

# [***President Biden And Secretary Antony Blinken's Handling Of Growing Tensions In The Middle East; Interview With Sen. Tom Cotton (R-AR); There Is No Explanation For Biden's Funding Of Iran; How Donald Trump Plans To Navigate His Legal Challenges***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B58-XGF1-F072-X000-00000-00&context=1516831)

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**Body**

KAYLEIGH MCENANY, FOX NEWS CHANNEL HOST: Watch party from the Goat Bar and Grill in Manchester, New Hampshire. It will be streaming live on Fox Nation beginning at 8:00 PM Eastern Time. That's all the time we have.

MOLLY LINE, FOX NEWS CHANNEL CORRESPONDENT: That does it for us. We'll see you next weekend.

LIFE LIBERTY & LEVIN starting right now.

MARK LEVIN, FOX NEWS CHANNEL HOST: Hello, America.

I'm Mark Levin and this is LIFE LIBERTY & LEVIN. Two great guests on this Sunday. Senator Tom Cotton and Brett Tolman, former US attorney for Utah.

But before we get to them, you can see the war in the Middle East is widening. Its widening not because of Israel, but because of Joe Biden and Antony Blinken. Appeasement, equivocation is a provocation for our enemies, not that they need one. But you can see how they conduct themselves very differently under the Biden regime than they did when Donald Trump was president.

It has consequences for us. We have men and women in the theater. They're being shot at, they are exposed, and this administration has gone weak- kneed. It will not attack Iran directly, and of course, it has the voices of isolationism and Islamism in our own country urging them not to.

But that puts our troops at great risk. Iran is on the precipice of having nuclear weapons. Can you imagine what it will do with that? Iran has essentially conquered Lebanon, Yemen. Iran is conquering Iraq. Iran owns Hamas, lock, stock, and barrel. Iran has created Hezbollah and what is our administration doing? They're funding them all. They're funding terrorism and they're funding Iran.

In addition to that, they're making these public relations moves to make you think that they're doing something like the Houthis. The Houthis were on the American terrorism list under Donald Trump. Within 48 hours of becoming president, Biden removed them as he removed the sanctions against Iran and billions poured into re-arm Iran.

The fact is also when it comes to the Houthis what they did last week was nothing. It had so many exceptions to putting the Houthis back on the terrorism list that the Houthis in Iran see it again as absolute a hundred percent appeasement weakness. The only strength anybody sees is the attack by the administration, by Blinken working the Arabs, working the Europeans, working the international community against the Israelis. It is really a shocking thing that we are watching right now.

And so I want to remind you of what Robert Gates, former Secretary of Defense and National Security adviser in a Bush administration. He was asked on "60 Minutes," you wrote in your book that Joe Biden, "He's been wrong on nearly every major foreign policy on National Security issue over the past four decades." And Robert Gates was asked and he said, look, "I think he's got a lot wrong," pointing out Biden's opposition to "every one of Ronald Reagan's military programs to contest the Soviet Union."

So when he was his Senator on the Foreign Relations Committee, when Ronald Reagan was trying to build up the military, trying to take on the Soviets not so much militarily, but economically but to muscle up our military, to confront them all over the world in our hemisphere, in North Africa, and of course, in parts of Europe, Biden was opposed, every step of the way.

Biden is a disaster, a disaster.

And it's not just Biden. Antony Blinken was Biden's staffer through all of this on the Senate Foreign Relations Committee. He was director of that committee when Biden was chairman. And John McCain, as I've pointed out, before he went to the Senate floor in 2014 and he did something that he never did before, it was extraordinary because he and Biden were pretty close.

Barack Obama nominated Blinken to be deputy secretary of State, obviously on the recommendation of his vice president, Joe Biden, and he rose on the floor of the Senate and McCain said, I rise to discuss my opposition --

(BEGIN VIDEO CLIP)

JOHN MCCAIN, FORMER US SENATOR: . my opposition to the pending vote concerning Mr. Antony "Tony" Blinken, who is not only unqualified, but in fact, in my view, one of the worst selections that -- of a very bad lot that this president has chosen.

