

# [***Former President Trump And President Joe Biden Struck A Deal To Have A One-On-One Debate And The Media Are Loving It; The Biden Administration Impose New Tariffs On China, And Some Critics Say Biden Did It In The 11th Hour Of His Presidency; There's Not Much Coverage By The Media When President Biden Invoke Executive Privilege To Prevent Republicans From Getting Classified Information; Michael Cohen Testifies For The Hush Money Trial But Defense Team For Donald Trump Grilled Him, Particularly His Credibility; Legal Analysts From CNN Made A Dramatic Read Of The Transcript Of Michael Cohen's Testimony Which Sounded Like A TV Sitcom; The New York Times Report That MSNBC Is A Liberal Network, Drawing Comparison With Its Parent Company***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C2N-DCH1-JCS1-60CD-00000-00&context=1516831)

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**Guests:** Cassie Smedile, Philippe Reines, Clay Travis

**Body**

(COMMERCIAL BREAK)

HOWARD KURTZ, FOX NEWS HOST: It was a perfectly reasonable assumption that Joe Biden wasn't exactly eager to debate Donald Trump. The 81-year-old president, not as quick on his feet as he once was, must have vivid memories of their first debate in 2020, when Trump constantly interrupted and talked over him.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA: He doesn't want to answer the question.

(CROSSTALK)

JOE BIDEN, PRESIDENT OF THE UNITED STATES OF AMERICA: Mr. Senator, I'm not going to answer the question because --

TRUMP: Why would you answer that question?

BIDEN: Because the question is -- the question is --

(CROSSTALK)

TRUMP: (inaudible) radical left, --

BIDEN: Will you shut up, man?

TRUMP: Who is on your list, Joe?

(END VIDEO CLIP)

KURTZ: Trump spent months agitating for debates, even telling me at Mar-a- Lago it could happen on this program. So, most of the media were rather stunned when Biden challenged his predecessor to two debates.

(BEGIN VIDEO CLIP)

BIDEN: Well, make my day, pal. I'll even do it twice. So, let's pick the dates, Donald. I hear you're free on Wednesdays.

(END VIDEO CLIP)

KURTZ: He has to work on the Clint Eastwood part.

(BEGIN VIDEO CLIP)

CLINT EASTWOOD, ACTOR: Go ahead. Make my day.

(END VIDEO CLIP)

KURTZ: And Wednesday is the day when the hush money trial is not in session. Trump quickly agreed, calling crooked Joe the worst debater he has ever faced. It turns out that was when the Biden video was posted at 8 a.m. Eastern.

Now, let's like The Washington Post, New York Times had long pieces ready to run because the story had been embargoed. Within a couple of hours, and this seemed rather convenient, both candidates had agreed to a June 27th debate on CNN, moderated by Jake Tapper and Dana Bash, and a September 10th debate on ABC.

Biden had two key conditions that Trump accepted. One, no audience, and therefore no hooting and hollering that Trump tends to whip up. Second, while one candidate is talking, the other's microphone is cut off.

But I can report that the Trump campaign considers the negotiations to still be underway and doesn't plan to concede anything, meaning the former president can still challenge someone by conditions, figuring in the end he doesn't really need the debates.

One thing is beyond debate. Whoever gets the political advantage, having the presidential candidates go head-to-head is a good thing for the country.

I'm Howard Kurtz, and this is Media Buzz.

The pundits who spend their lives debating have plenty of opinions on this.

(BEGIN VIDEO CLIP)

JESSE WATTERS, FOX NEWS HOST: Tactically, this was smart for Biden, but strategically, it shows weakness. Biden needed this to change the trajectory of the race because he is getting clobbered.

KATY TUR, HOST, MSNBC: That off button on the microphone is going to come in handy. A lot has happened since then. Biden won. Trump would not concede.

BYRON YORK, FOX NEWS CONTRIBUTOR: If Joe Biden just comes out and doesn't drool or fall over himself, then he's past Donald Trump's standard.

JAMAL SIMMONS, POLITICAL COMMENTATOR, CNN: He called Donald Trump's bluff. Donald Trump's been running around the country saying any time, any place. The president said, great, I've got a time and a place. Let's do it. Let's rock and roll.

LAURA INGRAHAM, FOX NEWS HOST: It's so bad for them that they're actually willing to put Biden in the evening on a debate stage to go toe to toe with Trump, which is going to be tough considering Biden has trouble going toe to toe with stairs.

CHUCK TODD, CHIEF POLITICAL ANALYST, NBC NEWS: I think they're smart to do this because they need to change the direction of this campaign. This campaign, as it's going now, is losing.

(END VIDEO CLIP)

KURTZ: Joining us now to analyze the coverage, Cassie Smedley, excuse me, Cassie Smedile, the vice president of the company Coign, and Philippe Reines, former assistant secretary of state under Hillary Clinton.

Cassie, the media are largely portraying this as a smart move for Joe Biden, a way of shaking up the race and getting his conditions met. Are they right?

CASSIE SMEDILE, VICE PRESIDENT, COIGN: Well, I think right in the sense that Joe Biden had to do something. This couldn't be the base when he campaign this year. He has to be out there. He has to show that he can stand on his own two feet for 60 minutes. That's a really low bar.

