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Stay Tuned Transcript: Diagnosing Trump (with George Conway)



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Preet Bharara: George Conway, welcome to the show.

George Conway: Thank you for having me.

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George Conway: Well, traffic was better to get into the city, I can say that.

Preet Bharara: Are you prepared to unburden yourself, sir?

George Conway: I think I've unburdened myself a lot already.

Preet Bharara: Yes. With 11,300 words?

George Conway: No, 11,427.

Preet Bharara: Not that you're counting.

George Conway: No, not counting.

Preet Bharara: How many words did you edit out?

George Conway: Probably about 6,000.

Preet Bharara: Whoa.

George Conway: Actually, most of that was done by a wonderful editor at The Atlantic, Yoni Appelbaum.

Preet Bharara: So congratulations on your article.

George Conway: Thank you.

Preet Bharara: Published in The Atlantic?

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...and, so congratulations on that also. But you had a lot of material.

George Conway: I don't know if that's a good thing.

Preet Bharara: Well, I read every word of it. So let's talk about the thesis of the article. It's what?

George Conway: The thesis of the article is that, if you look at the ingrained personality characteristics of Donald Trump, and you use some of the knowledge that's in the psychological literature and use the diagnostic criteria of the DSM, the Diagnostic and Statistical Manual of Mental Disorders, and focus on the criteria for narcissistic personality disorder and antisocial personality disorder, which you can also call pathological narcissism and sociopathy, you'll find that his behavioral characteristics are simply inconsistent with what you need for someone to carry out the duties of the President of the United States. And in particular, that's true about his narcissism. His narcissism, his extreme narcissism, is really his focus on himself above everything else in the world.

Preet Bharara: But other people are narcissistic.

George Conway: There are. In fact, narcissism is a continuum.

Preet Bharara: Can be good.

George Conway: It can be good. You need a certain amount of narcissism to be a healthy human being. You need that kind of confidence to go out in the world and accomplish things. It can become dangerous when it becomes excessive. And in the case of somebody

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duties, and he puts his self, his own interests, above the country's in almost any circumstance.

George Conway: And that's exemplified by the most recent scandal, the Ukraine scandal, where he's essentially using his office. He is using his office, using the power of potentially withholding funds or even simply the power of the presidency to extort a smaller nation, to try to get that nation to issue some kind of a statement against Trump's principle political rival.

George Conway: And you also saw it in connection with the Mueller investigation. The Mueller investigation, he made that investigation all about himself in the end.

Preet Bharara: Well, it kind of was.

George Conway: Well, well ...

Preet Bharara: That's a little bit more fair, no?

George Conway: Well, no. I mean, look, it was an investigation about what happened in the 2016 election. It Was about what the Russians did as much as anything. It was about whether the campaign had contacts and did anything and colluded ... well, not colluded really, but conspired with any Russians, and to some extent, that implicated his conduct. But at the end of the day, there wasn't evidence of his direct involvement in anything. There wasn't any evidence of a criminal conspiracy that was chargeable that Mueller found.

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He made it all about him. Then, by trying to obstruct the investigation, when his duty as President should be, “While the Russians did try to interfere, maybe they tried to help me, but they shouldn’t do this. I’m the President of the United States. My duty is to protect the country, and I shouldn’t be interfering with this investigation.”

George Conway: And instead, he did interfere with the investigation. He attempted to obstruct it in multiple ways. He even obstructed justice about obstructing justice when he tried to get Don McGahn to write a false memo about things he told McGahn to do. And because he did that, he created out of nothing volume two of the Muller Report. He made the thing about himself. It didn’t have to be.

Preet Bharara: I want to talk more about the diagnosis.

George Conway: Right.

Preet Bharara: Because it goes on at some length. But before we do that, some people would ask the question, why are you writing this article? You’re a lawyer, a very accomplished one. I looked up your background. You went to some pretty good schools, but you don’t have a psychology degree.

George Conway: Right.

Preet Bharara: Why did you decide to write this and explore it? I mean, it’s very compelling, but I’m not a doctor, I’m not a psychologist, so I don’t know quite how to evaluate it.

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one reason.

George Conway: The second reason is it does tie directly into his ability to carry out his duties as President. Can he subordinate his interests to those of the nation? A pathological narcissist can't do that. That's the essence of the problem. And it's funny, you watch all the press coverage over the last three years, and you see a lot of commentary to the effect that "What's the strategy? Why is he doing that? Is he playing 15-dimensional chess?" And the answer is he isn't.

Preet Bharara: Someone once put it, I think, this way: He's actually trying to eat the pieces.

George Conway: That's right. No, no, yes. That was an unnamed former senior administration official in I think it was BuzzFeed. But this is the way he behaves. There's no plan behind it.

Preet Bharara: But has he always been this way?

George Conway: Yes. That's one of the things, we could go back through his history. He's always been narcissistic.

Preet Bharara: Right.

George Conway: Extremely narcissistic. And he's always been a pathological liar.

Preet Bharara: But you point out, and I think this is correct because I've seen older videos too, that separate from any personality

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George Conway: ... from, you have to be very careful about that. It's clear, if you look at the videos. For example, there's one video that is out there from a Today Show interview with Tom Brokaw from I think the late '80s, and it's very striking. You watch Donald Trump speaking coherently in complete sentences and very smoothly. It's a marked contrast to him today.

George Conway: If you look at videos from three or four years ago, there seems to be a difference. All that said, the experts say that you cannot make a determination that he is suffering some kind of an unusual cognitive decline on the basis of just that. It requires a full battery of testing of the sort that he has not had.

George Conway: But, if it were the case that it is something more significant than just age-related decline, it could aggravate the situation, and you can make a strong argument that a ...

Preet Bharara: In combination, they're bad.

George Conway: The combination would be very bad, and you could make a strong argument, I think he should be tested. I think, frankly, we might want to consider testing anybody who runs for the presidency who has a significant ...

