

# [***Johnson Dismisses Biden Administration Asylum Reforms; Biden Facts Bipartisan Pressure Over Migration Policy; More than 200 Cases against Migrants for Rioting along U.S. Border Dismissed; Congress Scrambling to Pass Legislation Authorizing Federal Aviation Administration***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C0H-RG31-JCS1-60KV-00000-00&context=1516831)

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**Guests:** Leslie Marshall, Matthew Continetti, Kimberley Strassel

**Body**

RICHARD FOWLER, FOX NEWS CONTRIBUTOR: And quickly grabbed the wheel before removing his bus driver's foot off the gas pedal.

(CROSSTALK)

DANA PERINO, FOX NEWS HOST: Wow.

FOWLER: And slamming on the brakes. He saves 14 kids. The eighth grader was -- this is an eighth grader and he's preparing to learn -- he is learning how to drive a tractor. And he saved his whole -- his whole class. That's pretty cool.

PERINO: That's a good one. Congratulations. You go, boy.

(CROSSTALK)

GREG GUTFELD, FOX NEWS HOST: See? You only -- driver's license.

PERINO: All right. That's it for us, everyone. Have a great night. Hey, Bret.

BRET BAIER, FOX NEWS ANCHOR: Hey, Dana, Happy birthday.

PERINO: Thank you.

BAIER: Congratulations. I really like the sexy bear you set up.

PERINO: You didn't do it in a Haiku. Next time.

BAIER: Thank you. Good evening. I'm Bret Baier.

Lawyers for former President Donald Trump seek a mistrial and a modification of the gag order imposed by the judge, as Stormy Daniels finishes her testimony.

Congress faces a deadline to reauthorize the Federal Aviation Administration, the FAA. What this may mean if you are flying soon?

And the house considers censure for a Squad member over her comments about Jewish students.

But first, "BREAKING TONIGHT", we are covering two big stories regarding major decisions from President Biden. Israeli leaders say they will go it alone, if necessary, after the president threatens to hold some military aid, if troops -- Israeli troops carry out major operations inside Rafah.

But we begin with reaction to the president's new rule to change the process for dealing with migrants seeking asylum along the southern border.

Critics are already saying it's a minor fix for a major problem. Senior national correspondent Rich Edson has the story live from the North Lawn. Good evening, Rich.

RICH EDSON, FOX NEWS WASHINGTON CORRESPONDENT: Hi, good evening, Bret.

For years, there has been pressure on President Biden to change and tightened border security and using executive action to do so. Well, he just proposed an administrative rule that would change the asylum system. For critics, they say that change is too limited to have much of an effect.

(BEGIN VIDEOTAPE)

REP. MIKE JOHNSON (R-LA): Window dressing, too little too late.

EDSON (voice-over): Before the administration even announced its new border security rule, Republicans dismissed it as little more than a political box checking exercise.

JOHNSON: Joe Biden is also unwilling and unable to fix the border crisis that he intentionally created.

EDSON (voice-over): House Republicans maintain, the president has the authority to do much more to restrict the historic levels of migration to the southern border.

They say Biden should shut it down.

Instead, the administration's rule would allow the government to expel migrants much more quickly if immigration officials determined they pose a national security or safety risk.

Republicans say millions are abusing the asylum system designed to grant migrants facing persecution entry to the United States.

The White House and Democratic leaders are pitting the border crisis on Republicans in their refusal to pass the bipartisan immigration bill.

SEN. CHUCK SCHUMER (D-NY): Republicans are going on and on and on about the border. But facts are stubborn things.

EDSON (voice-over): 15 House Democrats, many from swing districts have written the president, blaming Republicans for playing ***politics*** on border issues, but urging the president to act using all tools at his disposal. And that, "It has become clear that the current situation remains untenable."

Many progressive Democrats also wrote the president with a different request, urging him to streamline pathways to lawful status for undocumented migrants. And that, "Deporting all such individuals, as former President Donald Trump has threatened to do if reelected -- would devastate the American economy."

(END VIDEOTAPE)

EDSON (on camera): The White House has had no comment on the proposed rule. This week, the president's campaign did release a new ad, criticizing the Trump administration's border policies, and, in particular, highlighting family separation. Bret?

BAIER: And Rich, there is another story out there. A new report ripping the Veterans Affairs Department for doling out millions in excess of bonuses. What do we know about that?

EDSON: Nearly $11 million that went to 182 senior executives at the Department of Veterans Affairs ranging anywhere from $39,000 to $100,000 each. V.A. is trying to get that money back for these folks. It's been going on for several months right now, but they haven't gotten it all, because, first off, many of them are challenging that they have to repay it. Others are saying they already spent the money. Bret?

BAIER: All right. Rich Edson, live in the North Lawn. Rich, thanks.

