

# [***The US Judicial System, Legal System And Courts Throwing Out Judicial Ethics, Prosecutorial Ethics, Legal Ethics; The Prosecution Of Donald Trump; The US And Israel Relations In The Face Of The Israel-Hamas War.***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C15-RF31-F072-X000-00000-00&context=1516831)

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**Body**

JOEY JONES, FOX NEWS CHANNEL CONTRIBUTOR: The Arthur Miller of her time, I guess.

JOE CONCHA, FOX NEWS CHANNEL CONTRIBUTOR: No.

JONES: All right.

CONCHA: No.

JONES: All right, listen, before we go, don't forget to follow "The Big Weekend Show" on X, Facebook, and Instagram @BigWeekendShow.

And that does it for us. We'll see you next weekend.

LIFE, LIBERTY & LEVIN starts right now.

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

Welcome to the program. We have two great guests: Great attorney, Jim Trusty; and great hero, Keith Kellogg.

But before we get to our guests, have you noticed that our judicial system has been blown up right in front of your face? That our legal system isn't really even a legal system anymore?

Have you noticed that the Bill of Rights, well, they're being shredded right in front of your face? Have you noticed that we have judges who aren't judges. They are political hacks in black robes?

Have you noticed that all kinds of turmoil and tumult are taking place in courtrooms right before a federal election?

Who's doing this? Well, let's see.

We have a Democrat judge and prosecutor in Manhattan. We have a Democrat judge and prosecutor in the Albany case. We have a Democrat prosecutor in Atlanta. We have a Democrat prosecutor in the two federal cases with a Democrat judge in Washington, DC. A real judge, thankfully in Florida.

We've had Democrat appellate judges, two of whom are appointed by Biden who have made these outrageous decisions, and now we have a Supreme Court that is having to deal with some of it.

I want you to think about this for a minute. Sometimes it pays to step back, we get a lot of repetition from our legal analyst friends, many of whom say the same thing, because they're correct. Whether it's Stormy Daniels or Judge Merchan or whatever it is, because to anybody who has spent at least 15 minutes in law school, what is going on is a Stalinist show trial.

But I don't want to get into the repetition business. I want to step back and look at this at a more comprehensive and fulsome way. That what is being done to our judicial system, our legal system and our courts, the throwing out effectively of judicial ethics, prosecutorial ethics, legal ethics. Who's doing it? Joe Biden is doing it.

Who else is doing it? The Democratic Party, federal and state are doing it.

And? Political judges, some of whom were elected, some of whom are radicals who have been appointed.

Our judicial system is in flames, much like everything else that Joe Biden and the Democratic Party touch. No, it's not Donald Trump's fault. No, Donald Trump didn't commit these 91 offenses. No, this isn't because Donald Trump is a dictator, a Hitler, and they need to keep him in the box.

This is a power grab by an autocratic party that sees its opportunity to clear the playing field to win an election with a candidate who is effectively unelectable. That is exactly what's taking place.

We have these so-called courts. These are Potemkin courts. These are pretend courts with pretend judges, pretend prosecutors, pretend juries, pretend laws that are being used, magnified and amplified by a state supporting media filled with Democrats, Marxists, and Islamists.

You have an unconstitutionally appointed rogue prosecutor in Jack Smith who has been a rogue prosecutors his entire life, whether it's taking on a governor in Virginia and destroying his career, unconstitutionally, whether it is taking on a Democrat candidate, that would be John Edwards, destroying him and his career, although Edwards contributed to that, and we can go on and on and on -- and I shall.

So questions are being raised. Can you indict a sitting president? Does presidential immunity follow a former president for his official acts or acts at all when he leaves office?

Can a president pardon himself? Can a president pardon himself from state charges? Does the Espionage Act even apply to a president or a former president with regard to the retention of documents? Do non-federal prosecutors and non-federal judges have jurisdiction over federal matters like federal campaign laws if they can find a way to link it to some supposed state law?

We have this unconstitutional appointment, as I've said, or this prosecutor who has raised many of these issues, who has caused much of the tumult in this country. He doesn't care about the Constitution. He doesn't care about traditions. He doesn't care about the Bill of Rights. He is a hunter.

