

# [***Trump Campaigns In New Jersey; Jury Selection Begins In Bob Menendez Trial; Donald Trump Speaks Out After Court; Michael Cohen Testifies In Trump Hush Money Trial***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C18-D6D1-F072-X001-00000-00&context=1516831)

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**Body**

SANDRA SMITH, FOX NEWS ANCHOR: Donald Trump's former fixer Michael Cohen now the star witness in the New York v. Trump trial, Cohen on the stand and leaving this question many minds. If the prosecution's entire case comes down to the word of convicted felon Michael Cohen, is that a problem?

Welcome, everyone, I'm Sandra Smith, in for Neil Cavuto, and this is "Your World."

Cohen's credibility front and center as court prepares to wrap for the day, former President Donald Trump expected to speak a short time from now. When that happens, we are on it.

First, let's get right to Nate Foy. He's outside the courthouse with the very latest after a brief break in that court.

What do we know, Nate?

NATE FOY, FOX NEWS CORRESPONDENT: Hey, Sandra.

So, Michael Cohen right now is talking about not receiving a role in former President Donald Trump's White House administration. He claims that he pitched the role of personal attorney to the president, saying that Mr. Trump was an enigma and that he understood him because of how closely he worked with him on a day-to-day basis.

And this all comes after Cohen detailed his $130,000 payment to adult film actress Stormy Daniels to suppress her story about an alleged affair with Trump that Trump denies. Now, Cohen claims he told Trump before making that payment and that former Trump Organization CFO Allen Weisselberg promised Cohen he'd be paid back.

Cohen said he called Trump immediately before wiring Daniels the money, telling the court -- quote -- "Everything required Mr. Trump's sign-off. On top of that, I wanted the money back."

Cohen said he didn't let the bank know what the payments were really about because he wanted to protect Trump and also to make sure that the payment went through quickly. Now, Cohen claims Trump wanted the story suppressed because he worried about his electability with women, particularly after the release of the "Access Hollywood" tape.

Trump denies ever having an affair with Daniels. Now, Cohen has been on the stand all day. Lawyers for Trump have yet to begin their cross-examination. They're expected to focus on Cohen's criminal history. He's a convicted felon. He's admitted to lying under oath several times.

Prosecutors say that he did that in the past to protect Trump. The most recent thing coming out of the courtroom right now is Cohen detailing his 2016 bonus, something that he said he was beyond angry about. So he is expected now to go into how he was paid back for his wiring to adult film actress Stormy Daniels, the $130,000 that he claims Trump reimbursed him for.

And, of course, Trump's lawyers will push back on that in the cross- examination -- Sandra.

SMITH: All right, we're getting some more updates as you were speaking. Nate Foy, thank you, outside of the courthouse there.

Our next guests has been following Michael Cohen's testimony closely.

And with us now is former federal prosecutor Andrew Cherkasky and New York trial attorney Rebecca Rose Woodland.

Thank you.

Andrew,your take on how this is going so far today.

ANDREW CHERKASKY, FORMER FEDERAL PROSECUTOR: There's still nothing new about the criminality of what Donald Trump allegedly did here.

The idea of having formed this hush money payment arrangement, it seems to be the work of an attorney. We keep calling Michael Cohen a fixer, but he's a fixer/attorney. He's committing and engaging in legal services for Donald Trump.

So I still haven't seen the prosecutors close the loop on that very issue as to why those entries in Donald Trump's business records that said that he was paying legal expenses is somehow fraudulent. It seems to be quite accurate under all of the testimony.

SMITH: Yes.

CHERKASKY: And, instead, all we're getting is this idea of what goes on behind the scenes, as, I guess, deplorable as the prosecutors might want that to be, but no evidence of guilt.

SMITH: All right, just getting a little bit of a readout here from Kerri Kupec, who is in the overflow room there in the courthouse, as this is ongoing.

She says there was an exchange about the Christmas bonus. She's describing the former President Donald Trump as being very alert during this exchange, leaning over at one point to say something to his lawyer Todd Blanche.

Cohen had just mentioned wanting the title personal attorney to the president to Weisselberg and his family.

Rebecca, there is no doubt that there has been a lot of focus on the part of the defense to poke holes in Michael Cohen's credibility. Your take on how this is going?

REBECCA ROSE WOODLAND, ATTORNEY: Look, my take is that, once we see cross- examination, Sandra, this is going to be holes bigger than Swiss cheese.

This man is a convicted felon. He has admitted to lying under oath. He is not credible. So what -- the defense will come in and attack every aspect of what he's saying.

Number two reason why he's not credible is because he aggressively posts on social media his hate for Donald Trump. So when you put those two things together, a witness is not credible and a witness who hates the defendant, it doesn't create testimony that can be believed by a regular person who's sitting in the jury.

