4/16/24 / Florida man’s first criminal trial begins

[HALF SECOND OF SILENCE]

[BILLBOARD]

SCORING IN <Eject Reject Beat (hip hop, dubstep bass, wubs, crackle, slow stomp)-01>

NOEL KING (co-host): Jury selection continues for a second day in a Manhattan courtroom where former President Donald Trump is on trial for falsifying business records.

NOEL: The prospective jurors were asked 42 questions aimed at determining whether they can be fair and impartial such as: can you be fair and impartial, have you ever been a Boogaloo Boy or in Antifa, and what podcasts do you listen to?

NOEL: Trump is required to be present in court for this trial that could last until JUNE and he talked to reporters today before entering the courtroom.

*<*[*CLIP*](https://www.youtube.com/watch?v=PcpfbHuWjeQ)*> Donald Trump 16 April: I should be now in Pennsylvania, in Florida, in many other states, North Carolina, Georgia, campaigning. This is all coming from the Biden White House. Because the guy can’t put two sentences together, he can’t campaign. He’s using this to try to win an election.”*

NOEL: Trump in court: this week on Today, Explained. Every weekday, wherever you get your podcasts.

VMPN LINE: Trump in court on Today, Explained. Every weekday wherever you get your podcasts .

[THEME]

NOEL: It’s Today, Explained. Vox’s Andrew Prokop President Trump is in court again today. Remind us what this trial is about.

ANDREW PROKOP (Vox reporter): This is the New York trial against Trump brought by the Manhattan District Attorney, and it relates to hush money payments that were made back during the 2016 campaign.

SCORING IN <SHADOW MAN BMC>

ANDREW: So if we turn the clock back to October 2016, in that time there were many allegations coming forth of Donald Trump acting inappropriately with women, harassing women, sexually assaulting women.

*<CLIP> ABC REPORTER: Tonight, a growing list of women are accusing Donald Trump of inappropriate conduct, including sexual assault.*

*<CLIP>FORMER PRESIDENT DONALD TRUMP: I just start kissing them. It's like a magnet. And when you're a star, they let you do it. You can do anything. Grab him by the BLEEP.*

*<CLIP> JESSICA LEEDS: he was grabbing my breasts and kissing me. And I was wearing a skirt and his, his hands started going towards my knee and up my skirt.*

ANDREW: Stormy Daniels, an adult film actress, said that she was going to go forward, alleging that she had, a consensual sexual encounter with Trump, about a decade prior. This was in the final days of the campaign, it would have been a big story, it would have been highly embarrassing to Trump. So, instead, Trump's loyal lawyer and fixer Michael Cohen paid her 130,000 to keep quiet. After the election,The Trump Organization essentially paid Cohen back by saying that they were just paying Cohen's legal fees because he was their lawyer. But, that wasn't really what they were doing.

*<CLIP> CBS NEWS HOST: A startling admission by Rudy Giuliani leaves President Trump facing new legal questions this morning. The president’s new lawyer says that Mr Trump actually repaid the 130000 dollars that attorney Michael Cohen gave to the adult film star.*

ANDREW: The specific charge against Donald Trump is 34 counts of falsifying business records for improperly logging these hush money payments as legal expenses in his corporate records.There is a theory that the original payments to Stormy Daniels were also illegal, that they violated federal campaign finance law. In fact, Michael Cohen pleaded guilty to this charge, but Trump himself was never charged.

*<CLIP> PBS HOST: Cohen admitted to multiple crimes, including more than 4 million in tax evasion, as well as campaign finance violations for paying off women at the direction of the president to keep quiet about affairs*

ANDREW: When the federal prosecutors, which had investigated this, abandoned the case, that's when the Manhattan District Attorney who at the time was Cyrus Vance Jr., took over. That office started a big investigation of Trump's business, relying on allegations made by Cohen. Eventually that resulted in charges against the CFO of the Trump organization, Allen Weisselberg, but no criminal charges against Trump himself. As the investigation continued, there was a return to this element of the Hush Money case, which had come up initially back in 2016, and eventually, uh, Vance's successor, Alvin Bragg, decided to charge Trump with this last year.

SCORING OUT

NOEL: Donald Trump says the charges are politically motivated, that Alvin Bragg, the DA has overstepped. You’ve done some analysis. How abnormal are these charges?

ANDREW: They are definitely abnormal. It's strange for so many resources to be sunk into an investigation like this for charges that were just falsifying internal business records that, that didn't really have a victim, uh, per se. The real controversy over this, though, is that Bragg decided to charge these as felonies rather than misdemeanors.

