

# [***Anti-Israel Protests Consume College Campuses; Interview With Rep. Michael Lawler (R-NY); Predicting Trump's Potential Cabinet Picks; SCOTUS Leans Towards Some Presidential Immunity; Breaking Down Week One Of The Historic Trump Trial; Interview With Rep. Dusty Johnson (R-SD); TikTok Promises Legal Fight Over Divestment; NATO's Role In The History Of The World; US $60.8 Billion Aid Brings New Hope To Desperate Kyiv; Defense Conducts Phone Surveys Of Potential Jurors; The Case Against Bryan Kohberger***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BX6-H6T1-JCS1-640Y-00000-00&context=1516831)

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**Body**

MARK LEVIN, FOX NEWS CHANNEL HOST: He has blown up the world and he is blowing up America and he's shuffling through his presidency, like he is the great hope. We need to send him back to Wilmington, send him back to Rehoboth and all the reprobates that surround him.

We need to take our government back, our Republic back. We need to take our country back or we'll go the way of Athens and Rome.

I will see you next on "Life, Liberty & Levin."

TREY GOWDY, FOX NEWS CHANNEL HOST: Good evening and thank you for joining us. I'm Trey Gowdy and it is SUNDAY NIGHT IN AMERICA.

Anti-Israel protests have turned college campuses into danger zones for Jewish students. The purpose of free speech is to elucidate the truth and register dissent, it is now being used as pretext for hate and hate stifles the exchange of ideas. Hate quells reason.

Why go to college if you're so sure you have all the right answers in the first place? Because the right answer is never to judge someone based on race, religion, nationality, or gender. The Biden administration has been reeling from a decrease in support among young people. So Biden wants it both ways -- support Israel, but also wink and nod at the anti-Israeli voices in his own party.

So what's happening on these so-called elite college campuses is too much even for him.

(BEGIN VIDEO CLIP)

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: This is a deeply painful, painful moment for many communities and we understand that, but the president believes that free speech debate and non-discrimination on college campuses are important. They're important American values.

And that -- and so he'll always be very clear, we will always be very clear about here -- about that here. But, you know, protest must be peaceful. You know, students must be safe. When we see violent rhetoric, we have to call that out.

(END VIDEO CLIP)

GOWDY: Yes, you have the right to free speech, the right to peacefully protest. You have the right to deeply unpopular and even unwise opinions, but you do not have the right to threaten others with violence, no matter how much Ivy is hanging off the walls of your buildings.

Joining us as New York Congressman Mike Lawler. Welcome, Congressman, what is going on with these threatening dangerous protests on college campuses, some of which are happening in places where you are familiar, you're a member of Congress, you're following this? I mean, what is going on, on these college campuses?

REP. MICHAEL LAWLER (R-NY): Well, unfortunately, Trey, antisemitism has been brewing on college campuses for years. These students have been peddling in it, promoting the BDS movement and really, obviously, in the aftermath of October 7th, it has been hyper-charged and Congress must act to crack down on it because these universities and college presidents and administrators are failing in their responsibility to keep these students safe, and to ensure that there is a free exchange of ideas, but based in truth and reality, and not antisemitic rhetoric designed to threaten and target Jewish students.

And so that's why this week, we're going to be voting on my bill, the Antisemitism Awareness Act, which will require the Department of Education to adopt the IRA working definition of antisemitism and all of its contemporary examples for its discrimination enforcement cases.

You have to be able to define it and crack down on it, and that is what we're seeking to do because these administrators are failing miserably.

GOWDY: Congressman, I think you anticipated my next question and it is also the question our viewers have, which is, they're wondering whether tax dollars or public moneys are going to schools that either can't or won't condemn racist, antisemitic activities?

LAWLER: Well, that's -- the bottom line to me is you need to be able to define what antisemitism is, enforce it, and if schools are failing in the enforcement, then they need to be stripped of federal dollars, including student aid. And that's why I introduced the Stop Antisemitism on College Campuses Act, which would defund institutions of higher learning.

I think when you see what is happening here, you have a situation where there is clearly paid agitators and protesters who are involved in this. "The New York Post" reported on this just the other day, with these outside groups funding many of these protests on college campuses.

