

# [***Trump Faces Dueling Court Cases; Pecker Testifies Trump Knew Former Playboy Model; Hearing Next Week On Possible Gag Order Violations; Anti- Trump Legal Pundits Hold Weekly Call; Mainstream Media Bias In Trump Trial Coverage; USC First Canceled Pro-Palestinian Valedictorian; California City Approves $1M Per Unit Homeless Housing; Retailers Scaling Back Self- Checkouts***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BWJ-JGF1-JCS1-61SG-00000-00&context=1516831)

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**Guests:** Anahita Sedaghatfar, Steve Garvey, Rabbi Chaim Mentz, Aaron Cohen, Jessica Millan Patterson, Lauren Wright, Dee Sarton, Julie Hamill, Andrew Gruel

**Body**

(COMMERCIAL BREAK)

GREG GUTFELD, FOX NEWS CHANNEL HOST: We're out of time. Thanks to Jamie Lissow, Hotep Jesus, Kat Timpf, our studio audience. FOX NEWS @ NIGHT is next. Greg Gutfeld. I love you, America.

TRACE GALLAGHER, ANCHOR, FOX NEWS @ NIGHT: Good evening. I'm Trace Gallagher. It's 11:00 p.m. on the East Coast, 8:00 here in Los Angeles and this is America's late news, FOX NEWS @ NIGHT.

And breaking tonight, can somebody please show us the crime the former president is accused of committing as Trump is now involved in dueling court cases. Watch.

(BEGIN VIDEO CLIP)

DONALD TRUMP (R) PRESIDENTIAL CANDIDATE: This is a trial that should have never happened. Open your eyes. Then we can't let this continue to happen to our country. But the U.S. Supreme Court had a monumental hearing on immunity. And I think it was made clear. I hope it was made clear that the president has to have immunity.

(END VIDEO CLIP)

GALLAGHER: The Supreme Court indicating today that it might rule Trump's immunity from criminal prosecution and no surprise, the media is now melting.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I would like you to throw cold water on my feelings.

ARI MELBER, MSNBC HOST: It's like the Zoolander scene. I feel like I'm taking crazy pills.

UNIDENTIFIED MALE: There's no cause for alarm in any of this.

RACHEL MADDOW, MSNBC HOST: God bless you, my child.

UNIDENTIFIED MALE: As long as Joe Biden is reelected.

UNIDENTIFIED FEMALE: They're monarchists. This is monarchism.

(END VIDEO CLIP)

GALLAGHER: Meantime, as we said at the top, when it comes to New York versus Trump, where is the crime? Nate Foy is live outside the New York Supreme Court with more on the former president's legal cases. Nate, good evening.

NATE FOY, FOX NEWS NATIONAL CORRESPONDENT: Good evening, Trace. During the last hour or so of court today, the cross-examination of former American media CEO and president, David Pecker began. And Trump's lawyers asked him about his relationship with the former president, which dates back years. In fact, Pecker said that he alerted Trump about possibly damaging stories as far back as 1998.

So long before Trump ever got involved in ***politics***. He said it was a mutually beneficial relationship for both men. And Pecker said that he also suppressed stories about other celebrities, including celebrities involved in ***politics***, like Arnold Schwarzenegger. During his direct examination, Pecker said that he believed the motivation behind suppressing stories about Trump was to protect Trump's campaign rather than his family.

Pecker testified he dealt mostly with Michael Cohen who Pecker said acted as Trump's attorney, not part of his campaign. Prosecutors asked Pecker if he had any negative feelings about Trump now. He replied, "Donald Trump was my mentor. He helped me throughout my career." During a White House meeting in 2017, Pecker testified that Trump asked him, "How's Karen doing?" Referencing former Playboy model Karen McDougal.

Pecker responded, "She's doing well. She's quiet. She's good." Here's Trump after court.

(BEGIN VIDEO CLIP)

TRUMP: Today was breathtaking in this room. You saw what went on. It was breathtaking. And amazing testimony. This is a trial that should have never happened. This is a case that should have never been filed.

(END VIDEO CLIP)

FOY: Trace, the Manhattan D.A.'s office also submitted four more examples this morning where prosecutors argue Trump broke the court's gag order. There will be a hearing next Thursday about that. Now, Trump was not able to attend Supreme Court arguments about presidential immunity today. If the court operates as it normally does, justices will hold a closed door vote tomorrow. They could also send it down to the lower courts for more action. The timeline certainly will be watched closely as the November election approaches. Trace?

GALLAGHER: That could delay things quite substantially. Nate Foy live for us in New York. Nate, thank you. Let's bring an attorney Anahita Sedaghatfar. It's interesting, Anahita, because you look at this whole case and we get the notes, you know, out from the court. We've got producers inside the court and some of the reporters inside there and they're sending us notes. And the word conspiracy just pops up time and time again. And there's no charge of conspiracy.

