

## What Roman Mars Can Learn About Con Law On the Other End of the Line

**Roman Mars** [00:00:00] So we're talking on Friday. It's 11:15 a.m. March 25th. And what are we going to talk about today?

**Elizabeth Yoh** [00:00:07] Well, Roman, it's now been a month since Russia invaded Ukraine on February 24th. And by nearly every account, Russia was expected to take over Ukraine quickly--but it failed. And Kiev, the country's capital, is still under Ukrainian control. And, of course, Russia has since changed its tactics. And what we've seen is bombing and artillery shelling of cities and civilian targets like hospitals and schools. There have been thousands of casualties and an enormous refugee crisis. And as of today, at least three and a half million people have fled Ukraine since the invasion began. Now, the United States, the European Union, and several other countries have responded to this by imposing severe economic sanctions or penalties on Russia. And there have also been individual sanctions on extremely wealthy Russian business leaders or oligarchs who have close ties to Russian President Vladimir Putin. And Ukraine's president, Volodymyr Zelensky, has been praised around the world as a hero--hero for his own people--and as a defender of democracy. Now, we've seen Zelensky speak by Zoom to legislatures around the world, and he also posts nightly videos to his telegram channel. And American politicians have rushed to state their public support of Zelensky. So, Senator Ben Sasse said that "Zelensky is a bigger man than Putin." And Mitch McConnell told reporters that "We are not doing nearly enough, quickly enough to help Ukraine." And Senator Joni Ernst--who has served in the military--said, "It makes me want to throw on my uniform and go help." Now, the Russian invasion of Ukraine isn't just seen as an unprovoked attack on a sovereign nation. It's also seen as a very serious threat to peace and security in Europe. And here's the reason why. If Russia were to take over Ukraine, then neighboring countries like Poland would certainly have a legitimate fear that the same thing might happen to them, too. And many of these neighboring countries also happen to be NATO members. Now, of course, NATO is a security alliance created in 1949 among a group of member countries that also includes the United States. And the idea here is that any attack on any one of the member countries of NATO is supposed to be met with a collective response. And as this war drags on, there are worries that Putin might resort to a chemical or even a nuclear weapon there. So, there are some really big risks. Now, when Zelensky spoke to Congress, American lawmakers from both parties gave him a standing ovation. But if you had brought up Zelensky's name just two and a half years ago, you might have been met with silence, right? The leader of where?" "Who?" But of course, Zelensky became unwillingly part of the investigation into Trump's presidency--that's two impeachments ago. Now, Roman, when you and I last talked about Ukraine, it was only to explain how a faraway Eastern European country became entangled with the possible removal of a president. And when we talked back then, it was about how Ukraine put Trump's presidency into jeopardy. But now it's time to ask how Trump's presidency put Ukraine into jeopardy.

**Roman Mars** [00:03:55] This is What Roman Mars Can Learn About Con Law--an ongoing series of indeterminate length, where we take the maelstrom of current events in the world of government, global affairs, and politics still reeling from four years of Trump and two impeachments and use it to examine our Constitution like we never have before. Our music is from Doomtree Records. Our professor and neighbor is Elizabeth Joh. And I'm the person who's failed the first semester of law school five years in a row, Roman Mars.