But you see that oftentimes, it requires the power of the purse to get these institutions to act. And the threat of taking those federal dollars away, surely will cause many of them to do what they should have been already doing, which is put an end to these protests because they're not rooted in fact, they're not rooted in reality. They're rooted in antisemitism.

And the fact that these schools have allowed it to happen, knowing full well that if these were protests against Black people or protests against immigrants or protests against gay people, the schools rightly would have cracked down on it right away, but they are allowing it to happen under the guise of the Israel-Palestinian conflict, but we know what it is, it is antisemitism at its core.

GOWDY: Congressman, before I let you go, I want to listen to the president together with you and then ask you a quick question on the other side.

(BEGIN VIDEO CLIP)

REPORTER: Do you condemn the antisemitic protests on college campuses?

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I condemn the antisemitic protests. That's why I've set up a program to deal with that. I also condemn those who don't understand what's going on with the Palestinians.

(END VIDEO CLIP)

GOWDY: He reminds me of his old boss, President Obama when he says I condemn burning children alive and using rape as a weapon of war, but I also condemn trespass and occupied land.

I mean, there's no equating Hamas with Israel. So what do you make of how this war is impacting American ***politics***?

LAWLER: Well, clearly, it's having an impact on electoral ***politics***. Chuck Schumer calling for regime change, Nancy Pelosi calling for Netanyahu to resign. The president trying to have it both ways here.

They are concerned about Michigan and Minnesota and other parts of the country, rather than the reality. Look, I want the Palestinian people to be free, too, from their oppressor. Their oppressor is Hamas, not Israel. Israel is not an apartheid state. It is a democracy, the only multicultural, multiethnic, multi-religious democracy in the Middle East, and one of our closest allies in the world and we should be standing shoulder to shoulder with them and working to root out terrorism across the globe, including Hamas.

GOWDY: Congressman Mike Lawler from the great state in New York, thank you for joining us on a Sunday night. I will continue to invite you on as long as these issues exist, and I'm afraid that's going to be for a while.

So thank you for joining us.

We know the Middle East is on fire. We know Robert Gates warned us Joe Biden had been wrong on nearly every significant foreign policy decision of the past 40 years. We know his National Security adviser, Jake Sullivan was bragging about how quiet things were in the Middle East right before Hamas started cutting the heads off of children.

(BEGIN VIDEO CLIP)

JAKE SULLIVAN, WHITE HOUSE NATIONAL SECURITY ADVISER: The Middle East region is quieter today than it has been in two decades. Now challenges remain, Iran's nuclear weapons program, the tensions between Israelis and Palestinians, but the amount of time that I have to spend on crisis and conflict in the Middle East today compared to any of my predecessor is going back to 9/11 is significantly reduced.

(END VIDEO CLIP)

GOWDY: Maybe he should have spent more time investigating and less time bragging. The question is how would a Republican administration, in particular, Trump administration do things differently? And what would a Trump administration look like from a foreign policy standpoint?

Let's turn to the very popular radio host, Mr. Hugh Hewitt. Welcome Hugh, thank you for joining us.

If you were offering insight who should Donald Trump pick, first let's start with a running mate. Who should he pick as a running mate and why?

HUGH HEWITT, RADIO SHOW HOST: Well, I have a shortlist, Congressman, good to see you again.

I like Senator Cotton and former Secretary of State Mike Pompeo. I like Senator Joni Ernst and I like Governor Burgum, and I like Governor Youngkin, I think all of them can do the job of a candidate and all of them could do the job of a president if need be.

And so, he has got a long list. It's a very deep bench. But I would like him to pick what we'll call a sort of mainstream conservative experienced voice who has the competence of the entire party and is solid on national security. So I like those five to six people.

GOWDY: All right, I'm going to focus on two of them. You mentioned Tommy Cotton and Mike Pompeo, that takes them off the board for the next question I'm asking you, one of them at least, your choice who the president should consider or pick for Secretary of Defense, Secretary of State, head of the CIA.

HEWITT: Well, very good. You anticipated me. If one of them doesn't get named for VP, I think they ought to go to Defense, either Cotton or Pompeo. We could be in a war when we turn around, 10/7 showed us how quickly events move. I think both of them are soldiers, both of them know what it means to be running the Department of Defense. I would like them to defend it.