(END VIDEO CLIP)

LEVIN: McCain noted that it was not very often that he openly opposed a presidential nominee on the Senate floor as he believed elections have consequences, but he warned that ". Blinken was a danger to the nation and its servicemembers," and that's a quote.

He said: "In this case, this individual has actually been dangerous to America and to the young men and women who are fighting and serving it." These are the two men right now who are destroying our foreign policy, who are destroying our security, and if they have their way will destroy the entire state of Israel and they are leaking like hell. Sometimes they're on the record, sometimes they're off the record, to try and destroy the sitting government, the elected government in Israel, focused specifically on the Prime Minister Benjamin Netanyahu and this is a constant now.

You see it in all the American media and the American media obviously are stenographers for this. But you see it in the Israeli media, too. The Israeli media is just as left wing as the media in the United States, but they don't have other independent media outlets, it is not enough anyway, as we do here in the United States.

Here is NBC News from last week -- Andrea Mitchell.

Andrea Mitchell is a mouthpiece for Joe Biden who she has known for decades. When he was a senator in Delaware and she was a cub reporter in Philadelphia right on the border. How do I know? Because I live there.

And she writes: "Secretary of State Antony Blinken dialed up pressure on Benjamin Netanyahu last Wednesday of the future the Gaza Strip, laying bare the Biden administration's growing frustrations with Israeli prime minister's rejection of a proposal last week." What was it? Ceasefire aka surrender, help rebuild Gaza, make sure the Palestinians control Gaza, have a second country for the Palestinians in Judea and Samaria, surrender your own ancestral homeland. That's suicide.

"Blinken's comments made during an interview with 'New York Times' columnist, Thomas Friedman." Thomas Friedman is really a very stupid man in my view, but he is handed out you know, Pulitzer Prizes left and right, which proves he's a very stupid man.

His columns are very poorly written. Many people have criticized him for that, but he is pushing hard to destroy Netanyahu, Likud, the religious elements in Israel. And he's got this idea, as does Blinken, as does Biden as did Malley, by building up Iran, by building up the Palestinians, by building up the Arab and Muslim countries, if you can believe this -- tiny little Israel, by demilitarizing it, by regionalizing the whole situation, by assimilating their cultures, peace will break out -- insanity.

And what if they're wrong? What happens to Israel? Israel is obliterated, as are the Jews, and of course they are wrong.

There is more: "Senior US official said that Blinken deliberately began last week's trip to the Middle East, his fourth since the war began, visiting the Arab nations rather than Israel in order to bring Netanyahu a unified Arab postwar proposal."

So Blinken is a special pleader for the Arab countries, the Palestinians and against Israel. Good lip service on Israel, but you can see how they are playing it both ways.

Here is another one: In Jerusalem, so Blinken, our Secretary of Defense and others are now meeting independently with members of Netanyahu's Cabinet to undermine him. They're meeting independently with opposition party leaders like Lapid, left-wingers, also very stupid people.

They are literally trying to force and overthrow or coup the existing government in Israel, actively, openly by organizing the Arabs against them, by organizing opposition parties against them, by going to Cabinet members independently. Have you ever seen anything like this before?

Biden and Blinken would never do this to another country, but they do it to this Jewish country because they feel, what are they going to do about it?

Biden is kissing Xi's butt. But look at what he does to Netanyahu? He's a chip off of Obama's block. And here within Israel, it is working, or at least that's the attempt according to "The Jerusalem Post," which used to be a fairly legitimate paper, not so much anymore.

"While the Likud's ministers and Knesset members are projecting a united front and supportive party leader, Prime Minister Netanyahu, a growing number of them believe that his days at the party's helm are numbered. Sources in the party said to 'The Jerusalem Post.' In addition to the catastrophic events of October 7 and a growing sense amongst the party's base, that the prime minister will not deliver on his promise to destroy Hamas and return all hostages. Their members have noted the party's poor performance in most recent polls."

