Stormy Daniels Takes The Stand

0:02

it's 6:41

0:04

a.m. feeling a little stressed because

0:06

I'm running late it's the fourth week of

0:09

Donald J Trump's criminal trial it's a

0:12

white collar

0:13

trial most of the witnesses we've heard

0:16

from have been I think typical white

0:19

collar Witnesses in terms of their

0:22

professions got a former publisher a

0:26

lawyer

0:28

accountants the witness today

0:30

a little less

0:32

typical Stormy

0:35

Daniels porn star in a New York criminal

0:38

courtroom in front of a jury more

0:40

accustomed to the types of witnesses

0:42

they've already

0:43

seen there's a lot that could go

0:48

wrong from The New York Times I'm

0:51

Michael boaro this is the

0:55

daily

0:56

today what happened when Stormy Daniels

1:00

took the stand for 8 hours in the first

1:04

criminal trial of Donald J Trump as

1:07

before my colleague Jonah bromich was

1:11

inside the

1:13

[Music]

1:17

courtroom it's Friday May

1:27

10th so it's now day 14 of this trial

1:31

and I think it's worth having you

1:33

briefly and in Broad Strokes catch

1:35

listeners up on the biggest developments

1:38

that have occurred since you were last

1:39

on which was the day that opening

1:42

arguments were made by both the defense

1:44

and the prosecution so just give us that

1:46

brief recap sure it's all been the

1:49

prosecutions case so far and prosecutors

1:52

have a saying which is that the evidence

1:54

is coming in great and I think for this

1:56

prosecution which is trying to show that

1:58

Trump falsified business records to

2:00

cover up a sex scandal to ease his way

2:03

into the White House in 2016 the

2:05

evidence has been coming in pretty well

2:07

it's coming well through David pecker

2:09

former publisher of the national

2:10

Inquirer who testified that he entered

2:12

into a secret plot with Trump and

2:14

Michael Cohen his fixer at the time to

2:17

suppress negative stories about Trump

2:19

the candidate right it came in pretty

2:21

well through Keith Davidson who was a

2:22

lawyer to stormmy Daniels in 2016 and

2:25

negotiated the hush money payment and

2:28

we've seen all these little bits and

2:30

pieces of evidence that tell the story

2:31

that prosecutors want to tell and the

2:33

case makes sense so far we can't tell

2:36

what the jury's thinking as we always

2:37

say but we can tell that there's a

2:39

narrative that's coherent and that

2:41

matches up with the prosecution's

2:43

opening statement then we come to

2:44

Tuesday and that day really marks the

2:47

first time that the prosecution strategy

2:49

seems a little bit risky because that's

2:51

the day that Stormy Daniels gets called

2:53

to the witness St okay well just explain

2:57

why the prosecution putting stormy Dani

3:00

on the stand would be so risky and I

3:03

guess it makes sense to answer that in

3:04

the context of why the prosecution is

3:06

calling her as a witness at all well you

3:10

can see why it makes sense to have her

3:12

the hush money payment was to her the

3:15

cover up of the hush money payment in

3:17

some ways concerns her and so she's this

3:20

character who's very much at the center

3:22

of the story MH but according to

3:24

prosecutors she's not at the center of

3:26

the crime the prosecution is telling a

3:28

story and they hope a compelling one and

3:30

arguably that story starts with Stormy

3:33

Daniels it starts in 2006 when stormmy

3:36

Daniels says that she and Trump had sex

3:39

which is something that Trump has always

3:40

denied right so if prosecutors were to

3:42

not call Stormy Daniels to the stand you

3:45

would have this big hole in the case it

3:46

would be like effect effect effect but

3:48

where is the cause where is the person

3:50

who set off this Chain Reaction mhm but

3:53

Stormy Daniels is a porn star she's

3:56

there to testify about sex sex and

3:59

pornography

4:00

are things that the jurors were not

4:01

asked about during jury selection and

4:03

those are subjects that bring up all

4:05

kinds of different complex reactions in

4:07

people and so when the prosecutors bring

4:10

stormmy Daniels to the courtroom it's

4:13

very difficult to know how the jurors

4:15

will take it particularly given that

4:17

she's about to describe a sexual episode

4:20

that she says she had with the former

4:22

president will the jurors think that

4:24

makes sense as they sit here and try to

4:27

decide a falsifying business records

4:28

case or will they asked themselves why

4:30

are we hearing this so the reason why

4:33

this is the first time that the

4:35

prosecution strategy is for journalist

4:37

like you a little bit confusing is

4:40

because it's the first time that the

4:42

prosecution seems to be taking a genuine

4:45

risk in what they're putting before

4:48

these chur everything else has been kind

4:50

of cut and dry and a little bit more

4:53

mechanical this is just a wild card this

4:57

is like live ammunition to some extent

4:59

else is settled and controlled and they

5:01

know what's going to happen with stormmy

5:03

Daniels that's not the case Okay so walk

5:06

