

# [***Press Grills Biden About His Mental Fitness***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B95-DHS1-JCS1-6000-00000-00&context=1516831)

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**Body**

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

And we begin tonight with the FOX News alert. We are following two massive stories tonight that could rock the 2024 election.

First, the long awaited special counsel report on President Biden's mishandling of top secret classified documents from his time as even a senator but vice president, have now been made public. That report, it is beyond damning. Biden just tried to save face with the American public. It was a shocking display of his cognitive decline. We're going to play those outrageous remarks in a minute.

But let's lay out the details in this report, devastating. According to the report, quote, President Biden willfully retained and disclosed classified materials after his vice presidency when he was a private citizen. Investigators found classified documents including notebooks from meetings regarding highly sensitive material on foreign policy and national security carelessly stored in what appears to be his garage. And while what the special counsel found about Biden's handling of classified documents was alarming, what it says about his cognitive state is quite frankly shocking. And by the way it should have every single American concerned about the mental health, the cognitive health of the president of our country, the president of the United States.

And according to the special counsel, the Department of Justice, they are not charging Joe Biden, quote, because Mr. Biden would likely present himself to a jury as he did during our interview of him as a sympathetic, well-meaning, elderly man with a poor memory.

So let me get this straight. Does this mean the special counsel is not charging Biden because of his cognitive decline, and would come off as a nice guy? I thought the special counsel said he did this willfully.

And by the way, it gets much worse. According to the report, on the first day of Biden's interview, he could not even remember when he was vice president. He asked the people interviewing him if it was 2013, when did I stop being vice president? He couldn't remember when he took office as vice president, asking this question, in 2009, am I still vice president?

And in what probably is the saddest part of the entire report and it's sad, Joe couldn't even remember within a few years when his son Beau died. And according to the special counsel's findings, Biden's clear cognitive struggles in meetings with his ghost writer in early 2017, just months after leaving office as vice president, quote, likely appear consistent with the diminished faculties and faulty memory, and frankly, this is scary but -- now, we have been warning you about this for years, Joe Biden does not have the cognitive strength and ability and mental stamina to take on the toughest job in the world and that's to lead this country.

And I'm not being flippant when I say this, they are describing a president of the United States who could not be one of those very nice Walmart greeters because they would be describing a person who would be cognitively incapable of actually remembering where every department is, in the store. The special counsel is saying loudly that Joe Biden is unfit to be the president. Think about the -- what the rest of the world is thinking about this report.

Joe is in charge of our nuclear weapons. He's got the nuclear football with him at all times, right next to him.

And tonight, even the media mob, they're struggling to defend him. NBC News reporting the special counsel's assessment of Joe Biden's mental state has triggered, quote, Democratic panic. "The Washington Post" said the report was, quote, paints a scathing picture of Biden's memory and both the "USA Today" recap of the report and the "Axios" write up pointed to the growing questions around Biden's memory concerns. And "The Hill" called it, quote, eyebrow-raising report -- an eyebrow raising report.

When pressed by reporters tonight, in a bizarre press conference, only answered about three questions, Biden dismissed questions about his age and his memory. Take a look.

(BEGIN VIDEO CLIP)

REPORTER: President Biden, something the special counsel said in his report is that one of the reasons you were not charged is because, in his description, you are a well-meaning elderly man with a poor memory.

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. I've been president. I put this country back on his feet. I don't need his recommendation. It's totally --

REPORTER: How bad is your memory and can you continue as president?

BIDEN: My memory is so bad I let you speak. That's -- that's --

REPORTER: -- your memory has gotten worse, Mr. President?

BIDEN: My memory has not gotten -- my memory is fine.

REPORTER: Voters have concerns about your age. How are you going to assuage them and do you fear that this report is only going to fuel further concerns about your age?

BIDEN: Only by some of you.

REPORTER: For months when you were asked about your age, you would respond with the words, watch me. Many American people have been watching and they have expressed concerns about your age.

BIDEN: That is your judgment, that is your judgment --

REPORTER: This is according to a public poll --

BIDEN: That was not the judgment of the press.

REPORTER: -- they express concerns about your mental acuity. They say that you are too old.

Mr. President, in December, you told me that you believe there are many other Democrats who could defeat Donald Trump. So why does it have to be you now? What is your answer to that question?

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

(END VIDEO CLIP)

HANNITY: Peter Doocy will join us in just a moment, a very contentious press conference, probably in the -- if we look at modern history, the modern level of presidency and the people that have served, I can't think of a worse report or worse press conference than this one.

Now, Joe, if your memory really is fine, then why couldn't you remember the name of the church your son's rosary is from? He couldn't remember. This is at this disastrous press conference, after the release of the disastrous report. Look at this.

(BEGIN VIDEO CLIP)

BIDEN: I know there's some attention paid to some language in the report about my recollection of events. There's even reference that I don't remember when my son died. How in the hell dare he raise that? Frankly, when I was asked the question I thought to myself it wasn't any of their damn business. Let me tell you something, some of you have commented, I wear since the day he died, every single day, the rosary he got from Our Lady of -- every Memorial Day we hold a service remembering him, attending by friends and family and the people who loved him.

