

# [***Awaiting D.A. Willis Reaction To Judge Ultimatum; White House Holds Press Briefing; White House: We've Been Pushing Back On Iran; Judge: Willis Can Stay On Case If Wade Removed; Nathan Wade Steps Down From Trump Georgia Case; Wade Resigns Trump Georgia Case As Special Prosecutor; Biden: Schumer Gave A "Good Speech" On Israel; One-On-One With Former VP Mike Pence***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BJT-16J1-F072-X001-00000-00&context=1516831)

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

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**Body**

MARTHA MACCALLUM, FOX NEWS CHANNEL HOST: Thanks very much, you guys. Good afternoon, everybody. I'm Martha MacCallum, and this is THE STORY. We are awaiting response this hour from D.A. Fani Willis. We could hear from her any moment, really, after Judge McAfee left it up to her if she wants to continue with the Trump election interference case. He says she will have to do it without her former boyfriend and colleague, Nathan Wade, who you see to the right of her in that picture.

Now, the judge said that although she showed a "tremendous" lapse in judgment in hiring Wade, he could not conclude that that had had a material conflict in the Trump case. Now, in the decision, he did go after her for her "unprofessional manner" when she stormed into the Atlanta courtroom back in February after Wade testified. And this combative testimony, watch.

(BEGIN VIDEO CLIP)

FANI WILLIS, FULTON COUNTY DISTRICT ATTORNEY: As you know, Mr. Wade is a Southern gentleman. Me, not so much. I think you lied right here. No, no, no, no, this is the truth. And it is a lie. I object to you getting records.

You've been intrusive into people's personal lives. You're confused. You think I'm on trial. These people are on trial for trying to steal an election in 2020. I'm not on trial, no matter how hard you try to put me on trial.

(END VIDEO CLIP)

MACCALLUM: Remember that? We may get another moment like that any minute when she responds. Who knows what her reaction is to what the judge decided this morning, but we will find out when she is ready to share that with the country. So, Republican Georgia State Senator Bill Cowsert joins me now. He is leading a new effort, a special Georgia Senate committee that is probing D.A. Willis. Sir, Mr. Cowsert, good to have you with us today. Thank you very much for being here. First of all, your reaction to what Judge McAfee --

STATE SEN. BILL COWSERT (R-GA): Thank you, Martha.

MACCALLUM: Thank you -- what Judge McAfee decided this morning and released in this document.

COWSERT: Well, we're not surprised at all. I actually expected that he might have just simply removed her from the case. It's an extreme sort of action to totally dismiss the criminal prosecution, so I didn't anticipate that. But he did give her the choice. He said, you either need to remove yourself and the entire D.A.'s office from further prosecution or at the least remove Mr. Wade from any further involvement in this case due to this appearance of impropriety and it's just inexcusable conduct. He laid it out pretty good there in his order, I will have to say.

MACCALLUM: I want to play this from Andrew Weissmann, an MSNBC Legal Analyst, responding to this news earlier today. He was part of the Trump investigation back during the administration. Watch this.

(BEGIN VIDEO CLIP) ANDREW WEISSMANN, MSNBC LEGAL ANALYST: The key here is how to go forward because clearly Wade is off. But I think that this is such a huge body blow, almost a fatal blow to Fani Willis. I think the way forward is she has to voluntarily recuse herself. I don't know that she has it in her, but I think she has to say, I'm going to appoint a chief assistant who's going to oversee this case. She clearly has no credibility with this judge.

(END VIDEO CLIP)

MACCALLUM: What do you think about that? Do you agree?

COWSERT: I'd agree totally. And when you hear commentators from the left that agree that there's simply no other responsible choice for her to make, I feel confident that's what she'll do. There's just no way a jury will give any credibility to her further involvement. It will undermine her own mission of prosecuting these individuals if she stays personally involved. It's just been a series of really poor choices.

MACCALLUM: Given what you know -- I'm sorry, I didn't mean to interrupt. So, what can you do with this subpoena effort? What are you guys looking for? What are you all looking for in the State Senate in Georgia from this action?

COWSERT: We had heard all these really just sort of unbelievable accusations and very disturbing allegations about her conduct and not only the relationship that she had, but other financial improprieties. She didn't disclose these gifts as required by Fulton County law. She didn't get approval of hiring this attorney as she was required to do. She personally gets to review his bills and approve those bills with no other intervention. And we're concerned about the misspending of taxpayer money. That's what we're going to look into.

MACCALLUM: Before I let you go, Senator Cowsert, do you have any hunch or is there any kind of feeling around the statehouse in Georgia about what she's going to do and when we're going to hear from her?

COWSERT: Well, you can't tell with her, because I mean she has been so defiant throughout this process. I mean, one of the things that the judge basically said is that she had made inappropriate comments, both in a church and she, she gave quotes and background information to a book that was being published during the course of this prosecution and allowed her staff to do that. You don't generally see prosecutors speaking publicly about cases and the judge expressed great concern about that. So, I think that it's the right choice for her to make. He's giving her an out. Whether she'll take it or not, who knows? I mean, she seems to love the spotlight and she is defiant in any attempts to control her in any way.

MACCALLUM: All right. We will wait along with you all, I'm sure, to hear what she decides to do. Obviously, the Trump team watching this very closely as well. Thank you very much, State Senator Cowsert. Thanks for being here today.

COWSERT: Thank you, Martha.

