

# [***Former Fauci Adviser Grilled Over Private E-Mails; House GOP Says Hunter Lied To Congress Three Times; Nikki Haley Says She Will Vote For Trump; Trump's New York Case Back In Session On Tuesday; Investment Company Backs Off Claims Over Graceland***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C39-TMX1-JCS1-64TM-00000-00&context=1516831)

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**Body**

(COMMERCIAL BREAK)

GREG GUTFELD, FOX NEWS CHANNEL HOST: Out of time. Charlie Hurt, Harland Williams, Kat Timpf, Tyrus, our studio audience. "FOX NEWS @ NIGHT" with dreamy Trace Gallagher is next. I'm Greg Gutfeld. I love you, America.

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

And breaking tonight. The political world heating up. Anthony Fauci is top guy on Capitol Hill testify. He is accused of destroying evidence related to the origins of COVID using words like smoking gun, secret back channel, making e-mails disappear, even Democrats took issue.

(BEGIN VIDEO CLIP)

REP. KWEISI MFUME (D-MD): I think you're going to be haunted by your testimony today. And it's unfortunate, it's all on the record.

(END VIDEO CLIP)

GALLAGHER: The question now is whether Fauci fits in. And speaking of testimony.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Hunter Biden lied three times to congressional investigators, which is a crime.

(END VIDEO CLIP)

GALLAGHER: House Republicans say they have indisputable information that Hunter Biden lied repeatedly during his congressional deposition. But we begin with the Republican Party uniting behind Donald Trump. Even Nikki Haley is now saying she will vote for the former president. But what about endorsing him? What about running with him? Kevin Corke is live in D.C. with more on the political what ifs. Kevin, good evening.

KEVIN CORKE, FOX NEWS CORRESPONDENT: So many good questions, my friend. Of course, I want to begin by just laying it out this way, Trace. That was then and this is now as, you know, all is fair in love and war and ***politics***. Sharp barbs of the past are often pitched into the dustbin of history. You know, for good a party and country. How else to describe what former South Carolina governor and U.N. Ambassador Nikki Haley used to say about former President Trump and what she's saying now?

(BEGIN VIDEO CLIP)

NIKKI HALEY (D) PRESIDENTIAL CANDIDATE: Many of the same politicians who now publicly embrace Trump, privately dread him. They know what a disaster he's been, and will continue to be.

I put my priorities on a president who's going to have the backs of our allies and hold our enemies to account. Trump has not been perfect on these policies. But Biden has been a catastrophe. So, I will be voting for Trump.

(END VIDEO CLIP)

CORKE: Haley, who continues to grab about 20 percent of the GOP vote in the presidential primaries, even months after she officially dropped out, said it would be smart for the former president to reach out to the millions of people who voted for her and continue to support her despite the fact that her candidacy is more or less been wrapped up. A bit of free political advice it would seem hard to argue against.

Still, it's important to point this out. She'd vote for him. She has not yet formally endorsed him yet, Trace.

GALLAGHER: No? Yes. But maybe it's coming.

CORKE: Maybe.

GALLAGHER: Kevin Corke live for us in D.C. Kevin, thank you. A former top aide to Dr. Anthony Fauci was grilled today about his alleged role and obstructing the investigation into the origins of COVID. And about what and who knew what when. Ashley Strohmier live in New York with that story. Ashley, good evening,

ASHLEY STROHMIER, FOX NEWS CORRESPONDENT: Hi, Trace. Bipartisan criticism for Dr. David Morens at this hearing over e-mails he sent directing colleagues and contacts to message him on his personal e-mail address. Morens wrote in a February 2021 e-mail, "I learned from our FOIA lady here how to make e-mails disappear after I'd been employed. But before the search starts, so I think we are all safe. Plus, I deleted most of e-mails earlier after sending them to Gmail."

FOIA is the law that gives Americans access to their governments records and communications. This Select Subcommittee on the coronavirus pandemic released these e-mails ahead of its hearings with Morens. Many regard controversial government contractor EcoHealth Alliance and its President Peter Daszak. EcoHealth spent government grant money on research at the Wuhan Institute of virology where many Republicans suspect a leak started the COVID-19 pandemic.

In April of 2021. The Trump administration terminated funding for EcoHealth back coronavirus project in China. Last year the Biden administration restored the funding with restrictions. Last week the Department of Health and Human Services borrowed it from further contracts. And just before the Trump administration blocked the initial grant Morens wrote Daszak, "I can either send stuff to Tony on his private Gmail or handed to him at work or at his house. He is too smart to let colleagues send him stuff that could cause trouble."

There is no evidence showing Fashi conducted work on a private e-mail. Morens maintains he thought he was consulting with Daszak in his personal capacity.

