

# [***Trump Fraud Verdict: Former President Must Pay $355 Million; Stay Till The Very End: Biden Promises East Palestine The Work Is Not Over; Fire And Fani: D.A. Skips 2nd Day Of Testimony After Stunning Outburst; Equity Disaster! San Francisco Reverses Ban On Middle School Algebra; Climate Crazies Hate America: Two Arrested For Dumping Pink Powder On Constitution***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BBT-V281-F072-X002-00000-00&context=1516831)

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**Body**

NEIL CAVUTO, FOX NEWS CHANEL HOST: Well said. Guys, I want to thank you all on such a pressing day and so many legal cases. Other than that, not much really going on today. But the implications of all of this as there are going to be multiple press conferences planned and Fox will cover them all. Here's THE FIVE.

MARTHA MACCALLUM, FOX NEWS CHANNEL HOST: Hello, everybody. I'm Martha McCallum along with Jeanine Pirro, Judge Jeanine Pirro -- I'm sorry, Judge -- Jessica Tarlov, Jesse Watters, and judge -- you're a judge too, Jimmy, right?

JIMMY FAILLA, FOX NEWS CHANNEL CONTRIBUTOR: Judge Jimmy.

MACCALLUM: It's 5:00 in New York, and this is THE FIVE.

All right, everybody. We start with this Fox News alert. Two very big stories happening right now revolving around the front runners of the 2024 campaign. President Biden has finally gone to East Palestine on a long overdue visit more than a year after that toxic train derailment. We've got a lot to come on that and the reaction of people in East Palestine to this very late visit. But first, a New York judge dropping the hammer on former President Donald Trump's business empire, reaching a blockbuster verdict in the civil fraud trial and imposing a whopping $364 million penalty against his company.

Trump is personally on the hook for $355 million of that. It is over what the judge ruled a year -- what the judge ruled was a year's long scheme to dupe banks and others with financial misstatements and inflated the former President's wealth. Trump is also barred from serving as an officer or director of any New York corporation for three years. His sons, Don Jr. and Eric Trump ordered to pay $4 million. They also will not be permitted under this decision to be officers of a New York corporation for two years.

So, the former President is at Mar-a-Lago and is vowing to appeal this decision. He has pulled no punches throughout all of these legal situations and also when reacting to this verdict. He said this on Truth Social. "This decision, in quotes, is a complete and total sham. There were no victims, no damages, no complaints, only satisfied banks and insurance companies -- in quotes -- in parentheses rather, which made a ton of money."

The Democrat who started the whole thing by suing the Trump Organization, New York Democratic Attorney General Letitia James. she is expected to speak about an hour from now. She also just tweeted and called this a "massive victory." And it looks like she got exactly what she wanted. She ran on a campaign to do exactly this. Watch.

(BEGIN VIDEO CLIP)

LETITIA JAMES, ATTORNEY GENERAL, NEW YORK: I will never be afraid to challenge this illegitimate President when our fundamental rights are at stake. I believe that the President of these United States can be indicted for criminal offenses.

UNIDENTIFIED FEMALE: Will you sue him or us?

JAMES: Oh, we're going to definitely sue him. We're going to be a real pain in the (BLEEP). He's going to know my name personally.

I look forward to going into the office of Attorney General every day, suing him, defending your rights, and then going home.

(END VIDEO CLIP)

MACCALLUM: Incredible, right? I mean, I know pretty much everybody at the table is kind of jumping to talk about this, but I'm going to go to Judge Jeanine first because she looks the most ready.

JEANINE PIRRO, FOX NEWS CHANNEL HOST: Well, actually, look, this is an outrage. What you're seeing is an attorney general who in any other time or any other day would have been removed from office based upon her promise to go after a person against whom there was no crime alleged. She just looked at him until she found something that she thought was appropriate.

I have never seen a law that was written to protect consumers used against a man in an organization where not a one consumer was harmed, not one bank was harmed. They never missed the loan payment. They never were in default on any loan. Deutsche Bank and every other bank that did business with the Trump Organization made hundreds of millions of dollars.

And let me be clear. Donald Trump and his organization made it very clear on their loan applications that they were disclaiming their evaluation and saying that the banks and the insurance companies and everybody else should do their own evaluation. And that's what the business world, that's how it works. They knew it. They understand it. They have forensic accountants. They have real estate evaluators. They have all kinds of people who assess whether or not the property is worth their investing in so that they don't lose money. And they never did lose money.

And the Trump Organization never went out of business. They didn't scam anyone. No one is alleging that they were defrauded or wrong. This is -- I'm tired of the word lawfare. This is an attempt by people to take down a former president who was beating the president in terms of the polls and looks like he's going to beat him in the next election. This is what third world countries do. It's outrageous.