MACCALLUM: So, let's bring in Matt Whitaker, former Acting Attorney General under former President Trump; and Doug Collins, former Republican Congressman from Georgia and host of "The Doug Collins" podcast. Great to have both of you with us today. Let me get your take. I spoke with you earlier, Doug, about this and got your initial reaction to this decision but we haven't heard from Matt Whitaker yet. So, Matt what do you think about this judge's decision?

MATT WHITAKER, FORMER ACTING ATTORNEY GENERAL: Yes, well, obviously the result was not what I think some people hope for but this opinion is blistering as it relates to D.A. Willis and Wade and others. I mean, it's you know said she was unprofessional, said she lacked judgment, but the, the line that just struck me was when he said, an odor of mendacity remains. I mean, that essentially says your office and you as a D.A. have no credibility with me as a judge. And I just think that is, you know, essentially says that you are lying. We know you're lying, and we're not going to trust anything you say in this case from now on. That's a big deal.

MACCALLUM: So, why do you think he didn't remove her from the case, given all that strong language, Matt?

WHITAKER: Well, I think it's, again, the bar is very, very, very high to remove not only a D.A. but, but the office as a as a whole, you needed to show an actual conflict. And he just didn't think the evidence was there. Obviously, it was hard for the defendants to create that evidence since she controlled all the documents, all the information, lied about it. And so, he just didn't feel he could get to that result. result, but I think he cut the legs out so much of the office in continuing this prosecution. It's going to be hard for her to remain no matter what.

MACCALLUM: Yes, you know, Doug Collins, just looking at this in the big picture and seeing people's responses to this morning. It strikes me that Americans are perhaps sadly getting used to hearing this kind of report where a public official gets basically criticized in the deepest possible way that any civilian would never survive. They would lose their job, they would be put in jail, depending on the different circumstances, of course. You know, and I would just put up these images. The former FBI Director Comey, former Special Counsel Robert Mueller, Robert Hur, who we heard from the other day, and now Scott McAfee, all of whom have laid out the very troublesome behavior of different individuals across the board. And then, at the end of these big proclamations, the American people are told, but we really couldn't do anything. What do you say about that?

DOUG COLLINS, FORMER GOP GEORGIA CONGRESSMAN: Yes, I think this is just, it's what has said this discontent across the country. And I'm going to say as an attorney here in Georgia, it's interesting to see what this judge said, but I also have to remind you, Martha, we didn't talk about this this morning. This is the second time that this D.A. has been held basically by a judge in Fulton County to have done something improper, not binding before the court, something that would have her in trouble in this case. If you remember, she was, by Judge McBurney, originally the lieutenant governor was allowed, she could not prosecute or go after the lieutenant governor because she participated in a political event against his opponent.

McBurney scorched her in an opinion about that. Still didn't really do anything. Now, you have another judge doing the same thing going forward here. So, I think this is what feeds the American doubt about the cases against Donald Trump. I think that's why you see Donald Trump going up in the polls and winning because people see this and they don't like it. And, and, this is really where people are drawing the lines, saying we're not going to go for something that seems to be going after one person when you're not even holding accountable those that are going after them.

MACCALLUM: Yes, I'm just these lists and documents full of egregious, egregious behavior. And then, the conclusion at the end of it is, yes, but we really can't do anything. As Matt Whitaker says, the bar would be too high. Doug, do you have a sense, I just asked the state senator, as a Georgian and someone who's got their ear to the ground there, what she's going to do?

COLLINS: Yes, she is defiant. She's struggling right now with what to do because it's hard for me to actually agree with someone on MSNBC, but I do have to agree. She doesn't have a good place to go here. This is a case, and the judge has basically, and Matt said it as well, has basically said, you're lying and your office is compromised. She doesn't have a good place to go here. This is a case, and the judge has -- and Matt said as well, has basically said you're lying and your office is compromised. She doesn't have a good place to go here. I think she's trying to find any way she can to spin this attack and be a victim in this case and which is just not going to be true. So, I think she's struggling to find a way out. We may hear from her today but it may be later this weekend and you'll hear it I think personally from a victim standpoint.

MACCALLUM: Very interesting. All right we will just point out the judge, Judge McAfee, is up for election again in May. He has someone now running against him. That's a late entry to that race, and the D.A. is also up for re-election in May. So, gentlemen, thank you so much. Matt Whitaker, always good to have you with us. Thank you very much. Doug Collins, great to see you as well. Thank you, gentlemen.

So, our breaking news coverage this afternoon continues with Ari Fleischer and Leslie Marshall as we await the response from Georgia D.A. Fani Willis next.

(COMMERCIAL BREAK)

MACCALLUM: So, as you can see, the White House briefing is underway. Everybody has their green on for St. Patrick's Day over at the White House today.

So, we'll monitor John Kirby if he says anything that -- all right. Let's listen to Jacqui Heinrich's asking her question right now.

(BEGIN VIDEOTAPE)

REAR ADM. JOHN KIRBY (RET.), COORDINATOR FOR STRATEGIC COMMUNICATIONS, NATIONAL SECURITY COUNCIL: -- three months, it's a quarterly thing.

It's a sanctions package that was actually put in place by the previous administration, by President Trump and his team that allows for Iraq to be able to work its way off of Iranian energy so that they can keep the lights on. And we're continuing to work with our Iraqi partners about how to do that.

But right now, they still are dependent for a lot of energy from -- coming from Iran. And so, we don't want to penalize the Iraqi people for efforts that they're still trying to get to wean off of that.

