

# [***Trump Found Guilty On All 34 Counts; Trump Sentencing Scheduled Days Before RNC; Biden Touts Judiciary While It Works In His Favor; Trump Vows To Fight Unprecedented Conviction; Next Steps For Trump After Guilty Verdict; Guilty Verdict Fuels Trump Campaign; De Niro Stunt Backfires On Biden Camp; Democrats In Freakout Mode Over Biden; Trump Expected To Announce VP Pick Next Month; Poll: 67 Percent Say Verdict Makes No Difference To Vote; Biden's Black Voter Troubles Sets Off Alarm Bells; The State Of The 2024 Presidential Race; Democrats Take Aim At SCOTUS Over Ethics Concerns; Biden Issues SCOTUS Warning If Trump Is Re-Elected; Alito Rejects Democrats' Call To Recuse Himself; Biden Reveals Ceasefire Plan To End War In Gaza; Laken Riley Murder Suspect Pleads Not Guilty; Biden To Take Border Action Ahead Of First Debate***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C5N-JTT1-F072-X000-00000-00&context=1516831)

Fox News SUNDAY NIGHT IN AMERICA 9:00 PM EST

June 2, 2024 Sunday

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**Section:** NEWS; Domestic

**Length:** 6766 words

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**Guests:** Lee Zeldin, Roger Severino, Stef Kight, Kelly Hyman, Robert O'Brien, Jonathan Fahey

**Body**

MARK LEVIN, FOX NEWS CHANNEL HOST: This book is illustrative of who he is and how he thinks. Again, stepping up to try and save the United States military from the Biden administration and the woke generals.

I encourage you to get it, strongly. "The War on Warriors," amazon.com right now. It comes out Tuesday. You can get it at any bookstore.

And we will see you next time on "Life, Liberty & Levin."

TREY GOWDY, FOX NEWS CHANNEL HOST: Good evening, and thank you for joining us. I'm Trey Gowdy and it is SUNDAY NIGHT IN AMERICA.

For the first time in history, a former president of the United States was found guilty of criminal charges. That happened in a New York state courtroom where the jury found former President Donald Trump guilty on all 34 counts. This is one battle in what promises to be a much longer war.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: Remember, Bragg didn't want to do the case. He came back. He said there is no case.

So everyone tells me this is the easiest case they've ever seen to overturn. But they don't care because they want it to last until after the election. Now, the only problem they have is that so far, my poll numbers have gone up.

(END VIDEO CLIP)

GOWDY: How did we get here? Prosecutors have more power than any other participant in the criminal justice system. There would be no Judge Juan Merchan presiding if prosecutor Alvin Bragg had not brought the case. He brought his case despite a record of being otherwise pretty soft on crime. Bragg struggles to find cases worthy of his time and resources, except for election-related cases against political opponents. If suppressing negative stories during a campaign is really a crime, you better star building more prisons.

Donald Trump will be sentenced July 11th, mere days before the Republican National Convention. Actual prison time is unlikely because Alvin Bragg, for the most part doesn't believe in prison, but we shall see whether Bragg and Judge Merchan put a first time offender in a non-violent case behind bars, and Joe Biden likes the justice system this week.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: And it's reckless, it's dangerous, it's irresponsible for anyone to say this was rigged, just because they don't like the verdict.

Our justice system has endured for nearly 250 years and it literally is the cornerstone of America, our justice system. That justice then should be respected and we should never allow anyone to tear it down. It's as simple as that.

(END VIDEO CLIP)

GOWDY: That's pretty rich given how often he criticizes the Supreme Court and he didn't seem too happy when Special Counsel Rob Hur referred to him as a feeble man who couldn't remember enough to even face criminal charges for possessing classified material. And time will tell whether he likes his justice system when his own son stands trial on gun and tax charges next week.

One thing is for certain, the justice system is definitely on the ballot this fall. Do we want a system where prosecutors like Alvin Bragg promise to go after political rivals and the left-wing media cheers? Do we want a system where the right is tempted to do the same thing when it regains power?

Or would we prefer a blindfolded woman simply holding a set of scales who could not care less if you are a rich, poor, Black, Brown, White, male, female, Republican, Democrat?

What we decide to do with our justice system will determine what is left of this great nation.

Joining us are attorney and former New York Congressman Lee Zeldin and Heritage Foundation Vice President Roger Severino.

Roger, forgive me, my favoritism is going to come through. I have to start with my old colleague, Lee Zeldin.

