

Gaslit Nation Transcript

30 December 2020

“All The President’s Crimes: The Jennifer Taub Interview, Part 2”

Andrea Chalupa:

Happy New Year! Gaslit Nation is co-hosting a phone bank for Georgia with our friends at Indivisible. You can join us on January 4th, from 4:00 PM to 6:00 PM Eastern to hang out on Zoom and make calls to Georgia voters. Until then, do all that you can to make calls, send texts and donate what you can to Jon Ossoff and Reverend Raphael Warnock. Sign up to volunteer on their official campaign websites or with Stacy Abrams groups, Verified Action at Verified.com or New Georgia Project at NewGeorgiaProject.org. Our democracy doesn't work unless we do.

Sarah Kendzior:

I'm Sarah Kendzior, the author of the bestselling books, *The View From Flyover Country* and *Hiding in Plain Sight*.

Andrea Chalupa:

I'm Andrea Chalupa, a journalist and filmmaker and the writer and producer of the journalistic thriller, *Mr. Jones*. We are back in our conversation—did you want to say it, Sarah?

Sarah Kendzior:

Oh, I just wanted to say, and this is Gaslit Nation, a podcast covering corruption in the Trump administration and rising autocracy around the world.

Andrea Chalupa:

That's right, and it's the holidays! And we are continuing our cheery discussion with the great Jennifer Taub, a legal scholar and advocate devoted to making complex business law topics engaging inside and outside of the classroom. Her research and writing focuses on corporate governance, banking and financial market regulation, and white-collar crime. Similarly, her advocacy centers on follow-the-money matters, promoting transparency and opposing corruption. Her new book, *Big Dirty Money: The Shocking Injustice and Unseen Cost of White-Collar Crime*, came out this Fall.

Andrea Chalupa:

Taub was a co-founder and organizer of the April 15th, 2017 Tax March where more than 120,000 people gathered in cities nationwide to demand President Donald Trump's tax returns, which he still has not released. She is a professor of law at the Western New England University School of Law where she teaches civil procedure, white-collar crime and other business and commercial law courses, and was the Bruce W. Nichols visiting professor of law at Harvard Law School. Taub has written for the Washington Post, CNN Opinions, Slate, the New York Times, DealBook, Dame Magazine, among other outlets.

Andrea Chalupa:

We are back with her on how we can demand accountability from the Trump crime family.

Andrea Chalupa:

If you could advise a Biden administration of the dangers of dirty money and what should be done to protect and strengthen our democracy, what checklist would you give them?

Jennifer Taub:

I would either give them a copy of the book and they could read the chapter called, The Six Fixes, or just the preface. To me, this is all about mindset. I think you need a special division in the Department of Justice that would focus on elite crime—on big, dirty money—not the way there is now a public corruption division. I think there is a consortium at the Department of Justice in the Southern District of New York and a few of the other US attorney's offices, where they focus on securities and commodities regulation.

Jennifer Taub:

I think that's too much stove-piped. I think they need to look at the entities and individuals who have tremendous power, who are scofflaws and who are the usual suspects, and they should be, instead of entering into deferred prosecution agreements with these entities, they should actually have a trial. I think there should actually be a trial, and even if they decide that they don't want to charge the executives, you should put them on the stand. We need to take a stand and hold people accountable at the highest levels so that it's painful enough. These are not just settlements of criminal activity and if you're good, we won't prosecute you. Enough of that. They need to be funded in such a way that there is not a pressure just to have a settlement mill, but there is actual accountability and it's deliberate and it's done so that we can have, again, restore the rule of law and show that no one is above the law. That's the number one thing.

Jennifer Taub:

I have five other things as my six fixes, but each of those are designed to help accountability. The second one has to do with tightening up some of our bribery laws and also enacting laws which now have bipartisan support to help stop money laundering by requiring shell companies to disclose their beneficial owners and so on. Again, the key thing is focusing on enhancing the Department of Justice's funding and its mindset to go after these cases.

Jennifer Taub:

I think the other thing to point out in my list of six fixes is that the Biden administration, to the extent that it can encourage Congress to better fund independent journalism, that's important. Also in terms of my list of legislation that I mentioned, in terms of tightening up the bribery laws, we also, I think, need to expand what's called the False Claims Act to give better protection and standing to whistleblowers than we have now. It would be great, once we have an announcement about who the next Attorney General would be, I would love to meet with that person or their transition staff to talk about how we can put this in place.

Andrea Chalupa:

Who should the American public, all of these people-powered grassroots movements that have expanded and also launched under Trump, that entire engine, that grassroots engine, who should they focus on in the Biden administration to finally get some accountability so we can close these loopholes and ensure that another Trump doesn't come to power again? Because like you said, Trump would have likely been in prison and not the White House if he had been held accountable for his corruption along the way in his rise to power.

Jennifer Taub:

Yeah, there are lots of pieces to this, right? Without a Congress, some legislation that I would hope for can't be passed. It turns out that there are a lot of tools that are just sitting on the shelf not being used. There is something called the Responsible Corporate Officer Doctrine which could be used and expanded.