And I would remind everybody, and we've talked about this before. I think, three months ago, we've probably talked about this before. None of this money goes to the mullahs, none of this money goes into Tehran. The sanctions relief that is provided actually goes to vendors that provide humanitarian assistance to the Iranian people.

So not only do the Iraqi people not suffer because of this, the Iranian people aren't going to suffer because of this.

JACQUI HEINRICH, FOX NEWS CHANNEL CORRESPONDENT: Wouldn't it be though the Iranian people who would suffer as a result of the teeth in the morning? I mean, you said you're saying you would suspend flights on Iran Air to Europe, if Iran supplies ballistic missiles to Russia.

KIRBY: I didn't say that. The press reports said that.

HEINRICH: It's not -- it's not -- but it's not like, you know, the Ayatollah I told the flies commercial. I mean, that's -- the Iranian people would be the ones who'd be harmed by that if that comes to pass.

KIRBY: It's also not like the regime. And the IRGC are thinking, this is some sort of windfall, like they are going to -- like this is somehow going to make a big difference in their support for terrorist networks in the region.

I mean, they continue to support Hezbollah, Hamas, the Houthis, that could go on and on. That hasn't changed since 2018, when these waivers have been -- have been passed by this administration and the previous one.

HEINRICH: (INAUDIBLE)

KIRBY: Wait, now, hold on a second. So, we -- this is you're talking about one of the most heavily sanctioned countries on the planet. And we're still going to look at additional options if we need to. We've been nothing but clear and direct. And quite frankly, forceful in pushing back on Iran's activities in the region.

HEINRICH: In the last three months alone, since the last renewal, you had an Iran-backed proxy killed three American soldiers in a drone attack in Jordan, the Houthis in the Red Sea firing anti-ship ballistic missiles, suicide drones, commercial vessels and Navy ships, you had, you know, three atomic bombs, apparently, could be built in Iran with uranium has been enriched to that extent.

Blinken today, addressing that very issue in Vienna, saying there is still an issue of the IAEA inspectors. I mean, what have they done in the last three months to justify another renew of this waiver?

KIRBY: It's a renewal that we go through every quarter. We -- and it's really about not penalizing the Iraqi people and the fact that they are still heavily dependent on Iranian energy. But in the last three months, look what else we've done.

We've gone after Houthi capabilities ashore, we've got a coalition of ships in the Red Sea, protecting against Houthi attacks on shipping there. We have struck back and forcefully against some of these militia groups in Iraq and Syria.

We continue to have sanctions in place -- significant sanctions on the Iranian regime for multiple reasons are protested. They are, you know, going after protesters and support from terrorist networks, their nuclear program. I mean, there is a lot of sanctions in place.

And oh, by the way, we're still conducting interdiction operations at sea to try to prevent the shipment of material in arms to some of these groups. So, the idea that we're just laying back and not doing anything on Iran just doesn't -- just flies in the face of the facts.

UNIDENTIFIED FEMALE: Thank you, Admiral. So, you said the U.S. has not seen a plan to protect civilians in Rafah, yet, Netanyahu has already authorized an invasion of Rafah. That --

(END VIDEOTAPE)

MACCALLUM: Jacqui Heinrich's questions there around this issue of $10 billion in sanctions relief for Iraq, which allows them to buy energy from Iran. And a lot of people criticizing that move as just another outcome that puts more money in the pockets of the mullahs, who have really stepped up their weaponry.

They have ballistic missile operation that is unlike any they have ever had before. And all of their attacks that we've seen through other parties, the Houthis involved, and Hamas, and Hezbollah over the last several months.

So, that's what that exchange was focused on between Jacqui Heinrich and John Kirby at the White House. And we'll take you back there if there is anything that we want to make sure we dip into at the White House this afternoon.

And we're also obviously getting reaction again to this news around the Trump situation in the Georgia election interference case. And Fani Willis as we wait to hear from her on this Friday afternoon.

Let's bring in Ari Fleischer, former White House press secretary for President George W. Bush and Leslie Marshall, Democratic strategist. Both our Fox News contributors. Welcome to both of you. Great to have you here this afternoon.

Leslie, let me start with you. It's interesting. We're hearing from, you know, people who are sort of typically more conservative and typically more liberal, that they want to see Fani Willis -- Fani Willis step aside from this case.

Andrew Weissmann spoke out about that a short time ago as well. And he is no friend to the former president. What do you think?

LESLIE MARSHALL, FOX NEWS CHANNEL CONTRIBUTOR: Well, I don't know that I want to see her step aside. You know, look, this is an area where Ari and I may agree, because we are seeing people on the left and right, agree. You know, there is optics, right, going into this.

If you are trying to prosecute, one could argue, you know, one of the biggest names, a former president. You know, people are going to find every single thing out. What did you eat four years ago on a Tuesday for lunch?

So, you've got to have your ducks in a row, and you got to make sure that nothing smells. And this relationship certainly smells. When you hear the harsh rebuke from the judge, this people could say this is a partial win for the former president, when you say, OK, she could proceed, this is a partial win for her.

But make no mistake, this case is now damaged to a degree, not only with delays, not only with embarrassment of, again, an optics, optics, which the jurors see, and on a larger level when you look politically, but the voters see. one of them is going to have to go.

I'm not sure that I would necessarily push for her. You know, some people are saying Wade, some people are saying Willis. Either way, it's damaging. I just don't see her stepping down. I see her more sending Wade packing with his bags.

MACCALLUM: OK. We are following this very closely. There may be some developments coming momentarily on this that we're working to confirm right now. But, Ari, your thoughts on the optics as Leslie points them out. And, you know, obviously the Trump team would like to see this case and pretty much all the others a fall apart.

