

Gaslit Nation Transcript

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“Will Trump Ever Go to Prison? (A Roy Cohn Horror Story)”

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[opening theme music]

Andrea Chalupa (00:00:26)

We are live here at *Gaslit Nation* with Tristan Snell, a former New York state prosecutor who was part of the team that took on Donald Trump and brought Trump University to justice, prosecuting him in a case that began in 2013 and finally settled in 2016. So Tristan was prosecuting Trump long before it was fashionable. He shares his battle-hardened wisdom in the essential book, *Taking Down Trump: 12 Rules for Prosecuting Donald Trump by Someone Who Did it Successfully*. The reason why I have Tristan on the show—and you all know my record, it's all a public record. Merrick Garland, in my view, is a disastrous attorney general. This isn't a show that breathlessly covers all these cases and says, yes, the case, the justice is coming. That's not *Gaslit Nation*, ever. It's never been *Gaslit Nation*. It never will be. As you know, as I say in the show, it's up to us to stop him. It's up to our phone banks that we do together to stop him. That's the real justice here. But I wanted to have Tristan on because his book delves into elite criminal impunity generally. And from personal experience, I have a friend who is a federal prosecutor and I see how tirelessly he works and what a good guy he is and how little state prosecutors get paid for what they go up against.

Andrea Chalupa (00:01:52):

And I don't think people understand that. This is our justice system. You have prosecutors who are expected to live in cities like New York and Washington, D .C.—expensive urban areas—and they're going up against organized crime, massive corporations who can just drown them in delays, drown them in documents, and it's exhausting, tireless work that's underpaid. And yeah, so that's what we're dealing with across the board. So I respect Tristan and his work. I'm grateful for the book that he wrote, *Taking Down Trump*. It's very much a pocket guide to understanding elite criminal impunity and how guys like Trump have thrived in the system. So if you read, for instance, a pocket guide like Tim Snyder's *On Tyranny: Rules for Resisting Authoritarianism*, Tristan's is the legal version of that. It explains how white, corrupt, rich guys get away with generations of criming and why criming thrives in their criming families. And that brings us to Trump. So obviously the first question I promised everyone I would ask you, Tristan, is why, given his years of corruption, being a career criminal, acting like a mafia boss, all the investigations, the Mueller report, the Senate intelligence report, all the prosecutions, why isn't Trump in prison?

Tristan Snell (00:03:14):

Yeah, I mean, it's special treatment. There's no doubt about it. We all say it all the time—I definitely say

it—that if any of the rest of us did the things that he's done, it already would have been long since over. You'd already be in some kind of, you know, maximum security prison cell. Just take the document case alone. Contrast what Trump is accused of with the reality winner case. She was convicted for, I believe it was only one document that she removed and retained. And in that it was five years prison. It all happened lightning fast. In most of those cases, the person doesn't get to be released pending trial because they're considered to be a threat to national security. Trump should already be sitting in detention right now just for that one case alone. Anybody who had been accused of having... You have all those pictures of all those documents in his bathroom. And now we also learn even more infuriating details about a secret room, a closet, that maybe they just didn't really feel like breaking into that day when they were searching the premises with a with a search warrant that made it crystal clear that they could go anywhere they needed to in the premises; anywhere that was suspected of being a place where these documents were being held.

Tristan Snell (00:04:28):

They should have been inside every nook and cranny of Mar-a-Lago and they left places out. So that just, I think, made a lot of us upset all over again. But to answer the question without going with like a 10 minute rant—I'll try to keep it to a four minute rant or however long I've been talking. Yeah, it's special treatment. It's kid gloves. He's getting his own set of rules. That's what he pushes for. That's what he thinks he should get. And that's already what he's been getting, because we're letting crazy win. We're letting crime win.

Andrea Chalupa (00:05:00)

Andrew McCabe has said that Trump operates like a mob boss. I mean, anybody who studied these authoritarian regimes can see it.

Tristan Snell:

Yeah.

Andrea Chalupa:

We talk a lot about Putin's mafia state. He is so like that in his tactics. Why do you think he's getting away with it? Is it the intimidation tactics, the harassment? Is the bullying working?

Tristan Snell (00:05:24):

Here's the thing: There could be possibilities that if we really wanted to talk about mob tactics, John Gotti—and I talk about this a lot in the book. It was one of my editors, actually, who turned me on to looking more closely at the mob example, that it was something that I always sort of thought that people sort of toss around, but to really get into how the five families in New York, just as one, that was the primary example, were taken down. And even just to look at Gotti, who actually, there's a lot of similarities and parallels between Gotti and Trump in many, many ways. And there's a DNA there in terms of defense strategy—if you can call it that—with all the counterattacking and the smears and the intimidation and the whatnot because you can... Because the one person who's the middle of that Venn diagram is Roy Cohn, who was Trump's original lawyer back in the '60s and '70s and early '80s. And he also worked for a number of the five families during that same time period, and before that had been

Joseph McCarthy's chief counsel during the McCarthy hearings. So really nice guy, let's just say.

