

# [***Explosive Hearing Features Multiple Outbursts By Fulton County D.A. Fani Willis***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BBN-25F1-F072-X17R-00000-00&context=1516831)

Fox News FOX HANNITY 9:00 PM EST

February 15, 2024 Thursday

Copyright 2024 Fox News Network LLC All Rights Reserved

**Section:** NEWS; Domestic

**Length:** 7040 words

**Byline:** Sean Hannity, Jonathan Turley, Gregg Jarrett, Newt Gingrich, Kellyanne Conway, Tomi Lahren

**Guests:** Alan Dershowitz, Alina Habba

**Body**

SEAN HANNITY, FOX NEWS HOST: And welcome to HANNITY.

And today was an unmitigated disaster for Fulton County D.A. Fani Willis. Now, in case you weren't able to watch the hours-long hearing, what a disaster. Well, we have all the highlights you need to see.

But, first, let's set up how we got here. Fani and the special prosecutor on the Trump case in Georgia, Nathan Wade, her boyfriend, they're accused of having an improper relationship and benefiting from Fulton County taxpayer dollars. Now, Fani Willis allegedly hired her former boyfriend Wade, paid him over $650,000 in the case and then they used the money to go on a series of luxurious vacations together, cruises in the Bahamas, along with trips to Aruba, Belize, Napa Valley.

And that's not all, Wade lacked the qualifications for the job of special prosecutor in the first place. Listen to this, in fact, according to a court filing, there is no evidence that Nathan Wade has ever, ever handled a felony case. So how did Wade end up being appointed to lead one of the most high-profile cases in U.S. history?

And, by the way, a RICO case which was ridiculous from the beginning to boot, it is an ex -- it is an exorbitant salary on top of everything else. Now, that is one of the big questions at the center of today's hearing. Now, Willis appointed Wade to lead this case in November of 2021. And in a sworn statement, he previously claimed their romantic relationship began in 2021.

Little problem, according to one of Fani Willis's former friends and co- workers, the relationship actually started years before that. As a matter of fact, one of her close friends said, or former close friends, as she said later, used to be a friend, in 2019. Hmm, who's telling the truth? You decide.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: There is no doubt in your mind that from 2019 until 2022, Ms. Willis and Mr. Wade were in a romantic relationship?

UNIDENTIFIED FEMALE: What's the question?

UNIDENTIFIED FEMALE: You have no doubt that there romantic relationship was in effect from 2019 until the last time you spoke with her?

UNIDENTIFIED FEMALE: No doubt.

(END VIDEO CLIP)

HANNITY: Uh-huh. Now, both Wade and Willis later denied their relationship began in 2019, but if true, that alone would throw the entire case into question, on top of a lot of other issues because that would mean she'd lied to the court.

Now things only got worse when Nathan Wade took the stand when asked if he had visited any cabins with Willis, a cabin, you know to go on vacation. He paused for over 20 seconds before answering. Watch this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I'm asking if you remember paying for a cabin six months ago in Tennessee?

NATHAN WADE, SPECIAL PROSECUTOR: No.

UNIDENTIFIED FEMALE: You remember booking a cabin?

WADE: I book lots of cabins.

UNIDENTIFIED FEMALE: Did you go to a cabin with Ms. Willis ever?

WADE: Ever?

UNIDENTIFIED FEMALE: Ever?

WADE: No.

UNIDENTIFIED FEMALE: You've never gone to a cabin with her?

WADE: No.

(END VIDEO CLIP)

HANNITY: Wow.

And when confronted about the trips, that he booked for the two of them, Wade said that Fani Willis always repaid him in cash, which isn't traceable. Well, that's pretty convenient, isn't it? Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: You used your business credit card for these trips, correct?

WADE: I use my business credit card for everything.

UNIDENTIFIED FEMALE: Okay. I -- yes. You used it for your kid's tuition.

WADE: Yes, ma'am.

UNIDENTIFIED FEMALE: Used it for personal travel with Ms. Willis?

WADE: Yes, ma'am.

UNIDENTIFIED FEMALE: You said in the affidavit that you roughly shared travel though, correct?

WADE: Yes, ma'am.

UNIDENTIFIED FEMALE: Okay. So this roughly sharing travel, you're saying she reimbursed you?

WADE: She did.

UNIDENTIFIED FEMALE: And where did you deposit the money she reimbursed you?

WADE: That was cash. She didn't -- she didn't give me any checks.