And I've got -- just so you know, I've Eric Trump was going to be on Laura Ingraham tonight and he's going to talk about the fact that neither he nor his brother were any part of this evaluation process. And they have each been levied $4 million, I believe, when they were never in the back rooms and part of any of this stuff.

So, there's also another legal issue and I'll finish. The appellate division, which is the court above this mozo who I could go into but I won't, they said that anything before 2014 is barred by the statute of limitations. This inept, incompetent, progressive left this judge that I wasn't going to talk about, he then took all of the properties before 2014 and included them in his assessment of things that he felt were overvalued. So, he is as corrupt as the day is long. And I'll end it at that, the judge.

MACCALLUM: You know, Jessica, politically, it just raises the question of whether or not they -- this is overboard, right? We've seen it backlash and hope this candidate every step of the way. 380 -- $364 million. I looked at -- I think Norfolk Southern paid about $350 million for ruining an entire town. I have a counselor of people who are devastated. There -- my home is gone forever. I feel sick. I've felt sick for months. I mean, the egregiousness and the damage is so clear in these cases, right?

Then look at another case. O.J. Simpson, civil case, OK? $30 million for the murder of two individuals. This number seems to come out of I don't know where because you don't have anything documented by these banks that they were wronged to this dollar amount or that dollar amount. So, it's like another punitive situation. Well, just because he didn't have enough remorse, we're going to make him pay $360 million. What's the political impact of this? Do you think it helps or hurts?

JESSICA TARLOV, FOX NEWS CHANNEL CONTRIBUTOR: So, first of all, I think that Norfolk Southern should be paying a lot more and I -- that was part of President Biden's remarks and we'll talk about that in the next block. The family of Nicole Brown should have been paid a lot more for her murder. I mean, these -- everyone should owe more in those kinds of cases.

MACCALLUM: In both cases.

TARLOV: Very clear crimes. But Donald Trump was convicted of this before we got today's sentence -- to today's sentencing. The judge had already found --

MACCALLUM: By the judge, by just the judge.

TARLOV: But that is how the system works.

PIRRO: It's fined but not convicted.

TARLOV: Sorry. Liable of inflating assets between $812 million and $2.2 billion. And I understand on the appeals front and it will go to appeal. He has 30 days to do it and I think his lawyer already has that they are going to have to, as the judge said, prove that somebody was actually wronged by this, right?

MACCALLUM: (INAUDIBLE)

MACCALLUM: Well, we'll see what happens. But you can't deny the fact that Donald Trump is somebody who has consistently defrauded people, not paid his bills. I mean, this is what happened in the 2016 election when Hillary had a slew of ads about how he steps everyone from contractors, people who work in his buildings, etcetera. And this is the character of the man. These are huge inflation to get cushier interest rates.

I mean, saying that his apartment in Trump Tower is 33,000 square feet when it's really 11,000. Mar-a-Lago, his tax broker said $27 million, rings it as a social club. When he's running around saying it could be $1 billion, it's actually $517 million. Their consistent lies, they are trying to -- I understand people -- just because Deutsche Bank got richer doesn't mean that it's wrong.

Political implications. I happen to think and have said this since the beginning that no trials or convictions will matter except for things like in Georgia. And obviously, that is complicated this week by what's going on with Fani Willis, and election interference in the Mar-a-Lago documents. But he does better in the primary. But if you look at, and we talked about this in Iowa and New Hampshire, when you talk to voters about what's going to happen in a general election and if he is convicted of something, 32 percent in Iowa said they won't vote for him, over 50 percent of New Hampshire said they won't vote for him.

People don't want to vote for a felon. They don't want to vote for a criminal. Right now, he can coast along and say this is about bias against me. You know, I've never touched E. Jean Carroll, even though he owes $83 million for doing that and then defaming her. So, I don't -- I think it does hurt him in the end, but not in this primary. He'll be even more of a juggernaut.

MACCALLUM: Jesse, what's your reaction?

JESSE WATTERS, FOX NEWS CHANNEL HOST: When you're saying that people won't vote for a criminal, you're criminalizing him. All of these Democrats are just indicting him. And then you'll get a conviction and then they'll get appealed and they'll go to the court. You're ruining the process. You say, this is how the system works, Jessica. This has never been how the system works.

In the history of New York state, the Associated Press investigated, there has never been a case like this. Look at how this statute is supposed to go. A fake lawyer sells false claims, swindling people out of their home deeds, some fake shrink sells some made up solution to your head trauma. This is not the Trump Organization. You see people don't want to be involved in the Trump Organization? There are like dozens of Fortune 500 companies who are tenants in his buildings.

People love working for the Trump Organization. The doorman, the guys that work in the elevator. There's no people that are complaining about getting swindled who are working for the Trump Organization.

TARLOV: Trump's name has been ripped off all of the buildings along the West Side Highway.

WATTERS: OK.

