

Mark E. Brandon
Vanderbilt University Law School
131 21st Avenue South
Nashville, TN 37203-1181
phone: (615)322-3057 fax: (615)322-6631
E-mail: mark.brandon@law.vanderbilt.edu
(8 June 2004)

Education:

Ph.D. 1992 Princeton University (Politics)
M.A. 1986 University of Michigan (Political Science)
J.D. 1978 University of Alabama School of Law
B.A. 1975 University of Montevallo (History)

Academic Positions:

2001 - Present Professor of Law, Vanderbilt University Law School
2000 - 2001 Associate Professor, Political Science, University of Michigan
1994 - 2000 Assistant Professor, Political Science, University of Michigan
1991 - 1994 Assistant Professor, Political Science, University of Oklahoma
1990 - 1991 Lecturer, Politics, Princeton University

Visiting Academic Positions:

2004 Frank B. Spain Chairholder of Law, University of Alabama School of Law
2000 - 2001 Visiting Associate Professor of Law, Vanderbilt University Law School
1993 Visiting Assistant Professor, Political Science, University of Michigan
1983 Adjunct Professor of Law, University of Alabama School of Law

Non-Academic Professional Experience:

1985 - 1986 Associate - Davis and Fajen, P.C., Attorneys at Law, Ann Arbor, Michigan
1981 - 1984 Partner - Cohen & Brandon, Attorneys at Law, Birmingham, Alabama
1980 - 1981 Staff Attorney, Consumer Unit Coordinator - Legal Services Corporation,
Montgomery, Alabama
1978 - 1980 Assistant Attorney General - State of Alabama, Montgomery, Alabama

Awards and Fellowships:

2000 Class of 1923 Memorial Teaching Award, University of Michigan
1999,'97,'96 Award for Excellence in Education, College of Literature, Science & the Arts,
University of Michigan
1999 Outstanding Teaching Award, Panhellenic Association, University of Michigan
1993 Junior Faculty Summer Fellowship, College of Arts and Sciences, University of
Oklahoma
1990 - 1991 Andrew Mellon Fellow, Princeton University
1986 - 1990 University Fellow, Princeton University
1984 - 1985 The Gerald R. Ford Regents Fellow, University of Michigan
1975 The Senior Elite in History, University of Montevallo
1974 Phi Alpha Theta
1974 Eta Sigma Phi, University of Montevallo
1974 - 1975 Honors Scholarship, University of Montevallo

1973 - 1974 University Grant-Aid Scholarship, University of Montevallo

Grants:

- 2000 Faculty Career Development Award, Vice President for Academic Affairs, University of Michigan
- 2000 Course Grant, Initiative on Cultural Diversity in the Curriculum, Provost, Vanderbilt University
- 1998 Discretionary Grant, Office of Vice President for Research, University of Michigan
- 1998,'97 Research Grant, Horace H. Rackham School of Graduate Studies, University of Michigan
- 1998 Faculty Assistance Grant, College of Literature, Science, & the Arts, University of Michigan
- 1997 Faculty Grant, Horace H. Rackham School of Graduate Studies, University of Michigan
- 1994,'92 Junior Faculty Development Grant, University of Oklahoma

Publications - Books:

- 1998 *Free in the World: American Slavery and Constitutional Failure*, Princeton University Press

Publications - Journals:

- 2004 "Federalism, Founders, and the Court: Remarks on Killenbeck," *Arkansas Law Review*, v. 57, pp. 69-92
- 2004 "War and American Constitutional Order," *Vanderbilt Law Review*, v. 56, pp. 1815-1869
- 2003 "Home on the Range: Family and Constitutionalism in American Continental Settlement," *Emory Law Journal*, v. 52, pp. 645-707
- 1999 "Constitutionalism and Constitutional Failure," *The Good Society*, v. 9, pp. 61-67
- 1999 "Family at the Birth of American Constitutional Order," *Texas Law Review*, v. 77, pp. 1195-1234

Publications - Book Chapters:

- 2005 "War and American Constitutional Order," ed. Mark Tushnet, *The Constitution in Wartime: Against Alarmism and Complacency*, Duke University Press (forthcoming) (abridgement of "War and Constitutional Order," in *Vanderbilt Law Review*, v. 56)
- 2003 "Secession, Constitutionalism, and American Experience," ed. Stephen Macedo and Allen Buchanan, *NOMOS*, v. 45 (revised reprinting of "No Exit? Secession and Constitutionalism," from *Free in the World: American Slavery and Constitutional Failure*)
- 2001 "Constitutionalism and Constitutional Failure," eds. Sotirios A. Barber and Robert P. George, *Constitutional Politics: Essays on Constitution Making, Maintenance and Change*, Princeton University Press (abridgement of "Constitutionalism and Constitutional Failure," from *The Good Society*)
- 1995 "The 'Original' Thirteenth Amendment and Limits to Formal Constitutional Change," ed. Sanford Levinson, *Responding to Imperfection: The Theory and Practice of*