Tristan Snell (00:06:34):

So the kicker there is, yeah, a lot of the intimidation, the threats, the bullying. Now, could it also involve the way that Gotti got off of at least one of his trials? Because he got acquitted three times before he... I don't think he was acquitted all three times, but they couldn't get a conviction the first three times that he was tried. I think one or two of them were acquittals and one or two of them were hung juries. He finally got convicted on his fourth trial when the feds came after him a fourth time. At least one of those trials, part of how he got off was that they actually did buy off a juror. Let's just put that aside for now because we don't know if that's going to happen. We don't know if he's going to try to do it. We don't know if he's done it in the past. You know, we don't know what's going on there. It hasn't come out. Just even alone thinking about, like, the intimidation and the bullying, the counterattacks, the smearing. Yes, that's a huge part of it. I think people are just wary of going up against that.

Tristan Snell (00:07:26):

And then for many, many years, as I go into a good bit of detail in the book, and a lot of this isn't news, mind you. A lot of this is stuff that it's been known for a while, but I tried to put it in context a little bit better and give us a clearer picture. If you look at the overall picture of his well-timed political and charity donations, you get a really stunning picture of somebody who seems to have been co-opting a lot of these prosecutors. That was the carrot: "Hello, I'll support you if you leave me alone." And the shtick was, "I will ruin your life if you go after me," or the memorable, you know, "If you come after me, I'll go after you" thing on Truth Social. That is a distillation of a lot of his strategy in the old first place. But yeah, if he can co-opt, he'll co-opt. If he can deter through intimidation, he'll do that. If he can't do those things, he'll delay or try to cause some sort of diversion. And we're seeing all of that.

Tristan Snell (00:08:25):

And if all else fails, then he's still definitely going to be playing to the crowd, trying to win over people through the press and public opinion. Then maybe that allows him to play to the sympathies of all he's got to take with some of these criminal trials is he just needs to get one juror to not vote to convict. And then suddenly you've got a hung jury and a mistrial. So that's what he's going to be going for kind of in a nutshell.

Andrea Chalupa (00:08:51):

In general, what the saying goes, "If the mob can't buy you, they kill you." [laughs]

Tristan Snell:

Right.

Andrea Chalupa (00:08:58):

The way he has leveraged his social media to put a target on the heads of these prosecutors, these judges and so on... And for former prosecutors like you, you talk about these men and women in your book. And one of your most important chapters, which I think every single citizen of this planet needs to read and internalize and understand. What you describe is something I've been living with since war

broke out in Ukraine. And it's this feeling of you have to go all in. You have to understand that they're going to throw everything at you. And you have to commit to this struggle with every fiber of your being. And it's almost spiritual, that commitment, that level of sacrifice and dedication because we're seeing such an immense amount of pressure being put on people like you that are within the system. And there's a lot of tension in folks that have been inside authoritarian regimes. You see it when you research authoritarian regimes where there's always this tension between staying within the system to reform it—to be a good guy within the system—or to abandon the system because it's beyond reform.

Andrea Chalupa (00:10:14):

And I want to assure everyone (and especially from reading your book, it's an important reminder), there's a lot of just men and women who are staying within these systems and are determined to fight a damn good fight and they're underpaid doing it. I know many of these folks personally. And throughout the Trump years, I had a friend at the State Department saying, "I should get the hell out of State." And I'm like, "No, we need you in there with Rex Tillerson and Secretary... like you need to stay at State Department, okay?" And so I just wanted to ask you, could you walk us through that, like, almost spiritual level of commitment that people need to make to really put their life on the line and their reputation on the line? Because there might be a viral Trump tweet and get God knows who showing up on their doorstep.

Tristan Snell (00:10:54):

Yeah, I mean, I think that's really very true. I've had it easy. We brought that case back at a point that he didn't have an army of adherents sort of behind him. He had a significant fan base and, of course, he was able to bring a lot of public attention to our case and counter attack a lot. He filed an ethics complaint against Eric Schneiderman, who was the New York AG at the time that we brought that case. That ended up getting dismissed and was found, you know, and was not found meritorious. But that was something that had to get weathered. His lawyers accused me personally—they didn't name me, but they accused... It was very clear that they were referring to me, accusing me of having fabricated all the witness testimony, which of course there were no grounds for. We had well over 50 very brave men and women who were willing to come forward and find sworn statements regarding what had happened to them with Trump University and the lies that they had been told and how much they had suffered for it. A lot of people lost their life savings. People lost their homes. They ended up with crippling credit card debt. And these were his super fans. These were people who loved him the most.