(END VIDEO CLIP)

HANNITY: Our Lady of -- I'm not making fun. He couldn't remember, and that wasn't his only blunder in this short press conference. He also called the president of Egypt, the president of Mexico. That means President El-Sisi, take a look.

(BEGIN VIDEO CLIP)

BIDEN: The conduct of the response in Gaza -- in the Gaza Strip has been over the top. I think that -- as you know, initially, the president of Mexico, Sisi, did not want to open up the gate to allow humanitarian material to get in. I talked to him. I convinced to open the gate.

(END VIDEO CLIP)

HANNITY: The president of Egypt. Is it time to consider invoking the 25th Amendment?

Now, you may remember Section Four of this amendment, it authorizes a vice president, a majority of principal officers of the executive departments to now transmit to the president pro tem of the Senate and the speaker of the House, their written declaration that the president is unable to discharge the power and the duties of his office, allowing the vice president to immediately assume the powers and duties of the office as acting president.

Now, going back to the damning report. Biden when pressed on why he took the classified material at this angry presser declared that the notebooks are his, quote, property and that, quote, every president before me has done this exact same thing. Sound familiar? This is almost the exact same argument former President Trump made right here on this show last year months after investigators conducted their raid of Mar-a-Lago. Yet, he still faces charges.

Now, this is why the House Judiciary, they are rightly investigating whether Joe Biden's Department of Justice is weaponized, whether or not the DOJ has been politicized. And tonight, after the release of the report, Trump called on the special counsel and his case to dismiss all charges related to the classified document issue. But sadly, what have we learned? If you're Hillary Clinton, if you're Joe Biden, you get one system of justice.

We have a two-tiered system of justice. It's now on full display once again. Hillary Clinton remember her, deleted 33,000 subpoenaed emails, some with top secret classified information off her private server, she faced no charges. And don't forget, we know about the top secret classified documents that James Comey did find, but no reasonable prosecutor would prosecute. Now, Joe gets off without charges, just like Hillary and James Comey, he gets -- James Comey exonerates Hillary and Donald Trump gets -- let's see, his home raided and charges brought against him.

Remember, James Comey found tons of classified email on that, on that laptop, top secret classified email, it was believed that our enemies might have had access to it.

But, first, our other top story tonight. We'll get to back to this in a minute. Earlier today, the Supreme Court, they heard oral arguments. This over the Colorado attempt to ban Donald Trump from that ballot, and it was a disaster from start to finish, for the leftists in Colorado.

Listen to this.

(BEGIN AUDIO CLIP)

CHIEF JUSTICE JOHN ROBERTS, U.S. SUPREME COURT: If Colorado's position is upheld, surely, there will be disqualification proceedings on the other side. I would expect that -- you know, a goodly number of states will say whoever the Democratic candidate is, you're off the ballot, and others for the Republican candidate, you're off the ballot, and it'll come down to just a handful of states that are going to decide the presidential election. That's a pretty daunting consequence.

ASSOCIATE JUSTICE BRETT KAVANAUGH, U.S. SUPREME COURT: What about the idea that we should think about democracy, think about the right of the people to elect candidates of their choice, of letting the people decide, because your position has the effect of disenfranchising voters to a significant degree.

ASSOCIATE JUSTICE ELENA KAGAN, U.S. SUPREME COURT: The question that you have to confront is why a single state should decide who gets to be president of the United States.

(END AUDIO CLIP)

HANNITY: All right. We have a lot to unpack tonight. We start with Peter Doocy. He is at the White House.

I thought a pretty nasty comment to you. I didn't -- I thought overall when he couldn't remember our lady of -- and there was no finish to that -- that answer I thought that was bad, getting El Sisi wrong was bad, he's come off now a week where he said he had a conversation with Francois Mitterrand, he didn't have it. He died in '96.

Then, you know, he made a similar comment at one of his fundraisers yesterday. And you know, about Chancellor Helmut Kohl when in fact it was Angela Merkel, on top of him not being able to remember Hamas. We'll play that tape later. Everyone's asking the right question, what is the reaction among your colleagues in Washington, Peter?

PETER DOOCY, FOX NEWS WHITE HOUSE CORRESPONDENT: Well, the first thing I would say is I didn't think the comment to me was nasty I thought he was just making a joke and that's how in the room I took it. And it seemed like being in the room, President Biden did what he had to do. This report is 388 pages, that make him sound like he is careless with national secrets that are not his, that he has severe memory loss, and it really draws into question about whether or not if his memory is this bad right now, he's got another five years in office in him.

So they sent him in there for some brief remarks. He disputed it. He's got the bully pulpit, so he can basically say whatever he wants, and then he took question and answer which I think was very helpful in accomplishing what they wanted to do, just show he does have some life, he can defend this the way that he wants to, and then he can walk away.

But it is problematic when he gets Sisi mixed up, when he says that Sisi is the president of Mexico when he's talking about Egypt, particularly because this is the same week we have heard him talk three different times about interacting as president with European leaders who have been dead for at least five years. And, you know, they -- the Biden team is already putting out that Mike Johnson, the speaker of the House, did get Iran and Iraq mixed up in a "Meet the Press" interview this week, they are saying that this is something that is common. But it is not common to have 388 pages of stuff and at least I'm not trying to be a Biden apologist, but at least in this mistake, Sisi is a leader that he interfaces with who is alive.

