

# [***Tornado Rips Through Parts Of Nebraska, Causing Widespread Destruction; Interview With Ohio Republican Senator J.D. Vance; Gazans Displaced by the War; U.S. Military Begins Construction on Gaza Humanitarian Aid Pier; Hamas Releases Hostage Videos; Pro-Palestinian Protests Continue on Campuses as Students Make Demands; Trump Claims New York Hush Money Trial Is Politically Motivated; Supreme Court Hears Arguments In Trump Immunity Fight; Unclear What Political Impact A Trump Guilty Verdict Would Have On Election; Biden and Trump Claim They're Willing to Debate; Stephen Breyer is Interviewed about His Time on the Court***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BX1-MY31-JCS1-63G6-00000-00&context=1516831)

Fox News FOX NEWS SUNDAY 9:00 AM EST

April 28, 2024 Sunday

Copyright 2024 Fox News Network LLC All Rights Reserved

**Section:** NEWS; International

**Length:** 9031 words

**Byline:** Shannon Bream, Jeff Paul, Nicole Valdes, Lucas Tomlinson, Jonathan Turley, Juan Williams, Mollie Hemingway

**Guests:** Chris Murphy, J.D. Vance, Stef Kight, Tiffany Smiley, Stephen Breyer

**Body**

SHANNON BREAM, FOX NEWS ANCHOR: I'm Shannon Bream.

Chaos on America's campuses as police clash with anti-Israel protesters and make hundreds of arrests and Jewish students fear for their safety.

(BEGIN VIDEOTAPE)

BREAM (voice-over): Tensions reach a boiling point at universities across the country just as students prepare for graduation.

The speaker of the House calling for order despite boos from anti-Israel protesters at Columbia.

REP. MIKE JOHNSON (R-LA), SPEAKER OF THE HOUSE: The madness has to stop.

BREAM: Critics like Johnson accusing the president of trying to play both sides.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I condemn the antisemitic protest. I also condemn those who don't understand what's going on with the Palestinians.

BREAM: And the president celebrates a major foreign policy win, signing a massive aid bill into law, sending billions of dollars to Israel, Ukraine and Taiwan, criticized by conservative Republicans for not including any new money to protect America's southern border.

SEN. J.D. VANCE (R-OH): You're a fan of Vladimir Putin if you don't like our Ukraine policy. That's not good faith debate.

BREAM: We'll talk with Republican Senator J.D. Vance and Democratic Senator Chris Murphy.

Then --

DONALD TRUMP, FORMER U.S. PRESIDENT & 2024 PRESIDENTIAL CANDIDATE: If you don't have immunity, you're not going to do anything. You're going to become a ceremonial president.

BREAM: The former president's first of its kind immunity argument reaches the nation's highest court, while the presumptive GOP nominee remains tethered to a state courtroom in New York.

Our Sunday panel breaks down the legal hurdles facing Donald Trump and whether there will be a presidential debate.

All, right now, on "FOX News Sunday".

(END VIDEOTAPE)

BREAM (on camera): Hello from FOX News in Washington.

Severe storms tearing across parts of the Midwest this weekend, leaving behind devastation the storm spawning tornadoes that ripped apart homes and businesses from Oklahoma and Kansas to Nebraska and Iowa. Some areas getting up to eight inches of rain in the last hours, leading to dangerous flash flooding and millions of Americans are now faced with a massive cleanup, some of them saying they have lost everything.

FOX Weather correspondent Nicole Valdes is in Elkhorn, Nebraska, with the latest.

Hello, Nicole.

NICOLE VALDES, FOX WEATHER CORRESPONDENT: Shannon, good morning.

Horror across the heartland as several states are now reeling from devastating violent and in some cases deadly tornadoes and that have left lives ripped to shred some of the homes you see here behind me. In Elkhorn, Nebraska suburb, just west of downtown Omaha, are tough to look at. You'll notice homes that were clearly at one point lifted off of their foundation, then sent crashing down now leaning on where they once stood.

Meanwhile, I'll walk you over here where you'll notice one other home barely a shell of what it once was the only thing left standing an American flag in the distance a reminder of not only the families who are now trying to pick up the pieces, but the army of volunteers that have spent their weekend here trying to help their loved ones, their neighbors, their friends move forward from such a disastrous situation.

And of course, it's not just here in Nebraska but officials here say a miracle as no one here lost their life. Listen to this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: We're hearing a lot of miracles out here when you look at this kind of devastation, you expect to have loss of life or at least severe injuries right now. We're only hearing minor injuries.

(END VIDEO CLIP)

VALDES: And, of course, other families now in states including Iowa and Oklahoma also facing much of the same devastation today. At least one confirmed dead in the state of Oklahoma -- Shannon.

BREAM: Nicole Valdes in Nebraska, Nicole, thank you so much.

Well, back here in Washington, pro-Palestinian protesters showed up outside the White House correspondent's dinner, criticizing President Biden's support of Israel, the same week he signed a bill into law providing billions more in aid to our Middle East ally.

In a moment, we will bring in Ohio Republican Senator J.D. Vance to get his reaction.

But, first, FOX News correspondent Lucas Tomlinson is live at the White House with response to the protests in the nation's capital and really campuses now across the country.

Hi, Lucas.

LUCAS TOMLINSON, FOX NEWS CORRESPONDENT: That's right, Shannon. Last night, President Biden attended the annual White House correspondence dinner where he was met by hundreds of angry protesters. Inside, it was a night filled with jokes.

(BEGIN VIDEOTAPE)

BIDEN: Age is the only thing we have in common. My vice president actually endorses me.

TOMLINSON (voice-over): While Washington's elite attended the dinner --

(CHANTING)

TOMLINSON: -- outside, protesters tried to disrupt it.

In recent days, protests have erupted at major colleges and universities across the country beginning at Columbia and spreading to the nation's capital at George Washington University five blocks from the White House.

