GREGORY P. MAGARIAN (he/him)
Washington University School of Law
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Saint Louis, MO 63130
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EMPLOYMENT

Washington University School of Law — St. Louis, MO
Thomas and Karole Greene Professor of Law — 2019-present
Professor of Law — 2008-2019

Research Interests: Expressive Freedom; Firearms Regulation; Law and Religion; Media Law; Law of Democracy

Courses Taught: Constitutional Law; First Amendment; Legislation; Comparative Law of Free Expression; various First Amendment seminars

Villanova University School of Law — Villanova, PA
Professor of Law — 2004-2008
Associate Professor, Assistant Professor — 1999-2004

Jenner & Block — Washington, DC
Litigation Associate — 1995-1999

Hon. John Paul Stevens, United States Supreme Court — Washington, D.C.
Law Clerk — 1994-95

Hon. Louis F. Oberdorfer, United States District Court — Washington, DC
Law Clerk — 1993-94

EDUCATION

University of Michigan Law School — Ann Arbor, MI
Juris Doctor — May 1993

Degree awarded *magna cum laude*
Editor-in-Chief, *Michigan Law Review* (Vol. 91)
Henry M. Bates Memorial Scholarship (outstanding graduate)

University of Michigan Institute of Public Policy Studies — Ann Arbor, MI
Master of Public Policy — May 1993

Yale University — New Haven, CT
Bachelor of Arts — May 1989

Degree awarded *summa cum laude*
Phi Beta Kappa; Special Distinction in the English Major

SCHOLARLY PUBLICATIONS

BOOK

MANAGED SPEECH: THE ROBERTS COURT'S FIRST AMENDMENT (Oxford University Press 2017)

JOURNAL ARTICLES AND BOOK CHAPTERS

The Alchemy of Speech and Guns, 29 U. PENN. J. CON L. (forthcoming 2026)

Anti-Free Speech Lochnerism, in ASHUTOSH BHAGWAT & ALAN K. CHEN EDS., THE ELGAR COMPANION TO FREEDOM OF SPEECH AND EXPRESSION at 87 (Edward Elgar Publishing 2026)

Press Freedom as a First Amendment Paradigm, 70 VILL. L. REV. 895 (2025) (symposium), *reprinted in* RODNEY A. SMOLLA ED., FIRST AMENDMENT LAW HANDBOOK 2025-2026

Political Tensions and the Democratic Press, in RONNELL ANDERSEN JONES & SONJA R. WEST EDS., THE FUTURE OF PRESS FREEDOM at 28 (Cambridge University Press 2025)

Rights to Participate? Rights to Exclude?, in TABATHA ABU EL-HAJ *ET AL.* EDS., THE OXFORD HANDBOOK OF PEACEFUL ASSEMBLY at 273 (Oxford University Press 2025)

Centering Noncitizens' Free Speech, 56 GA. L. REV. 1563 (2022) (symposium), *reprinted in* RODNEY A. SMOLLA ED., FIRST AMENDMENT LAW HANDBOOK 2023-2024

How Cheap Speech Underserves and Overheats Democracy, 54 U.C. DAVIS L. REV. 2455 (2021) (symposium)

The Internet and Social Media, in ADRIENNE STONE & FREDERICK SCHAUER EDS., THE OXFORD HANDBOOK OF FREEDOM OF SPEECH at 350 (Oxford University Press 2021)

Kent State and the Failure of First Amendment Law, 65 WASH. U. J. L. & POL'Y 41 (2021) (chair installation address)

Conflicting Reports: When Second Amendment Claims Threaten First Amendment Interests, 83 (3) L. & CONTEMP. PROBS. 169 (2020) (symposium)

Political and Nonpolitical Speech and Guns, 28 WM. & MARY BILL RTS. J. 429 (2020) (symposium)

Taming Uncivil Discourse, 41 POL. PSYCHOL. 383 (2020) (with James L. Gibson & Lee Epstein)

Data-Driven Constitutional Avoidance, 104 IOWA L. REV. 1421 (2019) (with Lee Epstein & James L. Gibson)

When Audiences Object: Free Speech and Campus Speaker Protests, 90 U. COLO. L. REV. 545 (2019) (symposium), *reprinted in* RODNEY A. SMOLLA ED., FIRST AMENDMENT LAW HANDBOOK 2019-2020

Forward Into the Past: Speech Intermediaries in the Television and Internet Ages, 71 OKLA. L. REV. 237 (2018) (symposium)

