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Trump Issues Threats to States and Cities, Then Backs Off

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At a White House news conference this spring, President Trump laid out an expansive view of his authority over states as they grappled with the coronavirus pandemic.

“When somebody’s the president of the United States, the authority is total,” Mr. Trump said at the time, “and that’s the way it’s got to be.”

Three months later, the president’s authority to force states to do what he wants is proving to be anything but total—and he has so far not followed through on his frequent threats to bring the weight of the federal government down on governors.

As the pandemic spread around the country in recent months, Mr. Trump has threatened to “override” states who don’t open churches and toyed with unilaterally imposing a quarantine on New York, New Jersey and Connecticut over the objection of governors. Last week, he said he would cut funding to states that don’t reopen schools this fall.

Mr. Trump’s threats haven’t been backed up by action in part because his authority is limited, experts said, noting that Congress controls federal spending and the U.S. system of governance gives states wide latitude to operate without oversight from Washington.

L.A. Public Schools Will Start Year Online, as Virus Rises in State

Los Angeles and San Diego public school districts said Monday they will begin the year online, as California grapples with mounting Covid-19 cases and the WHO issued cautionary statements regarding coronavirus and kids. Photo: Richard Vogel/AP

“I don’t think anybody, even people in his own office of legal counsel, believes the president can force states to open if they don’t want to,” said Gene Healy, a vice president at the libertarian Cato Institute who specializes in federalism and executive power. “He likes to sound like he’s in charge, but the ratio of bark to bite is very high.”

The White House said that Mr. Trump’s efforts to pressure countries, states and cities have paid off by pushing local leaders to make changes, including in their handling of recent protests.

Josefina Median cleaned a classroom in Wylie, Texas, on Tuesday. Mr. Trump has said he would cut funding to states that don’t reopen schools this fall.

Photo: LM Otero/Associated Press

But the president's threats, once a cause of concern for governors, have often been ignored as state and local officials make their own determinations about when and whether to reopen schools, restaurants and businesses.

"We see this as an empty threat," Mike Faulk, a spokesman for Washington's Democratic Gov. Jay Inslee, said of the president's comments about cutting funds to schools that don't open.

In the days since Mr. Trump called on states to reopen schools, increasing coronavirus case numbers across the country have prompted some mayors and governors to announce they will stick to virtual learning. Los Angeles and San Diego officials said Monday that classes will be conducted online in the fall, while New York City schools will offer a mix of online and in-person classes.

Senior Trump administration officials said Mr. Trump was serious about cutting school funding, but didn't provide an explanation of his legal authority for doing so. Others in the administration, including Vice President Mike Pence and National Economic Council Director Larry Kudlow, have subsequently proposed providing financial incentives to schools for reopening.

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"What this administration's goal is, is that funding be tied to the child, not to a school district where schools are staying closed," White House press secretary Kayleigh McEnany told reporters last week. "That's our paramount guiding principle. As to what that looks like in action, that will be forthcoming."

The administration has said that not opening schools puts children at risk both developmentally and physically, noting that teachers are required to report signs of abuse in their students.

The federal government provides about 8% of funding for U.S. elementary and secondary schools, according to the Education Department. Because that money is appropriated by Congress for specific purposes, the administration has little flexibility to withhold it.

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Mr. Trump has sought to influence state and local policies long before the pandemic. He has repeatedly threatened to cut funding to sanctuary cities—which limit law-enforcement cooperation with U.S. Immigration and Customs Enforcement—but his efforts to follow through with the threat have been challenged in court. The Trump administration did suspend enrollment

in Global Entry and other trusted-traveler programs for New York residents in response to the state's sanctuary policies.

Mr. Trump has also threatened multiple times to cut off federal funds from universities if they fail to support free speech on campus. As in other cases, he has limited ability to make such a move and hasn't followed through on those threats.

A White House official called Mr. Trump a "master negotiator" who uses "tariffs or funding as leverage to secure concessions." The official pointed to the president using the threat of tariffs to pressure Mexico to take steps to curb migrations into the U.S.

A second White House official said Mr. Trump's threat to send the National Guard into cities dealing with widespread protests helped convince governors to activate the guard at the state-level. The official said the administration was also taking steps to deploy federal law enforcement to Seattle in response to protesters setting up what they called a police-free zone. In response, the official said local leaders agreed to deploy state troopers to the area instead.

Mr. Trump has vacillated in recent months over what role the federal government should play in responding to the pandemic, with the president and senior aides sometimes seeking to exert control over states and at other times saying they are leaving it up to governors to reopen on their own timelines.

His campaign to bend states to his will breaks with longstanding tenets of federalism, a philosophy of states' rights that is often associated most closely with the Republican party.

But experts said politicians' approach to federalism is often dependent on which party is in power.

"Neither party is completely consistent about federalism. When Republicans control the national government, they sometimes pursue policy agendas in areas traditionally left to the states," said Richard Pildes, a New York University law professor with an expertise in constitutional law. "Similarly, Democrats who generally are more inclined toward supporting the powers of the national government, have been discovering the virtues of federalism in the Trump era."