

# [***Interview With Israeli Prime Minister Benjamin Netanyahu; NY-3 Holds Special Election; Biden Skips Super Bowl Interview; Special Counsel Report Says President Biden Has a "Poor Memory"; Congress Faces March Deadline Over Funding Fight; Senate Advances Ukraine & Israel Funding Package After Border Deal Breaks Down; Critics Says WH Not Tough Enough on Iran; Trump Claims Two-Tiered System of Justice After Biden Documents Case Decision***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B9M-4NJ1-JCS1-6002-00000-00&context=1516831)

Fox News FOX NEWS SUNDAY 9:00 AM EST

February 11, 2024 Sunday

Copyright 2024 Fox News Network LLC All Rights Reserved

**Section:** NEWS; International

**Length:** 9147 words

**Byline:** Shannon Bream, Benjamin Hall, Brit Hume, Juan Williams, Chad Pergram, Howard Kurtz

**Guests:** Benjamin Netanyahu, Matthew Continetti, Mary Katharine Ham, Tom Cotton, Adam Smith, Jeff Mason

**Body**

SHANNON BREAM, FOX NEWS ANCHOR: I'm Shannon Bream.

No charges for President Biden over his handling of classified documents, but the national debate about his mental acuity blown wide open.

(BEGIN VIDEOTAPE)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I'm well-meaning, and I'm an elderly man, and I know what the hell I'm doing.

BREAM (voice-over): The political firestorm igniting just a month before Super Tuesday and capping off a week of wins for chief rival, former President Trump.

DONALD TRUMP, FORMER U.S. PRESIDENT & 2024 PRESIDENTIAL CANDIDATE: The Biden department of injustice let crooked Joe off the hook for some of his very egregious crimes.

BREAM: While the president's attorney general faces pressure over his appointment of the special counsel.

KAMALA HARRIS, VICE PRESIDENT OF THE UNITED STATES: The way that the president's demeanor in that report was characterized could not be more wrong on the facts and clearly politically motivated.

BREAM: We'll get reaction to all of this with Republican Senator Tom Cotton and Democratic Congressman Adam Smith.

Then, Israel's prime minister orders his military to come up with a plan to evacuate more than a million Palestinians sheltering in a southern Gaza City ahead of an expected ground offensive.

JOHN KIRBY, NSC SPOKESMAN: A military operation right now would be a disaster for those people and it's not something that we would support.

BREAM: We'll speak with Israeli Prime Minister Benjamin Netanyahu live.

Plus, in Congress, a bitter border battle, a failed attempt to impeach the homeland security secretary and still no deal on foreign aid.

SEN. CHUCK SCHUMER (D-NY): All week long, Senate Republicans have looked more and more like their House counterparts and transformed themselves into the chaos caucus.

BREAM: Our Sunday panel weighs in on the ***politics*** of the impossible.

All, right now, on "FOX News Sunday".

(END VIDEOTAPE)

BREAM (on camera): Hello from FOX News in Washington.

It has been 127 days since the horrific terror attack against Israel on October 7th. Now, Israel is focusing its attention on what it calls the last major Hamas military stronghold in the southern Gaza city of Rafah. More than a million Palestinians are reportedly sheltering there after fleeing from other areas targeted by the IDF. World leaders are warning of a humanitarian catastrophe if the major offensive is launched without significant evacuations first.

In a moment, we'll ask Prime Minister Netanyahu about that and much more.

But, first, we want to take you back to where all of this began. Our own Benjamin Hall this week toured the neighborhoods where so many Israelis lost their lives that autumn Saturday and he's talking with families still waiting for their loved ones held hostage in Gaza.

Benjamin Hall joins us now from southern Israel.

Hello, Benjamin.

BENJAMIN HALL, FOX NEWS CORRESPONDENT: Yeah, hi, Shannon.

And all these kibbutzes that were attacked four months ago, they lay empty. They lay broken. They lay burned.

A quarter of all the people who lived in this community were killed or captured. It is tragic hearing the stories. But just a few miles away, inside Gaza, and we hear the shooting, we can hear the artillery, the battle there is escalating and there's no sign of it stopping.

(BEGIN VIDEOTAPE)

HALL (voice-over): The war in Gaza is braced for an escalation after Israel announced it's preparing a ground invasion in the southern city of Rafah. One and a half million Palestinians currently live there, many having fled from elsewhere in the Gaza Strip, and the fear is, the death toll, already at 27,000, could rise dramatically.

KIRBY: We think a military operation at this time would be a disaster for those people.

HALL: Israel says Rafah is the last remaining stronghold for Hamas and they are arranging an evacuation of civilians, though it's unclear where they will go. Hopes have been raised this week that a hostage deal might be reached, but that fell apart on Wednesday when Secretary Blinken left Israel empty-handed.

ANTONY BLINKEN, U.S. SECRETARY OF STATE: While there are some clear nonstarters in Hamas's response, we do think it creates space for agreement to be reached. And we will work at that relentlessly until we get there.

HALL: The proposal Hamas had suggested was phased release of Israeli hostages in exchange for a total ceasefire and release of 1,500 Palestinian prisoners. But Prime Minister Netanyahu called it delusional.

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER (through translator): Only the continued military pressure is a necessary condition for hostages' release, surrounding to delusional demands of Hamas will not lead to their release. It will only bring about another massacre.

HALL: Elsewhere in the Middle East, U.S. attacks continued as well. On Wednesday, a U.S. airstrike killed an Iranian-backed commander in Baghdad in retaliation for the death of three American soldiers in Jordan and there were more strikes against the Houthis in Yemen on Thursday and Friday in an attempt to stop them attacking ships.

MAJOR GENERAL PAT RYDER, PENTAGON PRESS SECRETARY: This is the start of our response, and there will be additional actions taken to hold the IRGC and affiliated militias accountable for further attacks on U.S. and coalition forces.