(BEGIN VIDEO CLIP)

JILL TOKUDA (D-HI) HOUSE CORONAVIRUS SUBCOMMITTEE: Unintentionally or not. Did you conduct go ever met business through your personal e-mail account?

DR. DAVID MORENS, FORMER FAUCI SENIOR ADVISER: Well, some of the e-mails I've seen that you all provided, look pretty incriminating. I don't know what they are. I don't remember them. But yes, it looks like I made a mistake on more than one occasion. But it certainly wasn't my intention to do that.

(END VIDEO CLIP)

STROHMIER: I spokesperson for the Department of Health and Human Services tells us HHS is committed to the Freedom of Information Act, and that is department policy that all employees conduct government business on government e-mail accounts, Trace.

GALLAGHER: Yes. Ashley Strohmier live for us in New York. Ashley, thank you. Let's bring in Axiom Strategies, Erin Perrine and Spectator USA's Washington Editor Amber Duke. Thank you both for coming on. I want to start at the top of the ***politics*** with you Erin, if I can. Nikki Haley will now vote for the former president. The question now is will she endorse him? Will she possibly run with him if he asked her? What do you think?

ERIN PERRINE, REPUBLICAN STRATEGIST: I don't believe that Nikki Haley is going to endorse Donald Trump. Nor do I think that Donald Trump is considering Nikki Haley to be a vice presidential nominee. Nikki Haley was very clear today that yes, she would vote for Donald Trump. She considers both candidates fatally flawed. But even in that she said that Donald Trump needs to be courting her supporters and talking to them directly.

And when you look at the breakdown of Nikki supporters and how she made it so far through the primary, it's kind of that double hater mentality. Those who don't like Trump and they don't like Biden, they were looking for another candidate. When you look at that, especially in the open primary states where anybody could vote without party affiliation, that's where Nikki pulled a lot of strength.

So, for Donald Trump, not only does he need to rev up the Republican base, but he should be talking to those voters whether or not he chooses to try and court Nikki Haley directly or her voters. That's going to be a key voting bloc to bring him over the threshold in November.

GALLAGHER: Yes, interesting, because a lot of people think this might open the door for Nikki Haley to one, endorse and two, maybe he brings her on board and she becomes the first female president in the country.

Meantime, a couple of e-mails from Fauci top guy here, Amber. I want to put these up on the screen. I learned from our FOIA lady here how to make e- mails disappear after I am FOIA'd. But before the search starts. So, I think we are all safe. Plus, I deleted most of those earlier e-mails. After sending that in with Gmail. He goes on to write, "we are all smart enough to know to never have smoking guns. And we did. We wouldn't put them in e- mails. And if we found them, we would delete them."

Listen, I'm not saying this is incriminating, but it just looks shady. Amber, your thoughts?

AMBER DUKE, WASHINGTON EDITOR, SPECTATOR USA: Right. Well, he admitted his testimony today that it looks incriminating to say that about yourself in front of a congressional subcommittee is obviously not a good sign. But I think what is so disturbing about these e-mails is the arrogant tone in which he was talking about skirting federal rules that require the American people to be able to have access to these communications.

Clearly, these people never thought that there would be any accountability mechanism for the policies that they were rendering during the pandemic that frankly, led to millions of lives being lost outside of the COVID restrictions because of the deaths of despair, the lack of medical treatment that people were able to receive for things that were not COVID related. It was a complete debacle, disaster.

One of the worst, I think public health responses in modern history. And so, these people very clearly never thought -- never thought that they would be dragged in front of committees. They should be facing criminal responsibility.

GALLAGHER: While we're on the subject of lies House Ways and Means Committee seems to have very strong evidence in Hunter Biden lied at least three times. Quoting the New York Post here. "Hunter claims he was high or drunk when he sent a threatening text message to the wrong Chinese business associate. But phone records of the WhatsApp message show the associate Raymond Zhao responded and knew exactly what the president's son was talking about. "Is hunter in more peril here, Erin?

PERRINE: He absolutely could be. But it shouldn't necessarily be surprising that Hunter Biden would have lied to Congress. He lied on a Federal Firearms application. So, this is not anything new. The difference with Hunter Biden is that he grew up with the Biden last name. His father was a sitting senator. He grew up with his father then becoming vice president. And it's funny, there are states that are passing legislation now that holds parents accountable for their children's bad actions.

I don't necessarily love those legislation -- those legislative bills because some parents do everything they can to make sure their kids stay out of trouble. But here Joe Biden really took precaution to make sure that while he tried to get Hunter the help he needs for his addiction and get him on the right path, he wasn't holding him accountable to the law, and he has shielded his son from that.

So, the fact that there is further issue now because Hunter has never been held accountable in that standard lip is not surprising.

