

Donald Trump and the Court of Public Opinion: The Legacy of Make America Great

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Donald Trump began his Presidency by campaigning on the promise to make America great again. Many who voted for him thought that they would be getting a President who understood the importance of executive leadership. Instead, Donald Trump made a mockery of the phrase by sowing discord and creating a level of divisiveness not seen since the civil war days of Andrew Johnson. Both Presidents share the distinction of being impeached during their first term of office and both Presidents failed to attend the inauguration of their successor. But only Donald Trump has the unique distinction of having been impeached twice during his time in office

In February 2021, Donald Trump underwent a second impeachment trial in the United States Senate accused of having incited the mob violence that became the January 6, 2021 insurrection. As expected, the Senate did not have enough votes or political will to convict the former President. But in the years ahead, Donald Trump will face an altogether different kind of justice system known as the Court of Public Opinion. The Court of public opinion is a space that delivers reputational justice; that is, a final verdict on legacy. Stated differently, how will future historians, the mainstream media, political commentators and the general public remember Donald Trump in the future? Donald Trump was unique among American Presidents having never held political office before. His lack of political experience and impulsive leadership style led to a tumultuous four years in office. So we begin by asking the question; did Donald Trump make America great? Let's consider the evidence.

The Court Of Public Opinion – Opening Arguments

Presidential Leadership and the Democratic Electoral Process

Did Donald Trump make America great by undermining the democratic electoral process by casting doubt about the integrity of the 2020 Presidential elections? Did he do so by encouraging his supporters to take to the streets and assault the U.S. Congress? On January 6, 2021 the United States Capitol building was stormed by a mob of Donald Trump supporters in an attempt to overturn his defeat in the 2020 Presidential election.¹ Trump stoked the fires of this riot and violent attack when he urged his supporters to come to Washington, the day Congress was scheduled to certify the election of President elect Joe Biden. Then, in an ominous tweet and warning to lawmakers, he said:

I hope the Democrats, and even more importantly, the weak and ineffective RINO [Republican in name only] section of the Republican Party, are looking at the thousands of people pouring into D.C. They won't stand for a landslide election victory to be stolen.²

The violent insurrection led to the lockdown of the U.S. capitol building and evacuation of both Senate and House of Representative members. This occurred, but not before the death of five people as well as extensive damage to the building's interior. The Pentagon's senior military leadership described the January 6th assault on the U.S. Capitol building as "sedition and insurrection." Army general Mark Milly, Chairman of the Joint Chiefs of Staff in a public statement said: "We witnessed actions inside the Capitol building that were inconsistent with the rule of law. The rights of freedom of speech and assembly do not give anyone the right to resort to violence, sedition and insurrection."³

The Capitol building insurrection gave America a glimpse of what it could expect had there been a successful effort to overturn the Presidential election. If indeed, the election had been overturned and more than 50% of the country's electorate had been discounted, there would have been civil unrest in the streets the likes of which this country has never seen. And sadly, Donald Trump would have been OK in allowing this to happen. It was more important for him to preserve power at any cost, than in recognizing the value of bringing the nation together. In the aftermath of the January 6th insurrection, former President Bill Clinton commented:

The assault was fueled by more than four years of poison politics spreading deliberate misinformation, sowing distrust in our system, and pitting Americans against one another.⁴

Presidential Leadership and the Covid-19 Pandemic

Did Donald Trump make America great by exercising the proper leadership during the time of the Covid-19 Pandemic crisis? Throughout most of 2020, Trump dismissed the severity of the pandemic as something that would disappear on its own. His failure to wear a mask in multiple public settings (as well as during his political campaign stops) sent a mixed message to the American public. It was later reported by *Washington Post* journalist Bob Woodward in his book *Rage*, that the President was briefed and knew about the severity of the Covid-19 virus as early as February 2020.⁵ A coronavirus-crisis sub-committee within the U.S. House of Representatives released a report documenting 47 instances in which government scientists had been sidelined or their recommendations altered.⁶ And the report notes that the frequency of meddling had been steadily increasing in the lead-up to the 2020 U.S. Presidential election. President Trump would later, of course, contract the virus. In one of his many Twitter feeds, he declared. "I think this was a blessing from God that I caught it." The subtext of this message can be read as, *no big deal... if I can survive this so can you*. In the last year of his term, Trump's countless false claims about the coronavirus muddied the U.S. response to the pandemic, which at the time of his stepping down from office had killed over 450,000 Americans. It would seem that the only thing America was great at is being the world's leader in confirmed cases.

