

WILL: Asks SCOTUS to stop the Biden student loan forgiveness plan

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The News: Today, on behalf of the Brown County Taxpayers Association (BCTA), the Wisconsin Institute for Law & Liberty (WILL), asked the United States Supreme Court to temporarily pause the Biden Administration's student loan forgiveness program, which is expected to start this Sunday. If successful, WILL's latest action, an [emergency application for writ of injunction](#), will temporarily halt the program while lower courts consider its legality.

WILL's lawsuit is the first and only lawsuit to have reached the U.S. Supreme Court challenging the "One-Time Federal Student Loan Debt Relief" plan. This is the first time WILL has used such extraordinary legal measures—seeking emergency relief at the nation's highest court—to advance the rule of law. WILL's lawsuit is also the only case filed using the argument of taxpayer standing, which is an established legal doctrine allowing taxpayers to challenge unconstitutional government programs. **The WILL Quote:** WILL President and General Counsel, Rick Esenberg, said, "It is critical that the U.S. Supreme Court weighs in on the President's unconstitutional student loan relief plan before Sunday, when the loan forgiveness could start. WILL is proud to represent American taxpayers, and to bring the first claim to be submitted to SCOTUS."

WILL is making history in the courts: **this recent legal action is unprecedented for WILL and for this lawsuit!** Support WILL's efforts as we head to SCOTUS [here](#).

The Client Quote: BCTA President, Rich Heidel, said, "What Constitutional power does Biden have to take John Q. Public's money and pay Jane Q. Public's school loans? Why not her mortgage, why not her car loan? How did the college-educated caste become the lucky ones? When and how does this stop? This nonsense not

only defies the US Constitution – it defies common sense! And, if President Biden is doing this under the auspices of the federal government, what redress does John Q. Public have other than to take the fight to the federal judiciary?”

Background: WILL’s lawsuit was first filed in the federal district court in Wisconsin on October 4, 2022. The court dismissed the lawsuit based on standing. After that suit was dismissed, WILL and BCTA asked the Seventh Circuit Court of Appeals to intervene. The court denied the motion late last week. The case remains on appeal at the Seventh Circuit. WILL’s effort at SCOTUS is critical because as soon as Sunday, October 23, 2022, the Department of Education will start automatically canceling student loan debts. By effectively zeroing out tens of millions of accounts, federal officials may render all lawsuits challenging this program moot, because once a loan is canceled or forgiven, it is unlikely to be undone. The University of Pennsylvania has estimated that the cost of the entire program could be over \$1 trillion.

The Lawsuit: WILL [argues](#) that the Biden Administration has no Congressional authorization to forgive loans. The HEROES Act only permits the Department of Education to waive student loan rules in a very limited way in response to national emergencies. The law was originally intended to help the men and women of the Armed Forces who may be put in jeopardy of defaulting on student loans because of their deployments. A nationwide, blanket student-loan forgiveness is a far cry from that mandate. **Read More:** [Emergency Application for Writ of Injunction Pending Appeal](#), October 19, 2022