ANAHITA SEDAGHATFAR, ATTORNEY: There's no charge of conspiracy. And you're supposed to put your strongest witness on first. If this was the strongest witness for the prosecution, they are hurting bad. He testified. He didn't even deal with Trump related to this issue. He only dealt with Michael Cohen. So where is the criminal intent?

GALLAGHER: Yes. And you look at this and David Pecker, you talk about the big witness. This was the opening witness for them. He's been on the stand for a couple of days. And the Pecker quote is this, "We did not want this story to embarrass Mr. Trump or embarrass or hurt the campaign." But again, if you look at the list of crimes and stuff, embarrasses, not a crime, you can -- they hide.

And as Nate was saying, yes. It was hiding stories about Arnold Schwarzenegger. They take and they kill stories all the time.

SEDAGHATFAR: That is not a crime. And this witness, Pecker essentially put on everything Trump's attorneys were arguing. Catch and kill is not a crime. NDA is not a crime. Paying hush money is not a crime. Where is the crime, Trace? This is going to be very difficult for the prosecution. It's confusing. When there's confusion, that's a reasonable doubt.

GALLAGHER: The gag order, the hearing is now set, pushed to next week. It's kind of interesting because a lot of legal analysts have said, you know, this is a one-sided gag order. Michael Cohen can just talk, talk, talk on his podcast on MSNBC and the former president cannot say anything. What do you make of the gag order?

SEDAGHATFAR: I think the gag order is unconstitutional. It's unilateral. Michael Cohen is a witness in this case. And if the idea is you don't want to taint the jury pool, you don't want to intimidate witnesses. Why wasn't the gag order imposed on all of the witnesses? Trump is the one who's on trial.

GALLAGHER: Yes, you're right.

SEDAGHATFAR: He should have a right basically to defend himself as the point. And I -- frankly, let me just say this is important. This case should have been stayed pending Trump's appeal of that gag order. The First Amendment is a pivotal constitutional right. And he's been deprived of it. It's very clear. I've never seen a gag order like this.

GALLAGHER: And lastly, the Supreme Court heard the immunity case for the former president. The headline here from the Wall Street Journal. Jack Smith's bad immunity day. The Supreme Court focuses on the presidency. Now Trump goes on to say oral arguments aren't always a signal of future ruling, but it sounds as if a majority is prepared to find that Mr. Trump is immune from prosecution for actions that are part of his official duties.

The key then is distinguishing between official and private actions and the justices may send the case back to the trial to consider the facts regarding the charges and evidence against Mr. Trump. So, this could delay things even if it doesn't go fully his way.

SEDAGHATFAR: Absolutely. I think that most likely the court will issue their opinion in June. And there's no way that if this gets kicked back to the lower court, which it likely will, that that'll be resolved before the election. And that's a win for Trump. Remember, he's been trying to delay this pending the election. And if he wins, he can get the charges dismissed against him.

GALLAGHER: Anahita, thank you. We appreciate it.

SEDAGHATFAR: Thank you, Trace.

GALLAGHER: Meantime, anti-Israel protest now spreading to college campuses around the country and some of the confrontations between protesters and police are becoming physical and more hateful. The senior correspondent Steve Harrigan is live at Columbia University in New York City. Steve, good evening.

STEVE HARRIGAN, FOX NEWS CORRESPONDENT: Trace really ratcheting up across the country. Many campuses becoming scenes of violence with those anti- Israel protests. One of the worst was Emory University in Atlanta today. In the early morning, some demonstrators came on the campus. They were removed using tear gas, tasers and even some rubber bullets. Some screamed as they were carried out.

Emory officials were quick to say that these protesters were not part of the campus community. They were not Emory students. They said almost all of them were outside agitators coming on to cause trouble. And what Emory said, criminal behavior they were carrying out. Here tonight we're concerned about possible violence, a heavy police presence around Columbia. They were really competing marches today.

One pro-Israel, one anti-Israel, some of the fliers to get people to come out said, be prepared for a fight. We haven't seen a fight here, but we could see one as that deadline to remove the tense approaches. And the effect is really being shown all over. At USC, they're going to have to cancel their graduation due to fears of security. That same thing could happen here at Columbia just two weeks away. Trace, back to you.

GALLAGHER: Steve Harrigan, live for us in New York. Steve, thank you. Well, the FOX NEWS @ NIGHT Common Sense Department understands that two students were questioned during an anti-Israel rally at NYU. The question was simple. "What is the main goal with tonight's protest?" And the answer was so intriguing it caught fire on social media. Heck, it caught fire with Common Sense.

Not because it was rational, reasonable, and involved high-end college credentials. No, no. But because it was honest, the answer was "I think the goal is just showing our support for Palestine and demanding that NYU stops." Stop what you ask? Well, we don't know because the student stopped speaking until she finally gathered her wits and continued her thought saying "I honestly don't know all of what NYU is doing."

