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Professor of Law and Faculty Director of International and Comparative Law Programs, University of San Diego Law School, San Diego, California.

Professor of Law since 2000; Associate Professor, 1997-2000; Assistant Professor, 1995-1997. Faculty Director of International and Comparative Law Programs since 2012.

Principal subjects taught: Constitutional Law, International Business Transactions, Foreign Relations Law, International Civil Litigation, Supreme Court Practice.

Publications: Author of The Constitution's Text in Foreign Affairs (Harvard University Press, 2007); co-editor of International Law in the U.S. Supreme Court: Continuity and Change (Cambridge University Press 2011); co-author of Transnational Law and Practice (2d ed., Aspen Casebook Series 2020) and International Business Transactions: A Problem-Oriented Coursebook (13th ed., West 2019); author or co-author of numerous articles in scholarly journals including the *Yale Law Journal*, the *University of Chicago Law Review*, the *Columbia Law Review*, the *Georgetown Law Journal*, and the *American Journal of International Law*; principal areas of research include foreign affairs law, international trade and investment law, separation of powers and federalism, presidential power, and the role of the U.S. Supreme Court.

University Honors: Class of 1975 Endowed Professor, 2022-2023; Hugh and Hazel Darling Foundation Professor, 2013-2021; University Professor, 2011-12; Herzog Endowed Scholar, 2007-08, 2016-17; Huffman Prize for Moot Court service, 2005; Thorsnes Prize for outstanding teaching, 1998; Thorsnes Prize for outstanding scholarship, 2002 and 2007.

Other Honors: Named among San Diego's top attorneys (academic category), *San Diego Daily Transcript*, 2008 and 2015; received American Society of International Law Book Award (for International Law in the U.S. Supreme Court), 2012.

Visiting Positions:

Visiting Professor, University of California, San Diego, Department of Political Science (Fall 2006, Fall 2007) (subject: International Law and Organizations)

Visiting Professor, University of Paris – Sorbonne, Paris, France, Department of Comparative

Law (Winter 2005, Winter 2009) (subject: U.S. Supreme Court)

Visiting Research Scholar, University of Cape Town, Department of Law, Cape Town, South Africa (Spring 2009)

Hyundai Distinguished Lecturer, Sogang University Law School, Seoul, Republic of Korea (Spring 2016)

Visiting Lecturer, Kuwait International Law School, Kuwait City, Kuwait (Fall 2017) (subjects: U.S. constitutional law, international commercial law)

Prior Employment:

Latham & Watkins, San Diego, California. Attorney, 1991-1995.
Specialized in international finance and investment; negotiated and coordinated infrastructure finance projects in Asia and Latin America.

Justice Antonin Scalia, U.S. Supreme Court, Washington, D.C.
Judicial Clerk, 1990-1991.

Judge J. Clifford Wallace, U.S. Court of Appeals, Ninth Circuit,
San Diego, California. Judicial Clerk, 1989-1990.

Education:

J.D., Stanford Law School, 1989.

Class Rank: 1st; Order of the Coif; Summa cum Laude.
Chief Articles Editor, Stanford Journal of International Law.

A.B., Dartmouth College, 1986.

Magna cum Laude; double major in history and international economics; honors thesis in U.S.-Mexico diplomatic history.

Personal:

Native of Anaheim, California; longtime resident of San Diego, California
Member, California State Bar (admitted 1989) and U.S. Supreme Court Bar (admitted 2003)

Member, American Society of International Law; member of annual meeting executive planning committee, 2006-07 and 2011-12

Regular contributor to *The Originalism Blog*

(<http://originalismblog.typepad.com/the-originalism-blog/>); invited commentator at *Opinio Juris*, *Just Security*, *Volokh Conspiracy*, *SCOTUSblog* and *Constitution Daily*

Hobbies: travel (50 states, 69 countries), hiking, skiing

Academic Publications

Academic Press Books:

THE CONSTITUTION'S TEXT IN FOREIGN AFFAIRS (Harvard University Press 2007).

