

Bradley A. Smith
Professor of Law
Capital University Law School
303 E. Broad Street
Columbus, OH 43215
614-236-6317
bsmith@law.capital.edu

A. Employment

Law Teaching & Research

Capital University Law School, Columbus, Ohio.

Professor of Law, 1999- Present; Associate Professor, 1996-1999; Assistant Professor, 1994-1996; Visiting Assistant Professor, 1993-94; (on leave 2000-2005).

Courses Taught: Administrative Law; Election Law; Jurisprudence, Law & Economics.

Previously Taught: Civil Procedure; Comparative Electoral Systems.

Director, Capital University Law School Summer Program in Greece, 1997-98.

Co-Director, Moot Court Program, Capital University Law School, 1994-2000.

Simson Prize for Best Faculty Scholarship, 1996.

Voted Professor of the Year by students, 1994-95, 1999-2000.

Bowling Green State University, Social Philosophy & Policy Center, Bowling Green, Ohio. Visiting Scholar, Summer 2007.

George Mason University School of Law, Arlington, Virginia.

Adjunct Professor, 2002-2004.

Course Taught: Federal Election Law

Other Legal Employment

Vorys, Sater, Seymour & Pease, Columbus Ohio & Washington, D.C.

Of Counsel, 2005 – present. Associate, 1990-1993. Admitted to practice before all Ohio state courts; United States District Court for the Southern District of Ohio, United States; Court of Appeals for the Sixth Circuit.

Chairman and Commissioner, Federal Election Commission, Washington, D.C.

Nominated by President Clinton, February 9, 2000; Confirmed by Senate, May 2000,

Served June 26, 2000 through August 21, 2005.

Chairman, 2004.

Vice Chairman, 2003.

Significant Non-Legal Employment

VHA Consulting Services, Dallas, Texas

Senior Healthcare Consultant, 1986-87.

IBA Health & Life Assurance Co., Kalamazoo, Michigan

Assistant Vice President & Director of Marketing, 1983-1985.

United States Department of State, Washington, D.C., and Guayaquil, Ecuador

Foreign Service Officer; Vice Consul, U.S. Consulate General, Guayaquil, 1981-83.

Small Business Association of Michigan, Kalamazoo, Michigan

General Manager, 1980-81.

Director, Political & Legislative Affairs, 1980; Legislative Analyst, 1979-80.

B. Education

Harvard Law School

J.D., *cum laude*, 1990.

Senior Editor, Harvard Journal of Law & Public Policy.

Kalamazoo College

B.A., *cum laude*, 1980.

Majors in Political Science (with Honors) and Economics. Recipient, Howard Prize for Outstanding Work in Political Science.

C. Publications

Current Projects and Interests: Working on book project, tentatively “Rethinking the Right to Vote;” Election Law Casebook w/ Professors Michael Solimine (Cincinnati) and Michael Dimino (Widener); Contract with American Lawyer Media for Treatise on Campaign Finance & Lobbying Law (w/ Brett G. Kappel); Article tentatively titled “*Broken Windows and Voting Rights.*”

Book

Unfree Speech: The Folly of Campaign Finance Reform (Princeton University Press, 2001).

Book Chapters

McConnell v. FEC: Campaign Speech at the Crossroads, in “Recent Constitutional Cases,” (Edward J. Erler, ed.) (Rowman & Littlefield, forthcoming 2008).

Plebescites and Minority Rights: A Contrarian View, in “The United States Supreme Court and the Political Process: Perspectives and Commentaries on Contemporary Cases,” (David K. Ryden, ed.) (Georgetown University Press, 2000).

Law Review Articles and Essays

The John Roberts Salvage Company: After McConnell, A New Court Looks to Repair the Constitution, 68 Ohio St. L. J. 891 (2007)

Boundary Based Restrictions in Unbounded Broadcast Media Markets: McConnell’s Underinclusive Overbreadth Analysis, 18 Stan. L. & Pol’y Rev. 240 (2007) (with Jason R. Owen).