Truth is, she doesn't know anything NYU is doing. So, she turned to her friend and asked the friend what NYU was doing and the friend replied "about what?" So, they know how, how to chant, how to dress, how to play the victim. They just don't know why because in their version of the story, Hamas are the heroes, Israel, the villains. And this version is P.G., no rape, no mutilation, no burning of bodies. It didn't happen.

It's a one-sided tale, not good versus evil, but Israel is evil. And Common Sense thinks if you ask a protester how the story ends and what they know, the answer is about what?

(BEGIN VIDEO CLIP)

STEVE GARVEY (R) SENATORIAL CANDIDATE: Demonstrations that allow people to build encampments that obstruct the pathway to classes and the opportunity to learn is terrorism.

(END VIDEO CLIP)

GALLAGHER: So, our next guest weighed in on the rash of campus protest at a news conference today. Let's bring in Rabbi Chaim Mentz from Chabad of Bel Air here in Los Angeles. Israeli Special Operations veteran Aaron Cohen and the Republican nominee in Senate for California, Steve Garvey. Thank you all for coming on. Steve, to you first. That was you prop mean talking about this thing. You are condemning these anti-Israel protests on campuses. Tell us why, Steve.

GARVEY: That's right, Trace. Today was a day of political courage, running for the U.S. Senate against my opponent, Adam Schiff. Today was standing up with my friends to be outspoken to talk about terrorism under the guise of free speech. And what I want to explain was all these are systematic organizations at college campuses, almost a franchise by a dark underside of our society that's imploding this great country we live in.

GALLAGHER: He talked about the dark underside, Rabbi, and I'm wondering what you think going back to Common Sense about these students and you asked them questions and they have no idea why they are out there protesting.

RABBI CHAIM MENTZ, SPIRITUAL LEADER, CHABAD OF BEL AIR: Exactly. They really do not know. In fact, if anybody really knew the history of everything, they would know there was never Palestinian people before 1964. It was the artifact that came up with it because Jordan was kicking them out. They were all Jordanian citizens, but they're not hearing that narrative.

GALLAGHER: No.

MENTZ: If they only studied a little bit.

GALLAGHER: They only went back and did a little bit of a refresher and they might learn more about this. Meantime, the big headlines, the big statements being made from the Middle East are the terrorists are supporting these students, the popular front for the liberation of Palestine. The quote is, we highly value the positions movements and struggle of our students in American universities.

The national desk headline reads the following, Hamas terrorists back anti- Israel campus protest, leaders of the future. Terror groups supporting the students. Makes sense. What do you think?

AARON COHEN, ISRAELI SPECIAL OPERATIONS VETERAN: Spoken like a true terror group. Here's the thing, Trace. Rhetoric and incitement for the purpose of delivering propaganda is one of the main vehicles that we in the counter terror business look at very closely. I'll take it back to Sheikh Ahmed Yassin, the spiritual leader Hamas who we assassinated in 2004. The amount of educational material that led to a river of blood, Trace, that he put into the educational system of the Palestinian youth is the reason why we are seeing the level of hatred towards the Jews from the Palestinians.

And now Hamas has been able to systematically infiltrate the American academia institutions. And it's only going to get worse. And this how this goes, the threat level only goes up. The only will fall on law enforcement, Trace. Steve's a big supporter of law enforcement, which is why I joined him today. And the fact is, is that we're just going to see more and more of this nonsense get more violent. And it's the cops who are going to have to deal with it in the first responders.

GALLAGHER: Talking about what's happening here in California, the University of Southern California, USC has now canceled its commitment -- commencement ceremonies, the big ceremonies there. They stopped the valedictorian from having her speech. It seems as if they are allowing these anti-Israel protesters to kind of control the narrative, Steve.

GARVEY: Well, this is about leadership. The crisis of leadership. Presidents or university have to stand up. They -- they're supposed to create a safe environment. Tell us about the people who can really make a difference like Los Angeles district attorney George Gascon. He can prosecute these terrorists to the full extreme of law. And this will send a message. I guarantee you they will start to disseminate from these rallies.

GALLAGHER: Yes, it may. I mean, it may happen and it may get bigger. It may go to other universities. Meantime, we talked about the terrorists, Rabbi, who came out and said, hey, we support these American students. Benjamin Netanyahu, the Prime Minister of Israel says the following. Watch him.

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, PRIME MINISTER OF ISRAEL: What's happening on America's college campuses is horrific. Antisemitic mobs have taken over leading universities. They call for the annihilation of Israel. They attack Jewish students. They attack Jewish faculty. This is reminiscent of what happened in German universities in the 1930s.

(END VIDEO CLIP)

GALLAGHER: If they went back to the mid-1930s, Rabbi, they would have a very clear image of exactly what he's talking about.