ARI FLEISCHER, FOX NEWS CHANNEL CONTRIBUTOR: Fani Willis will never step down. This is her life's work now. This is her claim to fame, and to pick up on the judge's ruling where he referred to the odor of mendacity, a wonderful turn of phrase. She is the odorous tip of the Democratic spear trying to attack Donald Trump, which is why she will never step down.

She sees her role as being the Georgia savior who will stop Donald Trump from getting reelected, which is why she's brought such an unlikely unwieldy RICO case against Donald Trump, which never should have been brought in the first place. But haven't brought it, she'll never back away from it.

I think the real fear here now to Donald Trump is she'll actually find a prosecutor if Nathan Wade indeed does step down. Who is better than him? She appointed her lover, she didn't appoint the toughest, best most experienced prosecutor.

Now, unless she's got another lover she'll appoint, which I don't think she will, she is going to find a real tough, experienced prosecutor.

I think the timetable is all messed up if they want to get Trump before the election, most likely. But this is her chance to reset, recharge, and go right back after Donald Trump.

MACCALLUM: Leslie, what about the ***politics*** of this as we look at the 2024 election? You know, it seems that all of these different prosecutors for their own reasons and one common reason to go after the former President Donald Trump, rightly or wrongly, depending on, you know, how they see these situations legally, has backfired spectacularly, in terms of what it's done to his popularity.

And because of the overabundance of charges and the lack of coordination on a lot of these fronts, it has turned into something that is just seeing delay after delay, and more and more support for the former for the former president.

MARSHALL: Well, first of, well, first of all, one could argue that it isn't politically motivated, because it's helping him, it's not hurting him. And I think a lot of people knew, I mean, you know, certainly, you know, I don't have 10 degrees from MIT, and I figured out it was going to help them, because that's really how his bass goes. And that's really what he does. He is really -- he is a master at taking a situation and making himself the victim, and look what they are doing to me, and they are coming after me.

For a second, you got to have your stuff together with a case. And you can't be concerned about a timeline, because that benefits, in this case, the former president. Because that's exactly what you're giving is what his attorneys have been constantly asking for in all of these indictments, which is delay, delay, delay, delay, and we're going to see delays and have for months.

And not just that, but the embarrassment that it brings out in this case, specifically, and then, what are you doing? You're making the person saying, look, what they are doing to me appear to be accurate, and you make it look political, even if it wasn't politically motivated.

(CROSSTALK)

MACCALLUM: But it wasn't a mistake, Leslie.

MARSHALL: But I would say, the (INAUDIBLE) how said, it's not politically motivated.

MACCALLUM: I mean, politically, it wasn't a mistake, you know, it wasn't a mistake for these, you know, largely, politically elected officials in these places. I mean, we know here in New York, Letitia James ran on, "I'm going to get Donald Trump."

So, as a -- as a Democrat --

(CROSSTALK)

FLEISCHER: Right.

MACCALLUM: Looking at this election, you know, my question to you is, was it an overkill mistake?

MARSHALL: I wouldn't say it was overkill or mistake. I would agree with Ari that maybe RICO isn't the way to go.

When you're a district attorney, you're elected, you know, certainly, you're going to be, you know, either a Democrat or Republican, as far as, you know, personal, and as far as, you know -- you know, whether you're appointed or elected, you know, what that composite was, what the demographic was.

But, you know, if we go down that road, then, Martha, then, we're saying that, you know, a democratic D.A. never -- you never can indict or prosecute somebody who's a Republican has been in office, even a former president and vice versa. We shouldn't have that. Because the job of the district attorney, you know, is to, you know, carry out and uphold the law.

And there are some concerns whether it comes to election interference, and the list goes on, certainly that are perceived by many as political attacks, but are perceived by other as following the law and doing their job.

MACCALLUM: All right. We can now confirm that Nathan Wade has stepped aside. He has withdrawn from this case that is going after election interference in Georgia.

Senior correspondent Jonathan Serrie is reporting live from Atlanta on this part of this story, and also what we're going to hear next from Fani Willis, the D.A. in Atlanta.

JONATHAN SERRIE, FOX NEWS CHANNEL CORRESPONDENT: Yes, the decision is not surprising, because the judge really gave Fani Willis a, well, probably an unpleasant decision, but an easy decision. Because if Nathan Wade were to stay on this case, a special prosecutor, then, the D.A. Fani Willis would have been forced to resign from the case, along with her entire staff. They would have had to stand on the sidelines.

And so, in order for this case, to best move forward, clearly, the D.A.'s office made the calculation that losing this one special prosecutor, Nathan Wade would be less damaging than disqualifying the entire office and then having the prosecuting attorney's council appoint a totally new slate of prosecutors to come in from outside, and handle this case.

So, not a surprising development, but a dramatic development. Nathan Wade, turning in his resignation from the case, and the D.A.'s Office accepting that resignation.

MACCALLUM: Yes. I'm just looking, Jonathan, standby at the letter from Nathan J. Wade, Esquire. He writes to D.A. Willis. "The furtherance of the rule of law and democracy is and always has been the north star of our combined efforts in the prosecution of those who are alleged to have attempted to overthrow the results of Georgia's 2020 presidential election. Our team is dedicated to ensuring that a Fulton County jury in a Fulton County courtroom renders a true and just verdict in this case."