A Moderate, Modern Campaign Finance Reform Agenda, 12 Nexus J. Op. 3 (2007).

Don’t Shoot the Messenger: the FEC, Political Committees, and the Limits of Administrative Law, 4 J. Elec. L. 82 (2005)(with Allison Hayward).

McConnell v. Federal Election Commission: Ideology Trumps Reality, Pragmatism, 3 J. Elec. L. 345 (2004).

Campaign Finance Reform: Looking for Corruption in all the Wrong Places, 2 Cato S. Ct. Rev. 187 (2003).

A Toothless Anaconda: Innovation, Impotence, and Over-enforcement at the Federal Election Commission, 1 J. Elec. L. 145 (2002) (with Steven Hoersting).

Selecting Judges in the Twenty-First Century, 30 Capital U. L. Rev. 437 (2002).

Hamilton at Wit’s End: The Lost Discipline of the Spending Clause vs. the False Discipline of Campaign Finance Reform, 4 Chapman U. L. Rev. 117 (2001).

Regulation and the Decline of Grassroots Politics, 50 Catholic U. L. Rev. 1 (2000).

Some Problems With Taxpayer Funded Political Campaigns, 148 U. Pa. L. Rev. 591(1999).

A Most Uncommon Cause: Thoughts on Campaign Finance Reform and a Response to Professor Paul, 30 Conn. L. Rev. 831 (1998).

Soft Money, Hard Realities: The Constitutional Prohibition on a Soft Money Ban, 24 J. Legis. 179 (1998).

Money Talks: Speech, Corruption, Equality, and Campaign Finance, 86 Geo. L. J. 45 (1997).

The Sirens’ Song: Campaign Finance Reform and the First Amendment, 6 J. L. & Pol’y 1 (1997).

Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform, 105 Yale L. J. 1049 (1996).

The Limits of Compulsory Professionalism: How the Unified Bar Harms the Legal Profession, 22 Fla. St. U. L. Rev. 36 (1994).

Judicial Protection of Ballot Access Rights, 28 Harv. J. Legis. 167 (1991).

Academic Book Reviews

The Legislative Process: Lost in the Labyrinth, H-Pol; H-Net Reviews (Aug. 2001)(<http://www.h-net.org/reviews/showrev.cgi?path=22178997903585>) (reviewing Diana Dwyre and Victoria Farrar-Myers, *Legislative Labyrinth: Congress and Campaign Finance Reform* (2001)).

Real and Imagined Reform of Campaign Corruption, 6 *Cornell J. L. & Pub. Pol'y* 141 (1996) (reviewing Larry J. Sabato and Glenn R. Simpson, *Dirty Little Secrets: The Persistence of Corruption in American Politics* (1996)).

Encyclopedia Entries

Freedom of Petition, *Encyclopedia of the Supreme Court* (David S. Tanenhaus, ed., forthcoming 2008).

McConnell v. FEC, *Encyclopedia of the Supreme Court* (David S. Tanenhaus, ed., forthcoming 2008).

Campaign Finance, in *The Encyclopedia of Libertarianism* (Thomas Palmer, ed., forthcoming 2008).

Financing Political Speech, in *The Oxford Companion to the Supreme Court of the United States* (Kermit L. Hall, ed., 2005).

The Meaning of Article I, Section 2, in *The Heritage Guide to the Constitution* (David F. Forte, ed., 2005).

Electoral Process and the First Amendment, in *Supplement II: Encyclopedia of the American Constitution* (Leonard W. Levy et al. eds., 1999).

Studies and Reports

Policy Primer: Grassroots Lobbying Proposals Seem Not to Further Congress' Interest in Correcting Lobbying Abuses, (with Stephen M. Hoersting) (Center for Competitive Politics 2006).

