

# [***Awaiting Judge's Ruling In Trump Civil Fraud Trial; Judge Bans Trump From Doing Business For 3 Years; Trump Banned From Applying For New York Loans For Three Years; Judge: Trump, Others Refused To Admit "Errors"***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BBT-80H1-F072-X17Y-00000-00&context=1516831)

Fox News THE STORY WITH MARTHA MACCALLUM 3:00 PM EST

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**Body**

JACQUI HEINRICH, FOX NEWS HOST: Do you have a pass, really? And are you going to --

JOHN ROBERTS, FOX NEWS HOST: Here she is in Texas. I mean, she thinks she's got a pass because she's going to Texas. She's already got a team up in Georgia as well.

HEINRICH: All right. Good luck this weekend, I'll be watching.

ROBERTS: I don't know if she's in it for the long haul, but she's in it.

HEINRICH: Thanks so much for having me, John.

ROBERTS: Good to be with you. I'm John Roberts. "THE STORY" with Martha starts right now.

MARTHA MACCALLUM, FOX NEWS ANCHOR: Good afternoon, everybody. I'm Martha MacCallum in New York. And this is THE STORY right now. Any minute now, we expect to hear from Judge Arthur Engoron. This is a Friday afternoon, 3:00 in New York. This is going to happen very shortly, by our best estimation. Now, you all remember this man. Sometimes it's hard to keep some of these cases all straight, but we expect that any minute now, he will decide and come forward with a statement about former President Trump. How much is he going to have to pay for the business fraud case in Manhattan?

Letitia James thinks he should pay $370 million for mis-valuing, in her interpretation, his properties. Now, she claims that, that was business fraud. He claims that this is a no-fault situation, that the banks didn't ever complain, that they got paid. All of this, we've watched this go back and forth. There she is smiling on November 1st in the courtroom. She spent a lot of time coming around to watch how this case was playing out.

James also wants President Trump to be banned for life from doing any business in the state of New York. Obviously, he made his name here in New York as a real estate magnate. He has several of his marquee properties here including Trump Tower, probably the most famous of all of the Trump properties. He says didn't do anything wrong in this case and his lawyer says that she is already planning her appeal.

Ari Fleischer and Shannon Bream standing by but first let's go to senior correspondent, Eric Shawn, reporting live on this as we wait for the judge's decision any moment here in New York. Hi, Eric.

ERIC SHAWN, FOX NEWS CHANNEL SENIOR CORRESPONDENT: Hi, Martha, you know all those properties you just showed, well they could be in jeopardy. The decision now on the eve of a long weekend, well it could cripple the Trump Organization. New York State Supreme Court Judge Arthur Engoron, expected to rule after he has already found the former president and his namesake company did commit widespread fraud and falsely inflating real estate values to get better terms on bank loans.

The claims include conspiracy, issuing false financial statements, falsifying business records, and insurance fraud. All showing Trump overstated his value by billions of dollars. Faking the values on Trump's real estate holdings that include Mar-a-Lago, Trump's apartment in Trump Tower, Westchester facilities, office buildings, and other properties. All it is claimed to deceive lenders and insurance companies. James also seeking to bar Mr. Trump from doing business in New York State, as you said, for life.

And his sons, Donald Jr. and Eric, banning them for five years. The former president has angrily called this case a witch-hunt, saying there were no victims, noting the banks did not lose any money, and he relied on accountants and lawyers for the valuations. The judge has already found the former president, his sons, and the companies, well, that they did deceive the banks by massively overvaluing the properties and Trump's own net worth.

He ruled that Trump lives in a "fantasy world". The judge ruled that Mr. Trump should be stripped of his company and a receiver appointed to handle the disillusion of Trump's buildings. The former president and his lawyer, they've about to appeal. The penalty of course comes on top of that defamation decision recently in the E. Jean Carroll case but the jury ordered Mr. Trump to pay miss carol more than $83 million in damages.

Right now, we're waiting for this decision of the final report. We're told it's going to be lengthy waiting for it to be posted. We understand we have the decision we're waiting he is found liable. The former president of the United States found liable. Waiting for the amount. If we have that. We don't have it yet. Top headline. The judge, Judge Engeron, does find the former president liable. We'll see what that means for his business empire.

MACCALLUM: Thank you, Eric, very much. We do have this decision. We're waiting for the content of it. It's 92 pages long. It's no surprise that Judge Arthur Engoron has found The former President Donald Trump libel in this case. This is a civil case. So, this is about money not about criminality just to rewind a little bit here because there are a lot of different cases to keep track on. But in this case, Leticia James said, when she was running for Attorney General that she was going to get Trump, and we're going to play some of what she said in a moment here. But the decision is in.

It's 92 pages long. James asked for $370 million in damages. She also wants him to be prevented from doing business in New York State. So, as we wait to download all of this and get a look at the number, and as soon as we get it, we'll tell you exactly what it is. Obviously, this is something that the former president's watching extremely closely. He has layers of judicial dates, appointments decisions coming down all in the middle the South Carolina primary which is coming up on February the 24th and Super Tuesday. So, all of this interwoven for former President Trump.

I want to bring in Ari Fleischer, former White House Press Secretary and Fox News Contributor, and Shannon Bream, Fox News Sunday Anchor, and our Chief Legal Correspondent. Shannon, let me start with you. So, no surprise, obviously, that he was found liable because the judge found him liable before this case began, correct?

