

HANNAH CLAYSON SMITH

Associate Director
International Center for Law & Religion Studies
J. Reuben Clark Law School, Brigham Young University
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PROFESSIONAL EXPERIENCE

BYU International Center for Law & Religion Studies, Provo, Utah

Associate Director (August 2023 – present)

- Research and write on international and comparative law and religion
- Organize academic conferences in the area of freedom of religion or belief
- Present at conferences in the U.S. and overseas
- Assist religious freedom alliances to organize conferences across the U.S.

Schaerr Jaffe LLP, Washington D.C. (December 2019 – present)

- Attorney on legal briefs at U.S. Supreme Court, including free exercise and establishment clause cases

The Becket Fund for Religious Liberty, Washington D.C.

Senior Counsel (September 2007 – November 2017); *Senior Fellow* (2017 – 2021)

- Attorney on legal team that secured victories in 4 U.S. Supreme Court cases
- Represented Anglicans, Assemblies of God, Baptists, Catholics, Hindus, Hutterites, Jews, Lutherans, Mormons, Muslims, Russian Orthodox, Santeros & Sikhs in over 30 cases (see cases below)
- Testified before Senate Judiciary Committee in support of Justice Neil Gorsuch’s nomination
- Legal spokeswoman on major television, radio, podcast, print, and blog news reports
- Speaker, debater, panelist, and moderator for legal and non-legal audiences around the country
- Author of opinion-editorials, white papers, and articles on legal and religious liberty subjects
- Founder of Becket Lawyers Network and editor of newsletter to connect firm with strategic legal partners
- Founder, co-host, and producer of monthly podcast “Stream of Conscience” on iTunes
- Member of recruitment committee to vet and hire new legal talent
- Worked with development team to cultivate relationships with donors
- Point person for Catholic-LDS partnership, American Religious Freedom Project, and 1st Amendment Partnership at the Ethics & Public Policy Center

The Honorable Samuel A. Alito, Jr., Associate Justice, U.S. Supreme Court, Washington, D.C.

Law Clerk (February – July 2006)

Williams & Connolly, Washington, D.C.

Associate (January 2005 – February 2006) & *Law Clerk* (Summer 2000)

- *Spitzer v. Grasso* – Member of team representing New York Stock Exchange Chairman Dick Grasso in case brought by NY Attorney General Eliot Spitzer alleging \$140 million pay was unjust compensation under New York’s Not-For-Profit Corporation Law; appellate court ruled in favor of Grasso 3-1.
- Worked on application by religious entity for religious exemption from import controls on tea leaves; produced legal analysis for religious group regarding Health Insurance Coverage for Contraceptives Act.

The Honorable Clarence Thomas, Associate Justice, U.S. Supreme Court, Washington, D.C.

Law Clerk (July 2003 – July 2004)

Sidley, Austin, Brown & Wood, Washington, D.C.

Associate (October 2002 – May 2003) & *Law Clerk* (Summer 2001)

- *United States v. Tyson Foods, Inc.* – Member of trial team representing company in jury trial on 36-count indictment charging conspiracy to violate federal immigration laws and seeking criminal forfeiture of over \$100 million; jury acquitted Tyson Foods on all counts.
- *Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. First Unitarian Church* – Member of team representing LDS Church that filed U.S. Supreme Court cert petition in First Amendment challenge to church's right to control expressive activities on property it purchased from Salt Lake City; cert petition resulted in favorable settlement.
- *Utah v. Evans* – Member of team that represented state and its leaders in trial court litigation challenging Census Bureau's use of hot deck imputation to estimate household sizes for those that did not respond to the 2000 Census Bureau questions; U.S. Supreme Court upheld Census Bureau's actions 6-3.
- *Fifth Avenue Presbyterian Church v. City of New York* – worked on case involving whether church may allow homeless to sleep overnight on church property that abuts a public sidewalk.

The Honorable Samuel A. Alito, Jr., U.S. Court of Appeals for the Third Circuit, Newark, NJ

Law Clerk (August 2001 – August 2002)