TARLOV: These people don't want to live in something with the man's name on it.

WATTERS: You were talking about partisan activists in Manhattan.

TARLOV: All of Upper West Side is not partisan --

WATTERS: All -- we're talking about -- they took his golf club away. People love that course. If you played it, you love it. If you could play golf, you'd love it, Jessica.

TARLOV: I can't. I'm a tennis woman.

WATTERS: You probably shoot under par. Let me tell you something. This woman, Letitia, she campaigned on fighting people instead of crime. You can't go outside without worrying about getting pickpocketed. This city's a mess. And she's fighting a case like this with no victim, no losses.

You have an apartment, Jessica. If you want to sell your apartment or if you want to get a loan against your property, you go to the bank and say, this is what the apartment's worth. The bank says, I think it's this worth. And then you guys come to an agreement and you get a loan or you sell it to somebody. That's how real estate transactions are done.

If you are convicted of something like this for saying, oh, well, you know what, the apartment's maybe not 30,000 square feet, maybe it's less than that. That's a $300 million fine. You won't have real estate in Manhattan if that's the rule.

FAILLA: Good point. Speaking as the other judge here on the panel right now, I'm obviously not a financial expert.

MACCALLUM: You were appointed by me though. So, I just want to --

FAILLA: Deputized.

MACCALLUM: Just so we're clear.

FAILLA: It justifies all the robes I wear around the building. Back off H.R. I am a judge and I'm not a financial expert. The last time my identity got stolen, my credit score went up 22 points, OK. This is not my purview per se. But to oversimplify this for the viewers, what we need to understand is when we say that no one is claiming victimhood, OK, meaning not the banks, not the lenders, OK, this is the financial equivalent of convicting someone for murder, but no one's dead. And that's why we're outraged.

There has been no crime from the standpoint of there's an aggrieved class we need to avenge. And that's why this looks so brazenly political. Understand, a lot of the attacks on Trump are being sold to us as an effort to protect democracy. What sought you just played to start off the show was her denying the legitimacy of the 2016 election. It began with her going, we're going to get this illegitimate president and break him down.

PIRRO: That's right.

FAILLA: And she ran on that the way. They get away with this, really quickly, I don't mean to get all serious because people bring me on because I talk like I get paid in tide pods and tequila and that might be true, OK, they manufactured a hysteria around Donald Trump, OK. Trump was part of the fabric of polite society his whole life. The man hosted a primetime show on NBC for 15 years. He was not a fringe loony with a bunch of white supremacist friends. He was their friend. They went to Mar-a-Lago. They went to his wedding. The Clintons hung out with him.

When he entered ***politics***, they manufactured a hysteria of we don't know this man. I'm like, you know, aside from all the selfies of you hanging out at his country clubs, you don't know this man. But what they're doing in this moment is they're going to this place of emotion that the rest of the country isn't on board with. Meaning, emotion denies you self-awareness that would otherwise tell you you sound crazy. So, they've taken this to a place where the rest of us are just like, I don't know. No one is mad about the loan, shut up and move on with your life.

Judge Jimmy has spoken.

PIRRO: Can I end one thing? One of the things that --

MACCALLUM: You're a real judge.

PIRRO: Yes. OK.

FAILLA: Whoa, whoa, whoa, whoa, whoa.

PIRRO: So, you're overruled. One of the things Jessica says was, well, we've seen all these people who are ripped off by Donald Trump during the campaign or whatever it was. That doesn't mean that an unhinged judge can go in and say, I don't like what happened between you two parties where you both made money, and therefore I'm going to discourage $360 million. This is America. We have a constitution. There is a right to due process. That's not due process. And I will bet my house this is reversed on appeal.

FAILLA: Well, Trump should pay this in quarters.

MACCALLUM: All right, so coming up next, President Biden in East Palestine today one year after the toxic train disaster.

(COMMERCIAL BREAK)

WATTERS: He finally showed up. Biden is in East Palestine, Ohio today more than a year after a train derailment spewed toxic chemicals into the town's air, soil, and water supply. The President promised he'd visit the town weeks after the derailment but was just waiting for the right time, like election season. Here's the President.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I want to thank the folks of East Palestine. I want them to understand that uh we're not going home no matter what till this job is done. And it's not done yet. There's a lot more to do. The vast majority has been done but we're going to stay to the very end.

While there are acts of God, this was an act of greed that was 100 percent preventable. Let me say it again an act of greed that was 100 percent preventable.

(END VIDEO CLIP)

WATTERS: Residents protesting Sleepy Joe's late visit and for good reason. One East Palestine man says he can smell chemicals. Listen to this.

(BEGIN VIDEO CLIP)

RUSSEL MURPHY, RESIDENT, EAST PALESTINE: When President Trump came, you know, almost in the background you heard Toby Keith's song courtesy of the Red White and Blue or Steve Perry Journey song Open Arms. You know, when Biden is going to show up here in a little bit, I think his lead motorcade car is going to be playing American Idiot by Green Day.

