

# [***The Left Shows Concern Over Biden's Age And Mental State***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BB1-3F61-JCS1-617S-00000-00&context=1516831)

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**Guests:** Mike Huckabee, Josh Hawley, Stephen Miller, Alan Dershowitz, Joel Simon

**Body**

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

And a lot to cover tonight. Josh Hawley, the senator from Missouri, says after the Hur report that the A.G., that's A.G. Garland, he needs to either indict Joe Biden or proceed with the 25th Amendment. He will join us momentarily.

Also yesterday was the big game. So what ads did you like? Which ones do you think were best? And which were the most effective? Which were the bombs?

Anyway, we'll get to that. Also, my opening monologue on the continued fallout over Biden special counsel and the growing calls for him to step aside.

But tonight, we begin with this, we start with a FOX News alert, a horrific shooting at Joel Osteen's Lakewood Church in Houston, Texas. It happened during Sunday service.

Our very own Bill Melugin has the very latest on this shooting from our West Coast newsroom tonight.

Bill, scary and I know a lot of churches, synagogues around the country, they are taking a lot of precautions more than ever before.

BILL MELUGIN, FOX NEWS CORRESPONDENT: Yes, Sean, they are and we're starting to get a much clearer picture of just who this shooter was. She was apparently a woman from El Salvador with documented mental health issues who had Palestine written on her gun, once identified as both genders, and may have had some sort of an antisemitic motive.

So police have ID'ed the shooter as Genesse Ivonne Moreno. She's a biological woman who sometimes identified as a man named Jeffrey who had a lengthy criminal history and a record of mental health issues, including being placed under an order for emotional detention that happened back in 2016. Now, Houston police say Moreno opened fire with an AR-15 with Palestine written on it. This happening at Joel Osteen's Lakewood Church on Sunday.

She was killed after off-duty police officers responded and engaged her in a shootout. Two people were injured in the shooting, a 57-year-old man and Moreno's 7-year-old son who for some reason she decided to bring to that church. He was shot in the head at some point and tragically is not expected to survive.

Local authorities say they're very thankful for the quick actions of those two off-duty officers. They say that likely saved many lives by engaging the shooter quickly and directly.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: These two officers held their ground. They held their ground in the face of rifle fire at point blank range and they continued to fire until the perpetrator was neutralized, and they did not yield.

UNIDENTIFIED MALE: There was a sticker on the butt stock of the rifle that stated Palestine. A sticker simply stated Palestine.

We do have some antisemitic writings that we have uncovered during this process.

(END VIDEO CLIP)

MELUGIN: So, Sean, the question now obviously becomes, how does somebody with an established mental health issue and a long criminal history get their hands on an AR-15 to carry out this attack. Police say they're looking into that right now, but, Sean, we do know that criminals, especially those looking to potentially kill people really don't care what kind of laws are on the books. Send it back to you.

HANNITY: All right. Bill, thanks for that report and sad day at Lake -- at Joel Osteen's church. We will continue to follow this story.

Also tonight, after Joe Biden's latest string of bizarre gaffes and the damning special counsel report, highlighting problems with his age and memory, while Democrats and the left they are waking up to what we have been telling you on this program for years now, and that is the White House has a massive problem with Joe Biden. It's an age problem, and it's bad and it's now obvious that Joe Biden is not fit to serve as your president.

Last night, while exiting Marine One, well, here we go again, Biden appeared to hit his head. This comes as a new ABC poll shows that is staggering, look at this, nearly nine in 10 Americans, 86 percent of you, the American people, think, rightly so in my view, that Biden is too old to serve another term in the White House. That'd be five more years.

Now with the country so divided, when was the last time 86 percent of Americans agreed on anything? Most people can't agree on the time of day. And instead of worrying about her husband's mental health -- well, Jill Biden is doubling down with the excuses in last week's damning special counsel report with Robert Hur, noted that Biden couldn't even remember within several years. This is sad. This is tragic, when his son Beau died.

But this weekend, Joe Biden defended Joe's inability to remember writing in a campaign email, quote, well, if you've experienced a loss like that, you know that you don't measure it in years, you measure it in grief. Okay.

And according to an upcoming book, she allegedly berated staff for not stopping a disastrous press conference that Joe held in 2022, and if that was bad. Last week -- well, had to be Joe Biden's worst week of his president presidency. It should not be a surprise that Jill is rushing to cover for his growing struggles, after all, she did have ample practice doing so reportedly now having to show Joe how to walk off stage. He can't remember to exit stage left, stage right.

