

# [***Former Publisher Testifies About Alleged Affair; Cohen Paid Adult Actress After Deal Collapse; Students Spar Over Ongoing Protests; Biden Campaign Speech After Economic Report; Biden To Let 2017 Trump Tax Cuts Expire; Hamas Hostage Release Talks Stall; Supreme Court Ponders Donald Trump Immunity Claim; Harvey Weinstein Also Convicted Of Rape In Los Angeles; Secretary Of State Antony Blinken Meets With Chinese Leaders On Taiwan And U.S. Legislation Requiring Sale Of Social Media Site TikTok; Documents Show U.S. Government Aware Toxic Chemicals From Manhattan Project Contaminated Areas In St. Louis, Missouri; Supreme Court Hears Arguments From Former President Trump's Attorney On Presidential Immunity From Criminal Prosecution; Anti-Israel Protests On College Campuses May Cause Political Problems For President Biden***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BWJ-3VN1-F072-X0M1-00000-00&context=1516831)

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**Guests:** Marc Thiessen, Hugh Hewitt, Julia Manchester

**Body**

JEANINE PIRRO, FOX NEWS CHANNEL HOST: Oh, I can't wait.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Joe Biden is like a bag of dope. Donald Trump is like cocaine. You want the heroin, like Slow Joe, or do you want the (BLEEP) cocaine.

JOHNNY BELISARIO, FOX NEWS PRODUCER: What do you want, the heroin or the cocaine?

UNIDENTIFIED MALE: (BLEEP) both of them. I'm in recovery.

(END VIDEO CLIP)

JESSE WATTERS, FOX NEWS CHANNEL HOST: Wow. Johnny, there it is.

GREG GUTFELD, FOX NEWS CHANNEL HOST: Harold, we don't have time for you, but can I just -- airborne.

PIRRO: We love you.

GILLIAN TURNER, FOX NEWS CHANNEL CORRESPONDENT: Good evening. Welcome from Washington. I'm Gillian Turner, in for Bret Baier tonight.

Anti-Israel protests igniting on college campuses from coast to coast. One major university just canceled graduation. Are others going to follow?

Plus, this, President Biden is now facing more disappointing economic news, as former President Trump says he is worse than Jimmy Carter.

And Harvey Weinstein's rape conviction is one of the cases that spawned the MeeToo Movement, now, it's been suddenly overturned. What's going to come next?

First, "BREAKING TONIGHT", two hugely important court cases involving former President Trump and his ability to pursue another term in the Oval Office. The first ever criminal trial of a former president is continuing in New York, with more testimony from Trump's former ally, kicking off the prosecution's case today.

Meanwhile, here in Washington at the U.S. Supreme Court, Trump's attorney has tried to convince justices he has wide ranging immunity from prosecution in an election interference case.

We got vaccine coverage for you. Nate Foy is in New York with testimony from former tabloid publisher David Pecker. But we begin with Fox News chief legal correspondent, also anchor of "FOX NEWS SUNDAY", Shannon Bream. She is outside the Supreme Court tonight. Hi, Shannon.

SHANNON BREAM, FOX NEWS CHANNEL ANCHOR: Hello, Gillian. Well, this is a question the Supreme Court has never before answered. And it has an impact potentially far beyond this year's contentious presidential election and all the legal battles, its impact could actually be felt for generations to come.

(BEGIN VIDEOTAPE)

NEIL GORSUCH, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES: We are writing a rule for the ages.

BREAM (voice over): It is a task for the history books. After nearly three hours of arguments, the nine justices must now wrestle with whether a former president has some measure of criminal immunity for acts taken while he was in office.

Which of the January 6th related allegations were the private actions of candidate Trump versus something officially within the purview of then- President Trump. Many of the justices signaled their thinking far beyond the case at hand, and trying to gauge the real-life fallout of resolving those complex debates, including Justice Alito,

SAMUEL ALITO, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES: if a - - an incumbent who loses very close, hotly contested election knows that a real possibility after leaving office is not that the president is going to be able to go off into a peaceful retirement, but that the president may be criminally prosecuted by a bitter political opponent."

BREAM (voice over): Alito, asking whether that would lead the country into a cycle that ends up destabilizing democracy. While Justice Jackson worried about the implications of the court granting sweeping criminal immunity for all future presidents.

JUDGE KETANJI BROWN JACKSON, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES: If the potential for criminal liability is taken off the table, wouldn't there be a significant risk that future presidents would be emboldened to commit crimes with abandon while they're in office?

BREAM (voice over): Those questions also provoking other justices to ask about whether a president can actually pardon himself in advance in the waning days of his administration? In anticipation of facing possible criminal charges after leaving office.

Justice Kagan noted the framers did not include a presidential immunity clause in the Constitution.

ELENA KAGAN, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES: They were reacting against a monarch who claims to be above the law. Wasn't the whole point that the president was not a monarch and the president was not supposed to be above the law.

