

Donald L. Drakeman

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Education:

Princeton University, M.A., Ph.D. (1988)

Columbia University, J.D. Harlan Fiske Stone Scholar (1979)

Dartmouth College, A.B. *magna cum laude* and high distinction (1975)

Academic Affiliations:

University of Notre Dame

Distinguished Research Professor, Center for Citizenship & Constitutional Government, 2015 to date; Adjunct Associate Professor, Law School, 2015-2017. Taught "Constitutional Interpretation: Originalism and History."

University of Cambridge

Fellow, Centre for Health Leadership & Enterprise; and Fellow, Operations and Technology Management, Cambridge Judge Business School, 2010 to date.

Princeton University

Lecturer, Department of Politics, 1990 – 2009. Taught Civil Liberties lecture course (~100 students) and seminars on Constitutional Interpretation. Co-founder and Chair Emeritus, James Madison Program in American Ideals and Institutions.

Publications:

Impact: Cited by the U.S. Supreme Court several times, by the Supreme Court of the Philippines, and by U.S. district and appellate courts. Also cited in numerous patents.

Books:

- ***From Breakthrough to Blockbuster: The Business of Biotechnology***, Oxford University Press, 2022 (coauthor with Lisa Drakeman, Ph.D., and Nektarios Oraiopoulos, Ph.D.). 240 pages. Discusses the complex interaction of biomedical research, regulatory agencies, private and public investment, entrepreneurship, legislation, health policy and economics in the creation of new medicines.
 - *Financial Times* "Top Titles of the Month" (March 2022)
- ***The Hollow Core of Constitutional Theory: Why We Need the Framers***, Cambridge University Press, 2021. 238 pages. A historical and jurisprudential analysis of the role of original meaning and lawmaker's intention in constitutional interpretation, including a methodological analysis of "big data" tools, such as corpus linguistics. Reviewed to date in *Perspectives on Politics*, *The Federalist Society Review*, *The Claremont Review of Books*, *Starting Points: A Journal of*

American Principles and Practices, Law & Liberty, City Journal, The Constitutionalist

- ***Church and State in American History: Key Documents, Decisions, and Commentary from Five Centuries, 4th ed.***, substantially revised and updated, Routledge Press, 2020 (co-editor with John F. Wilson, Ph.D.). 568 pages. Various editions have been used as a required course text at Princeton, the University of Pennsylvania, American University, the University of Minnesota, and other universities. New editions are issued about every 15 years to address recent events and scholarship.
- ***Why We Need the Humanities: Life Science, Law and the Common Good***, Palgrave Macmillan, 2016. 194 pages. Discusses the role of history, philosophy and other liberal arts disciplines in constitutional law, health policy, and medical research. Reviewed in the *Times Literary Supplement*, *Revista Empresa y Humanismo*, and *Weekly Standard/Public Discourse*.
- ***Church, State, and Original Intent***, Cambridge University Press, 2010. 371 pages. Discusses how and why the Supreme Court has employed historical arguments in the interpretation of the First Amendment's Establishment Clause, analyzes the relevant primary and secondary sources, and offers a new interpretation of the clause's original meaning and purpose. Reviewed in *American Historical Review*, *Review of Politics*, *Perspectives on Politics*, *American Journal of Legal History*, *Journal of the American Academy of Religion*, *Church History, Law and Politics Book Review*, *Politics and Religion*, *Journal of Church and State*, *Journal of Law and Religion*, *Reviews in Religion and Theology*, *Interpretation*, *Choice*, *Public Discourse*, *Catalyst*, *Fides et Libertas*, *First Things*, *The Claremont Review of Books* and *The New Republic* (online).
 - A CHOICE Outstanding Academic Title for 2010.
 - Finalist for the Crader Family Book Prize in American Values.
 - Cited by the Supreme Court of the United States in *Town of Greece v. Galloway*, 2014.
 - Cited by the Supreme Court of the United States in *Espinoza v. Montana*, 2020.
- ***Church and State in American History, 3rd ed.***, substantially revised and updated, Routledge Press, 2003 (co-editor with John F. Wilson). 437 pages.
- ***Church-State Constitutional Issues: Making Sense of the Establishment Clause***, Greenwood Press, 1991. 152 pages. Analyzes the Supreme Court's Establishment Clause decisions, and reviews the drafts and debates in the First Federal Congress, with a detailed analysis of how the Supreme Court has focused on the role played by James Madison. Reviewed in *Journal of Church and State*, *Journal of Law and Religion*, and *Review of Politics*.