Preet Bharara: Well, he has that doctor who says he's the healthiest President ever.

George Conway: Right.

Preet Bharara: You don't think that's enough, George?

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...not completely lost it at this precise moment. It doesn't tell you whether or not there's some kind of an onset of Alzheimer's, for example, that could come into play in a year or two.

Preet Bharara: If you showed him a picture of a sheep, and he said, "That's Greenland" ...

George Conway: He'd say it's fake news.

Preet Bharara: That would be different. But have you had an evolution in your thinking about this? Because ...

George Conway: Yes.

Preet Bharara: If he's always been this way, you've only been outspoken about it fairly recently.

George Conway: Yeah, I can give you a rough [inaudible 00:09:12] of the history of my thinking on this. First of all, I just assumed that ... I assumed he was a jerk as a New Yorker and a consumer of New York news, tabloid news.

Preet Bharara: I see, I see, okay.

George Conway: I assumed, yeah, he's a jerk. He can be a jerk. And there was actually a point during the primaries where I resolved I could never support him. And that was when he said whatever he said about Heidi Cruz, I just found that so deeply offensive.

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Preet Bharara: Right.

George Conway: At some point, I relented when he was the last person standing, and at that point he was all we had. As a conservative Republican, he was all we had. And people said he was awful. He was the worst thing in the world. It's hard to believe people saying all those things about him. Nobody could be that bad. It turned out he was worse. And I just thought, in terms of his ignorance of issues, I thought he'd learn more over time. And in terms of his popping off in saying things that were inappropriate, it would get better over time, and you'd wince every so often at something he'd do or say, but it would be manageable.

Preet Bharara: And you would get your tax break.

George Conway: And the judges and whatnot, right?

Preet Bharara: Right.

George Conway: And when he became President, I thought he's a man with a big ego, and he'd be in awe of the office, and he'd understand that if he wanted to earn his place in history, he had to consider the office and consider the importance of upholding the values of the country. And he'd understand that there's something greater than him.

Preet Bharara: You thought he'd grow into it.

George Conway: Correct.

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.....
was the most idealized version of what the future might hold.

George Conway: Right, and he would start to be more presidential. He'd start to be dignified. He'd learn the job, and he'd play the role. And it never happened. And you scratch your head. Why? Why does he keep doing this? It was a frustrating and aggravating thing to watch.

George Conway: And one day, I came across an article from Rolling Stone that had been published months before, and it was about Donald Trump being a pathological narcissist. It was written by a writer named Alex Morris who went through the diagnostic criteria for narcissistic personality disorder, interviewed many experts, and she basically lined up his behavior with those diagnostic criteria. And it was a very compelling piece. And when I finished reading it, it was like a light bulb went off.

George Conway: And at that point, I started reading more and more about it. I even bought a copy of the DSM, which is, I must say, extremely expensive. It's like \$125 for this manual. It's the Diagnostic and Statistical Manual of Mental Disorders, and it's in its fifth edition. So DSM is what they call it, and because it's the fifth edition, they call it the DSM-5.

Preet Bharara: And with respect to narcissistic personality disorder, which you spend the most time on, there are how many factors?

George Conway: There are nine diagnostic principle diagnostic criteria, and you have to satisfy seven of them for a diagnosis.

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George Conway: ... some think there's anybody who doesn't say nine for nine.

Preet Bharara: Nine for nine.

George Conway: The only argument that has ever been made that Donald Trump does not fit the criteria for narcissistic personality disorder has been made by a gentleman named Allen Frances who participated in the drafting of the DSM-5's diagnostic criteria for narcissistic personality disorder. And his argument is that, for all of these personality disorders in this section of the DSM, in order to separate minor issues from true mental disorders or mental illnesses, there is a question of degree. And what the DSM says is that, in order for something to qualify as a disorder, the person has to be impaired in some manner, socially or occupationally or in some other major aspect of their life or be in distress in some manner.

Preet Bharara: Right.

George Conway: He says ...

Preet Bharara: Actually, Trump causes distress in other people.

George Conway: Trump causes distress, and his narcissistic behavior, Frances says, actually has helped him, and he's been richly rewarded for it. So therefore he's neither impaired nor distressed.

George Conway: And I think that's just factually wrong, particularly with regard to impairment.

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George Conway: The great people with the E can be very ambitious, but their performance can be limited or harmed by their reaction to criticism.

Preet Bharara: Right.

George Conway: So that's one point. The other point is I don't know how you can't say he hasn't been impaired in his job as President. This guy should be at 55, 57, 60% in the polls. If he had shut his mouth and somebody had taken his phone and thrown it into the Potomac two years ago or three years ago, he'd be at 57% in the polls.

Preet Bharara: Right, but if you had taken away his phone and taken away his Twitter and taken away his shamelessness and all these other things that you rightly decry, would he have beat 15 other people in the primary? Isn't it the case? There's an argument that, whatever you want to call his personality, it is that force that allowed him to beat Jeb Bush and Marco Rubio.

George Conway: Well, there were a lot of other factors involved. There was "The Apprentice," which created this false image of him. There were the rules that the Republicans put into place after 2012 that created a bias in favor of the front-runner so that, within weeks of the primaries starting, you get into winner-take-all territory.

Preet Bharara: Right.

George Conway: And he had this name recognition. He was running against 15 other people or 16 other people, and it was an era, it

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Preet Bharara: Can we go back to "The Apprentice" for one second?

George Conway: Yeah.

Preet Bharara: Because you tell the story about "The Apprentice" that I'm not sure everyone knows, and that is that, on occasion, on a whim, Donald Trump would famously fire somebody, but that it made no sense given what had happened in the show.

George Conway: There's a terrific article. The anecdote comes from a terrific article in the New Yorker, which wasn't really about Donald Trump so much. It was actually a profile of Mark Burnett, who was the producer and creator of "The Apprentice." The author tells the story in that article about how Trump basically was never prepared for the show, and he basically frequently didn't know what was going on and he just arbitrarily fired people on whims. Frequently, they were the best. Sometimes they were the best candidates.

