

# [***Day 5 Of NYC Anti-Israel Protests; Anti-Israel Protests Infiltrate West Coast; Columbia University Moves Classes Online; Prosecutor Reveals Law Trump Accused Of Breaking; Judge Holds Off On Gag Order Ruling For Now; Monitoring Another Night Of Anti-Israel Protest; Blue Cities Turning Red On Drugs And Crime***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BW4-PHJ1-JCS1-6001-00000-00&context=1516831)

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**Guests:** Yola Ashkenazi, Mike Pence, Lee Carter, Kaylee McGhee White, John Yoo, Houman Hemmati, Carl DeMaio

**Body**

DANA PERINO, FOX NEWS CHANNEL HOST: Paul Mauro, Charly Arnolt, Kat Timpf, Tyrus and our studio audience. "FOX NEWS @ NIGHT" is next. I'm Dana Perino on behalf of Greg Gutfeld, I love you, America. Have a great night.

TRACE GALLAGHER, FOX NEWS CHANNEL HOST: 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, a live look at Columbia University where hundreds of anti-Semitic protesters gathered for a fifth consecutive night. Jewish students who attend the Ivy League School have repeatedly said they fear for their safety and now they have been told by the university and a school rabbi to go home. Back to this in moments. But the anti-Israel pro-Hamas protest are now blowing up from coast to coast.

Here in the West, students at U.C. Berkeley now establishing a "Free Palestine Camp." In central California, Cal Poly San Luis Obispo protesters have taken over two university buildings, clashing with police and forcing administrators to close campus through Wednesday. And students for more than two dozen high schools. And colleges in Washington state also held a pro-Palestinian walkout.

Meantime in the Midwest at Northwestern University, an investigation now underway about a campus protest that targeted Jewish community centers. And the University of Michigan's pro-Palestinian liberated zone we're told is now getting bigger. We have team Fox coverage. Matt Finn live here on the West Coast, Kevin Corke live in the nation's capital. But we begin with Steve Harrigan. He's live in New York on the campus of New York University. Steve, good evening.

STEVE HARRIGAN, FOX NEWS CORRESPONDENT: Trace, good evening. We have about 1500 protesters here at its height. Just a couple hundred left. It's been a peaceful day here so far. We'll see if the police move in. We are getting some breaking news from the president of Columbia University. She sent out an e-mail to all students saying that there would be a deadline of midnight tonight, less than an hour away for the protesters to dismantle that tent city they've sent up on Columbia's grounds.

They've got to do that or face uncertain consequences. The president wrote in her e-mail to the students, I very much hope these discussions are successful. If they are not, we will have to consider alternative options for clearing the West lawn and restoring calm to campus so that students can complete the term and graduate. That's the real fear here that this situation they have now could linger on through final exams and through graduation, which is now scheduled to be for May 15th.

What Columbia is doing at this point, they're calling a hybrid education. That means parents are paying $66,000 a year for tuition and what they're doing is going Zoom calls telling students to stay away from campus through the fears for their own safety. In the meantime, this movement continues to spread through the liberal northeastern elite colleges to the Midwest, the West Coast and even from colleges now down to high schools. Trace, back to you.

GALLAGHER: Steve Harrigan, we'll get back to you as the news warrants. Steve, thank you. And anti-Semitic protests have now spread to West Coast universities, including two schools here in California. Matt Finn, live with the very latest on those. Matt, good evening.

MATT FINN, FOX NEWS NATIONAL CORRESPONDENT: Good evening, Trace. We begin at Cal Poly Humboldt in Northern California where the school will be closed until at least tomorrow and classes are moved online after an intense clash between pro-Palestinian protesters and police.

That was the chaotic and violent scene on campus yesterday that prompted the school to shut down. In a statement today, Cal Poly writes that the university is concerned about safety as protesters have taken over an academic building and the community is advised to stay away. The school says the protesters are also using zip ties to seal doors, creating extreme fire hazards.

You can see video here of students barricading a hall with furniture, locking arms and chanting disclosed as fast while staring down law enforcement.

Students are demanding the university disclose all holdings with Israel and divest all ties to Israel, including Israeli companies and universities. And at the University of California, Berkeley, about 40 tents on campus there as part of a pro-Palestinian demonstration. Tonight, in a statement to Fox News, U.C. Berkeley says it does not plan to comply with protesters' demands to divest, writing, we will take the steps necessary to ensure the protest does not disrupt the university's operations, but there are no plans to change the university's investment policies and practices.

And at a high school in Seattle today, students walked out, chanting, hey, hey, ho-ho, the occupation has got to go. Seven major high schools in the Seattle area had planned walkouts today demanding the U.S. and aid to Israel, Trace.