(END VIDEOTAPE)

BREAM (on camera): So, if the Court operates as it usually does, then, tomorrow, there will be a vote behind closed doors, a private one. And the justices then from there, will begin the job of writing the opinions. And, you know, the votes can and do change during that process.

Remember, they can also decide that there is still more to be done with this case at the lower level, kicking it back down for more action based on their guidance.

And Gillian, of course, that could delay this whole thing for many more months.

TURNER: All right. Shannon Bream, wrapping up the day for us at the Supreme Court. Thank you.

Shannon, quick question for you. Sorry, before I let you go. There is also action on the state level with election interference charges. What can you tell us about that?

BREAM: Yes, it appears now that a grand jury has indicted 18 people in Arizona in an allegation that they were involved in a conspiracy to keep President Trump in power wrongfully after the 2020 election. They appear to include people like Rudy Giuliani and former White House Chief of Staff Mark Meadows, now, all facing, apparently, several felony charges. Gillian.

TURNER: All right, leaving it there for real this time. Thank you, Shannon.

BREAM: You got it.

TURNER: Now, there is this former tabloid publisher described for the court today, how he tried to help by negative stories about then candidate Trump before the 2016 election. Correspondent Nate Foy has that story from New York.

(BEGIN VIDEOTAPE)

NATE FOY, FOX NEWS CHANNEL NATIONAL CORRESPONDENT (voice over): Today in Court, former American media CEO and president, David Pecker, testified he paid former Playboy model Karen McDougal, $150,000 for the lifetime rights to her story about an alleged affair with former President Donald Trump.

When asked why he paid that money, Pecker said "We didn't want this story to embarrass Mr. Trump or embarrass or hurt the campaign." Pecker clarified those concerns came from himself and Trump's former lawyer, Michael Cohen, not Trump, who says this trial is politically motivated.

DONALD TRUMP (R), FORMER U.S. PRESIDENT AND PRESIDENTIAL CANDIDATE: Today, it was breathtaking, and this room is on (INAUDIBLE) it is breathtaking and amazing testimony. This is a trial that should have never happened. This is a case that should have never been filed.

FOY (voice over): Pecker, eventually backed out of a reimbursement deal with Cohen for the rights to McDougal story over legal concerns. Then, after pecker refused to pay adult film actress, Stormy Daniels for her story, Cohen paid Daniels $130,000.

When Pecker later asked Trump about paying Cohen back at Cohen's request, he said the former president had no idea what Pecker was talking about. During today's morning session, the Manhattan D.A.'s office submitted four more examples where prosecutors argue Trump broke the court's gag order.

Judge Juan Merchan will rule on whether or not to hold Trump in contempt of court.

TRUMP: I was forced to be here, and I'm glad I was, because it was a very interesting day in a certain way.

(END VIDEOTAPE)

FOY (on camera): There will be a hearing about the gag order on Wednesday of next week. But in the last hour of court today, the defense began its cross examination of Pecker, who testified that he alerted Trump of negative stories concerning him, dating back to 1998. Pecker said he hasn't spoken to Trump since the winter of 2019, but still considers him a friend and a mentor. Gillian?

TURNER: All right. Nate Foy, outside that courthouse all day in New York for us. Thank you. Well, confrontations between police and anti-Israel protesters are igniting at college campuses across the nation. Correspondent Steve Harrigan is at Columbia University in New York City -- my alma mater right now. Hi, Steve.

STEVE HARRIGAN, FOX NEWS CHANNEL CORRESPONDENT: Gillian, USC had to cancel its graduation ceremony due to security concerns, and now, Columbia might have to do the same.

(BEGIN VIDEOTAPE)

AMERICAN CROWD: Long live, Intifada.

HARRIGAN (voice over): Universities across the country, scrambling to shut down anti-Israel protests and encampments before they spiral and take over like at Columbia.

UNIDENTIFIED FEMALE: It's definitely gotten out of control.

HARRIGAN (voice over): Chaos at Emory University in Atlanta this morning, as protesters were tased, pepper sprayed, and carried away, just hours after they tried to set up an encampment. The school is blaming outside agitators.

Police and protesters clashing at Emerson College in Boston, after tents in a public alley were removed. More than 100 people were arrested.

Campus remains close to outsiders at the University of Southern California, after police were called in and arrested more than 90 people.

AMERICAN CROWD: Viva, viva, Palestina.

HARRIGAN (voice over): Protesters returned to the University of Texas at Austin today. On Wednesday, nearly 60 were detained, as police in riot gear and some on horseback pushed back.

Back at the epicenter in New York, Congresswoman Ilhan Omar, visited the Columbia encampment with her daughter, who is a student there.

REP. ILHAN OMAR (D-MN): I just wanted to see and make sure that we were hearing from the young people, that it is peaceful.

HARRIGAN (voice over): Protesters face a Friday deadline to dismantle their tents.