KURTZ: Or 90 minutes.

SMEDILE: Or 90 minutes, yes.

KURTZ: Yes.

SMEDILE: That's a very low bar for the American people. I think it was also very smart of Donald Trump, who's been saying, debate me, debate me, debate me, to say, great, sounds good. If he had said, yes, but, then that would have been more of a win for Joe Biden. So he didn't give him that moment.

KURTZ: Philippe, what many commentators also say is that this is a belated recognition that Biden, the Biden campaign is in trouble. Many say on track to lose. And so, he had to roll the dice.

PHILIPPE REINES, FORMER HILLARY CLINTON SENIOR ADVISOR: I don't see that. I mean, the Joe Biden in that video is someone who is itching to go. They asked for that debate for, they could have said, look, we want to debate in September or October, which would have been more standard.

Never in the history of American ***politics***, or at least modern history, have two candidates debated this early.

(CROSSTALK)

KURTZ: Because early --

REINES: That's not a guy, right. That's not a guy who's afraid to vote. That's not a guy who's worried about going toe to toe. That is a guy who is confident. Why is he confident? Because he's debated Donald Trump twice.

And as you saw, it was a bit of a debacle. Because Donald Trump, there are different versions of him, but he can't control which one shows up. In that case, it was angry Donald Trump. It's aggrieved Donald Trump. And that's where his head is. That's where it seems his head beat a lot of the time now.

KURTZ: Cassie, Biden may or may not win on policy details, but won't the media score these debates as a clash of personalities and who has the energy to run the country in the next four years?

SMEDILE: I think that's what they want it to be about. They want to show that this is something that Joe Biden does have the energy, does have the ability to stand toe to toe. The problem for him is that, of course, it will be a policy discussion.

The problem for him, of course, is that Donald Trump knows the media, knows the cameras and knows how to stand in the TV studio and connect with the American people, something Joe Biden is abysmal at doing.

So, I do think that this is a very risky proposition. To your point about this being earlier than ever, I think it's an interesting play. One of two things, as you said, he's got to get to people before they start voting if he's got any chance at all, because if the vote is held tomorrow, I think I heard you say this recently, --

KURTZ: Yes.

SMEDILE: -- it's not a good day for Joe Biden.

REINES: You've researched, I research. I see RNC in you.

SMEDILE: It's not a good day for Joe Biden. So, he's got to do something to try and give people a little bit of hope, but never underestimate Donald Trump's ability to connect with the voters at home.

KURTZ: Well, let's put up some pictures of past debates, because some of them have really been crucial in those presidential races.

And Philippe, you've done debate prep. In fact, you played Donald Trump with Hillary when you were part of that campaign. How do you prepare even a president to go up against a free-swinging character like Donald Trump?

REINES: Well, it was hard in 2016 because even though Donald Trump had debated, I think at that point, 11 times in the primaries, he had never debated one on one in any scenario. So, we were doing a lot of guessing, as I'm sure his team was doing, because they had never seen it.

If I remember correctly, they tried to put him in a New Hampshire kind of town hall setting to see how we were doing. And it didn't really come together the way they thought. But on the other hand, Donald Trump is a rather predictable person. So he repeats himself a fair amount.

But with debate prep, you're not memorizing lines. You're not poll testing lines. At least the approach we were taking is, you're trying to minimize surprises. You're trying to, people, you want the candidate to have thought things through.

When I do this with other candidates or clients, I'll say, you know, kind of the most important work you'll do in debate prep might be while you're running or while you're in the shower or while you're driving. The same thing is when we have job interviews or if we're giving speeches or interviews, you think about things.

KURTZ: In the shower. That had not occurred to me. Let me update people on where things stand, because Trump is already attacking CNN. Fox News had pitched a October presidential debate. Trump accepted. Biden did not. He says he won't go past two debates.

And now Bret Baier, says Fox is proposing to host the VP debate. Trump again has accepted, but the Biden campaign had already said yes to CBS. So the situation is fluid. One insider said there's a game of chicken going on.

Cassie, does it seem like the skids were greased? I talked in the open about, you know, Biden puts up this video, but some of the media had it in advance and suddenly, boom, you know, it's 8 a.m., New York Times, Washington Post have stories, CNN and ABC get it within a couple of hours and on Biden's terms.

SMEDILE: This is my shocked face that the Democrats gave the media and then the media ran with their preferred narrative, especially when it comes to Joe Biden. They're doing his bidding. They're carrying his water. They never miss an opportunity to say, look how strong he looked today when the rest of us are saying he tripped up the stairs, you know.

So, I'm not surprised by that. But I also just say from a political point of view, that's just good staff work to make sure that the press has your stuff. So, I give you that.

REINES: Hold on. The Donald Trump from two minutes ago that was so media savvy and understands the camera and the art of the deal, --

SMEDILE: Yes.

REINES: -- Donald Trump got rolled this morning.

SMEDILE: I don't think he got rolled. He's been saying, let's debate for months.

REINES: He got what he wanted, except all these things. I mean, why didn't he say, no, I don't like CNN, ABC, or if you're going to get those, I also want Fox.

KURTZ: Well, I can, --

SMEDILE: That's the conversation --

(CROSSTALK)

KURTZ: I can answer the question, which is that he didn't want to.

