

EDWARD TERRELL SWAINE

George Washington University Law School
2000 H Street NW, Washington, DC 20052
(202) 994-0608 • eswaine@law.gwu.edu

ACADEMIC APPOINTMENTS

George Washington University Law School

Charles Kennedy Poe Research Professor (2019-present) and *Professor* (2010-present);
Associate Professor (2006-2010)

Principal courses taught: International Law, U.S. Foreign Relations Law, Contracts

Current law school service: Co-Director, Oxford-GW Summer School in International Human Rights; Faculty Co-Director, National Security, Cybersecurity, & Foreign Relations Law; Faculty Advisor, International Law in Domestic Courts Journal

Visits: Graduate Institute of International and Development Studies (Geneva) (2016-2018);
Goerg-August-Universität Göttingen (2010)

Wharton School, University of Pennsylvania

Associate Professor (with tenure) (2004-2006) and *Assistant Professor* (1997-2004); *Associate Professor of Law*, University of Pennsylvania Law School (secondary) (2004-2006)

Principle courses taught: Introduction to Law and Legal Procedure; Marketing and Antitrust; International Law; Comparative and International Federalism

Visits: University of Pennsylvania Law School (2003); University of Chicago Law School (2002)

OTHER PROFESSIONAL APPOINTMENTS

U.S. Department of State

Counselor on International Law (2005-2006)

Cleary, Gottlieb, Steen & Hamilton

Associate, Brussels office (1995-1997)

U.S. Department of Justice

Attorney, Appellate Staff, Civil Division (1990-1994)

U.S. Court of Appeals for the Fifth Circuit

Law Clerk, Judge Alvin B. Rubin (1989-1990)

EDUCATION

Yale Law School (J.D., 1989)

Editor-in-Chief, Yale Law Journal; Co-Director, Jerome N. Frank Legal Services

Harvard College (A.B. (Social Studies), magna cum laude, 1985)

National Debate Tournament champion, 1985; Literary Editor, Harvard Lampoon

BOOKS

FOREIGN RELATIONS LAW: CASES, MATERIALS, AND SIMULATIONS (with Sean D. Murphy and Ingrid Wuerth) (6th ed., West Publishing, 2023) (also: 5th ed., 2017; 4th ed., 2012)

LAW OF U.S. FOREIGN RELATIONS (with Sean D. Murphy) (Oxford University Press, 2023) (awarded Robert E. Dalton Award from the American Society of International Law for Outstanding Contribution to the Field of Foreign Relations Law, 2025, and the American Branch of the International Law Association, Award for a Book on a Practical or Technical Subject, 2024).

AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW (FOURTH), THE FOREIGN RELATIONS LAW OF THE UNITED STATES (Co-Reporter) (2018)

MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW? (with Josef Drexler, Warren S. Grimes, Clifford A. Jones, and Rudolf J.R. Peritz, eds.) (Edward Elgar Publishing, 2011)

BOOK CHAPTERS

Treaty Conditions and Constitutions: Walls, Windows, or Doors?, in WHITHER THE WEST? INTERNATIONAL LAW IN EUROPE AND THE UNITED STATES (Chiara Giorgetti and Guglielmo Verdirame, eds.) (Cambridge University Press, 2021)

International Foreign Relations Law: Executive Authority in Entering and Exiting Treaties, in ENCOUNTERS BETWEEN FOREIGN RELATIONS LAW AND INTERNATIONAL LAW: BRIDGES AND BOUNDARIES (Helmut Philipp Aust and Thomas Kleinlein, eds.) (Cambridge University Press, 2021)

Consider the Source: Evidence and Authority in the Fourth Restatement, in THE RESTATEMENT AND BEYOND: THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (Paul B. Stephan and Sarah H. Cleveland, eds.) (Oxford University Press, 2020)

Reservations, in THE OXFORD GUIDE TO TREATIES (Duncan Hollis, ed.) (Oxford University Press, 2nd ed., 2020) (also: 1st ed., 2012)

Cooperation, Comity, and Competition Policy: United States, in COOPERATION, COMITY AND COMPETITION POLICY (Andrew Guzman, ed.) (Oxford University Press, 2010)

ARTICLES

Prohibiting Threats of Aggression, 66 VA. J. INT'L L. 117 (2025)

Presidential Power to Exit Treaties: Reflecting on the Mirror Principle, JUST SECURITY, Nov. 1, 2024 (with Sean Murphy)

Restating US Foreign Relations Law: Lessons from the Treaty Materials, 33 EUR. J. INT'L L. 1443 (2022) (with Curtis A. Bradley)

Samsons or Methuselahs? The (Potential) Virtue of Article II Treaties, 113 AJIL UNBOUND 173 (2019)

Infrequently Asked Questions, 17 J. APP. PRAC. & PROC. 271 (2016)

Kiobel and Extraterritoriality: Here, (Not) There, (Not Even) Everywhere, 69 OKLA. L. REV. 23 (2016)

Bond's Breaches, 90 NOTRE DAME L. REV. 1517 (2015)

Identifying Customary International Law: First Thoughts on the ILC's First Thoughts, 108 AJIL UNBOUND 184 (2014)