HANNITY: Yeah. Okay, he's alive, I guess we'll give him a big check mark for that, he gets a gold star. I got an honorable mention there, too, apparently today. Even Sean Hannity once mixed up the names of Jason Chaffetz and Matt Gaetz, I'm like, okay, are you going to put me in the category of this guy that couldn't remember Hamas, is speaking to dead people, a guy that doesn't even remember the rosary where it came from that is so special to him. These are -- these are not insignificant moments, Peter as I think you know because you've been one of the few people willing to delve into this, and get to that touchy subject.

Is the White House still pushing back hard? Is there any feeling among some that, hey, wait a minute, if this is what Robert Hur concluded, this is what they're telling everybody behind the scenes privately. In other words, my sources tell me -- he really is this -- he really is in this bad condition. That's what they tell me.

DOOCY: I don't know how it is when you go out and about, Sean, but basically everywhere that I go and somebody comes up to talk to me about White House coverage or Joe Biden, they're asking, is he really going to be the nominee? Is he going to make it? You know, is he going to continue until election day? And if not, what happens?

And we don't really know what is going to happen. You see something like this, it does introduce questions about fitness for office -- very, very serious questions. I -- and we've heard generally that the process because ballot deadlines have passed that, it'll be Kamala Harris who ascends to the top of the ticket, then who is the running mate? Or we know -- we have seen in the past the way that the Democratic convention works, can they wait it with these weighted delegates, and organize around somebody else that they want?

And so, we don't know. But when you see a report like this, despite the fiery performance from the president tonight, the questions remain about fitness for office for another five years. And it could be to the point that you know his big thing is he says, I am not being charged. This is over.

It may be a situation in the next couple months that they would have rather been charged and not had these graphic descriptions of issues with memory, when his likely opponent in November Donald Trump does nothing but say that Joe Biden can't string two sentences together and doesn't even know that he's alive.

HANNITY: I don't think he knows what day it is. I've said that for a long time. I think that what happened today between that I would say disastrous press conference that you were a part of, and this report, the odds have dramatically increased that he will not be the Democratic nominee come November.

We'll see how that plays out. I know you'll be on the front lines of that. We appreciate your hard work and joining us. Peter Doocy, thank you.

All right. Joining us now FOX News contributor and George Washington law professor, Jonathan Turley.

I can't think of a worst report or a worst press conference in the modern era as it relates to presidents. Can you?

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: No. There's a terribly sad aspect to the report. The report itself is baffling because there is this disconnect between what the special counsel is saying and his ultimate decision. I mean he repeatedly talks about despite the president's denials, the willful retention of material the president himself admits this material goes back 40 years. So the effort to say this is all uh the fault of the staff is not just incredible, it's insulting.

But what he says about the president's diminished mental state is alarming and there's no escaping it. This press conference obviously didn't help. I can understand why they held it, but the miscues again only raised additional questions.

HANNITY: He couldn't remember when he became the vice president. He couldn't remember when he left that office. He couldn't remember within a few years even when his son Beau passed away, and you did cite something that he tried to push back on in the press conference, the report said that he willfully retained and disclosed classified materials after his vice presidency when he was a private citizen, willfully retained and disclosed.

Now, he tried to cite out the areas in the report where he felt that they were saying just the opposite, but this seems to stand out very clear unambiguous to me.

TURLEY: Well, there's whole headings that say that -- I mean, that's part of this -- the curious aspect about this report, you know, and the president really brought that out to for public view. I mean, he's suggesting that this was some immaculate offense, that somehow the documents followed him out of the Senate SCIF, they magically moved from spot to spot. They ended up in what was clearly an over-utilized box in his garage.

Many of those questions are not answered in this report but the really troubling aspect is when the special counsel says, look, he's just too sympathetic. Now, it's certainly true, it's it is harder to convict Joe Biden in Washington, D.C., than it is Donald Trump, but the measure of whether you will indict someone shouldn't be how sympathetic or popular they may be. Also, since as the president says this goes back 40 years, his diminished capacity today is different from when many of these violations likely occurred.

So, there's a lot of questions there that that weren't answered.

HANNITY: Yeah, you know, for them to say in this report, for Robert Hur to say, we've considered that at trial, Mr. Biden would likely present himself to a jury as he did during our interview of him as a sympathetic, well- meaning elderly man with a poor memory -- well, that doesn't take away that he willfully retained those documents and then it does raise the question. You know, this whole investigation about the weaponization of our Justice Department, and that is Hillary Clinton, top secret, classified information on her servers, deleted 33,000 emails, used something called Bleach Bit we had never heard of, had an aide destroyed devices, Blackberries, iPhones with hammers, remove SIM cards, but no reasonable prosecutor would prosecute.

