Wednesday, May 15, 2024 / Florida man’s unhushed money

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REBECA IBARRA (guest host): Trump has to keep showing up in New York at his criminal hush money trial this week. And the biggest witness will take the stand again tomorrow.

ANDREA BERNSTEIN (reporter): Michael Cohen, in some ways contains within himself the entire story of the alleged crimes at the heart of this case, the hush money payment, which prosecutors say was set up to interfere with the outcome of the election, which is a crime in New York. And the 34 false business records which prosecutors say were used to cover up that crime.

REBECA: This is one of four criminal indictments former president Trump is facing. But this New York case is the only one that's likely to have a verdict before the November election. Each of the 34 counts of falsifying business records is a felony and punishable by up to four years in prison according to New York state law.

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[THEME]

REBECA: It’s *Today, Explained*. I’m Rebeca Ibarra, filling in as host today. It’s the fifth week in the criminal trial of former president Trump. Andrea Bernstein is covering the proceedings for NPR and she’s been in the courtroom from the very beginning.

ANDREA: Inside the court, I mean, there's this sort of ritual where the DA's team usually comes in after nine. Trump’s team comes in…about 9:25. This team has been getting larger and larger as the trial’s gone on.

*<CLIP> ABC NEWS:*

*DIANE MACEDO, ANCHOR: It was interesting to see who was in court yesterday. And today we're hearing House Speaker Mike Johnson and former presidential candidate Vivek Ramaswamy will be in court. Yesterday, Senator JD Vance was there, Senator Tom Tuberville, Congresswoman Nicole Malliotakis…*

ANDREA: For example, Mike Johnson showed up this week, the speaker of the House, although not to actually go into the court just to actually go and speak to the reporters in the hallway before leaving and having a press conference outside.

REBECA: Hm.

ANDREA: However, what is really stunning is the action in the in the courtroom because there is Donald Trump. The one time president of the United States, the would-be president of the United States, the frontrunner for the President of the United States. Sitting there day after day after day, as these witnesses are laying out pretty tawdry tales of his past. Of, of sex, hush money, of using publications like the National Enquirer to shape a political narrative, and how just so easily he slipped into all of that. And you haven't even gotten to the sex part with Stormy Daniels…

REBECA: <laughs>

ANDREA: …Where she is sort of talking about, you know, various things, beginning with, going to the bathroom and finding him on the bed in his boxer shorts and t-shirt when she comes out. That's just kind of the beginning of her description of the encounter. So all of this is sort of amazing. And you're in the room with all of these people.

REBECA: Huh. Going back to Michael Cohen's testimony, what was the crux of his testimony?

ANDREA: So Michael Cohen is, to me, the apotheosis of a series of figures that have surrounded Donald Trump over the years.

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ANDREA: And Michael Cohen basically would do anything for Donald Trump, would lie for him, would bully people, would go across the country threatening people. So we've heard much about him. But what Michael Cohen has done in his trial testimony is sew up all these details. So let me give you one little example. Hope Hicks, who was a top communications aide to Donald Trump, testified in the trial. And she was asked so at the very end of her testimony, at the point where they’re describing the part where Stormy Daniels story becomes public in the Wall Street Journal in the beginning of 2018, she says Donald Trump called her and told her two things. One is he thought it was so much better that the story had come out after the election, and two, that he hadn't really known about it, that Michael Cohen had done it out of the kindness of his heart to protect him. And the prosecutor said, well, does that sound right to you? And she said, Michael Cohen, I'm paraphrasing here, but essentially she said Michael Cohen wasn't a kindness of the heart person. He wanted the credit.

REBECA: <laughs> Mm.

ANDREA: And in Michael Cohen's testimony, he repeatedly said, I want him to know it was handled and I wanted the credit. Over and over and over.

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REBECA: Andrea, we've heard a lot about the so-called catch and kill operations that Cohen was involved in.

*<CLIP> 10 TAMPA BAY: In his testimony, Cohen detailed so-called catch and kill operations to quash unfavorable press about his former boss. Cohen implicated Trump in a 2015 effort to kill a false negative story a Trump Tower doorman had been shopping. Cohen testified that Trump told him, quote, “make sure that this story doesn't get out. You handle it.”*

REBECA: What have we learned about how that worked?