Tristan Snell (00:12:03):

But yeah, to work in any of those offices overall—and this is something I'm going to be writing about more soon coming up, both in some op-eds that I've got planned coming up, as well as I'll just go ahead and preview it now: I'm about to announce that I'm starting a Substack. So that's going to be really exciting. That's going to be kicking off at TristanSnell.com either today or tomorrow. But I'm going to be writing about this a lot because I feel very strongly about this. And I think you nail it exactly. It's that we are drastically under-resourcing and just underpaying... We're starving our brave folks who are doing this work. We spend way too much money on going after petty crime and locking people up for a lot of petty nonviolent offenses, while still we drastically under-resource, underpay, under-focus on these economic crimes or crimes of corruption. And it's insane what happens in the overall disparity. It's part

of the overall two-tiered system of justice. This is all part and parcel, but we can't actually do a better job of bringing people like Trump to justice and accountability if we don't put more resources into those prosecutions. It is insane. There's not nearly as many attorneys devoted to that work in this country. And overall, most government attorneys across the board—federal, state, local, doesn't really matter—are all very, very underpaid given the importance of the work that they need to do. And then that's not even to talk about, on the criminal side, public defender's offices. That situation is even more of a travesty. But overall, we need to think about the holistic view of our entire justice system; not just the attorneys either, we need to talk about the judges too because most state court judges are terribly underpaid.

Tristan Snell (00:13:54):

Most federal court judges are not very well paid considering the caliber of people that we're expecting to draw and we usually do draw. And it is public service. It's not meant to be fancy. They're not gonna get paid the same thing that they get paid elsewhere, but we don't... Basically those salaries have remained very flat the last, like, 20 years. Pretty much the entire time I've been a lawyer, those salaries have remained virtually flat. Meanwhile, you know, salaries in the private sector for law have gone up, up, up, up, up. Overall, obviously, there's been inflation and so forth and so on, but you're expecting to draw this hyper devoted, hyper competent person to be in these roles. And then you're paying them peanuts. You're paying them bupkis. It's really, really tough to do. That said, what do you have? You nailed it. You have these very, very devoted people that care so much about the mission. And I'm not saying that... It should be that way. It should be self-selective.

Tristan Snell (00:14:53):

We should be drawing people who want to be there because of the mission, not because of the pay, not because of the perks. But we need to make sure that we actually catch up a good bit on the pay, but also that we devote a lot more seats to it. There's just not enough seats in those offices that are devoted to economic cases, to corruption cases, and then we don't bring nearly enough of them. So that's an under-reported piece of the puzzle when we're talking about, How do Trump and other people like him get away with it? There's not enough resources to go after all of them. That's one of the sad truths of the system. We don't have enough government enforcement lawyers going after all the bad guys. So we need to hire more good guys and we need to pay them more. And then we need to let them do their jobs. And then we need to make sure there are enough judges to actually process all the crimes and all the crime. And if we do that, we might actually stand a chance of being able to fight against this tidal wave of grift and corruption and fascism that we are being faced with right now. But that's a lot of the problem. We have really neglected these systems. It's basically like a bunch of crumbling highways with potholes and bridges with the beams starting to show. That's our justice system. We built the best justice system in the entire world about 100 years ago, and then we've just let it coast. And that's the sad truth.

Andrea Chalupa (00:16:15):

And what that does is that encourages the revolving door of corruption. So you'll have these lawyers that will work at the DOJ. They'll put some time in at the DOJ to learn the ins and outs, to build their network and those relationships, or the SEC or some other accountability institution, and then they'll jump to private practice and represent these white-collar criminals or Russian oligarchs and so on because they now have that prestige of being on the inside of these government agencies. And a Russian oligarch

who's trying to escape sanctions or whatever will hire them based on that. So if you don't pay your prosecutors within this system well, then you're just encouraging this... You're feeding the, you're increasing this revolving door of corruption. And then you have this horrible dynamic of the foxes watching the hen house.

Tristan Snell (00:17:05):

Yeah, you've got to be mindful of the fact that, like, even though we want it to be mission-driven and service-driven, people want to—

Andrea Chalupa:

Raise their families and save for retirement. [laughs]

Tristan Snell:

Exactly. It's tough to get folks that are never going... I mean, let me just put some numbers behind this just so people have an understanding that a first-year associate fresh out of law school, going to one of the top 50 firms in America makes around \$225,000 to \$250,000 a year before bonus. There is no one at the New York AG's office who makes that much, I don't think. I don't think Tish James makes that much. I don't know if Merrick Garland makes that much, actually. He might make that much, but there's very few people at DOJ who make that much. Your salaries for state prosecutors are still... Until they get very senior, it's based on seniority, but if you've got under 20 years of experience and you're working in a state, at either a state or a local government enforcement agency, you're making under \$100K. And you can live on that. It's perfectly fine. We shouldn't cry a river for these people, but at the same time, we shouldn't be surprised when we're not getting more justice faster because it's really like... There is a dollars and cents problem that is part of this that we just need to suddenly realize, we need to wake up and figure out what's going on here. The amount of money that the government throws around in a lot of other areas versus what it spends on all of this.

