

# [***Special Counsel Hammers Joe Biden In Classified Documents Report; Donald Trump Sounds Off As Supreme Court Hears Ballot Case***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B94-WN91-JCS1-60M4-00000-00&context=1516831)

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**Body**

NEIL CAVUTO, FOX NEWS CHANNEL HOST: And this turns away much like the Rio Grande on and on with no end in sight. That'll do it here. THE FIVE is now.

DANA PERINO, FOX NEWS CHANNEL HOST: Hello, everyone. I'm Dana Perino along with Judge Jeanine Pirro, Harold Ford Jr., Jesse Watters and Greg Gutfeld. It's 5:00 in New York City and this is THE FIVE.

Fox News alert, President Biden just reacting to a damning Special Counsel report on his handling of classified documents, a report that called him an elderly man with a poor memory.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: The Special Counsel released their findings today about their look into my handling of classified documents. I was pleased to see they reached a conclusion I believe they knew all along they would, that there are no charges should be brought in this case.

As many of you know, this was an exhaustive investigation. Going back literally more than 40 years. 40 years when I became a United States senator, I was a kid. I was a kid, 29 years old.

Bottom line is the Special Counsel in my case decided against moving forward with any charges. This matter is now closed.

(END VIDEO CLIP)

PERINO: The Special Counsel releasing his long-awaited classified documents report. Robert Hur is his name and he is not recommending criminal charges. But he laid out how the president willfully retained and disclosed highly classified materials when he was a private citizen, including sensitive national security matters and documents about military and foreign policy in Afghanistan.

And as the White House feared, the report is full of embarrassing details, including these dramatic photos of tattered boxes in Joe Biden's Delaware garage right next to the Corvette. The sensitive files were stored "Near a collapsed dog crate, a dog bed, a Zappos box, an empty bucket, a broken lamp wrapped with duct tape, potting soil and synthetic firewood".

But remember when Biden told you that everything was secure?

(BEGIN VIDEO CLIP)

PETER DOOCY, FOX NEWS CHANNEL CORRESPONDENT: Classified material next year Corvette, what were you thinking?

BIDEN: Let me -- they're -- I'm going to get a chance to speak on all this, God willing, soon, but as I said earlier this week, people -- and, by the way, my Corvette is in a locked garage. OK? So, it's not like they're sitting out in the street. But anyway -- DOOCY: So, the material was in a locked garage? BIDEN: Yes, as well as my Corvette. But as I said earlier this week, people know I take classified documents and classified material seriously. They discovered a small number of documents with classified markings in storage areas and in file cabinets in my home.

(END VIDEO CLIP)

PERINO: The Special Counsel was also painting a devastating picture about the president's mental acuity with this, "We have also considered that at trial, Mr. Biden would likely present himself to a jury, as he did during our interview of him as a sympathetic, well-meaning, elderly man with a poor memory. It would be difficult to convince a jury that they should convict him by then a former president well into his 80s of a serious felony that requires a mental state of willfulness."

And that wasn't the only instance of the Special Counsel bringing up Biden's significant limitations when it comes to memory. The president also could not recall the years that he was vice president or when his son Beau died.

President Trump has issued a statement here, I will read it for you. He said they should immediately dropped the case against me, I am covered by the Presidential Records Act, he wasn't. He had many, many times more documents, totally unguarded, mine were always surrounded by Secret Service and in locked rooms. And Biden also made some more comments between -- about a distinction between him and Trump, listen here.

(BEGIN VIDEO CLIP)

BIDEN: I was especially pleased to see the special counsel make clear the stark differences between this case and Donald Trump. As the Special Counsel wrote, and I quote, "several material distinctions between Mr. Trump's case and Mr. Biden's are clear, and by the way, it's a Republican counsel."

Most notably, after given multiple chances, Special Counsel acknowledged I cooperated completely, I did not throw up any roadblocks, I sought no delays.

(END VIDEO CLIP)

PERINO: OK, so we can talk about the merits of the case. But I think that the most devastating thing that I've seen in this campaign so far is from the Special Counsel on mental acuity and I -- Greg, we'll turn it over to you. But I want to put up this poll for everyone just to remind you, the NBC poll from this week, asked a question, does Trump or Biden have the necessary mental and physical health to be president and only 23 percent of those polled said Biden had that mental capacity.

So, over to you.

GREG GUTFELD, FOX NEWS CHANNEL HOST: Remember how hard the media push the 25th Amendment?

PERINO: Yes.

GUTFELD: Now, here it is. What do you do when it's your guy? Clearly, there's evidence of severe memory loss, confusion, mental impairment. What are you waiting for, for the poor guy to wander down Pennsylvania Avenue and nothing but a shower cap? We thought Harvard had diminished faculties.