REINES: He was eager. He wanted to say yes.

KURTZ: Yes. Right, right. He wanted to say yes, because he wanted to get it down. But I've watched Trump negotiate as a business guy in New York, and he often agrees and then starts arguing over conditions. This is what he's doing now in attacking CNN. And my report from really --

(CROSSTALK)

REINES: And he's going to cancel and he's going to threaten he won't show up if there aren't cocaine drug tests. I mean, we all know this movie, we've seen it before, but I don't think it's a matter of the Democrats or the liberal media having wireless.

KURTZ: But Cassie, let me jump in.

SMEDILE: But from the rollout.

KURTZ: Now you have Laura Trump, who's now at the RNC, saying these debates have been rigged in Biden's favor, but the former president didn't have to say yes right away. Otherwise, I say, I think there's going to be a lot of back and forth before this is settled.

SMEDILE: I think that it's typical that there is some back and forth, some jockeying for things. I think that I give Joe Biden credit for saying, fine, let's do it, even if it did take nine or 12 jump cuts to get that 15- second video there, I think it was good for him to do it. And I think it was good for Donald Trump to say, yes, now let's have the teams go to work at figuring out what this is really going to look like.

But the American people need to see these debates. Joe Biden knows that. Back to our first conversation, he has no choice but to put something like this out there. We'll go to Donald Trump for saying yes. They'll figure it out.

REINES: Yes. They haven't been in the same place at the same time in four years.

KURTZ: Yes.

REINES: And people forget that.

KURTZ: Well, often an incumbent president is rusty in the first debate --

REINES: Yes.

KURTZ: -- and often loses. But on the other hand, Trump didn't debate during the primaries. So, he doesn't have any reason.

REINES: Nobody likes debate prep.

KURTZ: I trust you on that. But when Trump says Biden can't string two sentences together.

REINES: Well, you know what? For two people that have worked so much about setting expectations, that's not smart either.

KURTZ: But that is exactly where I was going, which is if Joe Biden gets on, doesn't fall off the stage and delivers a reasonable hearing.

REINES: It's like state of the union.

KURTZ: Yes.

REINES: Suddenly he stands up and he gives a good speech. And Donald Trump is saying there's something weird. He was hyped up. He must have been on drugs. That's just not smart, because if he does the same thing, you know, Joe Biden, they're the same age. I'm sorry. The two of them average out to seventy-nine and a half years.

Donald Trump's birthday, if I remember correctly, to send him a card is next month, about just about a month from now. I think he turns 78. I mean, these guys are old. These guys are not spring chickens. They're not, you know, as agile and as full of energy as they were --

SMEDILE: And yet --

REINES: -- even five years ago.

SMEDILE: I have two thoughts for you, if I may.

REINES: Donald Trump is so long asleep every day in his own trial. I mean, let's not make this as --

SMEDILE: Well, courtrooms are --

(CROSSTALK)

KURTZ: Closing his eyes.

REINES: That's OK.

SMEDILE: Courtrooms are boring.

REINES: That's OK.

SMEDILE: Courtrooms are boring. I've been on the jury. But I will say two things. One, I don't think anybody is questioning Donald Trump's energy. You see what happens when you go to these rallies and the energy that builds around him. The other thing that I was saying, and I forgot my thought. There's another good point. I'll come back.

KURTZ: All right. I got to go. But I did want to mention all the publicity that Kamala Harris got for dropping the F-bomb. It wasn't a particularly important statement she made. So, all the headlines were she dropped the F- bomb. I'm not sure what the strategy was there. It wasn't like.

REINES: I think she was quoting her mother.

KURTZ: Mr. Gorbachev, tear down this effing wall. Wasn't like that. Anyway, when we come back, Joe Biden slaps tariffs on China and the media don't seem to care much.

(COMMERCIAL BREAK)

KURTZ: When President Biden decided to impose tariffs on Chinese electric cars and computer chips, some very similar to what President Trump had done, the campaign gave the announcement to the morning papers and Trump responded at the courthouse.

(BEGIN VIDEO CLIP)

TRUMP: He wants to put a big tariff on China, which is a suggestion that I said, where have you been for three and a half years?

(END VIDEO CLIP)

KURTZ: When Biden delivered a speech on the tariffs that afternoon, CNN and MSNBC stuck with Michael Cohen's court testimony.

(BEGIN VIDEO CLIP)

BIDEN: A 100 percent tariff on electric vehicles made in China, people say, wow.

(APPLAUSE)

BIDEN: because we're not going to let China flood our market, making it impossible for American automakers, automakers, auto manufacturers.

(END VIDEO CLIP)

KURTZ: The only cable network to break away and take Biden's speech live, Fox News.

Cassie, Biden makes legitimate news using his power as president to hit China with these tariffs. And not only is it not covered live by most of the networks, but by primetime, the coverage was still dominated by the Trump trial.

SMEDILE: Makes you question these news channels and their commitment to delivering news, right?

KURTZ: To their point.

SMEDILE: Versus much entertainment value, which is what I really can chalk that up to, because there are so many issues that I think President Trump never got rightful credit for when he was in the White House. And I give this moment.

This is very important. Joe Biden instituting tariffs on China, essentially extending what former President Trump did when he was in the White House.