At CIA, if he's not the chief-of-staff, I like John Ratcliffe over at the State Department if he's not the chief-of-staff, I like Ric Grenell. You know Robert O'Brien is still around, but he might get put back in the national security adviser's office, but you need someone who can get confirmed and you need someone over at the chief-of-staff.

You know this, Congressman, the chief-of-staff really runs everything. The two most important jobs in Washington are chief-of-staff and national security adviser, and this time around, the former president and the future president are going to have a long list of people they can trust and rely on.

And I like those two men, Ratcliffe and Grenell in the chief-of-staff office and either of them or O'Brien back at the NSC.

GOWDY: I feel like this is like an NFL draft, except the stakes are much, much higher. You mentioned my friend, John Lee Ratcliffe, if he's the chief-of-staff, that means he cannot be the AG and he can't be the new head of the FBI. So if Ratcliffe were off to the draft board, who would your AG be? And would you recommend a new head of the FBI?

HEWITT: Well, the AG -- absolutely, new head of the FBI, I've got nothing against Chris Wray, but you need a fresh start and I think there's a certain Congressman who used to be an assistant United States attorney, who has done pretty well on Sunday nights at 7:00 PM on Fox who would run the FBI very well, having run House Oversight. I don't mean to embarrass you, Congressman, but I think you'd make a great FBI director.

AG, you've got to get confirmed. So you've got to be a senator, that's either Cotton or Cruz, in my view, because they both know the Department of Justice, and they both would not be deterred by the minions that had been burrowing in there for the five years of the transition to the new regime.

And I go back to the people who undermined former President Trump, future President Trump, got to get rid of them, got to bring in a new group of people.

There are a lot of good US attorneys who served under former President Trump before, they'll be back at all of those assistant attorney general stops, but I think at the top, I'd like to see either Mr. Ratcliffe or Senator Cotton or Senator Cruz.

GOWDY: I will tell you what, I wish you were the general manager for the Dallas Cowboys because you do a very good job with these mock draft choices. I want to change to the debate. Both candidates claim they can't wait to debate. Here they are talking about it, then I'll ask you something on the other side.

(BEGIN VIDEO CLIP)

HOWARD STERN, RADIO SHOW HOST: I don't know if you're going to debate your opponent.

BIDEN: I am, somewhere, I don't know when I'm happy to debate him.

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: We're willing to do it, Monday night, Tuesday night, Wednesday night, Thursday night, or Friday night on national television. We're ready. Just tell me where. I will do it at the White House, that will be very comfortable actually.

(END VIDEO CLIP)

GOWDY: I think our current debate structure is like one step removed from being worthless. I mean, we're picking the leader of the free world and you have to answer questions in 30 seconds.

If Hugh Hewitt were in charge, would you change the presidential debate structure and how?

HEWITT: Yes, I would go back to the most successful debate of my adulthood, which is when Joe Lieberman and Dick Cheney sat down at a roundtable with one moderator in 2004. Now, those were two very smart men who had a very funny by the way, it was funny at times, but very serious conversation about the future. I would do that again.

And I would -- the trouble would be the president is infirm, Joe Biden is physically infirm, and I don't think he's going to debate. I think they're afraid of that.

He somehow got through the White House Correspondents' Dinner last night, but I don't think he can make it through a debate. Finding a moderator that both sides would trust, I mean, really a fair and unbiased moderator will be tough. You might have to let each team pick one with a veto on the other side.

But I'll tell you, Congressman, I cannot imagine President Biden agreeing to debate President Trump because President Trump's got more energy than 10 Joe Biden's. He has got more charisma and more star power, and therefore I just don't see it happening, Team Biden, although that new poll that came out today, he may have to throw a Hail Mary because he is down six points, Biden is.

Trump's lead is getting bigger. People don't like where this country is economically, our national security. They don't like the campuses and they really wish they had the Trump economy back pre-COVID.

GOWDY: Right. And you and I didn't even get to the Middle East. But we're going to get there next time. Mr. Hugh Hewitt, I love having you on the show. Thank you for joining us on a Sunday night.

HEWITT: Thank you, Congressman.

GOWDY: Coming up, Week 2 of the State of New York versus Donald Trump starts Tuesday. What to look for and how to read the Supreme Court on the immunity case from this past week. Former DOJ official, Tom Dupree is next.