You have the media in Israel, the media in the United States, Biden, Blinken, the executive branch, the Democrats from Congress led by Bernie Sanders who put out a resolution that was defeated, that Israel is violating human rights and if they don't stop it, we should cut off their funds.

So all of these antisemitic, anti-Israel utopian type ideas are being put on Israel as it is trying to defend itself and save itself and Biden has no more interest in Israel defending its own sovereignty and borders than he does in the United States with our own sovereignty and our border.

He is a failed, miserable politician holding on by his fingertips with the destruction he has unleashed in our own country and he has unleashed in Ukraine with the Russians, he's unleashed against Israel with the Palestinians, and on and on and on.

So I want to remind the members of the Likud Party, I want to remind the members of the opposition party, I want to remind the media in Israel, our Israeli friends have something and I think you'll find this interesting to the Second Temple in Israel and its destruction.

You know, there was the First Temple, that's why we had a Second Temple and that was destroyed by the Babylonians. So on the place where that temple was destroyed, over time, a Second Temple was built.

And what happened was, with -- I don't have enough time to get into all the details -- was that the Romans, of course, were trying to conquer the Jews, they considered them a problem. They had been ransacking the wealth that the Jews had accumulated. There had been sort of little attacks against the temple and other individuals. The Jewish populations on the coast were under attack, and here you have the Second Temple.

Now, the First Temple, as pointed out by chabad.org, was destroyed due to idol worship, illicit relationships, and murder. As sages attribute the destruction of the Second Temple -- this is the key -- to the baseless hatred that prevailed among the Jews. If the Jews had been united, they would have merited God's protection, says chabad.org. They would have withstood the Romans. It was the factionalism among Jews that ultimately brought about the destruction of the Second Temple.

What you had behind those walls were Jewish factions, with different views, different ***politics***, different approaches to their faith. They were killing each other. They were brutalizing each other. They were fighting each other behind the wall while the Romans laid siege to the city.

And by the time they united, it was too late. It was too late.

The temple was destroyed. The Jews were slaughtered. Jews in other places were slaughtered, too. And you know the rest of the story.

That is a lesson to the Israelis today. Do not allow -- do not allow your political hate for each other, do not allow Biden and Blinken, do not allow your press or our press, do not allow a united front of Arab countries put together by Blinken and others to destroy you.

Certainly, don't destroy yourselves from within while the enemies lurk and organize an attack from without where you lose your country and the Jews will be obliterated, and that is why the enemies of Israel are trying to take out Netanyahu and his government and why the extraordinarily foolish Cabinet members in his party to join in, or just like the Second Temple, they could be responsible for the dire consequences.

I'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

You know when I want to hear some sanity when it comes to so many things, but especially foreign policy, I go to a war veteran, a very accomplished man. I go to Senator Tom Cotton of Arkansas.

Senator Cotton, you sit on the Armed Services Committee, the Intelligence Committee, and the Judiciary Committee, but I want to circle back to the Armed Services Committee, your knowledge there in the Intelligence Committee.

Can you explain to the American people please why this administration is still funding Iran, still funding Hamas through UNRWA, still funding the PLO directly while putting its foot on the throat of Israel to try and force it to surrender and then surrender upwards of 30 percent of its country to its enemy?

SEN. TOM COTTON (R-AR): Well, Mark, I think from a normal American's perspective, no, you can't explain that. So I think you have to step back and look at the Democratic Party's worldview driven in part during the Obama presidency.

Barack Obama believes deeply that America is the reason for the four decades of tensions between Iran and the United States. He believes that we overthrew a democratically elected government in 1953 in Iran, nothing could be further from the truth.

He believes that presidents before him consistently believed the worst about Iran and put undue pressure on them that if we would just extend as he said, an open hand, they would respond. And what did they get? They got a clenched fist throughout the Obama presidency, you got the Iran nuclear deal, which didn't block their path to a bomb, but as Prime Minister Netanyahu said, paved their path to a bomb, and they got billions of dollars of payoffs.

