No. 24-856

IN THE

Supreme Court of the United States

CISCO SYSTEMS, INC.; JOHN CHAMBERS; AND FREDY CHEUNG,

Petitioners,

v.

DOE I; DOE II; IVY HE; DOE III; DOE IV; DOE V; DOE VI; CHARLES LEE; ROE VII; ROE VIII; LIU GUIFU; DOE IX; WEIYU WANG; AND THOSE INDIVIDUALS SIMILARLY SITUATED,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF WASHINGTON LEGAL FOUNDATION AS AMICUS CURIAE SUPPORTING PETITIONERS

CORY L. ANDREWS
Counsel of Record
WASHINGTON LEGAL FOUNDATION
2009 Massachusetts Ave., NW
Washington, DC 20036
(202) 588-0302
candrews@wlf.org

February 28, 2025

QUESTION PRESENTED

Whether a federal court may imply a cause of action for aiding and abetting a violation of international law under the Alien Tort Statute, 28 U.S.C. § 1350.

TABLE OF CONTENTS

TABLE OF AUTHORITIES iv

INTERESTS OF AMICUS CURIAE 1

SUMMARY OF ARGUMENT 1

ARGUMENT 4

REVIEW IS NEEDED TO CLARIFY THAT THE ATS SUPPLIES NO CAUSE OF ACTION FOR AIDING AND ABETTING 4

A. Congress, not the Judiciary, creates statutory causes of action 4

B. *Sosa* cabins a federal court's ability to create a cause of action under the ATS 6

C. Federal courts may not extend ATS liability to aiders and abettors 8

CONCLUSION 15

TABLE OF AUTHORITIES

Page(s)

CASES:

Alexander v. Sandoval,
532 U.S. 275 (2001) 6, 15

Cannon v. University of Chicago,
441 U.S. 677 (1979) 5, 6

Cent. Bank of Denver, N.A. v.
First Interstate Bank of Denver, N.A.,
511 U.S. 164 (1994) 3, 11, 12, 13

Doe I v. é, S.A.,
748 F. Supp. 2d 1057 (C.D. Cal. 2010) 9

Doe I v. Nestle USA, Inc.,
766 F.3d 1013 (9th Cir. 2014) 9

Gonzaga Univ. v. Doe,
536 U.S. 273 (2002) 6, 9

In re S. African Apartheid Litigation,
346 F. Supp. 2d 538 (S.D.N.Y. 2004) 10

Jesner v. Arab Bank, PLC,
584 U.S. 241 (2018) 2, 3, 6, 10, 11, 13

J.I. Case Co. v. Borak,
377 U.S. 426 (1964) 5

Kiobel v. Royal Dutch Petroleum Co.,
569 U.S. 108 (2013) 1, 12

Kiobel v. Royal Dutch Petroleum Co.,
621 F.3d 111 (2d Cir. 2010) 8

Pinter v. Dahl,
486 U.S. 622 (1988) 12

TABLE OF AUTHORITIES
(*continued*)

Page(s)

Presbyterian Church of Sudan v. Talisman Energy, Inc., 582 F.3d 244 (2d Cir. 2009)..... 14

Sarei v. Rio Tinto, PLC, 671 F.3d 736 (9th Cir. 2011) (en banc), *judgment vacated*, 569 U.S. 945 (2013)..... 9

Sosa v. Alvarez-Machain, 542 U.S. 692 (2004)..... 1–4, 6–8, 10–13

The Paulina, 1 U.S. (7 Cranch) 52 (1812)..... 5

Touche Ross & Co. v. Redington, 442 U.S. 560 (1979)..... 6

Ziglar v. Abbasi, 582 U.S. 120 (2017)..... 3, 5, 6

TREATIES & STATUTES:

Rome Stat. of the Int'l Criminal Court, art. 25, 37 I.L.M. 1002 (July 17, 1998)..... 8, 9

Stat. of the Int'l Criminal Trib. for Rwanda, S.C. Res. 955, art. 6, U.N. Doc. S/RES/955 (Nov. 8, 1994)..... 9

Alien Tort Statute, 28 U.S.C. § 1350..... 1, 9, 11
28 U.S.C. § 1350 *note*..... 11