GALLAGHER: Yes. Mediaite says the following here. The Biden campaign is looking for a meme, page manager. The Biden campaign searching for a manager to work with influencers that want to support the Democratic Party in the 2024 presidential election. Amber, I've got 30 seconds for you, but he needs young voters. So why not get a meme page editor?

DUKE: Well, considering how well the dark branded means went over, you know, like a lead balloon. I think they'd be better off finding a new candidate. I don't know what they're going to meme. Are they going to meme people's empty wallets? How about the miner who was just rated Virginia by an illegal alien? None of these things are funny, unfortunately, to the American people.

So, I think this is actually quite offensive to people who have serious problems with how this administration has sent this country into chaos.

GALLAGHER: Amber Duke, Erin Perrine, thank you both. Meantime, today graphic and horrific new video taken on October 7th was released and it sheds enormous light on the atrocities committed by Hamas terrorists on Israelis. Jeff Paul is live with more on this story. Jeff, good evening.

JEFF PAUL, FOX NEWS CHANNEL CORRESPONDENT: Yesh. Good evening, Trace. The group representing the families of the hostages wanted to get the video out there saying it's a "it's a wakeup call to the civilized world." And well, we're not showing all of it or any of it at all, I've watched all three minutes of the footage. It's extremely graphic. It shows five IDF soldiers, all women who are described as observers, basically lookouts positioned along the border with Gaza.

You can see several of them wounded and bloody. They have their hands tied behind their backs, and they're being yelled at. One man tells -- one of the soldiers of the group of soldiers, you dogs, we will step on you. Another tells -- just one of the soldiers she is "so beautiful." But on the same day that video was released Spain, Ireland and Norway all announcing they will recognize a Palestinian state.

Leaders of both Spain and Ireland see it as a positive contribution towards possibly ending the war. Israel reacting by recalling its ambassadors to Ireland, Norway and Spain, with Prime Minister Benjamin Netanyahu saying this.

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, PRIME MINISTER OF ISRAEL (through translator): The attention of several European countries to recognize a Palestinian state is a reward for terrorism. 80 percent of the Palestinians in Judea and Samaria, support the terrible massacre on October 7th. This evil cannot be given a state.

(END VIDEO CLIP)

PAUL: That despite the new floating humanitarian aid pier anchored along the coast of Gaza, distribution of aid continues to be a big problem. The U.N. is now planning new routes after 11 trucks full of aid and heading to a warehouse were recently intercepted. The U.N. says crowds stopped the trucks at various points adding there was a "self-distribution." These trucks were reportedly traveling through areas that had seen zero aid.

So, many of the civilians there feared they wouldn't see any of it, so they grabbed what they could, Trace?

GALLAGHER: Jeff, thank you. Let's bring in RNC Spokesperson Elizabeth Pipko and the co-author of Stolen Youth, Bethany Mandel. Bethany to you first, we're not going to show the pictures, we're not going to show the video. But we're clearly hearing, you know, some of the bad information about them, terror faced by captive Israeli females. Bethany, what do you think? Do you think people should see this video? Do you think it would clarify things for them?

BETHANY MANDEL, MARYLAND SCHOOL BOARD CANDIDATE: So what's interesting about the release of this video is that they've pretty much had it this whole time. And the parents of the five girls who were taken decided, as a collective group that they wanted this video release, because the hostage negotiations had hit a total stalemate and they're desperate. One of the -- one of the captors also said, you know, this is one of the girls who can get pregnant.

We now have testimony about what happened to women October 7th and this has been happening for 229 days to these women. God only knows and we need to get them out now and this adds that level of urgency.

GALLAGHER: Yes. I just want you to add to this, Elizabeth, because I think it's important that you both kind of weigh in on the video that was released and why it was released and how important it is.

ELIZABETH PIPKO, FOUNDER OF LEST PEOPLE FORGET: Yes, look. I just watched this video today. I thought to myself, where is the outrage? I would dare anyone to watch this video and then come back and tell me we should have a ceasefire before these hostages are brought back home or before Hamas is completely eliminated. I think the fact that this exists, people are still calling for a ceasefire, saying the things that they're saying.

Knowing that this happened to 1200 innocent civilians, including by the way, five Americans who are still held hostage right now. Something I have not heard from our administration in quite some time now. I think it's absolutely ridiculous.

GALLAGHER: Yes, it really is. Meantime, they released this video. You have Spain, Norway, Ireland recognizing a Palestinian state. Israeli Prime Minister Benjamin Netanyahu says this.

(BEGIN VIDEO CLIP)

NETANYAHU (through translator): The intention of several European countries to recognize a Palestinian state is a reward for terrorism. Rewarding terrorism will not bring peace, and neither will it stop us from defeating Hamas.

(END VIDEO CLIP)

GALLAGHER: He's right, Bethany. I mean, this is a reward for terrorism. You watch that video and you think how can anybody reward them with -- what do you think?

