

TRUMP'S EMERGENCY EMERGENCY

Remember what I wrote on July 10, when Trump write a letter to Lula da Silva warning him of a 50% tariff?

I described that Trump was trying to impose the tariff on Brazil – largely because Brazil is prosecuting Trump's coup counterpart, Jair Bolsonaro – without first declaring the emergency required under IEEPA, the legal authority on which he claimed he was relying.

As a reminder, the trade war Trump launched on April 2 purports to address an emergency created by trade deficits in *goods* (not services).

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code,

[snip]

That claim seems to have been forgotten in discussion of the 50% tariff Trump just threatened to place on Brazil.

Trump barely focused on his claimed emergency in his letter – posted to Truth Social – to Lula da Silva. Rather, he mentioned:

▪ *The purported Witch Hunt against Jair*

Bolsonaro – the prosecution for Bolsonaro’s attempted coup – “that should end IMMEDIATELY!”

- *Efforts to regulate social media in Brazil (largely with the goal of investigating and cracking down on insurrection), which Trump called “hundreds of SECRET and UNLAWFUL Censorship Orders to U.S. Social Media platforms, threatening them with Millions of Dollars in Fines and Eviction from the Brazilian Social Media market”*

All that was in addition to (and before) the boilerplate language on goods included in the letter.

Mind you, that boilerplate would be nonsense in any case, because the US enjoys a trade surplus with Brazil. There could be no trade deficit emergency with Brazil because the US doesn’t have one.

Which is one of the points Lula noted in response (ironically, on Xitter). The US says the US has a trade surplus with Brazil.

In light of the public statement made by U.S. President Donald Trump on social media on the afternoon of Wednesday (9), it

is important to highlight the following:

[snip]

The claim regarding a U.S. trade deficit in its commercial relationship with Brazil is inaccurate. Statistics from the U.S. government itself show a surplus of \$410 billion in the trade of goods and services with Brazil over the past 15 years.

Therefore, any unilateral tariff increases will be addressed in accordance with Brazil's Economic Reciprocity Law.

Sovereignty, respect and the unwavering defense of the interests of the Brazilian people are the values that guide our relationship with the world.

Which leaves solely the complaints pertaining to coup accountability: that Brazil **fined** Xitter when it refused to comply with legal and investigative demands, as well as the requirement that it have a local representative (through whom Brazil would enforce the law), as well as the complaint that Brazil is holding Bolsonaro accountable for the same crime that Trump himself committed.

Well, Trump finally declared that Brazil's prosecution of its coup conspirator threatens Trump – er, the United States.

As President of the United States, my highest duty is protecting the national security, foreign policy, and economy of this country. Recent policies, practices, and actions of the Government of Brazil threaten the national security, foreign policy, and economy of

the United States. Members of the Government of Brazil have taken actions that interfere with the economy of the United States, infringe the free expression rights of United States persons, violate human rights, and undermine the interest the United States has in protecting its citizens and companies. Members of the Government of Brazil are also politically persecuting a former President of Brazil, which is contributing to the deliberate breakdown in the rule of law in Brazil, to politically motivated intimidation in that country, and to human rights abuses.

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These judicial actions, taken under the pretext of combatting "disinformation," "fake news," or "anti-democratic" or "hateful" content, endanger the economy of the United States by tyrannically and arbitrarily coercing United States

companies to censor political speech,
turn over sensitive United States user data, or change their content moderation policies on pain of extraordinary fines, criminal prosecution, asset freezes, or complete exclusion from the Brazilian market. These actions also chill and limit expression in the United States, violate human rights, and undermine the interest that the United States has in protecting its citizens and companies at home and abroad. [my emphasis]

Trump has been gunning for treating moderation requirements as a trade barrier for a while – it was and is one of the stumbling blocks to pretending that Trump actually entered an agreement with the EU.

But even ignoring everything else that's wrong with this, declaring it illegal to subpoena Xitter in Brazil is the kind of thing that makes even a good faith attack on content moderation look silly. (The US does have an MLAT with Brazil.)

Ah well, at least he discovered that the US has a trade surplus with Brazil.

More importantly, is the timing.

Tomorrow is the hearing appealing Trump's tariffs before the Circuit Court of Appeals, in which this Brazil gambit was sure to be an example of how absurd Trump's claims are.

They're still absurd.

But now they shift the absurd claim in such a way that might reframe tomorrow's discussion.

Meanwhile, outlets in Brazil are reporting that Bolsonaro's son – whom Trump is harboring in the US – is soliciting a coup in Brazil.