

Friday, November 4th

6 p.m.

### CONSTITUTIONAL CONUNDRUMS: HISTORICAL PERSPECTIVES ON THE U.S. CONSTITUTION

Mr. Bush will examine current issues of race, privacy, religious freedom, free speech, and property rights based on the Founders' views, with an emphasis on Gouverneur Morris, who was the chief editor of the Constitution. Professor Krotoszynski will take a historical perspective examining the Kentucky Resolutions and how they affected federalism. Professor Weaver will examine the historical underpinnings of the U.S. Constitution, with a special emphasis on the Enlightenment and the writings of Baron de Montesquieu, and will demonstrate how these historical underpinnings produced a unique document.

**Moderator:** Ms. April Wimberg, Bingham Greenebaum Doll, LLP.

#### Speakers:



**JOHN K. BUSH:** Partner and co-chair of the litigation practice group at Bingham Greenebaum Doll LLP. He was named by *The Best Lawyers in America* as "lawyer of the year" for appellate practice among

Louisville lawyers in 2016. Mr. Bush has represented clients in cases involving constitutional issues before many courts, including the Supreme Court of the United States. Previously, he was an associate in the appellate practice group at Gibson Dunn & Crutcher LLP in Washington D.C., and served as a judicial clerk on the United States Court of Appeals for the Eighth Circuit. Mr. Bush's articles appear in publications such as *The National Law Journal* and *The Wall Street Journal*. He also wrote "Gouverneur Morris" in the book *America's Forgotten Founders*. He is the President of the Federalist Society's Louisville Lawyer's Chapter.



**RONALD J. KROTOSZYNSKI, JR.:** John S. Stone Chair, Director of Faculty Research and Professor of Law at the University of Alabama School of Law. Professor Krotoszynski writes and teaches

in the areas of constitutional law, administrative law, First Amendment law, and comparative constitutional law. Krotoszynski is the author of several books and the co-author of casebooks in *Administrative Law* and *First Amendment Law*. He clerked for the Honorable Frank M. Johnson Jr. of the United States Court of Appeals for the Eleventh Circuit and practiced law in Washington D.C.



**RUSSELL L. WEAVER:** Professor of Law & Distinguished University Scholar, University of Louisville, Louis D. Brandeis School of Law. Professor Weaver has written extensively about constitutional

issues, particularly the First Amendment, separation of powers, and the history of the U.S. Constitution. He has authored numerous constitutional law books and articles. Following the breakup of the former Soviet Union, he served as an adviser regarding the constitutions of Belarus, Kyrgyzstan, and Russia.

Saturday, November 5th

9:30-11:00 a.m.

### THE SEPARATION OF POWERS AND ITS EFFECT ON FEDERAL/STATE RELATIONS

The U.S. Constitution is unique in the way it allocates power between the three branches of government, as well as in the way that it formulates the relationship between the federal government and the states. In this panel, speakers will examine these issues, focusing on how the concepts affect the functioning of the U.S. government. Professor Salamanca will provide an overview and historical background, while Professor Huberfeld will focus on the Affordable Care Act and the Medicaid Expansion.

**Moderator:** Mr. Alex Blackwell, Student, University of Louisville, Louis D. Brandeis School of Law.

#### Speakers:



**NICOLE HUBERFELD:** Ashland-Spears Distinguished Research Professor of Law and Associate Dean for Academic Affairs at the University of Kentucky College of Law and Bioethics Associate at the College of Medicine. Professor Huberfeld's scholarship focuses on federalism, congressional spending power, and federal health care programs. She recently published *The Law of American Health Care* and has published in many national and international publications. She has been interviewed by various national media outlets.



**PAUL E. SALAMANCA:** Professor of Law, University of Kentucky College of Law. Professor Salamanca served as a law clerk to Judge David H. Souter of the U.S. Court of Appeals for the First Circuit

and subsequently clerked for Justice Souter on the U.S. Supreme Court. He also practiced law in New York. Professor Salamanca writes in the areas of separation of powers, freedom of speech, freedom of religion, and privacy. He has authored articles on these subjects in the *University of Cincinnati Law Review*, the *Missouri Law Review*, the *Georgia Law Review*, and the *Kentucky Law Journal*, among other places.

11:15 a.m.-12:45 p.m.

### FOREIGN RELATIONS, THE FOURTH AMENDMENT, AND THE NATIONAL SECURITY AGENCY

This panel will examine the Constitution's formulation regarding foreign affairs issues. Those issues have gained increasing importance following Edward Snowden's revelations regarding the National Security Agency's massive cyber surveillance operation. This panel will examine constitutional limitations on the NSA's power. Professors Wright and Walker will provide an overview on the foreign affairs

power, while Professor Richards will focus on the National Security Agency's cyber surveillance program.

