

Anthony James Gaughan

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PROFESSIONAL EXPERIENCE

The Ohio State University Moritz College of Law, Columbus, Ohio, Fall 2024
Visiting Professor of Law

Drake University Law School, Des Moines, Iowa, 2011-present
Professor of Law, 2016-present; *Kern Family Chair in Law*, 2019-present; *Clemens J. Smith Faculty Research Scholar*, 2017-19; *Associate Professor of Law*, 2013-16; *Assistant Professor of Law*, 2011-13

University of Nebraska College of Law, Lincoln, Nebraska, Spring 2023
Visiting Professor of Law

United States Navy Reserve, Minneapolis, Minnesota, 2006-08, 2009-13
Intelligence Officer

Godfrey & Kahn, S.C., Madison, Wisconsin, 2005-08, 2009-11
Attorney

United States Navy, Baghdad, Iraq, 2008-09 (mobilized from the U.S. Navy Reserve)
Staff Officer for Intelligence

University of Wisconsin-Madison, History Department, 1997-2002
Lecturer and Teaching Assistant

EDUCATION

J.D.	Harvard Law School	2005
Ph.D. (history)	University of Wisconsin-Madison	2002
M.A.	Louisiana State University	1996
B.A.	University of Minnesota	1993

SCHOLARSHIP

Articles

“The Unsettled State of Corporate General Personal Jurisdiction,” *Nebraska Law Review* 103 (forthcoming in November 2024): ____.

“Redistricting in the Political Thicket: The Ghosts of *Colegrove v. Green*,” *Kentucky Law Journal* 111 (2023): 589-650 (symposium).

“The Influence of Partisanship on Supreme Court Election Law Rulings,” *Notre Dame Journal of Law, Ethics & Public Policy* 36 (2022): 553-634 (symposium).

“The Dynamics of Democratic Breakdown: A Case Study of the American Civil War,” *British Journal of American Legal Studies* 11 (2022): 113-151 (peer reviewed).

“James Madison, Citizens United, and the Constitutional Problem of Corruption,” *American University Law Review* 69 (2020): 1485-1539 (symposium).

“American Democracy Is Healthier Than It Appears,” *Boston University Law Review Online* 100 (2020): 249-267 (symposium).

“The Small Margins Problem: How Abolishing the Electoral College Could Create a Future Election Crisis,” *Idaho Law Review* 56 (2020): 183-191 (symposium).

“Chester Arthur’s Ghost: A Cautionary Tale of Campaign Finance Reform,” *Mercer Law Review* 71 (2020): 779-810 (symposium).

“Putin’s Revenge: The Foreign Threat to American Campaign Finance Law,” *Howard Law Journal* 62 (2019): 855-906 (symposium).

“Was the Democratic Nomination Rigged? A Reexamination of the Clinton-Sanders Presidential Race,” *University of Florida Journal of Law and Public Policy* 29 (2019): 309-357.

“Notice, Due Process, and Voter Registration Purges,” *Cleveland State Law Review* 67 (2019): 485-521.

“Common Sense and Compassion: A Judicial Biography of Ronald Longstaff,” *Drake Law Review* 66 (2018): 585-643.

“Trump, Twitter, and the Russians: The Growing Obsolescence of Federal Campaign Finance Law,” *Southern California Interdisciplinary Law Journal* 27 (2017): 79-132.

“Illiberal Democracy: The Toxic Mix of Fake News, Hyperpolarization, and Partisan Election Administration,” *Duke Journal of Constitutional Law & Public Policy* 12 (2017): 57-139 (symposium).

“The Forty-Year War on Money in Politics: Watergate, FECA, and the Future of Campaign Finance Reform,” *Ohio State Law Journal* 77 (2016): 791-867 (symposium).

“Ramshackle Federalism: America’s Archaic and Dysfunctional Presidential Election System,” *Fordham Law Review* 85 (2016): 1021-1043 (symposium).

“Collateral Damage and the Laws of War: D-Day as a Case Study,” *American Journal of Legal History* 55 (2015): 229-285 (peer reviewed).