(CHANTING)

TOMLINSON: The response to the protest has varied. The University of Texas riot police on horseback arrived. University of Florida threatened demonstrators with suspension for up to three years. The University of Southern California canceled its big commencement ceremony. The Republican House speaker visited Columbia to support the Jewish students.

Democratic lawmakers AOC and Ilhan Omar, along with her daughter who was arrested in recent days for protesting, visited the other side.

President Biden signed the $95 billion foreign aid bill for Ukraine, Taiwan and Israel, which has drawn the ire of the protesters.

BIDEN: My commitment to Israel I want to make clear again is ironclad.

(END VIDEOTAPE)

TOMLINSON: President -- Secretary of State Antony Blinken has just wrapped up a trip to China. He next heads to Saudi Arabia with gas prices at six- month highs and the war in Gaza are raging, where over 100 hostages remain -- Shannon.

Lucas Tomlinson live at the White House -- Lucas, thank you very much.

Joining us now, Ohio Senator J.D. Vance.

Good to have you with us this morning.

SEN. J.D. VANCE (R-OH): Thank you.

BREAM: Okay. You've been a vocal critic, asking a lot of questions about what's going on in Ukraine, saying the American people aren't getting the full story about what is actually possible there, wrote a piece that's gotten a lot of attention where you break down some of the math on munitions, our ability to produce what they actually need over there.

Senator Lindsey Graham was on the show last week and took issue with what some of what you've written. Here's a bit of that.

(BEGIN VIDEO CLIP)

SEN. LINDSEY GRAHAM (R-SC): So with all due respect to Senator Vance, he's wrong. We were told, within four days, Kyiv would fall.

BREAM: But is he wrong about the math? Is he wrong about the production, our capabilities?

GRAHAM: Yeah, he's wrong about the whole concept that we can't deal with multiple problems.

(END VIDEO CLIP)

BREAM: Okay. So you know obviously the Senate Armed Services Committee has this memo out saying it's not just about the U.S. There are 20-plus other countries that are contributing, and so the math doesn't add up.

VANCE: Yeah. So it's interesting that Senate Armed Services Committee memo actually makes my argument for me because they say that if the Europeans step up production by the end of 2024, and if the Russians don't radically increase production from where they are right now, then Russia will still have a 3-to-1 advantage over the Ukrainians. And again, that's not now, that's by the end of the year. That's almost a full year from now.

I find that when these guys try to rebut the argument, they often end up making it for me, Shannon.

The argument that I'm making is quite simple. It's not that we don't admire the courageousness of the Ukrainians, we certainly do. It's that America is stretched too thin. We do not have the industrial capacity to support a war in Ukraine, a war in Israel, potentially a war in East Asia if the Chinese invade Taiwan. So America has to pick and choose.

And, by the way, Shannon, some of the very people who shipped America's manufacturing base overseas to China in the first place, who weakened our ability to manufacture our own weapons are now the same people who's saying we can get involved in three wars at once. The math doesn't make sense. We're stretched too thin. We've got to focus.

And the last point I'll make on this is if we focus on East Asia, if we focus on containing the Chinese, the Europeans can step up in Europe. Germany still after Donald Trump demanded it still doesn't spend 2 percent of GDP on defense. A lot of the NATO countries have allowed their own industrial might to atrophy.

So why are Americans subsidizing European security? We should be focused on our own problems and that's mostly China.

BREAM: Okay, a couple of things there.

VANCE: Sure.

BREAM: That memo also cites the commander of the Indo-Pacific region and says we can manage the munitions in a way you're talking about having multiple fronts going. We can do that. The more dangerous situation is to let Putin feel like he gets a win in Ukraine and that embolden Xi, in that particular region.

VANCE: Well, Shannon, I'm a child of, excuse me, 2003, and I remember when generals stepped up and said that our war policy in 2003 was a joke and all of them had their careers ruined.

So I think we have to look at this honestly as policymakers and ask ourselves the tough questions. Unfortunately, you have to ask yourself is China going to be more dissuaded by us thumping our chest and acting tough in Europe or are they going to be more dissuaded by us having the weapons necessary to prevent them from invading Taiwan.

My argument is the Chinese are focused on real power. They're not focused on how tough people talk on TV or how strong our alleged resolve is. They're focused on how strong we actually are. And to be strong enough to push back against the Chinese, we've got to focus there and right now, we're stretched too thin.

BREAM: What about the argument as well that Putin will go beyond Ukraine? And if he does and touches on NATO territory, we are then obligated and pulled in. So the argument is invest now, help Ukraine now, don't let our troops get pulled into an Article 5 situation.

VANCE: Sure. So I understand this argument, Shannon, but unfortunately, I don't think it really passes muster. So people who want us to put limitless resources into Ukraine, they want us to believe two things at once.

On the one hand, they want us to believe the Ukrainians are on the verge of victory in the far eastern part of Ukraine. On the other hand, they want us to believe that Vladimir Putin is about to march all the way to Paris.

You can't believe both of those things at the same time and the reality is the Ukrainians have showed that Putin is a lot weaker than people feared, and importantly, they've shown that if the Europeans are willing to step up and take more responsibility for their own defense, they can handle Putin. Let us focus on China.

BREAM: Okay. This new aid package which you voted against also includes aid for Israel which you were clearly for.

VANCE: Yeah.

BREAM: We've got a new video out with a couple of hostages. One of them is an Israeli American.

Do you feel like this administration is doing the wisest, the best, the most that it can to get all hostages released?

VANCE: No, I don't, Shannon.

Look, if you want to get these hostages released, you've got to first of all enable Israel to actually finish the job and, second of all, put America's diplomatic weight behind and on Hamas, right, pressure Hamas to release these hostages, don't use America's diplomatic leverage to effectively cause the Israelis to pull back here.

I think it's really shameful and shows frankly that a lot of folks don't respect the United States of America, that we have still have citizens that are being held hostage and our president instead of focusing on getting those hostages back is focused on micromanaging one of our allies' war efforts I guess so that he can plate these crazy people who are protesting in college campuses.

