

# [***Hope Hicks Testifies At NY v. Trump Trial; Anti-Israel Protests Spread Across United States Campuses; Trump Speaks After Hope Hicks Testimony; Hope Hicks Testifies At New York V. Trump Trial; UNC Fraternity Brothers Protect American Flag***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BY7-98Y1-F072-X10Y-00000-00&context=1516831)

Fox News THE STORY WITH MARTHA MACCALLUM 3:00 PM EST

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**Body**

TRACE GALLAGHER, FOX NEWS CHANNEL HOST: John and Sandra, thank you. Good afternoon, everybody. I'm Trace Gallagher in for Martha MacCallum and this is THE STORY. We are now waiting to hear from former President Trump when his criminal trial wraps up for the day in New York City.

Former Communications Director Hope Hicks is on the stand now, the former president charged with faking business records to cover up a payment to porn star Stormy Daniels before the 2016 election. He says, he did nothing wrong and should be on the campaign trail not on trial.

(BEGIN VIDEO CLIP)

DONALD TRUMP, 45TH PRESIDENT OF THE UNITED STATES: We're in a courthouse instead of being in Georgia, we're in a courthouse instead of being in any one of, I would say ten states where I'd like to be right now. We have ten states. We were already marked down months ago, we were marked down to be in Georgia today.

(END VIDEO CLIP)

GALLAGHER: Judge Jeanine Pirro is standing by, but first to Nate Foy, he's live for us outside the courthouse in lower Manhattan. Nate, good afternoon.

NATE FOY, FOX NEWS CHANNEL CORRESPONDENT: Good afternoon, Trace. So, former Trump advisor Hope Hicks is still on the stand. She's answering questions, mainly so far, about her time as Press Secretary during former President Donald Trump's 2016 campaign.

And a really notable moment within the past 20 minutes or so, Hicks testified that when an article came out exposing that American media had purchased but never published the story of an alleged affair with Karen McDougal that Trump denies, that Trump was concerned about his wife Melania seeing the story and he asked Hicks to make sure that newspapers were not delivered to their home.

Hicks testified Trump told her the affair never happened. Hicks said she provided a statement for that article provided by Michael Cohen, denying any knowledge of a coordinated effort to suppress the story. Prosecutor Matthew Colangelo asked Hicks if Trump directed her to provide that statement. She said, she couldn't recall but did remember Trump denying the affair.

Colangelo also asked her about meeting former American media CEO, David Pecker. Hicks remembers seeing Pecker at Trump Tower, but she does not remember participating in a meeting where Pecker agreed to help the Trump campaign. Trump is also disputing evidence today presented by the D.A.'s office showing a recording with he and Michael Cohen discussing the payment for the Stormy Daniels deal.

Trump posted on True Social, "This was just as the afternoon session began, the tape played yesterday and discussed today while good for my case was cut off at the end in the early stages of something very positive that I was in the midst of saying. What was it or why was it cut off?" Now, the digital expert who extracted data from Michael Cohen's cell phone said today that some level of trust in Cohen will be needed for certain information from his cell phone. Trump's team says Cohen is a proven liar and an unreliable witness.

Also, one more thing regarding the gag order, Trump's team plans to challenge the gag order saying that it's unconstitutional. We'll send it back to you.

GALLAGHER: And we're going to talk about that with the judge. Nate Foy live for us outside the courthouse. Nate, thank you. Let's bring in Judge Jeanine Pirro, Co-Host of "THE FIVE". Judge, it's great to have you on. I want to pick up or kind of make that point he was making about Hope Hicks saying, listen, you know, the former president was very concerned about Melania here, which, which kind of undercuts the prosecution's case, which is this was all about influencing the 2016 election.

JEANINE PIRRO, FOX NEWS CHANNEL HOST: Well, Trace, it doesn't just undercut the prosecution's case, it demolishes it. Because clearly, we know that non-disclosures have been done for many years as part of a civil, essentially, settlement between two parties to keep things quiet. But here, what you have is one of the closest people to the president who first told the president about the some of the tapes that were coming out, or the Access Hollywood tape, in particular.

She then is telling him about the McDougal situation, and the Stormy Daniels situation, and Trump doesn't want the newspapers delivered. He doesn't want Melania to see him. Trump doesn't say, oh my gosh, what is this going to do to my presidential campaign? Oh, I'll never be president.

What Trump says is, keep the newspapers away from my house. I don't want Melania to see this. You know, basically, I'm in marital trouble here. And that's why this whole case shouldn't have been prosecuted in the first place. It's clear that businessmen do this for their families, they do it for their brand.

And what the feds are trying to prove is, oh no, he just did this this time, it's for the campaign. No, it wasn't. And the amazing part is all of these misdemeanors are beyond the statute of limitations. They are no way prosecutable now but for a felony about which we know nothing that they've attached it to. So, the whole thing is a kangaroo court. And the gag order in particular, it is ridiculous. Look, I've issued gag orders just like Judge Merchan.