MANDEL: I mean, I think that that maybe is the intention of these countries. Unfortunately, if you look back into history of how they've treated Jews, especially during World War II where all three of these countries were neutral. This is an extension of their foreign policy towards the Jewish people. They are not -- they're not uncomfortable with rewarding terrorism against Jews.

GALLAGHER: Yes. Yes. Meantime, the UCLA Chancellor Gene Block will speak to Congress tomorrow as part of his testimony. Before the necessary police resources could be assembled to remove the encampment which had become a focal point of conflict assailants attacked the encampment that evening, tragically, it took several hours before law enforcement could quell the violence.

And Elizabeth, you know, the anti-Semitic protesters, those people are called protesters. And he calls the people, the pro-Israeli people, assailants who went after them. And you think, yes, there's a different way of kind of categorizing some of these bits of Congress. What do you think?

PIPKO: Yes. There certainly is a different way. I think it's really sad that right now, a lot of us have incredibly low expectations for hearing this testimony tomorrow. We have all heard from university presidents over the last six or seven months, including the time we're all shocked when I believe it was the university president at UPenn who could not say whether calling for the genocide of Jews was against the standards and policies at her school.

So, I think at this point, it's sad, because we're all kind of hoping we just don't hear that tomorrow, right? We just get some kind of uplifting message compared to knowing that some universities don't know where they're calling for genocide for Jews as against their policies. So, it's a sad point, but it tells us all we need to know about the status of our universities, our education system in this country.

GALLAGHER: Yes, it really is. Bethany, Elizabeth Pipko, thank you both.

(BEGIN VIDEO CLIP)

BILL MELUGIN, FOX NEWS NATIONAL CORRESPONDENT: Where are you guys from? What country?

UNIDENTIFIED MALE: Pakistan.

MELUGIN: Pakistan.

UNIDENTIFIED MALE: India.

MELUGIN: India.

UNIDENTIFIED MALE: Turkey.

MELUGIN: Turkey?

UNIDENTIFIED MALE: Yes.

UNIDENTIFIED MALE: They're just dropping this stuff on the ground to come here and assume a new identity. So that's a little bit scary from with my military background and seeing the people that are coming across that male, male, male, these are all military age males. People keep saying that. I've got the proof right here.

(END VIDEO CLIP)

GALLAGHER: Yes. That is the proof that was our Fox News Correspondent Bill Melugin back on the ground on the California border this week, exposing the serious threat to national security posed by our porous southern border. Let's bring in Pinal County Arizona Sheriff Mark Lamb. Sheriff, great to have you. I mean, you look at the I.D.s, you look at the people Bill was talking to them as they were coming across.

They're come from Pakistan, India, Turkey and China. What are they doing, Sheriff? Why are they coming here? What do they want?

MARK LAMB, PINAL COUNTY ARIZONA SHERIFF: Well, Trace, that's the question we continue to ask this government. You know, Mayorkas, Biden, why are you letting these people in? Has this changed substantially over the last few years to people coming from 170 different countries. That I.D.s, those I.D. dumps you just saw that happens in Yuma all the time. And in Cochise County right along the border.

And it's particularly concerning, because a lot of times they're Chinese, Syrian. There's 30,000 people from Turkey that came between 21 and 23. 700 people. Nearly 700 that came from Iran. You know, we've got 140,000 Chinese nationals, mostly military age men that have come in since this administration took over. So, we continue to ask the same question you just asked, Trace. Why? What's the purpose here? What's going on?

GALLAGHER: Yes. And we haven't gotten an answer either. We ask, we ask all the time. We have gotten no answer. The New York Post writes the following here, Sheriff. "The Biden administration has dishonestly portrayed the southern border crisis as unavoidable. Forget the sob stories. Most migrants come for economic gain, jumping in front of legal immigrants and defying a nation's right to control who enters. The left insists migration is a humanitarian crisis. wrong. It's a lawless invasion.

And yet Europe is cracking down on these migrants coming in. And the United States is wide open, Sheriff.

LAMB: Yes. And they're exactly right. It is not humanitarian. Europe figured it out over and over several years of bad behavior where they were letting people in. We're dealing with it now. And it makes no sense. Like we've exposed ourselves to the people that are coming from who knows where from all these different countries. We don't know what kind of risks they pose, but our government just continues to let them in.

And not only do they let them in, they take our hard-earned tax dollars. They give it to NGOs, nongovernmental organizations to soften the blow through these people after they've come into our country by giving them money, gift cards, plane tickets, everything that we are struggling Americans would like to have.

GALLAGHER: Yes. And lastly, wanted to get your take on this because you're a law enforcement officer of Fox News. The headline is, "Washington state judge lowers the bail for illegal immigrant accused of killing trooper from one million to 100,000." And the troopers widow writes the following. Reducing bail would not only undermine the severity of the crime, but also inflict further anguish and distress upon me, our child and the rest of our family.