SHANNON BREAM, FOX NEWS CHANNEL CHIEF LEGAL CORRESPONDENT: Correct. And we are now looking at this. Of course, I jetted to the bottom to see what we can find in the conclusion and there are several big numbers in there. The judge talks about in this finding Donald Trump, Donald Trump Jr., Eric Trump, Allen Weisselberg and others involved in this, as you said, had already decided that they had been fraudulent in some way. One of the first things he orders is that several of them together, including Donald and his trust in Trump Organization will be -- have to pay a $168 million and change.

The next paragraph goes on to say that there's another ruling for a $126 million and change, another one for $60 million. Now, we'll have to look and see if any of those are overlapping or if we add these up but these are some of the numbers coming out. Goes on to say that Eric Trump has to pay $4 million in one case. Donald Trump Jr., $4 million in one of these cases, and Allen Weisselberg a million dollar. So, there's a lot there. We're going to parse through these numbers, but they are big. We knew there was a big ask. It looks like they may be in the neighborhood of close to $300 million or more.

MACCALLUM: Yes. Shannon, you know, we are seeing this. I believe this is a Reuters report. We're all trying to sort of balance up these numbers here. But according to some of the reporting out there, the number is $354.9 million. And as you say, the damages are spread across a number of the Trump family members who are deeply involved in the business, Don Jr., Eric Trump, as you say, $4 million. Now, perhaps equally importantly, according to the early reporting that we're seeing here, the judge has banned Donald Trump and others from serving as an officer or director of any New York corporation or other legal entity in New York for three years is the period here on this.

Now, that wouldn't have a whole lot of impact on President Trump because he is running for president, hopes to be president during that time, but Eric Trump and Don Jr. and Eric in a large way are very instrumental in the business here and it would it would prevent them from serving as an officer or director of any New York corporation or other legal entity in New York for two years. So, $354 million, really $55 million -- $355 million here in the judgment from Arthur Engoron against the former President Donald Trump. Ari, what's your reaction to all this?

ARI FLEISCHER, FOX NEWS CONTRIBUTOR: You know, Martha, I just have such a hard time seeing any of the court cases, including this one, is anything other than a continuation of the resistance that began when Donald Trump was elected president and instantly protesters took to the streets of Fifth Avenue against Donald Trump.

To me, when you look at all these cases, the one thing they keep having in common is they're being brought against the former president in the bluest of blue counties across the United States of America. Because if they were brought in a purple county, let alone a red county, they probably would have no chance of success, whether it was a jury or a judge rendering a verdict. And so, I just think this is a continuation of the nastiness that law has turned into to serve the political ends, as Letitia James, as you pointed out, the Attorney General of New York, campaigned on getting Donald Trump.

And I remember when she said that. I'm a New Yorker. I remember when she was a candidate and she vowed to do that and it struck me as an absolute miscarriage of justice then when she made the promise and now that she's delivered on it, it's even bigger miscarriage.

MACCALLUM: This also, the judge says that the Trump Organization must install an independent director of compliance and says its independent monitor shall continue in her role, it says, for at least three years. Shannon, you know of all the cases that have come against the former president, this one I would say and the hush money, Stormy Daniels case, you know sort of was problematic in terms of the interpretation of a lot of people who study the law as you do. Now, in this case none of the banks came forward, none of these real estate investment companies came forward and said that the Trump organization failed to repay them.

They claimed that the Mar-a-Lago estate, for example, was I believe worth $18 million, which is preposterous for anybody who's looked for, you know, a cottage in Palm Beach. You couldn't get one of those in that neighborhood. So, you know, it's really shocking how political this appears to be in going after him. Let's play those Letitia James comments when she was running to be the Attorney General. Watch this.

(BEGIN VIDEO CLIP)

LETITIA JAMES, ATTORNEY GENERAL OF NEW YORK: No one is above the law, including this illegitimate president. I look forward to going into the office of attorney general every day, suing him, defending your rights, and then going home.

I say one name, Donald Trump. That should motivate you.

UNIDENTIFIED FEMALE: Will you sue him for us?

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

(END VIDEO CLIP)

MACCALLUM: Every time I see that, Shannon, it's pretty shocking behavior from someone who you know wants to be an attorney general.

BREAM: Yes, and in the line she has there about nobody is above the law, his folks will say nobody's below it either. You cannot simply use the law as a cudgel and go after somebody in a way that appears political. This lends credence to the argument that President Trump makes over and over that it's not just a prosecution, these are persecutions. And, and his base is going to rally to that every time this happens. We got to remember too that as you noted there, and as he continues to note, there weren't "victims" here, there weren't people that came forward and demanded justice from the Attorney General.

So, in New York, even though we're referring to this as the Supreme Court, they have unusual language that they use in New York. It's not their final Court of Appeal. Their Court of Appeals is actually above their state Supreme Court. So, the Trump team feels like on so many different counts, they've got a really strong measure on appeal. No doubt that they're going to take every penny of this to appeal. So, what happens in the meantime? A lot of this has been put on hold, taking the business licenses and those kinds of things. So, we'll see how they do on appeal, but no doubt that's what they're going to do.

MACCALLUM: Yes, I mean Ari, when you evaluate your own properties for the purpose of insurance or the purpose of getting a loan from a bank, it comes basically with language that says this is our assessment, then the bank step in they do, their assessment on how much the property is valued. And in none of those cases involving the Trump organization did, did any of these parties bring any litigation against the Trump organization for any false representation, correct?

FLEISCHER: No, that is exactly right, and nobody has ever accused any of these New York bankers or insurance people of being behind the ball. These guys are pretty sharp at what they do, and they know how to sharpen their pencils. So, all of this is why I put this in a political category, not a legal category. It's just, it's one of the reasons the norms have broken down in this country, because when the Democrats go to these kinds of resorts to get somebody they don't like, we all lose faith in the system. You know, it's the same thing as two impeachments that violated the rules of the house.