As mentioned at the top, lawyers for former President Donald Trump have finished their cross examination of the woman who says she had a sexual encounter with the former president, then-Mr. Trump, and that she tried to get money to keep quiet about it.

Adult film actress Stormy Daniels was back on the stand today. Correspondent Nate Foy outside the New York State Supreme Court again tonight with the latest. Good evening, Nate.

NATE FOY, FOX NEWS NATIONAL CORRESPONDENT: Good evening, Bret. Tonight, Judge Juan Merchan denied two separate requests from former President Donald Trump's lawyers.

Merchan rejected their request for a mistrial because of prejudicial testimony from Stormy Daniels. And he also denied their request to amend the gag order because Trump wants to publicly respond to her testimony, something that he's still trying to do with a separate legal challenge at the appellate court level.

(BEGIN VIDEOTAPE)

DONALD TRUMP (R), PRESIDENTIAL CANDIDATE: Thank you very much.

UNIDENTIFIED MALE: What did you think of Stormy Daniels, last night?

FOY (voice-over): Former President Donald Trump is again, challenging the courts gag order, after adult film actress, Stormy Daniels finished testifying in Trump's criminal trial.

TRUMP: We've just filed a major motion at the Appellate division, inserting the absolutely unconstitutional gag order, where I'm essentially not allowed to talk to you about anything meaningful that's going on in the case.

FOY (voice-over): On the stand, Daniels denied extorting the former president. Saying, "I never asked for money from anyone in particular. I was asking for money from publications to sell my story, to get the truth out."

But a phone call, Michael Cohen recorded with Daniel's former lawyer, Keith Davidson shows a different story.

MICHAEL COHEN, FORMER LAWYER TO DONALD TRUMP: If he loses this election, and he is going to lose. If he loses this election, we lose all -- leverage, this case is worth zero.

FOY (voice-over): Daniels eventually signed a nondisclosure agreement, preventing the release of her story for $130,000. She also sold the rights to her life story for $800,000. And toward the country, profiting off her affiliation with the former president.

Trump's attorney, Susan Necheles, questioned Daniels, who confirmed signing the statement in 2018 that reads, in part, "I'm denying this affair because it never happened."

After Daniels testimony, prosecutors revealed they no longer plan to call former Playboy model, Karen McDougal to the witness stand.

Trump's former White House executive assistant Madeleine Westerhout got emotional today, while recalling memories of Trump and his family. Telling the court, "I felt it was really important to share with the American people the man I got to know. I don't think he's treated fairly and I wanted to tell that story."

(END VIDEOTAPE)

FOY (on camera): Westerhout will again be on the stand when court resumes tomorrow morning at 9:30. At the end of court tonight, judge Merchan, said that the trial is on or ahead of schedule. It was expected to last between six and eight weeks. Right now, we're nearing the end of week number four. Bret?

BAIER: Nate Foy, outside the courthouse. Nate, thanks.

A federal appeals court panel has rejected a bid from Hunter Biden to dismiss criminal gun charges. The action clears the way for Hunter Biden's June 3rd trial.

A first for the child of a sitting president. Judges said, Hunter Biden could not appeal because the lower court had not yet entered a final judgement in the case. Shortly after this appeals court ruled, a federal judge ordered the trial to begin June 3rd in Wilmington, Delaware.

We will talk with George Washington University law professor Jonathan Turley about the Trump and Hunter Biden cases in just a bit.

President Biden taking some criticism tonight over his threat to withhold some U.S. military support for Israel if it launches an all-out invasion of the Gazan city of Rafah.

State Department correspondent Gillian Turner has the latest tonight.

(BEGIN VIDEOTAPE)

MATTHEW MILLER, SPOKESMAN, UNITED STATES STATE DEPARTMENT: There are certain types of military assistance that we will not make available to Israel for use in our campaign in Rafah.

GILLIAN TURNER, FOX NEWS CORRESPONDENT (voice-over): The Biden administration has withheld a shipment of precision bombs to Israel and may pause more amid concerns the IDF would use them in Rafah.

MILLER: What the president made clear is that we have concerns about a potential military operation in Rafah. I don't think that's any secret when we have made those concerns quite clear to the government of Israel.

TURNER (voice-over): Those concerns, Rafah is packed with 1.3 million Palestinians, many of them already displaced by war. About 600,000 of them are children.

Congress just passed an Israel-aid package and President Biden is getting explosive pushback from GOP senators, accusing him of overriding their authority.

SEN. TOM COTTON (R-AR): Joe Biden object objectively favors a Hamas victory over Israel. It's just that simple. And the President is only emboldening Hamas.

SEN. JOHN THUNE (R-SD): It puts Israel's national security interests at risk. This is insane.

UNIDENTIFIED MALE: This is a horrible mistake.