But it's such a confused policy and it makes people I think recognize that America with Joe Biden at the helm is unfortunately too weak.

BREAM: You referenced the -- and we'll discuss more of that with Senator Murphy coming up on the other side of that conversation, but you referenced the campuses.

Some in your party are calling for the National Guard, for the president to activate them. Others very much have the worry of what happened at Kent State. No American wants a repeat of that.

How should this administration be responding to these protests?

VANCE: Well, look, I don't know if you need to call in the National Guard. Maybe you just call in the police, right? This is often framed as a free speech debate. Everyone accepts that there are time place and manner restrictions.

These guys have the right to peacefully protest even if we criticize the message. They do not have the right to set up tent cities on our public spaces and turn our cities into garbage dumps. That is what I think we should not allow and I think the police should be able to handle that job pretty easily.

BREAM: Okay. We'll watch and see because that doesn't look like it's calming down anytime soon.

I want to ask you about a "New York Times" piece, lengthy piece on you yesterday, talked about your relationship to the Trumps. They talk about your evolution from calling him loathsome and an idiot to somebody who frankly is being -- floated as a VP pick to join his ticket.

Here's a sample of that piece: David Frum, a Trump critic and a former speechwriter for President George W. Bush who's known Vance for years described the senator as an intelligent man with an extraordinary life story who has, quote, sunk to the depths of political degradation.

"Washington Post" says you're going to the same negative place that you once criticized Trump for going.

Now, he's not changed over the last few years. He's the same guy we've been knowing for a long time.

VANCE: That's right.

BREAM: So what's changed with you that you're okay with the behavior and you're supporting him and maybe joining his ticket?

VANCE: Well, Shannon, look, the simple fact is the policies and the results were really there. We had low inflation, we had rising wages and we had a world that wasn't on fire. And now, after four years, three years of Joe Biden we have rising inflation, a stagnating economy and pres -- it seems like a crisis in every single sector of the world.

If you can't look at the four-year accomplishment of Donald Trump and say from the perspective of 2015, I was wrong. I didn't think he would be a good president. He was a great president.

That's not about, you know, sinking to political degradation, that's looking at reality and recognizing that Donald Trump was a success.

And I do think that, look, we have to make this point to a lot of Americans, including some who didn't vote for Donald Trump in 2020, that the results were good and we could have a growing economy and a peaceful world if we just bring back Donald Trump for round two.

BREAM: Are you being vetted? Are you having conversations about joining the ticket?

VANCE: You know, I talked to President Trump a lot. We're very close. I've never spoken to him about being vice president. So I assume that a lot of this is media speculation.

Of course, if he asked me, I'd have to think seriously about it because I think it's really important that he win. The world is on fire and I sort of see Donald Trump as a bit of a fireman.

BREAM: Okay. Thanks so much, Senator. Good to see you.

VANCE: Thanks.

BREAM: All right. Coming up, billions of dollars in new aid, we just talked about, including for Israel, as Prime Minister Netanyahu plans a ground invasion into Rafah, something many in the president's party are dead set against.

We will ask Democratic senator Chris Murphy about how the administration is handling our role in that conflict, next. (COMMERCIAL BREAK)

BREAM: Hamas has released new video of two of the estimated 130 hostages it has been holding for more than 200 days. One of the men in the latest video is an Israeli American.

Meanwhile, Egypt is sending a high-level delegation to Israel for talks. Latest effort to broker a ceasefire deal and try to avert an Israeli offensive on Gazan city of Rafah.

Fox News Correspondent Jeff Paul is live in Tel Aviv with more. Hello, Jeff.

JEFF PAUL, FOX NEWS CORRESPONDENT: Yeah, Shannon. Well, right now, the U.S. military is building a temporary pier out in the Mediterranean Sea that could soon deliver much needed humanitarian aid to a war-torn Gazan. For the civilians who are right now trying to shelter from all the fighting, this couldn't come at a more desperate time.

(BEGIN VIDEOTAPE)

PAUL (voice-over): This is reality for Palestinians trying to shelter from the war, moving from city to city, digging holes and putting up tents to make yet another temporary home.

UNIDENTIFIED FEMALE (through translator): This is the third time we're relocating from the border of Rafah to Khan Yunis and now to Deir. There is no safety anywhere.

PAUL: They're among the estimated 1.3 million displaced by Israel's near seven-month campaign against Hamas. Some are now fleeing to the town of Deir al-Balah in central Gaza as Israel signals, it's getting close to a major ground operation in the southern city of Rafah.

NAHED RAJAB, DISPLACED FROM GAZA CITY (through translator): We are living in fear. Wherever we go, there is fear and there is shelling and bombing.

PAUL: Miles off the coast of Gaza, the U.S. military started building a temporary pier that will look similar to this one and could help deliver much needed humanitarian aid. But just this week, the pier's future port came under a mortar attack.

MAJ. GEN. PATRICK RYDER, PENTAGON PRESS SECRETARY: This occurred before any U.S. forces, you know, have started moving anything. There'll be no U.S. forces on the ground.

PAUL: Tensions are also growing in Israel. Demonstrations broke out in both Jerusalem and Tel Aviv after Hamas released a hostage video of Israeli- American Hersh Goldberg-Polin. A second video followed featuring Israeli- American Keith Siegel. It was the first time they had been seen alive since they were abducted by Hamas in the October 7th attacks. Hersh was missing most of his lower left arm. His parents called the video overwhelming and pushed world leaders to bring all 133 still missing back home.

JON POLIN, FATHER OF HOSTAGE: Be brave. Lean in. Seize this moment and get a deal done.

(END VIDEOTAPE)

PAUL (on camera): Now we are learning U.S. Secretary of State Antony Blinken will be visiting Saudi Arabia on Monday for a two-day trip. His visit really is twofold. He's trying to find a path forward to secure not only a ceasefire in Gaza, but also figure out a way to get all those hostages who are currently still being held by Hamas back home.