Tristan Snell (00:18:30):

We've had this fight in the context of taxes, right? That's been a big political fight waged in Washington the last couple of years where the Biden administration and Democrats in Congress have been trying to beef up the resources of the IRS so that it can have more enforcement agents and go after tax cheats (like Donald Trump) and Republicans in Congress have been resisting this because they want to make it easier for people to cheat on their taxes because those are the people who give them their campaign donations. So that's been a fight there, too. It's kind of across the board. We see it in things like environmental regulation or other areas like that. You have sort of a pro enforcement effort and an anti enforcement effort. And we need to realize that it's the same thing when you're talking about white-collar crime and other forms of corrupt misconduct. We need to be the enforcement caucus. There isn't really one. There's like a very concentrated set of interests that are very much invested in trying to make sure that those agencies are as underfunded and as weak as possible, that they don't have more attorneys added, that they have hiring freezes, etc., etc. We need to actually stand up and be the pro-enforcement caucus and say two things. One, let's move some of these petty crime folks and move them over. Let's say, "Look, stop trying to prosecute these folks for a stop and frisk and let's start having you actually go after the real malefactors in our society, because it ain't that kid who was caught

on a street corner.” Most of the time. I'm not saying let violent offenders off the hook, but if you're talking about nonviolent offenses and how much we still prosecute them, all the drug offenses that are still getting prosecuted every day in this country for simple possession, we need to stop prosecuting those nearly as much. And those people, a lot of them are very highly trained lawyers. Let's move them over to the economic crimes unit, move them over to the public corruption unit. And then let's just add more money and more ability and more and more resources over to these offices overall. Yeah, I do feel very strongly about this. We get the justice we pay for and we get the injustice that we don't pay for.

Andrea Chalupa (00:20:40):

All of that, very well said. If people want to understand why we're living at a time where it seems like the criminals are growing their numbers and that corruption is flourishing. Over the last 20 years, as Tristan pointed out, there's been a stagnation in what our prosecutors are paid to go after these all-powerful, deep-pocketed bad guys. And on top of that, there's been a massive decline in newsrooms, especially with local news, who are the number one watchdogs of tracking corruption and fighting corruption. So those two crises have been hand in hand. And what do you have? You have this very well-orchestrated war by Republicans and libertarians against paying taxes, against tax enforcement. And that not only affects, of course, public schools and so on, but it also affects our prosecutors. And so that's partly why we are where we are. And as a result, you have newsrooms that are stuck with a white crisis because it's all socioeconomic.

Andrea Chalupa (00:21:44):

If you want a job, an entry level job at a place like a big mainstream media newsroom, you basically are paying them to work there. Your entry level job is you're paying them to work there because the wages are so low starting out and stay pretty low unless you're able to really, I don't know, stay in the business at a time when jobs are disappearing. So as a result, newsrooms are being very skewed, very affluent, very white. And so that becomes the filter for information that is making it into mainstream media and being funneled out to everyone. So yeah, that's why corruption's having a real moment right now. It's been a long game and they're harvesting right now. So I wanna ask you, because your book is hopeful, you do put power in the hands of us: What can we do to hold prosecutors accountable? What can activists, what can organizers, what can voters do to really fight back against all this?

Tristan Snell (00:22:39):

Yes, I mean, I have... You know, it's one of the biggest reasons I wrote the book. It's because we know that the other side no longer believes in the system. They don't believe in our system anymore. They want to get rid of it entirely. That's your MAGA base. But the problem is that if you ask people, “Is Donald Trump going to actually face any accountability for what he's done?” Well, there's two questions. There's two interesting questions that I think about this with. One of them is, do you think he should be facing any accountability and do you think that he's guilty of at least one or more crimes? And the number there is around, if you average it out, about 54 % currently, say “Yes.” If you ask people, “Will he actually face any accountability for his crimes?”, that number is only around 35%. So there is a significant chunk of folks who believe that there should be accountability there, but they don't think that it will ever happen. And I know it because I see it and I feel it and I hear it every day within my audience.

Tristan Snell (00:23:37):

And that's a lot of why I wrote the book, because I wanted to provide people with a sense of, yes, we should be angry and yes, we should be acting. There is a path forward here. It's long and slow and laborious, and here are the reasons why it's long and slow and laborious; some of them are actually useful. You do want to take a couple of extra months to polish your filings before you make them public. But if the reason why you're delaying your case is because of political timidity or because of a lack of resources, that is a problem. And I very clearly say that in the book. But it's also that there's such a huge role for us. We have to be that constituency for accountability. We can't just elect these folks and then expect them to do their jobs. Life doesn't work that way. They're there to hold the bad guys accountable. We have to hold our good folks accountable. That's our job is to make sure that they do their job. And we have done it. I very strongly believe this. I believe that without our pressure, we would not have seen the January 6th prosecution happen at the federal level.

