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In NCLA *Amicus* Win, en Banc Federal Circuit Rules Trump's Emergency Tariffs Are 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 (August 29, 2025) – Today, the *en banc* U.S. Court of Appeals for the Federal Circuit [ruled](#) in *V.O.S. Selections, et al. v. Trump* that President Trump's attempts to unilaterally impose tariffs on goods from many foreign countries by invoking the International Emergency Economic Powers Act (IEEPA) are unlawful. The decision validates arguments the New Civil Liberties Alliance made in its *amicus curiae* [brief](#), which explained that IEEPA does not give the President authority to impose any tariffs at all. While the Federal Circuit did not explicitly decide whether IEEPA includes some tariff power or not, it affirmed the U.S. Court of International Trade's (CIT) ruling that the statute does not authorize the extensive emergency tariff actions President Trump took. NCLA still looks forward to securing a court decision ruling that *any* tariffs purportedly imposed under IEEPA are unlawful.

As NCLA argues in [Simplified, et al. v. Trump](#), where it brought the first challenge to the emergency tariffs, and in the recently filed [FIREDISC, Inc. v. Trump](#) lawsuit in the Western District of Texas, IEEPA does not authorize any tariffs whatsoever. It only provides for defensive emergency actions such as imposing sanctions, embargoes, 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.

"Notably, IEEPA does not use the words 'tariffs' or 'duties,' nor any similar terms like 'customs,' 'taxes,' or 'imposts,'" the Federal Circuit observed in its opinion, echoing NCLA's textualist argument. "IEEPA also does not have a residual clause granting the President powers beyond those which are explicitly listed."

The Federal Circuit judgment vacated the U.S. Court of International Trade's (CIT) injunction blocking enforcement of the emergency tariffs. The appeals court remanded *V.O.S. Selections* for the CIT to decide whether such a nationwide injunction is appropriate under the U.S. Supreme Court's June decision in *Trump v. CASA*. The CIT should hold that a nationwide injunction is indeed appropriate. The government has fought hard to litigate the legality of the IEEPA tariffs in the CIT by arguing the issue belongs in a court ostensibly possessing exclusive nationwide jurisdiction over this topic. For example, the government successfully fought to transfer the *Simplified v. Trump* case to the CIT from the Florida district where we filed it. The government cannot have it both ways. Now that it has lost in its chosen forum, it should not be able to avoid an injunction that is nationwide in scope.

NCLA released the following statements:

"We are gratified that the Federal Circuit struck down the massive 'emergency' tariffs ordered by President Trump. But any future decisions should go further by adopting the four-judge concurrence's conclusion that IEEPA does not authorize any tariffs of any kind."

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

“The majority decision is the most recent in an unbroken string of court decisions holding the unilateral Executive Branch taxes upon Americans imposed without congressional approval are unlawful. The CIT should halt them forthwith upon remand.”

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

“Today’s decision comes as no surprise. Every court that has looked at the substance of the IEEPA has concluded that it does not give the President power to evade congressional limits on tariff authority imposed in other statutes. Given the number of countries affected, this case calls for a ‘universal’ injunction—no hyperbole required!”

— **Mark Chenoweth, President, 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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