He should have been here a way, way long time ago and had a game plan. It's been a year, a year, over a year and we're still waiting. Now, I don't know what his sleep schedule is but you know, it probably might have taken a year to build up to this trip. I don't know.

(END VIDEO CLIP)

WATTERS: As he points out, a better president was already there. Donald Trump calls it an insult for a Joe to take the trip a year late.

Judge Jeanine, I don't think he would have gone if the press hadn't just kept asking about it. He wouldn't have ignored it.

PIRRO: Yes. Well, look, you know, there's a saying better late than never. I think in the East Palestine case it's better never than late. I mean, what he did was he just allowed that town to percolate their anger. It is a Republican conservative county and he didn't show up there. And Karine Jean-Pierre kept saying well his schedule, he can't do it, you know, when he can fit it into a schedule.

Guys, he had 140 days of vacation last year. You had 14 if you're lucky. 140. And at 7:45, so much for we're going to be here until this is finished, 7:45 he's going to Rehoboth Beach tonight. And this is a toxic train disaster in a chemical spill. He says everything is OK. I think that was his line. Everything is OK now. But the truth is that these residents want low interest rates, they want no interest rates loans, they want the CDC to monitor the town. And what they want is they want to be saved. They want to survive. They say they can still smell it.

And you know, it is -- it is really a sad scenario where this guy -- and you got to admit, Jesse, this guy today speaking is very different from the Joe Biden who spoke in 2021. That cognitive decline in the inability to speak is -- you could see it. It is clear as day.

WATTERS: Why do you think he took so long to go over there, Martha?

MACCALLUM: I think it's partly political as Jeanine says. I think he looks at that district, he looks at Pennsylvania, you know, but over the -- on the whole, the polls that we're seeing in Pennsylvania is, you know, you see one swing state poll has Trump up five and then there was one that showed Biden up eight. This is going to be a tight state, Pennsylvania. So, he needs to pay attention to the entire state of Pennsylvania. It's also on the border of Ohio so you've got mixed media markets on that border between Ohio and Pennsylvania.

And I do -- I agree with Jeanine. When you look at -- if you compare this President the way he spoke just now, and this is objective to the way he was speaking a year or two ago, there's a change. We had a poll this week. 81 percent say that they don't believe that the President is up to another term. So, he's got a lot of problems on his hands.

He scolded Congress -- I thought it was interesting that he scolded Congress this week for taking two weeks off and not coming back with a foreign policy funding plan for Ukraine and Taiwan. I was like, maybe you don't want to go there with the 140 days that you just brought up, Jeanine. So --

WATTERS: Judge Jimmy.

FAILLA: Yes. I still -- you have to -- I think you have to --

MACCALLUM: Your honor.

FAILLA: You do have to embrace the magnitude of the day. It's historic in the sense that it's not every day a train wreck visits a train wreck, you know, but that's the reality of what we're looking at here. It's obviously the condition of the polls. But let's not forget the condition of the town right now. If Biden goes a year ago and brings attention to the situation, you are looking at derailed trains, you are looking at burnt out buildings.

It's a little cleaner now and the optic for him is better. I don't think they wanted to highlight the ineptitude of the transportation situation a year ago. But the reason the presidents are supposed to go to situations like this -- because people always say, what's the big deal? He goes, he doesn't go, what does it matter? It's not like he picks up a shovel. It's because when the president goes to the site of a tragedy, he brings the White House Press Pool and that nationalizes the story. It gives us a hey, we're all in this together.

Like when Trump got in trouble for throwing paper towels. I believe it was down in Florida or Puerto Rico maybe.

TARLOV: Puerto Rico.

FAILLA: OK, let me get that right. OK, part of being there is the camaraderie of the American people are here to lend you our support. So, him not going a year ago was an indifference to them. Him showing up today is a very brazenly way of saying the ***politics*** are more important than the people. There's no way around that.

WATTERS: Jessica?

TARLOV: So, I would never deny the ***politics*** of a politician. Left, right, and center, everybody does what's going to be good and advantageous for them. It is in Ohio, but obviously Pennsylvania is completely clutch for him. And Ohio is gone for most Democrats except maybe Sherrod Brown, fingers crossed he can hold on there, but we don't win Statewide there anymore.

Presidents though cannot go to every disaster. It's just not physically possible. Take your point, vacation, if you want to do the how many vacation days did Trump take, how many Biden did, I'm prepared for that conversation, but they can't go to everything. And we already discussed the fact that the second there was the hurricane in Florida in July over the summer, President Biden went down there shoulder-to-shoulder with Ron DeSantis who said he's giving us everything that we need. I could not be happier with the administration, with FEMA, etcetera.

