

# [***The Criminalization Of The Election Process; Donald Trump And His Legal Woes; Pro-Palestinian Protests In US Colleges And Universities***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BX1-1331-JCS1-61J7-00000-00&context=1516831)

Fox News LIFE, LIBERTY, LEVIN 8:00 PM EST

April 27, 2024 Saturday

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**Section:** NEWS; Domestic

**Length:** 6640 words

**Byline:** Mark Levin, Jon Scott, Douglas Murray

**Guests:** John Yoo

**Body**

DR. NICOLE SAPHIER, FOX NEWS CHANNEL MEDICAL CONTRIBUTOR: This would have been better if it was at French Laundry.

VOGEL: All right.

SAPHIER: I know, it is all calculable.

VOGEL: That does it for us. We are going to see you back here tomorrow at 7:00 PM Eastern for "The Big Weekend Show."

LIFE, LIBERTY & LEVIN that starts right now.

MARK LEVIN, FOX NEWS CHANNEL HOST, "LIFE, LIBERTY & LEVIN": Hello, America. I am Mark Levin and this is LIFE, LIBERTY & LEVIN Saturday.

Two great guests this evening: John Yoo, former deputy assistant attorney general, and a law professor, exquisite law professor; and Douglas Murray, a human rights advocate and National Review Institute senior fellow and we'll have him on as well to talk about the Hitler youth that are taking over our colleges and universities. But before we get to that, let's talk about presidential immunity.

Many of you watched or heard what was discussed at the Supreme Court the other day, I know I did and I got to thinking to myself, they're discussing the wrong thing.

What am I talking about? Well, what's an official act? What's a personal act? Judge Coney Barrett, was that personal or was that private? Was that personal? Sotomayor talking about hospital insurrection? We're getting hypotheticals about the military overthrowing the government. I said, what the hell's going on here?

I want to read something to you about 1876. I did it about a year ago when this first popped up, this immunity issue and it all makes sense. If you stick with me, this is very, very important. We had a brutal election in 1876, and as pointed out by the University of Virginia Miller Center, Sheila Blackford: In the presidential election of 1876, Democrat Samuel Tilden ran against Republican Rutherford B. Hayes.

At the end of the election day, no clear winner emerged because the outcomes in South Carolina, Florida, and Louisiana were unclear. Both parties claimed victory in those states. But Republican controlled returning boards would determine the official electoral votes.

So Republicans and Democrats rushed to those three states to watch and try and influence the counting of the votes. They spoke to the state legislatures. They spoke to whomever they could, they were -- you know, doing whatever they had to do, we needed our votes.

The returning boards determined which votes to count and could throw out votes if they deemed them fraudulent. The returning boards in all three states argued that fraud, intimidation and violence in certain districts invalidated votes, so they are throwing votes out, and they threw out enough Democratic votes for Hayes to win the presidency.

Sounds criminal, sounds illegal. Sounds like election interference.

Meanwhile, in Oregon, a strange development added that state to the uncertain mix. Hayes won the state, but one of the Republican electors John W. Watts, was also postmaster. And the US Constitution forbids federal office holders from being electors. Watts planned to resign from his position in order to be a Republican elector, but the governor of Oregon who was a Democrat disqualified Watts and instead certified a Tilden elector.

Oh, as we say. such mishegoss going on.

Well, electors cast their ballots in state capitals on December 6, 1876. Generally, the process went smoothly, but in four capitals Salem, Oregon; Columbia, South Carolina; Tallahassee, Florida and New Orleans, Louisiana, two sets of conflicting electors met and voted so that the US Congress received two sets of conflicting electoral votes -- oh fake electors. Why did they do that? You know why they did it? Footnote because they were going to challenge the election on the floor of the House where both chambers meet, Senate and the House to count the Electoral College votes.

If you don't send a separate set of electors in, then the other side automatically wins. There's nothing to count. They're not fake electors. They're a second set of electors sent by the other party.

Well, that must be a crime. At this point, Tilden had 184 electoral votes while Hayes had 165, with 20 votes still disputed. So Tilden was in the lead substantially so.

