

MICHAEL W. McCONNELL

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PROFESSIONAL EXPERIENCE

- Stanford Law School
 - Frances and Richard Mallery Professor of Law (2009-present)
 - Executive Director of the Stanford Constitutional Law Center (2009-present)
- Stanford University - Hoover Institution
 - Senior Fellow (2009-present)
- Circuit Judge, United States Court of Appeals for the Tenth Circuit (2002-2009)
- University of Utah, S.J. Quinney College of Law
 - Presidential Professor (1997-2009)
 - Visiting Professor of Law (1994-95)
- University of Chicago, The Law School
 - William B. Graham Professor of Law (1992-96)
 - Professor of Law (1989-92)
 - Assistant Professor of Law (1985-89)
 - Senior Fellow, John M. Olin Center for Inquiry into the Theory and Practice of Democracy (1989-96)
- Visiting Professor
 - NYU Law School (Fall Term 2012)
 - Harvard Law School (Winter Terms 2012, 2011, 2010, 2009, 2007, 2005, 1999)
 - Stanford Law School (February 2008, 2006)
 - Drake Law School (April 2003)
- Mayer, Brown & Platt, Special Consultant (1989-2002), constitutional and appellate litigation
- President's Intelligence Oversight Board, Member (1988-90)
- Department of Justice, Assistant to the Solicitor General (1983-85)
- Office of Management and Budget, Assistant General Counsel (1981-83)
- U.S. Supreme Court, Law Clerk to Justice William J. Brennan, Jr. (1980-81)
- U.S. Court of Appeals for the D.C. Circuit, Law Clerk to Chief Judge J. Skelly Wright (1979-80)

EDUCATION

- Michigan State University College of Law, doctor of laws (honorary) (2009)
- University of Notre Dame, doctor of laws (honorary) (2008)
- University of Chicago, The Law School, J.D. (honors) (1979)
 - Order of the Coif
 - Comment Editor, University of Chicago Law Review
 - Floyd R. Mechem Scholar
- Michigan State University, B.A. (high honors) (1976)
 - Alumni Distinguished Scholar
 - National Merit Scholar
 - Phi Beta Kappa
 - Opinion Page Editor, Michigan State News

LITIGATION EXPERIENCE

- Argued thirteen cases in U.S. Supreme Court:
 - CompuCredit Corp. v. Greenwood, 132 S. Ct. 665 (2012)
 - Christian Legal Soc'y Chapter of the Univ. of Cal. v. Martinez, 130 S. Ct. 2971 (2010)
 - Mitchell v. Helms, 530 U.S. 793 (2000)
 - Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40 (1999)
 - Rosenberger v. Rector & Visitors of the Univ. of Va., 515 U.S. 819 (1995)
 - Jimmy Swaggart Ministries v. Board of Equalization, 493 U.S. 378 (1990)
 - Bowen v. Kendrick, 487 U.S. 589 (1988)
 - School Dist. v. Ball, 473 U.S. 373 (1985)
 - Bennett v. New Jersey, 470 U.S. 632 (1985):
 - United States v. Young, 470 U.S. 1 (1985)
 - Richardson v. United States, 468 U.S. 317 (1984)
 - United States v. Morton, 467 U.S. 822 (1984)
 - Capital Cities Cable v. Crisp, 467 U.S. 691 (1984)
- Briefed and/or argued numerous cases on behalf of parties or amici in other courts.
- Member of the Bar of the District of Columbia Court of Appeals (admitted Dec., 1981)

ACADEMIC AND PROFESSIONAL ORGANIZATIONS

- Advisory Board, Program in Jewish Law and Interdisciplinary Studies, Cardozo Law School, Yeshiva University (2006-present)
- U.S. Association of Constitutional Law, member (2000-present)
- Chair, Constitutional Law Section, Ass'n of American Law Schools (1998-99)
- Fellow, American Academy of Arts and Sciences (elected 1996)

CIVIC ORGANIZATIONS

- Elder, First Presbyterian Church, Salt Lake City (2007-09)
- Assistant Scoutmaster, Troop 38, Salt Lake Council, Boy Scouts of America (1999-2006)
- National Council of Churches, Committee on Religious Liberty (1993-2002)
- Co-Chair, Emergency Committee to Defend the First Amendment (1996-2002)
- Board of Directors, Austin Christian Law Center (a low-income legal aid clinic located in the Austin neighborhood on the far west side of Chicago) (1992-96)
- Board of Directors, The Laboratory Schools, The University of Chicago (an independent school located in Hyde Park in Chicago) (1991-95)

