



## Fact Check: Trump isn't a king but claims expansive power

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Over the past week, President Donald Trump was pretender to a throne that doesn't exist as he claimed king-like powers over the coronavirus pandemic response and Congress.

He also denied praising China's openness in the pandemic, when he's on record doing so repeatedly, and claimed far more Chinese than Americans are dying from COVID-19 when the numbers show the opposite.

A look at his recent rhetoric and its relationship with reality.

CHINA vs. US

TRUMP: "China has just announced a doubling in the number of their deaths from the Invisible Enemy. It is far higher than that and far higher than the U.S., not even close!" — tweet Friday.

THE FACTS: It's the reverse, more than 4,600 recorded deaths in China compared with more than 36,000 in the United States. And the notion that China can overtake the U.S. in a final accounting of the dead is a long shot right now.

Even with the upward revision Friday of Chinese deaths — which was not a doubling, as Trump claimed — the recorded U.S. death toll is about seven times higher than China's, according to the count by Johns Hopkins University as of Friday night. And China has more than four times more people.

The full picture is not known in either country. Trump routinely manipulates information to make the U.S. response to the coronavirus pandemic look better than it is. China's secretive leadership obscured the severity of the crisis for crucial weeks, and its numbers remain in question.

As well, deaths from the virus have not been fully reported in either country because the pandemic is still raging in the U.S. and still being accounted for in China.

But for China to surpass the U.S. in this count, it would have to be underreporting deaths by the tens of thousands, and deaths in the U.S. would have to nosedive from the current trend and projections.

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## EXECUTIVE AUTHORITY

TRUMP: “Some in the Fake News Media are saying that it is the Governors decision to open up the states, not that of the President of the United States & the Federal Government. Let it be fully understood that this is incorrect ... It is the decision of the President.” — tweets Monday.

TRUMP, asked about his level of authority to reopen the country: “I have the ultimate authority.... They can’t do anything without the approval of the president of the United States.” — news briefing Monday.

## ADVERTISEMENT

**THE FACTS:** The federal government did not close down the country and won’t be reopening it. Restrictions on public gatherings, workplaces, mobility, store operations, schools and more were ordered by states and communities, not Washington. The federal government has imposed border controls; otherwise its social distancing actions are mostly recommendations, not mandates.

The Federal Emergency Management Agency, knocking down a series of false rumors about the coronavirus, makes clear that “states and cities are responsible for announcing curfews, shelters in place, or other restrictions and safety measures.”

Trump has argued that states and communities imposed restrictions because he let them and that he can overrule their decisions. Constitutional experts disagree.

“The president can un-declare his national emergency declarations, which freed up federal funds and provided assistance to state and local governments,” said Walter Dellinger, a former acting U.S. solicitor general. “But he has no federal statutory or constitutional power to override steps taken by governors and mayors under state law. He has never understood that he lacks a general power to rule by decree.”

The federal government does have broad constitutional authority over states on things that cross state lines and involve the entire nation, such as regulating interstate commerce and immigration, levying taxes or declaring war. What Trump is proposing, however, is different. He is wading into states’ sharply defined powers to protect public health.

Asked what authority he had to make such an assertion of presidential power, Trump promised earlier in the week that he would provide a legal memorandum supporting his view. By Thursday, he hadn’t and he told governors that day they could reopen states when they deem appropriate.

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TRUMP: “If the House will not agree to that adjournment, I will exercise my constitutional authority to adjourn both chambers of Congress.” — news briefing Wednesday.

**THE FACTS:** His power to adjourn Congress is highly questionable.

The Constitution does not spell out a unilateral power for the president to adjourn Congress. It states only that he can decide on adjournment if there is a dispute over that matter between the House and Senate. Such a disagreement does not exist, nor is it likely to arise.

Constitutional scholar Jonathan Turley said on Twitter the Constitution gives a president authority in “extraordinary occasions” to convene or adjourn Congress. But, he said, “This power has never been used and should not be used now.”

Trump is unhappy that Congress has refused to fully adjourn during most breaks. Because Congress is still formally in session, Trump can’t circumvent Congress and unilaterally put his nominees for various positions to work in the jobs he wants them to have. Lawmakers also used the tactic of holding off on adjournment to thwart some of President Barack Obama’s nominees.

Doug Andres, a spokesman for Senate Majority Leader Mitch McConnell, R-Ky., said McConnell will find ways to confirm nominees essential to the pandemic response but Senate rules will require that the Democratic leader, Sen. Chuck Schumer of New York, give consent to move forward on them.

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## WORLD HEALTH ORGANIZATION

TRUMP, explaining in part why he is freezing money to the World Health Organization: “The WHO willingly took China’s assurances to face value, and they took it just at face value and defended the actions of the Chinese government, even praising China for its so-called transparency. I don’t think so.” — news briefing Tuesday.

TRUMP, asked about his past praise of China: “I don’t talk about China’s transparency.” — news briefing Tuesday.

THE FACTS: He did praise China’s transparency as well as its overall performance in the pandemic.

While it’s true that WHO Director-General Tedros Adhanom Ghebreyesus complimented China’s response, Trump early on similarly took China’s assurances at face value.

In a CNBC interview on Jan. 22, Trump was asked if he trusted information from China about the coronavirus. “I do,” Trump said. “I have a great relationship with President Xi.”