ANDREA: What this trial has really lifted the curtain on is the mechanics of how the operation is set up to buy stories off the marketplace from people who are selling, in most cases, negative information. And how easily Trump and Michael Cohen, according to the testimony, slipped into that idea of they could use that ability to buy negative stories and then put them in a safe, basically. The, the former publisher of the National Enquirer was the first witness. And he says, I said to them I would keep an eye. I would be their eyes and ears, and I would look for these negative stories so we could take them off the marketplace. So in his world, people are going around selling negative information. And that's how, apparently, the National Enquirer, you know, gets a lot of its material, or some of its material. And what he said was, once we hear they're in play—they're, they're being sold, they're sort of up for auction, as it were—we will get them and then we'll bury them. So there was this moment of testimony on Tuesday, very dramatic, when the…Cohen is describing after the FBI raided his house, they start to investigate him. He's raided in April of 2018, and he has a conversation with Trump, and Trump says to him, basically, don't worry, I have your back, essentially. But Trump doesn't have his back, they never speak again. Cohen sort of gets assigned, if you will, a lawyer from Trump world who says to him things like, the boss loves you, sleep well tonight, you have friends in high places. But Cohen feels more and more isolated. He feels that Trump doesn't have his back, he feels betrayed. And as Cohen is describing the scene, the jury is looking straight at him and he at them. And that was, I would say, one of the emotional high points of his testimony, because there is Cohen, the apotheosis of Trump world, of this kind of, you know, person with a problematic history still protecting Trump, saying, this is what it's like to be left out in the cold.

REBECA: What's next in the trial?

ANDREA: So, the defense has begun its cross-examination. And when they started their cross-examination, they really leaned into this idea that Cohen was not to be trusted and he just wanted revenge. She just wanted to get Trump. And that's why he was participating in all of this. I will say from my perspective, I mean, I've covered Michael Cohen for a long time.

REBECA: Yeah.

ANDREA: He has lied and lied and lied and lied for sure. But that doesn't mean he never tells the truth. And the jury verdict, I think, will hang in large measure, in large measure on whether the jury concludes that in this case, he told enough of the truth that with all the other documentation, they have the evidence, the documents, the witness testimony, that they can convict Trump of this crime. As for what the consequences are. I mean, Trump is a first time offender. It's a white collar crime. But obviously the consequences of having a criminal conviction, is sort of something that we can measure because we've never been in a situation like this before.

REBECA: Andrea, Trump is famously unfiltered, especially, you know, about people he sees as disloyal. So he hasn't said much inside the court at this point. What has he been saying about the trial outside of the courtroom?

ANDREA: He's muttered a few things. He was admonished by the judge for being critical of Stormy Daniels at one point.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: If anything is mentioned against certain people, and you know who they are, certain people, anything's even mentioned, he wants to put me in jail and that could happen one day and I'd be very proud to go to jail for our constitution.*

ANDREA: So, outside of the courtroom, you know, there's, sort of, press that are set up in this echoey hallway that they kind of get to yell down. They're sort of down the hall, so they yell down the hall, and he kind of stands behind the barricades and says his thing. Almost all of it has been sort of, I shouldn't be here, I should be in Georgia, I should be in South Carolina, etc., etc.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: And it's ridiculous that I'm not gonna be out campaigning for another week or two as these thugs, these corrupt thugs. And that includes the judge. He should throw this case out.*

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ANDREA: So here's Trump literally not at liberty and saying these things to reporters. He has been threatened with jail by this judge if he attacks any more witnesses or the jury or family members of the parties, and he hasn't done it since then. So, so far, at least, the ~~t~~hreat of being sent to jail seems to have muted his direct attacks on people.

REBECA: Because he's under a gag order. To not—

ANDREA: He is under a gag order. And he, and when he was cited for the 10th violation of that gag order, the judge said these fines are not a deterrent. And I have thought out what it would mean to send you to jail. I know it would be an inconvenience for the Secret Service and the court officers and the case, but I will do it. And since then, Trump himself hasn't said things, although he's now bringing this increasingly large contingent to say the things that he's not allowed to say.

REBECA: Andrea Bernstein. She’s the author of the book *American Oligarchs: The Kushners, the Trumps, and the Marriage of Money and Power.* Coming up, how Trump is still talking in spite of that gag order.

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[BREAK]

[BUMPER]

REBECA: Derek Hawkins, a national reporter at The Washington Post, has been paying close attention to Trump’s Truth Social account, so the rest of us don't have to. It's one of the ways he’s testing the limits of the gag order.

