The United States Gives Plaintiffs in ATS Cases an Early Christmas Present

By way of brief follow up to the post below, the United States just filed this brief (10-1491tsacUnitedStates) in the *Kiobel* case in support of petitioners in which the Government argues, among other things, that a corporation can be held liable under federal common law for a violation of the ATS. This brief is in tension with previous briefs filed by the United States in other ATS cases. Assuming the United States participates in oral argument, the Justices should have very interesting questions for the Government's lawyer.