- Cited by the Supreme Court of the Philippines in the landmark church-state case, *Estrada v. Escritor*, 2003.
- ***Church and State in American History: The Burden of Religious Pluralism, 2nd ed.***, Beacon Press, 1987 (co-editor with John F. Wilson). 313 pages.

Articles and Book Chapters:

“Some Second Thoughts About the Humanities,” *Zygon: Journal of Religion and Science*, 2021.

“The Double-Edged Sword of Wine Tourism,” *Journal of Sustainable Tourism*, 2021 (co-author with Ya-Yen Sun, Ph.D.)

“Is Corpus Linguistics Better than Flipping a Coin?” *Georgetown Law Journal Online*, 2020.

“The Risk of De-risking Innovation: Optimal R&D Strategies in Ambiguous Environments,” *California Management Review*, 2020 (co-author with Nektarios Oraopoulos, Ph.D.).

“Measuring the Carbon Footprint of Wine Tourism and Cellar Door Sales,” *Journal of Cleaner Production*, 2020 (co-author with Ya-Yen Sun, Ph.D.).

“Which Original Meaning of the Establishment Clause is the Right One?” in Breidenbach and Anderson, eds., *The Cambridge Companion to the First Amendment and Religious Liberty* (Cambridge University Press, 2020).

“James Wilson,” in Dreisbach and Hall, eds., *Great American Christian Jurists* (Cambridge University Press, 2019).

“Renovation as Innovation: Is Repurposing the Future of Drug Discovery Research?” *Drug Discovery Today*, 2018 (co-author with Arthur Neuberger and Nektarios Oraopoulos, Ph.D.).

“Consequentialism and the Limits of Interpretation: Do the Ends Justify the Meanings?” *Jurisprudence: An International Journal of Law and Political Thought*, 2017.

“Constitutional Counterpoint: Legislative Debates, Statutory Interpretation and the Separation of Powers,” *Statute Law Review*, 2017.

“Lemons, or Squeezed for Resources? Information Symmetry and Asymmetric Resources in Biotechnology,” *Frontiers in Pharmacology*, 2017 (co-author with Arthur Neuberger and Nektarios Oraopoulos, Ph.D.).

“Charting a New Course in Statutory Interpretation: A Commentary on Richard Ekins’ *The Nature of Legislative Intent*,” *Cornell Journal of Law and Public Policy*, 2014.

“What’s the Point of Originalism?” *Harvard Journal of Law and Public Policy*, 2014.

“The Antifederalists and Religion” in *Faith and the Founders of the American Republic*, Mark D. Hall and Daniel L. Dreisbach, eds. (Oxford University Press, 2014).

“Benchmarking biotech and pharmaceutical product development,” *Nature Biotechnology*, 2014.

“Fishing for Sharks: Partner Selection in Biopharmaceutical R&D Alliances,” *Strategic Management Journal* (2014) (co-author with Richard Mason, M.D.).

“The Limits of New Originalism,” *University of Pennsylvania Journal of Constitutional Law*” (2012-13) (co-author with Joel Alicea).

“The Future of Monoclonal Antibody Technology,” *MAbs* (2010) (co-author with Alexander Zider, M.D.).

“Church and State: Revolutionary Period and Early Republic,” 10,000 word entry in *The Encyclopedia of Religion in America* (2010).

“*Everson*: A Case of Premeditated Law Office History,” *American Journal of Legal History* (2009).

“Peculiar Habits: Academic Costumes at Princeton University,” *Transactions of the Burgon Society* (2009).

“The Church Historians Who Made the First Amendment What it is Today,” *Religion and American Culture* (2007).

“*Reynolds v. United States*: The Historical Construction of Constitutional Reality,” *Constitutional Commentary* (2004).

“The Substance of Process: *Lochner v. New York*,” in *Great Cases in Constitutional Law*, Robert P. George, ed. (Princeton University Press, 2000).

“James Madison and the First Amendment Establishment of Religion Clause,” in *Religion and Political Culture in Jefferson’s Virginia*, Garrett Ward Sheldon and Daniel L. Dreisbach, eds. (Rowman & Littlefield, 2000).

“Monoclonal Antibodies,” in *Emerging Drugs: The Prospect for Improved Medicines* (1999) (co-author with Paul K. Wallace, Ph.D.).