**Moderator:** Ms. Kelly Reeves, Student, University of Louisville, Louis D. Brandeis School of Law.

**Speakers:**



**ANDREW MCCANSE WRIGHT:** Associate Professor at Savannah Law School. Professor Wright's research focuses on separation of powers with an emphasis on congressional oversight and national security. He is a Founding Editor of the online national security law forum Just Security. Professor Wright has previously served as Associate Counsel to the President and Assistant Counsel to the Vice President at the White House, as well as Staff Director and Counsel on a national security subcommittee in the U.S. House of Representatives.



**EDWARD P. RICHARDS:** Clarence W. Edwards Professor of Law, LSU Law Center. Professor Richards' publications include five books and more than 150 articles, essays, and chapters. He has written extensively on the constitutional question of individual rights versus societal self-defense. This has included the problems of disease control, bioterrorism and pandemic flu, and terrorist surveillance. Professor Richards has worked on projects with the Centers for Disease Control and Prevention, the Department of Justice, the Department of Homeland Security, and several state health departments.



**JUSTIN WALKER:** Assistant Professor of Law, University of Louisville, Louis D. Brandeis School of Law. Justin Walker practiced appellate law in Washington D.C. and clerked for Judge Brett Kavanaugh and Justice Anthony Kennedy. He researches and writes about constitutional law, with an emphasis on separation of powers and national security law.

**2:00-3:30 p.m.**

**THE EVOLUTION OF CONSTITUTIONAL RIGHTS**

This panel will examine constitutional issues from a rights perspective. The civil rights movement will be discussed, as well as current equal protection issues involving African Americans. Questions related to voting rights, equal protection and freedom of expression will also be discussed. Professor Douglas will focus on voting and elections, Professor Gajda will focus on freedom of expression, and Professors Jones and Diamond will focus on equal protection issues, particularly in the race context.

**Moderator:** Mr. Brandon Guernsey, Student, University of Louisville, Louis D. Brandeis School of Law.

**Speakers:**



**JOSHUA A. DOUGLAS:** Teaches and researches election law, civil procedure, constitutional law, and judicial decision making. His most recent scholarship focuses on the constitutional right to vote, with an emphasis on state constitutions, as well as the various laws, rules, and judicial decisions impacting election administration. He has written extensively on election law procedure. He is a co-author of an Election Law case book and a co-editor of a new book, *Election Law Stories*. In addition, his media commentaries have appeared in the *The New York Times*, *Reuters*, *Politico*, *The Atlantic*, *The Huffington Post*, and *Slate*, among others. He has been quoted in major newspapers.



**AMOS N. JONES:** Associate Professor of Law at Campbell University's Law School. He teaches, writes and practices in areas involving the First and Fourteenth amendments and has published articles in the *Harvard BlackLetter Law Journal*, the *Widener Journal of Law, Economics, and Race*, the *Georgia State University Law Review*, and the *North Carolina Law Review*. A 2006

graduate of Harvard Law School and a Fulbright Post-graduate Scholar to Australia, he spent Fall 2015 studying ecclesiastical courts as Academic Visitor to the Faculty of Law at the University of Oxford.



**AMY GAJDA:** Class of 1937 Professor of Law at Tulane University Law School. Her primary research interests relate to privacy, media, and freedom of expression. Much of her work explores the tensions between social regulation and protected First Amendment expression in contexts ranging from academic speech to news reporting. Her book *The First Amendment Bubble: How Privacy and Paparazzi Threaten a Free Press* was published in 2015 by Harvard University Press. Her work has appeared in *The New York Times*, *Slate* and other national media. She won seven Associated Press awards for her commentaries on legal issues.



**RAY DIAMOND:** Associate Dean for Institutional Assessment & Faculty Development, Jules F. and Frances L. Landry Distinguished Professor Law, and James Carville Alumni Professor of Law, Louisiana State University Law Center. Professor Diamond has written widely in the area of constitutional law, race relations, and legal history. He is the co-author of *Brown v. Board of Education: Caste, Culture, and the Constitution*, which was awarded the 2003 David J. Langum Sr. Prize by the Langum Project for Historical Literature. His most recent scholarship is "In the Civic Republic: Crime, the Inner City, and the Democracy of Arms - a Disquisition on the Revival of the Militia at Large," published in the *Connecticut Law Review*. He has begun work on a book about the new Second Amendment jurisprudence of the Supreme Court.

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