Why did Donald Trump's Mar-a-Lago get raided? And what you see these pictures in this report -- these pictures look identical to the pictures we saw out of Mar-a-Lago, Jonathan Turley. No wonder why in the days leading up to today, they didn't -- they were worried about what these pictures would look like and that they would be included in this report, because it looks just like the ones at Mar-a-Lago to me.

TURLEY: Well, they're very similar, the mishandling is obvious. The violations are obvious. And so the question that this report does ask is, how is this consistent with their past efforts? It does seem that in dealing with some figures like the president, Hillary Clinton, there is a pronounced reluctance to bring criminal charges where there seems to be an abandon when it comes to Donald Trump.

I'm not saying that the Mar-a-Lago indictment, for example, does not have serious problems for the former president. But even if you look at that indictment, they threw everything they could at him, and the there's obviously a different approach that's been taken.

HANNITY: Yeah, Jonathan Turley, we do appreciate you being with us.

The issue of President Biden screwing up the question as it relates to Hamas was just another moment and just the last week. Watch this again.

(BEGIN VIDEO CLIP)

BIDEN: There is some movement and I don't want to -- I don't want to -- well, maybe choose my words -- there's some movement, there's been a response from the -- there's been a response from the opposition but -- yes, I'm sorry, from Hamas.

(END VIDEO CLIP)

HANNITY: He's in charge of our nuclear weapons. This is the president of the United States. Vladimir Putin, President Xi, Jim Jong-un, the mullahs of Iran are all watching. It's very reminiscent when the RNC put out this ad that is gone pretty viral of Joe Biden again seemingly incoherent at times. Watch.

(VIDEO CLIP PLAYS, RNC AD)

HANNITY: Here with reaction, FOX News legal analyst Gregg Jarrett, Harvard law professor Alan Dershowitz is with us.

Look, if he willfully retained this information and that is their conclusion and we live in a country where justice is blind and we have equal justice under the law and equal application of our laws how do you look at the way Hillary Clinton's case was handled, Joe Biden's case was handled, and Donald Trump's case was handled, because very clearly, Comey implicated Hillary, and in this report Robert Hur implicated Joe Biden as being guilty, willfully retaining. Isn't that the same thing, Gregg Jarrett?

GREGG JARRETT, FOX NEWS LEGAL ANALYST: Yeah, I mean, how in the world do you explain this, Sean, to the American people? Trump gets prosecuted, Biden doesn't because he's too demented? I mean, this report should deeply alarm all Americans and, you know, I do think it's compelling evidence that the cabinet should at least consider invoking the 25th Amendment in capacity because what Robert Hur was saying today in his report is Joe Biden is not competent to stand trial. So how in the world is he competent to be president?

I mean, the special council portrays Biden as so senile, it's impossible to prove his willingness or intent. That is fundamentally wrong under the law. At issue is not Biden's current mental state, what it was years ago when he removed, kept and shared classified documents.

And the report also cites Biden's cooperation. My Lord, that's not a defense under the law. You know, if a bank robber coughs up the dough, it doesn't erase his crimes. That's absurd.

As for the photos of classified documents laying around, Hur absurdly claims that kind of recklessness actually shows that Joe didn't know they were classified and oops made a mistake. But with Trump, the government argues the opposite. His reckless storage proves his criminality. Again this is a disturbing double standard under the law.

HANNITY: Willfully retained and disclosed classified materials but a jury we're told, Professor, he would likely present himself as a sympathetic, well-meaning, elderly man with a poor memory here. Why do I think that that defense wouldn't work for anybody else, and that certainly is not how the law should be practiced either? And do you see the double standard that I mentioned to Gregg?

ALAN DERSHOWITZ, HARVARD LAW PROFESSOR: Absolutely see the double standard. It is not part of the criteria whether a sympathetic jury in one part of the country like the District of Columbia, sympathetic to Biden but not sympathetic to Trump, or a sympathetic jury in Florida might look at him and say, gee, although he committed a crime, he's an older man. That's up to the judge for sentencing.

Nor is it a criteria that he may have refused to cooperate. My clients don't coperate unless you give me something. My job and my client's job is not to help the government, not to cooperate. That's not a criteria for distinguishing these two cases.

You know, there is a connection between today's case and this morning's case in the Supreme Court. Gregg talked about the 25th Amendment, that it's so hard to remove a president under the 25th Amendment. You need the cabinet, you need -- it's so hard, the Framers made it so difficult and yet this morning, the state of Colorado said, you want to get rid of a president? Snap your finger, the secretary of state, all you need is a 4-3 decision of one state and you get rid of the president.

There's such an incompatibility and inconsistency, the problem with our country today is everybody sees the law through the prism of partisan ***politics***. Everybody tries to weaponize the Constitution to support their political candidate, and the losers are the American people.

HANNITY: You know, I've really been able to delve into this with you, Professor, and I know deep in your heart, you know, you're a Democrat's Democrat, we don't agree on everything politically, although we found a lot of areas of agreement over the years, you know, starting with standing up against radical terrorism, et cetera, Israel is a good case in point.

And we're watching these videos that we have been showing on this program for a long time, and it's a serious topic, and I know in the beginning, I used to joke a little bit about it, I kind of regret it because I shouldn't have, and because it's so serious, we're dealing with the president.