Torture Victim Protection Act of 1991, Pub L. No. 102-256, 106 Stat. 73..... 10, 11

TABLE OF AUTHORITIES
(*continued*)

Page(s)

Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 *et seq.* 11

MISCELLANEOUS:

Matthew Hale, *History of Pleas of the Crown* (1736) 8

Human Rights Watch, *World Report 2025* <https://perma.cc/JLK6-QGAP> 14

John F. Manning, *Textualism and the Equity of the Statute*, 101 Colum. L. Rev. 1 (2001) 4

Cass R. Sunstein, *The Cost-Benefit Revolution* (2018) 14–15

United Nations Conference on Trade and Development, *World Investment Report 2018* <https://tinyurl.com/yd5z84op> 14

INTERESTS OF AMICUS CURIAE*

Washington Legal Foundation (WLF) is a public-interest law firm and policy center with supporters nationwide. WLF promotes free enterprise, individual rights, limited government, and the rule of law. It often appears here as an amicus curiae to oppose judicially implied private rights of action under the Alien Tort Statute (ATS), 28 U.S.C. § 1350. *See, e.g.*, *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108 (2013); *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).

SUMMARY OF ARGUMENT

Enacted in 1789, the ATS grants a district court "jurisdiction" over "any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." 28 U.S.C. § 1350. The Ninth Circuit held below that a U.S. corporation alleged to have aided and abetted a human-rights violation overseas may be found liable in federal court under an implied cause of action in the ATS.

As the petitioners convincingly show, the panel's decision not only failed to consider prudential separation-of-powers and foreign-policy concerns but also failed even to seek the views of the United States on those vital questions. Yet another failing of the decision below, and the focus of this brief, is that it skirts

---

* No party's counsel authored any part of this brief. No one, other than WLF and its counsel, helped pay for the brief's preparation or submission. WLF's counsel timely notified all counsel of record of its intent to file this brief.

the crucial limits that both the Constitution and this Court impose on a federal court's ability to imply a new cause of action under the ATS.

Above all, whether the ATS should supply a remedy for aiding and abetting is a decision best left to Congress. This Court has never decided whether the ATS permits a cause of action for aiding and abetting; nor has it held that a federal court may imply one. Yet that question is squarely and cleanly presented here. The Court should seize this case as an ideal vehicle for holding, unequivocally, that no such cause of action exists under the ATS.

Although the ATS is a "jurisdictional statute creating no new causes of action," this Court held in *Sosa v. Alvarez-Machain* that Congress enacted the statute "on the understanding that the common law would provide a cause of action for the modest number of international law violations thought to carry personal liability at the time." *Sosa*, 542 U.S. at 724. Even so, "separation-of-powers concerns * * * apply with particular force" to the ATS, and "there is an argument that a proper application of *Sosa* would preclude courts from ever recognizing any new causes of action under the ATS." *Jesner v. Arab Bank, PLC*, 584 U.S. 241, 265 (2018) (plurality opinion). At the very least, *Sosa* requires a federal court to exercise "great caution" before recognizing new forms of liability under the ATS. 542 U.S. at 728.

The Ninth Circuit's decision throws caution to the wind. First, the Ninth Circuit recognized aiding-and-abetting liability under the ATS based solely on a norm of international law against torture. But *Sosa* makes clear that courts, before they may imply

a new cause of action under the ATS, must identify a universally recognized norm that not only prohibits the underlying conduct, but that extends liability "to the perpetrator being sued." *Id.* at 733 n.20. Simply put, there is no universal standard for civil aiding-and-abetting liability, much less one that is "accepted by the civilized world" and defined with the specificity *Sosa* requires. *Id.* at 725.

Second, there are "sound reasons to think Congress might doubt the efficacy or necessity" of aiding-and-abetting liability under the ATS. *Jesner*, 584 U.S. at 264 (quoting *Ziglar v. Abbasi*, 582 U.S. 120, 149 (2017)). Even when Congress expressly creates a statutory cause of action, "there is no general presumption that the plaintiff may also sue aiders and abettors." *Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 182 (1994). And given the ATS's potential for generating unintended consequences, including the upending of U.S. foreign policy, "Congress, not the Judiciary, must decide whether to expand the scope of liability." *Jesner*, 584 U.S. at 268 (plurality opinion).