GALLAGHER: It is amazing. Matt Finn, Matt, thank you. Turns out the Midwest is not immune to protesting either with schools like Michigan and Northwestern now seeing anti-Semitic activity. The senior national correspondent Kevin Corke is live with that part of the story. Kevin, good evening.

KEVIN CORKE, FOX NEWS CORRESPONDENT: Evening, Trace. For Americans of a certain age, this of course is all reminiscent of say Vietnam War protests or maybe divestiture demonstrations from back in the late 1980s pertaining to South Africa. The point being every generation has its protests. But what is different tonight is the nature of this debate and the resulting fallout over who's to blame for it.

And obviously where we go from here? Take the Saints at both University of Michigan and Northwestern University both big 10 campuses percolating with protests calling for their respective universities to divest from Israel over its military actions that have killed tens of thousands of Palestinians in retaliation for Hamas's attack on Israel which included the rape and kidnap of hundreds.

Demonstrators insist this is about much more than just tents and flags and speeches. It's about demanding change while others worry this is an example of hate.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Anti-Zionism is not anti-Judaism. Being anti-Zionist is not anti-Semitic. Those two do not equate each other and we really have to make this clear for the public and for the students and for everyone who is hijacking our wards and our intentions basically.

LEO AUERBACH, STUDENT, UNIVERSITY OF MICHIGAN: There's significant fracture within the student body within the institutional and as a whole and you're seeing hate speech and pretty violent rhetoric be normal at all levels.

(END VIDEO CLIP)

CORKE: Passion on obviously both sides of this issue. Meantime, Northwestern's Dean of Students Mona Dugo has come under fire trace for joining an anti-Israel rally on that campus. She later claimed that what she wanted to do was to make sure that demonstrators had the right to protest and that that right was in fact protected, Trace.

GALLAGHER: Kevin Corke live for us in D.C. Kevin, thank you.

CORKE: You bet.

GALLAGHER: Well, the FOX NEWS @ NIGHT Common Sense department is concerned about young people in America especially in light of a new poll showing that nearly half of Gen Z voters, those 18 to 27 years old are sympathetic towards Hamas. The same Hamas that raped, burned and killed almost 1200 human beings on October 7th. The poll also shows that one third of Gen Z voters do not believe Israel has a right to exist.

What's happening here? Is this some dark decree complements of TikTok and Snapchat? Is this finally where DEI meets WTF? Common Sense often hears young people say Israel is the oppressor and Hamas the oppressed. Do young Americans realize that Israel is the only nation in the Middle East where Jews, Christians and Muslims are free to practice their religion and to vote and to run for office?

It is the only nation in the Middle East where women have the same rights they have in the U.S. There are more Muslim women in the Israeli Parliament than in all of the countries in the Middle East combined. And the same Gen Z voters who have sympathy for Hamas agree that Hamas is a terrorist organization. Pick a path people. If you chant from the river to the sea at least know what river and what sea.

Common Sense truly hopes that most 18 to 27 year olds are J.K. because their views are B.S. Let's bring in a student dealing with this wave of anti-Semitic protests from Barnard College and Columbia University Yola Ashkenazi. Yola, it's great to have you on the show. Thank you. I just want to know when you hear that half of Gen Z is sympathetic toward Hamas. What does it make you feel?

YOLA ASHKENAZI, JEWISH BARNARD COLLEGE STUDENT: It's completely frightening. I don't know what these students don't understand. Hamas still holds 133 innocent civilians including a one-year-old baby hostage. They raped women. They killed everything and everyone in sight. They're completely barbaric. They're U.S. designated terrorist organization. It's frightening and you know what? It doesn't surprise me.

There are students on my campus who are waving Hamas flags. Columbia University students are saying we are Hamas. I cannot feel safe to be on campus when this is the case but unfortunately after the past six months and the rhetoric on campus it doesn't surprise me.

GALLAGHER: It's interesting Yola because I want to play some sound. One is from your university but these are from -- these are from students across the country. Listen and I'll get your response.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Draw anything you want on it. We're going to make it ours just like this space is ours.

PROTESTERS: Disclose. Divest. We will not stop, we will not rest. Disclose. Divest.

UNIDENTIFIED FEMALE: There's a lot of Zionists around. We have a lot of agitators. Do not engage.

UNIDENTIFIED MALE: You dirty (BLEEP) you dirty (BLEEP) filthy (BLEEP)

UNIDENTIFIED FEMALE: We have Zionists.

PROTESTERS: We have Zionists.

UNIDENTIFIED FEMALE: Who have entered the camp.

UNIDENTIFIED FEMALE: Who have entered the camp.