He comes out of The Hague. He doesn't care and his target is Donald Trump and everybody and anybody around him, and he has run roughshod over these courts, some of which have been happy to be, you know, his basic partners. And he's pushed issues to the Supreme Court of the United States that should never have had to go in there.

Attorney-client privilege, doesn't that apply to Donald Trump? Apparently not.

First Amendment free speech issues, doesn't that apply to Donald Trump? Well, I don't know. Gag orders in federal court; gag orders in state courts. What are they afraid of? What are they afraid of?

He is a presidential candidate. He is a former president. He has at least the rights of an average defendant, but more so -- more so because the American people have a right to hear from him.

The criminalization of the election process by the feds, by Merrick Garland. The only person who is less available to the press than Joe Biden is Merrick Garland. Because he operates in the shadows and under the radar, too, although he is the invisible man. He is the Svengali.

The criminalization of the election process. Oh, a second slate of electors, fake electors -- it happened in 1876. Nobody was charged.

Oh, you're contacting state representatives and boards of elections and governors and lieutenant governors. Every party has done that since the beginning of time. There is nothing wrong with that.

So the criminalization of things that have always been viewed as perfectly legitimate.

You don't have to believe me, that's our history.

But the goal here is what? The goal here is to get Biden elected and to destroy Donald Trump. More than that. The goal here is to empower the Democratic Party as a monopoly party, don't you ever challenge it and to destroy effectively the ability of the Republican Party to run and win elections, particularly at the presidential level.

This violates every notion of judicial ethics, prosecutorial ethics, legal ethics, generally; federal jurisdiction. Let's talk about this case in Manhattan and I want to say this to perhaps the five Supreme Court justices who may have an open mind on this presidential immunity issue.

You had Judge Kagan, Judge Jackson, Judge Sotomayor, the three-left wing musketeers, who all came up with these horrendous hypothetical examples. What if we allow immunity for a former president, what will happen? What if he sends off nuclear bombs? What if he uses the SEAL Team Six -- what?

We don't need hypotheticals. We have a reality that's taking place right now in the United States of America, a spectacle in a Manhattan courtroom, where a state judge who is conflicted, his family is conflicted. He is not over his head. He was a hack. A state sanctioned district attorney prosecutor who is a radical leftist.

We have a case where the crimes aren't known, where the witnesses are hidden. Where you have witnesses testifying with collateral evidence to character assassinate the defendant.

We have a judge who gags the defendant, not because the defendant is dangerous, because he doesn't want the defendant criticizing what is taking place in the courtroom. You have all kinds of activities going on in that courtroom that would make Joe Stalin very, very proud.

It is a disgusting abuse of power. It is a disgrace that is destroying our judicial system. Unless at some point, some court steps in and stops it, we will see.

But let's take a look at this. You have a federal matter, a campaign matter that is being used to resuscitate a state law where the statute of limitations has run, where even if it is violated, it is a misdemeanor involving a bookkeeping issue.

Now you've heard every legal analyst in the world tell you that, but here is what you haven't heard. This is a document that was agreed to by the Federal Election Commission in the Department of Justice, a Memorandum of Understanding on April 19, 2023 in the FEC's official records.

The Commission approved a Memorandum of Understanding between the Federal Election Commission and the United States Department of Justice to promote the enforcement of the Federal Campaign Finance Laws.

The MOU establishes guidelines for the Commission and DOJ to engage in parallel proceeding, share information in appropriate circumstances and otherwise, properly advance the missions of both agencies, subject to all relevant legal and ethical constraints informed by the mutual respect of the independence of each agency.

And it goes on -- the Department of Justice has exclusive jurisdiction on criminal enforcement of the federal campaign finance laws, including related criminal offenses.

There it is. Judge Merchan, you might want to copy this, but on the other hand, you might not, given who you are and what you're doing.

