

# [***Associated Press: White House Adding "Roadblocks" In Case Of Trump Win; Biden Admin Braces For Possible Trump Win: Report; Illegal Migrant Accused Of Killing 10-Year-Old Boy; Fani Willis' Father Called To The Witness Stand; Day Two Of Fani Willis Disqualification Hearing; Potentially Damaging Texts Disallowed As Evidence; Dems Unveil Hip Hop Task Force On Racial Inequity; Levine Posts Video On Climate Change And Race; East Palestine Citizens Exposed To Toxic Chemicals***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BBV-N0W1-JCS1-6296-00000-00&context=1516831)

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**Body**

(COMMERCIAL BREAK)

GREG GUTFELD, FOX NEWS CHANNEL HOST: We're out of time! Thanks to Guy Benson, Kennedy, Paul Mauro, Kat Timpf, our studio audience. FOX NEWS @ NIGHT with dreamy Trace Gallagher is next. I'm Greg Gutfeld. I love you, America.

TRACE GALLAGHER, FOX NEWS CHANNEL ANCHOR: And good evening. I'm Trace Gallagher. It's 11:00 p.m. on the East Coast, 8:00 here in Los Angeles, and this is America's late news, FOX NEWS @ NIGHT.

We've got some breaking news coming out of Sterling, Virginia tonight. This is a house explosion. We want to show you some live pictures if we can put those up. And then, we're going to show you some video of kind of how this thing went down. Do we have that?

(BEGIN VIDEO CLIP)

GALLAGHER (voice over): Here are -- is this the video or the live pictures on this? So, this appears to be - this is the live pictures. This is in sterling Virginia, which is a suburb of Washington, DC.

They just held a news conference moments ago, that news conference just ended. But this one was serious. We're talking about numerous people being injured, and we are hearing the possibility of one fatality.

This is now videotape of what happened earlier. We do not know the cause. We know nothing about this. In fact, in the news conference, the fire chief also doesn't know anything about the cause of this. He was just kind of laying out what happened to those who were involved not only inside this area, inside the home, but also fighting this fire.

So, we are working on talking to the local hospitals to see exactly how many people were transported and how many firefighters might have been injured while battling this blaze.

It was a huge explosion. And you can see the pictures there of the subsequent fire as well as the smoke. We will keep you posted on this throughout the newscast to find out exactly what caused this in Sterling, Virginia.

(END VIDEO CLIP)

GALLAGHER (on camera): Meantime, also breaking tonight, it appears the White House is working on plan B, meaning, what to do if President Biden does not remain in the White House.

There are now reports the administration is considering setting up roadblocks to limit Donald Trump's power to reshape the government.

The senior national correspondent Kevin Corke is live in D.C. with the details about the so-called plot thickening, Kevin, good evening.

KEVIN CORKE, FOX NEWS CHANNEL SENIOR NATIONAL CORRESPONDENT: Evening, Trace.

It has been argued by critics and arguably backed up by evidence, this has actually happened before, with an outgoing administration actively working to thwart the incoming administration in defiance of the principle, the peaceful transfer of power.

And back then, the argument was it was the Obama administration setting up trap after trap for the new Trump administration, according to critics.

And now, the Associated Press is reporting that President Biden's administration and liberal supporters here in Washington are bracing for a possible Trump victory in November by installing roadblocks to limit the latter's ability to govern, notably his ability to trim the size of the federal workforce.

The A.P. reports that the Office of Personnel Management, the federal government's chief human resources agency will finalize a rule by April against reclassifying tens of thousands of workers so they can be more easily fired. It's a move, a Biden campaign spokesperson says that will keep Mr. Trump from, "gutting the civil service and plotting revenge on his political enemies."

The A.P., by the way, also adds that a hypothetical Trump administration, part two, could take months or even years to unwind the scheme. But despite that plan, and what many have deemed, the ongoing law fair against Mr. Trump designed, of course, to keep him off the campaign trail and to drain his resources at best, and perhaps even keep him in prison for life at worse.

You guessed it, he remains unbowed.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: We have to win this election. They are doing everything possible to step it away, but we're not going to stand for it. So, thank you very much. We will get back to work.

(END VIDEO CLIP)

CORKE: Get back to work, he says. Now, keep in mind, this is all playing out as the former president appeals a New York judge's decision to hit him with a $350 million fine, following a fraud conviction where no company complained nor was defrauded. Trace?

CORKE: Kevin, thank you.

Let's bring in former presidential candidate, Larry Elder and Axiom Strategies, Erin Perrine. Thank you both for coming on.

So, Erin, to you first. The plan, and you know, when you're making a plan B, you're clearly worried about losing the election. But the plan, Erin, would be to limit Trump's ability to fire thousands of government workers. What are your thoughts on this? Is it possible is it something you think could actually be sustained?