Ersatz Treaties, 44 NYU J. INT'L L. & POL. 833 (2012)

Bespoke Custom, 21 DUKE J. COMP. & INT'L L. 201 (2010)

The Political Economy of Youngstown, 83 S. CAL. L. REV. 263 (2010)

Putting Missouri v. Holland on the Map, 73 MO. L. REV. 1007 (2008)

Taking Care of Treaties, 108 COLUM. L. REV. 331 (2008)

Medellín v. Texas: Presidential Power and International Tribunals, 6 GEORGETOWN J. L. & PUB. POL. 129 (2008)

Reserving, 31 YALE J. INT'L L. 307 (2006)

Hail, No: Changing the Chief Justice, 154 U. PA. L. REV. 1709 (2006)

The Constitutionality of International Delegations, 104 COLUM. L. REV. 1492 (2004) (cited in *NRDC v. EPA*, 464 F.3d 1 (D.C. Cir. 2006))

Restoring (and Risking) Interest in International Law (reviewing Jack L. Goldsmith & Eric A. Posner, *The Limits of International Law*), 100 AM. J. INT'L L. 259 (2006)

Resisting Delegations, 97 AM. SOC'Y INT'L L. PROC. 343 (2004)

Perspectives on Empagran, THE ANTITRUST SOURCE, September 2004

Against Principled Antitrust, 43 VA. J. INT'L L. 959 (2003)

Unsigning, 55 STAN. L. REV. 2061 (2003)

Does Federalism Constrain the Treaty Power?, 103 COLUM. L. REV. 403 (2003) (cited in *United States v. Bond*, 581 F.3d 128, 135 (3d Cir. 2009), and subsequent decisions)

Rational Custom, 52 DUKE L.J. 559 (2002)

'Competition, Not Competitors,' Nor Canards: Ways of Criticizing the Commission, 23 U. PA. J. INT'L ECON. L. 597 (2002)

The Local Law of Global Antitrust, 43 WM. & MARY L. REV. 627 (2001)

The Undersea World of Foreign Relations Federalism, 2 CHICAGO J. INT'L L. 337 (2001)

Crosby as Foreign Relations Law, 41 VA. J. INT'L L. 481 (2001)

Negotiating Federalism: State Bargaining and the Dormant Treaty Power, 49 DUKE L.J. 1127 (2000)

Subsidiarity and Self-Interest: Federalism at the European Court of Justice, 41 HARVARD INT'L L.J. 1 (2000)

Book Review (reviewing Earl H. Fry, The Expanding Role of State and Local Governments in U.S. Foreign Affairs), 30 PUBLIUS 249 (2000)

The Triumph of Local Politics?, 93 AM. SOC'Y INT'L L. PROC. 247 (2000)

Pre-Deliberations Juror Misconduct, Evidential Incompetence, and Juror Responsibility (student note), 98 YALE L.J. 187 (1988)

SELECT RECENT ACTIVITIES

Keynote, Foundations of International Law (Foreign Service Institute) (May 2025)

Participant and Breakout Leader, Princeton Problem Solving Workshop Series: The Crisis of Public International Law in the United States (April 2025)

Discussant, Foreign Relations Law Panel, and Member, David Caron Prize Committee, American Society of International Law Midyear Meeting (October 2024)

Participant, International Law in Domestic Courts Workshop (May 2024)

Presenter, Chicago-Virginia Foreign Relations Law Roundtable (April 2024)

Co-Chair, Accountability for the Leadership Crime of Aggression (American Society of International Law/Ukraine Society of International Law) (December 2023)

Presenter, Climate Litigation (Judicial Advisory Board, American Society of International Law) (November 2023)

Presenter, Legal Issues Arising Out of the Conflict in Ukraine, U.S. Court of Appeals for the Armed Forces Continuing Legal Education and Training Program (May 2023)

Convener and organizer, 2022 Robert E. Dalton Roundtable on International Law in Government Practice (October 2022)

Moderator and co-organizer, The George Washington Law Review Symposium 2022–23: The Law of U.S. Foreign Relations (October 2022)

Law of the Foreign Relations Bureaucracy (AALS Discussion Group, January 2022)

Reversionary Delegation (The President's Delegated Foreign Affairs Power, Virginia-Duke Foreign Relations Roundtable, February 2021)

Principles of Treaty Interpretation – Does Vienna Wait for You? (ABA International Law Section, December 2020)

PROFESSIONAL SERVICE AND AFFILIATIONS

American Society of International Law: Counsellor, (2022-present); Executive Council (2011-2014); Chair, Working Group on Implementation of the Convention on Choice of Courts Agreements (2010-2013); Co-Chair, Interest Group on International Law in Domestic Courts (2009-2013)

Advisory Committee on International Law, U.S. Department of State: Member (2006-present)

American Law Institute: Elected Member (2013-present); Co-Reporter (Treaties) and Advisor, Restatement (Fourth), The Foreign Relations Law of the United States

ABA-American Society of International Law Task Force on Treaties in U.S. Law: Member (2008-2009)

New York (1991), District of Columbia (1992), and U.S. Supreme Court (2010) bars