#### Their ev is Trump propaganda – the alternatives are much weaker

Khardori 12-16 [Ankush Khardori is a senior writer for POLITICO Magazine and a former federal prosecutor at the Department of Justice, 12-16-2025 https://www.politico.com/news/magazine/2025/12/16/trump-tariffs-supreme-court-defeat-messy-column-00691102]

If Trump’s request for divine intervention falls flat, the administration will, in fairly short order, have to figure out a way to salvage the president’s signature economic policy initiative. For months, top administration officials like Treasury Secretary Scott Bessent and National Economic Council Director Kevin Hassett have brushed off the prospect of a loss at the Supreme Court by claiming that they will simply use other trade statutes to replace the tariffs that have been issued under the purported authority of the International Emergency Economic Powers Act.

Their outward nonchalance raises some obvious questions, not the least of which are why, if they are right, the president is asking God to step in, or why the administration spent all year using the wrong legal authority to support the president’s policy initiative. Their seeming indifference, however, also obscures the new legal and political obstacles that the Trump administration would confront. The fallback effort would not be as simple or straightforward a matter as they have claimed.

It is true that the administration could use other statutes to replicate (largely, though probably not entirely) the current tariff regime in the short term. But a new set of questions would immediately emerge — concerning both the process for importers to obtain refunds on previously imposed tariffs and the legal scope of the statutes that the Trump administration might use going forward.