(END VIDEO CLIP)

HANNITY: Now, throughout his entire testimony, Nathan Wade seemed very uncomfortable. He was often seen wiping sweat off his face, while taking questions, and Fani Willis took the stand after Nathan Wade and was pressed on these payments. Here's what she had to say. Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Where did that cash originally come from? If it out of the bank?

WILLIS: Cash is fungible. I had cash for years in my house. So, for me to tell you the source of when it comes from, when you go to Publix and you buy something, you get $50 you throw it in there. When it's been my whole life when I took out a large amount of money on my first campaign, I kept some of the cash of that.

Like to tell you -- I just have cash in my house, I don't have as much today as I would normally have.

(END VIDEO CLIP)

HANNITY: Now, Willis faced a number of questions about the timeline of her relationship with Wade and in one very tense exchange, and there were many of those, accused him of making this incredibly sexist comment. Wait until you see this. Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: The romantic relationship ended before the indictment was returned, yes or no?

WILLIS: To a man, yes.

UNIDENTIFIED MALE: To a man, yes. To you no?

JUDGE: She's explained this, Mr. Sadow. She explained this.

UNIDENTIFIED MALE: And did the -- and the did the forthcoming indictment have anything to do with that, or was it just a coincidence?

WILLIS: Mister -- let's go on and have the conversation.

UNIDENTIFIED MALE: I just asked you whether or not it was a coincidence.

WILLIS: Had absolutely nothing to do with this, it's interesting that we're here about this money. Mr. Wade is used to women that -- as he told me one time -- the only thing a woman can do for him is make him a sandwich.

(END VIDEO CLIP)

HANNITY: What does that mean to a man yes?

Now, what we have shown you so far, it's only the tip of the iceberg from today's bombshell hearing. Let's take a look at some of the other highlights. Watch.

(BEGIN VIDEO CLIP)

WILLIS: I probably had some choice words about some of the things that you said that were is honest within this motion. So I don't know that it was a conversation, as you know, Mr. Wade is a southern gentleman. Me not so much.

I very much want to be here so I'm not a hostile witness. I very much want to be here.

JUDGE: Not so much that your hostile, Ms. Willis, you'd be an adverse witness. Your interests are opposed to Ms. Merchant's.

WILLIS: Ms. Merchant's interests are contrary to democracy, Your Honor, not to mine.

He tells me how much it is and I give him the money back. I don't -- just like you're asking me about the money, Robin, I don't do my friends like that. So if you tell me it's a g, then you going to get $1,000.

I think we did two different wine, tours that you do, which are pretty expensive. I think I bought him, he likes wine, I don't really like wine to be honest with you. I like gray boots.

That was the most expensive thing that I think that we did while we were there, so they would pair -- they would pair champagne chocolate and champagne chocolate and caviar. It was a three and it was like three different things, Sweden, Russia, someplace else, I'll make that up.

So let's be clear because you've lied in this -- this -- let me tell you which one you lied in. Right here, I think you lied right here -- no, no, no, no. This is the truth. It is a le. It is a lie.

I don't need anybody to foot my bills. The only man who's ever foot my bills completely is my daddy.

(END VIDEO CLIP)

HANNITY: Things got so out of control that at one point the judge actually warned Willis, the judge in this case, by the way, I thought was very patient over her conduct on the stand. Watch for yourself.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: 2020, did Mr. Wade ever visit you at a place that you --

WILLIS: He has never been to my home in South Fulton. 2020 was before I knew that a phone call was going to be made and I was going to have to abandon my home. As a result thereof, he never visited lived at came to or has seen South Fulton.

UNIDENTIFIED FEMALE: You qualified that with your home in South Fulton.

WILLIS: That's where I lived in 2020.

UNIDENTIFIED FEMALE: 2020, did he ever visit you at a place that you resided?

WILLIS: Okay, I don't understand, you're going have to get me -- in 2020, I lived in South Fulton, that's the only place. I lived in South Fulton. That's before I had to abandon my home, Judge.

JUDGE: All right.

WILLIS: And at my home in South Fulton -- I never -- he never came there, okay? So if you don't come someplace, you can't live there.

JUDGE: Ms. Willis, that's -- I'm going to have to caution, that's -- this is going to be my -- the first time I have to caution we have to listen to the questions as asked and if this happens again and again, I'm going to have no choice but to strike your testimony.

(END VIDEO CLIP)

HANNITY: Wow, even the media mob, they were forced to admit that today was a complete disaster for Willis and her case against Donald Trump. Take a look.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Don't let the legalese fool you. This is epic. This is monumental. If things are going in the direction we think, Fani Willis lied to the court. It's game over for her. She will be disqualified.