**Elizabeth Yoh** [00:04:26] You want to cover a few basics on Ukraine?

**Roman Mars** [00:04:28] Oh, yeah, please. Let's do it.

**Elizabeth Yoh** [00:04:29] Yeah, sure. So, Ukraine is about the size of Texas with a population of about 44 million people. But in terms of geopolitics, its location is really important. Ukraine is bordered by Moldova, Romania, Hungary, Slovakia, Poland, Belarus, and Russia. So, because of its location, its size, and economic potential, most foreign policy experts consider a stable, democratic, and independent Ukraine as an essential part of security in Europe. So that's the big question: Where is Ukraine's future? As a potential member of NATO and the European Union? Or is it going to be dragged back into part of a growing Russian empire? Now, Ukraine, of course, was part of the former Soviet Union, and it became independent in 1991. But by most accounts, Ukraine has had--until recently--a kind of difficult transition to democracy. So, at the end of 2013, Ukrainians had mass protests. They took to the streets, and they successfully forced the president, Viktor Yanukovich, from power--that's February of 2014. And Yanukovich was part of a pro-Russian party that wanted close ties to Russia instead of Western-style reforms. And he was also considered to be pretty corrupt. And so, after he was removed from power, Yanukovich fled to Russia. Now, that same month--February 2014--Russia invaded Ukraine. And Russian troops entered Crimea in the south of Ukraine and declared it to be part of Russia. Russian backed militants also decided to take over the eastern part of Ukraine. And Ukrainian forces have been fighting them and are fighting them still. So, this conflict alone, which goes back to 2014, has led to thousands of military and civilian deaths in the country. So, since 2014, Ukraine has relied heavily on American help, financial help, diplomatic help, and military help. The country has been receiving American aid since its independence, but the aid went up after Russia first invaded it in 2014. To give you a sense, between 2014 and 2019, the U.S. gave Ukraine \$1.5 billion just in military assistance. So those are the basics, okay? So now for Trump. So, here's what we can now say, in 2022, based on available public documents like congressional investigations, sworn testimony, indictments, and journalism. So, for almost a decade, the chief political strategist for Yanukovich--that's the ousted Ukrainian president--was an American lobbyist. And his name was Paul Manafort.

**Roman Mars** [00:07:16] Right.

**Elizabeth Yoh** [00:07:17] So Manafort had been a longtime Republican lobbyist in Washington. He was one of the founders of the lobbying firm Black, Manafort, and Stone--as in Roger Stone. And Manafort developed a specialty--working for corrupt authoritarian leaders abroad. Now, beginning in 2004, Manafort began working for Oleg Deripaska. And that's important because Deripaska is one of Russia's richest men; he's one of those Russian oligarchs. And Deripaska has had a very close relationship with Russian President Vladimir Putin. So, when the Senate Intelligence Committee looked into Russian attempts to influence Trump's campaign in 2016, the committee discussed in detail Manafort's relationship to Deripaska. Here's what they said: That Deripaska managed and financed Kremlin approved influence operations around the world. And it was Deripaska, the Russian oligarch, who introduced Manafort to pro-Russian oligarchs in Ukraine. And Manafort advanced their interests by working to get Yanukovich elected president in 2010. And in return, Manafort was paid tens of millions of dollars.

**Roman Mars** [00:08:32] Wow.

**Elizabeth Yoh** [00:08:32] Okay--so you got it, Roman? Manafort working for Russian interests helps the pro-Russian candidate become the Ukrainian president in 2010.

**Roman Mars** [00:08:40] Got it.

**Elizabeth Yoh** [00:08:41] But remember, as we discussed, Yanukovich was ousted from power in 2014, right? He flees to Russia--no longer there. That meant that Manafort's work dried up. He needed money. So, in comes... You can guess.

**Roman Mars** [00:08:55] Trump?

**Elizabeth Yoh** [00:08:56] Yes. You guessed it. The reality TV guy who wants to be president. So, if you look back at the reporting from 2016, you see that Manafort joined the Trump campaign that March. And they keep talking about Manafort as Trump's unpaid campaign chairman. So, he had no real income at this time.

**Roman Mars** [00:09:15] Unpaid? What do you mean? What's the story there?

**Elizabeth Yoh** [00:09:17] Well, he knows that Trump is interested in powerful people--rich, connected, powerful people--so it wouldn't have helped if he had told Trump that he was broke. And what he would get out of Trump's campaign is influence. So, we now know that before joining Trump's campaign, Manafort had worked closely with a Russian national named Konstantin Kilimnik. Now, according to the Senate Intelligence report, Kilimnik is probably a Russian intelligence officer. So, during the entire time Manafort was working as Trump's campaign manager in 2016, he continued to speak with Kilimnik, Deripaska, and pro-Russian oligarchs in Ukraine. And he shared confidential information from Trump's campaign with them. And it was all of those ongoing communications between Russian interests and the campaign manager of the Republican candidate for president that the Senate report called "a grave counterintelligence threat to the United States." So, remember, we didn't know any of this at the time, right? We were reading a lot of Trump tweets and being alarmed by all kinds of things. But later, it would be revealed that there was, in fact, significant Russian interference in the 2016 presidential election. Let's not forget that in May 2017, Robert Mueller was appointed as special counsel to investigate that Russian influence. And that investigation, of course, would later turn to Trump and his associates.