PUBLICATIONS

BOOKS

- The Constitution of the United States: Text, Structure, History, and Precedent. (Paulsen, M. S., Calabresi, S. G., McConnell, M. W., & Bray, S. L. New York, NY: Foundation Press, 2010)
- Religion and the Constitution (Michael W. McConnell & John Garvey eds., Aspen Publishing Co. 2d ed. 2006)

- Religion and the Constitution (Michael W. McConnell & John Garvey eds., Aspen Publishing Co. 2002)
- Christian Perspectives on Legal Thought (Angela Carmella, Robert Cochran & Michael W. McConnell eds., Yale University Press 2001)
- Religion Unshackled: The Real Meaning of the Establishment Clause (working title) (under contract to Oxford University Press)

BOOK CHAPTERS

- “The Anchor of Our Republic” in *The Constitution – The Essential Users Guide*, Time Publishing, 2012, pp 36-44.
- “Establishment at the Founding” in *No Establishment of Religion – America’s Original Contribution to Religious Liberty*, T. J. Gunn and J. Witte, Jr., Eds., Oxford University Press, 2012, pp. 45-69.
- “Origins of the Fiscal Constitution” in *Is U.S. Government Debt Different?*, F. Allen, A. Gelpert, C. Mooney, D. Skeel, FIC Press, 2012, pp. 45-53.
- “Schism, Plague, and Last Rites in the French Quarter: The Strange Story Behind the Supreme Court’s First Free Exercise Case” in *First Amendment Stories*, Richard W. Garnett & Andrew Koppelman, eds., New York, N.Y.: Foundation Press, 2012

ARTICLES

First Amendment

- *Is There Still a “Catholic Question” in America? Reflections on John F. Kennedy’s Speech to the Houston Ministerial Association*, *Notre Dame Law Review*, Volume 86 Number 4, August 2011, pgs. 1635-1653.
- *Moderation and Coherence in American Democracy*, 99 Cal. L. Rev. 373 (2011), available at: <http://www.californialawreview.org/assets/pdfs/99-2/13080273769-McConnell.pdf>
- *Religion and Its Relation to Limited Government*, 33 HARV. J. OF LAW & PUB. POL. 943 (2010)
- *The Influence of Cultural Conflict on the Jurisprudence of the Religion Clauses of the First Amendment*, in Peter Cane, et al., eds., LAW AND RELIGION IN THEORETICAL AND HISTORICAL CONTEXT (Cambridge Univ. Press 2008)
- *Religious Souls and the Body Politic*, 155 THE PUBLIC INTEREST 126 (2004)
- *Establishment and Disestablishment at the Founding, Part I: Establishment of Religion*, 44 WM. & M. L. REV. 2105 (2003).
- *Education Disestablishment: Why Democratic Values Are Ill-Served by Democratic Control of Schooling*, 18 NOMOS: Moral and Political Education 87 (S. Macedo & Y. Tamir, eds. 2002)