Jennifer Taub:

Really, what we're talking about is someone at the Department of Justice who can make sure that this is a priority, who can create a unit that not only prioritizes this big money crime but also has a better relationship with the different regulatory agencies to make sure cases get referred, or if they're not actually referred, that some of the Justice Department is working with folks at the SEC or the Postal Service or the other agencies, the FDA, so they understand what's actually going on and where the most egregious actors are. You can't prevent a crime and create incentives if it takes 10 years to crack down on something. We need to have more proactive relationships between those who may have their ears to the ground and those who can prosecute crime.

Jennifer Taub:

To me, I think as soon as someone is named as an Attorney General, it would be great for all those grassroots organizations to try to ask for a liaison. I'm thinking of this now, but the SEC has an investor advisory committee. I think the Department of Justice might want to set up some kind of advisory committee where you would have representatives from those who would represent victims, whether it's consumer victims, whether it could be small business victims who play by the rules and end up losing customers because of fly-by-night or because of larger organizations who can cheat and just defend themselves in court.

Jennifer Taub:

I think they should ask for a seat at the table. Obviously ongoing cases cannot be disclosed, but a seat at the table so that they can keep letting people know that white-collar crime is not victimless crime and can remind those who are supposed to be running a Department of Justice for all of us that white-collar crime is much more costly than street crime and it should be prioritized.

Sarah Kendzior:

Yeah, exactly. One of the things that struck me, especially over the last four years, is we the people—we the American people—are the victims of white collar crime. Now we have a mafia state government. We have white-collar crime as the guiding precept of the Trump administration. You mentioned before that tools are not being used by different departments that could mete out justice. It reminded me of the complaints that the House, for example—the Democratic-run House—also is not using every tool available to try to enforce accountability. For example, they're not using Inherent Contempt. They stopped having hearings, basically, in the Spring of 2019. They had to be dragged to impeachment. What do you think is going on there? Isn't it in their interest, both morally but also just politically, strategically, to protect us, the victims of white-collar crime?

Jennifer Taub:

I guess you're asking a couple of different things, but I think I'm going to focus on why is it that sometimes people have tools before them that they don't use? Again, I think sometimes that is a

mindset. I think that folks have forgotten, to some degree, how when Newt Gingrich came in in the '90s. I can't remember the real name, but it was called a Contract on America.

Sarah Kendzior:

Oh, the Pact with America, was that it?

Jennifer Taub:

Yeah, but I call it the Contract on America.

Sarah Kendzior:

Yep.

Jennifer Taub:

It's very difficult in systems...So you've got the House, where they've got to be elected every two years. Then you have the Senate, where sometimes people stay on beyond their six year terms and they're reelected. So you have a certain kind of collegiality that when people want to govern, collegiality helps. It helps people compromise and try to come up with solutions through a democratic process, but things have been really antagonistic ever since Gingrich. Then came the Tea Party movement and now MAGA is just the new brand for a more rabid kind of Tea Party movement where it's, "F- your feelings," and anti-institutionalism and trying to kind of tear and burn everything down.

Jennifer Taub:

When you have that, thinking about the Democrats, that's what they're dealing with with some of the Republicans. I'm not sure about the Inherent Contempt power. I was always worried about the optics of putting someone in a hotel room and not letting them leave. Now there's Twitter, right? I can't imagine a bigger martyr situation than someone tweeting a livestream from their hotel room, just staying there getting room service for a year because they're locked up there and they're refusing to testify. Look, I'm not sure how this all plays out. I'm very much interested in meeting fire with fire where it's appropriate and can be effective. That worried me. I didn't think that was going to be effective, to be honest.

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Andrea Chalupa:

That's always how you have to balance it, is how you could create a martyr. It's funny because I've studied the same sort of dynamics in movements locked behind the Iron Curtain. Even if the thug is pushed too hard, they would be creating martyrs that would just give rise to a larger backlash movement. I think that's really interesting that you mentioned that, how we could even create martyrs of Barr and these others if the House—if Pelosi—put handcuffs on him or whatever. Is that what you're saying?

Jennifer Taub:

Yeah. Just like we were talking earlier in our conversation, this idea of the dual State, we have, right now, given how many different channels of information that there are that anyone can be a broadcaster, all of that has some good stuff, but we can't forget that. Here's the analogy; even if you're in the right legally, you look at these cases and Trump has lost, what? 40 cases. I just read this really fabulous brief from the Interveners in the case, and I'm forgetting which State. I think it's the Georgia case where they wanted to say that the testimony of these questionable, so-called experts, should not be allowed in court. It's a really wonderful brief and it's laughable that Lin Wood who wants to get the votes thrown out in all the swing states where Trump lost, it's amazing how ridiculous this is.

Jennifer Taub:

If we were teaching this brief in law school where a bunch of us lawyers would be like, "Ha-ha-ha. That's a really great brief and obviously a judge is going to rule not to have these witnesses testify." But it doesn't even matter because what Trump is trying to do is, he knows he's going to lose in the normal channels, but if his lawyers can claim that these witnesses, whether they were allowed to have their sworn statements put in the record or not, they're all over Fox News, they're all over OAN. Trump can say, "Look at all these witnesses." and we may laugh about this woman who two million plus people watched, Melissa Carone, testify. That might be laughable or embarrassing, but for someone who's trying to raise money off of that, it works.