(END VIDEO CLIP)

GALLAGHER: It's getting ugly. It's been ugly. And the fear is that it's going to get uglier. What do you think?

ASHKENAZI: This is horrible. And the one question that I have for these students is what is this doing for anyone in the Middle East? Chanting burn Tel Aviv to the ground. Chanting for Hamas to strike Tel Aviv. Saying we have Zionists who have entered the camp on our communal campus. What is that doing for a single human being in the Middle East? And the answer is nothing. It is not helping anyone.

They are much better to spend their time trying to -- I don't know, give money to innocent civilians. Hopefully Hamas won't take over all of that aid that they try to get to Palestinians. But there are so many ways that they can help in the Middle East. And saying Zionists are not allowed on our communal campus. Chanting to burn Tel Aviv to the ground and calls for intifada, that's doing nothing for anybody. It's ridiculous and it needs to stop now.

GALLAGHER: Well, we wish you the best of luck. Yola Ashkenazi, we hope these things stop and they stop soon. Thank you for coming on the show. We very much appreciate it.

Meantime, joining us live on set, former 2024 Republican presidential candidate and former Vice President Mike Pence. Mr. Vice President, thank you for coming on the show. We very much appreciate it. Welcome to Los Angeles.

Your group, Advancing American Freedom sent a letter to the Department of Justice about these very protests. Saying, "since the Department of Justice and Department of Education have expansive jurisdiction over matters related to anti-Semitism on college campuses and around the country, please let us know what specific steps your respective Department is taking and plans to take in the near future to affirmatively combat anti-Semitism and protect the lives of Jewish Americans. No time to sit idly by." You've got no response.

MIKE PENCE (R) PRESIDENTIAL CANDIDATE: Hundred sixty days we've got no response whatsoever. I mean, this is after a -- we've witnessed the Department of Justice that has investigated parents that have shown up at school board meetings, considered conservative Catholics to be a potential homeland security threat. But literally we organized dozens of conservative groups and we called on the DOJ.

There is no place in America for anti-Semitism in any form. And I have -- I have to tell you, just seeing what's happening on campuses around the country, it really grieves my heart, Trace. I was in Israel the first week of this year. I visited the communities along the perimeter of Gaza where this horrific attack took place on October the 7th. It's been a little more than a week now since Iran engaged in the first direct assault on Israel.

If there was ever a time when we ought to be sending an unambiguous message of support to Israel and to the Jewish people in this country and around the world, it is now. But I must tell you that it's important, Columbia University, these other schools recognize. These are not simply protest about a political issue. These are pro-terrorist mobs. And I would submit that any foreign student in the United States today that is advocating the destruction of the state of Israel, who's advocating violence against the Jewish people should not only be suspended from the school they're attending in this country, their student visa ought to be revoked and they ought to be expelled.

GALLAGHER: I want to get your take on this New York Times op ed you wrote on abortion. It's a big topic in the Republican Party now and the Democratic Party as well. You wrote, "When it comes to abortion policy, America today appears closer to communist China and North Korea than to the nations of Europe. That's why it was so disheartening for me to see former President Trump's recent retreat from the pro-life cause."

But the majority of Republicans have moved on abortion. You have moved on abortion. Fifteen-week ban you're supporting now. What is it you're so disappointed with about the former President on this?

PENCE: Well, I'm pro-life. I don't apologize for it.

GALLAGHER: Sure

PENCE: And I couldn't be more proud to have been vice president in the most pro-life administration in history. And well, I welcome all of the states, half of the states in this country since we saw Roe versus Wade overturned have moved strong pro-life measures, Trace. But in the remaining states, I think the time has come for a minimum national standard. I mean, that would make federal law in this country more aligned with most of the countries in Europe.

And as I said, it was disheartening to see my old running mate, the former president, literally abandoned what our administration had advocated in an effort to end late-term abortion. We got it passed out of the House of Representatives. The President said he strongly supported it then. I'm going to continue to champion that provision. And -- but I really do believe a society can be judged by how it deals with its most vulnerable, the age in the infirm and the unborn and all always be for the right.

GALLAGHER: Mr. Vice, I have to go. But I want to know the TikTok thing. The Senate voted to get all the funding, Ukraine, Israel, some money for Taiwan, also to ban TikTok. We've got 25 seconds for you, sir. Can you -- what do you think?

PENCE: Trace, I think Freedom One tonight in the United States Senate and I want to commend all the members in both parties who not only moved critical foreign aid funding for Ukraine, for Israel, for Taiwan. We've reasserted American leadership, but we've put the privacy in the national security of the American people first bypassing legislation that will force the sale of TikTok. Our organization was pushing for that over some million dollars on television ads.