Shannon.

BREAM: Jeff Paul in Israel for us this morning. Jeff, thank you.

Joining me now, Connecticut Senator Chris Murphy.

Welcome to Fox News Sunday.

SEN. CHRIS MURPHY (D-CT): Yeah, thanks for having me.

BREAM: So let's start there, because you heard what Senator Vance said. He thinks that this administration is wasting too much diplomatic power and time on pressuring Israel and not Hamas. We know Hamas has walked away from a number of potential deals with a ceasefire, with hostage exchange. What's your word to the White House on this?

MURPHY: Well, listen, Senator Vance and I share a goal, which is to make sure that Hamas never again has the opportunity to launch an attack like this against Israel. I think my worry is that the nature of this operation is ultimately going to make it more likely in the long run that there's another terrorist attack on Israel, perhaps that there's a terrorist attack on the United States.

Listen, we have learned the hard lesson in both Iraq and Afghanistan that you cannot defeat a terrorist force simply with military force. And so what's happening, according to our own intelligence analysts, is that we are essentially creating bulletin board material, recruiting material for terrorist groups all around the world when you have 13,000, 15,000 children dying inside Gaza.

So I think this is a moment where Israel needs to look to wrap up this campaign. I think it's important for the United States to play a role in helping to facilitate that transition.

And in the end, you have to understand that a military campaign alone cannot do the job to try to defeat an ideology like Hamas.

BREAM: Fair to say also, though, in those examples that you mentioned, we see the danger in leaving behind a remnant of a terrorist organization as well. And that's clearly the concern that Israel has.

MURPHY: No, that's right. But what we've also seen is that those terrorist organizations just simply get displaced. What happened in Afghanistan was the Taliban moved to Pakistan. What has happened with ISIS is that it has largely moved its base of operation into Africa.

What you need to do simultaneously to your military campaign is make sure that you are attacking the foundation of the ideology, which is why this is also a moment for the United States and Israel to commit itself to a Palestinian state.

You're never going to eliminate the terrorist threats to Israel, but you can greatly decrease the motivation for young men and women to join those extremist groups if Palestinians have a home of their own. And that has to be the end result of this conflict.

BREAM: But, you know, with the Prime Minister and not just him, others within the -- the government there who are not allies of his say that is rewarding terrorist behavior. That's rewarding what happened on October 7th.

MURPHY: Well, listen, there's -- there's only two paths forward, unfortunately, for Israel. If you want a Jewish state in the Middle East and that's something I desperately want, it's -- it's in the interest of the United States. Then you either have to permanently treat Palestinians as second-class citizens or you have to give them a state of their own.

And I think you will see, I think, at the end of this that a lot of Israelis are going to stand up and say, listen, it's time to get us back on a path to a Palestinian state. I hope that will be the outcome of the election when Israel -- when Israelis go to the polls.

BREAM: And they will do that.

Meanwhile, we see the outflow of passion on both sides of this on college campuses. We've seen people threatened. We've seen clearly anti-Semitic statements and posters and people not listening to their college administrators who are saying, you know, you're violating campus policy. You have to go. There are those who say it's time for the President to get involved or the National Guard to get involved, as it had during integration, as it has during other riots. Here is GOP Senator Ted Cruz.

(BEGIN VIDEO CLIP)

SEN. TED CRUZ (R-TX): A real president would say federal law enforcement will be there. You will not be subject to violence. But Joe Biden won't say that because he's terrified of ticking off the radical left in his own party.

(END VIDEO CLIP)

BREAM: "The Washington Times" says this, "Mr. Biden and his team are trying to judge whether it's politically better to support Israel, the terrorists, both or neither. It can all be traced back to Democratic Party ***politics*** in the great state of Michigan, because Mr. Biden knows he needs the 15 electoral votes from there to win reelection." Why hasn't he been more forceful on this issue?

MURPHY: Well, as Senator Cruz has a sort of selective memory about, you know, about protests, he's out there raising money to get January 6 protesters out of jail while telling young people on our college campuses that they don't have the right to peacefully protest.

BREAM: I don't think he's speaking out against peaceful protests. I think it's the threats.

MURPHY: Well, listen, we should -- we should all speak out, right, when protest crosses a line, when it becomes violent or when there's hate speech. But 95% of the young people who are on these campuses are there because they believe there is a fundamental injustice being perpetrated in Israel, and we should protect their right to peacefully protest. And, you know, we also have a history of overnight, multi-day protests in this country.

I don't think there's anything wrong with protecting the ability of peaceful protests to last beyond a handful of hours. Yes, there is a point at which these protests are going to get in the way of the efficient operation of a campus. But I am not criminally offended by the fact that some of these protests go on for multiple days. That is in --

BREAM: But the threat issue --

MURPHY: Sure.

BREAM: -- is a real issue.

MURPHY: In some of these campus protests, there have been legitimate threats to students on campus. And I think in those instances, campus police or local police can and should handle those threats.

BREAM: All right. Let's I -- I want to ask you about President Biden. You're obviously full-throatedly supporting him and think he's up to another four years.

The "New York Times" says this, though, that voters are, well, basically they're reminiscing about better years under President Trump. The way they describe it, they say, many voters, of course, remember him as divisive and a polarizing figure. Yet a larger share of voters now see Mr. Trump's term as better for the country than the current administration. 42% rate the Trump presidency as mostly good for the country, 25% say the same about Mr. Biden, goes on to say that nearly half of those polled said that the years of President Biden's administration have been, quote, "mostly bad for the country." Why should they reelect him?

MURPHY: Well, listen, this President has presided over an economy that is growing at record rates. We have unemployment at a structurally low number. If you want a job in this country, you can get it. Crime is plummeting. We saw a 12% reduction in crime in our urban areas.