Presidential Leadership and the Environment

Did Donald Trump make America great by withdrawing American support for the Paris climate accord? This is a move that left the United States, the world's second-largest emitter of greenhouse gases, as the only nation to abandon the global effort to combat climate change. The Trump administration reversed an estimated 80 environmental rules and regulations.

Soon after taking office, Trump began to implement his "America First Energy Plan" which included a roll back of the Clean Power Plan which was one of the Obama administration's signature environmental policies. The latter plan required the energy sector to cut carbon emissions by 32 percent by 2030. In 2018, the Trump led Department of the Interior announced plans to allow drilling in nearly all U.S. waters which was the largest expansion of offshore oil and gas leasing ever proposed. The Trump administration further supported energy development on federal land, including gas and oil drilling in national forests and near national monuments and parks. In April 2020, the Trump administration issued new vehicle emissions standards, which was projected to increase carbon dioxide discharges by an additional billion tons, thereby, increasing U.S. annual emissions by about one-fifth. For Americans and the world community, Trump's environmental policies have had very real and practical consequences at a time when there is continuing increase in forest fires in California as well as countries like Australia, Russia and Brazil's Amazon Rain Forest. There has likewise been an exponential increase in hurricanes along America's gulf coast and the Caribbean basin. And while the U.S., and more specifically the Federal Emergency Management Agency, approved an estimated \$140 million in assistance to Puerto Rico in the aftermath of hurricane's Irma and Maria, the cause of such efforts was not helped when the President showed up to a San Juan, Puerto Rico church, for a photo op. of him throwing out paper towels. That image was seared in the minds' of the general public as someone who didn't understand the devastation of the moment.⁷ It was described by the foreign press as abominable and the mayor of Puerto Rico's capital, San Juan, labeled Donald Trump's visit to the island as "insulting" and called him a "miscommunicator-in-chief."⁸

Presidential Leadership and Global Affairs

Did Donald Trump make America great by destabilizing this country's relationship with its international allies? Indeed, among the many Make America Great legacies, none may be more consequential than the damage he has done to America's standing among this country's international allies. During the course of his Presidency, Trump's policy of America First has undermined this country's leadership role and influence, including a system of partnerships and alliances that have steadily been built since the end of World War II. Since the start of his presidency, Trump has abandoned (or weakened) multiple treaties and agreements; most notably, NATO, the United Nations based World Health Organization and the Paris Climate Accord while failing to acknowledge those dictators who threaten these very same longstanding allies as well as America itself. His rhetoric and bullying tactics are a throwback to the fascist exhortations of the 1930s. As Pete Buttigieg and Philip Gordon write:

His "America First" doctrine—with its ominous echoes of the 1930s—and indifference to the rule of law at home and abroad have left allies wondering if they can count on the United States; many have started to look elsewhere for more reliable friends and partners. The result is a world in which the United States is less safe, less respected, and less able to deal with the enormous challenges it faces.⁹

Fortunately, America's international allies respect the United States and the office of the President. Many do not, however, respect Donald Trump the man. There is a difference as evidenced by the comment of European Commission President, Ursula von der Leyen, hours before the swearing in of President Joe Biden.