Well, the Constitution stipulates that the electoral votes be directed to the president of the Senate, who was a Republican Thomas W. Ferry, although Republicans argued that he had the right to decide which folks to count.

Wow, almost sounds like advice given by John Eastman to the former vice president. Democrats disagreed and argued that the Democratic majority in the Congress should decide. Well, a compromise was reached and on January 29, 1877, the Electoral Commission Act established a commission of five senators, three Republicans, two Democrats, five representatives, three Democrats, two Republicans, and five Supreme Court justices, believe it or not, two Republicans, two Democrats and one Independent to decide which votes to count and resolve the dispute.

But the Independent Supreme Court justice refused to serve on the commission and was replaced by a Republican justice. So you had five Supreme Court justices, three of whom were Republican appointees. Although Hayes did not initially support the commission, he changed his mind because it would enhance the legitimacy of the eventual winner. Plus, the Republicans controlled the vote.

The commission voted eight to seven to award the electoral votes from South Carolina, Florida, and Louisiana, and one from Oregon to Hayes. Remember, he was 20 behind. Now, Democratic members of Congress threatened to prevent the count of the electoral votes and delay the resolution of the election with frequent adjournments and filibusters.

With the threat of delay, Democrats hoped to win some concessions from Republicans. Blackmail? Obstruction? Two issues interested Democrats restoring their control of governments and thus White supremacy in the south, oh, you clever Democrats, always for slavery and segregation, and removing the last of the federal troops and the federal subsidy for railroads.

However, it's doubtful that Hayes whose supporters and Democrats reached any sort of deal beyond what Hayes promised to do in his letter of acceptance.

Samuel J. Randall, the Democratic Speaker of the House, realizing that creating chaos would backfire on the Democrats finally ruled that filibuster is out of order and forced the completion of the count in the early hours of March 2, 1877, with 185 votes to Tilden's 184, Hayes was declared the winner two days before he was inaugurated.

While Hayes strongly supported African-Americans' right to vote and protection of civil rights, he had little influence in the South. By the time he took office, the only federal troops still in the south protecting Republican governments were limited to small areas surrounding state houses in the capitals of New Orleans and Columbia.

Hayes insisted that Democrats in South Carolina and Louisiana pledge to uphold civil and voting rights of Black and White Republicans. Once the Democrats agreed, Hayes pulled the remaining federal troops out of the south, and White southerners quickly turned their backs on their pledges, systematically disenfranchising Black voters through poll taxes, literacy tests, and intimidation.

Democrats in the south created a segregated society and used terror and violence to oppress African-Americans. And Hayes had little power to control the Democratic governments in the south.

Anyway, 1876, wow, what a year.

Well, let me talk to you about the allegations against Trump and others brought by an unconstitutionally appointed rogue special counsel, that will be Jack Smith. His appointment violates the Constitution, he has enormous prosecutorial powers, but he never had to present himself to the Senate Judiciary Committee or to the Senate for a vote.

Well, what's the issue? Basically this: Attempting to influence state officials to subvert the legitimate election results. Ladies and gentlemen, candidates are free to try and influence state legislatures, governors or whomever is involved in the count in the voting system, to see if there's any way that they may win or may have won or if there's something the other side did. It's not a crime. It's not subverting the "legitimate election results." The election is not over until the House and the Senate, the members of Congress meeting jointly say it's over. That's the whole point.

Organizing fraudulent slates of electors -- fraudulent slates of electors, you mean like in 1876? It's a second slate of electors to challenge the election on the floor of the House where the Senate and House members are meeting, they decide who the president of the United States and the vice president of the United States are going to be under our system.

Using the Department of Justice to conduct sham election criminal investigations. Sham? Says who?

We have criminal investigations being done by the Department of Justice on election fraud all the time, out of the radical left wing Civil Rights Division that is constantly accusing states and counties of criminal violations of the election code. There is nothing new with that.