KURTZ: With some differences, as they say.

SMEDILE: Some differences.

KURTZ: Yes.

SMEDILE: Some of it says, that's not really going to have an effect because Trump had already done that anyway and canceled that out. I understand that. But that's a policy discussion that you should be having on networks and channels that people are tuning into to try and get this information.

KURTZ: You know, Philippe, Biden rarely talks to journalists and sometimes he doesn't comment on major controversies. But here he takes on China. Major campaign issue. And within hours, he can't buy a headline.

REINES: Well, look, there are some things, even when I come on here, I can't I can't do. I cannot defend or explain media decisions. I've been doing this for a long time and they befuddle me. I'm not sure.

I mean, Fox is not exempt from covering the Trump New York trial around the clock. I don't know if it's good TV or if it's because of the weight of it or if it's because of the idea it's covered a lot. It covered a lot.

KURTZ: I was on talking about it.

REINES: Yes. I would go back just in sort of a bipartisan way to something you said about the first segment. The end of the day, these debates are good and Cassie said the same thing. At the end of the day, it's great that these two guys have ended up in the same place about China, because there was a lot of debate in 2020 about who would be better, who would be softer.

Right about now, China's sitting around saying this is a problem because there's no best-case scenario. It's worse and more worse.

KURTZ: Well, here's what I don't get, Cassie. The media love flip flop stories and Biden opposed President Trump's China tariffs and this video showing that. So, it's saying the cost would just be passed on to American consumers. Trump said this should have been done years ago.

So, is the press kind of shying away from the obvious criticism of the president that, hey, you said this when you were running and now you're doing something that's at least very similar?

SMEDILE: I think it's an interesting thought, because to your point, this was something that Joe Biden made a lot of hay over in 2020, going against then President Trump about his being so hard on China, saying it would be passed on to the American consumer, yada, yada.

And then now you have, which we can have a whole economic conversation about that, that I'm not nearly equipped enough to do. But now you have Biden doing the same thing, perhaps in that 11th hour move ahead of these debates to be able to show the American people, hey, I'm not actually that weak on China, even though he has been for three and a half years and he knows that it's bothered him in the polls.

REINES: Well, this is not about weakness. This is about standing up for the American worker. These tariffs have an effect on particularly autoworkers.

KURTZ: Right.

REINES: But Joe Biden is the one who ran to Detroit and stood with them. There are other ways to be tough on China. China is not happy with Joe Biden for how much money we've given to Taiwan and things like that. In totality, Joe Biden has been nothing but a thorn in China's side. KURTZ: To the extent -- to the extent that the pundits have weighed in, it's to say that what Biden is really doing here is currying favor with automakers in the industrial Midwest, which of course is a key part of the election.

REINES: Joe Biden, look, to go back to the point about age, Joe Biden, here's why age is good. Since he was 30, has been working for the American worker, including the American autoworker. Donald Trump didn't come to the American political scene until he was 72, 73. There's no question here who has been working harder.

The tariffs can have very detrimental effects on the American worker. When you put tariffs on steel and on aluminum, they're going to raise car prices dramatically. There is a balance to find.

KURTZ: Let me pull back the camera a little bit because we hit Dow 40,000, record close for the stock market.

REINES: While Joe Biden was president.

KURTZ: Yes, but he didn't give a speech about it. He could have gone to the stock exchange and rang the bell. He decriminalized, in effect, marijuana. And that was sort of a one-day story.

The media used to concentrate on issues. I mean, Biden could do more, I think, to communicate them. But we don't seem to do that anymore. We used to spend months debating, you know, health care.

SMEDILE: And I think what does that have to say to your point, Philippe, about make no bones about I have no say in how -- I have no idea how the media makes their decisions about which stories to cover other than entertainment value and what drives ratings.

I do think from a lay person's perspective, you say that Joe Biden's been standing up for the autoworkers for the entirety of his career, which has been much longer than I've been alive. Except that you saw that Donald Trump undid policies that had hamstrung American workers. And we saw a reduction in the cost of our lives. Right now --

KURTZ: All right.

SMEDILE: -- I'm hanging on to my car for dear life. I cannot afford a new car. And that happened under Joe Biden, not President.

KURTZ: All right. Philippe Reines and Cassie Smedile, thanks so much. You can debate the rest of the details outside.

REINES: We'll take our policy debate.

KURTZ: Yes. Up next, Joe Biden uses executive privilege to shield evidence in a classified documents case and Hunter Biden heading for a criminal trial.

(COMMERCIAL BREAK)

KURTZ: President Biden has invoked executive privilege to prevent House Republicans from obtaining the audio from his interview with special counsel Robert Hur in the classified documents case. His report said Biden was a well-meaning elderly man with a poor memory.

Joining us now from New York, Griff Jenkins, Fox News national correspondent and anchor.

Griff, when a president invokes executive privilege, usually the press says it's trying to hide something. New York Times column 2019, Trump's abuse of executive privilege is more than a present danger. Talks about him keeping the full Mueller report from Congress and other examples. But this story hasn't gotten much coverage. Why do you think that is?

GRIFF JENKINS, FOX NEWS CORRESPONDENT: Well, it deserves more coverage, Howie, because what's so unusual about this implication of executive privilege is that the transcript itself is unprivileged. It's just we can't hear President Biden say it.