She's right. Why are we offering accommodations? Legal accommodations for these people, Sheriff?

LAMB: I have no idea, Trace. And if anybody should deserve a high bond, usually you give high bonds to people who are potential flight risk. This guy would qualify as that. He would potentially leave the country if you reduce his bond and he's able to get out. Look, the law enforcement or law -- the law is broken in this country. It's unequal justice. The judges are out of control. ***Politics*** is trumping what's doing what's right.

As part of the reason, Trace, I'm running for the U.S. Senate because I'm sick and tired of it. I'm going to go back to Washington, D.C. and do what I can to try to bring some common sense and sanity back to this country, especially to judges and restoring to the rule of law in this country.

GALLAGHER: Yes. Pinal County Sheriff Mark Lamb. Sheriff, thank you for coming on, sir. We always appreciate it.

LAMB: Thank you, Trace.

GALLAGHER: Coming up. There was a hearing today in the former president's case and classified documents and apparently devolved into a pretty loud scream fest. We'll tell you why.

And later in The Nightcap. Nikki Haley finally announcing she will vote for Donald Trump. Will she endorse him? And if she does, do you think she might be his V.P. pick? Why or why not? Let us know X and Instagram @TraceGallagher. We will read your responses in The Nightcap.

Meantime, 8:20 on the West Coast. Here's a FOX NEWS @ NIGHT trip across America. Live look at Bakersfield, California. Darrow and Robert are out there watching. We know that. The country music capital of the West.

Next, Detroit, Michigan nickname Motor City. Finally West Palm Beach, Florida where the wildly popular Sun Fest Music Festival takes place annually. And if you cannot join us live, do not forget to set your DVR and watch us anytime. We're coming back with Vik Bajaj who's got a fascinating take on the Trump trial.

(COMMERCIAL BREAK)

GALLAGHER: Yes. Breaking tonight. Four people were killed, at least 35 injured as authorities are now searching for survivors and victims of a deadly tornado that struck southwestern Iowa late yesterday. The town of Greenfield in Adair County suffered a direct hit from a major tornado. The scale of the twister, it remains unknown but it was big as severe weather ripped across the Midwest.

In all, nearly two dozen tornadoes were reported across Iowa. We will get back to you if there are any warnings or watches listed down in the south that across the Midwest.

Meantime, as we await closing arguments in the New York criminal trial of Donald Trump, the former president's defense team, in his classified documents case argued today to dismiss the charges. Let's go back live to the senior national correspondent Kevin Corke. Kevin?

CORKE: Trace, during a marathon day of proceedings in the Mar-a-Lago classified documents case, a morning hearing in front of Judge Aileen Cannon devolved into a shouting match between the attorneys and the afternoons well, sort of similar in. A lot of arguments, which in fact, prompted the judge to wonder aloud if the legal nuances of the case might be too difficult for jurors to ultimately understand.

First things first, the heated arguments, they played out in a morning proceeding. This is over in Fort Pierce, and devolve into a shouting match over a longstanding disagreement between the prosecutor Jay Bratt and an attorney for Walt Nauta. You probably know him. He's one of the former President Trump's codefendants. Woodward claims that prosecutors tried to get him to pressure his client to cooperate against the former president by threatening to affect a potential judgeship nomination. Can you believe it?

Judge can and didn't rule from the bench on Nauta's motion that the case should be dismissed on those grounds along nor did she rule on a motion that she heard during Wednesday's session that the indictment suffers technical flaws that frankly, should require the dismissal of all charges. Cannon by the way also seemed skeptical while also expressing real concerns about the jury's ability to understand the legal nuances at the heart of a future trial.

Now all this is coming Trace, as the Manhattan hush money case against the former president nears its conclusion. Set your timers and your calendars and your watches. Tuesday, 9:30 in the morning, closing arguments, we expect it to happen then. In the meantime, I'll be watching. Back to you.

GALLAGHER: We'll be watching. Kevin Corke live for us in D.C. Kevin, thank you. Let's bring in criminal defense attorney and federal litigator Vik Bajaj. Talking about the current trial underway. The former President was asked why he did not testify and he said this.

(BEGIN VIDEO CLIP)

DONALD TRUMP (R) PRESIDENTIAL CANDIDATE: Because he made rulings that makes it very difficult to testify. Anything I did anything, I did in the past they can bring everything up. The other reason is because we they have no case. The other words, why would -- why testify when they have no case?

(END VIDEO CLIP)

GALLAGHER: If you were defending the former president, Vik, would you put them on the stand?

VIK BAJAJ, CRIMINAL DEFENSE ATTORNEY: Absolutely not. And it really isn't because of the former reason, the fact that a lot of impeachment evidence or attacks on his credibility would come in. It's for the latter reason. The people have not met their burden. Let's not forget, the burden of proof is solely on the prosecution.