us through the testimony when the

5:09

prosecution brings her to the stand what

5:12

actually happens it starts as every

5:15

witness does with what's called direct

5:17

examination which is fancy word for

5:19

saying prosecutors question Stormy

5:21

Daniels and they have her tell her story

5:24

first they have her tell the jury about

5:26

her education and where she grew up and

5:29

her professional experience and because

5:31

of Stormy daniels's biography that

5:32

quickly goes into stripping and then

5:34

goes into making adult films and I

5:36

thought the prosecutor who questioned

5:37

her Susan hoffinger had this nice touch

5:40

in talking about that because not only

5:42

did she ask Daniels about acting in

5:44

adult films but she asked her about

5:46

writing and directing them too

5:48

emphasizing the more professional

5:49

aspects of that work and giving a little

5:51

more credit to the witness as if to say

5:53

well you may think this or you may think

5:55

that but this is a person with dignity

5:57

who took what she did seriously God it

6:00

what's your first impression of Daniels

6:02

as a witness it's very clear that she's

6:05

nervous she's speaking fast she's

6:07

laughing to herself and making small

6:09

jokes but the tension in the room is so

6:12

serious from the beginning from the

6:14

moment she enters that those jokes

6:16

aren't Landing so it just feels like

6:17

really heavy and still and almost

6:20

oppressive in there so Daniel's talking

6:23

quickly seeming nervous giving more

6:26

answers than are being asked of her by

6:28

the prosecution even before we get to

6:30

the sexual encounter that she's about to

6:32

describe all of that presents a really

6:36

discomforting impression I would say and

6:39

how does this move towards the encounter

6:43

that Daniels ultimately has it starts at

6:46

a golf tournament in 2006 in Lake Tahoe

6:49

Nevada Daniels meets Trump there there

6:51

are other celebrities there too they

6:54

chatted very briefly and then she

6:56

received a dinner invitation from him

6:59

she thought it over she says and she

7:01

goes to have dinner with Trump not at a

7:03

restaurant by the way but she's invited

7:05

to join him in the hotel suite so she

7:08

gets to the hotel suite and his

7:10

bodyguard is there and the hotel door is

7:13

cracked open and The Bodyguard greets

7:15

her and says she looks nice this and

7:17

that and she goes in and there's Donald

7:19

Trump just as expected but what's not

7:21

expected she says is that he's not

7:23

wearing what you would wear to a dinner

7:26

with a stranger but instead she says

7:27

silk or satin pajamas M she asked him to

7:30

change she says and he obliges he goes

7:32

and he puts on a dress shirt and dress

7:35

pants and they sit down at the hotel

7:37

sues dining room table and they have a

7:40

kind of bizarre dinner Trump is asking

7:42

her very personal questions about

7:44

pornography and safe sex and she

7:47

testifies that she teased him about how

7:48

kind of vain and pompous he is and then

7:51

at some point she goes to the bathroom

7:54

and she sees that he has got his

7:56

toiletries in there his Old Spice his

7:58

gold tweezers very specific details yeah

8:01

we're getting a ton of detail in this

8:03

scene and the reason we're getting those

8:05

is because prosecutors are trying to

8:07

elicit those details to establish that

8:09

this is a credible person that this

8:10

thing did happen despite what Donald

8:12

Trump and his lawyers say and the reason

8:14

you can know it happened prosecutors

8:15

seem to be saying is cuz look at all

8:17

these details she can still summon up

8:19

right she comes out of the bathroom and

8:22

she says that Donald Trump is on the

8:23

hotel bed and what stands out to me

8:26

there is what she describes as a very

8:29

intense physical reaction she says that

8:31

she blacked out and she quickly

8:33

clarifies she doesn't mean from drugs or

8:35

alcohol she means that she says that the

8:38

intensity of this experience was such

8:40

that suddenly she can't remember every

8:42

detail the prosecution asks a question

8:45

that cuts directly to the sex

8:47

essentially did you start having sex

8:48

with him and Daniel says that she did

8:51

and she continues to provide more

8:53

details than even I think the

8:55

prosecution wanted and I think we don't

8:57

want to go chapter and verse through

9:00

this claimed sexual encounter but I

9:03

wonder what details stand out and which

9:05

details feel important given the

9:07

prosecution strategy here all the

9:10

details stand out because it's a story

9:11

about having had sex with the former

9:13

president and the more salacious and

9:15

more private the details feel the more

9:18

you're going to remember them so we'll

9:20

remember that stormy Daniel said what

9:21

position they had sex in we'll remember

9:23

that she said he didn't use a condom

9:26

whether that's important to the

9:27

prosecution's case now that's a much

9:29

hard question to answer as we've been

9:30

saying but what I can tell you is as

9:32

she's describing having had sex with