ERIN PERRINE, AXIOM STRATEGIES: Well, there is an opportunity for it to be sustained, but there is a little-known procedural maneuver that can be done, which is called a Congressional Review Act where there is a joint resolution of disapproval passed by both the House and the Senate. It all depends on timing. So, if it's an April timeline, I'm not exactly sure how long they would have the ability to be able to review that.

So come November, come a new Congress in January, if they were able to roll this back and do so, the Congressional Review Act is a wonderful tool that Congress has to check the administrative state and saying, oh, we have oversight and authority here, and roll that back. There are tools that exist to be able to do this.

But Democrats are trying to play ***politics*** and project confidence, while at the same time scheming to try and stop --

(CROSSTALK)

GALLAGHER: Right.

PERRINE: -- the potential winner in November for being able to assert their authority as president of the United States. So, if this happens, there is the opportunity for Congress.

GALLAGHER: Yes.

PERRINE: And I would encourage House Republicans, even if it happens right now, before they are able to secure the Senate, again, to put forward a Congressional Review Act, and do this to be able to say, this is not good, and continue the momentum to say what Democrats are doing is wrong.

GALLAGHER: Yes. It seems like you either got to win or you got to kind of go after the winner in this thing.

Larry Elder to you, speaking of roadblocks, here is the president taking unusual amount of time to kind of gather his thoughts. Watch this.

(BEGIN VIDEO CLIP)

BIDEN: He said if an ally did not pay their dues, he encouraged Russia to "do" whatever the hell they want.

I guess I should clear my mind a little bit and not say what I'm really thinking.

(END VIDEO CLIP)

LARRY ELDER (R), GUBERNATORIAL CANDIDATE, CALIFORNIA: Wow.

GALLAGHER: It feels uncomfortable, Larry. I mean, that's the whole thing is now, everybody, after the Robert Hur report, it just feels very uncomfortable for the entire country.

ELDER: It feels, Trace, as if he's diminishing every single day. But here is the problem. What happens if Joe Biden cannot make it to November? The answer is Kamala Harris is on deck. I know there is a lot of happy talk about Michelle Obama swooping in and taking the nomination away from her.

Not going to happen. Kamala Harris wants to be president. She ran for president. If you're Kamala Harris, think about it. She is never lost an election. She ran for D.A. in San Francisco, she won.

GALLAGHER: Right.

ELDER: She ran for A.G. in California, won, and got reelected. She ran for U.S. Senate in California, won. She was on the ticket with Joe Biden and ran for V.P. She is never --

(CROSSTALK)

GALLAGHER: Although she ran for president and she got -- she got smoked pretty early.

ELDER: But she left before the first contest.

GALLAGHER: Yes. Yes.

ELDER: And I tell you, a lot of the black media feels that the ridicule of her for her cackle is both sexist and racist. And they will be livid if she's dropped kick. But if for some white person like Gavin Newsom, or mayor Pete, they won't vote Republican.

GALLAGHER: Yes.

ELDER: They use to voted all, thereby, guaranteeing whoever our nominee is, he will win.

GALLAGHER: Erin Perrine, now back to you, because President Biden ran on uniting the nation, and we're going to talk about this later with somebody who actually lives in East Palestine who's coming on the show. But he was in East Palestinian, it took him a year to get there and the people there were not happy. I've got about 30 seconds for you. And I have one more question for Larry.

PERRINE: Yes. It was a dereliction of duty by President Biden to not go to East Palestine when this tragedy happened. And now, it's very clearly motivated by ***politics***. This is an election year, and all of a sudden, he wants to try and pretend he is this uniter in chief.

The people in East Palestine are saying, unless he is doing something that's actually going to help us here, we don't want him here. And it looks like that's exactly what happened today.

Grants for research aren't going to help these people rebuild at this moment.

GALLAGHER: Yes.

PERRINE: Again, Joe Biden is showing why he is not fit to be president of the United States anymore.

GALLAGHER: Monmouth poll, Larry. It's how likely do you think it is that Joe Biden will be replaced as the Democratic nominee. Look at the red boxes up there. Very likely, 20 percent; somewhat likely, 40 -- or 28 percent. That's 48 percent. That's half of voters.

ELDER: Yes, and again, even if he can't make it, they are stuck with Kamala Harris. She is less popular than he is.

GALLAGHER: Yes.

ELDER: But because of her race and her gender. That's why she was chosen on the ticket. She still remains black and female. And as I said, the blacks are the most loyal part of the Democratic base. Black females are more loyal than the men, and they love Kamala Harris, and they will be livid if she's dropped kick of Joe Biden cannot make it. She is on deck.

GALLAGHER: We shall see what happens.

Larry Elder Erin Perrine, thank you both.

