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Judge Daniel A. Barker, Ret.  
Nan Strunk Barker  
[www.arizonarepublicanswhobelieve.org](http://www.arizonarepublicanswhobelieve.org)

Dear Dan and Nan:

Thanks for the work you are doing. I applaud your initiative and share your hope to be able to help persuade a meaningful number of voters that Trump is a hazard for America. As a retired law professor who has spent his life working in defense of constitutional principles, I am profoundly concerned about the outcome of this vitally important election. The race is sufficiently close in Arizona that shifting even a relatively small number of votes could be significant, and I believe you may be in touch with people who would share many of my concerns. Thus, while I am writing this in my personal capacity, and the views expressed are mine alone, I hope you may be able to find a way to put this letter to good use.

**We Need Balance, but not Trump.** As a life-long Republican, I support efforts to maintain a Republican majority in the Senate, but I am convinced that the country cannot afford another four years of Trump in light of his:

- disastrous impact on foreign policy and foreign relations;
- mishandling of the COVID-19 pandemic that has resulted in a massive and needless loss of life;
- exacerbation rather than healing of racial relations;
- mistreatment of refugees and displaced persons; and
- incivility, dishonesty, and lack of moral integrity.

Contrary to Trump's exaggerated claims, Biden is not the entering wedge for a socialist future. While I have worries about policies advocated by some Democrats, I take comfort from the fact that there is a large group of centrists on the Democratic side of the aisle, and their viewpoints will need to be taken into account by party leadership. Regardless, the risks they pose are not as severe as the risks posed by Trump.

**The Judicial Incentive to Vote for Trump is Past.** Four years ago, many in religious circles decided to support Trump despite deep misgivings because of the likelihood that he would make conservative judicial appointments. At the level of the Supreme Court, that is one thing he has managed to do. Indeed, having now made three appointments to the Supreme Court, he has arguably made more appointments than were expected at the time of his election in 2016. However, going forward:

- **Supreme Court:** it is unlikely that Trump will have any opportunities to make additional Supreme Court appointments in the next four years.

- **Other Federal Courts.** Trump is on track to have appointed 234 lower federal judges during his four-year term, which is 22 percent more than the average number of appointments per four years of each of his six predecessors. If averages hold, Trump will likely be able to appoint fewer judges in the years ahead and will likely have less impact on the direction of the courts because liberals will not step down.

**The lack of integrity.** Fundamental bipartisan advice drawn from scriptures of The Church of Jesus Christ of Latter-day Saints, and shared with other people of good will is as follows: “[W]hen the wicked rule the people mourn. Wherefore, honest men and wise men should be sought for diligently, and good men and wise men ye should observe to uphold; otherwise whatsoever is less than these cometh of evil.” Doctrine & Covenants 98:9-10. Trump cannot qualify under this standard.

- Trump fundamentally lacks commitment to honesty.
- His communications as President can best be characterized as a “tissue of lies.”
- His lies endanger people’s lives. Even in recent days when rates of infection, hospitalization, and death are spiking, he continues to claim “we are [turning the corner.](#)” He continues to hold political rallies that are potential super-spreader events.
- In business, he had a pattern of not paying contractors and workers. On his 2008 luxury skyscraper in Chicago, Trump [failed to repay \\$287 million](#) of much larger loan packages. Trump often cites these as examples that he is “smart,” but this kind of cleverness in repeatedly evading obligations clearly lacks integrity.
- Refusal to release tax returns: [investigative reporting](#) suggests he has something to hide.
- The *Washington Post* reports that President Trump has made more than [22,000 false or misleading claims](#) since taking office—on average 50 per day.

While some of this might be written off as political puffing or “normal” business practice, the sheer volume and the willingness to deceive the American people are themselves grounds sufficient to disqualify Trump for the office of President.

**Patterns of Incivility and Disrespect.** President Trump’s interactions with others present a constant litany of incivility:

- The recurring reluctance to disavow white supremacist groups.
- Trump’s [long history of racism](#), despite claims to the contrary.
- [Disparaging veterans](#) as ‘losers’ and ‘suckers.’
- Lack of respect for [women in the military.](#)
- Disrespect for women, from [Access Hollywood boasting](#) about mistreatment of women to [recurring rudeness](#) to female candidates and [members of the press.](#)
- Trump cannot be recommended as a model to [children and grandchildren.](#)

**Foreign Policy.** Trump has severely weakened our foreign policy establishment.

- His temperament and fundamental dishonesty have caused leaders and average citizens the world over to lose respect for the United States.
- His tweets regularly undermine the work of foreign policy officials he himself appointed.
- Countless foreign service posts remain empty as foreign service officers have resigned and left, without replacements being named.
- Trump has systematically offended friends and allies while cozying up to dictators.
- He proudly pulls out of and disrupts carefully structured multilateral arrangements without fully understanding the costs.
- He has failed to take adequate steps against Russian efforts to interfere in U.S. elections.