NOEL: Ahhhh

ANDREW: This could have been charged as a misdemeanor offense, but that wouldn't have involved the risk of prison time, and it wouldn't have involved making Donald Trump a convicted felon. So, in the end, he charged these 34 counts of falsifying business records as felony counts. His justification for doing that, he says, is that, the business records were falsified with the aim of committing or concealing another crime of some kind, and this was a controversial claim that Bragg made in the legal community. There was a lot of debate about whether this was called for, this was appropriate, especially because he wasn't 100 percent clear about what other crime, uh, Donald Trump was being charged with trying to commit or conceal, his team eventually laid out different theories of, of what that crime could be but they argued that, you know, by New York state law, they don't actually have to say it was the specific crime.

NOEL: All right. So Trump says it's politically motivated. Some analysts say. You know, interesting. This is a little bit unusual. And yet Donald Trump yesterday did go on trial before he got into the courtroom. He did give a little bit of a speech.

<[CLIP](https://youtube.com/watch?v=Y7wNDVof8QY)> FORMER PRESIDENT DONALD TRUMP: This is an assault on America. Nothing like this has ever happened before. It's never been anything like it. Every legal scholar says this case is nonsense. It should never have been brought…

NOEL: And then he walks inside the courtroom. And what happens?

ANDREW: Basically, the judge dealt with some issues early on in the morning, he denied a request from Trump for the judge, Juan Merchan, to recuse himself. Judge Merchan said he was not going to recuse himself. He had no reason to recuse himself. Trump has complained that the judge's daughter is in the political consulting field and works for Democrats, and argued that that was a conflict of interest, but he said it wasn't. They discussed various matters involving what type of evidence would be permitted to be argued at trial. One of the big rulings here was that the judge would not allow the Access Hollywood tape, the infamous tape when Trump talked about, sexually assaulting women to be played at the trial. The comments could be quoted, but the tape itself could not be played at the trial.

NOEL: Hmmm

ANDREW: So, you know, Judge Merchan has not been too sympathetic to Trump and his legal arguments in general in the lead up to this case turned down a lot of motions from Trump's legal team. But he did rule against prosecutors on a few evidentiary matters. I wouldn't say these are major tea leaves for how the case would go, but, you know, they are significant. The prosecutors wanted to introduce the other sexual assault allegations that had been made by various women against Trump during this period. The prosecutors argued that this provides important context for why Trump may have wanted to hush up Stormy Daniels, but, the judge ruled that, you know, this was complete rumors, complete gossip, complete hearsay, and, would be too prejudicial to introduce this type of information.

NOEL: How did Donald Trump behave in the courtroom yesterday?

ANDREW: Well apparently he fell asleep at one point.

*<CLIP> LAWRENCE O’DONNEL: Maggie Haberman who was in the courtroom reports for the New York Times Mr Trump appeared to nod off a few times, his mouth going slack and his head drooping onto his chest…*

ANDREW: At other points, he kind of sort of scoffed.

<[CLIP](https://www.youtube.com/watch?v=jOKBwTBFxlI)> MAGGIE HABERMAN: he as I said before, gets bored easily. He fidgets a lot. He has to sit there. He can't be on his phone. He can't look at Truth Social he can't…

ANDREW: After those initial matters that the judge ruled on regarding evidence and so forth, then we started the process of jury selection, and that is a really big deal. The decisions made during jury selection may determine the outcome of this trial, considering how so many people had preconceptions about Donald Trump, considering that it takes a unanimous jury to convict Trump or anyone. That really what Trump is looking for is just one sympathetic juror who he hopes would side with him, give him the benefit of the doubt, would hold strong and vote against conviction. So it's quite possible that the decisions in jury selection are more important than any thing that will happen at the trial itself afterward. And, there there is a very lengthy questionnaire designed to sort out who might find it impossible to be impartial.

*<CLIP> NEWSNATION REPORTER: Close to a 100 prospective jurors were called into to the courtroom on Monday and more than half of them told the judge they could not be impartial and they were excused in fact one of the excuse jurors was overheard saying in the hallway I just couldn't do it…*

NOEL: What's at stake here? What should people be keeping an eye out for as this trial proceeds?

ANDREW: This trial is going to be a tough go for Trump, I would expect. The actual evidentiary and factual issues in the case, I'm not even sure how disputed they will be. If Trump is convicted. He could go to prison. This is not a violent crime, so there is a question about whether he would actually be sentenced to prison for it. Now, as far as the stakes for the campaign, it was widely expected that if Trump was charged, it would hurt his campaign in the Republican primary. Instead, the opposite happened and he saw a boost in the polls after this particular indictment back in the spring of last year. And now he is the nominee in waiting.