They are just talking, by the way about your kindly neighbor who forgets where he is. And he's wandering on your front lawn in an open robe. We're talking about the leader of the free world, right?

You know, they're describing him as an elderly man with a poor memory that doesn't possess a mental state of willfulness. I mean, this is not gramps with onset dementia. This is the President of the United States, he has the keys to the nuclear football, I can only hope that he doesn't know or remember where it is.

But this is like -- I mean, it's to quote Morrissey, the joke isn't funny anymore. It's not really real. They told us something we already knew. And it's something that the media can't spin, right? He's mentally -- they basically said he's mentally unfit to stand trial. That is a naked assessment.

I mean, we've seen him refer to dead people as if they're alive. He can't do simple interviews in the Super Bowl. He's declining faster than his poll numbers. And it's -- I think at this point, something's going to happen.

PERINO: I'm beginning to think so too. And I had not been in that thinking that way, mostly, except for when Jesse asked me to come on, if Michelle Obama is going to be stepping in.

I do wonder if, Jesse, since they had an idea, the White House had an idea that this was coming for a while that it was one of the main reasons they decided to decline the opportunity to do that Super Bowl interview, because he would have had to been asked about it.

JESSE WATTERS, FOX NEWS CHANNEL HOST: That would have been the first question at the Super Bowl interview. And then he comes out today and says cased is close. And then he says, I became president to bring red states and green states together. And he says he wants to bring back Roe versus Ward. And this is two days after he says I saw dead people, twice. He's saying he's meeting with people that have been dead for 30 years.

By the way, look at the garage. Does this look like the garage of a president of the United States? Or does this look like your grandfather's packrat garage? That is not the way you organize your life as a president. There's a broken lamp with duct tape next to classified documents? They actually had to move the files to a different box because the thing you couldn't even pick it up, it would fall apart. There's like dusty golf clubs, shoe boxes, and Hunter's in and out of there with God knows who, come on.

So, they said this guy will fully retained classified documents that put our national security at risk because it was at an unsecure location. But you could never get a conviction at trial because he's an elderly man with memory issues. And he didn't really know what he was doing because he's got diminished faculties.

So, this is the same thing to do with Hillary. Hillary definitely broke the law. And they laid out at about a dozen times how she did it. But then they list about half of the report about why we're not going to bring charges. They did the same thing with him. It's another beautiful off ramp.

But remember what they did at Mar-a-Lago, they had pictures of beautifully organized stack boxes in a ballroom and the media says how dare Donald Trump mishandled classified documents like that.

And CNN to this point before we came on the air, they haven't even put up the garage photos, they haven't even put it out there.

Did you know that the ghostwriter who he shared classified documents with destroyed the tapes when he found out there was a Special Counsel investigation? To the minute he hears him being under investigation for mishandling classified documents, the guy deletes all of the tapes of Joe Biden. And then, they're not going to charge him of course.

But they have Joe Biden on tape. And I would love to hear these tapes because Joe Biden's on tape saying, yes, these are classified. And he's sharing classified information with his ghostwriter. It's what David Petraeus got popped for, it's the exact same thing.

And then they saying this guy is painfully slow, significant limitations struggles to remember events, straining at times to read and relate his own notes. This was seven years ago. We're now seven years after the fact.

And we're talking not only 25th Amendment, we're talking about you might have to bow out because the crescendo now is going to grow so large, it's not just the people in the press corps, but other Democrats are going to see this and they're going to read this and they say, how can you do this to this guy?

Because right now this was a devastating body blow to the reelection campaign. No matter how they want to spin it, this was bad.

PERINO: You imagine being the press secretary thinking about that briefing tomorrow? I'm like -- I'm like call in sick, Judge.

I want to talk about the White House's response to Robert Hur saying that the comments about mental acuity are superfluous and unnecessary and that they said that they weren't -- and that they're not true. And they want -- they wanted Robert Hur to take them out.

JEANINE PIRRO, FOX NEWS CHANNEL LEGAL ANALYST: Wait a minute, OK, so you can't have it both ways. The comments are not true. But the conclusion they came to to not indict Joe Biden is accurate.

And to the point, let me tell you something, this report is worse than an indictment. This report demands the 25th Amendment, and here's my constitution, this man needs to be thrown out of office.

And there's another point, the fact that they talked about the fact that he's an old man with a poor memory seven years ago, that he's sharing classified documents at a time when he's not even president, Donald Trump was President. This guy was in possession of documents as a senator, as a vice president, he had no right to have that information, sharing it with his ghostwriter, sharing it I'm sure with the editor, the editor would not have published a book without making sure that everything in that book didn't have backup. I've written eight books, I know that.

And then they say, well, he also showed a letter from Kim Jong-un to Bob Woodward, in the Oval Office, everything about this tells and shows the American people how there are two separate systems of justice.