Tristan Snell (00:24:49):

I believe that without the J6 committee, Jack Smith wouldn't exist—or he would exist, but he'd be still off in the Hague, right? They would never have created a special counsel for this. I don't think they ever would have. And I think that we saw something similar happen with the Manhattan DA. I think that Alvin Bragg shut down that investigation because he thought it was going out on a limb too much and he didn't want to go out on a limb. And then we all howled over it and we made him go out back out there on that damn limb. My feeling is that there's a merit factor when you're bringing these kinds of cases. You don't just bring a case just to bring it. No one who does that job seriously would ever think otherwise. You're only going to bring it if there's facts and law to support it. But that's not enough. You need the facts, you need the law, and then you need a courage factor. It's either there or it ain't. And you're going to either green light the thing and actually file it or you let that put or, you know, go to the grand jury and ask for that indictment, or you're just going to let the whole thing fizzle and die. And too often we let these things fizzle and die. And we now are starting to see more and more of these take place. And I really firmly believe that is because we stood up and said, “No, you need to get to the bottom of this.” And I believe we need to continue doing that day in and day out until we actually see these things all the way through, whether that is an elected prosecutor like Bragg, who definitely was then feeling, you know, it's the old political saying that, you know, sometimes if they don't see the light, they need to feel the heat. I don't know if Bragg saw the light, but we know he felt the heat. We definitely know.

Tristan Snell (00:26:25):

I think he was watching his entire political career just crumble in front of him if he didn't do something. And suddenly, that thing was brought back about a year later. I still think there should have been a criminal indictment for the financial fraud for the fraudulent financial statements. And there still might be one. I'm still hoping there will be. But put that aside for now; at least we got the hush money indictment. At least we got that. You know, maybe like five years too late, in many ways, in so many ways. And then DOJ, I just don't think that we would have seen what has happened there. And even though that's appointed, there is still, like, we bring pressure to bear. How did we do it? We did it through our members in Congress. We got them to take action. There was enough of an outcry that Nancy Pelosi knew that she had to do something to channel that outcry because there was a lot of pressure being put

on her and the Democratic leadership in Congress to do something about J6, to truly get to the bottom of it. It became undeniable.

Tristan Snell (00:27:28):

And she smartly said, You know what? Let's go for it. If we can't get a blue ribbon, truly bipartisan thing, I'm going to create it myself. We'll stick some Republicans on it and away we go. And she did it. And she outflanked them, got Cheney and Kinzinger on there, and then we saw what happened. We wouldn't be where we are today if it weren't for that. We need to keep fighting because I think they're going to be the prosecutors because they're under-resourced and because they're going to be inherently cautious. Those elected prosecutors especially are going to go for... Even the non-elected prosecutors, the appointed ones, they'll go for the easy wins. They're going to go for things that allow them to hold a press conference and declare "mission accomplished." Having to fight a long ground war, so to speak, where it's a war of attrition and it might take five to ten years to actually get to the end of the case and get victory is something a lot of people just don't want to do because it's scary and it feels like something that could end your career.

Tristan Snell (00:28:22):

But you gotta be able to fight those cases sometimes because if all you go for is the easy wins, all you're going to get are the sort of lesser crimes. You're not going to get your biggest guys. You're not going to win the biggest cases if you only go for the easy ones. We have to fight it. We have to fight that fight.

Andrea Chalupa (00:28:39):

Yeah. And it does take a certain personality. You do... The center of gravity for lawyers is being conservative, being as safe as possible.

Tristan Snell:

Yes.

Andrea Chalupa:

When I was producing my film, *Mr. Jones*, I had so many lawyers on speed dial in different countries because of the international production. And I sort of got, like, all the time I had to run stuff by them. I'd roll my eyes, like, "Really? You're not going to let me do that?" There are lines I had to cut.

Tristan Snell:

They tend toward caution. That is, yeah, I would say little "c" conservative. It's a tendency toward hyper caution. That is how lawyers are trained. And law draws a disproportionately large number of folks who are seeking a safe, stable career. It's not a career path that draws a lot of risk takers. And inherently, you're going to need someone in that senior prosecutor role who is willing to be a bit of a risk taker, who might be a little bit nuts. And thankfully, there was a core group of us at the AG's office who were a little bit nuts, but also, like, brought that together with a strong desire to, like, look, we weren't just doing this half-cocked. We were really like very meticulously combing through every little bit of evidence we could get. And I have a whole chapter of the book that's devoted to this called, "It Has to be Perfect", which is a quote from one of my senior chiefs at the AG's office as we were finalizing the case. The degree to

which we just went through it again and again and again to make sure we had everything right, it was fierce. But it was a combination... You have to have that desire to kind of, like, charge into the fray, even if you don't have everything, you don't know that you're going to win. You might lose. You might lose bigly, but that combined with "but we're going to prep as best as we can, even though we might lose," so you kind of try to bring those two things together. Bring that hyper caution there, but at the end of the day, there has to be just a decision like, you just got to go over the top and run in screaming and hope for the best.

Andrea Chalupa (00:30:42):

Yeah, and that's what you guys did. You were early. You were early on going after him. And thank you for doing that and doing it so well. And my question to you is, out of all the cases right now, and I want to just point out again that *Gaslit Nation* does not put a lot of faith in the cases that are in progress. We just have our heads down and we're doing the damn work that needs to be done. But out of the cases out there, which ones do you think are the most promising and which ones would you say are missed opportunities so far?

