

# [***Presidential Politics And Criminal Justice; House GOP Requests Biden-Hur Interview Transcripts; Special Counsel Hur Set To Testify Next Month; Biden Versus Trump Classified Documents Probes; Hur Documents Report Exposes Biden's Memory Issues; Trump Court And Campaign Calendars Overlap; Willis Misconduct Allegations Fuel Fiery Hearing; Hearing On DA's Love Life May Derail Trump Case; Some Democrats Not Keen On Biden As 2024 Nominee; Biden Faces Doubts After Years Of Public Service; Biden's Age, Mental Acuity Impacting 2024 Chances; Biden Health Concerns Fuel Search For 2024 Options; Democrats Search For Biden Alternative Post Hur Report; Speculation Swirls Over Trump's VP Pick; GOP Struggles To Hold Grasp On House Majority; Threat Of Russia Space-Based Nukes Spooks Congress; Growing Isolationism Reshaping Views On Russia; Concerns Grow Over Russia's Anti- Satellite Weapons; Democrat-Led Senate Expected To Reject Mayorkas Charges; Interview With Rep. Tom McClintock (R-CA); Assessing The Case Against DHS Secretary Mayorkas; Tracking The Status Of Border, Foreign Aid Bills; Hallow Super Bowl Ad Earns Praise From Viewers***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BC8-J5S1-F072-X0KW-00000-00&context=1516831)

Fox News SUNDAY NIGHT IN AMERICA 9:00 PM EST

February 18, 2024 Sunday

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**Section:** NEWS; Domestic

**Length:** 6841 words

**Byline:** Trey Gowdy, Kerri Kupec Urbahn, Keith Kellogg, Ashley Strohmier

**Guests:** Jon Sale, Jose Aristimuno, Olivia Beavers, Tom McClintock, Alex Jones

**Body**

MARK LEVIN, FOX NEWS CHANNEL HOST: The Democratic Party is an authoritarian party that's led by a very nasty, mentally ill, incompetent bully. And he has sent out word to all the Democrat prosecutors in his own to take you out, to get you convicted and he has his Democrat judges helping.

So on behalf of tens of millions of us, we're very, very grateful to you for what you did in four years and are very upset about what you're going through now. We are very, very sorry.

I'll see you next time on "Life, Liberty & Levin."

TREY GOWDY, FOX NEWS CHANNEL HOST: Good evening, and thank you for joining us. I'm Trey Gowdy and it is SUNDAY NIGHT IN AMERICA.

Who would have guessed? That going to class in criminal law would help you follow presidential elections, such as the state of American ***politics***. A special counsel was appointed to look into Donald Trump and then to look into those who investigated Donald Trump and then Hunter Biden and now, Joe Biden.

Presidents cannot be prosecuted under current DOJ policy, but that does not mean they can't be investigated, and House Republicans plan to do just that. Committees of jurisdiction are calling for the release of transcripts from Special Counsel Rob Hur's investigation. At issue is President Biden's fitness to understand the nature of the charges and a form of the requisite intent, and by extension, his fitness to run the country.

Republicans want Hur to testify before Congress early next month, but history holds a warning. You may recall Democrats like Adam Schiff, push Robert Mueller to testify and that wound up backfiring in a spectacular way.

Joining us now is Fox News legal editor Kerri Kupec Urbahn. Welcome, Kerri, we are so happy to have you on the show. I remember, Democrats wanted Robert Mueller to testify and he did, twice, before two different committees and both were unmitigated disasters for the Democrats. So is there a risk in her testifying publicly?

KERRI KUPEC URBAHN, FOX NEWS CHANNEL LEGAL EDITOR: Oh, there's always a risk, Trey. And you know, this is I think, one of the main problems with special counsels as they currently are. They can find someone not guilty of a particular crime, but then write a report that many times is far more devastating than a legal conviction, then when they go before Congress, it can go either way.

I mean, it could certainly help Hur's case, but to your point, it could backfire as well. And, you know, I do think there needs to be some thinking through about whether special counsels and the regs that require reports should continue the way it's been done for how many years, because I think these reports are typically used and often abused by the other side to achieve their gains.

GOWDY: Well, I hope when you're the attorney general, you would change the regs because you are exactly right. Prosecutors used to speak through indictments.

URBAHN: Right.

GOWDY: We didn't have press conferences like Jim Comey, and we didn't do special reports or memos. One part that caught my attention is Special Counsel Hur suggested the facts involving Biden were very different from the facts involving Donald Trump.

So you and I both know there are some very good Democrats who are lawyers on these committees, and they are going to harp on Trump and not Biden when Hur testifies.