But because of ***politics***, when these things happen, there is a lot of faux outrage. And I remember back in 2016 when Donald Trump was campaigning, he showed up in Flint, Michigan, a district he would never win. And he said I'm going to deal with your water crisis efficiently and effectively. And you know what else? I'm going to talk about it in my first joint session of Congress. And he got up there and he said nothing about Flint, Michigan. And Dan Kilde who's the congressman there released a statement saying we're disappointed. You brought someone who was actually working on the crisis.

And you talk about the paper towel throwing is endearing. There are a lot of people who thought that it was offensive. So, Donald --

FAILLA: In Twitter.

TARLOV: Not just Twitter, like real-life people. And he went down there two weeks after which was in the appropriate amount of time. That's when the mayor said you know you should come down here. He threw the paper towels at people and there was an I.G. report out of HUD.

WATTERS: He didn't throw the pad.

FAILLA: Yes, you were trying to bean him like it was dodgeball.

WATTERS: Let me ask you question.

TARLOV: No, no, let me ask you, if I could just finish and then I will take any.

WATTERS: A serious question because we do have to go, Jessica. If someone is over there 20 ft away --

TARLOV: No, no, no.

WATTERS: -- and they're asking for paper towels, how should the President deliver those paper towels? Should he walk.

TARLOV: That person did not walk in and say, you know what I need sir, I need some Bounty. OK, there was a --

WATTERS: They were handing out Bounty.

PIRRO: They were handing them out.

TARLOV: Are you guys really --

FAILLA: Who elected you a spokesperson for the paper towel recipient?

WATTERS: That's not a hill you're going die on, Jessica.

TARLOV: I see what you're doing. The red light is on. I will die on this hill. There was an I.G. report out of HUD that showed that $20 billion in aid for Puerto Ricans after her Hurricane Maria was delayed. That was on Donald Trump's watch. I didn't hear about it from anyone who are so outraged --

FAILLA: Well, Biden was supposed to be better than Trump. He's not -- Trump is not supposed to be the standard.

TARLOV: OK. But at least we've admitted that Donald Trump --

(CROSSTALK)

FAILLA: I don't have the answer on paper towel thing.

PIRRO: And I thought Biden was supposed to be the guy who would make Americans feel comfortable again. He's supposed to be the big man in the room. He's supposed to be the adult.

FAILLA: Whether you voted for me or not.

PIRRO: Who is he comforting? No one.

TARLOV: No one that you know, a lot of people that I know. And the people in Florida like Ron DeSantis.

PIRRO: Well, what if there are a few Democrats in that town? He's not comforting them.

TARLOV: It's not just --

PIRRO: And you know what? The other guy, the -- what's his name, Transportation? Buttigieg. He didn't even tweet about it for a while. He didn't even know about it.

TARLOV: Oh, my God.

FAILLA: Listen, today is a win because it's the first time he went near a train track and didn't tell that dumb story about the Amtrak conductor who died 20 years before he got into office.

TARLOV: And Corn Pop was real.

FAILLA: And a bad dude.

PIRRO: Next.

WATTERS: One thing, Jessica --

TARLOV: No. No more things.

WATTERS: The money that actually went to Puerto Rico, it was stolen by a Democrat politician, so take that.

Trump is going to make remarks at Mar-a-Lago at 5:45, just 15 minutes from now so stay with us.

TARLOV: I can't wait.

WATTERS: But up next, a surprise twist in the love affair between Furious Fani and lover boy.

(COMMERCIAL BREAK)

PIRRO: Another shocking twist for the daytime soap opera in Georgia. Embattled D.A. Fani Willis not taking the stand today at a hearing on allegations that she had an improper relationship with her lead prosecutor in the Trump case. Willis skipping out a day after her explosive and combative testimony shocked the judge, and according to one report, her own team. Watch.

(BEGIN VIDEO CLIP)

FANI WILLIS, DISTRICT ATTORNEY, FULTON COUNTY: You're confused. You think I'm on trial. These people are on trial for trying to steal an election in 2020. I'm not on trial no matter how hard you try to put me on trial.

It is a lie. It is a lie.

SCOTT F. MCAFEE, JUDGE, FULTON COUNTY, GEORGIA SUPERIOR COURT: We're going to -- Ms. Willis, Mr. Sadow, thank you. We're going to take five minutes.

(END VIDEO CLIP)

PIRRO: Today, a much calmer scene. Fani Willis' father testifying as the defense died into when he stopped living at her house and when he met his daughter's lover, Nathan Wade.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: That you remember you met in 2023, right? That was the first time --

JOHN CLIFFORD FLOYD III, FATHER OF FANI WILLIS: Correct.

UNIDENTIFIED FEMALE: OK. So, you're -- so, Miss Willis had not told you about Mr. Wade prior to that?

FLOYD III: Absolutely not.