Tristan Snell (00:31:10):

Look, I think that there's no question to me that the DC J6 case is the one that gives me hope. And of course I also fear that the delay that they imposed on themselves through '21 and '22 by not going after Trump and his top inner circle could haunt us. And obviously, we've got this delay that we've been working through right now with the immunity thing, which is by the way a classic Trump move; coming up with a spurious legal ground to concoct a delay and a diversion. I'm hopeful though that the Supreme Court won't let the delay linger too much longer, I hope. We shall see. But that's a big, you know... I don't have much faith in them. Overall, I gotta say, I still feel like I have this stubborn, cautious optimism that that case is gonna go to trial in the spring. And I think we're gonna get a conviction. And I do think they did a lot of things right there. They kept it very narrowly targeted; only a handful of counts, just the one defendant. I do believe we've seen plenty of signs that they're not done indicting people for J6 on Jack Smith's team. I think you are going to see some indictments that reach the Hill. I think you are going to see some of Trump's cronies get indicted the way that they did down in Georgia. But that's the case that I have the highest hopes for.

Tristan Snell (00:32:27):

Don't sleep on the New York case. Everybody has started to. The gravity isn't there because it's the hush money and not these, like, crimes against the Republic. But I think he's going to get convicted. I think it's a slam dunk case at the trial level. The question is, does it hold up on appeal? And I feel pretty good there, too. I'm biased because I happen to know and I happen to be old colleagues and friends with the guy who's probably going to be the one handling that appeal. And he's extremely good and he wins. So I feel like we're going to be in good hands when it comes to the appellate level of that Manhattan hush money case. So don't sleep on that one. Obviously, Florida is very fraught. And Atlanta is just big.... Atlanta, people are starting to get a misimpression. Atlanta, people have started to think, "Oh God, this whole Fani Willis thing has really messed up that case." No, I'm here to tell you, no, that's not what's up with that case. Why is that case slow? Because it's gigantic. Dozens and dozens of counts. You've got originally 19 defendants. One of the first things the judge said when they had the first conference on it

was that he wasn't sure if there was a courtroom in Atlanta large enough to actually host the case.

Tristan Snell (00:33:42):

There are logistical reasons why that case is a beast and is taking longer to get to trial that have nothing to do with Fani Willis. And we all need to fight back against the narrative that has now been trotted out there that, sadly, the mainstream media just bought it—hook, line and sinker. They bought it entirely. That was a classic Trump counterattack smear all over the place. That was just a horrible personal hatchet job against Willis. And she needs to stand firm and fight back. And we need to be there for her because the merits of this case and what she's doing from an HR perspective at her damn office have nothing to do with each other whatsoever. This is entirely a concocted counterattack smear by Team Trump. It is obstruction of justice by any other name. And that's how we should be viewing it. And that's how the mainstream media needs to wake up and start viewing it too. We should be asking, “Who paid for all of that crap?” Who paid for that guy's now soon to be ex -wife to get in there and start doing all of that? Who did all of that? That's what we need to be asking. And who communicated with whom? Where did the money flow from to pay for the lawyers and private investigators and whoever else was put on that to do that smear? Because I bet you anything that all roads lead back to Mar-a-Lago or to Bedminster or wherever the hell he sleeps at night.

Tristan Snell (00:35:00):

Then there's the Mar-a-Lago case. We'll go there. I still think it's not totally dead because I'm really hopeful that at some point here, Cannon has done enough things that the 11th circuit is going to step in and be like, “What are you doing? You're endangering national security.” And—and this is key—you don't mess with witness safety in any court system scenario. And I just don't think the federal courts... There's just a huge amount of law here to say that you just don't do things that are going to endanger witness safety, because it's such a terrible precedent if witnesses can get threatened and intimidated and pushed, and they feel like they need to remain anonymous and they can't come forward; effectively, if you're fighting crime and you're trying to enforce the laws, it's bad for business. If witnesses and whistleblowers do not feel the safety that they can come forward, you will not be able to solve crimes and enforce the laws. You can't. You can't. So the fact that Cannon is being so cavalier and lax with this and not paying any attention to the physical safety of these people that have been brave enough to be witnesses in this matter, I do believe that past a certain point, she may have finally overstepped and done something that is going to get her slapped down and possibly even removed from the case. But don't hold your breath about that one.

Tristan Snell (00:36:23):

And remember, it's still on the calendar for May. And it's not impossible that we can still get it by then. And here's why I bring that up. If you're just talking in a vacuum—forget about the judges and forget about what district it's in—if you just did it as like, okay, here's the facts, here's the law, you're doing this as like a law school exercise. You're at some sort of attorney seminar for trial lawyers and you're just asked like, okay, you're doing a mock trial and which one of these do you want? Because you want to try to find the one that you're going to be able to win with, you pick the Mar -a -Lago case any day of the week. It's so good. The evidence there fits the laws so well. You've got all this other testimony. It sounds like there are probably videotapes and perhaps a disparity in tapes between what they got from Trump

and what they got from the third party security cam vendor. That got reported by the *New York Times* and now everybody forgot about it. But there could be, like... Remember, that is what brought down Nixon was that he got caught doctoring the tapes. So if there's a disparity in the tapes, that's obstruction of justice. It's a slam dunk. The retention of defense documents count is a slam dunk. He got asked multiple times, the subpoena, they then still found more documents there, et cetera, et cetera.