What has Michael Cohen said other than, I hate him, I have an axe to grind, I hope he ends up in jail? Well, will you say anything? Will you lie? That will be the line of questioning that the defense will take, that Michael Cohen will lie to get Donald Trump convicted.

SMITH: Yes, Andrew, at one point, I remember one of the updates coming from Kerri inside the courthouse, noting that it struck her listening to Cohen how desperate he seemed for Trump's approval and affirmation and that he would do anything for it, culminating in him taking out a home equity line of credit to take care of his boss' dirty business.

She then circled back, Kerri, to say, she should have included culminated in him taking out a home equity line of credit that he hid from his wife to take care of his boss' business.

There have been many twists and turns today. That is for sure, Andrew.

CHERKASKY: He certainly seems obsessed with Donald Trump, desperate for a position in Washington, desperate for the approval of Donald Trump.

We have been hearing those quotes all day, that he was looking for the boss to say good job to him and that was what he was living for, kind of for 10 years working for him. And so that shows that Michael Cohen could have very well been acting out on his own in many instances.

And I agree entirely with what Rebecca is saying about the credibility issues that will be undoubtedly exposed in cross-examination. But we really have to keep coming back to the fact that nothing he's saying today actually suggests criminal behavior.

It suggests the idea that they were engaged in this nondisclosure agreement, that he was acting as an attorney, legal services. And so even though he was getting this HELOC home loan, even though he was advancing these fees -- that's very normal in legal services, So,

all of the credibility aside, which will, of course, be demolished, he's still not adding anything to the actual criminal elements here.

SMITH: Yes, so as we await for the court to wrap here -- we know we're probably minutes away from that happening and we are expecting the former President Donald Trump to speak -- I want to ask you both about something that he said earlier this morning. Take a listen here.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES (R) AND CURRENT U.S. PRESIDENTIAL CANDIDATE: I tell you what. The Appellate Division, the judges should step in because what this judge is getting away with is disgraceful.

(END VIDEO CLIP)

SMITH: OK, so Andrew, I will start with you. Do you believe that could happen? "The judges should step in because what the judge is getting away with is disgraceful," said the former president.

CHERKASKY: I think that the Appellate Division looks like they're going to kind of delay this, hoping that the trial wraps up before they're pushed to make a decision.

The gag order is, in my view, absolutely unconstitutional. It's an infringement on his First Amendment right to speech, and not just normal speech, but political speech, the most protected form of speech. And so I'm disappointed that it's this long in the game before the Appellate Division has even weighed in on this, that it's gone on this long.

But I don't expect much from them by the end of this trial. Although I hope for it, I'm skeptical.

SMITH: Rebecca.

WOODLAND: Yes, I agree with Andrew.

It seems like the Appellate Division wants to punt this until there is a verdict, of course, at which time, if there is a guilty verdict, there will be an immediate appeal to the Appellate Division. If they uphold the guilty verdict, it'll go up to the Court of Appeals in New York.

And then possibly the Supreme Court, I believe, will take this up on constitutional grounds for the gag order and for an unfair trial. But at this point, it doesn't look like the Appellate Division wants to get involved. They want to allow Juan Merchan to just run amok and allow this lack of constitutional rights to continue in this courtroom, the lack of any respect for the Constitution, and the lack of protection that the Constitution allows the president, the former president.

They're not allowing that in this courtroom. And it seems like the Appellate Division is just letting that happen.

SMITH: All right, it looks like there's some more exchanges happening right now with the First Republic Bank statement and the back-and-forth that happened there. We're going to have more updates for our viewers in just a moment on that. Rebecca, Andrew, we appreciate you joining us.

And as we await for court to wrap and Donald Trump to speak, our next guest says it's in the prosecution's interest to make it as painful as possible for Michael Cohen today.

What does he mean by that? We will find out.

(COMMERCIAL BREAK)

SMITH: A FOX News Alert here. We are awaiting court to wrap. That could happen any moment now. And Donald Trump is set to speak.

John Yoo says it's the prosecution's best interest to make it as painful as possible for Michael Cohen today. So what exactly does he mean by that?

John Yoo is joining us now.

What do you mean by that, John? Welcome.

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: Well, thanks for having me back.

The problem is you have got, as the prosecution, a liar, a convicted felon, a convicted perjurer, the worst possible witness. I can't even imagine the prosecution has now built the whole case so it turns only on Michael Cohen's testimony about what Donald Trump's thinking inside his head.

So, if that's the case, then you have got to bring out all the negatives, every bad thing anyone might want to say about Cohen as an effort to inoculate him for the inevitable attacks that are going to occur on his credibility.