I'm really proud of members of Congress and both parties, but special credit goes to Speaker Mike Johnson who stood in the gap, stood tall, demonstrated moral courage, and frankly, America and freedom in the world is more secure as a result.

GALLAGHER: He's been under a lot of pressure. I'm sure he appreciates that. Former Vice President Pence. Thank you for coming on the show, sir. We appreciate it.

PENCE: Thank you, Trace.

GALLAGHER: Meantime, it is primary night in Pennsylvania for both parties and while the Keystone State will have zero impact on who the presidential contenders are, it might be very well a deciding factor in who becomes the president and who controls the Senate.

Bryan Llenas live in Philadelphia with the very latest on results. Bryan, good evening.

BRYAN LLENAS, FOX NEWS NATIONAL CORRESPONDENT: Trace, good evening. Anti- Israel Democratic Congresswoman Summer Lee won her primary tonight in Pittsburgh handedly over her pro-Israel challenger. She was the first member of the squad to face the voters amid these growing anti-Semitic protests nationwide. Lee was also among the first to call for a ceasefire in Gaza. She opposed House resolutions that condemned anti-Semitism and Hamas, and she voted against aid for Israel over the weekend.

(BEGIN VIDEO CLIP)

REP. SUMMER LEE (D-PA): There are a lot of people who wanted to convince us that we could not be pro-peace and win in this district. This movement is a movement that disavows all forms of hate. We disavow in western Pennsylvania every form of anti-Semitism or Islamophobia or anti-blackness.

LLENAS: Republican Brian Fitzpatrick easily defeated his primary challenger and anti-abortion activists. This seat should be competitive and important and decided which party retains control of the House come November. Meanwhile, Pennsylvania Senate races officially set, Republican Dave McCormick will take on Democrat Senator Bob Casey. Both candidates ran unopposed. This race will likely decide the balance of power in the Senate.

Turnout was low today in Bucks County and across the state. Given the lack of competitive races this primary, we caught up with voters, though, who explained what motivated them to come to the polls.

UNIDENTIFIED FEMALE: The border.

UNIDENTIFIED MALE: It is the inflation.

UNIDENTIFIED FEMALE: The border and also all this anti-Semitism.

UNIDENTIFIED FEMALE: Everybody is so mad and angry today. But are they here to vote and say they're, you know, peace? No.

(END VIDEO CLIP)

LLENAS: President Biden and former President Trump won the primaries here. The rematch is set in what is likely to be the most pivotal race for Biden's reelection chances. By the way, the uncommitted campaign, which is pro-Palestinian, is hoping more than 40,000 voters today wrote in uncommitted in a protest vote of President Biden's stance of Israel. We'll see. Trace?

GALLAGHER: Bryan Llenas live for us in Pennsylvania. Bryan, thank you. Let's bring in Steamboat Institute fellow Kaylee McGhee White, along with Maslansky and Partners President Lee Carter. Thank you for coming on. Lee, to you first. Like Brian was talking about, this uncommitted vote, right? Somebody else vote. Do you look at that, Lee? Is that important when we look at Pennsylvania? Because it certainly doesn't have much impact on who the contenders are.

LEE CARTER, PRESIDENT, MASLANSKY AND PARTNERS: It doesn't have a whole lot of impact, but I am looking for those votes that are saying we have no place to go. Because I think it's actually going to show up when we have -- we have third-party candidates on the ticket. So, it's looking to see what is the impact of RFK Jr. going to be? What is the impact of these other candidates going to be?

And when you look at the polling in Pennsylvania, it actually ends up favoring Donald Trump if RFK Jr. is on the ticket. So, if you see a lot of uncommitted come out there and vote, you're going to see it's going to be more likely that this kind of thing is going to favor Donald Trump when it comes to the general election.

GALLAGHER: We've been, Kaylee McGhee, talking about, you know, anti- Semitism, the whole show. We've been looking at Summer Lee. She's the congressman in Pittsburgh. She's part of the Progressive. She's anti- Israel. It appears like she won her Democratic primary. Are you surprised by that?

KAYLEE MCGHEE WHITE, STEAMBOAT INSTITUTE FELLOW: I am a little bit. And it's because the leftist movement, this uncommitted movement that's happening right now, it really does represent a fringe minority of voters. The vast majority of public polling shows majority of Americans largely support Israel and that they're not all that concerned about the Gaza conflict in general. My family is a lot like the voters in Pennsylvania.

They're blue color workers. They've worked in factories all their lives. This is just not at the top of their priority. And so, I am surprised to see that a Democrat who has leaned so heavily into the leftist side of the argument is still doing well in that state. But we'll see. There's still several months left.

GALLAGHER: I'd like to get both of your take on this. It's a quick question. It's about the judge in El Paso today who let the 140 or so migrants who stormed the El Paso fence, let them go. They're just not putting anybody in jail anymore, Lee.

