

# [***Docudrama: Former Special Counsel On Classified Materials Probe; Paper Trail: Congressional Hearing Into Biden Documents Probe; Seeing Red: Republican Majority Shrinks With Buck Retirement; Money And Ego: Critic Ascribes Motives For Concealing Document; Prime minister To Step Down As Violence Engulfs Country; State Dept: Likely To Seek Asylum; House Of Representatives To Vote On Bill Requiring TikTok To Separate From Owner ByteDance For Face Ban In U.S.; Tonight's Primary May Lock Up Party Presidential Nominations For Both President Biden And Former President Trump; L.A. Innocence Project Looking To Possibly Overturn Conviction Of Scott Peterson; Former Special Counsel Robert Hur Testifies To Congress About His Decision Not To Prosecute President Biden For Having Classified Documents At His Residence***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BJ5-DTY1-JCS1-62G7-00000-00&context=1516831)

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**Body**

JESSE WATTERS, FOX NEWS CHANNEL HOST: I'm up against the Pope, people.

(CROSSTALK)

JEANINE PIRRO, FOX NEWS CHANNEL HOST: Different demographics.

DANA PERINO, FOX NEWS CHANNEL ANCHOR: Yes, you're more popular than the Pope.

WATTERS: Are you serious? He has fans in Africa, South America, Australia, Europe.

GREG GUTFELD, FOX NEWS CHANNEL HOST: And you know who wrote the foreword? God.

WATTERS: Oh, God.

PIRRO: Oh.

GUTFELD: That's it for us. Have a great night.

PIRRO: God wrote the foreword.

BRET BAIER, FOX NEWS CHANNEL HOST: Hey, Greg, up against the Pope, that's tough competition. OK, thank you. Good evening. I'm Brett Baier. Breaking tonight, the issue of President Biden's memory and mental fitness on full display in front of a House committee today. The now-former special counsel who wrote controversial remarks concerning the subject was grilled today in a hearing about his decision not to charge the President over his retention of classified documents. Correspondent David Spunt has all the highlights tonight from a contentious hearing. Good evening, David. DAVID SPUNT, FOX NEWS CHANNEL CORRESPONDENT: Bret, good evening to you. Robert Hur took questions for almost five hours. And it became clear right out of the gate that this was a proxy fight over who could possibly win the White House in November. (BEGIN VIDEOTAPE) ROBERT HUR, FORMER SPECIAL COUNSEL: I did not sanitize my explanation nor did I disparage the President unfairly. SPUNT (voiceover): Former Special Counsel Robert Hur defending his report and his credibility. The report critical of President Biden's handling of classified documents found piled up in tattered boxes in his Delaware garage and personal offices. HUR: We identified evidence that the president willfully retained classified materials after the end of his vice presidency. We did not however identify evidence that rose to the level of proof beyond a reasonable doubt. SPUNT (voiceover): Republicans expressed frustration the President was not criminally charged but showed support for Hur's overall probe. REP. JIM JORDAN (R-OH): Joe Biden failed to properly secure classified information and Joe Biden shared classified information with people he wasn't supposed to. SPUNT (voiceover): Democrats pointing to the first sentence of the 345-page report. REP. JAMIE RASKIN (D-MD): We conclude that no criminal charges are warranted in this matter. SPUNT (voiceover): Turning attention from today's hearing to the November election. Donald Trump not the subject of the Hur investigation though he was mentioned by name today multiple times. REP. HANK JOHNSON (D-GA): You're doing everything you can do to get President Trump reelected. HUR: Partisan ***politics*** had no place whatsoever in my work. SPUNT (voiceover): Republicans also calling out what they perceive is a dual system of justice. REP. TOM MCCLINTOCK (R-CA): Now, we get to this glaring double standard. The fact that the only person being prosecuted for this offense happens to be the President's political opponent makes this an unprecedented assault on our democracy. SPUNT (voiceover): Democrats say Hur was wrong to include portions in the report about the President's memory. REP. ADAM SCHIFF (D-CA): You understood when you made that decision, didn't you, Mr. Hur, that you would ignite a political firestorm with that language? HUR: I could have written my report theoretically in a way that omitted references to the President's memory, but that would have been an incomplete and improper report. (END VIDEOTAPE) SPUNT (on camera): Robert Hur's conclusions ultimately had the Biden Justice Department's blessing. Officials writing just weeks ago that his report was not out of bounds. Bret? BAIER: David, thank you. The Biden team is fighting back against the special counsel's comments and conclusions. White House Correspondent Jacqui Heinrich has that part of the story live from the North Lawn. Good evening, Jacqui. JACQUI HEINRICH, FOX NEWS CHANNEL WHITE HOUSE CORRESPONDENT: Good evening, Bret. For the White House, the Special Counsel's decision not to prosecute amounts to a declaration of the President's innocence, but that's not exactly how the Special Counsel told his story. (BEGIN VIDEOTAPE) IAN SAMS, SPOKESPERSON, WHITE HOUSE COUNSEL'S OFFICE: There is no case here. The President is innocent and that was the conclusion of this case. HEINRICH (voiceover): The White