Congressman, I thought the verdict was about what you would expect with a vague indictment, a pro-prosecution judge and a pro-prosecution set of jury instructions. I mean, that all kind of leads to a guilty verdict.

LEE ZELDIN, FORMER NEW YORK REPUBLICAN CONGRESSMAN: Right.

When President Biden is referring to this as not being happy with the verdict, and that's why people are calling it rigged, the fact is, we have been critical of this process throughout long before the jury first had an opportunity to weigh in on the case that was before it.

Alvin Bragg campaigned on a pledge to take down President Trump and he comes in on his day one memo as you were referencing in a way about how he would refuse to prosecute crimes across the board, other felonies treated as misdemeanors, and you take a case that was declined by the Department of Justice, declined by the FEC, declined by Cy Vance, Alvin Bragg's predecessor.

You have a judge on this case, who is somehow the same judge on a Trump Organization case, the Weisselberg case, the Bannon case, as if he is the only judge in New York.

Jury instructions really trying to drive the jury towards one option and one option only and that is to find President Trump guilty. Yes, that's why people have been saying this whole process has been rigged throughout is that this description I just provide is actually just beginning to scratch the surface.

GOWDY: Roger, the Speaker of the House is a pretty, pretty good lawyer in his own right in his spare time. Let's listen to what he had to say.

(BEGIN VIDEO CLIP)

REP. MIKE JOHNSON (R-LA): I do believe the Supreme Court should step in. Obviously, this is totally unprecedented and it's dangerous to our system.

And I think that the justices on the court, I know many of them personally, I think they're deeply concerned about that as we are. So I think they'll set this straight.

This will be overturned, guys, there's no question about it. It's just going to take some time to do it.

(END VIDEO CLIP)

GOWDY: Roger, Mike is a really smart guy, but I'd be surprised if the US Supreme Court stepped in. I mean, I think there is going to be a sentencing in July. I think there's going to be a state court appeal. I think this is going to be an issue in November, but let's assume I'm wrong about all of that.

What are the best issues on appeal from your standpoint, both from the US Supreme Court standpoint and from the state of New York standpoint?

ROGER SEVERINO, VICE PRESIDENT, HERITAGE FOUNDATION: Sure. If you don't like the phrase rigged, how about railroaded? President Trump was railroaded because this judge had these jury instructions that said, you could choose your own adventure. You have three potential options as to how you could convict President Trump and you don't have to be unanimous as to which one of those counts it is.

That violates the Due Process Clause, that violates the Sixth Amendment. You have to be able to be confronted by the charges, so you could defend yourself. It could have been four jurors on one count, four on another, four on another. That's not how you run a justice system.

So if President Trump is actually put in jail, there's something called a habeas petition. You could go straight to federal court. If it goes to a federal court, it could go more quickly, and it could actually go to the Supreme Court.

So it's either under habeas petition or under the due process or under the Sixth Amendment. If it goes quickly, it will go to the Supreme Court. And I agree, I think this is on the road to reversal, which means it was all about ***politics*** from the beginning.

It wasn't about justice. It wasn't about law. It was about trying to interfere with an election, through the courts instead of the ballot box.

GOWDY: You know, I was actually in the courtroom or the overflow room for four days. I was a prosecutor. I know what pro-prosecution judges sound like and look like and rule like. I have never seen a judge this pro- prosecution.

Lee, there is a temptation to want to take an eye for an eye. I mean, that's just human nature. There is a temptation to do as to this do to them as they may have done to us.

So how do Republicans fight back without turning our justice system into just another political weapon depending on who has power?

ZELDIN: Well, first thing is making sure that we're settling a score at the ballot box. I mean, this is election interference. This is meant to lock up President Biden's chief political opponent, bankrupt President Trump and his family. And in some of these cases, remove him altogether from the ballot so that voters can't even pick their next president for them.

So for anyone who wakes up the day after this verdict comes out, and they're motivated, more motivated than ever to do something about this, well then get active. And we saw with tens of millions of dollars raised in the first 24 hours for President Trump, people can sign up and volunteer and we need to make sure that these people are not rewarded with more power.

So for Americans out there who are upset with what has happened, it is important to make your voice heard by talking about this case while you're talking about all the other issues that matter to you, and ultimately voting and maybe even volunteering or donating $5.00 along the way.

