

**Mark E. Brandon**

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**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 (2001-present)  
Director, Program in Constitutional Law and Theory (2006-present)  
Professor of Political Science, Vanderbilt University (secondary, since 2004)  
Affiliated Faculty, American Studies (2007-present)  
FedEx Research Professor of Law, Vanderbilt University Law School (2005-06)  
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:**

2008 - 2009 Fellow in Law & Public Affairs, Princeton University  
2004 Frank B. Spain Chair in 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:**

2005-06 FedEx Research Professor of Law, Vanderbilt University Law School  
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 AFederalism, Founders, and the Court: Remarks on Killenbeck,@ *Arkansas Law Review*, v. 57, pp. 69-92
- 2004 AWar and American Constitutional Order,@ *Vanderbilt Law Review*, v. 56, pp. 1815-1869
- 2003 AHome on the Range: Family and Constitutionalism in American Continental Settlement,@ *Emory Law Journal*, v. 52, pp. 645-707
- 1999 AConstitutionalism and Constitutional Failure,@ *The Good Society*, v. 9, pp. 61-67
- 1999 AFamily at the Birth of American Constitutional Order,@ *Texas Law Review*, v. 77, pp. 1195-1234

**Publications - Book Chapters:**

- 2005 AWar and the American Constitutional Order,@ ed. Mark Tushnet, *The Constitution in Wartime: Beyond Alarmism and Complacency*, Duke University Press (abridgement of AWar and American 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 AConstitutionalism 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 AConstitutionalism and Constitutional Failure,@ from *The Good Society*)
- 1995 AThe >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:**

- 2007 AReview of *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837-1857*, by Austin Allen,@ *American History Review*, v. \_\_\_, pp. 1175-1176
- 2000 AReview 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 - Encyclopedia Entries:**

- 2008 APreamble,@ in David Tanenhaus ed., *Encyclopedia of the Supreme Court of the United States*, Macmillan (forthcoming)

#### **Publications - Online:**

- 2000 AResponse 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 the American Constitutional Order (book)
- Constitutionalism and Education of American-Indian Children: A Critique of Civic Education
- The Fire Next Time: Sovereignty and Constitutional Theory (article)
- Judicial Reason: Styles of American Constitutional Adjudication (article)

#### **Courses Taught:**

**Law:** Constitutional Law I & II; Comparative Constitutional Law; Legal Process and Institutions of Law Making; Family Law; Philosophy of Law; Slavery and Constitutional Order; 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; Law, Politics, and Justice; 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:**

- August 2008: AFamily and Constitution in American History,@ for a panel on *Applied Legal History* for the Annual Meeting of the Southeastern Association of Law Schools, Palm

- Beach, FL
- October 2007: ASacred Texts in Law and Religion: Authorizing and Constituting Professional Identity,@ for a conference sponsored by the Cal Turner Program for Moral Leadership in the Professions, Vanderbilt University
- April 2007: AFamily in Blackstone=s *Commentaries*,@ Workshop at Vanderbilt University Law School
- September 2005: ADemocracy, Liberalism, and the Education of American-Indian Children,@ presented at panel on *Constitutional Development* for the Annual Meeting of the American Political Science Association, Washington, DC
- November 2002: AHome 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: ASecession 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 19<sup>th</sup>-Century Constitutional Politics* at the Annual Meeting of the American Society for Legal History, Princeton, NJ
- October 1999: AFamily 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: AHome 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: AThe 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: AAlternative 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: AUnmaking 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: ARemaking 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: A 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: A 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: A 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: A 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: A 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:**

- April 2008: Commentator, *Judicial Reputation: A Conference on Neglected Justices*, Vanderbilt University Law School (forthcoming)
- February 2008: Paper and Presentation, A War and Constitutional Change,@ for a conference on *The Limits of Constitutional Democracy*, University Center for Human Values, Princeton University
- March 2007: Lecture, A Constitutionalism and Civic Education: The Case of American Indians,@ Alliance for Social, Political, Ethical and Cultural Thought, Virginia Tech
- March 2007: Symposium, A Constitutional Democracy: Creating and Maintaining a Just Political Order,@ Princeton University
- September 2006: Roundtable, A The Constitution and the Civil War,@ Annual Meeting of the American Political Science Association, Philadelphia, PA
- September 2006: Panel on A >Legislating from the Bench:= The Judicial Role in Our Constitutional Democracy,@ Vanderbilt University
- April 2006: Discussant, Symposium on *Dred Scott v. Sandford*, University of Texas Law School and Chicago-Kent Law Review, Austin, TX
- January 2006: A Constitutionalism and the Education of American-Indian Children: A Critique of Civic Education,@ Political Theory Colloquium, University of Michigan, Ann Arbor, MI
- November 2005: A Same-Sex Marriage and Constitutional Change,@ Colloquy, Vanderbilt University Law School
- August 2005: Leader, Seminar on the Constitutional Law of Death and Dying, Cal Turner Program for Moral Leadership in the Professions, Vanderbilt University, Dawson Springs, KY
- May 2005: Participant, Colloquium on *Liberalism and Modernity in Weimar Germany*, Liberty Fund, Tucson, AZ
- August 2004: Leader, Seminar on The Moral Logic of Constitutional Law, Cal Turner Program for Moral Leadership in the Professions, Vanderbilt University, Chapel Hill, TN
- September 2003: A War and American Constitutional Order,@ Colloquy, Vanderbilt University Law School
- August 2003: Leader, Seminar on The Moral Logic of Constitutional Law, Cal Turner Program

- for Moral Leadership in the Professions, Vanderbilt University, Normandy, TN  
February 2003: AWar and American Constitutional Politics,@ Dean=s Lunch, Vanderbilt University Law School  
December 2002: AWar 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: Leader, 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: AThe 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: AHome 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: ARights, 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: ASecession 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: AConstitutionalism 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: AReconstruction, 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
- Organization of American Historians

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