Meantime, New York City's migrant crisis on full display as the public consumption of drugs and alcohol becomes even more conspicuous and a wave of crime continues plaguing a tourist hotspot

Bill Melugin, live with the latest developments on this. Bill, good evening,

BILL MELUGIN, FOX NEWS CHANNEL NATIONAL CORRESPONDENT: Well, Trace, the border crisis is transforming the Big Apple before our eyes and unfortunately, it is not going to be slowing down anytime soon.

Adult men from all around the world dressed in designer clothes, smoking drugs and passing around flax of booze are now common sites outside of New York City's crowded migrant shelters as over 100,000 illegal immigrants have arrived in the city recently.

Others are now sleeping outside at the subway and in other public transit locations, much like we've seen in other sanctuary cities across the country.

Unofficial New York City survey reveals, at least a thousand migrants have been sleeping outside.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I been here 8:00 last night. And I (INAUDIBLE) on time, this hour of the day.

UNIDENTIFIED FEMALE (through translator): To not have any money, no job, it's complicated. And so, you end up on the street.

(END VIDEO CLIP)

MELUGIN: In the meantime, an illegal alien is now accused of killing a 10- year-old boy walking home from school in Midland, Texas in a hit and run crash.

After he was hit, Alex A.J. Wise pictured right here was left at the scene critically injured. He died from his injuries the next morning.

Rogelio Ortiz-Olivas, a Mexican national has now been charged with drunk driving and causing the fatal hit and run crash.

He had previously been deported five times and he is now being held on an immigration detainer with ICE.

ICE also announcing today, agents arrested an illegal immigrant from Guatemala who is facing felony child molestation charges in Providence, Rhode Island and was released from custody after the local jail in Cranston, Rhode Island ignored ICE's detainer request, the sanctuary jurisdiction.

ICE says that alleged child molester entered the U.S. illegally as a gotaway at an unknown time and location. A reminder, Trace, there have now been over 1.8 million of those gotaways at our southern border since President Biden first look office.

GALLAGHER: And when they get away, you have no idea where they went.

MELUGIN: Exactly.

GALLAGHER: Bil Melugin, live for us here. Bill, thank you. Let's bring in Pinal County, Arizona Sheriff Mark Lamb. Sheriff, great to have you on as always. I want to read the headline from Breitbart and I'll get your take on this.

The headline reads as Bill was just talking about, "Five-time deported illegal alien accused of killing 10-year-old boy walking home from school.

Sheriff, we see this week in and week out. Some form of this happening again and again. And it's partly what we just said, we don't know who is here. We don't know how much of a threat they pose. And we don't know who is coming.

MARK LAMB, SHERIFF, PINAL COUNTY, ARIZONA: No, we really don't. You know, we know that 8 million people more or less were apprehended at the border. But that number of gotaways, I think could be anywhere between, you know, two to four to 5 million people. People that have disappeared throughout this country, people with criminal histories, not just in their own countries, but there's a lot of these people that have criminal histories in our country, just like this guy, who killed this young boy. My heart goes out to that family.

GALLAGHER: Yes.

LAMB: And I have worked constantly with Angel moms, other families that have lost people just like this family did.

GALLAGHER: Yes, it's amazing. This is the New York City police chief of patrol. Watch him, and I'll get your response. Because it's in New York, but it involves pretty much everybody across the country. Watch.

(BEGIN VIDEO CLIP)

JOHN CHELL, CHIEF OF PATROL, NEW YORK POLICE DEPARTMENT: There are some Venezuelan groups, groups of migrants. I say some, not all, that are affecting crime in our city.

We saw the moped robberies and snatches. We see pick -- pockets being picked in Times Square and on the subway. We see some groups going to stores -- Macy's, Kings Plaza, Glass Hut, and stealing property.

(END VIDEO CLIP)

GALLAGHER: Sheriff, we now know, these Venezuelan gangs are in New York. They're in Chicago. They're in Arizona, and your neck of the woods and they're in San Diego. It really is. It's becoming a big-time problem in this whole illegal immigration crisis.

LAMB: Absolutely. We're not immune from it. We got places in Scottsdale right now. We're dealing with these Venezuelan gangs and Chilean gangs. I was with some guys from the sheriff's office out in Michigan, near Detroit, they're dealing with the same Chilean gangs.

Look, as we get more and more people here, and they're not able to go out and work. They are going to try to feed themselves some way or another. And a lot of these people were criminals in their own countries. Now, coming in here, committing crimes on our citizens.

And look, we should all be livid as Americans for what this administration has done to America.

GALLAGHER: Yes.

LAMB: By with these open border policies.

GALLAGHER: Yes, I have one question with two elements, Sheriff. Illegal immigrants on the terror watch list, the highest we've seen since 2017-21. In fact, it was even higher in the -- in the past four months, or the first four months of the fiscal year and a huge Chinese migrant population coming across the border in San Diego. What do you make of those two numbers?

