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STATEMENT ON SUPREME COURT TARIFF DECISION

Today, the U.S. Supreme Court released a decision finding unlawful the President's tariffs imposed under the International Emergency Economic Powers Act (IEEPA). The Institute for Policy Integrity filed an amicus brief in the case calling on the Court to apply—and provide clearer guidance on—the major questions doctrine, which counsels skepticism when federal government action (1) is unprecedented, (2) transforms the government actor's role, and (3) is of vast economic and political significance. The Supreme Court opinion does that.

The Institute for Policy Integrity has published scholarship on the major questions doctrine's use at the Supreme Court and in lower courts, and has advocated for consistency and clarity in the doctrine's application. In addition to our Supreme Court brief, we also filed four amicus briefs in the tariffs litigation as it made its way through lower courts and published numerous op-eds on the case and its implications.

Don Goodson, Executive Director of the Institute for Policy Integrity at NYU School of Law, released the following statement:

"Since the Supreme Court announced the major questions doctrine in 2022, lower courts have applied the doctrine haphazardly and often in ways that appeared to be outcome-driven. The Supreme Court's tariffs decision marks an important step in bringing greater clarity and consistency to the doctrine. This decision sends an important message to litigants and lower courts. Invoking the major questions doctrine is not a substitute for rigorous legal analysis, and it does not provide cover for outcome-driven results, regardless of the party that controls the Executive Branch."

Goodson and others from the Institute for Policy Integrity are available for interviews on these issues.

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The Institute for Policy Integrity *at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts and government agencies.*