Listen, there is still a lot of progress to be made here. But if Donald Trump wins, it's going to be the same trickle-down economic policies that we lived with. You will have a reckless, irresponsible administration that tries to seek to divide us from each other.

Joe Biden still has work to do, but this is a growing, good economy. Our streets are safer. This country is respected around the world again. I admit this is going to be a very close election, but I think Joe Biden is going to have an incredible record to run on.

BREAM: All right. I quickly want to ask you before we go, you're doing an effort along with Republican governor of Utah, Spencer Cox, where you want to bring people together for discussions. You say we're too divided. Is there really an appetite for that? Do you think people really want to sit down with somebody who opposes them and try to find solutions?

MURPHY: Listen, I hope so. I mean, listen, I'm going to, you know, work for President Biden, try to get him reelected. This is going to be a fight in this upcoming election. But we've got to find a way to be able to talk to each other in a more functional way.

Governor Cox and I are specifically talking about the ways in which this country has really devalued the common good. We've become a hyper- individualistic country. I love entrepreneurship. I want people to succeed individually, but I want us to care about our neighbors in a way that I don't think we do like we did 30 or 40 years ago.

So Governor Cox and I are going to try to come up with a set of ideas that maybe break through the rigid fights that left and right have to try to rebuild a sense of common good in this country. We'll see if we succeed. I know what we're doing is a little countercultural, but I do think it scratches a pretty big itch across this country.

BREAM: We will track those efforts. Senator, thank you.

MURPHY: Thank you.

BREAM: Good to see you.

All right, a busy week in courts for former President Trump. Ex-Tabloid publisher David Pecker takes the stand in his New York hush money trial. That's the first week of full testimony now.

And the Supreme Court hears historic arguments on presidential immunity. Jonathan Turley joins us next. And then our Sunday panel to discuss the political impact of the cases. Next.

(COMMERCIAL BREAK)

BREAM: From allegations of payoffs and porn stars to a history-making case at the U.S. Supreme Court, it has been a momentous week for the Trump legal team.

Time to break it down with George Washington University Law professor and Fox News contributor, Jonathan Turley, in this week's "Bream Brief." Great to have you with us, Jonathan.

Let's start sort of --

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Thank you, Shannon.

BREAM: -- with a recap of what happened in New York, because we heard about celebrities and bearing stories and all these kinds of things. But did we hear about a crime?

TURLEY: No. I mean, this seems to be a trial in search of a crime.

What I think is interesting, after the first week, I think there -- there's a real chance that a reversible error has already occurred in this case. This trial may have been grounded before it left port.

I mean, the -- Judge Merchan allowed the government to repeatedly refer to federal election violations, and those are contested. And the jury likely believes that as a fact, there were election violations here. And the sole question is, was this done to cover those up?

I -- most of us believe there were no such violations by the Trump campaign or by Trump. The Department of Justice didn't appear to believe that. They decided not to charge Trump. They didn't even impose a civil fine about what occurred during the campaign. So, you know, this has started out rather poorly.

BREAM: Well, I want to ask you about something else that happened this week, and it deals with Harvey Weinstein, part of his stuff getting thrown out, a new trial coming for him. But the impact it could potentially have on the Trump case, because it dealt with bringing in evidence of other cases, other allegations.

This is how "The New Yorker" describes it. It says, "The case's reliance on evidence of uncharged activity will nevertheless afford Trump and his team ample opportunity to push back, that his prosecution has been unfairly skewed by political zeal, and potentially drawing the trial into the thicket of legal questions that brought down Weinstein's New York verdict."

How are these cases somewhat related?

TURLEY: I think they are related. I think part of the problem that many of us are seeing and how the court has handled this case is by allowing the government to bring in all of this extraneous stuff.

You know, the government started talking about this salacious affair with a Playboy bunny that is not part of the indictment. And, you know, whatever Pecker did with regard to federal election laws is not attributed to Donald Trump.

And the question then becomes, how much did that poison the well? I think it likely did.

The court was correct in reversing the Weinstein conviction. The judge was way out of line, in my view, on the evidence that was introduced. And this case does appear to be a sort of financial version of that type of testimony bringing in uncharged conduct.

BREAM: All right. I was in that courtroom Friday, but Thursday it was here in the courtroom in the Supreme Court doing something momentous in that, you know, Justice Gorsuch said you're asking us to write a rule for the ages about whether or not there is immunity for former presidents and how far it goes when we're talking about criminal liability.

Here's what Justice Jackson said. She's worried about if they do something sweeping that future presidents will take advantage.

(BEGIN VIDEO CLIP)

KETANJI BROWN JACKSON, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES: Once we say no criminal liability, Mr. President, you can do whatever you want. I'm worried that we would have a worse problem than the problem of the president feeling constrained to follow the law while he's in office.

(END VIDEO CLIP)

BREAM: On the other side of this, Justice Alito said he worries about an incumbent losing a heated race and then the victorious opponent deciding they're going to go after them and that winding up being sort of a destabilizing force on democracy. Where do you think they land?

TURLEY: Well, there's a slippery slope on both sides. What I was surprised with the three justices on the left is that they didn't seem at all concerned about how extreme that argument would be in leaving a president with no protection.

And so the question that most of the justices were struggling with, and I thought they were doing it in good faith is, how do we find a more balanced and nuanced approach here?

The government made a major concession to Justice Gorsuch. When Gorsuch said, there are things right you can't criminalize that a president does and the government said, yes, and Gorsuch said, well, doesn't that sound a lot like immunity? I mean, isn't it our job that then tried to define where that is? It was a devastating moment.

So there is a real chance that this could be sent back to the trial court to say, we need more information of which of these acts were part of an official function which were not. That will take time and will likely derail any effort to try Trump before the election in Washington D.C.

BREAM: Well, we now await that decision from the nine justices.

In the meantime, Justice Jonathan Turley, we're going to crown you that for the "Bream Brief." We appreciate your time. Thank you, sir.