Now we're just going to wait, I think, really for the cross-examination to start. I don't think, from what we have heard in the courtroom, that Michael Cohen has dropped any blockbusters, that we're learning anything more new.

What we really are going to have to see next is, can Donald Trump's lawyers take him down on cross-examination next?

SMITH: So, if I could circle back on that because it sounds pretty shocking and counterintuitive for the prosecution to make this as painful as possible on their star witness, your point is that they would want to get all the bad stuff out, considering he's a perjurer and convicted fraudster, get all the bad stuff out, make it as painful as possible, and then rebuild his reputation in front of the jury?

Is that your point?

YOO: Yes, that is actually a common trial tactic, when you have a problematic witness like this, because it's much better if you're the prosecution and you can do it under your own control and then, yes, as you said exactly, rebuild his credibility, rather than pretend, oh, this guy's such a wonderful guy, he tells truth all the time, and then have Donald Trump's lawyers destroy him.

In fact, you want to try to take all the wind out of the sails out of the defense if you can. Now, personally, I don't think this is going to be possible because Cohen is such a flawed witness. I mean, other judges in other courts have said he's a liar.

So, once he's been convicted of perjury, once he's been convicted of tax fraud and evasion, how can the jury really believe anything he's saying?

SMITH: OK, so, pretty much you're saying they're setting up for something that won't work for the prosecution's case?

YOO: I think this is a very hard case. This is why this case has always been troubled, not just on the legal problems, where they're trying, the prosecution's trying to incorporate a federal election crime, which they're not allowed to prosecute, but just on the basic facts.

I think that really explains the story of what we have seen the last two weeks, which was they really can't get a conviction right now on the facts they have. So, instead, they're trying to drag Donald Trump through the mud, destroy his character, make the jury hate him, and then want to convict him of something, or even maybe try to goad Trump into testifying, waiving his Fifth Amendment rights.

Maybe that's what they really try to do with Cohen. In the end, if you're the prosecution, it's constantly get Cohen to attack Trump so he gets so angry, Trump might even take the stand.

SMITH: Do you think that's a possibility?

YOO: With Donald Trump, he has the reputation of not listening to his lawyers. He's the worst client you would ever want as a lawyer.

And so his lawyers, I am sure, have explained to him that he shouldn't take the stand, but he has taken the stand in previous cases. He may think he can talk his way out of this. I think this is a really dangerous trap that's being set for him.

SMITH: All right.

YOO: And I hope, I hope that he doesn't take the bait.

SMITH: Really interesting.

I couldn't help but think, when we led into you with this whole idea that the prosecution is going to make it as painful as possible because this is who they have got, this is their star witness, because is there anybody else?

YOO: No, this is the thing.

The real crime here is not whether Donald Trump had an affair with Stormy Daniels. The real crime here is not whether Trump made a recent nondisclosure agreement with Stormy Daniels or even had her pay. That's all legal.

The crime is, did Donald Trump intentionally try to commit fraud through this bookkeeping error -- bookkeeping allegation to try to cover up a larger crime, which, again, the prosecution is not constitutionally allowed to charge?

So this is all they have got. The prosecution said they're going to rest this week. I think that you're probably going to see at least two more days of Cohen from the prosecution, then another day or two of cross- examination. That brings us to Thursday. So I don't really see what else the prosecution has.

They have got no secret witness. They have got no smoking gun. In fact, this whole last two weeks has laid bare how weak this case was and how -- I hate to say it, how partisan intent -- intent to bring it in the first place.

SMITH: I mean, I'm looking through the updates coming out of the courtroom right now. Exhibit 35 is a bank statement, John, for First Republic showing a deposit of $131,000, transfer $130,000.

Both Cohen and Weisselberg wrote on this document. I mean, I'm looking through what is happening in that courtroom and I'm wondering where they're getting with this. Cohen says, total due to Redfish (ph) was $50,000 from two years earlier.

These are the exchanges happening. Cohen says the $130,000 was for the NDA. They're adding it up. Weisselberg said to gross it up or double it for tax purposes.

And this is the back-and-forth in the exchange that is happening as Michael Cohen continues on the stand at this hour. Final thought from you, John.

YOO: Final thought is, this is why we crossed the Rubicon of prosecuting a former president for the first time? This is why we have allowed the criminal justice system to interfere with the election of the president this year?

This has been a disaster for the prosecution. And I hope it doesn't set off tit-for-tat retaliation, where people are going to start, red states, blue states are going to start prosecuting presidents to achieve some kind of electoral outcome, which is something we never did in our 220-year history of this republic.

SMITH: Got it.

We will see what the former president has to say if and when he speaks a short time from now.

John, thank you.

