

# GLENN HARLAN REYNOLDS

BEAUCHAMP BROGAN DISTINGUISHED PROFESSOR OF LAW, UNIVERSITY OF TENNESSEE

1505 WEST CUMBERLAND AVENUE

KNOXVILLE, TN 37996-1810

(865) 974-6744

## EDUCATION:

YALE LAW SCHOOL, J.D. 1985. Managing Editor, *Yale Law & Policy Review*. Director, Yale Law & Technology Association. Allard K. Lowenstein International Human Rights Law Project. State's Attorney's clinical program; wrote brief for Connecticut Supreme Court in *State v. Reid*. Teaching Assistant, Professor Geoffrey Hazard. Yale Moot Court of Appeals. News anchor and producer, WYBC-FM New Haven. Debevoise, Plimpton scholarship.

UNIVERSITY OF TENNESSEE, B.A. (*summa cum laude*) 1982. Phi Beta Kappa. Phi Kappa Phi. Cumulative GPA 3.98/4.00. As part of the College Scholars honors program my concentrations (in lieu of a major) were in Economics/Business, Anthropology, and Political Science. National Merit Scholar; Frederick T. Bonham scholar. Tennessee Legislative Internship Program.

## SELECTED PUBLICATIONS:

The New School: How The Information Age Will Save American Education From Itself (Encounter, 2014). A look at changes in legal education, higher education generally, and K-12 schooling, with a focus on economic sustainability and technological change. Excerpted in the *Wall Street Journal*.

AN ARMY OF DAVIDS: HOW MARKETS AND TECHNOLOGY EMPOWER ORDINARY PEOPLE TO BEAT BIG MEDIA, BIG GOVERNMENT, AND OTHER GOLIATHS (Nelson Current, 2007). A look at the new technologies of individual empowerment and their influence on various aspects of life. Favorably reviewed in *The Wall Street Journal*, the *Economist*, and a variety of other publications. Additional editions in Korea, India, Bangladesh.

THE APPEARANCE OF IMPROPRIETY: HOW THE ETHICS WARS HAVE DETERMINED AMERICAN GOVERNMENT, BUSINESS AND SOCIETY (The Free Press, 1997). An examination of the post-Watergate “ethics explosion” and its consequences, coauthored with former colleague Peter W. Morgan. Favorably reviewed in the *New York Times*, *National Law Journal*, *Washington Post*, the *Washington Times*, *ABA Journal*, and *In These Times*, among others.

OUTER SPACE: PROBLEMS OF LAW AND POLICY (Westview Press: 1989, 1997, 1998). This is a textbook in space law, international and domestic, coauthored with Professor Robert P. Merges of the University of California Berkeley, Boalt Hall School of Law. It has been adopted by a number of law schools and by the U.S. Air Force Academy.

*The Second Amendment As Ordinary Constitutional Law*, 81 Tenn. L. Rev. 409 (2014)

*How To Stop Worrying And Learn To Love The Second Amendment* (w/Brannon Denning), 91 Texas L. Rev. 89 (2013).

*Ham Sandwich Nation: Due Process When Everything Is A Crime*, 113 Columbia L. Rev. Sidebar 102 (2013). This piece received considerable attention, including a column by George Will.

*National Federation of Independent Business v. Sebelius: Five Takes*, 40 Hastings Const'l L.Q. 807 (2013).

*Second Amendment Penumbra: Some Preliminary Observations*, 85 So. Cal. L. Rev. 247 (2012).

*A Due Process Right To Record The Police* (w/John Steakley), 89 Wash. U. L. Rev. 1203 (2012).

*Divine Operating System*, 78 TENN. L. REV. 651 (2011).

*Five Takes on McDonald v. Chicago*, 26 J. L. & POL. 273 (2011) (with Brannon Denning).

*The International Law of Satellite Collisions: Some Thoughts on Reform*, 40 ENV. L. REP. 10009 (2010) (with Robert P. Merges).

*Small is the New Biglaw: Some Thoughts on Technology, Economics, and the Practice of Law*, 38 HOFSTRA L. REV. 1 (2009).

*Heller High Water Mark? Lower Courts And The New Right to Keep And Bear Arms*, 60 HASTINGS L.J. 1245 (2009) (with Brannon Denning).

*The Year of the Gun: Second Amendment Rights and the Supreme Court*, 86 TEX. L. REV. SEE ALSO 22 (2008).

*Heller's Future in the Lower Courts*, 102 NORTHWESTERN U. L. REV. 2035 (2008) (with Brannon Denning).

