



AP Fact Check: Trump's tale about Romney unrest, impeachment

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WASHINGTON — Facing an impeachment inquiry, President Donald Trump is turning to a familiar playbook to defend himself: blasting the inquiry as illegal, **attacking his investigators** and critics alike, and deriding the whistleblower process as all-but-rigged.

Many facts are getting lost in the process.

Over the weekend, he suggested that Sen. Mitt Romney, who is among a **handful of Republican lawmakers who criticized the president** for seeking foreign help to dig up dirt on a Democratic political rival, was in the midst of a voter revolt in his home state of Utah because of those remarks. No voter impeachment effort is underway.

Trump also has repeatedly lambasted Democratic Rep. Adam Schiff, the House Intelligence Committee chairman who is leading the impeachment review, as guilty of treason or defamation for mocking Trump's July 25 phone call with Ukraine's president, Volodymyr Zelenskiy. Neither charge is valid.

Trump had a similar playbook to dispute the Russia investigation by assailing special counsel Robert Mueller as biased and saying the inquiry was illegally hatched by Democrats. Those charges have been shown to be untrue.

Meanwhile, amid signs of **manufacturing weakness**, Trump unfairly pointed a finger of blame at the Federal Reserve rather than his escalating trade war with China, and overstated his role in a World Trade Organization ruling for the United States.

A review:

IMPEACHMENT

TRUMP: "Mitt Romney never knew how to win." — tweet Saturday.

TRUMP: "I'm hearing that the Great People of Utah are considering their vote for their Pompous Senator, Mitt Romney, to be a big mistake. I agree! He is a fool who is playing right into the hands of the Do Nothing Democrats! #IMPEACHMITTROMNEY" — tweet Saturday.

THE FACTS: The newly elected Romney won't be leaving his U.S. Senate post anytime soon due to an impeachment effort. Senators cannot be impeached under the Constitution, and Utah has no provisions in state law to recall a sitting senator.

Romney, a former Massachusetts governor and 2012 GOP presidential nominee, won his Senate seat last November with over 62% of the vote. He is a near celebrity in conservative Utah, where many voters, particularly fellow members of The Church of Jesus Christ of Latter-day Saints, shared Romney's wariness about Trump.

AP VoteCast, a nationwide survey of 2018 midterm voters, found that while two-thirds of church members voted Republican, just over half approved of Trump's job performance. The survey also found that 64% of Utah voters wanted to see the senator confront the president. Shortly before he was sworn into office, Romney **pledged to stand up** to Trump if appropriate.

The Senate does have power to expel one of its members by a two-thirds vote, but it's unclear why Trump believes Romney should be removed other than the fact he criticized Trump for behavior that spurred the president's impeachment inquiry. The Senate **has expelled only 15 of its own** since 1789, based on charges of senators supporting the Confederacy during the Civil War or corruption.

Trump has acknowledged that a Democratic-controlled House might have the votes to impeach him, but maintains that the Republican-led Senate would protect him from conviction in a trial.

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TRUMP: "As I learn more and more each day, I am coming to the conclusion that what is taking place is not an impeachment, it is a COUP, intended to take away the Power of the....People." — tweet Tuesday.

THE FACTS: No illegal takeover is afoot.

House Speaker Nancy Pelosi, D-Calif., last month **initiated impeachment proceedings** against Trump. She accused him of abusing presidential powers by seeking help from a foreign government to undermine Democratic rival Joe Biden and help his own reelection. The move **followed a complaint** by a whistleblower, a CIA officer, who made the charges.

A coup is usually defined as a sudden, violent and illegal seizure of government power. The impeachment process is laid out in the Constitution, giving Congress the authority to impeach and try a president as part of its responsibilities as a coequal branch of government to provide a check on a president when he or she commits treason, bribery, or "other high crimes and misdemeanors."

The standard of "high crimes and misdemeanors" is vague and open-ended **to encompass abuses of power** even if they aren't, strictly speaking, illegal.

2016 ELECTION

TRUMP: "The Do Nothing Democrats should be focused on building up our Country, not wasting everyone's time and energy on BULLSHIT, which is what they have been doing ever since I got overwhelmingly elected in 2016, 223-306." — tweet Wednesday.

