

Anthony J. Bellia Jr.

2155 Eck Hall of Law
Notre Dame Law School
Notre Dame, Indiana 46556
(574) 631-9353 / abellia@nd.edu

ACADEMIC APPOINTMENTS

- 2000 – present **University of Notre Dame**, Notre Dame, Indiana
 O'Toole Professor of Constitutional Law (2014-present)
 Concurrent Professor of Political Science (2010-present)
- Professor of Law and Notre Dame Presidential Fellow* (2007-2014)
 John Cardinal O'Hara, C.S.C. Associate Professor of Law (with tenure)
 (2005-2007)
 Associate Professor of Law (2003-2005)
 Assistant Professor of Law (2000-2003)
- Spring 2007 **University of Virginia School of Law**
 Visiting Professor of Law

SELECTED PROFESSIONAL EXPERIENCE

- Associate*, Miller, Cassidy, Larroca & Lewin, L.L.P., Washington, DC
1998-2000
- Law Clerk*, Justice Antonin Scalia, Supreme Court of the United States, Washington, DC
1997-1998
- Law Clerk*, Judge Diarmuid F. O'Scannlain, United States Court of Appeals for the Ninth Circuit, Portland, OR
1996-1997
- Law Clerk*, Judge William M. Skretny, United States District Court for the Western District of New York, Buffalo, NY
1994-1996

EDUCATION

J.D., Notre Dame Law School, Notre Dame, IN, *summa cum laude*, 1994
Notre Dame Law Review, Editor-in-Chief
Kiley Fellowship
Dean Joseph O'Meara Award, *for outstanding academic achievement*

B.A., Canisius College, Buffalo, NY, *summa cum laude*, Economics & Political Science, 1991

Truman Scholarship
Economics and Finance Department Outstanding Graduate Award
Pi Sigma Alpha Award, *for outstanding graduate in political science*
Student Commencement Speaker
Honors Program
Alpha Sigma Nu, Beta Gamma Sigma, Di Gamma Honor Societies
Distinguished Alumnus Award (2010)

Visiting Student, Institute for Economic and Political Studies, University of Cambridge, England, Spring 1990

PUBLICATIONS

Books

THE LAW OF NATIONS AND THE UNITED STATES CONSTITUTION (Oxford University Press, 2017) (with Bradford R. Clark) (this book is discussed in *Symposium: The Law of Nations and the United States Constitution*, 106 GEORGETOWN LAW JOURNAL 1559-1961 (2018)).

FEDERALISM (2d ed., Aspen/Wolters Kluwer 2017).

FEDERALISM (Aspen/Wolters Kluwer 2011).

Book Chapter

Restating The Charming Betsy as a Canon of Avoidance, in THE RESTATEMENT AND BEYOND – THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW (Oxford University Press: New York, Sarah A. Cleveland & Paul B. Stephan, eds. 2020) (with Bradford R. Clark).

Articles

Erie and the New General Law, 93 UNIVERSITY OF CHICAGO LAW REVIEW ____ (forthcoming 2026) (with Bradford R. Clark).

The Federalism Canons as Ordinary Interpretation, 120 NORTHWESTERN UNIVERSITY LAW REVIEW ____ (forthcoming 2025) (with Bradford R. Clark).

Constitutional Federalism and the Nature of the Union, 66 WILLIAM & MARY LAW REVIEW 281 (2024) (with Bradford R. Clark).

State Sovereign Immunity and the New Purposivism, 65 WILLIAM & MARY LAW REVIEW 485 (2024) (with Bradford R. Clark).

The Constitutional Law of Interpretation, 98 NOTRE DAME LAW REVIEW 519 (2022) (with Bradford R. Clark).

The International Law Origins of American Federalism, 120 COLUMBIA LAW REVIEW 835 (2020) (with Bradford R. Clark).

Why Federal Courts Apply the Law of Nations Even Though it is Not the Supreme Law of the Land, 106 GEORGETOWN LAW JOURNAL 1915 (2018) (with Bradford R. Clark).