Knowingly and fraudulently attempting to influence the vice president's role in certifying electoral votes. When you have a lawyer like John Eastman or others, trying to convince the president of the Senate that is the vice president of the United States, Pence. No, you have the power to do X versus Y whether Pence might be uncomfortable, whether people may not like it, that's not a crime. It has never been a crime.

Utilizing the events of January 6, 2021 to "levy" false claims of election fraud, and convince members of Congress to delay the certification. Free speech, trying to influence the outcome of an election, not subvert an election. You're challenging the election. It's been done since the beginning of elections in the United States of America.

Now, what does any of this have to do with the immunity hearing that took place in front of the Supreme Court? Why is that case in the court? Why is there for the first time in American history a dispute over whether a president's immunity carries over to his post presidential life when he conducted himself a certain way as president? Why is this front and center? Why has this never been an issue before?

Well, because of Trump. That's ridiculous. Obama could be charged. Biden will be charged. This is ridiculous. Do you know why it's in front of the Supreme Court? Because the Biden administration and the rogue unconstitutional prosecutor with their deaf, dumb, and blind attorney general, they have criminalized ***politics***. They have criminalized the electoral process.

Everything they claim that Trump did is not a crime. Now, how else do we know that? Not only through our own history that they've criminalized elections and the political process? What is Trump charged with? Insurrection? No. Sedition? No. He is charged with the 1871 Ku Klux Klan Act and its more recent iterations.

I just told you about an election that took place in 1876 after the 1871 Ku Klux Klan Act was passed. Nobody even thought about bringing a case against Tilden and against Hayes, against state legislatures, against anybody.

The Enron Obstruction Act. What's that all about? They used that in the US Attorney's Office in Washington have the judges in Washington DC, against the January 6ers. The problem is it doesn't fit. They had to rewrite the statute. The circuit court, the three-judge panel with Biden appointees, they rewrote it to apply to those protesters. The Supreme Court is having to hear that case as well and decide on it.

And then a law that used against potentially corrupt federal contractors. The Klan Act, the Enron Act, a federal contractors law, that's what they're bringing against Trump. And the Supreme Court is sitting there like a debating society, it didn't look like they were debating a law. They were debating philosophy.

What's private? What's official? What if a SEAL Team Six is sent to overthrow a president? Sends out the military? Or what if UFOs come down and a president is actually an alien and what? It was embarrassing, it was humiliating.

The man arguing the case is working for an unconstitutional prosecutor who has brought this country to the brink, whether it's immunity, or other aspects of our constitutional system.

The justices you should be familiar with Jack Smith, he went there before. When it was the governor of Virginia, a Republican. He brought it preposterous case, he rewrote the statute. And so the governor was convicted only to have the eight justices who ruled on the case rule unanimously overturn it and say that the statute didn't say what Mr. Smith said it said.

And so now Mr. Smith goes back to the Supreme Court with all this stuff, because he has criminalized an electoral process, a political process that can be ugly, that involves talking to one another that involves separate electors, and he's criminalized every piece of it, not under the insurrection or sedition statutes. But he dusts off these ridiculous statutes and throws them at Donald Trump.

And now the court is caught up in all the static. The court is caught up in Mr. Smith's world. The court is caught up in something that is really quite dangerous. Now, they are going to decide what is official and private conduct on facts brought to the court in a case that never should have been brought against Donald Trump, not by this prosecutor or any prosecutor. I'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

It is a pleasure to have our friend, Professor John Yoo, UC Berkeley Law School, former deputy assistant attorney general, Hoover Institution visiting fellow, a very busy but not too busy to not be able to come here. Thank you.

John Yoo, what do you make of my points? I mean, the reason we're in the Supreme Court is because the Department of Justice, this attorney general and this prosecutor are doing things that normal administration's will not do. They're pushing the edge of the envelope in every respect no?

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL DURING THE GEORGE W. BUSH ADMINISTRATION: Mark, I think you nailed it in your monologue. I'm so glad you brought that out because everyone, of course is talking about the Supreme Court and what are they going to be doing about immunity. The Supreme Court has never had to hear a cases like this, because no president in the history of the Republic has tried to prosecute one of his predecessors. That is crossing a Rubicon, and it creates a terrible incentive for future presidents because now they always have to be worried.

