



The Case of Emergency Tariffs

The Facts of [Learning Resources, Inc. v. Trump](#) and [Trump v. V.O.S. Selection](#):

On November 5, 2025, the U.S. Supreme Court will hear a case that could change the extent of the president's power to impose [tariffs](#). The case combines two lawsuits: [Learning Resources, Inc. v. Trump](#) and [Trump v. V.O.S. Selections](#). Both cases are centered around a law called the [International Emergency Economic Powers Act of 1977](#) (IEEPA).

In February 2025, President Trump used this law to place tariffs on goods from Canada, China, and Mexico. This was the first time the IEEPA was used this way. The IEEPA is one of six laws that allow the president to impose tariffs, but only if Congress allows it. Most of these laws require a government investigation before tariffs are used. The IEEPA does not. Under the IEEPA, the president can declare a [national emergency](#) and then control trade, including imports. The declared emergency can end if the president cancels it or if Congress votes to end it



Under [Article I, Section 8](#) of the U.S. Constitution, Congress has the power to create taxes, including tariffs. Unless Congress has [delegated this power](#) to the president through legislation, as it has, the president does not have direct constitutional authority to impose tariffs.

Earlier this year, Learning Resources, Inc., sued the Trump Administration in the [U.S. Court of International Trade](#). They argued that the president's actions exceeded the authority granted to him by the IEEPA statute because tariffs and taxes are not mentioned in the act. The Court of International Trade ruled in favor of Learning Resources, Inc. The Trump Administration appealed to the [U.S. Court of Appeals for the Federal Circuit](#). In a 7-4 decision, the appeals court agreed with the U.S. Court of International Trade and ruled that the president's actions were unlawful. The administration appealed to the U.S. Supreme Court, and it granted [certiorari](#) on September 9, 2025.

There are two constitutional doctrines at play in this case:

1. The [non-delegation doctrine](#) addresses the limits of Congress's ability to delegate its legislative powers to the executive branch. The doctrine holds that Congress cannot delegate powers that are "strictly and exclusively legislative." It is important to note that the Court has rarely invalidated such delegations of power, especially as they relate to foreign affairs.

2. The [major questions doctrine](#) suggests courts should be cautious when interpreting laws that appear to grant the executive branch broad authority over economic or political issues without explicit authorization from Congress.

In their [brief](#), the government said the president acted legally. They argued that Congress has often granted the president wide powers during emergencies, including using tariffs. They also said the major questions doctrine doesn't apply here because the IEEPA is about foreign emergencies. Further, the government pointed to a recent opinion by Justice Brett Kavanaugh, who said the non-delegation rule doesn't matter as much in national security and foreign policy.

In their [brief](#), Learning Resources, Inc. said both doctrines do apply. They argued that allowing the president to set tariffs just by declaring an emergency would give him too much power.

The Supreme Court will consider whether the IEEPA constitutionally delegates tariff authority to the president, and whether the president's use of the act to impose tariffs is lawful.

Supreme Court Precedents Used in this Case:

- [Wayman v. Southard \(1825\)](#) - The Court said that even though Congress makes the laws, it can let the President or the courts decide the smaller details to help those laws work properly.
- [Youngstown Sheet & Tube Co. v. Sawyer \(1952\)](#) - The Court ruled that President Truman lacked constitutional or congressional authority to seize steel mills during a labor dispute, limiting executive power.
- [West Virginia v. EPA \(2022\)](#) - The Court ruled that the EPA lacked authority under the Clean Air Act to enforce broad generation-shifting measures in its Clean Power Plan without clear congressional approval.
- [FCC v. Consumers Research \(2025\)](#) - The Court ruled that the Federal Communications Commission can continue its program to help make phone and internet service more affordable, because Congress gave it clear rules and allowed it to manage the details, thus not violating the nondelegation doctrine.

To Think and To Do: At the heart of this debate are two constitutional principles: the major questions doctrine and the non-delegation doctrine. These doctrines help determine whether Congress has given the executive branch too much authority without clear guidance. Given the precedents used in this case, how do you think the justices will rule? Explain.

To Learn More: [Brief for the Petitioners](#), Learning Resources, Inc.; [Brief for the Respondents](#), Trump