

The US Supreme Court and Geopolitics

by **George Friedman** - February 23, 2026

I'd like to begin by issuing a disclaimer: I am neither a lawyer nor a constitutional scholar, but I would like to share some simplistic thoughts on the virtue of the United States.

Presidents do not rule the U.S.; they oversee the actions of the national government. They do not do as they will; they operate within a framework of laws that are passed by Congress. Presidents can veto any law passed, but Congress has the power to overrule that veto. The courts interpret the laws Congress passes, based on the language and intent of elected representatives and within the context that defines both the nature of the government and the rights and obligations of citizens. Presidents and Congress have taken many actions that have been found unconstitutional. Congress has amended some parts of the Constitution, but the president does not have the right to veto these amendments.

I find this system to be both elegant and complex – elegant in that it is constructed to ensure limited and effective power, and complex in that it allows the Supreme Court to act with the care of a surgeon. I write on geopolitics, but I must say that the brilliance of the founders in creating this system must be seen as one of the foundations of America's geopolitical power, precisely because of its elegance and complexity.

Even so, I must turn to the geopolitical consequences of the court's recent ruling on tariffs. President Donald Trump has described tariffs as a means to rebalance the international trade system in ways that would be more favorable to the United States. But he also meant to use them as a geopolitical weapon.

The free trade system that was intended to stabilize and empower Europe after World War II was based on geopolitical necessity. It was important to the U.S. that the Soviet Union be blocked from conquering Western Europe and capturing ports on the Atlantic that would allow Moscow to sail fleets into the Atlantic, challenge America's control of the seas and thus undermine global trade. (There was, of course, an ideological undercurrent to their standoff.)

After the collapse of the European empires, the principle of free trade evolved into a concomitant system of foreign aid as the U.S. and Soviet Union fought for control of newly independent states, usually referred to at the time as the Third World. It was a useful strategy that deployed U.S. wealth

to limit Soviet power. Economic power was used to try to limit the effectiveness of Soviet aid and military operations. There were wars fought between the Soviets and the U.S. in the Third World, but only indirectly, as both sides prudently avoided direct combat for fear of nuclear war.

When the Cold War ended, the U.S. no longer had an imperative to enrich and empower Europe or combat Russia in the Third World. The Trump administration slashed foreign aid accordingly and, in doing so, changed the free trade system that had existed since 1945. The fundamental imperative of the U.S. had been achieved. Russia's failure to conquer Ukraine was the nail in the coffin.

A new trade system, intended to be more favorable to the U.S., has since emerged. With it came a new dimension to global economics. Whereas economics was once used to create anti-Soviet alliances and curb the power and influence of Moscow, it is now being used to protect U.S. companies from foreign competitors. In other words, tariffs are being weaponized against foreign powers. A good example of this was the decision to impose tariffs on nations that bought oil from Russia.

A more important example is China. China is the world's second-largest economy and a budding geopolitical power. But Chinese growth was always predicated on access to U.S. markets and U.S. investment. Without that access, China would not have developed so rapidly. The benefit to the U.S. was both access to lower-priced products and prying China from Russia, with which it already had a tense relationship. However, the surge of Chinese products into the U.S. intensified so much that it began to challenge American business. Perhaps more important, the degree to which the American economy came to depend on Chinese exports created a geopolitical vulnerability. Though the U.S. and Chinese economies are linked, the two countries were also engaged in military competition that, at times, had the potential to escalate to war. No nation can be dependent on the exports of a country with which it could potentially go to war.

China was therefore the primary target of the U.S. tariff regime. Though this raised the price of goods in the U.S., it created larger problems for China. As I have argued, the U.S. and China are engaged in negotiations not only on economic matters but also on military issues. The tariffs put the Chinese in a difficult position. Apart from increasing cooperation and reducing tensions, particularly related to Taiwan, the talks, if successful, would increase tensions between Russia and China, a relationship that was complicated even when both were communist.

And so the decision of the Supreme Court to limit Trump's ability to impose tariffs without the approval of Congress creates a geopolitical problem. The imposition of tariffs on China was critical to creating a situation in which China needed to accommodate Washington. If they go away, the

pressure on China to reach a broad accommodation with the United States is significantly reduced.

The genius of the American political system is real. So is the geopolitical reality that the U.S. needs to reduce tensions with China. Given the court's ruling, China's negotiating position is now much strengthened.

The Supreme Court has no obligation to take this geopolitical dimension into consideration. What has transpired is merely an unintended consequence of a ruling that was based on law and constitutional principles. Still, it is a matter that must be considered. Trump has said that he has the means to continue the tariffs through other laws. This statement appears to be true but is limited. He will likely not be able to recreate the level of geopolitical power of the existing tariffs. Certainly the Founding Fathers could not have anticipated this situation, but the system they created must address it. Given that they did not want a single integrated government but a government that balances and limits each institution, this is an interesting case where the balance of powers is colliding with geopolitical imperatives.

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