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WLF Asks Supreme Court to Strike Down Presidential Tariffs *(Learning Resources v. Trump/V.O.S. v. Trump)*

“The President claims the power to impose, reduce, hike, suspend, double, treble, or eliminate tariffs all on his own. No law allows that—least of all the Constitution.”

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC— Washington Legal Foundation (WLF) today asked the U.S. Supreme Court to affirm two lower court decisions enjoining tariffs imposed by President Trump in *Learning Resources v. Trump/V.O.S. v. Trump*.

The case arises from a series of executive orders that claim the International Emergency Economic Powers Act (IEEPA) as a legal basis for the President to impose tariffs. Those orders have been challenged by a host of plaintiffs across the United States. In one case, the toy manufacturer Learning Resources prevailed before the U.S. District Court for the District of Columbia, which held that IEEPA does not authorize the President to impose tariffs. In September, the Supreme Court granted review of that case, along with another tariff challenge from the U.S. Court of Appeals for the Federal Circuit (*V.O.S. v. Trump*). The Court consolidated the cases.

As WLF’s amicus brief explains, the President has no inherent constitutional authority to impose tariffs, and so he must rely on Congressional authorization to do so. But IEEPA, a nearly 50-year-old statute that no other President has used to justify tariffs, never mentions tariffs. The President’s strained reading to the contrary is of a piece with earlier Executive Branch overreaches halted by the Supreme Court, such as President Biden’s effort to cancel student loan debt and President Obama’s effort to create a carbon cap-and-trade program through the EPA.

In short, the President claims a roving right to unilaterally set taxes on America’s multi-trillion-dollar share of the international marketplace and to alter those rates whenever he sees fit. As WLF’s brief notes, it is highly unlikely “that Congress, well-aware of the importance of regulatory and taxation certainty to America’s business community, would have given the President unbridled whipsaw authority on such a major question.”

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.

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