The View From My Window, 95 WASH. U. L. REV. 1459 (2018) (symposium on my book *Managed Speech: The Roberts Court's First Amendment*)

The New Religious Institutionalism Meets the Old Establishment Clause, in MICAH SCHWARTZMAN ET AL. EDS., THE RISE OF CORPORATE RELIGIOUS LIBERTY at 441 (Oxford University Press 2016)

The Marrow of Tradition: The Roberts Court and Categorical First Amendment Speech Exclusions, 56 WM. & MARY L. REV. 1339 (2015) (symposium)

Hobby Lobby *in Constitutional Waters: Two Life Rings and an Anvil,* 67 VAND. L. REV. EN BANC 67 (2014); *Whose Accommodation?,* 67 VAND. L. REV. EN BANC 135 (2014) (roundtable essay and response)

Chief Justice Roberts' Individual Mandate: The Lawless Medicine of NFIB v. Sebelius, 108 NW. U. L. REV. COLLOQUY 15 (2013)

Speaking Truth to Firepower: How the First Amendment Destabilizes the Second, 91 TEX. L. REV. 49 (2012), *reprinted in* RODNEY A. SMOLLA ED., FIRST AMENDMENT LAW HANDBOOK 2013-2014

Justice Stevens, Religion, and Civil Society, 2011 WIS. L. REV. 733

Religious Argument, Free Speech Theory, and Democratic Dynamism, 86 NOTRE DAME L. REV. 119 (2011)

Substantive Media Regulation in Three Dimensions, 76 GEO. WASH. L. REV. 845 (2008) (symposium)

The Jurisprudence of Colliding First Amendment Interests: From the Dead End of Neutrality to the Open Road of Participation Enhancing Review, 83 NOTRE DAME L. REV. 185 (2007)

Market Triumphalism, Electoral Pathologies, and the Abiding Wisdom of First Amendment Access Rights, 35 HOFSTRA L. REV. 1373 (2007) (symposium)

The Pragmatic Populism of Justice Stevens's Free Speech Jurisprudence, 74 FORDHAM L. REV. 2201 (2006) (symposium)

Substantive Due Process as a Source of Constitutional Protection for Nonpolitical Speech, 90 MINN. L. REV. 247 (2005)

The First Amendment, the Public-Private Distinction, and Nongovernmental Suppression of

Wartime Political Debate, 73 GEO. WASH. L. REV. 101 (2004)

Regulating Political Parties Under a "Public Rights" First Amendment, 44 WM. & MARY L. REV. 1939 (2003)

How to Apply the Religious Freedom Restoration Act to Federal Law Without Violating the Constitution, 99 MICH. L. REV. 1903 (2001)

Toward Political Safeguards of Self-Determination, 46 VILL. L. REV. 1219 (2001) (symposium)

OTHER PUBLICATIONS

Hate Speech Regulation and Reactionary Power After 7 October 2023, in EMRAN EL-BADAWI & PAULA SANDERS EDS., WORDS TO WEAPONS: THE CRISIS OF HATE SPEECH IN THE ALGORITHMIC ERA at 385 (Oneworld Publications 2026)

The Campus Culture War Comes to WashU, GATEWAY JOURNALISM REVIEW (June 19, 2026), https://gatewayjr.org/commentary-chancellor-martins-humanities-report-would-impose-a-political-agenda-on-academic-research-for-the-first-time/

ABA Standard 206 Blog Symposium: Gregory P. Magarian, UCLA LAW REV. (May 12, 2026), https://www.uclalawreview.org/aba-standard-206-blog-symposium-gregory-p-magarian/

Why the "Streets of Minneapolis" Have Echoed With Public Support – Unlike the Campus of Kent State in 1970, THE CONVERSATION (Feb. 19, 2026), https://theconversation.com/why-the-streets-of-minneapolis-have-echoed-with-public-support-unlike-the-campus-of-kent-state-in-1970-274917

Political Violence: What Can Happen When First Amendment Free Speech Meets Second Amendment Gun Rights, THE CONVERSATION (Oct. 10, 2025), https://theconversation.com/political-violence-what-can-happen-when-first-amendment-free-speech-meets-second-amendment-gun-rights-265223.

From Kent State to L.A.: Echoes of a Dark Past in Protest Crackdown, GOVERNING (June 11, 2025), https://www.governing.com/politics/from-kent-state-to-l-a-echoes-of-a-dark-past-in-protest-crackdown

Three Ways the Government Can Silence Speech Without Banning It, L.A. TIMES (May 31, 2025), https://www.latimes.com/opinion/story/2025-05-31/first-amendment-free-speech-censorship; THE CONVERSATION (June 2, 2025), https://theconversation.com/3-ways-the-government-can-silence-opinions-it-disagrees-with-without-using-censorship-254249, *reprinted in* THE CONVERSATION: FIRST AMENDMENT RIGHTS UNDER FIRE IN 2025.

