

Trump Leaps to Call Shots on Reopening Nation, Setting Up Standoff With Governors

The president's insistence that only he can decide if the country should reopen for business was disputed by constitutional scholars and contrasted with his earlier message that it was not for the federal government to take the lead in fighting the virus.



By Peter Baker and Maggie Haberman

April 13, 2020

WASHINGTON — There once was a time when President Trump made clear that governors were the ones mainly responsible for the fight against the coronavirus pandemic. But that was Sunday. On Monday, he declared that he was really in charge and would make the decision about when and how to reopen the country.

The president's reversal raised profound constitutional questions about the real extent of his powers and set him once again on a potential collision course with the states. For weeks, he sought to shift blame to the governors for any failures in handling the virus, presenting himself as merely a supporting player. Now as the tide begins to turn, he is claiming the lead role.

"The president of the United States calls the shots," he said at his evening news briefing. "They can't do anything without the approval of the president of the United States."

Asked what provisions of the Constitution gave him the power to override the states if they wanted to remain closed, he said, "Numerous provisions," without naming any. "When somebody's the president of the United States, the authority is total."

The schism threatens widespread confusion if the president and governors end up at loggerheads over how and when to begin resuming some semblance of normal life in the country once the risk of the virus begins to fade sufficiently. Conflicting orders by Washington and state capitals would leave businesses and workers in the untenable position of trying to decide which level of government to listen to when it comes to reopening doors and returning to their jobs.

The shift was just the latest of many conflicting messages sent by Mr. Trump during the course of the pandemic. At various points, he has played down the seriousness of the coronavirus, then called it the most serious situation the nation has ever confronted. He has defended China for its handling of the original outbreak, and assailed China for its handling of the original outbreak. He has called for strict social distancing, then called for reopening by Easter, then called off the plan to reopen.

Just Sunday, he took aim at Dr. Anthony S. Fauci, the federal government's top infectious disease specialist, provoking widespread concern. Hours after the doctor acknowledged that earlier action could have saved lives, Mr. Trump reposted a Twitter message that said, "Time to #FireFauci." On Monday, the president said he would not fire Dr. Fauci and dismissed the idea that anyone would think he would do what he retweeted.

The tension with the governors over reopening comes at a critical moment in the crisis as national and state leaders facing the dual calamities of a deadly pandemic and a cratering economy try to calibrate when it would be safe to resume business and social life without resulting in a second wave of disease and death.

The president spent Monday assembling advisory committees with officials like Treasury Secretary Steven Mnuchin and a host of other cabinet secretaries, but he later ruled out his eldest daughter, Ivanka Trump, and son-in-law, Jared Kushner, despite earlier discussion about including them.

Outside figures could also be seated, including investors and executives like Stephen A. Schwarzman from Blackstone, according to a person familiar with the discussions. It was unclear whether any public health officials like Dr. Fauci would be part of the new task force, which may be announced as early as Tuesday.


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Mr. Trump said that he would consult with the governors, but they have made clear that they did not intend to wait for or defer to him. Seven governors from the Northeast, including one Republican, announced on Monday a joint effort to plan for a reopening while three Democratic governors from the West Coast did the same.


Mr. Trump appeared eager to get out in front of the train. “For the purpose of creating conflict and confusion, 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,” he wrote Monday morning on Twitter. “Let it be fully understood that this is incorrect. It is the decision of the President, and for many good reasons.”

**Donald J. Trump**
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For the purpose of creating conflict and confusion, 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....

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....It is the decision of the President, and for many good reasons. With that being said, the Administration and I are working closely with the Governors, and this will continue. A decision by me, in conjunction with the Governors and input from others, will be made shortly!

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“With that being said,” he added, “the Administration and I are working closely with the Governors, and this will continue. A decision by me, in conjunction with the Governors and input from others, will be made shortly!”

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His social media claim to power was instantly disputed by constitutional scholars and contrasted with his message until now that the states were at fault for not stockpiling enough ventilators, masks and other equipment and that it was not for the federal government to take the lead. “We’re not a shipping clerk,” he said at one point.

Less than 24 hours before his decision-by-me tweets, he was still putting the onus for the pandemic response on the states. “Governors, get your states testing programs & apparatus perfected,” he tweeted. “Be ready, big things are happening. No excuses! The Federal Government is there to help. We are testing more than any country in the World. Also, gear up with Face Masks!”