(COMMERCIAL BREAK)

GOWDY: Week 1 is in the books. The prosecution tried to convince the jury that the Trump campaign engaged in catch and kill operations to further his electoral prospects, killing negative stories to preserve a marriage or reputation or your business, it is not likely enough for the prosecution to prevail, not only felony, they must connect it to a federal campaign or election crime.

And that trial may not have been the most interesting part of last week. The Supreme Court heard arguments in the presidential immunity case where we learned once again that while the fringes make the most noise, the truth is usually sleeping somewhere in the middle.

Most people acknowledge winning the White House is not a license to commit crime with impunity or immunity, and most people acknowledge presidents cannot constantly be worried about the civil and criminal ramifications of their decisions or what some overzealous county DA decides to do.

Presidents are not above the law, but presidents are different and that's what the Supreme Court must flesh out. Where is that middle ground between treating a president like a monarch and treating a president like an average person? And will the court take a pass and send the case back to the lower courts?

Joining us is former Deputy Assistant Attorney General Tom Dupree. Welcome, Tom, thank you for joining us.

First of all, what did you think of David Pecker as a witness? And did he advanced the elements the prosecution needed him to advance to prove the case?

TOM DUPREE, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: Well, I think he did what the prosecutors wanted him to do, which is basically setting the stage and framing the case in a way that will, in their view, condition the jurors to view the evidence as it comes in over the course of the next few weeks.

But what we didn't hear was tangible evidence that Trump committed a crime. We heard a lot about the sordid and shadowy world of the New York tabloid scene and we heard about how Pecker engaged in these so-called catch and kill operations on behalf of other politicians and other celebrities.

But the prosecutors at the end of the day, I think, put a lot of dots on the stage, but they have yet to connect them. I think we're going to have to await future witnesses and probably wait a few more weeks before the prosecutors start drawing these connections of criminal activity for the jury.

GOWDY: Well, as fascinating as the "National Enquirer" is, I want to move on something a little weightier with you. It seems clear that Jack Smith's January 6 case is not going to go to trial before November. But what else became clear to you in the aftermath of the oral argument in the immunity case?

DUPREE: What became clear to me is that Trump's argument that allowing presidents to be prosecuted for their official acts while in office, that argument resonated with a majority of the Supreme Court justices about the horrors that could follow if this became a regular practice.

And to be sure, I think you're exactly right in your opening when you said that the court needs to walk a middle ground here between total immunity and you know, allowing presidents to be effectively above the law, engage in rampant criminal activity. The question is where the Supreme Court strikes the balance.

I do think they're going to recognize some sort of presidential immunity, they're probably not going to go as broadly as Trump would like them to go, but I do think they will recognize immunity. And I also think they're going to send this case back to the Lower Courts for what probably will be weeks if not months of additional fact finding and decision making, making it all but impossible for a trial to go forward before the election.

GOWDY: You know, Tom, my favorite part of the oral argument was when the Supreme Court summarized the DC Court of Appeals holding as Trump may be prosecuted because Trump is being prosecuted, I think tautological was the fancy word being tossed about by the justices, you don't get a chance to hear that word very often in ordinary life.

I want to listen to a clip of the argument together, and then I'll ask you a question on the other side.

(BEGIN AUDIO CLIP)

SAMUEL ALITO, US SUPREME COURT JUSTICE: Did I understand you to say, well, you know, if he makes a mistake, he makes a mistake. He's subject to the criminal laws, just like anybody else. You don't think he's in a special, a peculiarly precarious position?

BRETT KAVANAUGH, US SUPREME COURT JUSTICE: As you've indicated, this case has huge implications for the presidency, for the future of the presidency, for the future of the country in my view.

KETANJI BROWN JACKSON, US SUPREME COURT JUSTICE: There is sufficient allegations in the indictment in the government's view that fall into the private acts bucket, that the case should be allowed to proceed.

(END VIDEO CLIP)

GOWDY: All right, I've got a two-part question for you, because you're a smart guy and I know you can handle that, some of them other lawyer friends cannot.

There seem to be two different issues. One is what kind of immunity -- where is that middle ground? And the other issue is, the Constitution doesn't say anything about it, so for textualists or originalist, how do they create this immunity if it's not specifically referenced in the Constitution?