House is arguing against Special Counsel Robert Hur's testimony that he never exonerated the President. REP. DARRELL ISSA (R-CA): Did you reach a conclusion that this man was outright innocent? HUR: That conclusion is not reflected in my report, sir. REP. PRAMILA JAYAPAL (D-WA): You exonerated him. HUR: I did not exonerate. That was not in the report. JAYAPAL: Mr. Hur, it's my time. HEINRICH (voiceover): The White House Counsel's Office posted on X alongside a screenshot defining the word exonerated. "In America, you're innocent until proven guilty. The ultimate conclusion here was that charges are not warranted and the case is closed." In other words, the President was cleared. Lawmakers in the hearing had their own takeaways. REP. CHIP ROY (R-TX): The sitting president is essentially getting a pass for having broken the law knowingly. REP. SHEILA JACKSON LEE (D-TX): He cannot have his cake and eat it too. I'm going to hold Mr. Hur to his words. And his words were that there were no criminal charges. HEINRICH (voiceover): The White House wanted Hur's testimony to reaffirm his conclusion that conversely to President Trump, Biden's mishandling of classified materials did not warrant charges. And moreover, Hur's commentary on Biden's age was overrun. JOE BIDEN, PRESIDENT OF THE UNITED STATES: I'm well meaning, and I'm an elderly man, and I know what to hell I'm doing. HEINRICH (voiceover): But the postmortem spurred debate over what the decision not to prosecute means. UNIDENTIFIED FEMALE: Is it that there was no wrongdoing by President? SAMS: Explain what you mean by that. That the conclusion is that there is no case here. UNIDENTIFIED FEMALE: The conclusion was that the charges were not warranted. SAMS: The bottom line is the case is closed. (END VIDEO CLIP) HEINRICH (on camera): The transcript of Biden's October 8th interview did illuminate some detail that we hadn't previously seen. At one point, the President deviated into a long anecdote about cars. Hur tried to get him back on track. And the President was at that point imitating a car sound. Biden also gave some version of I don't know in his answers about a hundred times. But the final take here at the White House is that no charges were warranted. That was the conclusion of the special counsel. And now, it is time for Republicans to move on. Bret? BAIER: Jacqui Heinrich live at the North Lawn. Jacqui, thanks. One House Republican is not waiting until the end of his term to leave the House chamber. Colorado Congressman Ken Buck is getting out in just a matter of days and that surprised House leadership. Senior Congressional Correspondent Chad Pergram tells us what that means now for the GOP. Good evening, Chad. CHAD PERGRAM, FOX NEWS CHANNEL SENIOR CONGRESSIONAL CORRESPONDENT: Bret, the House GOP majority dwindling. Buck was already retiring but decided to quit at the end of next week. He was one of three Republicans who opposed impeaching Homeland Security Secretary Alejandro Mayorkas. (BEGIN VIDEO CLIP) REP. KEN BUCK (R-CO): We've taken impeachment, we've made it a social media issue as opposed to a constitutional concept. This place just keeps going down. I don't need to spend my time here. (END VIDEO CLIP) PERGRAM: When Buck is gone, the House breakdown will be 218 Republicans to 213 Democrats. The GOP can only lose two votes. The House Majority shrinks again next month if Democrats win a special election in Western New York Buck. Underscored his exasperation with Congress at today's hearing with special counsel Robert Hur. (BEGIN VIDEO CLIP) BUCK: One side thinks you're trying to get President Trump elected, and the other side thinks you're trying to get President Biden elected. But when both sides attack you, my uh admonition is welcome to Congress. (END VIDEO CLIP) PERGRAM: Now, Buck faced death threats for declining to back Jim Jordan for a speaker last fall. Republican Lauren Boebert is already running for his seat. Bret? BAIER: Hey, Chad, really quickly. You know, as these numbers dwindle, is it possible that there could be switches here and that you could see a Speaker Hakeem Jeffries even before we get to November? PERGRAM: Probably doubtful because the delta would be about four votes there. It's a two-vote margin votes on the floor right now, but you'd have to switch about four or five members to have a Speaker Jeffries. BAIER: OK, Chad Pergram live on the Hill. Chad, thanks. Consumer prices were up four-tenths of a percentage point from January to February. 3.2 percent over the last year. However, investors continue to be optimistic about a Federal Reserve interest rate cut. That is why the Dow surged 236 today. The S&P 500 was up 57 to another new record close. And the NASDAQ jumped 246. All topics of discussion for Edward Lawrence for Fox Business tomorrow when he has an exclusive interview with Treasury Secretary Janet Yellen. We'll bring you some of that. (BEGIN VIDEO CLIP) REP. MATT GAETZ (R-FL): February 8th, the White House question Mr. President, why did you share classified information with your ghostwriter? The President, I did not share classified information. I did not share it. I guarantee I did not. That's not true is it, Mr. Hur? HUR: That is inconsistent with the findings based on the evidence in my report. GAETZ: Yes. So, it's a lie. It's just what regular people would say, right? HUR: Yes. GAETZ: All right. (END