UNIDENTIFIED MALE: Now, it wasn't common for your daughter to confide in you about her romantic life at all.

FLOYD III: No. And I didn't -- I haven't confided in her about mine before when I had one, OK.

(END VIDEO CLIP)

PIRRO: The media conflicted about Willis' action. Some legal commentators on other networks declaring "game over" for the Fulton County D.A. but others are going all in to defend her. Watch.

(BEGIN VIDEO CLIP)

GLENN KIRSCHNER, LEGAL ANALYST, MSNBC: She was angry, and she had every right to be angry. She was hot but she had every right to be hot. She remained respectful but forceful. And I don't think this hearing will win the defense any relief whatsoever.

JEFFREY TOOBIN, LEGAL ANALYST: I think she's a good witness.

ARI MELBER, HOST, MSNBC: There can be a rather ridiculous, tendentious, almost harassing level of legalistic personal attacks.

SUNNY HOSTIN, CO-HOST, THE VIEW: That's what happens when you put a really good lawyer on the witness stand. She was speaking to her constituents.

UNIDENTIFIED FEMALE: I thought she was fiery. I thought she said important things. I think that she set herself up for a lot of criticism. But I think this is a woman who doesn't give a damn about that.

(END VIDEO CLIP)

PIRRO: All right, Martha, I'm going to start with you. I mean, my position is very clear given my background. This woman was out of control she was making statements when there were no questions on the floor. Her statements were unresponsive. The judge was a wimp. He couldn't control her.

And now they're saying she was speaking to her constituents. No, you don't do that in the courtroom. She was respectful but forceful. No, she was -- she was antagonistic. What was your take?

MACCALLUM: Well, I mean, I -- we covered it live yesterday. It took the whole show. She -- we weren't necessarily expecting her to take the stand at all. I thought it was like a scene out of a courtroom drama. She came in there and she was like -- she was shaking at one point when she was, you know, putting her hand to it, fine. She -- you know, she got um emotional at points.

But you know, the fact that -- in that montage it's like she was saying important things. The first thing that leapt into my mind is that she likes Grey Goose, she went to a really nice-sounding trip in Napa. And all of that is fine. You can do all of those things, but you can't do all of those things with the state dollars that go towards funding these kinds of prosecutions.

And the look is so bad for these two, right? And if you really want to have a clean, unimpeachable case, you want to dot every I and cross every T. And the scary thing is that it's hard to watch all of this without feeling like this kind of thing happens all around the country.

PIRRO: Well, and you know, Jesse, with respect to that, I mean, the issue is whether or not she will be removed from the case and Wade will be removed from the case based upon a relationship where apparently, they're saying they both lied. But more importantly, that money that she gave him to the county turned around and came back to her.

Now, there is a very low bar in terms of the appearance of impropriety. We don't have to convict them of anything. There -- if there is an appearance of impropriety, an appearance that you know, that money that he got was used to take her on trips -- and she can't prove she gave him cash. You know, you think they'll make it?

WATTERS: Well, the appearance of impropriety where you're bragging about eating caviar and drinking champagne in Napa County with a guy you hired while you're supposed to be prosecuting, they tell us the most important constitutional case in the nation's history. Remember how we've been told how somber and serious these court cases were, how this was about saving democracy. And she's out there saying yes, I threw him a G, cash, it's what we do. It's a Black thing.

Her dad is out there saying, yes, we're keeping a lot of cash in the house. Yes, it's a Black thing. He's a former Panther, pulls out props, magnifying glass. What is this? I'm being told she was wearing her dress backwards. Now, I can't confirm that. I'm sure it was on the right way. But this woman did not have a good day. If she did, she would have been back on the stand today.

PIRRO: Well, and you know, it's interesting that they expected her. I'm -- I don't know about whether she was under subpoena. It seems she just came in on her own.

TARLOV: Yes. So, she wasn't -- I don't know if she was watching Wade's testimony or if someone just told her how bad it was.

PIRRO: Well, she wasn't supposed to be.

TARLOV: But yes, she just --

MACCALLUM: She had a back and forth. She didn't answer that question.

PIRRO: Yes, she didn't answer. And the judge wouldn't force her to answer it. Shame on him again.

TARLOV: Shame on you, McAfee. At the very least she heard what a disaster it was because all of us were watching in the morning. I think she did way better than he did certainly, and was much more forceful certainly in talking about the details of this, and he just looks scared of the entire thing. But CNN is reporting that she was supposed to take the stand today but didn't because her team felt like yesterday was strong enough to --

(CROSSTALK)

MACCALLUM: She hit it too yesterday. Don't mess with a good thing.

TARLOV: Well, but let's see what happens.

MACCALLUM: Yes.