You know, he could have used -- couldn't have -- couldn't have done it without her help frankly. He gets lost in his own White House, by the way. He got lost delivering remarks with the king of Jordan, can't make this up. But it happened. Take a look.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Your majesty, over to you.

KING ABDULLAH II, KING OF JORDAN: Thank you, sir.

BIDEN: I switched sides on you.

KING ABDULLAH II: Sorry.

Mr. President, thank you for your gracious hospitality.

(END VIDEO CLIP)

HANNITY: I think I'll go to this side, no, that side. He couldn't remember.

Anyway, last week's special counsel report is simply pointing out the obvious. Joe Biden has been and continues to struggle. It's not going to get better from here.

Remember, this is a guy who has repeatedly now recall conversations with a lot of dead people. French President Mitterrand, German Chancellor Helmut Kohl, remember the Amtrak conductor that had long since passed or introducing Congresswoman Jackie Walorski after she had passed away, or Margaret Thatcher. There's a lot of conversations with a lot of dead people.

Yesterday, his attorney, Bob Bauer, attacked the special counsel's report. He was on CBS's "Face the Nation", but then waffled on whether or not he wanted the full interview the transcripts to be released. Take a look.

(BEGIN VIDEO CLIP)

BOB BAUER, BIDEN ATTORNEY: So along with the legal conclusion comes this flood of characterizations, factual misstatement, pejorative comments about the president that are inconsistent with DOJ policy and norms, and that as you see over the last hours have been widely criticized by legal experts. This is not what prosecutors do. It is shoddy work product.

INTERVIEWER: Would you recommend that these be made public if they indeed back up your personal record?

BAUER: Again, there's a process underway. I'm not a specialist in that process and so I really have to defer to those who have to work through those issues.

(END VIDEO CLIP)

HANNITY: This would not be something you have to defer to anybody on if what you're saying is true, then let's see the transcripts and if they have videotape, let's see that too -- soon. These transcripts may soon be released to Congress and frankly you the public, you have a right to get the transcripts and see the video.

And breaking tonight, the House impeachment inquiry managers, they have just subpoenaed the transcripts of the full interviews, given the DOJ until 5:00 p.m. next Monday. That'll be a week from today, to comply.

Now things have gotten so bad that even the media mob, they're coming to terms with truth and reality. On Friday, "New York Times", their editorial board published the column highlighting, quote, the challenges of an aging president. While another "New York Times" op-ed this weekend was titled, quote, the question is not if Biden should step aside, it's how.

Even Maureen Dowd is now calling on Biden's team to quit being in denial and writing, quote, ditch the stealth about health. She's not wrong.

"Politico" echoing that alarm, saying the Democrats, they may need to turn to plan B and replace Biden on their ticket. Even Biden's staunchest defenders on the left, they are sounding the alarm. Let's take a look.

(BEGIN VIDEO CLIP)

DAVID AXELROD, DEMOCRATIC STRATEGIST: This is a problem for the president. Anderson, the most damaging things that can happen in ***politics*** are things that reinforce a meme that's out there that is hurting you. And the central meme that is hurting the president is this issue of age.

PAUL BEGALA, DEMOCRATIC STRATEGIST: Look, I'm a Biden supporter. And I slept like a baby last night. I woke up every two hours crying and went to bed. This is -- this is terrible for Democrats, and anybody with a functioning brain knows that.

UNIDENTIFIED MALE: If Biden's hubris is such that he doesn't understand the best interest of his party and more important his country, then he has to be shown the door, period.

JAMES CARVILLE, DEMOCRATIC STRATEGIST: When you don't accept a Super Bowl interview, you're -- I don't know polling averages, your three points down when you're a two-way, it's the biggest television audience, not even close, and you get a chance to do a 20, 25-minute interview on that day and you don't do it. That's a kind of sign that the staff or yourself doesn't have much confidence in you. There's no other way to read this.

(END VIDEO CLIP)

HANNITY: All right. Carville, Begala, Van Jones, David Axelrod, Maureen Dowd, those are a lot of prominent names within liberal Democratic circles. Remember, last month, it was Van Jones himself who said that if he were Biden, I'd hide. I'd stay hidden.

And Joe and his handlers might want to take that advice that's probably the only advice they can give him. Let other people campaign for him, hide him in the basement again. It worked once, let see if it can work a second time.

Not everyone seems concerned though over his age. Hillary Clinton tried to downplay the issue in an interview last week. Let's look at this.

(BEGIN VIDEO CLIP)

HILLARY CLINTON, FORMER SECRETARY OF STATE: You know, I talk to people in the White House all the time and, you know, they know it's an issue. But as I like to say, look, it's a legitimate issue. It's a legitimate issue for Trump who's only three years younger, right? So it's an issue.