Now, that turned the Iran issue in part into a partisan issue because Democrats view that nuclear deal is like the Holy Grail that's been handed down by President Obama, and that is why Joe Biden went right back to it on the first days in office, after President Trump had mounted a very successful pressure campaign against Iran and against its proxies to include killing its terrorist mastermind Qasem Soleimani. And unfortunately, it continues to this day.

There is really, as far as I can tell, not a single bit of difference between our current Iran policy and what it was on October 6th, even as you have Iran's terrorist proxies in Iraq, and Syria, and Yemen, shooting hundreds of missiles and rockets and one-way attack drones at American citizens and servicemembers. They have not recalibrated at all because they are so deeply invested in the worldview that America is to blame for the tension going back four decades between Iran and the United States.

That's what's emboldened Iran and emboldened all of these proxies to continue to up the pressure on us as opposed to what we should be doing, which is putting the pressure both militarily and through other means on Iran and its proxies.

LEVIN: He said also, at least one of the reasons why they treat Israel the way they treat Israel that Israel is the reason that the Palestinians are in the situation they're in, as opposed to the PLO, which enriched itself and kept so many Palestinians in a so-called refugee camp, took their money, used it for terrorism and to enrich themselves. And then of course, the Islamists, whether it's Islamic Jihad or Hamas, all under the Muslim Brotherhood umbrella, but their leaders are billionaires.

And of course, they're pushing not a two-state solution, but a final solution of Israel, that Israel is the problem and causing all of these problems in the Middle East. Is that their mentality, you think?

COTTON: I think that's part of the reason, Mark. Again, the Democrats have projected American partisan ***politics*** onto the region.

So if you were opposed to Barack Obama's nuclear deal with Iran in 2015 then you are by definition wearing a red jersey. You are aligned with the Republican Party, and who was doing that more than anyone else? Prime Minister Netanyahu because he knew that that nuclear deal would lead to a nuclear armed Iran, which is an existential threat to the Jewish people.

But not just Israel, it is also Arab leaders like Mohammed bin Zayed in the United Arab Emirates, or Mohammad bin Salman in Saudi Arabia who opposed it. What did Joe Biden say about Mohammed bin Salman? That he was going to make him a pariah. Again, they have imposed partisan ***politics*** on the Middle East.

But I think it goes deeper than just partisan ***politics***, it also goes into their philosophical worldview here in America. Again, in this diversity, equity and inclusion, DEI worldview, they are always aligning what they consider to be the oppressed or the victimized or the minorities, and they bizarrely superimpose that on the Middle East, and specifically on Hamas and Palestinian terrorism and they view Israel as colonizers and oppressors, and Hamas as victims, not the Jewish victims of Hamas who were tortured and mutilated and burned alive on October 7th.

So it's a combination of both the Democratic Party partisan views, but also their deeper philosophical views that they projected onto the Middle East, and specifically on to Israel. That's one reason why the Democratic Party up to and including Joe Biden has such deeply held antagonistic feelings towards Prime Minister Netanyahu and have for a very long time.

LEVIN: So my question to you is this: Have you ever seen an administration like this, perhaps other than Obama, that is literally trying to undo the elected government of another country? They would never do this to any other country, but Israel, and I mean, they are actively seeking to destroy his coalition. They're leaking to the press, a rogue operation out of the White House and under the State Department like this with no real congressional oversight or input. Is this not rather shocking to you?

COTTON: It is shocking. Unfortunately, it's not the first time the Democrats have done this to Israel, and specifically to Prime Minister Netanyahu. Bill Clinton did it in the 1990s. Barack Obama worked overtime to try to beat Prime Minister Netanyahu in 2015, but it is just more overt and explicit now.

I mean, the president and his senior aides and the administration have no scruples whatsoever from running off to "The New York Times" or "The Washington Post" and saying anonymously, that they think Benjamin Netanyahu is the problem. He is the obstacle to peace and stability in the Middle East.

If they could just bring down his government and elevate a center left leader who'd be more aligned with our State Department, somehow that peace would break out in the world and have all of these moderate sensible Palestinian leaders come forward as well. It's all insane.