UNIDENTIFIED MALE: It's a mess for the office to be clear, regardless of what the legality is. It is a mess for the office and something they're going to have to deal with, they're going have to put in front of a jury that is seeing all this playing out.

UNIDENTIFIED MALE: It might be appropriate for Ms. Willis to consider removing herself from this case now and turning the reins over to a senior official in the in the district attorney's office and let him or her handle it because this is getting ugly and it's getting messy and my guess is it's not going to get better.

(END VIDEO CLIP)

HANNITY: Now, we kind of saved the best part for last. This is Fani Willis as a candidate talking about this very issue and how Fulton County, Georgia residents deserves a D.A. that won't be hooking up with their employees. Take a look.

(BEGIN VIDEO CLIP)

WILLIS: Because you're sitting with someone today that actually wants to make a difference because they deserve a D.A. that won't have sex with his employees, because they deserve a D.A. that won't put money in their own pocket.

I certainly will not be choosing people to date that work under me. Let me just say that.

(END VIDEO CLIP)

HANNITY: Now earlier tonight, former President Trump, he did weigh in on the drama from today, telling FOX News that Fani Willis, well, quote, badly tainted -- is badly tainted and her case against him is a scam.

Here with reaction tonight, FOX News contributor Jonathan Turley.

I don't really know where to begin, Jonathan, except to say that that judge was extraordinarily patient I thought. I found her to be defiant, combative, frankly, that that quote that she made as a candidate, that, you know, people want a D.A. that's not going to have sex, you know, and spend money, et cetera. I'm like wow. Isn't that what this is evolved into?

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Yeah, I actually thought the judge did a great job until the very end. I thought that he did lose control of his courtroom to Willis, that she was able to go on and on these tangents. And I think most judges would have shut her down much sooner. He was very deferential and civil and I think that's his style. He's a very good judge.

But in the end, I was surprised how much she was allowed to go off on these tangents. But what was really damaging here is the fact that both of these attorneys now stand credibly accused of filing false information with courts. That's what they're prosecuting defendants in this case for, and it -- in the case of Mr. Wade, when they went through the interrogatories that he answered in the divorce case, most of us view those answers now as demonstrably false.

So the question is, if she didn't have this personal relationship with Wade, would she really be keeping him around under this cloud? Most lead prosecutors would say, look, you need to step aside, but she's not. And both of them are now putting their own interests ahead of the case and ahead of their office, and that only compounds the ethical concerns in the case.

HANNITY: Yeah. Well, she -- I mean, the accusation is so severe, I don't see any other choice but that she would have to be removed from the case and considering that we now know he did not have the best qualifications, I don't -- he never tried a felony case, Jonathan, and this is one of the biggest cases ever for the state of Georgia and for the country. To me, if they want to pursue something, they've got to go back in court, never mind the fact that I always thought the RICO statute that they use was ridiculous. What's your take?

TURLEY: Well, I've never been a fan of this case and I think the RICO theory is overextended. They had to really stretch it to the breaking point to try to ensnare Donald Trump. The attorneys that pled guilty earlier notably did not plead guilty to the racketeering theory. They plead guilty to rather insular relatively minor crimes that avoided jail time and allowed them to keep their bar licenses.

So they may not be as good a wit a set of witnesses for Willis as she thinks. And, Sean, at the end of the day, it's unlikely that the court is going to dismiss this case. The question is really not just whether the court will disqualify one or both, but what is Wade and Willis still doing in this case. They are clearly hurting their case.

So this isn't really their case at all, right? I mean this is supposedly the case of Fulton County, and yet they seem to be holding it hostage to their own personal drama which is playing out in this courtroom.

HANNITY: Well, let me gently maybe disagree with you, if they are tainted and they're the ones that put this case together and he didn't have the qualifications, he'd never tried a felony case before, Jonathan, and she's benefiting financially with these lavish vacations that they're taking, how do you possibly stay with charges like this knowing that the people involved in this were benefiting financially and that this was not motivated by their own personal gain? That to me impacts the entire case.

She is the Fulton County D.A. The buck do should stop with her, and she is beyond tainted here. I think it's a lot worse. I'm using in kind language in my view, but I don't know how this case can stand. I -- I'm really having a hard time following you here.

TURLEY: Well, you know, look, I am not a fan of this case and never have been. But I'm telling you that if you look at how these types of issues been handled in the past, they have tended not to -- dispense with the entire case. They have tended to remove prosecutors. And I think the odds still favor that here.