*Five Takes on District of Columbia v. Heller*, 69 OHIO ST. L.J. 671 (2008) (with Brannon Denning).

*Is Dick Cheney Unconstitutional?* 102 NORTHWESTERN U. L. REV. 1539 (2008).

*Looking Ahead: October Term 2007*, 2006-2007 CATO SUP. CT REV. 335 (2007).

*Does Power Grow Out of the Barrel of a Modem? Some Thoughts on Jack Goldsmith and Tim Wu's Who Controls the Internet?* 18 STANFORD L & POL'Y REV. 432 (2007).

*Guns and Gay Sex: Some Notes on Firearms, the Second Amendment, and "Reasonable Regulation,"* 71 TENN. L. REV. 137 (2007).

*Libel in the Blogosphere: Some Preliminary Thoughts*, 84 WASH. U. L. REV. 1157 (2006).

*International Space Law in Transformation: Some Observations*, 6 CHICAGO J. INT'L L. 69 (2005).

*What Hath Raich Wrought: Five Takes*, 9 LEWIS & CLARK L. REV. 915 (2005) (with Brannon Denning).

*Live Long – And Prosper?* 45 JURIMETRICS J. 355 (2005).

*Randy E. Barnett, Restoring the Lost Constitution: The Presumption of Liberty*. PP. XII, 363, 1 N.Y.U. J. L. & LIBERTY 656 (2005).

*Space Law in the 21<sup>st</sup> Century: Some Thoughts in Response to the Bush Administration's Space Initiative*, 69 J. AIR L. & COM. 413 (2004).

*Marbury's Mixed Messages*, 71 TENN. L. REV. 303 (2004).

*Nanotechnology and Regulatory Policy: Three Futures*, 17 HARV. J. L & TECH. 179 (2003).

*Gun by Gun*, LEGAL AFFAIRS, May-Jun. 2002 at 19.

*Telling Miller's Tale: A Reply to Professor Yassky*, 65 L. & CONTEMP. PROBS. 113 (2002).

*Environmental Regulation of Nanotechnology: Some Preliminary Observations*, 31 ENV. L. REP. 10681 (2001).

*Of Dissent and Discretion*, 9 CORNELL J. L. & PUB. POL'Y 685 (2000).

*Guns, Privacy, & Revolution* 68 TENN. L. REV. 635 (2001).

*The Evolving Police Power: Some Observations for a New Century*, 27 HASTINGS CONST. L.Q. 511 (2000) (with David Kopel).

*Lower Court Readings of Lopez, or What if the Supreme Court Held A Constitutional Revolution and Nobody Came?* 2000 WIS. L. REV. 369 (with Brannon Denning).

*The Proper Scope of the Patent and Copyright Power*, 37 HARV. J. ON LEGIS. 45 (2000) (with Robert P. Merges).

*Book Review: Studies in International Space Law*, 40 JURIMETRICS J. 357 (2000).

*Speakable Ethics, Natural Law*, 93 NORTHWESTERN U. L. REV 1263 (1999).

*The Ethics Establishment: A Study in Failure*, 82 SOUNDINGS: AN INTERDISCIPLINARY JOURNAL 143 (1999).

*"Thank God for the Lawyers": Some Thoughts on the (Mis)Regulation of Scientific Misconduct*, 66 TENN. L. REV. 801 (1999).

*Alcohol, Firearms, and Constitutions*, 28 U. MEM. L. REV. 335 (1998) (with Mike Roberts and Larry D. Soderquist).

*Comfortably Penumbra*, 77 B.U. L. REV. 1089 (1997) (with Brannon Denning).

*Taking Federalism Seriously: Lopez and the Partial-Birth Abortion Ban Act*, 30 CONN. L. REV. 59 (1997) (with David Kopel).

*Space Resources, Common Property, and the Collective Action Problem*, 6 N.Y.U. ENVTL. L.J. 107 (1997) (with Robert P. Merges).

*Virtual Reality and "Virtual Welters": A Note on the Commerce Clause Implications of Regulating Cyberporn*, 82 VA. L. REV. 535 (1996).

*It Takes a Militia: A Communitarian Case for Compulsory Arms Bearing*, 5 WM. & MARY BILL RTS. J. 185 (1996) (with Brannon Denning).

*Is Democracy Like Sex?* 48 VAND. L. REV. 1635 (1995).

*The Second Amendment and States' Rights: A Thought Experiment*, 36 WM. & MARY L. REV. 1737 (1995) (with Don Kates).

*A Critical Guide to the Second Amendment*, 62 TENN. L. REV. 461 (1995).