This new dawn in America is the moment we've been awaiting for so long... and that, once again after four long years, Europe has a friend in the White House. The United States are back and Europe stands ready to reconnect with an old and trusted partner to breathe new life into our cherished alliance.¹⁰

The President of the United States has a responsibility to be a global leader and set a good example on the world stage. The President represents the American people. But Trump's special appeal to his followers was his populist, unvarnished "tell it like it is" rhetoric. As writer George Packer commented in an article for the *Atlantic* magazine:

Trump spoke to them openly, not because he couldn't control his impulses, but intentionally, even systematically, in order to demolish the norms that would otherwise have constrained his power. To his supporters, his shamelessness became a badge of honesty and strength. They grasped the message that they too, could say whatever they wanted without apology.¹¹

Donald Trump kicked off his bid to become President by declaring the need to build a wall and to describe the shiftiness of Mexican immigrants: "They are not our friends, believe me. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people." Or maybe this, in asking why we want "immigrants from Haiti and other African shit hole countries." Trump has repeatedly characterized Covid-19 as the "Chinese virus, the Wuhan virus or the Kung flu virus." It is not surprising that these and other such comments appeal to white supremacists. They display a blunt, unvarnished crudeness for all the world to see. Those words would have very real and practical consequence in the months thereafter as many Asian Americans found themselves being bullied or were the victims of hate crimes because of growing anti-Chinese sentiment brought about in-part by President Trump's comments. Words matter.

Presidential Leadership and Personal Integrity

Did Donald Trump demonstrate personal integrity in terms of his personal behavior? Donald Trump routinely promoted his personal business interests despite Constitutional prohibitions against doing so. In contrast to other Presidents, Trump did not set up a blind trust when he assumed the Presidency. Instead, the Trump organization profited from those businesses; most notably, the company owned International Hotel in Washington D.C., that took money from foreign governments. He also continued to promote his Trump-branded properties, spending roughly a third of his Presidency dining at his own restaurants, golfing at his own courses and sleeping at his own luxury hotels and resorts. He failed to reveal his personal tax returns and business records throughout his entire four years as President breaking a four-decade old tradition among Presidents and Presidential candidates. Why is this important? Think of it as a simple background check on the person who aspires to hold the most important position in American government. In principle, he/she should have nothing to hide. But it would appear that Donald Trump did indeed have something to hide. In an investigative report by the *New York Times*, it was shown that the Trump organization sustained "chronic losses and years of tax avoidance" and that the President paid just \$750 in Federal income tax both in 2016, the year

ran for the U.S. Presidency and in his first year.¹² Moreover, he paid no taxes in 11 of 18 years according to his tax records.

On January 12, 2018, a story appearing in the *Wall Street Journal* revealed that just prior to the 2016 Presidential election, then Presidential candidate Donald Trump had arranged a payment of \$130,000 to adult film actress Stormy Daniels to prevent her from disclosing an affair they had in 2006. The affair took place during the time he was married to Melania Trump.¹³ Ms. Daniels later signed a non-disclosure agreement. For his part, President Trump steadfastly denied the allegations. Trump's former lawyer Michael Cohen would later acknowledge having made the payment. In a *60 Minutes* interview that aired in March 2018, Ms. Daniels claimed that she was threatened to stay quiet about the affair.¹⁴ And finally, prior to the 2016 Presidential election, the *Washington Post* reported an unflattering story of candidate Trump on a hot mic before an interview with *Access Hollywood*. In chatting with host Billy Bush, now co-host of NBC's *Today* show, Trump talked about kissing women and grabbing them... Trump boasted: "I'm automatically attracted to beautiful — I just start kissing them. It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it..." All of this points to a basic question; what should the American people expect in their President? And more importantly, what does this say about integrity, personal character and making America great?

Presidential Leadership and Administrative Effectiveness

Did Donald Trump create a sense of trust and loyalty among the people who worked for him? The word *Esprit de corps* is a term used in the military to describe a spirit of solidarity; a sense of pride, duty and honor among the members of one's team or group. One aspect of *Esprit de corps* relates to loyalty and how a leader treats his/her subordinates. Donald Trump had more turnover in his Cabinet as President than any of his five immediate predecessors. Among the notables, include such people as Rex Tillerson, Secretary of State; James Mattis, Secretary of Defense; John Kelly, Chief of Staff; Jeff Sessions, Attorney General; James Comey, FBI Director; John Bolton, National Security Advisor; Dan Coats Director of National Intelligence; Sue Gordon, Deputy National Intelligence Director; Kirstjen Nielsen, Department of Homeland Security Secretary, Rick Perry, Energy Secretary; Andrew McCabe, FBI Deputy Director, Scott Pruitt, EPA Administration to name only a few of the 40 plus senior administrators that resigned from office while he served as President.¹⁵ To be clear, there were many who served in the Trump administration that felt great affection and appreciation for the former President.