Justice Scalia, Implied Rights of Action, and Historical Practice, 92 NOTRE DAME LAW REVIEW 2077 (2017).

The Original Source of the Cause of Action in Federal Courts: The Example of the Alien Tort Statute, 101 VIRGINIA LAW REVIEW 609 (2015) (with Bradford R. Clark).

Two Myths About the Alien Tort Statute, 89 NOTRE DAME LAW REVIEW 1609 (2014) (with Bradford R. Clark).

General Law in Federal Court, 53 WILLIAM & MARY LAW REVIEW 655 (2013) (with Bradford R. Clark).

The Law of Nations as Constitutional Law, 98 VIRGINIA LAW REVIEW 729 (2012) (with Bradford R. Clark).

The Alien Tort Statute and the Law of Nations, 78 UNIVERSITY OF CHICAGO LAW REVIEW 445 (2011) (with Bradford R. Clark) (this article is discussed in *Jesner v. Arab Bank*, 138 S. Ct. 1386, 1416-17 (2018) (Gorsuch, J., concurring in part and concurring in the judgment)).

The Political Branches and the Law of Nations, 85 NOTRE DAME LAW REVIEW 1795 (2010) (with Bradford R. Clark).

The Federal Common Law of Nations, 109 COLUMBIA LAW REVIEW 1 (2009) (with Bradford R. Clark).

The Origins of Article III "Arising Under" Jurisdiction, 57 DUKE LAW JOURNAL 263 (2007).

Federalism Doctrines and Abortion Cases: A Response to Professor Fallon, 51 ST. LOUIS UNIVERSITY LAW JOURNAL 767 (2007).

State Courts and the Interpretation of Federal Statutes, 59 VANDERBILT LAW REVIEW 1501 (2006).

Congressional Power and State Court Jurisdiction, 94 GEORGETOWN LAW JOURNAL 949 (2006).

State Courts and the Making of Federal Common Law, 153 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 825 (2005).

Article III and the Cause of Action, 89 IOWA LAW REVIEW 777 (2004).

Promises, Trust, and Contract Law, 47 AMERICAN JOURNAL OF JURISPRUDENCE 25 (2002).

Contracting With Electronic Agents, 50 EMORY LAW JOURNAL 1047 (2001).

Federal Regulation of State Court Procedures, 110 YALE LAW JOURNAL 947 (2001).

Shorter Articles

Lessons of Faith, in ANTONIN SCALIA ON FAITH: LESSONS FROM AN AMERICAN BELIEVER 92 (2019).

Il vincolo all'assistenza sanitaria nel sistema federale degli Stati Uniti (The Health Care Mandate in the United States Federal System), RIVISTA DELL' ASSOCIAZIONE ITALIANA COSTITUZIONALISTI 1/2013 (translated from English to Italian by Davide Paris).

Re-examining Customary International Law and the Federal Courts, 85 NOTRE DAME LAW REVIEW 1787 (2010).

La sussidiarietà e il sistema americano (Subsidiarity and the American Federal System), 18 ATLANTIDE 41 (2010).

Federalismo e matrimonio omosessuale nell'Unione Europea: una prospettiva americana di diritto comparato (Federalism and Same-Sex Marriage in the European Union: A Comparative American Perspective), 2009/1 QUADERNI COSTITUZIONALE 131 (2009) (translated from English to Italian by Annalisa Stefani).

Establishment and Judicial Administrability, 26 CONSTITUTIONAL COMMENTARY 259 (2009) (review of Kent Greenawalt, *Establishment and Fairness* (2008)).

Form, Function, and Justiciability, 86 TEXAS LAW REVIEW SEE ALSO 1 (2007).

Sosa, Federal Question Jurisdiction, and Historical Fidelity, 93 VIRGINIA LAW REVIEW IN BRIEF 15 (2007).