9:34

Donald Trump and Donald Trump is sitting

9:36

right there and Eric Trump his son is

9:39

sitting behind him seeming to turn like

9:41

a different color as he hears this

9:43

embarrassment of his father being

9:44

described to a courtroom full of

9:46

reporters at this trial it's hard to

9:49

even describe the energy in that room it

9:51

was like nothing I had ever experienced

9:53

and it was just daniels's testimony and

9:56

seemingly the former president emotions

9:58

and you almost felt like you were

9:59

trapped in there with both of them as

10:01

this description was happening well I

10:02

think it's important to try to

10:04

understand why the prosecution is

10:08

getting these details these salacious

10:12

carnal pick your word graphic details

10:15

about sex with Don what is the value if

10:18

other details are clearly making the

10:21

point that she's recollecting something

10:23

well I think at this point we can only

10:25

speculate but one thing we can say is

10:28

this was uncomfortable this felt bad and

10:31

remember prosecutor story is not about

10:33

the sex it's about trying to hide the

10:35

sex so if you're trying to show a jury

10:40

why it might be worthwhile to hide a

10:43

story it might be worth providing lots

10:46

of salacious details that a person would

10:48

want to hide exposing them to how bad

10:50

that story feels and reminding them that

10:52

if they had been voters and they had

10:54

heard that story and in fact they asked

10:56

Daniel this very question if you hadn't

10:58

accepted hush money if hadn't signed

11:00

that NDA is this the story you would

11:02

have told and she said yes and so where

11:05

I think they're going with this but we

11:06

can't really be sure yet is that they're

11:08

going to tell the jurors hey that story

11:12

you can see why he wanted to cover that

11:13

up can't you you mentioned the hush

11:16

money payments what testimony does

11:19

Daniels offer about that and how does it

11:22

Advance the prosecution's case of

11:24

business fraud related to the hush money

11:26

payment so little evidence that it's

11:28

almost laughable she says that she

11:29

received the hush money but we actually

11:31

already heard another witness her lawyer

11:33

at the time Keith Davidson testified

11:36

that he had received the hush money

11:37

payment on her behalf MH and she

11:40

testified about feeling as if she had to

11:43

sell this story because the election was

11:46

fast approaching almost as if her

11:48

leverage was slipping away because she

11:49

knew this would be bad for Trump that

11:51

feels important but just help me

11:53

understand why it's important well what

11:54

the prosecution has been arguing is that

11:56

Trump covered up this hush money payment

12:00

in order to conceal a different crime

12:02

and that crime they say was to promote

12:05

his election to the presidency by

12:07

illegal means right we've talked about

12:08

this in the past so when Daniels ties

12:10

her side of the payment into the

12:13

election it just reminds the jurors

12:15

maybe oh right this is what they're

12:17

arguing so how does the prosecution end

12:19

this very dramatic and from everything

12:21

you're saying very tense questioning of

12:23

Stormy Daniels about this encounter well

12:26

before they can even end the defense

12:28

lawyer go and they consult among

12:31

themselves and then with the jury out of

12:32

the room one of them stands up and he

12:35

says that the defense is moving for a

12:37

mistrial on what terms he says that the

12:40

testimony offered by Daniels that

12:42

morning is so prejudicial so damning to

12:45

Trump in the eyes of the jury that the

12:47

trial can no longer be fair like how

12:50

could these jurors have heard these

12:52

details and still be fair when they

12:55

render their verdict and he he says a

12:58

memorable expression he say you can't

12:59

unring that Bell meaning they heard it

13:01

they can't unhear it it's over throw out

13:04

this trial it should be done wow and

13:06

what is the response from the judge so

13:08

the judge Juan Maran he hears them out

13:10

Ian he really hears them out but at the

13:12

end of their arguments he says I do

13:15

think she went a little too far he says

13:18

that he said there were things that were

13:19

better left unsaid by Stormy Daniels by

13:22

Stormy Daniels and he acknowledges that

13:24

she's a difficult witness but he says

13:27

the remedy for that is not a mistri

13:29

is not stopping the whole thing right

13:31

now the remedy for that is

13:33

cross-examination if the defense feels

13:35

that there are issues with her story

13:37

issues with her credibility they can ask

13:39

her whatever they want they can try to

13:42

win the jury back over if they think

13:43

this jury has been poisoned by this

13:45

witness well this is their time to

13:48

provide the antidote the antidote is

13:51

cross-examination and soon enough

13:53

cross-examination

13:56

starts and it is exactly as

13:59

intense and combative as we

14:04

[Music]

14:12

expected we'll be right

14:14

[Music]