“A Delicate Balance: Liberty and Security in the Age of Terrorism,” *Drake Law Review* 63 (2015): 1015-1031.

“In Defense of McCutcheon v. Federal Election Commission,” *Kansas Journal of Law & Public Policy* 24 (2015): 221-272.

“Has the South Changed? Shelby County and the Expansion of the Voter ID Battlefield,” *Texas Journal on Civil Liberties & Civil Rights* 19 (2013): 109-146.

“To End Gerrymandering: The Canadian Model for Reforming the Congressional Redistricting Process in the United States,” *Capital University Law Review* 41 (2013): 999-1064.

“The Case for Limiting Federal Criminal Jurisdiction Over State and Local Campaign Contributions,” *Arkansas Law Review* 65 (2012): 587-636.

“The Futility of Contribution Limits in the Age of Super PACs,” *Drake Law Review* 60 (2012): 755-806.

“The Arlington Cemetery Case: A Court and a Nation Divided,” *The Journal of Supreme Court History* 37 (2012): 1-21 (invited).

“Watergate, Judge Sirica, and the Rule of Law,” *McGeorge Law Review* 42 (2011): 343-396.

“Woodrow Wilson and the Rise of Militant Interventionism in the South,” *The Journal of Southern History* 65 (1999): 771-808 (peer reviewed).

“Woodrow Wilson and the Legacy of the Civil War,” *Civil War History* 43 (1997): 225-242.

Books

Book

The Last Battle of the Civil War: United States versus Lee, 1861-1883 (Baton Rouge: Louisiana State University Press, 2011) (peer reviewed).

Book Chapters

“The Influence of Technology on Presidential Primary Campaigns,” in Eugene Mazo and Michael Dimino, eds., *The Best Candidate: Presidential Nomination in Polarized Times* (Cambridge University Press, 2020), 309-29.

“Voting in Colonial and Revolutionary America,” in Eugene Mazo, ed., *The Oxford Handbook of American Election Law* (Oxford University Press, forthcoming in 2024).

COURSES TAUGHT AT DRAKE UNIVERSITY LAW SCHOOL

Civil Procedure I: 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023

Civil Procedure II: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Constitutional History: 2021

Constitutional Law II: 2019, 2020

Election Law: 2016, 2017, 2018, 2020

Evidence: 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

Federal Courts and Jurisdiction: 2012, 2013, 2015, 2016, 2017

Insurance Law: 2015, 2016, 2018

Laws of War: 2012, 2013, 2015, 2016, 2017

National Security Law: 2015, 2017, 2018

Sports Law: 2014

COURSES TAUGHT AT THE UNIVERSITY OF NEBRASKA COLLEGE OF LAW

Civil Procedure: 2023

Election Law: 2023

COURSES SCHEDULED TO TEACH AT THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW

Civil Procedure: 2024

Election Law: 2024

HONORS AND AWARDS

Class of 2024 Graduation Speaker, Drake University Law School (2024).

Stevens Faculty Scholar of the Year Award, Drake University Law School (2023).

Leland Forrest Outstanding Professor of the Year Award, Drake University Law School (awarded by the graduating 3L Class of 2021).

Kern Family Chair in Law, Drake University Law School (2019-present).

Elected Member, The American Law Institute (elected in December 2018).

Clemens J. Smith Faculty Research Scholar, Drake University Law School (2017-19).

Leland Forrest Outstanding Professor of the Year Award, Drake University Law School (awarded by the graduating 3L Class of 2016).

Leland Forrest Outstanding Professor of the Year Award, Drake University Law School (awarded by the graduating 3L Class of 2015).

Defense Meritorious Service Medal, United States Department of Defense (awarded in July 2009 for military service in Iraq, 2008-09).

Iraq Campaign Medal, United States Department of Defense (awarded in July 2009 for military service in Iraq, 2008-09).

Expert Pistol Shot Medal, United States Navy (August 2006 and August 2008).

Teaching Fellow, College of Letters and Science, University of Wisconsin-Madison (2001).

Excellence in Teaching Award, The Graduate School, University of Wisconsin-Madison (May 2000).

Florence Felten-French Award for Inspirational Teaching, College of Letters and Science, University of Wisconsin-Madison (October 1998).