I think Biden also should lean in to the fact that he's experienced. And that experience is not just in the political arena, it's like the stuff of, you know, human experience.

INTERVIEWER: Yeah, character.

CLINTON: Character, wisdom.

(END VIDEO CLIP)

HANNITY: All right. Stating the obvious, the flood -- flood of advice coming from Biden's allies is not going to help and the issue of his age, cognitive decline are not going to get better. The cognitive decline is degenerative. It gets worse, not better.

And anyway, Biden hasn't had a clean blunder free public event that we can think of in months now. And at this point, even a complete makeover likely is not going to be able to help him overcome the damning special counsel report, and he's not getting any younger. They can't escape what's happening.

But don't worry, our giggling vice president told "The Wall Street Journal" she is ready to serve and she sounded pretty eager to take over. If you ask me, the only problem is somehow, magically, she's less popular than Joe. Look at this recent survey, only 28 percent of you the American people have a favorable opinion of her compared to 53 percent or view her negatively.

Anyway, here with reaction, "Outnumbered" co-host Kayleigh McEnany, and FOX News contributor Charlie Hurt and former Arkansas Governor Mike Huckabee is with us.

The word that I hear most often is Kayleigh, they are in a state of panic, complete state of panic and frankly, you can't blame them. How do they get out of this?

KAYLEIGH MCENANY, CO-HOST OF "OUTNUMBERED": I mean, when 73 percent of Democrats -- Democrats say that Biden is too old to serve a second term, that's highly problematic. Now, as to how they get out of this, they have to have an intervention. I agree with the assessment that Biden is far too hubristic, far too stubborn, to ever step aside himself. That in his mind would be tantamount to admitting failure, failure of his first term which we all agree and the assessment of the American people agrees with that as well.

But there is going to have to be an intervention from team Obama, from high-ranking Democrats, from the Clinton team. There will have to be a moment where they come to him and say, Joe, you have to step aside or else you're looking at a Trump presidency quite literally.

HANNITY: All right. Governor Huckabee, I don't like to count chickens before they hatch. However, it seems that Obama and Clinton, they're all in on his re-election as they are planning to step up and campaign with him and for him, maybe following Van Jones's advice which is hide him and let other people surrogates go out there and do the talking for him. Will that strategy work?

MIKE HUCKABEE (R), FORMER ARKANSAS GOVERNOR: You know, Sean, I think you're just way too harsh about Joe Biden. If you'd listen to medical experts like Rachel Maddow, she even admits that, you know, he's very capable of being president because he rides a bike. Now what else do you need to be president of the United States than the ability to ride a bicycle for God's sake and eat ice cream without a brain freeze.

HANNITY: Did she forget he fell off the bicycle?

(LAUGHTER)

HANNITY: Yeah, he fell. Governor, he fell off the vehicle. We all saw it.

HUCKABEE: You know, and it is tragic and I'm sorry about him bumping his head and tripping up the steps and all those other things. We laugh because it's the only way we can cope with the fact that we have the leader of the free world who cannot complete a sentence.

If you listen to his speeches from just three years ago, they weren't great three years ago but they were coherent. And now you listen to him in a news conference or in a speech even reading from the prompter today, three years later, and it is astonishing the difference. And if anyone can't see that, they're simply just ignoring reality.

HANNITY: And, Charlie, we've talked about this a lot. Charlie has every right to hate me because almost on a weekly basis, I have asked him whether or not he thinks that Biden's still going to be on the ticket. How -- if they wanted to get rid of him, how does that play out, because I don't see his family intervening, I -- not at all.

You know, I listen to the likes of circle back Jen Psaki, you know, the media mob, they'll go to any length to protect him. He's in great health. He's -- he's -- it's hard for me to keep up, like I'm hearing this from a 30-year-old, you know, young person.

He rides a bicycle, oh, okay, that proves everything that he's in great cognitive health. The question is if they want to do it, how do you do it and what about the Kamala problems she's at a 28 percent approval rating.

CHARLIE HURT, FOX NEWS CONTRIBUTOR: Well, I think that -- you know, if they're going to get rid of him, they're going to do exactly what they're doing right now. If you think about the Democrat Party, the Democrat party is always all about control, and what they need to do is they need to get through the primary, they need to get Joe Biden to collect all of the delegates needed to nominate somebody and they have to take it to a convention, and they have to pray that nothing bad -- nothing even worse happens to him between now and the convention, and then at the convention, they can figure out a way they'll find somebody, you know, the Democrat Party leaders who control everything will get in their smoke filed rooms and figure out somebody, Gavin Newsom, or whoever, that they can -- that Joe Biden can then convey his delegates to.