CARTER: I think it just furthers the narrative that you heard those voters in Pennsylvania talking about number one issue that's driving the polls. They're talking about immigration. You see things like this. It's going to be more and more concerning to people. And the more concerned they are, the actual more it favors Donald Trump when it comes to general election. But this is a real problem for Democrats.

GALLAGHER: Kaylee McGhee White.

WHITE: Yes. And it's not just an assault on our immigration system. It's an assault on law and order. They attacked law enforcement officers at the border. There were reports that several of these migrants had knives and that they were hitting officers who were there. That is assault and it should be treated as a crime. And so, it's remarkable to see that no charges have been leveled against these immigrants.

GALLAGHER: And it happens all the time. Kayla McGhee White and Lee Carter, thank you both for your time.

Coming up. We will keep an eye on the anti-Israel protests across the country and check back in with Steve Harrigan. And where is the crime? The trial of former President Trump has a prosecution, a defense, even a defendant. But so far, nobody has been able to explain the actual crime. The former president calls it a fake case brought by a corrupt D.A. We'll see what John Yoo thinks next.

And later in The Nightcap, a new survey says 44 percent of adults like to snack in bed. Should they snack in bed? Is it allowed? What do you think? X and Instagram. We're coming right back with John Yoo and the Trump trial.

(COMMERCIAL BREAK)

GALLAGHER: continuing coverage now of breaking news. The anti-Semitic protest across the country. Let's check back in with the senior correspondent Steve Harrigan. He's live at NYU. Steve?

HARRIGAN: Trace, 100 more arrests tonight this time near Brooklyn outside of Senator Chuck Schumer's house. They were arrested for blocking traffic. We've got some good aerial views of this. Those people we calling for anti- U.S. military support of Israel. Many of those arrested were actually members of a progressive Jewish group.

In the meantime, some breaking news about a half hour from now, the president of Columbia University has given students that time to negotiate a deal to end the tent encampment on the grounds of Columbia University. President of Columbia writing, I very much hope these discussions are successful. If they're not, we'll have to consider alternative options for clearing the West Lawn and restoring calm to our campus so that students can complete the term and graduate. That graduation is set for May 15th.

So really, we could see another showdown here between the protesters and the university. They called in police once before to remove those tents. They did so. They popped up even bigger, stronger, more tense, just a few days later. Trace, back to you.

GALLAGHER: If police show up, we'll get back to you. Steve Harrigan live for us at NYU. Steve, thank you.

Former National Enquirer publisher David Pecker took the stand in Donald Trump's New York criminal trial detailing his catch and kill strategy to save the former president from potentially damaging stories during the 2016 presidential election. Ashley Strohmier is live. She's in New York City with the very latest on this. Ashley, good evening.

ASHLEY STROHMIER, FOX NEWS CORRESPONDENT: Hi, Trace, the state's first witness, former American CEO and president David Pecker testified about a secret agreement he made in 2015 to publish positive stories about then candidate Donald Trump and negative stories about his political opponents. While leaving courts moments ago, Trump appeared most upset about the court's gag order, which the Manhattan D.A.'s office claims he violated 10 times by sharing articles on social media.

(BEGIN VIDEO CLIP)

DONALD TRUMP (R) PRESIDENTIAL CANDIDATE: Somebody's name is somewhere deep in the article, and I end up in violation of the gag order. I think it's a disgrace. It's totally unconstitutional. I'm not allowed to defend myself again. Other people will never say whatever they want about me.

(END VIDEO CLIP)

STROHMIER: Judge Juan Merchan reserved his decision this morning about possibly punishing Trump for violating the gag order. David Pecker, though, will take the stand again Thursday morning. Today, he talked about his relationship with Trump's former lawyer Michael Cohen to work together to identify and suppress stories from people including former Playboy model, Karen McDougal, and a former Trump Tower doorman. When asked by prosecutor Joshua Steinglass why they focused on stories from women, Pecker said because Trump was known as an eligible bachelor who dated beautiful women.

Today, Steinglass also revealed the state law that Trump is accused of breaking while allegedly falsifying business records: "Any two or more persons who conspire to promote or prevent the election of any person to a public office by unlawful means, and which conspiracy is acted upon by one or more of the parties, thereto shall be guilty of a misdemeanor."

The arguments from the D.A.'s office is that Trump falsified internal business records to aid a conspiracy to win the 2016 presidential election. Trace.

GALLAGHER: Ashley Strohmier, live for us in New York. Ashley, thank you. Let's bring in former Deputy Assistant Attorney General John Yoo. John, great to have you on the show. You say the opening statement by the prosecution should doom this case on appeal. What do you mean by that?

