

# [***Cohen Crumbles Under Cross-Examination***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C22-3VK1-JCS1-6002-00000-00&context=1516831)

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**Guests:** Matt Gaetz, Michael Waltz, Jim Jordan

**Body**

SEAN HANNITY, FOX NEWS HOST: And welcome to "Hannity".

Wow, what a day in court.

Well, anyway, coming up tonight, according to the White House, Joe Biden has nothing to hide. At the very same time, the very same White House is blocking an audio recording from Biden's interview with the special counsel Robert Hur.

Now, this, of course, following the interview the Hur concluded your president is a, quote, elderly man with a poor memory. You think? A full report straight ahead tonight.

Plus, we're going to have more on why the far-left Democrats and Democrat like fake Jake at fake news CNN should never ever be allowed to moderate any presidential debate.

And guess what? The great one, Mark Levin, his closing arguments for the sham trial in New York City, he is here tonight which is where we begin, as we head back to New York City where the kangaroo court was back in session. Today, a massive turning point in this trial. I would say it was a my cousin Vinny moment, you need positraction.

Anyway, that moment came to life in real time as the so-called star witness Michael Cohen just literally crumbled under cross-examination. We'll give you all the details.

According to those in the room, jurors literally gasp at Trump's attorney when he appeared to catch Cohen in an outright massive lie. This dramatic scene involved a 90-second phone call from 2016. Cohen testified earlier this week that the call was with Trump about the Stormy Daniels payment. But text messages and call logs, they appear to show something very different and that was that call was likely talking to Trump's bodyguard at the time, a guy by the name of Keith Schiller, about harassing phone calls that Cohen was receiving from a 14-year-old prankster.

And according to real-time analysis, even from fake news CNN, quote, Cohen looks like he made that one call after he saw some records from the prosecution and he just kind of filled in the blank. On both fake news CNN and MSDNC, pundits, they could see the writing is on the wall. Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: For me, even with my strong feelings about Donald Trump, my knowledge of how he behaves, I couldn't today convict beyond a reasonable doubt. Michael Cohen is just such a problematic figure.

UNIDENTIFIED FEMALE: It sort of casts lots of his testimony in doubt given the passage of time and makes the district attorney's office look terrible.

UNIDENTIFIED MALE: On a cross-examination, lawyers want to kind of put the witness in a -- you know, build the box around the witness and then slam it shut. That's what Todd Blanche did to Michael Cohen. Michael Cohen was cornered in what appeared to be a lie I think to many in the room.

UNIDENTIFIED FEMALE: It would be very hard for me to see a jury that would not have serious questions about Michael Cohen's credibility.

UNIDENTIFIED MALE: I don't think I've ever seen a star cooperating witness get his knees chopped out quite as clearly and dramatically as what just happened with Michael Cohen.

UNIDENTIFIED MALE: I think the punches are building cumulatively. I think Tuesday, there were bruises, and today, there's blood, to extend the metaphor.

(END VIDEO CLIP)

HANNITY: Yeah, Michael Cohen got gutted on the stand today. Now, you heard it from MSDNC, Anderson Cooper at CNN, not exactly a pro-Trump conservative. If I was a juror in this case watching that, I would think this guy's making this up as he goes along, beyond devastating.

Michael Cohen's credibility problems, they don't even end there. Here's Cohen's former attorney Robert Costello telling the world that his former client said that he acted alone on the infamous Stormy Daniels NDA. He doesn't have a truth-telling problem either. Who do you believe? Take a look.

(BEGIN VIDEO CLIP)

ROBERT COSTELLO, ATTORNEY: He kept on saying I have nothing on Donald Trump, and then when we got into the discussion of the Stormy Daniels NDA, he said specifically and I cross-examined him on this, this was my idea. It was his idea to take care of the NDA because he had been contacted by a lawyer for Stormy Daniels who said she was going to claim that Donald Trump had sex with her. Cohen said, I didn't believe the allegation but nevertheless it would be embarrassing to Melania. That's Michael Cohen's words, he said. And so I decided to take care of this myself.

(END VIDEO CLIP)

HANNITY: And Costello testified before Congress yesterday and is saying the prosecution doesn't have a case at all and Michael Cohen is not telling the truth, and it looks like this exculpatory evidence was apparently hidden from the grand jury by Trump-hating prosecutor Alvin Bragg. Watch this.

(BEGIN VIDEO CLIP)

COSTELLO: But basically, they only put in a small cherry-picked group of emails, I presented maybe 200 to 300 emails and text messages to them. I had them with me luckily in chronological order. They put two or three in evidence, I asked them are you going to put the rest of them into evidence? And they said no.