The decision below cries out for this Court's review. The issues are especially well presented given the high foreign-policy stakes and the thoroughness of the opinions below. If this Court's crucial limits on judicially created causes of action are to continue to hold sway, the Ninth Circuit's decision cannot stand. And although this brief focuses on the ATS, petitioners' separate TVPA question is no less cert worthy and should be decided alongside the ATS question.

ARGUMENT

REVIEW IS NEEDED TO CLARIFY THAT THE ATS SUPPLIES NO CAUSE OF ACTION FOR AIDING AND ABETTING.

Although the era of federal common law is over, *Sosa* held that federal courts may, in narrow cases, recognize a private cause of action under the ATS to remedy a violation of an international norm that is "specific, universal, and obligatory." *Sosa*, 542 U.S. at 724. The Ninth Circuit's holding cannot satisfy those demanding criteria. Nor can the panel's decision be squared with *Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, which confirms that a cause of action for aiding and abetting will not lie without clear "congressional direction." 511 U.S. at 183.

A. Congress, not the Judiciary, creates statutory causes of action.

The "U.S. Constitution explicitly disconnects federal judges from the legislative power and, in doing so, undercuts any judicial claim to derivative lawmaking authority." John F. Manning, *Textualism and the Equity of the Statute*, 101 Colum. L. Rev. 1, 59 (2001). This "sharp separation of legislative and judicial powers was designed, in large measure, to limit judicial discretion—and thus to promote governance according to known and established laws." *Id.* at 61.

Judges do not wield the statutes they want; they must faithfully apply the statutes Congress gives them. "The duty of the court," Chief Justice

Marshall explained, is "to effect the intention of the legislature," which must "be searched for in the words which the legislature has employed to convey it." *The Paulina*, 1 U.S. (7 Cranch) 52, 60 (1812).

Yet for a few decades in the last century, this Court assumed it was "a proper judicial function to 'provide such remedies as are necessary to make effective' a statute's purpose." *Abbasi*, 137 U.S. at 132 (quoting *J.I. Case Co. v. Borak*, 377 U.S. 426, 433 (1964)). As "a routine matter with respect to statutes, the Court would imply causes of action not explicit in the statutory text itself." *Id.*

This stark departure from the Court's traditional, constitutional role did not survive. The high-water mark for implied causes of action occurred in *Cannon v. University of Chicago*, 441 U.S. 677 (1979), which held that Congress intended to provide a private remedy for Title IX of the Civil Rights Act, even though the statute itself manifests no such intention. *Cannon* is perhaps best known for Justice Powell's robust dissent, grounded in concern for the properly limited role of the Judiciary in a democratic society.

Whether to create a cause of action, Justice Powell insisted, cannot "properly be decided by relatively uninformed federal judges who are isolated from the political process." 441 U.S. at 731 (Powell, J., dissenting). Rather, "respect for our constitutional system dictates that the issue should have been resolved by the elected representatives in Congress after public hearings, debate, and legislative decision." *Id.* By departing from that approach, Justice Powell

warned, the *Cannon* majority had crossed the line into "independent judicial lawmaking." *Id.* at 740.

Justice Powell's view eventually became the Court's view. In a string of decisions culminating in *Alexander v. Sandoval*, 532 U.S. 275, 287 (2001), this Court "abandoned" its older understanding of implied causes of action and "ha[s] not returned to it since." So now when a party "seeks to assert an implied cause of action under a federal statute, separation-of-powers principles are or should be central to the analysis." *Abassi*, 137 U.S. at 133. In the mine-run case, therefore, the "decision to create a private right of action is one better left to legislative judgment." *Jesner*, 584 U.S.at 264.

B. *Sosa* cabins a federal court's ability to create a cause of action under the ATS.

Ordinarily when Congress desires to "create new rights enforceable under an implied private right of action," it "must do so in clear and unambiguous terms." *Gonzaga Univ. v. Doe*, 536 U.S. 273, 290 (2002). The judicial "task" is "limited solely to determining whether Congress intended to create the private right of action asserted." *Abbasi*, 137 U.S. at 133 (cleaned up). And "as with any case involving the interpretation of a statute, [that] analysis must begin with the language of the statute itself." *Touche Ross & Co. v. Redington*, 442 U.S. 560, 568 (1979).