But they could end up delaying this case if both of them are disqualified. It's -- this is putting the judge in a very tough position as to how he's going to proceed. But what I saw today on that stand was embarrassing. I mean, both of these attorneys adopted bizarre semantic approaches to things that were clear.

You know, she said, well, yeah, I gave him a job but I don't view him as an employee under ethics rules. I view as an agent. And then she said, yeah, I probably did get $100 or more from him, but he probably gave me an equal or greater amount. Those are the types of finessed interpretations they would never accept as prosecutors.

Keep in mind, they're prosecuting Trump over what the meaning of the word find is. They're saying that when he said you can find 11,000 votes, he was saying create them or invent them, and Trump is saying, I was just telling them to do a statewide recount because that's all the votes I need to revert -- to change the outcome. So in prosecuting him, they have very little room in terms of interpretation.

But when it came to their own defenses, they were as creative as a Hollywood producer.

HANNITY: Yeah. Well, and by the way, there was a lot of context. If you listen to that entire conversation, or read the entire transcript of that call, Donald Trump's case was I won by hundreds of thousands. I didn't win by just the 11,000- plus that would have put him over the top in Georgia. He was saying there's votes here, there's votes here, this is what you missed here and there. He -- did he believe it? I think he passed a lie detector test. That's my belief.

Jonathan Turley -- oh good yeah?

TURLEY: Well, and also, I direct your attention to how he -- how Wade explained his answers on those interrogatories. The questions asked him if he had a sexual relationship going into 2022 at any point of his marriage or separation, and he just said, oh, I answered that and just assumed it only meant my marriage. And the lawyer was dumbfound and said I just read you the question.

So that's the level of denial we saw today.

HANNITY: Unbelievable. All right. Jonathan Turley, thank you tonight. We appreciate it.

Here now with more reaction, we have FOX News legal analyst Gregg Jarrett, Harvard law professor Alan Dershowitz with us.

Gregg, we'll start with you tonight, on a couple of things here.

Okay, number one, unqualified, over-paid, lead attorney who is in a relationship with the D.A. that's leading this case, benefiting financially from the money that she is approving for payment for this guy. Why would that not result in not only removal but if they want to pursue charges down the road, that would take a new prosecutor, a new case, a new venue, et cetera?

GREGG JARRETT, FOX NEWS LEGAL ANALYST: Well, and I think fresh eyes would say this isn't a racketeering case, dismissed.

You know, Fani Willis, Sean, proved that lawyers make hideous witnesses. I mean, her lover Nathan Wade's testimony was such a stooges train wreck that Willis sprinted to the witness stand to try to fix it and then she melted down in this tantrum of belligerent rants, it was sort of an eerie impression of Cruella de Vil. She even screeched at the judge who banged his gavel and had to call a recess.

Grudgingly, Willis and Wade both admitted their sexual affair, but then they claimed ridiculously it didn't start until after he was hired not before. Listen to me, either way, it does not matter. The affair itself is a severe conflict of interest, an obvious impropriety, a violation, egregiously of the cannons of ethics. That merits disqualification.

And if the judge decides that the entire prosecution has been tainted, and I think it has, he can either dismiss the charges or more likely ship it off to another office. And if that happens, new prosecutors will surely take a look at this and say this is legally unsound, this is not racketeering.

HANNITY: It would need to be in my view, professor, a new venue. Again, unqualified, overpaid lead attorney, paying -- being paid an exorbitant amount of money. The D.A. benefiting from that money, lavish vacations. I believe that this case now needs to be dropped. And I'll take it a step further, what happens to all the people that made plea deals? A lot of people make plea deals not because they're guilty because it takes the possibility of jail off the table and removes that pressure, would you agree with that characterization?

ALAN DERSHOWITZ, HARVARD LAW PROFESSOR: I certainly would, and the people who pleaded guilty probably seek to undo their pleas unless they are satisfied with the result.

For me, the issue is perjury. There is a plausible case, not an ironclad case, a plausible case that the two of them both committed a perjury. He seems clearly to have committed perjury if not in the courtroom in answering his interrogatories where he swore under oath essentially that he did not have sex between the time he was married and the date he signed that admitting however that he did have sex when he thought the marriage was broken down. That's one thing.

The second thing is this is a she said/they said, a confrontation. We have a witness who seems completely plausible who said that she admitted that she had a relationship with him during the period of time when she denied doing it. One witness against two witnesses but remember she testified under oath, hey, all you need for proof is one witness's testimony. There was one witness her friend who testified that there was sex during the period of time that they denied it.