HALL: But despite all the growing tensions in the region, families in Israel just want one thing, for 132 hostages to be released, many people here families in Israel want one thing, for 132 hostages to be released, many people here believe the government should prioritize that over the defeat of Hamas.

SRULIKE KALVO, SON OF HOSTAGE AMIRAM COOPER: We got betrayed, you cannot say it in other words, by the country, by the army, by the government, by the people that was in charge of our life. We got betrayed by them, all of us.

(END VIDEOTAPE)

HALL (on camera): And, Shannon, the big question across Israel, everyone we speak to, says, should the priority be bringing the hostages home no matter what the deal, or should it be the total defeat of Hamas. And most people feel you cannot do both of those side by side. Everyone we speak to says it should be a deal. That should be a number one priority -- Shannon.

BREAM: All right. Benjamin Hall reporting live from southern Israel -- Ben, thank you so much.

Joining us now, Israeli Prime Minister Benjamin Netanyahu.

Welcome to "FOX News Sunday," sir.

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER: Thank you. Good to be with you, Shannon.

BREAM: Let's start there where Ben left off -- the eradication of Hamas versus bringing home the hostages. Can you have both?

NETANYAHU: Yeah, they're not mutually exclusive. In fact, they're mutually compatible because the only thing that will get hostages released is the thing that will defeat Hamas, which is a sustained military effort. It already got half the hostages released. It will get the other half, too.

But I want to say one thing to your audience, which people don't realize, victory is within reach. We've already destroyed three-quarters of the Hamas-organized terrorist battalions, three-quarters, 18 out of 24. We're not going to leave the other six.

It's like you leaving a quarter of ISIS in Iraq in place, and you say, well, they can have their little territory, it's okay. Obviously, ISIS would reestablish itself. Hamas, ISIS, will reestablish itself, too, if we don't finish its last remaining bastion.

At the same time, I agree with the U.S., and I've instructed the army accordingly, to give us a plan, a dual plan, one to vacate the population - - the civilian population, because we're not fighting them. We're fighting the terrorists. And secondly, to destroy those remaining battalions.

Victory is within reach and we should all strive for that common target to destroy Hamas because that gets all other objectives within -- within our purview. It also gets something else, it gives us hope for the Middle East, hope for peace. You can't have that with Hamas remaining intact.

BREAM: I wanted to dig into several of those things that you brought up, but let me start here. The president here, President Biden, has been very supportive. He says there is no daylight between you and him.

But this is what he said Thursday night.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I'm of the view, as you know, that conduct of the response in Gaza, in the Gaza Strip, has been over the top.

(END VIDEO CLIP)

BREAM: And "The Washington Post" is reporting this morning talking to several senior administration officials and advisers saying that they no longer view you as a productive partner who can be influenced even in private, that Netanyahu has angered U.S. officials in several occasions in just the past few days.

I want to get your reaction when you heard those words from the president over the top and have you spoken to him?

NETANYAHU: No, I've been speaking to him regularly, but I haven't spoken since he made those remarks. I don't know what he meant by that.

But I can tell you where we are. Look, we were attacked in the worst attack on Jewish people since Holocaust. That's that October 7th massacre was equivalent to 29 9/11s in one day, and equivalent of 50,000 Americans slaughtered, burned, maimed, raped, beheaded, and 10,000 Americans taken hostage, including mothers and children.

So, what would America's response be? I'd say that it would be at least as strong as Israel and many Americans tell me, we would have flattened them. We would have turned them into dust.

But we're are proceeding as John Spencer, a world renowned military historian and the head of urban warfare at West Point, said, we're proceeding as no other army has on Earth and taking precautions to prevent civilian casualties.

We're putting flyers in there. We're calling on their cellphones, Palestinian civilians, telling them to get out of harm's way. Hamas is trying to keep them in harm's way at gunpoint and often at gunfire.

We are creating safe corridors. We're allowing humanitarian help to get safe zones. So, we're going out of our way to prevent those civilian casualties.

I'd say that Israel has responded in a way that is responsible, but also determined. We have to maintain coolness of judgment. The right efforts to secure civilian exit, but at the same time, iron determination to wipe Hamas -- the Hamas terrorist organization off the face of this Earth and that's something we will do. We will do it, and we will do it responsibly.

BREAM: Well, sir, that same "Washington Post" report quoting again those unnamed sources and senior officials said that they are casting doubt on exactly how much of Hamas you've taken out, and will be able to take out.

You talked about total victory. Is it realistic to think that you get every Hamas fighter? What about civilians who may sympathize with Hamas, who may be left in the wake and would give rebirth to it at some point? And what about critics who say that this very aggressive posture you've taken militarily is potentially alienating those folks who may have otherwise been won over to your side of this conversation?

NETANYAHU: Well, I don't know how you can get people to come to your side if you don't defeat Hamas. Hamas will continue -- has pledged to carry out the massacres over and over and over again. But it's like asking a Nazi Germany, you know, you completed three-quarters of the job in conquering Nazi Germany and say, well, let's leave the last quarter because we have to go into Berlin and we have to go into Stuttgart or Munich or whatever.

And if we leave them, it will be fine. You know, the people will -- if we don't leave them, if we go and finish the job, then the German people will never forgive you.

Just ask yourself the other question, what if we leave Hamas in place? There is no hope for a better Middle East. There is no hope that we'll setback the Iran terror axis. In fact, they'll have an incredible victory.

So, we have to finish the job. I think all these people are naysaying or saying we can't do it. They're the ones who said just three months ago, don't go into a ground offensive. You won't be able to go into Gaza. You won't be able to get rid of Hamas strongholds in the hospitals without killing all the patients.

They were all wrong. They also said, you can't go into the tunnels. They're terrible death traps. Our soldiers, our brave soldiers are in the tunnels. They're doing the job right now.

And I think we have to finish the job. We can finish the job. Victory is within reach. And that's our goal, total victory.

What does it mean? You didn't have to kill the last German soldier, but you defeated -- you defeated the Nazi regime. Nazis may be around. There are maybe neo-Nazis, but they don't rule Germany.

