

# [***Jurors in Trump hush money trial hear recording of pivotal call on plan to buy affair story***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BY0-Y5J1-JC5B-G533-00000-00&context=1516831)

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**Body**

NEW YORK — Jurors in the [*hush money trial*](https://apnews.com/article/trump-trial-hush-money-opening-stormy-daniels-6beee9b99114898ee0dd60185d43bac5) of Donald Trump heard a [*recording*](https://apnews.com/united-states-presidential-election-general-news-3faf47db59054b3c9c8dd414b943c9ea) Thursday of him discussing with his then-lawyer and personal fixer a plan to purchase the silence of a Playboy model who has said she had an affair with the former president.

A visibly irritated Trump leaned forward at the defense table, and jurors appeared riveted as prosecutors played the September 2016 recording that attorney Michael Cohen secretly made of himself briefing his celebrity client on a plan to buy [*Karen McDougal's*](https://apnews.com/article/d8f22980841e44939399ae7179a4d583) story of an extramarital relationship.

Though the recording surfaced years ago, it is perhaps the most colorful piece of evidence presented to jurors so far to connect Trump to the hush money payments at the center of his criminal trial in Manhattan. It followed hours of testimony from a lawyer who negotiated the deal for McDougal's silence and admitted to being stunned that his hidden-hand efforts might have contributed to Trump's White House victory.

“What have we done?” [*attorney Keith Davidson*](https://apnews.com/article/trump-stormy-daniels-hush-money-election-2024-d2f9badee0b28a60d32bc98c0d4e783f) texted the then-editor of the National Enquirer, which had buried stories of sexual encounters to prevent them surfacing in the final days of the bitterly contested presidential race. “Oh my god,” came the response from Dylan Howard.

“There was an understanding that our efforts may have in some way...our activities may have in some way assisted the presidential campaign of Donald Trump,” Davidson told jurors, though he acknowledged under cross-examination that he dealt directly with Cohen and never Trump.

The testimony from Davidson was designed to directly connect the hush money payments to Trump's presidential ambitions and to bolster prosecutors' argument that the case is about interference in the 2016 election rather than simply sex and money. [*Manhattan District Attorney Alvin Bragg*](https://apnews.com/article/trump-trial-election-interference-2024-04c50e579ed92754f845c8bfde886fee) has sought to establish that link not just to secure a conviction but also to persuade the public of the significance of the case, which may be [*the only one of four Trump prosecutions to reach trial this year.*](https://apnews.com/projects/trump-investigations-civil-criminal-tracker/)

“This is sort of gallows humor. It was on election night as the results were coming in," Davidson explained. "There was sort of surprise amongst the broadcasters and others that Mr. Trump was leading in the polls, and there was a growing sense that folks were about ready to call the election.”

Davidson is seen as a vital building block for the prosecution’s case that Trump and his allies schemed to bury unflattering stories in the run-up to the 2016 presidential election. He represented both McDougal and porn actor [*Stormy Daniels*](https://apnews.com/article/stormy-daniels-donald-trump-d3dce88566bafb714dbb5c1acd3e4a83) in negotiations that resulted in the purchase of rights to their claims of sexual encounters with Trump and those stories getting squelched, [*a tabloid industry practice known as “catch-and-kill.”*](https://apnews.com/article/trump-national-enquirer-catch-kill-57f0c462af437fb07967a041b6f66022)

Davidson is one of multiple key players testifying in advance of [*Cohen,*](https://apnews.com/hub/michael-cohen) the star prosecution witness who paid Daniels $130,000 for her silence and also recorded himself, weeks before the election, telling Trump about a plan to purchase the rights to McDougal’s story from the National Enquirer so it would never come out. The tabloid had previously bought McDougal’s story to bury it on Trump’s behalf.

At one point in the recording, Cohen revealed that he had spoken to then-Trump Organization Chief Financial Officer Allen Weisselberg about “how to set the whole thing up with funding." To which Trump can be heard responding: “What do we got to pay for this? One-fifty?”