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: Trace, it's because the state, I mean, sorry, the D.A. here, when they made their opening statement, made this not about enforcing New York bookkeeping or accounting law, which probably is past the statute of limitations anyway. Instead, they started out with saying Trump and National Enquirer Michael Cohen engaged in a conspiracy to corrupt the 2016 election.

But here's the thing you don't hear on places like CNN or MSNBC or the New York Times, it's not up to the D.A. of Manhattan to enforce federal election law. That is only up to the United States government and the Justice Department and the Federal Elections Commission. They looked at this case, they dropped it, they decided to bring no charges. State D.A.s can't, from all over the country, just can't start running around and saying we're going to police national elections. That's up to us. Hillary Clinton didn't suffer. She won New York State handily.

GALLAGHER: Yes, it's interesting because they keep saying, oh, prosecutor says this is election fraud. Will somebody, I'm not a lawyer, John, but will somebody please give me a rundown? What does election fraud mean in this case?

YOO: First of all, there is no election fraud that occurred in New York State. Were there any votes that changed that would have made any difference in New York State by anything that happened here, even if it were true. If you took the New York D.A.'s definition of election fraud, then you're going to open up the floodgates of prosecution.

Why don't some red state D.A.'s then prosecute all those intelligence officials who said Hunter Biden's laptop was Russian misinformation? Why don't you have D.A.'s who are going to prosecute anyone paying for Hunter Biden's legal fees? That's the kind of thing that can go on now if the Manhattan D.A. gets away with this kind of prosecution of Donald Trump.

GALLAGHER: Meantime, you have Michael Cohen who says this about Trump. Watch.

(BEGIN VIDEO CLIP) MICHAEL COHEN, FORMER TRUMP ATTORNEY: Six weeks of having to park his (BLEEP) at the defendant's table and keep his big (BLEEP) mouth shut is not going to be easy. How's he going to stay awake? No food or drink is allowed in the courtroom. So, how's he going to get his diet coke caffeine fix?

(END VIDEO CLIP) GALLAGHER: He goes on his podcast John, he goes on MSNBC, he just trashes the former president and the former president, nope, can't say a word.

YOO: This is why the Justice Department didn't bring this case. Michael Cohen is the star witness this is a guy who had pled guilty to federal prosecution, to federal felonies, and now has changed his story, he might commit perjury during this trial. We'll find out whether he keeps the story A or story B. But two, I think that this judge has gone way overboard with the gag order.

Essentially, he has said that President Trump can't talk about anything outside the courtroom, including things that his own lawyers are going to say in the courtroom. In fact, the First Amendment, as it's been interpreted, means that we should all be able to hear what's going on in the courtroom, why can't President Trump repeat the same defenses, the same criticisms of witnesses that his own lawyers are going to make in front of the judge in front of the jury?

GALLAGHER: Very good point. John Yoo, great to have you. Thank you. Meantime, coming up, anti-Israel protest continue to multiply in campuses across the country. The epicenter of it all remains Columbia University. Steve Harrigan says there might be some sort of confrontation in the next 25-30 minutes. But first, a live look at Los Angeles, California. Did you know the Hollywood Walk of Fame has over 2,700 stars? We are coming right back.

(COMMERCIAL BREAK)

GALLAGHER: We're continuing our coverage of breaking news, the anti-Semitic protests across the country, I want to bring back the senior correspondent, Steve Harrigan, very quickly and ask him a question about this. Steve, if you can give me an idea, because you just said the last time we talked to you that in 30 minutes at the top of the hour that Columbia University was going to decide if they should intervene and take down those encampments at Columbia if they don't come down. Is there a chance we could see this happen at the top of the hour or would this take a while to get police on scene?

HARRIGAN: I would suspect the President would not take action in darkness, especially overnight. I think she's going to take action, I think she's thrown down a gauntlet saying this isn't going to stand. But I would like to expect to do it in the daytime. Less chance of injury, less chance of really violent conflict happening, Trace.

GALLAGHER: Yes, Steve Harrigan, thank you for the great work live for us outside NYU. We'll get back to you as the news warrants. Meantime, as we told you last night, a major surrogate for President Biden, California Governor Gavin Newsom is concerned about the media's obsession with the New York versus Trump criminal trial, fearing an overindulgence on news about the former president let's bring in a Republican candidate for California State Assembly, Reform California Chairman, Carl De Maio, and Board- Certified Medical Doctor Houman Hemmati, thank you both for coming on. I'll play a little -- set apparently Governor Newsom is feeling left out, Dr. Hemmati, I want to play a little sound of what he said, and then I'll get your take. Watch.