TURNER (voice-over): Lawmakers on the far left, accused the president of not going far enough there. They are pushing him to seize all weapons shipments to Israel immediately.

Top officials, however, insist Israel self-defense is still their top priority.

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: Our commitment to Israel's security is indeed ironclad.

SABRINA SINGH, DEPUTY PENTAGON SPOKESPERSON: Our commitment to Israel security remains Ironclad.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: The security of Israel, and its right to exist as an independent Jewish state is ironclad.

(END VIDEOTAPE)

TURNER (on camera): Well, senior officials tell us that they believe a full-scale invasion of Rafah would actually hurt Israel position -- Israel's position overall. Both its standing on the world stage and its position with its regional allies who also want to see Hamas replaced inside Gaza. Bret.

BAIER: Gillian Turner live at the State Department, Gillian, thank you.

Meantime, Israeli Prime Minister Benjamin Netanyahu, says the U.S. threat to withhold some arms will not prevent his country from continuing its offensive in Gaza going after Hamas leadership.

Senior foreign affairs correspondent Greg Palkot has details tonight.

(BEGIN VIDEOTAPE)

GREG PALKOT, FOX NEWS SENIOR FOREIGN AFFAIRS CORRESPONDENT (voice-over): The fight is getting tougher in the southern Gaza City of Rafah. Israeli tanks and warplanes hitting more targets today. 50 Hamas militants reported killed, further terror tunnels collapsed, as a talk from Israel gets tougher as well.

And then, a warning from President Biden that U.S. military aid will be cut back if the Rafah invasion intensifies. Israeli Prime Minister Netanyahu said this.

BENJAMIN NETANYAHU, PRIME MINISTER, ISRAEL (through translator): We are determined and we are united in order to defeat our enemies and those who want to destroy us. If we need to stand alone, we will stand alone.

PALKOT (voice-over): His right-wing National Security Minister Itamar Ben- Gvir, posting on X even worse. Still, the humanitarian crisis in Rafah is getting worse. Tens of thousands seeking safety not there, food, fuel, water, medical assistance running down.

The U.N. says it's still too dangerous to reach a border crossing Israel says it reopened.

UNIDENTIFIED MALE (through translator): There is nothing here. No sign of life. We're living through a real tragedy, real in every sense of the word.

PALKOT (voice-over): As talk to pause the fighting and free more hostages held by Hamas have ground to a halt, negotiating teams for various sides leaving Cairo. CIA chief, William Burns reportedly returning to Washington.

Amid a slim ray of hope, new word in American ship has left Cyprus with aid set for transfer to a floating pier built by the U.S. military off the Gaza coast. To be ready, according to the Pentagon, in the very near future.

(END VIDEOTAPE)

PALKOT (on camera): IDF spokesman Admiral Daniel Hagari adding late today, even if President Biden sticks to his guns about that military aid warning, Israel has enough munitions for the mission's plan, including he said, Rafah, and the fight goes on. Bret.

BAIER: Greg Palkot, thank you.

Up next, we'll get legal analysis on the Trump trials and the upcoming Hunter Biden case from law professor Jonathan Turley.

First, "BEYOND OUR BORDERS" tonight. Russian President Vladimir Putin says there is nothing unusual in a planned exercise involving the practice deployment of tactical nuclear weapons. Russia is citing what he calls threats from France, Britain, and the U.S. as reasons for those drills.

Authorities in southern Brazil rush to rescue survivors of massive flooding that has killed at least 100 people so far. Some residents are refusing to leave. Heavy rains and flooding since last week have also left 130 people missing.

And this is a live look at Rome. One of the big stories there tonight. Pope Francis presides over a ceremony in St. Peter's Basilica to lay out the spiritual theme of hope for its 2025 Jubilee. It is a once every quarter century event that is expected to bring some 32 million pilgrims to Rome.

Just some of the other stories beyond our borders tonight. We'll be night back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: After 2-1/2 weeks, and I think you'll see some very revealing things today,

ALINA HABBA, LEGAL SPOKESPERSON FOR DONALD TRUMP: We're not hearing a whole lot about what they claimed to be charges.

UNIDENTIFIED MALE: Daniels was important for some context, and little else. If anything, it only enabled her to tell her story over and over.

(END VIDEO CLIP)

BRET BAIER, FOX NEWS HOST: Well, we have some big legal issues to break down tonight from the Trump trial in Manhattan to what's just happened with Hunter Biden and his trial to come.

Joining us, Jonathan Turley, professor at George Washington University Law School. Jonathan, great to see you.

First, I want you to get kind of a summary of Stormy Daniels as a witness both sides, you know, what comes out of this testimony that wrapped up?

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Well, just when you thought this trial couldn't get more bizarre, they called this former porn star to the stand. And Trump's counsel objected repeatedly, on good grounds that her testimony is virtually entirely immaterial. The NDA is not in dispute, that this was just an effort to get lurid details and the judge refused to listen to them. He narrowed it by but not much.