Trump can be heard suggesting that the payment be made with cash, prompting Cohen to object by saying “no” multiple times. Trump can then be heard saying “check" before the recording cuts off.

Trump’s lawyers sought earlier in the day to blunt the potential harm of Davidson’s testimony by getting him to acknowledge that he never had any interactions with Trump — only Cohen. In fact, Davidson said, he had never been in the same room as Trump until his testimony.

He also said he was unfamiliar with the Trump Organization's record-keeping practices and that any impressions he had of Trump himself came through others.

“I had no personal interactions with Donald Trump. It either came from my clients, Mr. Cohen or some other source, but certainly not him,” Davidson said.

The line of questioning from Trump attorney Emil Bove appeared intended to cast Trump as removed from the negotiations and to suggest that Cohen was handling the hush-money matters on his own.

Bove also noted that Davidson had been involved in similar payments for clients that had nothing to do with presidential ***politics***, grilling him about previous instances in which he solicited money to suppress embarrassing stories, including one involving wrestler Hulk Hogan.

By the time Davidson negotiated hush money payments for McDougal and Daniels, he was “pretty well versed in coming right up to the line without committing extortion, right?” Bove asked

“I had familiarized myself with the law,” Davidson replied.

Also Thursday, jurors viewed a confidential agreement requiring Daniels to keep quiet about her claims that she had a tryst with the married Trump a decade earlier. The agreement, dated less than two weeks before the 2016 presidential election, called for her to receive $130,000 in exchange for her silence.

The money was paid by Cohen, and the agreement referred to both Trump and Daniels with pseudonyms: David Dennison and Peggy Peterson.

“It is understood and agreed that the true name and identity of the person referred to as ‘DAVID DENNISON’ in the Settlement Agreement is Donald Trump,” the document stated, with Trump’s name written in by hand.

After the payment was made, Trump’s company reimbursed Cohen and logged the payments to him as legal expenses, prosecutors have said in [*charging the former president with 34 felony counts of falsifying business records*](https://apnews.com/article/donald-trump-arraignment-hush-money-81225510ef7638494852816878f612f0) — a charge punishable by up to four years in prison.

While testifying Thursday, Davidson also recalled Cohen ranting to him about Trump in a phone conversation about a month after the 2016 election, complaining that he had been passed over for a job in the new administration and that Trump had yet to reimburse him for the Daniels payment.

He also recalled Cohen telling him that he and Trump were “very upset” when [*The Wall Street Journal published*](https://apnews.com/article/donald-trump-stormy-daniels-karen-mcdougal-payoffs-40dd9d1f3590dfcd5c494b1815e9eaa2) an article that exposed a separate $150,000 National Enquirer arrangement with McDougal, who has said she and Trump had an affair, just days before the election.

“He wanted to know who the source of the article was, why someone would be the source of this type of article. He was very upset about the timing," Davidson said of Cohen. "He stated that his boss was very upset, and he threatened to sue Karen McDougal.”

Trump has pleaded not guilty and denied relationships with either woman, as well as any wrongdoing in the case.

Before the start of testimony, prosecutors requested $1,000 fines for each of four comments by Trump that they say violated a judge's gag order barring him from attacking witnesses, jurors and others closely connected to the case. Such a penalty would be on top of a $9,000 fine that [*Judge Juan M. Merchan*](https://apnews.com/article/trump-hush-money-criminal-trial-judge-merchan-c227f5eab200cccffb19ed931b4dac92) imposed Tuesday related to nine separate violations that he found.

Merchan did not immediately rule on the request for fresh sanctions, though he indicated he was not particularly concerned about one of the four statements flagged by prosecutors.

The prospect of further punishment underscores the challenges Trump the presidential candidate faces in adjusting to the role of criminal defendant subject to rigid courtroom protocol that he does not control. It also remains to be seen whether any rebuke from the court will lead Trump to adjust his behavior given the campaign trail benefit he believes he derives from painting the case as politically motivated.

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