**Roman Mars** [00:10:49] So what did Manafort's work in the Trump campaign have to do with Ukraine?

**Elizabeth Yoh** [00:10:57] Well, first, there were the Hillary Clinton emails. Remember them? That was that hack. So, in the spring of 2016, Russian agents gained access to the emails of the Democratic National Committee and the Clinton campaign. Those emails were really embarrassing for the Clinton campaign, and thousands of them were published online by these Russian agents in June of 2016. And that same month, Manafort--remember, he is now Trump's campaign manager--begins to float a theory. A theory that has no evidence behind it that it was Ukraine, not Russia, that was responsible for the email hack--that the hack was Ukraine's fault and maybe there is some physical trove of emails there. There isn't, and that's really not how email works anyway. But that conspiracy theory takes off, and it continues for years. It actually splits into a couple of different versions, but they're all more or less the same conspiracy theory--that it's not Russia's fault, that it's somehow Ukraine's fault.

**Roman Mars** [00:12:00] Interesting.

**Elizabeth Yoh** [00:12:01] So, Roman, in June of 2016, Trump wasn't even formally the Republican nominee yet. Do you have any idea what the GOP platform was on Ukraine then?

**Roman Mars** [00:12:11] I would imagine at that point it would be quite pro-Ukraine.

**Elizabeth Yoh** [00:12:15] But I would guess you're actually a pretty informed news watcher for saying that because I think most people didn't really know. If you ask them--the average voter--like, "What's the GOP platform on Ukraine?" I think it would be met with silence.

**Roman Mars** [00:12:26] I think it's most likely. But my sense is that when it comes to the political alignments, anti-Russia was a basic stance. And if, you know, the enemy of my enemy is my friend type of thing, it would be pro-Ukraine at that point.

**Elizabeth Yoh** [00:12:40] That's right. So, you are exactly right. The original Republican platform supported sending lethal aid to Ukraine. Remember, at this time, Ukrainians had already been fighting against Russian-backed forces in eastern Ukraine since 2014. But during the summer of 2016, the Trump campaign, which has an influence on the platform, changes the Republican platform for Ukraine. The final version says only that the U.S. would provide appropriate assistance. So, if you think about it, you're right that, you know, the GOP platform originally was about strong support for Ukraine. And that original statement of support would have been symbolically and practically really important to Ukraine. And getting rid of it would have been something that Russia would have certainly welcomed. And then there was NATO. So, at that time in 2016, Trump the candidate is repeatedly telling everybody he can that he has doubts about NATO. Trump the candidate said things like, "Here's the problem with NATO--it's obsolete. Big statement to make when you don't know much about it. But I learn quickly." And Trump also repeatedly complained that NATO is costing us--that's the United States--a fortune. And right before he formally accepted the Republican nomination, Trump the candidate was asked in an interview whether NATO members could count on the United States to help them if they were attacked by Russia. Trump didn't respond with an immediate "yes." Instead, he said, "Have they fulfilled their obligations to us? If they fulfill their obligations to us." So that's the important thing to keep in mind--that it was in Russia's interest, it was in Putin's interest to stop the expansion of NATO and to weaken the relationships among the member countries. Coincidentally, all of this lines up with what's happening in the Trump campaign. So, the details about Manafort's work in Ukraine weren't widely known then, but they don't stay secret. In August of 2016, the public finds out there were more than \$12 million in secret cash payments designated for Manafort that were found in these ledgers in Ukraine from pro-Russia sources. So, Trump fires Manafort as his campaign manager on August 19th. But of course, that wasn't the end of the trouble for Manafort. They were only beginning. The Mueller investigation discovered that Manafort had moved \$30 million of his Ukrainian-made money from shell companies into the United States and not telling anyone about it, which means not reporting it or paying taxes on it. And he engaged in a little bit of bank fraud to raise some cash. So eventually he's indicted for these crimes, and then he's convicted by a jury in August of 2018 and then pleaded guilty in another financial crimes case later that September. Of course, by then, Trump is already president. Okay. So, 2018, Congress--of course, Congress--the United States has long been a strong supporter of Ukraine. Congress authorizes \$391 million to be spent for military assistance to Ukraine for the next fiscal year. And \$250 million of that is supposed to be administrated