(END VIDEO CLIP)

HANNITY: This case never ever or as we've been telling you night after night, should have seen the light of day.

Now if Judge Juan Merchan had any integrity at all, he would throw this case out on what's called a directed verdict which we have talked at length about. Don't hold your breath. The Biden donor probably won't do it.

This judge made a political statement when in fact he did donate to Joe Biden and his daughter is a Democratic operative. And the leftwing prosecutors are pretty much doing whatever they can do to smear Donald Trump and obfuscate the law.

Their goal here is to garner a conviction merely because of the political leanings of the Manhattan jury. Remember, Alvin Bragg ran on a platform to get Trump, just like the AG in New York did. In fact, they're actually claiming Trump's attorneys, lawyers are not allowed to call in legal experts to give their opinion on this far-fetched legal theory in question.

They're lawyers. It's all about the law. This is beyond absurd, and frankly, it's not justice. This is what weaponized -- a weaponized justice system looks like in America. It's not pretty, and it's dangerous. It's dangerous if you want to remain a constitutional republic.

Now, the Republican candidate for president is forced off the campaign trail, what, on week five now, forced to sit in the New York City courtroom day after day after day, his opponent gets the campaign any place, any -- anytime he wants, well, he's not doing very well, and anyway, facing allegations from a convicted liar and a porn star because of stacked, made up, still to be defined felony charges derived from a novel legal theory that no one seems capable of explaining even the most, you know, intelligent lawyers in the country, based on a simple misdemeanor that has passed the statute of limitations.

And the people who will decide the verdict, oh, they are from New York City. That's a borough in New York that voted, what, 9 to 1 for Joe Biden little less -- little less than 9 to 1. That is called lawfare. This is the weaponization of your Department of Justice, and it's worse, thanks to the leftwing prosecutors, drunk with power, America, pay attention, we're headed down a very dark path here.

But one disbarred attorney, longtime criminal, Michael Cohen, is having the time of his life, even gets to sell merchandise, you know, T-shirts, with Donald Trump behind bars, he's now reportedly very good friends, by the way, with Trump's former arch nemesis, Rosie O'Donnell.

On Monday, well, she reportedly texted Cohen, quote, breathe, relax, tell the truth, you got this, I love you. Tonight, looks like Cohen might need some more encouragement, after his humiliating testimony and beat down on the stand today.

Here with reaction -- well, we have two Florida representatives. They were in the courtroom today, Congressman Matt Gaetz and Congressman Michael Waltz.

Well, you both --- you're a lawyer I know, Matt, so I'll start with you, not -- no offense, Michael Waltz, you're a friend, too. I don't know if you're a lawyer, but I'm going to have a lot of legal analysis coming up.

But you can provide information by being in that courtroom and you are pretty astute observer of human nature in my opinion, you know, having known you many years. Let me ask you this, what did you see when you looked at the jury as all of this was unfolding today? What did you see?

REP. MATT GAETZ (R-FL): Yeah, when I saw that picture of Rosie O'Donnell and Michael Cohen, I noticed that they're starting to look a lot like one another. I don't know if friendship does that to two people. But in the courtroom, let's not mince words. I believe that there are probably eight jurors that would be willing to convict Donald Trump of abducting the Lindberg baby killing Jimmy Hoffa and being the second shooter on the grassy knoll based on some of their reactions. And I get the sense there is one juror who sees so clearly through this and probably three others who are very difficult to read taking copious notes.

One of the jurors was choking back laughter as the text messages of Michael Cohen complaining about the harassing phone calls from a 14-year-old were put on the screen and Michael Cohen in this circumstance was dog walked through a jungle of lies. But the biggest lie he told, he was caught lying on the stand, you never see that. It was a my cousin Vinny moment because he never spoke to Trump about the closure of this deal he supposedly orchestrated and the jury was aghast.

And even the jurors who I think want to convict Trump walked out of that courtroom with their shoulders slumped because they knew Michael Cohen blew this case up anyone who relies on Michael Cohen, they lose.

HANNITY: So, okay, Mike Waltz, let's get your -- your take, your observations in the courtroom. I mean, everybody that I talked to that was in the courtroom, I mean, they -- they all said it was beyond a moment. You know, for example, you know, the car that made the tracks you needed positraction, his car didn't have positraction in 1967. Remember the scene from my cousin Vinny, right?

It sounds like that kind of moment which, what?