He goes on to say, "I'm proud of the work." He said, you know, basically, according to the judge's decision, I will resign immediately. I offer my resignation effectively, as quickly as possible, I should say. "I'm proud of the work that our team has accomplished and investigating, indicting and litigating this case, seeking justice for the people of Georgia and being part of the effort to ensure the rule of law."

And he goes on to say that he's sure that the team will be successful, Ari. Your reaction to this news.

FLEISCHER: Martha, it sickens me to hear him say this is in furtherance of democracy. If this was about democracy, the Democrats wouldn't use the courts to indict Donald Trump. They'd go to November and let the American people decide. That's what a democracy would do.

But in America's bluest counties, Fulton County, Georgia, New York County, which has Manhattan in New York City, the bluest of bluest counties where the bluest of blue is prosecutors who will never lose a reelection unless it's from the left indict Donald Trump.

You'll never see these things brought in a purple County, you never seen them brought in a red county, and it's not because they have an adherence to democracy. In the case of Georgia now with Nathan Wade, it's because the judge ordered him to break up with his girlfriend.

It's the judge ordered his girlfriend to break up with him from a legal point of view. That's why he is stepping down not in furtherance of democracies, because what he did was unsavory.

What the D.A. did was unsavory. And at its most fundamental level, bringing charges against a political opponent is even more unsavory than any of the personal unsavory behavior they engaged in.

That's -- I just -- he wrote that in that letter, and it just rubs me the wrong way, not about democracy.

MACCALLUM: You know, Leslie, there was an event that Fani Willis attended at the White House. She claimed that she had no interaction with the vice president who was speaking at that event when she was at the White House. But obviously, there's a lot of discussion from Republican quarters about the coordination that has potentially happened in this concerted effort to go after former President Trump.

And we haven't heard from Fani Willis. We have only heard from Nathan Wade at this point. I want to replay control room if we can, the Andrew Weissmann who was part of the Russia investigation team going after former President Trump.

He wants Fani Willis to be gone. He wants to go the whole way and clean the decks of this team. And he thinks that would be the best thing for the prosecution. Let's watch this again from Andrew Weissmann earlier today.

(BEGIN VIDEO CLIP)

WEISSMANN: The key here is how to go forward, because clearly Wade is off. But I think that this is such a huge body blow, almost a fatal blow to Fani Willis. I think the way forward is she has to voluntarily recuse herself. I don't know that she has it in her, but I think she has to say I'm going to appoint a chief assistant who's going to oversee this case. She clearly has no credibility with this judge.

(END VIDEO CLIP)

MACCALLUM: That could still happen, Leslie. Nobody of whom I've asked this question thinks that anything in her character points in that direction, but you never know.

MARSHALL: I would feel that the -- everybody would kind of say, you know, day late and a dollar short, if that would have happened. And if she were to do that she should have done this, you know, prior because of you know, the, you know, just the embarrassment alone. Not just the delays, not just a whole new prosecutorial team that has to be caught up to speed, if you will.

I do agree with Ari there that, you know, she should have just appointed, you know, that I would have appointed, you know, the toughest person that you can find, and the person that's going to be great with this and more apt to win. But one area that I disagree with Ari on, is when Ari said it should be left up to the voters in November. It is going to be left up to the new voters -- voters in November, whether Donald Trump will become president again or not. But it should never be left up to the voters to decide whether somebody is guilty or not guilty in a criminal court of law. That has to be done in the court system, in our legal system, and that has to be decided by a jury.

But going back, I don't think that she would do that. But I would agree with Andrew there where, you know, if your case is dirty, if you will, by you, and anything that you've done, or you've said. You know better in the interest of democracy, if you will, for you to put the best team in place to win. And if that means you stepping aside, that's what you do, right?

MACCALLUM: Well, let's do one more question before I go back to Ari. So the New York case, which is the hush money case, that's delayed 30 days because the Department of Justice withheld, according to the other side, information that they didn't bring out in discovery. So that -- you got a problem there. You've got the question of immunity on the January 6 case and the documents cases, so those are also running into issues and waiting for the Supreme Court. And you've got this Georgia case. Are you concerned, Leslie, that these efforts, which have been so fulsome, might be coming apart?

MARSHALL: No, and let me tell you why. And I know my (inaudible) you guys know, I'm just honest. I'm not like everybody's thing. So literally, I get on Twitter. She has the democratic talking points. Yes, this is what I have. I have no democratic talking points.

I have truth, and this is my truth. I don't think, even if he is found guilty of all of these, he is going to spend one second in jail. And if the goal is, you know, and it's not going to keep him off the ballot, it's not going to keep people for voting for him. It's actually done quite the opposite, and I, many others predicted that. And, you know, he could, you know, again, be president.

So what are you doing this for? Democracy, we have to do with ***politics***, right? What are you doing this for? If you're doing it for legal reasons, it's like impeachment. It drives me crazy. If you know you're not going to move the guy from office, and I'm talking Democrat or Republican, maybe it is a waste of taxpayer time and money.

So with this, you know, you got to follow it through, you know, you got to go with the letter of the law, but I have never been, you know, a huge cheerleader of these simply because, you know, my question is, a, what is your goal and, b, are you even going to reach it. And if the goal is to have Donald Trump be wearing an orange jumpsuit, they're not going to reach that goal in my humble opinion.

MACCALLUM: Matt Whitaker is with us as well. Matt, what do you say to that?