This basically is an agreement on what we already knew that this is federal jurisdiction. It's called federal campaign laws, and no state prosecutor, and no state judge is free to just pretend that they know if a federal law was violated, and then use that to burp up ridiculous indictments based on a state law that has already run the statute of limitations.

Now, prior to that, on March 31, 2021, I have in my hands, a letter that was sent to the Trump Organization

Dear, sir and Madam: On January 30, 2018, February 21, 2018, March 14, 2018, the Federal Election Commission notified you of complaints alleging the Trump Organization LLC violated certain sections of the Federal Election Campaign Act of 1971 as amended, and the Commission's regulations.

The commission has considered the allegations raised in the complaints and there were an insufficient number of votes, insufficient number of votes to find reason to believe Trump organization may have violated the act and commission regulations has alleged accordingly, the Commission closed its file on this matter on March 23, 2021.

Donald Trump also received a copy of that.

Left-wing groups Common Cause and others tried to criminalize the nondisclosure agreement and they failed.

Now, what about the US Attorney's Office in the Southern District of New York? You've heard about this, but nobody has actually explained it to him.

We actually go to "The New York Times" and this is from March 31, 2023, a year ago.

It is known Mr. Trump was under scrutiny from federal prosecutors in the Southern District of New York some years ago as part of an investigation that also looked at his longtime fixer, Michael D. Cohen. Mr. Cohen eventually went to prison, but Mr. Trump was not charged at the time or after he left office.

The prosecutors in the Justice Department have never said publicly why Mr. Trump was not charged, but some of the reasons appear to concern how the prosecutors viewed Mr. Cohen, who is expected to be involved in the case brought by the District Attorney Alvin Bragg involved. That's their key witness -- a felon who committed crimes of perjury and fraud that goes to the heart of his character.

And yet he is the key witness in a case that isn't even a case where the state law had already passed, where the federal law has passed, where there is no basis for anything taking place in this courtroom.

POLITICO, this is from March 20 of this year: A federal judge suggested Wednesday that Michael Cohen committed perjury under oath. This is last month, giving fresh support to former President Donald Trump's claim that his one-time personal lawyer poised to be a star prosecution witness in this upcoming New York criminal trial, is an untrustworthy liar.

Judge Jesse M. Furman in Manhattan, a federal judge questioned Cohen's truthfulness in a written order, denying his request for early release from the court supervision that followed his three-year prison sentence for crimes including tax evasion, lying to banks and Congress, and violating campaign finance laws.

This is their key witness.

Furman called Cohen's testimony at Trump's civil trial in a Manhattan state court last October on the witness stand. Cohen insisted he wasn't actually guilty of tax evasion, even though he pleaded guilty to the charge in 2018. Asked if he had lied to the federal judge who accepted his guilty plea, Cohen said yes.

Cohen repeatedly and unambiguously testified at the state court trial that he was not guilty of tax evasion and that he had lied under oath.

Basically, he said this guy lies his ass off for a thousand different reasons. Why hasn't the federal government stepped in? I've asked this question for months going into this courtroom or into a federal courtroom, going somewhere, and shut this case down for lack of jurisdiction, for federal reasons, for interfering in a federal election.

Why haven't they done that? I want to remind those justices on the Supreme Court especially those five whomever they may be. You had a lawyer argue in front of you that there was no reason presidential immunity, you had three justices who made fools of themselves going on to find as many bizarre and extreme examples of what might happen if President Trump wins the day in the Supreme Court on the immunity issue.

Again, you don't need hypotheticals. You just look at what's happening in Manhattan right now. This is what's going to go on throughout the country. Without limit, without boundaries, the interference in presidential elections, state prosecutors coming up with concoctions to use federal law, way out of their jurisdiction; a Department of Justice that refuses to defend federal jurisdiction while it's in your court demanding that there be no post presidential immunity.

We have five former attorneys general, one existing: Partisan ***politics*** must play no role in decisions of federal investigators or prosecutors regarding any investigation of criminal crimes.

Jack Smith, this is all he cares about. He came to your Court, the Supreme Court and he demanded that you will immediately get this trial underway.