MENTZ: A hundred percent. What's going on is first announced the Jew, the other weakest ones. But Hitler did not stop with the Jew. He went after the rest of the world. If anybody thinks that this was first about Israel, then it came to America. It's about the Jew. But now you're starting to hear it's not about Israel or the Jew. We're coming after you, American and America better wake up.

GALLAGHER: Yes. Aaron, your thoughts. I mean, this you kind of strategize a lot. I'm wondering, Steve was saying, maybe this thing dissipates. Do you think these are gaining momentum, these protests around the country or are they losing momentum?

COHEN: I think they're going to gain momentum. I think they're continuing to gain momentum. And I can tell you from experience. The longer this threat continues to metastasize, the greater the risk to U.S. national security. They need to be dismantled immediately, these encampments. There is a very -- listen, FBI Director Christopher Wray said in the last six months, red flashing lights everywhere.

Now the lights are double flashing right now. Not only must they be dismantled immediately, but anti-terrorism laws, in my opinion, and I'm not a lawyer, but the law needs teeth. Steve spoke to it. The investigations need to start happening into the source, the money, the financing. Follow the trail and you're going to find out who is behind this radicalization systematically.

GALLAGHER: Aaron Cohen, Steve Garvey, Rabbi Mentz, thank you.

Meantime President Biden hit the campaign trail in New York. The epicenter of these anti-Israel protests. Only today, his focus was more on microchips. The senior national correspondent Kevin Corke live in D.C. with that information. Kevin, good evening.

KEVIN CORKE, FOX NEWS CORRESPONDENT: Evening Trace, you know, folks of a certain age will no doubt remember the film, The Naked Gun. You know, the scene where Leslie Nielsen famously quips, all ride, move along, nothing to see here as of course, explosions and sparks rain down on people running away. Well, with that edge of mental image, today's decision by the president to talk about microchips while in New York and largely ignore the billowing broom of anti-Israel protests sweeping the nation.

Just my draw comparisons to that famous movie scene. Now critics of course will suggest it was a bit tone deaf. While defenders insist it is smart ***politics*** to focus on things you can't control like, you know, jobs and the economy. Although the latest Fox News survey suggests an overwhelming majority of swing state voters trust former President Trump to do a better job on the economy.

Meanwhile, Democrats remain divided on Israel. Pennsylvania Democratic Senator John Fetterman, who's been an unapologetic supporter of Israel, is reportedly headed there on a trip next month while squad member Jamal Bowman told his constituents in New York this week that APEC wants to call him the N-word. And they know they can't get away with that. Another squad member Ilhan Omar of Minnesota has been accused of whitewashing anti- Semitic protests on college campuses by calling them peaceful.

In fact, she told students that she was "incredibly moved by their courage and bravery." Now the rift is of course a political powder keg. We've talked about this. Some are suggesting it will rupture at this month -- of this summer's convention. We'll see, Trace.

GALLAGHER: Not according to Aaron Cohen, but we will find out. Kevin Court, thank you. Let's bring in Princeton University political scientist Lauren Wright and California GOP chairwoman Jessica Milan Patterson. Thank you both for coming on. Jessica, to you first. Inflation now kind of ticking up the GDP, kind of ticking down, but Biden says his economy is for everyone. Watch.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Look, we got to stop this division. I promise to be present for all America, whether you voted for me or not. Today's investment helps Americans everywhere and red states and blue states and proof that we have -- we leave no one behind of the infrastructure jobs and proposals. We have more of them in red states than in blue states. It's about America.

(END VIDEO CLIP)

GALLAGHER: He's for everybody except for those MAGA people, those Trump supporters. He's not really for those people.

JESSICA MILLAN PATTERSON, CALIFORNIA GOP CHAIRWOMAN: From watching him and talking about raising taxes on people right now.

GALLAGHER: Right.

PATTERSON: Everything cost more in a Biden America when we're talking about being energy independent before he took office. Gas prices are the highest they've been -- they've been in a very long time. We're watching how expensive it is to live all over our country. These are issues that are affecting all voters from across the country and in these swing states and it is bad news for Joe Biden.

And it's funny because, you know, Jessica talks about the tax increase. He does want to get rid of the Trump tax cuts, Lauren. And we just had a little put this up. This is from the Tax Foundation and the Foundation analysis of the following here that if you take away the Trump tax cuts, a single person making 75k will lose about 1,700 bucks. Two child family making 165k loses 2,500 bucks. Three child family earning 200k about 7,500 bucks a year and it goes up. So, so much for not taxing those who make less than $400,000, Lauren.

LAUREN WRIGHT, PRINCETON UNIVERSITY POLITICAL SCIENTIST: That is a really hard hurdle to scale, Trace. In a normal year, Republicans typically have to make the case that we want corporations and job creators to pay lower taxes, not higher taxes and that's sometimes a tough message. This year, Biden is taking away all those problems and making Republicans' arguments for them.

I mean, these tax cuts did benefit the majority of Americans and I don't know how you can possibly defend taking them away. That's a tough message.

