

# [***Officials Gave Update On Super Bowl Parade Shooting Probe; Age, Vitality Questions As 2024 Race Heats Up; Migrants Make Their Way Into United States From Mexico; Now: Fox Reports Live From The Border; Haley: My Focus Is Running In Republican Primary; Trump And Haley To Face Off In South Carolina Primary Saturday; Trump Faces Staggering Cost To Appeal New York Ruling; American Ballerina Detained In Russia For Treason; US Vetoes Ceasefire Measure, Pushes Rival Plan***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BCN-G1V1-JCS1-64J2-00000-00&context=1516831)

Fox News THE STORY WITH MARTHA MACCALLUM 3:00 PM EST

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**Guests:** Phillipe Reines, Ben Ferguson, Nikki Haley, Dan Hoffman

**Body**

(BEGIN VIDEOTAPE)

JEAN PETERS BAKER, JACKSON COUNTY, MISSOURI PROSECUTOR: Second degree, felony murder. Again, the underlying felony for that felony murder is the unlawful use of a weapon. And that is an A felony, carrying to a range up to a life sentence in the state of Missouri.

A charge of unlawful use of a weapon for shooting at a person, the Class B felony, sentence range up to 15 years under Missouri law. And then again, two counts of armed criminal action. These are the unclassed felony in the state of Missouri. And that individual is also being held on a million dollars bond.

Now, I would like to try and give you a brief summary of I think what occurred that day that led to these criminal charges. From the evidence, it appears that defendant, Mays, that's the first person I read off charges on, defendant Mays was in a verbal argument with another individual.

And the evidence does not reflect in these early moments that there was any prior history between these individuals, Mays and the individual he was in some kind of verbal dispute with. There was no connection to each other, those two individuals. Now, that argument very quickly escalated to Mays drawing his firearm, a handgun. Mays pulled his handgun first. Almost immediately, almost immediately, others pulled their firearms. Defendant Miller was one of those individuals.

While both adults are charged with murder, the evidence tells us that it was Mr. Miller's firearm. Mr. Miller's firearm struck Lisa Lopez-Galvan. So, that's just two individuals, and I think as we all stand here, this investigation is still very, very active and ongoing, and we're going to probably quickly leave this room and go right back to that so that everybody understands what's next.

But I do want you to understand, we seek to hold every shooter accountable for their actions on that day. Every single one. So, while we're not there yet on every single individual, we're going to get there.

And you're going to have questions. You're -- I'm sure, going to ask me many questions about this case, about other people's responsibility level, and we are not going to be able to answer those questions for you today.

(END VIDEOTAPE)

MARTHA MACCALLUM, FOX NEWS ANCHOR: OK, we are watching the first announcement of charges in the Kansas City, Missouri case against two individuals for the killing of Lisa Lopez-Galvan, a 42-year-old mother and disc jockey, she was an entertainer for parties and had two teenager or older children. She was killed when she went to celebrate the Kansas City Chiefs win after the Super Bowl, attend the parade, attend the rally.

And what we're learning from these officials in Kansas City is that Mr. Mays and also Mr. Dominic Miller now face a $1 million bond. They're charged with murder and felony murder. They face up to a life sentence in the killing of Lisa Lopez-Galvan, and both are charged as adults. So, there was some suggestion that they might be underage, but you can see the aftermath here as people, one hero jumped in and secured the gun.

This was a scuffle that broke out between two people, as she just reported, who didn't know each other. Neither of these individuals was known to law enforcement at the time of this, so it sounds like an absolutely tragic confrontation that ended up in the death of this woman, Lisa Galvan. It's a really awful, tragic case, and the injuries of several others who were at that. So, we'll keep a close eye on that.

They're going to continue that investigation. If we get images of these individuals, we'll share them with you as we continue to work on that story in the aftermath of the Super Bowl parade in Kansas City. So, here we are on the story. Thanks for being here this afternoon with us, everybody. Interesting, when you take a look at a theme that seems to be emerging in the coverage of this campaign, this presidential race, right?

Check out some of these recent headlines. Quote, what we know about cognitive decline, "What happens if Trump or Biden can no longer run for president? How old is too old to be president?" These are not your typical election year headlines, but this is clearly not a typical election year match-up if it turns out to be these two presumed nominees.

So, the publisher of the New York Times is standing by his papers reporting on the president's "unpopularity" and his age, but says that the White House is not happy. In fact, he says they're extremely upset about the coverage that they're getting at the New York Times. And take a listen to this exchange. It's a short time ago as President Biden left for a fundraising trip to California. Watch.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: You're going to California. Is this about coming up with a Plan B for 2024? Does Gavin need to stand by?

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Are you ready?