We have to get Hamas out of there. We have to destroy its military infrastructure. We have to stop its governance over any territory. It's well within reach and we're going to do it.

BREAM: OK. So, let's talk about Rafah. You've told your military, got to evacuate that area. Critics of it say that hundreds of thousands, maybe more than a million people have evacuated from elsewhere in Gaza to that location. One former U.S. envoy saying these people have nowhere to go and no way to get there.

So, again, you talk about total victory, but at what cost? And where do you expect these people to go? Have Egyptians said anything to you about this? Because they're publicly saying, if those people start crossing the border, it potentially upends your peace agreements with Egypt.

NETANYAHU: We have cleared out and they conquered and destroyed most of the Hamas terrorist infrastructure in the rest of the Gaza Strip. So, now, there's plenty room north of Rafah for them to go to, and that's where we're going to direct them and, again, urge them and direct them to do so with fliers, with cell phones, and with safe corridors and other things.

So, we see things differently. We've managed to do it up to now. And this is directive that I gave the army right now.

I think the people who are telling you, whoa, you can't do it, you can't go into Rafah under any conditions are basically saying, don't win, lose. And if we lose, everybody loses. You lose, too, because this is a battle against Iran terror axis, this is a battle of the forces of civilization against the worst forces of barbarism on the planet.

We have to win, not only for our sake, but for the sake of our common civilization. And it just has to be -- you just have to continue purposefully, methodically and responsibly and we're going to do it. And, by the way, this position is not just mine. It's the people of Israel.

People don't understand how united the people are, how brave and determined our soldiers are across the political spectrum. People understand that we have no choice but to win this war because our very future and in the many ways the future -- the future of peace and prosperity in Middle East depend on this.

If we don't defeat Hamas, then the worst things will happen. If we defeat Hamas, then I think not only will we have peace and prosperity, I think the circle of peace will expand dramatically. I said that when we did the Abraham Accords. Before we did that, nobody believed me. We got four historic peace treaties.

I'm telling you that now -- we have a terrible future if we don't destroy Hamas. We have a brilliant future once we do and we will soon.

BREAM: Well, we know, we know the people of Israel is still very much grieving the events of October 7th and have great resolve.

Prime Minister, thank you for your time.

NETANYAHU: Thank you.

BREAM: This week, President Biden committed to including human rights conditions in any U.S military sent to allies like Israel. It's been a busy week for the commander in chief who is facing fallout from the special counsel's classified documents report, and stopped short of charging him with a crime but raised questions about his mental acuity.

Joining us now, FOX News chief political analyst Brit Hume and FOX News senior congressional correspondent Chad Pergram.

All right, Brit, I want to start there on a very busy week and a difficult one for the President. After these comments that he has diminished and forgetful, he decided to hold a press conference Thursday night, went a little bit like this.

(BEGIN VIDEO CLIP)

BIDEN: I'm well meaning, and I'm an elderly man, and I know what the hell I'm doing.

I did not share classified information. I did not share it.

UNIDENTIFIED MALE: With your ghostwriter?

BIDEN: With my ghostwriter, I did not. Guarantee you, I did not. What the - -

UNIDENTIFIED MALE: But the Special Counsel said that --

BIDEN: Well, no, they did not say that.

UNIDENTIFIED MALE: OK.

BIDEN: He did not say that.

UNIDENTIFIED MALE: But, Mr. President --

BIDEN: That is your judgement.

UNIDENTIFIED FEMALE: They --

BIDEN: That is your judgement.

UNIDENTIFIED FEMALE: This is according to public polling.

BIDEN: That is not the judgement --

UNIDENTIFIED FEMALE: They express concerns --

BIDEN: -- of the press.

(END VIDEO CLIP)

BREAM: Brit, the headline for "National Review" was that it was, "An Unmitigated Disaster." What do you make of how the President is handling this?

BRIT HUME, FOX NEWS CHIEF POLITICAL ANALYST: Well, I think this is all Biden. I think they were -- this was so very much like the Joe Biden we witnessed over the years. He is at times impulsive and he blunders, makes mistakes, the Afghanistan withdrawal is a single example. I think people lost confidence in him after that, questioning not -- at that point, his aid so much as his judgment, now we see that his age has affected him.

It's -- it's denials and claims that his memory is fine, are going to ring hollow to millions of Americans who have seen him in action and I've seen the fluff some blunders and forgetfulness and so on. So there's no point I think in trying to spin their way out of this for the White House staff and the President, I mean, because I think people who have already seen it, they know it's true. The press conference was an abject failure.

BREAM: Well, Chad, I mean all of this is playing out as the President's trying to push through one of his priorities, which is the supplemental package. You're working this weekend, you're always working, but especially this weekend because the Senate's in session. They're going to have a procedural vote on this today. It's at a time where there's open sniping among Senate and House members, even within their own party. 12 appropriations bills that have to get passed in the next month.

There's a lot of doubt that Congress can actually get it together. Mitt Romney said this days ago, ***politics*** used to be the art of the possible. Now it's the art of the impossible. We've gone from the sublime to the ridiculous. How dysfunctional are things over there, Chad?

CHAD PERGRAM, FOX NEWS SENIOR CONGRESSIONAL CORRESPONDENT: Well, we're going to have this procedural vote, this test vote at 1:00 o'clock this afternoon. If they get 60 votes, they probably have the votes to eventually pass this international aid package. This is kind of like Maxine Nightingale, the singer back in the 1970s, who says we're right back where we started. This was the original plan to work on the international aid package and not the border. That border package fell apart last week. You know, there are certain radioactive isotopes that hold together longer than that border package.

What this really underscores here, though, is that Mitch McConnell, the Minority Leader, is not in control. These are some of the same problems that speakers of the House had, John Boehner, Paul Ryan, Kevin McCarthy. You had Josh Hawley, the Republican Senator from Missouri, saying that Mitch McConnell doesn't talk to his people. He plays his cards too close to his vest. Keep in mind that former President Trump does not like Mitch McConnell. He had these health episodes last year. He might be one health episode away from there trying to be a push for him to leave.