Again, the problem in the Middle East, the threat to peace and stability is not Israel, it is not Benjamin Netanyahu, it's Iran and their terrorist proxies, like Hamas. And until this -- until our government respects the wishes of the people of Israel, and the government that they elected a little over a year ago, it's going to be very hard to find a path forward after Israel succeeds in Gaza and destroying Hamas.

LEVIN: When we come back, Senator Cotton, I want to ask you, they keep pushing this two-state solution. What would this other state look like exactly? What powers would it have? How would it be kept off a terrorist list?

That is, how will we prevent it from becoming a terrorist? We keep talking about this in a superficial way, like we're in some think tank or something. But in reality, in practical terms, on the ground, what would this look like?

We'll be right back.

(COMMERCIAL BREAK)

JON SCOTT, FOX NEWS CHANNEL ANCHOR: Welcome to "Fox News Live." I'm Jon Scott in New York.

The Republican presidential race is now a two-person contest between former President Trump and Nikki Haley. This, after Florida Governor Ron DeSantis suspended his campaign earlier today.

He broke the news in a video posted on social media. In it, he thanked his supporters and endorsed Donald Trump.

Meantime, both Trump and Haley spent the weekend making their closing arguments to New Hampshire voters ahead of Tuesday's primary. New polling shows Trump leads Haley in the state by 15 to 20 points.

Millions of Americans coast-to-coast are gearing up for a dramatic shift in weather this week. A warming trend will take over much of the country thawing out this weekend's frigid temperatures. The weather in some places is going to be more March-like than January, but with the warmth also comes the risk of ice, heavy rain, and flooding for a number of states.

I'm Jon Scott. Now back to LIFE, LIBERTY & LEVIN.

LEVIN: Welcome back, America.

Senator Tom Cotton, really a two-part question. Number one, how does an administration conduct a foreign policy, which I would call a rogue foreign policy without inviting the other elected branch of government to participate? We're not talking about commander-in-chief responsibilities here, we're talking about responsibilities that should involve other elected branches of government.

I mean, that's why we even have the Treaty Clause in there, and I don't know what they're doing. We all really don't know what they're doing except that they allow it to be leaked. We don't know about their envoy, Malley, who used to be there. Why they didn't yank his ticket? It's all being done pretty much in secret, that's number one.

And number two, this new state they want to create, why would it be any different than a Syria or an Iran? Or what's happened in Iraq now? Or Yemen? Why are they so cocksure that they'll be creating a Jeffersonian democracy among people who are surveyed over and over again saying they would vote for Hamas and obliterate the Jews?

COTTON: Look, on your first question, I can tell you plenty of Democrats in the Senate are asking the exact same questions that you and I are. They really don't know what Joe Biden and Tony Blinken and Jake Sullivan think they're up to, because they see what's happened over the last three years, the world is going up in flames.

You have the collapse in Afghanistan, which humiliated America. It emboldened and encouraged Vladimir Putin to go for the jugular in Ukraine. Iran is running wild throughout the Middle East and China is becoming more and more aggressive towards Taiwan.

And time and time again, Joe Biden turns the other cheek. He appeases, he conciliates, and all that does is embolden aggressors. Just look at what's happened in the Middle East in the last week. We finally, finally struck back at a band of terrorist outlaws in Yemen who have been shooting at merchant ships and even US Navy vessels in the Red Sea. Yet, it didn't deter them at all. They're not scared of Joe Biden.

Again, a bunch of goat herders in Yemen who just miraculously somehow got anti-ship ballistic missiles and coastal defense radars, all of which technological knowhow came from Iran. Yet, Joe Biden won't use the kind of decisive force that Donald Trump used in January of 2020 to kill Iran's terrorist mastermind, or that Ronald Reagan used against Iran itself in 1988, when he sank half their Navy for mining the Persian Gulf.

So many Democrats, like almost all Americans can't figure out what in the world Joe Biden thinks he is doing when it comes to the world. It just reminds me of what Secretary of Defense Bob Gates once said, that Joe Biden has been wrong in nearly every major foreign policy and national security issue in 40 years, that was 10 years ago now, so I guess, you could update it to 50 years.