- *The Supreme Court's Earliest Church-State Cases: Windows on Religious-Cultural-Political Conflict in the Early Republic*, 37 TULSA L. REV. 7 (2001)
- *State Action and the Supreme Court's Emerging Consensus on the Line Between Establishment and Private Religious Expression*, 28 PEPPERDINE L. REV. 681 (2001)
- *Religious Freedom, Separation of Powers, and the Reversal of Roles*, 2001 B.Y.U. L. REV. 611
- *The Problem of Singling Out Religion*, 50 DEPAUL L. REV. 1 (2000)
- *Old Liberalism, New Liberalism, and People of Faith*, in R. COCHRAN, ET AL., CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (forthcoming)
- *Believers As Equal Citizens*, in Nancy L. Rosenblum, ed. OBLIGATIONS OF CITIZENSHIP AND DEMANDS OF FAITH (Princeton Univ. Press, 2000)
- *Educational Vouchers: The Legal Issues*, in VOUCHERS AND THE PROVISION OF PUBLIC SERVICES (Brookings-Urban Institute 2000)
- *Neutrality, Separation, and Accommodation: Tensions in American First Amendment Doctrine*, in LAW AND RELIGION (Rex J. Ahdar, ed., Ashgate Publishing Co. United Kingdom 2000)
- *The New Establishmentarianism*, 75 CHICAGO-KENT L. REV. 453 (2000)
- *Why Is Religious Liberty The 'First Freedom?'*, 21 CARDOZO L. REV. 1243 (2000)
- *Five Reasons to Reject the Claim that Religious Arguments Should be Excluded from Democratic Deliberation*, 1999 UTAH L. REV. 639
- *Religion and Free Speech*, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, Supp. II, 2000
- *Establishment Clause (update)*, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, Supp. II, 2000
- *Lamb's Chapel v. Center Moriches Union Free School District*, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, Supp. II 2000
- *Governments, Families, and Power: A Defense of Educational Choice*, 31 Conn. L. Rev. 847 (1999)
- *What Would It Mean to Have a 'First Amendment' for Sexual Orientation?* in Saul M. Olyan & Martha Nussbaum, eds., SEXUAL ORIENTATION & HUMAN RIGHTS IN AMERICAN RELIGIOUS DISCOURSE (Oxford Press 1998)
- *Freedom from Persecution or Protection of the Rights of Conscience?: A Critique of Justice Scalia's Historical Arguments in City of Boerne v. Flores*, 39 WM. & MARY L. REV. 819 (1998)
- *Equal Treatment and Religious Discrimination*, in S. Monsma & J. C. Soper, EQUAL TREATMENT OF RELIGIOUS IN A PLURALISTIC SOCIETY (1998)

- *Theological Foundations of the Religion Clause of the First Amendment to the United States Constitution*, in Jorge Rodríguez, ed., *SECOLARISMO ELIBERTÀ RELIGIOSA* (1998)
- Comment: *Institutions and Interpretation: A Critique of City of Boerne v. Flores*, 111 HARV. L. REV. 153 (1997)
- *Establishment and Toleration in Edmund Burke's 'Constitution of Freedom,'* 1996 SUP. CT. REV. 275
- *Edmund Burke's Tolerant Establishment*, in N. Reynolds & W.C. Durham, *RELIGIOUS LIBERTY IN WESTERN THOUGHT* 203 (1996)
- *The Doubtful Constitutionality of the Clinic Access Bill*, 1 VA. J. OF SOC. POL & LAW 261 (1994) (with Michael Stokes Paulsen)
- *God Is Dead and We Have Killed Him!: Freedom of Religion in the Post-Modern Age*, 1993 B.Y.U. L. REV. 163
- *Religious Freedom at a Crossroads*, 59 U. CHI. L. REV. 115 (1992)
- *RELIGIOUS LIBERTY* (Update), in *Encyclopedia of the American Constitution* 444 (Supp. I, 1992)
- *Christ, Culture, and Courts: A Niebuhrian Examination of First Amendment Jurisprudence*, 42 DEPAUL L. REV. 191 (1992)
- *Accommodation of Religion: An Update and a Response to the Critics*, 60 GEO. WASH. L. REV. 685 (1992)
- *America's First 'Hate Speech' Regulation*, 9 CONST. COMM. 17 (1992)
- *Should Congress Pass Legislation Restoring the Broader Interpretation of Free Exercise of Religion?* 15 HARV. J. OF LAW & PUB. POL. 181 (1992)
- *For the Religious Freedom Restoration Act*, FIRST THINGS, No. 21 (Mar. 1992), at 42 (with Cole Durham, Edward McGlynn Gaffney, & Douglas Laycock)
- *The Selective Funding Problem: Abortions and Religious Schools*, 104 HARV. L. REV. 989 (1991)
- *A Response to Professor Marshall*, 58 U. CHI. L. REV. 329 (1991)
- *An Open Letter on Religious Freedom*, FIRST THINGS, No. 11, (Mar. 1991), at 44 (with Edward McGlynn Gaffney & Douglas Laycock).
- *Multiculturalism, Majoritarianism, and Educational Choice: What Does Our Constitutional Tradition Have to Say?* 1991 U. CHI. L. FOR. 123