But the ATS is a special case. While it creates federal-court jurisdiction to hear a tort claim by an alien alleging a violation of the law of nations, it creates no cause of action. Yet it is unlikely, in the

Court's view, that "Congress would have enacted the ATS only to leave it lying fallow indefinitely." *Sosa*, 542 U.S. at 719. The First Congress surely "assumed that federal courts could properly identify some international norms as enforceable" under the ATS. *Id.* at 730.

So while Congress still bears primary responsibility for deciding which causes of action an alien may bring under the ATS, federal courts may, in very narrow instances, "recognize private causes of action [under the ATS] for certain torts in violation of the law of nations." *Sosa*, 542 U.S. at 724. But before a court may do so, it must exercise "great caution" by undertaking a two-step process. *Id.* at 728. First, it must ensure that the proposed cause of action reflects an international norm that is "specific, universal, and obligatory." *Id.* at 732. Second, if that high threshold is met, the court must decide whether there is any reason to limit "the availability of relief." *Id.* at 733 n.21.

Not only must ATS plaintiffs identify a violation of an international norm that is "specific, universal, and obligatory," but they must show that the "scope of liability" for violating that norm extends "to the perpetrator being sued, if the defendant is a private actor such as a corporation or individual." *Sosa*, 542 U.S. at 732, 733 n.20.

Generally, the "decision to create a private right of action is one better left to legislative judgment." *Id.* at 727. Indeed, *Sosa* stresses the need for "judicial caution" given the "possible consequences of making international rules privately actionable." *Id.* Only a "very limited" subset of all potential law-of-

nations violations may be actionable. *Sosa* identifies just three: "violations of safe conducts, infringement of the rights of ambassadors, and piracy." *Id.* at 724. None of those offenses are at issue here.

C. Federal courts may not extend ATS liability to aiders and abettors.

Whatever residual common law discretion the ATS may impart to the Judiciary, it does not include the ability to impose secondary liability on alleged aiders and abettors. By pressing this novel cause of action under the ATS, the respondents ask the Court to go far "beyond any residual common law discretion" the federal courts may enjoy. *Sosa*, 542 U.S. at 738.

1. "International law is not silent on the question of the *subjects* of international law"—i.e., those who "have legal status, personality, rights, and duties under international law and whose acts and relationships are the principal concerns of international law." *Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111, 126 (2d Cir. 2010), *aff'd,* 569 U.S. 108 (2013). "Nor does international law leave to individual States the responsibility of defining those subjects." *Id.*

Aiding and abetting is an ancient concept in the *criminal* law. *See* 1 Matthew Hale, *History of Pleas of the Crown* 615 (1736) (discussing the distinction in Roman law between "manifest" and "non-manifest" theft, which turned on the thief's proximity, when caught, to the crime scene). And while the concept finds some support in international criminal tribunals, *see, e.g.*, Rome Stat. of the Int'l Criminal Court,

art. 25, 37 I.L.M. 1002, 1016 (July 17, 1998) (not ratified by U.S.); Stat. of the Int'l Criminal Trib. for Rwanda, S.C. Res. 955, art. 6, U.N. Doc. S/RES/955 (Nov. 8, 1994), even these sources cannot agree on the *mens rea* and *actus reus* required for a conviction, *see Doe I v. Nestlé, S.A.*, 748 F. Supp. 2d 1057, 1080–87 (C.D. Cal. 2010).

Even so, citing its en banc opinion in *Sarei v. Rio Tinto, PLC*, 671 F.3d 736, 765–66 (9th Cir. 2011) (en banc), *judgment vacated*, 569 U.S. 945 (2013), the Ninth Circuit has declared that "[c]ustomary international law" permits "aiding-and-abetting ATS claims," *Doe I v. Nestle USA, Inc.*, 766 F.3d 1013, 1023 (9th Cir. 2014). But *Sarei*'s analysis of that question is virtually nonexistent. True, "[t]he ATS itself does not bar aiding and abetting liability." *Sarei*, 671 F.3d at 749. But that's awfully thin gruel. The mere absence of a prohibition cannot confer a statutory cause of action. *See Gonzaga Univ.*, 536 U.S. at 290. And even if "customary international law gives rise to a cause of action for aiding and abetting a war crime under the ATS," *Sarei*, 671 F.3d at 765, the respondents allege no war crime here.