LEGAL CASES

U.S. Supreme Court

- Little Sisters of the Poor in *Zubik v. Burwell*, 136 S.Ct. 1557 (2016). On legal team that successfully obtained grant of certiorari at U.S. Supreme Court and briefed non-profit ministries' RFRA challenge to HHS Mandate, resulting in unanimous *per curiam* opinion. Legal spokeswoman for case.
- *Holt v. Hobbs*, 135 S.Ct. 853 (2015). On legal team that successfully briefed challenge to denial of prisoner's religious rights under RLUIPA, resulting in 9-0 win. Legal spokeswoman for case.
- *Burwell v. Hobby Lobby Stores, Inc.*, 134 S.Ct. 2751 (2014). On legal team that obtained grant of certiorari at U.S. Supreme Court and briefed for-profit closely held corporation's RFRA challenge to HHS Mandate, resulting in 5-4 win. Legal spokeswoman for case.
- *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 132 S.Ct. 694 (2012). On legal team that successfully obtained grant of certiorari before U.S. Supreme Court and briefed defense of "ministerial exception" under 1st Amendment that protects a church's right to choose its own ministers, resulting in 9-0 win. Legal spokeswoman for case.
- Other U.S. S.Ct. filings: *Masterpiece Cakeshop v. CO Civil Rights Comm'n* (2017); *Trinity Lutheran Church v. Comer* (2016); *Lee v. Tam* (2016); *NM Ass'n of Nonpublic Schools v. Moses* (2016); *Stormans v. Wiesman* (2016); *Houston Baptist Univ. v. Burwell* (2015); *Michigan Catholic Conf. v. Burwell* (2015); *Obergefell v. Hodges* (2015); *Univ. of Notre Dame v. Burwell* (2014); *Wheaton College v. Burwell*; *Little Sisters of the Poor v. Sebelius* (2014); *Bronx Household of Faith v. NYC Bd. of Educ.* (2014); *Elmbrook School Dist. v. Doe* (2014); *Big Sky Colony v. MT Dept. of Labor & Industry* (2013); *Sossamon v. TX* (2011); *AZ Christian School Tuition Ass'n v. Winn* (2011); *Bronx Household of Faith v. NYC Bd. of Educ.* (2011); *Utah Highway Patrol Ass'n v. Amer. Atheists* (2011); *Christian Legal Soc'y v. Martinez* (2010); & *Salazar v. Buono* (2010).

Federal Appellate Court

- *Church of Our Savior v. City of Jacksonville Beach* (11th Cir. 2015). Led appellate team in successful representation of Anglican Church in RLUIPA land use case, resulting in favorable settlement.
- *The Elijah Group, Inc. v. City of Leon Valley, Texas* (5th Cir. 2011). On legal team that successfully represented an evangelical Christian church in RLUIPA land use case, resulting in victory.
- *Merced v. Kasson*, 577 F.3d 578 (5th Cir. 2009). On legal team that successfully briefed Texas RFRA challenge to town's restrictions on Santeria priest's animal sacrifices, resulting in victory.

Federal Trial Court

- *Gaylor v. Mnuchin* (W.D.Wisc. 2017). Led successful intervention of religious leaders from Assemblies of God, Anglican, and Russian Orthodox Church Outside of Russia congregations in support of the tax provision, called the parsonage allowance, resulting in victory on appeal to the 7th Circuit.
- *Islamic Society of Basking Ridge v. Township of Bernards* (D.N.J. 2016): Led team in filing amicus brief on behalf of multi-denominational group in support of RLUIPA's protections for mosques, resulting in win.
- *Society of American Bosnians and Herzegovinians v. City of Des Plaines* (N.D.Ill. 2016): On legal team that submitted amicus brief in support of RLUIPA's protections for mosques.
- *Belmont Abbey College v. Sebelius* (D.D.C. 2011): On legal team that filed first challenge to HHS contraception mandate which resulted in nation-wide litigation and a favorable U.S. Supreme Court decision.

State Supreme Court

- *FFRF v. Morris County Board of Chosen Freeholders* (N.J. Sup. Ct. 2017): Led team in filing amicus brief in support of neutral government aid program grants to religious organizations in light of *Trinity Lutheran*, resulting in representation of Morris County in cert petition to U.S. Supreme Court.

MEDIA APPEARANCES

Television & Radio Appearances: CNN, MSNBC, Fox News, NPR, BBC, C-Span, The O'Reilly Factor, The Sean Hannity Show, America's Newsroom, Fox & Friends, Wall Street Journal Live, EWTN, Rush Limbaugh Show, Hugh Hewitt Show, Laura Ingraham Show, Dennis Miller Show, Lou Dobbs Show, and Mike Gallagher Show.

Video Documentaries: "What is Freedom of Religion?" and "Religious Freedom – Making a Difference"

Print Interviews: New York Times, Wall Street Journal, Washington Post, Washington Times, Los Angeles Times, Associated Press, Reuters, National Review Online, Bloomberg BNA, The Daily Beast, The Daily Caller, Christian Post, National Catholic Register, and Princeton Alumni Weekly.

Articles, Op-Eds, Blog Posts: U.S. News & World Report, National Review Online, Fox News Opinion, SCOTUSblog, Heritage Foundation Insider Online, and Deseret News.

SPEECHES & PANELS

Academic Institutions: American University Law School, Brigham Young University, Central European University, Columbia Law School, Harvard Law School, Princeton University, Santa Clara University, Southern Methodist University Law School, Stanford Law School, University of Pennsylvania Law School, University of San Diego, Wayne State Law School.

Other: White House, Department of Justice, U.S. Capitol, Senate Judiciary Committee, House Judiciary Subcommittee on the Constitution, State Department, American Bar Association, D.C. Bar Association, National Constitution Center, Newseum, SCOTUSblog, Ethics and Public Policy Center, Federalist Society, Heritage Foundation, and Clare Booth Luce Policy Institute.