- *The Origins and Historical Understanding of Free Exercise of Religion*, 103 HARV. L. REV. 1409 (1990)
- *Academic Freedom in Religious Colleges and Universities*, 53 LAW & CONTEMP. PROB. 303 (1990), reprinted in W. Van Alstyne, ed., FREEDOM AND TENURE IN THE ACADEMY (Duke 1993)
- *Free Exercise Revisionism and the Smith Opinion*, 57 U. CHI. L. REV. 1109 (1990)
- *Taking Religious Freedom Seriously*, FIRST THINGS (May, 1990), at 30, reprinted in T. Eastland, ed., Religious Liberty in the Supreme Court (1993)
- *Book Review, A Nation Dedicated to Religious Liberty*, by A. Adams & C. Emmerich, 8 J. L. & RELIG. 397 (1990)
- *An Economic Approach to Issues of Religious Freedom*, 56 U. CHI. L. REV. 1 (1989) (with Richard A. Posner)
- *Unconstitutional Conditions: Unrecognized Implications for the Establishment Clause*, 26 SAN DIEGO L. REV. 255 (1989)
- *The Religion Clauses of the First Amendment: Where Is The Supreme Court Heading?* 32 THE CATHOLIC LAWYER 187 (1989)
- *Why 'Separation' Is Not the Key to Church-State Relations*, 106 CHRISTIAN CENTURY 43 (Jan. 18, 1989)
- *You Can't Tell the Players in Church-State Disputes Without a Scorecard*, 10 HARV. J. OF LAW & PUB. POL. 27 (1987)
- *The First Amendment Jurisprudence of Judge Robert H. Bork*, 9 CARDOZO L. REV. 63 (1987)
- *Making Peace Between the Religion Clauses*, 33 U. CHI. L. SCH. REC. 6 (Fall 1987)
- *Political and Religious Disestablishment*, 1986 B.Y.U. L. REV. 405 (1986)
- *Coercion: The Lost Element of Establishment*, 27 WM. & M. L. REV. 931 (1986)
- *Remedial Education Programs for Private School Students: Judicial Developments and Future Prospects*, in THE CHURCH, THE STATE, AND THE SCHOOLS: CONTEMPORARY ISSUES IN LAW AND POLICY (C. Vergon, ed. 1986)
- *Accommodation of Religion*, 1985 SUPREME CT. REV. 1

Constitutional and Interpretive Theory

- *Non-state Governance*, 2010 *Utah Law Review* 7 (2010)
- *The Ninth Amendment in Light of Text and History*, *CATO SUP. CT. REV.* 13 (2009-2010)
- *Natural Rights and the Ninth Amendment: How Does Lockean Legal Theory Assist in Interpretation*, 5 *N.Y.U. J. of Law & Lib.* 1 (2010).
- *Active Liberty: A Progressive Alternative to Textualism and Originalism?*, 119 *HARV. L. REV.* 2387 (2006) (Book review of Justice Stephen Breyer, *Active Liberty: Interpreting Our Democratic Constitution* (2005)).
- *Toward a Counterhistory of the Supreme Court*, in *REIGNING IN JUDICIAL IMPERIALISM: EFFECTIVELY LIMITING THE SUPREME COURT TO ITS CONSTITUTIONAL POWERS* (C. Wolfe, ed., forthcoming)
- *Brennan's Approach to Reading and Interpreting the Constitution*, 43 *N.Y.L.S. L. Rev.* 41 (1999) (with Jeffrey Rosen, Burt Neuborne, Roger Pilon, and Stephen Reinhardt)
- *Textualism and the Dead Hand of the Past*, 66 *GEO. WASH. L. REV.* 1127 (1998)
- *Tradition and Constitutionalism Before the Constitution*, 1998 *U. ILL. L. REV.* 173
- *Glamis, Yes; Cawdor, Yes—but King of Scotland?* in William N. Eskridge & Sanford Levinson, eds., *CONSTITUTIONAL STUPIDITIES, CONSTITUTIONAL TRAGEDIES* (NYU Press 1998)
- *The Asymmetricality of Constitutional Discourse*, *XL NOMOS* 300 (1998)
- *Institutions and Interpretation: A Critique of City of Boerne v. Flores*, 111 *HARV. L. REV.* 153 (1997)
- *The Right to Die and the Jurisprudence of Tradition*, 1997 *UTAH LAW REV.* 665
- *The Importance of Humility in Judicial Review: A Comment on Ronald Dworkin's 'Moral Reading' of the Constitution*, 65 *FORDHAM L. REV.* 1269 (1997)
- *The Role of Democratic Politics in Transforming Moral Convictions Into Law*, 98 *YALE L.J.* 1503 (1989)
- *A Moral Realist Defense of Constitutional Democracy*, 64 *CHI. - KENT L. REV.* 89 (1988)
- *On Reading the Constitution*, 73 *CORN. L. REV.* 359 (1988)
- *The Rule of Law and the Role of the Solicitor General*, 21 *LOY.--L.A. L. REV.* 1105 (1988)
- *The Counter-Revolution in Legal Thought*, 41 *POLICY REVIEW* 18 (Summer 1987), reprinted in revised form as *Four Faces of Conservative Legal Thought*, 34 *U. CHI. L. SCH. REC.* 12 (Spring 1988)