VIDEO CLIP) BAIER: Former Special Counsel Hur up on Capitol Hill. Let's get some analysis on this -- on this top story from Trey Gowdy, former congressman from South Carolina and George Washington University Law School Professor Jonathan Turley. Trey, let me start with you. We've been around the block in hearings that are contentious at times. Both sides trying to do different things. What was your take on this hearing? TREY GOWDY, FOX NEWS CHANNEL CONTRIBUTOR: I thought he handled the environment very well. You know, Bret, I woke up this morning not sure what Rob Her's theory was. He's got three options that Biden's incompetent to stand trial, that he can't assist in his defense, that he can't testify and he's legally incompetent. Number two, that there was some evidence missing on an element of the offense. So, you have different elements and there was an evidentiary shortcoming. Number three is there's evidence on all elements, we just don't think a jury would convict him, and that seems to be where he settled. And what I don't get Bret is the facts on Biden are actually better than the facts on Trump, obstruction aside. Leave that aside. On Defense material handling and classified documents, the Biden facts from a former prosecutor are better than the Trump facts. BAIER: And so, then you have this back and forth. I'm going to play some Democrats and Jim Jordan the contrast evident. Here we go. (BEGIN VIDEO CLIP) SCHIFF: You cannot tell me you're so naive as to think your words would not have created a political firestorm. JOHNSON: He didn't recall how he got the documents and you knew that that would play into the Republicans' narrative that the President is unfit for office because he's senile. JAYAPAL: You exonerated him. HUR: I did not exonerate him. JORDAN: He knew the rules but he broke them for $8 million in a book advance. But you know what? It wasn't just the money, it was also his ego. Such a record would buttress his legacy as a world leader. HUR: We did identify evidence supporting those assessments. (END VIDEO CLIP) BAIER: Jonathan, what's your take and the ultimate decision not to move forward by the Special Counsel? JONATHAN TURLEY, FOX NEWS CHANNEL CONTRIBUTOR: Well, there was a bizarre disconnect after you listened to Hur. He laid out evidence that was remarkably compelling. It was like playing the game of clue and having all the murder weapon, location, the suspect, but Colonel Mustard just couldn't remember how he got there. And you know -- and he basically said I just can't prosecute on this basis. You -- he talked about how Biden told someone that he found classified documents in his basement, read from some of those documents to a third party, how evidence was destroyed by this ghostwriter in terms of an audio tape, how the White House intervened to try to get facts removed to frame the report. And a series of contradictions of not just what Joe Biden has said in the past, but what he said after the interview. And so, you're left there thinking wow, this is as good a case as I could imagine. And Hur just said look, I just don't think given his diminished mental faculties that we could guarantee or have a certainty or likelihood of conviction. Now, one can accept that because I got to tell you Hur came off is incredibly credible and professional. the problem is the other disconnect with the Trump case. I can't see how you could draw to -- could decline these charges and yet go forward on the classified documents charges against Trump. And of course, you have two different special counsels, but that contrast is more glaring today than it has ever been. BAIER: Yes. And Trey, the other contrast politically is that you have Democrats and supporters of President Biden in the wake of the State of the Union Address touting how well he did, how fiery he was, how on his game he was, and there were some called it a tour to force on policy and ***politics*** overcoming the bar that he had to get over. But if you do that, then you look at this special counsel report and that five-hour interview and there's a real disconnect there. GOWDY: Look, he had a good night the night of the State of the Union. It's what in law we call a lucid interval. I mean, congratulations he read a teleprompter for slightly over an hour. But that is very, very different. I mean -- I mean, the guy cannot participate in his own defense. How you can handle nuclear codes and run the world's most powerful country but yet you can't stand trial is a disconnect that most of us have a hard time reconciling. So, look, congratulations. You made it through a state of the union which is more than many of us watching were able to do. But I don't think it eliminates people's concerns about his acuity. BAIER: Yes, Jonathan, quickly. You can't stand trial. Isn't the onus on the special counsel there and to use that in the wake of everything we've seen. It seems like it maybe -- has been a stretch. TURLEY: Well, I think that's the strange thing about the hearing is that the Democrats kept on saying look how good he came across in the state of the union and in this report. But you had a guy who kept on saying he couldn't remember a thing while making car noises and forgetting key dates. That's not exactly a roaring endorsement for re-election. But at the end of the day, we are still left with one of the most damning records you