Courts Need to Protect Press Freedoms, N.Y. TIMES (Aug. 21, 2023), p. A19

The Fatal Flaw in Efforts to Restrict "Inappropriate" Library Materials, ST. LOUIS POST-DISPATCH (Jan. 19, 2023)

Wash U Chancellor Harms Free Speech by Embracing College Republicans' 9-11 Message While Ignoring Hateful Attacks on Student Protester, GATEWAY JOURNALISM REVIEW (Sep. 15, 2021), https://gatewayjr.org/wash-u-chancellor-harms-free-speech-by-embracing-college-republicans-9-11-message-while-ignoring-hateful-attacks-on-student-protester/

Trump's Most Tragic Legacy Will Be Seen in Ranks of Judiciary, ST. LOUIS POST-DISPATCH (Dec. 12, 2019)

Don't Call Him "Justice," MISSOURI LAWYERS WEEKLY (Oct. 24, 2018)

The People's Court and the People's Rights, ST. LOUIS POST-DISPATCH (Jul. 10, 2018)

What Price Victory?, THE COMMON READER (May 9, 2018) (book review essay)

Bookends: Justice Stevens and Justice Scalia, 94 WASH. U. L. REV. 1401 (2018)

Free Speech and Political Stagflation, OUPBLOG (Sep. 26, 2017)

First Amendment Expert Calls Post-Dispatch *Editorial on Protests "Irresponsible" and Imprecise,* GATEWAY JOURNALISM REVIEW, vol. 46, no. 346 (June 22, 2017), https://gatewayjr.org/1a-expert-challenges-imprecision-of-post-dispatch-protest-editorial/

A Law Supreme, THE COMMON READER (Feb. 12, 2016) (book review essay)

Entering Liberty's Refuge *(Some Assembly Required),* 89 WASH. U. L. REV. 1375 (2012) (symposium introduction)

Judge Jerry Smith's Order to DOJ: The Fifth Circuit Order Undermined the Judicial Authority It Purported to Defend, NATIONAL LAW JOURNAL (April 16, 2012)

Redistinguishing "Ought" From "Is," CONCURRING OPINIONS (Feb. 7, 2012)

Tribute to Justice Stevens, 44 LOYOLA L.A. L. REV. 836 (2011)

Honoraria, Anonymity, and the Klan (Tribute to Justice Stevens), SCOTUSBLOG (April 23, 2010)

Introduction to *Symposium – Privacy Law in the New Millennium: A Tribute to Richard C. Turkington,* 51 VILL. L. REV. 787 (2006)

Above the Law: President Bush and the Constitution, COMMONWEAL (June 18, 2004), p. 12

How Bush Won, COMMONWEAL (Nov. 8, 2002), p. 36 (book review essay)

Introduction to *Symposium – Napster: Innocent Innovation or Egregious Infringement?,* 9 VILL. SPORTS & ENT. L.J. 1 (2002)

Public Libraries Emerge as New Arena for First Amendment Battles Over Indecency and the Internet, LDRC LIBELLETTER (Libel Defense Resource Center) (March 1998), p. 33

Book Notice: MARK A. GRABER, TRANSFORMING FREE SPEECH (1991), 90 MICH L. REV. 1425 (1992)

Note – Fighting Exclusion from Televised Presidential Debates: Minor-Party Candidates' Standing to Challenge Sponsoring Organizations' Tax-Exempt Status, 90 MICH. L. REV. 838 (1992)

ACADEMIC PRESENTATIONS

The Free Speech Battleground of 21st Century U.S. Higher Education, Symposium: Universities at a Crossroads: Legal Issues in Higher Education, University of Arkansas School of Law (Oct. 16, 2026)

Public Protest and the Right of Peaceable Assembly in the 21st Century United States, Symposium on Protest and Peaceful Assembly, Cambridge University Centre of Governance and Human Rights (May 13, 2026)

Four Stories About the 21st Century First Amendment, The First Amendment at Risk?, Pulitzer Center 20th Anniversary, St. Louis (April 22, 2026)

The Trump Assault on Noncitizens' Free Speech as a First Amendment Paradigm Shift, Symposium on the Free Speech Rights of Non-Citizens, Yale Law School Center for Academic Freedom (March 13, 2026)