As a D.A., my office has been gagged, I get it. But you cannot gag one party and not the other party, especially when one party is running for president of the United States and is being prosecuted by his opponent, essentially, as shown today by Colangelo doing the cross-examination of Hope Hicks. Colangelo is from the Justice Department, Joe Biden's Justice Department. It doesn't get worse than this, Trace.

GALLAGHER: And Judge Michael Cohen is getting rich off this. Michael Cohen is on every day on TikTok. He's on his podcast, he is speaking and talking about every aspect of this and making a bunch of money and nobody is telling Michael Cohen the chief witness to hush up.

PIRRO: You know, it's funny but it's also sad, Trace, I mean we have a man who's running for president whose civil liberty is at stake if he's convicted of this felony. And the truth is that you've got Michael Cohen trashing him, the president is prevented from even responding. To allow a witness to go out there on TikTok, make money, and trash the president, and then sanction the president, the former president, if he says anything like in response, well, what did you think of David Pecker?

The president said, oh, he's a nice guy. They fine him, they sanction him, and the judge threatens what he calls an incarceratory measure. He's threatening him with jail on these gag orders. This is, I guarantee you, Trace, this goes to the Court of Appeals, and it will be reversed, because you cannot do this in America. You cannot do this kangaroo-type justice in America.

GALLAGHER: It seems to me, Judge, and Kerri Urbahn has pointed this out, that the goal here is to make this all as sleazy and salacious as possible, even though they can't point to the crime, even though they can't point to what is illegal in this if they can make it dirty enough for the jury, the jury is going to be just astonished and, and they'll convict.

PIRRO: Yes, well, there's no question that the prosecution is throwing everything they can and hoping something will stick. This whole idea of the of the tape from two thousand and five it has absolutely no connection to this case. And any mention of it should be reversible error. They should have made motions in advance to prevent any discussion of this from coming out. But no, you do have a corrupt judge here.

And I got to tell you, Trace, I am very reticent to say this because I was a judge, and I get it. But this is a judge who should have recused himself, who should not be in this case. He doesn't know the law, or he's forgotten everything he learned about it, and they are railroading Donald Trump. And it's not because I support Trump, this is legally an insufficient case that is beyond the statute of limitations that is full of all kinds of prejudicial and non-probative evidence.

GALLAGHER: Down to our final minute I'll kind of start and circle back to where we were at the top talking about Hope Hicks' testimony. It seems like her entire testimony is kind of in the wake of, as you mentioned, the Access Hollywood tape here, and that the Trump campaign was trying to scramble to find or get rid of anything that might be damaging on top of that.

PIRRO: Well, clearly, and you know, part of that, obviously, is Melania. And in fact, apparently, from what I heard today, and I was not in the courthouse apparent that the president said it doesn't sound like something I would say. So, apparently, he was shocked by it as well and right then and there in a marriage where he wanted to prevent clearly according to Hope Hicks is why from hearing about any of this stuff.

GALLAGHER: Yes, Judge, great to have you on as always thank you for your time means.

PIRRO: Thank you.

GALLAGHER: Meantime, breaking coverage continues with Trump Attorney Will Scharf, Leo Terrell, and Tomi Lahren.

(COMMERCIAL BREAK)

GALLAGHER: Well, the Department of Education now confirming that it is probing allegations of a "hostile, anti-Palestinian and Islamophobic environment" in the wake of October 7th at Emory University in Atlanta. The group, Emory Students for Justice in Palestine, is making the accusations they say, quoting here: "We are here to learn and we should be able to do so in peace without being threatened harassed and doxed simply for being Palestinian, Muslim, Arab or a supporter of Palestinian rights." Emory is one of many campuses this week where anti-Israel protests have taken place.

Meantime, after dozens of arrested New York university and the new school in Manhattan NYPD officials sharing some chilling new information about flyers they say are posted on the NYU campus.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Disrupt reclaim destroy. Zionist business interests everywhere. That division will say that to America on school. Long-live the intifada.

UNIDENTIFIED MALE: Lessons on how to take over a school at NYU. Tell me that somebody is not radicalizing our students. What NYU student would do something like this? Somebody is behind this.

(END VIDEO CLIP)

GALLAGHER: And with that, let's bring in our panel: Leo Terrell, Civil Rights Attorney, he earned his law degree at UCLA, where chaos broke out this week. Tomi Lahren, host of "Tomi Lahren is Fearless" on Outkick, both are Fox News Contributors; and David Carlucci, former Democratic New York State Senator. Thank you all for coming on.

Leo, to you first. I want to book the flyers back up again because people didn't really get a chance to look closely at them. These things were found on NYPD or NYU property and saying things like enough with de-escalation trainings. Where are the escalation trainings? You will not find a truce from us and death to America.

I mean, there is clearly this movement afoot, Leo to kind of increase aggression. What do you think?