And I think our colleague Jonathan Turley may have gotten it right when he called it a Voldemort theory of he who must not be heard. Recall that after the report came out, Biden held a press conference, a fiery press conference --

KURTZ: Yes.

JENKINS: -- and blasted special counsel Hur saying that he mischaracterized the president's claims of memory loss and mental acuity. But yet here we can't hear the president say it. And so many will see this chalk it up again as a case of powerful Washington leaving transparency as a piece of road roadkill. And so, I'm not sure whether or not we'll --

(CROSSTALK)

KURTZ: Well, the response to that --the Biden response to that is, and I would just point out, if the transcript is already public, we certainly know the substance. Why do Republicans need the audio? The White House counsel says this is to chop them up, distort them and use them for partisan political purposes. It's also part of building a case against contempt citation for Merrick Garland.

JENKINS: Right. And Garland obviously says that this is a broader campaign to undermine law enforcement and DOJ as well. But here's the problem, and that is that we are in a political year. And so, the motives of what Republican oversight wants to do with it doesn't really apply to making your argument, as I understand it, for claiming privilege in the transcripts out there. You're going to hear Republicans, I think, continue to press for it.

KURTZ: Right.

JENKINS: And the contempt charge is likely not going to play out before the election.

KURTZ: Yes. but we'll see.

JENKINS: So it may be a moot point to begin with.

KURTZ: All right. Hunter Biden heading for trial June 3rd in Delaware after a bid to delay the case fell short. You've covered this case in Delaware. Is this going to be the media's next big courtroom spectacle?

JENKINS: I think the court of public opinion is about to weigh in as much as the appropriate courts. And remember, a year ago, a sweetheart deal that Judge Maryellen Noreika blew apart took the tax case and the gun diversion and separated.

So now you have two trials on June 3rd in Delaware. The gun trial starts. And then, of course, now you've got Hunter Biden's attorneys asking for a delay in the California tax trial to delay it until September. If that's denied, this case will start on June 20th.

And in that California tax case, it will be nine charges, three of which are felonies for alleged failure to pay taxes. And you can bet your bottom dollar, Howie, that if both of these trials start, you're going to hear former President Trump bring up whatever we learn in those trials in that first debate on June 27th.

KURTZ: Right. And Politico says aides are worried about the psychological impact on Biden.

JENKINS Great to see you, Griff. Thanks, as always.

Next on Media Buzz, did Michael Cohen's credibility just get annihilated in the hush money case?

(COMMERCIAL BREAK)

KURTZ: Ever since he pled guilty six years ago, Michael Cohen has mounted a brutal campaign against Donald Trump.

(BEGIN VIDEO CLIP)

MICHAEL COHEN, FORMER DONALD TRUMP'S LAWYER: I believe that Donald Trump has actually lost his (muted). He's lost his marvel. He knows that every single (muted) thing that he has done for God knows how long, it's now coming to his doorstep.

(END VIDEO CLIP)

KURTZ: After relentless media hype, the one-time fixer and convicted liar took the stand at the hush money trial and said Trump had warned him before declaring his first presidential run that there's going to be a lot of women coming forward.

When Cohen described how he passed $130,000 to Stormy Daniels, he recalled Trump caring only about suppressing the story past the election. Quote, "he wasn't thinking about Melania. This was all about the campaign."

Cohen said that when he was reimbursed for that and another hush money payment with 11 checks signed by Trump, the president knew these payments were not really for legal services. But Cohen's memory turned foggy under cross-examination.

Trump lawyer Todd Blanche wasted time showing that Cohen wants his ex-boss behind bars, which is pretty obvious. But he scored points when Cohen admitted he wasn't sure about a key phone call he supposedly had with Trump, that he'd made over $3 million on two anti-Trump books, and when he had to repeat the litany of lies, he's told to various investigators.

(BEGIN VIDEO CLIP)

LAURA INGRAHAM, FOX NEWS HOST: How did Cohen come off? Well, to me, like a well-rehearsed dunderhead. He explained away every unsavory action as motivated by his effort to, quote, protect Trump.

NICOLLE WALLACE, HOST, MSNBC: The ex-president's former fixer, Michael Cohen, today closed the loop on the story that often sounds like it is straight out of a bad mafia movie.

ELIE HONIG, CNN SENIOR LEGAL ANALYST: 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.

JEANINE PIRRO, FOX NEWS HOST: Now we're hearing this guy's really a dirtbag, he hates Donald Trump. And in the end, you know, I think they're going to see him for what he is. He's a lying huckster who's looking for his 15 minutes of fame.

(END VIDEO CLIP)

KURTZ: Trump regularly spoke to reporters and brought in such supporters as House Speaker Mike Johnson to defend him.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA: Today we had a very, I think a very good day in court to see what's happening. And you'll have to report it because they can't talk about it too much.

Every single legal analyst, even CNN. Even MSDNC, they're saying, there's no case here.

(END VIDEO CLIP)

KURTZ: Joining us now from Nashville, Clay Travis, co-founder of Outkick and a nationally syndicated radio host. And Marie Harf, Fox News contributor and former State Department spokeswoman.