Allocation of Powers

- *The OLC Opinion on Recess Appointments, Advancing a Free Society*, January 12, 2012. Available at:<http://www.advancingafreesociety.org/2012/01/12/olc-recess/>.
- *Moderation and Coherence in American Democracy*, California Law Review: April 2011, Vol. 99, No. 2.
- *What Would Hamilton Do?* Hoover Digest Research and Opinion: 2011 no. 4 Fall, pgs. 160-166.
- *The Redistricting Cases: Original Mistakes and Current Consequences*, 24 HARV. J. OF LAW & PUB. POL. 103 (2000)
- *Institutions and Interpretation: A Critique of City of Boerne v. Flores*, 111 HARV. L. REV. 153 (1997)
- *Federalism: Evaluating the Founders' Design*, 55 U. CHI. L. REV. 1484 (1987)
- *Why Hold Elections? Using Consent Decrees to Insulate Policies From Political Change*, 1987 U. CHI. L. FOR. 295 (1987)
- *The Politics of Returning Power to the States*, 6 HARV. J. OF LAW & PUB. POL. 103 (1982)

Economic Rights and Regulation

- *State Action, Due Process, and Regulated Health Care: The Downstream Effects of American Manufacturers Mutual Insurance Company v. Sullivan*, Health Care Monthly 3 (June 1999) (with Steffan N. Johnson)
- *When Cities Go Broke: A Conceptual Introduction to Municipal Bankruptcy*, 60 U. CHI. L. REV. 425 (1993) (with Randal C. Picker)
- *Contract Rights and Property Rights: A Case Study in the Relationship Between Individual Liberties and Constitutional Structure*, 76 CALIF. L. REV. 267 (1988), also printed in E. Paul, ed., LIBERTY, PROPERTY, AND THE FOUNDATIONS OF THE AMERICAN CONSTITUTION (SUNY Press 1988)
- *Public Utilities' Private Rights: Paying for Failed Nuclear Power Projects*, 1988 REGULATION, No. 2, at 35
- *A Choice of Law Approach to Products-Liability Reform*, in NEW DIRECTIONS IN LIABILITY LAW (W. Olson, ed.), 37 PROC. OF THE ACAD. OF POL. SCI. 90 (1988)
- *The Power to Tax*, THINK (the IBM magazine) 35 (Sept. 1987)

Fourteenth Amendment

- *Two-and-a-Half Cheers for Bush v. Gore*, 68 U. CHI. L. REV. 657 (2001), reprinted in Cass R. Sunstein & Richard A. Epstein, *The Vote: Bush, Gore & the Supreme Court* (U. Chi. Press 2001).
- Concurring Opinion, in *WHAT BROWN SHOULD HAVE SAID* (Jack Balkan ed., NYU 2001)
- *The Originalist Case for Brown v. Board of Education*, 19 HARV. J. OF LAW & PUB. POL. 457 (1996)
- *Segregation and the Original Understanding--A Reply to Professor Maltz*, 13 CONST. COMM. 233 (1996)
- *Originalism and the Desegregation Decisions*, 81 VA. L. REV. 947 (1995)
- *The Originalist Justification for Brown: A Reply to Professor Klarman*, 81 VA. L. REV. 1937 (1995)
- *The Forgotten Constitutional Moment*, 11 CONST. COMM. 115 (1994)
- *The Fourteenth Amendment: A Second American Revolution or the Logical Culmination of the Tradition?* 25 LOY.-L.A. L. REV. 1159 (1992)
- *How Not To Promote Serious Deliberation About Abortion*, 58 U. CHI. L. REV. 1181 (1991)
- *Affirmative Action After Teal: A New Twist or a Turn of the Screw?* 7 REGULATION, No. 2, at 38 (Mar./Apr. 1983)