GALLAGHER: It is a tough message. Meantime back to the Middle East. If I can very quickly. Biden risking, losing some left-wing voters. USA Today op-ed, "Progressives are warning the White House there has to be a shift in its approach to issues such as Israel's war in Gaza and the Southern border," Jessica.

PATTERSON: We have seen the progressive wing of the Democrat Party become an incubator for these types of radical policies. We're watching how this is affecting college campuses all over the country. Not only that, at the same time when President Biden is in New York talking about microchips and raising money with celebrities, Republicans, House Republicans went to the belly of the beast.

They went to Columbia and they were standing up for all of these students who are facing this discrimination, this hateful speech and this harassment. It's very, very clear where Republican Party stands on this and where Democrats do.

GALLAGHER: Meantime Trump, maybe he takes New York. I mean, here he is in New York today talking to some union, some hard hats. Watch.

(BEGIN VIDEO CLIP)

TRUMP: Normally, a Democrat will win New York. Biden is the worst president in history and we have some very bad people here, but we have the greatest people and they're right behind me. And they all want us to run and we're going to -- we're going to run very hard in New York. New York, we have a good chance of winning New York in my opinion. We're going to give it a shot.

(END VIDEO CLIP)

GALLAGHER: Lauren, I got about 20 seconds for you. Is it possible to win New York for Trump?

WRIGHT: I don't know if it's possible to win New York, but he's doing the exact right thing optically. I mean, you know, Democrats are emphasizing this court case. It is the last on voters list of priorities. They simply don't care. It's conflicting with these images of chaotic college campuses and those students aren't Trump voters. They're on the other side and most people watching can tell that.

GALLAGHER: Yes, Lauren, thank you. Jessica, thank you.

Meantime, the mainstream media is covering former President Trump's court case one liberal late night show host is essentially telling them to cool it. And in The Nightcap, Wal-Mart now joining other retailers and scaling back self-checkout stations. Some people love them. Some people hate them. What do you think? Let us know on X and Instagram. We'll read the best responses in The Nightcap. We're coming right back.

(COMMERCIAL BREAK)

GALLAGHER: Well, the mainstream media coverage of former president Trump's legal troubles has been breathless, relentless and now even reportedly coordinated. Chanley Painter is live tonight in New York City with an update on this. Chanley, good evening.

CHANLEY PAINTER, FOX NEWS OVERNIGHT ANCHOR: Hey, Trace. It all stems from a Politico article revealing some of the country's most prominent media commentators appear to be consulting in weekly meetings to discuss all things Donald Trump from his legal dramas to his presidential campaign. And according to Politico the origins of this group began during the January 6 hearings reportedly media big wigs from MSNBC, CNN, L.A. Times as well as prominent left-leaning political and legal analysts all join a secret off the record zoom every Friday.

Of course, this revelation is playing into the hands of conservatives who allege the influential group is driving the negative press and attacks towards the presumptive Republican presidential nominee.

(BEGIN VIDEO CLIP)

LAWRENCE O'DONNELL, MSNBC HOST: That gag order wording could not be more clear. Donald Trump's criminal defense lawyer insulted the intelligence of the judge and everyone else in the courtroom.

JOY REID, MSNBC HOST: Sitting in that courtroom, one of the things that really, you know, struck me was how alone Donald Trump looked.

JAKE TAPPER, MSNBC HOST: Trump's relationship with the national inquirer was even sleazier than it looked in 2016.

(END VIDEO CLIP)

PAINTER: Further common themes in print media are also grabbing attention here or just a few of those headlines from major newspapers all focusing on the former president appearing to sleep during jury selection as his New York hush money trial got underway. MSNBC's top anchor Rachel Maddow was inside the courtroom for opening statements. It described Trump as annoyed, resigned and angry inside the courtroom while our Fox News senior correspondent Eric Shawn saw something completely different.

Noting Trump simply sitting quietly at defense council table. And even John Stewart called out media's coverage of Trump's trial on his late show telling media we've got a long ways to go here. This trial is just the first of his 438 trials to come. Pace yourselves. Stewart said joking that the media is trying to actually make the Trump trial into the new O.J. trial trace. So, the question is, is this weekly zoom session just a great meeting of the minds or something more coordinated?

GALLAGHER: Well we're going to find out in a few seconds. Chanley Painter, live force in New York. Chanley, thank you.

Let's bring in the author of Come On, Man, Fox News Contributor Joe Concha and the host of a Home That Heals, podcast America's best news anchor Dee Sarton. Thank you both for coming on. Joe, I don't know what to say, but I've been wanting to ask you about this because it really blows me away when you look at some of the top legal and political analysts in the country for MSNBC and CNN and you name it, gathering for a Zoom call so they can get their marching orders.

Politico writes the following, Joe, "The group's gathering was not a one- time event, but in fact an installment in an exclusive weekly digital salon whose existence has not been previously reported for prominent legal analysts and progressive and conservative anti-trump lawyers and pundits.