TURLEY: Thank you. Appreciate the promotion. Thanks.

BREAM: There you go. All right. Time now for our Sunday group. Chair of Rescuing the American Dream, Tiffany Smiley. Juan Williams, Fox News senior political analyst. "The Federalist" editor-in-chief, Mollie Hemingway. And Stef Kight, an "Axios" ***politics*** reporter.

All right. Welcome to all of you. I thought there's very interesting polling out this week from CNN on this. Part of them saying this. "Only 44 percent of Americans express confidence that the jury chosen for this case, " we're back to the New York criminal case," will be able to reach a fair verdict. Fifty-six percent more skeptical that a fair outcome is in the cards."

Mollie, that seems to be across political ideologies.

MOLLIE HEMINGWAY, FOX NEWS SENIOR POLITICAL ANALYST: Well, and not surprisingly, the whole reason why we're seeing prosecutions in Democrat areas is to secure quick and easy convictions ahead of an election.

But that brings up this bigger issue, which Americans are clearly seeing that that's what's going on. We can talk about the particular weaknesses of one case or another. But really, I think a lot of Americans are very much concerned about using the courts and lawfare to go after political opponents. And you're seeing that in every single case.

And the more reporting that's coming out, you're seeing much more coordination about the timing of these cases to go after the Democrats' top political opponent. When you saw it in the Supreme Court oral argument, people were very concerned about using the courts to go after political opponents, a Rubicon has been crossed here. And Americans are very worried about whether we'll have rule of law given that Democrats are engaged in this kind of politicized lawfare.

Well, and more from CNN, it says "A rising share of Americans say the charges in the ongoing trial," meaning the criminal hush money trial, "are irrelevant to his fitness for the presidency, even if true."

Juan, people are saying, don't really care about the hush money case, at least as far as it would impact his ability to be president.

JUAN WILLIAMS, FOX NEWS HOST: Well, I think you're overwhelmingly seeing that the indictments have helped Trump with his base.

But, you know, the moment we are in, in terms of the presidential race is one in which Trump is trying to persuade Republicans who've been reluctant to come along the Nikki Haley voter types, as well as independents. I mean, that's this -- those are the swing voters. They're going to decide this election.

And what we saw this week, all this talk about how people are paid to catch and kill stories and money to women you're having affairs with while you're married and Trump being caught in the courtroom, unable to go out and campaign.

All of this, I mean, you can say, oh, my gosh, you know, his opponents, he makes the case that President Biden is orchestrating all this. There's no subject. It's just another part of his fabricating --

HEMINGWAY: Well, the guy is not --

WILLIAMS: -- something in order to try to make the people ignore the reality of what's before them.

HEMINGWAY: Juan, the guy prosecuting the case literally was the number three at Department of Justice. That's one of many --

WILLIAMS: It doesn't -- I'm just saying --

HEMINGWAY: -- examples of coordination.

WILLIAMS: -- this is -- this is a case with real evidence, Mollie. Real evidence. People testify. Payments were made. Checks were signed. Everybody can see that.

But for his base, it doesn't matter.

BREAM: Well --

WILLIAMS: Here's what matters. If he is found guilty, I think it will matter a little bit. But if he's found innocent, I think it's a win for Trump.

BREAM: Well, and here's the thing. There is some attrition of voters, at least some percentage, if he is found guilty on a criminal charge. MSNBC has a piece that says, considering Trump's tenuous political position and the narrowness of the 2024 polls. "If just a small percentage of voters are swayed by a guilty verdict, it could have a seismic political impact."

I mean, Tiffany, the race is that close.

TIFFANY SMILEY, FORMER WASHINGTON STATE SENATE CANDIDATE: Yes. You know, Democrats don't want to hear this. Sorry, Juan. But these trials are not going to move the needle in the election, I don't think.

And it's not going to help Biden at all. They're -- you know, Quinnipiac Poll in March showed that 55 percent, just what you were saying, Shannon, registered voters said a conviction would make no difference in how they voted for the presidential race.

So, what this tells me is, over the last four years, the American people are looking for a president who will deliver results.

I mean, we have a failing economy. We have an open border and invasion at the border. And we have unrest around the globe.

So the voters are going to look for -- they don't want -- they're saying, we don't want Joe Biden. We want another option. And Donald Trump, as he continues to talk about the issues that are affecting the American, people can deliver on that. But these trials are not going to affect the election.

BREAM: Well, "The Washington Examiner," though, has a very interesting question about whether or not President Biden should hope that President Trump wins at the Supreme Court on the immunity case saying this.

"Biden has already set the standard that the prosecution of your chief political rival is an acceptable course of action. So if Trump's Department of Justice prosecutes Biden in February 2025, it would simply be returning the favor."

Stef, they've been very careful to not comment on that case.

STEF KIGHT, POLITICAL REPORTER, AXIOS: Yes. I mean, we do know that Trump is already preparing for the idea of going after Biden, if he does, when in November. We've reported that they've already discussed what it would look like to use the Justice Department to kind of turn this around and go after Biden in a similar fashion.

And like -- and to this point, how the Supreme Court decides on this case is going to be huge, not just for this particular case and for Trump, but for presidents moving forward. This is such a monumental moment.

And going back to how this plays politically, it is true. Every person I talk to, when I talk to political strategists, they think that this is baked in for Trump.

Most people already know how they feel about him. They know about these hush money payments, especially this case in particular.

Remember, this goes back to 2016. This case is well-known already. And so this is unlikely to make a difference. It's some of these other cases that Trump is facing over Jan 6. Some of these other issues that maybe would be able to move the needle.

But given where we are with the Supreme Court, it's unlikely that those are going to move very far before November.

BREAM: Yes. We are standing by.

OK. Panel, do not go far. We've got to take a quick break.

Up next, Biden and Trump will say, it is on. But will they actually go head-to-head on the debate stage? Our panel makes predictions, next.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: I don't think you will. But maybe you will. Maybe you will. I'm not sure he has the choice.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

BIDEN: I am somewhere, I don't know when, I'm happy to debate him.