All right, so, as I mentioned, today's session is expected to wrap shortly, possibly in the next 10 minutes or so. And the former president is set to make remarks when he emerges from that courtroom, those doors right there. When he does, we are there.

And, later, from Trump on trial to Trump on the trail. This was the scene in deep blue New Jersey this weekend. So is this a sign these courtroom battles could be backfiring?

(COMMERCIAL BREAK)

SMITH: Looking live at Lower Manhattan, where court is set to wrap in the New York v. Trump trial. When it does, the former president is expected to speak to cameras for the first time since Michael Cohen took the witness stand.

Stay with us.

(COMMERCIAL BREAK)

SMITH: All right, court set to adjourn as day one of Michael Cohen's testimony ends.

When it does, the former president is expected to step out of those doors and make remarks. We're going to bring those to you live when that happens.

Back with us now, former federal prosecutor Andrew Cherkasky and New York trial attorney Rebecca Rose Woodland.

Looking for the latest updates out of the courtroom. Looks like there's a lot of exchanges still going on, the latest one, from our producer inside, talking about Cohen saying that Trump gave him title of personal attorney around the same time as the specified meeting they are currently discussing; $420,000 was designed to be payment for future legal fees, but it was a repayment of Trump's money.

OK, this seems to be where they're going with the exchange right now.

Andrew, your thoughts as we do await court to adjourn soon.

CHERKASKY: Well, this is an interesting part of the testimony because this gets to the question of whether the business record entry of legal expenses was a legitimate or a fraudulent entry in the first place.

And so now we're kind of hearing this idea that it was designated to somehow be future payments, but that doesn't seem to be how things work with Michael Cohen. Instead, the evidence tends to suggest that he would perform his legal services and then get paid back for it. That's very standard in most legal practices in terms of doing work for clients, sometimes even fronting legal expenses.

And then, after you complete the work, you send your client a bill at the end of the month or at the end of the project, and then the client actually pays you back. So now it seems to be that he's suggesting that they were trying to create some sort of image that this was a future intended expense.

But that doesn't seem to comport with the actual documents that have come into evidence already. And I think that's where one of these issues in the credibility of Michael Cohen could certainly have quite a bit of meat on the cross-examination side of things.

SMITH: Rebecca, let me get your thoughts. As that exchange that I just detailed continued a few moments ago, Exhibit 250 was presented. It was a text on January 17, 2017, between Cohen and Gene Freidman, manager/operator of Cohen's yellow cab medallions, telling him he, Cohen, would be personal counsel to Trump.

Cohen's not sure what Weisselberg did with the document, with the handwritten signatures. Cohen estimates that it was around January 17, 2017. A day later, Cohen announced that his new role would be personal counsel to the president.

It then details exchanges about that, where congratulatory messages were involved. Cohen says payments started in February. Your thoughts at this point?

WOODLAND: Look, there could be payments for past legal services and payments for future legal services.

They're -- when you're an attorney representing a client, they both can be true. There could be payments that were made for something Michael Cohen did in the past, and then a retainer of sorts for his future contribution to the Trump Organization.

I think that what we're hearing from Michael Cohen is -- nothing of it is to really be believed. We have the prosecution putting all of their eggs in a basket with Michael Cohen. We have yet to hear, what is the crime, what crime has been committed?

These are rotten eggs they're putting in a basket. All of the eggs are Michael Cohen. They said they have one more witness left. Where is the crime that they have brought the former president into a court in New York? Where's the crime that they have alleged?

SMITH: I want to...

WOODLAND: So far, we haven't heard anything, Sandra.

SMITH: Yes, thank you, Rebecca.

I just want to let our viewers and listeners know that court -- the jurors have been -- they have been dismissed, so they will be leaving the courtroom. Obviously, that means we will see the former president leaving shortly.

Weisselberg -- this is ongoing in the most recent exchange, obviously before the jurors were dismissed from the courtroom. Weisselberg said, Andrew, that Cohen's $35,000 payments would start in February because, with the trust and movement going on, it was going to take a little bit of time.

Weisselberg then told Cohen to send an invoice every month and write -- quote -- "legal services rendered," and they would get his check sent out. I'm just reading this for verbate from our producer inside the courtroom.

After Trump gave Cohen the title of personal attorney to the president, payment for that job did not come up. Cohen said that he knew that there would be no compensation for any other work. Cohen did not expect to get paid for the title of personal attorney to the president. He was getting paid for the role by monetizing relationships.

And I will read you this one last line. This is apparently the last exchange inside the courtroom. Cohen is aware, he says, that a retainer agreement or written engagement letter had to be filled out to formalize an official job title. Cohen said this was not filled out because he knew that there was going to be no compensation.

Andrew, your reaction.

CHERKASKY: See, this is very interesting, Sandra. This is him saying that the payments, the $35,000, was in fact a payment for past legal services, which is exactly what's described on the check and the invoice.