BASIL RODRIGUEZ, STUDENT, COLUMBIA UNIVERSITY: Listen to our demands. We are advocating for life. We are advocating for an end to massacre.

HARRIGAN (voice over): But the silent majority says enough is enough.

NOA FAY, STUDENT, COLUMBIA UNIVERSITY: There needs to be a serious disciplinary process that NYPD needs to take them off our campus. The students need to get off the lawn so that I can graduate.

(END VIDEOTAPE)

HARRIGAN (on camera): We expect a pro-Israel March, led by conservative Christians to begin here in just a few minutes time, then, a countermarch. So, police presence here is stepped up. Gillian, back to you.

TURNER: All right. Steve Harrigan, outside Columbia University for us. Thank you.

Well, a significant drop in the nation's economic output during the first quarter of the year, GDP, slowed to a 1.6 percent annual rate. President Biden tried to sound an optimistic note during the speech this afternoon.

Here is White House correspondent Jacqui Heinrich. Hi, Jacqui.

JACQUI HEINRICH, FOX NEWS CHANNEL CORRESPONDENT: Hey, Gillian. President Biden spent his day in New York for a mix of official and campaign events far away from the campus protests we've seen lately. Although, some chanted ceasefire now, as he made his way into Syracuse to talk about the economy.

(BEGIN VIDEOTAPE)

HEINRICH (voice over): Stocks sliding Thursday, following news the U.S. economy slowed in the first quarter. GDP growth coming in at 1.6 percent, under the 2.4 percent forecast and the slowest readings in spring of 2022.

Inflation also proved more stubborn than expected personal consumption expenditures the Feds preferred inflation gauge, rising at a 3.4 percent pace, far exceeding the 1.8 percent pace last quarter. A rain cloud and hopes for interest rate cuts.

The president with a positive outlook, touting new semiconductor chips manufacturing in upstate New York from taxpayer dollars and an investment from Micron.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Unemployment, that hasn't been this low for this long for 50 years.

Wages are rising,

HEINRICH (voice over): Also taking digs at Republicans.

BIDEN: They opposed the CHIPS and Science Act as powering this growth today. In fact, your congressman Brandon Willams, called it corporate welfare.

UNIDENTIFIED MALE: Boo!

BIDEN: Bless me, Father.

HEINRICH (voice over): The White House brushing off today's data.

JARED BERNSTEIN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS: Once you get under the hood, you take out some of those more volatile components. Consumer spending and investment look great.

HEINRICH (voice over): But Biden also announced plans this week to let the Trump-era tax cuts expire. Analysis from the Tax Foundation says, that doesn't jibe with his pledge not to raise taxes on anyone making less than 400 grand a year. A single person making 75,000 a year could see a $1,700 annual tax increase.

TRUMP: He is the worst president in the history of our country. He makes Jimmy Carter look great.

(END VIDEOTAPE)

HEINRICH (on camera): During his time in Syracuse, the president met with the families of two Syracuse police officers killed in the line of duty last week. He also acknowledged their deaths in his opening remarks. The city or the police union, urged the White House to reschedule Biden's visit so the city could mourn their loss. But the police department itself did not request to delay, Gillian.

TURNER: And Jacqui, the administration is renewing its call for Hamas to release hostages in Gaza now, after, I guess, Hamas proposed laying down arms in exchange for territory. What can you tell us about that?

HEINRICH: Well, the White House flatly rejected that plan, Gillian. Saying, there is not going to be a Palestinian state with Hamas in control.

The terror organization proposed laying down their arms for five years and converting into a political party in exchange for a Palestinian state drawn along pre-1967 borders. The U.S. and 17 other countries also re-upped their calls for Hamas to release hostages -- all the hostages, including their own citizens. Now, 200 days into captivity.

Talks for a hostage release appear to be at a stalemate, Gillian.

TURNER: All right. Jackie Heinrich, at the White House for us. Thank you.

HEINRICH: Thanks.

TURNER: Take a look at this.

Stocks were down over the aforementioned week GDP growth. The Dow lost 375. The S&P 500 fell 23. NASDAQ was off 101.

Plus, a new rule from the Environmental Protection Agency would force coal fired power plants to capture smokestack emissions or shut down. Measures key part of President Biden's pledge to eliminate carbon pollution from the electricity sector by 2035. That plans likely be challenged though, by industry groups as well as Republican leaning states.

Coming up next, George Washington, University Law School Professor Jonathan Turley is here to talk about Trump's two big cases.

First, here is what some of our Fox affiliates around the country are covering tonight.

FOX 13 in Portland, where Mayor Ted Wheeler presents his updated public camping ordinance to the city council.

He says he's focused on ensuring it will meet legal standards and also be enforceable. This comes after the city's recent camping bans were met with legal challenges.

Fox 45 in Baltimore. The first cargo ship there, passes through a newly opened deep-water channel. The vessel had been stuck in the harbor since the Francis Scott Key Bridge collapsed a month ago, halting most if not all maritime traffic through the cities port.