And what happened was a dumpster fire. It was -- it was embarrassing. It really made the judge looked quite, you know, feckless, and if not farcical in his own courtroom.

And so, the prosecutors then allowed a cross examination that they knew would be devastating. But that's the important thing here. This is exactly what the prosecutor is expected. They coached her, she admitted to that.

So, they just wanted to get these lurid details out. And the question is why? It doesn't seem to be winning the case as much as trying to win the election.

BAIER: We assume that Michael Cohen will be testifying soon as the big witness here, he is up on TikTok almost every day raking in donations of talking about his former boss in very specific ways, talking about this case. It's kind of different if you think about what the former president can and cannot say and what Michael Cohen is before he takes the stand.

TURLEY: Yes, the question is, what is the judge protecting Cohen from? Cohen is out there attacking and taunting, campaigning essentially against the president in the middle of a presidential campaign. What is the judge protecting here?

And that question is getting more and more evident as this case goes to the Court of Appeals. The most amazing thing about the TikTok thing last night was Cohen saying he wants to run for Congress, where he'll take yet another oath.

I mean, he seems to collect oath, like people, you know, collect heads for their walls. I mean, I -- the one guy that I would think would be somewhat oath adverse would be Michael Cohen.

BAIER: One thing more on this case, and this is Hillary Clinton weighing in on what she sees the real issue here in this case.

(BEGIN VIDEO CLIP)

HILLARY CLINTON, FORMER PRESIDENTIAL CANDIDATE: The one that is going on now currently in New York, is really about election interference. It is about trying to prevent the people of our country from having relevant information that may have influenced how they could have voted in 2016.

(END VIDEO CLIP)

BAIER: Now, I didn't do that interview, had I been doing it? I probably would have said, well, what about the dossier that was paid for by your campaign? You got an FEC fine for it, but obviously a prosecutor didn't take you, a D.A. didn't charge you in that case.

TURLEY: Right. It's because you have a modicum of journalistic integrity. That is, it's obvious what the next question is, that Clinton campaign lied to the media when it denied funding the Steele dossier. It hid the funding through its general counsel Marc Elias, as legal expenses. And they were later fined for that.

And in fighting that fine, they argued, no, no, no, no legal expenses covers this huge category. This is perfectly correct, which is basically what the Trump people are arguing.

But to watch Hillary Clinton make this argument really represents a new low for her, but it's hard to believe that anyone would be persuaded.

BAIER: OK, quickly, the appeals court Hunter Biden's trial moving forward, saying June 3rd, they're going to go forward with this.

TURLEY: Yes, and this is a slam dunk of a case and his attorneys know it. They've thrown everything against the wall. They're arguing arguments put forward by the National Rifle Association, the challenging law that his father has championed.

And the reason is, the primary witness that will appear at the trial against Hunter Biden is Hunter Biden. He is on record in his book and in interviews, basically establishing the elements of his offense.

In most circumstances, this would be the fastest trial on record. And that's why they're taking every three point shot they can to see if they could stop this from happening.

BAIER: And finally, be remiss if I didn't ask you about the G.W. protests, obviously, that's your office right there, George Washington University, how you think it was handled and what you saw and heard from really outside your window, right?

TURLEY: Literally outside the window of my office, and I could not drive to my office because that whole street was occupied for weeks and the D.C. government refused to clear it.

The George Washington University asked them to clear it, at least clear the city street, but in D.C., it often seems to matter what you're protesting in determining whether you will be cleared or not. And the D.C. government refused until just before they were being summoned to Congress to answer questions.

But it's really another example of fighting to control our universities. For those of us in higher education, this has been the story for years, we've lost control of higher education. And just now, administrators are seeing the byproduct of what they have created.

BAIER: All right, Jonathan Turley, as always, thank you.

TURLEY: Thanks, Bret.

BAIER: Up next, a large group of migrants storming the southern border. You remember that story while they appear to be getting off scot-free, we're going to take you down there live.

First, here's what some of our Fox affiliates around the country are covering tonight. Fox 2 in St. Louis as Missouri Governor Mike Parson signs a bill banning abortion providers and their affiliates from receiving Medicaid reimbursements, while public funds are already prohibited from funding abortions in Missouri. The new law will not prevent any taxpayer money from supporting abortion providers who are affiliates in the state of Missouri.

Fox 13 in Memphis as severe storms tear through parts of Tennessee. Much of the U.S. again Wednesday spawning damaging tornadoes, massive hail. Two people died in Tennessee, one person dead in North Carolina, more than 135,000 customers lost power in Tennessee as of Wednesday evening.

And this is a live look at New York, one of the big stories there tonight from Fox 5, our affiliate. The portal sculpture is now open in the flat iron neighborhood where it will create a real time live stream between the city and Dublin Ireland. There you go.