*Book Review: Law and Science in America*, 35 JURIMETRICS J. 349 (1995).

*Violence in America: Effective Solutions*, 84 JOURNAL OF THE MEDICAL ASS'N OF GEORGIA. 253 (1994) (co-author).

*Kids, Guns and the Commerce Clause: Is the Court Ready for Constitutional Government?* CATO POLICY ANALYSIS No. 216, October, 1994.

*Legal Problems of Nanotechnology: An Overview*, 3 S. CAL. INTERDISC. L. J. 593 (1994) (with Fritz Fiedler, M.D.).

*International Trade Conflict in High Technology Sectors: The Japanese Satellite Example*, 15 U.C.L.A. PAC BASIN L.J. 295 (1994).

*Legislative Comment: The Omnibus Space Commercialization Act of 1993*, 20 RUTGERS COMPUTER & TECH. L.J. 581 (1994).

*The Right to Keep and Bear Arms Under the Tennessee Constitution*, 61 TENN L. REV. 647 (1994) (part of a symposium on the Tennessee Constitution).

*Book Review: In Touch with Life*, 80-AUG A.B.A. J. 94 (1994).

*International Space Law: Into the Twenty-First Century*, 25 VAND. J. TRANSNAT'L L. 225 (1992).

*Outer Space and Peace: Some Thoughts on Structures and Relations*, 59 TENN. L. REV. 723 (1992).

*Penumbral Reasoning on the Right*, 140 U. PA. L. REV. 1333 (1992).

*Taking Advice Seriously: An Immodest Proposal for Reforming the Confirmation Process*, 65 S. CAL. L. REV. 1577 (1992).

*United States Telecommunications Trade Policy: Critique and Suggestions*, 58 TENN. L. REV. 573 (1991).

*Chaos and the Court*, 91 COLUM. L. REV. 110 (1991).

*Sex, Lies and Jurisprudence: Robert Bork, Griswold, and the Philosophy of Original Understanding*, 24 GA. L. REV. 1045 (1990).

*Speaking With Forked Tongues: Mercantilism, Telecommunications Regulation, and International Trade*, 21 LAW & POL'Y INT'L BUS. 119 (1990).

*Space Law in the 1990s: An Agenda for Research*, 31 JURIMETRICS J. 1 (1990).

*Legislative Comment: The Patents in Space Act*, 3 HARV. J.L. & TECH. 13 (1990).

*News Media Satellites and the First Amendment: A Case Study in the Treatment of New Technologies*, 3 (Berkeley) HIGH TECH. L.J. 1 (1989) (with Robert P. Merges).

*Toward an Industrial Policy for Outer Space: Problems and Prospects of the Commercial Launch Industry*, 29 JURIMETRICS J. 7 (1989) (with Robert P. Merges). This article received a Greyhound Research Award from the Center for the Study of Law, Science and Technology.

*Book Review: The Law and Regulation of International Space Communication*, 29 JURIMETRICS J. 533 (1989).

*Structuring Development in Outer Space: Problems of How and Why*, 19 LAW & POL'Y INT'L BUS. 433 (1987).

*Book Review*, 27 JURIMETRICS J. 431 (1987).

*Toward a Computerized System for Negotiating Ocean Bills of Lading*, 6 J.L. & COM. 23 (1986) (with Robert P. Merges).

*The Role of Commercial Development in Preventing War in Outer Space*, 25 JURIMETRICS J. 130 (1985) (with Robert P. Merges).

Letters, Op/Eds and short articles in a variety of publications including *Forbes*, the *Wall Street Journal*, the *Atlantic Monthly*, the *American Bar Association Journal*, *Urb*, the *Washington Post*, the *New York Times*, the *Los Angeles Times*, the *Chicago Tribune*, *The Washington Times*, *The New Republic*, *Legal Times of Washington*, *The Air & Space Lawyer*, *Ad Astra*, the *Houston Chronicle*, *Space News*, *Newsday*, *The National Law Journal*, *Sky and Telescope*, *The Yale Law Report* and *The Compass*.

Appearances on CNN News, CNN *Larry King Live*, ABC *Discovery News*, *The Today Show*, *MacNeil/Lehrer NewsHour*, National Public Radio, NPR *Talk of the Nation*, CNN Radio, Wisconsin Public Radio, KFI-AM Los Angeles, KPFK-FM Los Angeles, and a number of other broadcast services. Profiled, interviewed, or quoted in the *New York Times*, *Time Magazine*, *The New Yorker*, the *Washington Post*, *USA Today*, *The Times of London*, *The New Republic*, *Reason*, *The Sydney (Aus.) Morning Herald*, *The Student Lawyer*, *The Christian Science Monitor*, *U.S. News & World Report*, *The National Law Journal*, *The Chronicle of Higher Education*, *Washington Business*, *American Bar Association Journal*, *The Christian Science Monitor*, *Straits Times* (Sing.), *Washington Technology*, *Insight*, the *Guardian*, the *Kansas City Star*, and a variety of regional publications in the Southeast.