They always have to be looking over their shoulder that some president in the future is going to go after them. So what you have here is the absence of statesmanship, leadership, common sense.

There are no doubt presidents in the past who might have done things that other people might have thought had been criminal. But future presidents always thought it's in the best interest of our country to pardon Nixon, to get past, past controversies and look to the future and do what's best for the American people.

Unfortunately, it's Joe Biden, who has triggered this constitutional crisis by continuing to press this special counsel investigation and that's where the fault really lies in all of this.

LEVIN: And you know, John Yoo, I am listening to some of these justices and they had been sucked into this world. You know, listening to Barrett, is that private conduct? Is that official conduct? I mean, do they actually think these nine justices are going to sit there and come up with a meaningful definition to apply in all circumstances when a president is sitting there under God knows what conditions making decisions? Having to make decisions and wonder?

And I heard Judge Jackson say, but they have all the lawyers in the world. What do they have? A criminal defense lawyer sitting around them and determining whether they're going to hit this place, or hit that place, or make these decisions? They are buying into this whole thing, because it's Donald Trump.

What is the potential truly for doing permanent damage to separation of powers, the power of the presidency, and empowering future administrations to go after past administrations like they do in these fascists and Marxist regimes?

YOO: If Donald Trump wins this case, it will be because of that exact point. It's because let's just stop and talk about the future because that's what's important. And the question is, what is this going to do to presidents when they have to make the hardest decisions for the country? Do we want them to think about oh, is my successor or my political opponent in the next election who is already going to get the nomination from his party, are they going to turn the power the government against me?

What we'll end up doing is we'll have presidents who won't want to exercise any leadership, they won't take any risks, they won't make the tough calls, because they're going to be worried that some successor there is going to want to throw them in jail. And isn't that what's happening right now to Donald Trump?

LEVIN: In fact, isn't this case evidence of the problem? Isn't this example number one, the Klan Act, the Enron Act and some federal contractor Act that they're bringing against Donald Trump after the fact they have to dig and dust off these laws? They have to try and force their arguments into these arcane statutes, which is what Jack Smith did before and what he is known for?

And so now we have justices saying, well, what if he orders the military to do this? What if he -- have we lost our minds here?

YOO: Even If Trump were to lose this immunity question, it'll go back and we've got a test, as you say, Mark, exactly those kinds of charges. Because what a shock to me as a former Justice Department official, I think it might shock you to is the flimsiness, the rushed nature of these criminal charges against Trump. He will still be able to challenge those at the trial court, although he seems to be before a very unfriendly trial judge right now.

What this kind of charge is saying, oh, what happened on January 6th was fraud on the government of the kind that usually we charge government contractors for overcharging for a hammer, or this Enron law you mentioned where people who destroy documents that Congress wants for an investigation have been charged.

Actually, in these cases, the courts have been very suspicious of the kind of claims that this special counsel and the Biden administration is -- remember, it is the Biden administration, not just the special counsel that's behind this. In fact, the court may well strike down that second charge.

And then the third charge the Voting Rights Act, saying that making arguments about how to count the electoral votes somehow disenfranchised every single person in the country, apparently, like you and me, because we also voted in the election and our votes weren't counted somehow.

Those are all very flimsy charges. They're pushing the law, I think beyond where it can go. I think this special counsel has lost nine to zero before when he has tried to prosecute government officials. And I bet if these charges ever get to the Supreme Court in time, he'll lose on those too.

LEVIN: I do worry when I hear these Democrat appointed justices, as well as Barrett, I mean, I'm just reading the tea leaves here. They're really caught in the weeds when they ought to be stepping back and saying, wait a minute. I'm one lawyer in black robes that happens to be a Supreme Court justice. You're asking me to be Solomon to split this baby? Why is this baby here? Why am I being asked to split this baby?

Why after over 200 years of jurisprudence? Is this case in front of us and in front of us now before this election? Who is this prosecutor? Why does he keep pressing us to do his dirty work?