Every Friday they meet on Zoom to hash out the latest twists and turns in the Trump legal saga and in intellectually stress test the arguments facing Trump on his journey through the American legal system." It's baffling to me I'm not saying it's illegal, I'm not saying it's maybe even unethical -- it's baffling, Joe. What do you think?

JOE CONCHA, FOX NEWS CONTRIBUTOR: Trace, and Donald Trump has said over and over that there is a mass legal conspiracy against him that includes the media, by the way. And to hear all these so-called pundits who appear on what feels like an hourly basis on other cable news networks, getting together for a weekly meeting to discuss how they're going to push the narrative that Donald Trump is absolutely guilty until proven innocent is everything we need to know about the media in America in 2024.

So, the next time you watch any of these people on those networks, whether we're talking about George Conway or Bill Kristol or Lawrence Tribe or Jen Rubin, do know that everything you hear from all these experts is a contrived effort to take out Donald Trump.

And the fact that Jeffrey Toobin is part of these legal analyst that appears on regular Zoom calls should be you know potentially disturbing for anyone who has eyesight and the fact that Toobin is on here, you should say, you know what I want to see hands, Jeffrey, before I hear anything from you given what happened to him at CNN not too long ago.

GALLAGHER: It's kind of amazing to me, Dee, because I look across the networks and you're always kind of check in to see what the competition is doing and all the sudden you hear the same narrative you see you hear the word sleazy on three networks in your whack. Who uses that word? I mean, it's almost as if they're all on the same page, and I wonder how is it possible when now we get a little bit of an insight?

DEE SARTON, FORMER NEWS ANCHOR: Yes, we do. And I -- exactly, the same phrases even. It's like they're not even trying to hide it. It has been amazing to me to watch that. And I think people have caught on to it. But as you say, being able to figure out how they're doing it, I mean, you kind of got to say they're going back to the old Dale Carnegie playbook of, you know, tell them what you're going to tell them, tell them, tell them that you told them. And now they're putting that out in scale. And I don't know, what do you think? Is it being effective? I don't know.

GALLAGHER: Yes, and that's the whole thing is sometimes it almost sounds like it's from a campaign, Joe, and you look at this whole thing. And I was wondering, because I hear some of this stuff, and you look at some of the coverage across the board and you think, well, is the goal because we haven't seen a crime -- I guess, the goal is to make it look as, as just bad and sleazy as they possibly can to try and make the world think that something wrong happened, that Trump should go to jail, anyway?

CONCHA: That's the thing, Trace, but, but when you listen to every sane legal analysts those who are objective those like, who we have in our network, for example, Jonathan Turley or Andy McCarthy, they keep asking the same question over and over. What crime here has been committed? NDAs are not a crime. Catch and release by publishers, that's not something we applaud exactly. It's not a crime.

The Alvin Bragg effort is being laughed at by, I would think, hopefully, much of the American people. And as we saw from this week, Donald Trump is leading in every swing state in poll after poll. So, after 91 felony counts and all these lawfare type of efforts here, whether it be by Alvin Bragg, whether it be by Fani Willis, it all looks ridiculous to the American people who are thinking about inflation, crime, the border, and all these wars going on abroad.

GALLAGHER: Yes, and lastly, Dee, I just want to get your take on the protesters, because I was watching the "Today Show" today and they were lamenting the fact that some of these protesters are being arrested. They've canceled commencement ceremonies for the students who want to go to graduation. The Jewish students at Columbia have been sent home.

SARTON: What -- yes, all these thousands of students that are being affected by it, that we don't hear anything about. But I did hear an interesting case at Princeton today. Apparently, they nipped it in the bud. Their encampment, they cleaned it out, they arrested people who wouldn't leave, they kicked them out of their campus housing, they've said that you are gone, and they don't have an encampment. And the protests have at least become more controlled. So, as your guest earlier in the show said, the rabbi that was on about leadership, somebody's got to show some leadership on these campuses and care about all those students who are being really terribly affected by all of this.

GALLAGHER: Exactly right. Dee Sarton, Joe Concha, thank you both.

Well, coming up first, the University of Southern California, as we said, canceled graduation. The speech of their pro-Palestinian valedictorian canceled, and now the ceremony all together. Plus, one orchestra found a unique way to include man's best friend in their performance. And if you ever thought about doing mountain climbers next to Michelangelo, you're in luck. The day's best "VIRAL VIDEOS" are next.

(COMMERCIAL BREAK)

GALLAGHER: Well, brand new tonight, the University of Southern California has canceled its main commencement ceremony amid the disruptions caused by ongoing anti-Israel protests on campus. Christina Coleman is live with that story. Christina, good evening.

CHRISTINA COLEMAN, FOX NEWS CHANNEL CORRESPONDENT: Good evening, Trace. Yes, the University of Southern California is effectively closing its campus during commencement next weekend, requiring tickets to access the school and events there, and subjecting guests to screening and bag checks.