But I think for them, the real fear and the reason -- I think a lot of these people while they're you know raising alarm bells are not acting, you know, swifter and more publicly against him is because they've got to do everything that they can to make sure that they he gets through the primary and to the convention because if something does happen and Kamala Harris become -- you know, she is hail and hearty and healthy, she may not always sound like it, she may sound drunk half the time but she's not -- you know, she's pretty young and she's pretty, pretty healthy. She doesn't have the problems that Biden has.

And, you know, the idea of getting her out at a convention is I think pretty impossible.

HANNITY: You know, I want the transcript, but I also want the videotape from Robert Hur. I mean, they're denying that this happened with the special counsel, the angry and lashing out, Kayleigh, at the special counsel. How about let the American people read the transcript, see the tape for themselves and then they can make the decision. I think the American people deserve to be informed about an issue, you know, of this level of importance.

And you know for the special counsel to write that and then say well he'd probably come off as a sympathetic, old man, nice guy, but yet, he was -- you know, he fully was involved in the decision-making as it relates to documents, but no jury is going to, you know, convict him, just like no reasonable prosecutor would prosecute for Hillary and then the double standard with Donald Trump. That's a lot for the American people to digest here I think.

MCENANY: Yeah. Oh, total belief in the two-tiered justice system and in fact, you know, his biographer destroying the tapes. So it's incredible to the American people to look at the two examples and Trump gets hit with 91 counts, this guy walks.

But I totally agree with you, we must see the transcript. It is our only long form opportunity to see the mental incapacity of this president, and I say the only one because you think that guy on your screen, President Biden's ever going to go toe-to-toe on a debate stage with Donald Trump. He knows he would get smoked, not once, not twice, but three times. So that transcript is the only window the American voter has into the decline of this president.

HANNITY: Well, I've got to imagine and my understanding is that a videotape of it also, is it not? I want to see the videotape.

MCENANY: There is, yes, video all of it.

HANNITY: All right. So, release that. Well, they're so transparent, they promised transparency.

All right. Here's the deadly exit question which everybody hates and, you know it's coming governor. Does he make it to November? Is he going to be on the ticket come November?

I doubt it. A month ago, I just said he probably would but I think the deterioration, what happened last Thursday night was so stark so shocking, and this report really I think just nailed it. I don't see him making it all the way to the election.

I don't know, Charlie, I think this was the worst week of the Biden presidency. Does he make it? And I think you might have vacillated a time or two, but I'm not going to hold you accountable for --

HURT: Yeah, no, I've -- I've been -- I'm -- I'm like a I'm like a cuckoo clock. I've been -- I've been -- I've given you every single possible answer, but I am back with where the governor is. I don't think that he makes it and I think that, you know, the most startling thing about what happened on Thursday last week was that when somebody said that he was mentally unfit, he decides to call a press conference to announce that in fact, he is mentally fit to stand trial, and then turns around and puts Mexico in the Middle East. So, that kind of answered the question for us I think.

HANNITY: Well, maybe you need to have an open mind about these things, Charlie. Those type of things can happen in the course of life.

Kayleigh, you get the last word. Is he on the ticket in November?

MCENANY: I -- up until last Thursday, my answer was, yes, no doubt about it. The man's too stubborn. Last Thursday changed everything. That was the heel turn moment. I do not think he will be the nominee because then de Democrats are endorsing a massive, massive loss.

HANNITY: All right. Now, I have to ask a follow-up. If it's not him, who replaces him? Governor Huckabee?

HUCKABEE: Let me just announce, it will not be me. I just want to make clear because I know a lot of speculation is that I will be the guy but I won't be. I don't think it's going to be Michelle Obama. There are a lot of people saying that, but she hates ***politics***. I don't think she wants any part of it.

I think they're in trouble. They don't have a bench. I mean, this is a bad situation if you're a baseball team. Your pitcher has just totally thrown his arm and you look at the bullpen and there's nobody there.

HANNITY: Who would it be, Charlie?

HURT: I think if they can get it to the convention, they're going to try to do something as safe as possible and go with Gavin Newsom and deal with the fallout from not picking Kamala Harris.

HANNITY: I'm going to bet Gretchen Whitmer. She has a book coming out, magically, they're rushing it out.

Kayleigh, last word for sure.

MCENANY: Governor Gavin Newsom, no doubt about it. .He's run California into the ground but that man is a brilliant communicator. But here's the key, Sean, you got to get buy-in from Kamala Harris. You don't have buy in from Vice President Kamala Harris, you can't switch the top of the ticket.