Citation for Distinguished Teaching, Dept. of History, University of Wisconsin-Madison (May 1998).

Graduate School Fellowship, The Graduate School, Louisiana State University (August 1994-May 1997).

Summa cum laude, University of Minnesota (June 1993).

ACADEMIC PRESENTATIONS

Paper Presenter, “Redistricting in the Political Thicket,” Kentucky Law Journal Annual Symposium, University of Kentucky College of Law, Lexington, Kentucky (October 14, 2022).

Paper Presenter, “Voting in Colonial America,” Election Law Panel, Oxford Handbook of American Election Law, Annual Conference of the Southeastern Association of Law Schools, Destin, Florida (August 1, 2022).

Paper Presenter, “The Constitution as Partisan Battleground,” Notre Dame Journal of Law, Ethics & Public Policy Annual Symposium, University of Notre Dame Law School, South Bend, Indiana (February 11, 2022).

Paper Presenter, “The Dynamics of Democratic Breakdown,” Faculty Exchange Workshop, University of Kansas Law School, Lawrence, Kansas (February 23, 2021) (via Zoom).

Paper Presenter, “The Dynamics of Democratic Breakdown,” Works in Progress Seminar, Election Law Section, Annual Conference of the American Association of Law Schools (January 9, 2021) (via Zoom).

Paper Presenter, “The Small Margins Problem and the Electoral College,” Idaho Law Review Annual Symposium, University of Idaho Law School, Boise, Idaho (October 27, 2020) (via Zoom).

Paper Presenter, “Fear Itself: American Democracy’s Crisis of Confidence,” Marquette University Law School, Milwaukee, Wisconsin (September 24, 2020) (via Zoom).

Panelist, “Misinformation, the First Amendment, and the American Revolution,” Center for International & Comparative Law, Saint Louis University, St. Louis, Missouri (September 11, 2020) (via Zoom).

Paper Presenter, “James Madison, Citizens United, and the Constitutional Problem of Corruption,” American University Law Review Annual Symposium, American University Law School, Washington D.C. (January 31, 2020).

Paper Presenter, “Chester Arthur’s Ghost: A Cautionary Tale of Campaign Finance Reform,” Mercer Law Review Annual Symposium, Mercer University Law School, Macon, Georgia (September 27, 2019).

Paper Presenter, “Foreign Intervention, Political Polarization, and Federal Campaign Finance Law,” National People of Color Legal Scholarship Conference, American University Law School, Washington D.C. (March 23, 2019).

Paper Presenter, “The Foreign Threat to American Campaign Finance Law,” Wiley A. Branton/Howard Law Journal Symposium on *We the People? Internal and External Challenges to the American Electoral Process*, Howard University Law School, Washington D.C. (Oct. 11, 2018).

Paper Presenter, “D-Day, Collateral Damage, and the 1923 Hague Draft Rules of Aerial Warfare,” Amsterdam Center for International Law Conference on *Contingency in the Course of International Law*, University of Amsterdam, The Netherlands (June 16, 2018).

Paper Presenter, “Trump, Twitter, and the Russians: The Growing Obsolescence of Federal Campaign Finance Law,” University of Missouri School of Law, Columbia, Missouri (April 28, 2017).

Paper Presenter, “Election Administration and Reform after 2016,” Duke Journal of Constitutional Law & Public Policy Symposium on *Voting Rights in Polarized America*, Duke University Law School, Durham, North Carolina (February 17, 2017).

Paper Presenter, “The Constitutional Case for Mandatory Disclosure of Section 501(c)(4) Contributions in State Judicial Elections,” UALR William H. Bowen/Arkansas Bar Association Symposium: *The Third Branch and Dark Money: Selection, Disclosure, Recusal and Similar Issues*, Little Rock, Arkansas (February 16, 2017) (via teleconference).

Panelist, “The Campaign Finance Crystal Ball: Predicting Future Cases,” Council on Government Ethics Laws Annual Conference, New Orleans, Louisiana (December 11, 2016).