14:24

back so Jonah how would you characterize

14:27

the defense's overall strategy in this

14:30

intense cross-examination of stormmy

14:32

Daniels people know the word impeach

14:35

from presidential impeachments but has a

14:37

meaning in law too you impeach a witness

14:40

and specifically their credibility and

14:42

that's what the defense is going for

14:43

here they are going to try to make

14:45

Stormy Daniels look like a liar a fraud

14:48

an extortionist a money grubbing

14:52

opportunist who wanted to take advantage

14:55

of trump and sought to do so by any

14:57

means necessary and what did that

14:59

impeachment strategy look like in the

15:02

courtroom the defense lawyer who

15:04

questions Stormy Daniels is a woman

15:05

named Susan necklace she's defended

15:07

Trump before and she's a bit of a

15:09

cross-examination specialist we even saw

15:11

her during jury selection bring up these

15:14

past details to kind of confront jurors

15:17

who had said nasty things about Trump on

15:19

social media with and she wants to do

15:20

the same thing with Daniel she wants to

15:22

bring up old interviews and old tweets

15:26

and things that Daniels has said in the

15:28

past that don't match what Daniels is

15:30

saying from The Stance H what's a

15:32

specific example and do they land some

15:35

of them land and some of them don't one

15:38

specific example is that necklace

15:40

confronts Daniels with this old tweet

15:42

where Daniel says that she's going to

15:44

dance down the street if Trump goes to

15:46

jail and what she's trying to show there

15:48

is that Daniels is out for Revenge that

15:49

she hates Trump and that she wants to

15:51

see him go to jail and that's why she's

15:53

testifying against him got it and

15:55

Daniels is very interesting during the

15:56

cross- examination it's almost as if

15:58

she's a different person she kind of

16:00

squares her shoulders and she sits up a

16:02

little straighter and she leans forward

16:05

Daniels is ready to fight but it doesn't

16:07

quite land the Tweet actually says I'll

16:10

dance down the street when he's selected

16:12

to go to jail and Daniels goes off on

16:14

this digression about how she knows that

16:16

people don't get selected to go to jail

16:17

that's not how it works but she can't

16:19

really unseat this argument that she's a

16:22

political enemy of Donald Trump so that

16:24

one kind of sticks I would say but there

16:26

are other moves that necklace tries to

16:27

pull that don't sck like what so unlike

16:31

the prosecution which typically used

16:33

words like adult adult film necklace

16:35

seems to be taking every chance she can

16:37

get to say porn or pornography or porn

16:39

star to make it sound bass or dirty and

16:42

so when she starts to ask Daniels about

16:45

actually being in pornography writing

16:47

acting and directing sex films she tries

16:50

to land a punchline necklace does she

16:52

says so you have a lot of experience

16:54

making phony stories about sex appear to

16:55

be real right as if to say perhaps this

16:59

story you have told about entering

17:01

Trump's Suite in Lake Tahoe and having

17:03

sex with him was made up just another

17:06

one of your fictional stories about sex

17:08

but Daniels comes back and says the sex

17:11

in the films it's very much real just

17:13

like what happened to me in that room

17:16

and so when you have this kind of combat

17:19

of lawyer cross-examining very

17:21

aggressively and the witness fighting

17:23

back you can feel the energy in the room

17:25

shift as one lands a blow or the other

17:28

does but here Daniels lands one back and

17:31

the other issue that I think Susan

17:33

necklace runs into is she tries to draw

17:35

out disparities from interviews that

17:37

Daniels gave particularly to in touch

17:39

very early on once the story was out

17:41

it's kind of like a tabloid magazine but

17:42

some of the disparities don't seem to be

17:45

landing quite like necklace would want

17:47

so she tries to do this complicated