SMITH: You know what, Andrew? I'm going to jump in here because the former president has just stepped out of the courtroom. You can see him walking up to the cameras, and he is now going to speak.

Let's listen together.

TRUMP: (INAUDIBLE) show up. They view this as a scam.

They think it's a terrible thing that's happening to democracy in this country. And we have a lot of them. They want to come. I say, just stay back and pass lots of laws to stop things like this.

J.D. Vance: "What's going on in that courtroom is a threat to democracy. And we cannot have a country where we get to prosecute your political opponent, instead of persuading the voters."

A.G. Bird, as you know, very highly respected from Iowa: "Let the American people decide who the next leader of the free world will be. ***Politics*** has absolutely no place in this courtroom. This is all ***politics***."

Andy McCarthy, great legal analyst, said: "None of this is illegal. There's nothing illegal. It's called ***politics***. There's nothing illegal."

A lot of people say that. They're all saying that. You know that the only person who won't say it is the judge because it's a rigged deal. He's conflicted. You ought to check that out.

But everybody is saying there's no crime.

Leo Terrell: "Up until right now, there's not a single shred of evidence that President Trump participated in a crime of either falsifying records or hiding a campaign or state or federal finance charge. None of it. There's been absolutely nothing."

Look, they're doing great. You know what they're doing great? They have kept me here for 3.5, four weeks, instead of campaigning. And yet we still have the best -- poll numbers just came out in The New York Times, as we have discussed before.

Mark Levin: "Let me put this as succinctly as possible. There's no crime, state or federal, with which to link Donald Trump or anyone else. This is a case looking for a legal basis. There is none. There is no crime." That's Mark Levin.

Again, J.D. Vance said: "The American voters who are watching this who want an opportunity, you get to speak up against this sham prosecution and to say the American people should elect a president, not use corrupt DNC prosecutors to help them get elected, which is exactly what they're doing. In any regard, again, Bragg, has no authority to enforce federal law. The NDA payments were campaign expenditures under federal law.

"That's why the FEC and DOJ, which do have exclusive authority to enforce federal law, took absolutely no action against Trump."

They took no action against me. They looked at it, they said it's fine. The only one they did is Soros-backed DA Bragg, who turned down the case. By the way, he turned down the case. And it could have been brought six years ago, seven years ago, almost eight years ago. They bring it right in the middle of my presidential campaign., Bragg.

He said, we had no case. You know, if you go back, take a look at your earlier records. When he came into office, he turned it down and was angry because of what took place. When he saw that they were going to use this scam, he was angry.

Even Michael Smerconish of CNN: "A person four or five weeks into a trial ought to be told exactly that which they're being prosecuted for."

And that hasn't happened. You know why it happened? Because -- it didn't happen for one very simple reason, because there is no crime.

Here's Marc Thiessen: "I know things are going -- I don't think things are going very well for the prosecution in the court of law. And in the court of public opinion, they're doing even worse."

Matt Whitaker: "Another day at trial, and they're keeping the president off the campaign trail."

Byron York: "On the hush county trial," which is not hush money," majority of voters in Georgia, Pennsylvania, Michigan say Trump cannot get a fair trial."

That's too bad. That's totally true. Too bad.

Andy McCarthy again: "Bragg knows exactly what he's doing. It's improper, completely political case. Maybe Merchan, Judge Merchan, is having second thoughts. They haven't come to close to proving -- they haven't come close to proving fraud or that any fraud has taken place."

There's no fraud here. There's no crime here. This is four weeks of keeping me from not campaigning.

Jonathan Turley: "Can't imagine any competent lawyer would not be embarrassed by what has happened in this courtroom. This day is truly going to go down as the day of infamy for the New York legal system," which is true.

The whole world is laughing now at the New York weaponized legal system.

"Watching this unfold in that courtroom, as a lawyer, is really deeply disturbing. They keep on referring to these documents. The documents don't move the ball. The documents show that the NDA and a payment that is not in dispute. They're -- this is a total" -- this is Jonathan Turley.

"They're not unlawful. And as a federal campaign contribution, there is absolutely no problem." There's no problem here. You know, the FEC wrote this off, FEC, the Elections Commission, Federal Elections Commission. They looked at this years ago and they took a pass. They said there's no problem here.

Tim Scott: "Objective is to keep Trump off the campaign trail. That's all they're trying to do, keep him off the campaign trail."

Here's The New York Times that just came out a little while ago, where we're leading in every state, in every -- the five key states, we're leading very substantially, I might add.

So it's all a -- it's really a very sad day for the country. It's sad for New York, I mean, New York, that a judge who is highly conflicted at a level that nobody's seen before can possibly -- just think of it. And you should go out and check it out.