Tristan Snell (00:37:46):

Cannon is the problem there. Some people then point to, "Oh, well, it's also going to be a South Florida jury." Yes and no. That area is still two to one Democrat. And I also just don't think that... Like, it's still possible. It's definitely possible that you get one Maga juror in there and then you've got a mistrial. Yeah, it could happen. But I also think that the evidence is so overwhelming and there's going to be so many witnesses. And if there are tapes, there's a visual for people to look at, that's enormously powerful. And I feel like that case has a huge amount of potential to be a real slam dunk. If it could just get off the runway, to mix my metaphors.

Andrea Chalupa (00:38:31):

But it's so much that Roy Cohn quote, "Don't tell me what the law is, tell me who the judge is," and in this case, they have, like, a Maga judge in Cannon.

Tristan Snell:

They do.

Andrea Chalupa:

So, it all comes down to whether Jack Smith or somebody can pull a Hail Mary pass and get her off the case. Is there any remote possibility of that?

Tristan Snell (00:38:53):

I think there's a possibility there. I think the more likely possibility is that she... Look, the one thing that even the most craven of... Look, most judges are extremely devoted to their jobs. I would say that even a judge who's kind of trying to go rogue, the one thing no judge can stand is being overruled. I think if the 11th Circuit really fences her in, I think that we may see the case go forward in spite of her seeming best efforts to stop it. I think that's probably a more likely scenario. I think it's really an extraordinary thing to get a judge removed from the case. She might be there. I think there's a solid argument that she's gotten there, because it's one thing to be showing kind of like putting your finger on the scale toward one side or the other. It's another thing when you start endangering civilians. That is the kind of thing that can really get a severe sanction for somebody who's putting—again, I come back to this, if you're putting witnesses at risk, that's really a third rail. And she might have finally stepped on it.

Andrea Chalupa (00:39:59):

So when Hitler became a dictator, one of the first things he did was he purged/attacked Germany's legal system.

Tristan Snell:

Yep.

Andrea Chalupa:

And within six months, he became all out dictator, game over.

Tristan Snell:

All gone.

Andrea Chalupa (00:40:12):

And so Trump and McConnell, they packed 30% of our courts, including the Supreme Court, with their ideologues. If Trump gets in again—God forbid, all he needs is the electoral college—if he gets in again, as a former prosecutor who knows the ins and outs of our system, the important part of the checks and balances, what do you see happening for our nation? Where can we fight back? Is it game over? I mean, I know the answers to these questions as an authoritarian expert [laughs], but I would love to hear from you what signs of hope for us to resist and really if he gets back in?

Tristan Snell (00:40:48):

I mean, here's the thing: At the end of the day, you know, we do have an enormous number of very devoted public servants throughout all levels of government. And, of course, the other side wants to decry that as the deep state—

Andrea Chalupa:

Like Project 2025 at the Heritage Foundation. They want to do a mass purge.

Tristan Snell (00:41:07):

Right. But the reason why they want to do it is because that's the bulwark of the rule of law. Having a competent administration state is what makes a modern society. People don't like to say that because libertarians have hacked away at that idea for, like, basically for about 90 years now. They've been coming at it pretty much ever since the New Deal. And as soon as we had a larger administrative state, there's been a rearguard action to slaughter it. They have been failing for the most part, but they're really starting to get to a point of succeeding. You know, it's not a book that you would tend to think of for resistance, but I think it's a very good one if people haven't looked at it, is sneakily in there because he writes so many books and so many of them are so great: Michael Lewis, a sort of *Moneyball Big Short* fame, wrote a fantastic book called *The Fifth Risk* that I thought really got overlooked. It was all about government bureaucracy and all about how there were so many efforts to just undercut it from the Trump administration; how they were trying to basically hijack it not because they were trying to make the world safe for capitalism, but because they were trying to destroy capitalism, too, by carving off pieces of the federal government that could then effectively be co-opted or privatized for particular preferred private interests.

Tristan Snell (00:42:32):

i.e. it's oligarchy. That's the enemy is a Russia-style oligarchy. That is what Trump and his cronies were trying to achieve. And that is what they will try to achieve again. I'm not saying that it couldn't also

become true, horrible fascism, but there's also, I actually believe... And this is kind of good and kind of bad. I don't know which way to slice it. But we have to remember that I think that the fascism is just a way that they keep the base happy. I think that really at the end of the day... Now they're two sides of the same coin, too, by the way. Hitler and his gang were all grifters, too. And they were all oligarchs, too. And there was a lot of like carving off pieces of German society that they could then use to enrich themselves. They did it, too. But I think it's more of the priority for Trump in a way. And it certainly is for a lot of his cronies. Look, you put Betsy DeVos in charge of the Department of Education. She and her family are well-known backers/investors/supporters of for-profit education. They literally put the fox in charge of the hen house. The National Weather Service was taken over by the guy who had before that been CEO of AccuWeather, which is one of the big for profit companies that wants to put the government out of the weather business.