Well, I'm very concerned by those numbers. We're seeing about 10,000 military age men and other people coming across the borders every day. I talked to an FBI guy and he said, look, what concerns us is not just those people on those terror watch list. How about the secondary and tertiary people that are not on those watch list, but they still don't love America, and they are more than willing to do damage to America and American lives if they get the opportunity?

GALLAGHER: Yes. Pinal County Sheriff Mark Lamb. Sheriff, great to have you on tonight. Thank you, sir.

LAMB: Thank you, Trace. God bless.

GALLAGHER: Meantime, in Georgia, Fulton County D.A. Fani Willis did not retake the stand today but others did. And the testimony was very explosive and very damning. But legal experts are not questioning whether any of these statements will result in the D.A. and the lead prosecutor facing consequences like disqualification.

The senior national correspondent Kevin Corke, back live now with more on that. Kevin.

CORKE: Trace, at issue is whether D.A. Willis, improperly benefited from her paramour, the lead prosecutor Nathan Wade, he was making a lot of money. 600 grand, more than that, in fact, paid through her office. And the question is did this create a conflict of interest that should qualify Willis's office from this particular case?

Well, the attorneys for the state are trying to discredit the misconduct allegations against her, called two key witnesses today, including Willis's own father, who seem to support his daughter's assertion that, oh, yes, she keeps copious amounts of money, cash, large amounts at home. That was his testimony.

In fact, he said he's always taught his daughter to keep six months-worth of cash on hand.

(BEGIN VIDEO CLIP)

JOHN C. FLOYD III, FATHER OF FANI WILLIS: It's a black thing, OK? You know, I was trained, and most black folks, they hide cash or they keep cash, and I was-- no, I train, you always keep some cash.

(END VIDEO CLIP)

CORKE: I'm black. I've never heard of that.

Judge Scott, for his part, say he won't rule on whether Willis and her office should be disqualified from the case until after attorneys for both sides have a chance to present arguments, which he said would likely happen next Friday or the following week.

Now, keep this in mind. He said during a hearing on Monday that Willis could be disqualified, Trace if evidence is produced, demonstrating an actual conflict, and this is the key, or even the appearance of one. Trace.

GALLAGHER: Yes. Yes, I'm skeptical. Kevin Corke, back to you as the news warrants. Thank you, sir.

Let's bring in Washington Times Legal Affairs reporter attorney Alex Swoyer, along with California Policy Center, Attorney Julie Hamill. Thank you both for coming on.

Alex, do you first. Fani Willis did not testify today because her side was cheering. They think she was victorious yesterday, Alex. They think, you know what, she's not going to -- she's not going to get tossed off this case. She won that, that battle.

ALEX SWOYER, LEGAL AFFAIRS REPORTER, WASHINGTON TIMES: I don't think they wanted her back on the stand. She was a hostile witness. If I think clips of her testimony should be played in law schools across the country, because that's exactly what you don't want your witness to look like, the notion of any sort of appearance of impropriety, it's there. I would be surprised. A lot of people have talked about the judge allowing her to go on and on and on. How normally you don't see that type of behavior in a courtroom.

And I'm wondering if it's because the judge knows that there is this appearance of impropriety. And he wants her to be able to say what she needs to say, if he's intending to rule against her.

GALLAGHER: Yes, it really is kind of amazing, because I was listening to Jonathan Turley today, Julie, and he was saying the left was celebrating Fani Willis, right? And let her testimony, as Jonathan said, where Trump was unhinged when he did stuff like that, Willis was unbowed. Right? So, she was not taken any -- You know, Trump is he's unhinged, he's so mean. But she, oh, no, she's not taking in any grief, which they love.

JULIE HAMILL, FOUNDER, ALLIANCE OF LOS ANGELES COUNTY PARENTS: Well, can we just talk about how entertaining it was?

GALLAGHER: Oh, it was entertaining. I'll give you that. I mean, we played you sound bites again and again and again.

HAMILL: I was glued to the testimony.

GALLAGHER: right.

HAMILL: It was very entertaining. But she said things like, oh, I pulled a bunch of cash out from my campaign and I kept it in my house. And that's how I paid my lover for these vacations that he took me on after I hired him for this prosecution. It's absolutely mind blowingly insane to me.

GALLAGHER: Yes. And what's funny about this is here is the -- here is the - - I want to play this again. Because here is her dad talking about why she had this cash in her apartment. A bunch of cash. Watch.

(BEGIN VIDEO CLIP)

FLOYD: Excuse me, and -- Your Honor, I'm not trying to be racist, OK? But it's a black thing. OK? You know, I was trained. And most black folks, they hide cash, or they keep cash.

(END VIDEO CLIP)

GALLAGHER: And the theme here, Alex being, of course, she had cash to be able to pay back the debt she owed to Nathan Wade for buying those exorbitant and extravagant trips.

SWOYER: Right. And of course, if she was trying to make sure there was no appearance of impropriety, no conflict, then, she would keep track of her share. And of course, there was no receipts. She didn't do that with cash. So, that's problematic.