GOWDY: Roger, I do not Monday morning quarterback, being a trial lawyer is a very tough job. But I will ask you, it was a right defense that could have led to a different verdict or a hung jury. I mean, it is very hard to run for office and also be a criminal defendant, but was there a theory that you think could have worked in hindsight?

SEVERINO: I really don't think so. I predicted that there was going to be a conviction.

You had a politicized prosecutor with a politicized judge with a politicized jury pool in Manhattan. I mean, come on? We knew what was going to happen from the beginning.

But there is not much that could have been done, maybe they could have objected a bit more in the closing arguments. The judge allowed the prosecution to allege that there were these election crimes, that the conviction of Cohen matters to whether or not Trump did it and come on, there are all of these other little errors.

The defense did a very good job, but the deck was stacked against him. That's from the beginning, they were out to get Trump and they got him at this stage.

GOWDY: I tell you what? It is hard to object when you never win, because the jury thinks you're trying to keep stuff from them and it's a horrible look. So I would have sat on my hands too because every time they objected, it was overruled.

Lee Zeldin, Roger Severino, thank you so much. I have a sneaking suspicion the three of us will be back together at some point continuing this conversation.

Thank you for joining us on a Sunday night.

ZELDIN: Thanks, Trey.

SEVERINO: Thank you.

GOWDY: Up next, a dying empire. That's how young voters describe US ***politics***.

The first presidential debate is this month, believe it or not, so what is the state of the race? And will this verdict have an impact? All of that's next on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

It's hard to be a criminal defendant. It's hard to run for president. It's nearly impossible to do both at the same time, but Donald Trump is trying.

(BEGIN VIDEO CLIP)

TRUMP: This should have been a non-case and everybody said it was an odd case, including Bragg.

And then they saw the polls. I was leading the Republicans, I was leading the Democrats, I was leading everybody. And all of a sudden they brought it back.

But I'm very honored to be involved because we're fighting for our Constitution.

(END VIDEO CLIP)

GOWDY: Democrats may have won the battle, but they may wind up losing the greater war.

After the verdict, Trump's fundraising took off. Old enemies took his side and his supporters seemed more resolved than ever.

While Trump was inside a new courtroom, Joe Biden had his surrogate Robert De Niro weigh in.

(BEGIN VIDEO CLIP)

ROBERT DE NIRO, ACTOR: Donald Trump wants to destroy not only the city, but the country, and eventually he could destroy the world.

(END VIDEO CLIP)

GOWDY: I would say Robert De Niro sounds deranged and unhinged, but that's not fair to people who are really deranged and unhinged.

And it's not just old Hollywood actors who are panicking.

(BEGIN VIDEO CLIP)

JAMES CARVILLE, DEMOCRATIC STRATEGIST: Blacks are not coming home to the Democrats because Democratic messaging is full of (bleep).

DOUG SCHOEN, POLLSTER AND ADVISER TO THEN-PRESIDENT BILL CLINTON: The White House is uniquely tone deaf and not listening. There's a near total freeze out on outside advice to the detriment of Joe Biden and Kamala Harris.

ALYSSA FARAH GRIFFIN, CO-HOST, "THE VIEW": The time is running out, like we are six months out and I think we have to be honest, there is a chance this guy could win if we don't start fighting harder.

(END VIDEO CLIP)

GOWDY: I wonder if they ever stopped to ask why. Why is President Biden losing to or in a close battle with someone under multiple felony indictments? Why is President Biden in a close battle or losing to someone the left thinks is a threat to democracy? Could it possibly be that voters are tired of the hyperbole that you just heard? Could it be the left isn't talking about what the rest of America actually cares about?

Joining us now are AXIOS ***politics*** reporter, Stef Kight and Democrat strategist, Kelly Hyman.

Welcome to you both. Thank you for joining us.

Kelly, I was right there in New York listening to Robert De Niro. I mean, I didn't even need a microphone. I could hear him. He literally sounded like an escapee from the psychiatric ward.

So why would President Biden use him as a surrogate? There are so many persuasive, affable surrogates? I mean, I may disagree with them, but they're good surrogates that he could have sent. So why pick a Hollywood multimillionaire to try to relate to folks struggling with inflation?

KELLY HYMAN, DEMOCRATIC STRATEGIST: Well, that's something that you're going to have to ask the Biden campaign.

But let's look at the issues. I think the issues are key, we have to see what's going on with America and they have an important decision to make in 2024. And ultimately, it's going to be their choice of who they want in the Oval Office.