Jennifer Taub:

As a legal strategy, his Hail Mary strategy is to try to somehow get Mitch McConnell, on January 5th, to throw out the election. I don't see it at all as possible or probable. It seems like a long shot. Trump is playing a game of how to make himself into a martyr, how to spin the facts. To some degree, I think we all need to think about that. I think lawyers, I think political scientists, I think people like the two of you who care about these sociological issues and who think about social justice need to think about where our playing field is, thinking about YouTube as maybe a better court than the courtrooms if we're looking at the bigger picture.

Sarah Kendzior:

Oh, absolutely. That's why Andrea and I for so long wanted them to OJ the shit out of the impeachment hearings. We wanted elaborate, theatrical meme-able moments because that is how Americans receive their information these days. I completely agree with your point.

Andrea Chalupa:

We don't know, obviously, what the future holds. We need a reckoning in this country for the fire hose of terror we've all been living under, and then on top of that, the COVID pandemic. We need to obviously confront these issues. There's this desperate anxiety about whether the American people are going to get the accountability that is so necessary for healing and for protecting us moving forward. It's horrible that we have to live in a state of suspense to know whether this is going to come down the pipe.

Andrea Chalupa:

In your book, you go through the Wall Street financial crisis and how Eric Holder was just doling out slaps on the wrist and that's it, and Wall Street is back at it again. I think given that horrible precedent, there is great fear, certainly here in Gaslit Nation, that we're going to be stuck with Trump going off into the sunset with his giant propaganda empire and leveraging his hold on the Republican party and we're stuck with Trumpism—battling Trumpism—for the foreseeable future. When the family members, some of them, there is a big case to be made for prosecutions and indictments across the board.

Andrea Chalupa:

So I want to just go through this list, because I hope to god that this conversation with you isn't the closest the American people get to any sense of accountability. I hope there is some real investigation that takes hold and brings people to justice and secures our elections and secures the public moving forward. Let's now, for the time being, let's go through this and go down our list of questions. With this concern, what are your thoughts that Biden's calls to unity and the Republicans putting pressure on him in Congress, certainly the Senate, will all together allow Trump and those who are walking away from this White House with the very serious allegations of corruption, that they might be let off the hook?

Jennifer Taub:

Okay, so let's look at this at the federal level and, separately, state and local. At the federal level, I like that Joe Biden is saying that this is the people's Justice Department, it's not mine. To me, personnel is policy. I hope that he appoints an attorney general who will be independent and won't take his unity message to mean (and what some people seem to be whispering in Biden's ear), I hope that whoever the Attorney General is, is independent and holds accountable those people who should be held accountable, whoever is left after the pardons though, because as we've talked about, you can proactively pardon. By that I mean that Trump could issue a pardon to an individual or to many individuals for actions that they took prior to the date of the pardon, even if that person has not yet been charged with a federal offense. There is no question in my mind that we're about to see a whole slew of those.

Jennifer Taub:

I'm not so sure that among the many people with whom he is closely associated, there will be many left who have not received a pardon. Whether some of those will be challenged or not is a separate issue. I do wonder if there is a situation where a pardon is given where it's not specific enough about the activity that the President is pointing to for a pardon, whether an Attorney General might want to test

one of those out and charge such a person for something because it was not explicitly mentioned in the pardon. That could be interesting.

Jennifer Taub:

Then still at the federal level, we have Trump himself. He would be very stupid to try to do a self-pardon. He'd be smarter to resign a couple of days or a couple of hours in advance and have Pence issue the pardon as the 46th President, then that would make Biden the 47th. But I use the word stupid, and he's done stupid things before. The question is, what does he care more about—his own ego or the possibility of going to prison? What do you think on that one?

Andrea Chalupa:

I think he's going to be President in his mind for the rest of his life.

Jennifer Taub:

So do you think he'd be willing to step down a few hours before noon on the 20th to make sure he gets a pardon?

Andrea Chalupa:

It would have to be like an hour before.

Jennifer Taub:

[laughs] All it would have to be is 10 seconds!

Andrea Chalupa:

Yeah.

Jennifer Taub:

Okay. There's that, but he might not trust Pence, right?

Andrea Chalupa:

Exactly.

Jennifer Taub:

He might have to do it before so that if he doesn't do it, he can throw him under a bus or something. Or maybe it's already been signed by Pence and he has it in his pocket. Right? That's what he should do. I'm not advising. This is not legal advice for him. I'm just saying that if I were him-

Sarah Kendzior:

I think that's the most likely thing because like any aspiring autocrat, he's paranoid and he's going to want to see it in writing. He's been dealing with these mafia-type secret document NDA reassurances for his whole life. I think that's actually a pretty likely scenario. I hope he doesn't listen to this show and get it from here if he hasn't thought of it. Maybe we're not predicting things, maybe we're inspiring things. Anyway, go on.