I will say her father's testimony today. I thought he was a good witness for her. He's a lawyer himself. He was rehearsed. He knew he had to talk about the cache issue. It is troubling for her, and he did his best.

GALLAGHER: Yes, and he was very good. I mean, listen, again. He was -- he was very good. It's just you know, it's the credibility of justice that we're kind of, we're talking about here.

Terrence Bradley is the former law partner of Nathan Wade. He had some damning text messages, and the attorneys read some of them. Watch.

(BEGIN VIDEO CLIP)

TERRENCE BRADLEY, FORMER LAW PARTNER OF NATHAN WADE: So, what I have is a text message from you saying, oh my god, Nathan took Fani on a trip to Napa, and pay for with his firm.

ASHLEIGH MERCHANT, DEFENSE ATTORNEY: OK. Continue reading.

BRADLEY: And you said, easy that dome. And I say, wow, I'm on a plane from Dubai, land at 3:00. We'll call you as soon as I land.

(END VIDEO CLIP)

GALLAGHER: Yes. So, Bradley said, easy that dome. And I said, wow, I'm on a plane from Dubai, I land at 3:00. We'll call you as soon as I land.

Here is the key, that text message will not be allowed. The judge is not going to consider that text message, Julie. So, it is not playing a part in this case.

Damning evidence. It's out.

HAMILL: Well, my understanding is that the judge is up for reelection in May. And there's a qualifying event in March. And so, I have a feeling that the judge is trying to play it safe until the qualifying event happens in March?

GALLAGHER: Yes.

HAMILL: But I just -- I want people to think about, what would it be like if your local prosecutor was hoarding piles of cash and transacting in cash?

GALLAGHER: Yes.

HAMILL: And imagine the kind of people that can be coming in and out of that house, asking for prosecution or asking to not be prosecuted, dealing in cash and there is no trace of it? It's very unethical behavior.

GALLAGHER: Cash is quiet. Very quiet.

Very quickly, Alex. I got to go. $350 million decision, kind of a hit for the former president today in court. Your final thoughts on that?

SWOYER: Yes. I think he has some strong constitutional arguments on appeal. Due process issues. There was no jury, of course, I think this has been discussed.

GALLAGHER: Yes.

SWOYER: And it's worth repeating. No harm, no actual victim. I think the banks actually said they were paid on time.

GALLAGHER: Right.

SWOYER: And there is a defense on his behalf with the banks. So, I do think that there could be a successful appeal, at least, in reducing the amount of damages.

GALLAGHER: Yes.

SWOYER: And, of course, there could be strong constitutional arguments to try to move this into even federal court on his behalf.

GALLAGHER: Yes. And I got to go. Alex, Julie, thank you both. Coming up, Democrats new effort in the so-called fight for racial equity, a hip hop task force that won't include Republicans. And in the "NIGHTCAP", smart devices, smart speakers, smart phones, always listening to you. But two out of three Americans don't care if these devices are recording them without their knowledge. Do you care?

Let us know X and Instagram @tracegallagher. We are coming right back with hip hop task force. You're going to love it.

(COMMERCIAL BREAK)

GALLAGHER: Getting you caught up now on the breaking news we began the show with. This is in Sterling, Virginia, which is about 22 miles outside of Washington, D.C.

Earlier tonight, some people call reporting a gas leak at their home. And by the time firefighters arrived, the home as you can see there exploded.

Well, now we are learning that one firefighter has died in that house explosion just outside D.C.

First responders were called to the residents at Sterling. And what happened when they got there is it exploded? We don't know if the firefighter was actually inside the house, checking leak when this happened, but we know that eventually these are video pictures -- videotape of what happened. The live pictures show the fire looks to be mostly out with some smokiness, but we do not know exactly how many firefighters were inside the house, and we don't know of any other injuries. But we do know that, at least, nine others were rescued and transported to the hospital, various injuries. We just don't know their severity, but we will keep you up to speed as we find out more information about what happened in Sterling, Virginia, just outside of D.C.

But meantime, the FOX NEWS @ NIGHT "COMMON SENSE DEPARTMENT" is not an authority on hip hop music, but it's still a bit concerned about Democrats unveiling a hip hop task force to tackle racial inequity.

The biggest advocate of the task force is far-left congressman and Squad member Jamaal Bowman, who has come under fire for promoting 9/11 conspiracy theories and for his extreme anti-Israel stance.

Bowman also believes that Black Lives Matter and the Ceasefire Movement are shining examples of success. So, when he pushes hip hop messaging to address things like ending poverty and justice reform, "COMMON SENSE" is skeptical.

The line, "I'd rob ODB, but that'd be a waste of time. Probably have to clap him, run and toss the nine," doesn't exactly scream economic equality.

And, "My little sister's birthday, she'll remember me. For a gift I had 10 of my boys take her virginity," not really a huge endorsement of women.