I mean, when they're cloistered in their various offices or in their conference room, shouldn't somebody say to themselves, this is a mistake. This is a big mistake. The circuit court went along. You've got Two Biden appointees. The district court went along, you have a radical Obama appointee. We are getting dragged into this and this is a very, very dangerous area.

We'll be right back.

(COMMERCIAL BREAK)`

JON SCOTT, FOX NEWS CHANNEL ANCHOR: This is a Fox News Alert, I'm Jon Scott in New York.

Some 55 million people are under threat of severe dangerous weather as a powerful line of storms races across the Plains and Midwest. Tornadoes, large hail, heavy rainfall and damaging winds are possible.

Oklahoma, Kansas and Missouri likely to see some of the strongest storms. Severe Weather is also possible in many places still picking up the damage from Friday's tornado outbreak.

More extreme weather is expected across the region tomorrow.

Right now, hundreds of pro-Palestinian protesters are gathered outside the annual White House Correspondents' Dinner. Demonstrators are accusing President Biden of genocide because of his support for Israel. Guests arriving to the dinner also confronted. This demonstration, one of several taking places across the country.

I'm Jon Scott, now back to LIFE, LIBERTY & LEVIN.

LEVIN: Welcome back, America.

Professor John Yoo, another thing the court didn't get into, but it should have because this was more of a policy philosophical political debate than it was a legal one. Because in this issue of immunity, let's be honest, it is an implied position. There is nothing in the Constitution explicitly, and so you've got to be rational, just like judicial review is not in the Constitution. It's an implied power for the judiciary.

And as you said, you used comity C-O-M-I-T-Y, tradition, common sense, but all of that is blown out right now. So my question to you is this, my question to the justices, how the hell are we going to run elections now? It used to be, you could have a separate set of electors, it used to be that a candidate could call up a Secretary of State and say, are there any more votes?

It used to be that a candidate could pressure the Speaker of the House and the state legislature or the president, of a Senate or do whatever has to be done to try and win an election, try and get the Electoral College votes. Al Gore litigating in one county after another in Florida.

So what are the rules now? The rules are prosecutors -- local, state and federal prosecutors will decide after the fact. They will decide whether or not a lawyer should be prosecuted or a lawyer should be disbarred for giving advice. What are the rules now?

YOO: That is an excellent point and excellent question, Mark. Because I have to say, agree or disagree about Biden's merits, they have opened the door disastrously on this to criminalize campaigns and it is spread not just from the special counsel, it is spread to our state and local DAs. That's what's going on with this hush money trial in New York City. That's what's going on with a sprawling indictment in Georgia. And now the case is coming out of Michigan and Arizona this week. You are allowing any DA in the 2,000 to 3,000 jurisdictions in the United States to now bring criminal charges because they don't like the way an election was done. They don't like the way a campaign was run.

Second, this is what the First Amendment is about. The First Amendment is there to protect our right to engage in political free speech, to govern ourselves, to run our campaigns. I think it is an outrageous violation of the Bill of Rights for these DAs to say, President Trump's re-election campaign is really an organized crime racket and so everything that was connected to that is going to be chargeable.

I agree. I think President Trump had every right to make his pitch on the Constitution to Vice President Michael Pence. People in the states had every right to select alternate electors and send them forward in case Congress rejected the ones that they saw in the first place. That's all part of ***politics*** and campaigns.

It's been a part of our history. No one has ever been prosecuted for it, as you point out the 1876 election. No one has prosecuted for Hawaii in 1960 that changed its vote to John F. Kennedy. No one -- I will say this -- people aren't giving Donald Trump credit. He could have gone after Hillary Clinton based on the kinds of charges that are being brought against him, but he chose not to prosecute anybody involved with the Hillary Clinton campaign.

But Joe Biden, and I think and these Democratic DAs and prosecutors have opened the door and we're going to regret it because it's going to criminalize even more of ***politics*** as we know it.

LEVIN: I guess the people who pushed the Russia collusion, they can be prosecuted on completely different grounds now.

YOO: Yes.

