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NCLA Asks Federal Circuit to Find All Emergency Tariffs Unlawful

V.O.S. Selections, Inc.; Plastic Services and Products, LCC, d/b/a Genova Pipe; MicroKits, LCC; FishUSA Inc.; Terry Precision Cycling LLC v. President Donald J. Trump, et al.

Washington, DC (July 9, 2025) – The New Civil Liberties Alliance has filed an *amicus curiae* [brief](#) in *V.O.S. Selections, Inc. v. Trump*. NCLA urges the U.S. Court of Appeals for the Federal Circuit to affirm the Court of International Trade’s ruling that President Trump’s attempts to impose tariffs using the International Emergency Economic Powers Act (IEEPA) are unlawful. The Court of International Trade ruled that IEEPA does not give the President authority to impose unlimited tariffs on goods from nearly all foreign countries. NCLA asks the Federal Circuit to affirm and expand that decision by holding that IEEPA does not provide the President with any tariff power at all.

As NCLA has argued in [Simplified, et al. v. Trump](#), where it brought the first challenge to the emergency tariffs, IEEPA does not authorize any tariffs—only defensive emergency actions such as imposing sanctions or freezing assets to protect the United States from foreign threats. In IEEPA’s nearly 50-year history, no other president has ever tried to use the statute to impose tariffs. NCLA has not objected to President Trump’s declarations of emergency, but it does contend that his orders imposing tariffs in response are unlawful.

Once the Federal Circuit affirms the lower court’s decision striking down the tariffs, it should not award a nationwide stay of its decision while the government seeks review in the Supreme Court. To seek that kind of nationwide stay, the government would have to contradict its arguments that nationwide injunctions are inappropriate.

NCLA released the following statements:

“The Federal Circuit should affirm the lower court’s decision that the emergency tariffs are unlawful, but should make it clear that the President lacks the authority to order emergency tariffs of any kind.”

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

“To have billions of dollars in illegal tariffs collected across this country and allow weekly changes in tariff policies without Congressional lawmaking is so glaringly unconstitutional that the Federal Circuit should end it once and for all and refuse to stay its ruling should the Administration seek further review.”

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

For more information visit the *amicus* 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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