by the Department of Defense. So, all of this is going on. Again, normal part of what the United States has always been doing. In March of 2019, we finally find out about the Mueller report. Attorney General Barr receives the special counsel's report as a formal matter. Remember, the conclusion--or the investigation at least--was whether or not Trump obstructed the investigation of Russian interference in the 2016 election. Let's not forget--it's been a while--what the report said. "If we had confidence that the president clearly did not commit obstruction of justice, we would so state. Based on the facts and the applicable standards, we are unable to reach that judgment. Accordingly, while this report does not conclude that the president committed a crime, it also does not exonerate him." So, on April 7th, 2019--this is the next month after the Mueller report has been delivered--Rudy Giuliani takes the stage. He's the president's personal lawyer. And he says on Fox News that he was investigating the origins of why the Mueller investigation started. And he says on Fox News some people told him that Biden was trying to have the top prosecutor in Ukraine removed because he was investigating a Ukrainian gas company. That company, Burisma, had hired Biden's son, Hunter, to be on its board. So, it is true that when he was Vice President, Biden did push for the removal of that prosecutor. But the Obama administration wanted the prosecutor out for policy reasons because he wasn't doing enough about corruption in Ukraine. We were talking about this difficult transition to democracy. It was also the same view of our European allies. But that becomes another conspiracy theory--that somehow Biden tried to meddle in Ukraine's government for his own personal reasons. So, it's just like the conspiracy theory that Ukraine, not Russia, was responsible for the democratic email hack. Now it's April 2019. And why Biden? Well, Biden had just announced his run for president a month earlier. So, on April 21st, 2019, a political novice named Volodymyr Zelensky was elected president of Ukraine by a huge margin. And Zelensky had run on a reform platform; he wanted closer relations with the West. Now, do you know his previous experience before that?

**Roman Mars** [00:18:33] I do. I've seen him on the front page of Netflix.

**Elizabeth Yoh** [00:18:37] That's right. He was the creator and star of a Ukrainian TV show called *Servant of the People*. Do you know what the basic plot is about?

**Roman Mars** [00:18:45] I think it's fundamentally about, like, an actor comedian who becomes the president.

**Elizabeth Yoh** [00:18:50] Yeah. It's like an ordinary person sort of accidentally becomes president, right? So, a little strange. In any event, he becomes president. He's a reform president. He's elected by an overwhelming margin. So, he's elected on April 21st. Trump calls Zelensky that day to congratulate him, and he says, "Come to the White House." It's a very short phone call. So Zelensky's aides immediately start asking when can they schedule a meeting. So, for the new Ukrainian president, this would have been a really big deal. Remember, there is an active conflict going on between Russia and Ukraine. There would have been enormous symbolism in having an official state visit between the American president and the Ukrainian president at the White House. So right after Trump congratulated Zelensky on winning the election, Trump told Vice President Pence to go ahead and attend Zelensky's upcoming inauguration. That would have been another important symbolic show of American support for the new Ukrainian president. But then, in May of 2019, the *New York Times* publishes a story about Giuliani, who said he was planning to go to Ukraine. Why? Because he wanted Zelensky's new government to investigate the theory about Biden and Burisma. So, at the time, this was pretty remarkable. The president was sending his own personal lawyer to persuade another government to help him win reelection. So understandably, there was a huge public