The task force is also hoping to push things like affordable housing and public-school funding. Maybe the school funding theme song could be, "I smacked him in the face with an eraser chased him with a stapler, stapled his blank to a stack of papers." At least it sounds educational.

"COMMON SENSE", doesn't quite understand this push for hip hop on the Hill, because it doesn't feel like they've quite got the beat.

Let's bring in the board president of Chino Valley Unified School District here in California, Sonia Shah, along with Parents Defending Education senior advisor, Michele Exner. Thank you both for coming on.

It's kind of interesting, Sonia, because there's no better way to boost education and public-school funding than with hip-hop music and a hip-hop task force. If they came to your school district and said that, you'd think, what? What are we doing?

SONIA SHAH, PRESIDENT, CHINO VALLEY UNIFIED SCHOOL DISTRICT: Yes, exactly. I mean, I'm not shocked and I'm not surprised. They have no limits and obviously they're trying to push the rhetoric anyway. And you know, with young artists around, it's not a good example. I just say let artists be artists and let education be a separate issue. It's embarrassing.

GALLAGHER: Let's teach them to read and write. Maybe, we let the lyric writing go a little later. Here is Rep. Jamaal Bowman on what this is supposed to be. Watch, Michele.

(BEGIN VIDEO CLIP)

REP. JAMAAL BOWMAN (D-NY): All I'm doing is continuing the legacy of fighting for peace, justice, and equality, and human rights for all people, not just here in our country, but all over the world. That's the legacy of hip-hop. That's what hip-hop was built upon.

(END VIDEO CLIP)

GALLAGHER: But Michele, as many would say, that's not really the legacy of hip-hop. People see it differently, and there's been a negative influence on a lot of things, sometimes positive, sometimes negative on a lot of things with hip-hop.

MICHELE EXNER, SENIOR ADVISOR, PARENTS DEFENDING EDUCATION: Trace, this is an absolute joke, right? It actually read like a Babylon Bee article, but no, the former school principal, now a member of Congress, who couldn't figure out fire alarms, is now wasting more of Congress's time with this unserious initiative. This is just, this is appalling, this is embarrassing. And think about this, right? Students are performing the worst they have in decades, and I got a question. Where is the Education law task force, where's that?

GALLAGHER: Yes, it's a very good question now. And speaking of good question, Chino Valley Schools want parents to be notified if their child is changing genders, right? Here is California Attorney General back in September, Rob Bonta, going back at you for that. Watch.

(BEGIN VIDEO CLIP)

ROB BONTA, CALIFORNIA ATTORNEY GENERAL: They're violating multiple sections of the constitution and state law and they're doing it very defiantly. And you know keeping our eye on the ball here, it is children who would be the losers from this policy, and that is why I'm moving in to protect children from being hurt for being harmed.

(END VIDEO CLIP)

GALLAGHER: What he's saying, Sonia, is if you do not keep secrets from parents about their kids, you are violating their kids' rights, now you're suing them.

SHAH: Absolutely, the political cartel is a joke and they continue to try to push the stuff but thank God we have Liberty Justice helping us with a couple of the cases in regards to our case of keeping parents informed. We had a great win, what I think is a win this morning, and we're going to keep fighting relentlessly because our kids need their parents.

GALLAGHER: How long will this go on, you think? How long -- when will we get, we find out some clarity on this whole thing?

SHAH: Well, in regards to our case in particular, I think in the beginning of March you're going to see some big developments come out. So, I have, you know, some things planned and our attorneys working directly with us. But I just want to give people, you know, some hope. Do not give up. They want to tire us out. They want to take resources away. They want parents out of the picture because they want to push an agenda, but we're not giving up. We've just started.

GALLAGHER: Yes, you shouldn't give up. Here's President Biden's assistant secretary for health on the whole climate change thing and how it affects certain people. Watch.

(BEGIN VIDEO CLIP)

ADM. RACHEL LEVINE, HHS ASSISTANT SECRETARY: Climate change is having a disproportionate effect on the physical and mental health of black communities. Black Americans are more likely than White Americans to live in areas and housing that increase their susceptibility to climate related health issues. And 65 percent of Black Americans report feeling anxious about climate change's impact.

(END VIDEO CLIP)

GALLAGHER: The problem here, Michele, is they don't cite any evidence. There's no backup data. There's nothing to really support this. It just sounds good. It sounds like they're trying to help the underserved. But the truth is, there's nothing really to support this.

EXNER: Of course, they don't, because no evidence exists. And I also think at this point, the Biden administration and the left are just simply running out of things to call racist. We have -- highways are racist, math is racist, exercise is racist, and now apparently the weather is also racist. And I think what's really sad here is that there's real issues affecting both our country and American families. You have an out of control border, you have the chronic education loss, you have two wars going on. But what's a Biden admin doing? They're just simply intent on manufacturing fake crises and simply leaving, abandoning the American families.