DEREK HAWKINS (national reporter at The Washington Post): It's not exactly breaking news that Donald Trump is brash and outspoken on social media, but something very different is happening on Truth Social. He's weaponized it in a way that I think we only got a glimpse of on Twitter. What we're seeing is him attacking witnesses, prosecutors, the judge in the case, even the jury almost constantly.

*<CLIP> CNN:*

*KARA SCANNELL, CORRESPONDENT: He said “they can talk about me but I can’t talk about them. That sounds fair, doesn’t it??” Question marks. “This judge should be recused and the case should be thrown out. There has virtually never been a judge more conflicted than this one.”*

DEREK: He posts all the time. He has, it seems like a, a goal of keeping his base and his followers agitated and in a constant state of awareness of what's going on in his head. And it's sort of a chain of grievance, interrupted sometimes by the occasional self-promotion or positive poll or something like that.

*<CLIP> MSNBC: Donald Trump made this post on his social media account in which he basically says Joe Biden has never done anything for Taylor Swift, and that he passed this Music Modernization Act—which passed in 2018—that’s the kind of thing that should get her endorsement for him.*

<SCORING IN> Luke takes a train

REBECA: How different is he on Truth Social from the person he was on Twitter?

DEREK: We compared two like periods in his campaigning, so we looked at all of his activity from the launch of his reelection bid in November of 2022 until about the president. We looked at a similar period on Twitter from his first presidential campaign, and we used a number of different factors to sort of quantify what was going on. So we looked at his, the language itself, who he was targeting, what he was saying about them, how often he was posting. We even looked at how often he was posting in all caps.

REBECA: Hm!

DEREK: We also looked at the things he was talking about election denial, immigration, the economy, Biden, etc. We analyzed all that, it was thousands of posts. What we found was, broadly speaking, he's much more belligerent.

*<CLIP> CNN CLIP MONTAGE:*

*SPEAKER 1: He attacked, directly, one of the key witnesses in this Georgia case, that post reads...*

*SPEAKER 2: “I'm reading reports that failed former Lieutenant governor of Georgia Jeff Duncan…”*

*SPEAKER 1: “...Will be testifying before the Fulton County grand jury. He shouldn't.”*

*SPEAKER 2: “He shouldn't!” He then goes on to say, “I barely know him, but he was...*

*SPEAKER 1: “...right from the beginning of this witch hunt, a nasty disaster…”*

*SPEAKER 2: “...a nasty disaster for those looking at election fraud that took place in Georgia, etc., etc.”*

REBECA: Hm.

DEREK: He's posting much more often, almost 30 times a day on Truth Social, while it was about 20 on Twitter. His list of targets is about the same, but the language he's using to go after them has become much more vitriolic.

*<CLIP> WSLS10: The former president's post Friday on Truth Social stated “if you go after me, I'm coming after you.” End quote.*

DEREK: We also looked at who he's linking to and found that he's completely walled himself off from mainstream political discussions. He's linking almost exclusively to right wing influencers and right wing news sites that exist solely to amplify him. And as a consequence, he's much more isolated than he was before.

*<CLIP> SKY NEWS AUSTRALIA:*

*ANCHOR: Have a look at this bizarre video Donald Trump posted to the Truth Social followers today. Have a look.*

*DONALD TRUMP AD: America needs a superhero.*

DEREK: And yet, even with this diminished following, he only has about 7 million followers on Truth Social, whereas he had about 80 to 90 million on Twitter. Even with this diminished following, he still has an incredible reach, and it's because the ecosystem around him has changed. So as he has become more belligerent, more extreme, more aggressive, and more isolated, he's still reaching a lot of people.

<SCORING OUT> Luke takes a train

REBECA: We've heard in the trial about the National Enquirer's practice of conducting catch and kill operations to protect Trump's image and basically help him win the 2016 election. How does the Truth Social ecosystem compare to that one?

DEREK: The ecosystem around Truth Social, I think, is different than the tabloid ecosystem that helped bring Trump the celebrity, the businessman, the presidential candidate to life in the sense that it's not just sanitizing his image, it's not just protecting him from bad publicity and running glowing profiles. They're signal boosting his message, taking the script that he writes every day, every hour in his posts, and almost workshopping it in a way, and refining it and fine tuning it for their own unique audiences. Because these are a lot of individual influencers and kind of small fringe publications, some larger ones that either didn't exist during his administration or existed in much smaller versions of themselves, less refined versions of themselves, for the most part. And so they have found a way to get on Trump's radar, to stay on Trump's radar. And the way to do that is to carry his water, essentially.