All of these have been timed to do exactly that. Well, they say the inspector general at the Department of Justice said this is just advisory. That's right. Attorneys general issue these memos just because they're giving advice, but it's more than advisory.

We go to the Department of Justice Handbook, 9-85-500: Actions that may have an impact on an election. This is not just advisory. These are the rules.

Federal prosecutors and agents may never select the timing of any action, including investigative steps, criminal charges or statements for the purpose of affecting any election or for the purpose of giving an advantage or disadvantage to any candidate or political party.

This is a rule, Mr. Inspector General, such a purpose is inconsistent with the department's mission and with the principles of federal prosecution. See Section 9-27.260. Any action likely to raise an issue of perception of an issue under this provision requires consultation with the Public Integrity section and said action shall not be taken if the Public Integrity Section advises that further consultation is required with the deputy attorney general or the attorney general.

So they go through the backdoor, the Biden regime with local prosecutors. They've allowed collateral evidence as I was the first to mention on this network, all this evidence with Stormy Daniels and the rest of the reprobates, obviously, it is intended to damage Trump's due process, right? It's not probative.

The right to know the specific crimes you're actually being charged with, that is a simple due process issue under federal and state constitutional law.

The right to know who your witnesses are, so you can prepare for them. These witnesses have been hidden by this judge. The right to First Amendment free speech, gag orders. Gag orders are issued to protect the defendant from the government, not protect the government from criticism from the defendant.

You have prosecution brought retaliation for the political expression or the fact that this man, Donald Trump is running for president. That is a clear violation of the First Amendment.

So my point is this, Supreme Court, pay attention to what's taking place. This jury, if it convicts, the goal here is to get the scarlet letter, but it's more than that.

Eric Holder said publicly that if Donald Trump is found guilty of any charge in any court, and he still wins election to the presidency, that there should be immediate move by the Democrats to impeach him under the 14th Amendment.

This will never end unless it's put to death right now.

I'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

We are here with Jim Trusty who has become a very good friend. He's a great lawyer, litigator, former federal prosecutor.

Jim Trusty, you see what is going on in this courtroom in Manhattan. We can go through the particulars and they're very, very ugly from the judge to the prosecutor, to the witnesses to the so-called evidence and the testimony.

It seems like at every turn, this is a miscarriage of justice. The problem here, Jim Trusty, is I went and looked at what if anything, the New York Bar has had to say about any of this.

And when it came to the gag order, they actually put out a statement supporting the gag order. What do you do, if there is an answer, if you're in a state, where a single party basically controls all the instrumentalities of the legal process? And they're effectively all in lockstep with what is taking place here. How do you fix that or is it just unfixable?

JIM TRUSTY, FORMER FEDERAL PROSECUTOR: That's a great question. I don't have a quick or easy answer to it.

I mean, Mark, look, these are the wages of lawfare and that's what kind of -- you know, I'm a big fan of process. I think regular process and predictable treatment of people in the criminal justice system is what guarantees the best results. There are never going to be perfect results, but at least something you can respect.

Lawfare turns everything on its head. The idea is, let's manipulate the legal system to target someone and unfortunately, a huge swath of this country is okay with the concept of lawfare of prosecutors running for office on the notion they're going to get Donald Trump, on prosecutors not even disclosing their theory of felony culpability while the trial is going on.

I mean, these are kind of amazing, creative, and I use that in a very pejorative sense, ways of addressing crime and law and order and what that ultimately does, is it puts an incredible amount of pressure on the higher courts, particularly the Supreme Court because they are dealing with something that's kind of an unwieldy monster that we've never seen in this society, which is target first evidence later.

And they have to decide are we going to put our necks out and be criticized and I know Justice Roberts is sensitive to this, for stepping in and stopping the abuse of the system that seems to be you know, federal and state popping up everywhere at the expense of Donald Trump.

LEVIN: You raise a great point there about Justice Roberts. Do you think Justice Roberts understands that if they don't put an end to this, they're going to be dealing with this for the rest of time? That you will have literally thousands of local and state prosecutors, you have 93 United States attorneys, you have an attorney general who unconstitutionally appoints a special counsel and the more that these prosecutors get involved in electoral ***politics***, or violate jurisdictional issues, or use unethical tactics, and their judges do it, the more the Supreme Court is going to be faced with this, and the more the American people are going to have nothing but contempt for the justice system.

