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## WLF Asks High Court to Bar Alien Tort Statute Suit Alleging Human Rights Violations Overseas

*(Nestlé U.S.A., Inc. v. John Doe I)*

**“In recent decades, activist attorneys have transformed [the Alien Tort Statute] into a tool for attacking the overseas conduct of corporations and for second-guessing American foreign policy. The Supreme Court must act to halt this perversion of the statute.”— Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—Washington Legal Foundation (WLF) yesterday filed an *amicus* brief asking the U.S. Supreme Court to review (and overturn) a Ninth Circuit U.S. Court of Appeals decision that permits activists to sue chocolate manufacturers for aiding and abetting human rights violations by cocoa farmers in the Ivory Coast. In a brief filed in *Nestlé U.S.A., Inc. v. John Doe I*, WLF argues that such claims require evidence that defendants’ “purpose” was to facilitate the alleged human rights violations, and that courts may not infer such a purpose simply because the manufacturers purchased cocoa from Ivory Coast farmers.

Plaintiffs are citizens of Mali who worked on Ivory Coast cocoa farms as children. They allege they were mistreated by the farmers and kept in slave-like conditions. The Ninth Circuit held that their lawsuit should be permitted to go forward under the Alien Tort Statute (ATS), which authorizes tort claims based on violations of “the law of nations.” The appeals court held that chocolate manufacturers Nestlé, Cargill, and Archer-Daniels-Midland could be held liable for aiding and abetting slavery based on evidence that they took advantage of the lower prices associated with cocoa produced under slave conditions.

WLF’s brief argues that the ATS protects against human rights abuses that occur in the United States, not elsewhere. Congress did not adopt the statute in order to make U.S. judges the arbiters of humane working conditions throughout the world. WLF also argues that a company cannot be held liable for human rights abuses committed by third parties from whom it purchased products unless the company purposely facilitated that abuse. WLF filed its brief on behalf of itself and the Allied Educational Foundation.

Upon filing its brief, WLF issued the following statement by Chief Counsel Richard Samp: “Congress adopted the Alien Tort Statute in 1789 to allow federal courts to hear cases involving piracy and assaults on ambassadors. In recent decades, activist attorneys have transformed it into a tool for attacking the overseas conduct of corporations and for second-guessing American foreign policy. The Supreme Court must act to halt this perversion of the statute.”

*WLF is a free-market, public-interest law firm and policy center that regularly litigates to defend free enterprise from depredations like the extraterritorial application of the Alien Tort Statute.*

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