Jennifer Taub:

That's kind of the federal level in terms of criminal stuff. There's nothing stopping the House or Senate from holding hearings and doing something similar to the Financial Crisis Inquiry Commission or the 9/11 Commission where Congress passes a law to have a commission set up so we can actually have a document. Those can be very helpful for historians. There are so many corrupt things that went on during this administration, there should be something about the coronavirus. But the trouble is that there are so many different things, which one do you choose to do that on.

Jennifer Taub:

In terms of criminality at the State and local level, as everybody knows or should know, the President's pardon power does not reach. We have federalism and we have independent State and local prosecutors. We can just look at the State of New York and the county of New York to see what's going on there. We have Cy Vance who is the District Attorney in Manhattan, which is New York County. He's got this ongoing case that's been going on for two years. There's a grand jury.

Jennifer Taub:

He revealed in one of the filings in September in some great detail about what he's investigating Trump for. We're talking about criminal investigation for insurance fraud, for tax evasion and for the State equivalent of bank fraud which is grand larceny, and a scheme to defraud. That's going on right now. What Vance is still waiting for is to get his hands on eight years of the President's personal and business tax returns as well as accounting records. As you all know, he's trying to get those from Mazars, which is his accounting firm.

Jennifer Taub:

Where that case is right now, it already went up to the Supreme Court and it's back up there waiting for the Supreme Court to rule. When it went back down, the trial court said, "Hand over those documents Mazars," and then the appellate court—the Second Circuit—said the same thing. We're just waiting for the Supreme Court to rule on that.

Jennifer Taub:

Those cases, I'm not sure what he's specifically looking for, but obviously he would need to present official documents to the grand jury and it's quite possible they will indict. Right now, I think it's probably just up to Cy Vance and I think he's under tremendous pressure because he's up for reelection in the odd years. I think he's up this year.

Andrea Chalupa:

Mm-hmm (affirmative), in 2021.

Jennifer Taub:

Yeah, and he's got a lot of people running.

Sarah Kendzior:

I'm just curious, given his track record where he let off the hook Jeffrey Epstein, Harvey Weinstein, Dominique Strauss-Kahn and of course, Ivanka and Donald, Jr. after Trump's lawyer gave a donation to his political campaign, do you think that Cy Vance will pursue indictments against Trump?

Jennifer Taub:

Well, he went this far, so I hope so. I don't know what he will do or what he won't do, but I can only say, why would you have a grand jury investigation for two years? I don't remember for sure with the Soho case, I don't remember whether there was a grand jury there and then he just dropped it. I cannot remember how far those cases went, but I do know that we'll know soon with that. My fear though, is if he decides to back off of what's happened to the statute of limitations, right? What will happen in those cases? Just to be clear, although Cy Vance is a district attorney for a county, he has the authority to enforce the New York State criminal laws.

Jennifer Taub:

Then you have Tish James, the Attorney General of New York, who's got what right now appears to be a civil case.

Jennifer Taub:

Oh wait, let me just add one more thing, I forgot. There was a recent case involving Ivanka that both Cy Vance and Tish James are looking at. You know how the New York Times just got its hands on two decades of Trump's tax returns. As part of that, there is this part where his business deducted \$26 million in fees to, what was in his returns, "unnamed consultants". Well, we come to find out that Ivanka apparently received \$747,000, actually \$747,622.

Jennifer Taub:

What's interesting here is she had some sort of filing and that matched up with hers, so it looks like while she was working for the Trump organization as a full-time employee, she was also somehow paid consulting fees of that amount. And it's such a weird number. Just to be clear, it's not unlawful for a business to pay consulting fees, but they're supposed to be reasonable and you're actually supposed to do the work. Although she says it's a fishing expedition and it's a witch hunt or something like that, I've yet to see her produce any kind of information about what she did for that 747+ thousand dollars and why it should have been paid separately from the regular work that she was doing. That's part of the investigation right now, I believe, from Tish James as well as the criminal investigation. It might be part of what Cy Vance is also looking at.

Andrea Chalupa:

Nick Akerman—the Watergate prosecutor—he commented that Ivanka Trump, what it looks like from the Times reporting that was going on here, could qualify as tax fraud and that any good prosecutor could make a case to indict Ivanka.

Jennifer Taub:

I think that one of the tricky things with any kind of federal felony is having evidence of their mental state.

Andrea Chalupa:

Good luck with Ivanka on that one. [laughs]

Jennifer Taub:

Yeah. Look, the key thing is whether she agrees to talk or whether she takes the Fifth Amendment on that. It could be interesting. She did just sit for a deposition in a separate, talking about local government, the DC, the District of Columbia, is investigating what happened with the inaugural funds and she did sit for a deposition there. If she sat for a deposition in that civil case, clearly her lawyers advised her that there was not some sort of criminal concern there. I would very much doubt that she would want to speak to Cy Vance though at this point, because I do agree with you, there is a lot of risk there that she may have participated in a conspiracy to commit tax fraud.