Exhibit sponsors say viewers are invited to, "Transcend geographical boundaries and embrace the beauty of global interconnectedness with their neighbors from across the sea."

This is tonight's live look outside the Beltway from SPECIAL REPORT. We'll be right back.

(COMMERCIAL BREAK)

BAIER: Movie producer Harvey Weinstein will remain locked up in New York as a court works out whether he should stay in a city jail while he awaits a retrial in a rape case, or whether he should be sent to California to continue serving a prison sentence there. Weinstein denied his consent for an extradition request from California related to a separate rape conviction during a brief court hearing today.

Stocks were up on continued optimism about the prospect of a Federal Reserve interest rate cut. The Dow surged 331, the S&P 500 rose 26, the Nasdaq finished ahead 44.

Breaking tonight, more than 200 cases against migrants alleged to have been involved in that riot along the U.S. border in March, we brought you that - - 200 cases have now been dismissed. The judge is blaming a bureaucratic error. Correspondent Griff Jenkins has details tonight. Good evening, Griff.

GRIFF JENKINS, FOX NEWS CORRESPONDENT: Good evening, Bret. And that's right, FOX News confirms El Paso County Court Judge Ruben Morales dismissed 211 cases against migrants charged with rioting at the border on March 21st, seen in that video by "The New York Post" continuing to push their way into the U.S. Judge Morales says he lacks jurisdiction because the district attorney's office failed to provide a required conferring transfer order to move the misdemeanor cases from district court to county court. But District Attorney Bill Hicks said just moment ago he felt the process was done appropriately and he intends to appeal the judge's order dismissing the cases.

(BEGIN VIDEO CLIP)

BILL HICKS, EL PASO COUNTY DISTRICT ATTORNEY: It does not matter, a person's immigration status. It does not matter if they are from this country or not. If you break the laws of the state of Texas, and in particular in these riot cases, if you destroy property and you endanger lives, you will be held accountable.

(END VIDEO TAPE)

JENKINS: Vice President of National Border Patrol Council Art Del Cueto issued a statement to FOX, saying, quote, "Unfortunately, a decision like this continues to send a message to criminals that they can get away with attacking law enforcement. This continues to make law enforcement's job that much more difficult. Zero consequences for criminal behavior."

And as for what happens with these migrants, Bret, D.A. Hicks says they are now being released back to Border Patrol. But a senior CBP official tells me in the case of Venezuelan migrants, as many of these were, they can't be sent back because there is no repatriation agreement with that country, so many will likely be released with a notice to appear at a future asylum hearing. Bret?

BAIER: Griff, thank you. We'll follow that.

Congress, meantime, scrambling to keep the Federal Aviation Administration, the FAA from shutting down. Authorization for the agency expires in about 36 hours. So, what does this mean for the flying public? And can Congress get it all done? Votes going on right now up on Capitol Hill. Senior congressional correspondent Chad Pergram might have some answers tonight. Good evening, Chad.

CHAD PERGRAM, FOX NEWS CONGRESSIONAL CORRESPONDENT: Bret, good evening. The Senate is voting right now as we speak to avoid a partial shutdown of the Federal Aviation Administration. The vote right now is 71 to four. They only need 60 votes, so this is going to pass. There's not going to be a crisis here. They are going to pass this bill in the next half-hour. The Senate was in a holding pattern to reauthorize the FAA but reached a deal to avoid a Senate ground stop.

(BEGIN VIDEO CLIP)

SEN. CHUCK SCHUMER, (D-NY) SENATE MAJORITY LEADER: Passing this FAA bill preservative critical funding for airport security, training for more air traffic controllers and safety inspectors at manufacturing plants.

(END VIDEO CLIP)

PERGRAM: Senators wanted the FAA bill to carry extra cargo. They hoped to attach unrelated legislation like the bridge for Baltimore, and online safety for children. A plan to add 10 daily flights at Washington's Reagan National Airport was one of the most controversial issues. There was just an incident at Reagan National between Southwest and JetBlue.

(BEGIN VIDEO CLIP)

SEN. TIM KAINE, (D-VA): They almost collided. The frantic voice of the air traffic controller could be heard shouting --

UNIDENTIFIED FEMALE: Southwest, stop! Southwest 2937, stop!

KAINE: And these planes ended up stopping within 300 feet of each other.

(END VIDEO CLIP)

PERGRAM: Reagan National has the busiest plain runway in the nation. A few minutes ago the Senate blocked a plan to allow more flights at Reagan but only if it would not interfere with safety.

(BEGIN VIDEO CLIP)

SEN. TED CRUZ, (R-TX): San Antonio deserves a direct flight to and from Reagan that it will save money for residents of San Antonio, that is will generate jobs for residents of San Antonio, and that it is only fair for residents of San Antonio that they be able to come directly to D.C. at Reagan.

