Symposium on Whether Legalization of Same-Sex Marriage Is Constitutionally Required *

at the J. Reuben Clark Law School at Brigham Young University
Friday, 2 November 2012

Co-sponsored by the Marriage & Family Law Research Project at JRCLS, by the Marriage Law Project at Columbus School of Law, The Catholic University of America and by the BYU Journal of Public Law

PROGRAM & SCHEDULE
(Final)

8:15 a.m. Registration

8:45 a.m. Welcome (Dean James R. Rasband and Professor Lynn D. Wardle)

8:55—10:55 a.m. Session I
Constitutional Mandates for SSM in Doctrine and Practice
Moderator: William C. Duncan, Director, Marriage Law Foundation

Richard S. Myers, Professor of Law, Ave Maria School of Law
Same-Sex Marriage and the Establishment Clause

Clifford J. Rosky, Associate Professor of Law, S.J. Quinney College of Law, University of Utah
Fear of the Queer Child

Monte N. Stewart, Partner, Belnap Stewart Taylor & Morris PLLC and former faculty, BYU Law School
The Constitutionality of Marriage: Finding the Facts and Eliding the Facts

Mark P. Strasser, Trustees Professor of Law, Capital University Law School
Let Me Count the Ways

10:55—11:05 a.m. Break

11:05 a.m.—1:10 p.m. Session II
Equality Mandates for SSM in Theory and Principle
Moderator: Lincoln Oliphant, Marriage Law Project, CUA Law

Patrick M. Brennan, John F. Scarpa Chair in Catholic Legal Studies & Professor of Law, Villanova University School of Law
“The Pursuit of Happiness” Comes Home to Roost: Same-Sex Marriage, the Summum Bonum, and Equality

Scott T. FitzGibbon, Professor of Law, Boston College Law School
The Deeper Meaning of Equal Protection
Kenji Yoshino, Chief Justice Earl Warren Professor of Constitutional Law, New York University School of Law
The Prop 8 Trial as “Truth Commission”

Robert A. Destro, Professor of Law, Columbus School of Law, The Catholic University of America
“You have the Right to Remain Silent”: Some Thoughts About Equal Citizenship and Compelled Affirmation

A. Scott Loveless, Ph.D., former Adjunct Professor of Law, J. Reuben Clark Law School, Brigham Young University (paper to be read)
The Forgotten Founding Documents: Toward the Ends of the Law

1:20—2:10 p.m. Lunch at BYU Skyroom

2:20—4:20 p.m. Session III
International and Comparative Perspectives on Constitutional Mandates for SSM
Moderator: Professor J. Clifton Fleming, BYU Law School

Ursula C. Basset, Professor of Law, Pontificia Universidad Católica Argentina "Santa María de los Buenos Aires"
The Radicalization of the Marriage Debate and the Argentine Experience

Carmen Garcimartin, Professor of Law, School of Law, University of La Coruña
The Spanish Law on Same-Sex Marriage: Constitutional Arguments

Augusto Zimmermann, Senior Lecturer, Associate Dean (Research) & Director of Postgraduate Studies, Murdoch University School of Law
The Constitutionality of Same-Sex Marriage in Australia (and Other Related Issues)

Lynn D. Wardle, Bruce C. Hafen Professor of Law, J. Reuben Clark Law School, Brigham Young University
Rights, Equality, Principles and Process: Same-Sex Marriage in American and Comparative Constitutional Law

4:20—4:30 p.m. Conclusion

* Registration = $25 (including CLE and lunch); or Free (without CLE and lunch)
SOCIAL PROGRAM

Friday 2 November 2012
5:00 p.m. Dinner at Sundance Ski Resort

Saturday 3 November
10:30 a.m.—1:30 p.m. Walk/hike & lunch (meet at Marriott Hotel at 10:30 a.m.)
7:00—10:30 p.m. Symphony at BYU (meet at Marriott Hotel at 7:00 p.m.)

Sunday 4 November
8:15—10:15 a.m. Tabernacle Choir broadcast in SLC (meet at Marriott Hotel at 8:15 a.m.)
10:30—11:30 a.m. Tour of temple square in SLC (after Choir broadcast)