So I know members of Congress all think they're Clarence Darrow. They all think that they are great questioners. But the truth is, they could lose this hearing. Whereas right now, I think they're winning the public narrative as it relates to this report.

URBAHN: Oh, completely. This report was politically devastating for Joe Biden, and where I think he may have made a mistake as well as his attorneys is calling aspects of the report false. We don't know which parts of those reports are false. But then, of course, that opens up the question about releasing transcripts. And while I wouldn't necessarily have an issue with Joe Biden himself, wanting those transcripts released, which we haven't seen yet, if he thinks it'll vindicate him, if, in fact, the Department of Justice did behave as he seems to suggest inappropriately towards them or didn't do exactly what they said they did.

I do have concerns, Trey about the Republicans calling for the release of these transcripts, because I think it could set a bad precedent for the future, which is consistent with what you're saying, generally, I think that -- and you will know this better than anyone as a prosecutor, I would think that it would set a precedent that transcripts should be released for all kinds of investigations and prosecutions, which I think could impact the integrity of those very things because I think it would discourage candor from the target, from the witness.

You know, you want to get the best information you can get, but if people are worried about everything that they say being extracted for sound bites from pundits or Congress, I'm not sure you're going to get the best information that you need when you're trying to get to the bottom of something.

GOWDY: No, you're going to get a mess, which is why grand jury's transcripts are held sacrosanct, or they used to be and now they're political fodder.

Before I let you go, it seems like Democrats have a real dilemma. I mean, how can Biden lack the fitness to stand trial or form requisite intent and yet the fit enough to leave the country? I mean if you can't appear in front of a judge, how can you pick judges and justices? That's a real political dilemma for them, I think.

URBAHN: Oh very much so. And sadly, we don't need a report to tell us that. Anybody who is watching Joe Biden right now can see the decline. And so that's why I'm not sure that these transcripts are even calling Hur to testify is going to necessarily help anything or just -- or I would just say, I don't know that it will confirm anything that we don't already know. So I'm not really sure the point of these efforts, but we're in a culture of revenge ***politics*** at this stage, Trey.

GOWDY: Bottom line, don't run for Congress, Kerri, no matter how many people ask you to, don't do it.

Thank you for joining us on a Sunday night.

URBAHN: Thank you for having me.

GOWDY: Meanwhile, there was activity in other courtrooms involving former President Trump. The Supreme Court is weighing his claim of absolute immunity and whether Colorado can exclude him from the ballot.

In a Georgia courtroom, the issue is whether DA, Fani Willis and prosecutor Nathan Wade are fit to prosecute. In New York, a trial date of March 25th has been set in a case involving allegations of hush money being treated as a business expense.

And in Florida, a federal judge did not delay the start of Trump's classified documents case.

So for all those kids out there thinking about majoring in political science, criminology might serve you better.

Jon Sale is a former Watergate Special prosecutor. He worked in the Southern District of New York, and he's currently a very prominent attorney in the great state of Florida.

Welcome, Jon. Let's start at Georgia.

The hearing into Fani Willis and Nathan Wade was an unmitigated disaster for both of them. I mean, they have a better chance of being prosecuted themselves than presiding over the prosecution of Donald Trump.

But even if Willis and Wade are kicked off the case, does that mean the case goes away? Or are you just going to find new prosecutors who aren't dating each other?

JON SALE, FORMER WATERGATE SPECIAL PROSECUTOR: Hey, Trey, I thought I was watching something out of the "National Enquirer" that they were talking about who was sleeping with whom and when they were sleeping together.

And the judge narrative that he wants to hear, do they have a financial stake? Did the elected district attorney have a financial stake in this case? Because the person she was having an affair with was paid about $650,000.00 of taxpayer money? And the judge is going to sort that out.

But what about the appearance? I mean, imagine -- I mean, you were the chief elected prosecutor in your great state. I mean, I've never heard of the chief prosecutor being put on the stand, much less being questioned about their personal life.

I read an op-ed in "The New York Times" a couple of weeks ago, written by not a critic of this prosecutor, but this law professor suggested let's look at the case. Let's look at the public's respect for the system. Why doesn't Fani Willis step aside, appoint her deputy, let him terminate Mr. Wade, and let them get on with it? But if none of that can happen, and if the office is recused -- if she is recused, the whole office is recused.

And then there's a special agency in Georgia, that in the whole state of Georgia, they can get another prosecutor who can proceed with the case, can dismiss the case. They can change the theories or they can do just whatever they think is in the interest of justice, and will restore the public's confidence in the system and in the prosecutor's office.