REP. MICHAEL WALTZ (R-FL): No, it was, and both Matt and I were there to see it. But Blanche had brilliantly set the case up and just reminding everyone, heck, even reminding me of all of the hearings where Cohen had lied, the Intelligence Committee that he had lied to about Russia, Russia, Russia, then how he lied to his own lawyer about lying, then how he lied to the judge about lying, he pled guilty to lying, and then lied about that.

So, he brilliantly set the case up and then set the trap, and it was a my cousin Vinny moment.

The other thing, Sean, you nailed it. This is dark moment in American history and what's -- what I still can't get over is seeing Joe Biden's number three official from the Department of Justice sitting right there next to the prosecutor just feet away from president Trump who is leading Biden in the polls. I mean, am I back in Pakistan or places where I served in Africa or South America where they regularly put their political opponents in jail? Is this what America's become?

It's certainly what New York has become, and then to see Merchan up there with kind of a smirk on his face.

Look, judges in Florida and Matt knows this, they go to such links to appear objective. They won't even appear in a photo next to a politician, yet you have a judge giving political contributions and the daughter making -- making hundreds of thousands. It is -- it was mind-blowing.

HANNITY: I know you -- both of you not been in the courtroom every day. However, based on today, predictions? Do you believe -- your read of the jury, you're witnessing this unfold, do you think you get a hung jury and maybe an acquittal? Or I've always believed you better prepare yourself for the worst in New York City, I don't think Donald Trump can get a fair trial.

Matt Gaetz, you have any thoughts?

GAETZ: I would predict a hung jury here, and an acquittal is what would be justified in any fair jurisdiction. Michael Cohen, as Waltz just pointed out, is a guy who has lied to every branch of government. I don't even think there that many Americans walking around today who have even had the opportunity to lie to every branch of government and yet Michael Cohen has done so.

And he is the whole case, Sean. That's why they saved him for the end. They thought they could do all this advanced corroboration but it crumbled before their very eyes today. Frankly, in a just world, there would be a directed verdict, but Mike Waltz just pointed it out, this judge's own family is financially compromised and he's trying to aggrandize himself at the expense of --

HANNITY: All right. I got to go. Mike Waltz, prediction, how's this going to end?

WALTZ: I won't be comfortable until it's done but I hope the defense calls Costello, Cohen's attorney, up as a defense witness, because I think that will just absolutely put a cruise missile right into this case, and not leave anything up to chance.

HANNITY: All right. Congressman Matt Gaetz, Michael Waltz, thank you both.

All right. Joining us now FOX News contributor Jonathan Turley.

We have gone over and over how this novel legal concept, I wonder if you -- there's two things I'd like to know in the minds of the jury maybe after this, what they thought of today which we just went over in detail. And I wonder if we asked every juror right now, what is the crime that they're alleging against Donald Trump? Do you think they could tell you what that is? Because I don't believe they could.

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: No, no, they couldn't. Look, you have legal experts not just on this network but other networks that are very anti-Trump who are admitting that after weeks of a trial, and months of preparation, none of us can explain the theory in this case. That's the failure of this judge, that is he's allowed this case to just drift in search of some crime that Bragg hasn't bothered to define.

And every time people get challenged on this, they say, oh, well, we're looking at a falsified business record. No, we're not. That's the dead one. That's the dead misdemeanor. You need to show what crime that was committed in relation to that and they just are very ambiguous. And today, they really opposed any legal expert on federal election violations because they've been alluding to that, even though no such violation has occurred.

And so, this is going to go down to Judge Merchan, and if he has any ounce of integrity and I hope he does.

HANNITY: He doesn't.

TURLEY: He will direct his verdict. He will not let it go to a jury because I think it would not just be an embarrassment for himself but to the legal system.

HANNITY: You know, they went through the David Pecker testimony about catch and kill and about non-disclosure agreements, none of that as you have pointed out is illegal. You know, there was no crime that they have been able to point to. Then you get the salacious materials and testimony of Stormy Daniels, well, okay, may be interesting for some people, not me in particular, but salacious, yeah, not relevant, not material, nothing - nothing about the law.

And then you had this disaster today. What impact that today have, what happened to Michael Cohen, today, I will say Todd Blanche was masterful today.

TURLEY: I think that's absolutely correct. You know, look, I was criticizing Cohen, we still representing Trump. So he and I go way back. We're not particularly fond of each other, but, you know, this is when people kept on saying, look, he's been coached, he's been prepped, I never quite believed that. I certainly believe that he could retain his composure because that's what everyone's telling him to do, but he's a pathological liar.