Brief

Amicus Brief in Support of Respondents in *Kiobel v. Royal Dutch Petroleum Co.* (No. 10-1491, in the Supreme Court of the United States) (with Bradford R. Clark).

SELECTED LECTURES, PRESENTATIONS, AND PANELS

Constitutional Litigation in the United States

Lectures at University of Verona, Verona, Italy, December 11-12, 2024.

The Federalism Canons as Ordinary Interpretation

Presentation at Notre Dame – Oxford Constitutional Structure Roundtable, University of Notre Dame in London, London, England, September 19, 2024

Judicial Federalism in the United States

Lecture at Comparative Constitutional Law Winter School, University of Verona, Verona, Italy, January 9, 2024

State Sovereign Immunity and the New Purposivism

Presentation at Notre Dame – Oxford Constitutional Structure Roundtable, University of Notre Dame in London, London, England, September 21, 2023

Federalism and the Federal Courts in the United States

Lecture at Comparative Constitutional Law Winter School, University of Bologna, Bologna, Italy, January 11, 2023

The Constitutional Law of Interpretation

Presentation at the Hugh and Hazel Darling Foundation Conference on Originalism, University of San Diego School of Law, February 19, 2022

Restating the Charming Betsy Canon

Presentation at Sokol Colloquium, *The Restatement and Beyond: The Past, Present and Future of the Foreign Relations Law of the United States*, University of Virginia, January 11, 2019

Federalism and Constitutional Theory

Comment on *Federalism and Constitutional Theory* (Stephen Tierney), at Roundtable Conference, *History and Theory in Legal and Constitutional Development*, University of Notre Dame in London, London, England, February 9, 2018.

The Law of Nations and the United States Constitution: A Response

Remarks at Georgetown Law Journal Symposium, "The Law of Nations and the United States Constitution," Georgetown Law Center, November 3, 2017.

Justice, Scalia, Implied Rights of Action, and Historical Practice

Presentation at Notre Dame Law Review Symposium, "Justice Scalia and the Federal Courts," Notre Dame Law School, February 3, 2017.

Justice Scalia, Implied Rights of Action, and Historical Practice

Presentation at AALS Legislation Section Program: *Justice Scalia and Statutory Interpretation: A Retrospective Assessment*, San Francisco, CA, January 6, 2017.

The Legal Legacy of Justice Antonin Scalia

Constitution Day Lecture, Holy Cross College, September 27, 2016.

The Law of Nations and the United States Constitution (selected chapters)

Tenth Annual Potomac Foreign Relations Law Roundtable, George Washington University Law School, April 29, 2016.

Italian Constitutional Justice in Global Context

Panelist at Book Launch and Discussion, University of Notre Dame, November 18, 2015

The Law of Nations in United States Courts

Northwestern University School of Law Constitutional Law Colloquium, October 26, 2015

Constitutional Interpretation and the Political Process in the United States

Lecture at University of Milan–Statale, Milan, Italy, May 25, 2015.

Constitutional Interpretation and the Political Process in the United States

Lecture at University of Padua, Treviso, Italy, May 22, 2015.

The Process Acts and the Alien Tort Statute

Presentation at Conference: *The Common Law in an Age of Regulation*, Notre Dame London Law Centre, London, England, February 6, 2015.

The Process Acts and the Alien Tort Statute

Workshop at Notre Dame Law School, January 13, 2015.

Indirect History: Recovering Background Context in Federal Courts Jurisprudence

Presentation at AALS Federal Courts Section Program: *The Role of History in the Federal Courts Canon*, Washington, DC, January 4, 2015.

The Process Acts and the Alien Tort Statute

Workshop at George Washington University Law School, October 22, 2014 (with Bradford R. Clark).

The Process Acts and the Alien Tort Statute

New York University Legal History Colloquium, September 22, 2014 (with Bradford R. Clark).