I currently write a weekly column on a variety of topics for *USA Today*.

#### **WORKS IN PROGRESS:**

*Third Amendment Penumbra: Some Preliminary Observations*

*Heller and McDonald In The Lower Courts: Five Takes* (With Brannon Denning).

**SELECTED OTHER PROFESSIONAL ACTIVITY:**

*Amending The Constitution: Of Hyperspace and Asteroids*, for Harvard Law School symposium on constitutional conventions, September 24, 2011. (Keynote Address).

NASA, Planetary Protection Subcommittee, 2008-2009.

Board of Advisors, Foresight Institute, 2007-present.

Board of Directors, Foresight Institute, 1999–2007.

Board of Directors, Center for Constitutional Issues in Technology, 1997-1999.

Board of Advisors, National Space Society, 2000–present; Board of Directors, 1990-2000.

Member, Tennessee Gubernatorial Succession Reform Committee (Advisory committee created by Gov. Bredesen) (2007-08).

Member, Tennessee Juvenile Justice Reform Commission (Advisory Committee created by Gov. Sundquist) (1998-2000).

Member, Legal Committee, the X-Prize Foundation, 1994-95.

Member, Vice President's Space Policy Advisory Board, National Space Council, Executive Office of the President, 1992-93 (a White House advisory committee relating to space policy issues).

Lectured on space law and policy at the University of New Mexico Law School, Princeton University, Harvard Law School, The United States Air Force Academy, University of Alabama at Huntsville and the University of Tennessee Space Institute, Spring, 1990 -- Fall 1993.

Presented *Is Democracy Like Sex?* University of Cincinnati Law School, April, 1993.

Presented *Is Democracy Like Sex?* University of Tennessee Centripetals, October, 1992.

Moderator, Tsongas/Sununu debate, University of Tennessee, October, 1992.

Chaired panel on property rights in outer space, American Bar Association annual convention, San Francisco, August 9, 1992.

Testified Before U.S. Congress, House Committee on Science, Space & Technology, Subcommittee on Space, regarding legal reforms and government procurement reform relating to commercial space industries, October 20, 1993.

Testimony Before U.S. Senate Finance Committee, Subcommittee on International Trade, regarding "Super 301" trade action relating to Japanese satellite procurement, June 8, 1993.

Judge, International Space Law Moot Court Competition, U.S. Final Round, George Washington University Law School, Washington, DC, April, 1993.

Testified Before U.S. Congress, House Committee on Science, Space & Technology, Subcommittee on Space, regarding commercial space industry issues, July 31, 1991.

Testified before U.S. Congress, House Judiciary Committee, Subcommittee on Courts, Intellectual Property, and the Administration of Justice regarding HR 2946, a bill extending U.S. patent protection to U.S.-registry spacecraft and to the space station (now codified as 35 U.S.C. §105), October 4, 1989.

Commented, at request of Rep. Robert Kastenmeier, on proposed legislation to abolish state sovereign immunity in patent infringement cases, September 11, 1989.

Commented, at request of the United States Trade Representative's office, on "Super 301" unfair trade action regarding Japanese satellite procurement, July 11, 1989.

Presentation, "News Media Satellites and the First Amendment," at Carnegie Endowment for International Peace Symposium on "National Security Implications of Commercial Satellites," January 11, 1989.

Presentation, "Problems and Prospects of the Commercial Launch Industry," at Arizona State University Law School, February 3, 1988.

Consultant on space policy, Gore for President Campaign, 1987-88. Researched and wrote issue paper on human missions to Mars; co-drafter (with Goody Marshall, Jim Jensen, Leon Fuerth, etc.) of speech delivered at Dartmouth College on space policy.

#### **AWARDS AND RECOGNITION**

Research Leave Granted, Fall 2004.



Seppark Outstanding Faculty Scholarship Award, Fall, 1999.

Research Leave granted, University of Tennessee, Spring, 1996.

Certificate of Appreciation, Black Law Students Association, 1992-93, 1993-94, 1994-95.

Space Pioneer Award, National Space Society, 1991.

Warner Outstanding Faculty Scholarship Award, University of Tennessee, 1991.

Outstanding Public Service Award, Spacecause, 1990.