So I think there's a plausible case for perjury here, but I think there's an open and shut case for disqualification based on the appearance of impropriety. Look, when you admit that you paid for all these trips on your credit cards, then the burden of proof shifts to the other side to demonstrate that there was payback in cash. And the fact that there are no records and the payments all have records but the repayments have no records gives rise to a plausible interpretation that that's not true, that there was financial benefit that accrued to the district attorney.

Therefore, there's more than enough for the judge to say at least an appearance of impropriety, total disqualification of the office, start from scratch, put the case in a different district. Let's see if an independent prosecutor thinks there's enough here for a RICO prosecution.

HANNITY: Do you believe that will happen? Exit question for both of you. Professor,, we'll let you go first.

DERSHOWITZ: I'm not hearing --

HANNITY: Professor, okay, do you believe -- Gregg, do you believe that will happen?

DERSHOWITZ: Yeah, I think it's 50/50 that he'll ship it off to a different district attorney's office, maybe he should refer it to the state attorney general for a complete new review, and again as I said before, I'm fairly confident that any rational prosecutor who's independent, objective, fair and neutral will look at this case and say where in the world is there credible evidence that supports a racketeering charge, and I think they would conclude there is no evidence here.

HANNITY: All right. Professor, real quick, will that happen what you said?

DERSHOWITZ: There is a case or there -- yes, because there is a case already in the District of Columbia which covers these same issues. There is no need for there to be a state case on this. So it should be dismissed.

HANNITY: All right. Professor, thank you. Gregg, thank you.

Come on up, Trump -- team Trump reacts to Fani Willis, the disastrous day in court, as we continue our coverage. A lot of other news straight ahead. Stay with us.

(COMMERCIAL BREAK)

HANNITY: Now, despite Fani Willis being on the stand today for her alleged misconduct, she still found a way to point the finger, of course, that Donald Trump. Dog bites, the bee stings, you're feeling sad, blame Trump.

And here's what she had to say during one of her many outburst today.

(BEGIN VIDEO CLIP)

WILLIS: You're confused. You think I'm on trial. These people are on trial for trying to steal an election in 2020. I'm not on trial, no matter how hard you try to put me on trial.

(END VIDEO CLIP)

HANNITY: Now, Trump called out Willis following her testimony in an interview with FOX News digital, the former president said, quote, the case will have to be dropped, the whole thing was a scam to get money from -- for the boyfriend.

Meanwhile, Donald Trump was in New York City today where a judge denied his request to dismiss, what, eight-year-old charges brought against him by Alvin Bragg over all things Stormy Daniels, Stormy, Stormy, Stormy yet again.

Now, that criminal trial is scheduled to begin on March 25th, but Trump has vowed this will not stop him from hitting the campaign trail. President Trump is awaiting more news out of New York tomorrow, where a very, very -- well, a judge that is not exactly Trump's fan is going to, we know, rule against him in every way imaginable, in that civil fraud case.

Here now with more, legal spokeswoman for the former president, Alina Habba is with us.

Alina, I've said this from the beginning, there's not a single -- there's not a chance frankly in hell that I see that Donald Trump's going to get any fair trial in New York. Now that going to start a trial about Stormy Daniels. We were talking about Stormy Daniels in 2016. That is eight years ago, and they're just -- they're only now in an election year, oh, they found it a convenient time after the previous D.A. passed on any charges.

Let's bring it up in an election year by the guy that allowed no bail for five guys on tape, illegal immigrants beating the hell out of two New York City cops. They got to go to the sanctuary state of California after they walked out of prison. No bail, gave the world the double finger and headed out to the West Coast. Wow, what a great state that is.

ALINA HABBA, LEGAL SPOKESWOMAN FOR FORMER PRESIDENT TRUMP: Yeah, yeah, it's really unbelievable, Sean. You know, I wouldn't believe it if I wasn't the one sitting in these trials myself I'll be honest with you where they're trying to put civil attorneys in jail for objecting to evidence.

This is the state of New York. This is where we are and watching this trial today, watching what was happening at that hearing, they're all the same. I have to be honest with you. I've seen it time and time again.

Now, I've -- I've had the pleasure of working for the president for the past few years, and I can tell you, this is all corrupt. It is all absolutely election interference. There is no way as you point out that the Stormy case would come about now in the middle of an election, in the middle against the leading candidate.

And you know who that was brought from? Michael Cohen, reliable source we have there.

So the desperation is real, the Trump derangement syndrome is real, and it is pathetic and obvious. And now, we're seeing money laundering and money funneling coming through. You can't make it up. They're going to the Biden administration.