TRUSTY: Yes, I think Justice Roberts, you know, has a natural desire to build coalitions within the court when he can. And that sometimes means deciding things on procedural grounds rather than the substance.

You know, you look at the ballot litigation, for instance, of these ridiculous disqualification cases that were popping up. I think -- you know, I think the Supreme Court at this point really recognizes the context. It's not just abstract questions.

We are seeing the problem play out with the case in New York, that maybe comes down to the idea. I mean, if you strip away all of the problems with it, that it is okay to write on your own ledger or check legal services, (NDA), but it's a felony if you leave out the parenthetical, like that's insane. That cannot possibly be the difference between innocent bookkeeping and a felony.

So I think that the justices are aware of that and you know, the comeback, I really listened carefully to the oral argument the other day on the immunity and I think there was a very profound point that was made.

Supreme Court justices were pushing Mike Dreeben, the counsel for the government, a good guy, I've known Mike for years, I like him. But they said, what's to stop all of this essentially lawfare? What's to stop unethical prosecutors from politicizing the system and targeting somebody and using different rules for one person?

And Dreeben said, well, it's not in their interest. It's not in the interest of a prosecutor to bring a bad case. They're not political and I thought, it was a stunning moment of kind of willful naivete and I think the Supreme Court justices probably almost belly laughed at the notion that we are now just going to fully trust federal prosecutors like Jack Smith or state prosecutors like Fani Willis, you know, or Colangelo up in New York or any of these folks to always just be doing the right thing for justice.

It's sad. I was a DOJ person and a prosecutor in one role or another for 27 years. I don't like the thought that we can't trust them, but that's the heart of the issue is character in high places.

LEVIN: And I would add, the gentleman making the argument that the Supreme Court works for the Department of Justice in that case, he actually works for Jack Smith. And for him to make that statement, where he is there representing Jack Smith, who walked all over the due process rights of a former governor of Virginia is pretty damn laughable, and that same court with a different makeup of justice, it was eight to zero, one recused voted unanimously that Jack Smith was way out of line. That's another example of the problem.

We'll be right back.

(COMMERCIAL BREAK)

JON SCOTT, FOX NEWS CHANNEL ANCHOR: Welcome to "Fox News Live." I'm Jon Scott in New York.

The exodus of Palestinians from Rafah is accelerating as Israeli forces push deeper into the crowded Gazan city. The IDF says more than 300,000 people have fled from that part of the enclave. This, as top US officials continue to offer stark warnings against a major ground offensive in Rafah.

Secretary of State Antony Blinken saying today it would lead to widespread civilian casualties. The White House also threatens to withhold weapons if there is a full scale invasion.

Israel claims Rafah is Hamas' last stronghold.

All eyes on New York City tomorrow. Prosecutors' so-called star witness, Michael Cohen is expected to testify in Donald Trump's criminal trial. Cohen is expected to say that Trump directed him to pay hush money to an adult film star in the final days of the 2016 election. Trump denies the allegations.

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

LEVIN: Welcome back, America.

Jim Trusty, it is not by accident that all these issues of first impression, these constitutional issues had been raised in the course of the last few years.

Since Biden was elected, the Democratic Party took over the Department of Justice, and these DAs have been doing what these DAs have been doing. It's like a full court press. Damn the Constitution, damn precedent, issues of first impression then slam them against the wall, let's just do it.

I want to raise one with you. The pardon power. Just as Gorsuch raised the question we don't even know if the president can pardon himself. Well, I do. There's nothing in the Constitution at all that prevents a president from pardoning himself. It's a plenary power that's unchallengeable.

But then the next question is we have two Department of Justice memos, one from 1973 and one from 2000. Nixon and Clinton, Office of Legal Counsel, the brain trust of the Department of Justice and they write, you can't indict a sitting president, because you will decapitate the second branch of government, the executive branch, and for a thousand different reasons, you just can't do that.