HANNITY: One day he should thank me for all the publicity I gave him. I was warning people, I knew that was a possibility.

HURT: We can blame you for this.

HANNNITY: I think I'll -- I better not -- I better not hold my breath though.

All right. Thank you all. Appreciate you being with us.

And coming up, while some federal employees, they are banned from using TikTok, the Biden campaign, they just joined the app and Senator Josh Hawley is calling out the hypocrisy and he has a mess message for A.G. Garland, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. Fall -- this week, fallout continues from the special counsel's damning report on Biden's mishandling of top secret classified document. Senator Josh Hawley of Missouri, he is calling on the Attorney General Merrick Garland to take action. Now, the senator telling FOX News digital, foxnews.com that Garland must either charge the president or invoke the 25th Amendment.

Meanwhile, the Biden campaign has a new strategy to prove Joe's young and hip by making TikToks. Now, despite the serious national security concerns that have been raised about the Chinese-owned app, now keep in mind, many federal employees, they have been banned from having TikTok on their government devices, but not Joe. I guess he has that special relationship with the communist Chinese and friends at CEFC.

Anyway, joining us now with more, Missouri Senator Josh Hawley.

Senator, great to have you. I want you to explain why this -- what your saying here is critical, because the special counsel's report said he willingly and knowingly kept these documents. That means he violated the law.

There was no raid. There's no charges. There was, you know, no comparison to Trump, just like in the Hillary Clinton case.

You know, explain to me why this really is a moment of choosing for Merrick Garland and I don't think he's capable of making the right choice because I think he's weaponized that department.

SEN. JOSH HAWLEY (R-MO): Well, the choice is this, it can't possibly be that Joe Biden at one and the same time is not capable of standing trial and, Sean, can still be president of the United States. It's one of the other.

And what the special counsel said is he willfully retained classified documents. He willfully disclosed them. That's a crime, but the special counsel said, oh, but I can't charge him because, you know, he can't stand trial. Well, all right, then he shouldn't be president.

So, Garland needs to either charge Biden, prosecute him, or go to the cabinet under the 25th Amendment and say, guys, he can't be president. We need to remove him.

That's the choice. It's one or the other. You can't have it both ways.

HANNITY: Okay. Now, looking at that report, and just what you see with your own eyes, and we have played so many of these moments on this show, probably more than any other show, and we probably were way ahead of the curve, more than other people. I took a lot of heat in the beginning for pointing out the obvious.

We showed on this program on Friday, Joe Biden in 2020 versus Joe Biden today, and 2020, he looks lucid compared to where he is today and it was bad in 2020. So, clearly, things have gotten, you know, dramatically worse for him on this issue. And yet, I don't know, the media and the people around him seem to just want to enable him and prop him up, even though -- I don't think -- I frankly think they are hurting him in ways that we can't even begin to know.

HAWLEY: Well, and the special counsel's report confirms all of that, Sean. I mean, what it says is the guy can't remember when he was vice president. Think about that, years as vice president, he can't remember it. He can't remember when his own son died. He can't remember key questions about the Afghanistan debate when he was VP.

He clearly is not in charge of his mental faculty, so much so they can't charge him with a crime, which means he cannot be president of the United States any longer. I mean, it's just that simple.

And, Sean, everybody can see it to your point. The American people know. You could see it in that press conference. He doesn't know where Mexico is. He doesn't know who the president of Mexico is. He doesn't know what's going on in Gaza.

He has no idea. The guy is not fit to be president. He should be removed. And if the Democrats had some integrity, they would do it.

HANNITY: Okay, that's -- I'm not sure that's ever going to happen. However, you do have one problem, you can't indict a sitting president. That part we know. So that would be post his presidency, but that would mean he'd have to lose in November for that to happen.

Is Joe trying to stay in for his very survival or, you know, what can the rationale be? How is it so transparent to so many Americans -- everybody watching the show, I would tell you, 98 percent of them see what I see and see what you see. But yet, here he is -- you know, as of today, he's their nominee and they're circling the wagons. Republicans create circular firing squads, but they're circling the wagons. You know in a pretty strong way.

How do you interpret that?

HAWLEY: Well, I just interpret it that, you know what, the presidency and public office in general has been pretty lucrative for the Biden, Sean. I mean, let's be honest about it, the Bidens have made money like nobody's business off of Joe being a senator and they being vice president and now being president. I mean, you talk about selling access to foreign corporations and foreign governments, that what -- that's what his son has been out there doing, apparently his brother, who knows who else.

