



FOR IMMEDIATE RELEASE

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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

## WLF Asks Supreme Court to Review President's Authority to Impose Tariffs

*(Learning Resources v. Trump)*

***“The President may impose tariffs only if Congress or the Constitution says he can. There is no Article II tariff power, and the President’s reliance on IEEPA is flatly wrong. The Supreme Court should step in now and settle this issue—so that American businesses throughout the supply chain can focus on getting inventory available for Christmas.”***

—Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today filed an amicus curiae brief with the U.S. Supreme Court in *Learning Resources v. Trump*, urging the Court to quickly take up the question of whether tariffs imposed by President Trump are unlawful.

The case arises from a series of executive orders invoking the International Economic Emergency Powers Act (IEEPA) as a legal basis for imposing tariffs. Those tariffs have been challenged by a host of plaintiffs across the United States. Recently, two courts, the U.S. District Court for the District of Columbia and the U.S. Court of International Trade, have held that IEEPA does not grant the President any authority to issue tariffs. The prevailing party before the U.S. District Court for the District of Columbia, Learning Resources, is now asking the U.S. Supreme Court to take up the case now—short-circuiting the usual appellate-review process.

As WLF’s amicus brief explains, the President has no inherent constitutional authority to impose tariffs, so he must rely on Congressional authorization to do so. But IEEPA is not a tariff authority and never mentions tariffs in its text. The President’s strained reading to the contrary is akin to past Executive Branch overreaches halted by the Supreme Court, such as President Biden’s effort to cancel student loan debt or President Obama’s effort to create a carbon cap-and-trade program through the EPA.

WLF contends that immediate review is vital for America’s business community. As WLF’s brief notes, if the President has a roving authority to issue tariffs, “rates can immediately change from day to day under the Executive’s policy preferences.” Waiting for appellate courts around the country to weigh in only risks causing more uncertainty on this multi-trillion-dollar question, as injunctions may come and go from court-to-court. Businesses throughout the international supply chain deserve a concrete answer now.

*Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*