LEVIN: Obstruction of an election and trying to overturn an election or overturn a presidency. I guess the people who covered up the Hunter Biden laptop, now we have precedent that those people can be criminally charged. And if the Department of Justice has its way, if the Biden administration has its way and I have said this before, Joe Biden can be prosecuted for failing to enforce our immigration laws and all the crimes that resulted from that.

Obama can be prosecuted for killing American citizens with drone attacks. In other words, any prosecutor can dig deeply, dust off statutes, look for reason, bring the charges. And the next thing, you know, the next president's in line or former president for prosecution, isn't that what is possible here?

YOO: It's exactly right. It runs against the American tradition of the rule of law. I remember, you mentioned it, Mark. Communists and Marxists would say show me the man and I'll show you the crime. And that was because if you target people, and just try to find anything you can on them, well, of course, you can bring them down with some kind of creative prosecutor.

But we have not operated in this country like that up to this point. Instead, we look at the law, we try to fairly enforce it. And I think you're right, Mark, if you take the principle that is being applied to Donald Trump now and all of these prosecutions, then it means a whole bunch of other presidents could be prosecuted. It means that people in the future could be prosecuted, and it's going to make our presidency hard to run in the way that it should to protect the American people.

LEVIN: These are the guys who are running on a campaign of saving democracy, of promoting democracy, preventing a dictator from becoming president, the man that they want to put in prison and four separate criminal cases in four separate jurisdictions, simultaneously, all prosecuted by Democrats.

Professor John Yoo, I want to thank you. You're really a brilliant man, and we appreciate having you with us. God bless you, my friend.

YOO: I'm not as brilliant as it looks, but thank you, Mark.

LEVIN: Yes, you are.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

We have our good friend, Douglas Murray with us. Great patriot, wrote "The War on the West." He's a "Spectator" associate editor, a National Review Institute senior fellow. He has been traveling the world, taking on the -- I will call them what they are -- the Hitlerians and now, Douglas Murray, we have the Hitler youth throughout our colleges and universities just celebrating and embracing different types of Nazis.

And this is funded, as I've demonstrated on this show twice now, by Hamas. They have a funding network that funds the Students for Justice in Palestine among others, by Qatar that pours billions of dollars into our colleges and universities. They are funded also by dark money billionaires in the Democratic Party, George Soros and others, "The New York Post" has pointed this out. I've pointed this out.

But here is the problem, Douglas Murray. We have a president the United States, Joe Biden despite what is swirling around in this country, despite all of the little Kristallnacht going on, despite the rise of Jew hatred and American hatred in his own party effectively says nothing definitive, has no character whatsoever, no moral clarity whatsoever.

Every time he talks about antisemitism, he brings up Islamophobia or the Palestinians, well, we don't have systemic Islamophobia in America, they have it in the Middle East where they kill each other. It's not in our country. What do you make of Joe Biden and his administration?

DOUGLAS MURRAY, FOX NEWS CHANNEL CONTRIBUTOR: Well, I think the fastest way to make a point on this is various other people have in recent days as well, but it's just do the equivalence.

You know, the other night at an Ivy League university in the US, some Jewish students were waving the Star of David and protesters not only surrounded them and intimidated them, but one of them stood in front of them with a sign saying, "Hamas, these are targets you should get next."

Now, I would suggest, Mark, I think you'd agree with me that if a group of Black students were on any campus in America, and we're not just intimidated and harassed on a daily basis, but actually had people calling for them to be lynched, I don't think that Joe Biden or AOC, or anyone from either main party, and anyone in any of the main parties would do anything but come out in full-throated condemnation of the terrorists and in support of the beleaguered minority, be it with any other group.

If they are a group of gay people on a campus, and they were surrounded on a daily basis by other students calling for them to be killed and celebrating the murders of gay people, there would not be a person in Congress or Senate are in the White House who would not say this is evil and we condemn it wholeheartedly. No ifs, no buts, there wouldn't be any, well you know, there are some people who are calling for lynchings, but you know, there's some stuff that's gone on. No, it wouldn't be hard to do.