The Law of Nations as Constitutional Law

Panel Discussion at Centennial Symposium of the *Virginia Law Review*, University of Virginia School of Law, March 28, 2014.

The Italian Constitutional Court in Global Context

Participant in Italian-American Constitutional Dialogue, University of Florence, Italy, July 12, 2013.

The Law of Nations in United States Courts

Seventh Annual Potomac Foreign Relations Law Roundtable, George Washington University Law School, April 26, 2013.

The Law of Nations in United States Courts

Workshop at Roundtable Conference: *The Constitution and Unwritten Law*, at Notre Dame Law School, March 22, 2013.

General Law in Federal Court

Workshop at University of Minnesota Law School, November 19, 2012.

The Unwritten Constitution and the Law of Nations

Presentation at Symposium: *America's Unwritten Constitution*, at University of Illinois College of Law, October 12, 2012.

The Law of Nations in United States Courts

Workshop at George Washington University Law School, October 2, 2012 (with Bradford R. Clark).

The Law of Nations as Constitutional Law

Workshop at Georgetown University Law Center, February 10, 2012 (with Bradford R. Clark)

Cases Arising Under the Law of Nations

Presentation at Symposium: *Commemorating the 100th Anniversary of Farrand's Records of the Federal Convention*, at George Washington University Law School, November 4, 2011 (with Bradford R. Clark).

The Law of Nations as Constitutional Law

Workshop at George Washington University Law School, September 29, 2011 (with Bradford R. Clark).

Separation of Powers: Theory, Development, and Applications

Conference at Notre Dame Law School, March 25, 2011 (conference organizer and moderator).

The Alien Tort Statute and the Law of Nations

Workshop at Annual Workshop, International Law in Domestic Courts Interest Group, American Society of International Law, University of Virginia School of Law, December 13, 2010 (with Bradford R. Clark).

The Alien Tort Statute and the Law of Nations

Workshop at George Washington University Law School, November, 10, 2010 (with Bradford R. Clark).

The Alien Tort Statute and the Law of Nations

Workshop at Potomac Foreign Relations Law Conference, George Washington University Law School, May 7, 2010 (with Bradford R. Clark).

Federalism Roundtable

Roundtable Conference at Vanderbilt University Law School, February 26, 2010.

The Political Branches and the Law of Nations

Presentation at AALS Federal Courts Section Program: *Re-examining Customary International Law and the Federal Courts*, New Orleans, Louisiana, January 7, 2010 (program organizer and moderator).

The Federal Common Law of Nations

Workshop (*in absentia*) at Annual Workshop, International Law in Domestic Courts Interest Group, American Society of International Law, Temple Law School, December 8, 2008 (with Bradford R. Clark).

Establishment and Fairness

Roundtable Conference on Kent Greenawalt, *Religion and the Constitution: Establishment and Fairness*, at University of Notre Dame, October 10, 2008.

Treaties and the Self-Execution Debate

Duke-Harvard Foreign Relations Law Workshop: *Treaty Self-Execution*, at Duke Law School, September 27, 2008 (with Bradford R. Clark).

Federalism Implications of Supranational Adjudication

Presentation at AALS Federal Courts Section Program: *The Federal Courts and the International System*, New York, New York, January 5, 2008.

Recent Developments in American Federalism

Lecture at University of Milan–Statale, Milan, Italy, November 7, 2007.

The Structure of American Constitutional Federalism

Lectures at University of Milan–Bicocca, Milan, Italy, November 6-7, 2007.

Separation of Powers as a Safeguard of Federalism: The Thesis and its Implications

Introduction to Conference *Separation of Powers as a Safeguard of Federalism* at Notre Dame Law School, October 19, 2007 (conference organizer).

The Origins of Article III “Arising Under” Jurisdiction

Workshop at University of Virginia School of Law, February 9, 2007.

The Origins of Article III “Arising Under” Jurisdiction

Workshop at Institute for Constitutional Studies, George Washington University Law School, January 25, 2007.