could find and no indictment. BAIER: OK. Trey, Jonathan, we appreciate it. Thank you. Coming up, this could be the night both major party front-runners secure their nominations for president. We will look at the numbers. But first, weeks after chaos in the streets, Haiti's prime minister makes a major decision as that nation contends with what some are calling a low-scale civil war. (COMMERCIAL BREAK) BAIER: England's national health service is banning the use of puberty blockers for children seeking treatment for gender dysphoria. It's setting limited research; the puberty blockers belong to a class of drugs which suppress sex hormones in adolescence by continually stimulating the pituitary gland. They will now only be available to children in limited ways such as clinical trials. The White House has announced a new $300 million weapons package for Ukraine, the first since December. This money comes from what is called a transfer fund. Its money found in several army accounts leftover from Army contracts to buy weapons. Today, leaders of U.S. intelligence agencies urgently pressed members of the House to approve additional military assistance for Ukraine. An aid ship loaded with some 200 tons of food is on its way to Gaza. It's part of a pilot program for the opening of a sea corridor to the territory. The food was gathered by World Central Kitchen, the charity founded by celebrity chef Jose Andres. It's being transported by the Spanish aid group, Open Arms. "BREAKING TONIGHT", Haiti's prime minister says he will leave office once a transitional presidential council is created. The Caribbean nation has been overwhelmed by violent gangs now in what some are calling a low-scale civil war, and some saying it's not that low-scale. Correspondent Gillian Turner has the latest tonight from the State Department. (BEGIN VIDEOTAPE) GILLIAN TURNER, FOX NEWS CHANNEL CORRESPONDENT (voiceover): The island nation of Haiti is under siege tonight with criminal gangs attacking government buildings, the main airport and jails. Setting 1000s of prisoners free. State officials do not know how many Americans may now be trapped inside the country. MATTHEW MILLER, SPOKESMAN, UNITED STATES STATE DEPARTMENT: I don't -- I don't have a number. TURNER (voiceover): With the capital Port-au-Prince teetering on a knife's edge, the prime minister is now stepping down to make room for an interim council to seize control. ARIEL HENRY, HATIAN PRIME MINISTER (through translator): The government I am running will remove itself immediately after the establishment of said council. TURNER (voiceover): Secretary of State Antony Blinken is back in Washington, after an emergency trip to confer with allies on an 11th hour plan to prop up the failing country. ANTONY BLINKEN, UNITED STATES SECRETARY OF STATE: A political crisis, escalating violence, unrest, this has created an untenable situation. The urgent action is needed on both political and security tracks. TURNER (voice over): The Biden administration has backed Prime Minister Ariel on reasons, the assassination of his predecessor in 2021. But internal opposition led by the country's leading gangs: G9 and G-Pep, boiled over last week. The state department acknowledging today this crisis is likely to prompt waves of Haitians to flee and seek asylum in the U.S. MILLER: What often happens when you have an unstable security situation is an increase in people attempting to flee the country and leave to other places. TURNER (voiceover): Republican Rep. Cory Mills, reports evacuating a group of Americans from a Haitian orphanage Monday night, now, accusing the state department of leaving the youth behind. (END VIDEOTAPE) TURNER (on camera): Well, the state department has issued a do not travel advisory for Americans. It cites kidnapping and crime and civil unrest inside Haiti. And the Biden administration is doling out now $430 million to try and help restore peace and stability on the ground inside Haiti. Two goals that look very far away tonight, Bret. Also, a moment ago, we got word that Border Patrol agents in Florida have been put on high alert in preparation for the potential possibility of mass-scale migration out of Haiti into the United States. This for the New York Post, Bret. BAIER: Gillian Turner at the State Department. We'll watch all of that closely. Gillian, thank you. Up next, what seems inevitable maybe a step closer after tonight's presidential primary results. We'll bring you that. First, "BEYOND OUR BORDERS" tonight. China, Iran, and Russia begin a joint naval drill in the Gulf of Oman. Chinese state television and the Russian Navy have released video of the exercise in the crucial waterway near the mouth of the Persian Gulf. More than 20 ships support vessels and combat boats from those three countries as well as naval helicopters are involved. Online influencer Andrew Tate detained in Romania and handed an arrest warrant issued by British authorities. His spokesman says Tate and his brother were taken into custody on allegations of sexual aggression, in a case dating back more than a decade. And many of Germany's train drivers stage a 24-hour strike in the latest instalment of a long running bitters dispute with the country's main railway operator. Passenger train operators are demanding work hours be reduced from 38 to 35 without a pay cut. To some of the other stories "BEYOND OUR BORDERS" tonight. We'll be right back. (COMMERCIAL BREAK) BAIER: The heads of the country's major intelligence agencies are sounding the alarm over the TikTok social media app This comes as the House prepares to vote to try to free the app from Chinese control. Congressional correspondent Aishah Hasnie is on Capitol Hill tonight with the latest on this. Good evening, Aishah. AISHAH HASNIE, FOX NEWS CORRESPONDENT: Good evening to you, Bret. That's right, the House is expected to take a vote on this bill as early as tomorrow morning. And despite a few holdouts still tonight, this is expected to get widespread bipartisan support to pass through the House. Now, this bill gives TikTok six months to divorce its Chinese owner ByteDance or it faces a nationwide ban. Many House Republicans like the bill despite former President Trump's opposition over concerns that a ban could increase Facebook's influence. Today members got that classified briefing with officials from the FBI, the DOJ, ODNI, to ask those last- minute questions. (BEGIN VIDEO CLIP) REP. MIKE GALLAGHER, (R-WI) CHAIRMAN, HOUSE CHINA SELECT COMMITTEE: The members approached it very seriously. There were hard questions asked. It was very substantive give and take. (END VIDEO CLIP) HASNIE: If the bill clears the House, it could still stall in the Senate, Bret. FOX is told TikTok CEO Shou Chew is meeting with Senate offices this week in a last ditch effort to kill the bill. Senator Chris Coons poured cold water on the urgency of passing the legislation today. (BEGIN VIDEO CLIP) SEN. CHRIS COONS, (D-DE): There was a lot of talk in the House about the urgency of passing, I think it was TikTok ban, in order to secure the United States against the PRC. I think the most pressing challenge we face in terms of the world viewing the United States as a reliable security partner is whether or not we keep our commitment to Ukraine. (END VIDEO CLIP) HASNIE: Bret, the market is already buzzing around a potential sale of TikTok. Rumble is now offering to work with other companies out there to takeover TikTok's operations. Bret? BAIER: Aishah Hasnie live on the Hill. Aishah, thanks. The results of today's primary elections could put both President Biden and former President Trump over the required number of delegates in each party to officially clinch their respective party nominations. Correspondent Bill Melugin takes a look tonight from West Palm Beach, Florida. (BEGIN VIDEO TAPE) BILL MELUGIN, FOX NEWS CORRESPONDENT: President Biden and former President Trump are both hoping to officially lock up their party's respective nominations as soon as tonight. Voters in a handful of states hitting the polls today could push both candidates across the finish line. Georgia, Mississippi, and Washington all holding primaries today, while Hawaii will hold a GOP caucus -- 235 delegates will be up for grabs for the Democrats and 161 delegates for Republicans. Neither Trump nor Biden have any serious challengers remaining, and if each of them wins a majority of the delegates in these states, they can lock in their nominations. Here's where they stand in the delegate count heading into the night. President Biden has 1,872 delegates. He needs 1,968 to secure the Democrats' nomination. Former President Trump has 1,078 delegates. He needs 1,215 to secure the Republican nomination. But Trump's new leadership at the RNC is already cleaning house, slashing about 60 staffers Monday afternoon, a decision Trump adviser Jason Miller says was necessary. JASON MILLER, TRUMP CAMPAIGN SENIOR ADVISER: If donors are concerned there is a bureaucracy that's too bloated and some of the folks in the building have lost their way, then we need to right-size that and make sure that our resources are deployed to people in the field and not here in Washington. MELUGIN: And as the pivot to the general election moves full steam ahead, a new ABC-Ipsos poll reveals voters aren't confident about which candidate they would trust more to lead the country -- 36 percent trust Trump, 33 percent trust Biden, while 30 percent trust neither. (END VIDEO TAPE) MELUGIN: And Bret, even though Donald Trump is expected to officially clinch the Republican nomination later tonight, he does not have any campaign events scheduled. As for President Biden, he's continuing his campaign blitz after the State of the Union speech. He is going to be in Michigan and Wisconsin later this week. We'll send it back to you. BAIER: Bill Melugin in West Palm Beach, Florida. Bill, thanks. It has been 20 years since Scott Peterson was convicted of murdering his wife and their unborn son. Today his legal team is asking a judge to give them access to evidence they say can support their contention that Peterson is innocent. Senior correspondent Claudia Cowan reports from Redwood City, California. (BEGIN VIDEO TAPE) CLAUDIA COWAN, FOX NEWS CORRESPONDENT: Out of appeals and locked up for life, Scott Peterson appeared virtually in the same courthouse where he was convicted of murdering his pregnant wife 20 years ago, hoping lawyers with the L.A. Innocence Project can access evidence that they believe could exonerate him. PAULA MITCHELL, LOS ANGELES INNOCENCE PROJECT: Mr. Peterson has been waiting 20 years to find some of these police reports and audio recordings and video recordings that should have been provided. COWAN: Peterson claims