It's all just to get the man they don't want, and the perverse result of it is they're going to get the man they don't want. As a result of all these prosecutions, Donald Trump leap frogged in the Republican nomination. If they had really wanted to get rid of Trump, they wouldn't have prosecuted him, and then Ron DeSantis actually may have had a chance back in January of 2023. But these indictments led to the rallying of the base because it made people question justice, which has been a four-year pattern when Donald Trump was president. So, it's the most foolish thing that Democrats could do unless they want Donald Trump to return to power.

MACCALLUM: Yes, you're so right. I mean, you know, ignoring some of this might have produced a different outcome. When you think about 91 indictments against this individual. And Shannon, you know, just looking at other civil cases which have a monetary price tag on them, as I said, this is not a criminal case that he was in here. I looked back, O.J. Simpson was found civilly liable in the deaths of two people, his wife Nicole Brown Simpson and her friend who was at the property at the time, $33 million in the deaths of two human beings in one of the most high-profile cases in American history.

BREAM: Yes.

MACCALLUM: What do you think about that?

BREAM: Well, there were clearly victims in that case which keeps going back to this argument about nobody complained, everybody got paid back in this case. So, regardless of how you feel about the outcome, when the president, former president, and his supporters have this argument that it's political, it certainly looks that way, especially with the clips that you played earlier.

Now, something interesting to note, we had out new Fox polling this week. You and I on the road have talked to folks in New Hampshire and Iowa and everywhere in between who've said they would not move away from President Trump if he was indicted or convicted.

Now there is some softening there if he's convicted on a criminal charge, but this new polling we have out of critical states, New Hampshire and Michigan this week, found that more Biden supporters are worried about his mental acuity than Trump supporters are worried about his legal issues. So, again, this will rally most of the base to him. It forced all of his GOP rivals to run to his defense every time he was indicted.

And as Ari points out, I mean, it cleared the field in a very different way. But voters say, for the majority of Trump supporters, it's not going to move them. They are not going to waver in the face of verdicts like this.

MACCALLUM: No. That -- you're absolutely right, Shannon. There is no indication, any of the polling that this has a negative impact on the Trump campaign. And if anything, it has a positive impact, because when they see him under attack, in some element of their own lives, you know, many people feel like they understand what it's like to be under the thumb of the government or of the law in one way or the other.

And they rally to him and support him, which has been just a fascinating political phenomenon to watch. I want to invite to come in here and talk with all of us constitutional law attorney, Jonathan Turley, GWU law professor, and a Fox News contributor.

Jonathan, welcome. Good to have you with us this afternoon.

JONATHAN TURLEY, FOX NEWS CHANNEL CONTRIBUTOR: Thank you.

MACCALLUM: I'm seeing numbers as high as 364 million. She asked for 370 million. So, she's got a big chunk of change here, if this ends up actually not being overturned on appeal, Jonathan?

TURLEY: Well, this court really proved Oscar Wilde rule that the only way to be rid of temptation is to yield to it. Because the court has done everything short of ordering that Trump be thrown into a wood chipper.

I mean, he is imposed almost the maximum amount that James requested. He's barring him from doing business in the city, where he is an iconic business figure, barring him from getting loans. That last part is particularly ironic, because the banks not only said they were not victims, and did not complain about the alleged fraud, but they said they wanted to do more business with Trump, that they described him as a whale client.

And so, this is all being done, essentially, in their name as victims, even though no one lost any money, would none of us could find a case like this. And yet, the first one, you have this fortune that is being demanded by the court to be turned over.

I think, there are real problems here. I think that this is going to have the same impact on some appellate judges, there have to be some limits, including constitutional limits, on the size of penalties, this is confiscatory. And in my view, just excessive.

You know, so I think there's a major appeal, obviously, that's going to come. I was hoping that the court would defy its critics and show a more moderate response. To show that, yes, there were assets were undervalued and overvalued, but to impose a more reasonable fine, you know, many of us believed that there were cases of valuation problems.

But those are ubiquitous in this field of real estate. This is extremely common for -- before businesses, to undervalue property to try to lower tax costs and to overvalue and securing loans.

Often you look at the victims themselves to see if those practices produced the type of injury that warrants this relatively rare action. And the victims are in court saying we are not victims. That is, we didn't really take these numbers on their face.

MACCALLUM: Yes, it. You know, one thing I want to ask you, Jonathan, is, how do they arrive at this number? I'm going through some of the case work here. And Eric Shawn is going to -- going to read some of it to us. That's relevant for people to help understand.

But I'm not sure how you arrive at these damages when you don't have anyone who's claiming that they were financially damaged.

TURLEY: Yes, the court seems to have compounded the highest figures in most areas of how much could have been claimed and might have impacted loans or taxes. And then imposed those costs.

I -- The New York law is at odd one, because it does not require that anyone actually lose money. And so, James was able to come in here with this figure, and she kept on going up. And, of course, that pleased a lot of people in New York.

And the question they think is whether at some point, this shocks the conscience. You know, you have Bragg, who is prosecuting the president and a case that many of us view is just a raw political exercise.

You have James who promised the bag this president for some undefined reason when she ran for office, and now you have this confiscatory extreme and abusive penalty.

At some point, New Yorkers have to wonder is this really what we want from a legal system? It is raw and it's political.

I am not saying that there was not a basis to impose a fine. But when you're opposing fines are larger than the budget of some countries, you really have to wonder whether you have allowed your impulse to run away with your judgement.