Which brings us to the second question, this obsession with a two-state solution. Again, what would a Palestinian state look like? We don't have to speculate, the people of Gaza elected Hamas to represent them. Hamas has been the functional equivalent of a government in Gaza for 17 years now, and what does Gaza look like? An armed terrorists camp.

They took all of that money and all of that building material that could have gone towards apartment buildings and hospitals and schools, and they use it to build hundreds of miles of tunnels underneath Gaza to protect themselves from retaliation when they launched the kind of brutal attack they did in October 7th.

Imagine if it wasn't though, a quasi-state in Gaza and Judea and Samaria, but an actual state with a military, with an airport, and seaports where they could bring in more arms to use against Israel. And remember, too, the Palestinians in Gaza and Judea and Samaria who are attacking Jews, they don't really want a two-state solution either. They want a one-state solution.

They want to eliminate Israel from the map, and it is extremely foolish and dangerous for Joe Biden and Tony Blinken in the middle of a shooting war against these outlaw terrorists in Gaza to continue to push for this fantasy of a two-state solution with some mythical moderate Palestinian leadership that has not existed and is not likely to exist anytime soon.

LEVIN: Excellent point.

And when Blinken goes to the Middle East, and he's meeting with Palestinians, he's meeting with Abbas, who was a terrorist, who was behind the 1972 Munich attack on the Jews. He funded it.

But I noticed he never meets with the equivalent of a Martin Luther King, or Gandhi, or Nelson Mandela. Who is this great Palestinian leader who wants peace, who's a moderate, where is he? Who is he? He doesn't exist.

And you look at these surveys, and you see these votes, and the people have been acculturated to this antisemitic viewpoint, and the idea that you're just going to create boundaries and drop people with that background and culture into the boundary, what would stop them from turning into another Iran? What would stop them from turning into another Syria? What would stop them from being a satellite of Iran? Or China? Or North Korea? What would stop them, Senator?

COTTON: Mark, almost nothing would stop them. And that's again, what Gaza in effect has become over 17 years. Remember, there is no occupation in Gaza. There are no Israeli forces or Israeli settlements inside of Gaza before October 7th. The people there were effectively self-governing.

And look what Hamas did as the de facto government in Gaza? It would be so much worse if they had an actual state with the actual mechanisms that a state uses such as the power to tax so they can raise revenue to buy arms to kill more Israelis. Again, they don't want a two-state solution, they want a one-state solution.

I understand that many people in Washington and Europe want a peace process, but too many Palestinians don't want peace. They want victory and their definition of victory is driving the Jews into the sea.

LEVIN: And we know this is what they believe because they tell us this is what they believe. They tell us how they would vote and they tell us what would come.

I want to thank you, Senator Cotton very, very much. God bless you, my friend.

COTTON: Thank you, Mark.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

As we shift to this election interference and this lawfare and all the rest, we are here with a good friend, a great former prosecutor, Brett Tolman, former US attorney for Utah, The Tolman Group founder, former federal prosecutor.

Brett Tolman, when Joe Biden goes out and gives these speeches about Donald Trump being a dictator who wants to destroy democracy, basically comparing him to Hitler and you see this in the media, you see it in his party.

I wanted to ask you this, because I don't think it's getting enough focus. Yes, it's outrageous what he's doing. But don't his federal judges hear this? Don't his prosecutors hear this? Whether a local Democrat elected DA or whether the attorney general and the Department of Justice. Isn't this as much messaging to the criminal justice system and the Democrats in it and to the poisoning of a potential jury pool in Democrats cities as it is anything else?

I mean, after all, you don't want Hitler to get elected, and he might get elected. So it's up to you people to stop him. Isn't that a logical conclusion from his behavior and his conduct when he gives these speeches?

BRETT TOLMAN, EXECUTIVE DIRECTOR, RIGHT ON CRIME: Mark, thanks for having me on.