So they have a financial interest. I mean, of course, they want the guy to be president. They're making gobs of money on it. But the truth is, it's bad for the country. The truth is the guy's a criminal. That's what the special counsel report said. So either charge him like a criminal or else force him to resign, go to the cabinet, invoke the 25th Amendment, say he isn't capable. We can all see it and it's time for some Democrat to have some integrity and actually do it.

HANNITY: What do you make of the FBI, the FCC, all warning the TikTok, you know, is owned by China and it's likely a spying device. And you know, they have all these location biometric identifiers, China's authoritarian government, Biden in himself, he banned the use of TikTok by federal -- by the federal government's nearly million employees on devices owned by the agencies. Why is he then using it? Can you explain that?

HAWLEY: No, I think the only explanation is he's so desperate, Sean. And also, let's not forget, a lot of this is actually about Israel. He's got a huge problem with his radical left base, the radical left are pro-Hamas, let's be honest. They -- TikTok is a pro-Hamas geyser of propaganda. Now, Biden wants to be on it. He wants to get back in the good graces of the anti-Israel hater crowd who he apparently needs to vote for him.

So he's rushing to TikTok and he's rushing to try to reach out to anybody, anybody who will vote for him and the truth is, you're right, this government, Congress banned TikTok on all federal devices for all federal employees. I know because I wrote the law, and he signed it into law, and here he is, oh, no, never forget it, forget it, I'm getting on TikTok, I need the votes, I need to grovel, and this is really what he's doing it's all about groveling desperation to get reelected, it's pathetic.

HANNITY: Let me ask you this do you think that Joe Biden makes it until November? That's 266 days from today. Do you think he makes it? And if you don't think so, who would be likely to replace him?

HAWLEY: I don't know how he makes it, Sean. I mean, to be honest. I just -- I look at that press conference that he did a couple days ago, I look at the special counsel's report, the American people know he's not capable. Everybody can see it. The special counsel confirms it.

I just think that there's going to be a move to replace him at the convention. Who's it going to be? I have no earthly idea, but I just -- I have a hard -- it won't be Kamala though. I don't think he makes it.

HANNITY: Well, it's interesting. Gavin Newsom in interviews I've had with him has said no, he thinks that Kamala is up next, not him, he's been very clear about it multiple times. Who else is there? I kind of -- I don't think Michelle Obama wants anything to do with ***politics***, I might be wrong, we'll see. But I don't know, it's going to be interesting to watch. I'll tell you that.

Anyway, Josh Hawley, thank you, Senator. I appreciate it.

All right. When we come back, it was a bad day in court for Fulton County D.A. Fani Willis after a judge says a hearing into her misconduct allegation must occur and that it could in fact result in disqualification. We'll have the latest on that straight ahead.

Thanks for being with us.

(COMMERCIAL BREAK)

HANNITY: And also breaking today, the judge that is overseeing Donald Trump's Georgia case has said that the misconduct allegations against D.A. Fani Willis could, quote, result in disqualification. Now, Willis and special prosecutor Nathan Wade, they were subpoenaed to testify Thursday about their alleged relationship.

In court today, the judge declared a hearing on the matter saying it must occur. Meanwhile, Trump was in Fort Pierce in Florida today for a closed hearing on his classified documents case, just days after Trump called on Jack Smith to immediately drop all charges against him.

And also today, President Trump asking the Supreme Court to delay his criminal trial -- this is the Washington case -- so they can weigh in on the issue of immunity and the claims that he has been making and his case involving January 6th.

Anyway, here with reaction to all of it, former senior adviser to President Trump, Stephen Miller, along with Harvard law professor, Alan Dershowitz, is with us.

Well, I think the judge here is absolutely correct. They got to get to the bottom of the misconduct issues, Professor. I think it should result in disqualification based on what we know even now. And I don't know what that would do to the case at that point, probably they'd have to start from scratch, no?

ALAN DERSHOWITZ, HARVARD LAW PROFESSOR: It does require disqualification, even on this record. The judge said no. He needs to have a hearing. There are two issues. One is, was there any financial benefit to the district attorney or to her boyfriend? And that the judge will allow inquiry into.

But the even more important issue is did either or both of them commit perjury or conspired to commit perjury when they allegedly stated under oath that their relationship became sexual only after he began working for her? If that's not true and there's apparently a witness out there who's prepared to testify under oath that that's not true, we may end up having a criminal trial but not of Donald Trump. We may end up having a criminal trial of this couple for their perjury.

So the question is what will be the scope of the judge's inquiry? I hope he does permit inquiry into the truth or falsity of the affidavits. You can't allow the district attorney and a special district attorney to get away with perjury if in fact they committed perjury. And if they didn't, the record ought to be clear that they didn't commit perjury, that they had a platonic relationship and it somehow evolved into a sexual relationship only after he began working for her, which sounds very, very unlikely.