DUPREE: Well, those are two great questions.

On the first question, what came out from those questions, particularly the ones from Justices Alito and Kavanaugh is that they understand they are writing a decision for the ages. They appreciate that, yes, the presidency is different than all other Americans. And yes, this rule, whatever they decide, will be applied in the cases of all future American presidents. This is not kind of a Trump only special decision. This is something that will have long and lasting and enduring effects on our nation as a whole.

I think what Justice Jackson was getting at in her question is really zeroing in on this -- it is a tough question, but the difference between what are official acts and what are unofficial or private acts, I think all of us can get our head around that there are some things a president does that are official presidential acts. We can also understand that there's some things a president might do in his unofficial or personal capacity.

But recognizing that difference doesn't mean you can articulate a rule that enables you to identify which acts fall on which side of the line, at least not without spending a lot of time studying allegations, studying the evidence and making very, very complicated decisions. That's the task that awaits the Supreme Court.

GOWDY: And that is the task that you and I will be undertaking over the next couple of months. So thank you for joining us on a Sunday night. We'll see you soon.

DUPREE: Thanks a lot.

GOWDY: Up next, TikTok may be gone, but the cyber threat from China is not.

Congressman Dusty Johnson serves on the House Committee on China and joins us right after the break.

(COMMERCIAL BREAK)

ASHLEY STROHMIER, FOX NEWS CHANNEL CORRESPONDENT: Welcome to "Fox News Live." I am Ashley Strohmier in New York.

A new round of ceasefire talks between Israel and Hamas are expected to resume in Cairo tomorrow. Hamas says it has been reviewing a new proposal from Israel. Details of the offer have not been released. Recent proposals though have included a six-week pause in fighting. This, in exchange for the release of some Hamas-held hostages.

The meeting comes as President Biden continues to pressure Israel's Prime Minister to avoid pursuing a ground invasion in Rafah without a credible plan to protect civilians.

And in Ukraine, the situation on the frontlines has worsened in the face of multiple Russian attacks. Army officials report forces have had to retreat from three eastern villages while they await the arrival of aid from the US. President Biden signed a $61 billion aid package last week and promised shipments would start immediately.

I'm Ashley Strohmier. Now, back to SUNDAY NIGHT IN AMERICA.

For all of your headlines log on to foxnews.com.

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

A new law is forcing TikTok's parent company to sell the platform or face a ban in the US, and the parent company is threatening to shut it down which would have no impact on my life, but will surely not go over well with the tens of millions of people who use and access TikTok.

What also doesn't go over well is espionage and the theft of intellectual property. FBI director Chris Wray, accused China of "the largest and most sophisticated theft of intellectual property and expertise in the history of the world."

Is the US figuring this out too late or do we still have time?

Joining us is a member of the House Select Committee on China, South Dakota Congressman Dusty Johnson.

Welcome, Congressman.

I don't use it, but for those among us who do and don't want it to go away, tell us why this law passed.

REP. DUSTY JOHNSON (R-SD): Well, of course, TikTok is just Chinese malware. It's just junk food for our brains. But that's not why the House and the Senate came together in strong bipartisan fashion to force the Chinese Communist Party to divest themselves from TikTok.

The reason we did it, Trey is that you can't allow a foreign adversary to control that much of the American public square. We would never have allowed the Soviet Union to buy "The Wall Street Journal," "The New York Times," the "CBS Evening News" in the height of the Cold War, and we should not allow the Chinese Communist Party to do it today either.

GOWDY: All right, I know that there are young people that are upset because I have some in my own life. So I just want you -- I'm going to give you a chance to be crystal clear because you have access to information that other people do not have access to, the connection between TikTok and the Chinese Communist Party, lay out what you can for them on that issue.

JOHNSON: First off, I would put their minds at ease. I promise you, American teenagers, there are other platforms where you can see cute dance videos. TikTok is not an important part of your life, even if you feel like it is.

Here is reality, though. We know, we have whistleblowers that have told us that the Chinese Communist Party has used that data for a breathtaking number of ways to go reduce liberty in this country and abroad. I'll just give you one example.

A journalist had TikTok on their phone. They went to go interview a Chinese-American family about repression in China. The Chinese Communist Party figured out not because the Chinese-Americans had TikTok, but because the journalist did.