THE FACTS: Trump again misstates the Electoral College vote. The official count was 304 to 227, according to **an Associated Press tally** of the electoral votes in every state.

UKRAINE

TRUMP: "The so-called Whistleblower's account of my perfect phone call is 'way off.'" — tweet Saturday.

TRUMP: "I had a transcript done by very, very talented people — word for word, comma for comma. ... We had an exact transcript. And when we produced that transcript, they died." — news conference Wednesday with Finland's president.

TRUMP: "They never thought in a million years that I'd release the conversation ... And this is an exact word-for-word transcript of the conversation, right? Taken by very talented stenographers." — remarks Wednesday to reporters in the Oval Office.

THE FACTS: It's not a word-for-word transcript. The acting director of national intelligence, Joseph Maguire, also told a House panel last month that he believed the whistleblower acted in "good faith" and the complaint was consistent with the White House's rough transcript.

The **memorandum of Trump's July 25 phone call** with Zelenskyy himself makes clear that it does not represent an exact transcript of what was said.

According to the document, it is "not a verbatim transcript" and instead "records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record." It cited potential factors such as the quality of the phone connection, variations in accent "and/or interpretation."

NSC refers to the National Security Council.

TRUMP, on the whistleblower: "He got his information, I guess, second or thirdhand. He wrote something that was total fiction." — remarks to reporters Thursday.

GOP HOUSE MINORITY LEADER KEVIN McCARTHY: "Whistleblowers were required to provide direct, first-hand knowledge of allegations...but just days before the Ukraine whistleblower came forward, the IC secretly removed the requirement from the complaint form." — tweet on Sept. 28.

TRUMP: "Who changed the long standing whistleblower rules just before submittal of the fake whistleblower report? Drain the swamp!" — tweet on Sept. 30.

THE FACTS: The process for submitting a **whistleblower complaint** was not rigged against Trump.

There was nothing improper in how the complaint was submitted. No whistleblower law was changed and nothing under that law requires the complaints to have firsthand information. In a **rare statement this past week**, the inspector general for the intelligence community also made clear that it had determined the whistleblower did have some firsthand, "direct knowledge of certain alleged conduct."

It's not true that the whistleblower could "provide nothing more than secondhand or unsubstantiated assertions," the IG said.

Intelligence agency workers have long been able to blow the whistle based on secondhand or hearsay information. The law only requires federal workers to have a "reasonable belief" of misconduct in order to file a complaint, according to Debra D'Agostino, a federal employment lawyer.

In this case, the whistleblower flagged in part Trump's July call to Zelenskiy in a typed, nine-page document addressed to the House Intelligence Committee. The watchdog said that while the whistleblower was not a direct witness to the call, the inspector general separately obtained other information during its preliminary review to deem the allegations credible.

Pointing to suspicious activity, McCarthy, R-Calif., cites the removal of some information from the standardized complaint form, which previously stressed the need for firsthand information for an inspector general to determine the complaint credible. The inspector general's office said it had removed that language from the form earlier this year because it determined that "it could be read - incorrectly - as suggesting that whistleblowers must possess first-hand information in order to file an urgent concern complaint with the congressional intelligence committees."

In any event, the inspector general's office said it had provided the whistleblower separate background material on submitting a complaint that included that language.

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SCHIFF

TRUMP: "Congressman Adam Schiff should resign for the Crime of, after reading a transcript of my conversation with the President of Ukraine (it was perfect), fraudulently fabricating a statement of the President of the United States and reading it to Congress, as though mine!" — tweet Wednesday.

TRUMP: "Rep. Adam Schiff illegally made up a FAKE & terrible statement, pretended it to be mine as the most important part of my call to the Ukrainian President, and read it aloud to Congress and the American people. It bore NO relationship to what I said on the call. Arrest for Treason?" — tweet on Sept. 30.

THE FACTS: Trump is overstating Schiff's exaggerations. The California Democrat, in what he said was a parody during a committee hearing, mocked and overstated the president's pleas in his July call to Zelenskiy, as Trump does **with his critics** routinely.