TARLOV: You know, this is -- we can't predict it. I don't know. We're not in Judge McAfee's mind about this. But I will say I consumed a lot of coverage of this last night, looked at all of the channels, and that there was a big discrepancy between what the legal analysts were saying and what the commentators were saying. Only a few lawyers said like you go girl. Most said if she lied --

PIRRO: Oh, yes. Out of control.

TARLOV: If she lied to the court or if he lied to the court, that is disqualified.

MACCALLUM: But it's true. Quickly, it's true that she is not on trial.

TARLOV: No.

MACCALLUM: This is -- she has not been --

PIRRO: No.

MACCALLUM: She has not been charged with anything.

PIRRO: Every witness --

MACCALLUM: This is about whether or not she gets to continue the case.

PIRRO: But every witness is on trial in terms of their credibility when they take the stand --

MACCALLUM: She could lose the case.

PIRRO: Are we going to believe you or not believe you?

FAILLA: No, that's what it comes down to. Her integrity is on trial in that moment.

PIRRO: Wait, I haven't asked the question yet. Jimmy, hang on. Hang on.

FAILLA: Sorry.

PIRRO: She and her father say -- her father said it's a Black thing that we hang on to cash.

FAILLA: Yes, yes.

PIRRO: What do you make of that?

FAILLA: Well, I think what they're trying to do is curry favor because it looks folksy when you go like, it's a Black thing or like my daddy always told me when I went on dates. They did a lot of that yesterday. Here's the two pieces of advice I would give you. If you're lying, and you know you have to lie to the answer to a question, don't pause for 45 seconds, OK. If a cop pulls you over and goes, have you've been drinking? If you pause for 45 seconds before you say no, you're getting dragged out of the car by your ear.

MACCALLUM: That was brutal.

FAILLA: But I want to congratulate them because they just launched a fantastic TV spin-off called the Stupid People's Court. The only thing I would add is in defense of the dress, it might have been on backwards, but in her defense, she does take it on and off a lot from what we learned.

WATTERS: I'm sure she wore it properly.

TARLOV: She did.

WATTERS: She wore it properly.

PIRRO: She did?

TARLOV: Yes.

PIRRO: She wore it properly.

TARLOV: Yes. Are we really --

PIRRO: Yes, she did wear it properly.

FAILLA: Listen, she did everything by the book and that book was The Kamasutra. Anyway --

PIRRO: Yes. And you know, just another point of information, do you know that the judge has been a judge for less in a year and he's running for office in three months, trying to curry a little favor there.

WATTERS: She's -- Fani is fine.

PIRRO: Former president Donald Trump --

TARLOV: It doesn't --

PIRRO: -- would make remarks at Mar-a-Lago soon. Coming up, equity disaster in San Francisco. Why a focus on race caused students math scores to fall off a cliff?

(COMMERCIAL BREAK)

FAILLA: Here it is. another equity disaster in Liberal California. San Francisco schools are reversing a decade-long equitable ban on middle school algebra after the leftwing policy did some serious damage to student math scores. With stories like that piling up, perhaps it's no wonder that Joe Biden's Education Secretary says universities are starting to hide the word equity.

(BEGIN VIDEO CLIP)

MIGUEL CARDONA, U.S. EDUCATION SECRETARY: I had a leader of a university tell me we had to scrub the word equity from your bio because it could create problems. We are American and this is American equity. I always say I'm as American as apple pie and rice and beans. Get used to it, damn it.

(END VIDEO CLIP)

FAILLA: I'll start with you, Martha, as a parent. I just -- it makes me angry. I mean, you know, the pro -- he's sitting there laughing. We have kids all across this country who have not been able to catch up from COVID learning deficit, and he doesn't talk about it. No one talks about it. We have an education crisis in this country and he's laughing about referring to himself as you know apple pie and rice and beans.

These kids have lost so much. He should be every day on the job making up that deficit. And competition is what helps people excel.

FAILLA: Thank you.

MACCALLUM: Merit helps people excel. So, when you wash it all away and make everything equitable, the scores fall.

FAILLA: Yes. Jesse, as a Cardona supporter, how do you handle this?

WATTERS: Well, white people are bad at math too.

FAILLA: Well said.

WATTERS: And you're looking at one of them right here. And I was a math disaster in school and now I'm very successful.

FAILLA: I'm going to do that.

WATTERS: So, it just shows you don't really need math to succeed. You can pay people to do math that actually can do math.

PIRRO: I was just going to say that. '

WATTERS: They always told me, you know, math is like push-ups for your brain.

FAILLA: Yes.

WATTERS: So, my brain is weak but my brain's also fast.

FAILLA: Thank you.

WATTERS: That's how I got through that.

FAILLA: J.T., are you on board with this? It needed to come back. I think - - I think equity -- because it doesn't elevate, it brings down the smart kids.

TARLOV: I think it's just all been so corrupted. Like, there are ways to acknowledge systemic inequities and systemic challenges without bringing us all down to a lower denominator. And I -- help people. Give them extra help. Don't hold back.