Andrea Chalupa:

What's really interesting about these people—the Trump family—is that they've gotten away with it for so long that you kind of have to wonder what kind of paper trail they're leaving along the way and witnesses they're leaving along the way because they're used to just getting away with it. As this progresses, what should we look for that are signs of maybe possible guilt or noose tightening?

Andrea Chalupa:

You mentioned Ivanka sitting down with the Washington DC Attorney General's office for an hours long interview and her lawyers obviously thought that was a good idea because she might not have as much exposure as they fear in that case. Then you're saying that she might dodge Cy Vance because she might actually be in hot water there. So what should we look out for? What's been really frustrating is to see, especially with the Russian investigation, a lot of these guys refuse to participate and refuse to testify. Is that an admission of guilt, essentially?

Jennifer Taub:

When you refuse to testify, it's not an admission of guilt. As a lawyer, I want to be really careful to say that I really am glad that we have a privilege against self-incrimination. I think to me what would be interesting would be if they offered her immunity in exchange for her testimony, but I doubt that she would voluntarily flip on her father. So it's hard to really say what I think the signs would be that things are closing in any of these folks.

Jennifer Taub:

I would wait for an indictment, is what I would wait for. I think I would wait for an indictment or wait for news leaking that someone else like Weisselberg flipped. Right? This is the accountant who's been there forever. There are all these people whose names came up and we've forgotten that were involved here. There is also the fact that you've got these siblings; you've got Eric and Don, Jr.

Andrea Chalupa:

The idiot sons as we call them.

Jennifer Taub:

Will they turn on each other or are they all going to hold together? Then there's poor Tiffany. I keep wondering. Nobody talks about Tiffany getting a pardon and I wonder if she's going to go hold up a jewelry store so she can be in on the action and have dad come help her. It's hard to really know.

Andrea Chalupa:

Yeah, no invite to the pardon party for Tiffany. So, what about Paul Manafort? Paul Manafort didn't flip and that is something I predicted in early 2017. I said that Paul Manafort is so dirty, he's going to go shooting his way out. If he gets pardoned, what then? Is he just back at destabilizing democracies in Ukraine and elsewhere? Is he going to be popping up on Chuck Todd's show, Meet the Press, just having a run of the mill conversation?

Jennifer Taub:

He's out of prison, as we mentioned, and if he's pardoned, they can get off his little ankle bracelet and go out and-

Andrea Chalupa:

Destabilize democracies, yeah.

Jennifer Taub:

Yeah. In reality though, if he's pardoned, that means that he could be compelled to testify. I'm not sure, again, depending on what the context would be for and who the case might be against, but even if you're compelled to testify and you don't (and that could be considered obstruction), he's not afraid of prison, right? I don't think you're going to get this guy to sing no matter what? I think there are threats to him worse than prison and worse than death that would keep him quiet.

Andrea Chalupa:

Which are? What do you think they are?

Jennifer Taub:

He's very tied to Eastern European organized crime figures, right? If I were Paul Manafort, I would be as quiet as I could. Again, I'm not giving anyone advice. One thing from the beginning is if you want to predict what someone is going to do, you maybe look at the things everyone says about them, imagine they're true, and then imagine they're them.

Sarah Kendzior:

Yes, thank you! This is what has driven Andrea and I crazy because we've been able to predict what everyone is going to do by doing exactly what you said—getting in their heads, looking at their past, looking at their actions, looking at what they have to gain. It's been a little confusing to us that the Mueller probe and other people who do this professionally for a living and have for several decades, seem to be unable to profile people like Paul Manafort who are in the public eye.

Jennifer Taub:

Right. Do you think people are just incapable or do you think it's plausible deniability?

Sarah Kendzior:

I think it's plausible deniability and they're letting these guys off for some reason. I kind of get into that in my book in *Hiding in Plain Sight*, because of things like that Mueller speech that we read at the beginning of the show. Clearly, Mueller knows about this organized crime syndicate. He knows about Semion Mogilevich, he knows about the ties that people like Manafort and Trump and others have to that operation and how incredibly dangerous it is.

Sarah Kendzior:

So he's not naïve and therefore, it's very difficult for me to think that he simply didn't know or that this was a matter of protocol or mean tweets or whatever kind of excuses that they bring out. It's mysterious to me, honestly. I feel like it's probably a matter of a combination of threats to people's personal safety and complicity, depending on the individual in question.

Jennifer Taub:

I certainly hope he learned this lesson. It's like, "What?"

Sarah Kendzior:

They'll never learn. The lesson is that they can get away with whatever they want because no one does anything about it. That's the lesson they learned.

Jennifer Taub:

Yeah. When he was elected, I mean, Trump is a con artist and a crook and he was able to make money by exploiting people's sense of hope, greed and grievance, and that is who he has always been. Having written my first book about the financial crisis, it's a nonfiction narrative but it compares the savings and loan debacle to the 2008 meltdown. The S&L debacle...there is a lot they have in common, but there were all these crooks running these savings and loans at the time.

Jennifer Taub:

One of the things that would happen is you'd have this crooked guy running a savings and loan that's going broke and instead of shutting it down, the regulators would then let them merge with a larger organization thinking, "Oh, that will do it. That will help them clean up their act." You're the audience in the movie theater going, "No! Look behind the door! It's bad!"