BREAM: All right, to Brit, against all of that, you've covered Washington for years. What do you make of this current environment? Are we sort of post-statesmanship and bipartisanship? I mean, they're now not stabbing each other in the back, they're stabbing each other in the front.

HUME: Well, this is Congress at the most dysfunctional I've ever seen it. It is a function, of course, to a great extent of the fact that the narrowest majorities existed both House and Senate, Democrats in control of the Senate, sort of, Republicans in the House barely. And the result of that is that only a handful of -- of dissidents on any issue you can stop the process, can prevent the majority.

So it's very hard to pass anything and consider that border bill that -- that Chad was just talking about. Yes, it didn't fall apart. It was easily in my judgment with what I've seen over the years the toughest border bill I've ever seen come to Congress, in a very long time since it's been any serious border bill. This was as tough as it gets. Yes, they were things in it that some Republicans did not like, that border -- that border hawks would not like. But the border patrol -- control -- excuse me, the border patrol union was very much in favor of it and yet it died. So that gives you an idea of how bad it's gotten.

Chad mentioned that Mitch McConnell is not in control. Nobody's in control that's how the matter stands. Tiny majorities are a factor. But the perverse ***politics*** of our time are big factor as well.

BREAM: Well, and quickly, Chad, 12 appropriations bills within the next three to four weeks. What's the likelihood?

PERGRAM: Well, they have to pass these by March 1st, March 7th. They're willing to give right now. You know, Mike Johnson, the Speaker of the House, some leeway on this, if they have to do an interim bill. The best thing he has going for him right now is that he is not Kevin McCarthy.

The second thing he has going for him is that he is not Kevin McCarthy. But as they have to do an interim spending bill, maybe they will start to push on Mike Johnson, Shannon.

BREAM: Oh boy. We -- remember the last several rounds of that. Brit and Chad, thank you always for your insight and expertise. Good to see you both.

HUME: Thanks.

BREAM: Up next, more on the maximum dysfunction on display on Capitol Hill and the White House this week. We're going to talk to lawmakers from both sides of the aisle about whether it is possible to overcome the logjam. That's next on Fox News Sunday.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

BIDEN: A failure of the United States Congress, if it occurs, not to support Ukraine is close to criminal neglect. It is outrageous.

(END VIDEO CLIP)

BREAM: President Biden pointing the finger at Capitol Hill over new U.S. funding to Ukraine being held up for months as lawmakers struggled to find a compromise. We're going to be joined now from lawmakers from both sides of the aisle, Arkansas Republican Senator Tom Cotton and Washington State Democrat Congressman Adam Smith.

We begin with you Senator Cotton. Welcome back.

SEN. TOM COTTON (R-AR): Thank you. It's good to be back, Shannon.

BREAM: So you're working this weekend, there'll be some votes on moving this big supplemental. So here's the deal, the President wanted all this money for Ukraine, Israel, other priorities. The Senate deal that was going to attach the border funding to that, or some border policy changes, that's gone away. So he ends up with the money he wanted in the first place. No border deal, and he gets to point to you guys as killing the border deal. So how did you get here?

COTTON: Well, I think it's important to look at how we got here, Shannon. For two years, the President has said he'll stand with Ukraine for as long as it takes. For three years, though, he's allowed an invasion to occur at our border, almost 10 million migrants have crossed in our country.

So last fall, we want to take the opportunity to force the President's hand, uncooperative president, force him to close down the border, especially to stop the abuses of asylum and parole practices, which is really driving this crisis. So we engaged in a few months of negotiations to see what the Democratic priorities are. And we learned that the priorities are open borders, not securing our border, putting Ukraine and other country's borders ahead of our own border.

And that's why that legislation went down. It wasn't because we wanted to pass any bill, just for the sake of passing a bill because we want to solve the problem. And the Democrats simply were unwilling to solve the problem because they are ideologically invested in open borders.

BREAM: Is that why you'll be a no on the overall foreign aid package?

COTTON: Well, yeah, we did spend four months promising the American people that we would secure our own border before we focused on other country's borders. That's one thing. But also the legislation that's left, I have serious concerns about the $19 billion of non-defense aid in there. A lot of that money in there is needful. And I think James Lankford did as good a job as he could negotiating with a bunch of stubborn Democrats.

Susan Collins did a great job in trying to get more defense aid and less non-defense aid. But at the end of the day, you still have $19 billion. That's almost 20% of the total going to things like budget support for Ukraine's government. Almost half of that $19 billion could go to Gaza, which really means going to Hamas, because Hamas doesn't commandeer aid. It doesn't steal aid. It accepts aid. It's the governing authority in Gaza. And the guardrails in the bill simply aren't adequate.

And that $19 billion couldn't be spent at all when we had -- at a time when we have trillion-dollar deficits, or it could be spent on things like three new Virginia-class submarines, or 170 stealth fighters, or more than 5,000 precision strike missiles. So that's another reason why I'm going to be a no on this bill.

BREAM: OK, we'll watch this afternoon action in the Senate there. So President Biden not only gets to blame you guys about the border, but he gets to blame President Trump, who he says tanked this whole deal, saying he wants to keep it alive as a campaign issue and that basically he's running the GOP at this point.

"Politico" says this, quote, "It's Devastating: Trump Seizes Unmatched Control Over GOP," talking a quote there from an analyst and saying this, "He's got a stronghold," quoting Amy Tarkanian, former Chair of the Nevada Republican Party, "I don't know how to explain it. It's completely mind- boggling to me the type of brainwashing that has been done."

Critics say there's no check on him within the GOP. You're all afraid of him. You've endorsed him. What do you make of this argument that he's essentially taken away your autonomy as a senator?

COTTON: Not all, Shannon. What President Trump saw about this bill is what most Arkansans saw about it, what all but four Republican senators saw, which is that it does not solve the problem. Yes, it had some positive reforms, but in the end, by institutionalizing or codifying a lot of President Biden's abuses over the last three years, it would allow this flow of migrants to continue.