(CROSSTALK)

MACCALLUM: It's a great point.

Yes, you know, I mean, Ari, your thoughts on the fact that the family has been gone after here as well. And it's interesting, from the political perspective, we haven't seen the level of involvement from the Trump family, so far, in the campaign that we saw the last time around. And the former president has said that, you know, all of this was, at times, too much. He don't want to inflict you know, any more pain on any members of his family.

I'm not quoting him directly, but think but something to that effect. Your thoughts on the fact that this extends. I mean, they're involved in the business these individuals to the family as well, Ari, politically.

FLEISCHER: Now, here is the problem when you live in an overwhelmingly blue state, and just to put a point on it, New York County, which is where Manhattan is, Manhattan votes 85 to 15 Democrat to Republican and President Trump's presidential races. That was the margin that Biden beat Trump on.

It was also the margin that George Bush lost by, Mitt Romney lost by, John McCain lost by overwhelming Democrats. So, you're surrounded by Democrats on the island of Manhattan.

And this is what's led to them taking the Trump name down off of buildings throughout Manhattan. Buildings that used to have Trump's name, not only in Manhattan, Stamford, Connecticut, and Westchester, New York, White Plains, and throughout the city. So, the extension of all these people who want to take Trump's name off the building is drive them out of business.

And then, when that gets into the hands of authorities, to legal authorities, prosecutors, D.A.s, this is what's pernicious. This is now ***politics*** has leapt onto the power of white-collar officials who sit at desks to drum up opposition to knock somebody out of political business by going after their corporate business.

And that's how they think in blue states. And because it's so overwhelmingly Democrat, there is very little pressure pushing back on these politicians here to stop doing it because it's wrong.

So, unless the appeals process in New York comes to the rescue, New York has become a legal Banana Republic. They are so determined to get Donald Trump. They don't really want to take his name off the buildings, they want to knock his family out of the business.

MACCALLUM: We're looking at some video here from Las Vegas, and the various rallies, Shannon, politically, the president -- the former president has gone all cylinders are showing up even when he didn't have to, at these court dates, he was in this particular courtroom with Arthur Engoron very frequently, as Letitia James would, you know, come down the aisle there and sit in her seat. So, they were you know, within probably 15 feet of each other at that point.

I mean, you know, the impact in your mind, as you cover ***politics*** and the nexus of the courts on the campaign, if there is one.

BREAM: Yes, think about the fact that it was just a matter of a couple of weeks ago that there was a verdict, a civil verdict against him for more than $80 million.

MACCALLUM: That's right.

BREAM: It was a huge flash in the headlines for maybe three or four days. He was back on the campaign trail with tens of thousands of people showing up. And we've almost kind of forgotten about the E. Jean Carroll verdict.

Now, you've got this one, it will certainly make headlines, and it will get a lot of attention. But he'll do what he did after the E. Jean Carroll, which is go out on the campaign trail and say, look at this corrupt, you know, prosecution coming after me, these people are trying to destroy me, because I'm standing between you and them. I'm the barrier, they want to take me out of the way.

So, I would imagine what the rallies and the things that we're going to hear from him in the wake of this. Nearly $400 million verdict against him and his family. He is going to use it to say the same thing. And I think that most people from the outside looking in, his supporters are definitely going to feel like this is just another verdict that they're not going to see as, you know, legitimate in any way, and it will only lend to his argument.

So, again, we've got, you know, all of the planes coming in lining up for runway landings with these trials coming, as we stand by also to see if the Supreme Court gets involved in that immunity case, which really is a big decider about whether or not Jack Smith's January 6 case against the president starts or stops or when it happens at all.

So, you know, this could be another big legal day for him on other fronts if we get that news, too.

MACCALLUM: Yes. It's an extraordinary lineup, as you say, and it is like planes lined up on the tarmac, kind of waiting to take off.

Jonathan Turley, explained for everybody at home, what comes next in this case, we expect to hear from Alina Habba. I know we're going to see her on tonight on with Hannity as well. She was the attorney on this case. And you can see her -- if you can see her, she's on the right-hand side of that picture that we're showing right now with President Trump.

But what happens now with his appeals case? If this case has been very political, does it get any better at that level in New York?

TURLEY: I'm not sure whether it does. The fact is that appeal started in the earlier stage when the court found that Trump had committed fraud. And there are pending matters with regard to that appellate line. There will now be a new appellate line on the basis of this figure. The question is whether the appellate judges are going to show more circumspection and restraint than this judge. I hope that they will.

I don't mean to say that everyone in the New York legal system has been corrupted by political animus. There are many, many good judges and many, many good lawyers. And this is a time when I think they have to come forward and throw a flag on the play. It's not that the court was necessarily wrong, that there was undervaluation or overvaluation. But the size of this fine. And the level of sanctions here is breathtaking.

And it does raise serious questions even aside from the evidentiary basis used by the court, it goes to what point does a fine become so excessive that it violates the constitutional rights of an individual?

MACCALLUM: Yes, and it's punitive. Right? So, it -- I mean, the amount of it is so extraordinary that can it be described as an effort to punish the corporation. Right? To punish the people that are involved?

And I just want to point out that, that 364 million number, that number includes Donald Trump, Jr, Eric Trump, and Allen Weisselberg, who already has done time in a New York prison. He's in his 70s, I believe.

So, you know, when you look at the punitive nature of this, what does that say, Jonathan? And as you say, you hope that there'll be a little bit more cooler heads prevailing in the next round of the appeals court?

