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Media Inquiries: [Joe Martyak](#), 703-403-1111

NCLA Amici Brief with Clients Asks Supreme Court to Rule Emergency Tariffs Lack Legal Authority

Learning Resources, Inc. and hand2mind, Inc. v. President Donald J. Trump, et al.;
President Donald J. Trump, et al. v. V.O.S. Selections, Inc., et al.

Washington, DC (October 24, 2025) – The New Civil Liberties Alliance, on behalf of itself and its clients in two pending lawsuits against the emergency tariffs, filed an *amici curiae* [brief](#) today at the U.S. Supreme Court in the consolidated [Learning Resources v. Trump](#) and [Trump v. V.O.S. Selections](#) tariff cases. NCLA urges the Justices to rule that President Trump’s orders imposing tariffs under the International Emergency Economic Powers Act (IEEPA) are unlawful, because the text of that law does not authorize any tariffs.

As NCLA has argued since filing [Simplified v. Trump](#)—the first lawsuit ever brought against the IEEPA emergency tariff orders—IEEPA never mentions tariffs, so it cannot authorize the President to enact them in declared emergencies. NCLA represents Simplified, Kilo Brava, Bambola, Rokland, FIREDISC, and the Game Manufacturers Association on the *amici* brief, which are NCLA’s clients in *Simplified* and the similar [FIREDISC v. Trump](#) lawsuit. NCLA’s brief specifically asks the Court to reject the Government’s dangerous and absurd argument that “... regulate ... importation or exportation of ... property ...” means “tariff.”

The President does not possess any inherent executive authority to impose tariffs unilaterally. The U.S. Court of Appeals for the Federal Circuit [ruled](#) in *V.O.S. Selections* that IEEPA does not authorize the specific tariffs President Trump has levied. A concurrence in that case held that all such tariffs are unlawful, and the U.S. District Court for the District of Columbia had reached the same conclusion earlier in *Learning Resources*. NCLA believes the Supreme Court must adopt the view of the *V.O.S. Selections* concurrence and the *Learning Resources* ruling, determining that IEEPA does not give the President power to issue unilateral tariffs on Americans. The Justices should also rule that federal district courts have jurisdiction to hear these cases, since IEEPA is not a tariff statute.

NCLA released the following statements:

“The Supreme Court should rule that the President lacks the authority to order emergency tariffs of any kind—a ruling that will restore Congress’s control over tariffs and discourage future presidential overreach.”

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

“Congress didn’t give the President tariff power under IEEPA. The Supreme Court can preserve the proper place of separation of powers by saying so.”

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

“If, as the Government has requested, the Supreme Court decides that the word ‘regulate’ means ‘tariff,’ it would open a Pandora’s Box of mischief. Doing so would unleash bureaucrats throughout the Administrative State to find other laws containing the word ‘regulate’ that would let them tax Americans.”

— **Mark Chenoweth, President, NCLA**

For more information visit the *amicus* pages [here](#) and [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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