And this is where my prosecutor comes through. If you get to the point, where you say, no jury will convict this guy because he is non compos mentis because he does not have the mental capacity to form the intent. That means you've already gotten to the point where you believe he should be indicted, but you're not indicting him because you don't believe the jury will find him competent to stand trial.

This is the worst thing that can happen to Joe Biden. And let me say one more thing about that. When they made the decision to not indict. They still could have indicted him the way they indicted Donald Trump for espionage. The espionage charges that Donald Trump is under by crazy Jack Smith don't involve intent or willfulness. They involve gross negligence.

So, if you want to tell me Joe Biden can't formulate intent, he cannot formulate a willfulness, if then for ensuring you can get in for gross negligence.

Explain to me, Mr. Hur, why there is a difference there. And this indictment against Donald Trump for a number of reasons that I don't want to hog the time should be dismissed based upon the joke that this whole thing is.

PERINO: Harold, I want to hear everything you have to say, but I want to set it up this way. So, the Special Counsel is saying that Biden is too old and incompetent to be held responsible for mishandling classified information and state secret. And Biden is saying, I am not too old. And I am not incompetent. And I want four more years as the leader of the free world. I mean, how is that supposed to go over?

HAROLD FORD JR., FOX NEWS CHANNEL CONTRIBUTOR: So, this is a tough day for the White House and for President Biden. I think two things and I think the Judge said some of it, and basically every one -- every one has said things that I agree with, don't agree or disagree with a whole lot.

The thing for me is what Mr. Hur said that he will fully retain the documents, which on the Trump matter is been the predicate for why charges were brought. So if you believe he willfully retain the documents, but your argument, the president's argument, President Biden's argument is that I cooperated fully with him and then President Trump did not, if indeed that is the case and it looks like that could be the case, at least what we're reading in the public narrative, that maybe President Trump should have been charged with only obstruction of justice.

PIRRO: Exactly.

FORD JR.: And may not have should have been charged with the handling of the documents. This case here and the way it has been handled will certainly give more credence to that argument.

But we can't ignore the ***politics***. The ***politics*** are infused with the legal part of it. And it's certainly infused with the second part, which is Mr. Hur's conclusion that if he took this before jury that Mr. Biden might seem sympathetic because he's an older fella with diminished memory. The White House is pushing back on that.

It is going to be difficult to push back on that. Judge, I agree with -- I agree with your statement there, reconciling the two. I was -- I'm too old and my memory is too slight for me to be prosecuted. But I should get four more years which is what Dana said. This is a complicated -- it's a complicated piece for the president.

But I think if a legal standpoint, I think the question becomes for President Trump, we're talking about presidents here, former President Trump, why was he charged if he willfully retain the documents and President Biden was not.

And if the reason is because President Trump, I get the reasons he didn't cooperate, and he told people not to cooperate. That would seem to me to be an obstruction charge. But I just play a lawyer on THE FIVE --

PERINO: So people might remember this from "60 Minutes". This is when Biden talks about Trump being irresponsible.

(BEGIN VIDEO CLIP)

BIDEN: How that could possibly happen, how anyone could be that irresponsible. And I thought what data was in there that may compromise sources and methods? And by that, I mean, names of people helped, etcetera. And it's just totally irresponsible.

(END VIDEO CLIP)

PERINO: Greg, maybe he didn't remember that he had it too.

GUTFELD: Yes. Well, it's part of that pattern. It's like they always blame the Republicans or anybody for what they're actually doing.

But I hear Biden is -- he's fine. He just spoke to Ruth Bader Ginsburg. And she told him he can't be tried. So, that's good news. That's good news.

I also kind of -- I find this a bit ageist as somebody who is young. That means if I commit a crime, I can't say that I have age related mental cognitive difficulties. Don't you find that wrong? It's unfair that he gets that defense and I don't.

PERINO: Maybe in like five more years.

GUTFELD: Yes, the other thing too is this could be related -- his decline could be related to Trump derangement syndrome. There might be an actual biological underpinning that when your brain is a focused on an obsessive thought for a period of years, then the other parts of your brain atrophies. You're seeing this a lot with people with TDS. They're like -- they're failing in their jobs and their relationships because they become overcome with Trump.

PERINO: What do you think the Democrats are actually thinking now behind closed doors? I can imagine, what are you thinking Gavin Newsom is thinking right now or even Kamala Harris?

WATTERS: Well, I don't want to say what Gavin Newsom is thinking right now, because it's dirty. But if I were a Democrat, I probably know that this was already happening. It's been whispered about, everybody knows, this is what, this thing here, what Judge says is so devastating. This is what they've been trying to hide for three years.

And so, Robert Hur spends two days with the president. Let's just say, five to six hours total. That's more time than any reporter in three years has ever spent with the president. It's more time than we've ever really seen the president.