LEO TERRELL, FOX NEWS CHANNEL CONTRIBUTOR: Trace, thanks for having me.

I've been a civil rights lawyer for 35 years; I'm embarrassed about UCLA. Joe Biden has abandoned his legal obligation to protect Jewish American students. The federal government has the power to do so immediately.

They scan cut off all the funds with the department of education. Where are the federal charges, Trace? Where is the FBI? Where is the hate crime charges? Forget about the state charges -- is trespass. Where is the federal government involvement?

Remember, back in the 60s, black kids couldn't go to school, you have federal marshals? Where are the federal marshals to protect Jewish American students? It does not exist. Why, Trace? Very simple. Michigan, Michigan, Michigan.

I find it offensive for Karine v. Pierre to talk about anti-Semitic task force. We have laws on the books to stop this. But because of ***politics***, Jewish Americans are not be protected.

Those are the facts. It's not about First Amendment. This is outright criminal conduct on a part of these pro-Hamas rallies. And these college presidents should be investigated by the FBI today.

GALLAGHER: Yes. I mean, Leo, David Carlucci, he makes a great point. Because we have been asking for the past a week or so, where -- we just lost Carlucci.

Let's bring in Tomi Lahren. So, Tomi, it's a good point, because we have been talking about this over the past week. Where is the Department of Justice, the Civil Rights Division?

I mean, these are anti-Semitic cases, we can detail them down to -- you know, down to the ant on these things. We see it every single day. And the DOJ Civil Rights Division has been silent.

TOMI LAHREN, FOX NEWS CHANNEL CONTRIBUTOR: Right. And let's also keep in mind that they were really concerned about keeping tabs on parents at school board meetings, speaking out against COVID protocol and the like. But I think right here, we need to be really cognizant of who is funding this.

You know, we can clean out these encampments and a couple of weeks from now, it might be a new flavor of the week protests. But we need to know who is funding this because these students are absolutely being radicalized. I actually spoke to a Columbia student today on my OutKick show.

And they told me, listen, a lot of these young people, they just want to be a part of something. They go to these encampments, they get free food, they get to hang out with their friends. This is bigger than just the anti- Semitism, the anti-America, the anti-Israel.

This is our young people reaching out for something. And unfortunately, the radicalization of anti-Semitism and Islamic propaganda is right there within their grasp, and that is going to be a lasting problem.

(CROSSTALK)

GALLAGHER: Yes. We are back with David Carlucci now. And David, the student editors at Columbia Review -- the Law Review, write the following. Quoting here: "We urge the law school to cancel exams. The violence we witnessed last night," talking a couple of nights ago about police clearing the campus. "The violence we witnessed last night has irrevocably shaken many of us. The events of last night left us and many of our peers unable to focus and highly emotional during this tumultuous time."

I mean, they are not so shaken that they can't protest and spew all this hateful rhetoric, but they're too shaken to study is the theme here. David, your thoughts?

DAVID CARLUCCI, FORMER STATE SENATOR OF NEW YORK: And we don't have David again. So, let's go to Leo Terrell. Leo, that's the -- that's the point here is you have these students making these demands across the country at UCLA.

They wanted lotion with no sunscreen, and they wanted food that was gluten free and vegan. And now, you've got Columbia students saying, can we cancel the exams because we're just so emotionally wrought?

TERRELL: And let me tell you why. Because you talk about UCLA, the school that I'm embarrassed about and USC. Why? Well, we got a governor. Where is he been, Trace?

We have a mayor. Where she been?

For two or three hours, Jewish American student on the campus on UCLA were terrorized, and there's no action. What's happening in New York? Oh, yes. We got a governor who's New York. And I find -- I want to be clear about this. Mayor Adam is upset that they took down the American flag. I'm -- me too.

But why don't Mayor Adams call out Bragg and talk about arresting and keeping these protesters in jail? It's all smoke and mirrors. It all goes back to the federal government, Joe Biden and the Democrat strategy. We are not going to do anything because of Michigan.

And that's insulting to Jewish Americans, who are being treated like second class citizen.

Again, I want people to go back in time in the 50s and the 60s when black kids couldn't go to school unless they had federal marshals.

GALLAGHER: Yes.

TERRELL: That is what Jewish American students should have.

GALLAGHER: Yes. And on that very point, Tomi, I want to play this soundbite from Bernie Sanders, because he said something very bold kind of harkening back to the 1960s.

(BEGIN VIDEO CLIP)

SEN. BERNIE SANDERS (D-VT): This may be a Biden's Vietnam. Lyndon Johnson, in many respects was a very, very good precedent, but chose not to run in '68, because of opposition to his views on Vietnam. And I worry very much that President Biden is putting himself in a position where he has alienated not just young people, but a lot of the Democratic base in terms of his views on Israel and this war.

(END VIDEO CLIP)

GALLAGHER: And yet, the president who spoke for three minutes total on this, Tomi, seems to be playing both sides all the time. Always trying to placate everybody.