George Conway: And this would cause a great deal of trouble for the writers and editors and the staff of "The Apprentice" because it just didn't make sense. The storyline didn't make sense. This guy was clearly the best one, and he gets canned.

Preet Bharara: Yeah, I know the feeling.

George Conway: Right. Oh, yeah, okay. At least you're disclosing your biases.

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with a comment from one of the editors on “The Apprentice” saying, “I find it strangely satisfying that,” I’m paraphrasing, “that is what they seem to be doing now at the White House.”

Preet Bharara: Yeah, you’re creating an alternative reality.

George Conway: Well, you’re basically trying to ... he does these things. You don’t want him to do them, and then you have to go back and try to make sense of them.

Preet Bharara: I kept expecting you to say something about the following personality trait of the President. I remember reading an article about this once. The President clearly has a sense of humor in the sense that he tells jokes.

George Conway: He’s funny.

Preet Bharara: He makes people laugh.

George Conway: Actually, it’s one ...

Preet Bharara: It’s a scale. It’s a strength he has.

George Conway: Right.

Preet Bharara: But he does not himself ever laugh.

George Conway: I know.

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you're right. He's very funny. But people know that all the time, that every single time that he's funny, he's intentionally funny. But, yes, he is intentionally funny sometimes. He has the ability to charm. There's no question. He has the ability to flatter and charm.

Preet Bharara: Just ask the dictators of the world.

George Conway: Oh, absolutely. Well, and that's how he ... If he thinks you're useful to him, and if you've been complimentary to him, he thinks you're on his side, he can be very, very flattering. And it's helped him in his political career.

Preet Bharara: So this is the question I have when I read your article and when I see your tweets about personality disorder, and the question is, if his behavior and conduct is a result of a disorder, can we then not judge him?

George Conway: No, because ...

Preet Bharara: Because we're not talking about character. What about his character gets excused by this analysis?

George Conway: There's no excuse for it. This is not like an insanity defense. This does not excuse moral failings. This would not be a defense to a criminal act, for example. These personality traits and defects actually do coincide with moral defects. There's no question about it.

George Conway: In fact, one of the descriptive terms in the psychological literature for narcissistic sociopaths such as Trump,

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... explains these tyrants like Hitler. What is it about their personality traits that is common?

George Conway: The point is that, if there was a psychological designation for evil, it would be malignant narcissism. It coincides with moral failings. So there's nothing, in any of these psychological terms, even if you had a full-out actual diagnosis of the parallels, what I wrote in the article, that would not excuse his moral failings. Not at all. Not for a moment.

Preet Bharara: So you're a conservative, you remain a conservative, and yet you speak out. And you said the following recently, in the last few days, I think on the great platform of Twitter.

George Conway: Where else?

Preet Bharara: You said, "I just don't get it. Why not just do the right thing? Worst thing that could happen to you is that you have to get a real job, but you'd always be able to say you did the right thing."

George Conway: Yeah, it's one of the mysteries to me about this era. Now, I get there are people who are not in a position to say or do anything there because they're junior ...

PART 1 OF 3 ENDS [00:22:04]

George Conway: ... to say or do anything there because they're junior or they're not in a financial position of comfort. They're vulnerable in some fashion. But there are people whose livelihoods don't depend

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...that some insiders are, you're getting these people clearly, sitting uncomfortably in their seats when they're faced with the things that Donald Trump says and does.

George Conway: I think the most recent example is, I don't know if you saw this or your listeners saw it, but there was this video that made the rounds a few days ago of Senator Joni Ernst, a veteran, who was sitting uncomfortably at a town hall in her home state and being raked over the coals by a Republican voter who's saying, "What are you doing? This guy is selling out the country, in essence." And she's shifting uncomfortably, and basically her answer was, "Well, we're trying to do the best we can in the Senate to do things for the country. I can say stuff about the president, but he's just going to do what he's going to do."

George Conway: And, and for the life of me, I think that all these politicians, I can't see why they're doing it, but they're trying to figure out what's the safest course? If I go out and criticize him, some people will attack me, if I don't, some people are attacking me. They're trying to chart some kind of a middle ground and they're trying to squeeze by and instead of making [crosstalk 00:23:49] political-

Preet Bharara: I hope it's over.

George Conway: Hope it's over. Like maybe he'll just disappear tomorrow.

Preet Bharara: Get it to be over.

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George Conway: But that said, even if you don't believe in that, it's clear that they're not sure which way to go. If you're not sure which way to go, why not just do the right thing?

Preet Bharara: Is your advice to people in his inner circle to quit?

George Conway: If you can't have a positive effect on him and I don't think anybody can, yeah. The only people I think who should ... who may have to stay, would be people in the national security area, who can at least have some moderating or blunting effect. And particularly the lawyers. From what accounts have been appearing in the press, it looks like that when officials became alarmed at what Trump had done on the July 25th call with Zelensky, they became alarmed that Trump had committed a crime. And in fact, it appears that the CIA general counsel may have issued a criminal referral.

George Conway: There was a story yesterday, I think it might've been in the times or the post, that a senior official who heard that call, according to the whistleblower, viewed the call as criminal. That's why they went and consulted the lawyers. What do the lawyers do? The lawyers tried to protect Trump.

Preet Bharara: Enable further.

George Conway: Right. These are people who work for the United States of America. They don't work for Donald Trump. And then yesterday's letter, the White House letter Cipollone's letter last night, was a disgrace. It was an absolute disgrace.

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presidency, and a disgrace to the legal profession...

Preet Bharara: Going back to what you said a second ago about people around the president, how they should leave, at the risk of getting into a delicate area ...

George Conway: Not going there. But I think my position is clear.