Some good news there. Plus, this, a live look at Detroit from FOX2, one of the big stories there tonight. The NFL draft about to get underway. Massive crowds and several road closures crowding the downtown area.

The first elections are scheduled for around 8:00 p.m. Eastern, less than two hours from now.

That's tonight's live look OUTSIDE THE BELTWAY from SPECIAL REPORT. We'll be right back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

JUSTICE BRETT KAVANAUGH, SUPREME COURT: I'm not focused on the here and now of this case. I'm very concerned about the future.

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: The president has to have immunity. This has nothing to do with me. This has to do with a president in the future for a hundred years from now.

If you don't have immunity, you're not going to do anything, you're going to become a ceremonial president.

(END VIDEO CLIP)

TURNER: All right, let's go ahead and bring in George Washington University Law School Professor Jonathan Turley.

Jonathan, great to see you. As you just, you know --

JONATHAN TURLEY, FOX NEWS CHANNEL CONTRIBUTOR: Thank you.

TURNER: You've been listening and talking about this all day. You just heard there, you know, a lot of talk today about the future and the historic nature of the decision that these justices are going to make.

But isn't it also true that they're probably going to rule in a way that is as narrow as possible and try to avoid making a decision that sets things in stone for all presidents for all eternity?

TURLEY: I think so. You know, this is an incrementalist court. They like small steps, not great leaps. And you saw that in the argument, you know, the justices didn't seem to be buying the arguments on either side with any relish. There were some the liberal justices looked like they would be voting for the special counsel, which is not too surprising.

But many other justices were as concerned about the sweeping implications of what Jack Smith is arguing, as they were, what Donald Trump was arguing.

And there seemed to be an interest in finding a third option. But that third option would require likely a remand and a further delay of that case.

TURNER: So, we kept hearing today from the defense that -- excuse me, from the prosecution, that, you know, there's this common understanding that presidents are subject to criminal liability, take a listen to that side of it today.

MICHAEL DREEBEN, ATTORNEY FOR special counsel: It's baked into the Constitution, that any president knows that they are exposed to potential criminal prosecution, it's common ground that all former presidents have known that they could be indicted and convicted. And Watergate cemented that understanding.

(END VIDEO CLIP)

TURNER: So, what place do you think this so called common understanding has in the law, and in this case, specifically?

TURLEY: Well, it's not quite as clear as was suggested, because remember, there were two Nixon cases, one granted absolute immunity on civil cases. And the court has never answered to what extent that extends to criminal cases. This is also the first president ever to stand trial for a crime, you had -- President Grant was arrested and had a small fine, but that's it.

So, the history is rather thin on this point. And that does worry, these justices, and, you know, the special counsel came up and said, look, you know, perish the thought that we can't be trusted with this power, and that we would ever be vindictive. And, you know, there was a little bit of chuckling with that.

And one of the justices said, whoa, you know, putting aside recent years, the Department of Justice, long history of abusive prosecutions, and the re -- the response from the special counsel was sort of like, well, trust us, we're the government. And that was clearly not selling the argument to some of these justices. They wanted a little more to guarantee the stability of the democratic system.

TURNER: Trust the government always goes down well with people, you know (INAUDIBLE).

We have to leave it there, Jonathan, but thank you for staying with us and sharing your analysis.

TURLEY: Thank you.

TURNER: We appreciate it.

TURLEY: Thank you.

TURNER: Well, coming up next, Harvey Weinstein's conviction on rape charges has now been overturned. Why the Me Too movement says this is a clarion call, not a setback.

Coming up later, the country's top diplomat is trying to ease tensions with China. Will he succeed?

(COMMERCIAL BREAK)

TURNER: Welcome back. Breaking tonight, New York's highest court has now overturn the sexual assault and rape conviction of former Hollywood producer Harvey Weinstein. Four to three decision at the state court of appeals reopens the landmark case that launched the Me Too movement.

Senior Correspondent Alicia Acuna has the details tonight. Hi, Alicia.

ALICIA ACUNA, FOX NEWS CHANNEL SENIOR CORRESPONDENT: Hi, good evening, Gillian. New York District Attorney Alvin Bragg's office sent Fox News this statement after the decision came down saying, "We will do everything in our power to retry this case and remain steadfast in our commitment to survivors of sexual assault."

(BEGIN VIDEOTAPE)

ACUNA (voice over): This after a New York appeals court reversed Harvey Weinstein's 2020 conviction for rape and assault of two women. The four three majority finding the trial judge erred by allowing women who were not a part of the case to testify about their own accusations against the disgraced entertainment mogul, accusations where charges never materialized.

Weinstein was sentenced to 23 years in prison in the New York case. In part, the majority opinion criticizes the trial judge writing, "It is an abuse of judicial discretion to permit untested allegations of nothing more than bad behavior that destroys a defendant's character but sheds no light on their credibility as related to the criminal charges lodged against them."