What I want to do, what most Republican senators want to do, what President Trump wants to do is stop the border crisis. And now we can see with Joe Biden ideologically invested in open borders, the way to stop that crisis is to elect President Trump this fall. He did it once. He can do it again.

BREAM: Well, speaking of elections this fall, the White House not happy about this report that came out talking about the president, saying he's got a hazy recollection, but no criminal charges for him. And the President's supporters are saying that's being missed in this whole thing. Here's some of the response to the report.

(BEGIN VIDEO CLIP)

IAN SAMS, WHITE HOUSE COUNSEL'S OFFICE SPOKESMAN: I dispute that the characterizations about his memory that were in the report are accurate because they're not.

KAMALA HARRIS, U.S. VICE PRESIDENT: I believe is, as a former prosecutor, the comments that were made by that prosecutor gratuitous, inaccurate, and inappropriate.

(END VIDEO CLIP)

BREAM: And Paul Krugman writing about this over "The New York Times" says, it's a hit job by the Special Counsel, adding it was full of snide, unwarranted, obviously politically motivated slurs. He called it disgusting. Critics say you didn't need almost 400 pages to explain why you're not prosecuting the President.

COTTON: Well, Shannon, look, the report makes it clear that President Biden intentionally took classified material and he willfully disclosed it to his own ghostwriter. That's clear. That's exactly what Donald Trump has been charged with. The Special Counsel had to explain why he wasn't going to charge President Biden with a crime since President Trump is facing the exact same crime. And the explanation is, President Biden's memory is failing, not just now, but seven years ago, when he couldn't remember -- when he talked to his ghostwriter about whether his material was classified.

Now, look, there's no new bombshells about President Biden in this. The American people have seen for years that he is a man with a failing memory. What this report indicates, though, is that you have a blatant double standard. If Joe Biden is not going to face criminal charges, then Donald Trump shouldn't be facing criminal charges either.

The reason he is, not just in that documents case, but the other case, is that Joe Biden is a failed president and the Democratic Party knows the only way to stop Donald Trump from being elected president this fall is to try to convict him and imprison him. That's what you would expect to see in a place like Pakistan or Brazil, not in the United States of America.

BREAM: Well, we are tracking every single one of those trials, as we know you are. Senator, thank you for your time.

COTTON: Thank you.

BREAM: Good to see you.

All right, joining me now, Washington State Democratic Congressman Adam Smith. Welcome back sir, good to see you.

REP. ADAM SMITH (D-WA): Thanks, Shannon, appreciate the chance.

BREAM: OK, let's start here, the Biden administration is facing nonstop criticism regarding a region that you've spent a lot of time in the Middle East. Clearly, it's in the headlines. You heard our interview with the Prime Minister a moment ago. But there's this criticism that he's not effectively managing the proxies, the Iranian proxies in that region who are operating.

Former Vice President Mike Pence and former Secretary of State Mike Pompeo write this week saying this, the U.S. military must destroy high value Iranian targets, including Tehran's nuclear program, navy and oil infrastructure. Telegraphs strikes on empty warehouses achieve nothing. Appeasement has never worked a single time in history and won't work now.

You're the Ranking Member on House Armed Services, do you think we've been tough enough with Iran?

SMITH: I do. And I think, you know, it's not appeasement to take the Houthi's ability to shoot missiles at our ships. And it's not appeasement to kill the commanders who have hacked U.S. ships, which is what the Biden administration has done in the last couple of weeks, all while stopping the war from fully spreading. And that's what's not appreciated.

Hezbollah has thousands of missiles aimed at Israel, and they are controlled by Iran. If you go into a full-scale conflict with Iran and they unleash Hezbollah on Israel, that dramatically shifts the conflict in the Middle East and against the interest of Israel and the interests of the U.S.

What President Biden has done is he has struck back against the militias in Iraq, in Syria, and in Yemen that threaten U.S. forces in a way to degrade their capabilities without spreading the war.

Look, just lobbing missiles into Iran runs a distinct risk of a massive escalation. President Biden has handled this crisis remarkably well in cooperation with our allies and partners in the region.

BREAM: Do you think that there is a growing sense that there is daylight between our President, between the Prime Minister? You heard they haven't talked since what the President said on Thursday night that he thinks that Mr. Netanyahu has gone over the top in Gaza. You talk about the threat that they have from the north and from many regions. It's a very dangerous place for Israel to exist. And how do you explain to the people of Israel under all of these threats why you voted no on a standalone aid package to Israel just days ago?

SMITH: There's a lot to unpack in that question. Let me start by saying, I think the Prime Minister, Prime Minister Netanyahu did a good job of explaining what they're trying to do. Hamas is a profound threat to Israel and a difficult one to deal with. They use civilians as weapons. They hide behind civilians. They don't protect their own people. It's a very difficult challenge for Israel to go in there and group out Hamas. Now we have been supportive of that, where we have disagreement with Prime Minister Netanyahu is what is the future of the Palestinian people? What comes next?

You can have a situation where there is no hope and no future for the Palestinian people in Gaza and in the West Bank for that matter. Saudi Arabia is poised to do a peace agreement with Israel and the U.S., but not if there's no future for the Palestinian people. That is the biggest area of disagreement.

And actually, the aid package that you mentioned, two reasons to vote against it. The biggest one for me, I'm not going to abandon Ukraine. That is absolutely crucial, and by moving this package forward -- we heard Senator Cotton talk about how Ukraine's border can't be more important than the U.S. border, but now Israel's border is more important than the U.S. border, it just gives them a better path to abandon Ukraine at a crucial moment, number one.

Number two, zero humanitarian assistance for the Palestinians. How can we credibly say to Saudi Arabia and our Arab allies that we believe in some kind of future for the Palestinian people if there's absolutely zero humanitarian assistance to help them?