UNIDENTIFIED MALE: Yes, sir.

BIDEN: Well, I'm looking for I'm looking at you. We're looking at you.

(END VIDEO CLIP)

MACCALLUM: OK, with that, we bring in our panel: Marc Thiessen, American Enterprise Institute, Senior Fellow and Fox News Contributor; Ben Ferguson, Host of "The Ben Ferguson" podcast; and Phillipe Reines, former Deputy Assistant Secretary of State for Strategic Communications for Hillary Clinton. Gentlemen, thank you. Great to have all three of you with us today.

Philippe, so apparently the President is choosing out of the press pool for somebody to potentially take over. Obviously, he's joking around there, but you see these headlines. It's a major focus, and it seems like there are a lot more high-level Democrats who are pushing the narrative out there that something's got to give here and that they're looking for somebody new.

PHILLIPE REINES, FORMER DEPUTY ASSISTANT SECRETARY OF STATE FOR STRATEGIC COMMUNICATIONS FOR HILLARY CLINTON: Well, I'm going to start out with some common ground among the three of us, which is that probably none of us think that New York Times coverage about ***politics*** or presidential ***politics*** is any good. Look, I do think that there is a problem. I do think that there is a problem in the way that that this is being covered.

But separate from a media issue, the truth of the matter is we elected Donald Trump, not we, Donald Trump was elected in 2016, Joe Biden was elected in 2020. They were both at the time of their inauguration the oldest people to hold the office. I don't know why it's any surprise to anyone that they are four years older or eight years older than they were at that time.

In terms of their cognitive ability, look, I'm not a doctor, but I would say this: just based on observation, it's impossible to make an observation about Joe Biden only that you can't apply to Donald Trump. So, to the extent that there's anything, and I don't think that there's anything wrong with Joe Biden. I hope when I'm 81, I'm in his shape, both mentally and physically.

MACCALLUM: Phillipe, Phillipe, Phillipe, Phillipe, hold on -- let me just ask you something here. So, you know, I mean, like I've said before, it's not a big deal if someone has a verbal flub once in a while. It happens all the time. These moments of deer in the headlights.

REINES: Which one of them? It happens with both of them.

MACCALLUM: It does occasionally, but you can look at the polls, and the polls tell us that most people think that Donald Trump is more fit to run again. And you know as well as I do that, you know, one 77 or 80-year-old is totally different from another in terms of their ability. And I'm not, I'm literally just looking at what, what we're learning from the polls, right? 35 percent, Trump is fit but Biden is not, OK?

And I could bring up a number of these in terms of who they think is fit, and it's really I think based on just how he performs when he gets up there and also the fact, Phillipe, that he doesn't sit down and just do regular interviews and into a Super Bowl interview. Are they, and it appears that the White House is a little bit nervous about putting him out there, fearful of what might happen.

REINES: I don't, I have to respectfully disagree. I think you're jumbling a bunch of things together, which in all fairness is exactly what Washington, D.C. and New York and all the political capitals are doing.

MACCALLUM: I'm just looking at the poll numbers.

REINES: President Biden has no cognitive.

MACCALLUM: I'm looking at the poll numbers.

REINES: OK, so the poll numbers -- well, so the poll numbers also show all sorts of things including that if Donald Trump is convicted of anything that a third of Republicans lose.

MACCALLUM: That's true, based on that poll.

REINES: So, this is about two men facing each other, there are two different things going on here. There's a choice between two people and they are not Gavin Newsom and they are not Tim Scott or Nikki Haley. It's Donald Trump and Joe Biden.

MACCALLUM: Let me get our friends in here. Marc, you know, Marc, there's some discussion that the State of the Union address is a moment to reset for President Biden and that potentially he might announce some executive orders prior to that that would start to staunch the flow at the border. These are things they're looking for, for a reset. What say you?

MARC THIESSEN, FOX NEWS CONTRIBUTOR: First of all, the State of the Union address is a prepared speech that you rehearse over and over again. I helped write four of them. So, I've been in the room. It's a practice speech. He can take a good nap beforehand. I wouldn't be surprised if he could deliver it. What he won't do is sit down and do a long-form interview with somebody that would allow him to us to judge how he does in that format. And look, if you look at the polling, if you go back to November 2021, 58 percent of Americans said that Joe Biden was too old to be president. That's a stunning number. Today, it's 86 percent.

I challenge Phillipe to find another issue on which 86 percent of Americans agree. But he's right that is going to be a binary choice right now between two people and for those who think that look at Joe Biden's, you know, his, his poll numbers showing that he's the least popular president in the history of presidential polling and his age and all there at, if you think that he can't win I've got two words for you: Senator Fetterman. They have voters. If they don't like the alternative, they'll elect somebody who had a stroke. So, you know don't assume that just because Biden is this unpopular and this cognitively impaired that he can't be re-elected to a second term.