Preet Bharara: Let's talk about impeachment, past and present. So this article you've written, the analysis you've done, what is the relevance of that directly to the impeachment inquiry that's unfolding? Because it seems to me that's all about legal issues and factual matters. Is it your view that the house members should be taking into account the personality disorder?

George Conway: Yeah, I do think that. And I think when you're considering whether or not to impeach and remove a President of the United States, I think it's fairly clear, and a lot has been written on this, that you have to look at the number and significance of the impeachable acts. You don't want to impeach somebody for one isolated incident that wasn't so bad. I think particularly when you've got an election coming up, and there's a bit of judgment involved in weighing the seriousness of what I call a breach of fiduciary duty that amounts to a high crime and misdemeanor. Part of that is looking to patterns of behavior. And in the case of Trump, there is a pattern of behavior. He does tend to use his office for personal gain in many respects.

George Conway: I mean, you can point to his threats to Amazon and you can point to his parent determination to have the next G7

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... individually would amount to an impeachable offense, but they do fit a pattern. The reason why they fit a pattern is because that's who he is, and the reason why that's who he is is because of these personality disorders.

Preet Bharara: But do you think they should call doctors? Do you think they should call psychologists?

George Conway: I do think so, because I think that it's sort of like the reverse of a criminal trial where you have an insanity defense, where the defense can put on experts to say that the defendant wasn't culpable because he lacked the ability to understand the significance of his actions. Here, I think, in making the case that these impeachable acts such as Ukraine are symptomatic of a fundamental problem that he simply is not capable of carrying out his duties, I think it's worth putting on this evidence of his personality disorders.

George Conway: I think it would help explain to the public the nature of the problem, which is the president is supposed to act on behalf of the nation and is supposed to subordinate his personal interests to those of the nation. That is the duty that he assumes when he raises his right hand and says he is ... he swears that he's going to faithfully execute the Office of the President, and that's what he is required to do under Article II of the Constitution, which requires him to faithfully execute the Constitution and laws of the United States. And faithfully execute is a term of art under the law, which requires him to execute the law without fear or favor and follow the law and to exercise the power of his office in the nation's best interest and not for his own

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Preet Bharara: ... would that focus in some way also make it a little less political and less partisan? Because it's not about policy [crosstalk 00:30:00] ideology?

George Conway: Yeah, that's exactly right and that's ... You asked me why I wrote this Atlantic piece and that's one of the reasons. It's not about politics. It's not about judges or tax cuts or whether you're for or against the Affordable Care Act. It's about none of that. This is about fundamental, the basics of what a President of the United States is supposed to do, whether he's from the right or the left or she is from the right or the left. There are obligations that the president has to obey the law and to enforce the law and to act according to law and to act in the nation's best interest. We may differ in how we see those interests. A President Warren or a President Obama may differ from a President Trump or a President Pence or whoever, as to what's in the best interest of the nation, but we know that it's not supposed to be your personal interest. It has to be good faith involved and Trump is the paragon of bad faith.

Preet Bharara: I want to get into the current impeachment strategy legality, and one reason I think you can speak to this issue is that you're not a stranger to the phenomenon of impeachment. And maybe not everyone knows this, but you once upon a time, back in the 90s, represented I believe for a time secretly ...

George Conway: Well, I didn't [crosstalk 00:31:20].

Preet Bharara: Paula Jones.

George Conway: But I did provide ...

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Preet Bharara: For the young folks, Paula Jones was who?

George Conway: Paula Jones was a Arkansas state worker, a clerical worker, and apparently, according to the allegations of the complaint, which was confirmed by ... admitted by Clinton's co-defendant in the case, Clinton saw Ms. Jones and then told his state trooper, Danny Ferguson, who was also a defendant, to bring Paula Jones up to his hotel suite at the Excelsior hotel. Paula Jones walks in and according to Jones, there was some small talk and then Clinton dropped his pants, exposing himself to her and essentially proposing that she perform a sexual act on him. Three years later, Jones brought a sexual harassment suit.

Preet Bharara: You're a corporate litigator, this is not your area of usual practice.

George Conway: No, it's not. How did I get involved?

Preet Bharara: Yeah, and why?

George Conway: Okay, here's what happened.

Preet Bharara: What was going on?

George Conway: Well, the thing that got me involved was I opened up my New York Times one morning, I guess it must've been in May '94, and the Clinton ... The White House had floated some kind of a trial balloon and the trial balloon was that Clinton was thinking of invoking

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Preet Bharara: ... But the record reflects, your race is very contorted right now.

George Conway: Very contorted. I just went, "That can't be right." And so I did a few minutes, not that much research, and I came up with the leading authority on presidential immunity, which was a Supreme Court case called Nixon against Fitzgerald. Basically, the rule of law as expressed by the Supreme Court is that yes, presidents do have immunity from civil litigation and liability, absolute immunity, but that that immunity only extends to the quote unquote "outer perimeter" of their official responsibilities. I was sufficiently offended by the suggestion of the immunity that I wrote ... The first time I ever wrote an op-ed piece.

Preet Bharara: Back in 1994.

George Conway: It was 1994 and I wrote an op-ed piece. The LA Times took it.

Preet Bharara: Ultimately, you prevailed on this legal principle.

George Conway: Right.

Preet Bharara: Which has also paved the way for some of the lawsuits [crosstalk 00:34:17].

George Conway: Oh, by the way, [crosstalk 00:34:17]. The title that they put on the piece in the LA Times was No Man in This Country is Above the Law.

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Preet Bharara: And has paved the way for some of these lawsuits continuing with respect to Donald Trump.

George Conway: Yes.

Preet Bharara: Now, with respect to impeachment of Bill Clinton, because ultimately he ended up telling a lie under oath, with respect his relationship with Monica Lewinsky. You supported impeachment at that time?

George Conway: I did.

Preet Bharara: Do you still?