EDUCATIONAL BACKGROUND

Brigham Young University, J. Reuben Clark Law School, *Juris Doctor*, 2001

Honors Order of the Coif
 J. Reuben Clark Award (selected by faculty for academics, character, and service), 1999
 Faculty Award for Meritorious Achievement and Distinguished Service, 2000
 Executive Editor, BYU Law Review
 Executive Editor, Harvard Journal of Law & Public Policy

Princeton University, Bachelor of Arts, 1995

Major Woodrow Wilson School of Public and International Affairs

Minor Teacher Preparation Program (NJ Provisional Certificate in Secondary Education)

Honors National Merit Scholar & Woodrow Wilson School Senior Thesis Research Grant Recipient

PROFESSIONAL AWARDS

Center for Constitutional Studies James Madison Award, 2018

J. Reuben Clark Law Society Women-in-Law Leadership Award, 2016

Brigham Young University Alumni Achievement Award, 2013

BOARDS & FELLOWSHIPS

Board of Directors, Religious Freedom Institute (2018 – present)

Senior Fellow, International Center for Law & Religion Studies (2018 – 2023)

Board of Advisers, Brigham Young University Law School (2018 – 2020)

Senior Fellow, The Becket Fund for Religious Liberty (2017 – 2021)

Board Member, *Deseret News* Editorial Advisory Board (2010 – 2017)

Board Member and Committee Chair, J. Reuben Clark Law Society International Board (2005 – 2018)

Princeton University Alumni Class of 1995 25th Reunion Committee Chair (2018 – 2020)

Princeton University Alumni Class of 1995 15th Reunion Committee Chair (2005 – 2010)

Princeton University Woodrow Wilson School 75th Anniversary Steering Committee (2005 – 2006)

MISSIONARY SERVICE

The Church of Jesus Christ of Latter-day Saints

Volunteer French-speaking Missionary in France & Switzerland (1995 – 1997)

PUBLICATIONS & OPINION PIECES

“Trump Gives Relief to Obamacare Objectors,” *Deseret News*, Oct. 9, 2017.

“Texas Churches Challenge FEMA’s Denial of Disaster-Relief Funds to Houses of Worship,” *National Review*, Sept. 8, 2017.

“Celebrate a New Jersey Mosque’s Victory: It’s a Big Win for Religious Freedom in America,” *New York Daily News*, June 1, 2017.

“When a Pastor’s House is a Church Home: Why the Parsonage Allowance is Desirable under the Establishment Clause,” *Federalist Society Review*, April 25, 2017.

“The 2 Cases that Prove Neil Gorsuch is Right for the Supreme Court,” *The Daily Signal*, April 4, 2017.

“Senator Hatch Key to Gorsuch’s Confirmation,” *Deseret News*, Feb. 16, 2017.

“Replacing Justice Scalia: A Proven Originalist from Trump’s List,” *National Review*, Dec. 6, 2016.

“A Soft Landing at the Supreme Court,” *SCOTUSblog*, Aug. 9, 2016.

“A Tribute to Justice Antonin Scalia,” *Deseret News*, Mar. 6, 2016.

“Government Neutrality in Matters of Faith,” *Deseret News*, Jan. 31, 2016.

“Happy Religious Freedom Day: Let’s Celebrate America’s First Freedom,” *Fox News*, Jan. 15, 2016.

“Prison Beards and Religious Freedoms,” *Deseret News*, Feb. 2, 2015.

“Beyond Hobby Lobby: The Government’s War on Nuns Rages,” *Deseret News*, July 2, 2014.

“Making Pluralism More Than a Hobby,” *National Review Online*, July 1, 2014.

“A Hobson’s Choice: Religious Freedom in the Business World,” *Deseret News*, Mar. 9, 2014.

“The Becket Fund Fights for Religious Liberty,” *Heritage Foundation Insider Online*, Spring 2012.

“The Compromise,” *National Review Online*, Feb. 10, 2012.

“Contraception Mandate Doesn’t Protect Religious Liberty,” *U.S. News & World Report*, Feb. 9, 2012.

“Protecting Rights of Conscience,” *Deseret News*, Feb. 5, 2012.

“Suing Sebelius,” *National Review Online*, Jan. 21, 2012.

“Supreme Court Sends Clear Message on Religion,” *Deseret News*, Jan. 17, 2012.

“Conviction of Assassin in Pakistan Is a Victory for Freedom of Religion,” *Deseret News*, Dec. 4, 2011.

“Breathing a Sigh of Relief for Sacred Religious Practices,” *Deseret News*, Oct. 30, 2011.

“High Court Set to Hear Religious Liberty Case,” *Deseret News*, Sept. 29, 2011.

“Ambiguity Causes Concern for Freedoms of Military Chaplains,” *Deseret News*, Sept. 18, 2011.

“New Birth Control Requirements are a Loss for Conscience,” *Deseret News*, Aug. 9, 2011.

Liberte, Egalite et Fraternite at Risk for New Religious Movements in France, 2000 *BYU L. Rev.* 1099 (2000).