17:49

thing about where The Bodyguard was in

17:51

the room when Daniels walked into the

17:52

room as described in an interview in a

17:55

magazine but in that magazine interview

17:57

as it turns out Daniels mentioned that

18:00

Trump was wearing pajamas and so if I'm

18:02

a juror I don't care where The Bodyguard

18:04

is I'm thinking about oh yeah I remember

18:06

that Stormy Daniels said now in 2024

18:09

that Trump was wearing pajamas I'm

18:11

curious if as somebody in the room you

18:13

felt that the defense was effective in

18:16

undermining stormy Daniel's credibility

18:18

because what I took from the earlier

18:21

part of our conversation was that Stormy

18:23

Daniels is in this courtroom on behalf

18:26

of the prosecution tell a story that's

18:28

uncomfortable

18:29

and has the kind of details that Donald

18:30

Trump would be motivated to try to hide

18:33

and therefore this defense strategy is

18:35

to say those details about what Trump

18:38

might want to hide you can't trust them

18:40

so does this back and forth

18:43

effectively hurt Stormy Daniels

18:45

credibility in your

18:47

estimation I don't think that Stormy

18:50

Daniels came off as perfectly credible

18:53

about everything she testified about and

18:55

there are incidents that were unclear or

18:57

confusing there were things she talked

19:00

about that I found hard to believe when

19:03

she for instance denied that she had

19:05

attacked Trump in a tweet or talked

19:07

about her

19:08

motivations but about what prosecutors

19:10

need that Central story the story of

19:12

having had sex with him we can't know

19:15

whether it happened but there weren't

19:18

that many disparities in these accounts

19:20

over the years in terms of things that

19:22

would make me doubt the story that

19:24

Daniels was telling details that don't

19:26

add up those weren't present and you

19:29

don't have to take my word for that nor

19:31

should you but the judge is in the room

19:34

and he says something very very similar

19:36

what does he saying and why does he say

19:37

it well he does it when the defense

19:40

again at the end of the day on Thursday

19:43

calls for a mistrial with a similar

19:45

argument as before not only with a

19:46

similar argument as before but like

19:48

almost the exact same argument and I

19:51

would say that I was astonished to see

19:53

them do this but I wasn't because I've

19:55

covered other trials where Trump is the

19:57

client and in those trials the lawyers

20:00

again and again called for a mistrial

20:02

and what does Judge Maran say in

20:04

response to this second effort to seek a

20:06

mistrial let me say to this one he seems

20:08

a little less patient he says that after

20:11

the first mistrial ruling 2 days before

20:15

he went into his Chambers and he read

20:17

every decision he had made about the

20:19

case he took this moment to reflect on

20:21

the first decision and he found that he

20:24

had in his own estimation which is all

20:27

he has been Fair and not allowed

20:30

evidence that was prejudicial to Trump

20:32

into this trial it could continue and so

20:36

he said that again and then he really

20:40

almost turned on the defense and he said

20:42

that the things that the defense was

20:45

objecting to were things that the

20:47

defense had made happen H how so he says

20:51

that in their opening statement the

20:52

defense could have taken issue with many

20:54

elements of the case about whether they

20:56

were falsified business records about

20:58

any of the other things that prosecutors

21:00

are saying happen but instead he says

21:04

they focus their energy on denying that

21:06

Trump ever had sex with Daniels and so

21:10

that was essentially an invitation to

21:12

the prosecution to call Stormy Daniels

21:15

as a witness and have her say from the

21:17

stand yes I had this sexual encounter

21:19

the upshot of it is that the judge not

21:22

only takes the defense to task but he

21:24

also just says that he finds stormy

21:26