MACCALLUM: Yes, Ben, let me get you in here. What's striking, I think, are the number of places where you have prominent Democrats, prominent Democrat pollsters who are saying that they're looking for a Lyndon Johnson moment here, a stepping aside, which happened in March for Lyndon Johnson, Ben.

BEN FERGUSON, PODCAST HOST: Yes, look, this is the great purge and the media is trying to do it on behalf of the Democratic Party right now and force him out. This is not by accident that the media has turned on him since he did that horrific press conference in primetime a couple weeks ago. They saw it, the Democratic Party saw it, and they realized we can't keep hiding Joe Biden and we're terrified of what he's going to say next. That's number one. Number two, this is not so much about age. It really isn't. It's about cognitive decline.

You look at Donald Trump's schedule, you look at his day, and you compare it to the President's day. They've even said by their own words, he's kind of a noon to four President. He's a noon to four presidents. We put his stuff in there in a couple hours, and we shut him down. And so. what Democrats are doing right now is they're saying, how the hell do we get rid of Joe Biden? They're now using the media to do it for them, and they're hoping to get it done quickly.

MACCALLUM: All right. Well, let's hope they can release these transcripts with Robert Hur.

REINES: Martha, I need the rest of the hour to respond to all that.

MACCALLUM: I know, you ate up a lot of the top.

THIESSEN: I'll take the rest of the hour to rebut it.

MACCALLUM: I want to talk to all of you, but I'd like to have you for half an hour. We had that Kansas City breaking news at the top, so I hope you all come back soon, guys, because we have a lot to talk about as we cover this race.

REINES: Thank you, Martha.

MACCALLUM: Thank you very much, Phillipe, and Ben, and Marc. Always good to see all three of you.

THIESSEN: Take care.

MACCALLUM: So, speaking of these two candidates, here's somebody who believes that there should be another option and that she is it. Nikki Haley calling Trump and Biden two old men who are only getting older, I think it's hard to argue with that, she says that she refuses to quit this race.

She says she's here to stay. She joins me in moments. Also coming up, Jonathan Turley and Mr. Wonderful, Kevin O'Leary, as the intense backlash and fallout continues after a New York judge slaps former President Trump with a $355 million judgment that has to be paid within 30 days.

(COMMERCIAL BREAK)

MACCALLUM: All right. Quick tap here at the border after this scene that we watch unfold live yesterday here on THE STORY. Migrants climbing over a mountain from Mexico into Southern California to get into the United States.

Correspondent Bill Melugin was there. He is back there in Jacumba today -- California, and he joins us now. Hi, Bill.

BILL MELUGIN, FOX NEWS CHANNEL NATIONAL CORRESPONDENT: Hi, Martha. Good afternoon.

See, will happening behind me right now, we currently have a group of NGO volunteers who are out here, putting up little tents and building little structures for these illegal immigrants who have crossed in need to camp out overnight.

Meanwhile, on the other side of town, we just had another group cross illegally a short time ago. Take a look at this video our drone team shot at several dozen of these people from all around the world crossed illegally; most of them, single adults.

This San Diego Sector of Border Patrol has been getting over 1,000 illegal crossings every day. Here are some of what those migrants had to say. Take a listen.

(BEGIN VIDEO CLIP)

MELUGIN: Where are you from?

UNIDENTIFIED MALE: India.

MELUGIN: India.

UNIDENTIFIED MALE: China.

MELUGIN: China.

UNIDENTIFIED MALE: Georgia.

MELUGIN: Georgia.

UNIDENTIFIED MALE: Georgia.

MELUGIN: Georgia.

Where are you from?

UNIDENTIFIED FEMALE: India.

MELUGIN: India.

UNIDENTIFIED MALE: China.

MELUGIN: China.

Ma'am, where are you from?

UNIDENTIFIED FEMALE: China.

MELUGIN: China.

UNIDENTIFIED MALE: China.

MELUGIN: China.

UNIDENTIFIED MALE: Yes, yes.

MELUGIN: China, China.

UNIDENTIFIED FEMALE: China.

MELUGIN: China.

UNIDENTIFIED FEMALE: China.

MELUGIN: China.

UNIDENTIFIED FEMALE: Yes.

MELUGIN: China.

UNIDENTIFIED FEMALE: Yes.

MELUGIN: China.

UNIDENTIFIED FEMALE: Georgia.

MELUGIN: Georgia.

UNIDENTIFIED FEMALE: China.

MELUGIN: China.

UNIDENTIFIED FEMALE: China.