But we have a corrupt judge. And we have a judge who's highly conflicted. And he's keeping me from campaigning. He's an appointed New York judge. He's appointed. You know who appointed him? Democrat politicians. He's appointed. He's a corrupt judge, and he's a conflicted judge, and he ought to let us go out and campaign and get rid of this scam.

Every single legal analyst, even CNN, even MSDNC, they're saying there's no case here.

Thank you very much.

QUESTION: When's the next time you will be on the campaign trail, instead of mingling with wealthy donors?

QUESTION: What do you mean he's conflicted?

SMITH: All right, we always hang on a beat just to see if he does respond to any of those questions shouted.

But the former president has exited the courtroom and, as expected, stepped up to the microphone, called what he is seeing in that courtroom a scam, called it a terrible thing happening to democracy. Let the American people decide. He went on to quote a series of legal experts, including Andy McCarthy, who appears frequently on this network, saying -- quote -- "None of this is illegal."

The former president calling it a rigged deal, what is happening to him, lamenting he's not on the campaign trail, saying there is no crime, even at one point saying that despite he's not -- the fact that he's not campaigning, he is still polling well.

All right, "America's Newsroom" co-anchor Bill Hemmer, he was inside of that courtroom, and he has stepped outside, and he's joining us now.

Hemmer, this was day 16 of this trial...

BILL HEMMER, FOX NEWS ANCHOR: Yes.

SMITH: ... but in the former president's words, it's four weeks of me not campaigning.

Your thoughts.

HEMMER: Well, that's true, that's true.

Sandra, good afternoon to you. We just came outside the courthouse, the courtroom, trying to get ahead of the president a little before things locked down yet again.

Sandra, I have six-and-a-half pages of notes. I'm not going to go through all of it. I'm going to make four simple points upon observations out of the inside. Keep in mind there's about eight or nine rows where people can sit, up to about 60 people, about a half-dozen members of the public.

The rest are all media typing away on their laptops. The Q&A between the prosecutor and Cohen during the first half of the afternoon, it was almost rote. It was question, answer, question, answer, question, answer, no deviation whatsoever. And Cohen looked right at that attorney the entire time.

And I guess, if you're an attorney and your witness is doing what you expect and there are no curve balls, that's perhaps something that you want in a circumstance like this.

But after the break, after the 3:30 break, that took about 90 minutes or so, court came back in a session and Cohen spoke directly to jurors the entire time, which was an easy thing to do from the beginning, Sandra. If you can follow me here, there are monitors all over this courtroom.

And the reason there are monitors everywhere for the judge and for the jurors and for the witness and for the attorneys on both sides is because there are so many exhibits that are being shown on those monitors, text messages and phone logs and letters and exhibits.

And so you have to look at that monitor. During that time, Michael Cohen was explaining why he was not given a job at the White House. And he was going through the rationale about what was offered through Reince Priebus, what came directly, what he liked and what he didn't like, what he was pushing for and what he was not able to get.

And that -- I'd say, Sandra, at that moment, the jurors, in my judgment, were the most engaged I had seen them all afternoon. As Cohen was talking to them, they were staring right back at him as well.

But I mentioned all the state's exhibits, the text messages and the phone logs, et cetera. Not one word on anything that was put up on behalf of the prosecution mentioned the word election, not a single time. Now, during Cohen's testimony today, he referred often to the fact that Trump was concerned about the election of the Stormy Daniels story, that could hurt him with women in that election.

Cohen made a point of that during the morning session. In the afternoon, not so many times did he refer to it. However, I think, in terms of the defense, when you get an opportunity to go on cross-examination, you can point to something like that says, the election was never mentioned.

So what does that mean? In the end, if the prosecutor's right, she said they need a little bit of time tomorrow. Let's call it a half day. No one knows until they do it. In the end, if Allen Weisselberg, whose name came up many times, the former accountant for the Trump Organization for 40 years, age 76, in Rikers Island prison, serving his second prison sentence right now at the age of 76, if Weisselberg is not a witness in this case center -- right now, it doesn't look like it's going to happen.

It is Cohen's word against Trump.

SMITH: Yes.

HEMMER: And who will the jury believe?

SMITH: Yes.

HEMMER: That's what the entire case is hanging on right now, Sandra.

SMITH: That is some wrap-up, Hemmer.

So we roll into day 17 tomorrow, and it is our expectation that court will resume at 9:30 tomorrow morning. Obviously, Hemmer, that's during your hours. Cohen will be back on the stand under direct examination.

Bill, thank you very much. All right.

HEMMER: Great to be with you, Sandra.

SMITH: Yes.

HEMMER: And we will see what we get manana at 9:30 on "America's Newsroom."