I mean, that's -- that's his M.O., and you can't put someone like that on a stand very long, before they return to that nature. And we saw that, you know, where he just appears to have made up a key phone call, because he likely saw it on a phone record and said, I'll just say that's when I told Trump.

And it really resulted in a spectacular explosion in the middle of court, because it wasn't just a call, that was the call.

And so, the question now is for the jury, whether their hate for Donald Trump is greater than their hatred for being treated like chumps. I mean, at some point, they have to be insulted by what they're witnessing. New Yorkers don't like to get played usually. They certainly don't go around selling Brooklyn Bridge to others. That's usually reserved for tourists.

And at some point, this jury is going to have enough and say, you know what, it's worse than we thought, you're insulting our intelligence, not just by putting this guy on the stand, by trying to get us to convict someone where you haven't even bothered to state what the crime is.

HANNITY: I got to run but also the real Michael Cohen came out in his podcast videos and TikTok videos, that the jury saw, not the guy that was pretending to be calm cool and collective if he was even trying.

Jonathan Turley, as always, thank you.

Joining us now, FOX News legal analyst Gregg Jarrett.

Gregg, we've kind of been on the same page in terms of not believing Donald Trump can get a fair trial here. And we've been on the same page about the law. We've been on the same page about the judge and recusal, and the conflicts involved in the case.

However, I actually see some light in this case for the first time I believe that a hung jury at least is very possible. Has your opinion changed?

GREGG JARRETT, FOX NEWS LEGAL ANALYST: You know, I think today was so pivotal that there is a chance for an acquittal, because there is still --

HANNITY: Wow.

JARRETT: -- no credible evidence of a crime. A false business records? Other than Michael Cohen is a serial liar, nobody says they were false because they weren't. There's no evidence that Trump even knew how they were booked by an accountant on a computer ledger. Trump was a CEO of a multi-billion dollar company. He's not the bookkeeper. So that's totally absurd.

And how is it even possible, Sean, to unlawfully influence an election by booking something the year after the election. I'm still mystified how a local prosecutor has the power to enforce a federal campaign law that was never even violated.

Alvin Bragg has corrupted the law. We now have evidence that the prosecutors concealed exculpatory material from the grand jury and now later with Michael Cohen. What they were doing is suborning perjury. They knew he'd lie, they wanted him to lie, and I think Bragg and his confederate should be the one on trial, not Donald Trump, Sean.

HANNITY: Wow, powerful statement.

All right. It's going to come to a close pretty quickly here. We'll -- we'll be on verdict watch in no time.

Gregg Jarrett, as always, thank you.

All right. When we come back, we're going to tell you how Joe Biden and Merrick Garland are teaming up to hide the audio of Joe's disastrous interview with the special counsel. Remember, Mr. Hur?

Jim Jordan is coming up next.

Later, Mark Levin, the great one, his closing arguments for this trial we were just discussing, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. House Judiciary Committee Chairman Jim Jordan, congressman of Ohio, sent a letter yesterday to Letitia James, demanding documents related to Matthew Colangelo, the former high-ranking Biden DOJ official who left the department, why? To work on Bragg's sham Trump case.

In his letter, while Jordan accuses Colangelo of having a, quote, obsession with Donald Trump, and meanwhile, the White House is blocking the release of the audio tapes of Biden's disastrous interview with the special counsel Robert Hur, by asserting executive privilege, right before Attorney General Merrick Garland made these ridiculous comments. Take a listen.

(BEGIN VIDEO CLIP)

MERRICK GARLAND, U.S. ATTORNEY GENERAL: People depend on us to ensure that our investigations and our prosecutions are conducted according to the facts and the law, and without political influence.

(END VIDEO CLIP)

HANNITY: Let's take a trip down memory lane, shall we? Remember when White House spokesperson, that liberal hack Ian Sam's claimed that Biden would not claim executive privilege on the Hur report and redactions? Whoops. Take a look.

(BEGIN VIDEO CLIP)

IAN SAM, WHITE HOUSE SPOKESMAN: He answered dozens of follow-up questions to the special counsel in writing. Three, he didn't exert executive privilege over any contents of the report. He was transparent. He had nothing to hide.

(END VIDEO CLIP)

HANNITY: Transparent, nothing to hide.

Nothing to hide? Release the transcript and release the tape.

Also, remember Biden and Garland both promised the DOJ would be independent from the White House. Remember this?