BREAM: OK, I want to turn to the -- the Hur report and give you a chance at this as well. You know, from the moment it was announced, there would be no charges, criminal charges against the current President. The former President said it's -- it's nothing but a double standard. That's what his supporters are going to continue to say.

So let's walk through this. Here is President Biden talking about President Trump's Mar-a-Lago documents case back in 2022.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: When you saw the photograph of the top-secret documents laid out on the floor at Mar-a-Lago, what did you think to yourself, looking at that image?

BIDEN: How that could possibly happen. How one -- anyone could be that irresponsible.

(END VIDEO CLIP)

BREAM: Yet the Hur Report released these images we're showing now, showing boxes haphazardly in a garage. They talk about them being by a collapsed dog crate. The boxes in such bad shape, some of them were falling apart, prompting former President Trump to say this.

(BEGIN VIDEO CLIP)

TRUMP: You know, look, if he's not going to be charged, that's up to them. But then I should not be charged.

(APPLAUSE & CHEERING)

TRUMP: This is nothing more than selective persecution of Biden's political opponent, me.

(END VIDEO CLIP)

BREAM: So you know that is going to resonate, that argument with millions of Americans. Can you assure them there is not a double standard in the Justice Department?

SMITH: Well, actually the biggest thing that President Trump said this week that concerns me is when he said if NATO countries don't meet their 2% requirements, Putin should go ahead and do what he wants with them. So the national security of Ukraine is a pretty huge focus.

BREAM: Well, it's --

SMITH: But look, there's --

(CROSSTALK)

BREAM: To be fair there, there was a little bit of nuance, but yes, those are -- those remark -- those remarks are getting a lot of attention and certainly frightening a lot of people.

SMITH: And it certainly doesn't make us feel better about deterring Putin. I mean, deterrence is, you have to say, don't attack us because we will defend them. So the lack of deterrence is troubling.

Look, there's a clear difference here. President Trump has made it clear that he felt like he should be able to keep those documents. He fought the Justice Department over and over again. He lied to people. He tried to hide the documents. President Biden, once it was discovered, he actually self- reported the documents and turned them in. That's the biggest difference. President Biden cooperated with the Justice Department from the moment it was discovered. President Trump fought them every step of the way and has said, look, it's declassified. If I say it's declassified, these are my documents. And the final point in all this, the biggest problem with what Biden had was primarily notes that he took.

Yes, there were some actual documents. The things that he was looking at were notepads that he had written during the time he was there. And there was considerable dispute about, well, is what you wrote down there classified or not?

There's the case of President Reagan, who kept an enormous amount of personal notes that contains some classified information in there. So there's clearly a distinction here. Again, President Biden cooperated, turned over the documents. President Trump said, they're mine, get away from me. It is a big difference, though.

BREAM: Yes, Mr. Hur found that they were handled irresponsibly by President Biden.

SMITH: Yes, absolutely, no question to that.

BREAM: So the trial on the Mar-a-Lago documents is still to come. We'll be following that likely this summer. Congressman Adam Smith, always great to have you. Thank you.

SMITH: Thank you, Shannon.

BREAM: Up next, Republicans making inroads with traditionally strong Democratic supporters gaining support from Black and Hispanic voters. We're going to bring our Sunday group to talk about a new round of what's being called panic within the Democrat Party after a tough week for the President, next.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

REP. JAMIE RASKIN (D-MD): The big news here is that there was a special counsel appointed to investigate President Biden and it came back and exonerated him completely.

REP. BYRON DONALDS (R-FL): It is clear now after reading this report that they have chosen to weaponize the Justice Department against President Trump, while all the while making sure they did everything possible to protect Joe Biden.

(END VIDEO CLIP)

BREAM: Democrats and Republicans with two very different takes on Special Counsel Robert Hur's reports on President Biden's handling of classified documents. Let's take it up with our Sunday group. "Reuters" White House Correspondent Jeff Mason, Juan Williams, "Fox News" Senior Political Analyst, fellow at the "American Enterprise Institute," Matthew Continetti, and Mary Katharine Ham, "Outkick" Columnist. Great to see all of you this morning.

Jeff, I want to start with you because you were at that press conference thrown together by the White House or the president. I'm not sure who was making that call. It got very spicy after the Hur report was out. You were there in the room, what did you make of it?

JEFF MASON, REUTERS WHITE HOUSE CORRESPONDENT: Well, I think he was angry. And, you know, it's up to the White House to decide whether that's the emotion that you want the President to show, and it must have been, because, in part, he was -- that demonstration of emotion, and particularly his -- his -- really being upset about being questioned as to whether or not he remembered when his son died. That may be sympathetic to some people and some of his voters.

On the other hand, in the same breath, or at least in the same few minutes that he was there making a mistake about a foreign leader, didn't really underscore the argument that he was trying to make, which was, yes, he's elderly, yes, he's well-meaning, and that his memory is fine.

BREAM: Well, "The Federalist" puts it this way, it begs the question, "If Biden's too old to be charged, isn't he too old to hold the most powerful position in the world? And if he's not too old to hold the most powerful position in the world, why is he too old to be charged?" Mary Katharine Ham.

MARY KATHARINE HAM, OUTKICK COLUMNIST: Well, first of all, I would just like to say it would be nice if we could just have one major candidate over the past several cycles who does not egregiously, obviously, mishandle classified documents so that we have to have this process every single time.

Look, I think the problem for Biden moving past the actual findings of the report is that what Hur is noting when it comes to his memory is something that 75 plus percent of American voters have noticed and have an issue with. So it's noting something that everyone already sees in the room. And I think that press conference probably doubled down on that.

BREAM: Well, and somebody who didn't think it went well was Paul Begala, former Clinton Advisor. Here was his reaction the next morning.

(BEGIN VIDEO CLIP)

PAUL BEGALA, CNN POLITICAL COMMENTATOR: I slept like a baby last night. I woke up every two hours crying and went to bed. This is terrible for Democrats, and anybody with a functioning brain knows that.