Constitutional Amendment, Princeton University Press

Publications - Book Reviews:

2000 "Review of *Stirrings in the Jug: Black Politics in the Post-Segregation Era*, by Adolph Reed Jr.," *Political Science Quarterly*, v. 115, pp. 297-298

Publications - Online:

2000 "Response to Mark Hall's 'Constitutional Success and Failure'," *H-SHEAR Book Review Online* <<http://www.h-net.msu.edu/~shear/>> (February)

Work in Progress:

Family and Constitutional Order (book)
Constitutionalism, Liberal Education, and American-Indian Children (essay)
The Fire Next Time: Sovereignty and Constitutional Theory (article)
Judicial Reason: What's Wrong with American Constitutional Adjudication (article)

Courses Taught:

Law: Constitutional Law; Legal Process and Institutions of Law Making; Family Law; Philosophy of Law; Slavery and Constitutional Order; The Constitution and the Family; Environmental Law

Graduate: Constitutional Interpretation and Theory; Jurisprudence; Recent Developments in Constitutional Theory; Comparative Legal Systems; The Judiciary; Civil Rights and Civil Liberties

Undergraduate: Constitutional Interpretation; Civil Rights and Civil Liberties; American Constitutional Politics; Family and Constitutional Order; Jurisprudence; Constitution-Making; Slavery and Constitutional Order; Politics of the United States; Introduction to Political Theory

Papers Presented and Panel Discussions:

November 2002: "Home on the Range: Family and Constitutionalism in American Continental Settlement," Symposium on *Law, Family, and State Organization in the Early Modern Atlantic World*, Wisconsin Symposium on Legal History, University of Wisconsin Law School, Madison, WI

January 2001: "Secession and American Constitutionalism," presented at the Annual Meeting of the American Society for Political and Legal Philosophy, in conjunction with the American Association of Law Schools, San Francisco

October 2000: Discussant, Panel on *The People's Sovereignty in 19th-Century Constitutional Politics* at the Annual Meeting of the American Society for Legal History, Princeton, NJ

October 1999: "Family and Constitution in Continental Settlement," presented at panel on *The Contexts of Constitutional Law: Family, Race, and the State* for the Annual Meeting of the American Society for Legal History, Toronto

September 1999: Discussant, Panel on *Federalism, Separation of Powers, and Strategy* at the Annual Meeting of the American Political Science Association, Atlanta

April 1999: Discussant, Panel on *Law, Property, and People* at the Annual Meeting of the Midwest Political Science Association, Chicago

September 1998: "Home on the Range: Family in the Formation of American Constitutional Order," presented at panel on *Original Understandings and Transformations* for the Annual Meeting of the American Political Science Association, Boston

August 1997: "The Fire Next Time: Sovereignty in Making and Breaking Politics," presented at

- panel on *Sovereign Founding: The Institution of a People* for the Annual Meeting of the American Political Science Association, Washington, DC
- August 1997: Panelist, Roundtable on *Decentralist and Anti-Statist Thinking on the Good Society* for the Annual Meeting of the American Political Science Association, Washington, DC
- November 1994: Chair, Panel on *Race-Related Issues and Conflict in the South* for the Annual Meeting of the Southern Political Science Association, Atlanta
- September 1994: “Alternative Worlds: The Family in the Constitutional Order,” presented at panel on *The Legal Construction of Groups* for the Annual Meeting of the American Political Science Association, New York
- September 1994: Discussant, Panel on *Interpretive Theories and Constitutional Discourse* for the Annual Meeting of the American Political Science Association, New York
- April 1994: “Unmaking the Creation: A Theory of Constitutional Failure,” presented at panel on *Constitutional Legitimacy* for the Annual Meeting of the Southwestern Social Science Association, San Antonio
- November 1993: “Remaking America: Reconstruction and Constitutional Failure,” presented at panel on *Constitutional Interpretation and the Bill of Rights* for the Annual Meeting of the Southern Political Science Association, Savannah, GA
- September 1992: “No Exit? Secession and Constitutional Order,” presented at panel on *Constitutional Attachments and the Transformation of States* for the Annual Meeting of the American Political Science Association, Chicago
- September 1989: “Slavery and the Origins of the Breakdown of American Constitutional Order,” presented at the Annual Meeting of the American Political Science Association, Atlanta
- September 1988: “The ‘Original’ Thirteenth Amendment and the Problem of Unconstitutional Constitutional Amendments,” presented at panel on *Law and Interpretation* for the Annual Meeting of the American Political Science Association, Washington, DC
- September 1987: “Making Meaning in a Constituted Social Order: Toward a Theory of Legal Interpretation,” presented at panel on *Constitutional Interpretation* for the Annual Meeting of the American Political Science Association, Chicago
- June 1985: “The Reapportionment Cases, Political Theory, and Standards for Constitutional Adjudication,” presented at the Annual Meeting of the Law and Society Association, San Diego