Jennifer Taub:

So when Trump was elected, I was like, "Oh my god. We're in so much trouble." I remember people saying, "Give him a chance," and I was like, "He's had the chances."

Sarah Kendzior:

Mm-hmm (affirmative), yeah. Exactly, 40 years of chances. That's the problem.

Jennifer Taub:

Honestly at first, I told myself, "Was that just a schtick and will this big office ..." I thought he would actually be controlled by the apparatus, that somehow he would be awed and he would play golf and let others run the show. I was worried that Pence was going to be in charge. I guess I underestimated how much his ego ... I knew he was a crook but I thought he was a lazy crook. I didn't realize how big his ego is and that's why, in part, we're in the mess we're in. I probably also didn't realize until December of 2016 how compromised he was. I knew he was a crook, but I don't think I realized how much Putin had on him, which I still think is true.

Sarah Kendzior:

Well, they kept presenting him as a neophyte, whereas in reality, he had run (or almost run) for President in 1988, 1996, and he ran in 2000, he ran in 2012. This is something that he'd been thinking

about for a long time, being the President of the United States. That idea occurred to him right after he went to the Soviet Union on July 4, 1987. That relationship has been there for a long time, and coming back to, "Well, where were you Mueller? The evolving crime threat..."

Sarah Kendzior:

It's not like I found this out through some deep hard research. I merely read some basic biographies of Trump, like Wayne Barrett's work, David Cay Johnston's or the Art of the Deal, where Trump confesses everything in his own book! When he's like, "I had nothing to do with Russia, I've never been involved in there," you open up the Art of the Deal and it's like, "On July 4th, the Soviets flew me to Red Square." It's like, "Come on, man." [laughs]

Jennifer Taub:

Manafort and Yanukovich, that's the same as the Trump story. It's sort of hard to be watching this and say, "I can't be the only one seeing this," right? It is this process ... Some people have the ability to constantly forget what we just learned the day before or the week before, right? And I just can't let go of information. I think maybe that's part of the problem.

Sarah Kendzior:

It's weird that we should all be rare. I mean I know everyone is overwhelmed. We've had an incredible number of crises. Obviously, you have a pandemic and it screws with your sense of time, all of this stuff, but for folks whose job it literally is to know the basic facts of, "Who is Paul Manafort?" or Bill Barr, another classic example where everyone was like, "Well, Bill Barr wouldn't do anything unethical." Literally Wikipedia, the first thing you're going to see is he's the GOP coverup guy. He's been called that by people like William Safire, noted conservative. It's very strange to me that we are having this anomalous conversation and the rest of the world is like, "checks and balances."

Jennifer Taub:

What was your undergraduate major?

Sarah Kendzior:

My undergrad major was history. My PhD was anthropology.

Andrea Chalupa:

My undergraduate major was history.

Sarah Kendzior:

We're all history nerds.

Jennifer Taub:

Interesting. I was an English major but I always really like narrative nonfiction, so maybe there's something there.

Sarah Kendzior:

I think there's something. Yeah. You're always interested in the past and the connections and things repeating and these cycles. When you have this kind of news cycle environment, it's very damaging, I

think, to our collective understanding of what are very complicated events. You're a legal expert, so you understand the legal minutia much more than the average person. Andrea and I spent our careers studying autocracies and kleptocracies, so obviously we understand that more than the average person. To understand Trump, you need those two specialties, plus financial expertise, plus media expertise, plus organized crime expertise. It's really daunting. It just goes on and on because he's managed to encapsulate every disaster.

Jennifer Taub:

It's hard to explain, and I don't want to call it body language or reading the room, but there's something about, like, why does he wear the exact outfit all the time like he's a cartoon character?

Sarah Kendzior:

Because he is! He's a brand. He's a brand because he's terrified of being a person. That's the kind of thing he's so good at. It's the kind of thing you see in professional wrestling. It's the kind of thing you see in tabloid journalism when he made himself Donald Trump and then played Donald Trump on the Apprentice and knew that he was marketing himself as that version of Donald Trump; the tycoon, the big boss, that kind of schtick.

Jennifer Taub:

When you see the way he lives, it's ugly.

Sarah Kendzior:

Oh yeah.

Jennifer Taub:

He doesn't look comfortable or cozy. I just don't even understand it. Anyway-

Sarah Kendzior:

Actually, that's a question for you, because you've looked at so many white-collar criminals, and we know that they could just be living on an island somewhere, having a great time, partying it up. Why do they keep committing crimes? Why do they have to kill us all with an opioid epidemic or steal our homes or stuff like that? Why can't they just mind their own business and enjoy all that money?

Andrea Chalupa:

Greed. Greed is a disease. I think we need to start treating greed as a disease.

Jennifer Taub:

Yeah, maybe. I think the combination between ego and greed, maybe, and the sense of infallibility. Why do addicts go for the next gambling? Why did they spend the last bit of money they had to go gambling or to get high or whatever? Obviously there's something deeply missing in this guy.