TRUMP: Monday night, Tuesday night, Wednesday night, Thursday night, or Friday night on national television, we're ready.

(END VIDEO CLIP)

BREAM: OK, President Joe Biden and former President Donald Trump both say they are willing to take part in a presidential debate. We love to hear that.

We're back now with the panel.

We did a recent Fox News poll question on this. If a presidential candidate skips a debate what do you think it says about them? Seventy-two percent say it shows weakness, 19 percent says it shows strength.

Stef, I get the sense that these two really do want to do it.

KIGHT: I think so. I think we are going to see a debate at this point. You know, how this shapes out, like where - where this will take place, what will be the rules around it, is kind of want the Biden team is looking at very closely.

But this is certainly going to be risky for both Biden and Trump. You can imagine scenarios where either one of them comes off, you know, either too aggressive on Trump's side or fumbling on Biden's side. And so I think it will be really interesting to see who actually comes out on top. We know that the Biden team is probably not sure this is the right move. They've been very hesitant to commit to this so far. So, it was notable that Biden himself, kind of for the first time, really committed to being willing to debate Trump.

WILLIAMS: Well, I think - I think, Stef, that the thing is, you don't hear winning candidates call early for debates. I think this is something that - something -

KIGHT: But Trump is winning in the polls. I mean he's leading in the polls.

WILLIAMS: Trump is not - look, Trump - right now I think the numbers are clearly trending towards Biden. Biden has gained in momentum.

BREAM: But the latest - the latest swing states -

WILLIAMS: I think it's gone from like plus four to just about a tie. National.

BREAM: But the swing states we know. That's kind of where this is going to be decided. Six of seven are now for Trump.

WILLIAMS: Well, I think - I think he's trending positively in all of this.

KIGHT: Yes.

WILLIAMS: The - the point is, they should debate.

BREAM: Yes.

KIGHT: Yes.

WILLIAMS: Let's see them in action, right?

KIGHT: Yes.

WILLIAMS: But the fact is that Trump refused to debate in the Republican primary. He refused to debate other Republicans. And why -

KIGHT: No, his lead was so high - Juan, his lead was so high, it was a calculated decision that was very smart. He didn't need to do that at that point.

WILLIAMS: Yes. OK. Well, so, Biden can say the same thing.

HEMINGWAY: Except that Biden's not -

WILLIAMS: But you know what, this is really about Republican efforts to say, hmm, I wonder if Biden can do it.

BREAM: Right.

WILLIAMS: Because remember, they constantly are questioning whether he's just a doddering old fool and he's not - he's afraid of debates.

BREAM: Well, you see the polls there. People - people think it's a sign of weakness if you don't show up.

WILLIAMS: But the fact is, if you look at this past week and what he did in negotiations with Johnson on The Hill to get money for Ukraine, for Israel, for Taiwan, to get rid of TikTok potentially, you have to say, wow. you look at State of the Union, you say, this is someone who is doing the job. Look at the American economy, which is booming. Wall Street doing so well. You look a crime going down. You think, wait a second -

KIGHT: So -

WILLIAMS: Look at infrastructure in this country. Look at the growth. And you think, wait a minute, how is it that people are calling him an idiot when we are doing so well?

HEMINGWAY: So, the State of the Union is a great example here. In Washington, D.C., people actually thought that State of the Union went well for Joe Biden. In the rest of the country -

BREAM: Right.

HEMINGWAY: They were horrified by what they saw.

WILLIAMS: Oh, come on.

HEMINGWAY: It was not just the content, but also the demeanor of what was happening there.

I actually don't think it's credible to think that Joe Biden will debate Donald Trump. I think he might wish he could do it. But people know how dangerous it is to have him in unscripted moments.

BREAM: Yes.

HEMINGWAY: He can - you know, there are so many gaffs on a weekly basis.

They're also - there's also the fact that the policies, while popular inside Washington, D.C., are tremendously unpopular everywhere but Washington, D.C.

BREAM: I mean at least that's what polling is showing us. People, for - for them do not feel like it is showing up in a good way in their lives as they fill up their gas tanks and get their groceries, that kind of thing.

I want to make sure we get to this other story about what's going on, on campuses and make sure that we get you guys to weigh in on this too.

Senator Hawley has sent a letter over to the White House because he thinks it's time for federal action here. It says, "President Dwight Eisenhower deployed the National Guard and 101st Airborne Division to ensure the safety of black students in Little Rock, Arkansas. I urge you to similarly mobilize the National Guard to protect Jewish American students on Columbia's campus." And he says any other campus where this is going on. "Never again means never again."

Tiffany, do you sense that the administration will go there because I mean there are - there are inherent risks in doing that.

SMILEY: Yes, you know, I don't know if the National Guard is necessary, but, look, you know, anti-Semitism is sweeping our country. It's being fed by universities and the woke ideologies of the Democrat Party. It's - I believe they should bring in law and order. They should bring in law enforcement to protect these students. Absolutely.

And I will say it's sickening to see President Biden stand with AOC, who applauds these actions. I think it's important to remember that under Donald Trump's administration he had the Abraham Accords. The most peace in the Middle East that our country has seen in 50 years. We wouldn't be experiencing this right now. And absolutely bring in law and order. Protect these students. Allow them to go back to school. And in some regards, you know what, maybe this is good. Maybe this is really exposing what has happened in the last four years.

BREAM: Well, so, the president has said he's against the anti-Semitism on campus but also he's against people who don't get what's going on with the Palestinians. The "LA Times" says this, "it's a terrible idea, with a deadly history in the U.S. It was the Ohio National Guard that killed four unarmed students and wounded nine others at a rally against the Vietnam War at Kent State University in 1970." Clearly nobody wants the repeat of those optics or reality.