And the question I have that reveals what I think is the problem underneath so much of this is, why do we always have the throat clearings in this direction? Why do we always have the but people in this direction? Why do we always have the you've got to understand the context people in this direction.

Only one group, only one minority in America in the 21st century, is expected to put up with this, and they are called -- the Jews are called by these ignoramuses who have been educated into stupidity and malevolence, at the huge expense of the taxpayer and of their parents.

They say things like Israel is a White supremacist society -- nonsense, most Israelis aren't even white. They say that it's a colonialist settler society. Nonsense. There's nothing colonialist about Israel. They have been indoctrinated into this evil, and all, you well know or bizarrely under this idea that they are anti-fascist in some way.

And I have a message for those ignoramus and narcissist kids who seem to think among other things, that they can stop a war in the Middle East by gibbering and hollering on the campus of Columbia as if anyone should or would listen to them. I have a message to them, which is this.

You may think you're the good guys, but if you get what you want, and if you manage to chase all the Jews out of campuses across America, and if Israel were to lose the war against Hamas, I pray to God, you don't wake up the next morning, because if you did, you'd wake up the next morning and discover, hey, you were the Nazi.

LEVIN: Very well said, and I think we need to call them what they are -- Nazis, Hitler youth. I am Hamas. Really?

MURRAY: Yes.

LEVIN: Okay, then you're a terrorist, but I am troubled by this administration's response, Douglas Murray.

First of all, the president of the United States has bespoke people putting words in his mouth. Oh, we've always said and we -- no, you haven't.

In fact, at the State of the Union address, he said nothing. He still hasn't given a speech. This is really pretty contemptible and outrageous. There are constant attacks on Netanyahu, which is really an intended attack on the Jewish state of Israel. They use him as a foil, let's be honest.

They give aid and comfort to Hamas, aid and comfort to Iran. They actually give billions to Iran.

MURRAY: Yes.

LEVIN: Our border is wide open, anybody can come in. Iran wants to come in. They want to knock off Pompeo and Bolton and some of the others.

MURRAY: Right.

LEVIN: And we have a president of the United States who doesn't speak to this. Why not?

MURRAY: Absolutely. Well said. The case you just raised is one that I am baffled as you are, hasn't had more attention. How come the US gave billions of dollars to the Islamic Revolutionary government in Iran, which is what it is, that's holding the Iranian people hostage and has done all of my adult life? How come the administration, in an attempt to apparently bring Iran in from the cold gives billions of dollars to Iran?

Iran sends hitmen to try to kill Mike Pompeo and John Bolton in DC and you don't hear about it from one day to the next. No protests on campuses about that. You know, I mean, they behave as if it's Benjamin Netanyahu who is the responsible party for all of the woes not just of the Middle East, but it seems of the world.

And you're right, when they do this thing of trying to focus some blame on him. One of the things -- I've said I've been in Israel most of the time since October, and one of the things that is so little understood and everyone from the administration in DC, all the way down to these idiot no- nothings on the campus, one of the things they do not realize is you could replace Benjamin Netanyahu tomorrow, you would still get an Israeli leader who did almost everything or more than what Netanyahu is doing in the war in Gaza.

There is not one Israeli leader of the left, center, or right, who does not believe like the majority of the Israeli people that they can no longer live beside the genocidal terrorists of Hamas.

LEVIN: Well said.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

Well, we have the youth in America funded by Democrat dark money including Soros. The radical left, these Democratic Party organizations funded by Hamas network funded by Qatar, the marches funded by Communist China in the Confucius Institutes. We have an FBI that says, well, we don't monitor any of this, you know, we just give advice to local cops while they're busy monitoring, you know, parents and Catholics and, and prolifers and so forth. It's really quite a mess.

I don't see DHS doing anything to go through the list to see if any of these students should have their asses kicked out of this country, Douglas Murray. But all I see is this constant attack on Benjamin Netanyahu. You just reported on this. Tell us about it.