They were able to identify who those Chinese-Americans were, then they gobbled up their family, they picked up their family still living in China, have imprisoned them and that family has not been heard of again, that is repression. That is tyranny.

Let's not let the Chinese Communist Party do that sort of thing with our help.

GOWDY: Congressman, there will be court challenges because there are always court challenges. How do you evaluate claims of free speech with the right to protect citizens that you just laid out from malevolent actors?

JOHNSON: Well, our federal government cannot regulate content, and of course, that's not what we're doing. I mean, if you want to put junk food garbage in your brain from TikTok, that's fine. I suspect they'll sell it to somebody else and you'll still be able to mainline that garbage into your brain.

We're not regulating content here, we are regulating conduct, which is clearly permissible. All we're saying is that this platform has to be managed and controlled by somebody other than one of our foreign adversaries. I suspect that is going to hold up to scrutiny.

GOWDY: Before I let you go, Tony Blinken is worried China will interfere in the coming general election. Here he is, and I'll ask you a quick question on the other side.

(BEGIN VIDEO CLIP)

ANTONY BLINKEN, US SECRETARY OF STATE: I've seen, generally speaking, evidence of attempts to influence and arguably interfere and we want to make sure that that's cut off as quickly as possible.

(END VIDEO CLIP)

GOWDY: You know, Congressman, I think the irony of talking about election interference, while his boss is actually prosecuting the GOP nominee, it is a little bit lost on him, but regardless of that, every cycle we now hear allegations about election interference by foreign actors. How concerned should we be this cycle?

JOHNSON: We should turn the concern dial all the way up to 10. We know that during the last election, three quarters of the misinformation campaigns on Facebook were traced back to Russian troll farms. China has made an even bigger investment in recent years.

We now know that Chinese hackers and propaganda artists outnumber our cybersecurity professionals with the federal government by probably 50 to one. We have got to wake up to this threat. And frankly, all of us have got to quit sharing information that we don't know is true on our social media platforms.

Like China and Russia are going out of their way, Trey, to make sure that white is fighting black, that rich is fighting poor, that the city folk are fighting the country folk. Republicans versus Democrats.

When we share information that might be propaganda from the CCP or from Russia, we are doing their bidding for them. When America is united, nothing can beat us. China and Russia figured out that pot stirring Americans helps make their life a whole lot easier, it helps makes the Chinese and Russian tyrannical regimes lives a whole lot easier.

GOWDY: You're right, Congressman. The only force that can defeat us is us.

Congressman Dusty Johnson from the great state of South Dakota, thank you for joining us on a Sunday night.

JOHNSON: Thank you.

GOWDY: Coming up, the Deputy Secretary General of NATO, Mircea Geoana joins us to discuss the threat from Russia and America's role on the global stage. That's only on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

NATO has been around since most of us have been around. This alliance was forged in the aftermath of World War Two. Agreements were made by countries of good conscience to defend one another from what was then called an axis of evil. Three malevolent forces joined together to disrupt the world order.

Countries may change over the course of history, but the battle remains. It's good versus evil, freedom versus tyranny, a world led by the United States or a world led by others. Under Article Five of the treaty, should a member nation be attacked, other members will help.

It has been invoked once by us after 9/11 and member nations did what they said they would do, they came to our defense.

NATO is larger now. Russia's invasion of Ukraine, no doubt played a role in Sweden and Finland deciding to join. But Ukraine is not a member. Ukraine wants to be a member, but is not.

Ukraine is, however, a buffer between Russia and other NATO countries, which means Ukraine may well be a buffer between our soldiers fighting Russian soldiers in Eastern Europe. It is true the US is not treaty bound to defend Ukraine, but there is a belief that helping Ukraine defend itself now actually keeps the US out of a broader war.

And then of course, there's the old fashioned notion that it's just the right thing to do to help a smaller nation defend itself against an unprovoked attack from a bully.

Congress recently passed an aid package, which included money for Ukraine, and like everything else these days it was controversial. Ukraine may lose this war even with the help. Ukraine will most assuredly lose the war without it.

Did the help come too late?

Joining us now is Mircea Geoana, the Deputy Secretary General of NATO.

Welcome, sir. Thank you for joining us.

Give us your take on the war in Eastern Europe and whether the aid for Ukraine came too late.