REBECA: Hm.

DEREK: And telegraph the things that he's saying for their audiences so that it ensures maximum reach. It’s…I don't know of any equivalent that's happening on the left, or I can't really think of one. It's not as if they're coordinated, but they are very enthusiastic about being his bullhorn and they're highly mobilized.

REBECA: Trump is all but certain to be the Republican nominee for president. So what is the Republican Party's posture towards him on Capitol Hill, especially as this trial continues?

DEREK: I think the message is clearly reaching the Republican Party, the things he says on Truth Social, the rhetoric he uses there, the sort of buzzwords that he uses, you hear them on the Hill? One recent example: Trump posts periodically about is immigration. It's not his primary focus in terms of issues, what he's really posting about is his election denialism, false claims of election interference, that sort of thing. But he does post about immigration and he's posted about it with some increasing frequency lately. His rhetoric around immigration, on Truth Social is…very closely parallels this Great Replacement theory, the racist lie that elites are bringing immigrants into the United States and registering them to vote so they can tip the scales in the election. He's been saying that on Truth Social for a while.

REBECA: Hm.

DEREK: Now that this debate has heated up, you're seeing it become a top priority for Republican Speaker Mike Johnson.

*<CLIP> SPEAKER MIKE JOHNSON: The Republicans in the House will continue to press for secure borders to ensure America's immigration system serves the national interest and does not benefit aliens who are a danger to our own people.*

DEREK: And you know, when he talks about his court case, when he talks about it being a hoax or a witch hunt or about how the prosecutor is, you know, he thinks the prosecutors are going after him specifically to prevent him from returning to the White House. His Republican allies in Congress are saying the exact same thing.

*<CLIP> REP. ELISE STEFANIK: Democrats’ corrupt and desperate witch hunts against President Trump must come to an end. This is lawfare and blatant election interference, and the American people know it.*

REBECA: So based on your reporting on Trump's Truth Social world, what have you learned about how he might govern in a second term?

DEREK: I hear people knock Truth Social for having a small user base. I hear people knock it for the valuation of its, of the company in the stock market.

*<CLIP> CNN:*

*ERIN BURNETT, ANCHOR: The company said it lost over $58 million last year. I mean, it's barely even been public. The stock today down another 5%, despite multiple rants from Trump, including in part quote “all the competitors to Truth Social, especially those in the radical left Democrat’s party who are failing at every level…”*

DEREK: There are some people who don't seem to take it seriously, or just think it's Trump out there being nutty on social media again.

*<CLIP> LATE NIGHT WITH SETH MEYERS:*

*STEPHANIE RUHLE: The only thing this company does, they have no tech innovations, they have no products -- it's just him crazy-posting.*

*SETH MEYERS: Yeah.*

*STEPHANIE: They have now taken this company public. The ticker is DJT. So, like, he is now a stock.*

*SETH: Yeah.*

DEREK: I think it's a mistake to look at it that way. I think we're getting an unfiltered view of how Trump is going to behave in a second term. What his language and rhetoric are going to be like. Who, among his perceived enemies, he's going to attack. Who is going to be given access to his administration. And what his priorities are going to be and how he's going to carry them out. I think it is setting the tone for what that would be like, and I think his Truth Social is a roadmap for some of that.

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DEREK: I think we can take Trump at his word—that he will be a more aggressive, more vengeful president in a second term should he be elected. He’s said that much. He said…

*<CLIP> FORMER PRESIDENT DONALD TRUMP: I am your warrior. I am your justice. And for those who have been wronged and betrayed. I am your retribution. I am your retribution.*

DEREK: And he's essentially saying that on Truth Social in various ways as well. When he talks about his court cases, he says, if they can do this to me, they can do this to you. And essentially, I am your vanguard against this.

SCORING BUMP

REBECA: Derek Hawkins, national reporter for the Washington Post. This show was produced by Haleema Shah with help from Avishay Artsy and Denise Guerra, edited by Miranda Kennedy, fact-checked by Laura Bullard and engineered by David Herman. I'm Rebeca Ibarra and this is *Today Explained*.

<SCORING OUT> The plot thickens

[10 SECONDS OF SILENCE]