Invited Lectures, Colloquia, and Seminars:

- September 2003: “War and American Constitutional Order,” Colloquy, Vanderbilt University Law School
- August 2003: Director, Seminar on The Moral Logic of Constitutional Law, Cal Turner Program in Moral Leadership for the Professions, Vanderbilt University, Normandy, TN
- February 2003: “War and American Constitutional Politics,” Dean’s Lunch, Vanderbilt University Law School
- December 2002: “War and American Constitutional Politics,” Colloquium on *War and the Constitution*, Georgetown/PEGS Discussion Group on Constitutional Law, Georgetown University Law Center, Washington, DC
- September 2002: Participant, Colloquium on *The Constitution and Liberty*, Liberty Fund, Chattanooga, TN
- August 2002: Director, Seminar on The Moral Logic of Constitutional Law, Cal Turner Program in Moral Leadership for the Professions, Vanderbilt University, Normandy, TN

- March 2002: Discussant, Symposium on *The Commerce Clause: Past, Present, and Future*, University of Arkansas School of Law, Fayetteville, AR
- March 2001: “The Fire Next Time: Divinity and the End of Constitutionalism,” Colloquium on *The Creation, Maintenance, and Destruction of Constitutional Orders*, Maryland/Georgetown Discussion Group on Constitutionalism, College Park, MD (paper submitted; did not attend colloquium due to death in family)
- December 2000: “Home on the Range: Family and Constitution in American Continental Settlement,” Dean’s Lunch, Vanderbilt University Law School
- October 2000: Participant, Colloquium on *Liberty and Jacksonian Democracy*, Liberty Fund, Columbia, SC
- March 2000: “Rights, Family, and American Constitutional Order,” public lecture sponsored by the Mortar Board Society, University of Michigan, Ann Arbor
- March 1999: Participant, Colloquium on *Freedom, Federalism, and the Virginia and Kentucky Resolutions*, Liberty Fund, Charlottesville, VA
- March 1997: Panelist, Conference on *Mercy or Murder: Is There a Right to Die?*, Jack L. Walker Memorial Conference on Political Affairs, University of Michigan, Ann Arbor
- December 1995: “Secession in Constitutional Theory,” presented at *Conference on the Concept of Reserved Powers in American Constitutional Law and History*, Boalt Hall School of Law, University of California, Berkeley
- May 1995: “Constitutionalism and Constitutional Failure,” presented at *Conference in Honor of Walter F. Murphy*, Princeton University, Princeton, NJ
- March 1995: Panelist, Conference on *Proposition 187: Immigration Policy for the Future?*, Jack L. Walker Memorial Conference on Political Affairs, University of Michigan, Ann Arbor
- February 1995: “Reconstruction, Reconstitution, and Constitutional Failure,” presented at *Junior Faculty Seminar*, Department of Political Science, University of Michigan, Ann Arbor
- July 1994: Participant, *Summer Seminar in Jurisprudence and Constitutional Theory*, New York University Law School, New York
- May 1993: Participant, *Princeton Conference in Public Law*, Princeton University, Princeton, NJ
- December 1991: Panelist, Seminar on *The Bill of Rights: Who Guarantees What to Whom?*, Carl Albert Center for Congressional Studies, University of Oklahoma, Norman

Professional Memberships:

American Society for Political and Legal Philosophy
American Political Science Association
American Society for Legal History
American Bar Association
State Bar of Michigan
Alabama State Bar

Bar Admissions:

Supreme Court of Michigan (1985)
Supreme Court of Alabama (1978)
United States Court of Appeals for the Eleventh Circuit (1981)
United States District Courts:
Eastern District of Michigan (1986)
Northern (1980), Middle (1978), and Southern (1980) Districts of Alabama

Languages:

Latin

Consulting Positions:

1993 - 1995 External Evaluator, Project on *Citizens and the Courts*, League of Women Voters of Oklahoma