TURLEY: Well, I think that the -- well, the ultimate judgement really does undermine the court's analysis. The court or the -- appellate courts going to have to look at what was in my view, a selective prosecution as a civil case. But clearly, James made this pledge that she was going to bag Donald Trump, and it is part of an overall campaign that seems to be an effort at death by exposure, both on the civil and criminal side.

And she did carry through on her pledge. The question is whether that will shock the conscience of judges going forward, just the size and tenor of these sanctions.

I think that there's legitimate grounds here, to look at this, and to say that there has to be some reduction for this to be moved in within the sort of navigational beacons.

MACCALLUM: Yes. Yes, I would love to know, and maybe one of you know, if there has ever been any comparable punishment, in a similar case, is there any precedent at all for using the law that was used in this case, and punishing any company in New York in any comparable way?

Well, I don't know of any case under this law, that actually was analogous to the very basis, let alone the outcome. I mean, this is an outlier in the question on the Court of Appeal should be well, why?

It's not that we know -- we -- I assure you the judges on the -- on the appellate level are not going to love Donald Trump. But that's not the issue. The question is whether even Trump deserves more equal and blind justice?

MACCALLUM: Yes. Well, certainly there have been other real estate, you know, similar companies in New York who have mis valued their properties, or it could be argued to have mis valued their properties and none of us are aware of any other case that has been brought in that regard.

I have a statement from Alina Habba here, who is the Trump attorney on this case. We saw her every day coming and going from the courtroom with this. And let's put this statement up from her.

She says, "This verdict is a manifest injustice -- plain and simple. It is the culmination of a multi-year, politically fueled witch hunt that was designed to 'take down Donald Trump,' before Letitia James ever stepped foot into the Attorney General's Office. Countless hours of testimony proved that there was no wrongdoing, no crime, and no victim. Given the grave stakes, we trust that the Appellate Division will overturn this egregious verdict, she writes and end this relentless persecution against my clients. Let me make one thing perfectly clear: this is not just about Donald Trump," she says, "if this decision stands, it will serve as a signal to every single American that New York is no longer open for business."

Ari, your thoughts on that statement from the attorney.

FLEISCHER: Yes, that last line about New York --

(CROSSTALK)

MACCALLUM: Yes.

FLEISCHER: -- no longer being open for business, it surely does occur to me that if you're the Trump organization, if you're Eric and if you're Donald Jr., what are you going to do?

MACCALLUM: Yes.

FLEISCHER: Well, I don't know the laws but I suspect you just move your company to Florida, or you move it somewhere else and you continue to do everything they do. You just say goodbye to New York.

MACCALLUM: Yes, so true.

FLEISCHER: Which fits a pattern that many successful people have been doing and leaving New York because New York is just too political, too blue and too punitive. So you're seeing that in the business community and among upper income New Yorkers already who just want to get out of here, not to mention the problem -- that crime is causing.

I want to mention one other thing, Martha. These are the statewide cases. These are New York cases. Georgia, Fulton County case, beyond the reach of a president of the United States to either pardon or drop a prosecution. It does strike me that for the federal cases you were talking about, the immunity case, the classified document case, that is going to be our nation's first crowdsourced jury.

Think about it. If Donald Trump wins re election, he will be able to tell the Department of Justice, his attorney general to drop all those charges. How will that decision get made? If the American people elect Donald Trump, that's what will happen on the federal level. If they elect Joe Biden, of course those charges will continue.

It's fascinating to me that that jury will be the American people in the election. It's a crowdsourced jury of every voter, and that's because they made this their big issue, is trying to judicially to get Donald Trump.

MACCALLUM: Very interesting take, Ari. Thank you. If you could all stand by for just a moment, let's go back to senior correspondent Eric Shawn, who has been going through this 92 page document and break some of it down for us. Hi, Eric.

ERIC SHAWN, FOX NEWS SENIOR CORRESPONDENT: Yes. Hello, Martha. I'm going to talk about the application of the law in a second, but we've been reading this -- and this is the first page. Pretty stark and blunt from Judge Engoron. He says, the defendants submitted blatantly false financial data to the accountants, resulting in fraudulent financial statements. When confronted at trial with the statements, defendants fact and expert witnesses simply denied reality. The defendants failed to accept responsibility or impose any internal controls.

The former president is also, this is me speaking, throughout these proceedings have said that he has bolstered his brand and that the valuations were based on billions of dollars. But the judge says, when you have two appraisals that rely on starkly different assumptions, that is not evidence of a difference of opinion. It is an evidence of deceit.

As far as Mar-a-Lago is concerned, a value of $18 million was put on that. The former president says, no. It was between $1 billion and $1.5 billion. Today, the judge, Engoron, writes, that would require not only valuing it as a private residence, which the deed prohibits, but as the most expensive private residence listed in the country by approximately 400%. And as far as Mr. Trump's brief testimony, the judge says this, "Overall, Donald Trump rarely responded to the questions asked, and he frequently interjected long, irrelevant speeches on issues far beyond the scope of the trial. His refusal to answer the questions directly, or in some cases, at all, severely compromised his credibility."|

In terms of what you're talking about, in terms of the application of the law, the New York Times, about a month or so ago, did a study of this law, and as it applies to companies throughout the New York State. And they went through hundreds of cases, and they found that basically this law has been applied when there has been abject fraud, illegality, as well as companies going out of business or criminal activity, which supporters say none of that is evident in this trial or in this case.

So it seems, as you have pointed out, that this is, generally, a rarely applied application of real estate law when dealing with a company that did not go out of business, did not scam people. As you have pointed out, the banks basically went with it and never complained, even though the valuations were false.