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Even at Monday's daily news briefing, he took further jabs at the governors. "Many of them didn't do their jobs," he said. "We helped some of the ones who didn't know what they were doing."

But the president appears interested in getting credit for the reopening, as more than 16 million people have filed for unemployment in the past few weeks.

The notion that Mr. Trump would be the one to decide about reopening struck governors as rich given that he never ordered the country closed in the first place. The decisions to shut down schools, colleges, sporting events, concerts and everyday life were made by governors, mayors and individual executives. The president remained largely on the sidelines as they moved ahead without guidance from him.

Only after New York, California and other large states ordered such actions did Mr. Trump weigh in with guidelines from the Centers for Disease Control and Prevention recommending social distancing measures — like no gatherings of 10 or more people — advice that was important in establishing a national standard, but it was not binding.

Mr. Trump initially set the guidelines for two weeks, and only after lobbying by public health officials, did he extend them to April 30. But he claimed credit on Monday for the states' actions. "That's because I let that happen," he said.

The governors expressed astonishment. "You want to now say the federal government is in charge?" Gov. Andrew M. Cuomo of New York said on MSNBC. "Which by the way is a shift because the federal government didn't close down the economy, right? They left it to the states. It was state by state, it was a whole hodgepodge, the governors had to close the economy, which was not politically easy to do, but now the federal government says it can open it? Well then, why didn't you close it if you can open it?"

Even some sympathetic constitutional scholars said Mr. Trump could not. "There is no authority for a president to order states to 'open up' if the state believes that such an order would be inimical to public health," said Jonathan Turley, a law professor at George Washington University who testified last year against impeachment in the House. "The president had no authority to order a national lockdown and certainly does not have authority to now order the lifting of such orders issued by governors."

That does not mean that Mr. Trump's decision on reopening the country is not meaningful. Even if he does not have direct authority to impose his will, any guidelines he issues may go a long way toward setting a standard that states and cities could follow, especially in Republican states that have taken their lead from him.

But some critics said he looked like he was debating himself at the podium. "I think the thing that's unsettling to the public isn't just the absence of consistent guidance," said David Axelrod, a former adviser to President Barack Obama. "It's the revelation that the person in charge is unsure."

With Mr. Trump's approval ratings slipping, some of his conservative allies are concerned that he is not connecting with his core base of supporters.

Conservative organizations plan to join forces to weigh in on when and at what level certain parts of the country can be reopened. They plan to stay in touch with health professionals working within the White House and outside it, but there is some worry about waning patience with big government spending to relieve the effects of the virus, according to a person familiar with the discussions.

"The government needs to start looking at how we can quickly begin to reopen the economy in stages and communicate that plan, but it's also vital that states and the federal government reduce the excessive regulatory burden to reignite the economy when we get back to work," said David McIntosh, the president of the Club for Growth, a conservative advocacy group.

The president's task force, according to people informed about it, will include members of the cabinet, including Mr. Mnuchin; Wilbur L. Ross Jr., the commerce secretary; Sonny Perdue, the agriculture secretary; Elaine Chao, the transportation secretary; Dan Brouillette, the energy secretary; Eugene Scalia, the labor secretary; Ben Carson, the housing secretary; Robert Lighthizer, the trade representative; and Russell T. Vought, the acting director of the Office of Management and Budget.

The membership raised questions about how much questions of public health will figure into the president’s decision. Peter Navarro, the president’s trade adviser who is managing the manufacture of medical equipment to address the pandemic, said in an interview that the health specialists were not fully attentive to the economic costs of the shutdown.

“It’s disappointing that so many of the medical experts and pundits pontificating in the press appear tone deaf to the very significant losses of life and blows to American families that may result from an extended economic shutdown,” he said.

Peter Baker reported from Washington, and Maggie Haberman from New York. Alan Rappeport contributed reporting from Washington.

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- **When will this end?**

This is a difficult question, because a lot depends on how well the virus is contained. A better question might be: “How will we know when to reopen the country?” In an American Enterprise Institute report, Scott Gottlieb, Caitlin Rivers, Mark B. McClellan, Lauren Silvis and Crystal Watson [staked out four](#) goal posts for recovery: Hospitals in the state must be able to safely treat all patients requiring hospitalization, without resorting to crisis standards of care; the state needs to be able to at least test everyone who has symptoms; the state is able to conduct monitoring of confirmed cases and contacts; and there must be a sustained reduction in cases for at least 14 days.

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