Paper Presenter, “Ramshackle Federalism: America’s Archaic and Dysfunctional Presidential Election System,” Fordham Law Review’s Election Law Symposium, Fordham University Law School, New York, New York (September 30, 2016).

Panelist, “Ethanol in America: Politics & Policy,” CQ Roll Call Policy Briefing Breakfast Event, The Newseum, Washington D.C. (March 15, 2016).

Paper Presenter, “The 40-Year War on Money in Politics: Watergate, FECA, and the Future of Campaign Finance Reform,” Symposium on *The Past and Future of Election Law*, Ohio State University, Columbus, Ohio (November 20, 2015).

Paper Presenter, “Do the Ends Justify the Means? The Trial of the Watergate Burglars,” The Toronto Legal History Group, University of Toronto Law School, Ontario, Canada (December 5, 2012).

Keynote Speaker, “The Arlington Case,” National Park Service, Arlington House, Arlington National Cemetery, Arlington, Virginia (October 29, 2011).

Paper Presenter, “Did the Ex-Confederate South Win the Peace? Southern Democrats and National Reunion after the Civil War,” Mid-America Conference, Oklahoma State University, Stillwater, Oklahoma (September 21, 2001).

Paper Presenter, “Hawkish South or Dovish South? The Southern Debates Over American Intervention in the Two World Wars, 1914-1917 and 1939-1941,” The Citadel Conference on the South, The Citadel, Charleston, South Carolina (April 8, 2000).

Paper Presenter, “Teaching Teaching: Training Graduate Students in the Art of Teaching,” American Historical Association Annual Convention, Chicago, Illinois (January 9, 2000).

CLE/LOCAL PRESENTATIONS

CLE Panelist, “AI, Harnessing Technology, and Time Management,” 2024 Bench-Bar Conference, Iowa State Bar Association, Cedar Rapids, Iowa (May 10, 2024).

CLE Presenter, “2022 Election Law Update,” Federal Practice Seminar, Des Moines, Iowa (December 16, 2022).

CLE Presenter, “U.S. Supreme Court Term Review,” Iowa Supreme Court Lunch and Learn, Des Moines, Iowa (July 22, 2022) (via Zoom) (with Prof. Cristina Tilley).

CLE Presenter, “2020 Election Law and Voting Rights Review,” Polk County Bar Association General Practice CLE, Des Moines, Iowa (November 13, 2020) (via Zoom) (with Prof. Derek Muller).

CLE Presenter, “Election Law and Campaign Finance Update,” 2020 Corporate Counsel and Trade Regulation Seminar, Iowa State Bar Association, Des Moines, Iowa (September 18, 2020).

Moderator, Constitutional Law Symposium on the new book *Democracy and Dysfunction* by Prof. Jack Balkin and Prof. Sanford Levinson, Drake University Law School, Des Moines, Iowa (September 21, 2019).

CLE Presenter, “Qualified Immunity and State Constitutional Torts,” 55th Annual Meeting of the Iowa Defense Counsel Association, Des Moines, Iowa (September 12, 2019).

CLE Presenter, “State and Federal Election Law,” General Practice Review, Drake Continuing Legal Education Program, Des Moines, Iowa (December 9, 2016).

CLE Presenter, “Election Law and the 2016 Campaign: A 4-Session Course,” Ray Society Lifelong Learning Program, Drake University, Des Moines, Iowa (March 14, 21, 22, and 28, 2016).

Instructor, “The Historical and Philosophical Foundations of the United States Constitution,” James Madison Legacy Project, Iowa State Bar Association, Des Moines, Iowa (January 30, 2016).

Keynote Speaker, “Reforming the System: Campaign Finance Law and the 2016 Election,” The League of Women Voters, Des Moines, Iowa (January 20, 2016).

Instructor, “The Arlington Case and the Civil War,” Ray Society Lifelong Learning Program, Drake University, Des Moines, Iowa (November 2, 2015).

CLE Presenter, “Understanding and Complying with Open Meetings and Open Records Laws,” Drake Continuing Legal Education Program, Des Moines, Iowa (April 16, 2015).