LAHREN: Well, there shouldn't be any space for that, because you've got people who are openly saying death to America, death to Israel. Saying that they want an intifada.

This is not a tough choice, Trace. This should be Joe Biden coming out definitively saying I'm not on the side of this. And the authorities are going to clear these out, and this is not going to be tolerated.

By him playing both sides of the fence there. He is just exacerbating the problem. But I think it is really interesting that Senator Bernie Sanders is openly acknowledging that this is the Democratic base. If this is the Democrat base, then maybe Donald Trump is exactly right. There is not a lot of problems on the right. All this has been caused by the far left, which is apparently the new base of the Democrat Party.

So, if you're an average Democrat out there or moderate Democrat, I guess maybe you're not part of the Democrat Party anymore.

GALLAGHER: Yes. I guess you're not. Tomi Lahren, Leo Terrell. David Carlucci was with us in spirit. We thank you all for coming on. It was great.

We are awaiting possible remarks from former President Trump as court prepares to wrap for the week in his criminal trial. Trump attorney Will Scharff, standing by.

(COMMERCIAL BREAK)

GALLAGHER: Well, breaking moments ago, Congressman Henry Cuellar and his wife charged with bribery. The Fed said they took about $600,000 from companies in Azerbaijan and Mexico and the Texas Democrat used his office to help the businesses.

The Cuellar is also indicted on other charges, including money laundering and wire fraud. They are facing decades in prison. The Congressman saying, "both my wife and I are innocent of these allegations. The actions I took in Congress were consistent with the actions of many of my colleagues and in the interest of the American people."

Meantime, we are expecting to hear from former President Trump just minutes from now when his criminal trial wraps up for the day.

Right now, the defense cross examining former communications director, Hope Hicks. And the former president says he plans to file a lawsuit challenging the gag order as we wait for the judge to rule on whether he violated it again.

Let's bring in Will Scharff, a lawyer for the former president, who is not involved in the case. He is also running for Missouri Attorney General as a Republican. Will, it's great to have you on.

I want to know your take on this, because we've had so much focus this morning during testimony on this Access Hollywood tape.

The tape is from 2005. It has nothing to do with the 2016 election. And yet, they can't show it but they can talk about it 15 times a court session.

WILL SCHARF, REPRESENTING TRUMP IN IMMUNITY CASE: Yes, this is exactly the sort of evidence that in any normal trial would be excluded. Because it's prejudicial value so heavily outweighs any probative value that it might have.

That's a routine motion filed in cases. We've made numerous motions to exclude evidence like this in this case. In any normal case, this is not the sort of thing that would end up in front of the jury.

But as we've seen in so many ways, including the gag order that you just referenced, this is not a normal trial.

GALLAGHER: Yes, no. It's not a normal trial. And we are waiting for carrier bond to come out, and kind of give us an update of exactly what's happening before they go to break.

And I'm wondering if you think the strategy here is just to bring out the most salacious stuff, right? You bring out the sleazy stuff, and you try to convince the jury that this was just a dirty, different escapade. And forget that the stuff, that's not illegal, because none of this stuff is illegal. So, you don't talk about any crimes. You just talk about dirty stuff and hope the jury is convinced.

SCHARF: Yes, it's a smoke and mirrors strategy. Look, we're weeks into trial. And we have yet to hear a single piece of evidence that tends to show that President Trump committed any crime, much less the crimes that he's been charged with here.

It's absolutely a distraction strategy by the prosecution. But what we've seen day in and day out is President Trump's team, effectively dismantling large aspects of the case the prosecution attempts to be putting before the jury.

We saw cross examination yesterday of Keith Davidson. I mean, at the end of that, I think there was more evidence on the record that criminal extortion may have occurred with President Trump as the victim than there was that President Trump himself has committed any crime, which we don't believe he did here.

So, I think day by day, the defense is putting up points.

GALLAGHER: Yes.

SCHARF: And the prosecution really isn't. And hopefully, that continues in the weeks ahead.

GALLAGHER: You talking about the defense putting up points here. And I hate the word bombshell, Will. But, you know, there was a significant piece of information by Hope Hicks today where she said, listen, the concern about this whole thing was to keep it away from Melania.

And, you know, the prosecution's push here is that this was all, you know, just to influence the election. And Hope Hicks is saying, no, this was to - - this was because the former president was concerned about his wife finding out.

SCHARF: Yes, and look, that's something that President Trump has said for a very long time. If true, that would be devastating to the prosecution's theory of this case, the way they have attempted to stack election violations with business records violations.

So, I think we're going to continue having revelations like that, as witness after witness comes to the stand.

But again, I look at the trial record here, and you do not see a single statement, a single piece of evidence that's been introduced into the record that the jury has seen that tends to show that President Trump has committed any crime.

GALLAGHER: Yes.