Do they want someone who has been convicted and will be a felon once the nominee happens, who is 78 years old? Or do they want the current administration? And that's what's great about our country, no matter if you're on the right or the left, that you can voice your opinion, you can get out to the polls and you can vote.

GOWDY: Stef, the debate is coming up. President Trump -- former President Trump has yet to pick a running mate. What else in your judgment can change the margins in this race?

STEF KIGHT, ***POLITICS*** REPORTER, AXIOS: I mean, the reality is all the polls do show that this is going to be a very close race between former President Trump and President Joe Biden, and you know, we've talked to strategists who have said that it really will come down to about six percent of voters in just about six states, those six key battleground states that are going to decide ultimately who will be the next president of the United States.

So these are very small groups of people who are still undecided. There is only numbers small groups of people who are still be persuaded between now and November. We are seeing increasingly that partisanship in the US has created people who are already decided. Trump supporters are not going to leave him no matter what. it is unlikely that the latest conviction on 34 counts will impact his base that supports him there.

And you know, we also know that there are never Trumpers, and people who are going to vote for Biden no matter what. So things I'm looking at are one, whether we see Black voters continue to stick with Biden, or if we see, as polls have shown, more Black voters, especially Black male voters switch and end up voting for Trump, that could be a population that could make or break it for Biden, especially in some of these key states.

And the other thing I'm looking at is how RFK, Jr. factors into all of this. We have seen that there is healthy support for an Independent candidate. We see it as kind of a protest vote. So depending on how many people, whether they're Trump supporters or otherwise, or Biden supporters otherwise, who ended up casting their vote for RFK, Jr. come November could also be a huge determining factor.

GOWDY: Kelly, I am going to pick on something that Stef just made reference to, and I'm not going to quote James Carville, because he has a very limited vocabulary that consists primarily of bad words that I would get a lot of trouble if I said, but essence of it is he doesn't like the message Biden is sending to voters of color.

Biden picked a Black vice president, he put a Black woman on the Supreme Court. So why is there this angst about Black voter turnout and support given that?

HYMAN: Well, I can't speak for him, but we have to look at the facts and I think the facts is key, we have to look at how African Americans were affected under the Trump administration. I think that's key.

And African Americans were, according to the statistics, were disproportionately left out from Trump's tax cuts. African Americans household received only five percent of the benefits of Trump's tax law, despite making up 13 percent of the households. And we have to look at Trump's track record with African Americans and when we can start when he was president.

GOWDY: Stef, I want you to take us home by reflecting on how the justice system is going to factor into this fall's election. I mean, like it or not, the justice system, in reality or perception has become an issue in the minds of voters, whether it's a murdered nursing student in Georgia, whether it's a misdemeanor in New York, whether it's Rob Hur's report on Biden or a Biden is on trial next week. The justice system seems like a really important political issue, but who does it benefit?

KIGHT: It's a good question, and I think we're all waiting to see how especially these latest convictions against former President Trump play out with the American public.

We, of course, see Republicans and Trump campaign seem very confident that this will ultimately help Trump. It is factored into the way that they are reaching out to Black voters. They think that by talking about Trump as a victim of the justice system that might help them with certain groups of voters that they're trying to win over and peel away from President Biden right now.

But you're absolutely right. He is not the only one facing serious legal issues here. Hunter Biden is also going to be facing his own trials, which is expected to be embarrassing, is expected to take up a bunch of Biden family drama that the president would rather not have out there.

And so these are going to be huge issues between now and November and Americans are distrustful of the justice system right now.

GOWDY: I guess, I'm glad I went to law school. I never thought that having a law degree would actually help me talk about presidential ***politics***, but I need to apologize to my law professors. They prepared me for it.

Thank you both very much for joining us on a Sunday night. I look forward to visiting with you again soon.

KIGHT: Thank you.

GOWDY: Still ahead, the future of the Supreme Court is doomed if you ask the left, they miss Souter and Brennan and Blackman and Earl Warren. GOP judicial picks who turned out to be liberal justices. Fox News contributor Ben Domenech breaks it all down next on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

JACKIE IBANEZ, FOX NEWS CHANNEL CORRESPONDENT: And this is a "Fox News Update," I am Jackie Ibanez in New York.

Water is flowing once again in parts of Atlanta after several major water main breaks caused days of outages there.

Officials say at least one of two pipes that burst Friday have been repaired so far. The breaks are affecting water service for tens of thousands of people and is forcing major attractions and businesses to close.