I would say it's unprecedented to see such extensive effort by the president to send a message. It is the only message he has got to try to combat what's coming. You know, his policies have failed. His economy is terrible at this point. So what does he have? He has messaging to try to convince the judges, the citizens of this country that Donald Trump is an enemy to this country.

And I also -- I harken back, Mark, to when he first was asked about this after January 6th and Joe Biden indicated that they would use every legal means necessary to try to prevent Donald Trump from running for president again, and you can see that's what they're doing.

Merrick Garland took to the airwaves in an unprecedented statement just recently indicating that he wants Jack Smith to get a quick trial. I mean, when have you ever heard the attorney general of the United States go on national television and demand a quick trial?

LEVIN: Now let's take each one of these one by one. Let's take a look at this Georgia case, serious constitutional issues. You have a state official bringing claims against a presidential candidate under our federal Constitution, a former federal -- a former president under our federal Constitution. I don't think we've ever seen anything like this, criminal charges brought against a candidate like this who is running for president. I mean, you can only imagine what could happen in all of these districts where you have DAs of one party or the other, and then it looks like very significantly, she may be corrupt, that she had her alleged lover on the payroll, who's leading the case, the special prosecutor who's basically handled contract and divorce cases.

And then we see that he made charges to the taxpayers of Georgia and Atlanta for visits he made to the White House. Doesn't that smell lousy to you?

TOLMAN: It's so offensive to those of us who have ever served, you know, and tried to do honor by our position as a prosecutor to see what's happening. I mean, let's really just clear all of the hyperbole and all the rhetoric that's out there and what do we have? We have a sitting president who is afraid to death of who he is running against. He has utilized everything in his capacity.

We have communications between the DOJ and the White House that we now know occurred relative to the January 6th prosecution. We have Fani Willis and her special prosecutor, both ethically compromised, both are in communication with the White House and DOJ immediately upon launching their investigation.

So what you have is a systematic attempt to use their power, regardless of whether it's illegal, regardless of the facts and the law, and to use that power to set up a series of obstacles so significant, that they believe it would tear down the opposition that they fear would take their power from them.

I mean, we're watching this in real time, and we are seeing our rule of law, the law and order that we've established in this country be pulled down by individuals who care nothing about the morality of the law, the ethics of the law, and are willing to compromise anything in order to keep Donald Trump from running.

LEVIN: And Joe Biden is behind it, as you touched on there. The fact that the Department of Justice and the White House were involved with the National Archives, in order to start that criminal investigation of Donald Trump, the fact that the so-called special prosecutor in the so-called Atlanta case met with White House counsel, but we don't know what they met over, which is absolutely outrageous on top of that.

We have these intentional planted leaks in "The New York Times" where Biden is saying we don't need a ponderous judge, we need a prosecutor when it comes to the attorney general going after Donald Trump, they all look, and then you have these judges. Honestly, some of the most political left-wing judges I've ever seen: Chutkan in Washington, DC; Pan on the circuit court there. Even when they speak they sound like they're left-wing Democrats and so forth, trampling over attorney client privilege, due process, 6th Amendment, the effective counsel, trampling over immunity, post presidential. I mean, all of these constitutional issues being raised because of what they're doing, correct?

TOLMAN: In a world in which the law and the facts matter, it would be Joe Biden and it would be Hunter Biden and the Biden family that would be investigated for corruption, and it would not be someone that's running for office that they're afraid of.

LEVIN: When we come back, I want to ask you about this case involving Judge Pan. She seems to amazingly get picked on all of these crucial panels, which is supposed to be by lottery, but it just seems to happen. She was appointed by Biden. Her husband is a very active Democrat who tried to prevent Brett Kavanaugh from being confirmed as was she, and I want to focus in on her and what she views as immunity or otherwise.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America. We're back with Brett Tolman, former US attorney for Utah.

Brett Tolman, we have a panel that's overseeing this immunity issue and could go to the broader court in the circuit court in DC. You have Judge Pan who is really extraordinarily partisan, and she refuses to recuse her, so she doesn't need anyone to ask her, she can recuse herself on her own, and she makes these ridiculous hypothetical questions.