Clay, how was Michael Cohen, just as a prosecution witness, laying out the case saying Donald Trump knew what the money was for and Donald Trump also knew that Cohen was being reimbursed in a way that he argued, you know, he knew exactly that this was for hush money and not for legal services.

CLAY TRAVIS, FOUNDER, OUTKICK: He well coached in his direct prosecution testimony. I thought on the cross-examination he was blown up and this case should be over. Because remember, the standard is beyond a reasonable doubt. And when your star witness can't remember for sure whether or not he said what he said previously had occurred on a 96-second phone call when he called Trump's bodyguard and claims that he was talking about a payment and now the evidence comes out that he may well have been actually talking about a 14-year-old kid who was harassing him.

I think there's at least one, maybe two or three of the 12 jurors on this case who are going to not be willing to give a not guilty verdict.

KURTZ: Right.

TRAVIS: If this were a 100 percent honest jury, I think it would be 12-0 not guilty in favor of Trump.

KURTZ: Well, it only takes one juror for a mistrial. Marie, is the reason the Trump defense didn't challenge this core testimony about the checks and so forth is because they'd have to come up with a different version and there were all these texts and emails and signal messages and bank records and one surreptitious audio tape.

MARIE HARF, FOX NEWS CONTRIBUTOR: I think most people believe that Donald Trump knew exactly what was happening. You don't hear a lot of people saying Donald Trump didn't know anything that Michael Cohen was doing. He didn't know this money was going to her.

The question is whether it was a legal liability, so that's probably why the Trump team didn't do that. And Howie, what's so interesting about this case, it's so hard for us to read how the jury might be seeing things. Of course, because we don't have cameras in the courtroom.

KURTZ: Right.

HARF: Reporters are in there and they're telling us what it's like. They're telling us how it's feeling, but it's so hard to gauge some of this because Michael Cohen was always going to be an imperfect witness. We all knew that.

KURTZ: Yes.

HARF: But the question is, to Clay's point, do jurors look at what he said and look at the defense poking holes in that and have doubt now? It's a little hard to tell.

KURTZ: Imperfect is very diplomatic. Clay, since those of us watching at home just got to watch the side panel with reporter's notes and not hear anything, CNN engaged in a dramatic reading. Let's take a listen.

(BEGIN VIDEO CLIP)

JOEY JACKSON, LEGAL ANALYST, CNN: He goes, how long do you think I will be on the market for? Not long.

MERCEDES COLWIN, LEGAL ANALYST, CNN: What did you understand that to mean?

JACKSON: He wasn't thinking about Melania. This was all about the campaign.

(END VIDEO CLIP)

KURTZ: That went on for an hour. What do you think, Clay?

TRAVIS: I love to see the minute-by-minute ratings on that. I can't imagine. They could have at least gotten great voice actors, maybe people playing the roles. So, I don't imagine that's great television.

But let's dive in here, building on the larger legal context. Remember, there has to be a second crime in order for this to be elevated to a felony. Otherwise, it's misdemeanor business bookkeeping issues.

And to me, what Cohen has to do is he has to elevate that second crime. Now there's a couple of different defenses that I think the Trump defense has put out. One is basically that this was designed not for election related issues, but because Trump himself was concerned about how Melania would respond to the story.

I think that's very compelling potentially to some jurors, because it doesn't get us to that second crime. Second part of this, we still haven't heard explicitly how that second crime is tying in to the first crime. Remember, otherwise this is a misdemeanor.

And Howie, I think this is really important. There are two attorneys on this 12-person jury.

KURTZ: Yes, that's true.

TRAVIS: How will those attorneys react maybe differently than a layman juror would to the larger context here? I just find it almost impossible to believe that 12 jurors are going to find beyond a reasonable doubt that this case has been proven --

KURTZ: OK.

TRAVIS: -- given the weaknesses of the Cohen testimony.

KURTZ: We may find out pretty soon as we're nearing the end.

Marie, there were certainly part of the course examination was devastating. But there were also these blind alleys. Did Michael Cohen learn of the Trump indictment with the New York Times? Well, what about the harassing phone calls from the 14-year-old? Who cares? What about he really wanted a White House job or he just wanted to be considered for ego reasons? Who cares? Why did they spend time on that?

HARF: It's really unclear. And look, I actually think other networks, and of course, Fox, have been covering this pretty down the middle. You heard a lot of people from CNN and MSNBC saying Cohen didn't do great under cross- examination.

But a lot of legal analysts, including in our network, saying the Trump team, especially in the first day of questioning, really went down some rabbit holes, didn't seem to be focusing like they should.

At one point, the judge even admonished, this was during the Stormy Daniels testimony, --

KURTZ: Yes,

HARF: -- the judge sort of admonished the Trump team for not objecting more. So, you know, Trump has to find lawyers who will defend him in all of these various criminal cases. And we'll see if they're doing a good enough job here and the other ones.

KURTZ: Well, Clay, Trump's lawyer, Todd Blanche, did lead Michael Cohen through a litany of lies. I mean, everybody knew this was coming, and the prosecution had tried to soften up by bringing some of this up earlier.

But you had lying to Congress, you had lying to special counsel, you had lying to the press. Some of the details may have been hard for the jurors to follow, but Blanche got to call him a lying liar over and over again. And I guess the question is, what's that, what's the impact on the jury?

