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NCLA Launches Second Lawsuit Against Trump Administration’s Unlawful Emergency Tariff Orders

FIREDISC, Inc.; The Game Manufacturers Association; and Ryan Wholesale, Inc. v. Donald J. Trump, et al.

Washington, DC (July 21, 2025) – The New Civil Liberties Alliance filed a [Complaint](#) today in the U.S. District Court for the Western District of Texas challenging President Trump’s unlawful attempt to impose widespread tariffs based on alleged “emergency” authority. He has cited the International Emergency Economic Powers Act (IEEPA), but that statute authorizes emergency actions like economic sanctions and asset freezes to protect the United States from foreign threats. It does not authorize the President to impose tariffs. Representing FIREDISC, the nonprofit Game Manufacturers Association (GAMA), and Ryan Wholesale, NCLA asks the District Court to find jurisdiction to hear this lawsuit and [issue summary judgment](#) for Plaintiffs, setting aside the unlawful tariffs.

FIREDISC manufactures and sells outdoor cooking products, purchasing supplies from sources in China that U.S. suppliers do not reasonably provide. GAMA represents the tabletop games industry in the U.S., with about 1,500 member companies. Hundreds of members nationwide rely on imports from China, Canada, Poland, Spain, Germany, and the U.K., all of which are subject to tariffs under Trump Administration executive orders issued since February. With over 80 percent of tabletop games made abroad, the tariffs threaten the entire industry. Ryan Wholesale manufactures timber trusses and other fine wood products, importing supplies from Italian sources that are not reasonably available in the U.S. The “emergency” tariffs will force FIREDISC, many GAMA members, and Ryan Wholesale to make higher tariff payments, driving up their costs and thus prices for their customers.

Just as NCLA points out in the ongoing [Simplified, et al. v. Trump](#) lawsuit—the first-ever challenge to the emergency tariffs—article I, § 8 of the Constitution grants Congress sole authority to control tariffs, which legislators have done by passing detailed tariff statutes. The President cannot bypass those statutes by invoking “emergency” authority in another statute that does not mention tariffs. His attempt to use the IEEPA this way not only violates the law as written, but it also invites application of the Supreme Court’s Major Questions Doctrine, which tells courts not to discern policies of “vast economic and political significance” in a law without explicit congressional authorization. If the IEEPA were held to permit this executive order, then the statute would run afoul of the nondelegation doctrine because it lacks an “intelligible principle” to limit or guide the President’s discretion in imposing tariffs.

NCLA released the following statements:

“These unlawful tariffs are a presidential power grab that usurps Congress’s right to control tariffs and upsets the Constitution’s separation of powers. They are especially crushing to small businesses—including our clients in this case. The court should hold the tariffs unlawful and strike them down.”

— **Andrew Morris, Senior Litigation Counsel, NCLA**

“The illegal tariffs continue to damage millions of people and businesses across the country unconstitutionally. The IEEPA gives the President no tariff power and is not a tariff statute. It is now up to the courts to stop them.”

— **John Vecchione, Senior Litigation Counsel, NCLA**

“Someone gave the President very bad legal advice. No prior administration in the nearly 50-year history of the IEEPA thought that it empowered the President to impose tariffs unilaterally. By doing so now, this administration has revived the specter of ‘taxation without representation’ over which the American Revolution was fought.”
— **Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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