FAILLA: Yes.

TARLOV: Like, the test should remain the same. You stay after school and you tutor them for two hours.

FAILLA: That's the point.

TARLOV: If they don't have a parent at home that can help them.

FAILLA: You keep the standard, you elevate the students, Judge. No?

MACCALLUM: But that's not happening.

TARLOV: Right.

FAILLA: Keep the -- keep the higher standard and let's get the kids shoot for it.

PIRRO: I agree with Jessica.

TARLOV: End the show.

FAILLA: Yes.

TARLOV: That's it.

FAILLA: Boom. That's a historic moment. Listen, for all you kids that fail algebra, OK, summer school is amazing. That's the one thing nobody tells you because that's where all the fun kids are.

MACCALLUM: All the movies are about it.

FAILLA: Yes.

WATTERS: Jimmy failed algebra and he's got a New York Times bestselling book.

FAILLA: A bestselling book. I got my own TV show. Screw you, algebra.

MACCALLUM: Yes, Jimmy!

FAILLA: Anyway, up next, climate change crazy is now waging war on America protesters dumping pink powder on the Constitution. Bunch of dirt bags.

(COMMERCIAL BREAK)

TARLOV: Climate change protesters going too far this time. Two young men arrested after pouring pink powder on the Constitution. Judge, you are in pink.

PIRRO: Yes.

TARLOV: Would you like to comment on the powder?

PIRRO: You know, I don't know. Maybe they're making a comment about the Oscars and you know, and the fact that the Barbie movie you know, they didn't do as well as Greta Gerwig or whatever her name is.

TARLOV: Wig.

PIRRO: Here's the thing. What they are doing is not connected in any way shape or form to what they want to accomplish. It's stupid. They're not convicting -- they're not convincing anybody. They're not. Now, anybody walking by, they're saying there's two guys drugged out with pink powder. They're not saying that they're looking to save the climate or the Earth. They're stupid.

TARLOV: Jesse?

WATTERS: Why aren't the guards tackling these guys? Why are they just sitting around with walkie-talkies? I mean, you get one opportunity as a guard --

TARLOV: Well, they don't need to tackle them. They're standing.

WATTERS: -- to get physical, you take it.

FAILLA: This is your moment.

WATTERS: I mean, these are two skinny white kids. You take it. You take them out, Jessica.

MACCALLUM: Maybe they don't have handcuffs. Maybe they're waiting for someone to --

WATTERS: Pile on them. There's about 50 security guards just watching this thing go down. Take your moment.

FAILLA: The only sympathy I have for the climate protester is it's not easy to grow up rich and white with parents who didn't beat you, so these guards maybe could have helped them. Because anyone who grew up around any discipline doesn't do this.

MACCALLUM: I'm with Jeanine. Zero impact. Zero impact. People walk by this, they go, what happened?

TARLOV: No T-shirt even.

MACCALLUM: Mona Lisa, you know, they're going after (INAUDIBLE), The Dancer, everything, covered in. But you can't even actually touch it or ruin anything. It's just glass.

PIRRO: Yes. It's covered in glass.

MACCALLUM: So, it's -- yes, pointless.

PIRRO: Stupid.

FAILLA: Smack them in the head.

TARLOV: "ONE MORE THING" is up next.

(COMMERCIAL BREAK)

MACCALLUM: Breaking right now, the Attorney General of New York Letitia James is speaking about the Trump decision today under Judge Engoron. Let's listen.

(BEGIN VIDEOTAPE)

LETITIA JAMES, ATTORNEY GENERAL, NEW YORK: Hardworking American who plays by the rules. Donald Trump and the other defendants were ordered to pay $463.9 million. That represents $363.9 million in disgorgement, plus $100 million in interest which will continue to increase every single day until it is paid.

Donald Trump, the former Chief Financial Officer of the Trump Organization Allen Weisselberg, and the former controller of the Trump Organization Jeffrey McConney are each banned from serving as an officer or director of any New York company for three years. Mr. Weisselberg and Mr. McConney are also banned for life from serving in a financial management role in any New York company.

Donald Trump Jr. and Eric Trump are banned from serving as an officer or director of any New York company for two years. And Donald Trump and his companies are banned from applying for loans from any New York bank or financial institution for three years.

A new independent director of compliance will be created at the Trump Organization to ensure the company establishes internal protocols and meets financial reporting obligations. And the current independent external monitor will continue to oversee the company's financial dealings and ensure this fraud cannot continue.

I want to be clear, white collar financial fraud is not a victimless crime. When the powerful break the law and take more than their fair share, there are fewer resources available for working people, small businesses and families. And every day Americans cannot lie to a bank about how much money they have in order to get a mortgage to buy a home or a loan to keep their business afloat.

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