SCORING IN - The Dustiest Trail BMC

ANDREW: There's still a question though, if a jury finds Trump guilty, if he is a convicted felon on election day, will there be a voter backlash? A lot of people currently say in polls that If Trump was actually convicted, they might have to rethink supporting him. Not most of Trump's supporters, but a significant chunk, more than enough to swing the election to Biden if these people are truly serious about this claim. This is the Biden team's big hope for turning things around that Trump will be convicted that they can make it central to their message that Trump is actually a convicted felon.

NOEL: Vox’s Andrew Prokop. Candidate Trump planned to pay for his legal bills by taking his social media company public. Coming up: how that’s going.

[BREAK]

[BUMPER]

NOEL: We’re back with Abdallah Fayyad, a policy editor at Vox who has been covering, among other things, Donald Trump’s many financial debts.

ABDALLAH FAYYAD (Vox reporter): So Donald Trump is still in a lot of debt. Um, in just the two recent civil lawsuits alone, the New York fraud case, and the E. Jean Carroll case for defamation, he owes nearly half a billion dollars in civil damages. And that hasn't changed. Um, but what Trump has done, Just a few weeks ago is take his social media company Truth Social public, which means that it's now a publicly traded company. Anybody can become a shareholder in that company. And that company was valued at some 8 billion when it was initially put public. Since then the the value of the stock has plummeted and the overall value of the company has really plummeted.

*<CLIP> CNN HOST: Tonight Truth Social tanking. Donald Trump’s shares today plunging more than 18 percent. The share price has already fallen by half. Trump himself has actually lost almost 3 billion since Truth Social went public less than 3 weeks ago, all on paper.*

ABDALLAH: It's still worth billions of dollars, but the value of it now is moving much more toward reality than its initial offering, but that could always change. If investors have a change of heart about how they feel about the company, you know, this is probably going to be a very volatile stock in the near term, especially before the election.

NOEL: Do you have a truth social account?

ABDALLAH: I don't have a truth social account but…

NOEL: I do. I do. And I'll tell you, it's a, it's just like Twitter. <laughs> but, but it does make me wonder seriously, because I do love a good valuation. I do love a good IPO. What would make this company worth billions of dollars?

ABDALLAH: That's one of the shocking things, uh, since the company went public is just how overvalued it is. So, you know, for context here, um, Truth Social had reported that it made a whopping total of four million dollars in revenue, um, last year, in the whole year. And it had lost, uh, fifty eight million dollars. It's not uncommon that a company worth billions of dollars doesn't actually make profit, but usually when that's the case, they're still making a whole lot more than four million dollars in revenue and they’re they are at least promising good. Investors are interested in where it's going.

SCORING IN - VECTOR MODE BMC

ABDALLAH: The thing with Truth Social is when in the span of a year you only make 4 million and yet you're, you know, valued at something in the ballpark of Reddit, you know, which yes, might lose money, but in a year makes about 800 million dollars a year, um, you know, there's something really detached from reality there, so that's, I think, one of, you know, the interesting things about true social going public is understanding why, it is so overvalued and that has a lot to do with the fact that, it's, you know, principal owner is, is running for president of the United States.

NOEL: You're saying this valuation was probably not a correct valuation. Who are the people that valued this company as high as they did?

ABDALLAH: Looking at this company, what financial analysts are calling it, it is, is that it's, It's, it's really not too dissimilar from meme stocks

*<CLIP> MEME STOCK TIK TOK KOWBOYKALEB: Only in 2021 could we use a GameStop stock to totally fuck over every hudge fund and Wall Street scumbag.*

ABDALLAH:, you know, when people invested in companies like GameStop, because they had an affinity for the company more so than because they actually wanted to make a wise financial investment.

*<CLIP> DUMB MONEY MOVIE: A bunch of Reddit users have banded together to take down Wall Street through the use of GameStop. GameStop. DUMB MONEY*

ABDALLAH: In this particular case, uh, you know, there are a lot of, you know, s small investors, small time investors who, you know, are buying a few stocks here and there, essentially to show their affinity or loyalty to Donald Trump, you know, they kind of wanna, you know You know, just stand with him and kind of it's a way to express their support, just like wearing a Trump t-shirt is also be a part owner of his company, even if it's a small scale, but it's also drawing in a lot of big time investors. And that's, I think where it comes in can really go sideways is once it starts drawing in, you know, these big time investors, be they, you know, special interest groups, you know, individual, you know, wealthy people, um, you know, foreign businesses, you know, it's just kind of a way to buy influence in a second Trump term should he win because they're going to be co-owners of his company and what they do with their stock whether they sell it all at once whether they buy up more has direct impact on Donald Trump's net worth.