WHITAKER: Well, Martha, you know, obviously, this tells me one simple fact and that's Fani Willis believes that only she can drive this case to conclusion. And she thinks that without her she can't take, you know, she can take Nathan Wade off this case, but without her she's going to drive it through. But, again, all of these issues that we're talking about are now defenses and defense arguments, whether it's the, you know, the speech at the church, whether it's this relationship and the money to Mr. Wade, whether it's her lack of candor with the court, all of those become issues in the case.

And I just think it's going to be -- it's not -- it's getting weaker, let's just say that, and I'm not sure that she'll be able to get this case to the finish line ultimately.

MACCALLUM: Yes, that's great point. Ari, I want to get your thoughts on that because now her behavior becomes part of the defense. They're going to poke at her credibility all throughout this case, in terms of her motivations for bringing it and her own handling of the case. Ari Fleischer, how does that go?

FLEISCHER: Well, first, I want to go back to one thing Leslie said, because she said that you should never let the American people decide, you know, clap backs about a law case. You should let a jury pool just do it, not live up to the voters.

The sleight of hand there is the only place these jury pools are being selected, are overwhelmingly Democratic counties. There's not going to be any Republicans in those jury boxes, it's going to be overwhelmingly people who support Democrats or judges who don't get reelected unless they do things that Democrats like. So that's why we have elections, actually. They should never been brought judicially, especially in those blue districts.

As for her behavior, of course, this is handing Donald Trump's team, and all the other defendants in Georgia, a great opening to go after the root cause of why they're being politically targeted. And the fact that the prosecutor now has been found to have the odor of mendacity, as the judge put it here. And this is going to just nag at the prosecution throughout these cases. If you want to run a clean case and put somebody away, you don't have a prosecutor who is anything but clean, and that's going to be Fani Willis's problem. And that's going to be some of the defense can certainly exploit and everything legally coming up.

MACCALLUM: And there's a lot coming up, Matt. When you look at these cases, I just went through some of the delays, some of the procedural issues that are going on, we all thought that the first court case with a jury was going to happen starting on March 25th, here in New York, with the hush money case, and whether or not checks that were written prior to the 2016 election by the Trump team were funneled as legal expenses. That was supposed to be the first case.

But now all of the sudden, they came out yesterday and said, well, the DOJ had a lot of documents that they never turned over in this case. And now you've got another 30 day delay. Where do you see that case going, Matt?

WHITAKER: Well, exactly. Not only a 30 day delay but, you know, almost 90,000 pages, which you know, the district attorney has to sort through. Because remember, Southern District of New York declined to prosecute this case, so there could be legal memos in there suggesting that their legal theory and why they enhance it to a felony instead of a misdemeanor is completely baseless under federal law, and that could undermine their case and give again, a great defense in that case to President Trump.

MACCALLUM: So, Matt, as you rightly point out, I just want to remind people about that. And we're talking now about the very first case that's expected to go to trial, which is New York, which is what people remember is the Stormy Daniels situation. They did a carve out and essentially found a way to turn that into a felony. And it carries a one to four year jail time if he's convicted. And in New York, the only trial he's had so far was a judge only trial.

How serious is that situation? And where do you expect that case to go on that?

WHITAKER: Yes. On the level of seriousness, I'd actually put that at the bottom of these criminal cases we're talking about because, you know, again, any judge is going to know that these are just misdemeanors, the falsification of business records. The only victim is actually Donald Trump, who is the owner of the companies that he falsified the records to. And so, ultimately, it's the only -- and the way they enhance those two felonies is they say you committed a federal or a state campaign finance law violation. It can't be a state because it's a presidential election. So we're talking about a federal campaign, election violation of the -- and both the FEC in the Southern District of New York said this is not.

It's a mixed purpose expense, and therefore can be categorized as personal expenses. And quite frankly, he'd be in more trouble if he had paid for these out of his campaign funds. So you just can't, you know, it's kind of a damned if you do damned if you're don't in his situation. I just think this case, very weak and not the most consequential.

MACCALLUM: Yes. Just to catch people up, Nathan Wade has resigned from the Georgia election interference case. You see him at the far hand right side of your screen, at the table in the jury, in that hearing, which was in front of Judge McAfee, who gave himself two weeks to make a decision in this case. The two weeks ended today, and he came out with that decision earlier today.

Everyone, if you would stay with us for a moment, I'm going to bring in Jonathan Turley, constitutional attorney, GW University law professor and a Fox News contributor. We've got part of the story here, Jonathan, we're still waiting to hear from Fani Willis, the DA in Fulton County, directly but we do know that Nathan Wade, not a huge surprise, has severed himself from this case, and now we're waiting to hear from her.

JONATHAN TURLEY, FOX NEWS CONTRIBUTOR: Well, Wade didn't have any option, let alone a good option. The judge said that he could choose to resign but there was not much else he could do, because if he didn't, the whole case would be taken out of the office. The only alternative was to go on an appeal, that would be unlikely to succeed and would delay the case further.

The big question, as you know, is what will Willis do? You know, she has now had multiple opportunities to do the right thing, which is recused herself. Every time that moment has come, she has declined to do so. She has put her personal interests ahead of the interest of her office and the people of Fulton County. I can't imagine how even Willis could go forward after this order, which -- and these damning findings from this judge.

I mean, he goes into great detail about how she made unprofessional decisions in a litany of errors. In her public statements and how she dealt with these allegations, she is damaged goods. And that's not going to be to the advantage of the people of Fulton County.

MACCALLUM: I wonder, I mean, you know, how much do you think that the people in Fulton County are going to be looking at the details of this decision from this judge. And she has been very forceful doing her own PR on all of this. And she could easily come forward and say, you know, how unfair this attack was on her. We saw her do it already in the church, where she said it was all race-based in terms of coming after her.