Officials are now slowly re-pressurizing the city's water system. A large swath of the city remains under a boil water advisory tonight.

And the Biden administration is expected to roll out sweeping executive action on the border as early as Tuesday. It will reportedly significantly limit migrants ability to seek asylum at the southern border with Mexico. The move comes after the collapse of a bipartisan border bill earlier this year. It allows Biden to make a stronger case that he's done all he can to secure the border.

I'm Jackie Ibanez. Now back to SUNDAY NIGHT IN AMERICA.

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

President Biden and First Lady Jill Biden are sending warnings about the Supreme Court if Biden is not re-elected. The president spoke at a campaign event this week in another attempt to court Black voters while the First Lady joined "The View" to promote her new children's book, both took shots at former President Trump claiming there would be disastrous results if he were re-elected in November.

(BEGIN VIDEO CLIP)

DR. JILL BIDEN, FIRST LADY OF THE UNITED STATES: And think of the Supreme Court, for God's sake, talk about things getting worse. Can you imagine if we put any more Republicans on the Supreme Court? No, we will lose all of our rights.

BIDEN: If in fact, we're able to change some of the justices when they retire and put in really progressive judges, like we've always had, tell me that won't change your life when Trump justices are already gutting voting rights, overturning Roe, decimating affirmative action and so much more?

(END VIDEO CLIP)

GOWDY: I guess they forgot it was actually a Republican appointed judge who wrote the Roe v. Wade opinion. It was a Republican appointed judge who preserved Obamacare. It was a Republican appointed judge who first dipped her toe into the affirmative action pool and another one who put limits on the death penalty.

It's funny how exercise the left gets when anyone goes after a judge, except it's fair game for the First Lady to do it while she's promoting a children's book.

I wonder if it bothers the First Lady that the judge who presided over the Trump trial actually donated to her husband. Meanwhile, Senate Democrats requested a meeting with Chief Justice John Roberts, to address the so- called ethics crisis, with a crisis apparently being what kinds of flags are being flown at the Alito home, perhaps we can all pitch in and send Senate Democrats a book on the separation of powers, or we can send them to the Menendez trial because nothing screams ethics quite like Robert Menendez.

But please, by all means, go check on the flags being flown at the Alito home.

Joining us now is Fox News contributor, Ben Domenech.

Ben, the right doesn't even get it right when it's their turn to bat. You've got Brennan and Blackman and Souter and Warren and John Paul Stevens. I mean, those were of all things, GOP picks. And even recently, Elizabeth Warren's beloved Customer Financial Protection Bureau was saved by justices appointed by Republicans. So I mean, really, the world is going to end if another Republican justice gets appointed?

BEN DOMENECH, FOX NEWS CHANNEL CONTRIBUTOR: Look, all these people live in this fantasy world where the Republican justices who are appointed are somehow these abject partisans who can't be counted on to have heterodox opinions on anything.

And of course, as you said there, there have been a number of choices where I feel like past Republican presidents have just gotten it wrong.

Look, I wish that you could raise the funds to send Sheldon Whitehouse a book on the separate separation of powers, I really doubt that he'd be able to make his way through it and understand it. But he especially can't understand the meaning of the flags hung outside of the Alito home as being anything other than a useful bat to go after these justices with.

There is one more subtext though, Trey and that's that, when I listened to Jill Biden complaining, I listen to that as being a complaint directed at Sonia Sotomayor, who if they actually wanted to, you know, really push to try to make a difference at this point. You know, there are a lot of Democrats who wish that she would have stepped down already, frankly, so that they would have an option to name someone younger to her seat.

And so the pressure I think, to expand the court, to engage in completely ridiculous unlawful, unconstitutional and really, you know, anti-balance behavior in terms of the way the Democrats have approached this issue, I think that that's definitely going to happen if Democrats are able to win back the White House with Joe Biden and win the Senate as well.

GOWDY: You know, Ben, that's a great point and it is also really rich that Justice Sotomayor as to all that Jill Biden's husband is not.

I want you to do something I never thought we do together, which is listen to a guy from Chicago lecture us about ethics.

(BEGIN VIDEO CLIP)

SEN. DICK DURBIN (D-IL): Justice Alito is not paying attention to his responsibility to the court, and to the American people. He can't play fast and loose with these political symbols without jeopardizing his own integrity.

SEN. SHELDON WHITEHOUSE (D-RI): I think the question is, how many MAGA battle flags does a Supreme Court justice have to fly until the rest of the court takes him seriously?