(END VIDEO CLIP)

BREAM: Juan, he says anyone knows Democrats are in trouble. It's not a good thing.

JUAN WILLIAMS, FOX NEWS SENIOR POLITICAL ANALYST: It was a bad day, I don't think there's any question about it. But I think that right now, most Democrats are just livid at what the Special Prosecutor did. You know, I was just listening to the quote that you read from "The Federalist" and, you know, they said -- they said, he was too old to be prosecuted. No, they didn't say that. They said that because of his age, he might be a sympathetic figure to, I guess, a jury or whoever might ask.

BREAM: But you would admit, they also said the issue with his memory would make this tough to prosecute?

WILLIAMS: Look, I mean, that's just so -- I mean, to me, it's a little offensive as an older person. But I got to say, if he's not too old to have dealt with so much, I mean, I think he's the president who's passed the most legislation in any generation, I mean, in generations, let's put it that way. He's the president who has reigned in inflation, who's kept this post-COVID out of recession. He's the president that's facing off against Putin. And to say all of a sudden, oh, yeah, this guy is mentally incompetent.

I just think, you know, he's not the guy that's caught up in bullying, charges of sexual assault, the guy that seems to pursue grievances over past losses and then lie about it. He's not the guy who says racist things like the blood of the country is being poisoned by immigrants. That's just -- so, I mean, it's to me, in a way, he's lucky that he's running against this old guy who's so offensive.

BREAM: Well, what about that, Matthew, because, you know, the Biden campaign, this is not a gift they would want to receive. But they are going to have to counter and pivot to these other, you know, critiques of the man it looks like they're going to be facing?

MATTHEW CONTINETTI, AMERICAN ENTERPRISE INSTITUTE FELLOW: Juan says the Democrats are angry. That's just one stage in the stages of denial. Eventually, you get bargaining, which is, I think, trying to switch the conversation to Donald Trump, and eventually, you arrive at acceptance.

The week began with Joe Biden losing the election to Donald Trump for a variety of reasons. One of them is that 70% of the country, as Mary Katharine said, thinks that he's too old for a second term. And the week ended with not only Biden's Justice Department raising serious doubts about his capacity to serve a second term. But Biden himself confirming the public's worst fears. So this has been a bad week for Biden, no matter how people might try to change the subject to Donald Trump.

BREAM: Well, there are a lot of headlines out there, Jeff. "Politico" says ominous news for Democrats in Pennsylvania's "Latino Belt." The "Washington Post" says "Democrats on the alarm. They're taking action against Biden's third-party threats" But there are all kinds of warning signals they say with young voters, with black voters, with groups they traditionally would rely on. They're now worried.

MASON: Well, and they have reason to be based on the polling and based on the impact that the third party candidates could have.

But to go back to what all of you have said now at the table, based on my reporting, speaking to people at the White House and at the campaign, what they're going to do is make it a choice election. And they think even with some of the negatives, at the end, choosing between Donald Trump or Joe Biden is going to be a choice for Biden.

HAM: I don't think it is an easy choice. They've made it a tough choice.

BREAM: All right, we will pick up on that theme when we come back, panel. Do not go far.

Following arguments this week. We're standing by to see where the justices land on Colorado's attempt to kick President Trump off the primary ballot, and another Trump legal fight is set to land at the Supreme Court on Monday. Up next we break down the implications of the cases and in a contentious election year.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

MAZI MELESA PILIP (R), NY CONGRESSIONAL CANDIDATE: My opponent, Thomas Suozzi, je caused the migrant crisis. He caused - he caused the border crisis. Now he's saying he would like to go back and fix it.

TOM SUOZZI (D), NY CONGRESSIONAL CANDIDATE: George Santos got elected about lying about his record. Ms. Pilip wants to get elected by lying about me.

(END VIDEO CLIP)

BREAM: Well, the race to fill the House seat of ousted Republican Congressman George Santos is heating up every single vote at premium on Capitol Hill.

So, we're back now with the panel.

Matthew, "Politico" sums it up this way, "The margin of control in the House is so razor thin at the moment that even one more Democratic or Republican vote could legitimately shift the outcome of some congressional votes." The Mayorkas vote is a perfect example.

CONTINETTI: Absolutely. And the House majority had a historically narrow margin. But I think this special election carries national implication. The fact is that if Mazi Pilip retains a seat for the Republicans, on the basis of her campaign on the issue of illegal migration and what the impacts of migration have been to New York City, that will be just another bombshell to drop in this city, Washington, D.C., and Democratic panic will be turned up to 11.

BREAM: But, Juan, what if your guy wins?

JUAN WILLIAMS, FOX NEWS SENIOR POLITICAL ANALYST: Well, I think, you know, Democrats have been doing well in special elections over the past few years. So, I think that's part of it. But I think, to speak to Matthew's point, what we saw in Washington in the last week in the House especially was dysfunction. And we see Mike Johnson struggling. He loses one vote, it puts him even further into a region of risk.

BREAM: Yes. How much is at stake, Mary Katherine?

HAM: Well, I think this is interesting because it's a test for the battle for the suburbs that will be coming in the future as well. Like, this -- it pits Republican liability about concerns about abortion, about Democratic liabilities about concerns about immigration. And certainly right now the hot issue is the immigration one. And frankly and middle finger migrant photo is like created in a lab to help the Republican candidate, who has a compelling personal narrative on her own, Orthodox Jewish immigrant, Israeli American who's sort of a candidate for the moment in some ways. But it's an uphill battle in these suburbs and it will be interesting to see how those balance against each other.

BREAM: Yes, Jeff, how closely would you say the White House is watching this?

MASON: Well, I was just going to say, I think the Biden people, both at the campaign and at the White House will be watching it very closely. And for the reasons that everyone here has articulated, in part because it's a bit of a referendum on Biden and Biden's policies. It's also a sign of whether or not he has good luck coming in the suburbs. And it's also a - it could be a gift in a way if it - if it weakens the Republican majority in Congress.