Surely, Professor, you see what -- what we all see. You see what Robert Hur is talking about. Does this seem like a man that is cognitively strong enough to be president? To me, the answer is obviously no.

DERSHOWITZ: I am very worried about it. Look, this election is not coming down to American people rushing to the polls enthusiastically to vote for their favorite president. This is a campaign for who is the least worse, who don't you want to be president? And today's performance and today's report is going to give a lot of solace to people who say, gee, you know we may not like Trump but we cannot vote for Biden.

We're afraid to have somebody with those memory problems having access to the nuclear trigger, trying to resolve the issue of the Middle East. Even today, he bumbled over the Middle East very badly, dealing with Putin.

So, today's decision and today's report is going to have a big impact on this election on a lot of people, including people like me who are Democrats who would be inclined to vote for President Biden, but obviously have to think hard about whether we will trust in the next five years for the president not to have diminished capacity, and who's going to be the vice president? Who would replace him?

This matter today makes the vice presidential choice even greater because if the 25th Amendment isn't applicable today, it may very well be applicable in two years or three years if Biden is elected and we see a continuation of some of the cognitive problems that we saw in the report. It's cognitive issues or usually almost 99 percent of the time according to doctors I've interviewed degenerative. That means it only gets worse. It never gets better.

Gregg, I'll give you the final question. Now that we have three cases we can compare and contrast, the Hillary Clinton case which I thought was the most egregious, now we have the case with Joe Biden and then you have the Mar-a-Lago raid, and then a special counsel charging President Trump in the document case. And a lot of facts, a lot of things that Hur said in his report I know not to be factual.

We do know that the FBI had access to Mar-a-Lago. We do know that they were in the very room where those documents were eventually found. We do know that the FBI could have taken them, nobody stopped them, nobody said you couldn't come back either. They would have been able to walk through, I'm sure if they asked.

But the only thing that they did ask for was about three days later, they said, can you put another lock on that particular door -- which was complied with. So now that we have three cases, very similar in so many ways, does Trump have a case to get this thrown out of court or probably not?

JARRETT: Oh, I think he does because the exclusive authority for these classified documents resides with the Federal Records Act, which does give custody and control to a former president. And you know in so far as the obstruction charges against Trump, he also has a defense there and that rest with the Department of Justice's own longstanding two decade old opinion that a former president can keep whatever he wants that was endorsed by a federal judge. He can resist as Bill Clinton did, Clinton didn't get charged with obstruction but somehow Donald Trump did?

Let me just say one other thing about tonight's appearance by Joe Biden which was calamitous. You've asked, is it the worst in modern in presidential history? No, I will remember during the height of Watergate, you know, Richard Nixon trying to face down and explain himself to a hostile press corps --

HANNITY: I'm not a crook.

JARRETT: -- and it got incredibly ugly. I was reminded of that tonight.

And I wrote a column two months ago. I said, look, as his poll numbers continue to tank and as his mental infirmities become more conspicuous day after day, week after week, party elders in the Democratic Party are going to go to the Biden family and insist that they pull the plug on this campaign and step aside. I maintain that's a real possibility. I actually think it will happen. It can happen any time before the Chicago convention in August.

HANNITY: Well, we're going to watch very closely. It's going to get very interesting. I think the odds of him being on the ballot in November have been diminished significantly as of today. We'll see this unfold, that we'll carry it all.

Gregg Jarrett, thank you. Alan Dershowitz, thank you, professor.

And earlier today, former President Trump, he called on the special counsel in his cases to immediately drop all charges against him, especially in the classified documents case, following news that Biden will not be charged. And President Trump called Biden's case, quote, a hundred times more severe and called out the two standards of justice in our country.

Here now with reaction is Trump legal spokesperson Alina Habba.

Legally speaking, the question I was just asking Gregg Jarrett and by the way, thank you for joining us, Alina. The question I was asking him now that this is their standard, that you can willfully retain and handle classified documents and not be punished for it, does that open up a legal window for you and your legal team to go in and say, you know, we need equal application of our laws here?

ALINA HABBA, TRUMP LEGAL SPOKESPERSON: Absolutely. I think the one thing that we learned today from special counsel Hur is that there is in fact, and not that we didn't know it, Sean, two systems of justice. One, if you're a Republican. One, if you're a Democrat. We've seen it time and time again. You've spoken of it.

The way that this can be used and what has become obvious that they haven't really thought about is they try and look impartial. They try and say, okay, we're going to raid Mar-a-Lago, oh, maybe that was a little too much, let's peel it back, let's look at Biden's documents. One thing they're forgetting that is so clear to me as an attorney is that number one, President Trump has one thing that Biden as Senator Biden as Vice President Biden didn't have, the Presidential Records Act, something that has shielded President Clinton.

So when you're looking at this dual system of justice, they're going to have to face the music when we're in court. They're going to have to answer questions. And you know what? We shouldn't even be going to court.

Honestly, I agree with my client 100 percent, they need to drop charges and let Americans believe that we're not going to be treated differently depending on our ***politics***. I don't think they're capable of it. I think they have severe Trump derangement syndrome, but you know, it's very obvious what's happening here. But I do want to thank special counsel Hur for making it very clear to the American public that this man can't even remember when his son was passed.