MANU RAJU, CNN SENIOR CONGRESSIONAL CORRESPONDENT: Should he recuse? Should he recuse?

WHITEHOUSE: Absolutely. Of course, he should

(END VIDEO CLIP)

GOWDY: Hey, Ben, if you can keep a secret. I have no idea what flags fly on my front porch. My wife is in charge of all of that. I couldn't tell you which flags fly. I mean, honestly, that's what's on their mind is what flags fly at a Supreme Court justice's house? I mean, what business is it of either one of theirs?

DOMENECH: Well, who gets to define what a MAGA battle flag is? I remember a couple of years ago when Colin Kaepernick went after Nike for having the Betsy Ross flag? Where I live in an historic area, I see those flags all over the place in an area that's so blue that I mean, it would, you know, crawl over broken glass to vote for Joe Biden again.

It's something that I think is absolutely ridiculous here. It's ahistorical, and when Sheldon Whitehouse says things like that, he knows exactly what he's doing, which is taking American history that should unite us around our founders, and around a founding generation that fought a revolution for our freedom.

This is a flag, you know, in the case of the Appeal to Heaven flag, the pine tree flag that actually was flying in front of San Francisco City Hall and had for years prior to this whole controversy. Who knew that they were flying in MAGA battle flag all along? Apparently, that's something that they needed to correct.

But that's the kind of ahistorical situation that we're dealing with here, where they will seek out anything to weaponize it against the court that they can't stand has a number of constitutionalists on it.

GOWDY: I just find it so rich that they criticize judges, like Judge Cannon down in Florida and Supreme Court justices when they don't like the outcome, but then they criticize Republicans who even like frown at judicial ruling. So the duplicity is even too much for me.

DOMENECH: Out of bounds. How dare you?

GOWDY: And I'm a lawyer, and it's too much for me.

DOMENECH: Yes.

GOWDY: Ben Domenech, thank you for joining us on a Sunday night.

DOMENECH: Good to be with you.

GOWDY: All righty, coming up, a ceasefire is on the table in the Middle East while tensions ramp up in Eastern Europe.

Former national security adviser, Robert O'Brien on how we steer away from World War Three, that's next and only on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

Eight months after Hamas brutally attacked innocent Israelis and provoked war in the Middle East, peace may finally be on the horizon. Israel has proposed a three part plan which could lead to a permanent ceasefire in Gaza and the release of remaining hostages.

President Biden called on Hamas to accept this new offer saying it's the best way to end this deadly conflict. The president also sent a message to those in Israel who want to keep fighting.

(BEGIN VIDEO CLIP)

BIDEN: I know there are those in Israel who will not agree with this plan and will call for the war to continue indefinitely. They want to keep fighting for years, and hostages are not a priority to them.

Well, I've urged the leadership in Israel to stand behind this deal, despite whatever pressure comes.

As someone who just sent the US forces to directly defend Israel when it was attacked by Iran, I ask you to take a step back and think what will happen if this moment is lost?

(END VIDEO CLIP)

GOWDY: A previous deal fell apart because Israel was being asked to unilaterally disarm. Biden remains under political pressure here as his Middle East policy seem to offend both the left and the right, depending on which day it is.

Are we closer to peace? Can there ever be peace with a group like Hamas?

Joining us as former National Security adviser, Robert O'Brien.

Mr. Ambassador, thank you for joining us.

How can you ever trust a group like Hamas, even if some agreement is reached?

ROBERT O'BRIEN, FORMER NATIONAL SECURITY ADVISER: Well, Trey, that's a question, you can't, and I was just in Israel, I got back about a week ago. I was at the sight of the kibbutz Nir Oz where the slaughter took place at the music festival site where the slaughter took place. This wasn't an invasion of Israel by Hamas. This was a slaughter of innocent Jews and others, including Americans.

And now this peace deal which the president announced, it's unclear if the Israelis are behind it. Netanyahu said it's a nonstarter. There's a lot of confusion about it because it doesn't bring peace to the region. It doesn't bring peace to Israel and Hamas.

So Hamas, the terrorist organization, they kidnapped -- they've got 130 hostages, the deal calls for the release of about 30 of those hostages in return for hundreds of Palestinian terrorists. So that sends a bad message to hostage takers in the first place.

I mean, that will increase the risk of more hostage-taking because it's a 10 to one deal, but that leaves a hundred -- approximately a hundred Israeli hostages, their bodies if they're dead, or if they're alive, not to be pushed off to deal with later.