George Conway: I think I have a much more sophisticated or nuanced view of impeachment now. I mean, my view then was if you commit a crime, it's clearly an impeachable act, and particularly one involving the enforcement of the law, and he committed perjury and obstruction, I think. That to me was automatic. Today, I think it's a much closer case than I thought it was then because there's some judgment, as I mentioned earlier, about what it is that Congress should exercise its judgment to impeach and remove a president or any federal officer, but especially the president because of the ramifications of removing the President of the United States. They have to exercise judgment as to whether it's something that's not just a one off, I think.

George Conway: You have to judge the seriousness of the offense with, "Is this something that's going to recur?" I think the strong case,

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defenses I think in retrospect were the strongest. I'm much more persuadable today that that was something that Congress could ... that Congress may have reached the right judgment.

Preet Bharara: Right. So there are two differences, it seems to me, based on what you just said.

George Conway: Right.

Preet Bharara: Between then and now. One is Donald Trump looks like he's a recidivist. In fact, this whole current scandal ...

George Conway: Correct.

Preet Bharara: ... arose one day after Bob Mueller testified. I still can't get over that. He testified July 24th, July 25th he makes this call, which means he has learned nothing.

George Conway: Correct.

Preet Bharara: Right?

George Conway: He's incapable of learning, it doesn't mean anything to him.

Preet Bharara: So recurrence is not only likely, but almost certain.

George Conway: Certainly. Correct.

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George Conway: [inaudible 00:37:10] [inaudible 00:37:10].

Preet Bharara: You know, back then, and I don't have a perfect recollection, and I was relatively young, lots and lots of Democrats ...

George Conway: How old were you then? I'm afraid to ask this question.

Preet Bharara: I was 30. I was 30.

George Conway: Oh, okay. [crosstalk 00:37:21]

Preet Bharara: You look younger than I am, but I [crosstalk 00:37:23].

George Conway: I was worried you going to say 16, and I was going to put my head on this table and you would hear a big clunk.

Preet Bharara: No, no, no. Look at these lines on my face, as Brandi Carlile would say. But the other difference is a lot of Democrats said, "Look, this conduct was bad, he should not have lied. This was not good." And they decried it, but said it doesn't rise to the level of an impeachable offense. And here, I think there would be more support for Trump and for Republicans if they said, "Look," more of them said, "This conduct, this phone call, this is all terrible, but I don't think it rises to the level of impeachment," which is something that Tucker Carlson I think, recently said. That's sort of interesting.

George Conway: Yeah. And I think their tendency is to overreach and I think you and I as litigators understand that the more ridiculous

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George Conway: ... in order to be persuasive because you have to preserve your credibility. And this White House is absolutely incapable of doing that.

Preet Bharara: I mean, they keep saying-

George Conway: Because he's incapable of doing that.

Preet Bharara: The power of concession is gigantic.

George Conway: Oh, gosh.

Preet Bharara: And you don't have to say it was a beautiful and perfect call.

George Conway: No.

Preet Bharara: You don't have to say that everything the whistleblower said is wrong.

George Conway: Take the sting out of it.

Preet Bharara: Yeah, it's all there.

George Conway: You guys, as a prosecutor, your people did that all the time.

Preet Bharara: [crosstalk 00:38:41]

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Preet Bharara: Yeah. Right. Because you want it to come from you.

George Conway: [crosstalk 00:38:56] and see, we're being forthright about it. And this guy is never forthright about it.

Preet Bharara: I don't understand this on a strategic level, forget about moral and character-

George Conway: Because Trump's, his theory is never to give ground on anything and he never shows remorse for anything.

Preet Bharara: Is that part of his personality disorder or is that just, he's a tactical genius?

George Conway: It's part of his personality disorder, and it relates to both his narcissism and his sociopathy. As a narcissist, he completely lacks empathy. He can't see the world the way other people see it. It's not just, "I feel your pain," kind of empathy, but it's also he can't put himself in the position of how other people see him or see the world. Then there's the complete lack of remorse. He's not capable of remorse in any way. You don't see him apologize or feel guilty about anything. The only time you ever saw him apologize was for the Billy Bush tape.

Preet Bharara: The Access Hollywood, right.

George Conway: Right. And that was within weeks, he was telling people, according to Maggie Haberman of the New York Times, he was telling people that the thing was doctored. Which is completely-

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there was no evidence of doctoring and he was telling the United States senators that the thing was doctored, which is just completely insane.

Preet Bharara: So the polls have been shifting a little bit.

George Conway: Right. A lot, actually.

Preet Bharara: What is the significance and what weight should be put on public sentiment in connection with impeachment?

George Conway: Well, I think it's ... it is very significant and I think a bunch of different things are going on here. One is obviously there's movement because I think some people are following Nancy Pelosi's lead, but I also think people are influenced by the brazenness of the conduct that they see, that he engaged in with respect to Zelensky. I also think the bizarreness and the extremeness of his response has triggered a reaction, particularly with those press conferences, with the Finnish prime minister or president or whatever.

Preet Bharara: I always feel bad for those guys.

George Conway: It's just incredible. I mean, I guess ... I hope they get a warning before they go in there. And then finally I think, and I don't think ... I think you can't underestimate this, there's an exhaustion factor that's starting to set in among the marginal Trump supporters, I think. That like, "When is this going to end? What is it with this guy? He continually does this. It's just, I can't take it anymore. It's like the volume's up at 11 all the time." He keeps digging himself ... It's not the fake news. He did this to himself. He does it to himself. He's his own worst enemy.

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George Conway: And I think that the other thing to understand about it, too is, I mean, first of all, you have the independent voters, some of whom I think are probably former Republicans, he needed in 2016, remember, he ... I mean, the two most important numbers in American politics today are 20, which is the number of Republican senators it would take to remove him from office, and the other number is 77,744, which is the aggregate number of votes by which he won Pennsylvania, Michigan, and Wisconsin.

Preet Bharara: If there was a secret ballot in the Senate on conviction ...