he was fishing in the San Francisco Bay when his eight-months pregnant wife disappeared on Christmas Eve, 2002. Revelations of an affair sparked a media frenzy, and in 2004 he was convicted on two counts of murder. But the L.A. Innocence Project, a nonprofit that focuses on overturning what they say are wrongful convictions, argues the jury never heard from witnesses who believed they saw Laci alive after Scott says he went fishing, or about a burned-out van that contained traces of blood found near the Peterson's home in Modesto. Peterson's lawyers want to test the blood and prove whether or not it was Laci's. STEVEN CLARK, LEGAL ANALYST: If they can show it was Laci's DNA in that van, that may be enough not only to get him a new trial but to set him free. So it's important that society gets these cases right. DAVID HARRIS, STANISLAUS COUNTY, CA, ASSISTANT DISTRICT ATTORNEY: The defense pleadings in this particular case, specifically for the DNA motion, is 142 pages. COWAN: Prosecutors are scoffing at this legal maneuver, saying they did provide Peterson's defense team with the mountain of evidence the nonprofit is petitioning the court to review. (END VIDEO TAPE) COWAN (on camera): More hearings to come as the two sides wrangle over motions and discovery. But here's the bottom line -- if the judge rules in favor of the L.A. innocence project, we could have a redo of one of the most sensational murder trials in recent history, and a stunning twist in this high-profile case. Bret? BAIER: Claudia, thank you. Up next, the panel on special counsel's testimony about the president's mental state and the decision not to go forward with charges in that case. First, here's what some of our FOX affiliates around the country are covering tonight. FOX 29 in San Antonio, as the police chief in Uvalde, Texas, resigns just days after the city released a report clearing officers of wrongdoing in the school massacre that left 21 people, including 19 children, dead almost two years ago. A local newspaper is reporting neither outgoing chief Daniel Rodriguez nor city officials specified a reason for that resignation. FOX 29 in Philadelphia as two 18-year-olds are arrested in connection with a mass shooting at a bus stop. Eight students were injured in that incident last week. Surveillance footage shows three masked shooters dressed in dark clothes exiting a car before police say they brazenly fired about 30 shots toward those teenagers. And this is a live look at Pensacola, Florida. One of the big stories there tonight from FOX 10, our affiliate, a SpaceX Dragon capsule carrying four astronauts returns from the International Space Station, splashing down in the Gulf of Mexico near Pensacola. The spacecraft brought NASA's crew seven mission astronauts back home and provided sky watchers across central and southern U.S. quite a show. That's tonight's live look outside the beltway from SPECIAL REPORT. We'll be right back. (COMMERCIAL BREAK) (BEGIN VIDEO CLIP) REP. JERRY NADLER, (D-NY) HOUSE JUDICIARY COMMITTEE: President Biden could not be charged with a crime because even after your thorough investigation you could not find sufficient evidence. ROBERT HUR, FORMER SPECIAL COUNSEL: My ultimate conclusion was that criminal charges were not warranted. REP. DARRELL ISSA, (R-CA) HOUSE JUDICIARY COMMITTEE: You reached a conclusion that you would not prevail at trial and, therefore, did not take it forward, is that correct? HUR: Correct, Congressman. UNIDENTIFIED MALE: It's not an exoneration, is it? HUR: The word "exoneration" does not appear anywhere in my report. IAN SAMS, SPOKESMAN, WHITE HOUSE COUNSEL'S OFFICE: The evidence doesn't back up bringing any charges. Even a Republican prosecutor found that. So this case is closed. (END VIDEO CLIP) BAIER: Well, a long hearing today, sometimes fiery, with former Special Counsel Robert Hur looking into the classified documents case about President Biden, Vice President Biden, Senator Biden before that. "Politico" writes it this way, "No one's with Hur. Special Counsel Robert Hur's report about Joe Biden's handling of classified documents managed to infuriate both Democrats and Republicans. Democrats made sure to highlight the fundamental conclusion that Hur recommended no charges for Biden over the classified materials, and that Hur said Biden's conduct wasn't on the same level as Donald Trump's, which earned the former president criminal prosecution. Republicans, led by Chair Jim Jordan, were outraged by the disparity and grilled Hur on his decision to let Biden off." They also spent a lot of time on the mental acuity part of the report. Let's bring in our panel, syndicated radio host Hugh Hewitt, Meridith McGraw, "Politico" national political correspondent, and Byron York, chief political correspondent of "The Washington Examiner." OK, Hugh, what's your overall take of this hearing? HUGH HEWITT, SYNDICATED RADIO HOST: Mr. Hur did a very good job in representing what was in his report and what wasn't in it. The best Republican today was Congresswoman Jayapal who tried to put words in his mouth and led to the quote, which I think will dominate the news, "I did not exonerate him." And I repeat, the special counsel said about President Biden, "I did not exonerate him." It seems there are more rooms in the Delaware mansion where there weren't special classified documents than when there