HEMINGWAY: No, they don't, but there's a lot that could be done. First of all, the campuses themselves could take better action here, but there are also lots of taxpayer funding that needs to be (INAUDIBLE).

WILLIAMS: We should have a right to protest.

BREAM: Yes.

HEMINGWAY: True.

BREAM: Absolutely.

WILLIAMS: And most Americans think what's happening in Gaza is overdone.

HEMINGWAY: But you don't have a right to shut down school (INAUDIBLE).

WILLIAMS: There's no violence.

KIGHT: Law and order.

WILLIAMS: There's no violence.

BREAM: There has been some. And there have been some threats.

SMILEY: You're interrupting students going to school.

WILLIAMS: Oh, (INAUDIBLE). There were some threats.

BREAM: But - but, yes, OK.

WILLIAMS: Come on, this is mostly peaceful.

BREAM: OK, we've got to leave it there, but the First Amendment is a key core part of our country and I think we all support that.

All right, panel, thank you. We'll see you next Sunday.

Up next I sit down with former Supreme Court Justice Stephen Breyer. He's making a case for his legal philosophy in a brand-new book. But I also asked him about campus protests and public pressure on justices to retire. Hear what he thinks, next.

(COMMERCIAL BREAK)

BREAM: Retired Supreme Court Justice Stephen Breyer spent nearly three decades on the high courts. In the newest chapter of his life, at a time where the country is focused on several high-profile arguments, the retired justice is opening up about how he tackled some of them nation's most decisive cases. In his latest book, "Reding the Constitution: Why I Chose Pragmatism, Not Textualism," he explains his longtime outlook on the courts, the Constitution, and his opposition to an originalist approach. He joins me for this week's Sunday special.

(BEGIN VIDEOTAPE)

BREAM: What do you say to your colleagues who, listen, years on the bench, I saw this, there were many disagreements where they said, nope, we're only going with what's in that book?

STEPHEN BREYER, RETIRED SUPREME COURT JUSTICE: Well, look, Nino and I, Nino Scalia, and I used to discuss this all the time, particularly with the students. And we went to Lubbock, Texas, for example. We had a football - a football stadium. They must have thought there was a football game. But they'd never seen a Supreme Court judge. And we talked about it. And before you know it, you know, they - it was clear to them we like each other. It was also clear we didn't agree.

So, I say, look, this document, written more than 200 years ago, says have a -- 1788, 1789. I'd say, look, hey, things have changed. The values don't change. The freedom of speech stands for certain values. But what it applies to changes. So, I say, you know, Nino, George Washington did not know about the internet. And so Nino says, I knew that.

ANTONIN SCALIA, SUPREME COURT JUSTICE (October 11, 2011): I don't look to the intent of the framers. I don't care if they had some secret intent. Once again I look to the words of the Constitution. But I ask, what did those words mean to the society that adopted them?

BREYER: So he says, Stephen, the problem with your approach, looking at these different things, is it's too complicated. It's too complicated. You're the only one who can do it. I admit you can, but not everybody can. He sort of admitted it.

But then I say to him, if we follow your approach, we'll have a Constitution that no one would want. And so there you have the essence of the argument.

BREAM: We are seeing all over the country right now these explosive conversations, protests on college campuses. You were one of the eight in the eight-one decision with Westboro Baptist which nearly everyone agrees is absolutely reprehensible in what they say and what they do, but, of course, that's where the First Amendment is important. So, how are college administrators to navigate what's happening on college campuses?

BREYER: We have the words, the freedom of speech. And we know what they're intended to do pretty much. You and I can have discussions where we really disagree if we want. And we can have all kinds of ideas sometimes, called the marketplace of ideas. And now you ask me, how does that apply to what, to a situation where I am not present, where I've had no evidence, when I don't know what's actually going on. I don't want to admit that. And the news is covering nothing else. But I'm not sure. Well, that's the job. You get the evidence. You try to find out, are there real threats here to people? What is going on?

Of course you can't go and hurt other people. Of course, you cannot advocate where it's real that someone's going to be hurt. Of course not.

You have a right to your point of view? Yes. OK. That's like so many constitutional issues. It's rarely, rarely good versus bad. It is often good versus good. And you've got to figure out, where does this fit?

BREAM: There are some who think that it behooves them to pressure justices publicly when they think it's time for them to retire. You made your own choice and walked away. What do you make of these public calls, whether they come from academia or op-ed pages telling any particular justice, we think now is a good time for you to go?

BREYER: Well, I think anybody can say what he wants, you know. And I was 83 years old about I think when I retired. But Justice Sotomayor is not. She is a spring chicken. And I -

BREAM: She is.

BREYER: Yes, she is. And - and I think -

BREAM: I saw her in arguments today and she seems fully robust intellectually and physically, mentally.

BREYER: (INAUDIBLE).

SONYA SOTOMAYOR, SUPREME COURT JUSTICE: What is possible about the president insisting and creating a fraudulent slate of electoral candidates?

BREYER: I said, there is a difference. She is a spring chicken and I am an old rooster. And here we are. But people can say what they want. The decision about what to do is up to the judge.

BREAM: It's a lifetime appointment.

BREYER: Yes. I mean you can stay there to 150 years old if you want. But the - in my mind at least there did come a time, and I guess 83, 84, 85, I don't know exactly how many eighties you want in there, but it's time for another person.

(END VIDEOTAPE)

BREAM: All right, thank you to Justice Breyer for dropping by.

A quick note on my podcast. "Livin the Bream" drops fresh today. This week I sat down with Dr Nicole Saphier, a Fox News contributor and author. We talked about her brand new Fox News book titled "Love Mom: Inspiring Stories Celebrating Motherhood." It is on sale wherever you like to get your books. A great gift for mom.

That's it for today. Thank you for joining us. I'm Shannon Bream. Have a great week. We'll see you next FOX NEWS SUNDAY.

(COMMERCIAL BREAK)

**Load-Date:** April 28, 2024

**End of Document**