They must prove every element of this offense beyond a reasonable doubt, which is the highest standard of proof we have in the American judicial system. This case should fall on its face in front of any reasonable jury. There's absolutely no reason to risk your client testifying, former president or not.

GALLAGHER: But which brings us back to the thing where a lot of people, Jonathan Turley, we have a list of legal analysts, including legal analysts on some of the liberal networks are saying, yes, I'm not sure the president's getting a fair shake on this trial. What would your, what would you are weighing in on this, what would you say?

BAJAJ: It is so hard to disagree with those opinions. Having handled many trials in my career, actually in a trial right now, as we were talking about briefly, the rulings this judge has put forward, scream of bias, scream of motive to make sure President Trump is convicted, it's so hard to put into words how outlandish these rulings are.

But when you handicap and handcuff a defendant or any witness to the point where they just simply cannot testify because all types of unfounded allegations will come on in, the proof is in the pudding.

That puts the defense in a handicapped, handcuffed situation. And the prosecution has the ability to ask what they want, question what they want and present evidence as they wish. Don't forget the judge did not allow former chief prosecutor to testify who had direct impeachment evidence of Michael Cohen. So, clearly, a biased judge in my opinion --

GALLAGHER: Even Trey Gowdy who was a, who was a great lawyer back in, back in the day who never lost a case said you know he can't believe the strike zone for the prosecution and the strike zone for the defense seems to be a lot smaller. Meantime, in the hearing in Florida, the classified documents case, the judge, Aileen Cannon, was talking to the prosecution saying, listen, you said that these documents could be released without being redacted, right? Now, they want the documents redacted.

She says the following, the court is disappointed in these developments, the ceiling and redaction rules should be applied consistently and fairly upon a sufficient factual, and legal showing, and parties should not make requests that undermine any prior representations or positions except upon full disclosure to the court and appropriate briefing. I mean, you get to the minutiae, the question is is this thing ever going to go to trial, Vik, before the election?

BAJAJ: No, it will not, and you and I have talked about this before but it's very important to understand why this judge is so upset. Jack Smith, special counsel in this case, said, Judge, early on, I want the public to know everything. There are no secrets.

But when the defense files documents under seal with the judge, the prosecution then says, well, hold on, Judge, that's a little inflammatory, that's prejudicial to the prosecution, it just doesn't sound right, why don't you seal it? So, the judge is caught in a quandary.

In federal court, when things are filed, they're filed in person if they're sealed, or electronically if they're not. And if the judge doesn't know if there's an objection for each document in a case like this with dozens of motions pending, it's both frustrating and it should not be allowed.

GALLAGHER: Yes. Vik Bajaj, great analysis, thank you sir.

BAJAJ: Thank you.

GALLAGHER: Coming up, criminals might soon go by a new name in Illinois, because of course, we don't want offenders to be offended. Common sense weighs in and so does one of America's best writers, Peachy Keenan, is here live next.

But first a live look at Philadelphia, Pennsylvania the mural capital of the world, who knew? I thought it was cheese stick capital, but who am I? We're coming right back.

(COMMERCIAL BREAK)

GALLAGHER: Well, the FOX NEWS @ NIGHT "COMMON SENSE DEPARTMENT" thinks blue state lawmakers are losing their minds. The Illinois legislature passed a bill called the Criminal Reduction Act. It doesn't reduce crime, it reduces criminals because you can no longer call them criminals. If the governor signs the bill, Illinois will no longer use the word offender. Instead, offenders will now be "justice impacted individuals." So, killers, rapists, and robbers are now justice impacted? Does that mean they're no longer violent? Are they having wisdom teeth issues? Do we have to apologize for ruining their reputations?

Does this mean by calling criminals criminals, we offended those formerly known as offenders? Are they still accountable or is Illinois offering blanket absolution? Common sense finds it odd that offenders are no longer offenders, but victims are still victims, still suffering, because not even lefty lawmakers can provide nirvana for those who were wrong. In California, lawmakers just voted to continue using sanctuary laws to protect illegal immigrants convicted of sex crimes against children, meaning illegal immigrant sex offenders or maybe sex justice impacted individuals get a pass from the state and child victims get gone. Common sense thinks lawmakers must be struggling to find a good euphemism for a child raped.

Let's bring in the author of "Domestic Extremist," Peachy Keenan. Peachy, it's great to have you on here, talking about that bill in California that the lawmakers Democrats voted in -- mean, literally, unanimous of. California Assemblyman, Bill Essayli, who's a Republican says the following, "I'm completely outraged that when we had an opportunity today to roll back sanctuary state policies that protect illegal immigrants who are convicted of committing sex crimes against minors, we're talking about pedophiles that every Democrat in the building refused to support." You look at California, you look at Illinois saying, oh, they're justice impacted people. What's happening? Where are we going?