(END VIDEO CLIP)

MELUGIN: And Martha, we have had 452 Chinese nationals crossed here in San Diego Sector in just the last three days. Just to put that in perspective, in all the fiscal year 2021, there were 450. We'll send it back to you.

MACCALLUM: Bill, thank you very much.

Coming up, Republican presidential candidate Nikki Haley delivered a major address today, saying that she has no intention of giving in to the pressure to get out. She joins me live, next.

(BEGIN VIDEO CLIP)

NIKKI HALEY (R), PRESIDENTIAL CANDIDATE: That's why I refuse to quit. South Carolina will vote on Saturday. But on Sunday, I'll still be running for president. I'm not going anywhere.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: We are now four days away from the South Carolina primary. Former governor and U.N. ambassador, Nikki Haley, trailing former President Trump in her home state by about 30 points, depending on which polls you look at that is the poll from Suffolk. That's the new one. Suffolk USA Today that just came out.

Haley made a big speech today at noon. She says she is not dropping out no matter what happens in South Carolina on Saturday.

(BEGIN VIDEO CLIP)

HALEY: I'm campaigning every day until the last person votes. Because I believe in a better America and a brighter future for our kids. Nothing good in life comes easy. I am willing to take the cuts, the bruises, and the name calling. Because the only way you get to the blessing is by going through the pain.

(END VIDEO CLIP)

MACCALLUM: Here is former President Trump in South Carolina today ahead of his town hall with Laura Ingraham here on Fox. It was a Haley Town Hall on Sunday with John Roberts. Here is what he had to say when he landed.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Do you think Haley will run as a No Labels candidate?

UNIDENTIFIED FEMALE: Thank you, press. Thank you, press.

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: We've had enough of her.

UNIDENTIFIED FEMALE: Yes.

(END VIDEO CLIP)

MACCALLUM: She has not had enough though. She is here today. Republican presidential candidate Nikki Haley joins us now. Thank you very much, Ambassador and Governor, good to have you with us today. You heard a lot of that talk after the speech that you gave this afternoon, which was defiant. You said, you know, no matter what happens on Saturday, you are in this race and planning to stay in it.

But it raised a lot of questions from people about whether or not you would ever consider any sort of third-party race because you said you don't want it to be either of those two guys.

HALEY: Yes, my focus right now is running in a Republican primary. It always has been. I've never talked to the No Labels people. That's not anything that I've been focused on.

What I've been focused on is what we're going to do to change the course of what's happening in our country. Martha, if you look at what our kids had been through, just over the past few years, they have been through COVID. They worry about the debt that they've -- that government is in, and how that's going to affect them.

They worry about if they're going to be able to afford a home. They worry about where they are going to get a job. They are fearful of wars around the world. All they have felt is chaos and anger all around them.

We have got to do this to write the ship for them. We've got to start getting things back on track to where they don't have these stresses.

Wouldn't it be nice if we lived in a country where we could actually have dinner with our family and not have a fight? Or if we could go to work and say what we thought not worry about being demoted.

Getting rid of this division and hate is hugely important. We can be tough on the issues. We can strongly disagree on issues. But we can't do it with two candidates who literally just hate on the other side and encourage their supporters to hate on the other side. It's not normal, none of this is normal, and it should never be normal in America. And we have the chance to change that.

MACCALLUM: So, you said at the top of that, my focus right now is running in the Republican primary. And you talked a lot today about, you know, a new future for the country.

I'm just wondering, do you see, based on what's out there, you know, the Trump team says, they are going to hit 12-15 for the Republican nomination by mid-March. Who knows if they can do that. You're going to be hanging in there through Super Tuesday, and I know you hope to do well in those states.

But are you opening that door to at least considering that maybe there is another route for you?

HALEY: No, I haven't. That's not anything I've looked at. That's not anything I'm thinking about. What I can tell you is, just because the Trump team says it doesn't mean anything. You know, they said that we weren't going to make it through Iowa. And we were one percent away from second place.

They said we were 30 points down in New Hampshire, we ended up being with 43 percent of the vote. So, it doesn't matter to me what they say about South Carolina or Super Tuesday.

States -- what matters to me is what the American people are saying. And you can look at the crowds we have in South Carolina, hundreds of people wherever we go. They are tired of the chaos and the noise. They are tired of what Joe Biden is doing in terms of having an open border and not stopping the people from trying to come in.

They are tired of all this corporate social welfare that Joe Biden is giving out.

They are tired of the chaos that Trump continues to give. And the fact that all he ever talks about is himself. They are worried about their future. They are worried about their kid's future.