MURRAY: Yes. I just broke a story this week in my column in "The New York Post" that there is an attempt by the International Criminal Court to, in the coming days and weeks, indict Benjamin Netanyahu and two other people at the top of the Israeli government on so-called war crimes charges.

This is based by the way on no investigation and no evidence. But it's a demonstration of something very important that I think I'm about to come up, a demonstration of what you and I have said often, which is that these radicals always go for Israel first with everyone else next.

America's attitude towards International Criminal Court, Republicans in particular, has tended to be we will not respect the jurisdiction of the court because you know what? You will come for our generals, you will come for our Secretaries of Defense, you will come for our Secretaries of State next.

This is a very important moment that's going to happen if these indictments come against Netanyahu and the other Israelis. When these indictments are leveled against our allies in Israel, be sure that the same radical leftist judges and prosecutors and others will be coming for American generals, American soldiers, American officials and lawmakers next.

And I hope that this stupid, ridiculous and warped completely inverted world that the International Criminal Court now lives in, I hope they realize that in doing this, they're actually not doing what they hope to do, which is to delegitimize Israel, they are actually delegitimizing themselves.

LEVIN: Now a couple of things on this. I mean, you have Xi slaughtering Muslims. You've got Putin slaughtering Ukrainians. You've got this genocidal police state in North Korea. We can go through the list. Iran raping its women, torturing and killing its people. We can go through the list of horrible of probably 180 countries in the world and they go after Netanyahu because Netanyahu is defending his people who are Jewish, and he will not relent.

You know, Donald Trump didn't recognize that court. Donald Trump, in fact, put sanctions on that court and said, if they ever step out of line and attack us, the United States that he is going to do more.

Biden comes in, recognizes the legitimacy of that court, just as Biden has burned down so many of our protections in our society internally and externally and they come out with a report, Douglas Murray last week, the State Department that really added fuel to what this so-called International Court is going to do.

Israel is at the top of the list of the worst countries when it comes to so-called war crimes, our own State Department did that feeding into what this Court is going to do, no?

MURRAY: Yes, yes, and the other thing to be said about this is, this is the first time that the International Criminal Court has come not for -- occasionally they do things against various despots, you know, the occasional African despot, you know, they have been worried about Putin, you know, and ICC, but they're all just words, Mark, as you know, because Vladimir Putin isn't going to give himself up to The Hague.

You know, Kim Jong-un isn't going to be taken off there anytime soon. Chairman Xi isn't going to be. But this is -- this is one of the many sinister things about the ICC. This is the first time they are coming for a democratically elected leader, and the democratically elected leader represents his army and his people and a conscript army. This is an attack on Israel.

They'll come for the US next. Before you know it, if the ICC get away with this, it will be an elected American leader that will be in their sights next.

LEVIN: Well, maybe they'll come for Biden, I don't know if that's good or bad. But this Netanyahu thing is a disgusting disgrace. He is a great leader.

In my view is the Churchill of our time. He is the voice of freedom in our time of all the elected officials while they're trying to put Donald Trump in prison.

Douglas Murray, I want to thank you for all you do. God bless you, my friend.

MURRAY: Thank you, Mark. Great pleasure to see you.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America. Well, I can see why the Democrats want to reelect Joe Biden. I can see why the Hitler youth want to reelect Joe Biden. I can see why the Marxists want to reelect Joe Biden. After all, he has destroyed our border. He is destroying citizenship. He has destroyed our economy with inflation going through the roof.

Oh, yes, he has destroyed our legal system. He has used it for his personal political gain. He has become filthy rich through front groups and companies and through his family members, but no problem with that. Overseas, he has started wars all over the world. He has shown weakness. He has sold out. He is supporting the wrong side in almost every instance, but a few.

He can barely talk, he can barely think. He can barely walk. So why wouldn't the Democrats want to renominate Joe Biden? I'll tell you why they do. Because it's the people who surround him, the Marxist, the Islamist, the Obamaites -- they are radical and they are destroying this country.

If we don't put our foot down in November, it is over.

I'll see you tomorrow night on LIFE, LIBERTY & LEVIN.

**Load-Date:** April 28, 2024

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