They're taking visits to the White House. They're coordinating with other D.A.s and A.G.s, do not get it twisted. He has done absolutely nothing wrong but in the great state of New York, don't worry, they'll bring and put their nose in a private company and try and disgorge you for doing what? Having a statement of financial condition that was undervalued.

But a judge will say, oh, Mar-a-Lago is worth $18 million. They definitely overvalued their statements of financial condition. Well, yeah, if you're using ridiculous numbers like that, Sean, it is crazy.

HANNITY: Alina, it's like the January 6 Committee. They have a predetermined outcome. The maximum penalty is going to be given to Donald Trump maybe as early as tomorrow from what I understand. Okay?

So Judge Engoron is going to say, okay, Mar-a-Lago, this is evaluation case. He's still sticking to his valuation of $18 million from Mar-a-Lago, that that is far worse of a valuation than anything they're accusing Donald Trump of, number one. Number two, they're going to cancel the whole Trump family, they'll put a conservatorship in place, he won't have control of his properties, cancel the whole family, the whole organization, what, to fulfill a campaign promise from a pretty ambitious attorney general in that state?

Because that seems to be what the reality is on top of going back years now for storm Daniels, wow, all in an election year. How convenient?

HABBA: It's 100 percent what it is, and I could -- I got to tell you what I saw today was a lot like Ms. James in New York. It's a similar fact pattern. It's the similar arrogance that you're seeing come out of it, because they know they have these judges in their pockets and they have Soros backing or whoever it is, the Reed Hoffman's of the Democratic Party backing this.

This is not what the courts are supposed to be used for, Sean, and it's disgusting, it's disgraceful. I really want to say to any of the judges that are out there listening that have anything left in terms of looking at the cases, looking at facts, looking at law, make our profession proud, because what I'm seeing is complete politicization of our legal system. It's not right. It's an election year. It's election interference. You shouldn't be tying up a candidate and now we got Stormy Daniels.

I mean, who -- her lawyer went to jail. Michael Cohen just perjured himself, admitted to it on the stand, how much lower can we go? Read Pomerantz's book if you have any questions about it.

It's ridiculous. It's ridiculous and it has to stop, Sean. Honestly, the only way we're going to stop --

(CROSSTALK)

HANNITY: It's ridiculous it has to stop. I don't think the president can get a fair hearing in New York. I don't -- I certainly don't believe I think he got 5 percent of the vote in D.C. I don't think he can get a fair trial there at all. He certainly was never going to get one out of Fulton County, Georgia.

Maybe Florida he has a fair shot, but that case never should have happened especially in light of what we learned from the Robert Hur report about Joe Biden and his classified document scandal, especially what we know about Hillary Clinton, no reasonable prosecutor would prosecute. Wow, if that's not a dual justice system, I don't know what is.

We'll give you the final word.

HABBA: Yeah, it's 100 percent right. Don't forget, we went after Hillary Clinton for something that we know is true and the Russia hoax, and we got fined a million dollars and sanctioned, and the case got thrown out, without me ever even meeting the judge. I never met the judge one time, never spoke to him, never walked into court. That is the state of our country right now everybody. We need to wake up and step up. That's the truth.

HANNITY: And don't worry the compliant media that lied about the Russia hoax for three long years, never made a correction, no apologies, they peddle conspiracy theories, no consequences, nobody seems to care.

HABBA: Right.

HANNITY: Sad times.

Alina Habba, thank you.

When we come back -- well, we're about to learn even more about Joe Biden's disaster special counsel report. We'll check in with former speaker of the house, Newt Gingrich, and he'll tell you why team Biden should be terrified tonight, straight ahead.

(COMMERCIAL BREAK)

HANNITY: Now fallout continues for Joe Biden after the DOJ's damning report on his mishandling of classified documents and now, FOX News digital, they are reporting that special counsel Hur will in fact testify in front of the House Judiciary Committee that is next month. Now, Jim Jordan is also demanding that Joe Biden's ghost writer turn over any interview recordings, transcripts, other materials from his time working with the president. Hur's report found that Biden shared classified information with the ghost writer on multiple occasions and suggested that the author deleted recordings after the special counsel investigation began.

And by the way, since the report came out, the media mob, they can't even cover for Biden anymore, and the administration is angry. So their hack spokesperson for the White House counsel's office, some guy named Ian Sams, sent a letter to the White House Correspondents Association frustrated at the coverage of the DOJ report and outlined how news outlets could better cover the story. In other words, he basically didn't like the media and he's telling them how to properly regurgitate all the White House's liberal talking points, just like they did for three years when they lied about Russia and Trump and collusion that never happened.