Criminal Law

- *The Booker Mess*, 83 DENVER U. L. REV. 665 (2006)

Newspaper Columns and Miscellaneous

- *Democrats and Executive Overreach*, Wall Street Journal, January 10, 2012, p. A13.
- *Is Religion Special?* Deseret News, Sunday, Nov. 20, 2011
- *We the People*, Wall St. J., Oct. 23, 2010, p. C5 (Book Review of Pauline Maier, *Ratification: The People Debate the Constitution* (2010)).
- *The Health Vote and the Constitution - II*, Wall St. J., Mar. 20, 2010
- *The House Health-Care Vote and the Constitution*, Wall St. J., Mar. 15, 2010
- *The Pay Czar Is Unconstitutional*, Wall St. J., Oct. 30, 2009

- *Calvinism and Liberty*, BOOKS & CULTURE (Jan/Feb 2009) (Book review of John Witte, *The Reformation of Rights* (2008))
- Dialogue with Prof. Alan Brinkley, *Slate Magazine*, Fall, 2000 (series of commentaries on the Election 2000 litigation)
- Book review of R. Kent Newmyer, *JOHN MARSHALL AND THE HEROIC AGE OF THE SUPREME COURT* (2001), *Washington Post*, Jan. 27, 2002
- *A Muddled Ruling*, *Wall St. Journal* (Dec. 14, 2000)
- *Supremely Ill-Judged*, *Wall St. Journal* (Nov. 24, 2000)
- *Lee, Rex Edwin*, *ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION*, Supp. II, 2000
- *Protecting our Tradition of Religious Liberty*, *Chicago Tribune*, July 17, 1999
- *Lies, Damned Lies, and the Evidence for the Violence Against Women Act*, *Salt Lake Tribune*, June 4, 2000
- *We Worship the Same God You Do*, in Paul M. Anderson, ed., *PROFESSORS WHO BELIEVE: THE SPIRITUAL JOURNEY OF CHRISTIAN FACULTY 200* (1998)
- *Salt Lake City Council Deserves Credit for Wrestling With Gay Rights Ordinance*, *Salt Lake Tribune* AA6 (Nov. 22, 1998)
- *Protecting Free Exercise: A Compelling Case for Compelling State Interest*, *LIBERTY* Nov./Dec. 1998, at 15
- *The Supreme Court 1998*, *FIRST THINGS* (Nov. 1998), at 37
- *Protecting our tradition of religious liberty*, *Chicago Tribune* (July 17, 1998)
- *Roe v. Wade at 25: Still Illegitimate*, *Wall Street Journal* (Jan. 22, 1998)
- *A Constitutional Campaign Finance Plan*, *Wall Street Journal* (Dec. 11, 1997)
- *Breaking the Law, Bending the Law*, *FIRST THINGS* (June/July 1997), at 13
- *Supreme Humility*, *Wall Street Journal* (July 2, 1997)
- *Don't Neglect the Little Platoons*, in *FOR LOVE OF COUNTRY: DEBATING THE LIMITS OF PATRIOTISM* (J. Cohen, ed. 1996)
- *Keeping Faith in the Political Arena*, *Currents* (Newsday magazine), Sept. 22, 1996, at A42.

- *Stuck With A Lemon: A New Test for Establishment Clause Cases Would Help Ease Current Confusion*, 83 ABA JOURNAL 46 (Feb. 1997)
- *A Basic Right Turned Into A Wrong*, Chicago Tribune, § 1, p. 15 (July 6, 1994)
- *Redefine campaign finance 'reform*, Chicago Tribune (June 29, 1993)
- *Free Speech Outside Abortion Clinics*, Wall Street Journal (Mar. 31, 1993).
- *Freedom From Religion*, The American Enterprise, Jan/Feb 1993, at 34.
- *'Hate Speech' Case: Twisted Path to Good Result: the Right Embraces This Right*, Legal Times of Washington (and associated newspapers), July 27, 1992, at S30
- *Trashing Natural Law*, New York Times, op-ed page (July 15, 1991)
- *Inquisition Isn't Needed*, USA Today, 10A (Sept. 11, 1991)
- *He Is A Talented Jurist*, Newsday, Ideas 5 (July 12, 1987)
- *Comment, The Appealability of Orders Denying Motions for Disqualification of Counsel in the Federal Courts*, 45 U. CHI. L. REV. 450 (1978)