HANNITY: Well, that would be financially -- she's benefiting with these luxurious vacation.

Stephen Miller, to me this case should go by the wayside, just like in -- you know, in so many cases, the document case I think we now have proven when you compare the Trump case, the raid in Mar-a-Lago, you look at the pictures of boxes at Mar-a-Lago compared to boxes that they found, top secret classified information of Joe Biden seems exactly the same. Alvin Bragg can't even think of what the real charges are even at this late date.

I don't see a single one of these cases particularly strong, although I probably dislike the D.C. case the most because I don't think he can get a fair trial there.

DERSHOWITZ: That's right.

STEPHEN MILLER, FORMER SENIOR ADVISOR TO PRESIDENT TRUMP: Well, Sean, Alan laid it out perfectly. Disqualification is obviously a must and potential criminal charges could follow depending upon what is discerned and what is learned here.

And as you mentioned, Sean, you're talking about allegations of self- enrichment as a result of this prosecution. The level of corruption that we are seeing in the effort to get Trump, to stop Trump, to try to rig the Republican primary and then try to rig the general election through prosecution, lawfare, unlike anything we have seen before in the history of this country.

I've said it before, democracy is indeed on the ballot but not in the way that Democrats say, because of Joe Biden and Willis and Smith, and all the other -- and Bragg -- and all other Democrat prosecutors that are trying to interfere and overturn American democracy are successful, then we will cease to live in a democracy. We will live in a country that is governed by the deep state and rogue prosecutors.

And that is why it is so essential that this case in Georgia be ended immediately at once and with prejudice.

HANNITY: You know, let me ask you, Professor. Some people have called it lawfare, or the criminalization of political differences. But one thing is for sure, we have a dual justice system. Hillary Clinton, top-secret classified information on her servers, no reasonable prosecutor would ever prosecute. Then, of course, deleting 33,000 subpoenaed emails, Bleach Bit, nobody had heard of it, destroying devices with hammers, removing SIM cards.

Then, you have the case of Joe Biden. He's got -- he's got top-secret classified information in four separate locations and boxes that look like the boxes at Mar-a-Lago. There's no raid of any one of those locations and no indictments for either Biden or Hillary Clinton. So, to me, if that's not dual justice system, I don't know what is. I mean, it's sad.

(CROSSTALK)

DERSHOWITZ: I wrote a book about it called "Get Trump", obviously. And there is a dual system of justice and it was reflected by the Hur report, one of the worst reports of a special counsel I've ever seen. He mistook the law. He stated clearly that President Trump had done something willfully and intentionally, and then says, well, but maybe he was too old and didn't have a good memory, he's likable, he's forgetful.

That's not the standard for criminal prosecution. The standard of intent and willfulness is minimal. Did he know it was classified? Did he know that he possessed it to?

It doesn't matter whether his memory for events three years or four years earlier is a bit foggy. This was a terrible report based on a misunderstanding and misapplication of the law, and lent credence to the claim that there is a double standard. I think the case in Florida, the classified documents case in Florida, should be dismissed as well. Not only based on the failure to provide classified materials being litigated today, but based on the fact that according to the standards, those standards by the special counsel report, there should not be criminal prosecution in either case.

Let the public decide what they think -- but let not the courts get involved and weaponized in this political effort.

HANNITY: There may be hesitation by the Supreme Court, but I do think they need to take up the immunity case. We will give you the last word, Stephen.

MILLER: Absolutely critical. I hope and pray the Supreme Court does the right thing. And, the president of the United States cannot function. If a future party, in this case Democrats, try to throw him in jail for exercising his constitutional duties. It will be the end of the American presidency as we know it.

HANNITY: All right. Thank you both. Professor, thank you. Stephen Miller, good to see you as well.

When we come back, last night's Super Bowl lived up to the hype. Tomi Lahren and one of the people who helped create some of last night's best ads, they join us, straight ahead.

(COMMERCIAL BREAK)

HANNITY: All right. Yesterday, the Kansas City Chiefs won Super Bowl LVIII in overtime in Vegas. They beat the San Francisco 49ers 25-22 in overtime.

The Chiefs have won back-to-back Super Bowls, becoming the first team to do that in 19 years.

Now, meanwhile, some pretty great ads aired during the big game.

Anyway, here with reaction, host of "Tomi Lahren is Fearless" on Outkick, Tomi Lahren, and the chief creative officer and CEO of JSM Music, Joel Simon. He, by the way, helped create some of the most talked about ads from last night.