Here with reaction, former speaker of the House, FOX News contributor, Newt Gingrich, is with us.

Now, the night the report came out, you remember that Joe had that hastily convened news conference. And in that news, conference, he was outraged, he was angry. How the hell dare he? And he was talking about the fact that he mentioned in the report that he didn't remember his son Beau's death, the date of that death within years.

Well, now we find out and I'm certain that this was leaked from the White House, I bet everything I had on it, that, in fact, Joe Biden himself is the one that brought it up, not Robert Hur. What's worse, the fact that he didn't remember or the fact that he didn't remember that he was the one that brought it up?

NEWT GINGRICH, FOX NEWS CONTRIBUTOR: Look, I think there's a fairly direct answer that serves the interest of the American people, forget Republicans and Democrats, forget the Congress, and that is to release the transcript, take out anything which involves a genuine secret and release everything else. If it's true that in fact Hur did not ask the question about Biden's son and that Biden himself brought it up, then what does it tell you that part of Biden's deliberate defense at a White House press conference is to lie to the American people? Or it's possible once again he just forgot, he didn't remember who did what?

I think this a very serious issue as you know I think it's way beyond ***politics***. I think if it's true that we have a commander-in-chief who is literally incompetent, who couldn't go -- I mean, and I think that the issue for the attorney general is pretty straightforward, I mean, Merrick Garland's got to decide, is it true that they cannot prosecute Joe Biden because he is too old, and he has too weak a memory and he would be too sympathetic, in which case, I think they have to look at the 25th Amendment because how can you tell the world we have a president who is so incompetent and has such deep problems cognitively that he could never get through a trial and a jury would always be sympathetic because they would think that he couldn't possibly have done anything deliberately because he's not capable of it?

Now, I think Biden is enraged at that image but if he is enraged, then the alternative is that he's available to be tried. They can't have it both ways, and I think that's what her really set up as the choice, and I think Hur's testimony to the Congress will almost certainly be devastating just because it will reemphasize that this was a professional, methodical serious effort sort of the opposite of what we've been watching with Fani Willis in Atlanta and that her reached a conclusion that is pretty devastating about the capacity of the president of United States to actually do his job.

HANNITY: Well, I agree with you. I agree with Josh Hawley. It's either, okay, you're going to indict him because they did say he did this willfully or you invoked the 25th Amendment, that would be up to Merrick Garland.

Now, if you look at Hur's report, it talks about this ghost writer deleting the audio recordings from his computer once the investigation was announced, law enforcement apparently ultimately recovered those audio files. I think the American people ought to be able to hear those. But what do you -- what should we do with the ghost writer that deleted the audio recordings once the investigation was announced? It sounds like he knew that that could potentially be evidence.

GINGRICH: Look, the standard for all this was set by Hillary Clinton who had staff take a hammer and physically destroy the hard drive, who herself apparently deleted 32,000 or 33,000 emails. I mean she is sort of the model for simply destroying the evidence and as you know, they refused to prosecute her even though she clearly was guilty of very significant violations of law about dealing with those kind of documents.

So, now, you have the same thing happening. One of the challenges in our current totally one-sided legal system is that if you're a Democrat, you can assume that in fact the Justice Department, the FBI will protect you, favor you, do everything it can to avoid hurting you. And if you're a Republican, you can assume that they will do just exactly the opposite.

This is a terrible moment for America, for the rule of law, and for the Constitution.

HANNITY: It's certainly not equal application of our laws or equal justice under the law. That is exactly what we -- we've been discussing, a dual justice system. This is what the Judiciary Committee is investigating, the weaponization of the DOJ, and how it's been politicized. I think there's a lot to come here.

So far, it seems to be helping Trump, not hurting him. We'll find out in time.

Mr. Speaker, thank you for being with us.

When we come back, we have brand new poll numbers tonight showing Donald Trump surging now in key swing states. We'll check in with Kellyanne Conway and Tomi Lahren, and they will explain why voters are turning to Trump, next, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. New FOX News poll show Donald Trump ahead of Joe Biden, two very important key swing states. In North Carolina, Trump is leading Biden by five points, with a 50 percent margin of support, while he holds a two-point lead over the president in the swing state of Michigan, which Biden won in the 2020 election.

Now, this all as Senator Joe Manchin continues to hint pretty strongly now at a possible third party run for president, claiming or suggesting that he would consider Mitt Romney or Bob Portman as potential running mates.

Here with reaction, FOX News contributor Kellyanne Conway, and, of course, the host of Tomi Lahren is fearless, there's no such thing as a fearful Tomi Lahren, Tomi Lahren is with us.

