitution*
 - ▶ Christopher Schmidt—*Comments on The Spirit of the Constitution*
 - ▶ David Schwartz—*The Spirit of the Constitution: John Marshall and the 200-Year Odyssey of McCulloch v. Maryland*
- 12:45–1:45 p.m. Lunch
- 1:45–3 p.m. **Reconstruction**—Distinguished Commentator Lawrence Solum
- ▶ Christopher Green—*Tribes, Nations, States: Our Three Commerce Powers*
 - ▶ Kurt Lash—*The Reconstruction Amendments*
 - ▶ Michael Ramsey—*Originalism and Birthright Citizenship*
- 3–3:15 p.m. Break

- 3:15–4:30 p.m. **Executive Power**—Distinguished Commentator Josh Chafetz
- ▶ Deborah Pearlstein—*The Executive Branch Anticanon*
 - ▶ Ryan Scoville—*U.S. Foreign Relations Law from the Outside In*
 - ▶ Ilan Wurman—*In Search of Prerogative*
- 4:30–4:45 p.m. Break
- 4:45–5:45 p.m. **Keynote Speaker Jack Goldsmith**
- 5:45–6:45 p.m. Reception on Rooftop Terrace (Open to all conference attendees. No host.)
- 6:45–9 p.m. Dinner for Panelists and Commentators

SATURDAY, MARCH 21, 2020

- 8:30–9 a.m. Continental Breakfast
- 9–10:15 a.m. **Civil Rights**
- ▶ Rebecca Aviel—*Remedial Commandeering*
 - ▶ Joy Milligan—*Spending Clause Civil Rights*
 - ▶ John Tehranian—*Changing Race: Fluidity, Immutability and Equal Protection*
- 9–10:15 a.m. **Roundtable Session #1**
- ▶ Rachel Bayefsky—*The Bounds of Remedial Authority and the Quest for Respectful Treatment*
 - ▶ Kristine Bowman—*Universities' Counter-Speech and Government Viewpoint*
 - ▶ Erin Miller—*The Audience's First Amendment*
 - ▶ Francesca Procaccini—*Reconstructing Republicanism: Enforcing the Guarantee Clause Against Aristocracies*
- 10:15–10:30 a.m. Break
- 10:30–11:45 a.m. **Democracy**—Distinguished Commentator Jane Schacter
- ▶ Lori Ringhand—*First Amendment (Un)Exceptionalism: A Comparative Taxonomy of Campaign Finance Reform Proposals in the US and UK*
 - ▶ Amanda Shanor—*The Tragedy of Democratic Constitutionalism*
 - ▶ Nelson Tebbe—*A Democratic Political Economy for the First Amendment*
- 10:30–11:45 a.m. **Roundtable Session #2**
- ▶ Steven Heyman—*Reason and Conviction: Natural Religion, Natural Rights, and the Origins of the Free Exercise Clause*
 - ▶ Calvin Johnson—*The Radical Nationalism of the Constitutional Text*
 - ▶ Michael Morley—*Federal Elections and State Constitutions*
 - ▶ Kevin Walsh—*Prenatal Equal Protection and Judicial Incapacity*
- 11:45–1 p.m. Lunch and Conclusion of Conference

THE REHNQUIST CENTER

The William H. Rehnquist Center on the Constitutional Structures of Government was established in 2006 at the University of Arizona James E. Rogers College of Law. The non-partisan center honors the legacy of Chief Justice Rehnquist by encouraging public understanding of the structural constitutional themes that were integral to his jurisprudence: the separation of powers among the three branches of the federal government, the balance of powers between the federal and state governments, and among sovereigns more generally, and judicial independence.