backlash, and Rudy canceled his trip. But a few days later, Trump told Pence, "Don't attend Zelensky's inauguration." And by the end of May 2019, Trump had sent a letter to Zelensky to invite him for a White House meeting. And the Ukrainian media was all over this--they report the visit is being planned. So, everybody thinks this is going to happen. Now, on June 18th, 2019, the Department of Defense has a formal public announcement that they're going to provide the \$250 million in military assistance for Ukraine. Remember, Congress had already authorized these funds to be released. But just three days later, Giuliani--doesn't have an official role in government--tweeted this: "New Pres of Ukraine still silent on investigation of Ukrainian interference in the 2016 election. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Obama people." Obama people being, of course, Biden. And sometime in the first half of the next month--July 2019--Trump told Mick Mulvaney, who was his acting chief of staff, to put a halt on all \$391 million of the aid for Ukraine. There was a scheduled call upcoming between Trump and Zelensky. So now we know that there were a ton of communications between the Trump administration and Zelensky's aides before the call. Gordon Sondland was Trump's ambassador to the EU. Sondland was heavily involved in this call. He relays a message to Zelensky that in the upcoming call, Zelensky needs to provide assurances to Trump that his government will investigate the Burisma conspiracy theory and the Ukraine hacking conspiracy theory. Bill Taylor, who was then the ambassador to Ukraine, also speaks with Ukraine's national security adviser. He tells Taylor that Zelensky did not want to be used as a pawn in a US reelection campaign. And then on the morning of July 25th, right before the scheduled call, Kurt Volker--who was also a diplomat working on Ukraine--texts an aide to Zelensky. Volker texts "Assuming presidency convinces Trump he will investigate/get to the bottom of what happened in 2016, we will nail down a date for visit to Washington." Now, according to Ambassador Taylor's testimony later that year, Sondland had said everything--including security assistance and the White House meeting--was absolutely dependent on a public announcement by Zelensky that he was launching investigations into the Bidens and that it was Ukraine, not Russia, that had interfered in the 2016 election. So, I don't know, Roman. I suppose you could imagine what Zelensky was thinking moments before the call.

**Roman Mars** [00:23:20] Yeah. I mean, he must have been panicked about what to do because that's a horrible sword to be hanging over your head--whether or not you're going to get the aid you need to survive a war that you're currently in.

**Elizabeth Yoh** [00:23:31] Exactly. And remember, this is an ongoing conflict. They're desperate for recognition--official recognition--by the United States, one of their biggest backers, both symbolically and very practically. Now we get to that infamous conversation on July 25th, 2019. Do you want to read the short part together?

**Roman Mars** [00:23:49] Sure. This is what Zelensky is saying in the transcript. This is the perfect phone call.

**Elizabeth Yoh** [00:23:55] Okay. Right. So, you can be Zelensky. I'll be Trump, I guess.

**Roman Mars** [00:23:58] Oh, okay. Thank you.

**Elizabeth Yoh** [00:24:00] I'll start. "I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. The United States has been very, very good to Ukraine."

**Roman Mars** [00:24:11] "I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps. Specifically, we are almost ready to buy more Javelins from the United States for defense purposes."

**Elizabeth Yoh** [00:24:25] "I would like you to do us a favor, though, because our country has been through a lot and Ukraine knows a lot about it." Okay. So that's the famous call. So, after this exchange, Trump launches into his requests. He tells Zelensky he wants Ukraine to investigate CrowdStrike, the security firm that helped the DNC after its emails were hacked. That's one of the many versions of the "Ukraine did it, not Russia" conspiracy theories. Then Trump has another request. He wants Zelensky to look into investigating the Bidens about Burisma. That's another one. Now, Zelensky doesn't promise to do anything about CrowdStrike. He doesn't promise to investigate the Bidens either, but he doesn't really dismiss it. So, remember, Ukraine still doesn't have this aid. And Zelensky very much wants this White House visit. So, Roman, we didn't find out about any of this in real time. And many of the details don't emerge until the House's impeachment investigation. But do you remember everybody's focus on the quid pro quo?

**Roman Mars** [00:25:28] Yeah, yeah, totally.

**Elizabeth Yoh** [00:25:30] Yeah. I mean, it was just this idea that there was this corrupt exchange between Trump and Zelensky. Or at least there was a corrupt offer. So, from Zelensky's point of view, if he had made such an announcement, it would have done two things to benefit Trump. First, it would have smeared Biden, right? And then second, it would have undermined the Mueller investigation. So that's how the whole country, you, and I looked at it in 2019--very much focused on Trump and how it would have benefited Trump. But for Zelensky, the new president of Ukraine, he knew that if he didn't go through with this, the aid that his country needed--he had just been elected--wasn't going to happen. But of course, eventually, through a combination of the whistleblower's report, and the investigative reporting, and the impeachment investigation, we find out about the call and Trump's hold on the military aid. Trump did release the aid on September 11th, 2019, but only after details had emerged. And Ukraine came pretty close to not receiving that money. That has to do with federal law. Remember, I had said that Congress had authorized these funds, but the end of the fiscal year was September 30th, 2019. If Trump hadn't released the funds by then, the funding would have been automatically canceled. Poof. \$391 million for Ukraine gone. So eventually the House, of course, as everyone knows, issued two articles of impeachment against Trump in 2019 in December. The first one accused Trump of abuse of power--for, quote, "Soliciting the interference of a foreign government, Ukraine, in the 2020 United States presidential election." The second article charges Trump with obstructing Congress's investigation of this. So, do you remember, Roman, what the Republican response to all of this was?