SCHARF: We believe that's the case because he hasn't committed any crime. And therefore, there is no evidence of that.

But that's what we're seeing play out in court. And it's really important to cut through all the smoke and mirrors and all the salacious gossip, that we're being fed on a daily basis and just focus on the fact.

GALLAGHER: Yes.

SCHARF: Which is that President Trump did nothing wrong.

GALLAGHER: What do you -- what do you make of the strategy where the prosecution brings out the former number three at the DOJ, Michelangelo, to actually question Hope Hicks here? She said she was nervous going into the trial. She got up on the stand. She told the jury she was nervous, and she was. But you have this kind of intimidation aspect from the prosecution in this. What do you think of the strategy?

SCHARF: Well, actually, because of the unconstitutional gag order, I'm not allowed to speak about members of the prosecution team other than DA Alvin Bragg, which just goes to show how wildly overbroad and unconstitutional the gag order really is. We're obviously taking that gag order up on appeal. We've challenged it. We're going to continue to challenge it.

I wish I could answer your question, but because of how broad and unconstitutional the gag order is, I'm just not allowed to.

GALLAGHER: I'm going to play some sound very quickly, Will, of the former president talking today about the gag order.

(BEGIN VIDEO CLIP)

DONALD TRUMP (R), FORMER US PRESIDENT AND PRESIDENTIAL CANDIDATE: No, it won't stop me to testify. The gag order is not to testify. The gag order stops me from talking about people and responding when they say things about me. We have people saying things about me, and I'm not allowed to respond. So this judge has taken away my constitutional right.

And as a Republican candidate, and somebody that's leading Biden by a lot, I should be able to respond.

(END VIDEO CLIP)

GALLAGHER: You're not the first lawyer to say that this gag order seems very one sided, very unilateral, Will.

SCHARF: That's right. It's unilateral. It doesn't apply to the witnesses. It doesn't apply to the prosecution's team. It's over broad in many ways.

I'd also note that we believe this is the first time in American history when a candidate for public office has been subjected to a gag order of this kind and of this scope. It's totally unprecedented. And President Trump is obviously not just any candidate. He is the leading candidate for president of the United States of America.

And the idea that this sort of campaign interference, the use of gag orders to interfere with his ability to speak out publicly on matters of public importance, it strikes to the heart of our system of elections. It's election interference, pure and simple, and it's just outrageous.

GALLAGHER: Yes. I got to go, Will, but I want to know if you look at this case enough, have you identified, you specified the actual felony that has bootstrapped all of these misdemeanors?

SCHARF: It's complicated. And the prosecution's theory has shifted over time. We obviously moved for a bill of particulars or for a dismissal before the trial. I think we're going to continue seeing them try to build their case, kind of build the airplane as they fly it. That seems to be their strategy here. And that's just not the way these kinds of cases are supposed to proceed.

GALLAGHER: No, it's baffling. Will Scharf, appreciate your time. Thank you.

Meantime, our legal editor, Kerri Urbahn, is inside the courtroom. She will join us as we await remarks from the former president. The court about to wrap up, they say, no longer than twelve minutes from now, so we should hear that very soon.

(COMMERCIAL BREAK)

GALLAGHER: Well, we could hear from former President Trump any minute now. His criminal trial just wrapped up for the day, for the week, for that matter. And his former communications director, Hope Hicks, was on the stand. Let's go live outside the courthouse in Fox News legal editor Kerri Urbahn.

Kerri, I'm wondering what happened in the last few minutes. I know you just put your earpiece in, what happened in the last few minutes? What did we miss? What was the big highlight of the day?

KERRI URBAHN, FOX NEWS LEGAL EDITOR: Yes. It was an interesting last 30 minutes. Hope Hicks, the former communications director for the White House and press secretary for Trump's campaign, broke down in tears before she was about to be cross examined. It seemed like it was related to the direct examination from the state.

You know, she was very close with the Trump family, so it's possible that it became too much for her. She got emotional. We had to take a break. We just resumed and the defense began cross examining her.

And there were a couple of interesting points that came out during her testimony, Trace, the first one being that the former president was very concerned about Melania's opinion and what it would be about the Stormy Daniels story. It caused him great stress, she said, personal stress when the story was percolating. And she said that he wanted his family to be proud of him.

Now, the reason that matters is because the state's theory of their case is that, Donald Trump paid off stormy Daniels just to influence his campaign. In other words, it was some kind of campaign contribution to himself. So Hicks testifying that, in fact, he was very stressed about the impact it would have on his wife and his family, undercuts their theory of the case to some extent on that one.

The other thing she testified about that was interesting was how Michael Cohen was known to go rogue, and that she would call him a fixer and mister fix it because he would have to fix his -- what he would break, his own mistakes. So those are the two most notable things that came out of our testimony. Otherwise, we didn't learn much new.