They want to start talking about debt and education and closing our border and preventing wars. They don't want to talk about these two men just puffing up their chest talking about how they're going to hate the other side. That's not what wins elections. And that's not what builds in America's future.

MACCALLUM: So, you know, in terms of the former president talking about himself, he did that when he raises question about what he thought about the killing of Alexey Navalny, which I know is a situation that you have watched very closely in Russia. And it's not just about the tragic death that he suffered. It's about the implications of Putin's plans for other people. There are two Americans that are being held.

Put that back up again. He said, the sudden death of Alexey Navalny has made me more and more aware of what's happening in our country. It is a slow, steady progression, with crooked, radical left politicians, and prosecutors, and judges."

What do you think about that, Governor?

HALEY: I, you -- that just makes my point. It's amazing that here is a hero who challenged Putin, lost his life because of it. This is on the heels of Trump saying that he would encourage Putin to invade any NATO countries that didn't pull their weight.

And now, the only comment he is going to make about Navalny is not hitting Putin for murdering him, not praising Navalny for fighting the corruption that was happening in Russia. But instead, he is going to compare himself to Navalny, and the victim that he is in his court cases.

That is my point. He is so distracted, he is so focused on himself, and America can't go through this. We won't survive it. He is going to spend this entire year in a courtroom.

There is a reason Biden and the Democrats so desperately want Trump to be the candidate for the Republican Party. It's because they know they can beat him. They've beat him multiple times over and over again.

We need to start saying, what does it take to win? Because we can't fix this country if we don't win? And look at any of the polls, it shows that. And that's why he is going back to exactly what he does, where he makes this all about himself. This has to start being about the American people.

MACCALLUM: Just really quickly, I know you have to go. But what would you do as president if, you know, you look at this Navalny situation, you look at Putin making some -- more advances in Ukraine. And President Biden has said, oh, well, there'll be real ramifications, if anything happens to Navalny.

If you were -- if it was President Haley, what would the consequences be for Putin of this action?

HALEY: Well, the first thing is you solidify your alliance with NATO and let Putin know that. The second thing is we should be seizing Russian assets, and giving that money to Ukraine, so that they can further fight the war and do better with that.

And then, you go when you add more countries to your alliance. Yes, we ask them to pull their own weight and do that. But the best thing we can do is continue to support Ukraine with the equipment and ammunition they need to win, because that's the best thing that puts Putin on his heels.

So, that's not what you want to do, when you go and you have Trump's saying, go ahead and invade them.

It's been a 75-year success story that we've had with NATO.

MACCALLUM: Yes.

HALEY: Putin has been intimidated by that alliance. China has been intimidated by that alliance. And Trump just put us all in danger by going and exposing that.

MACCALLUM: Well, that -- it's an area where you're -- you a sharp contrast. So, we'll look forward to seeing what voters -- what's on their minds, how they vote. We'll be covering all of it, live coverage all day Saturday of the South Carolina primary. Former governor, former ambassador Nikki Haley, and current candidate for the Republican Party nomination, thank you for being here today. Good to see you, as always.

HALEY: Thanks. Go to nikkihaley.com and join us.

ACOSTA: So former President Trump expected to pay a staggering price to appeal his fraud ruling. He has to pay the whole thing up front before he can possibly get to the appeal process. It's an extraordinary situation.

Mr. Wonderful Kevin O'Leary says this decision makes him no longer want to do any business in New York, and he says he won't be alone on that. We'll speak with him and Jonathan Turley, who wrote a compelling piece on this today coming up next.

(COMMERCIAL BREAK)

MACCALLUM: So the former president has to pay at least part of the penalty of his civil fraud trial, even though his lawyers say that they plan to appeal this enormous total, including interest that they slapped on top of it, which would total close to half a billion dollars in settlement here in these charges. So the former president insists that he did nothing wrong. It's not a settlement, it's a penalty that was accrued by this judge.

So constitutional attorney Jonathan Turley is standing by along with Kevin O'Leary from Shark Tank, who has been very outspoken on this issue. He says he will never invest in "the loser state of New York" after this ruling. But first to Fox Business correspondent Kelly O'Grady live outside the eponymous Trump Tower. Hope I said that -- did I say that word right? Hi, Kelly.

KELLY O'GRADY, FOX BUSINESS CORRESPONDENT: Hey there, Martha. So, yes. Listen, you're looking at potential fallout on two fronts. You've got Trump's New York portfolio but you've also got the New York business community at large. You mentioned he's facing up to a $450 million fine if you include interest. One possible way to pay that would be selling some assets, like the one you see behind me, Trump Tower, worth roughly 300 million, maybe some of his New York-based golf courses.