Sarah Kendzior:

Oh yeah, there's a lot deeply, deeply awry. I just have to ask you this. We have this list of felons and we want to ask what happens to all of them, but one of the main ones that I do want to ask (because I feel like he's Trump Jr. in a lot of ways) is Jared Kushner, who's committed a litany of offenses while in office.

I think the most notable one is how he handled the coronavirus crisis, shaking down governors, blocking PPE, creating a humanitarian catastrophe, and in addition to that, you have all his kleptocratic practices, deals with Saudi Arabia, with Qatar, to pay down his debt. What do you think of his legal liability after he leaves office?

Jennifer Taub:

You forgot to mention whatever he's doing in Saudi Arabia right now.

Sarah Kendzior:

Oh, I said Saudi Arabia, Israel, Qatar, Russia, China. [laughs] Pick a country, any country, Jared's done a dirty deal.

Jennifer Taub:

One of the complicated things is this concept of sovereign immunity. I'm not an expert on it, but what gets complicated is the actions that he took while he was in office and the exceptions to the shield of sovereign immunity is a whole separate question. But if you talk about things like pure incompetence ... Well, let me just put it this way: trying to get revenge on States because they're led by Democrats and therefore not wanting to send masks or not wanting to organize the COVID response better, unfortunately even if he was doing it out of revenge (look at the Bridgegate case, the Audit Services Fraud case), because you can't show some personal benefit, that's not going to fall under the Wire Fraud Statute. But if you look at other stuff he did, to the extent that he was involved, and there's no hard evidence that there's any quid pro quo bribery going on, but if there were such an investigation, maybe. This is a guy who's always looking for money because there's always a big bill due for his father's enterprises. So, I can't imagine Trump leaving office without pardoning Jared for anything he's done.

Jennifer Taub:

Part of it is that I think a lot of these folks will have clean slates. You mentioned OJ earlier. OJ never went to prison for murder because he was acquitted by a jury even though he was held liable for Nicole's death later, but he did go to prison for something stupid involving, what was it? A Las Vegas hotel room?

Sarah Kendzior:

I think he stole his trophy back or something like that. I can't remember.

Jennifer Taub:

Yeah. If we've learned anything, it's hard to teach an old dog new tricks, so I think we should just stay tuned to see what these folks are up to later, because I think they've only gotten around and survived through grifting and they have a lot of bills coming due.

Sarah Kendzior:

The thing that scares me though is that I was never worried that OJ, now free, was going to come and kill me, but I am worried that all of these people; Kushner, Manafort, Flynn, etcetera, Ivanka Trump, are going to kill me or us collectively through things like their use of classified information that they got in the White House, their kleptocratic dealings, their desire for revenge, their desire to break up the country. There is a different kind of incentive. It's not about punitive aspects. It's not about, "Let's make them feel bad. Let's get revenge." It's about protection and national security. Do you think an attorney

general in a Biden administration will contend with that argument? There are people like Paul Manafort or Roger Stone who are just very dangerous. They're dangerous threats to American security and they've proven themselves to be. What does it mean to have them running around with classified information, able to do whatever they want?

Jennifer Taub:

Again, I think there will be pardons for people and the question is, any activity that you engage in after the pardon, to the extent that they think that someone is running around with classified information, if you're still running around with it after the pardon issues, then that can create a new crime, right? When you think about someone like Roger Stone, he's been a menace to our democracy since the Nixon era. I think the problem is when you have just a few of these dangerous true believers running around, but when you have someone with a family who may have the support of 70 odd million people, it is something to be concerned about. I just hope the Trump dynasty ends and we don't have to see another one of them run for office in four years.

Sarah Kendzior:

Oh, God, yeah. That would be a blessing for us all. I just get scared about how they're going to operate on the outside, because we definitely saw this throughout the administration, people like Bannon, for example, having an enormous amount of influence on the administration even after he'd officially left it. I think the same is true for Flynn and even for Manafort in prison.

Jennifer Taub:

Why would you use the word "afraid"? Let's assume it's going to happen.

Sarah Kendzior:

Well, because they want to kill people. I live in a State that's taken the brunt of a lot of dark money, dirty money, GOP policies and white supremacist fanatics. I sort of have lived my whole life watching this country die, watching people let it, and watching innocent people get victimized. I think it kind of goes back to what you were talking about before, that white-collar crime has real victims and kleptocracy has real victims. When it's unpunished, they'll just commit the same crimes over and over. Like you just said, like Roger Stone has been committing these illicit ventures since the Nixon era, the same with Manafort, the same with Trump. If they'd all been dealt with earlier, we wouldn't be in this crisis now.

Sarah Kendzior:

So my assumption is that the crisis will continue to get worse, if they're not brought to justice because they aim to hurt people. They're sadists for one thing, and they're not just greedy. They're overtly sadistic and they're going to be mad and they're going to be vengeful.

Jennifer Taub:

People who want to have this kind of power and money and corruption are going to continue and it's been the story since the dawn of time. I think what the rest of us are looking for is good healthcare, education for our kids, a safe place to live, and so on, right? The opportunity to work if we have the capacity to work.