MACCALLUM: Yes. I mean, that process, I've talked to a number of people when we have all been covering this case, that process between the bank and the corporation, in terms of valuations, is one side presents. Here's what we think the property is worth, and it's always a value. There's always a variable in terms of the value of property. Is there a buyer for it today, or are we not talking about if it were to be sold today?

So all of these things go in, and they have huge teams at these huge New York financial institutions, as Ari pointed out, whose job is to evaluate anyone who comes to them for a loan. And to kick the hires and go through every single piece of paper, every single accountant document that's given to them and figure out, is this client actually giving us true value on these properties and does that merit the loan that they are requesting?

This is a huge process that goes back and forth. Of all these cases, I just think this is the most difficult one to sort of wrap your head around and especially now that we're seeing this enormous dollar sign on it. Eric, thank you very much for going through these documents. I know you'll continue to do.

Jonathan Turley, you know, with regard to the future of people wanting to do business in New York, right, and not to mention the desire of, you know, American citizens to want to run for political office, right, when they see the potential for this kind of being mired in these sorts of situations, if you dare to, you know, put up your hand and run for office. Jonathan, your thoughts on that?

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Well, the only positive thing is you have nothing to worry about if you're a liberal corporation. So Disney, Nike will do just fine. But it does have an impact on businesses which want to be assured that they can do business without becoming political footballs.

Keep in mind, James also fought for years to disband the National Rifle Association, that she said was also a corporation that was rife with fraud. She has not done that with liberal organizations. Like Black Lives Matter, they've been accused of fraud or failures to report. And that does have an impact. It's one of the greatest ironies of this case. That is in the name of protecting businesses in New York.

You probably just led to hundreds of businesses looking at potential rentals in Florida. Because of they looked at this and they go, you know, they go wow. If we fall on the wrong side of the ***politics*** in New York, they could sell us off for spare parts.

MACCALLUM: Yes, no doubt. No doubt. That is happening as we speak. And we have watched such an enormous migration of people from New York, not only to Florida but also to Texas and other places.

You know, Shannon, I'm curious about this. Are you surprised at all that they put a two and three year time period on the inability of former President Trump and of his sons and associate Allen Weisselberg? You can't operate or be the officer of a New York company for three years, in Trump's case, and two years in the other's case.

SHANNON BREAM, FOX NEWS ANCHOR: Mm-hmm. And he was facing potentially President Trump a lifetime ban.

MACCALLUM: That's right.

BREAM: I mean, so the fact that they came back with less than that actually surprised me a little bit, that they didn't go fully swing for the fences in banning him. You know, Eric talks about some of the language. It is really, as you dig through, very, very pointed about President Trump and about his family and saying that there was no remorse. They say it borders on pathological. And then goes on to say that this is why we have to have the injunctive relief, not allowing them to operate with these businesses because "the defendants are likely to continue their fraudulent ways."

So I am surprised that they didn't say this is something he can never do. And, you know, keep in mind, this court is very different than what we've been seeing this week with this hearing involving Fani Willis down in Georgia, and that we've had a live feed of everything. We've been able to watch. We didn't have that with this case. There wasn't this continuous live feed to see what was going on.

So when the judge characterizes President Trump's comments and his conduct in a certain way, there's not that video feed that enabled us to see this. And I believe, Jonathan, you've written about this, about how the media is sort of handling these in two different ways, that when President Trump is doing this, he's insolent and surly. And when Fani Willis is doing it, that she's standing up for herself.

So, you know, that's the difference of having cameras in one courtroom and not on another.

MACCALLUM: Yes.

TURLEY: I think that's the great irony, isn't it, because when they read those lines that the judge said how Trump testified, it could have been a reference to Fani Willis. I mean, that Fani Willis did all of that but was not even sanctioned. And I think there is a troubling disconnect.

That doesn't excuse the president's conduct in court, doesn't excuse his statements outside of court, and it doesn't excuse his business practices. I've been critical of all three areas. But I've also seen that this is not unique in the real estate area, that these types of under and overvaluations are a common factor.

And the weird thing here is that basically the judge is telling all these banks, no, I won't let you do business with them. It's like a business big gulp law. I'm protecting you from doing business with someone that you consider to be a good client. So the disconnects are really quite glaring.

MACCALLUM: Indeed. And this issue of no report remorse, you know, and I just want to stress, we're talking about this particular case today. All of these cases are different. They all carry with them their own set of circumstances. But I think as Americans, what you count on is for the legal process and the judicial process to treat each thing individually, and to treat the people who are part of this case as if they were any other American citizen.

And I think that the dollar number on this and the charge that he had no remorse and was pathological, it's hard to have remorse when you don't have an injured party, I would say. So, I want to thank all of you for being with us. Just stand by, if you would.

We're going to now bring in Matt Whitaker, former acting attorney general under President Trump, and Tomi Lahren, host of "Tomi Lahren is Fearless" on Outkick and a Fox News contributor. Welcome to both of you. Good to have you here.

Matt, you worked in the DOJ in the Trump administration. You've had probably a chance to look through some of the 92 pages of this decision in the New York courtroom today by Judge Arthur Engoron. What's your reaction?

MATT WHITAKER, FORMER ACTING ATTORNEY GENERAL UNDER PRESIDENT TRUMP: Yes. It's not surprising but at the same time it's disturbing. And, Martha, as I think about all of these cases, each one of them may be resting on different facts and brought in different jurisdictions, but they're all part of a thread of Donald Trump being taken on by his political opponents, whether it's Biden, DOJ, whether it's the Democrats in New York, or whether it's the Democrats in Atlanta. In each and every case, there is always someone that is his political opponent that's bringing these, you know, cases.