“Bispecific antibodies for the treatment of tumours and infectious diseases” in *Expert Opinion on Investigational Drugs* (1997) (co-author with Michael W. Fanger, Ph.D. and Paul K. Wallace, Ph.D.).

"Bispecific Antibodies and Targeted Cellular Cytotoxicity" in *Drug News and Perspectives* (1995) (co-author with Michael W. Fanger, Ph.D.).

“Editorial: Comments on the Fourth International Conference on Bispecific Antibodies and Cellular Cytotoxicity” in *Journal of Hematotherapy* (1995) (co-author with Michael W. Fanger, Ph.D., and Edward D. Ball, M.D.).

"The Churches on Church and State," in Dieter T. Hessel, ed., *The Church's Public Role* (William B. Eerdmans, 1993).

“God and Kids at School: Voluntary Religious Activities in the Public Schools,” *Seton Hall Law Review* (1984) (co-author with Robert P. Seawright).

"Religion's Place in the Public Schools," *The Christian Century* (1984).

- Reprinted in several editions of a college text on writing essays, Flachmann and Flachmann, eds., *The Prose Reader: Essays for College Writers* (1987): 437-43.

"Religion and the Republic: James Madison and the First Amendment," *Journal of Church and State* (1983).

- Cited by the U.S. Supreme Court in *Allegheny v. ACLU*, 492 U.S. 573 (1989).
- Cited by the U.S. Supreme Court in *Espinoza v. Montana*, 591 U.S. ___ (2020).
- Reprinted in Robert Alley, ed., *James Madison on Religious Liberty* (Prometheus Books, 1985).

“Antidisestablishmentarianism: The Latest (and Longest) Word from the Supreme Court in *Marsh v. Chambers*,” *Cardozo Law Review* (Fall 1983).

"Prayer in the Schools: Is New Jersey's Moment of Silence Law Constitutional?" *Rutgers Law Review* (1983).

Book Reviews and Miscellaneous Publications (30):

“What were the Framers’ Views on Natural Law in Constitutional Interpretation?” *Starting Points Journal* (2021): <https://startingpointsjournal.com/what-were-the-framers-views-on-natural-law-in-constitutional-interpretation-response-to-garrett-snedekers-originalism-a-hollow-core/>

“Liberal Education and Citizenship in a Self-Governing Republic,” *Starting Points Journal* (co-author with Constantine Vassiliou, Ph.D.) (2021): <https://startingpointsjournal.com/liberal-education-and-citizenship-in-a-self-governing-republic/>

“What Does it Mean to Interpret the Constitution?” *Starting Points Journal* (2021): <https://startingpointsjournal.com/what-does-it-mean-to-interpret-the-constitution/>

“Vineyard Tourism has a big Carbon Footprint. Want to help? Then Buy More Wine,” *The Conversation* (Australian edition, co-author with Ya-Yen Sun) (August 4, 2021): <https://theconversation.com/vineyard-tourism-is-a-big-source-of-carbon-emissions-want-to-help-then-buy-more-wine-164600>; TikTok version: https://www.tiktok.com/@theconversationau/video/6992741436550663425?is_copy_url=0&is_from_webapp=v1&sender_device=pc&sender_web_id=6981693477496407554

“An Establishment Clause Miracle Story,” *Law and Religion Forum* (2020): <https://lawandreligionforum.org/2020/12/21/drakeman-an-establishment-clause-miracle-story/>

“‘Tis the Season: Raise a Glass and Sip Sustainably by Supporting Australian Wineries,” *Momentum Magazine* (co-author with Ya-Yen Sun) (2020): <https://stories.uq.edu.au/momentum-magazine/2020/tis-season-sustainable-wine/index.html>

“What is the Original Meaning of the Establishment Clause?” *Starting Points Journal* (2020): <https://startingpointsjournal.com/what-is-the-original-meaning-of-the-establishment-clause/>

“The Carbon Footprint of Wine Tourism,” *Science and Wine* (co-author with Ya-Yen Sun) (2020): <https://www.ciencia-e-vinho.com/2020/07/19/measuring-wine-tourisms-carbon-footprint/>

“Business Needs the Humanities to Succeed” *Law and Liberty* (co-author with Kendall Hack) (2020): <https://lawliberty.org/business-needs-the-humanities-to-succeed/>

“A COVID-19 Manhattan Project?” *California Management Review Insight* (co-author with Christof Loch and Nektarios Oraipoulos) (2020): <https://cmr.berkeley.edu/2020/05/covid-manhattan-project/>

Review of Stephen A. Smith, *Religious Freedom: Foundational Documents and Historical Arguments*, in *Reading Religion* (2019).