Could you imagine Bret Baier, or let's just say Greg Gutfeld, sitting down with Joe Biden for five hours, and asking him questions about policy and his performance? Well, Hur did it and the conclusion was, the man has diminished faculties.

This is the biggest insight you're going to get about the president from anybody in a nonpartisan way and forget about the fact that he's a Republican. He gave the guy six off-ramps to not get indicted, but he's arguing about a classified -- he goes, I get to keep these things because they're mine. These are mine, every other president's got to take stuff home. It's the same argument Donald Trump said, except he's not president.

He's on tape, arguing, no, this isn't -- this is classified, but I'm going to keep it. This guy comes across as a small, sloppy, and mentally unfit man. And I bet a lot of the people around the world are looking at this report saying, oh, my God,

PERINO: Right. I wondered about that, too, in terms of everybody seeing this, right.? So, I think that's also why the White House was like, you know, that they're telling Hur don't include this because it's superfluous. But our adversaries and our enemies, the troops see it, everybody's seeing it.

PIRRO: Well, you know, the truth is that it's not as though they actually needed this. Everybody's been saying it for the last few years. But that is confirmation of what we all have been saying and what our foreign leaders suspected.

And whenever Karine Jean-Pierre or the president get a tough question, they say, you know, Biden said, everybody knows I take classified documents seriously, or she'll say, everybody knows America's back. They never answer any questions. The president is incapable.

Seven years ago, he didn't know when he was a vice president when his term started, when it ended. Six months ago, we didn't know when his son died. And we are giving this man the ability to be the commander-in-chief of the greatest nation on Earth when he is inept?

And let me just say one thing, Jesse, at least Donald Trump had secret service in terms of those documents that he had as president. He also had them in locked rooms as president. Joe Biden took them when he knew full well as a senator. He wasn't supposed to take them out of his SCIF. He wasn't supposed to take notes. And then he says I didn't know.

PERINO: Harold, can I ask you? I mean, let's be honest. Aren't the Democrats going to have some like secret cabal meeting to say like, what are we going to do? We cannot have him at the top of the ticket?

FORD JR.: I don't know what the party will do. I do know, let me say two things. First, I agree with what -- I firmly believe what I said earlier that the willfully retaining of the documents is a question about both of these cases. One is being treated one way, one being treated another way, it's going to behoove Mr. Smith and perhaps some of the Justice Department or both to remind the American people again, what are the differences between these cases and why was one charge and why it was not?

Two, we're living at a time where we have the two -- the two leading candidates for president, both parties, both parties believe that they're too old to be president, if a majority of them do, we'd like new people.

We now have -- to the Judge's point made around a table, we now have an independent verification for someone who chose not to bring legal charges against the president, citing strongly -- I've not read all of the document. But citing strongly is one of the reasons that the president's memory and mental faculties are would be a favor for him in trial. And he would appeal to the jury. And he didn't want to indict him for -- indicted the wrong thing but didn't want to bring charges or recommend charges for that reason.

So, this is something again, the Justice Department and that special prosecutor on the other side, Mr. Smith, I think just because the country is so embroiled and engaged with this is going to have to explain, again, the differences between these two.

PIRRO: You want the last word?

WATTERS: It's the worst two weeks since the Afghanistan situation. You've had a week of immigration. And that's the worst thing he's known for. And then you're now going to get into a week-long discussion of the Democrats saying, the president is not mentally deficient.

OK, in the polling, he already bottomed out at 33 percent. And he's down six to Trump. And now you have quotes. Here's the quote, when did I stop being vice president? Or the other quote, am I still vice president in 2009? Those are direct quotes from the president.

PIRRO: This man is the president.

WATTERS: That's hard.

PERINO: And you just imagine if this was a report about Donald Trump?

GUTFELD: I think it was, they just made it up.

PERINO: The 25th Amendment stuff. All right, coming up, the big legal drama today was not only with Biden, Donald Trump sounding very confident after the Supreme Court weighed in on him getting kicked off the ballot in Colorado.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: In watching the Supreme Court today, I thought it was very -- it's a very beautiful process. I hope that democracy of this country will continue.

(END VIDEO CLIP)

WATTERS: Donald Trump sounding pretty confident, while the Supreme Court sounding pretty skeptical on the case that could alter the course of American history. The top court hearing oral arguments on whether Colorado can ban former President Trump from its state ballot, and they seem to be leaning in favor of the former president.

Colorado disqualified Trump from its ballot and citing Section 3 of the 14th Amendment, saying he's ineligible for the White House under the U.S. Constitution insurrection clause, despite the fact that no court has ever convicted him of insurrection.

But here's how bad it got for the Democrats. The Obama-appointed Justice Kagan questioned the entire foundation of the case.

(BEGIN VIDEO CLIP)

ELENA KAGAN, SUPREME COURT ASSOCIATE JUSTICE: Why should a single state have the ability to make this determination not only for their own citizens, but for the rest of the nation? It sounds awfully national to me.