SMITH: Yes. Great to get your insights from directly inside that courtroom.

Bill, thank you.

Back with us now, former federal prosecutor Andrew Cherkasky and New York trial attorney Rebecca Rose Woodland.

All right, that was a big wrap from Bill, a lot of good information there.

Andrew, dig in. What are we going to see tomorrow?

CHERKASKY: Well, I think we're going to see more of the same. The prosecution's direct examination of Michael Cohen is about the same as their prosecution of the whole case.

We're three weeks in. There's no evidence of an actual crime. We're one day into Michael Cohen's testimony. They have yet to drop the bombshell that they claimed they would drop all along. Former President Trump stood in the hallway there saying that all of these legal experts keep saying there's no crime there.

And I have been going through all of the reports, all of the editorials, all of the left-leaning news sources. I can't find a legal analyst out there who's actually explaining how a crime was committed here, how there is actual evidence that listing this as a legal expense was an improper business record entry.

And that's not even getting into the question of whether there was the criminal intent of Donald Trump to commit a fraud.

SMITH: Rebecca, just reading through it, sometimes, it was -- at some point, it was hard to make out exactly what the former president was saying as he was speaking there just outside the courtroom.

But we do know that he led off with: "This is a scam. I think it's a terrible thing that's happening to democracy and for this country."

He -- his obvious frustration is the fact that he's sitting there and this is happening to him,and he's not out there campaigning. But he did point to the fact that his poll numbers are still climbing.

WOODLAND: His poll numbers are climbing because the rest of the country sees this for what it is. It is politicizing -- it is a case that has no merit.

And when you bring a former president into a courtroom for no crime -- there is no crime yet. We're 17 days in. Where is the allegation of the crime? We haven't heard any evidence to this. So what it's looking like is what President Trump has been saying all along. They're trying to prevent him from going on the campaign trail, from shaking hands with Americans, from telling Americans what his story will be for the next four years if he's elected.

They are trying to prevent that.

SMITH: Hmm.

WOODLAND: The Democrats and this judge that -- the president had said the judge is conflicted.

Well, he should have stepped down. He should have recused himself from day one.

SMITH: OK, Andrew, Rebecca, we are watching together.

The former president's motorcade is departing the courthouse now, as we will now anticipate his arrival there tomorrow morning, and court will resume 9:30 a.m. Eastern time. Thanks to both of you for sticking with us.

All right, to another New York courtroom in the bribery case against Democrat New Jersey Senator Bob Menendez. Why something that happened today could be significant. We're on it.

(COMMERCIAL BREAK)

SMITH: All right, to another New York courtroom now where jury selection got under way in the bribery case against New Jersey Democrat Senator Bob Menendez.

Chad Pergram is live outside that federal courthouse where it is all going down.

Chad, what is the very latest from there?

CHAD PERGRAM, FOX NEWS SENIOR CAPITOL HILL PRODUCER: Sandra, good afternoon.

It's rare for a senator to go on trial. You had Ted Stevens, the late senator from Alaska, Republican in 2008. But the last senator to go on trial, that also was Bob Menendez in 2017. He was accused of taking bribes. He upbraided the FBI after that case. Listen.

(BEGIN VIDEO CLIP)

SEN. ROBERT MENENDEZ (D-NJ): This case started, was wrong. The way it was investigated was wrong. The way it was prosecuted was wrong. And the way it was tried was wrong as well.

(END VIDEO CLIP)

PERGRAM: There was a hung jury last time. That enabled Menendez to run for reelection and win in 2018. The feds say that's when trouble began.

Prosecutors accused the senator of obstructing justice in one case. He requested leniency for one constituent and accepted a Mercedes. Menendez is charged with working for Egypt and Qatar. But Menendez will not step down.

(BEGIN VIDEO CLIP)

MENENDEZ: I will not file for the Democratic primary this June. I am hopeful that my exoneration will take place this summer and allow me to pursue my candidacy as an independent Democrat in the general election.

(END VIDEO CLIP)

PERGRAM: Menendez had more support at the last trial. In fact, his Garden State colleague Cory Booker served as a character witness and sat in court for moral support.

Not this time, though.

(BEGIN VIDEO CLIP)

PERGRAM: How closely will you pay attention starting next week to Senator Menendez's trial?

SEN. CORY BOOKER (D-NJ): Not closely. I mean, this is a trial that's going to go on. I'm not going to follow the day-to-day.

(END VIDEO CLIP)

PERGRAM: Now, Menendez was chair of the Senate Foreign Relations Committee. That's why these Qatar and Egypt charges are so important.

He gave up the gavel to that committee. And he could face 200 years in prison if convicted. And they are still trying to seat this jury -- Sandra.