And more importantly, Sean, did you see what he said today in the press conference? He doubled down on it and said I didn't think I needed to answer that question. Well, that's another problem that we haven't spoken about. You're sitting in an investigation. You have an obligation to answer truthfully and honestly.

Today was just mindboggling. They absolutely should drop the charges. We shouldn't even have to go as far as to defend it.

HANNITY: And then he went then right there. He had a memory lapse. I wear this every day my son's rosary from our lady of -- no answer, he didn't finish it. Then, he said, you know, General El Sisi of Egypt was from Mexico, on top of what else has happened this week, he couldn't remember the name Hamas, Francois Mitterrand, Helmut Kohl of Germany, when it was Angela Merkel, I just don't know how many of these moments he can keep having when people stay in denial and but -- for the record, Alina, I faced a lot of criticism when I was probably one of the first people out there to point this out on a regular basis.

And, you know, how did I get paid back in return? They try to compare me to Joe. Even Sean Hannity mixed up the names of Matt Gaetz and Jason Chaffetz.

No, I don't have this problem. And that's the problem also. He's the president of the United States. I don't have the nuclear football next to me at all times of my day and night. I don't have that. So, you know, I don't know --

HABBA: Sean, I would feel better if you did, frankly.

HANNITY: Yeah, we probably would be in better shape.

HABBA: Well, I think the country has to see it for what it is. Yeah, we would be.

Listen, they hit you, they hit me, and they hit anybody that stands for what's right and the Constitution. They stand with the moral compass and the boundaries that we used to have as an America. We don't have them anymore.

They fear what there. They know that President Trump is the right person. They know we have a candidate that is fighting him that can't even spell Bob backwards.

And we're sitting here trying to deal with and reconcile how we are safe as a country, but we're not, which is why they are making fun of us around the world. Which is why we're seeing what is happening with our borders, and it's complete collection interference. It's completely because they have to lie, cheat and steal in order to win in November.

If we don't stop and wake up and say, this is a man who just frankly can't do it. And, by the way, if he can't do it, who are we stuck with? Kamala? Oh, boy. We are in trouble.

So, as a country, like Alan said, and I love Alan Dershowitz because he is a Democrat but sees it for what it is. We are in trouble and have to get behind Trump if we want our country back, and that's the truth.

HANNITY: Well, certainly, this election will take on a whole knew significant starting tomorrow. And we'll see what happens. I think we all know that if Donald Trump has these moments, the media coverage would be far different. And that's just the double standard we have.

Alina Habba, great to have you. Thank you so much.

Now, also breaking tonight, John Solomon has obtained e-mails that Joe Biden sent from one of those pseudonym accounts through the National Archives lawsuit. These e-mails reportedly reveal conversations between Joe Biden and White House officials during his second year as vice president, discussing official business and sometimes even sending government documents via Biden's pseudonym account.

And Joe even included Hunter and other family members on some of these e- mails. The e-mails also reveal that Joe occasionally communicated with Hunter through his Rosemont Seneca work e-mail where Hunter conveniently started doing business in China shortly thereafter.

Anyway, here with more, he is the investigative reporter, he is the editor- in-chief and justthenews.com founder, John Solomon.

John, this is -- this fits well into the events of today. Top secret classified, hiding e-mails, pseudonym e-mails he knew he shouldn't have. Seems to me that should have been looked into by Robert Hur also.

JOHN SOLOMON, FOUNDER, JUSTTHENEWS.COM: Yeah, that's a great question why it wasn't part of this investigation. What you see is a reckless disregard for the Federal Records Act, right? Whether it's taking classified documents home for you and willfully and knowingly keeping them. The reports said he kept it since 2017. He knew he had them since 2017. He gave them to his biographer who doesn't have security clearance.

But here he is using a private e-mail after the government said -- government official shouldn't use a private e-mail. That policy was long in effect before the Hillary scandal. And he's using it to send important information of drafts of speeches that he's going to give. There is a strategy planning session that he's coordinating through e-mail.

Sometimes he puts James Biden, Hunter Biden or Beau Biden on official White House communications talking about policy, speeches or issues. This family is looped into the chief of staff for the vice president, or the national security advisor for the president.

This is exactly what government officials are taught and trained in their first entry -- training not to do. You don't this. You don't use your private e-mail. You don't mix private and personal with the official government.

Here is Joe Biden doing it countlessly and over. And remember, we only got 60 e-mails released today. We got them released because the public interest office (ph) from Southeastern Legal Foundation went to court, sued NARA, the National Archives, which is glad to give us documents about Donald Trump but squeezes us and refuses to give us information about Joe Biden. They went to court and they sued.

These are 60 e-mails out of 82,000 pages of e-mails that Joe Biden was sending under pseudonym accounts. He's using a fake name, a private e-mail that's insecure. The FBI former counterintelligence chief really raises concern about that in our story. He has a reckless disregard for security, for the requirements of the law. And it's just another piece of the puzzle that fits exactly what Robert Hr was talking about today.