Restrictions on Political Speech, in *Cato Handbook for Congress* (Cato Inst. 1997, 1999).
Campaign Finance Reform: Faulty Assumptions, Undemocratic Consequences, (Cato

Institute, Sept. 1995).
Medical Savings Accounts and 'Real World' Health Care Economics in Ohio, (with Sam Staley) (Buckeye Institute for Public Policy Solutions, June 1994).
Does a Unified Bar Make Sense for Michigan, (Mackinac Ctr. for Pub. Pol'y, May 1994).
Do We Really Want an Army of Health Police? in Dangerous Medicine, A Critical Study of the Clinton Health Plan (Mackinac Center for Public Policy, April 1994).

General Readership Journals

Campaign Finance Reform's War on Political Freedom, City Journal, July 2007.
Is McCain-Feingold Unconstitutional as Applied to Certain 'Issue Advertisements'?, 34 Preview of U.S. Sup. Ct. Cases 402 (2007).
Book Review: Welfare for Politicians? Tax Financing of Campaigns (John Samples, ed.), The Freeman, April 2006.
Campaigns, Elections and Campaign Finance Reform, ABA Focus on Law Studies, Spring 2006, p. 1.
When it Gets Worse, That's not Reform, Ripon Forum, Feb-Mar. 2006, p. 22.
Book Review: Enlightened Democracy: The Case for the Electoral College, by Tara Ross, 6 Engage 153 (2005).
John McCain's War on Political Speech, Reason, Dec. 2005, p. 36.
Boomerang!, National Review, May 3, 2004, p. 31.
The Trouble With Campaign Finance Regulation, Imprimus, Apr. 2002, p. 1.
The Gaggers and Gag Making, National Review, Mar. 11, 2002, p. 33.
Reform Tramples First Amendment, American Legion Magazine, Oct. 2001, p. 11.
Book Review: Commodity and Propriety: Competing Visions of Property in American Legal Thought, 1776-1970, by Gregory Alexander, The Freeman, May 1999, p. 65.
Campaign Finance Reform: Faulty Assumptions & Undemocratic Consequences, USA Today Magazine, Jan. 1998, p. 10.
The Campaign-Finance Follies, Commentary, Dec. 1997, p. 37.
Caveat Emptor: Good Government Group Polls on Campaign Reform Questions Are Suspicious, Political Finance & Lobby Reporter, Dec. 24, 1997, p. 1.
Why Healthcare Reform May Unleash A New Litigation Explosion, Postgraduate Medicine, Nov. 15, 1994, p. 91.

Newspaper Columns & Blogs

Dozens of newspaper columns published in *Wall Street Journal*, *Washington Post*, *Los*

Bradley A. Smith, vita p. 6

Angeles Times, Chicago Tribune, New York Post, Newsday, Rocky Mountain News, USA Today, and other major dailies.

Blog regularly on campaign finance issues at www.campaignfreedom.org.

Important Pro Bono Amicus Briefs

McLaughlin v. North Carolina Bd. of Elec., *petition for cert. den.*, 517 U.S. 1104 (1996).
Norman v. Reed, 502 U.S. 279 (1992).

D. Presentations and Appearances

Academic Conferences

Election Law Reform: Theory, Law, Practice, Amer. Political Science Assn, Aug. 2007.
A Moderate, Modern Campaign Finance Reform Agenda, Chapman Law School, Feb. 20, 2007.

The John Roberts Salvage Company, Moritz Law School at The Ohio State University, Sep. 28, 2006.

The Supreme Court and the Political Process: McConnell v. FEC, Princeton University, Woodrow Wilson School of Government, May 27, 2004.

The Ethics of Campaign Finance Reform, Association for Private Enterprise Education, April 2, 2004.

In Search of the Perfect Election, University of Pennsylvania School of Law, Feb. 2004.
Campaign Finance Laws: Compliance and Enforcement, Election Law Summit, Washington, D.C., June 24, 2003.

Symposium on Judicial Elections, Capital University Law School, Jan. 31, 2001.

Spending Clause Symposium, Chapman University School of Law, Jan. 18, 2001.

Symposium on Election Law, Catholic University School of Law, Sept. 2000.

Symposium on Campaign Finance Reform, Notre Dame Law School, Nov. 14, 1997.