Now, in a non-appeal scenario, should the former president not come up with the money, the state could seize his properties. Now, yesterday on your show, his legal team confirmed they will appeal, but they will still have to put up that amount within 30 days of Friday's ruling. The cash either goes into an escrow account or he could post a bond, which would allow him to use a mix of cash and his assets.

If he can put up the funds, legal experts tell me there are arguments for an appeal here. There were no victims in the case, and case law indicates the statute does require victim testimony, which there was none during the trial. Now, that exact fact has New York businesses jittery. The question being, could real estate developers be next, other ones, other industries? Some even echoing former president's assertions, the verdict was political.

(BEGIN VIDEO CLIP)

JORDAN BELFORT, THE REAL WOLF OF WALL STREET: If you're on the right and you want to be vocal about it, you really should be very careful before you invest in New York State. I think that keeps ratcheting up. If you want to be on the right and vocal about it, then you really should not invest. And if you want to run for office on the right, then get out and never look back. This is weaponizing justice.

(END VIDEO CLIP)

O'GRADY: Now, Martha, the judge has reserved the right to put dissolving Trump's businesses back on the table pending the findings of a court appointed monitor. By the way, that's called a corporate death penalty, that also has New York businesses concerned. I'll send it back to you.

MACCALLUM: That sounds like the aim. Kelly, thank you very much. So with that, we bring in constitutional law attorney Jonathan Turley, GWU law professor and Fox News contributor. Jonathan, great to have you with us today. Welcome to you.

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Thank you.

MACCALLUM: So I spoke yesterday with Alina Habba, Trump's attorney, on this case, and asked her is he going to pay all this money, what's the plan? And here's what she said.

HABBA: Within 30 days, even if we choose to appeal this, which we will, we have to post the bond, which is the full amount, and some, and we will be prepared to do that. So she says they are prepared to do that. It's a lot of money, a lot of people speculating about which properties he might part with in order to meet that. What do you think?

TURLEY: Well, this is another aspect of the case that has troubled a lot of people. For many of us, it looks like you're trying to appeal a court order to take your home, but you have to sell your home to appeal the order. And I don't think that Trump is going to have to liquidate assets, particularly if he goes on the bond route. But the key about the bond is you lose part of that money. So it would cost him a great deal of money even if he were to win. By making this judgment so large, the judge makes it difficult to appeal his decision, and it guarantees that Trump will lose considerable money even if he wins.

Now, Trump could ask the court to waive the requirement of a bond, but most people don't think that this judge is going to be very receptive to that.

MACCALLUM: But why not go down that road anyway, especially given how much backlash there is? Should they do that? Would that be your advice?

TURLEY: Yes. I would actually ask both the trial court and the appellate court to allow waiver of this deposit because of the enormity of this fine, or at least to reduce it. I mean, this really gets into a point where it's coercive for parties, where it becomes confiscatory. You actually have to engage in a fire sale at distressed prices in order to cover the deposit just to get someone to look at the judgment of one judge.

MACCALLUM: It's extraordinary. And nobody has ever paid a fine anywhere near this in using this law in New York, right, Jonathan?

TURLEY: That's right. And this law is itself a bit of an outlier because it doesn't necessarily require a victim. And the banks that testified said we didn't lose money and we wanted more business from Trump.

MACCALLUM: Yes. Well, it seems pretty clear what the motivation is here. They're trying to kill him one way or the other, and his business clearly in this instance. Jonathan, thank you very much for being here.

TURLEY: Thank you.

MACCALLUM: So joining me now, Kevin O'Leary, chairman of O'Leary Ventures and a "Shark Tank" star and investor. He says he will never invest in New York now calls, it a loser state. Kevin, great to have you with us. Thank you very much for joining us today.

I want to start with just a quick look at this from the view. Here's what Sunny Hustin had to say about the punishment value against the former president that she thinks is embraceable in this. Watch.

(BEGIN VIDEO CLIP)

SUNNY HUSTIN, THE VIEW CO-HOST: He had his name over every single building here in New York, and now he looks like one big huge loser. And he doesn't -- and people now will know that he doesn't have the money, that he doesn't have business acumen, that he's not a great business person. And I got to tell you, that's what hurts.

(END VIDEO CLIP)

MACCALLUM: That's what hurts, Kevin. And that seems to be the goal here. What do you say?

KEVIN O'LEARY, CHAIRMAN, O'LEARY VENTURES: I listened to the governor of New York's words in the last 48 hours to try and quell the concerns of investors like me. What she basically said was, it's OK to do business in New York as long as you're not Donald Trump and you behave properly. Now, I don't even know what that means but I'm asking myself, why take the risk? Who's next? Is what everybody's asking.

