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WLF Urges Seventh Circuit to Keep American Law from Reaching Overseas Harms (*Xu v. Milwaukee Electric Tool Corp.*)

“Congress and the President get to decide whether a U.S. law goes forth in search of monsters to destroy, not the private bar.”

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the Seventh Circuit to uphold the dismissal of a civil complaint filed by a foreign national sourced to harms he experienced in a Chinese prison.

The case arises from a U.S. law prohibiting any person from benefiting from forced labor. Xu Lun, filing under a pseudonym, alleges that he was compelled to make Milwaukee Tool gloves while imprisoned in Hunan Province, and so the company benefited from this injustice. Xu concedes that federal statutes do not typically apply abroad but argues that this statute expressly does so—rebutting the general rule that statutes do not govern beyond America’s borders.

WLF’s brief explains why that view is wrong. While the criminal forced-labor bar does directly say it applies abroad, the civil statute Xu sues under does not. That makes sense. The anti-extraterritoriality presumption prevents U.S. courts from accidentally interfering with American foreign policy. A rule letting the Department of Justice, controlled by the President, bring criminal cases ensures that the branch responsible for setting U.S. foreign policy decides when to act. But Congress wisely declined to outsource conduct of the Nation’s international relations to the plaintiff’s bar.

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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