Review of Kent Greenawalt, *When Free Exercise and Nonestablishment Conflict*, in *Journal of Church and State* (2018).

“Review of John Witte, Jr., and Joel A. Nichols, *Religion and the American Constitutional Experiment*, in *Journal of Church and State* (2017) 59 (1): 128-130.

"The Free Exercise Clause, State Constitutions and Natural Rights," symposium contribution, St. John's Center for Law and Religion, *Law and Religion Forum*, <https://lawandreligionforum.org/2016/09/12/drakeman-the-free-exercise-clause-state-constitutions-and-natural-rights/>

"Why We Will Always Need the Humanities," *Palgrave Humanities* (2016), <http://www.palgrave.com/us/details/10815354>

"The Humanities in a High Tech World," *Starting Points* (2016).

"The Usefulness of Useless Knowledge," a review, *Public Discourse* (2016).

“Agreeing to Disagree,” a review of Steven D. Smith, *The Rise and Decline of American Religious Freedom* in *The Claremont Review of Books* (Summer 2014).

“The Highly Useful Crisis in the Humanities” in *The Chronicle of Higher Education* (2013).

Review of Steven K. Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine* in *American Political Thought* (Fall 2012).

Review of Ellis West, *The Religion Clauses of the First Amendment: Guarantees of States’ Rights?* in the *Journal of Southern History* (2012).

Review of Vincent Phillip Muñoz, *God and the Founders: Madison, Washington, and Jefferson* in *Interpretation: A Journal of Political Philosophy* (2010).

Review of Monica Najjar, *Evangelizing the South: A Social History of Church and State in Early America* in *Journal of Church and State* (2010).

“Caps, gowns, and a debt to Princeton: The University’s unsung role in standardizing academic garb,” *Princeton Alumni Weekly* online edition (2011)

“Solid Grounding: the humanities roots that support our STEMs,” *Times Higher Education* (2010)

Review of Tom Chappell, *The Soul of a Business: Managing for Profit and the Common Good* in *The Times* (1994).

Review of Barry Werth, *The Billion Dollar Molecule: One Company’s Quest for the Perfect Drug* in *U.S. 1* (1994).

Review of *Freedom and Faith* in *Journal of Church and State* (1985).

Review of Dean M. Kelley, ed., *Government Intervention in Religious Affairs* in *Journal of Church and State* (1984).

Review of Lynn D. Wardle and Mary Anne Q. Wood, *A Lawyer Looks at Abortion* in *Journal of Church and State* (1983).

Works in Progress:

“Religion and the Constitution,” book manuscript in progress

“Why Do We Think the Framers Wanted to Separate Church and State?” in Shannon Holzer, ed. *The Palgrave Handbook of Religion and State in the Western Hemisphere*, Palgrave Macmillan, forthcoming 2023.

“How Business Schools Can Prepare Students for 21st Century Success by Renewing Their Liberal Arts Roots” to appear in Justin Dyer and Constantine Vassiliou, eds., *Liberty, Equality and Higher Education: Citizenship and the Liberal Arts in an Age of Modern Technology*, forthcoming 2023 from the University of Missouri Press (coauthor with Kendall Hack, M.B.A.)

“Strategies for Environmentally Sustainable Wine Tourism, article in progress (coauthor with Ya-Yen Sun, Ph.D.)

Recent Invited Presentations:

University of Cambridge; Kinder Institute on Constitutional Democracy, University of Missouri at Columbia; Ashbrook Center, Ashland University; American Public Philosophy Institute, University of Dallas; University of Colorado Keller Center for the Study of the First Amendment; Dartmouth College; Federalist Society; Georgetown Law School; George Mason Law School; Harvard Law School; University of Oxford Rothermere American Institute, the Kennedy Institute of Rheumatology, and Faculty of Law; The Oxford Research Centre in the Humanities; Boston University; University of Notre Dame Department of Political Science, Law School and School of Engineering; Princeton University; University of Houston Honors College; University of San Diego Law School; St. John’s University/Villanova University Joint Colloquium in Law and Religion; BB&T Center for the Study of Capitalism, Wake Forest University; Rutgers University

Recognition and Awards:

-Antonin Scalia Constitution Day Lecturer, Princeton University, 2021
-Humanities in the Public Square Lecture, University of Missouri, Columbia, 2016
-Inaugural Elizabeth M. Whelan Endowed Lecture, Princeton University, 2015
-CHOICE Outstanding Academic Title for *Church, State, and Original Intent* (Cambridge University Press 2010)