Press Freedom as a First Amendment Paradigm, Symposium: Journalism at a Crossroads: Legal Protections, Innovations, and Democracy, Villanova University School of Law (Feb. 21, 2025)

The Alchemy of Speech and Guns, Symposium: The Deadly Intersection of White Supremacy and Guns, Johns Hopkins Bloomberg School of Public Health (virtual) (Feb. 9, 2023); Workshop on Politics, Ethics, and Society, Washington University, Department of Political Science (March 3, 2023)

The U.S. Constitution and the Insurrection of Jan. 6, 2021, Keynote Address, Saint Charles Community College Democracy Days (Sep. 21, 2022)

Suppression of Identity Differences in Public School Libraries and Curricula, 2022 Midwest LGBTQ+ Rights Conference (virtual) (March 25, 2022)

Centering Noncitizens' Free Speech, Symposium: The First Amendment Without Borders, University of Georgia School of Law (March 18, 2022)

Free Speech on the Roberts Court and the Trump Court, Armenian Bar Association, Annual Meeting, New York (virtual) (November 6, 2021)

Free Speech and Firearms: Constitutional Rights in Conflict, University of Nevada-Reno, Reynolds School of Journalism, 2021 First Amendment Forum (virtual) (April 20, 2021)

The First Amendment and the Mess We're In: From the Streets to the Cloud, Washington University School of Law, Public Interest Law and Policy Speaker Series (virtual) (February 4, 2021)

How Cheap Speech Underserves and Overheats Democracy, Symposium: 25th Anniversary of Eugene Volokh's *Cheap Speech and What It Will Do,* University of California-Davis School of Law (virtual) (Oct. 30, 2020)

Kent State and the Failure of First Amendment Law, address for installation as the Thomas and Karole Green Professor of Law, Washington University School of Law (March 5, 2020); Media Law Resource Center (virtual) (April 30, 2020)

Speech Inequality and a First Amendment of Obligations, Symposium: Not Your Father's First Amendment, Drexel University School of Law (Nov. 15, 2019)

Conflicting Reports: When Gun Rights Threaten Free Speech, Symposium: Gun Rights and Regulation Outside the Home, Duke University School of Law Center for Firearms Law and Policy (Sep. 27, 2019); Symposium: The First Amendment and an Informed Society, University of North Carolina School of Law (Nov. 8, 2019)

One Hundred Years of First Amendment Law: Foundations, Deviation, and Renewal, Constitution Day Address, University of South Dakota School of Law (Sep. 18, 2019)

Political and Nonpolitical Speech and Guns, Symposium: *Heller* at Ten, University of California-Hastings College of Law (Jan. 18, 2019); Symposium: Intersections Between Constitutional Rights, William and Mary Law School (March 15, 2019)

The Roberts Court's First Amendment (panel with Michael W. McConnell and Donald B. Verrilli, Jr.), Tenth Circuit Judicial Conference, Colorado Springs (Aug. 23, 2018)

When Audiences Object: Free Speech and Campus Speaker Protests, 26th Annual Ira C. Rothberger, Jr. Conference on Constitutional Law: Listeners and the First Amendment, University of Colorado School of Law (April 13, 2018)

Forward Into the Past: Speech Intermediaries in the Television and Internet Ages, Symposium: Falsehoods, Fake News, and the First Amendment, University of Oklahoma School of Law (Feb. 9, 2018)

The View From My Window, Symposium on my book *Managed Speech: The Roberts Court's First Amendment,* Washington University School of Law (Jan. 19, 2018)

The Future of LGBT Rights, University of Kentucky College of Law (April 20, 2017)

Fair and Balanced: The Roberts Court on Regulations of Political Dissent and Commercial Profit, Boston College Law School (April 4, 2014); U.S. Law Study Group, Waseda University Law School, Tokyo (June 11, 2016); Aoyama Gakuin University Law School, Tokyo (June 22, 2016)

Keeping Money Out of Politics: Citizens United *and* McCutcheon, Washington University First Amendment Roundtable (April 15, 2016)

Speakers Cornered: The Roberts Court in the Public Forum, Workshop on Politics, Ethics, and Society, Washington University, Department of Political Science (Feb. 13, 2015); Freedom of Expression Scholars Conference, Yale Law School (May 3, 2015)

The McCullen *Decision and the Future of the Public Forum Doctrine,* Conference on *McCullen v. Coakley,* Villanova University School of Law (Oct. 17, 2014)