#### **INSTITUTIONAL SERVICE:**

Federal Relations Advisory Committee (University Committee reporting to Pres. Gilley), 2000-2001.

Faculty Appointments Committee, 2000-2001, 1998-1999 (many previous years).

Dissertation Committees for Anne Cunningham (1998-2000; Communications/Broadcasting) and George Smith (1998-present; Arts & Sciences/Pol. Sci).

Advisor, Sports & Entertainment Law Society.

Dean Search Committee, 1997-98.

Chair, Faculty Appointments Committee, 1996-1997.

Faculty Committee on Minority Student Bar Passage, 1993-94, 1994-95, 1995-96.

Governance Committee, 1995-96.

Dissertation Committee, Emadene Travers, College of Human Ecology, 1992-94.

Minority Law Student Adviser, 1992-93, co-advisor 1993-94, 1994-95.

Coach, Frederick Douglass Moot Court Team, 1992, 1996.

Faculty Appointments Committee, 1990-91, 1991-92, 1992-93, 1994-1995; chair, 1996-97.

Teaching Improvement and Faculty Development Committee, 1991-92, 2004-2009.

Institutional Animal Care and Use Committee, 1990-1992 (University Committee).

Animal Facilities Legislative Committee, Chair, 1991 (University Committee).

**PROFESSIONAL EXPERIENCE:**

BEAUCHAMP BROGRAN DISTINGUISHED PROFESSOR OF LAW, UNIVERSITY OF TENNESSEE COLLEGE OF LAW, since 2003.

PROFESSOR OF LAW, UNIVERSITY OF TENNESSEE COLLEGE OF LAW, 1996- present.

ASSOCIATE PROFESSOR OF LAW, UNIVERSITY OF TENNESSEE COLLEGE OF LAW 1989 -- 1996.  
Tenured, 1993.

VISITING ASSOCIATE PROFESSOR OF LAW, UNIVERSITY OF VIRGINIA SCHOOL OF LAW Spring, 1993.

ASSOCIATE, DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD  
Washington, D.C., September 1986--July 1989.

LAW CLERK, JUDGE GILBERT S. MERRITT, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, September 1985--August 1986.

SUMMER ASSOCIATE, DEWEY, BALLANTINE, BUSHBY, PALMER, & WOOD,  
New York City and Washington, D.C.offices, 1984.

SUMMER ASSOCIATE, BURR & FORMAN, Birmingham, AL, 1983.

SPECIAL ASSISTANT TO THE CHAIRMAN, Sen. William H. Ortwein, Tennessee Senate Judiciary Committee, Nashville, TN, 1981.

**RESEARCH INTERESTS:**

I am most interested in issues raised by the juncture of new technologies and society, with a particular emphasis on individual liberties and economic growth. This interest is reflected in my scholarship generally, whether in space law, constitutional law, or international trade.

**TEACHING EXPERIENCE:**

I have taught Administrative Law, Constitutional Law, International Business Transactions, Law, Science and Technology (Seminar), Space Law (Seminar and Lecture), and Torts. I have also taught an undergraduate honors seminar in Technology and Society. Most summers I supervise at least one Directed Research or Independent Study student.

**ADMITTED TO PRACTICE:**

Tennessee, 1985; District of Columbia, 1986.

**PROFESSIONAL AND OTHER ASSOCIATIONS:**

Member, Board of Directors, National Space Society 1990-1996, 1997- 2000; CEO and Chair, NSS Executive Committee, 1994, 1995; Chair, Policy Committee, 1990-1994; Executive Vice President, NSS, 1991-1994; Vice President, Fundraising, 1996-97; Member, NSS International Committee, NSS Policy Committee.

Member, Advisory Board, *Harvard Journal of Law and Technology*

Chair, International Aerospace Law Committee, American Bar Association Section on Science and Technology, 1991-94; Member, Sections on International Law and Law, Science and Technology, Forum Committee on Air & Space Law

Member, Board of Advisors, Center for Constitutional Issues in Technology

Member, Board of Directors, Foresight Institute

Member, International Institute of Space Law

Member, Board of Directors, National Fund for the Homeless, 1988-90

**REFERENCES:**

Judge Gilbert S. Merritt  
United States Court of Appeals  
303 U.S. Customs House  
Nashville, TN 37203  
(615) 736-5957

Professor Stephen L. Carter  
Yale Law School  
(203) 432-4839

Professor W. Michael Reisman  
Yale Law School  
(203) 432-4962

Professor Peter Schuck  
Yale Law School  
(203) 432-4967

Additional references on request