If you weren't from Colorado, and you were from Wisconsin, or you were from Michigan. And it really you know, what the Michigan Secretary of State did is going to make the difference between, you know, whether Candidate A is elected or Candidate B is elected. I mean, that seems quite extraordinary, doesn't it?

(END VIDEO CLIP)

WATTERS: There is also how you know the Democrats lost big at the court? It was like a funeral for the liberal media.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: The Republican Justice says, all six of them, will defend their boy and keep Trump on the ballot.

UNIDENTIFIED MALE: This argument did not go well for the Trump challengers and that's to put it mildly. I probably have some other adjectives that I won't say on air.

JEN PSAKI, FORMER WHITE HOUSE PRESS SECRETARY: He is the one who helped cause, helped fanned the flames that led to the insurrection, however they decide.

UNIDENTIFIED MALE: Now it's time to disenfranchise the disenfranchiser, and they're just looking for the exits. It's just bizarre to me to watch the system continue to bend over backwards, as he plays his chicken game with our -- with our system.

JAKE TAPPER, CNN ANCHOR: OK, I think we have gotten all the illegal analysis, we're going to get out of President Trump. you know it's odd there because this was actually an opportunity for him to come out and say --

UNIDENTIFIED MALE: No, it's not because if he wants to talk about himself.

(END VIDEO CLIP)

WATTERS: The serious legal analysis of their CNN. Judge, what struck you today listening to these arguments?

PIRRO: You know, I have, for the last few years often wondered about my role as a prosecutor and as a public official. I mean, the system sometimes seems rigged, there are two systems of justice, we've been talking about it.

But as I sat there and listened, it was a great day for me, and hopefully, for many Americans, because we saw the United States Supreme Court go beyond the issue of ***politics***, recognize that its job was to analyze the Constitution in a textualist way and an interpretation that was not about ***politics***.

And when you saw them or heard them, they it was clear that they were united on some issues and that it was a moment that to me, transcended ***politics***, and I love it. OK.

They prove today how wrong the left was in predicting that, you know, this is all about ***politics***. And you know, they would make arguments that had nothing to do with the law. All of these arguments had to do with the law.

The fundamental question is the 14th Amendment. The 14th Amendment was enacted to restrict state power not to add state power. And for them to interpret an insurrection where nobody has been convicted of insurrection as a cause and give one Secretary of State the ability just as we heard, I think it was Justice Kagan talking about, to affect the United States and literally determine who will be our next president is antithetical to the - - to the Constitution.

There's no role for the states here unless Congress gives the states the authority. They did not do that. And I -- you know, it was interesting that that Sotomayor who was the outliner said, you know, there is a lack of due process. She said that President Trump has not been afforded that due process as it relates to whether or not he's an insurrectionist. So, it was legally -- he was convicted by the mainstream media. The mainstream media believed that they are the courts and the justices. The left is so frustrated because they've controlled so much and all of a sudden they get to the top court and they realize that they may lose on the law.

WATTERS: Yes, I heard Ketanji Brown Jackson also sounding very doubtful, Harold, listening to the arguments presented by the Colorado attorneys.

FORD JR.: One of the great things about our country and we sometimes forget and I try not to is that our legal system works. We -- this -- these are judges -- well, I disagree on Judge Pirro on this one. These are Supreme Court Justices, nine of them who've been appointed by presidents, but who took an oath of office. And we shouldn't be surprised that these justices because they were appointed by Democrats, nor should Democrats be surprised when a Republican-appointed justice might agree with them.

This is what our judicial system -- this is what our framers had in mind. When Justice Sotomayor said due process had not been given to Mr. Trump, it didn't matter to her who Mr. Trump was. He's an American. And you can't deny someone an opportunity to be on the ballot if they hadn't been convicted of something. As a matter of fact he hadn't been charged with leading an insurrection, nor has he been convicted of anything.

Furthermore, the record in Colorado, you can't take the record of a partisan hearing which is what it was. It was a Democrat-led -- although they had Republicans on there too -- and use that -- that's not a trial. They used that as a record for what they did so this was absolutely I believe what was supposed to happen. And we don't have a decision yet but it seems as if that's what they're -- what they're saying.

The president -- now President Trump needed some good news on the legal front. They -- the absolute immunity case has been rejected by the D.C. Circuit Court and you had a judge here award a defendant I think $80 million or so in some case. So, the president, President Trump had every right to say what he said today. I'm not sure it was a beautiful process. I would just call it America, the process working, but president has every right to characterize it how he wants to character it.

WATTERS: How did you characterize the process?