OK, I understand what happened here. I don't agree with the size of the penalty and I think, on a bipartisan basis, most people don't. They think it's quite unfair given that there was actually no victim and no monetary losses. And in fact, it's just detailed. The victim actually testified for the defense on behalf of Trump, saying, we don't think anything's wrong here. And by the way, this practice is done by every developer in every city.

But think about the problem I've got. I don't have to invest in New York, but I do have to invest. And right now, the fastest growth of capital in development is in data centers. They're expensive and they require power, they require fiber, and they require policy, and they need stability because you're going to invest about $3.6 billion over 22 years. And there's a real demand for data centers because of AI.

Now, New York has Niagara Falls, and that's behind the power, sub five cents a kilowatt hour. That's very interesting. But so does Oklahoma, North Dakota and West Virginia. So where do I go? Why would I even take a 1% risk with what's going on in New York? Why don't I just go to where the governors in the case of Staad or Burgum or justice are pro-business. They actually ran businesses. They don't do this to companies.

MACCALLUM: Yes, such a good point.

KEVIN O'LEARY: And they don't do this to companies and they know the damage is going to happen. So that's why I said there are winner states and loser states. And right now, and I used to think California was the number one loser state, top of the charts, pick of the pops. It's New York, number one loser state in America.

MACCALLUM: Yes. You know, when you walk up and down the streets in New York and it has come back, I think, you know, fairly well since COVID. But there's a lot of danger on the streets, there's a lot of reasons for people not to want to come here. And they should be enticing companies, giving them tax breaks to open businesses in New York. They're doing exactly the opposite.

Look at what happened at Gucci the other day. Watch this. This is in the middle of the afternoon on a bright, sunny day. Watch what happens.

There's no audio on this, but basically watch this. This guy's like, OK, I'm in. I'm in the door. He starts, you know, taking roller suitcases. The other guy's grabbing purses off. This is the middle of the day.

And the crazy thing is, Kevin, that when they get out on the street with this basic huge burlap bag full of Gucci stuff, people barely even bat an eyelash. One guy turns around and goes, that looks a little weird. What's going on over there?

O'LEARY: It's bad policy. That's the problem. It's bad policy and defunding the police and all of that. Remember, AOC chased out 10,000 jobs that Amazon wanted to bring.

MACCALLUM: That's right.

O'LEARY: I love the people of New York, and I think it's a great state. I just can't take the risk of doing business there.

MACCALLUM: Yes. No, they need a more business friendly environment, and it would be good for the city, good for everybody, good for jobs, all of it. But you have to entice businesses, not repel them. And you're clearly repelled by this recent action. Kevin, thank you. It's great to see you.

O'LEARY: Take care.

MACCALLUM: Kevin O'Leary, thanks for coming today. All right.

So this other story out of Russia. This American ballerina was just arrested, handcuffed for treason in Russia. The crime she reportedly gave $50 to support Ukraine's war against Putin. Dan Hoffman on her. What's going to happen to this ballerina? She's in custody in Russia now. She's an American. Dan Hoffman comes next.

(BEGIN VIDEO CLIP)

JOHN KIRBY, NSC COORDINATOR FOR STRATEGIC COMMUNICATIONS: So if you're a US citizen, including a dual national, residing in or traveling in Russia, you ought to leave right now if you can. Just depart immediately.

(BEGIN VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: An American ballerina is reportedly detained for high treason in Russia. Her alleged crime, donating $50 to the Ukrainian military. Russian state media shows the 33-year-old being hauled away in handcuffs on the left hand side of your screen. There she is behind bars. She could face 20 years in a Russian prison if she's convicted. The White House says that they're working to figure out what happened to the dual citizen, and they warn any Americans living in Russia to leave right now. That from John Kirby this afternoon.

Let's bring in former CIA station chief in Moscow, Dan Hoffman, a Fox News contributor. Dan, great to have you with us. What are we seeing here? Is this an escalation of taking Americans by Putin and his people?

DAN HOFFMAN, FOX NEWS CONTRIBUTOR: It is. And timing matters for Vladimir Putin. He's moving his pieces on the KG league chessboard. We've got Russian presidential elections coming up March 15th, and it suits Vladimir Putin to make it appear as if he is the defender of Russia, the besieged fortress. And so, he's looking for opportunities to poke at the United States. That's why the Moscow court denied Evan Gershkovich an appeal for the detention to which he's been subjected now for months unlawfully.

So this is what Vladimir Putin is doing. It's unsafe for any Americans to be in Russia. There's no rule of law there. It's all at the whim of the Kremlin to suit Vladimir Putin's geopolitical strategy as warped as that might be.

MACCALLUM: Yes. It's incredible that he has such leeway to handle Americans in this way. And the only thing that we can say, as you say, just for people, well, you better get out. Time to get out of Russia. So that was the message from John Kirby.