GALLAGHER: I wonder, Kerri, you talk about that where Hope Hicks said, you know, he was very concerned about Melania. And of course, you point out that the prosecution's case is all about this was to influence the 2016 election. I wonder if the defense, if that's their goal, is to really emphasize, to hit again and again the fact that Hope Hicks said this was more about him being concerned about his family and how they were going to take this.

URBAHN: And she also said he was concerned about how it was playing in the news. But here's the thing, Trace, both things can be true at once. He can be concerned about how it would impact his wife and he can be concerned about how it would impact the campaign.

Neither are illegal. And the fact that the state has brought this case, that they are willing to imprison a former president of the United States over how a legal expense was classified, and they want to say it was just for his campaign, when in fact, it's probably true that he was worried about his wife, too. It's pretty remarkable.

GALLAGHER: Yes, it is. And I wonder, because I was reading all the emails today, Kerri, and I -- the access Hollywood tape just kept coming up. It was 2005 where the tape came out. And you wonder why it keeps coming up in court. I mean, it came up a lot.

I mean, they can't show it, as we talked about earlier, they can't show the tape, but, boy, it comes up every 15 seconds.

URBAHN: Yes. The prosecution really wants to air the audio of that tape and the judge has repeatedly denied them from doing so, saying that it would be very prejudicial to Donald Trump, and that's judge speak for it would be unfair. And that is the reason they want to play it. The name of their game seems to have been thus far, obscure, obscure, obscure.

They are trying to equate in the jury's mind, sleazy with illegal, but it's not. Just because something's dirty doesn't make it a crime.

GALLAGHER: Yes. And I wonder if you look at the totality of the week, Kerri, you look at what's happening, and we're still waiting, by the way, that's door waiting for the former president to come out and speak because the trial has now ended for the day. It's ended for the week. And I'm wondering, as you look back at the week, if you think this was a good week for the prosecution, for the defense, who do you think kind of came out on top?

And there's the former president right here, Kerri. So, yes, he's coming out so let's see if he comes to the microphone here.

(BEGIN LIVE COVERAGE)

UNIDENTIFIED FEMALE: What was it like Hope Hicks (inaudible)?

TRUMP: So I'm not allowed to comment on any of that. As you know, I'm under a gag order, which is very unprecedented. But I will say this, that the government, DOJ, et cetera, and in particular lately, this office of DA, which is letting crime, violent crime, run rampant all over our city, what they've done to people in my company, they've been after us for years.

You take a look at what's happened years. The Democrats, the radical left, they've been after us for years, and they've destroyed people's lives. They've gone out, hired lawyers. They've been with lawyers for years, been sucked dry. And it's a shame. It's a shame what they've done to this country. And it's a shame what they've done to a lot of great people that have been absolutely ruined and destroyed, not only here, all over. These are vicious, vicious radical left lunatics.

The DA here is Soros' backed. They shouldn't be wasting time on this. Look what they do to so many people. They're all lawyered up. That's all they do, lawyer up. In the meantime, you can't do anything in the country. The country is going to hell. They have no time. They have no anything left because they're always under siege.

It's a terrible, terrible thing happening in our country. And hopefully November 5th, the most important day in the history of our country, in my opinion, that's called Election Day. Hopefully it's going to change because these people are destroying our country. Whether at the border, whether the horrible reports that came out today, our jobs, numbers, we've all heard, whether inflation, which is destroying us, allows the economy of Afghanistan, allowing Russia to attack Ukraine would have never happened.

Then you take October 7th and Israel, that would have never happened. All of these things happening, and all they do is they go after people, they destroy people. And it's a shame.

So I just want to wish everybody a very good weekend. I was very interested in what took place today, but I just have to say, we have a country to build. We have to rebuild it. Our country has gone to hell. We're a nation in decline, and we cannot let that happen to the USA. Thank you very much.

(END LIVE COVERAGE)

GALLAGHER: Well, there you have the president speaking for about two minutes, two and a half minutes there. Back to Kerri Urbahn now.

It's interesting, Kerri, because the gag order has been in the news so much, and the president is kind of, you can see him navigating around it where he takes a quick swipe at Alvin Bragg. But then mostly it becomes kind of a chance for him to campaign a little. And he's not in violation of the gag order. Is this gag order going to be a constant thing in this trial?

URBAHN: And with Donald Trump, probably so. But, you know, again, if the judge wanted to undercut the criticism of the lack of fairness in this situation, he could so easily impose a gag order against Michael Cohen, who continues to talk publicly about Donald Trump. I don't understand why he hasn't done this.

And it just, you know, in some ways, Cohen taunts Trump to respond. He does. Then he's found in violation of this gag order. And of course, he's also running for president, which means that everything he says, between now and November, could really be construed as political speech.

As we know, when someone's running for president, everything you say matters about everything. And so, I think the former president has a reasonable argument when he talks about it being an unconstitutional restraint on his speech.