We could easily hear that from her again, although I would point out that in this decision, as you well know, the judge tried to, you know, sort of slap that back and tried to admonish her from doing just that. But I don't know, what do you think, Jonathan?

TURLEY: Well, this judge gave her a great opportunity to do the right thing. He laid out two options, but he was clearly talking about a third option. He said, look, you could keep Wade, and then I'll just transfer this to a different jurisdiction. Or you could take this up on appeal, I -- and then also, there is the option -- I should say the two primary options was to keep, a, Wade or to get rid of Wade, but she could have gone on appeal.

But the real option that I think the judge was referencing here was you can always do the ethical thing. You could always do the professional option. You could say, I don't have a positive role left to play in this case. I blew it. And the thing that's troubling for most of us is that the court details the evidence about the relationship before Wade was hired. It's really Willis' conduct after this allegation arose, that was the most troubling.

Many of us believe that neither she nor Wade were honest on the stand. Many people have suggested that there might have been false statements given on the stand. There's certainly evidence suggests that Wade may have given false statements to a prior court in the divorce proceedings. All of that is a damning record that I think makes it practically impossible go forward. She would have to continue to prosecute people who are accused of the same conduct that she is currently being accused of.

And keep in mind, Wade is not out of this. He's been accused of false statements and one of those allegations, I think is very compelling. He could be facing proceedings on the state level or the bar level, she will be a witness as those things unfold. So she going to do that, keep that front going while she's trying to prosecute the biggest case in her office's history.

MACCALLUM: Well, you know what, precisely that thought process, Jonathan, maybe why we haven't heard directly from her yet. And maybe she will be thinking this over for a few more hours, or even a few more days. But she does want to keep on a timeline with this case. And so, she has a motivation to want to -- get right back to work, and potentially try to write her own reputation. In that process, it seems just knowing what we've seen so far for character that that might be the likely route for her despite your very even handed assessment of what the right thing to do would be here. I'm not sure if that's what we're going to see.

In terms of the big picture, we talked about this before, you know? I was thinking about Robert Hur, and I know that you gave him, you know, strong points for much of his presentation. Or you think back to James Comey or Robert Muller where all of these people laid out very bad behavior on the part of a lot of people, from Hillary Clinton to, in this case, Fani Willis.

And then at the end, the coda is always but we really can't prosecute. We really can't take her off the case. And don't you think this is one of the reasons that we see this, you know, disintegration of faith in this system in this country?

TURLEY: I think there is a crisis of faith. And I've always been someone that has stood up for the US legal system, I still am. But there's a reason for that crisis of faith. There is a double standard in this case. There's another case, the Rollins case involving the years former US attorney in Massachusetts. And she was found to have lied to federal investigators. And the Department of Justice just shrugged and said, they wouldn't be prosecuting one of their own.

And the American people look at this and they say, wow. I mean, there really is a two track system of justice in this country. These people are destroying the system of justice that defines us. They're sowing at the branch on which they all sit by making these highly conflicted decisions. And I think you're absolutely right, we have to deal with that crisis of faith. We have to do it by being more faithful to the rule of law.

MACCALLUM: Yes. I think people across the country just look at these situations. And they say, where is the accountability and who is getting me off when I, you know, do something wrong or break the law. They feel like there are just a set of rules that apply to these people in high positions that don't apply to average folks across the country, and that's a real problem, as you put it, a crisis of confidence in the system, which is very, very destructive and dangerous for the country.

Jonathan, thank you very much. It's always great to have you with us, Jonathan Turley from GW School of Law, and avid contributor here. My thanks to all of our guests who joined us on this story. Ari Fleischer and Leslie Marshall, and Matt Whitaker, my thanks to all of you.

So President Biden on Capitol Hill today for a St. Patrick's Day event, which is coming up this weekend, as Senate Majority Leader Chuck Schumer faces huge backlash over his comments on Benjamin Netanyahu, suggesting that the country needs to change its leadership. Saying he's a major obstacle to peace and saying that Israel should hold "new elections" after the threat of Hamas is radically reduced.

Here's the reaction today, very interesting reaction, from President Biden. Watch.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF UNITED STATES: Senator Schumer contacted my staff, my senior staff who made that speech. And I'm not going to elaborate on the speech, he made a good speech. And I think he expressed serious concern, shared not only by him, but by many Americans.

(END VIDEO CLIP)

MACCALLUM: OK, let's break that down. And who better to do this with than former Vice President Mike Pence, founder of ADVANCING AMERICAN Freedom, who just visited Israel a couple of months ago, has been there many times and spoken to the prime minister and the leadership there many times as well. Mr. Vice President, good to have you with us. Thank you very much for joining me today.

MIKE PENCE, FORMER VICE PRESIDENT OF UNITED STATES: Thanks for having me on.

MACCALLUM: So, what, you know, you've seen this whole back and forth, right? Senator Schumer suggested that it was time for there to be new leadership in Israel. He's kind of stepped that back a little bit after that fiery floor speech. Here's what he said today or yesterday, I guess on this. The US cannot dictate the outcome of an election that is for the Israeli public to decide. As for democracy, Israel has the right to choose its own leaders. And he goes on there.

But that was after he got a lot of pushback from McConnell and others. But President Biden just suggested, he just said it was a good speech.

PENCE: Martha, I started the year visiting a kibbutz in Southern Israel that was struck on October 7th by Hamas, the worst attack on the Jewish people since the Holocaust. And there should be only one message coming from the United States of America today. And that is America stands with Israel.