were, but they were all over the place. And I close by saying the double standard between Donald Trump and Joe Biden is becoming very, very glaring. You're never going to prosecute a sitting president. That's longstanding Department of Justice policy. But it's a pretty damning 45-page report, and Hur acquitted himself very well today. BAIER: Meridith, the latest poll from Reuters-Ipsos says that more than half of American believe that President Biden did get some kind of special treatment in the classified documents probe. Politically, Democrats did spend a lot of time comparing and contrasting the Trump document's case. Was that to their success? MERIDITH MCGRAW, "POLITICO": I think today nobody on Capitol Hill seemed satisfied with what Special Counsel Hur said. Democrats wanted him to come out and say that President Biden was exonerated. Republicans wanted him to explain why the president wasn't prosecuted. So nobody really felt like he gave them the answers that he wanted. But he stood by his report. He said that there was no partisan leaning here. And he was talking about President Biden's mental awareness, his memory in terms that he thought was fair and accurate and necessary to make his case in the report. BAIER: Speaking of the report, Byron, an excerpt from October 8th, that interview with President Biden from the special counsel's report, the transcript, President Biden, "I hadn't walked away from the idea that I may run for office again. But if I ran again, I would be running for president. And -- and so what was happening, though? What month did Beau die?" And he says "Oh God, May 30th." Republicans pointed to that and other moments. Democrats, Byron, played President Trump in gaffes and verbal gaffes. I mean, this seems to go -- keep going around the horn here. BYRON YORK, FOX NEWS CONTRIBUTOR: One thing that Republicans did point out after the report came out, you remember President Biden went to the pressroom at night, kind of an unusual thing to do, and really denounced Hur for bringing up the issue of his son Beau's death. BAIER: Let me interrupt you. Let me play that little soundbite from that evening press conference. (BEGIN VIDEO CLIP) JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: I know there is some attention paid to some language in the report about my recollection of events. There is even reference that I don't remember when my son died. How in the hell dare he raise that? Frankly, when I was asked the question, I thought to myself, it wasn't any of their damn business. (END VIDEO CLIP) BAIER: OK, Byron. You can finish your thought there. YORK: Well, the release of the transcript, which was just today, of that whole interview showed that Robert Hur didn't bring it up. And, as a matter of fact, when Biden began talking about it, Hur suggested they might want to take a break. So what the president said there simply was not true. Also, I thought it was a pretty bad day for Democrats because it was just a few days ago after the State of the Union that Democrats were absolutely joyous, and they felt that President Biden's performance had kind of put to bed the age issue from now on. Everything was going to be OK. And now here it comes back. I think today Hur's presence tended to underscore some of the things he had reported, in particular the three times that the president seemed confused about when he had served as vice president, from January 20th, 2009 to January 20th, 2017. He seemed kind of -- he had to ask people, was this when I was vice president? It looked really bad. BAIER: Hugh, really quickly, does this decision by the special counsel not to go forward and his explanation of it somehow hurt the case of Special Counsel Jack Smith about the documents case for former President Trump? HEWITT: It ought to, but it won't, because it depends upon the judge. It depends upon the jury. Again, we don't prosecute sitting presidents. We do prosecute former presidents and people running for office. But it will remain, the two-tiered justice system, one for Donald Trump and one for everybody else who is a Democrat is going to remain a key issue throughout the fall campaign. BAIER: All right, panel, stand by. Up next, tonight's primary election results, what they potentially mean. And later, "Tuesday X-tras." (COMMERCIAL BREAK) (BEGIN VIDEO CLIP) VIVEK RAMASWAMY, (R) PRESIDENTIAL CANDIDATE: Voters have a once-in-a- century opportunity this time to actually compare the records of two presidents side by side. REP. TROY NEHLS, (R-TX): We know what we have with Joe Biden. We know what we have. His approval rating is in the toilet, right? UNIDENTIFIED MALE: Donald Trump is an embarrassment to the United States of America. ROBERT F. KENNEDY JR., (D) PRESIDENTIAL CANDIDATE: Both of them would actually win the prize for the least popular candidate in the history of a major political party. (END VIDEO CLIP) BAIER: Well, it's getting ready, possibly tonight, to be set with the two nominees. If you look at the delicate tracker, President Biden stands at 1,872 delegates. He needs 1,968 to win. And there you see Trump with 1,078, he needs 1,215, 137 needed. Tonight, you've got 161 up for GOP, Dems 235, Georgia, Mississippi, Washington, Hawaii, might be tonight. But it is going to be set in stone. We are back with the panel. Meridith, this is the longest general election we will have ever