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Our Justice Department is going to operate independently on those issues that how to respond to any of that. I'm not going to be telling them what they have to do and don't have to do.

I did not, have not and will not pick up the phone and call the attorney general and tell him what he should or should not do in terms of who he should prosecute.

GARLAND: Our job is not to do what is politically convenient. Our job is not to take orders from the president, from Congress or from anyone else about who or what to criminally investigate. As the president himself has said and I reaffirmed today, I am not the president's lawyer.

(END VIDEO CLIP)

HANNITY: Now, just hours after garland's laughable comments this morning, the House Judiciary Committee, they voted to hold Garland in contempt over his refusal to hand over the recordings. Don't expect the Navarro-Bannon treatment. I doubt he's going to be going to jail.

House Judiciary Committee Chairman Jim Jordan joins us now with more.

All right. Before we do all this, let's go to Colangelo for a minute here and talk about him. Now, I would think that the third highest ranking official in the U.S. Department of Justice, that would be considered a pretty prestigious position, would it not, Mr. Jordan, sir?

REP. JIM JORDAN (R-OH): No, it sure would, and that's what Mr. Colangelo had before he went up to work for Alvin Bragg. But, Sean, it's even worse because he started with Letitia James. So he went after President Trump with the state attorney general, then he comes and works the number three position in the Justice Department, in the Biden Justice Department, and then he goes back up to New York to work for Alvin Bragg and be the chief prosecutor against President Trump in this ridiculous trial where Michael Cohen, the convicted perjurer, the guy who's lied multiple times to everybody is the star witness.

HANNITY: Now, didn't the issue of, for example, you're the chairman of a committee. We have -- last time I checked, we have three co-equal branches of government and that your branch of government, you're a member of Congress, the legislative branch, that you would have oversight over the executive branch and that that would be part of Congress's role, correct?

JORDAN: Sure is, one of our constitutional duties to do oversight of the executive branch, and the agencies that follow under our jurisdiction, homeland security, and, of course, the Department of Justice.

HANNITY: All right. Can you then Jim Jordan, Congressman, can you explain to me based on what you just said how it is that the Garland actually mentioned the political impact of the tape early on when their request came in to turn that tape over, or -- and transcript over that they didn't want to turn over? That it might have an impact on the election, because withholding it sounds to me like he's trying to tip the election or the scales of the election in favor of his boss, Joe Biden.

JORDAN: Yeah, and you -- yeah, and you just played that they said that Biden and the attorney general said they want to be independent and impartial. Okay, that's what we're supposed to evaluate, that's part of our oversight. What we do know is you've charged President Trump with a crime on the classified documents issue, and you didn't charge Joe Biden. Are you really being impartial, particularly when on page one of Robert Hur special counsel's report, he says Joe Biden knowingly kept and Joe Biden knowingly disclosed classified information?

On page 231 of his report, he said Joe Biden had strong motivations for ignoring classified procedures. He knew he was writing a book, a book for which he got paid an $8 million advance. So we have motive, an $8 million motive. We have the elements of the crime met, but Robert Hur says we're not going to bring a charge, we're not going to recommend charges because he's a forgetful, elderly gentleman.

Okay, so give us all the evidence. And by the way, Joe Biden's already waved executive privilege when he released everything including the transcript. We just want the best evidence so we can evaluate if in fact the Department of Justice is truly being independent and impartial which is our job under the Constitution. That's why we held him in contempt, and it passed out a committee earlier today.

HANNITY: Okay, would that contempt hold into a next administration if in fact Donald Trump becomes the next president, the 47th president?

JORDAN: Sure would, and some U.S. attorney who thinks that that should be followed up on, could do that. But I think what we're probably going to have to do now is go to court and see what the -- see what a court tells us.

But I think the case is strong and you can go back to the Nixon case, when they got the -- they got the audio tapes and Nixon and that wasn't after an interview or anything like, that that wasn't in a criminal -- that was part of an impeachment inquiry which, oh, by the way, we're in right now, the House has voted to move into an impeachment inquiry and all this is part of that. So our case is even stronger than the than the case that's on point which was the Mitchell case relative to President Nixon.

HANNITY: Isn't this really about preventing the American people -- voters from seeing Joe Biden asking questions like, was I still president in 2009 and all of the other disastrous moment described by Mr. Hur? Isn't that what this is really all about?

JORDAN: I don't know what their motivation is. I can -- I can guess and I think you can, too. I think the viewers can guess. What I know is what our job is which is to make sure the Department of Justice is living up to the standard it's supposed to be, which is equal treatment under the law for everybody.