HANNITY: Yeah. I mean, I know -- I don't think anybody can really predict how this ends up unfolding ultimately. Would you agree with my analysis if you can take off your reporter hat for a second here? That the odds of Joe Biden being on the ballot come November have declined significantly today between this disastrous report and a very angry and lashing out press conference with two major gaffes and that as well?

SOLOMON: Yeah, it wasn't a good day for the Biden presidency. This will linger for a long time. I want to point out one little footnote in Robert Hur's note that will become part of the impeachment inquiry very quickly. There are two Ukrainian documents classified at the secret level, in the confidential level that Joe Biden retained. What are they from? December 2015. The very month he pressured Ukrainian authorities to fire the prosecutor that was investigating Hunter Biden's company Burisma.

And they involved communications with the prime minister of Ukraine, right in that timeframe where Joe Biden is putting the pressure on. That's going to become a matter of inquiry for Jim Jordan, James Comer and the impeachment inquiry. So, today is a starting point for a very dark time in the Biden presidency.

HANNITY: Great reporting as always. Justthenews.com editor-in-chief and founder John Solomon, thank you.

All right. Joining us now with reaction to the disastrous special counsel report for Joe Biden is Republican presidential candidate Nikki Haley.

Governor, ambassador, great to have you back. Thank you.

Let's go get your reaction first to Robert Hur's report and the press conference, a very angry one, that occurred right after.

NIKKI HALEY (R), PRESIDENTIAL CANDIDATE: You know, a few things that you look at this. I mean, I think the first thing is you look at the fact that, you know, we need to have -- we've got to take the ***politics*** out of all of our agencies. I mean, whether this is Clinton, whether this is Biden, whether this is Trump, they all need to be handled fairly. And, clearly, that's not the case. And we have to get rid of the double standard and that continues to show itself.

The second thing is it is unbelievably disturbing that they are showing that they see Biden to not have a good memory. That they see him as diminished. That they see it's a problem and they point blank say that.

I mean, this is actually dangerous. I mean, I have said, look, people make fun of the fact that I say we need to have mental competency test. There is a reason 70 percent of Americans don't want to see a Biden and Trump rematch. The party that gets rid of the 80-year-old candidate is going to be the party that wins.

But the third thing that bothers me about this is whether it's Biden or whether it's Trump, they both knew better. You know when you have worked around national security documents, you know what's not supposed to leave the office. You don't go bragging about these national security documents. You don't go leave them in a garage.

Whatever it is, both these men knew better. And the arrogance they both had to think they could walk out with these documents and just not think they would be any repercussions I think is the problem that we have with this. So, I mean, look, it's a disturbing day for American right now --

(CROSSTALK)

HANNITY: Isn't there a bigger problem though?

HALEY: -- but I think we've got some work to do.

HANNITY: Isn't there a bigger problem, and that is we don't have equal application of our laws?

Look at the Hillary Clinton case. Yeah, top-secret classified information, subpoenaed emails, 33,000 mails deleted, Bleach Bit, hammers, devices, SIM cards. You know, I -- it seems to be a problem they all have because I don't think any of them end up packing their own boxes.

And the fact that one is criminalized and one of three gets raided, and the other two happened to be Democrats. That reeks to me of political bias at the Justice Department.

HALEY: I mean, I think, Sean, you have to know --

(CROSSTALK)

HANNITY: To what?

HALEY: I mean, they both knew what they had. I mean, Trump was bragging about his. Biden has got his in his garage. They knew what they had.

But the point is whether it's Clinton, whether it's Biden, whether it's Trump, treat them the same. And the problem is we have ***politics*** in every single agency in D.C. And we have got to clear it up. You can't serve the people if you are going to play partisan ***politics***.

And we have seen this for years. You have to clean the systems.

(CROSSTALK)

HANNITY: But President Trump had one thing. You're missing the point.

President -- Alina Habba just mentioned this. The Presidential Records Act, that impacted him. That did not impact Joe. That did not impact Hillary Clinton.

Let me move on. Let's talk about your campaign. I know -- I know you hate the question but I've got to ask because it's very real.

You go into Iowa, you came in third place. You go into New Hampshire, you lost by double digits. In Nevada, you -- none of the above basically or not one of these candidates at least in the primary and you didn't take -- you're going to part in the caucus tonight, which I don't know why you didn't do that, is there.

And then we have the Real Clear ***Politics*** average. I will put it up on the screen. And your home state of South Carolina, Donald Trump is leading 60 to 29.3 percent.

So, my question is, if you go to New Hampshire, Iowa, Nevada happens, you lose your home state, even if you lost it just by double digits, not by 30 points, the question then becomes what is your path to get the delegates to get the nomination? Because at that point -- I mean, don't you think you would have to win your home state?

HALEY: I appreciate you asking that. You know, I will tell you it's interesting because in Iowa, they were all saying, you know, she's never going to make it through Iowa. We started at 2 percent and ended at 20 percent. That was no small feat, when we got rid of a dozen candidates. Then you go to New Hampshire. We got 43 percent of the vote.

But what's more important, Sean, is you have to acknowledge the Republican incumbent did not get 43 percent of the vote. That's alarm bells. Then you go into Nevada.