Weinstein's attorneys say they will be ready on day one should the New York case be retried. Today, actress Ashley Judd, one of the first to publicly accused Weinstein joined other Me Too advocates in response to the news.

ASHLEY JUDD, ACTRESS: This today is an act of institutional betrayal. And our institutions betray survivors of male sexual violence.

TARANA BURKE, FOUNDER, ME TOO MOVEMENT: I want you to hear this. This is not a blow to the movement. It is a clarion call and we are prepared to answer that call.

ACUNA (voice over): Now Weinstein is not a free man. He is currently at a New York state prison and will remain in custody while the next steps play out. He is also set to serve a 16-year sentence for a Los Angeles rape conviction in 2022, a case is he also appealing. Gillian?

TURNER: All right, Alicia Acuna for us on that, thank you.

A former public defender working for progressive L.A. County District Attorney George Gascon is facing almost a dozen felony charges tonight. Diana Teran is accused of illegally accessing law enforcement personnel files. California's attorney general, meanwhile, says Teran used the information in her job as a trusted adviser for Gascon.

And this, the latest installment in Bret Baier's documentary series "The Unauthorized Histories" is now available on FOX Nation streaming. It's a five-part look at the history of Silicon Valley, and it traces the rise of today's major tech giants. Take a look at this excerpt.

(BEGIN VIDEO CLIP)

BRET BAIER, FOX NEWS ANCHOR: TSMC is now the world's largest and most advanced chipmaker, with almost all its factories located on Taiwan's western shore, just miles from the Taiwan Straits. As China becomes more aggressive the South China Sea, TSMC's unique role in the semiconductor industry has emerged as a critical part of Taiwan's defensive strategy.

UNIDENTIFIED MALE: The question is, since China says Taiwan is part of their nation, and if they decide to seize Taiwan there goes the western economy's supply of logic chips. And that's now an issue of national security that policymakers in Washington have to decide how invested are we in not protecting Taiwan but protecting TSMC.

(END VIDEO CLIP)

TURNER: You can catch all five episodes of "The Unauthorized History of Silicon Valley" streaming right now on FOX Nation.

President Biden's top diplomat is talking with Chinese leaders about newly authorized aid for Taiwan and also legislation demanding the sale of social media site TikTok. Senior national correspondent Rich Edson has the latest from the State Department tonight.

(BEGIN VIDEO TAPE)

RICH EDSON, FOX NEWS STATE DEPARTMENT CORRESPONDENT: Secretary of State Antony Blinken is in China to manage a relationship that has somehow only become more challenging over the past year.

ANTONY BLINKEN, U.S. SECRETARY OF STATE: We're dealing with areas where we have real differences with China, dealing with them directly, communicating clearly.

EDSON: Just as Blinken set off for this trip to Shanghai and Beijing, the State Department issued its annual human rights report, accusing China of grave abuses, including genocide against Uyghurs in Xinjiang, and President Biden, who in November called Chinese President Xi Jinping a dictator, signed a bill providing billions to American allies to counter China and requiring TikTok's Chinese parent company to sell the app.

VEDANT PATEL, STATE DEPARTMENT PRINCIPAL DEPUTY SPOKESMAN: We have been clear about the substance of our national security concerns, and I have no doubt that these things will continue to come up.

EDSON: China's government has threatened to block a TikTok sale. American officials say they will also press China to inhibit the shipment of deadly fentanyl chemicals to the U.S. Just last week a House committee on China issued a report accusing the Chinese government of directly subsidizing those materials. Then, there's China's support of Russia's manufacturing and accusations it's helping Vladimir Putin's war effort against Ukraine.

JAKE SULLIVAN, NATIONAL SECURITY ADVISOR: He was getting support for the Russian defense industrial base from China. And that is not lost on us.

EDSON: The Chinese government has warnings of its own, especially on U.S. support for the self-governed island of Taiwan, which Beijing views as its territory.

COL. WU QIAN, CHINESE DEFENSE MINISTRY: Taiwan is China's Taiwan. The Taiwan question is at the core of China's interest and is the first red line that should not be crossed in China-U.S. relations.

(END VIDEO TAPE)

EDSON (on camera): The U.S. military says China is employing an increasingly aggressive campaign of pressure and coercion against Taiwan. Blinken will likely discuss that and more as he next travels to Beijing and meets with officials there. Gillian?

TURNER: All right, thank you, Rich.

Coming up next, Bret Baier is going to continue his series on toxic towns across America.

But first, Beyond our Borders tonight. Take a look at this, China launching a three-member crew to its orbiting space station. It's all part of the country's highly ambitious program that aims to put astronauts on the moon by 2030. The spacecraft's three-member crew will relieve the current occupants who have been at the space station since last October.

Plus this, Ariel Henry resigns as the prime minister of Haiti. This amid gang violence that's injured more than 2,500 people between January and March. A council has been sworn in with the task of now choosing a new prime minister and an entire cabinet.