The Origins of Article III “Arising Under” Jurisdiction

Workshop at Vanderbilt University Law School, Cecil D. Branstetter Civil Litigation and Dispute Resolution Program, October 27, 2006.

Federalism Doctrines and Abortion Cases: A Response to Professor Fallon

Response to Professor Richard Fallon, *If Roe Were Overruled: Abortion and the Constitution in a Post-Roe World*, St. Louis University School of Law, October 13, 2006.

The Recent Federalism Jurisprudence of the Supreme Court of the United States, and its Implications for State Courts

Presentation to the Indiana Judicial Conference, September 13, 2006.

Tort Reform and Federalism

Lecture at Case Western Reserve University School of Law, October 20, 2005.

State Courts and the Making of Federal Common Law

Presentation at University of Pennsylvania Law Review's Author's Lunch,
University of Pennsylvania Law School, February 7, 2005.

State Courts and the Making of Federal Common Law

Faculty colloquium at University of Connecticut School of Law, December 6, 2004.

The Impact of the 2004 Elections on Judicial Nominations

Panel at University of Texas School of Law, October 15, 2004.

The Election: What's at Stake for Judicial Appointments?

Panel at Indiana University School of Law-Bloomington, September 20, 2004.

Article III and the Cause of Action

Faculty colloquium at Rutgers School of Law-Camden, October 27, 2003.

Promises, Trust, and Contract Law

Presentation at the Notre Dame Law School Natural Law Institute Conference, "The
Moral Foundations of Private Law," April 12, 2002.

Hayek's "The Constitution of Liberty"

Roundtable Conference at the University of San Diego School of Law, November 29 -
December 2, 2001.

Does the American Legal System Thwart or Encourage Forgiveness?

Presentation (*in absentia*) at the College of the Holy Cross, September 15, 2001
(reproduced in TOWARD A DEEPER UNDERSTANDING OF FORGIVENESS, A Special
Collection of Talks from the Inaugural Conference of the Center for Religion, Ethics
and Culture).

TEACHING

Courses

Advanced Topics in Federal Courts
Civil Procedure
Constitutional Law
Contracts
Federal Courts
Federalism
Federalism Seminar
History of the Common Law
Legislation and Regulation

Awards

Distinguished Professor of the Year, Notre Dame Law School, 2015, 2008, 2003

SELECTED UNIVERSITY SERVICE

Notre Dame Law School

Promotions Committee, (Chair) 2020-2021, 2014-2016

Faculty Development Committee, 2019-2023

Clerkship Committee, (Chair) 2012-2014, (Chair) 2008-2009

Curriculum Committee, 2024-present (Chair), 2020-2024, 2018-2019, 2017-2018, 2010-2012, (Chair) 2009-2010, 2001-2003

Admissions Committee, 2023-present

Dean Search Committee, 2008-2009

Faculty Advisor, *Notre Dame Law Review*, 2007-2015

Appointments Committee, 2007-2008, (Chair) 2006-2007, (Chair) 2005-2006

Loan Forgiveness Committee, 2003-2004

University of Notre Dame

Provost's Advisory Committee, 2011-14

Law Dean Review Committee, (Chair) 2013

Academic Council, 2007-2010

Academic and Faculty Affairs Committee of the Board of Trustees, 2005-2008, 2002-2004

SELECTED PROFESSIONAL SERVICE AND AFFILIATIONS

Member, Bar of the State of New York, 1995-present

Member, Bar of the District of Columbia, 1998-present (currently inactive)

Member, American Law Institute (ALI), 2009-present

Chair, Federal Courts Section of the Association of American Law Schools (AALS), 2010-2011

Chair-Elect (Program Chair), Federal Courts Section of the Association of American Law Schools (AALS), 2009-2010

Member, Executive Committee of the Federal Courts Section of the AALS, 2007-present

Editor, *Federal Courts and Jurisdiction Abstracts*, Social Science Research Network,
2006-present

May 1, 2025