The most challenging aspect of all this was the method by which a person's pending completion time with the Trump administration was announced. The President of the United States in his/her capacity as Commander in Chief sets the professional tone for the country at large. Nevertheless, it was not uncommon for the President to engage in public criticism of the person both in the traditional media as well as via his Twitter account. He had very public disputes between himself and FBI Director, James Comey, Attorney General James Sessions, and his own personal attorney Michael Cohen to name only a few. There is never a right time to get into personal and petty quarrels via Twitter with the people whose work displeases or publicly disagrees with you. That type of pettiness is undignified and has no place in the Office of the Presidency. In particular, was the former President's criticism of the late Senator

John McCain who was a genuine war hero, who endured over five years of torture as a Vietnam prisoner of war at the infamous Hanoi Hilton. One of Trump's comments at the time was that McCain was only seen as "a war hero because he was captured" and that he liked "people that weren't captured."

Another telling example was his treatment of Vice President Mike Pence who by any objective measure was as loyal a colleague as one could expect. It is interesting to note that when Barack Obama left office, he gave the Presidential medal of freedom to Joe Biden. In contrast, President Trump strong-armed and bullied Vice President Pence, to use his authority to reverse the 2020 Presidential elections during the electoral college certification. "I hope Mike Pence comes through for us. When Pence tactfully told the president that it was not within his power to tamper with the certification process, Trump's parting gift to his ever-loyal vice president was a mean-spirited tweet that read: "Mike Pence didn't have the courage to do what should have been done to protect our country and our Constitution.¹⁶ By those words, he put both Pence and his family at risk during the time of the January 6th insurrection. There were chants of "hang Mike Pence" by the invading mob of Trump supporters.

The News Media: Shapers of Public Opinion

Presidents throughout the 20th and 21st centuries have regularly used different media methods to control the general news narrative of their administrations. Franklin Roosevelt was the radio President and played in the theater of the mind with his Fireside talks. John Kennedy was among the first Presidents who understood the power of television made apparent through his telegenic good looks. Barack Obama understood the potential of social media and the value of doing television talk shows by making himself more accessible to the general public. And Donald Trump harnessed the power of Twitter and other social media platforms that allowed him to bypass traditional media and connect directly to his supporters. In the Court of Public Opinion, Donald Trump will be remembered as a 21st century demagogue. He was a political huckster who used his campaign rallies, staged photo ops and the power of social media to do his bidding. He did so, all the while, criticizing the mainstream news media by labeling it fake news because they dared to criticize him or stood in the way.¹⁷

Ironically, there was a time when Donald Trump genuinely liked and appreciated the news media. Prior to becoming President, he courted reporters by giving them access to a world of celebrity and high-end living. His path to recognition was sprinkled with glowing profiles and magazine spreads that promoted a portrait of a smart, no-nonsense New York real estate man. His office at Trump Tower featured many of those cover stories on the wall. This was further evidenced when NBC gave him his very own reality television show called *The Apprentice*. The show featured a take-charge executive that was used to getting his own way. All that changed when he became President. For the first time, Donald Trump confronted a different kind of news media who were not there to sing his praises. Quite the opposite. The news media, in this 24/7 American reality show represents the unofficial fourth estate whose job is to ask the tough questions and to hold those in power accountable for their actions. Give them additional reasons to question such as the deliberate withholding of one's tax returns, Russian interference in the 2016 Presidential election, an illicit relationship with adult film actress Stormy Daniels

and a self-serving photo of a U.S. President holding a bible in front of Washington D.C. based St. John's church, and you have the makings of a highly skeptical press corp.