MIRCEA GEOANA, DEPUTY SECRETARY GENERAL OF NATO: I was in Washington, DC in the Senate when the legislation was passed. And of course, the delay in adopting such important legislation created some impact on the battlefield, but I believe this is not decisive. We believe that with the help of all our allies and partners of Ukraine and NATO and outside of NATO, the US support is roughly 50 percent of the aggregate support coming from other allies in supporting Ukraine.

And as we are a little bit probably over optimistic, a few months back at the beginning of the Ukrainian counteroffensive, we should also avoid to be over pessimistic at this point in time.

It is a more delicate time on the battlefield, but we know that with our help and the resilience and bravery of Ukrainians, they will be able to extend and in the end prevail in this war, because their war is also our war.

As you rightly said, in fact, they are fighting our fight against the bully, against an aggressor. And also, let's not forget that others, like China are watching how things are developing in Ukraine, and they are actively watching and drawing lessons from what we do or we don't do. But I'm confident that Ukraine will prevail and I think that our support is well-deserved for this brave nation in Europe, and also an example to the rest of the world.

GOWDY: You mentioned something that I think necessitates a follow up. Americans hear a lot about member contributions to the common cause of NATO. So are other NATO countries stepping up

You mentioned this statistic, 50 percent, but I'll just ask you, are they stepping up for the common defense under NATO? And more specifically, with respect to Ukraine, there's this notion that it is the US doing it alone, but when I hear you speak, it's actually exactly as it was intended, other countries are helping too.

GEOANA: Yes, they do. And probably we should do a better job ourselves communicating better to the US Congress to the American public opinion, to American international media.

All nations in NATO do support Ukraine. I will give you an example of Iceland, they don't have an army, and they still are putting a disposal of transportation. You know, airport and this is something that happens from small and big allies in NATO. Let us not forget, there are close to 50 nations, not only the US, not only NATO, other nations are also supporting Ukraine, from the Indo Pacific, the nations that are really believing in democracy and the fight of Ukraine is just.

And when we add up, not only military support, but there is also a lot of macroeconomic and financial support to Ukraine, it is also money, also speak about humanitarian assistance for Ukraine. There are lots of refugees, there are lots of people with kids, that European nations are taking care of. This is also costing money.

So if you put on aggregate, I think that America plays a big, big, big role. But it is far from being alone. Each of us are doing our part. Each of us do understand that it's a common struggle for freedom, for democracy, and for norms in this very convoluted world we're living in.

GOWDY: Before I let you go, let's end on a happier note. There's an arms race, but there's also a technology race. What is NATO doing? And how is NATO doing in the competition to attract and retain the best and brightest minds as it relates to technology?

GEOANA: Listen, I chair innovation in NATO, and we are just harnessing the immense innovation ecosystem across our great alliances and also our partners. You see the signs behind me, I'm now at Purdue University, one of the leading engineering universities. Yesterday I was at MIT in Boston.

We have 140 different places around the Alliance working on innovation, for our security and for our freedom. NATO is also the first organization in the world that was putting together, we are now operating a NATO Innovation Fund, the first multinational sovereign venture capital fund.

In NATO , 32 nations now with Sweden, the latest and the newest comer into NATO, we are more than 50 percent of global GDP in NATO. We are more than 50 percent of global defense spending in NATO. We are a formidable force.

So this is why NATO is so important, 75 years since our founding fathers, God bless their souls, they really had the brilliant idea to create NATO. We are now heading for the Washington Summit in July, and we are ready to continue to do what we are meant to be doing, protecting freedom, one billion people and this is the sacred mission of our great alliance.

GOWDY: Thank you for your service to NATO and to the United States.

Coming up, we update you on the quadruple murder at the University of Idaho that captured the attention of a nation. The trial is coming. Fox News contributor, Paul Mauro is next on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

Death is different. That's a common refrain in capital litigation. The judge presiding over the quadruple murder case against Bryan Kohberger is proving that.

Judges are going to give leeway to defense attorneys and death penalty cases. That's just a fact. And this judge is allowing the defense to question potential jurors ahead of time despite claims by the prosecution it will poison the jury pool.