I mean, look, we were told months ago that this was a sham. The GOP chair, he's under indictment. He worked with Trump, they created these caucuses. It's written about in news reports. You can write -- look it -- look it up on the Internet.

They plan this in the caucus. They said we had to pay $55,000 if we wanted to be in the caucus with Trump. And so, you know, Nevada didn't mean anything. South Carolina, we're going to work hard. We're going to bring it in.

But I'm telling you, we better pay attention. Look at what we lost. You got Trump paying $50 million in legal fees from his campaign donations. You got an RNC that's broke.

How do you beat Biden with that? You can't. We have to have a new generational leader if we're going to move forward.

HANNITY: You can bring in that message --

HALEY: This is not personal about Trump.

HANNITY: But don't you -- but don't you at some point, Ambassador, Governor, don't you at some point have to win something? I mean, you can talk about Iowa. You can talk about New Hampshire. You can check off, you know, Nevada.

South Carolina is a little hard to shake off when you were the governor for two terms.

HALEY: And you'll see us move. We move 25 points in New Hampshire in those last three weeks. We're going to move in South Carolina.

We don't do coronation, Sean. You've got three states that happened.

HANNITY: I'm not coronating anybody.

HALEY: Super Tuesday --

HANNITY: Are you denying these polls? You deny the polls --

HALEY: Yeah, and I --

HANNITY: Anywhere -- you're saying they are not accurate?

HALEY: I'm saying that you guys said that I was going to -- you're saying that I was going to lose New Hampshire by 30 points and I got 43. So, I'm saying that, look, South Carolina hasn't happened yet. We're doing this because we have a country to save.

And everybody is blinded by the fact that we've got these two 80-year-old candidates.

HANNITY: All right. I got to run.

HALEY: I mean, Trump got me confused with Pelosi not too long ago. We need to move forward for the --

HANNITY: Nikki Haley, thank you for being with us. More coverage of tonight's breaking news, straight ahead.

(COMMERCIAL BREAK)

HANNITY: Joining us now with reaction to all of tonight's breaking news, we have Texas Congressman Ronny Jackson.

You have been the medical doctor for not one, not two, but three presidents. You are the one that actually administered the cognitive test to then President Donald Trump. This is something we have discussed. You have been on this program talking about. This week, things seem to have accelerated a lot, mixing up Francois Mitterrand, and Helmut Kohl with Angela Merkel, et cetera. He couldn't remember Hamas. He had two verbal gaffes during tonight's angry press conference. I mean, I can't think of a clean event that he's had in months to be honest, Congressman.

REP. RONNY JACKSON (R-TX): Yeah, Sean, just when you thought it couldn't get worse. And what he did today is we have the special counsel come out and verify what all of us have known for so long now, but, you know, just different -- completely different format, you know, someone that worked in his own administration comes out and basically says that he's not cognitively fit to sit for trial. So, we're supposed to be okay with him being our president?

But, you know, not only, but, you know, this comes out today. And what does he do? He calls a press conference. He gets on TV, he addressed the nation, and he just validates and reiterates -- you know, reinforces what was said in the report and what we've all known for so long now.

So, yeah, this is a disaster, Sean. I mean, this is -- quickly, it's been for a long time but it's becoming every day more of a serious national security issue, and I think it is time for the president's cabinet to brush off the old 25th Amendment, something's got to happen.

And I tell you, Sean, I think this is by design. The fact that the Biden DOJ let the special counsel say these things in the report I think that this is their first, they are coming after him. His own -- his own administration has now realized, they've known for a while they're going to have to figure out some way to get rid of this man because he cannot be their candidate, and I think this is where the process started. It started tonight. They are actively trying to get rid of him now.

HANNITY: Well, a lot of Democrats are out there defending him. The media, they have been harsher -- more harsh than usual.

JACKSON: It will get worse.

HANNITY: It's going to -- I tend to agree with you, and I'm not sure he makes it to November. I think the odds go down dramatically today.

JACKSON: I do, too.

HANNITY: Congressman, thank you.

We have more HANNITY and a correction right after the break.

(COMMERCIAL BREAK)

HANNITY: Now before we go tonight, I want to talk about the appearance on this show on Tuesday night when members of the Guardian Angels stopped a man and the police were called. Now, Curtis said the man was a migrant and that he was shoplifting. FOX News has since spoken with the NYPD. Apparently, the statements made by Curtis that the man is a migrant is not true, and the man was given a summons for disorderly conduct.

Now, today, Curtis Sliwa acknowledged to "The Washington Post" that the man has not been charged with shoplifting and Curtis said in part, quote, I shouldn't have been listening to the crowd. That was my mistake and I should not have had that knee-jerk reaction.

Again, on this show, we always want to set the record straight.

All right. Now, unfortunately, that is the all the time we have left this evening. As always, thank you for joining us. Thank you for making this show possible.

Please, please set your DVR so you never ever, ever, ever, ever, ever miss an episode of HANNITY. For news anytime, foxnews.com, hannity.com, for FOX News every time, everywhere.

Anyway, let not your heart be troubled, Greg Gutfeld is next to put a smile on your face.

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