Under the Constitution, treason occurs when a U.S. citizen, or a noncitizen on U.S. territory, wages war against the country or provides material support, not just sympathy, to a declared enemy of the United States. It is defined narrowly as part of an effort by the framers to prevent the government from using it as a reason to suppress political speech, said J. Richard Broughton, associate dean at University of Detroit Mercy and a member of the Republican National Lawyers Association.

The executive branch can only bring charges in extremely limited cases.

For instance, in the Cold War case of Julius and Ethel Rosenberg, who were executed for giving atomic secrets to Russia, the Rosenbergs were convicted of espionage, not treason, because the U.S. and Russia were not officially at war. No one has been convicted of treason since the aftermath of World War II, says Carlton F.W. Larson, a University of California law professor who has a book on treason.

During last week's House Intelligence Committee hearing, Schiff made clear he was providing an account that was in "essence" what he believed Trump was conveying to Zelenskiy, when "shorn of its rambling character."

No exact transcript of Trump's comments with Ukraine's president actually exists, just a rough transcript released by the White House.

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TRUMP: "'Liddle' Adam Schiff ... fraudulently and illegally inserted his made up & twisted words into my call with the Ukrainian President to make it look like I did something very wrong. He then boldly read those words to Congress and millions of people, defaming & libeling me." — tweets on Sept. 28.

THE FACTS: Schiff's remarks are not illegal nor would it be defamatory or libelous. Lawmakers are given wide protections from liability for comments made in the course of Congress under the "speech or debate" clause in the Constitution, which seeks to foster political debate.

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ECONOMY and TRADE

TRUMP, on a World Trade Organization ruling allowing the U.S. to tax impose tariffs on \$7.5 billion worth of European imports annually: "You never had wins with other presidents, did you? But we're having a lot of wins at the WTO since I became president." — news conference Wednesday.

THE FACTS: Trump is wrong that the U.S. never got any WTO victories under other presidents.

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. had won 91% of time** it brought a complaint that ended up being adjudicated by the Geneva-based trade monitor. True, Ikenson noted, the countries bringing complaints tend to win overwhelmingly. That's because they don't bother going to the WTO in the first place if they don't have a pretty strong case.

The WTO announcement culminated a 15-year fight over EU subsidies for Airbus — a fight that began long before Trump was in office.

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TRUMP: "As I predicted, Jay Powell and the Federal Reserve have allowed the Dollar to get so strong, especially relative to ALL other currencies, that our manufacturers are being negatively affected. Fed Rate too high." — tweet Tuesday.

THE FACTS: Actually, most economists and many factory owners point to Trump's trade policies for the difficulties in U.S. manufacturing, not the Federal Reserve and Chairman Jerome Powell.

The Institute for Supply Management **reported on Tuesday** that factory activity shrank in September for the second straight month. That report shows that the factory sector has been contracting in large part because of the trade war against China that Trump sparked by launching a salvo of tariffs.

The index is based on a survey of manufacturers. Of the 10 quoted in the report, none blames the challenges they face on the Fed or the strong dollar. But three say the tariffs and trade war have hurt their businesses.

"The primary culprit here is the trade war," Eric Winograd, senior U.S. economist at AllianceBernstein, said Tuesday.

Trump is right that the Fed's decision to raise short-term interest rates four times last year contributed to a stronger dollar. But it wasn't the only factor. The U.S. economy is growing more quickly than Europe's or Japan's, which attracts more investment and boosts the dollar's value. And many global investors prefer to invest in U.S. Treasury securities when the global economy slows, as it is now, because Treasuries are seen as a safe haven. That also pushes up the dollar.

The Fed has reversed itself this year and cut its benchmark interest rate twice, but that hasn't weakened the dollar, because other central banks are also cutting rates. Trump has previously urged the Fed to slash its rate to zero, but that could spook consumers and businesses, who might see it as a sign that a recession is near. Consumer spending could fall as a result and slow the U.S. economy.

The kind of sharp rate cuts by the Fed that Trump is demanding would also likely encourage investors to place more money in stocks and other speculative investments. This would risk inflating a stock market bubble to levels that might ultimately destabilize the U.S. economy.