- Finalist, Crader Family Book Prize in American Values for *Church, State, and Original Intent*
- Fellow, The Royal Historical Society
- Fellow, The Royal Society of Biology
- Publications cited by the Supreme Courts of the United States and the Philippines, and in numerous patents
- Listed in *Who's Who in the World* and *Who's Who in America*
- Who's Who in America* Lifetime Achievement Award

Academic Service:

-Princeton University

- *Department of Religion* – Advisory Council member, 1997-2008, and co-chair, 2000-2008
- *James Madison Program in American Ideals and Institutions* – Chair of the Advisory Council, 1999-2020. Chair Emeritus, 2020-
- *Graduate School Dean's Leadership Council* – member, 2000 to 2018

Drew University – Board of Trustees, 2001 to 2014, and Chair, Academic Affairs Committee, 2006 to 2014

Fox Chase Cancer Center -- Innovator Fund Advisory Board, 2009-2012

Ralston College – Board of Visitors, 2011 to date

Rutgers Business School Board of Advisors -- 2004 to 2014

St. John's University Center for Law and Religion -- Advisory Board, 2013 to date

University of Charleston – Board of Trustees, 1998-2001

Woodrow Wilson National Fellowship Foundation – Board of Trustees, 2003-2006

Editorial Board Memberships and Peer Reviewer (Current and Former):

- MAbs*, peer-reviewed immunology journal
- Expert Opinion on Investigational Drugs*
- Expert Opinion on Biological Therapies*

Also reviewed manuscripts for Oxford University Press, the University of Virginia Press, *Yale Law Journal*, *Journal of Law and Religion* and the *Journal of Church and State* (constitutional history and religion); Peter Lang Press, *Journal of American Political Thought*, *Review of Politics*, *Polity*, *State Politics and Policy Quarterly*, and *The Encyclopedia of Political Thought* (politics); the *Journal of Engineering and Technology Management* (management); and the Royal Society of Chemistry and *MAbs* (immunology).

Grant Reviewer: American Philosophical Society, National Endowment for the Humanities

Entrepreneurial/Biomedical Experience:

- Advent Life Sciences*, 2007-date
- Venture Partner of London-based venture capital firm focusing on the life sciences.

Medarex, Inc., 1987-2006

Founder, President and CEO of Nasdaq-listed biotech company. Created new venture and built it into a leading international biotechnology company with a multi-billion dollar market value. Pioneered the “checkpoint inhibitor immunotherapy revolution” in cancer treatment, which was recognized by the 2018 Nobel Prize in Physiology or Medicine. Received James D. Watson Helix Award for scientific innovation, company growth and corporate citizenship.

-Ernst & Young Life Sciences Entrepreneur of the Year

-New Jersey High Tech Hall of Fame

-Babraham BioEnterprise Award Lecturer

Current and Former Board Memberships:

-*Biotechnology Council of New Jersey*, Founding member, including Chair for two years.

-*New Jersey Commission on Science and Technology*, Chair, 2004-06. Created NJ Technology Fellowship Program and the NJ High Tech Recovery Plan.

-*Biotechnology Industry Organization*

-*American Council on Science and Health*

-Biotechnology companies in the U.S., U.K., France, Switzerland and Canada

Legal Experience:

Bar admissions:

United States Supreme Court

New York State Courts

U.S. Court of Appeals -- 3rd Circuit

New Jersey State and Federal Courts

Employment:

Essex Chemical Corporation, 1982-89

Various responsibilities, including Vice President, of a Fortune 1000 company.

Milbank, Tweed, Hadley & McCloy, 1979-82

Attorney with a major international law firm. Represented businesses and not-for-profit organizations in mergers, acquisitions and other corporate transactions.

Also represented *pro bono* a coalition of religious groups in First Amendment litigation, including filing an *amicus curiae* brief with the United States Supreme Court

Other:

Former Chair, Zoning Board of Adjustment, Montclair, NJ

Alumni Service Award, Princeton University

Fellow, The Burgon Society

Faculty member, Osher Lifelong Learning Program
Member, James Madison Society, Princeton University
Public Art Committee member, Community Foundation of the Lowcountry
Wellness Program committee member and grant writer, Volunteers in Medicine
Diploma in Wines (with merit), Wine and Spirits Education Trust