PERINO: I would just make it -- well, I thought it was beautiful listening to it this morning. But I do think that whereas America believes that the Supreme Court is just hopelessly divided, about a third of the opinions that they release are 9-0. And you don't hear about them just like you don't hear about all the planes that landed safely. This one however, if it does go 9-0 and that looks like the way it will go in Trump's favor, you'll hear about it and it will be good to then get the process going.

The bigger story for me is not this one. Trump is going to be on the ballot. It's going to be fine. It's the story that we did at the beginning. I'm still shell-shocked by it.

PIRRO: Yes.

PERINO: I just cannot imagine what this White House is going to do.

WATTERS: Greg, it seemed like the media had their expectations raised a little too high for this argument.

GUTFELD: I love watching CNN. They officially have more people on their panel than viewers. Have you seen their ratings? By the way, the Democrats aren't worried. President Biden says he already spoke to Thurgood Marshall and he's good with -- he's good with banning Trump.

No, you do see -- the reason why the media is melting down is because they hoaxed themselves into believing the insurrection hoax. Because to believe that hoax, you have to believe that it's the first-ever unarmed insurrection. It's the first where many participants were led in taking selfies. It's the first-ever insurrection where the only casualty was an unarmed female protester who was shot dead.

It's the first-ever insurrection where the president was there giving a constitutionally protected speech where he implored citizens to protest peacefully. So, that's crazy. So, you got to remember who's behind the insurrection hoax. The same people that were behind Russia gate. They just switched out the subjects and the verbs.

But it's interesting to see a party that claims to be protecting democracy trying so hard to get the opposition off the ballot so democracy is thwarted. If you want election interference, you got it. It's right there.

WATTERS: That segment went beautifully.

GUTFELD: It did. And it's all due to you.

WATTERS: Coming up, Joe Biden is in some big trouble with Black voters.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: (INAUDIBLE) Biden ain't doing (BLEEP). (END VIDEO CLIP)

GUTFELD: My nose hurts.

WATTERS: But that's not all. Muslim voters also screaming and running away from Biden.

(COMMERCIAL BREAK)

PIRRO: Joe Biden is in some big trouble as his voter base crumbles. Recent polls seem to suggest that the President is rapidly losing the support of African-Americans, Muslims, and even young voters. But today, Joe put on a brave face and tried to rally the troops at a house Democrat meeting. But Sleeping Joe can't ignore his problems forever.

A Democrat who is in a close battle for a crucial House seat next week is practically begging Biden to stay far away from his campaign. Tom Suozzi is telling the media that he doesn't think it will be "helpful." And Black Chicago voters are also letting loose on Joe Biden.

(BEGIN VIDEO CLIP)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Biden is a racist.

UNIDENTIFIED MALE: No wars.

UNIDENTIFIED MALE: Great policies, best years in the Stock Market.

UNIDENTIFIED MALE: Who do you think he's done more for the Black community, Trump or Biden?

UNIDENTIFIED MALE: I don't even see Biden here. I know Trump was out here.

UNIDENTIFIED MALE: Biden is (BLEEP). Everything is (BLEEP).

UNIDENTIFIED FEMALE: Biden ain't doing (BLEEP). We going get rid of his sleep (BLEEP).

(END VIDEO CLIP)

PIRRO: All right, Dana, I'll start with you. I mean, we know that he's been losing with the Blacks and the Hispanics and the young voters. I mean, don't even add in today but how does he -- how does he recapture that base?

PERINO: And blue-collar voters too. And so, it's interesting to look back and think about the Democratic coalition that helped get him into office, and then the parts on who he's been most focused on serving. So, a couple of ideas here, rich white liberals, what do they want? Well, they want more tax credits for their electric vehicles. They want all the climate stuff.

And what did he do today? He's focused on the Squad and the concerns about supporting Israel more than he is focused on figuring out how to make sure that they have some sort of proactive -- why I should be elected to a second term but I can't remember why type of message. I'm still focused on the A block.

Working-class voters, Hispanic voters, the swing states, he's not focused on any of those yet. Apparently, the campaign is having a big meeting tomorrow, the Biden campaign. They're all getting together. They're going to talk about what's going to happen going forward. But at this point, you should be able to have that message. It should be clear what you want to do. And he's not able to pull together the coalition from before.

And I would add that the other problem for him is that especially for Black men, if you read in the Washington Post -- for example, like two Sundays ago, there's a big piece about how Black men feel about the economy, and they are much more likely and willing to vote for a Republican than their parents or grandparents were.

So, the coalitions, the political coalitions on both sides are shifting. And right now it feels like the Republicans are on the winning side of that.

PIRRO: Yes, it does. So, Harold, if you were advising, what would you recommend they do.

FORD JR.: You take it seriously. We've seen some polling data and we've shown some anecdotal things here on the show. And I'm sure they're seeing some of this. You can't -- you also have to take seriously that Tom Suozzi in an election that will -- a special election here in New York that will portend I think in many ways what we can look -- what we should anticipate come November.