(END VIDEO CLIP)

PERGRAM: Now, as I say, the bill needs 60 votes to pass. They are up to 73 yeas right now. But the Senate must still approve an interim bill. The House did not line up with the Senate, and the House left town yesterday. Bret?

BAIER: Chad Pergram live on the Hill. Chad, thanks.

Up next, one of the most outspoken Democrats in Congress may be in line for censure over her comments about Jewish students and genocide.

But as we go to break, former White House counsel for Bill Clinton and high-powered lobbyist Jack Quinn has died. Quinn's wife Susanna says he died from long-term complications relating to a double lung transplant in 2019. He is survived by a large family here in D.C., his wife Susanna, son Storm, and stepdaughter Jocelyn. Jack Quinn was a friend of mine. I'm better for having known him. Jack Quinn was 74.

(COMMERCIAL BREAK)

BAIER: There is a move in the House tonight to censure Squad member, Democratic Congresswoman Ilhan Omar for saying some Jewish students are pro-genocide. Whether that proceeds may be related to the political troubles of the House speaker and the tight majority. Congressional correspondent Aishah Hasnie is on Capitol Hill tonight with that.

(BEGIN VIDEO TAPE)

REP. ILHAN OMAR, (D-MN): Got a primary to win.

AISHAH HASNIE, FOX NEWS CORRESPONDENT: Progressive Congresswoman Ilhan Omar firing back at Republican Congressman Don Bacon after he filed a censure resolution against her for calling some Jewish students pro-genocide.

OMAR: We should not have to tolerate antisemitism or bigotry for all Jewish students, whether they are pro-genocide or anti-genocide.

REP. DON BACON, (R-NE): No American Jewish student should be called pro- genocide. It's just wrong.

HASNIE: Bacon says Speaker Mike Johnson supports the condemnation, but he hasn't scheduled a vote yet, and that might be because Johnson finds himself in choppy political waters. He could only lose one Republican on any future vote, and Wednesday night he lost the confidence of at least three as they tried to oust him. Even former President Trump weighing in on the peculiar moment on Truth Social, warning Republicans that if they showed disunity, which will be portrayed as chaos, it could cost them the election. And because Democrats threw Johnson a lifeline, that could dissuade him from punishing one of their own.

On the other hand, the left is deeply divided over the war and pro- Palestinian protests happening on college campuses. And last year --

REP. MIKE LAWLER, (R-NY): When she chants "from the river to the sea," she believes it.

HASNIE: Twenty-two Democrats joined House Republicans to censure Michigan Representative Rashida Tlaib over other remarks about Israel. That gives Bacon hope that Democrats will once again cross party lines.

BACON: I don't see this as a Republican or democrat issue. We're standing up for Jewish Americans.

(END VIDEO TAPE)

HASNIE: And Bret, if Omar is indeed censured, then she would become the fourth Democrat to be condemned in the last two years. Bret?

BAIER: Aishah Hasnie on Capitol Hill. Aishah, thanks.

Some students are pushing back tonight against anti-Israel protests that have kept them from feeling safe, attending classes, or even graduation ceremonies. Three Northwestern University undergraduates are suing the school now. Senior correspondent Mike Tobin is in Evanston, Illinois, tonight.

(BEGIN VIDEO TAPE)

MIKE TOBIN, FOX NEWS CORRESPONDENT: A scuffle at MIT, the latest campus clash as Palestinian sympathizers protest against Israel. Three Jewish students at Northwestern University in Illinois are fighting back with a lawsuit.

UNIDENTIFIED MALE: Jewish students are not safe on campus. If you talk to students, they are scared. They are terrified.

TOBIN: The suit does not ask for compensation, monetary or otherwise. It simply demands the university enforce policies which would prevent incidents like a man with his face hidden by a keffiyeh demanding students disclose whether they speak Hebrew, a Star of David with a red slash through it, and a Jewish student berated with chants that she burn in hell. Northwestern University told us, "We don't comment on pending litigation."

Like many colleges, the University of Wisconsin at Milwaukee has an anti- Israel tent encampment.

UNIDENTIFIED MALE: We have tents, we have shelter, unlike the people of Gaza. Unlike the people of Palestine.

TOBIN: The chancellor issued a statement that UMW tries to balance free statement and safety, but the encampment is unlawful and must end.

UNIDENTIFIED MALE: I think it's basically a hidden threat to Jewish students.

TOBIN: Contrast that with Emerson College in Boston where the university president promised to post bail for the students who were arrested.

UNIDENTIFIED FEMALE: Next November we'll remember!