We don't think that's happening and frankly --

HANNITY: Why are they trying to hide it?

(CROSSTALK)

JORDAN: Yeah, that's why --

HANNITY: They said they're going to be transparent. We heard Mr. Sams he said they're going to be transparent.

JORDAN: Right, until it came to the audio tapes which is demeanor evidence. It -- you can get the tone, the cadence, the voice you hear, all kinds of things there that are that are important I think pieces of information for us to make that evaluation.

But all these cases are falling apart because they're all political and the country I think sees that clearly.

HANNITY: Release the tapes, let the American people decide. Let's have a free and fair election. Let's get the weaponization of the DOJ out of ***politics*** and let's get law and order returned.

Congressman, thank you.

When we come back, the great one Mark Levin delivers his closing argument for this sham Trump trial. Wow, you don't want to miss it, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. It was an absolutely brutal day for Michael Cohen during cross examination. Joining us now, he is the host of "Life, Liberty & Levin", I call him the great one, Mark Levin.

Mark, we had a conversation last night. I asked you, what would your closing arguments be, and I asked you to tell this audience what your closing arguments would be.

MARK LEVIN, FOX NEWS CHANNEL HOST: Well, you don't want to hear my closing argument because I'd be held in contempt, but instead what I'd like to do if that's right, Sean, is giving my opening argument why Alvin Bragg should be disbarred, why he should be facing a -- charges for suborning perjury which I've talked about on my radio show for the last three days, and also why he's in violation of the Brady Act.

We have very smart lawyers, some fairly smart lawyers who are talking about this case. They're all saying the same thing in a different way because the case is so outrageous, we're running out of words and explanations for it. None of us have ever seen anything like this.

You have collateral evidence which is unconstitutional, you have somebody being charged and he's not sure what he's charged with which is unconstitutional. You have all kinds of allegations being made which are absolutely outrageous, not relevant. You have a dead state statute that's remains dead today that's being used. You have a federal campaign law and nobody knows exactly what part of the federal campaign law we're talking about.

And so, I want to talk about Alvin Bragg rather than keep talking about the same thing.

There's a Supreme Court case called Brady versus Maryland, and the Supreme Court ruled, and I'll keep it tight, that the government, the prosecutor must not withhold exculpatory evidence, must be given to the defense and in fact if they know that evidence is false or might be false, they're not supposed to use it. That doesn't mean you don't have impeachment in these other things taking place if a prosecutor affirmatively knows that there is materially false information at this witness may give or any lawyer for that, they are not to present that person.

Now, exculpatory evidence, the Supreme Court says, well, we have exculpatory evidence. Robert -- has been here -- Costello -- on all these shows, look, he's not Stormy Daniels. This guy is the former deputy chief of the criminal division of the Southern District of New York, does it get any higher than that?

And he was Cohen's lawyer for a critical period of time, and he's been on my show, Saturday, he's been on other shows, he was on a show this morning, he testified before Congress under oath, and he said, look, this guy's a liar, I was his lawyer, I have 300 emails, I have contemporaneous information, I'm telling you he's a liar, on top of all the other lies the guy has told.

And nobody wants this guy as a witness. That's why the U.S. attorney's office didn't want him. That's why Vance didn't want him. That's why Bragg initially didn't want him.

So what happened? What happened is Mr. Bragg. Mr. Bragg should be disbarred. Mr. Bragg has violated the Brady rule. That's a half a century old rule.

The emails -- he has access to the emails, Mr. Costello said he only showed six to the grand jury, but he had access to all of them. Mr. Costello gave that's contemporary communication between the lawyer and his client for which Mr. Costello got -- got a waiver. This is a very, very big case, a very, very big matter.

So when that government witness is on the stand, that means the district attorney and the government are vouching for the truth, the integrity, for the testimony of that witness and that witness was put up there despite the fact that the government knew from these emails of Mr. Costello's testimony that he's a liar.

And even if it wasn't a Brady violation, you don't have your main witness as somebody who is a complete reprobate and he doesn't go to prison for a thousand different reasons, he goes to prison because he's a liar, now suborning perjury. I've been talking about this on radio and Judge Jeanine brought it up earlier, touched on it, and U.S. Attorney Tolman brought it up a little bit.

I want to expand on this. We lawyers -- we need to police what's going on here. We can't just ring our hands, this is terrible. It is terrible, and these people need to be held to account.