And I just, you know, again, this is not how justice is done in the United States of America, especially to your point, Martha, where there's no victim in this case. And in fact, all the banks said they were paid back in full.

MACCALLUM: Tomi, what's your take today?

TOMI LAHREN, FOX NEWS CONTRIBUTOR: Well, I think it's apparent Trump derangement syndrome has seeped into the legal system. And that's really sad for Americans. I don't care if you like Donald Trump, you voted for him, you'll vote for him again, it really doesn't matter. This should be alarming and appalling.

But I also look at the resiliency of former President Donald Trump. Hit with everything, hit with case after charge, charge, charge. And he's still out there. He's still campaigning. He's still talking to the American people. He wants to talk to the American people every chance that he can get. In fact, some networks cut away from him when he tries to talk to the American people. Contrast that to our current president, Joe Biden, who has been found to not really be cognitively competent to be even held liable for anything that he may have done that's been against the law.

So I look at the resiliency of President Trump. I think the American people look at the resiliency of Donald Trump, and I think that they're seeing that as far as voters go. And they're saying that's what I want in my president because no matter what they throw at this man, he stands tall. He goes out there anyway. He speaks to the American people. He is unafraid. He is fearless. He is stable.

And I think that a lot of Americans are saying, that's what I want in the man that is protecting and defending the United States of America. So they can come at him with whatever they want. They're going to continue to do this. If he gets reelected, they're not going to stop anytime soon. They're always going to go after this man, but he stands tall anyway.

So although it's alarming and troubling for the American people, it also shows us what kind of man Donald Trump is. And he's not backing down anytime soon.

MACCALLUM: Well, no matter which side of the Trump question you're on, Matt is the most fascinating political figure of our time. I think that's across the board, absolutely fair, a multi-generational political figure. Whether people love him or hate him, he has had an enormous impact and an enormous presence on the national stage. And now he is continuously under attack.

And I think Tomi is exactly right. I think if he were to win again, that would intensify. I saw some Monmouth polling today that basically showed that more than 50% of those they polled said they would definitely not vote for Joe Biden and would definitely not vote for Donald Trump, the former president and the current president.

So what's your take, Matt, on him as a political figure under all of this attack and the fact that he just keeps going?

WHITAKER: Yes. Well, I mean, obviously I know him well, not only working in his administration closely, but also, you know, just recently spending a lot of time with him in Iowa as we won the state by record numbers. The Donald Trump I know is not only the fighter that you see every day out there working on behalf of what he thinks is in the best interest of the American people, but know he's a human being and he's a very generous human being at that. And I have, you know, just more stories than I can tell today, just how -- he has been one of the first people, if not the first person there, when someone needed help, support, encouragement.

And so he's tireless. He is a -- he eats these kind of things like energy bars. And ultimately, the Donald Trump I know is going to fight through this. And again, justice will prevail. I mean, we're not, you know, if I was talking to him today, maybe even later today, I would say this is just one small skirmish. You are going to win this battle and you just need to keep going and driving. And there's a lot of us that are pushing from behind.

MACCALLUM: So we have -- we saw some New Hampshire polls about a 30 point lead. I'm sorry, not New Hampshire, South Carolina is up next on February 24th, 30 point lead there and a healthy lead in the March 5 Super Tuesday states as well. And it is just, as you say, the latest skirmish. It's a skirmish with a rather large price tag on it, over $350,000,000. But as we have said, there's an appeal that will be pending. And Alina Habba will speak about that with Sean Hannity later tonight in terms of what that's going to look like and when.

Thank you both for being here. We're going to take squeezing a quick break and we will be right back with more of our breaking coverage of Judge Engoron's New York decision over $350 million against the Trump Organization. More when we come back.

(COMMERCIAL BREAK)

MACCALLUM: OK. We are in the middle of a breaking news story that we expected would happen late this afternoon, on this Friday, in New York City, Judge Arthur Engoron came forward with his statement and his decision in the Trump civil fraud case. Not a criminal trial, this is a civil trial. But, boy, did it have a whopping price tag on it.

Engoron has said that he expects the Trump Organization to pay $35 million. If you add it all up, it goes over 360 for others involved in the corporation, including Don Jr., Eric Trump and Arthur Weisselberg, who has already done -- Allen Weisselberg, excuse me, who's already done time for financial issues surrounding the Trump Organization.

Then on top of that, there was discussion that Engoron, the judge, would decide to ban the former president from operating as an officer of a New York corporation for life. For some reason, he came down with a three-year decision, is what he decided in that. And for the others involved, the other three that I just mentioned, Weisselberg, Don Jr. and Eric Trump, they have to not be officers of a New York corporation for a period of two years.

The former president's attorney has called this a manifest injustice and says that, of course there will be an appeal to this. And here's a post that just came through from Don Jr., involved in this as well and reacting to it. He says, we have reached the point where our political beliefs, combined with what venue your case is heard, are the primary determinants of the outcome, not the facts of the case. It's truly sad what has happened to our country, and I hope others see it before it's too late to correct course.

So with that, we bring back in constitutional law attorney Jonathan Turley, GWU law professor and a Fox News contributor, and Ari Fleischer, former White House press secretary and Fox News contributor.

Jonathan, you know, the impact on the other people involved here. Allen Weisselberg, as I said, longtime business associate of the former President Trump already was convicted in a separate case against the Trump Organization, and the impact on the two younger members of the Trump family by not being allowed to incorporate or serve as officers of New York corporations for two years.