Plus, this is a live look at Rome. One of the big stories there tonight, just up north, in the city of Venice, Italy, a new pilot program is launched to charge day trippers there about $5.35 as an entry fee. Officials hope it's going to discourage visitors from arriving there on peak days and make the city more livable for the dwindling number of year- round residents.

These are just some of the other stories Beyond our Borders tonight. We'll be right back.

(COMMERCIAL BREAK)

TURNER: Welcome back. This evening we're continuing our series taking a look at toxic sites in Missouri. As we told you last night, much of the public was unaware of contaminated sites in St. Louis for decades. Tonight, my colleague Bret Baier digs into historical records that show just how much the government made have known as it worked to dispose of radioactive waste.

We'll bring you more of that coming up next. Some tech problems on our end.

Coming up next, we're going to have the panel on the ***politics*** of presidential immunity, and then later on in the show, a special day for a World War II veteran. Stick with us.

(COMMERCIAL BREAK)

TURNER: Welcome back. We've got Bret Baier back for you. Here he is continuing our series on toxic sites in Missouri.

BRET BAIER, FOX NEWS ANCHOR: Thanks, Gillian.

Radioactive materials that date back to the Manhattan Project have been found at several sites in St. Louis. Tonight, we look at recently uncovered documents and how much officials knew about the possibility of contamination there.

(BEGIN VIDEO TAPE)

KAREN NICKEL, JUST MOMS STL: This is the best kept secret of St. Louis.

BAIER: Since founding their group STL Moms, Karen Nickel and Dawn Chapman have worked it to put together the story of how toxic waste contaminated their neighborhood.

NICKEL: Over the years we had heard bits and pieces of the story and what we thought was the story.

BAIER: We have been looking into this. There are thousands of documents that show the government knew of the dangers of that waste. When did the public start to find out about that?

SEN. JOSH HAWLEY, (R-MO): Well, I think as early as the 1960s you had the public beginning to get some sense of it. But really, it wasn't until the 80s and the 90s that the full scope of this began to come into view. But Bret, as recently as last year we got a new cache of documents that showed the full extent of the government's knowledge. And the government knew years ago, 30, 40, 50 years ago that they had poisoned the creek.

BAIER: The two moms began sorting through thousands of documents in 2020.

DAWN CHAPMAN, JUST MOMS STL: Right away we were going, oh, my God, this is not -- this is so different than what we thought.

NICKEL: The evidence was there. The facts were there. And it told the story from beginning to end.

BAIER: St. Louis was key in producing chemicals for nuclear weapons throughout the 1940s and 50s.

HAWLEY: In fact, St. Louis was a uranium processing site. So was Kentucky, so was Tennessee, that the extent of the testing that was done in the west, the American west, was far greater than we knew.

BAIER: The U.S. government hired Mallinckrodt Chemical Works to process uranium at its plant in St. Louis amid the effort to build the atomic bomb. The uranium was often sent to a lab in Chicago and helped create the first sustained nuclear chain reaction.

UNIDENTIFIED MALE: It's a powerful energy.

HAWLEY: After the uranium processing facility in St. Louis during the Manhattan Project era shut down, the government didn't dispose of the waste properly or really at all.

BAIER: Federal officials bought land near the St. Louis airport to store the byproduct.

CHAPMAN: Right away you could see that the government knew how dangerous this waste was.

BAIER: In an internal memo from 1949, Mallinckrodt discussed health and safety concerns surrounding the disintegrating K65 drums at the airport that were left open to the elements.

NICKEL: Piles of waste, barrels of waste were sitting at the airport site.

BAIER: The document includes discussions to move the waste and recognize the current location as a severe problem. It also considered the possibility of stream pollution in nearby Coldwater Creek.

CHAPMAN: They knew it was probably leaking into the creek, but they didn't know how much.

BAIER: Coldwater Creek originates south of the St. Louis Airport. It stretches 14 miles and flows into the Missouri River. High water and threatening floods are an annual occurrence along the creek.

PHIL MOSER, U.S. ARMY CORPS OF ENGINEERS: Wind and rain and also flooding events took some of those contaminants. They were carried down the stream in the sediment and then deposited during flooding events, and also just during the normal flow.

BAIER: The Mallinckrodt memo goes on to determine the health hazard for workers was more immediate than the pollution in Coldwater Creek.

NICKEL: They were so toxic that they were told do not touch those. Just let them go ahead and leak into the creek. This was before homes were built. And lo and behold, in the 50s, like 50s and 60s, homes were being built on top of this.

BAIER: Throughout the 1960s and 70s, the waste was moved to a different location near the airport and Coldwater Creek, and, again, left out in the open.

MOSER: The controls back in the day were surely not what they are now. That's why we're in the current situation.

BAIER: So how difficult is it to clean that up?

HAWLEY: Well, not nearly as difficult as the government has made it. For years, the people of St. Louis were told don't worry, there's no significant radiation, or they were told, hey, we have cleaned it all up. In fact, those things were not true.