Bragg put Cohen on the stand after obviously they worked with him. They knew what he was going to say. Any prosecutor does that, they let them know what kind of questions are going to ask in other words part of this is performance art.

Bragg knew that there were material matters that implicated Cohen. He was aware of it, information, contemporary emails, Mr. Costello's testimony among others. That's directly contradicted what his own attorney said and what others have said, and he still put him on that stand and this is material information, this is their key witness. Look at the texts, we still don't know about the texts.

Well, that's an important issue, too. Did this government not have his texts? If they had the text, did they give it to the defense? How did the defense get the texts.

And this isn't the first time. Remember when 30,000 pages of documents just showed up from the us attorney's office two or three weeks before the case started and the judge said that's fine, that's enough time to prepare or not giving a heads up to the defense when witnesses are going to be called maybe they'll get a five hour that's a due process violation.

What we have in Mr. Bragg is a lawless government official and I contend that he's violated the Brady ruling of the Supreme Court. I contend that he and his staff have been supporting perjury.

One other thing before my time is up. Brad Smith, the former FEC chairman. Brad Smith has been on my show twice and he said what he would say. He said he might be called as an expert witness by the Trump lawyers.

He said this is bogus. He's expert on this federal campaign law. He said there's no way a non-disclosure agreement in any way is an illegal campaign contribution, and he'll go through it soup the nuts.

That's why the judge doesn't want him to testify. That is a torpedo into the side of the good ship Bragg here that will take it down, that the jury will understand, when an expert, not Stormy Daniels, not all these people off the street that they're bringing in to confuse the jury, when an expert on federal campaign law gets up there and says, you know what, jury, there is no campaign violation. It's impossible. Then that case right there, you don't even need an appeal, will be dead.

So my takeaway is this, this case now is about Alvin Bragg. It's about -- it's about the Brady Act, it's about suborning perjury, and it's about this judge who will not allow this expert witness in because he will torpedo this case once and for all. That's it!

HANNITY: Wow. Well done. The great one, that's why we call you the great one. Mark Levin, thank you.

When we come back, some of the Biden camp allegedly think the debates are a horrible idea. Plus, we will continue to expose just how abusively corrupt and bias CNN's fake Jake Tapper really is. You don't want to miss it, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. According to a new report, some on the Biden campaign, they don't feel very good about the upcoming presidential debates. Oh, I wonder why. "Axios" reporter Alex Thompson joined CNBC to discuss the debates and shared some insight into what the Biden campaign is thinking.

Take a look.

(BEGIN VIDEO CLIP)

ALEX THOMPSON, AXIOS: Let's say he has a terrible debate, this gives them four months to make up whatever damage that may be done before election day.

HOST: That seems like a very strange strategy, so to try to do something thinking you're not going to do well. What do his advisers think?

THOMPSON: They're split. I have to be honest to you, basically, there are some advisors and you saw Nancy Pelosi sort of speak up to this yesterday when she said that she would advise nobody to get on a stage with Donald Trump, but the president has decided what he wants to do.

Now, some of his advisers think he's going to be fine, but there are definitely some people in the Biden camp that don't see the -- that basically see this is more risky than not.

(END VIDEO CLIP)

HANNITY: Only question is, will it be jacked up Joe or the regular Joe?

Anyway, here's how sick and corrupt and abusively biased radical Joe and his mouthpieces in the media mob are. They believe they get to dictate with zero input from Donald Trump and his campaign what networks this will be on, what rules will be followed or not followed, who moderates the debate, what this -- what the set will be, whether there's an audience, whether they're invited or not.

And Donald Trump must accept all of their dictated terms whether he likes it or not, no say at all. Never in TV history have presidential debates been arranged like this, it doesn't even cross their sick minds to consult with Donald Trump. Why is that? Because and they're sick, demented, partisan minds blinded by nothing but Trump rage and psychotic hatred, they actually they believe he doesn't deserve any say at all, whatsoever. And they feel justified.

Don't Democrats lecture the country a lot about fairness, fair share of this, fair share of that. So the first debate scheduled between Biden and Trump is the only thing that Donald Trump agreed to. Fake news CNN, well, they chose leftwing Trump hating host fake Jake Tapper as one of the moderators. Donald Trump didn't approve this, and guess what? They got no input from the Trump campaign.

Now, does that sound fair to you? As we explained last night, fake Jake Tapper claims to be a journalist. He's not. He is a left-wing Democratic radical talk show host who gives anti-Trump commentary regularly but falsely claims, he's a journalist, he's lying. He's not.

Watch this.