Israel is in a fight for its very survival. And the idea that the Democrat majority leader in the United States Senate would take to the floor of, that story chamber, and start to dictate with the leadership of our most cherished ally Israel should be is a disgrace. And frankly, I'm almost as offended by the fact that President Biden called it a good speech. I mean, there's this whole doctrine that America should speak with one voice. That, of course, is always the voice of the president of the United States.

And for President Biden not to pull back on what Chuck Schumer said is astonishing. It is an example, ironically, of a Democratic leader in America trying to engage in election interference in Israel. And the people of Israel, I can tell you, having been there, Martha, are completely united behind the goal and the objective of destroying Hamas and the United States of America should send no other message than we are with you all the way until Hamas is destroyed once and for all.

MACCALLUM: Well, it's interesting that, you know, you look at some of the polls and the impact and what we've seen on social media. And we've seen in some of the primary elections. In Michigan, in particular, which has a large Arab population --

PENCE: Right.

MACCALLUM: -- and no doubt these polls are not lost on President Biden. Among 18 to 34 year olds in Michigan, he is 11 points lower than former President Trump and 25 points lower than Governor Whitmer, who is popular in Michigan. Do you think that election ***politics*** are bending Biden's will, President Biden's will on this?

PENCE: It's hard to imagine any other motivation here, than some concern about the elections and their own coalition in the Democratic Party. But, um, this is war, Martha. I mean, literally, you know, I walked through houses that were -- the walls were riddled with bullet holes, and there was a bloodstain furniture. I heard stories of the most horrific torture and massacre of men, women and children.

And what Israel is doing today, we should support. I mean, imagine, if some Western nation, several months after 911, had called for a change of leadership at the White House here in our country. Number one, we wouldn't have listened to them. And number two, we would have been deeply offended by it.

So I, look, I'm glad to hear Senator Schumer has walked back his statement a bit, but I want to see President Biden walk it back as well. And make it clear that if the world knows nothing else, the world should know this. America stands with Israel.

MACCALLUM: Let me ask you this. We have not spoken since former President Trump sewed up the nomination, which he did earlier this week. And he has received endorsements from some of the people who are running against him. But we have not heard from you. Will you be endorsing your former president? You were on the ticket with him last time around.

PENCE: Well, Martha, I appreciate the question. And it should come as no surprise that I will not be endorsing Donald Trump this year. But, look, I'm incredibly proud of the record of our administration. It was a conservative record that made America more prosperous, more secure, and saw conservatives appointed to our course in a more peaceful world. But that being said, during my presidential campaign, I made it clear that there were profound differences between me and President Trump on a range of issues, and not just our difference on my constitutional duties that I exercised on January the 6th.

I mean, as I have watched his candidacy unfold, I've seen him walking away from our commitment to confronting the national debt. I've seen him starting to shy away from a commitment to the sanctity of human life. And this last week is his reversal, on getting tough on China and supporting our administration's effort to force a sale of ByteDance's TikTok --

MACCALLUM: Why do you think he did that? Why do you think he had that reversal on that before we go, sir?

PENCE: Well, I can't speculate on it. But what I can tell you is, is that in each of these cases, Donald Trump is pursuing and articulating an agenda that is at odds with the conservative agenda that we governed on during our four years. And that's why I cannot, in good conscience, endorse Donald Trump in this campaign.

But let me say one last thing. That being said, look, Republican primary voters have made it clear, Martha, you know, who they're for in this election. What I'm going to spend the rest of this year on is talking about what we should be for. And that is the broad, mainstream conservative agenda that's defined our party and always made America strong and prosperous, and free.

MACCALLUM: Well, understood. I got two seconds, but who are you going to vote for in November?

PENCE: Well, like most Americans, I'm going to keep my vote to myself. But, you know --

MACCALLUM: Would you vote for President Biden?

PENCE: I would never vote for Joe Biden. But how I vote when that curtain closes is that'll be for me, but --

MACCALLUM: Are you looking for a third party emergent candidate?

PENCE: Look, what I can tell you is that, where I'm going to spend my energies is on making sure that my fellow Republicans, Independents, and many, many Democrats around the country know that it is commitment to limited government in the Constitution, a commitment to a strong defense and American leadership in the world, a commitment to traditional values, this always made this country prosperous and free. And I'm going to advocate for that.

MACCALLUM: You're not going to run as a third party candidate of any kind, are you sir? Where are you?

PENCE: I'm a Republican, Martha.

MACCALLUM: All right. Vice President Pence, thank you very much. Always good to talk to you, sir. We'll see you soon.

PENCE: You too.

MACCALLUM: We're going to take a quick break and we'll be right back.

(COMMERCIAL BREAK)

MACCALLUM: Pretty stunning discussion we just had with former Vice President Mike Pence who served side by side with President Trump and obviously had a lot of differences with him ended up running against him. But announced here today on THE STORY that he will not support the former president in the 2024 election, will not endorse him, and said he would not vote for him -- said he would not vote for Joe Biden. But would not disclose who he would vote for, said he asked -- I asked him if he would run for a third party candidate and he said, I'm a Republican. So very interesting to see how all of that has developed over the years.

So that is THE STORY for today, Friday. Happy Friday, everybody and have a good St. Patrick's Day. THE STORY goes on. Check out the Untold Story podcast with Mitch Albom just rescued from his orphanage in Haiti. We'll see you back here Monday.

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