GALLAGHER: Yes, and people keep saying again and again, can we not focus on some of the things that we desperately need, like getting Oakland, California back on the map and getting people, you know, to be comfortable walking the streets there again. Sonia Shah, Michele Exner, thank you both.

Coming up, President Biden finally visiting East Palestine, Ohio, more than a year after that toxic train derailment. But many residents held up signs with, you know, with the F-word, not the friendly word. We'll talk to one of the residents live next. And a Good Samaritan stops a would-be thief using only one hand.

And what happens when a 6-month-old baby meets a 9-week-old puppy? Love at first sight. The day's best "VIRAL VIDEOS" are next.

Meantime, 8:35 on the West Coast. The FOX NEWS @ NIGHT trip across America. First, a live look, Phoenix, Arizona, the largest U.S. city that is also a state capital.

Now, to the oil capital of the world in Tulsa, Oklahoma, and a live look at Daytona Beach, Florida. The Daytona 500 is this Sunday on Fox Jacksonville, Florida, named after President Andrew Jackson.

If you can't join us live, don't forget to set your DVR and watch us any time. We're coming right back with a resident of East Palestine on the visit of President Biden.

(COMMERCIAL BREAK)

GALLAGHER: Well, more than a year after it was the site of a toxic Norfolk Southern train derailment, President Biden finally visited East Palestine, Ohio today, but was met with mostly skepticism and some animosity from residents who are still asking questions about their drinking water and their long-term health. Let's bring in East Palestine resident DJ Yokley. DJ, it's great to have you on the show. I know you say the president waited a year and you were hoping this would be more than a political stunt. Was it? What was your uh... perception about this gathering this, meeting?

DJ YOKLEY, EAST PALESTINE RESIDENT: Yes, this was nothing more than a political stunt, you know, about ten minutes of him talking and tell us, telling us things that we already know, Trace. And you know for, for us we waited 54 weeks to see this happens, for this to transpire for the right time that he's been talking about, happened at 4:45 on a Friday, right before he goes to Delaware. So, you tell me why this happened, if he didn't bring any federal funding, he didn't bring anything but a wagging finger at Norfolk Southern and things that the community have known since the day this derailed.

GALLAGHER: Yes, I want to play some soundbites from your fellow residents here, DJ, and I'll get your thoughts on the other side.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I made eye contact with a lot of the people in the vehicles after they looked at my sign, they looked at me, and I just, I hope it made a difference. Like, I hope they do something, because we're all stuck, we're all sick.

UNIDENTIFIED FEMALE: He has treated us no better than what we've been treated for the past year, and it's heartbreaking.

UNIDENTIFIED FEMALE: You know everybody said it, it's late.

(END VIDEO CLIP)

GALLAGHER: Yes, a lot of people are disappointed in the president's visit so late, DJ. But really, we're more concerned about, how are you, how are your fellow residents doing a year after this disaster?

YOKLEY: We're frustrated. I mean, you -- a lot of the people in the video wanted Joe Biden to come and they wanted him to bring answers and instead he brought empty hands and empty promises. And again, you know, we're just -- we want to know if we're safe here. For 54 weeks, our community has had to make tough, uneducated decisions because we have scientists on both sides of the aisle telling us we're safe, we're not safe.

This is a situation where this is going to affect the rest of our lives. I mean, a lot of us have lived here our entire lives, our community, we love it, but we have to be safe to lay our head on our pillow and think about our children someday being affected and cancer clusters are the possibilities that we keep hearing. You know, it's a frustrating scenario that the President of the United States and his staff don't seem to care about.

GALLAGHER: Yes, I think we should point this out because the Daily Mail wrote this in a headline, "Biden makes fleeting trip to East Palestine more than a year after train disaster. President greeted with F.U. chants and tells residents we leave no one behind in whistlestop visit before, as you say DJ, heading to the beach." He's at the beach. You and 5,000 of your fellow residents are still in East Palestine and you're wondering what's next. What is next?

YOKLEY: And that's what we want to know as well. I mean we've been told it's all because of how we vote. We all voted for Trump apparently in 2016 and 2020. You know, nobody voted for this. There's 4,700 people that would really like to have, to go back to February 2nd, 2023 and have their lives back and not their entire, you know, livelihood turned upside down.

Business in this town have lost their business. We've seen business owners leave. I've had to leave my business in my hometown. This is a tough situation, Trace. Not one that you sign up for when you look toward the American dream.

GALLAGHER: Yep, and the line of the night is that nobody voted for this and Joe Biden ran and he accepted this nomination as a uniter and the people of East Palestine do not feel united. DJ Yokley, best of luck to you, best of luck to the residents there. We will keep checking in as we have been throughout the past year. Thank you for coming on.

YOKLEY: Thanks, Trace. God bless you.