You tell me if you think that fake Jake will be fair to Donald Trump. You decide.

(BEGIN VIDEO CLIP)

JAKE TAPPER, CNN HOST: President Trump and others are trying to say that the FBI is corrupt and they had this Steele dossier, which they say has been discredited, which is not entirely true.

Every single one of the president's wounds is self-inflicted, every single one of them.

He is running the single most negative, sleazy campaign in American history for a major party candidate.

(END VIDEO CLIP)

HANNITY: Does that sound like commentary to you? Oh, he's a talk show host.

Now, unless and until Biden and unless and until fake news CNN does the right and fair thing and consults with the Trump campaign -- well, we'll just have to continue to show left-wing talk show host of fake Jake Tapper and his hatred and his opinions of Donald Trump to show you he's not a journalist, he's a talk show host.

Here now with reaction, the host of "Tomi Lahren is Fearless" on Outkick, Tomi Lahren, along with Democratic pollster Mark Penn.

Mark, you're an honest guy. Is Jake Tapper is he a journalist or does he give commentary?

MARK PENN, FOX NEWS CONTRIBUTOR: Well --

HANNITY: I know you want to be nice but tell the truth. He gives commentary.

PENN: No, no, he gives commentary.

HANNITY: A journalist --

PENN: No question about that.

HANNITY: Are journalists supposed to give commentary or to commentators and talk show host, they're members of the press, did they give commentary?

PENN: Well, look, sometimes people do a little of both, but there's no question that he's no fan of Donald Trump. I don't think that that's in dispute here. So why did Donald Trump so quickly accept everything? He could have said, wait a minute here, especially since he's ahead in the polls.

HANNITY: No, he did not. He accepted the debate, the only thing he accepted was the debate on CNN one, on ABC and one on Fox News.

Now, Joe Biden didn't have on his list of approved networks Fox News, but he said he would do that. So Donald Trump's not playing by their rules, he only said he would accepted the debate.

Now, isn't it usual and doesn't it sound fair to you that if Donald Trump is one of the participants that they should uh seek his opinion and they should come to a consensus on what the rules are, who the moderators are, isn't that how TV presidential debates are usually done, Mark Penn?

PENN: Look, they were done one of two ways, either the presidential commission which in a poll I have coming out tomorrow --

HANNITY: Which negotiated every time --

(CROSSTALK)

PENN: -- see the commission do --

HANNITY: Is this the only time --

PENN: -- or negotiation or they sit down.

HANNITY: Right, so there's always been a negotiation, this is the first time that there's never been any consultation at all that the White House has dictated their terms, the media has dictated their terms and they don't even talk to the other guy, is that fair, Mark Penn, last question?

PENN: Again, whether it's fair or not Donald Trump is an adult. He can just say no. We're going to sit down and negotiate all these elements, or yes, I mean --

HANNITY: I got to get to Tomi. Tomi?

TOMI LAHREN, FOX NEWS COMMENTATOR: Sean, I think we need to get over the fact that the fight is going to be fair. The fight is not fair. This next election is not fair for Donald Trump for a number of reasons. We have to get over that. We have to move beyond it.

I think strategically what Donald Trump and Republicans need to do is we need to stop setting the bar so low for Joe Biden in these debates. You know that I don't think he's going to be the nominee come September, so let's just talk about June when Joe Biden might actually be the one debating Donald Trump.

Stop setting the bar so low. We have to stop making it seem like it if he just stands upright, that that's a victory for Joe, because if he's able to stand upright, that'll be a victory for Joe.

So stop setting the bar so low. Expect Biden to perform, set the expectations higher for him because then he will likely fail. We've got to go into this knowing it's not going to be a fair fight. Donald Trump is used to fighting unfair fights. He can still do this. He's got a debate. So let's just take it head on and I think Donald Trump's got this one.

HANNITY: It can't be two on one, and if they're going to shut off all the candidates mics, they got to shut off the moderator mics, and all they get to put on the screen is the name of each candidate because otherwise they're going to be putting their opinions all over the screen.

Anyway, guys, thank you. Mark, thank you for being honest.

More "Hannity" straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. Quick programming note, the second episode of my new special "Outlaws and Lawmen" is out today only on Fox Nation, number one on Fox Nation nine days in a row. Episode two follows the rough justice of Wild Bill Hickok and Wyatt Earp. You don't want to miss it. Check it out, FoxNation.com.

Set your DVR, don't miss an episode. Let not your heart be troubled. Greg Gutfeld will put a smile on your face.

Thanks for being with us.

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