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Major Relief for American Families

U.S. Court of International Trade Halts Trump Tariffs

TOPLINE: Last night, the United States Court of International Trade [unanimously invalidated](#) most of President Trump's sweeping tariff tax scheme, finding that the International Emergency Economic Powers Act (IEEPA) does not, and constitutionally could not, confer the authority to exercise the unbounded tariff power on the President.

IEEPA Does Not Empower the President to Impose “Unbounded Tariffs”

- According to the Court, “Because of the Constitution’s express allocation of the tariff power to Congress, see U.S. Const. art. I, § 8, cl. 1, we do not read IEEPA to delegate an unbounded tariff authority to the President.”
- IEEPA does not authorize the President “to impose whatever tariff rates he deems desirable,” because **“such a reading would create an unconstitutional delegation of power.”**
- The Court found that tariffs in response to trade deficits fall under Section 122 of the Trade Act of 1974, not IEEPA. Section 122 grants the President more limited, non-emergency powers to respond to “balance-of-payments deficits.”
- The Court found that across-the-board tariffs imposed to address drug and other forms of trafficking are not sufficiently connected to the emergency to satisfy IEEPA.
- The nondelegation doctrine and major questions doctrine, important constitutional separation-of-powers principles, guided the court’s reasoning in the decision.

The Constitution Empowers Congress, Not the President, to Impose Taxes

- Article I, § 8 enumerates Congress’s powers, the first of which is the “power to lay and collect taxes, duties, imposts and excises.” Congress may not delegate legislative power to the Executive.
- The Founders intentionally granted Congress alone core legislative powers like the taxing power because they knew the deliberation and consensus legislation requires were [“bulwarks of liberty.”](#)
- The founding generation’s debates over the federal government’s taxing power, including its power of “external taxation,” assumed that Congress would be exercising that power.

The Ruling Is a Summary Judgment, Not a Preliminary Injunction

- The Court granted summary judgment on the challenge to the Trump tariff tax. Unlike a nationwide preliminary injunction, the court issued a final ruling that the tariffs were invalid. Relief from these tariffs is not limited solely to the plaintiffs who sued.
- As the court explained: “There is no question here of narrowly tailored relief; if the challenged Tariff Orders are unlawful as to Plaintiffs they are unlawful as to all.”
- The Executive Branch has appealed the decision to the Court of Appeals for the Federal Circuit.

Further Reading:

- [“Pence’s Group Launches Ad Campaign Against Trump Tariffs”](#) (*Semafor*, 4/8)
- [“Trump’s Tariffs Are Taxation Without Representation,”](#) by Marc Wheat (*NRO*, 4/11)
- [“How Bond Markets Tamed Trump,”](#) by Marc Short and Joel Griffith (*Newsweek*, 4/18)
- [“Pence Speaks In North Carolina Against Broad Trump Tariffs”](#) (*AP News*, 5/19)



For more information, please contact AAF General Counsel
Marc Wheat at mwheat@advancingamericanfreedom.com