All right. Three of my favorites probably have to be State Farm -- that would be the top one. Dunkin' Donuts, and -- I like the one with Arnold Schwarzenegger the best. Let's roll that one first and then Joel, we will run some of the ones you worked on.

(VIDEO CLIP PLAYS OF AD OF STATE FARM INSURANCE)

HANNITY: I just thought that was hilarious.

Tomi, let me throw it to you first. You know, neighbor, neighbor, it says it right here on the paper.

Anyway, Tomi, your reaction to that ad. I like that one the best.

TOMI LAHREN, OUTKICK HOST: I thought it was great. Any time you see Arnold Schwarzenegger. I think it's a nostalgic and that's what a lot of the Super Bowl commercials did yesterday is throwback to nostalgia. You know, a better time, when maybe our country was thriving, maybe when things were affordable, maybe when Joe Biden wasn't our president.

So, anytime when you can throw back to something like that, I think everybody wins, Sean.

HANNITY: Yeah. Joel, I've known you for a long time. I mean, you are a musical genius. You do the music for a lot of these ads. One of the ones -- well, you did Hellman's, you did Uber Eats, you did M&Ms.

Let's run the Uber Eats one. I really like that one in particular. Let's take a look.

(VIDEO CLIP PLAYS OF AD FROM UBER EATS)

HANNITY: All right. Joel, these -- a lot of these ads are very creative. What is your process behind the scenes if you've got to put a music to all these ads that they create? Do you see the ad first and then add music? How does it work?

JOEL SIMON, CHIEF CREATIVE OFFICER AND CEO OF JSM MUSIC: It depends on the creative. Sometimes we see a script. Sometimes we see a storyboard. Sometimes we see actual film and then we have to score it.

So, for this particular one, we saw the film and then came up with a bunch of different ideas and this was a song that we worked with by an artist named Mazie (ph). And then we produced it and slowed it down, we did a whole bunch of things to it to make it work for the creative. It was very interesting track.

HANNITY: You worked I think on, what, about seven of these ads this year?

SIMON: Yeah, we had seven this year. It was -- every year, I just want one, like everything else. When you start thinking about the Super Bowl -- it's today. Last year is over so now we think about what we have to do next year. All I want is one.

HANNITY: You are already thinking about next year, seriously?

SIMON: Absolutely. It's the biggest event.

HANNITY: What your favorite ad you worked on this year?

SIMON: They're like -- they're all my babies so I kind of love all of them.

HANNITY: I like them all equally.

SIMON: Yeah, I like them all equally. There's no Sophie's choice he here. But I -- the one we did for the FCAS, the antisemitism that Robert Kraft --

HANNITY: That was powerful. That's the one that Robert Kraft, that was a great one actually.

Tomi, what was your favorite?

LAHREN: I think that was a fantastic one. I found it interesting. I wouldn't say it's my favorite. I love that Bud Light is trying to erase our memory. They don't want us to remember what happened last year around March Madness time with the whole Dylan Mulvaney disaster. So, now, they are pulling out all the star power, trying to remind people that they are a masculine, macho beer. They had ostriches, they had Post Malone, they had Peyton Manning.

So, I wouldn't say it's my favorite, but I'm glad that Bud Light has realized they need to go back to their old ways. I'm not so sure we are going to forget what they did, but I think they should keep trending in this direction, better for their marketing for sure.

HANNITY: I don't want these guys that have career paying jobs at Anheuser- Busch to lose them. I have said that from the beginning. I think partnering with Dana White spoke pretty loudly.

All right. Tomi, thank you. Joel, good to see.

When we come back, Biden couldn't be bothered to sit down for a Super Bowl interview, but he did find time to make a video lecturing snack makers about shrinkflation. And it's been widely mocked. We'll play it, next.

(COMMERCIAL BREAK)

HANNITY: All right. So Joe Biden, he skipped the traditional Super Bowl interview for the second year in a row. And while the president couldn't be bothered to sit down before the big game, he ironically called out snack companies for shrinkflation. Take a look.

(BEGIN VIDEO CLIP)

BIDEN: Sports drinks bottles are smaller, bag of chips has fewer chips, but they're still charging just as much. As an ice cream lover, what makes me the most angry is that ice cream cartons have actually shrunk in size, not in price. I've had enough of what they call shrinkflation. It's a rip off.

(END VIDEO CLIP)

HANNITY: I'd say it's Biden inflation.

That's all the time we have left this evening. As always, thank you for being with us. Please set your DVR so you never, ever miss an episode of "Hannity".

Let your heart not be troubled.

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