And so it was that Trump spent much of his 2016 campaign clashing with the media. But it wasn't until after he was inaugurated that he declared war on the mainstream media. One afternoon in February 2017, while residing at his Mar-a-Lago resort, he unleashed a Twitter feed in all caps that read: the "FAKE NEWS media is the enemy of the American people." He specifically cited the New York Times, CNN, NBC, ABC and CBS. By any objective measure this was not going to be a winning strategy.¹⁸ And he would repeat the same assertion time and again thereafter. These kinds of bullying statements were highly reminiscent of the kinds of words used by Fascist dictators during the 1930s. Say something enough times, stage the right photo op. and a false claim is believed to be truth. Tell the public enough times that the 2020 Presidential election was stolen, or that a Democratic victory will lead to socialism – and such claims begin to build traction among the disaffected. Add to it, the echo chamber of the Internet, where a person only encounters information or opinions that reflect and reinforce their own – and you have the makings of a conspiracy.

During his Presidency, Donald Trump did find media refuge in Fox Television news; and more specifically daily news shows like *Fox & Friends* as well as guest appearances with commentators, Sean Hannity and Laura Ingram. But even conservative reporters at Fox News understand the larger mission of being a journalist. There's a public perception price to be paid if you're viewed as an unofficial mouthpiece for President Trump or any other President for that matter. This became clearly evident on the night of the 2020 Presidential election when various news anchors at Fox called the election in states like Arizona in favor of Joe Biden. And Donald Trump felt personally violated because honest reporters were simply doing their job.

Donald Trump's use of the social media platforms Twitter and Facebook proved to be both a strength and a liability. He often used both platforms to provide general commentary about his administration's various policy initiatives, praise those people and organizations who were his supporters while disparaging his critics and political opponents. At the same time, President Trump learned the hard way that when things go viral on the Internet, the results can be immediate and explosive. This was certainly the case on January 6, 2021 when a mob of Donald Trump supporters stormed the U.S. Capitol building, involving a riot and violent attack in an attempt to overturn his defeat in the 2020 Presidential election. Among the many consequences was a decision by social media platforms Twitter and Facebook to suspend the accounts of then President Donald Trump. Both companies decided that Trump's attempts to incite violence and undermine the democratic process were grounds for an indefinite suspension. The Facebook and Twitter suspensions proved to be a defining moment for America's social media giants and a clear recognition of their far-reaching power. With a quick and unilateral set of decisions, a small group of media tech. executives deprived the President of the United States access to one of his most influential communication tools; thereby, curtailing his ability to command public attention from his mobile phone at a moment's notice.

The Court of Public Opinion: Closing Arguments

The one important characteristic that differentiates Donald Trump from his predecessors, is that he is one of the few Presidents to serve in office having never held a politically elected position before. Donald Trump came to the Presidency as the business man who was blunt, told things like they were and would get things done. When future historians and political commentators someday write about the Presidency of Donald Trump, they will do so through the lens of the January 6, 2021 insurrection. They will focus on Trump's tortured relationship with the U.S. news media, his unwillingness to concede the 2020 U.S Presidential election, his fostering of conspiracy talk that the 2020 Presidential election was stolen, his strange and peculiar relationship with the alternative right, his tolerance for violent right-wing extremism as evidenced by his botched handling of the deadly Charlottesville protest in 2017 and his pettiness to the extreme when criticizing his political opponents. According to a Pew Research Center survey of 12,055 U.S. adults conducted between March 1-7, 2021, there is a substantial partisan (Democratic versus Republican) gap in evaluating the Presidency of Donald Trump. Among Democrats, nearly three-quarters of those interviewed (72%) say Donald Trump was a terrible president, with another 17% saying he was a poor president. Only 4% of Democrats say Trump was good or great.¹⁹