TURLEY: Well, they can certainly get around this. There's other jurisdictions that they can incorporate in, places like Delaware, and they can easily shift their business. The question is going to be, as Ari noted earlier, how many businesses are likely to shift on their own? New York is already viewed as fairly hostile for businesses that are moving out. There's an exodus from the state. This can't be good in trying to stem that flow.

And the issue, again, is not that the Trump Organization did not inflate or undervalue properties. This is a raw partisan exercise by James. She made it that way in the election. I have no doubt in my mind that no other company in New York would have been subject to this type of draconian exercise and would have been subject to this type of ruling.

And that should give people pause in New York, particularly in the bars. Is this what we've become? And it's going to have an impact on other businesses because they have to be able to trust that there is a neutrality in their laws, that they're not just going to become pawns in political games by figures like James.

MACCALLUM: Yes. I mean, that's what Americans expect. They expect to be treated equally. They expect that the law applies to everyone equally. And we hear that a lot thrown around these days. But it seems, unfortunately, as Don Jr. points out in his post, that it doesn't feel that way a lot of the time anymore. And I think that's one of the things that is propelling the campaign of former President Donald Trump again this time around.

And I just want to play this. This is from Judge Engoron. This is the judge who made this decision over $350 million against the Trump Organization today. Here he is back in March of 2015 giving a speech at CUNY, local college here in Queensborough, and he talks about the fact that sometimes you don't really need a jury. Sometimes it's better as you can hear his own words here, but he's essentially saying not to have one. And sometimes it's hard to factor out your own emotions. Listen closely to what Judge Engoron says here.

(BEGIN VIDEO CLIP)

ARTHUR ENGORON, NEW YORK STATE SUPREME COURT JUSTICE: I'm going to say something controversial. Even though I'm being taped, juries get it wrong a lot. I have a tool that I can deal with that. It's called jury notwithstanding the verdict -- judgment notwithstanding the verdict. I'm an impartial referee but it's hard to factor out my own emotions.

(END VIDEO CLIP)

MACCALLUM: Yes. You know, I like it when I get to decide on my own, and sometimes it's hard to factor out my emotions. Kerri Kupec Urbahn is joining us now. Kerri, I hope you heard that sound bite, because I know you were just micing up. But your reaction to that in light of what we see in this decision today.

KERRI KUPEC URBAHN, FOX NEWS LEGAL EDITOR: I mean, it's laughable. I was in the courtroom when Donald Trump was being questioned. And no matter what he said, even when, yes, there were times when it was appropriate for the judge to shut him down, when he was say going on rants or something like that, there were times when Donald Trump was very sharply and acutely explaining his businesses and his assets. And even then, the judge would try to stop him from giving context. And it was relevant context. I remember sitting there thinking, this is not a fair process. And this decision today reflects exactly what I saw in the courtroom.

The Democrats are determined to crush Donald Trump financially and politically, and change the 2024 election. And that's what this is about. And we all know that based on what the AG campaigns on. So it's not a secret but yet, as you all were just discussing, is this how we do democracy in America? Is this how justice should be?

MACCALLUM: No. I'll answer that across the board on all sides. And you look at what happened yesterday in the Georgia courtroom, and Fani Willis basically, you know, was able to sort of rant at length, right? And she really didn't get shut down by the judge in there.

Let me bring Ari back in on that, because when you look at the reporting this morning, I was watching a number of different networks and reading things out there, Ari. And it was like, wow, she's our hero. Isn't she incredible?

FLEISCHER: Yes.

MACCALLUM: And then on the other foot, when the former president opened his mouth in court and he can rant, we all know that. But to talk about how he saw this valuation issue, he was shut down.

FLEISCHER: Yes. This has been a fascinating week to watch justice unfold. You can watch it in Georgia, you can watch it in Manhattan now. You can watch it -- and one other item that we haven't talked about. This was also a week in which the special counsel investigating Hunter Biden announced an indictment of a source the FBI had, who they say lied to the FBI to make up bad stuff about Hunter. Fine.

If a source lied to the FBI like that, I have no problem with prosecuting that person. But then why hasn't Michael Steele, the author of the Steele Dossier, been prosecuted? This, again, is the two sides of justice. And it keep seeming that if you're after Donald Trump, you get the green carpet. You can do whatever you want, just walk right down and attack Donald Trump.

But on the other side, these prosecutors, especially in blue areas of America, are waiting to pounce, and the press pounces along with them and paints a very sympathetic portrait. So why was that source indicted and Michael Steele is celebrated by the left, that's the problem I have with justice in America. Since Donald Trump came to office, the Democrats have broken the norm.

MACCALLUM: Jonathan Turley, it may come down to a know at the largest level at the Supreme Court about whether or not the former president has immunity in some of the federal cases that he faces regarding the election and January 6. How anxious do you think they are to take that on and to perhaps bring some form -- will they perhaps bring some form of equilibrium to these processes?

TURLEY: Well, I think that the former president is going to have difficult sledding on the immunity claim even in front of the Supreme Court. The sweeping claims made are not going to sit well with some of the justices. But I think that what the public is beginning to see is the fulfillment of Trump's narrative. I mean, these Democrats have done that. It's like the old joke that I'm not paranoid if people are actually out to get me.

Well, a lot of folks are saying, well, maybe he was right that -- and these split screens of multiple jurisdictions is driving home that message.

MACCALLUM: It's amazing. What a fascinating times we live in, right? Jonathan, thank you. Kerri, thank you, Ari, always great to see you. Continuing coverage, obviously, of this.

That is THE STORY" or now on this Friday. Breaking news coverage all throughout the afternoon, and I will see you back here tonight on "THE FIVE."

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