TRAVIS: Well, I think the impact on the jury should be substantial, and the reports are, again, we can't see it, but the reports are that the jury has been paying a great deal of attention and seemed very alert during the course of the testimony, which would suggest they hadn't made up their mind and they found this to be as explosive and revelatory as many of us did based on the reports that we have seen.

I also think the larger context here, to me, this is clear grounds for a mistrial. I've argued, and this is me putting on my lawyer hat here, Howie, that Stormy Daniels testifying to the specific nature of her alleged sexual encounter was clearly prejudicial. The prejudice exceeded the probative value. It isn't necessary for this case.

I think that there was an initial complaint that was made by the Trump team about that testimony, and then when you have Merchan, the judge himself, saying, you should have objected more, well, that's a sign that he agreed that a lot of this information shouldn't have gotten in. I actually think, --

(CROSSTALK)

KURTZ: And it's up to the defense to --

TRAVIS: -- and I'd be curious what others will say.

KURTZ: Right.

TRAVIS: Yes, that a directed verdict is appropriate here, because I don't think that the legal charge has been proven to even be able to go to the jury.

KURTZ: We will see.

TRAVIS: Now, I doubt that Merchan will be willing to grant it, but it will certainly be made at the end of the testimony.

KURTZ: All right, I've got to make this last point, which is public interest seems to be much lower than certainly I would have expected. We did some research. About four million people watched on the three cable news networks during the time that it was on.

And if you look at the first day, Monday, that Michael Cohen testified, versus the first Monday before the trial, Fox was down single digits, CNN was up single digits, MSNBC was up 45 percent, so you can tell which audience is really into this and would love to see Donald Trump convicted, and so that's why you see that remarkable spike.

All right, we'll see you after the next segment, guys. After the break, a firsthand account of what it was like inside the courtroom.

(COMMERCIAL BREAK)

KURTZ: What's it like sitting in the Manhattan courtroom during the trial? I spoke with Kerri Urbahn, Fox's legal editor who worked in the Trump Justice Department.

Kerri Urban, welcome.

KERRI URBAHN, FOX NEWS LEGAL EDITOR: Thank you.

KURTZ: You've been sitting in the courtroom, the rest of us are reading these terse little summaries from reporters on the screen. What is Michael Cohen's demeanor like, and what about the reporters who are there, many of whom you must know?

URBAHN: So the best thing that Michael Cohen has going for him right now is that he has remained calm and collected throughout this entire process.

KURTZ: Hasn't been a hothead.

TRAVIS: Nope, hasn't been a hothead, both under direct and cross, but Howie, that's the only thing he has going for him, because unfortunately, the things that have just become so apparent, I think to me and other people sitting there, is one, his record of lying, which of course we already knew.

KURTZ: Yes.

URBAHN: But it's become actually hard to follow cross-examination because there are so many lies. And you get to the point --

(CROSSTALK)

KURTZ: It has become hard to follow, and I wonder if the jurors find it hard to follow.

URBAHN: They may, but part of the reason I think it's hard to follow is because of the amount of inconsistent statements and lies from the past number of years. So, you're sitting there thinking, wait a second, is this the 2018 perjury or the 2021?

KURTZ: So, it's not just me.

URBAHN: And it really feels like that.

KURTZ: Yes.

URBAHN: That's one. Go ahead.

KURTZ: And what about the reporters there?

URBAHN: So, you know, I've worked with these reporters for years. I know them. And, you know, we're all there all day long, sitting, listening. There have been some interesting moments. There was a "My Cousin Vinny" kind of culmination from cross-examination this past week, where Todd Blanche, who is Donald Trump's lawyer, accused Michael Cohen of lying in a very impassioned way.

KURTZ: Right.

URBAHN: You lied, didn't you?

KURTZ: Yes.

URBAHN: And so those are the things that catches our attention. In addition to, they played audio from Michael Cohen's podcast, which, and quite frankly, he sounded like a lunatic yelling about how he can't wait to see Donald Trump run, rot, et cetera.

KURTZ: Right. But I think it's well established that Michael Cohen hates Donald Trump and wants to see him go to prison. Were you surprised that at times Todd Blanche would get into these side issues, like he had trouble getting inauguration tickets or how many times did the D.A.'s office ask you to stay off TV? I mean, I just didn't see where he was going with some of these inquiries.

URBAHN: I think all of his, I think the points of his questioning are all to point to this guy is not credible. You know, he does, he does what he wants for his benefit when he wants to, even when the district attorney or a judge is telling him you can't do this, he does it anyway. Because if Michael Cohen thinks he's benefiting Michael Cohen, he'll do it no matter the cost.

Todd Blanche also drew out the fact that Cohen has a long history of blame shifting as well. It's never his fault, other than, you know, he did take responsibility for these lies.

KURTZ: Yes.

URBAHN: Although now it appears he may have lied earlier this week about this phone call.

KURTZ: A key phone call. There's a lot of lies to untangle here.

URBAHN: Yes.

KURTZ: When the other side is saying you lied, you lied, you lied, and you have to say, yes, I did. That's a different story. But, you know, with the reporters there, I mean, Michael Cohen, I talked to him a few times back in the day, and he once called me when he wasn't happy with something I'd written and let me have it.