seen, and all indications are it's going to be ugly. MCGRAW: You're right, it's going to long, ugly, and a matchup between two men that most Americans are not exactly enthusiastic about at the moment. But still, it's something that the Biden campaign and the Trump campaign, they have been already squaring off against each other. As Bill alluded to earlier in your program, the Trump campaign and RNC are already working together and patching a team together to press forward in the general election that, like you said, is just going to drag on and could be particularly ugly. BAIER: Hugh, we don't if the No Labels folks are going to come forward with a ticket, an official ticket or how much of an impact that's going to have. But you did see Robert Kennedy Jr. on Neil Cavuto's show. Here's another piece of that. (BEGIN VIDEO CLIP) ROBERT F. KENNEDY JR., (D) PRESIDENTIAL CANDIDATE: Now it's a three-man race. As of today, I think both candidates will clinch their party's nomination in the three primaries that are being held today, and it will be -- and will be entering the general election. And I would hope that both of these candidates will debate. I feel like I am representing the values of the Democratic Party, and maybe the party has slipped away from its traditional values. (END VIDEO CLIP) BAIER: Hugh, in a race that's lining up to be this split in the country, does somebody like RFK Jr. upset the applecart? HEWITT: He does. I think Cornel West is actually of more concern to President Biden, Bret. Tonight, I will be looking at the uncommitted line in the Democratic primaries as Joe Biden continues to pressure Netanyahu. In fact, a senior Israeli official announced today that they are not protectorate of the United States and they are going into Rafah no matter what Joe Biden says. And I do think there's going to be a alignment with the radical left of the Democratic Party that is, for all intents and purposes, pro-Hamas. They want Hamas to survive going uncommitted. And I think they'll end up in the Cornel West column. And some of Trump people, some of the anti-vaxxers might end up with Robert Kennedy Jr. It could be a wild, wild year. BAIER: Yes, a wild year to say the least. Meantime, Byron, we shouldn't discount these House and Senate races. Both majorities are super thin and getting thinner. Here is Colorado Congressman Ken Buck. (BEGIN VIDEO CLIP) REP. KEN BUCK, (R-CO): I just feel there is important work to be done concerning the election and how we choose candidates. And I want to get involved in this election cycle and make sure we choose the best candidates we can. UNIDENTIFIED FEMALE: Can he talk you out of your decision? BUCK: About as well as he talked me into some of the votes. (END VIDEO CLIP) BAIER: So the Colorado Republican stepping down at the end of next week. So then the majority gets slimmer. It's going to be interesting, Byron. YORK: You asked Chad Pergram the really craziest question of all, which his if this happens another couple of times, could you actually see Speaker Hakeem Jefferies? That is, could the Republican Party lose control of the House by attrition rather than election? It's not impossible, probably won't happen, but it's not impossible. And it shows you how just bizarre this situation is. And I should point out, I think, ken buck voted to get rid of Kevin McCarthy, so he contributed greatly to a lot of the chaos that he now says is driving him out of the House. BAIER: Yes. And Meridith, quickly, they have got a lot of stuff to do. They don't have a lot of majority votes, but they have a lot to get done. MCGRAW: They have a lot to get done. And if you're working with a slim majority like that, you really have to really cooperate and reach across the aisle and make some compromises. And that's something that has been tricky for this Congress for a while. BAIER: To say the least. Panel, thanks. OK, it's time for "Tuesday X-tras." First up, Duncan McLellan asks, "My two oldest children, 12 and 10, have become interested in the political process. What advice do you have for explaining the current political climate to them?" The advice I would give is read history. Go backwards. There have been many partisan times in our history that were darker than we are now, even though it's very divided, and we managed to get through. I think that's a look at our future, maybe. Up next, Liberty Lens wonders, "If President Biden refuses to debate, would you or FOX pursue alternative options, separate townhalls, perhaps? The American people deserve hear candidates answer tough, substantive questions." The short answer is yes. But we still have a lot of hope that the debates, or a debate, will continue. Finally, Marcia Ottoman asks "Spring ahead? Or fall back? Which do you prefer? Standard time or daylight savings time, I say leave it standard time all year around. I like my hour of sleep." You know what, I'm a spring ahead guy. I like that extra hour of sunshine. Tomorrow on SPECIAL REPORT, new FOX polls from Arizona and Pennsylvania on the 2024 presidential election. Remember, if you can't catch us live, set your DVR, 6:00 p.m. in the east, 3:00 p.m. on the west coast. Thanks for inviting us into your home tonight. That is it for this SPECIAL REPORT, fair, balanced, and still unafraid. THE INGRAHAM ANGLE starts real soon. END

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