Today, USC canceled its main graduation ceremony, saying it would take too much time to get roughly 65,000 students and guests through these new security procedures, though they will still host dozens of other commencement activities and receptions as they have in previous years.

The cancellation of the main graduation ceremony is the latest development in a saga that began 10 days ago when USC made the unprecedented move of canceling the graduation speech of this year's valedictorian, citing safety concerns.

However, the valedictorian, Asna Tabassum, maintains that the speech was canceled due to her pro-Palestinian views, which many have called anti- Semitic. Earlier this week, the majority of USC's Muslim Advisory Committee resigned following the university's decision.

(BEGIN VIDEO CLIP) DR. EVELYN ALSUTANY, USC PROFESSOR: It conveys to Muslims on campus that the university will not stand by them. It will not stand by them when they are slandered for advocating for Palestinian human rights.

(END VIDEO CLIP) COLEMAN: Just last night, nearly 100 pro-Palestinian protesters were arrested on USC's campus. Protests have intensified at colleges across the country. Demonstrations earlier this evening growing tense just a few miles north of USC. Pro-Israel and pro-Palestinian groups clashing at UCLA where protesters set up another encampment.

And similar scenes played out today at Stanford, the University of Minnesota, Emory University in Atlanta, and George Washington University in our nation's capital. Now, none of those schools have announced changes to their graduation security or have decided to cancel their speeches so far. Trace.

GALLAGHER: Yet. Christina, thank you. Let's bring in California Policy Center Attorney, Julie Hamill; along with the Founder of American Gravy Concepts, Chef and Restaurant Owner, Andrew Gruel. Thank you both for coming on. Very quickly, I would like to get both of your take on the USC cancelling the commencement ceremonies. Julie, what do you think about this?

JULIE HAMILL, CALIFORNIA POLICY CENTER ATTORNEY: First of all, this makes me very sad for these kids. This is 2024. These are the same kids who missed out on their high school graduation because of COVID lockdowns. And I think USC can figure out how to provide security, give the protesters a little free speech area somewhere cordoned off, let them do their yelling, and let the kids have a ceremony. And also, USC, you're reaping what you sow, because this valedictorian was a minor in resistance to genocide. So, she was taught all of this at USC.

GALLAGHER: Yes, and Chef, I mean, you've been in Southern California for a long time. Your thoughts on this?

ANDREW GRUEL, FOUNDER OF AMERICAN GRAVY CONCEPTS: Yes, I mean, I think that this is a consequence of leadership that's weak, spineless, and frankly, lacking any moral compass. And this is ultimately the beast that's been created. As Julie said, this is sad for the students. And it's the expense is that they lose out on this opportunity because they've given into the demands of you know a few hand you know agitators slash terrorists.

GALLAGHER: Good news though, Julie, I think I found some of that $24 billion that the state wasted on the homeless thing or they have no idea no accounting for. California Globe writes the following here, "One million dollars -- well, technically $1,000,008,944 is what a new combination low and moderate income permanent supportive housing for the homeless project in Santa Monica will cost per unit." They give it like 19 names so that they can charge more for it, but a million bucks for every -- and there's no way to pay for this, so they're going to have to raise taxes. What do you think about this?

HAMILL: It's objectively insane and the fact that the city approved this really just boggles my mind. And I think what they could do with that money is they could probably get at least five to ten times as many people sober and off the street with treatment. Get them off the street, maybe they can get a job and they can pay for their own housing.

GALLAGHER: And you know they're coming for you, Chef, because the whole thing is they don't have the money to pay for these things, so what do they do? They've got to have the money up the money somewhere, so they come after businesses, they come after homeowners. It's just the process in California.

GRUEL: Yes, when I look at those numbers, that's exactly what I think is that ultimately when am I going to be paying for this, even though I'm not a Santa Monica resident. Look at this budget, right? So, 20 percent of this total cost is going to soft costs. Now, soft costs typically are like the permits, the fees, etc.

They don't say what those soft costs are for, so we know that that's ultimately going to get siphoned off by all of their buddies. And this is also a WET project. And this is also a WET project. Now what that means is that they do not have to discontinue any drug use. They can continue using drugs and they will not be suffering any of the consequences.

GALLAGHER: Yes, it's unbelievable, it really is. So, the Washington Free Beacon writes the following, quoting here: "Is California voters sour on cash reparations, state Dems push subsidized property taxes, and expedited business licenses instead." I'll get both of you on this one. Julie, what do you think? We're going to give everybody business licenses and then pay some of their taxes off and people like the chef, you just wait. So, what do you think?

HAMILL: Everyone should have an opportunity for an expedited business license. It shouldn't take a very long time for anyone of any race to get a business license. But if my memory serves, California was never a slave state. I think in recent history, we did intern Japanese people in California. I'm confused as to why this is a priority. It doesn't make any sense to me.