GALLAGHER: Yes. Especially when you look at Michael Cohen and you see the amount of money he's making, you see the TikTok and you see all these things and every little -- it's like he's running the trial in his own little world, his own little online world and making money off of it, and nobody can respond.

URBAHN: Yes, it's true. I don't know that Cohen would have a livelihood if not for Donald Trump. And, Trace, you asked me earlier before we cut to the former president's remarks about whether this was a good week or not for Trump.

And I would say it was. I would say that the witnesses the state presented actually helped Trump more than they did their case. You know, you had Keith Davidson yesterday, the lawyer for Stormy Daniels and Karen McDougal declining to call the hush money payments hush money payments. He said it was consideration, which is a legal term. And as we know, Trump's bookkeeper classified those payments as a legal expense.

So that was, I thought, pretty interesting. And then secondly, you have Hope Hicks testifying that Trump was very concerned about the impact the story would have on his wife. So that it wasn't -- and it wasn't just about the campaign.

GALLAGHER: Yes.

URBAHN: So we'll see what comes next week, but I would say that on balance, these witnesses helped Trump more than hurt.

GALLAGHER: Yes. And I guess, and very quickly, Kerri, I guess it really comes down to, when you talk about the ballots and Hope Hicks, it all comes down to Michael Cohen. It is Michael Cohen's testimony that this case really relies on.

URBAHN: That's right. And not one witness has had a good thing to say about him thus far, which is pretty remarkable. And yet a number of witnesses have said good things about Donald Trump. So if it comes down to Cohen versus Trump, we'll see what the jury has to say about that.

GALLAGHER: We will indeed. Kerri Urbahn, great work as always. Thank you.

Let's bring in John Yoo, former Deputy Assistant Attorney General, now a UC Berkeley law professor. He says he's friends with Hope Hicks but can objectively comment on her testimony. John, great to have you on as always.

And it's interesting because Kerri was pointing out where Hope Hicks came out and then she said, listen, this -- the concern that the former president had about all of this stuff with, you know, the Stormy Daniels thing was the effect it was going to have on his family, not on the 2016 election. That's damaging for the prosecution.

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: This shows how shoddy this whole prosecution has been. These are the prosecution's witnesses that we're hearing from now. Trump hasn't even had a chance to call his witnesses. And every time we hear these prosecution witnesses, like my friend Hope Hicks here, they have actually undermined the case of the prosecution.

Hope's testimony here shows that the case, the legal case, the charges that the prosecution has doesn't work. And that's what we always see in the law. If you don't have the law on your side, pound the facts. And that's all the prosecution doing now, is trying to drag Donald Trump through the mud.

But Hope's testimony shows that President Trump wasn't thinking about the campaign and all this. He was trying to protect his reputation and protect his family. That shows that there's no legal crime that's been committed. And even if there was, it would be a federal crime, which DA Bragg is unconstitutionally trying to enforce here.

GALLAGHER: Yes. And I just got to ask you, John, because, you know, you look at this from a 30,000 viewpoint. I mean, the prosecution's case this week was not strong. I mean, these were their best witnesses save for Michael Cohen, and they didn't do well. So what's the next strategy going forward?

YOO: If you were to Bragg, in a way you don't care about the legal charges anymore, you just want to try to besmirch Donald Trump's character. This is what the American legal system is not for, but what Bragg is trying to do is just convict Donald Trump because people don't like him in New York City because he's a bad character. But the justice system is there to prosecute people for violating the law for their acts, not their character.

GALLAGHER: Yes. John Yoo, great to have you as always. Good insight, my friend. Thank you.

Well, you know her as Adriana in the hit series "The Sopranos."

MATTHEW JOSEPH SERVITTO AS DWIGHT HARRIS, "THE SOPRANOS": Adriana La Cerva, Special Agent Dwight Harris, FBI. I believe you two have already met.

DREA DE MATTEO AS ADRIANA LA CERVA, "THE SOPRANOS": Holy (inaudible). Don't make a scene. You don't want to attract attention. You're on the FBI?

(END VIDEO CLIP)

GALLAGHER: Now, the Emmy award winning actress Drea De Matteo is giving her candid take on the state of the country and how Hollywood really feels about President Biden. She's up next with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

DREA DE MATTEO AS ADRIANA LA CERVA: My friend, Daniel.

MICHAEL IMPERIOLI AS CHRISTOPHER MOLTISANTI, "THE SOPRANOS": She set you up?

DREA DE MATTEO AS ADRIANA LA CERVA: She was an FBI agent, Christopher. He lied to me. They wanted to arrest you too, Christopher. I was just trying to protect you. They said all they wanted was some information and they would leave us alone.

I didn't tell them nothing, I swear to God. I just license plate some other stupid (inaudible). They wanted me to wear a wire, but I wouldn't do it.

(END VIDEO CLIP)

GALLAGHER: Drea de Matteo, Emmy winning star of "The Sopranos, making some headlines for saying the far left owns Hollywood and celebrities who oppose President Biden's policies are scared to speak up. She is also the co- founder of the Ultrafree clothing line and she joins me now. Drea, it's great to have you on the show.