Of course, the ATS is not a criminal statute. *See* 28 U.S.C. § 1350 (granting jurisdiction over "civil action[s] by an alien for a tort only"). More to the point, *Sarei* identifies no source of international law that provides a *civil* remedy for any international crime, much less one that permits secondary civil liability for that crime. And no nation has, to WLF's knowledge, adopted a general aiding-and-abetting statute for remedying "a tort only." 28 U.S.C. § 1350.

The Ninth Circuit's holding thus transforms the ATS into an anomaly in the law.

In short, the Ninth Circuit identifies no source of international law for *civil* aiding-and-abetting liability, much less one defined with the universality and precision that *Sosa* demands. *See In re S. African Apartheid Litigation*, 346 F. Supp. 2d 538, 554 (S.D.N.Y. 2004) (refusing to recognize aiding-and-abetting liability under the ATS because it "would not be consistent with the 'restrained conception' of new international law violations that [*Sosa*] mandated for the lower federal courts").

2. Even if it were an open question whether civil aiding-and-abetting liability is a universal norm of international law, there are "sound reasons to think Congress might doubt the efficacy or necessity" of allowing aiding-and-abetting liability under the ATS. *Jesner*, 584 U.S. at 264 (plurality opinion) (citation omitted).

Consistent with the Constitution's separation of powers, whether aiders and abettors "should be subject to suit" is for Congress, not the Judiciary, to decide. *Id.* at 1403. Although it has enacted a general aiding-and-abetting statute for all federal criminal offenses, 18 U.S.C. § 2, Congress has never adopted a general aiding-and-abetting statute for *civil* actions.

The Torture Victim Protection Act of 1991, Pub. L. No. 102-256, 106 Stat. 73 (TVPA), is "the only cause of action under the ATS created by Congress rather than the Courts." *Jesner*, 584 U.S. at 265 (plurality opinion) (citation omitted). Yet while it

provides a right of action against any "individual," who, under color of foreign law, subjects another to "torture" or "extrajudicial killing," *id.*, the TVPA does not provide for aiding-and-abetting liability. *See* 28 U.S.C. § 1350 *note*.

Given Congress's refusal to create civil aiding-and-abetting liability under the ATS in the TVPA, *Sosa*'s caution—that the decision to create a private cause of action for law-of-nations violations is "one better left to legislative judgment," 542 U.S. at 727—applies with special force here. "Absent a compelling justification, courts should not deviate from that model." *Jesner*, 584 U.S. at 266 (plurality opinion).

True, Congress authorized a form of secondary liability in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 *et seq*., but that statute is not analogous to the ATS. At all events, the fact "that Congress chose to impose some forms of secondary liability" in one statute but not the other reflects "a deliberate congressional choice with which the courts should not interfere." *Cent. Bank*, 511 U.S. at 184.

Although this brief's focus is on the ATS, petitioners' separate question on the TVPA is no less cert-worthy and should be decided alongside the ATS question.

3. Aiding-and-abetting liability is the exception, not the rule. When Congress enacts a statute allowing a plaintiff to sue and recover damages "for the defendant's violation of some statutory norm," there is "no general presumption that the plaintiff may also sue aiders and abettors." *Cent. Bank*, 511 U.S.

at 182. Several sound reasons commend this approach.

First, aiding-and-abetting liability "exacts costs that may disserve the goals" of federal law. *Id.* at 188. Litigation under the ATS, for example, "presents a danger of vexatiousness different in degree and in kind from that which accompanies litigation in general." *Id.* at 189 (quotation and citation omitted). What's more, smuggling concepts of secondary culpability from the criminal law into the ATS would allow private plaintiffs and their attorneys to threaten secondary liability "without the check imposed by prosecutorial discretion." *Sosa*, 542 U.S. at 727.

Second, expanding the scope of liability here would also inject "an element of uncertainty into an area that demands certainty and predictability." *Pinter v. Dahl*, 486 U.S. 622, 652 (1988). Indeed, the "rules for determining aiding and abetting liability are unclear." *Cent. Bank*, 511 U.S. at 188. "The issues would be hazy, their litigation protracted, and their resolution unreliable." *Id.* at 189 (cleaned up). That is why this Court has refused to smuggle concepts of criminal aiding and abetting into a federal civil statute that is silent on that matter. *See id.* at 181–82.

