



## Trump is abusing his tariff power, too

Donald Trump abuses US trade policy for his own interests and without the approval of Congress. That's definitely illegal

By [Paul Krugman](#) | 07.02.2020



US President Donald Trump at a campaign rally in Milwaukee, Wisconsin

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So here's the story: Donald Trump has abused the powers of his office to threaten a US ally. His threat is probably illegal; his refusal to produce documents about his decision process is definitely illegal. And his claims about the motivation for his actions don't pass the laugh test.

You probably think that I'm talking about Trump's attempt to pressure Ukraine into producing political dirt on Joe Biden by withholding aid, and the subsequent cover-up — you know, the stuff for which he has been impeached (and that half the country believes should lead to his removal from office). But there's another, somewhat similar story: his repeated threats to impose prohibitive tariffs on imports of automobiles from Europe.

Granted, the auto tariff story isn't as vile as the Ukraine story, and it poses less of a direct threat to a fair election. But it's recognisably part of the same syndrome: abuse of presidential power, contempt for the rule of law and dishonesty about motivations.

### Automobiles as a security threat

Some background: US tariffs — taxes on imports — are normally set the same way we set other taxes, through legislation that must pass Congress and then be signed by the president. The law does, however, give the president discretion to impose temporary tariffs under certain circumstances, for example to give US industries breathing space in the face of sudden import surges, to counter foreign

export subsidies or to protect national security (Section 232).

Until Trump, Section 232 cases were rare. He has, however, used the national security justification for tariffs with abandon and zero regard for plausibility. Canadian aluminium poses a national security risk? Really?

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And so it was that in 2018 the Trump administration announced that it was beginning a Section 232 investigation of auto imports, especially from Europe and Japan. Every trade expert I know considered the notion that German or Japanese cars constitute a threat to national security absurd. Nonetheless, in 2019 a report from the Commerce Department concluded that auto imports do, indeed, endanger national security.

What was the basis for this conclusion? Well, we don't actually know — because the Trump administration has refused to release the report.

### Does the report even exist?

This stonewalling is clearly illegal. The statute requires that all portions of the Commerce report that don't contain classified or proprietary information be published in the Federal Register and it's hard to believe that any of the report contains such information, let alone the whole thing. Furthermore, Congress inserted a provision in a spending bill last month specifically requiring that the Trump administration turn over the report.

Why won't Trump obey the law and hand over the document? My guess is that his people are afraid to let anyone see the Commerce report because it's embarrassingly thin and incompetent. To be honest, I have some doubts about whether the report even exists. Remember, the Commerce Department is run by Wilbur Ross, whom readers of my colleague Gail Collins voted Trump's worst Cabinet member, which is quite a distinction given the competition.

Beyond all that, why does Trump even want to impose tariffs on European cars? Obviously it has nothing to do with national security. But what's it really about?

### What happened to the Free World?

Part of the answer may be that the self-proclaimed Tariff Man still believes that protectionism will revive US manufacturing, even though the evidence says that his trade war had the opposite effect.

Beyond that, it appears that Trump tried to use the threat of auto tariffs to bludgeon European nations into backing him up in his confrontation with Iran. This is, by the way, a clear violation both of US law, which does *not* give the president discretion to impose tariffs for reasons unrelated to economics, and of our international agreements, which prohibit this kind of bullying.

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And remember, the nations Trump was trying to bully are or were among our most important allies, part of the coalition of democracies we used to call the Free World. These days, our erstwhile allies can no longer consider America a reliable partner, on trade or anything else. Of course, that probably doesn't bother Trump, who prefers autocrats like Vladimir Putin and Mohammed bin Salman.

### **L'état, c'est Trump!**

So how should we think about the auto tariff saga? At one level it's part of the broader story of Trump's trade war, which has raised prices for American consumers, hurt US businesses and farmers and deterred business investment by creating uncertainty.

But these economic considerations are, I'd argue, much less important than the political aspects. Trump's scofflaw behaviour with regard to auto tariffs is part of a broader pattern of abuse of power and contempt for the rule of law. On every front, Trump treats US policy as a tool he can deploy as he chooses, in his own interests, without seeking congressional approval or even informing Congress about what he's doing or why.

Basically, the man in the White House operates on the principle that l'état, c'est Trump. It's a principle nobody who believes in American ideals should accept.

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