**Roman Mars** [00:27:27] Well, I don't really off the top of my head, but I think if I can guess, given the set up. That there was no really official quid pro quo because it wasn't explicitly stated in the moment and then eventually those funds were released. So therefore, the cause and effect is sort of decoupled to the extent that they could sort of stand, you know, by and allow it to happen.

**Elizabeth Yoh** [00:27:51] Yeah, those are the early versions. And of course, it got worse, right? As you mentioned, first they said there was no quid pro quo because everything got released. Then they also said it was all hearsay because the actual people involved didn't say anything. And then they said even if there was a quid pro quo, it wasn't wrong. And then they said even if it was wrong, it wasn't impeachable.

**Roman Mars** [00:28:13] Right. I remember that escalation now.

**Elizabeth Yoh** [00:28:18] Yeah, exactly. So, by the way, Trump actually didn't have the authority to put a hold on the money. In January of 2020, a federal nonpartisan watchdog agency--the GAO--they wrote a report and concluded that the Trump administration did, in fact, break the law when it withheld that money meant for Ukraine. Trump didn't have the constitutional authority to change spending that Congress had already designated for Ukraine. Nobody was paying attention to that because of the impeachment, I suppose.

**Roman Mars** [00:28:46] Right.

**Elizabeth Yoh** [00:28:47] So in 2019, we focused understandably on whether the impeachment investigation had uncovered enough proof and what kind of conduct you need to remove a president. But with the benefit of hindsight, and now that we've had this invasion of Ukraine, I think we can see us in a slightly different way, too. So first, there was Trump's acquittal by the Republican-controlled Senate on February 5th, 2020. And when you hear people talk now--as we've heard all over the news--that we need to send Ukraine more weapons, more armor, more anti-aircraft systems. Remember, that's exactly what Zelensky was pleading for in 2019--Javelins. Those are anti-tank missile systems. Ukraine was already defending itself against Russia in the eastern part of the country. And then there was the really important symbolic support Zelensky wanted in the formal White House meeting. Even after Trump released the hold on the money, Zelensky was still preparing to go on CNN to announce some kind of investigation. He really wanted the world to see this meeting. But Ambassador Taylor urged Zelensky to cancel it, so he did. So, in fact, even though most of the reporting and all of our attention was focused on this denial of military aid, don't forget that the first article of impeachment in the first impeachment describes Trump not just withholding the aid but also that he withheld an official state meeting at the White House as the basis of the abuse of power charge. But of course, Trump was acquitted, as we all know. And with just a few exceptions, basically, we can now see that Republicans were willing to accept that Trump did try to manipulate Ukraine and Zelensky for his own purposes--and it was fine. And in September of 2019, in the months before the actual Senate trial, remember what Republicans and Trump allies were saying. So, for example, Mitch McConnell said that that July call between Trump and Zelensky just wasn't a big deal. He said, "It is laughable to think that this is anywhere close to an impeachable offense." Senator Lindsey Graham said, "What a nothing burger. Democrats have lost their minds." And don't forget that when an NPR reporter spoke to Mike Pompeo, Trump's secretary of state, asking him about the impeachment, Pompeo said, "Do you think Americans care about Ukraine?" And then on December 23rd, 2020, as his term was coming to an end, Trump pardoned his son in law's father, Charles Kushner, Roger Stone, and Paul Manafort--which means that Paul Manafort didn't have to serve the rest of his seven and a half-year sentence.

**Roman Mars** [00:31:41] It's hard to even remember the first impeachment a lot of times because there was a second one about the Capitol riot. And that was so dramatic that the other one sort of, like, became dimmer in the rearview. But now that it's sort of, like, brought to the surface again with Ukraine and Zelensky becoming almost a universally acclaimed cause that everyone cares about--how is this all working now when they were, like, the victims of Trump's campaign against the Democrats?

