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

In WLF Victory, the Supreme Court Agrees to Decide Whether Key Federal Statutes Supply an Aiding-and-Abetting Cause of Action (*Cisco Systems v. Doe I*)

“Rather than continuing to play ‘whack-a-mole’ with the lower courts, the Supreme Court has agreed to decide, once and for all, whether the ATS and TVPA permit liability for aiding and abetting.”

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—On Friday, the U.S. Supreme Court agreed to review 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.

The plaintiffs, practitioners of Falun Gong, allege that they or their family members were victims of human rights abuses by the Chinese Communist Party and Chinese government officials. The U.S. Court of Appeals for the Ninth Circuit held that the plaintiffs’ lawsuit could proceed under the Alien Tort Statute (ATS) and the Torture Victims Protection Act (TVPA). Citing evidence that the defendants, including worldwide technology leader Cisco, lawfully sold networking hardware and software to Chinese law enforcement agencies as permitted by Commerce Department regulations, the Ninth Circuit held that the defendants must stand trial for aiding and abetting human rights abuses.

In its brief urging review, WLF argued 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 showed, whether the ATS or TVPA implicitly supply a remedy for aiding and abetting is a decision best left to Congress, not the Judiciary.

Celebrating its 49th 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.

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