TOBIN: Increasingly the protests have turned on the Biden administration for ongoing U.S. support of Israel's military. In light of that pressure, Xavier University in Louisiana withdrew the invitation for Biden's ambassador to the U.N., Linda Thomas-Greenfield, to speak at commencement.

(END VIDEO TAPE)

TOBIN (on camera): Northwestern here struck a deal with protesters and gave them some of what they demanded, including a student committee to view university investments. In exchange, the protesters took down most of the tents, dodging the ugly visual of police removing them by force. Bret?

BAIER: Mike Tobin in Evanston. Mike, thanks.

Up next, the panel on the standoff between President Biden and Israeli Prime Minister Benjamin Netanyahu over military action in Rafah. Plus, Stormy Daniels is cross-examined at the Trump criminal trial. We'll talk about all of that, and then the unofficial kick-off to a famous frog jump jubilee.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: We're not going to supply the weapons and artillery shells used, that have been used --

UNIDENTIFIED FEMALE: Artillery shells as well?

BIDEN: Yes, artillery shells.

It could be a tragic mistake. The idea that we would cut off military aid to an ally, our only true, true ally in the entire region, is absolutely preposterous. It's just beyond my comprehension that anyone would do that.

(END VIDEO CLIP)

BAIER: Well, that last soundbite was Joe Biden 2019, before that, an interview last night about holding back arms in case Israel goes into Rafah, very definitively. There has been pushback in his own party about that. You saw Senator Fetterman on SPECIAL REPORT. There are others who are talking out about it. But the most vociferous pushback is from Republicans, including Senator Tom Cotton.

(BEGIN VIDEO CLIP)

SEN. TOM COTTON, (R-AR): It would also, I have to add, be grounds for impeachment under the Democrats' Trump-Ukraine standard, withholding foreign aid to help one's reelection. Only with Joe Biden, it's true.

(END VIDEO CLIP)

BAIER: And to that end, there are some House members, GOP members drafting, or trying to draft articles of impeachment on this issue.

Let's bring in our panel, Leslie Marshall, Democratic strategist, Matthew Continetti, fellow at the American Enterprise Institute, and Kimberley Strassel, a member of the editorial board at "The Wall Street Journal." Kimberley, first to you, your thoughts of this action, the fallout, and what comes from it?

KIMBERLEY STRASSEL, "WALL STREET JOURNAL": For a president with a long history of poor foreign policy decisions, this is one of the worst. He is abandoning a key ally and sending a terrible message to our own enemies, which puts our own national security at risk. It's thwarting the will of Congress, including members of his own party, which just passed a bill specifically so that we could send along these weapons over there.

And look, it's being done in the name of pandering and domestic ***politics***, rather than any sound reason. This is a president who said he was backing Israel in its goal of rooting out Hamas, and that cannot be done without an operation in Rafah. So it's also inconsistent with his own policy. I'm not quite sure how it is sustainable given the growing pushback.

BAIER: Leslie, Congresswoman Ilhan Omar came out, she said this, "This is what young people across the country were protesting for, and finally, the needle has moved in a significant way. I hope we see more progress. But don't ever let people tell you that your voices are meaningless and your actions are worthless." In other words, she's tying this directly to the action of Biden of holding back these weapons.

LESLIE MARSHALL, DEMOCRATIC STRATEGIST: I wouldn't tie it directly. I mean, President Biden has been warning Benjamin Netanyahu, and we have been seeing not just on American campuses, but we have been seeing in Israel itself, not just by polls, by people in the street screaming for Netanyahu to get the hostages home. All of the killing, the more than 30,000 Palestinians that have died, a majority of women and children, and approximately 2,300 of those are Hamas, and the hostages are still not home.

So what we're hearing from people throughout the globe is we can't just keep sending money. We can't just keep giving weapons. For Rafah, many people view it like shooting fish in a barrel. When you've asked people, go to this area, go south, go to Rafah. Now everybody is like, we're there, where do we go? Look, I shouldn't say nobody. An overwhelming majority of human beings can't stand terrorists, can't stand Hamas. And I do call Hamas a terrorist organization. But I think the overwhelming majority of human beings see that there is humanitarian crisis. Cindy McCain said there is going to be famine. We are human beings, not just politicians. I don't think this is entirely a political decision, and I don't think the president is entirely wrong. You can't just give a blank check to every ally. You need to sit down and have a plan. So far, the plan hasn't worked.

BAIER: A couple things. One is that the Israeli cabinet, including some of the possible opponents to Netanyahu, don't differ with him strategically on what he is trying to do to get rid of Hamas leadership and even going into Rafah. Secondly, precision guided munitions may be better if you are going in than not in a small area. And thirdly, Hamas is the one that's keeping those people there.

"Axios" has this story. "Israel warns U.S. that weapons pause could sabotage talks. The Israelis told the U.S. they are extremely concerned that with negotiations ongoing in Cairo, the timing of the move will jeopardize efforts to secure a deal for the release of hostages and a temporary cease-fire. The Israelis are concerned that Hamas will not move from its positions when it sees the level of U.S. pressure." Matthew?