It removes Israel from the population centers and let's Sinwar and Hamas, just like Baghdadi and ISIS were running the ISIS caliphate like Sinwar Hamas to run the Gaza, and then the cherry on the cake, you'll get a kick out of this. It requires the American taxpayers to spend billions of dollars to rebuild Gaza after Hamas attacked Israel. I mean, the whole thing is insane.

GOWDY: You have dedicated most of your professional life to resolving difficult, tough issues. So I'm going to put one before you. Israel, to me, cannot sustain perpetual war with its neighbors. It just -- it is too costly. It's too deadly. But the goal was to drive Hamas from Gaza. And that does not seem like it's been done. So I mean, Hamas is just going to regroup. Right?

I mean, unless you eliminate Hamas, they're going to regroup in a neighboring country or back in Gaza. I mean, unless you get rid of them, you're going to have war with them again, are you not?

O'BRIEN: You've got to figure it. Obviously, you're right, Trey, you've got to finish the job here and Israel has to finish the job. They have to take out the leadership. You can't kill the idea. You can't kill the jihadi idea, but you can take out the leaders and we did that in one of the rare victories we had since the start of the global war on terror was when President Trump eliminated the ISIS caliphate and we took out Baghdadi and we ended ISIS.

Israel needs to do the same thing, but it's been hard for Israel because for a hundred thousand votes, non-committed votes in Michigan, President Biden has put terrible pressure on the Israeli government and the Israeli people not to eliminate Hamas.

And we showed it can be done in the Trump administration, Trey, with the Abraham Accords. When Israel made peace with four Arab nations.

We can we can add to that. We can peace in the region. But it requires to eliminated the terrorists first. If we hadn't gotten rid of Baghdadi and ISIS, we would have never had the Abraham Accords.

GOWDY: Like a smart lawyer, you anticipated my last question to you, which is how much of what Israel is doing or having to do is based on American political pressure, because of Biden and his political challenges, and it sounds to me like American ***politics*** may be influencing our position with Israel, I'll give you the last word.

O'BRIEN: Well, it is certainly influencing how Israel is conducting the campaign and they've had to go slow. They have been able to use all the tools that they have to defeat Hamas. And that pressure is having a tremendous effect on the morale of the people of Israel knowing that their number one partner, the United States of America is not there to help them. That's a tragic situation.

GOWDY: Ambassador Robert O'Brien, thank you for your service to our country. Who knows? You may serve in another capacity at some point. Thank you, especially if you're joining us on a Sunday night.

O'BRIEN: Great to be back with you, Trey. Thank you.

GOWDY: Yes, sir. You too.

Too little too late. This week, President Biden is reportedly expected to shut down asylum requests and deny entry to migrants once daily thresholds are met. I wonder what took so long?

Could this possibly be in response to the border being the number one issue for voters?

And the killer of Georgia nursing student, Laken Riley was formally charged with murder. He pleaded not guilty even as an ABC News article said his case had become a "rallying cry for conservatives."

Actually ABC News, I think we're just sick of seeing innocent people out for a run get murdered.

Joining us is Jonathan Fahey, former acting ICE Director.

Director, I hate to sound cynical, actually, I don't. It doesn't bother me one bit. But why now? The border has been a disaster for years. So why now? Is there a "daily limit" to how much illegality or unlawfulness we can stomach?

JONATHAN FAHEY, FORMER ICE DIRECTOR: Well, I don't think it's wrong to be cynical here, Trey, because this is all being done because this administration is truly cynical on this issue.

They haven't done anything like you said for three -and-a-half years, even though we've had 10,000 and 12,000 people coming per day, but it's an election issue, so they want it to appear like they're treating this issue seriously, and trying to deal with it.

But we all know it's pure nonsense. They're going to do this, try it trying to come up with some executive order and then they're going to hope it gets challenged in court and they lose, so they can say oh, we need comprehensive immigration reform.

We all know this is nonsense. We all know it is geared to the election. If they really want to do something about this, this border has been open since January of 2021. We've all been talking about it. We've all been talking about the ways they can prevent it and they haven't cared and they haven't tried.

And in fact, they've demonized anyone that wants to bring it to their attention, even their own agents.

So this again, you're right to be cynical. But this is really the most cynical administration that puts ***politics*** ahead of the safety of American public, in front of the national security. They have this open borders political agenda, and at best, they will do something for a few months, and go right back to full on open borders, and probably even worse, if he gets re-elected.