You want to remove a president from impeachment and deal with it later, that's a different issue, but you cannot have a president with US attorney's inferior executive branch employees, indicting him while he is president. And that's been understood and that's how Biden basically escaped indictment under the Espionage Act. He was certified an imbecile and they said you can't really indict a sitting president. All right, I got it.

Then the question comes up, can a president pardon himself for state offenses? And I hear the legal analysts even here say, of course not. That's a state matter. That's not correct.

If the position of the Department of Justice says you can't indict a sitting president at the federal level, because you will interfere with the executive branch, you will cripple it. How can it possibly be the case that a president cannot have the authority to pardon himself, to protect his office, the presidency from a rogue district attorney or maybe a hundred of them, who can also cripple the office of the president.

So what I'm saying to you is, my marker is, yes, a president can in fact pardon himself under the federal Constitution. And yes, it does apply to state prosecutors actually even more than it does the federal prosecutors. That's my long way of throwing the question to you.

TRUSTY: Yes, that's interesting. I hadn't given that -- the state part of that much thought. I do think that the absence of a restriction basically means this kind of holdover power from the old days of having kings to pardon includes pardoning yourself.

I've always understood that to mean federal, and maybe the difference could be timing. I wonder a little bit and I'm just wondering aloud because you're out in front of it more than I am. On the state side, does it require an indictment that takes place while he's president or can it predate? Obviously, we're talking about predated indictments with Georgia and New York right now.

So I know, an interesting thing. It might build some more, you know, pressure on the Supreme Court to weigh in eventually, but I think you're right.

And look, I think Jack Smith's speedy trial is demand that we hurry up and try this case, because somehow the public has a right, that is more important than a defendant's in public defined by maybe about half of our public.

Yes, I think that reflects on the notion that they are terrified that President Trump becomes President Trump, and that he pardons himself and that all of their political work washes down the drain without a trial.

LEVIN: The rush to judgment, the cutting corners on appeals, demanding the Supreme Court hurry up and rule, multiple constitutional issues confronting us at the same time, a state court interfering in a federal election, trying to use a federal election law where it has no jurisdiction, collateral evidence, a conflicted judge, I mean, this isn't an accident, is it?

TRUSTY: Look, the New York case is a circus. I mean, it's like we're literally sitting in a doctor's office looking at old people magazines. And meanwhile, we're thinking I'd really like to actually deal with the serious issues at hand of having my doctor, you know, give me some treatment.

I mean, it's this distraction. It's substituting tawdry for criminal evidence, in the hopes that a New York jury will just go along with the game. And frankly, you know, Mark, you know, this as well as I do. It's kind of boring stuff to the viewers, but jury instructions, that 30 or 60 minutes, where the judge lays out the law to the jury is absolutely going to be the game changer either way on this case.

He can instruct them into an acquittal, basically, or he can instruct them into a conviction.

LEVIN: That is a great point, and I fear you're correct.

All right, my brother, thank you.

God bless you, Jim Trusty. Take care of yourself.

TRUSTY: Thanks. Good seeing you, Mark.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

We're here with our good friend, great hero, retired General Keith Kellogg.

General Kellogg, you spent a lot of time in the military. Your family spent a lot of time in the military. You know our allies from our enemies. Have you ever seen a situation or did you ever imagine a situation where a president of the United States would cut off necessary armaments to our ally, Israel, while providing hundreds of billions of dollars to our enemy, Iran, the PLO, the Houthis, Hezbollah, and Hamas? Did you ever imagine that we would have a president in the United States like this?

GEN. KEITH KELLOGG (RET), FOX NEWS CHANNEL CONTRIBUTOR: You know, Mark, really no. And frankly, it goes beyond the munitions because I think now, what you're really seeing with the President Biden and his administration is they they've actually drawn a bad line and for me there is an issue of moral equivalence, and they've lost the bubble on this, and here is what I mean by that.