MATTHEW CONTINETTI, AMERICAN ENTERPRISE INSTITUTE: All the terrible things that Leslie says are happening in Gaza are the result of Hamas. And the longer that Hamas is allowed to remain in power in Gaza, all these things will continue. This is not releasing the American hostages. It's not furthering the negotiations. Bill Burns, the CIA director, is returning back to the United States. It's not helping America's position in the region by showing daylight between the United States and our critical ally. It's not helping Biden politically, because he has already alienated the anti-Israel people, and now he is going to alienate the pro-Israel community.

It's a disaster of a policy that's only going to backfire, and Biden has no one but himself to blame. He needs to recover the moral clarity that he possessed in the first weeks after October 7th. But I fear that it's vanishing from his fingertips.

BAIER: But Matthew, he just gave a speech at the Holocaust event that was very pointed and clear and blamed Hamas directly. But the very next day, he was pretty clear on this weapons holdback.

CONTINETTI: The words were great. And as he was giving that speech, Bret, apparently his administration was trying to hide the fact of this new policy to deny weapons that Israel needs to finish the job. That itself is despicable, that he was trying to cover that up. Words are important, and I think many of the words that Biden has said since October 7th, including about these violent and harassing campus protests against Jewish students in our own country have been very helpful. But deeds matter more. And this deed is wrong, and it needs to be reversed.

BAIER: All right, let's talk now about the trial up in New York. It's dominated a lot of coverage. Obviously, salacious testimony with the prosecution and then cross-examination of Stormy Daniels. Take a listen.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER U.S. PRESIDENT: This is purely and simply election interference. There is no case. But here we sit after two-and-a-half weeks.

UNIDENTIFIED MALE: This is just a sham trial. It's a show trial. And they have every right to apply for a mistrial because the testimony that's going on right now has nothing to do with the actual case.

JENNIFER RODGERS, FORMER FEDERAL PROSECUTOR: It's incredibly embarrassing to the former president. And the more details she gives, the more likely it is that the jurors think that she is telling the truth.

(END VIDEO CLIP)

BAIER: I mean, we heard the analysis from Jonathan Turley earlier in the show. Kimberley, the editorial board where you work, the Stormy Daniels sex trial, "It's easy to believe the prosecutions goal was as much to humiliate Mr. Trump before voters as it was to sway the jury that Mr. Trump is a sexual predator. Perhaps the Bragg prosecutors are willing to go this extreme because the other criminal cases against Mr. Trump may not go to trial before Election Day. Those who want Mr. Trump convicted before November now see Mr. Bragg as their last best hope." Do you think that was the strategy here?

STRASSEL: Yes, I do. Look, this is supposed to be a falsification of business records. And instead, the prosecution, I think, and Judge Juan Merchan made a big mistake in putting Stormy Daniels up there, allowing her to make these prejudicial statements suggesting somehow this sexual tryst was nonconsensual. The judge as much admitted this was a problem by suggesting that he is now going to have to issue limiting orders to the jury, essentially telling them to unhear what they already heard. And this is coming about because Alvin Bragg doesn't know what his second crime is. He is trying to throw everything against the wall that he can. But there are rules and procedures in the courtroom. And I think they just gave the Trump team a grounds for a mistrial and appeal.

BAIER: I've got 20 seconds, Leslie. Politically independents, suburban women, how does it play?

MARSHALL: I honestly don't think it sways them. It's just not a top-of-mind issue for voters across the board. And those independents aren't in love with or hate with Donald Trump. And I don't think this trial is going to change that.

BAIER: All right. Panel, as always. Thank you.

BAIER: Finally tonight, a special day.

(BEGIN VIDEO CLIP)

(SHOUTING)

(END VIDEO CLIP)

BAIER: Members of the State Senate and Assembly and the public gathered outside of the California Capitol Building in Sacramento to see the 48th annual Capitol frog jump. The event features almost 70 frog jumpers competing for the longest and shortest jump. Do you win for the shortest jump? I don't know. The event serves as the unofficial kick-off to the Calaveras County Fair popularized by the famous short story by Mark Twain. There you go, frog jumping in California.

Tomorrow on SPECIAL REPORT, our "Common Ground" segment deals with bipartisan cooperation to try to rebuild Baltimore's Francis Scott Key bridge following its collapse in late March. We will talk about the issues of the day as well.

Remember, if you can't catch us live, set your DVR, 6:00 p.m. in the east, 3:00 p.m. on the west coast.

Thanks for inviting us into your home again tonight. That's it for this SPECIAL REPORT, fair, balanced, and still unafraid. THE INGRAHAM ANGLE is now.

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