BAIER: According to 1977 Tennessee Oak Ridge National Laboratory Report, scientists conducted surface soil sampling at the airport storage site and Coldwater Creek.

CHAPMAN: It was taking years to do testing and really get the scope and magnitude of how contaminated north county is.

BAIER: Samples from drainage ditches which carry runoff water into the creek show average radiation levels were almost five times higher than usual.

MOSER: We haven't seen that level at these sites since I have been here for sure.

BAIER: The waste was moved once again in the 1970s to the West Lake Landfill, a location near the neighborhood where Karen, Dawn, and thousands of other residents would eventually call home.

CHAPMAN: It is not possible in these United States of America to purchase a home next to a site that has Manhattan Project radioactive waste just sitting out for decades.

BAIER: There are dozens and dozens and dozens of Missouri lawmakers who have been in office for these decades. Why are you the first that's raising the alarm bell here?

HAWLEY: You know, I wish I had a good answer to that question. But here's the truth, is that the time to act is now. I mean, really, the people of Missouri, this should have been done 50 years ago.

(END VIDEO TAPE)

BAIER (on camera): Fifteen years ago, most of the public was unaware that Coldwater Creek and the West Lake Landfill were contaminated with radioactive waste. While more has come to light about those sites, advocates are still facing hurdles in getting them cleaned up. We'll take a look at that next time. We'll send it back to you.

TURNER: All right, thank you, Bret.

Let's go ahead now.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER U.S. PRESIDENT: If you don't have immunity, you're not going to do anything. You're going to become a ceremonial president.

ANDY MCCARTHY, FORMER ASSISTANT U.S. ATTORNEY: The president does have to have immunity for the acts that he takes within the authority of the presidency, within the ambit of his constitutional responsibility.

JOHN BOLTON, FORMER NATIONAL SECURITY ADVISER: Trump will certainly lose on the absolute immunity claim. I don't think the Supreme Court has to get to the question of the extent of the immunity. It can simply say, these are not official acts.

(END VIDEO CLIP)

TURNER: All right, now, for real, let's go ahead and bring in our panel. We've got "Washington Post" columnist Marc Thiessen, syndicated radio host Hugh Hewitt, and Julia Manchester, national ***politics*** reporter for "The Hill." Thanks, guys, for being with us today at the end of this very long and grueling day for everybody.

(LAUGHTER)

TURNER: Let's start where we left off there, Marc, with immunity. The justices could obviously determine that the president requires full or partial or, I guess, no immunity whatsoever. Having worked hand in glove with presidents at the White House, from your perspective, what do they actually need?

MARC THIESSEN, COLUMNIST, "WASHINGTON POST": Yes. So Trump is basically claiming absolute immunity. The three liberal justices are leaning towards no immunity, and the six conservative justices who will decide the case seem to be leaning toward some sort of qualified immunity, or there would be immunity for official acts but not immunity for private acts that were for his own gain. I think that sounds about right.

The president needs to be free to make controversial decisions without fearing that he is going to be prosecuted after he leaves office, putting aside Trump and whatever you think of what he did. But he shouldn't be free from prosecution if he commits a crime, like takes a bribe or something like that. So I think they are going to come up with a compromise.

But it's also important to remember why we're here. The reason this case is being decided is because no president until now has ever been prosecuted, former president. And we're now experiencing a case of lawfare against this president -- 91 charges against the president at the federal, state, and local level. That is unprecedented. And so that's why this case is now before the court.

TURNER: Julia, Justice Jackson said she's concerned that giving president near total immunities or total immunity would lead to the Oval Office becoming, this is a quote, "the seat of criminal activity." Do you think that's a real possibility?

JULIA MANCHESTER, NATIONAL ***POLITICS*** REPORTER, "THE HILL": Well, I think that's what you're hearing liberals raise. And I thought it was interesting when you heard Justice Sonia Sotomayor ask former President Trump's attorney, would this apply to a political assassination, for example? And he said, you know, it could. These are certainly some eyebrow-raising scenarios, but these are all hypotheticals. We have to remember that, and I think Trump's team is definitely saying these are hypotheticals.

But ultimately, I think Marc is right. I think we are going to land somewhere in the middle. And then also, ultimately, look, this is a delay for former President Trump. He wants to keep delaying and delaying and delaying until after the election. And right now, it seems to be moving that direction with these cases.

TURNER: Hugh, the two trials that Trump was involved with today were 200 miles apart, New York and Washington. They didn't overlap in any real legal sense. But I don't think there is any question that in a -- in the public realm they intersect and impact one another, and certainly in the minds of voters.

HUGH HEWITT, SYNDICATED RADIO HOST: Let me geek out a little bit and inform the audience if they go to the two-hour-and 20-minute mark in the oral argument that C-Span has posted, Justice Barrett raises the question of state prosecutors, implying, come on, at least aren't we going to give the president immunity from state prosecutors? Isn't that obvious?