Symposium on Money & the First Amendment: Campaign Finance and Free Speech, Center for First Amendment Rights, Univ. of Connecticut Law School, May 1997.

David G. Trager Public Policy Symposium, Brooklyn Law School, Mar. 7, 1997.

Symposium XXIX, "Choosing A President: How We Elect A President - The Case for Change - The Rush to Fix the Process - To What End?", Institute for American Values, Nichols College, Dudley MA, Oct. 15, 1996.

Symposium: Money in Politics: Undue Influence, Center for New Democracy, Franklin Pierce Law School, Concord, NH, Jan. 20, 1996.

Congressional & Legislative Testimony

United State House of Representatives, Judiciary Committee, Sub-Committee on the Constitution, “Lobbying Revision,” Mar. 1, 2007.

United State House of Representatives, Judiciary Committee, Sub-Committee on the Constitution, “Grassroots Lobbying Reform,” Mar. 2006.

United States House of Representatives, Committee on House Administration, “Regulation of the Internet,” Sep. 2005.

United States Senate, Committee on Rules and Government Affairs, “Regulation of Independent 527s Under BCRA,” July, 2004.

United States House of Representatives, Committee on House Administration, Enforcement Procedures at the Federal Election Committee, Oct. 2003.

Florida House of Representatives, Election Reform Committee, Hearing on Campaign Finance Reform, Mar. 17, 1999.

Congressional & Legislative Testimony (Cont.)

United States Senate, Committee on the Judiciary, Subcommittee on the Constitution, Federalism, and Property Rights, “Term Limits or Campaign Finance Reform: Which Provides Real Reform?,” Feb. 24, 1998.

United States House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, “Constitutionality of Restrictions on Issue Advocacy,” Sept. 18, 1997.

United States Senate, Committee on Rules and Government Affairs, “Soft money in Presidential Elections,” May 14, 1997.

United States House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, “Free Speech & Campaign Finance Reform,” Feb. 27, 1997.

United States Senate, Committee on Rules and Government Affairs, “McCain-Feingold “Campaign Finance Reform Bill,” Feb. 1, 1996.

Partial List of representative public speaking engagements:

Colleges & Universities: American University (Center for Presidential and Congressional Studies), Ashland University (Robert E. Henderson Lecture); Augustana (Ill.) College (Commencement); Bowling Green State University (Dept. of Philosophy); University of Chicago (Dept. of Political Science); Cornell (Dept. of Political Science); Dartmouth College (Dept. of Government), Duke (Dept. of Political Science); Harvard University (Dept. of Government); Hillsdale College; Kalamazoo College; Kentucky Wesleyan (Constitution Day); University of Louisville (McConnell Center), Rose-Hulman College (Constitution Day); Yale Political Union, others.

Law Schools: Harvard (Traphagen Distinguished Alumni Speaker), Notre Dame, University of

Bradley A. Smith, vita p. 8

Pennsylvania, Ohio State, Brooklyn, Chapman, University of Wisconsin, George Washington, University of Connecticut, American University, University of Virginia, University of Toledo (Stranahan Lecture), Chicago Kent, others.

Law School Federalist Societies: Harvard, Yale, Stanford, University of Michigan, University of Chicago, NYU, Columbia, University of Virginia, Georgetown, George Mason, Ohio State, Washington & Lee, Iowa, North Carolina, Duke, others.

National Organizations and Conventions: American Constitution Society, Federalist Society, Association of Capitol Reporters & Editors, Public Affairs Council, AFL-CIO Leadership Conference, Republican National Lawyers Association, California Political Attorneys Association, National Association of Business PACs, others.

Think Tanks and Foundations: Brookings Institute, Cato Institute, Heritage Foundation, Urban League (Campaign Finance Task Force), Fund for American Studies, Institute for Humane Studies, Reason Foundation, Goldwater Institute, others.