George Conway: Absolutely.

Preet Bharara: ... how many Senate votes would then be Republicans.

George Conway: I think they ... [inaudible 00:42:33] push a button secretly and just sort of like, it would be a trap door and he'd just fall in and you wouldn't hear from again, absolutely.

Preet Bharara: How many?

George Conway: I don't know, but probably 20 at least. I'm not a good vote counter.

Preet Bharara: You're not a whip?

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George Conway: Who knows? He's so inscrutable, but he can't, like this stuff. It makes his life miserable.

Preet Bharara: Do you think Nancy Pelosi should have a full vote in the House on formally proceeding with an impeachment inquiry? Because people are making a lot of noise about that.

George Conway: Well, I mean, I think as a legal and constitutional matter, it's completely irrelevant and meaningless. I mean, this letter, which goes back to the Cipollone letter yesterday, I mean, the absurdity of the letter.

Preet Bharara: Let's go back to that, because you had strong feelings about it.

George Conway: I mean, what [crosstalk 00:43:25]-

Preet Bharara: It's nine pages.

George Conway: It's just garbage.

Preet Bharara: It's one of the worst letters I've seen from the White House counsel's office, and they write very well and they make good legal arguments when they [crosstalk 00:43:33].

George Conway: This was trash. I mean, this was trash. I mean, basically the thrust of it is that there are some kind of constitutional obligations that the House has failed to meet that therefore render its

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George Conway: ... the power of impeachment in the House, and the House gets to decide how to go about doing that. All the House has to do at the end of the day is, by majority vote, vote out a bill of impeachment, which is essentially an indictment. Because it's just essentially an indictment, they don't have to conduct hearings at all. They don't have to hear witnesses at all, and they don't have to give anybody the right to cross-examine those witnesses. It's garbage.

Preet Bharara: Right, but it's prudential. Prudentially to bring the country along.

George Conway: Right. Prudentially, I mean, it wouldn't be wise for them not to conduct hearings, but they are under no obligation to allow the president to participate, and there are Republican members of these committees who can ask questions if they do have witnesses, and there's no question that those Republican members are going to be carrying the president's water. It's just an excuse to prevent evidence, damning evidence, from reaching the public.

Preet Bharara: How is that going to play out? They basically said, "We're not going to cooperate," and the House side will reach adverse inferences on various things.

George Conway: Right. My long-time law partner, Bernie Nussbaum, one of his proudest accomplishments was writing the article in the Nixon impeachment resolutions that were voted out of the

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... saying there was nothing anything at all... quite remarkable, and... was triggered by, apparently, the fact that these texts that came out were so damning.

Preet Bharara: Between and among these diplomats.

George Conway: Correct, these diplomats.

Preet Bharara: Who were involved with Ukraine.

George Conway: Right.

Preet Bharara: Were you shocked that the President of the United States, the White House put out the readout of the call between him and Ukrainian President Zelensky and the whistleblower complaint so quickly?

George Conway: Yes and no. Yes, in the sense that I'm amazed that they clearly did not realize or he didn't realize how incriminating it was.

Preet Bharara: Is that part of the personality disorder?

George Conway: It may be. It may also be that people around him realize that it was a political non-starter, and this is speculation, it's not based upon any knowledge, to withhold the memo, and they made the argument to him that, "Don't worry, boss." Maybe they misled him or maybe they sugarcoated it for him. I just don't know.

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George Conway: Donald Trump doesn't think in terms of right and wrong. He thinks in terms of me. No, seriously. That's how he thinks. Now, in the sense of applying the McNaughton rule or whatever standard of insanity defense, he's capable of understanding the difference between right and wrong, which means he's culpable, but ...

Preet Bharara: And he can be held accountable.

George Conway: And he can be held accountable for his misconduct, but right and wrong, concepts of justice, when you hear him reading things about freedom and democracy and justice off a teleprompter, the affect is typically flat.

Preet Bharara: There's a reason for that.

George Conway: There's a reason for that. Those words mean absolutely ... He can't articulate those things if you took it away from him, if he's not reading them. They don't mean anything to him.

Preet Bharara: At this point, what should the articles of impeachment be? Do you think they should focus only on Ukraine so far?

George Conway: That's a tough question. I think Ukraine has to be front and center. I personally think that the obstruction of the Mueller investigation should be there.

Preet Bharara: Is that additive, or does that dilute?

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investigation to find out what the Russians did to us, how they interfered with our electoral process. There is no dispute that they did a lot of stuff, and all he wanted to do was to stop that investigation, because he found it personally embarrassing because he didn't want people to think that his losing by 3 million votes wasn't a great victory.

Preet Bharara: Right. The other reason maybe you want to have it in there is it tells the story.

George Conway: It tells the story, and frankly ...

Preet Bharara: He did all that. I mean, look, the reason people are so up in arms now, and I think you've said this, is because of all that went before. If nothing had happened before and we found out about Ukraine, people wouldn't be as fed up as they are.

George Conway: That's right. It also combats the notion ... I mean, Ukraine wasn't just a phone call, but even if it were just a phone call, it wouldn't be just a phone call because of all the other stuff he's done, including the obstruction of the Mueller investigation, which is just remarkable. Not only did he try to figure out ways to stop the investigation, illegitimate ways. He was using a cutout like Corey Lewandowski, right? There's no difference fundamentally between that and Nixon trying to use a lie to shut down the FBI by saying, "Oh, there's a national security issue." He's using bogus methods, and bogus means it wasn't in good faith. Then he tries to get McGahn to tell Rosenstein to shut it down on the basis of a bogus conflict, and McGahn basically packs up his office and says, "I'm ready to quit." Then Trump relents, but

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Preet Bharara: ... who was saved by all these people ...

George Conway: Who was saved by all these people.

Preet Bharara: ... who are not otherwise Boy Scouts.