INTERNATIONAL LAW IN THE U.S. SUPREME COURT: CONTINUITY AND CHANGE (David L. Sloss, Michael D. Ramsey & William S. Dodge, eds., Cambridge Univ. Press 2011)

Student-Oriented Materials:

INTERNATIONAL BUSINESS TRANSACTIONS: A PROBLEM-ORIENTED COURSEBOOK (West Publishing, 13th ed., 2019) (with Ralph H. Folsom, Michael P. Van Alstine and Matthew P. Schaefer)

TRANSNATIONAL LAW AND PRACTICE: CASES AND MATERIALS (2d. Aspen Casebook Series 2020) (with Donald E. Childress and Christopher Whytock)

PRINCIPLES OF INTERNATIONAL BUSINESS TRANSACTIONS (West Publishing, 5th ed., 2022) (with Ralph H. Folsom and Michael P. Van Alstine)

INTERNATIONAL BUSINESS TRANSACTIONS IN A NUTSHELL (West Publishing, 11th ed., 2020) (with Ralph H. Folsom and Michael P. Van Alstine)

Principal Articles:

Vesting Foreign Affairs Powers, __ GEO. WASHINGTON L. REV. (forthcoming 2022)

Originalism and Birthright Citizenship, 109 GEORGETOWN L.J. 405 (2020)

The Constitution's Text and Customary International Law, 106 GEORGETOWN L.J. 1747 (2018)

The Original Meaning of "Natural Born," 20 U. PA. J. CONST'L L. 199 (2017)

Beyond the Text: Justice Scalia's Originalism in Practice, 92 NOTRE DAME L. REV. 1945 (2017)

A Textual Approach to Treaty Non-Self-Execution, 2015 BYU L. REV. 1639 (2015)

Congress's Limited Power to Enforce Treaties, 90 NOTRE DAME L. REV. 1539 (2015)

The Limits of Custom in Constitutional and International Law, 50 S.D. L. REV. 867 (2013)

The Supremacy Clause, Original Meaning and Modern Law, 74 OHIO ST. L.J. 559 (2013)

International Law Limits on Investor Liability in Human Rights Litigation, 50 HARV. INT'L L.J. 271 (2009)

The President's Power to Respond to Attacks, 93 CORNELL L. REV. 169 (2007)

Torturing Executive Power, 93 GEORGETOWN L.J. 1213 (2005)

Foreign Affairs and the Jeffersonian Executive: A Defense, 89 MINN. L. REV. 1591 (2005) (with Saikrishna B. Prakash)

American Insurance Association v. Garamendi and Executive Preemption in Foreign Affairs, 46 WM & MARY L. REV. 825 (2004) (with Brannon P. Denning)

The Empirical Dilemma of International Law, 41 SAN DIEGO L. REV. 1243 (2004)

Presidential Declarations of War, 37 U.C. DAVIS. L. REV. 321 (2003)

Textualism and War Powers, 69 U. CHICAGO L. REV. 1543 (2002)

The Executive Power over Foreign Affairs, 111 YALE L.J. 231 (2001) (with Saikrishna B. Prakash)

The Myth of Extraconstitutional Foreign Affairs Power, 42 WM. & MARY L. REV. 379 (2000)

The Power of the States in Foreign Affairs: The Original Understanding of Foreign Policy Federalism, 75 NOTRE DAME L. REV. 341 (1999)

Escaping AInternational Comity,@ 83 IOWA L. REV. 893 (1998)

Executive Agreements and the (Non)Treaty Power, 77 N. CAR. L. REV. 133 (1998)

Acts of State and Foreign Sovereign Obligations, 39 HARV. INT=L L.J. 1 (1998)

Book Chapters:

The Treaty and Its Rivals: Making International Agreements in U.S. Law and Practice, in TREATIES AS LAW OF THE LAND? CHANGE AND UNCERTAINTY IN THE DOMESTIC EFFECTS OF INTERNATIONAL AGREEMENTS (Paul Dubinsky, et al., eds., Cambridge Univ. Press 2017)

Customary International Law in the Supreme Court, 1901-1945, in INTERNATIONAL LAW IN THE U.S. SUPREME COURT: CONTINUITY AND CHANGE (David L. Sloss, Michael D. Ramsey and William S. Dodge, eds., Cambridge Univ. Press 2011)

Judicial Imperialism and the War on Terror Cases, in INTERNATIONAL LAW IN THE U.S. SUPREME COURT: CONTINUITY AND CHANGE (David L. Sloss, Michael D. Ramsey and William S. Dodge, eds., Cambridge Univ. Press 2011)

The Story of the Prize Cases: Executive Power and Judicial Review in Wartime, in PRESIDENTIAL POWER STORIES (Christopher H. Schroeder & Curtis A. Bradley, eds., Foundation Press 2008) (with Thomas H. Lee)

Book Reviews:

Courts in Foreign Affairs: "Their Historic Role", 35 CONSTITUTIONAL COMMENTARY 173 (2020) (reviewing MARTIN S. FLAHERTY, RESTORING THE GLOBAL CONSTITUTION (Princeton Univ. Press 2019))

The Goldilocks Executive, 90 TEX. L. REV. 973 (2012) (with Saikrishna Prakash) (reviewing ERIC A. POSNER & ADRIAN VERMEULE, THE EXECUTIVE UNBOUND)

Dogs that Didn't Bark, 2009 REVIEW OF POLITICS 71 (reviewing WILLIAM G. HOWELL & JON C. PEVEHOUSE, WHILE DANGERS GATHER: CONGRESSIONAL CHECKS ON PRESIDENTIAL WAR POWERS (Princeton Univ. Press 2007)).

Toward a Rule of Law in Foreign Affairs, 106 COLUM. L. REV. 1450 (2006) (reviewing JOHN YOO, THE POWERS OF WAR AND PEACE (2005)).

Book Review: Judges in Contemporary Democracy, 55 J. LEGAL EDUCATION 305 (2005) (reviewing Robert Badinter & Stephen Breyer, eds., JUDGES IN CONTEMPORARY DEMOCRACY: AN INTERNATIONAL CONVERSATION (2004)).

Textbook Revisionism, 43 VA. J. INT'L L. 1111 (2003) (reviewing CURTIS A. BRADLEY & JACK L. GOLDSMITH, FOREIGN RELATIONS LAW: CASES AND MATERIALS (2003)).

Other Academic Publications:

War Powers Litigation after Zivotofsky v. Clinton, 21 CHAP. L. REV. 177 (2018)

Constitutional War Initiation and the Obama Presidency, 110 AMER. J. INT'L L. 701 (2016)

Evading the Treaty Power?: The Constitutionality of Nonbinding Agreements, 11 FLORIDA INT'L U. L. REV. 371 (2016)

Originalism, Natural Born Citizens, and the 1790 Naturalization Act: A Reply to Saul Cornell, 2016

WISC. L. REV. FORWARD 146 (2016)

Returning the Alien Tort Statute to Obscurity, 52 COLUM. J. TRANSN'L L. 67 (2013)

After Kiobel — International Human Rights Litigation in State Court and under State Law, 3 U.C. IRVINE L. REV. 1 (2013) (with D. Childress and C. Whytock)

Meet the New Boss: Continuity in Presidential War Powers?, 35 HARV. J. L. & P. POL'Y 863 (2012)

International Wrongs, State Laws, and Presidential Policies, 32 LOYOLA J. INT'L & COMP. L 19 (2010) (symposium: *Litigating Genocide*).

Response: Directing Military Operations, 87 TEXAS L. REV. SEE ALSO 29 (2009) (commenting on Saikrishna B. Prakash, *The Separation and Overlap of War and Military Powers*, 87 TEXAS L. REV. 299 (2008))

Historical Textualism and Missouri v. Holland, 73 MISSOURI L. REV. 969 (2009) (symposium: *A Return to Missouri v. Holland*)

Presidential Originalism?, 88 BOSTON UNIV. L. REV. 353 (2008) (symposium: *The Role of the President in the Twenty-First Century*)

Medellin v. Texas: Presidential Power and International Tribunals, 6 GEORGETOWN J. L. & PUBLIC POLICY 160 (2008)

The Textual Basis of the President's Foreign Affairs Powers, 30 HARV. J. LAW & PUBLIC POLICY 141 (2006)

Reinventing the Security Council: Lessons from Locke, 79 NOTRE DAME L. REV. 1529 (2004) (symposium: *Do We Need a New Legal Regime after 9/11?*)

International Materials and Domestic Rights: Reflections on Atkins and Lawrence, 98 AMER. J. INT'L L. 69 (2004) (contribution to *Agora: The United States Constitution and International Law*)

Text and History in the War Powers Debate: A Reply to Professor Yoo, 69 U. CHI. L. REV. 1685 (2002) (commenting on John C. Yoo, *War and Constitutional Texts*, 69 U. CHI. L. REV. 1639 (2002))

International Law as Non-Preemptive Federal Law, 42 VIRGINIA J. INT'L L. 555 (2002)

Multinational Corporate Liability under the Alien Tort Claims Act: Some Structural Reservations, 24 HASTINGS INT'L & COMP. L. REV. 361 (2001)

International Law as Part of Our Law: A Constitutional Perspective, 29 PEPPERDINE L. REV. 187 (2001)