BREAM: So, we are watching -- this week we saw argument at the Supreme Court, which I think there - I think most of us agree are probably going to go in former President Trump's favor. But he's got another case on immunity that he's got to appeal to the Supreme Court or ask for a stay by tomorrow. And it has delayed the underlying trial by Jack Smith, by special counsel.

So "The New York Times," thinks the Supreme Court should leave it alone, not get involved, which would cause another major day, saying "the Supreme Court is repeatedly underscored the importance of letting the American people decide the most consequential, political matters. In this case, that means allowing the January 6th trial to proceed as soon as possible.

Matthew, if the Supreme Court gets involved, it delays all of that. "New York Times" editorial board says don't do it.

CONTINETTI: It would be another win for Trump. But I think the court might not get involved in this one, Shannon. They may just say, we'll let the D.C. Circuit Court ruling stand. And that means that not only will Trump face trial this election year, but Biden will be secluded from the public. Neither major nominee will be all that visible on the campaign trail. A very unusual election once again.

BREAM: So, Andy McCarthy, our buddy writing over at "National Review," says that the Supreme Court shouldn't be worried about the political calendar. It says, "The public has an interest in the just resolution of cases, not in their completion at a rapid pace with an eye toward the campaign calendar. It is the defendant, not the government, to whom the Constitution guarantees a speedy trial."

Mary Katharine.

HAM: Yes, look, I think the -- SCOTUS wants to be seen as an institution. Obviously, this is an impartial one. It's -- this is - our candidates keep putting us in these very difficult positions. I think it would be helpful if in, for instance, the Colorado case, there was some unanimity. And I think that would be a good sign both for the country and for the Supreme Court. And reading the court is more your gig than mine, Shannon, you know more than I do, but it's tough to see how they get super involved in this and not suffer some consequences.

BREAM: Yes, if they do, it definitely slows down the clock.

So, we've got to go, but I - we've asked everybody for their prediction for the big game tonight. Now Who you want to win necessarily but who you think is going to win.

Please reveal your selections. What have we got?

OK, upside down Chiefs, but Chiefs. And we are - you guys are unanimous in this.

All right, well, I'll be the contrarian and then say the 49ers, and then my bet will - that will pay off hugely if it happens. Who knows. Enjoy the snacks and commercials. Good to have all of you with us. Thank you, panel.

WILLIAMS: Thanks, Shannon.

CONTINETTI: Thank you.

BREAM: OK, up next, we are going to talk about the media build-up around the big game and the big name sitting it out this year.

(COMMERCIAL BREAK)

SHANNON: Five months of regular season football leads us here, to arguably one of the biggest nights in sports. Kansas City's Andy Reid and Patrick Mahomes make their fourth trip in five years to the big game, looking to cement themselves as an NFL dynasty. ON the other side you've got the San Francisco 49ers and head coach Kyle Shanahan still searching for that elusive Super Bowl victory. Well, America's eyes tonight will be fixated on what's happening on both and off and on the field.

Host of Fox News' "MEDIA BUZZ" Howie Kurtz joins us now for a look.

Great to have you with us.

HOWARD KURTZ, FOX NEWS HOST: Good to see you, Shannon.

This is one of those rare instance when sports and campaigning collide.

(BEGIN VIDEOTAPE)

KURTZ (voice over): It's the easiest layup with he biggest audience in ***politics***, the Super Bowl interview. But President Biden turned it down for the second straight year. He does very few interviews these days other than quick answers by the helicopter, as advisors try to shield him from the press. That puts a searing spotlight on his blunders as when Biden confused French President Emanuel Macron, with Francois Mitterrand, who died decades ago.

BIDEN: Mitterrand from Germany - I man from France, looked at me and said, -- said, you know, what - why -- how long you back for?

KURTZ (voice over): He later told the same anecdote from 2021, naming former German Chancellor Helmut Kohl, who died four years earlier. So when special counsel Robert Hur declined to charge Biden with mishandling classified documents, but calling him a well-meaning elderly man with a poor memory, the angry 81-year-old president held a news conference and confused Mexico's leader with Egypt.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: My memory is not - my memory is fine. My memory -- take a look at what I've done since I've become president. None of you thought I would pass any of the things that I got passed.

UNIDENTIFIED FEMALE: So, why does it have to be you now? Why - what is your answer to that question

BIDEN: Because I'm the most qualified person in this country to be president of the United States and finish the job I started.

KURTZ (voice over): Medial liberals say Hur, a Republican, had no right to inject his personal opinion.

As for Super Bowl LVIII held for the first time in Las Vegas, the media build-up, Patrick Mahomes taking his Kansas City Chiefs into their fourth championship game in five years versus the San Francisco 49ers little-known quarterback Brock Purdy.

Chiefs tight end Travis Kelce's besieged with questions about girlfriend Taylor Swift, who's been soaking up insane amounts of media attention, especially with Biden wanting her endorsement.

BRIAN KILMEADE, FOX NEWS HOST: If you need Taylor Swift to get you another four years, that's how bad your first four years have been.

KURTZ (voice over): A reporter asked Kansas City Coach Andy Reid about the unfounded Taylor speculation.

ANDY REID, KANSAS CITY CHIEFS HEAD COACH: That's way out of my league.

(END VIDEOTAPE)

KURTZ (voice over): Taylor Swift could prompt legions of young female fans to check out this spectacle, boosting the ratings even higher. And maybe Joe Biden will wind up wishing he had done the Super Bowl interview. Enjoy the game, Shannon.

BREAM: You know what, you make a good point. Are your snacks ready?

KURTZ: I'm going right after this.

BREAM: OK, we will watch your show and then we'll watch the big game,

KURTZ: Good plan.

BREAM: All right, that is it for us today. Thank you for joining us. I'm Shannon Bream. Have a wonderful week. We'll see you back here on the next FOX NEWS SUNDAY.

(COMMERCIAL BREAK)

**Load-Date:** February 11, 2024

**End of Document**