George Conway: Then it gets worse. The story comes out in The New York Times, and Trump goes to McGahn and says, "I want you to write a memo to the file saying it didn't happen." That's asking somebody to create a false document, a false government record. That's obstruction of justice. It's obstruction of justice about obstruction of justice. It's meta obstruction. It's unbelievable. [crosstalk 00:00:50:37].

Preet Bharara: Should there be an article on meta obstruction?

George Conway: Only Donald Trump could commit meta obstruction. It's like if anybody else had done this, they'd be indicted.

Preet Bharara: Right? But the OLC says you can't. So just to summarize, **George Conway** to the committee: "Call psychologists, add the Mueller stuff." Third question, how fast should all this go?

George Conway: As fast as reasonably possible. I think they need to do it in the next several weeks. I don't think ... Now, the problem is the White House is clearly engaging in obstructionist tactics, not allowing these diplomats to testify, including and especially Taylor. Taylor's story would be fascinating to hear it. That's [crosstalk 00:07:28].

Preet Bharara: Taylor, the interim ambassador to Ukraine?

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Preet Bharara: ... conditioning the ...

George Conway: Exactly.

Preet Bharara: He knew what he was doing.

George Conway: He knew what he was doing, and then Sondheim had to go back to ... What's his name? Sondheim, yeah. He had to go back and talk to Trump to figure out how to respond to that. "Oh, there is no quid ..." And by that time the whistleblower had surfaced. They knew they were in crosshairs already, right?

Preet Bharara: Should the articles make it a point to set forth the quid pro quo, or is that not?

George Conway: I don't think a quid pro quo is necessary to establish an impeachable offense. I think the quid pro quo is pretty much apparent, at least by circumstantially.

Preet Bharara: So put it in.

George Conway: I'd put it in, but I think you want to make clear that it's not essential. I mean, merely raising Biden in the attempt to pressure a foreign government into investigating a conspiracy theory against Joe Biden and Hunter Biden is, in and of itself, impeachable. And, conditioning, which is pretty clear, conditioning a White House meeting on that, and then the evidence of the quid pro quo for the money. I mean, you have Taylor's texts, and you actually have Senator Johnson saying that there was an admission made to him, I believe.

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going to get impeached. I think that the experience alone is better, yesterday,

...

Preet Bharara: Virtually guarantees it.

George Conway: Virtually guarantees it.

Preet Bharara: What grade would you give to Adam Schiff in his performance so far?

George Conway: I don't want to lend credence to ... I think he's doing fine. I don't want to lend credence to this notion that he ... I don't know that I would have done the dramatization that he did. It wasn't meant to be deceptive in any way.

Preet Bharara: He had a disclaimer, but ...

George Conway: He had a disclaimer.

Preet Bharara: It was not a good move.

George Conway: I just think when you've got the facts on your side, there's no need to dramatize them, so I think that's more of a lesson learned kind of thing.

Preet Bharara: You don't think it was treason?

George Conway: No, I don't think it was treason. It's easy to be critical.

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George Conway: I want to talk about some other occasions where you've given advice to Donald Trump.

Preet Bharara: Oh, jeez. Oh no.

George Conway: I've waited an entire hour to ask you this question.

Preet Bharara: You've worn me down.

George Conway: Giving advice to him is a futile task.

Preet Bharara: Well, I guess that's true, but there was an article in The Washington Post back in March ...

George Conway: Fake news.

Preet Bharara: ... that says the following: "Trump quizzed Conway ..." This is on an airplane flight.

George Conway: Oh.

Preet Bharara: You were on a plane. You didn't think I was going to ask you this?

George Conway: Oh, yeah.

Preet Bharara: Ladies and gentlemen, you're going to hear it now.

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So I'm wondering what time the conversation happened.

George Conway: It was at night.

Preet Bharara: He called me two days before the inauguration, and I spoke to him and he made nice. But The Washington Post claims that on a flight, I guess that evening, "Trump quizzed Conway about whether he should fire **Preet Bharara**, then the U.S. Attorney in Manhattan. Conway said, 'I said in general it's better to have your people in terms of important positions.'"

George Conway: Yeah, that's essential.

Preet Bharara: "And others, and he said ..."

George Conway: No offense, Preet.

Preet Bharara: So did you get me fired, man?

George Conway: I didn't mean to. The question was, it took me a little off guard. I didn't know why he was asking the question, and I still don't know why he was asking me the question.

Preet Bharara: But he asked specifically about me.

George Conway: He asked specifically about you, and it came out of the blue. It was on his Trump 757, which we flew from LaGuardia to DCA.

Preet Bharara: The best plane.

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George Conway: The perfect plane. We were sitting there, and it was me and there was Hope Hicks and there was my wife and I and the congressman. For some reason, that question just popped out. I didn't know what he had in mind, so I kind of gave a responsive of non-response. It's like, "Yeah, if you want to have your own person in there, I guess that makes sense." Essentially, that's what that was meant to convey. The language I used was pretty much what I just said to The Post.

Preet Bharara: Did anyone else chime in?

George Conway: No, but I didn't attach any nefarious significance to it at that time, and I still don't, I just don't know what he was thinking at that time.

Preet Bharara: So we've spent a lot of time talking about-

George Conway: But I don't think I got your fire, Preet.

Preet Bharara: Well, it would be fine because now we get to have this relationship, which just means a lot to me, George. We spent a lot of time talking about Trump's narcissistic personality disorder. What personality disorder does Rudy Giuliani have?

George Conway: I have no idea. I don't dare.

Preet Bharara: That's too much for you? That's where you reach your limit?

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know. But he's been wacky. Oh my gosh.

Preet Bharara: Did you know Bill Barr, the attorney general, personally?

George Conway: No.

Preet Bharara: What grade do you give him?

George Conway: F.

Preet Bharara: F? That's an easy F. You gave advice to Donald Trump about what lawyers he should hire?