(Begin VT)

GOV. GAVIN NEWSOM (D-CALIFORNIA): This is a guy that doesn't care if he is the hero or the heal, he just wants to be the star. And in so many ways and gets what he wants and that's the price spotlight in focus.

(END VIDEO CLIP)

GALLAGHER: Someone's feeling a little left out there he wants a little focus on himself which he's not been getting in the past few months.

DR. HOUMAN HEMMATI, BOARD CERTIFIED MEDICAL DOCTOR: Well, Trace, there was a wall street journal op-ed yesterday by Ken Khachigian who is a former Reagan senior staffer about, and entitled where is Gavin Newsom, right? And it's all about how he has lost the spotlight just like Beto O'Rourke and Stacey Abrams did. Looks like Newsom is feeling like he's yesterday's news within the Democratic Party and for good reason. He's really overdone it and he's been doing too many attention-seeking behaviors and people are past him now and I think he's trying to make himself relevant.

GALLAGHER: I think people are past him that's the fact on that. So the University of California-San Diego. In your neck of the woods Carl DeMaio if you want to study computer science or something like that of that nature here are some of the requirements let's put these up on the screen you have to be California residents right first-generation college students and students from low-income families because if you don't hit one of those require there are all kinds of isms that you have violated, Carl, in this way, in this fight.

CARL DEMAIO, REFORM CALIFORNIA CHAIR: Let's, let's just call it what this is. They are rationing the computer science degrees. They're rationing them to people who fit their, you know, identity ***politics*** or check-the-box methodology. But fear not, you can still get yourself a gender studies degree. You can get a master it or a doctorate in gender studies. Look, the reality is this.

When these kids show up, if people have a demand for computer science degrees then meet the demand. And you know you should be turning anyone away, these are colleges universities that have saying that they can't balance their budgets but they're saying we're going to ration certain degrees based upon woke identity ***politics***.

GALLAGHER: Yes, we don't have enough of those degrees, sorry you got to do something else it's baffling to me. Meantime, drugs and crime apparently not working out very well in the blue states. I mean, you know this, we talked about drug rehabilitation so forth and so on. Axios, the blue cities go red with conservative policies on crime.

San Francisco voters approved two ballot measures to expand police surveillance and impose drug screenings on those receiving welfare benefits, benefits or again is recriminalizing possession of drugs such as heroin cocaine and fentanyl three years after becoming the first state to decriminalize possession of those drugs. You know, you're a doctor, this is bad news when you are decriminalizing big-time heavy hard drugs?

HEMMATI: And we've seen the consequences of it. People are dying, people are losing family members, they're losing friends, they're watching bodies in the parks in front of them and coroner's vans coming by all the time, and encampments picking people up. People are fed up with this and we are now in an election years of the very same people who in the past on principle had said let's legalize everything and not do anything about it are realizing they're going to lose elections unless they actually do something in a very public way. So you know this is why we have elections in America if they change their behavior even if it's not a really honest fine if it leads to good behavior.

GALLAGHER: I'd even go back and this is this is not part of the conversation but i go back to when the marijuana was legalized in states like California and Colorado and what happened is you saw you saw, you saw test scores go down and you saw different things. Now nobody has said to me that that's the direct correlation but son of a gun, Carl, it really is one of those things where we have seen things do this since these drug states went into play.

DEMAIO: Not only that, you've seen homelessness spike because we do know that homelessness is not an economic issue, it's not a housing issue, it's a mental health and a substance abuse issue. We did a study at the Transparency Foundation a year ago, cost of California, every single category, gas, housing, food, higher, more expensive in California. There was only one item that we found that was cheaper in California, than another state.

Every Single category gas housing food higher more expensive in California there was only one item that we found that was cheaper in California than any other state the street part price of illegal drug right because it's so easy to get and we have that open border that the traffickers are allowed to get the, the goods across the border easily.

GALLAGHER: I have to do this with both the because it's ridiculous new legislation being proposed in California would ban the expedited security screening company clear from operating in the state's airports as proponents say the service raises equity issues given it effectively lets wealthier it's a hundred and eighty bucks and people who travel all the time are like I want to use clear and I was saying, oh, you can't because that's an equity thing.

HEMMATI: I have clear. I travel a lot. I travel so much united airlines pays for my clear membership to encourage me to use United. And guess what it doesn't get you to the front of the line it doesn't cause you to skip the line, it just replaces the ID verification with fingerprints and retina scan or iris scan. That's it. So, whatever they're talking about is totally nonsense and whoever's creating this bill just doesn't even know what it's about.

GALLAGHER: 10 seconds.