GOWDY: All right, Jonathan, you're a subject matter expert. If President Biden were watching, and this may be a little past his bedtime, but if he were watching, and he said, all right, Jonathan, give me one thing I can do tomorrow that would do the most good and I don't need Congress, I can do it executively, what would you tell him?

FAHEY: It would be remain-in-Mexico. That would deter people from coming in from falsely claiming asylum because they would have to remain in Mexico until their case is heard. So that would deter the flow.

Secondarily, the people that don't come in through ports of entry, you should start arresting and prosecuting people that come in for illegal entry or illegal reentry, that would then stem that tide. And the third thing would be deport the people that are here that are at least criminals. This administration, as you know, and your viewers probably know, doesn't even deport criminals, they only deport them in the rare circumstances, to even be considered for deportation. They have to be convicted of an aggravated felony.

Going back to lesson number one thing, remain-in-Mexico would turn the tide immediately because it would disincentivize all of these peoples, these cartels that are trafficking people, everyone else, they would lose the incentive, they would lose the money and this could really be brought down to a ripple in almost, I would say, in almost no time because if people aren't getting in, they know they're not going to stay and then we don't have the problem anymore.

GOWDY: Morale of law enforcement is something I care a lot about. I cannot imagine the morale is good when you're being asked not to do something you can't even go out for people who have absconded before a trial. So how do you recruit people when they're being told not to do the job they were hired to do?

FAHEY: I really don't know. And it's a nationwide even under local law enforcement, particularly though with the CBP agents, ICE agents. Not only are they told not to do their job, this administration has shown they will harm them if they tried to do their job.

Remember those Border Patrol agents that they falsely accused of whipping migrants for racial motivations and it was entirely false yet they spread that line. So you know, the morale is terrible, but it can be changed, but it has to be changed with this election.

GOWDY: Jonathan Fahey, we shall see. The border is number one on the minds of the jury, the number one on the minds of the voters, so we shall see what happens this fall.

Thank you for joining us on a Sunday night.

FAHEY: Thank you.

GOWDY: Up next, you get to ask the questions, only on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

Each week, we enjoy hearing from you via e-mail and social media. We love hearing what's on your mind. So tonight, we start with Jim from Wisconsin.

(BEGIN VIDEO CLIP)

JIM FROM WISCONSIN: Hi, Trey. Jim from Wisconsin. Do you think the Democrats will continue to push their agenda through the courts after failing in Congress?

(END VIDEO CLIP)

GOWDY: Yes, Jim, they will. But so too will Republicans.

The legislative branch was supposed to at least be equal with the other two branches and arguably the strongest of the three, but it's not, not anymore. Now Congress looks like a bad episode of the Jerry Springer show and the courts are where people run to for change and that will remain the case unless and until the legislative branch reasserts its constitutional role.

Our next question comes from Peter from Virginia.

(BEGIN VIDEO CLIP)

PETER FROM VIRGINIA: Hello, Trey. This is Peter from Virginia. Do you think that your time spent being a prosecutor killed your soul?

(END VIDEO CLIP)

GOWDY: Peter, one of my favorite books in the Bible is the obscure book of Habakkuk. Habakkuk was a prophet who asked some fairly pointed questions of God. The book starts with how long God must I call for your help and you will not listen? Why do you tolerate wrongdoing? Why is there so much injustice? Those are good, fair, tough questions. Why do bad things happen to good people? Why do bad people escape punishment?

I will confess being a prosecutor turned me into much more of a cynic than I was, but I'm still asking questions just like the prophet Habakkuk. And I think as long as you're asking questions, your soul is still alive.

Next, Carol from Atlanta asked this.

(BEGIN VIDEO CLIP)

CAROL FROM ATLANTA: It is Carol from Atlanta. I have a question for you. If you could create an AI clone of yourself, what would you do to improve and what would you do differently?

(END VIDEO CLIP)

GOWDY: Well, like lots of people, I guess I would want to be smarter and funnier and faster and cuter, but if I tried to clone myself, my wife would intervene immediately and stop that from happening. I think she would tell you that one is enough and she might even tell you that one is more than enough.

If you have a question, e-mail us at [*GowdyAmerica@fox.com*](mailto:GowdyAmerica@fox.com) or on social media @GowdyAmerica.

Thank you for spending part of your Sunday with us. I hope you have a great week ahead.

Good night from South Carolina.

**Load-Date:** June 3, 2024

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