Let me ask you this: If that panel on that court rules that a president does not have post-presidential immunity, doesn't that mean that any subsequent administration can go through the decisions that the president - - the former president made and charge that president, that former president for decisions they decided may well be criminal and might I add, concoct charges -- concoct charges like Smith did with the Klan Act, with the Enron obstruction, with the Federal Contractor Act, not sedition or insurrection or anything violent? Nobody has been charged with insurrection.

So they can literally concoct charges, get in front of a radical judge who supports them, and then have a former president charged and hope that they can imprison him. Wouldn't this turn us into the Third World and completely destroy the whole notion of an executive branch?

TOLMAN: Well, that's right. I mean, the Constitution was set up to not just have separate branches, but to have branches that could not be controlled by the other. And what we have here is the judiciary -- willing -- willing to entertain, I'd be very discouraged if they don't find that immunity applied.

There is one way to go after a president for decisions they make while they're president. That's through impeachment and conviction in the Congress and that was established for a reason, because you did not want to see for the same reason, Mark, that the Constitution allows somebody to run for president with a prior felony conviction. Why is that?

The reason is they were very concerned about the executive branch using the power to prosecute to eliminate potential candidates.

LEVIN: Great point.

TOLMAN: It's the same thing that applies here. If we will let somebody run with a felony, because we're afraid of the abuse of power that the executive branch could wield, it is the same going on right now with Donald Trump. They're wielding it in a way that is not intended by the Constitution. It's unconstitutional. Whatever this panel decides, I hope the Supreme Court slaps them back.

LEVIN: Now, let's look at these institutions. You make an excellent point there. I'm sure the mindset of the framers was something like this. Well, a judge serves for life, nobody elects them. A jury, while they're selected randomly, nobody elects them. A prosecutor, well, in the case of the federal government, nobody elects them, they are appointed to.

The attorney general who would oversee a case, of course, they didn't exist back then, but the point is, nobody elected them, so you would literally have unelected, I'll call them bureaucrats and law enforcement, and unelected juries in let's say a Democrat city that have a partisan review whether they say so or not, that's why they forum shop these prosecutors, decapitating potentially the executive branch of the person who is the only one, that and the vice president, who is elected nationally.

And also after they leave office, because they're looking over their shoulder every time they're making decisions as president, gee, can I be prosecuted for this? And it will undermine the capabilities of a president of the United States. So this will have enormous effect on the way our country works. It would shift power from the elected to the unelected, wouldn't it?

TOLMAN: It would, and think about President Biden has been so willing to sign executive orders expanding his power, even though he knows it's illegal, whether it's on border issues, the loans -- student loan forgiveness -- whatever he wants, he's been doing, because he believes the executive branch has all the power. That's what they're trying to do with Jack Smith.

There was no case sufficient for Jack Smith to bring on January 6th issues that would eliminate President Trump, but they're doing it anyway.

LEVIN: And I think what we see in Iowa, and what we're seeing in other places, Republicans have had enough. And if anything, they are trying to stand up to this tyranny, as well as immigration, as well as the economy, but they know right from wrong, they love their country, and they see what the party opposite and Joe Biden is doing.

I want to thank you very much, Brett Tolman, and God bless you, my friend.

TOLMAN: Thank you, Mark.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back.

I have a very honest question for you. Some may consider it controversial, but they are wrong. My question is this. Why would the people who have bankrolled Joe Biden's past campaign and are bankrolling this campaign, and the people who voted for Joe Biden last time and intend to vote for him again this time, why would they be encouraged to support Nikki Haley? Why would they be encouraged to go into a Republican primary in order to get her to be the nominee or have a strong showing?

I would just ask, people given what's going on in this country and around the world: What kind of a Republican do you want to nominate to take on Biden and to take on this horror story? Is it a person who relies on the same elements, the money people, the party leaders, and the voters in the Democratic Party?

It doesn't sound so smart to me.

I'll see you next time on LIFE, LIBERTY & LEVIN.

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