Keynote Speaker, “The Supreme Court and the First Amendment: An Overview of the 2014-15 Term,” Crossroads Luncheon, Interfaith Alliance of Iowa, Des Moines, Iowa (February 20, 2015).

Keynote Speaker, “The Arlington Cemetery Case,” Civil War Roundtable Dinner, Urbandale, Iowa (February 18, 2015).

CLE Presenter, “Federal Law Update,” General Practice Review, Drake Continuing Legal Education Program, Des Moines, Iowa (December 12, 2013).

Keynote Speaker, “The Critical Importance of the Rule of Law,” Iowa Supreme Court Luncheon, Iowa State Bar Association Annual Convention, West Des Moines, Iowa (June 19, 2013).

Keynote Speaker, “Sovereign Immunity, Federal Jurisdiction, and *United States v. Lee*,” The Annual Judicial Dinner, Federal Bar Association Bankruptcy Conference, Des Moines, Iowa (October 27, 2011).

COMMENTARIES, EDITORIALS, AND MEDIA INTERVIEWS

Permanent Blogger at *The Faculty Lounge*. Op-eds and commentaries published in wide variety of publications, including *U.S. News & World Report*, *Newsweek*, *Salon*, *The Conversation*, *The Huffington Post*, *The Guardian*, *The Independent*, *Fortune*, *The Des Moines Register*, *USA Today*, and *JURIST*.

Interviewed on wide variety of radio and television news programs, including the Canadian Broadcasting Corporation Radio Canada, Iowa Public Radio, Wisconsin Public Radio, WHO-TV (Des Moines), KCCI-TV (Des Moines), WOI-TV (Des Moines), WYAY News Radio 106.7 FM (Atlanta, Georgia), the Australian Broadcasting Corporation television network (*The World* nightly news program), the Australian Broadcasting Corporation radio network, FM4 Radio (Vienna, Austria), KCBS Radio 740 AM (San Francisco, California), and WRKO Radio (Boston, Massachusetts).

MILITARY SCHOOLS, TRAINING, AND EXPERIENCE

Reserve Unit, Pacific Command Joint Intelligence Operations Center, Minneapolis Detachment, Minnesota (March 2006-July 2008, August 2009-November 2013).

Annual Training, Pacific Command Joint Intelligence Operations Center, Joint Base Pearl Harbor, Oahu, Hawaii (May 2011 and June 2012).

Active Duty Deployment, Task Force 134, Camp Victory, Baghdad, Iraq (August 2008-July 2009).

Naval Individual Augmentee Combat Training Course, Phase Two, Camp Virginia, Kuwait (August 2008).

Naval Individual Augmentee Combat Training Course, Phase One, Fort Jackson, Columbia, South Carolina (July-August 2008).

Command Fitness Leaders Course, Whidbey Island Naval Air Station, Oak Harbor, Washington (July 2007).

Naval Intelligence Officers Basic Course-Reserve, Oceana Naval Air Station, Dam Neck, Virginia (February-March 2007).

Direct Commission Officer School, Pensacola Naval Air Station, Pensacola, Florida (August 2006).

Individual Ready Reserve (November 2013-February 2017) (Honorable Discharge in February 2017).

Rank: Lieutenant (November 2009-February 2017); Lieutenant j.g. (November 2007-November 2009); Ensign (March 2006-November 2007).

ORGANIZATIONAL MEMBERSHIPS & LICENSES

BAR ADMISSIONS: Iowa (2012, active), Washington D.C. (2008, inactive), Minnesota (2006-17), Wisconsin (2005-17).

PEER REVIEWER: American Journal of Legal History, Cambridge University Press, Election Law Journal, Oxford University Press.

BOARD MEMBERSHIPS: Iowa Public Information Board (2012-2016).

COMMITTEE SERVICE: Admissions Committee, 2021-present; Faculty Committee (elected), 2018-2024; Tenure and Promotion Committee (elected), 2018-2024; Faculty Appointments Committee, 2017-18, 2020-21; Assessment Committee, 2015-17, 2018-19; Curriculum Committee, 2013-15; Technology Committee, 2011-13.

“Gaughan” is pronounced GAWG-in; the first syllable rhymes with words like dog and fog.