

Law360 Quotes Partner Jonathan Todd on Supreme Court Scrutiny of Trump's Emergency Tariffs

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Benesch Partner [Jonathan Todd](#) was quoted in Law360's recent article, "*Justices Cast Constitutional Clouds Over Trump's Tariffs*." The article reports that several U.S. Supreme Court justices appeared doubtful of the government's arguments defending former President Trump's emergency tariffs under the International Emergency Economic Powers Act (IEEPA). Their questioning suggested a likely ruling that reinforces Congress' constitutional authority over tariffs and potentially limits presidential power in this area.

Todd emphasized that the justices quickly focused on the constitutional connection between tariffs and Congress' taxing authority, noting that "several justices equated tariff power with the power to tax under the Constitution." He said this line of questioning was "very helpful because it drives exactly to the point that's at issue here" and observed that many justices seemed to treat the tariffs as "a financial tool first and foremost." Todd also highlighted that the justices' inquiry into major questions doctrine shows they are taking seriously the balance of power between Congress and the executive branch explaining, "fundamentally, the question is a question of balance of powers ... and whether and to what extent Congress authorized the use of IEEPA in this way."

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