Just last Monday, Bibi Netanyahu, the prime minister of Israel, when he was at Yad Vashem in Jerusalem, the World Holocaust Museum, he said, never again is now and I remember in the Trump administration, when I was with Vice President Pence, we went to Auschwitz and I will never forget going there and standing at the railhead where they unloaded the Jews and thinking -- and I walked from the railhead right to where the crematoriums were, the gas chambers, and where they had murdered 200,000 young Jewish children.

And I came back to the aircraft, Air Force 2 and sat with the vice president. I looked at him, I said, you know, I'm a Jesuit Catholic trained. I said, you know, for the first time in my life, I don't believe in God. And he looked at me, he said, No, it's not God, it's man.

And you're seeing that right now, because there was a moral equivalence issue that this administration has lost. And they lose it by not only siding with Hamas, and not criticizing them, and just standing firmly with Israel, but it's what you just saw when you said with the munition shipments.

You know, I remember going back to 1973 when you had the Yom Kippur War, when Israel was attacked by Egypt, and Jordan and Syria. And at that time, President Nixon said, this is not going to stand. And he had the Air Force fly the biggest airlift since the Berlin Airlift and he said, we're going to send equipment and munitions on everything that flies, and the Russians responded.

And the Russians responded by saying, well, we're going to support the Arabs, the Egyptians said we are going to put troops there. What President Nixon did is he actually increased what we call the defense condition, or DEFCON, from five to three, and when you get up to one, you're in a general war.

And he basically said to the Russians, no, we have taken a position, and this position is we side with Israel, full stop. And that's what this administration has not done and what it needs to do is the moral equivalent, they've lost a bubble on that. People forget that Hamas attacked into Israel. They killed well over 2,000. They took over a hundred hostages, some of them Americans, they killed Americans, and we just blindly go past it, like whistling past the graveyard.

So Mark, there are so many things here that are wrong with this administration.

And I'll close with this part of it, you know when this happened to us in the Trump administration in April of, 2017 when Assad sent nerve gas into a city and killed a lot of civilians. We said he has crossed a moral line and that's when we sent 57 Tomahawk land attack missiles into that airfield to make sure we said, you will not do this again.

Sarin nerve gas was developed by the Nazis in World War Two. They used it on their citizens. President Obama had said there was a red line if they ever used it, which they did. They crossed a red line, he did nothing about it. We did.

There's your difference between two sitting presidents. This presidential decision making and how they act, I know how Trump acted and I'm watching how Biden acted and I'll pick the Trump method.

LEVIN: And Biden is all talk. He goes to the Holocaust Museum and Memorial, talking about antisemitism and the Holocaust, while at the same time he has directed his government to withhold munitions from the state of Israel.

Hamas now knows we can do whatever the hell we want. Our leadership is going to survive. These four battalions are going to survive. Joe Biden has picked the side, he's picked our survival while he's trying to take out the government in Israel.

Israel is not going to put up with that and I am pleased to say the Republican Party, General, is not going to put up with that. Donald Trump is not going to put up with it, but the Democrats, apparently they are.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

General Keith Kellogg, why in the world would the Biden regime deny Israel the kind of precision weapons they need in urban warfare where effectively, the leadership of Hamas, like the Nazi leadership in Berlin are in their tunnel bunkers, with 5,000 of their most aggressive terrorist battalions. That's four battalions and 5,000 terrorists. Why would they deny them with of the exact weapons that would limit civilian casualties?

KELLOGG: Yes, Mark. You know, there is an army saying it's dumber than dirt and that is what this one is really. When you look not only at President Biden, but his now Security adviser with Sullivan and Blinken and Secretary of Defense.

Look, here's what they are denying them is precision weapons and the ability to use precision weapons, which cuts back on civilian casualties and collateral damage. This is just their way of pushing back on the Israeli military and saying not to go into Rafah.

No, the Israeli military has really done a very good job of attacking with discreet targeting, and very precision targeting when it goes into Rafah, they've taken those sites, they are crushing sites first, then they're working their way back in. And everybody seems to forget that, look, you need those precision weapons and the precision targeting, the large bombs to eradicate Hamas.