If anything, the need to respect Congress's prerogatives in creating statutory rights and remedies is "magnified" when, as here, "the question is not what Congress has done but instead what courts may do." *Kiobel*, 569 U.S. at 116. Implying a cause of action for aiding and abetting where Congress has not would work "a vast expansion of federal law."

Cent. Bank, 511 U.S. at 183. Only this Court can arrest that troubling trend.

4. Finally, the Ninth Circuit ignored "the practical consequences" of its decision to recognize a cause of action for aiding and abetting under the ATS. *Sosa*, 542 U.S. at 732–33. Among those, the ATS's "principal objective" was to "avoid foreign entanglements." *Jesner*, 584 U.S. at 255. Holding Cisco liable for lawfully selling networking hardware and software to Chinese law enforcement agencies as permitted by Commerce Department regulations will have significant ramifications on U.S. foreign relations.

As Judge Bumatay detailed in his cogent dissent from en banc denial, "[e]xtending aiding-and-abetting liability here raises foreign policy concerns as obvious as they are serious." Pet App. 130a. Allowing this suit to proceed "means that a federal court may participate in declaring that the Chinese Communist Party and Ministry of Public Security violated international law in its treatment of Falun Gong practitioners." *Id.* at 131a. But that would surely inject the judiciary into matters of U.S. foreign policy. *See Jesner*, 584 U. S. at 255.

Apart from the disruption ATS suits pose to U.S. foreign policy, the real-world consequences of recognizing ATS aiding-and-abetting liability against multinational corporations would be calamitous. Blessing aiding-and-abetting liability under the ATS would expose American companies to costly, burdensome, and lengthy litigation. Such a legal landscape would discourage perfectly lawful foreign trade and investment by U.S. companies.

The global economy offers the developing world "enormous opportunities for economic growth and sustainable development with potential benefits on a scale that is difficult to imagine." United Nations Conference on Trade and Development, *World Investment Report 2018* iv, <https://perma.cc/J3ER-UMGS>. Yet multinational firms cannot undertake major industrial or commercial investment in a developing country without cooperating with that country's government and business sectors.

It is a regrettable but undeniable fact that many nations' governments and large employers do not always respect the human rights of their citizens and employees. *See, e.g.*, Human Rights Watch, *World Report 2025* <https://perma.cc/JLK6-QGAP> (documenting human-rights abuses in nearly 100 countries). If they find themselves liable for aiding and abetting under the ATS simply for doing business with a foreign government or go-between that violates international norms, multinational companies may well decide that such a risk is not worth the candle. Talisman Energy, for example, abandoned energy exploration in South Sudan following adverse publicity from an ATS suit for which Talisman obtained summary judgment. *See Presbyterian Church of Sudan v. Talisman Energy, Inc.*, 582 F.3d 244, 262 (2d Cir. 2009).

As this case shows, a court that creates an extra-statutory cause of action to address a global problem acts in defiance of many blind spots. The "omnipresence of unintended consequences" can often be attributed to "the absence of relevant information." Cass R. Sunstein, *The Cost-Benefit Revolution* 79

(2018). Yet "the decisions that follow adjudication, involving a small number of parties," often "turn out to be inadequately informed." *Id.* at 86. In contrast, Congress is better able to "collect dispersed knowledge" and "bring it to bear on official choices." *Id.* at 88.

* * *

Whether a cause of action for aiding and abetting may be implied under the ATS is a question of utmost importance. "Having sworn off the habit of venturing beyond Congress's intent," this Court should "not accept respondents' invitation to have one last drink." *Sandoval*, 532 U.S. at 287. Rather than keep playing whack-a-mole with enterprising plaintiffs' lawyers who prevail in the lower courts, the Court should decide, once and for all, that the ATS permits no liability for aiding-and-abetting.

CONCLUSION

The petition should be granted.

Respectfully submitted,

CORY L. ANDREWS
Counsel of Record
WASHINGTON LEGAL FOUNDATION
2009 Mass. Ave., NW
Washington, DC 20036
(202) 588-0302
candrews@wlf.org

February 28, 2025