SCORING OUT

NOEL: Can you give us a, for instance, tell us what actually could happen if somebody owns a big part of Truth Social or is heavily invested in Truth Social and they want something from Donald Trump. How do you leverage that?

ABDALLAH: One of the things that the group Citizens for Responsible Ethics in Washington, um, had pointed out, um, is that one of the major investors, um, in the company that merged with True Social, um, it, his name is Jeffrey Yass, and he also happens to be one of the biggest investors in ByteDance, the company that owns TikTok in the US. So we don't know exactly how he influenced Trump's views on TikTok, but we do know that, uh, when the bill to ban TikTok came to the floor of the House and Congress, Trump came out against banning TikTok in the US, not a position, um, he had taken before.

*<CLIP> FORMER PRESIDENT DONALD TRUMP: There are a lot of young kids on TikTok who Who will go crazy without it. The thing I don't like is that without TikTok, you can make Facebook bigger. And I consider Facebook to be an enemy of the people.*

ABDALLAH: And, you know, it's all conjecture here, you know, did Jeffrey Yass, um, you know, buy his way into influencing Donald Trump to change his mind on that? You know, it could be true. We don't really know. But that's just like an illustration into how, this can really all go awry. You know, this is why ideally you want people in public office to divest from their businesses while they're in office so that they actually put the interest of the country and their constituents ahead of their own business interests. If Trump hasn't really divested from that business and knows exactly, you know, how that deal is going, Is he going to put his own financial interest, you know, ahead of the country's, you know, if he's also on the side negotiating some treaty for between the United States and that country.

NOEL: Remind us again, how much debt does Donald Trump have? And if he were to sell his shares in Truth Social today, tomorrow, early next week, would it clear all his debts?

ABDALLAH: So, Trump has debt on a rolling basis right now. He has hundreds of millions of dollars in debt. His problem for now is that he actually can't sell his stock in Truth Social So while on paper it inflated his net worth a whole bunch it hasn't materially changed his life, you know, in the sense that it hasn't actually given him any cash to pay off that debt and he can't sell his stock, for I think another six months. This is a standard, um, you know, operating procedure for mergers. Um, you know, part of the reason they do that you know, is that they want their principal shareholders to commit to the stock, uh, when it goes public so that it doesn't tank, , because, you know, if Trump sells his shares in this company, it's going to essentially go under, there's no other reason investors will want to be there.

NOEL: And so if he can't sell his stock for six months or so, how is he actually paying for all of these legal bills?

ABDALLAH: So for now, um, you know, he, for example, secured a bond, uh, from a lender, for his, financial fraud case, uh, in New York. Since he's been running for for office again, you know, he's been using his campaign fundraising to cover his legal bills now things like civil damages and that that has to come from out of his own pocket. But when it comes to hiring lawyers, when it comes to, you know, court fees, that money has been coming from his campaigns and PACs. Um, you know, one of the PACs, you know, it's like the majority of its fundraising has actually been directed toward Donald Trump's legal expenses, you know, not television advertisements or ground operations, you know, so it's really diverting a lot of money that could otherwise be used for conventional campaigning to using it toward bailing Donald Trump out.

NOEL: I’ve gotten emails from the Trump campaign asking if I can give a couple bucks. Is there any evidence people are getting tired of it?

ABDALLAH: I think there was some evidence, uh, before that people are getting tired of Trump using a lot of his money for, uh, his legal fees. Um, I think part of that was, evidence was the fact that he was being well out fundraised by Joe Biden in his re-election campaign.

SCORING <STARTING TO SINK IN>

ABDALLAH: His fundraising numbers had kind of slouched a little bit, um, but as the general election picks up that will certainly change and the most recent fundraising numbers kind of show that, he has now picked up some of his big donors again in the most recent filing shows that he raised 65 million dollars, and is far outpacing his numbers from last year, so donors are coming back to Donald Trump, you know, especially when we're talking about big donors who have a lot at stake this election, um, you know, they're probably going to put a lot of money behind Trump and not really care how he spends that money so long as it gets him to the White House. So we're probably going to see his fundraising numbers improve as we get closer to November. But he is still being out fundraised, by President Biden, um, and still has a, a long way to go to make up for that deficit.

NOEL: That was Vox’s Abdallah Fayyad. Jesse Alejandro Cottrell and Hady Mawajdeh produced this episode. Amina al-Sadi is our editor. Laura Bullard and Matthew Collette AND Amanda Lewellyn fact-checked. Rob Byers and Patrick Boyd engineered. I’m Noel King. It’s Today, Explained.

[10 SECONDS OF SILENCE]