SMITH: Chad Pergram watching that for us.

Chad, thank you.

Former President Donald Trump in and out of New York court after a massive rally in New Jersey this weekend. Is this a sign this trial is helping, not hurting him, on the trail?

(COMMERCIAL BREAK)

SMITH: So take a look at this. This is New Jersey, a deep blue state, Donald Trump drawing a huge crowd there.

And it all comes as a New York Times poll, New York Times, shows him leading in five of six key battleground states. So could this trial be helping him?

Let's ask our next guests, USA Today White House correspondent Francesca Chambers and FOX News political analyst Gianno Caldwell.

What say you, Gianno?

GIANNO CALDWELL, FOX NEWS POLITICAL ANALYST: Well, I say that things are certainly changing in Donald Trump's favor.

And we're seeing crowds of the size that we have never seen before in ***politics***. And what's intriguing to me, especially as we kind of look over what has happened over the last year, especially considering the fact that Gen Z and millennials are now going to make up a major bulk of the vote, I'm noticing what The New York Times put out today, which was Mr. Trump and Mr. Biden are essentially tied among 18 and 29 years old and Hispanic voters, even though each group gave Mr. Biden more than 60 percent of their vote in 2020, and Trump also getting 20 percent of the black vote.

This is insane, Sandra. And I got to tell you, Donald Trump should continue doing what he's been doing, because it's working. In addition to that, the RNC needs to get on board with putting out coalitions. They need to make sure that these voters do come home and they continue for the future.

SMITH: It's described as at least 80,000, up to 100,000 supporters joined the former president in this historically deep blue state, Francesca.

I mean, this headline in front of me, drawing start contrast to Trump's beach rally in deep blue, New Jersey, a stark contrast to Biden's beach weekend. He's seizing on the opportunity, not in the courtroom, to go out there and do this. And that's the response, Francesca. What does that tell you?

FRANCESCA CHAMBERS, WHITE HOUSE CORRESPONDENT, USA TODAY: Well, President Biden and Vice President Kamala Harris have been hitting the battleground states hard.

And so what stands out to me in the polling that The New York Times has released and in the polling that USA Today has done as well is the fact that Biden is out there campaigning so aggressively and his numbers are still where they are, where Trump is leading him in these key states.

And the president has also put $44 million into advertising, some of that just announced recently in May, that's specifically targeting the black community, the Latino community, the Asian American community as well. And, again, the numbers are where they are.

So, while it's still early and, in USA Today's poll, 24 percent of people said that they could still change their mind, that 12 percent hadn't made up their mind, there's still a lot of persuadables out there, it is pretty significant and notable.

SMITH: Yes, I mean, and we're looking at the numbers up on the screen right now with Trump leading Biden in five of six swing states.

Gianno, that is really something to take note of as he continues into day 17 sitting in that trial in a New York courtroom. He's leading in five key states. Young and non-white voters are expressing discontent with the current President Joe Biden. And per a new set of Times/Siena polls, including one -- and, by the way, this is directly from The New York Times -- including one with The Philadelphia Inquirer, revealing an erosion of support for the president among young and non-white voters upset about the economy and Gaza, Gianno.

CALDWELL: That's right.

And enthusiasm is -- especially when you think about Black women, which is the bedrock of the Democratic Party, enthusiasm went from 69 percent in 2020 to now 39 percent. These are numbers that no one could ever make up, especially for a Republican.

It is extraordinarily important, I think, for Donald Trump to grab this moment by the bull and keep going, because people understand that the court cases that we have going on, especially after we had legal analyst after legal analyst say there's no case here, that clearly the motive with these trials are to prevent him from campaigning and to dirty him up.

But it is not working. It's actually having the reverse effect. And now we're going to have an election like no other in November, it appears.

SMITH: So, Francesca, if I were to ask you finally, do you think that this trial is helping or hurting the former president, you say what?

CHAMBERS: So, when you look at polling, what's hurting President Joe Biden is views on the economy. Voters say that that's their number one issue.

And so what it could be that we're seeing here is that views on the economy are overtaking Americans' views on any number of other issues in this election. But, also, as Gianno pointed out, Gaza, that's a big issue...

SMITH: Yes.

CHAMBERS: ... the Israel-Hamas war, with young people.

SMITH: Well, when we saw the president campaign -- the former president campaigning in New Jersey over the weekend, that was a big target of the current president, the economy. He said we're going to make the economy great again. The inflation has been tough for so many.

Thanks to both of you.

Gianno, Francesca, thanks for joining us.

And thanks to all of you for joining us here. Good to be with you all. And you can catch me weekdays on "America Reports" at 1:00 p.m. Eastern time.

Thanks so much, for Neil. I will see you tomorrow.

For now, here is "The Five."

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