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## **WLF Asks Supreme Court to Reject Expansion of Aiding-and-Abetting Liability Under Federal Law** *(Cisco Systems v. Doe I)*

**“The respondents ask the Court to go far beyond any residual common law discretion the federal courts may enjoy.”**

— Cory Andrews, WLF General Counsel & 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 massive 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 suffered human rights abuses by the Chinese Communist Party and Chinese government officials. They allege that these abuses were enabled by technological assistance from Cisco Systems, Inc. Reversing the district court, 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 Victim Protection Act (TVPA). Citing evidence that Cisco, a worldwide technology leader, lawfully sold networking hardware and software to Chinese law enforcement agencies as permitted by Commerce Department regulations, the Ninth Circuit held that Cisco must stand trial for aiding and abetting human rights abuses.

In its amicus brief urging reversal, WLF contends that the Ninth Circuit, by permitting such suits to proceed, has 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 federal law. As WLF’s brief shows, whether the ATS and TVPA should supply a remedy for aiding and abetting is a decision that belongs 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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