**Elizabeth Yoh** [00:32:12] Well, there's a couple of reasons it matters. First, we can indulge in this kind of thought experiment. What if Russia had launched this full-scale invasion of



Ukraine while Trump was president? Would Trump have been so bold as to try and pressure Zelensky anyway for help in his reelection campaign? And would a Republican-led Senate have acquitted him anyway? And if the Senate would have done something different in this alternate universe--if they would have convicted him--is there really a difference between 2019 and 2022? Except the entire world is now watching. In 2019, Trump exploited the vulnerabilities of Ukraine, and the fact that most of us only had a vague idea of what was going on there, and its new president. And the other point to connect, of course, is that Trump is the leading Republican candidate for 2024. So, expect him to come up with some version that what he did to Zelensky--or to Ukraine--wasn't a big deal or that it didn't matter. And in fact, we're already seeing this. Republican senators like Ron Johnson are trying to say now that it wasn't Trump that harmed Ukraine--it was actually the impeachment that harmed Ukraine. And if it weren't for the impeachment, everything would have been fine. And Trump, of course, who never stopped his public admiration of Putin, has continued that admiration even as Russia prepared to and then did, in fact, invade Ukraine. On February 23rd, the day before the invasion, Trump said at a fundraiser that Putin was "pretty smart for taking over a country--a great piece of land with a lot of people--and just walking right in." And Zelensky, of course, finally did get a formal meeting at the White House. But it was with President Biden not Trump.

**Roman Mars** [00:34:13] It is interesting to me that the big complaint about the first impeachment was about how little people cared how little impact this had on the world--and then how much it ended up having an impact on the world. And it just reminds me of how cavalier the Trump administration was about all kinds of things like this. They just didn't think shutting down parts of functioning government--doing corrupt things--they just didn't think it mattered, you know? There was always a consequence.

**Elizabeth Yoh** [00:34:44] Yeah, absolutely. And it's important to remember that, you know, it's also the case that this was not about domestic American politics only. You know, the entire world was watching what was happening--the weakening of alliances--and, you know, certainly other countries were going to exploit the vulnerabilities they saw in the domestic sphere in the United States. And I think we can really say that, you know, the common take on both Trump impeachments--that they were failures because he was acquitted both times. I think that's one way to look at it. But, you know, each of these impeachments and the Ukraine impeachment that we've talked about today--they've had a very important role because they've set forth the public record in great detail of what happened, things that we really would not have known much about if it weren't for the investigations. And that continues to matter today, particularly as this kind of reinvention of what happened is going to be happening before our eyes, as everyone--as you've mentioned--thinks of Ukraine as having this just cause.

**Roman Mars** [00:35:51] I do think that's really interesting that we were so focused on Trump, I think with good reason--this whole scenario of this corrupt call--Ukraine was an afterthought, even for people who found the call odious.

**Elizabeth Yoh** [00:36:05] That's right. And, you know, if you think about it now, today, how awful it must have seemed, and how far Zelensky was willing to go. He was preparing to go on CNN, you know, presumably knowing that this really wasn't true, to simply help his own country. You know, you can say that good or bad, maybe he shouldn't have been preparing that. But of course, today we don't think of President Zelensky in that way. We think of Ukrainians fighting for their own country in a very different way and, you know, American support of Ukraine as being a positive thing. And it's very hard to square that with how we thought of those events just a couple of years ago.

**Roman Mars** [00:36:45] Well, this is great. Thank you so much for giving us a reminder of some of the stuff we talked about a while ago and how it reflects today. That's great.

**Elizabeth Yoh** [00:36:55] Thanks, Roman.

**Roman Mars** [00:37:02] This show is produced by Elizabeth Joh, Chris Berube, Jeyca Maldonado-Medina, and me, Roman Mars. You can find us online at [learnconlaw.com](http://learnconlaw.com). All the music in What Roman Mars Can Learn About Con Law is provided by Doomtree Records, the Midwest Hip Hop Collective. You can find out more about Doomtree Records, get merch, and learn about their monthly membership exclusives at [doomtree.net](http://doomtree.net). We are part of the Stitcher and SiriusXM podcast family.