PEACHY KEENAN, AUTHOR: Yes. The only crime in blue states now is the, is being a victim or reporting a crime is going to be the only crime.

GALLAGHER: Right.

KEENAN: And it's just what the left loves to do. They love to soften this language, to equalize it, to not hurt anyone's feelings. And the people that are being hurt, they don't care about the victims.

GALLAGHER: Yes. No, they don't care about them. That's the whole thing is the victims are like, and you think, listen, have you seen the victim statements? They write these letters, they go before the legislature and they write these in these compelling accounts and they're like, nope, we're choosing the criminals. You wrote on SubStack and we talked about this last week, a big story, Peachy Keenan writes, "Trads on offense, the entire universe went bananas when Harrison Butker delivered his now infamous speech extolling the virtues of traditional marriage.

He spoke lovingly of his wife, who stays home to raise their children, and he praised homemaking as the highest calling a woman can have. I obviously agree with him. I wrote an entire book on the subject last year," and you did. And I reread the book today and the part that you were talking about and that's exactly right. And he was misquoted. Common sense talked last week about how he said, listen, you can go on and have careers and do great things and have whatever you want to, but I would venture to guess the best part of your life is going to be your kids and your spouse.

KEENAN: Right. This is, this is common sense. This used to be, you know, what people thought. Within recent memory, it used to be OK to say that to a young woman. It's a totally valid choice to choose to stay home and raise your kids and not have a career or have a career later. That's totally fine. And feminists, instead of giving us the choice to work or stay home, they kind of took away the choice to stay home and denigrated it. And now, even if you have a college degree, don't waste it by wasting it on your kids. I mean, God forbid.

GALLAGHER: God-forbid you waste it on your kids and your family, because that would be the worst thing in the world. Pope Francis is on "60 Minutes" being asked about conservative bishops and he said the following, watch.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: There are conservative bishops in the United States that oppose your new efforts to revisit teachings and traditions. How do you address their criticism?

POPE FRANCIS, HEAD OF THE CATHOLIC CHURCH (through translation): You used an adjective, conservative, that is -- conservative is one who clings to something and does not want to see beyond that. It is a suicidal attitude.

(END VIDEO CLIP)

GALLAGHER: A lot of conservative bishops are not happy with the Pope.

KEENAN: Yes, and I've read about this a lot before. Pope Francis is on record as saying he hates Catholic, American Catholic conservatives. We're sort of a thorn in his side. He's done everything he can to shut down things like the traditional Latin mass and traditional Catholicism.

And so, I wasn't surprised at all to hear him call us, you know, having these suicidal thoughts because we don't, we want to sort of keep doing it the way it was. But he did say he redeemed himself when he said he didn't want women to be allowed to be deacons. So, you know, he's not all bad if you ask me.

GALLAGHER: Yes. Read her piece because there was a funny part in that. We don't have time to do it, but read the piece. Peachy Keenan, one of America's best writers. The book is in Paperback, "Domestic Extremist." Put it back on top on Amazon.

KEENAN: Thanks, Trace.

GALLAGHER: Peachy, thank you for coming on.

KEENAN: Appreciate it.

KEENAN: Thank you.

GALLAGHER: A judge in Tennessee has now blocked the scheduled auction of Graceland, the iconic home of the late Elvis Presley. It was supposed to go up for sale tomorrow, but one of his relatives is now trying to stop it. Correspondent Danamarie McNicholl is in Memphis.

(BEGIN VIDEO CLIP)

DANAMARIE MCNICHOLL, FOX NEWS CHANNEL CORRESPONDENT: They claim they have the deed to Graceland and were going to auction it off. Now, a supposed investment company is reportedly backing off.

Just hours after a Tennessee judge ordered a pause on the foreclosure sale of Elvis Presley's iconic Memphis home, Nisani Investments told Reuters it plans to withdraw all of its claims over Graceland. The company with no Web site or working phone number claimed it loaned the King of Rock and Roll's only daughter, Lisa Marie Presley, $3.8 million and received the deed for Graceland as collateral. They say she never repaid the money before she died in 2023.

Elvis' granddaughter Riley Keough alleged in a lawsuit the company doesn't actually exist and the documents, including her mother's signature, are fraudulent. Today, Judge JoeDae Jenkins said because Graceland is a matter of public interest, this civil case needed more time for both parties involved to look at evidence and facts.

JOEDAE JENKINS, SHELBY COUNTY CHANCELLOR: The real estate is considered unique under Tennessee law. And in many ways, the loss of the real estate would be considered irreparable harm.

MCNICHOLL: Elvis Presley Enterprises commented that it will continue to operate as it has for the past 42 years. And for what happens next, the live auction scheduled for tomorrow is canceled. It's unclear how this bizarre back and forth will play out in the courtroom. Trace.

