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Today's talker: Trump's auto tariffs are an attack on the rule of law

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The claim that imported automobiles might represent some sort of threat to U.S. national security hardly merits even a moment's thought, much less a formal inquiry. To President Trump — who has requested his Commerce Department investigate precisely this question — the inquiry provides a distraction from his mounting legal woes and, perhaps, the opportunity to secure some leverage in the ongoing North American Free Trade Agreement renegotiations. But this latest assault on reason and the rule of law should compel Congress to finally act to rein in the dangers posed by an increasingly wayward chief executive.

U.S. automobile producers are not under any duress besides the president's meddling into their investments and supply chain decisions. The industry is thriving, producing and selling record numbers of vehicles and generating record revenues in recent years. Even most of the foreign cars on U.S. roads were produced in American cities and towns. But what matters to Trump is that American greatness is symbolized by the might of its heavy industries, like autos and steel. What right thinking patriotic American wouldn't reflexively support a president standing up for the U.S. auto industry? But it's all optics. It's all contrived.

Earlier this year, to protect domestic steel and aluminum producers, Trump invoked Section 232 of the Trade Expansion Act of 1962 and availed himself of the vast discretion that statute affords the president to define and then mitigate national security threats. But the law is intended for more solemn purposes than those motivating this president, who abhors empirics, economics, expertise and the constraints of law. The process is supposed to determine whether a threat exists and, if so, what to do about it. But Trump's already asking to fast-track the process to announce as much as 25% tariffs on imported automobiles.

In addition to introducing noise to distract from the mounting, adverse legal developments afflicting this administration, Trump likely hopes to secure additional leverage to bend Canada and Mexico to his will over the terms of the so-called rules of origin for automobile trade in the revised NAFTA. Either way, Trump continues to squander U.S. international credibility.

Congress must begin to treat this administration as the profound threat to the republic that it so clearly has become. It should start by introducing legislation right away to repeal this law, and if there aren't two-thirds in both chambers willing to override the veto, we should expect to experience a continued erosion of the rule of law and a permanent state of economic and geopolitical disarray.

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