In contrast, many Republicans remain steadfast in their support of Donald Trump. They view the terms of his administration quite differently. To them, had Donald Trump followed the example of his predecessors and conceded the 2020 Presidential election with some measure of grace and dignity, he would have been remembered as a disruptive but consequential populist leader. He was, after all, a President who presided over a strong U.S. economy, took a firm stand with China in terms of international trade, drew a hard line in the sand on immigration, helped advance political recognition for Israel, built a starting relationship with North Korea, revamped the U.S. space program, secured an originalist (conservative) majority on the U.S. Supreme Court, and authorized Operation Warp Speed to produce a Covid-19 vaccine in record time. Such initiatives and accomplishments were clearly recognized by his many Republican supporters. According to the same Pew Research Center survey, Trump's brand of political populism garnered him mostly favorable ratings among his supporters: 37% of Republicans say Trump was a great president, while roughly the same share (36%) say he was a good president. Just 10% of Republicans say he was a poor or terrible president.²⁰

Donald Trump's lack of political experience became especially apparent in the final days of his Presidency. By not acknowledging President elect Biden's victory and claiming election fraud, he directly torched his own Republican party and made the Presidential transition and managing the Covid-19 pandemic all about him. And make no mistake, his erratic behavior and claims of voter fraud contributed to the loss of Republican Senator's Kelly Loeffler and David Perdue in the state of Georgia Senatorial election run-off. When asked why Republicans didn't prevail in the election run-off, a senior Republican aide simply said "Donald J. Trump."²¹ Worse still, *The Washington Post* published a leaked audio of an hour long conversation President Trump had with Georgia Secretary-of-State Brad Raffensperger, where he urged the Republican to "find" enough votes to overturn the result in Georgia and declare him the winner.²² Mr. Trump is the first President since Herbert Hoover to preside over the loss of the White House, the House and the Senate in a single term.

Being a Leader for All Americans

Donald Trump will be remembered as the second worst President in U.S. history; second only to Andrew Johnson. As the successor to Abraham Lincoln, Johnson had the opportunity to heal the nation but instead invoked his brand of racism that set into motion the Jim Crow laws that lasted for the next 100 years. And so it is, that Donald Trump will be remembered as a person who cared more about himself than he did the American people. Nowhere was this more evident than in the January 6th Congressional certification of the 2020 Presidential election and the insurrection that took place. Utah Senator Mitt Romney said it best,

We gather today due to a selfish man's injured pride and the outrage of his supporters whom he has deliberately misinformed for the past two months and stirred to action this very morning. What happened here today was an insurrection, incited by the President of the United States.²³

The President of the United States has a responsibility to be a leader for all Americans; not just the people who vote for this person. In times of crisis, the President has a singular responsibility to provide a steady hand; a unifier during a period of uncertainty. America has seen many Presidents demonstrate such skill, whether it was Abraham Lincoln giving his Gettysburg address during the American civil war; Franklin Roosevelt in the aftermath of the Japanese bombing of Pearl Harbor; John Kennedy during the Cuban missile crisis; Ronald Reagan following the Space Shuttle Challenger Disaster; George H.W. Bush at the start of the Persian Gulf War; Bill Clinton following the Oklahoma City bombing, George W. Bush and 9/11, and Barack Obama in the aftermath of a mass shooting at the Sandy Hook elementary school in Connecticut. These moments become the acid test for great leaders. Since March 2020, the United States and the world at large have been fighting an altogether different kind of war. The enemy is an unseen pandemic whose viral effects proved to be as deadly as any pitched battlefield. The Covid 19 pandemic disrupted the world's economy by forcing the closing of schools, business and government agencies throughout the world. This was Donald Trump's crisis; his Presidential moment to lead. This was an opportunity to make America great in a very true and practical sense of the term. And therein lies the problem; the challenge of real leadership in a crisis situation versus the political flim-flam words of Make America Great. It is perhaps fitting that at the funeral of Senator McCain, his daughter Meghan in a moment of remembrance for her father said: "The America of John McCain has no need to be made great again because America was always great." America's greatness lies in the diversity, strength and authenticity of its people.

Endnotes

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