The Marrow of Tradition: Categorical Exclusions From First Amendment Protection, Symposium: The Contemporary First Amendment: Freedom of Speech, Press, and Assembly, William and Mary Law School (Feb. 21, 2014)

The New Religious Institutionalism Meets the Old Establishment Clause, Conference on the New Religious Institutionalism, DePaul University College of Law (Sep. 27, 2013)

Commentary on IAN MACMULLEN, CIVICS BEYOND CRITICS: CHARACTER EDUCATION IN A LIBERAL DEMOCRACY, Washington University Department of Political Science (Sep. 14, 2013)

Speaking Truth to Firepower: How the First Amendment Destabilizes the Second, Ohio State University Moritz College of Law (Feb. 16, 2012); Second Amendment Litigation and Jurisprudence Conference, Chicago (April 24, 2013)

The Idea of the Public Interest in U.S. Defamation Law, Conference on the Public Interest in U.K. and European Law, Queen's University, Belfast (Oct. 21, 2011)

Stability and Dynamism in Constitutional Free Speech Protection, Fudan University Law School (Oct. 27, 2009)

Principles of Free Speech in the United States and China, Shanghai Jiaotang University Law School (Oct. 22, 2009)

The Balance Between Civil Liberties and National Security in U.S. Constitutional Law, East China University of Law and Politics (Oct. 21, 2009)

Substantive Media Regulation in Three Dimensions, Symposium: Access to the Media, 1967-2007 and Beyond, George Washington University Law School (Oct. 11, 2007)

The Jurisprudence of Colliding First Amendment Interests, Marquette University Law School (March 27, 2007)

Market Triumphalism, Electoral Pathologies, and the Abiding Wisdom of First Amendment Access Rights, Symposium: Reclaiming the First Amendment: Constitutional Theories of Media Reform, Hofstra University School of Law (Jan. 19, 2007)

Free Speech and the Armenian Genocide, Armenian Bar Association, Midyear National Meeting, Philadelphia (Oct. 28, 2006)

Participation Enhancing Review as a Basis for Courts to Resolve Conflicts Between First Amendment Interests, University of Missouri School of Law (March 24, 2006)

The Pragmatic Populism of Justice Stevens' Free Speech Jurisprudence, Conference on the Jurisprudence of Justice John Paul Stevens, Fordham University School of Law (Oct. 1, 2005)

Substantive Due Process as a Source of Constitutional Protection for Nonpolitical Speech, University of Wisconsin Law School (March 12, 2004); University of Kentucky

College of Law (March 18, 2005)

The First Amendment, the Public-Private Distinction, and Nongovernmental Suppression of Wartime Political Debate, Pace University School of Law (Sep. 19, 2003); Boston College Law School (Oct. 31, 2003)

Regulating Political Parties Under a "Public Rights" First Amendment, Rutgers School of Law Camden (March 26, 2002)

Toward Political Safeguards of Self-Determination, Symposium: New Voices on the New Federalism, Villanova University School of Law (Oct. 28, 2000)

INSTITUTIONAL LEADERSHIP AND HONORS

Washington University Academic Freedom and Tenure Hearing Committee (elected)	2026-2029
Chair, Curriculum Committee	2026-2027
Washington University Law Review Board of Advisors	2026-present
Inaugural Executive Committee, Washington University Chapter of American Association of University Professors (elected)	2025-present
Graduate Student Senate Outstanding Faculty Award (chosen by students)	2023
David M. Becker Law Professor of the Year (chosen by students)	2021
Faculty Commencement Speaker (chosen by students)	2017, 2020, 2021
Co-chair, Judicial Clerkship Committee	2019-2020
Co-chair, Joint Search Committee for the Sally D. Danforth Chair in Religion and Politics	2014-2016
Chair, Promotions and Tenure Committee	2014-2015
Chair, Faculty Appointments Committee	2012-2013
Chair, Washington University Reading Group on the Supreme Court Nomination of Elena Kagan, American Bar Association Standing Committee on the Federal Judiciary	2010

INTERNATIONAL TEACHING

Introduction to U.S. Constitutional Rights Aoyama Gakuin Law School	Tokyo, Japan June 2016
Comparative Law of Free Expression (European Union - United States) University of Utrecht, Institute for Global Justice	Utrecht, Netherlands July 2010
Introduction to U.S. Constitutional Law Fudan University	Shanghai, China October 2009
Comparative Law of Free Expression (Canada - United States) University of Montreal	Montreal, Canada July 2005