GALLAGHER: Chef?

GRUEL: The state has no money. Putting these projects aside, right now, unemployment is insolvent. So, businesses pay money into unemployment insurance, and that money is gone. That's a Ponzi scheme by its very definition. So, we shouldn't be talking about all these other outside extracurricular projects. We should be talking about getting the state, actually, in a real kind of budget surplus and then we'll have that conversation.

GALLAGHER: You're very funny on "GUTFELD", Chef, I must tell you. It's nice to have you on that show leading into us. We appreciate that. Julie, thank you.

Well, first up in tonight's "VIRAL VIDEOS." You have never seen a symphony like this before. One company now experimenting with dogs as conductors. They give the dogs treats and then toys to motivate them and then the orchestra just plays to the wagging of the dog's tails. Talk about a doggone good symphony.

And if you want to do push-ups with the view of the Mona Lisa, you are in luck. In a warm-up to the Paris Olympic Games, the Louvre now offering dance, yoga, and other workout classes. And if you sign up, you also get tickets to the Olympism exhibit, whatever that is. We have no idea.

But if you have a viral video to share, share it with us @TraceGallagher or @FoxNewsNight on social media.

OK, here we go. Coming up, self-checkouts at grocery stores and other big box retailers. Should they stay or should they go? Oh, I've got an opinion on this one. Let us know, X and Instagram, @TraceGallagher. We will read the best responses in the "NIGHTCAP".

(COMMERCIAL BREAK)

ANNE-MARIE GREEN: We're back with the "NIGHTCAP" crew: Kevin Corke, Chanley Painter, Christina Coleman, Andrew Gruel, Anahita Sedaghatfar, and Julie Hamill. Tonight's topic, can the scan. Walmart is joining other retailers in scaling back self-checkout stations. Some people love them because they're quick and convenient. Others say they are unreliable and annoying. What do you think? Should self-checkout stay or go, Chanley Painter?

PAINTER: Well, it depends on how many items I'm purchasing. If I have a couple, I'm going to self-checkout, get out of there. But if I have a whole cart full, I'm going to have some help. I'm going to go and have someone check it out for me, bag it for me, and go.

GALLAGHER: So, you're kind of a mixed bag. You're, yes, if they went, I wouldn't be heartbroken. But if they stay, I wouldn't be in love. Kevin Corke.

CORKE: I love him. I like to get in, get out. I don't want to talk. Let me just stand and go. If they're going, I will not be happy.

GALLAGHER: Yes? My thing, Kevin, is I hate when they have to put you, say, please put your thing in the chair. I'm like, where do I put it? And then it goes again. Please put your thing -- come on Chef, help me out here.

GRUEL: I sat at the self-checkout yesterday for five minutes trying to find the barcode on a block of cheese.

GALLAGHER: Right.

GRUEL: And this little old lady behind me with a gallon of milk was about to smack me over the head with it. I was afraid for my safety. So, this is about violence and safety.

GALLAGHER: It is. Violence and safety. Julie Hamill.

HAMILL: I have a 50-50 chance of getting the beep and like the siren that goes off that calls you need support whenever you're trying to check out.

GALLAGHER: Yes, that might be because you're on this show. I mean, you never know. That might be part of it, Julie. Anahita?

SEDAGHATFAR: I'm with Kevin. I love the self-checkout. I hate waiting in line. I want to be in and out. And it's a wrap.

GALLAGHER: It's a wrap. Is it a wrap for you, Christina Coleman?

COLEMAN: I feel like self-checkout needs to go. And we need to fully staff the cashier, the register lanes. And I mean, here in California, I just see people, I've seen people stealing. I mean, they just pack their bags and walk out, and no one stops them.

GALLAGHER: Oh, I've seen people stealing without the checkout thing. They just pack it, and they walk. And in California, they're like, oh, is that a checkout stand? Out they go right past the security guard.

Should self-checkout stay or go on X, stay 34 percent. Look at Instagram, stay 59 percent. Wow, different crowd.

So, Chuck Brown says, "I love self-checkouts. Many items don't ring up the correct price, so I can go slow and make sure I don't overpay."

Joey Barasch says, "I don't like self-checkout because I prefer not to do someone else's job." Good point.

Mark Clabaugh, "There are times that self-checkout is more convenient for certain. However, if you have the slightest complication, it all breaks down." That, by the way, is very true for me.

The Art Dog. All right, the Art Dog, "Go. They should go. It's too easy to steal stuff."

Aaron McFarland says, "Stay. They don't have enough cashiers, and sometimes I don't want to deal with people."

Yep, Sonja Shaw, our friend says, "People need to work and earn a living. We are creating a world of lazy." And thank you for watching and joining the way, the "NIGHTCAP," staying on the "NIGHTCAP," and watching it and watching America's late news. I'm Trace Gallagher. We'll see you back here again tomorrow night.

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