We know that Navalny, Alexei Navalny's family very much wants his body back. They are using time on their side to probably, if history is prologue here, try to make sure that there's no traces of chemicals or poisons in his body and to cover up what happened to him. His mother was speaking out, saying that she demands that his body be handed over immediately so she can bury him humanely.

Here's what Vladimir Putin said the last time that Navalny was poisoned about culpability from him or the Kremlin. Watch.

(BEGIN VIDEO CLIP)

VLADIMIR PUTIN, RUSSIAN PRESIDENT: Then intelligence definitely has to watch over him, but it doesn't mean he's poisoned. Who needs that? If we need to, we would have finished him off.

(END VIDEO CLIP)

MACCALLUM: So maybe this time they did. Dan?

HOFFMAN: Yes. The first time when they used to ban chemical nerve agent, Novichok, on Navalny, certainly the Russian security services could have killed Navalny with a hammer to his head. But they wanted to leave some breadcrumbs back to the Kremlin deliberately so. It's not so plausibly deniable, but Putin does this because it's a message to his own security services. Don't betray me or else you'll suffer the same consequences. And what he's doing right now, refusing to provide Navalny's family with Navalny's body, that's just psychological torture.

It's not enough for Vladimir Putin to stab his political enemy in the heart. He's got to twist it and leave it there, and make the family suffer. That's just the way Vladimir Putin is, the KGB operative in the Kremlin.

MACCALLUM: Dan, thank you. We hope for some resolution on this for the Navalny family, for Yulia, his wife, and his mother who wants her son's body back. We hope that they get some resolution on that. Dan, thank you. Always good to have you with us.

HOFFMAN: All right. You, too.

MACCALLUM: So live report from Israel on US efforts to halt fighting in Gaza and to bring hostages held by Hamas home. The latest developments on that next.

(COMMERCIAL BREAK)

MACCALLUM: So the United States has now vetoed a proposed United Nations' resolution calling for an immediate humanitarian ceasefire in Gaza. The United States pushing its own resolution, saying it would pressure Hamas to take the deal to the table right now to free the hostages and to get aid to Palestinian civilians.

Let's go live to Tel Aviv and our correspondent on the ground, Trey Yingst. Trey?

TREY YINGST, FOX NEWS CORRESPONDENT: Martha, good afternoon. The UN Security Council voted today on a resolution calling for a ceasefire in Gaza, though it was vetoed by the United States. We understand the proposal initially put forward by Algeria also demanded that both sides adhere to international law and that the hostages taken on October 7 be released.

Now, US Ambassador Linda Thomas Greenfield explained the plan wouldn't actually achieve those outcomes and could put some sensitive negotiations in jeopardy.

(BEGIN VIDEO CLIP)

LINDA THOMAS-GREENFIELD, US AMBASSADOR TO THE UN: Let us commit to doing this the right way, and at the right time so that we can create the right conditions for a safer, more peaceful future.

(END VIDEO CLIP)

YINGST: The Biden administration does have a draft resolution of its own that would reportedly call for a temporary ceasefire in Gaza as soon as "practicable." This does mark a shift in the language being used by Washington. Still it runs contrary to requests for an immediate ceasefire. Now, the key discussion at the UN does come ahead of a looming Israeli offensive into Gaza's southernmost city of Rafah, where more than 1 million Palestinians are sheltering.

Efforts to find a solution to the ongoing war between Israel and Hamas do run parallel to continued attacks by Iran-backed groups in both Lebanon and Yemen. Houthi rebels damaged another cargo ship in the Red Sea on Monday, forcing the crew to evacuate. Those attacks involved two anti-ship missiles according to US Central Command.

Now, there are ongoing diplomatic efforts underway trying to find a resolution to calm tension across the Middle East. We do understand today, a Hamas delegation arrived in Cairo, Egypt to continue ceasefire talks. Martha?

MACCALLUM: Trey, quick question for you. What's the latest reaction from families in Israel who have hostages who are still being held? What do they want to see happen?

YINGST: There is growing frustration here on the grounds in Tel Aviv over the weekend. Hundreds took to the streets, blocking roads, calling on the government of Prime Minister Benjamin Netanyahu to cut a deal immediately with Egyptian and Qatari negotiators. They understand that time is running out to save those hostages. Martha?

MACCALLUM: Thank you. Thank you, Trey. Always good to see you, Trey Yingst reporting live from Tel Aviv.

And that's THE STORY for this Tuesday, February 20th. Thanks for joining us this afternoon. We look forward to seeing you back here tomorrow at 3:00 Eastern. And "YOUR WORLD" gets started right about now.

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