He doesn't want -- he doesn't believe that Mr. Biden would be particularly helpful and I believe the Republican has not invited Mr. Trump in either. But put that aside, Democrats need to be -- need to be focused on how do you meet voters where they are? How do you begin to talk about those things that you've done and what you're going to do going forward to create more ownership and access to capital opportunities for communities that have been left behind? How on Earth are you going to invest in schools and hold people to hold people to a metric to ensure that kids are being educated?

The bread and butter things I think are things that sometimes Democrats lose track of. They think that every two years or four years you can just run a get-out-to-vote campaign with African-Americans. And they're going to get out because they dislike or you're going to be able to paint a picture of the -- of the other side.

And Donald Trump is an easy person to paint a picture about the challenge with Trump is. So many people know him, so many people remember him. And he does have a relationship in the minds of a lot of voters with business and opportunity and ownership. And there's no doubt that there's some voters in the country including Black voters who believe that he's been picked on, and they believe that that is something that makes him somewhat of a folk hero.

If Democrats -- the one glowing thing from all this, you look at the numbers where he's going against Biden, he's down three or four points. If Democrats can get African-American, Latino voters to come back into the fold come November, it's a good thing for them. But you won't do it with a simple conventional stale get-out-to-vote campaign you've used over the years. You're going to have to be creative, you have to be thoughtful, you have to be entrepreneurial, and you have to be enterprising in how you do it.

PIRRO: And you know what, Jesse, you can't say you know, if you ain't Black -- you know, you can't use that mentality with the voters.

WATTERS: Yes. Even Tha God isn't going for that anymore. It's Tha God, right, T-H-A?

PIRRO: Yes, T-H-A.

WATTERS: People forget judge how close the last election was. It was like 40,000 votes spread across a couple of states. We worried about Georgia, Michigan, Pennsylvania, and Wisconsin. Georgia population for Blacks, 33 percent. If Biden loses just one percent of the Black vote than he did last time, Georgia is gone.

Look at Michigan, 15 percent Black and also three percent Muslim. Muslims aren't going for him anymore. Plus, tons of college towns in Wisconsin. Pennsylvania 12 percent Black. Tons of college towns. Young people, Islamic people, Black people, Trump just needs one or two percentage better than he did last time. And he sweeps these Blue States. Not just one or two, sweeps.

PIRRO: Greg?

GUTFELD: I guess I wonder what are the Republicans going to do to take advantage of this? It's not enough to gloat when these things happen. And it's a challenge to reach Black voters because the media runs interference between their lies and reality. So, the worse it gets for Blacks, the more the media cranks up the race card. So, it's hey, you know, you see -- and they go, well, you can't really vote for him over economic issues. He's racist.

You got to wonder how long that's going to last because when the white saviors on the left keep selling you out for other identities which is the consequence of identity ***politics***, one day you're in, the next you're out. You got to start wondering what are the policies that work for Black, White, Hispanic, the elderly, the young? You start thinking maybe I should start looking at the big picture.

He is prospering under one group and it's what Michael Malice calls the AWFLs? Do you know what the AWFLs are?

WATTERS: The ruling class?

GUTFELD: Affluent white liberal -- white liberals, female liberals -- Affluent White Female Liberals, AWFLs, and it's so fitting.

PIRRO: OK. So much for fitting. Up next, Joe Biden just blew up his baloney excuse on the Border.

(COMMERCIAL BREAK)

GUTFELD: According to NBC, the White House has been weighing for months to use an executive order on the border, despite Biden saying he was powerless. Now we know. Texas Governor Greg Abbott was at the border today and called Biden a hypocrite.

(BEGIN VIDEO CLIP)

GOV. GREG ABBOTT (R-TX): The President of the United States is not enforcing the laws that are already on the books. He does not need more laws. He has the tools in his toolbox to do exactly what Texas is doing.

(END VIDEO CLIP)

GUTFELD: Judge, what do you think?

PIRRO: I'm so fed up with this, saying the same thing. Just what he said, we don't need a law, enforce the law. Don't give me this nonsense, I need the money, show me the money. I mean, the guy's a fool and that -- and it's just been confirmed. The truth is that -- look at what Texas is doing. They had 70,000 in December and 70 -- no, 71,000 in December, 17 in January.

We can stop this. We can stop the crime that's going on. We can stop the attacks on our budgets, schools, hospitals, Social Services. Enough.

GUTFELD: Harold?

FORD JR.: So, I think -- I differ with Governor Abbott. I've been -- I've been saluting him for what he did in terms of sending people around the country. That's what got Democrats to do something. But he's not right. The -- President Trump even tried to get two things. First, you need asylum reform. The asylum reform is not part of what a president can do.