You say Hollywood has been hijacked. What do you mean specifically by that?

DE MATTEO: I mean I pretty funny clips to introduce me. I'm so worried that I'm going to be running through the woods one more time, life imitating art just for speaking out to the feds or whatever. But yes, I'm sure that it was hijacked a long time ago. It's new to me in the last three years to not be able to have a voice, to not -- I mean, not that I even tried to. I accidentally fell into this big mouth role that I have now.

And, man, the far left is going to own me soon, that too.

GALLAGHER: Excuse me.

DE MATTEO: Like, my whole line, Ultrafree, about freedom of speech. It's about censorship, freedom of speech, all of our constitutional rights, which slowly feel as though they've been -- they are being stripped away day by day. So, you know, I guess when the elections are over, maybe the clothing line will be a regular street wear line.

But for now, uniting America is the most important thing, because I don't think they are -- I think they're looking at all of these labels and right, left, black, white, forget about all this. We all need to come together and fight against the evil ahead of us.

GALLAGHER: It's interesting to me, Drea, because, you know, you just talked about this running through the woods where, you know, having the FBI informant looking at you and you look at your clothing line, and your clothing line is very outspoken. It's very, you know, it's -- you can see - - we had these pictures up on the thing.

It is very outspoken. Do you worry because of this clothing line that is advocating for free speech that you might be undercut, that you might be pushed out of Hollywood?

DE MATTEO: I already pulled myself out a while ago. Yes, I see there's guns and crosses. I've been called every name under the sun. white nationalists, like crazy things. But, you know, we forget about Guns 'n Roses, the Sex Pistols, Velvet Revolver, Madonna wore crosses on everything. I don't know why the words freedom and God are sort of reasons for discrimination now. Like these are four letter words somehow, and I don't know how we got here.

GALLAGHER: Right

DE MATTEO: It's too much. There's no balance. I mean, the whole line is about getting back to the middle and having a balance. We need the left and the right to create, you know, keep us all accountable on both sides.

GALLAGHER: And it's interesting because the flag has now become a symbol of hate in many people's eyes and you wonder what is going on. Do you think that Biden administration is trying to divide people? Are they efforting to divide people, or have they succeeded in dividing people?

DE MATTEO: I feel like the Biden administration was used to divide people. Yes, I do. I think that the division in America is beyond, and I don't think that we know really where it's coming from. I doubt that. It's just an old man who doesn't even -- he's reading half the time. I don't think he's making any of these executive decisions on social media issues.

I think the social issues are a distraction right now. I don't think that they are the main order. I mean, when we born this whole line, it was out of the WHO treaty and being afraid that we wouldn't -- if people don't know about that at home, I think everybody should sort of learn more about it. They're trying to iron it out a little more. But that's taking away American sovereignty, and that's not OK. And that's by unelected officials. And that is my biggest fear --

GALLAGHER: Yes.

DE MATTEO: -- when we have -- we no longer have a voice. And it seems like we have a voice, but we don't.

GALLAGHER: Yes. Drea, thank you for coming. The line is called Ultrafree --

DE MATTEO: I'll be running through the woods.

GALLAGHER: -- and we'll see you again riding through the woods, waiting for the FBI on the other side. Drea, thank you for your time. We appreciate it as always.

Meantime, look at this fraternity. These are fraternity brothers at the University of North Carolina defending the American flag after protesters replaced it with the Palestinian flag. The crowd yelling and throwing water bottles at the Phi Kappa Phi brothers. One of them talked to Laura Ingraham on "THE INGRAHAM ANGLE." Watch.

(BEGIN VIDEO CLIP)

ISAAC MALEH, PROTECTED AMERICAN FLAG AT UNC: I've seen a lot about us being heroes or unbelievable people. It's none of that. We see a country that we love and we believe in, and we stand for its values being desecrated, and we didn't want to sit by and just let it happen.

(END VIDEO CLIP)

GALLAGHER: Yes. And lots of people do think the fraternity brothers are heroes. A GoFundMe page has raised more than a half million dollars to "throw them a rager," and we'll see how big a rager that is but the money keeps growing. It's for a good cause. And those young people took this to heart. And that was probably the picture or scene of the week.

And before we go, take a look at this, a giant American flag has been unfurled over a building at George Washington University. Still there, though, a defaced statue of our country's first president, George Washington, draped in Palestinian flag and a Kafiya scarf, both symbols of the anti-Israel protests at US college campuses.

And that is THE STORY of Friday, May 3, 2024. But as always, THE STORY goes on. Tonight, "FOX NEWS @ NIGHT" we're going to have former Education Secretary Bill Bennett on all these protests. Meantime, "YOUR WORLD WITH NEIL CAVUTO" starts right now. Have a good weekend.

**Load-Date:** May 3, 2024

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