(END VIDEO CLIP)

GALLAGHER: Danamarie, thank you. First up in tonight's "VIRAL VIDEOS."

Here's a new technique to try out next time you're bowling. This content creator has gone viral for his unique method of getting a perfect score. Starts out with a comical scamper, completes the toss with a spin, and scores a perfect strike.

55-year-old grandma, Amy Gubser, has become the first swimmer to complete the grueling swim out to sea from San Francisco to California's Farallon Islands. She spent 17 hours swimming nearly 30 miles in shark-infested waters. The water? 43 degrees. That's chilly. And she completed the swim without a wetsuit.

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

OK, coming up, Nikki Haley has changed her tune, now saying she will vote for former President Trump in his race for the White House. Do you think that she could maybe endorse him? Maybe go on to get the V.P. spot? Is that the goal? Let us know, X on Instagram, @TraceGallagher, we will read your responses in the "NIGHTCAP."

But first, tomorrow on "FOX AND FRIENDS," ahead of Trump's South Bronx campaign event, Rachel Campos Duffy talks to residents in the historically deep blue borough who are excited to welcome the former president. DVR the show if you cannot catch it live. Same goes for us. The "NIGHTCAP" is next.

(COMMERCIAL BREAK)

ANNE-MARIE GREEN: OK, we're back with the "NIGHTCAP" crew: Kevin Corke, Ashley Strohmier, Jeff Paul, Peachy Keenan, Amber Duke, and Elizabeth Pipko tonight's topic, presidential pairings. Nikki Haley finally announced that she will be voting for Donald Trump. How long before maybe she endorses him? And if she does, is there a chance that maybe he picks her as his V.P.? Why or why not, Elizabeth Pipko?

PIPKO: I'm a key to a very simple, this took her long enough, much like her dropping out of the race. But I'm just going to read it to you from the president himself, Nikki Haley is not under consideration for the V.P. slot but I wish her well, what else is there to say, right?

GALLAGHER: What else is there to say? Amber, can you give something to add to that?

DUKE: I completely agree. And you know what, she'll only endorse him if she thinks that it will help her curry favor with the Republican Party for a future presidential run. I think that's the only reason that she's changed her tune on voting for him.

There is zero shot that she is chosen as vice president. Everyone in Trump's orbit has been saying the same thing, he doesn't think that the vice president is that important for winning him voters and he wants to pick someone who he personally likes. Does anyone really believe that Trump likes Nikki Haley?

GALLAGHER: Apparently, not a lot of people do. Ashley Strohmier.

STROHMIER: Yes, no. I don't foresee it happening.

GALLAGHER: No shot. That gets shut down. Jeff Paul.

PAUL: Trace, maybe. Yes, why not? You know, I didn't think about it until you mentioned it tonight and I said, you know, that could be a curveball that none of us thought coming. She's got, you know, the world experience. She could help bring in some votes that he might need, who knows?

GALLAGHER: Kevin Corke.

CORKE: Long knives and long memories in Washington, absolutely. She will not be his running mate, and I think Amber said it perfectly, this is setting her up for 28 and currying favor, perhaps, among the GOP voters.

GALLAGHER: Yes, I think there's a lot of, a lot of that going around here on avenue responses yet. Peachy Keenan.

KEENAN: Yes, I agree with Kevin. There aren't, there isn't a low enough negative number for her odds as being the V.P. There's just no way.

GALLAGHER: Yes, see I always say, look, ***politics*** are weird, and I think, you know what, a lot of things can happen, a lot of things can happen. I think it's kind of early for her to say she's going to vote for Trump. So, you think, why so early? Why not wait another month or so? So, who knows?

OK, the poll agrees with the rest of you, says, do you think Haley will be Trump's VP pick? Yes, eight percent. Instagram, 15 percent, a little bit higher, but not notable.

Roxanne Hogue, a friend of the show, says, "I don't think so, but Lincoln had his team of rivals, so never say never."

Tammy Wagner says, "Yes, she'll endorse him. Why wouldn't she? But as far as V.P., he said one of the qualities he values most is loyalty, and I think that bridge has been burned."

Deborah Brown, "If he picks her as V.P., people will not vote for Trump. She is supported by too many Democrats." That's your point, right?

And Tommy says, "Let bygones be bygones. She'll be the perfect V.P. choice to unite the party and the country."

Scott says, "Voting for him is like an endorsement. Won't be V.P. but may get a cabinet spot." Good thought.

And Chung says, "No way, all she did was bad mouth Trump during her campaign."

Thank you all for joining the "NIGHTCAP." Thank you for watching America's late news, FOX NEWS @ NIGHT." I'm Trace Gallagher. We'll see you back here tomorrow.

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