George Conway: I was asked right after. I think it was the week that Rod Rosenstein appointed Mueller, and it was the day that Trump went off to Saudi Arabia. It was within a couple of hours of him leaving. I basically got a call saying that the president wanted to talk to me about lawyers and who he should hire, and I knew that he was considering some people that I knew, in particular, a close friend of mine. So I did the White House switchboard call, and it was the president and about ten people in the room. It was crazy. There were so many people. There was the vice president, there was the chief of staff, Reince Priebus. Jared was in the room. There were a slew of other peoples. He went through the whole thing, and he basically went through a list of people and asked me my thoughts about each of them, and I did the best I could to say what their merits were.

Preet Bharara: Did he follow your advice?

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Preet Bharara: Do the job.

George Conway: Would do the job, because he has this ... First of all, everybody thinks he's nuts, and secondly, he doesn't pay his bills. He's stiffed every law firm. Not every law firm company.

Preet Bharara: Including bankers and contractors.

George Conway: He's stiffed a lot of law firms in this town.

Preet Bharara: Can we talk about 2020?

George Conway: Yeah, 2020.

Preet Bharara: Should Mitt Romney get in the race? Primary with the president?

George Conway: That would be a great thing. I don't think he's going to do it. I've heard-

Preet Bharara: Would you support him?

George Conway: Yeah, sure. Absolutely.

Preet Bharara: Do you support Joe Walsh getting in the race, Congressman?

George Conway: I support basically anybody who's in the race who's going to take it to him and point out his unfitness.

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George Conway: ... I was asked to do something really ... It's not really my cup of tea. I don't think I'd be good at it, and it's not something I think I would do. I thought about it for a New York minute.

Preet Bharara: Right. I ask about Joe Walsh only because I wonder how far afield one has to go [crosstalk 00:59:14].

George Conway: He's a great guitarist.

Preet Bharara: He also said of the Sandy Hook parents, he's sick and tired of them.

George Conway: Yeah. I'm not going to defend things that he said in the past, but I will say that he's right on target with regard to Donald Trump today.

Preet Bharara: Who do you think in the Republican Party is the voice of reason?

George Conway: I don't think there really is, and this is a sad thing. I don't think there is a voice of moral clarity of any weight in the Republican Party today, and I think that's just terribly sad.

Preet Bharara: Are there people you're most disappointed in in this regard?

George Conway: I just think that the disappointment runs very broadly. I think it's just amazing to me that there really isn't anyone. I don't mean to be ... It's just disappointing to me that there isn't somebody of some stature who's willing to just say "this man is unfit,"

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he just comes to pass. I mean, I understand early on you could say, "Well, let's hope he gets better. Let's see if we can work with him," but we've seen so much now. It's just-

Preet Bharara: What about the generals who are now gone, like Mattis and McMaster and Kelly? Do you hold any hope that they'll speak?

George Conway: No, I don't, because I think they would have by now, and I think there's another ... I wish they would speak out. I guess I'm a little less critical of them, because I think it's hard for them to lose. There's an ethos there of not politicizing the military, and I think they don't want to go out and be openly critical of a Commander-in-Chief, especially when the Commander-in-Chief is Commander-in-Chief. I think that's just ingrained in them.

Preet Bharara: Right. It seems to be that there's a devotion to norms.

George Conway: But the thing is about this, but they're civilians now is sort of my response to that. But I just think they're just not going to do it.

Preet Bharara: Yeah.

George Conway: I wish they would. We saw that article in The Atlantic two days ago where active duty general officers are, at least on background, saying the man's unfit and he's a disaster.

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George Conway: Yeah.

Preet Bharara: On the democratic side, I don't know if you've weighed in on the assortment of candidates available, and I don't know if you talk about your future voting preferences. Are there Democrats that you would vote for over Donald Trump?

George Conway: Look, I've said previously that I will vote for any candidate who does not have a significant personality disorder who has a chance of beating Donald Trump.

Preet Bharara: Including Elizabeth Warren?

George Conway: Yeah. If she fits that bill, yes.

Preet Bharara: Does she fit that bill?

George Conway: I would assume so, yes.

Preet Bharara: You haven't done the analysis?

George Conway: I haven't done the analysis, but I will tell you this. There is no way that I will ever cast a vote for Donald Trump. I'll stay home. I'll write you in, Preet.

Preet Bharara: Even though I wasn't born here? It could be one way to make amends though.

George Conway: Oh, well. Do you have a dog? I'll write in your dog.

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George Conway: That's a hard question. I mean, I'd like to think that any of them would. I hope that they, whoever it is, will, but I haven't done the comparative thinking about it.

Preet Bharara: If Donald Trump is impeached, in the rare likelihood that he gets removed from office, do you think he actually will leave?

George Conway: I think he'll have no choice.

Preet Bharara: You think so?

George Conway: Right. Because I think that basically the rest of the system will ... I mean, if there's a Senate judgment of conviction that is signed sealed, and delivered.

Preet Bharara: Some people have that worry.

George Conway: I guess the Chief Justice would sign the judgment, I guess. I don't know. It would have legal effect, and I think everyone would obey that. I think that his actions would become null and void as of that moment, and I think everybody would obey that judgment. We're still a nation of laws, and I think people would obey that judgment, yes. Even if he asserted that it was invalid, I don't think that would carry any weight.

Preet Bharara: So one of the things you've done is you have helped to create an organization called Checks and Balances.

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News about the President of the United States.

George Conway: Right. On Thursday, it's our plan to issue a statement in support of the impeachment inquiry and making a strong statement about how the president's conduct with respect to Ukraine is a violation of his solemn duties to the nation, and in support of holding an impeachment vote on the House floor and a potential trial in the Senate.

Preet Bharara: **George Conway**, thank you for being on the show.

George Conway: Thank you for having me, Preet. It was a pleasure.

Preet Bharara: Great.

George Conway: It was fun.

PART 3 OF 3 ENDS [01:05:12]

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