He could reverse the remain in Mexico, he can reverse the expansion of benefits, and he can reverse the deferral of bringing pros -- bringing a crime charge against someone who enters illegally but you cannot reform the asylum process, you cannot shut down a border unilaterally. This bill would have done it.

Everybody can be wherever they want to be on the bill, but we should understand one thing, not passing that bill is going to enable more people to come across that border. I do agree President Biden should reverse the stay-in-Mexico policy, but you can't reform the asylum process, nor does the president have unilateral ability to shut down the border, but for what that bill was going to give.

PIRRO: So, we should take 10 million people in.

WATTERS: Well, I didn't go to law school like Harold did, but why do I know more about the law than Harold? I can't figure that one out, Harold. Because yesterday I brought you the Act 1952, Immigration and Naturalization Act. He has unilateral authority to repel any alien for whatever reason for as much amount of time as he wants to. Unilaterally, he does it need Congress to give him special power.

FORD JR.: We have an asylum process.

WATTERS: Go back to law school.

FORD JR.: We have an asylum process.

GUTFELD: All right, Dana.

PERINO: Democrats are 32 points behind Republicans on this issue, and no amount of the Democrats trying to work the raps is going to change that.

GUTFELD: In your face, Harold. "ONE MORE THING" is up next.

(COMMERCIAL BREAK)

PERINO: It's time now for "ONE MORE THING." Jesse.

WATTERS: Moose is on the loose. Someone we're seeing all of a sudden. Look at this moose.

PERINO: Wow! He can move.

WATTERS: That's what happens when you get out there. Greg, I know you don't ski.

GUTFELD: You're an expert in moose.

WATTERS: Very, very good. Different spelling but you're right.

PIRRO: Wow.

WATTERS: Tonight, "JESSE WATTERS PRIMETIME," we're going to be digging into the Biden special counsel report that shows how mentally unfit he is to be president.

PERINO: Greg.

GUTFELD: All right, tonight, we got a great show. Tyler Fischer, Tulsi Gabbard, Kat Timpf, Tyrus. We're also going to be digging into that, but first let's do this. Greg's In My Neighborhood. Yes, walking the dog today, look what I saw. Yes, that's at an -- outside a bar. Not only is the person having wine at about 11:00 a.m., look what this idiot is doing. Yes, a Vision Pro. This -- no actual adult should be doing this.

PERINO: Yes.

GUTFELD: Correct?

PERINO: I'm going -- I'm going to agree with you there, Greg.

GUTFELD: Look at this. This is just idiotic.

PERINO: It's -- you know, you have a very steady hand on your camera work.

GUTFELD: Thank you very much. OK, my wife did it.

PERINO: OK, I knew it had to be her. OK, our good friend Jimmy Faille, the new book Cancel Culture Dictionary, it's a New York Times Bestseller. And you can pick up a sign copy of the book when he joins me at the Little Point Bookshop in Point Pleasant Beach, New Jersey this Saturday at little noon.

GUTFELD: Little Point. Little Point, the charming bookstore.

PERINO: Jesse, will you bring your book, Get It Together, to Little Point Bookshop?

WATTERS: I'm so glad you asked me about Get It Together, Dana, because it is available for pre-order. And we will be going to the Little Point --

PERINO: Bookshop.

WATTERS: -- Bookshop.

PERINO: I can't wait. All right --

WATTERS: And I'll be going like this to all the people.

FORD JR.: I flew back from Chicago last night. Jimmy's book is right -- one of the big book shops there in the American Airlines thing and the bestseller thing, so congrats to him.

PIRRO: Oh, nice.

FORD JR.: A Belmont University student won a free semester of tuition after sinking a half-court shot. Will Sykes last night, as you saw, he got his big check there. He's actually going to get the money. Congratulations to him. It didn't cover room and board but he seemed like to have a good time. He seemed like he had a good time last night. Congrats, dude.

GUTFELD: All checks are like that to you, Dana.

PERINO: I could definitely do that. What, Harold? Judge?

FORD JR.: (INAUDIBLE).

PIRRO: Two Missouri Police officers respond -- they told me to move. I'm sorry.

PERINO: No, go, go.

PIRRO: Two Missouri police officers responding to a home intrusion alarm, had no clue what they were in for. Check out this wild body cam footage.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Disregard the help. We got a squirrel in the house.

UNIDENTIFIED MALE: There's a squirrel in the house.

UNIDENTIFIED MALE: Close the door. Close the door.

(END VIDEO CLIP)

WATTERS: What was that?

FORD JR.: Squirrel.

PIRRO: It was a squirrel. You can't see. It was a squirrel. You know what? They told me you could see the squirrel's eyes.

WATTERS: I didn't.

PERINO: Well, we'll run it back again and delay the "SPECIAL REPORT." No, we won't. That's it for us. Have a great night, everyone! Hey, Bret!

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