In the background, of course, is the abuse of law being conducted by Alvin Bragg, which is an embarrassment for anyone who is a prosecutor in name and in reality with an obligation to their oath. But I will say this about the argument -- it's the common law greatest hit, Marbury versus Madison, McCulloch v. Maryland, Korematsu is in there. They toss in every case you've ever talked about. It's a genuine case of first impression. It will be remanded. And if I had any guess to make at all, it's that the chief justice will keep this opinion to himself because it's going to be up there with another one that was mentioned, Youngstown Sheet and Tube, a touchstone, because not has ever decided this before. It'll be the last day of the term. No one will be happy, but it will be very important precedent, not just this, they all made this point. This president, President Trump or President Biden, but for every president for all time. So they will take their time. It's a very important case.

TURNER: Marc, take a look at this NBC poll. It takes a look at Trump's sort of criminal cases right now more broadly and finds that 50 percent of voters think Trump is being held to the same legal standard as everybody else. i.e. treated fairly. But then 43 percent say he is being treated unfairly and targeted. Translate that to us in terms of the general election.

THIESSEN: I think that his base thinks he's being treated unfairly and the left thinks that he is not being treated unfairly, and the swing voters are going to decide this election. And I don't think they're going to decide it on this. I think they're going to decide it on inflation. I think they're going to decide it on the chaos in the country. But it has clearly energized his base, and it's the reason why he is the Republican nominee.

But if you look at that case that we're seeing in New York. So he is being charged with trying to influence election by suppressing a negative news story. If that's the standard, why don't we prosecute Joe Biden who conspired with the FBI and the intelligence community to suppress the Hunter Biden laptop story and call it Russian disinformation? Or Bill Clinton, who suppressed -- constantly suppressed bimbo eruptions not by paying people off but by hiring reams of lawyers to dig through records and their sex lives and try and intimidate and harass them. Suppressing bad stories is what campaigns do. And it's been done in much worse ways than what Donald Trump is accused of doing.

So, this is just an example of how people who wouldn't necessarily support Donald Trump but see the unfairness of how he is being treated rally around him. And it's why he is the nominee and why Joe Biden might lose to him.

TURNER: Hugh, Trump earlier in the morning in New York met with a group of construction workers and union members, trying to win over the endorsement of the teamsters. As is now sort of customary fashion for him, he's turning these trial days into campaign events. Do you think that ultimately, these trials and these cases are making -- are hamstringing him? Can you even say? I don't know that's a word. Is he hamstrung by them or helped by them?

HEWITT: I think he's helped by them, because he is not doing rallies. He is doing very focused events. I would like to see him at Columbia like Speaker Johnson courageously did today. I love that he went to the bodega on the upper west side. I think Donald Trump is inventive. He knows New York. He knows the niches of New York. He knows where to go in Queens. He is the best performer as president that we've had in my lifetime. And this is 1968 all over again. And I think he is going to come out on top.

TURNER: So Hugh, Julia, mentioned these anti-Israel protests that are igniting around the country, some of them turning blatantly antisemitic. What are your final thoughts about that?

MANCHESTER: Look, as we head into an election year, we are seeing that once again this is an example of the foreign policy issue really impacting an election. So you have President Trump and President Biden forced to respond to this issue. It's easy for President Trump and Republicans to respond to it because it seems like the Republican base is very united on their feelings towards Israel. For President Biden, it's much more tricky. And that's why when he was asked about these protests the other day, he condemned the protests, but at the same time, he condemned people who didn't understand what the Palestinians are going through. So he has a very line to walk between those pro-Israel Democrats and very progressive Democrats.

TURNER: A very, very fine line.

Panel, we've got leave it there. Thanks so much for coming into the studio in person. Great to see you today.

HEWITT: Thank you.

CONTINETTI: Great to see you. Thank you.

TURNER: Finally tonight, it is a very special day.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: I feel proud because I'm an American citizen living in the greatest country on earth, and I served my country. I was glad to be part of it.

(END VIDEO CLIP)

TURNER: That's 96-year-old World War II veteran and national treasure Leonard Light. He was honored for his service during Tuesday's Stanley Cup playoffs, a matchup between the Florida Panthers and Tampa Bay Lightning. It was part of the Panthers Heroes Among Us program. Leonard himself was drafted into the U.S. Army and deployed to the Philippines during the war as a member of the criminal investigation division. His panthers won that game, and they're looking to go three up on the Lightning tonight. God bless you, Leonard.

Coming up tomorrow on SPECIAL REPORT, we're going to continue our toxic town series with Bret Baier taking a look at the effort to clean up the contaminated sites across Missouri. Remember, if you can't catch us live, be sure to set your DVR to 6:00 p.m. eastern, that's 3:00 p.m. out on the west coast.

Thanks for watching SPECIAL REPORT. I'm Gillian Turner in Washington. "THE INGRAHAM ANGLE" is next.

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