But winning a pretrial motion may not help much when your alibi, your defense is stargazing. Kohberger's defense attorney said in court filings: Mr. Kohberger was out driving in the early hours of November 13, 2022 as he often did to hike and run and/or see the moon and stars." Four butchered college kids versus a guy out for a stargaze.

I think I know how this one will end, but we shall wait and see what a jury does.

Let's turn to one of my favorite lawyers who is also a retired NYPD inspector, Mr. Paul Mauro.

Welcome, Paul.

Judges treat capital cases differently and prosecutors just don't get many close calls because judges are so fearful of being reversed. What do you make of calling potential jurors this early in a case?

PAUL MAURO, FOX NEWS CHANNEL CONTRIBUTOR: So first of all, Congressman, thank you for having me. I think that what they are trying to do is strengthen their change of venue motion, which is currently pending. So the strategy would be as follows: Let's get enough polling in and by the way that polling is going forward despite the challenge, it was a very contentious hearing, things got heated.

But at the end of the day, as you say, the judge did allow it. So I believe what the defense is looking to do before the hearing on the change of venue is she is looking to put together a compelling case, that in Latah County, which only has about 40,000 permanent residents, Bryan Kohberger cannot get a fair trial, that the survey, the phone survey that they've been using demonstrates that. And so as a result, the case has to be moved to a different county someplace in Idaho.

GOWDY: All right, let's move from venue and I want you to refresh our recollection on the most significant pieces of evidence in this case. I mean, we all followed it during the investigation and in the aftermath, but it's been a little while. Wasn't DNA found on a knife sheath at the murder scene, his DNA?

MAURO: It was and you know, this case ended up going very much how you and I spoke about it before Kohberger was apprehended, which is that there was a combination of digital evidence, video and then ultimately, the DNA that was found on the knife sheath at the scene, that is really the linchpin of the case.

So Kohberger has since filed his alibi with the court, which is required under Idaho law and in almost all jurisdictions so that the prosecution has a chance to investigate it. And he is going, as you mentioned, with what I call the moon and stars defense, which is that despite the fact that the digital investigation shows his phone 12 times in the weeks leading up to the homicide that they show -- it shows his phone in the area of the house, reportedly that his phone was so close a number of times, it hit the WiFi inside the house.

He is claiming now that he was driving around at night, and that he was looking at the moon and stars, and let me just for supposition sake, tell you where I believe this is going. He's going to use an expert who happens to be an ex-cop to say that the period while his phone appears to be dead in the digital record that the prosecution is relying upon, he was in a place called Wawawai Park.

Now why does that matter? Because as near as I can ascertain online and calling there, Wawawai Park does not have WiFi. So if I had to guess, and I'm just guessing, and we remind ourselves, he is innocent until proven guilty. I think where they're going with this is that yes, the phone was offline, not because he turned it off in some attempt to obfuscate his movement, but he was stargazing in Wawawai Park, he could not have been there and ignore all of the other evidence, including the DNA, the video of his car at the scene, and, of course, the digital evidence that shows him in and around the house numerous times.

GOWDY: You know, Paul, if you and I were sitting at the prosecution table together, we would point out for the jury that his interest in stargazing apparently was put on pause long enough for him to leave the area shortly after the murders, and head back to Michigan where they also found incriminating evidence.

So I hear you. He has got to have some kind of a defense. But why? I think you answered the question. I was going to ask why the defense put that in writing this early. I know, they have to say if they're going to rely on alibi, but do they have to go with the stargazing? I mean, does that require that they put that in there?

MAURO: Yes, so interesting question. You know, under Idaho law, your alibi has to be specific, and I believe that word is right in the statute, and this is not a very specific alibi.

As of now, it is surviving. You know, I don't know that -- I have not heard that the prosecution has challenged it. That's not in the court filings. That's going to be pretty tough to talk your way out of and I don't think the moon and stars defense is going to suffice.

GOWDY: I don't either, but this is going to be a long process. The minute it is noticed for the death penalty, it is going to be a long and arduous process and I can't think of anybody better than someone with your background to help us walk through this.

So thank you for joining us on the first of what will be many now nights together.

MAURO: Thank you, Congressman.

GOWDY: And thank you for spending part of your Sunday with us. I hope you have a great week ahead.

Until next week, you can find us online at Gowdy America or on "The Trey Gowdy Podcast."

Goodnight from South Carolina.

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