GALLAGHER: Well, first up in tonight's "VIRAL VIDEOS", a mysterious good Samaritan in Australia showed remarkable presence of mind when she stopped a robber as he fled through a shopping mall. She grabbed the bag of stolen goods before he got on the escalator and played kind of a tug-of-war. You can see it until she got help. And yes, she held her child's hand the whole time. Police still trying to figure out who this mystery woman was.

Now, for the moment 6-month-old, Harper, met her family's new 9-week-old puppy, a Cavalier King Charles Spaniel. It was love at first sight as the puppy tried to climb into Harper's lap for some cuddles. Best friends from the very beginning.

And explosive experts detonated three World War II era bombs discovered in a bay along the Florida Panhandle. They're thought to be 80-plus years old. The underwater detonations went off without a glitch and the bay is again bomb-free, we think.

If you have viral video to share, share it with us @TraceGallagher or @FoxNewsNight on social media. And just ahead of the "NIGHTCAP" do you always feel like someone, something is watching you? Our smart devices, our smart phones, our cameras are speakers most Americans do do not seem to care, at least that's what we're told that these devices are recording without them. But we have your numbers in hand and guess what? You care! Still time to weigh in on X and Instagram. The "NIGHTCAP" crew is next.

But first a live look, Santa Monica, California, the birthplace of America's sweetheart Shirley Temple, as well as daddy's sweethearts, Evie and Lila Gallagher. We are coming right back.

(COMMERCIAL BREAK)

GALLAGHER: OK, we are back with the "NIGHTCAP" crew: Kevin Corke, Sonia Shah, Julie Hamill, and Michele Exner. Tonight's topic, listening in. So, here's the deal. We've all had these times when we're talking about something with our phones in our hands and then we immediately get this kind of ultra-specific, slightly creepy ad almost like our phones are listening in. Yet it seems many Americans don't actually care if they're being recorded.

Do you care if your smart devices, like your cameras and your Siri, and your Alexas and your phone and all that stuff are actually listening to everything you say because you know they are, because every time you look over that little thing comes on that Siri thing? If you say like Susie, Siri comes on. She's like hey what's going on? You're like, no Siri, I wasn't talking to you and that's the whole thing. So, Kevin Corke, do you worry about people listening in to your every conversation everything you do and say?

CORKE: You know, I don't think I worry too much but it is a little creepy, you're right, if I'm talking about, say, a car model, I'm like, oh, you know, I saw that Lexus, or I saw that Tesla S-Plaid, and then all of a sudden I get all these ads for Tesla. It is a little off-putting.

GALLAGHER: It really is. It's interesting, Julie, because, you know, as an attorney, you think you never know what somebody is going to do. You have no idea where this stuff goes. You have no idea if it's retained. You have no idea about any of it and we did this story not too long about one of the ring speakers that that captured a UPS driver and they thought he was saying something racist when he was not and the owner of the home went after the UPS driver he got fired they had to reinstate him, though, but so that's kind of the thing, is you never know.

HAMILL: That's terrible.

GALLAGHER: I know.

HAMILL: I had to delete Instagram from my phone because I was using Roundup in my yard and my husband came out and told me, hey, haven't you heard about the cancer cases with Roundup? And then when I went inside, I got an ad on Instagram for lawyers to represent me in a case against Roundup if I had cancer.

GALLAGHER: Yes, it really is. It's crazy, because you know they're always listening and every time you shop or every time you talk, I have this conversation, something that pops up. We're talking about skiing last weekend and sure enough, hey, what about going as so-and-so for skiing, Sonia?

SHAH: No, it's absolutely creepy because Siri listens to everything I say except for when I call her name.

GALLAGHER: Yes.

SHAH: But I guess, you know, as much as I care of what they're doing with the data and listening to me, people film us at the grocery store. They do random things. So, I might be a little bit not so sensitive anymore.

GALLAGHER: Yes, I hear you. Michele.

EXNER: Trace, I think you terrified me with that intro. I'm going to go home and just unplug everything that might be listening to me. So, count me, count me as a hard no for the recording.

GALLAGHER: So, Kevin Corke doesn't care, but guess what? If you look at our poll on X, yes, 96 percent say don't listen to me, on Instagram, 90 percent.

Tammy Wegner says, "I don't need Big Brother monitoring my every move. Stay out of my life."

Red Phantom, "If they're recording me, they would be bored to death with what they get."

Melinda T., "I'm sure whoever listens would either want to cry over the chaos in my life or be laughing hysterically at my stupidity."

Russell, "I know mine does because I said Oreo on the phone call and when I opened X there was a spinning Oreo cookie ad." Like, Julie.

And John Bianchino, "I don't want to be free entertainment."

Thank you all for watching America's late news, FOX NEWS @ NIGHT. Thank you for joining the "NIGHTCAP". I'm Trace Gallagher. Have a great weekend. We'll see you back here on Monday.

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