- After relying on Kurdish forces to help eliminate ISIS in Syria, he abandoned them and put their lives and liberty at risk at the request of a favored dictator in Turkey.

The result of all of this is that America's allies no longer know whether they can trust America, either for leadership or defense.

**Example: International Religious Liberty Policy.** The area I know best is pursuit of international religious liberty policy.

- **Positive:** There are many positive things that the Trump administration has done. In June, 2020, Trump issued an Executive Order on [Advancing International Religious Freedom](#). This called for programs through USAID and otherwise to support programs that would advance international religious freedom. In [2018](#), [2019](#), and again in [2020](#), the State Department launched important initiatives in the form of international ministerial events calling for strengthened implementation of religious freedom commitments. The State Department has also been involved in developing [well-designed efforts](#) to mobilize support for religious freedom issues among other like-minded countries. All of these programs are praiseworthy and deserving of support.
- **Negative:** What I know from interactions with foreign policy counterparts in many other countries, however, is that because many of these initiatives emanate from Trump's administration, they are greeted with suspicion or outright rejection.

To have optimal impact on important foreign policy issues such as advancing religious freedom, we need a leader who can help mobilize support from our allies, rather than polarizing them.

**Trump and the Constitution.** Trump is an instinctive authoritarian who appears to care more about maintaining his own power than about maintaining the Constitution. Examples:

- He is the first President in American history who has systematically left open questions about whether he would leave power in a quiet and dignified way if he loses the election.
- He is also the first President since Roosevelt to consider a third term (although of course in Trump's case, this is no longer constitutional).
- He systematically expects government officials to be loyal to him instead of to the Constitution.
- He threatens long-standing principles assuring a neutral civil service. On October 21, 2020, Trump signed an [Executive Order on Creating Schedule F](#). This is potentially a [smoke screen](#) paving the way for Trump to purge thousands of employees and to replace them with political cronies.
- Trump's continual attacks on the press demonstrate his lack of understanding of the importance of the constitutional values of freedom of speech and of the press, both of which are vital mainstays of our constitutional system.
- [Tear gas dispersal of peaceful demonstrators](#) to allow Trump to walk across Lafayette Park to an adjacent Episcopal Church was an especially clear breach of fundamental rights..

Trump's systematic disrespect for constitutional values is a particularly significant reason to avoid giving him an extended hold on power.

**Autocratic Tendencies.** When Trump was elected, many of us hoped that the dignity of the office itself would lead him to become more presidential. After four years, we know there is no hope of that. What is more troubling is that he consistently exhibits autocratic traits. In their important book, *How Democracies Die*, Steven Levitsky and Daniel Ziblatt, leading experts on the emergence of autocratic regimes in Europe and in Latin America, detail traits of dangerously autocratic leaders—the types of leaders who destroy constitutions and launch dictatorships.

Trump exhibits virtually all of the danger signs. Here are the four key indicators that they identify, and some of the questions that help identify whether particular leaders meet these indicators:<sup>1</sup>

1. Rejection of (or weak commitment to) democratic rules of the game.
  - Do they reject the Constitution or express a willingness to violate it?
  - Do they suggest a need for antidemocratic measures, such as canceling elections, violating or suspending the Constitution, banning certain organizations, or restricting basic civil or political rights? . . .
  - Do they attempt to undermine the legitimacy of elections, for example, by refusing to accept credible electoral results?
2. Denial of the legitimacy of political opponents
  - Do they describe their rivals as subversive, or opposed to the existing constitutional order? . . .
  - Do they baselessly describe their partisan rivals as criminals, whose supposed violation of the law (or potential to do so) disqualifies them from full participation in the political arena?
  - Do they baselessly suggest tht their rivals are foreign agents, in that they are secretly working in alliance with (or the employ of) a foreign government—usually an enemy one?
3. Toleration or encouragement of violence
  - Do they have any ties to armed gangs, paramilitary forces, militias, guerrillas, or other organizations that engage in illicit violence? . . .
  - Have they tacitly endorsed violence by their supporters by refusing to unambiguously condemn it and punish it?
  - Have they praised (or refused to condemn) other significant acts of political violence, either in the past or elsewhere in the world?
4. Readiness to curtail civil liberties of opponents, including media
  - Have they supported laws or policies that restrict civil liberties, such as expanded libel or defamation laws, or laws restricting protest, criticism of the government, or certain civic or political organizations?
  - Have they threatened to take legal or other punitive action against critics in rival parties, civil society, or the media?
  - Have they praised repressive measures taken by other governments, either in the past or elsewhere in the world?