And also, oh, by the way, the tunnels that are underneath the buildings, and they've denied them this ability to do it, and they shouldn't do that at all. It doesn't make good military sense at all.

There are still four Nakba battalions. The Nakba battalions are what the elite battalions are for Hamas. There's still four of them left in Rafah. They've got to eradicate them.

Yahya Sinwar, who is the leader of Hamas in Gaza is there as well and that is probably where some of the hostages are, if there are any even left, and they need those weapons to actually finish the job.

They're trying to tie the hands of the Israelis, and this is one of those - - look, we're not very good at telling people how to fight. We haven't done a very good job of it in the last few years and this is not the time to tell the Israelis who are a very good military force, both air, land, and sea on how to fight in Gaza.

We shouldn't be doing it. We should give them everything they need. If we were back in the administration, I am absolutely convinced, we'd say to Bibi Netanyahu, whatever you need, you've got, go on, full stop, eradicate Hamas, which is a terrorist organization.

Oh, by the way, they killed Americans. They've taken Americans hostages, and they actually did the attack in Israel. It wasn't the other way around.

LEVIN: And General, why do Biden, Blinken, Kirby, and the rest of the reprobates in this regime keep lying about the civilian casualties in Gaza? Why do they keep regurgitating the numbers that are put up by Hamas despite the fact that experts on statistics keep saying those numbers are not accurate. They can't possibly be accurate. Why do they keep lying about that?

KELLOGG: Well, they're doing it to create a narrative and the narrative is actually false. Look, when this fight started, Hamas started the fight by going into Israel. When they went -- when the Israelis went into Gaza, I said repeatedly when you get into a city fight and Gaza will be a city fight, you have to expect civilian casualties. That's called collateral damage. It's going to happen. You have to just accept that.

And the numbers are going to naturally rise because the Hamas fighting forces are intermixed with civilians, that happens.

And look historically, that's true. I mean, we've never concerned ourselves about that. We've understood it and World War Two, we did that with Dresden. When we firebombed the city of Dresden, we did the firebombing of Tokyo, heck, in our American Civil War, when you had Sherman go into Atlanta, he burned the city of Atlanta down.

But this happens in a war. That's one of the reasons why military officers and young soldiers hate getting into a fight because they know what the outcome is going to be with the collateral damage that you're going to see. And this is one of those, you have to come back and say, look, this fight was started by Hamas, they are supported by the majority of the Palestinian population in Gaza, they're going to have to suffer the consequences.

Is that a harsh thing to say? It absolutely is. But that's what war is all about. And people try to look at it in a very sterile environment.

I believe the Israelis have done everything they can to reduce and limit collateral damage, but it's going to happen. It's a war, you better accept it. That's how wars are fought.

Is that hard to say? Sure is. It is hard to accept.

But when you're a young man or woman fighting on the frontlines, you'd rather destroy the enemy than have them destroy you.

LEVIN: A hundred thousand Americans die every year from fentanyl coming over an open border, and Joe Biden doesn't blink. He doesn't lift the finger to stop it. He didn't give a damn about civilians. He's trying to rearrange the Middle East.

I want to thank you, General. God bless you for all your patriotism today and in the past. Take care of yourself.

KELLOGG: Thanks, Mark. Thanks for having me.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

Joe Biden, you better damn well hope that you lose that Supreme Court decision. You better damn well hope that immunity for your so-called official acts, after you leave office protects you when you leave office because I'm making a long list of the crimes that you've committed.

And the constitutional violations whether it's the border and the deaths and the damage and the slavery that's taken place there as a result of you, whether it's your violation of federal law, the Impoundment Act, the withholding munitions that were passed by Congress, a clear violation of federal law.

Want to dust off the Espionage Act, oh, yes, because we have a report that says that you violated it on multiple grounds. As a matter of fact, you sold out your country to a publisher for $8 million, spewing classified information that you concealed from the government.

It's a long list, Joe. You better damn well hope you lose that immunity case in the Supreme Court.

I'll see you, folks, next time on LIFE, LIBERTY & LEVIN.

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