DEMAIO: Can I put out the hypocrisy here? Here is a state senator, a Democrat, Josh Newman from Orange County, saying we shouldn't let people skip in the front of the line. Senator Newman, would you like to come down the border with me and do a tour of a bunch of people, millions of people skipping the line? Let's do something about it.

GALLAGHER: Who, by the way, could go through with no I.D. If you want to go to the airport, you can go right to the airport. As long as you're in the country illegally, you go right on the plane. You're good to go. Nobody, no take your shoes, no, nothing. Come on down to the border.

Houman, Carl, thank you both.

First up in tonight's "VIRAL VIDEO." An Ohio robotics company gives new meaning to the phrase guard dog, releasing a robotic dog with a flamethrower attached to its you know. The dog can send flames up to 30 feet at the push of a button. Fun fact here, flamethrowers, federally unregulated and legal to own in every state except for Maryland. I mean, come on, who wants to live in Maryland?

And if you miss playing with toy cars, here's an incredible Hot Wheels track that an online creator spent two days building. The track is 328 feet long, begins inside the home, then makes a daring drop from the second- story window and then kind of winds around the garden. And if you have a viral video to share, share it with us @TraceGallagher or @FoxNewsNight on social media.

OK, coming up, do you ever have a late-night snack in bed or is food off- limits in the place you sleep? Let us know X and Instagram, @TraceGallagher. We will read the best responses, and we've got some good ones coming up in the "NIGHTCAP".

(COMMERCIAL BREAK)

GALLAGHER: Back with the "NIGHTCAP" crew: Kevin Corke, Ashley Strohmier, Matt Finn, Carl DeMaio, Dr. Houman Hemmati, and Kaylee McGhee-White. Tonight's topic, midnight munchies. New survey finds nearly 44 percent of adults like to have a late-night snack in bed. It's generated kind of an online awakening. Some say they won't even allow outside clothes on their bed, let alone food. Others say their bed is a comfortable place to relax with a snack. So, do you ever eat in bed? Why or why not? Ashley Strohmier.

STROHMIER: You know, I have been known to do this and my mom's probably going to get mad at me for saying that on national TV but this is why we make washers and dryers. You get crumbs in the bed just throw the sheets at the washer and the dryer you'll be fine.

GALLAGHER: OK good enough. Dr. Houman Hemmati.

HEMMATI: No way! I don't like crumbs. I don't need bugs in my bed. I don't need to worry about some cockroach coming in the middle of the night. No way!

GALLAGHER: Well, how long you got to wash it? Like she's saying, you wash the sheet. Get a crumb in the bed, you watch the sheet, so the cockroaches stay away.

HEMMATI: Yes, but not like the same night.

GALLAGHER: OK, not the same night. Carl DeMaio.

DEMAIO: If you have a good movie on, popcorn in bed, but what inevitably happens? Popcorn gets inside the bed, and we find it a couple of days later. It's not good.

GALLAGHER: OK. I got you. Matt Finn.

FINN: Yes, I don't want crumbs in my bed. I don't even have a TV in my bedroom because that's just a place to sleep.

GALLAGHER: Because you would be tempted to have popcorn in your bed. And it gets in the nooks and crannies. I hear you. Kevin Corke.

CORKE: Nooks and crannies. You're so funny. No. No eating in bed. No. I mean, you have somebody to share it with, I get it. But generally speaking, no.

GALLAGHER: Kaylee McGee-White.

WHITE: My concern here is more for the timing. I don't eat dinner until 9:00 p.m. because I'm unhinged, so I don't really have time for a late- night snack. And on the cleanliness issue, my dog sleeps in bed with me. I don't have much room to talk about this.

GALLAGHER: Yes, see, I'm just going to go out. But listen, I'm all for you. You eat something in bed, you happen to be there watching, let's -- I'm with Houman. Come on! Oh, no, he's against it. I'm with Carl. Popcorn in bed is OK with me. So, we asked, do you ever eat in your bed? Yes, 30 percent say on X and 34 percent on Instagram. And here are the responses:

Brandie, "I don't like sleeping with crumbs. It's a no for me." She didn't mention the food part. Ha, joke!

"As long as you have a vacuum and a bug spray." OK.

Debora -- that was Garrett. Deborah says, "No, beds are for sleeping."

Robert says, "Sometimes I get tired and hungry." I guess that's a yes for Robert.

Lex says, "Eating in bed is gross."

And Keith says, "My luck, I would spill it all over." And yes, I'm sure he would.

And that is it for us. Don't forget your "COMMON SENSE" mugs, by the way. I've had a lot of requests for these things. You've got to tune in and buy one. Join, have a cup of sense with the rest of us. Thank you for watching America's late news, FOX NEWS @ NIGHT. I'm Trace Gallagher in Los Angeles. We'll see you back here tomorrow.

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