Jennifer Taub:

So I think instead of just saying, "We need to punish the people who hurt us," I think we need to make sure that the public has good healthcare, rehab facilities, free preschool, elementary school, high school and an opportunity for free college, the way it used to be when I was a child in California. If you got admitted to one of those universities, you could go.

Jennifer Taub:

If we talk about what we need, then we can talk about, "Why don't we have that?" We have credible resources for a very sophisticated society and there's no reason why all of that should not be available. If we start with that starting point, that's important. I think that if we think those are the kinds of ways that we make demands, and when we hit the obstacle of saying, "Well, we can't afford it," then read Stephanie Kelton's book, right? Get rid of PAYGO. If we say, "We can't afford it," and we still have these restraints on printing money, then I say, tax people more.

Sarah Kendzior:

Mm-hmm (affirmative).

Jennifer Taub:

In other words, I think part of what happens is that this kind of kleptocracy ... What ends up happening is the rich are getting richer not just because of what Piketty says about returns on investments increasing more quickly than wages. People are getting wealthier because they can do things like invest in monopolies, because they can cheat, because of all these things. And the very fact of so much wealth and inequality gives some people too much power, allows them to change laws so they're taxed less and this thing gets ... It's not possible to have a democratic system of self-government with such inequality.

Jennifer Taub:

Focusing on inequality at the same time that we focus on accountability, I think, gets us to a better place.

Andrea Chalupa:

Yeah. That goes back to the earlier discussion about gaslighting in white-collar crime. I understand the appreciation of white-collar crime, the birth of that term, however revolutionary that was, because before there was just crime and that was mainly poor people and people of color. That was considered crime in America and then white-collar crime—this new concept—was born and suddenly, you have a new name for corporate corruption, essentially.

Andrea Chalupa:

But white-collar crime, it just feels so delicate. You just think of a nice, crisp white collar. Really, what these guys are doing—Paul Manafort is a classic case—it's blood money and blood money is inherently violent. I can't get out of my head the images of Ukrainian protesters that were beaten up and shot by government snipers of a government that he was actively advising at the time and made a lot of money profiting from helping bring them to power and furthering their influence abroad.

Andrea Chalupa:

I personally think, as I was reading your book, that the term white-collar crime is gaslighting because it separates us from the violence of what they do and the lives that are destroyed. It puts them in this,

"These guys get lenient sentences because they're not inherently violent." They're not these, quote, unquote, 'animals' we have to lock up because they're just going to lash out and rape our white women." That's what I think of when I think of white-collar crime.

Jennifer Taub:

You talk about white collars and clean and money laundering, all this language to try and clean up the bloody, dirty, dangerous reality of it. I think that's why I only used the term white-collar in the subtitle, but wanted to emphasize that this was a big deal and that it's dirty. It's not clean, what they're doing.

Andrea Chalupa:

No, and it's destructive.

Jennifer Taub:

Yep.

Andrea Chalupa:

Paul Manafort, I feel afraid if he's walking around free and pardoned. Like Sarah was saying, we're scared. We're scared for our lives. We're scared for what's next from these guys because what they do as we see, Paul Manafort, a well-known Putin operative, bringing Donald Trump to power, which then leads to the death of nearly half a million Americans, on par with the number of Americans killed in World War II. That's violent.

Jennifer Taub:

Well, your analogy about why people don't see white-collar crime as violent, if Trump stood out on Fifth Avenue and shot somebody, he actually would get in trouble, but if you do what he did and we have people encouraging others not to wear masks to minimize the virus, to hold rallies and you have, what, 270,000 people who have died, no one sees anyone pulling the trigger but that's even worse.

Sarah Kendzior:

Agree.

Andrea Chalupa:

Well, Jennifer Taub, thank you so much for this enlightening conversation. It was such a really odd pleasure to speak with you. [laughs] We appreciate your books so much. Everybody, we need to fight for accountability, so read Big, Dirty Money by Jennifer Taub. It is our guide on how to channel our rage into productive action and demand accountability.

Sarah Kendzior:

Yes, thank you for coming on.

Jennifer Taub:

Thank you. Happy Hanukkah and if you don't celebrate Hanukkah, Happy Kwanzaa, Merry Christmas or whatever.

Andrea Chalupa:

Happy Holidays, and Happy 2021.

Sarah Kendzior:

Happy Holidays.

Andrea Chalupa:

We'll get together soon when things hopefully calm down. We could do a proper ...

Sarah Kendzior:

A proper sleepover. [laughs]

Andrea Chalupa:

Our discussion continues and you can get access to that by signing up on our Patreon at the Truth Teller level or higher.

Sarah Kendzior:

We want to encourage you to donate to your local food bank which is experiencing a spike in demand. We also encourage you to donate to Direct Relief at DirectRelief.org which is supplying much needed protective gear to first responders working on the front lines.

Andrea Chalupa:

We encourage you to donate to the International Rescue Committee, a humanitarian relief organization helping refugees from Syria. Donate at Rescue.org. If you want to help critically endangered orangutans already under pressure from the palm oil industry, donate to the Orangutan Project at the OrangutanProject.org.

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