daniels's narrative credible he doesn't

21:28

see it as having changed so much from

21:30

year to year interesting so in thinking

21:33

back to our original question here Jonah

21:35

about the idea that putting Stormy

21:38

Daniels on the stand was risky I wonder

21:42

if by the end of this entire Journey

21:46

you're re-evaluating that idea cuz

21:49

doesn't sound like it ended up being

21:51

super risky it sounded like it ended up

21:53

working reasonably well for the

21:55

prosecution well let me just assert that

21:58

it doesn't really matter what I think

21:59

the jury is going to decide this there's

22:02

12 people and we can't know what they're

22:04

thinking but my impression was that

22:07

while she was being questioned by the

22:09

prosecution for the prosecution's case

22:11

stormmy Daniels was a real liability she

22:13

was a difficult witness for them and the

22:14

judge said as much right but when the

22:17

defense cross-examined her Stormy

22:19

Daniels became a better witness in part

22:21

because their struggles to discredit her

22:23

may have actually ended up making her

22:25

story look more credible and stronger

22:28

and the the reason that matters is

22:30

because remember we said that

22:31

prosecutors are trying to fill this hole

22:33

in their case well now they have the

22:35

jury has met stormmy Daniels they've

22:37

heard her account they've made of it

22:39

what they will and now the sequence of

22:41

events that prosecutors are trying to

22:43

line up as they seek prison time for the

22:45

former president really makes a lot of

22:49

sense it starts with what stormy Daniel

22:51

says with sex in a hotel suite in 2006

22:55

it picks up years later as Donald Trump

22:58

is trying to win an election and

23:00

prosecutors say suppressing negative

23:02

stories including stormmy daniels's very

23:05

negative story and the story that

23:07

prosecutors are telling ends with Donald

23:10

Trump orchestrating the falsification of

23:13

business records to keep that story

23:18

concealed well

23:20

Jonah thank you very much we appreciate

23:22

it of course thanks for having me

23:27

[Music]

23:34

the prosecution's next major witness

23:37

will be Michael Cohen the former Trump

23:39

fixer who arranged for the hush money

23:42

payment to Stormy Daniels Cohen is

23:45

expected to take the stand on

23:52

Monday we'll be right back

24:08

here's what else you need to know today

24:11

on Thursday Israeli Prime Minister

24:13

Benjamin Netanyahu issued a defiant

24:16

response to warnings from the United

24:18

States that it would stop supplying

24:20

weapons to Israel if Israel invades the

24:23

southern Gaza City of Rafa so far Israel

24:27

has carried out a limited incursion into

24:29

the city where a million civilians are

24:32

Sheltering but has threatened a full

24:35

invasion in a statement Netanyahu said

24:39

quote if we need to stand alone we will

24:43

stand

24:45

alone meanwhile highlevel ceasefire

24:48

negotiations between Israel and Hamas

24:51

have been put on hold in part because of

24:54

anger over Israel's incursion into Rafa

25:01

a reminder tomorrow we'll be sharing the

25:03

latest episode of our colleague's new

25:05

show the interview this week on the

25:08

interview Lulu Garcia Navaro talks with

25:10

radio host charl laag the god about his

25:14

frustrations with how Americans talk

25:17

about

25:19

politics if me as a black man if I

25:22

criticize Democrats then I'm supporting

25:25

Maga but if I criticize you know Donald

25:28

Trump and Republicans then I'm a

25:30

democratic shill why can't I just be a

25:33

person who deals in

25:36

Nuance today's episode was produced by

25:39

Olivia Nat and Michael Simon Johnson it

25:42

was edited by Lexi di with help from

25:45

Paige coward contains original music by

25:48

Will Reed and Marian Lozano and was

25:52

engineered by Alyssa Moxley our theme

25:55

music is by Jim brunberg and Ben

25:57

lansberg of Wonderland

25:59

[Music]

26:04

that's it for the daily I'm M

26:08

Boro see you on Monday