While Trump does not exhibit all of these traits, he certainly meets many of the criteria. Even more frighteningly, without the discipline of facing an additional election, he might tend to exhibit more of them. This is another reason for thinking that Trump is not only a dysfunctional but even more, a dangerous leader who should not be entrusted with four more years in power.

**Trump typically loses the respect of key advisers who know him best and who have been able to assess his competence at close range.**

- [James Mattis](#), former Secretary of Defense. “Donald Trump is the first President in my lifetime who does not try to unite the American people—does not even pretend to try. Instead, he tries to divide us.” “We must reject and hold accountable those in office who would make a mockery of our Constitution.”

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<sup>1</sup> Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown Publishing Group, a division of Penguin Random House LLC, 2018) 23-24.

- [John Bolton](#), former National Security Advisor. “Trump’s ‘harm’ may be ‘even more profound’ with a second term.” His book, *The Room Where It Happened*, characterized Trump as ignorant of basic geopolitical facts, erratic, and “stunningly uninformed.”
- [Rex Tillerson](#), former Secretary of State: Trump is undisciplined, doesn’t like to read and tries to do illegal things. He acts on instincts rather than relying on facts.
- [Twenty Former Republican U.S. Attorneys](#): Trump threatens the rule of law.
- [Record-setting Turnover list](#) of personnel who have resigned or been dismissed underscores his problematic character as a leader.

**Mistreatment of Refugees and Displaced Persons.** From the beginning, Trump attempted simply to exclude Muslims, or when that was too transparently unconstitutional, by retooling the exclusions with similar intent. He has been guilty of stereotypical thinking about various other minority groups. [Intensifying harsh treatment](#) has been a recurring pattern. The most inhumane (and incompetently handled) policy was separation of children from their parents at the border, putting the [children in cages](#), and then losing track of information so that [children cannot be reunited with their parents](#).

**Mishandling of the COVID-19 Pandemic.** The final critique of Trump, and no doubt the most disastrous in terms of lives lost and health impacts, is failure to respond adequately and effectively to the COVID-19 pandemic.

- Although it is now clear from the Bob Woodward interviews that Trump knew of the seriousness of the COVID-19 threat early on, he consistently failed to take adequate steps to reduce its impact.
- After learning of the seriousness of the virus, the President waited approximately a month before reacting.
- Testing has consistently been inadequate. Effective test-and-trace methods used in other countries to minimize spread have not been developed or implemented.
- The President has consistently played down the extent and seriousness of the crisis—a pattern that continues to this day, even after Trump himself was hospitalized for the virus.
- He not only ignored the fact of the virus, but resisted listening to experts with the facts.
- He consistently refused to accept or assume responsibility for the crisis. Instead, he tried to offload responsibility to the governors. Among other things, this led to handling the crisis in a piecemeal way that forced governors into bidding wars for obtaining of PPE and testing materials.
- In April, immediately after agreeing to CDC guidelines, the President began encouraging reopening that violated the guidelines. He tweeted calls to “liberate” Michigan, Virginia, and Minnesota. He encouraged early reopening without developing a federal plan or federal guidance and support for state responses to the pandemic.
- The President has regularly undermined those with expertise within his administration and beyond—questioning the credible experts and listening to outliers who say what he wants to hear. Political needs in Trump world outweigh science.
- He has consistently ridiculed the use of masks and other public health measures that scientists have encouraged (except in early stages when masks were in short supply and there was a priority for getting masks to medical personnel).
- The President continues to hold mass gatherings that have significant potential as super-spreader events, with little concern for the health or welfare of those attending.

The bottom line is that the U.S. currently has had over 225,000 deaths, a large percentage of which could have been avoided if we had had better leadership. To cite only one example of

what was possible, consider South Korea. This is a country with 51.64 million inhabitants. In January and February, South Korea's case counts were similar to those in the United States. But due to more careful handling of the pandemic, South Korea to date has had only 461 deaths. The United States has roughly 4.25% of the world's population, but 19% of the world's COVID-19 deaths.

**Remember in November.** Earlier in the year, I had the idea that I should keep track of a list of reasons that might argue for or against Trump's reelection. Unfortunately, the incidents are too numerous to count. Day-in and day-out, there are constant reminders of Trump's dishonesty, his incivility, his racism, the continual chaos that he generates, his constant placing of his self-interest above the country's interest, his fundamental disrespect for broad swaths of the citizenship, his lack of concern for the Constitution and the rule of law, and his fundamental lack of the intellectual and moral traits that we should expect of our President. We need to find ways to recover from the constant polarization he has generated.

Sincerely,

A handwritten signature in black ink that reads "W. Cole Durham, Jr." in a cursive script.

W. Cole Durham, Jr.