Andrea Chalupa (00:43:52):

Yeah, Louis DeJoy. He's still in power.

Tristan Snell:

Louis DeJoy at USPS. That's the pattern. And Lewis writes about this very, very well and something that I think everybody should read. But back to your point, you know, I think that, you know, we have this devoted cadre of civil servants, a lot of whom are lifelong Republicans, mind you, especially when you look at more of like, say, DOJ. I know a lot of people who are either current or former DOJ folks who are lifelong Republicans, but they are true blue, like, Boy Scout/Girl Scout Faith, Flag and Family kind of folks, and they're not Trumpers. That's not who they are. So I have a certain amount of faith there still. And by the way, that extends to a lot of the federal judiciary. It does not extend to certain members of our Supreme Court. But look, I know that we all love to hate him, but like, I think at the end of the day, John Roberts has been one of the people that has kind of occasionally stood for trying to, like, not let the whole walls cave in. I don't have that much faith in him, but he's better... It's better than having another Alito in his seat. Let's just put it that way. It's better than having another Thomas in his seat.

Andrea Chalupa (00:45:05):

He paved the way for Trumpism by chipping away at the VRA (Voting Rights Act) and unleashing citizens. And I was shocked.

Tristan Snell (00:45:13):

Too many of them went along with it when it was politically expedient for them to do so, and then they look at the monster that they helped feed and they're like, "Oh, it got too big. The monster got too big." And it's like, yeah, you were feeding it the whole time. That's why it got so damn big. But still, I do think we've got a lot of Republican-appointed folks on the bench and in these prosecutors' offices who are not ready to just let Trump shred the rule of law. I also believe that that's true in the military. And we need to really prey on that one because that's like the wall that's holding all of this together. You've got a lot of folks there who... Those are not liberals, for the most part. [laughs] You don't run into too many super duper liberal folks in the military, especially in the senior most branches. The Pentagon is not a warm and fuzzy place that way. However, you've got a lot of folks who are just not ready to let any kind of military dictatorship or anything like it happen.

Tristan Snell (00:46:11):

So I will have some faith. And then how do we fight back? Yeah, it's gonna be through the courts. It's gonna be through hopefully taking back the House, hopefully holding the Senate or it being very close, and then being able to fight more in the '26 midterms. And it's the states. The states will again be kind of a key place to say, "Look, we still have a zone that we can carve out for ourselves." You know, we can make sure that these are places where you don't just get to send immigrants to concentration camps. You can make sure that there are places where women are not bleeding to death from a miscarriage. It's going to be any which way we can. That's what it's going to be if we have to face that. But before all of that, obviously, regardless of people's feelings about Joe Biden or about anything else that's going on with the administration right now, we're all going to have to sit up and realize that imperfect is better than obviously, like, just death basically. We're gonna have to go for, like, good enough. And I believe he's done more than good enough personally but I know there's a lot of well-meaning folks who disagree with me on that. But we have to sort of take good enough as better than obviously risking the end. We survived one term; I don't know that we'll survive a second. We're gonna have to really fight tooth and nail.

Tristan Snell (00:47:39):

And I think they sadly learned that they need to go further faster. I don't think that they're going to put folks like... I think if they get another chance, they're not going to put just someone who was a Heritage Foundation, Ed Sock ideologue in there. They're going to go for people that are true loyalists that don't even have the credential. Brett Kavanaugh, I think, is not a good person in many, many awful ways. But the thing is, though, there's at least like a bedrock of credentials there, even though I terribly disagree with him on most things. I don't think they're going to put somebody that has a patina of credential in there. They're just going to put a bunch of Stephen Miller-type folks in there that are just pure power hungry loyalists that have no business being anywhere near top positions of prestige and credential in our federal government, even in our judiciary, and they're just going to stick them in there. And they're not going to care. I don't think they're going to... He's not going to put Rex Tillerson up as secretary of state again.

Tristan Snell (00:48:36):

Again, somebody I don't agree with. I didn't like the fact that he was in there, but there was at least, like... It gets overused, even though it's only a year old, but there's the whole sort of thing from succession that instantly turned into a meme, which is like, "You are not serious people!" It's just like, at least some of these people that got put in, like a Brett Kavanaugh or Rex Tillerson, I don't like them, I don't agree with them, but at least they're serious people. I don't think the next wave of Trump appointees are going to be serious people. They're going to be toadies that answer to him alone, that don't have any reason to be there, that have no professional credentials, and it is going to make it so much worse. So we have to be ready for all of that and fight it accordingly.

Andrea Chalupa (49:24.43)

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