

June 25, 1999

**COURT OF APPEALS
OVERTURNS STATE SANCTIONS LAW**
(National Foreign Trade Council v. Natsios)

The U.S. Court of Appeals for the First Circuit in Boston handed the Washington Legal Foundation (WLF) a stunning victory this week when it unanimously overturned a Massachusetts law restricting the Commonwealth from obtaining goods and services from companies doing business with the Union of Myanmar (formerly known as the Nation of Burma). In a comprehensive 78 page decision, the court decided that the so-called Massachusetts Burma Law unconstitutionally “interferes with the foreign affairs power of the federal government,” “violates the Foreign Commerce Clause,” and “is preempted by federal sanctions against Burma.” The court’s decision removes a major obstacle to free trade for companies doing business with Massachusetts.

WLF had filed a brief with the court in *National Foreign Trade Council v. Natsios* (formerly known as *National Foreign Trade Council v. Laskey*), arguing that the law unconstitutionally infringes on the federal government’s exclusive authority to conduct foreign affairs. The court entirely agreed. Based on constitutional history, text, and precedent, it determined that states have no authority to impose trade sanctions as Massachusetts has attempted to do.

WLF filed its brief on behalf of itself, the American Legislative Exchange Council, and three state legislators.

The U.S. District Court for the District of Massachusetts decided last November that the law is unconstitutional. The suit challenging the law had been filed by a coalition of businesses, agriculture groups, and trade associations.

“We are delighted with the court’s decision to overturn Massachusetts’ attempt to conduct foreign relations,” said

WLF's Senior Counsel for Litigation Affairs, Shawn Gunnarson. "As the court recognized, only the federal government has the constitutional authority to implement foreign policy for the American people."

WLF's brief was drafted with the *pro bono* assistance of Evan Slavitt of the law firm of Gadsby & Hannah LLC.

The Washington Legal Foundation is a nonprofit public interest law and policy center with supporters nationwide. It devotes a significant portion of its resources to defending and promoting the principles of free enterprise and individual rights.

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