

The Alien Tort Statute: Holding U.S. Corporations Accountable

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This note will first take a look at the legislative history behind the Alien Tort Statute. Second, this note will discuss the landmark decisions that followed *Filartiga*, the theories behind them, and how these decisions continued to shape the scope of the ATS. This note will then analyze why the federal courts should not exclude U.S. corporations from liability under the ATS by first looking at arguments in favor of excluding corporate liability that focus on past international criminal tribunals. While some courts favor looking into past practices regarding corporate liability, the Supreme Court is not meant to be static and should look to contemporary normative practices in determining the appropriateness of corporate liability. Finally, this note will revisit the original purpose of the ATS and explain why foreclosing corporate liability would be in contravention to that purpose.

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