URBAHN: Which is what he does.

KURTZ: Yes.

URBAHN: And so, I think a lot of, so in answer to your earlier question, --

KURTZ: Yes. Right.

URBAHN: -- I'm sitting there thinking, I know a bunch of the press here have been recipients of very irate, angry phone calls from Michael Cohen. When he was working for Donald Trump, by the way.

KURTZ: Yes. When he was a lawyer.

URBAHN: And it's attack dog. Yes, totally. And so, I'm sure they remember that as they're watching him again.

KURTZ: Well now we learn that he secretly recorded 40 conversations with journalists.

URBAHN: I know.

KURTZ: So, Trump did not take your initial advice to admit to a sexual encounter with Stormy Daniels. If you were advising him now, his lawyers say, told the judge they're not sure, would you let him testify?

URBAHN: No.

KURTZ: Because?

URBAHN: Because it'll open the door to all kinds of questioning. And you know, who knows all the different paths that could take. It's not worth it. And the reason I think it's not worth it at this point is, I do think Trump's team has done a fairly effective job at showing Michael Cohen to be just not a credible person.

And the reason that really matters at the end of the day is because this comes down to Cohen's words versus what Trump, and you know, the jury's going to have to make a decision. Are we willing to imprison the former president of the United States and possible future one over the testimony of a man who has a history of lying, of blame shifting, who's making millions of dollars off of denigrating him and was probably upset that he felt like Trump abandoned him when he wanted to be there with him.

KURTZ: To be continued.

URBAHN: To be continued.

KURTZ: Kerri Urbahn, thanks very much for joining us.

URBAHN: Thank you.

KURTZ: Still to come, what a scoop by the New York Times. MSNBC is a liberal network.

(COMMERCIAL BREAK)

KURTZ: Boy, the New York Times nailed this one, calling MSNBC comfort TV for liberals that has boosted it past CNN into second place. But the partisanship has created friction with NBC, as we saw during that MSNBC revolt that led NBC to dump former RNC chair, Ronna McDaniel.

(BEGIN VIDEO CLIP)

RACHEL MADDOW, HOST, MSNBC: The fact that Ms. McDaniel is on the payroll at NBC News, to me, that is inexplicable. And I hope they will reverse their decision.

(END VIDEO CLIP)

KURTZ: Clay, Travis, the story says that some people were moved to NBC and anti-Trump shows on MSNBC were expanded, that the head of the NBC thought of going all liberal and just taking out news altogether.

So after running a thousand stories on how horrible Fox is, is the Times just recognizing reality?

TRAVIS: I don't know that this was necessary, but I did read it and chuckle along. I will point out, Howie, this is a good topic for you next week, potentially.

How about Trump agreeing to a debate with NBC News and Telemundo?

KURTZ: Yes.

TRAVIS: I actually think that puts the MSNBC in a tough spot because are they going to rip Trump for agreeing to go on their parent network? And also, with the Hispanic issues that Biden has, I actually think that's a super interesting chess move.

KURTZ: Marie, what do you make of the fact that MSNBC, with all the anti- Trump rhetoric and, you know, for the opinion shows, that's fine, often refused to show Trump's speeches and it's become this headache for the NBC broadcast network.

HARF: I think there are real questions about how much to platform Trump when he is saying things that are false, that are defamatory, that are incitement at some point. So, I think there are real questions for networks who are doing that.

KURTZ: So, you agree that it's OK for MSNBC to just say, we're not taking his speeches because he's a liar.

HARF: I think that they can make their own decisions about their programming, as we do, as every network does. I do think that, and look, I think Americans across the partisan divide are looking for comfort TV right now. We see that on both sides of the aisle.

But I do think that the whole Ronna McDaniel episode showed that NBC's leadership is not in touch with its entirety of its operation, MSNBC, all of its anchors. The fact that you had anchors on TV talking about this decision by their parent company was extraordinary.

KURTZ: It was an amazing story to cover. And what's also not mentioned here is there are a lot of New York Times reporters and columnists who are contributors and guests on MSNBC. Their stories get played up.

Clay, we have about a minute left. I wanted to get your quick take on the world's top golfer, Scottie Scheffler, being charged with a felony after an encounter with a police officer at the PGA Championship. And this was witnessed by an ESPN reporter. Go.

TRAVIS: I thought the ESPN reporter, Jeff Darlington, did a great job breaking down exactly what happened. There is no body camera footage from the Louisville Police Department. There are now reports that all these charges are going to be dropped.

It sounds like a huge misunderstanding and also maybe the number one time for someone to actually say, do you know who I am and actually have it make sense and not make them seem like a jerk. He was trying to drive to the clubhouse. He was reportedly following the advice of another police officer when this police officer stopped him. It was a mess. And I think the Louisville Police will rectify this and drop charges.

KURTZ: It was absolutely a mess. And I think it was overcharged in the heat of the moment. Not that Scottie acted personally, but then he goes out on the course and shoots four under par.

TRAVIS: Minus five. I'd love to have that problem, by the way.

HARF: We'll think today.

TRAVIS: You can arrest me if I can shoot five under anyway.

KURTZ: All right. Thanks, guys. That's it for this edition of Media Buzz.

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(COMMERCIAL BREAK)

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