Partial List of National Broadcast Media Appearances

<i>ABC News</i>	<i>Hannity & Colmes (Fox)</i>
<i>NBC News</i>	<i>Uncommon Knowledge (PBS)</i>
<i>PBS News Hour with Jim Lehrer</i>	<i>Washington Journal (C-Span)</i>
<i>Bill Moyers Internight (MSNBC)</i>	<i>Closing Bell (CNBC)</i>
<i>Early Today with Contessa Brewer (MSNBC)</i>	<i>C-Span Book Forum</i>
<i>Hardball (MSNBC)</i>	<i>National Public Radio Morning Edition</i>
<i>Fox News w/ Britt Hume</i>	<i>Wisconsin Public Radio</i>
<i>O'Reilly Factor (Fox)</i>	<i>Minnesota Public Radio</i>
	<i>Janet Parshalls</i>

Other network shows and dozens of appearances on local TV and radio in major markets.

CLE Programs

Republican National Lawyers Association, Trends at the FEC, New Orleans, Jul. 2007.

Republican National Lawyers Association, "Tips for Federal Election Commission Practice," Philadelphia, PA, Aug. 11, 2006.

Federal Bar Association, Columbus, OH, "Counting Every Vote, Mar. 2006.

Practising Law Institute, Washington, D.C., "Campaign Finance Reform: What Congress and the FEC Should Do Next," Sept., 2002.

Columbus Bar Association Young Lawyers' Committee, Columbus, OH,

Bradley A. Smith, vita p. 9

"Removal: A Guide to the Basics," April 26, 1996 and May 3, 1995.
Institute for Business Law, Columbus, OH, "Trends in Immigration Law," Feb. 23, 1994.

F. Awards & Honors

Honorary Doctorate in Humane Letters, Augustana College, May 2004
Trophagnon Distinguished Alumnus, Harvard Law School, 2000
Mackinac Center for Public Policy, *Lives, Fortunes and Sacred Honor Award*, 2000.
Professor of the Year, Capital University Law School, 2000.
Honorary Member (first ever), Hispanic Republican Coalition of Central Ohio, 1999.
Simson Award for Outstanding Faculty Scholarship, Capital Univ. Law School, 1996.
Student-Faculty Relations Award, Student Bar Assn., Capital Univ. Law School, 1995.
Salvatori Fellow, The Heritage Foundation, 1994-95.
Lambe Fellow, Institute for Humane Studies, 1989-90.

G. Academic Service (not including home university service)

Advisory Board, Institute for Politics, University of Minnesota Law School, 2007-
present.
Editorial Advisory Board, *Election Law Journal*, 2002 – present.
Board of Advisors, *Harvard Journal of Law & Public Policy*, 2000- present.
Referee and Peer Review for University of Chicago Press; Aspen Publishing, Eagleton Center
at Rutgers University, 2001 – present.

H. Volunteer Service, Memberships & Affiliations

Legal & Professional

Center for Competitive Politics, Founder & Chairman of the Board, 2005- Present.
Board of Trustees, Buckeye Institute for Public Policy Solutions, 1996-2000; 2006-
present; Board of Academic Advisors, 1994- 2000.
Senior Fellow, Goldwater Institute, Phoenix, AZ 2005- Present.
Board of Scholars, Mackinac Center for Public Policy, 1993-2000, 2005- present.
Board of Advisors, Washington Stock Exchange, 2005-2007.
Federalist Society, Free Speech and Election Law Practice Group Executive Committee,
1999-2000; 2005- present.

Bradley A. Smith, vita p. 10

American Bar Association, Advisory Committee to Standing Committee on Election Law, 2001- 2005.

Adjunct Scholar, Cato Institute, 1996-2000.

Ohio State Bar Association, member, 1990-2000; 2005-present.

Columbus Bar Association, member. 1990-94; 2005-present. Law School Liaison Committee, 1992-93. Columbus Legal Aid Society Referral Panel, 1992-1995.

American Immigration Lawyers Association, 1992-1995.

Non-Legal

Granville Historical Society, Volunteer, 2005- present.

Knights of Columbus, 2001-present.

Police Athletic League of Columbus, Tutor for Inner-City Youth, 1992-94.