Kellyanne, let me start with you tonight and start with this idea of, you know, a no parties labeled Manchin and Portman, or Manchin and Mitt Romney. What's your reaction? How big an impact would that have potentially on this election?

KELLYANNE CONWAY, FOX NEWS CONTRIBUTOR: Run, Joe, run. I think a Joe Manchin/Mitt Romney or someone else's is running mate ticket, takes more votes away from Joe Biden. What's remarkable about those polls, Sean, in both Michigan and North Carolina, when it's a two-person race, Trump is beating Biden. When it's a five-person race, when you add in RFK Jr., Cornel West, Jill Stein, these third party candidates who are already on the ballot, then you see Joe Biden slipping even more.

In North Carolina, Trump goes from plus five to plus nine. So all of these outside attempts right now are helping Biden bleed out.

The other thing that's remarkable about these polls that I don't think a no labels ticket would affect at all. In Michigan, in the FOX News poll, Joe Biden's at 68 percent among Black voters. He won 93 percent of them in 2020. He is losing by 25 points his own margin. Also Trump is beating him in those states among voters under 25 and political independents, two groups that Biden -- Biden won in 2020.

Look, I have this to say about No Labels, if you're a United States senator, you're labeled. If you're two United States senators on the ticket, you're labeled twice.

You have a 22 percent approval rating for the United States Senate basically, and I like Joe Manchin. He's a nice guy, see around Washington. He's a good leader.

He voted for the Inflation Reduction Act. He voted against Amy Coney Barrett. There's not a lot of -- he won't be able to have a lot of distinction.

I'll predict one more thing, a No Labels ticket with Joe Manchin on it would still get beaten in his home state of West Virginia by Donald Trump.

HANNITY: You know, Tomi, if these polls are accurate or let's say Donald Trump gets half of the demographics that are traditionally Democrat that Kellyanne mentioned, it would be a blowout at that point for Donald Trump. And you see him bleeding support among key factions of the Democratic Party base.

How real do you think this is or at the last moment will these demographics come back and the numbers they had in 2020?

TOMI LAHREN, OUTKICK HOST: Well, I don't want to be Debbie Downer. I want to be optimistic, but every time we think there's going to be this red wave and races that we should win, even this week with the George Santos seat and then a special election in Pennsylvania, Republicans should be able to win these things, unfortunately, Republicans are not winning these things that are very winnable.

We're also -- when we're looking at these polls we're also assuming that Joe Biden is going to be the nominee, Sean, I've been saying it for over a year now, I don't think Joe's going to be the nominee. So Republicans and Donald Trump have to prepare themselves for that.

I also looking at these polls, it's nice to see Donald Trump ahead and some of these important states. But we also have to remember that Joe Biden at this point is essentially a vegetable. His policies are horrible, his cognitive state is horrible, and it's on display and Donald Trump is only leading by that small percentage? Donald Trump should be crushing him by much higher margins, considering the physical and mental state of Joe Biden and this country.

So I don't want to be a Debbie Downer. I don't want to be negative, but Republicans, you have a few months to figure this out, you got to win elections, and you've got to win electioneering, early voting, mail-in voting, voter registration -- those things are going to be important. It's not enough just to have a better candidate anymore, you got to have a good strategy.

The Democrats have mastered it. We better get in the game or we are going to lose.

HANNITY: And they'll demagogue abortion and in the case of district 3 in New York, Tom Souzzi was actually claiming that, oh, Democrats want to a secure border. We know that's a lie.

Kellyanne, I think Tomi's right, on early voting, voting by mail, legal ballot harvesting in swing states, Republicans better get their act together because they are way behind again and that killed them on Tuesday.

CONWAY: There's no question. The RNC has this bank your vote. I know President Trump endorsed it. I think it's incredibly important and the state parties need to invest in the non-sexy parts of ***politics***, Sean, and that means not just ads, not just candidate engagement, make sure people know. You're taking a chance grandpa can get out of the bathroom, let alone the house on election day. I want his vote in October. Let's go get it.

HANNITY: Right. All right. Thank you both. Kellyanne, appreciate it. And, Tomi Lahren, thank you.

More HANNITY, coming up, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. Unfortunately, that is all the time we have left this evening. As always, thank you for watching, and please set your DVR so you never, ever, ever, ever, ever miss an episode of HANNITY.

In the meantime, good news, let not your heart be troubled. Greg Gutfeld standing by to put a smile on your face. Have a great night. Thanks for being with us.

**Load-Date:** February 16, 2024

**End of Document**