



FOR IMMEDIATE RELEASE

September 8, 2020

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

WLF Asks Supreme Court to Limit Reach of Liability Under the Alien Tort Statute

(*Nestlé USA, Inc. v. Doe; Cargill, Inc. v. Doe I*)

“Rather than keep playing ‘whack-a-mole’ with the lower courts, the Supreme Court should decide, once and for all, that the ATS permits no liability for aiding and abetting.”

—Cory Andrews, WLF Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today asked the U.S. Supreme Court to overturn an appeals court decision that would allow activists to impose liability on U.S. entities for aiding and abetting a third-party’s alleged human rights violations overseas. WLF’s *amicus curiae* brief was joined by the Allied Educational Foundation.

The plaintiffs, citizens of Mali who worked on Ivory Coast cocoa farms, allege mistreatment by cocoa farmers. The U.S. Court of Appeals for the Ninth Circuit held that the plaintiffs’ lawsuit could proceed under the Alien Tort Statute (ATS), which authorizes tort claims bottomed on a violation of “the law of nations.” Citing evidence that the defendants, U.S.-based cocoa processors and chocolate manufacturers, exploited the lower prices available for cocoa harvested from Ivory Coast farms, the Ninth Circuit held that the defendants must stand trial for aiding and abetting human rights abuses.

In its brief urging reversal, WLF contends that the Ninth Circuit, by permitting such suits to proceed, disregarded both the Constitution’s and the Supreme Court’s crucial limits on a federal court’s ability to imply a new cause of action under the ATS. As WLF’s brief shows, whether the ATS should supply a remedy for aiding and abetting is a decision best left to Congress, not the Judiciary.

Celebrating its 43rd year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

###