Two days later, he was even more effusive. “China has been working very hard to contain the Coronavirus,” he tweeted. “The United States greatly appreciates their efforts and transparency. It will all work out well. ...I want to thank President Xi!”

Trump kept up the compliments when asked several times in February about whether data from China can be trusted. He called Xi “extremely capable” and said he’s “doing a very good job with a very, very tough situation.”

Such praise faded as the pandemic hit hard in the U.S. and the federal response stumbled. The time was ripe for scapegoats. It also became clearer that China had not been forthcoming at the start.

On March 21, Trump said of his earlier remarks: “China was transparent at that time, but when we saw what happened, they could have been transparent much earlier than they were.” In any event, his denial that he ever praised China’s openness is false.

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## TRADE

TRUMP: “China has paid us nothing in your last administration, nothing in any previous administration. They paid us tens of billions of dollars because of what we’ve done. And the trade deal we have, they have to give us \$250 billion in purchases. ...We’re taking in billions of dollars for China — from China. They never paid us 10 cents.” — news briefing Tuesday.

THE FACTS: A familiar assertion, false to the core.

It’s false to say the U.S. never collected a dime in tariffs on Chinese goods before he took action. They are simply higher in some cases than they were before. It’s also wrong to suggest that the tariffs are being paid by China. Tariff money coming into the treasury is mainly from U.S. businesses and consumers, not from China. Tariffs are primarily if not entirely a tax paid domestically.

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TRUMP, on the World Trade Organization: “We’re winning a lot of lawsuits right now that we never won before in the past. We’re winning a lot of money that we never won in the past. That’s with the World Trade.” — news briefing Wednesday.

THE FACTS: He is wildly wrong to suggest that the U.S. was bound to lose disputes taken to the trade organization before him.

The U.S. has always had a high success rate when it pursues cases against other countries at the WTO. In 2017, trade analyst Daniel Ikenson of the libertarian Cato Institute found that the U.S. won 91% of the cases it took to the Geneva-based trade monitor.

As Ikenson noted, countries bringing complaints to the organization tend to win because they don’t bother going to the WTO in the first place if they don’t have a strong case.

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## DRUG TREATMENTS

TRUMP, on the malaria drug hydroxychloroquine: “We have millions of doses that we bought, and many people are using it all over the country. And just recently, a friend of mine told me he got better because of the use of that — that drug. So, who knows? ...It’s a lot of good things that are happening with it.” — news briefing Monday.

THE FACTS: He continues to make unverified claims about a drug that can have serious side effects and may not work. The drug has not been proven as a treatment for COVID-19, and Trump’s own health experts say more studies are needed to know whether it’s safe and effective to use.

The president has been talking up hydroxychloroquine, a drug long used to treat malaria, rheumatoid arthritis and lupus, after very small preliminary studies suggested it might help prevent coronavirus from entering cells and possibly help patients clear the virus sooner.

Doctors can already prescribe the malaria drug to patients with COVID-19, a practice known as off-label prescribing. The Food and Drug Administration has allowed the drugs into the national

stockpile, but only for narrowly defined purposes as studies continue on whether they are effective and safe enough to be approved for wider use by people sick with the coronavirus.

The drug has major potential side effects, especially for the heart, and large studies are underway. The FDA says people should not take it without a prescription and emphasizes that the malaria drugs being explored “are not FDA-approved for treatment of COVID-19.”

The American Medical Association, the American Pharmacists Association and the American Society of Health-System Pharmacists in a joint statement warned against “prophylactically prescribing medications currently identified as potential treatments for COVID-19.” That means prescribing a medicine for the purpose of warding off a disease or preventing its spread.

The Federal Aviation Administration on Tuesday barred pilots from taking hydroxychloroquine and closely related chloroquine within 48 hours of flying. The safety agency cites the “wide variety of dosages” and lack of standards around using the drugs to treat the coronavirus in deciding that any pilots who take them must wait before flying.

TRUMP, on imposing restrictions on travel from China: “I saved tens of thousands, maybe hundreds of thousands of lives, by doing that.” — news briefing Monday.

TRUMP: “And if we didn’t close our border early — very early, long before the kind of dates you’re talking about — we would have had thousands and probably hundreds of thousands more death.” — news briefing Tuesday.

THE FACTS: Trump has no standing to boast about saving thousands, tens of thousands or hundreds of thousands of lives because he imposed travel restrictions on China when he did. The impact hasn’t been quantified.

While Dr. Anthony Fauci of the National Institutes of Health has praised the travel restrictions on China for slowing the virus, public health officials don’t know the effect of them. The move left plenty of gaps in containment.

Trump’s order in late January did not fully “close” the U.S. off to China, as he asserts. It temporarily barred entry by foreign nationals who had traveled in China within the previous 14 days, with exceptions for the immediate family of U.S. citizens and permanent residents.

Americans returning from China were allowed back after enhanced screening at select ports of entry and for 14 days afterward. But screenings can miss people who don’t yet show symptoms of COVID-19. While symptoms often appear within five days or six days of exposure, the incubation period is 14 days.

A recent study from the journal Science found China’s internal crackdown modestly delayed the spread of the virus. It cast doubt that travel restrictions elsewhere will do much compared with other preventive measures, citing in part the likelihood that a large number of people exposed to the virus had already been traveling internationally without being detected.

For weeks after the first U.S. case of the coronavirus was confirmed in January, government missteps caused a shortage of reliable laboratory tests, leading to delays in diagnoses.