GOWDY: Yes, I would think in the whole state of Georgia, you can find a couple of prosecutors who aren't benefiting financially and aren't sleeping together.

Let's move to New York. That case has been sort of universally panned as a political stunt, but it is still out there and it looks like it is going to trial next month. What do you think is going to happen there?

SALE: It's historic, not in a good way that the first time ever, a former president of the United States is going to trial. That was the first case indicted and when that was indicted, if you recall, it was reported that Jim Comey tweeted, this is a great day for America and it was not a great day for America.

No matter who the former president is, it is a sad and a solemn thing that's happening. And so that case was first and then it went off everyone's radar screen.

But it seems like that's going to be the first case and I think that if I were representing Donald Trump or part of the defense team, and are asked which of the four cases A, B, C or D would you like to try first, my choice would be none of the above. Because there is always a risk in a trial.

But if I had to have one, it would be this one. And there are so many problems with this case, but I can't resist telling you as a trial lawyer and you are a great trial lawyer, this case factually is going to rise or fall on Michael Cohen, and Michael Cohen I saw on another network, Cy Vance, Jr. the former district attorney who worked on these investigations.

I wrote it. He called Michael Cohen "an exploding hand grenade." Michael Cohen says that everything he did, he did for Donald Trump;. Well, he pled guilty in the Southern District of New York, and he pled guilty not only to this, he pled guilty to bank fraud, which is totally his own, mortgage fraud. I'm sorry, bank fraud and tax evasion of millions and millions of dollars. And in each case, he blamed someone else.

GOWDY: Jon Sale from the great state of Florida, thank you for joining us.

SALE: Terrific. Thanks for having me on, Trey.

GOWDY: Yes, sir.

Coming up. Is there a Plan B or shall we say a plan to replace B as in replace Joe Biden?

Plus, who will President Trump pick as a running mate? Former DNC deputy press secretary, Jose Aristimuno and political correspondent, Olivia Beavers are next.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

It didn't seem like Democrats were all that enthusiastic about Joe Biden before Special Counsel Robert Hur's report was made public. That report paints the picture of a man who should not be prosecuted because of diminished mental capacity as it relates to forming the requisite criminal intent.

To be fair, Hur distinguished the Biden facts from the Trump facts, but what made the news was his belief that Biden was an elderly man with trouble remembering important things, and Biden has been in ***politics*** for about half a century.

He'd run for president before and didn't win the nomination in 2016 despite being an eight-year vice president, he stood down in lieu of Hillary Clinton. In 2020, he was underperforming before Jim Clyburn rescued him in South Carolina.

Biden does not, at least to me seem to have a natural base within the Democratic Party. His approval numbers are down. Young people disagree with his handling of the war in the Middle East, and the border remains a top issue for voters.

Those shortcomings could all be forgiven, except for one thing. Polling shows he may very well lose to Trump in November. So while Biden is likely to lose and there is bipartisan concern about his mental acuity, is there a backup plan? What or who is that backup plan? And who's going to tell an incumbent president and current nominee that he is no longer a candidate for re-election? And who is going to be anointed in his stead?

Joining us now is former DNC deputy press secretary and Democrat strategist, Jose Aristimuno.

Welcome, Jose, it is great to meet you. This is our first time together, so I want to thank you for joining us. Of course, Republicans are going to criticize the president. I mean, that's the nature of modern ***politics***, of course. But there have been questions about President Biden's mental acuity coming from his own side of the aisle and even from the traditional left media.

JOSE ARISTIMUNO, FORMER DNC DEPUTY PRESS SECRETARY: Trey, thank you for having me on the show. And look, let me just say this first.

If Republicans are betting on President Biden dropping out or not finishing or not going to re-election, let me just tell you, they're going to be very, very disappointed come November.

The Plan B, the B in Plan B stands for Biden. Joe Biden is going to go all the way to the re-election in November and the way that a majority of Democrats look at it is first, this president is based on result. Inflation is going down, the economy is going up. Gas prices are going down. That's what I'll say first.

And then second, is we beat Trump before and we're going to beat him again. So he's a defeatable candidate. It is not that we haven't beat the guy before.

GOWDY: I am not disagreeing with you. You won last time. But if polling shows, I mean, his approval numbers are not good. If polling shows that Joe Biden is losing to Donald Trump, but there is another candidate that would win, do you not think that there would be some movement to say, hey, look, we appreciate all your service, President Biden, but we don't want to lose.

I mean, to me ***politics*** has become just about winning now. How you win is irrelevant. They just want to win.

ARISTIMUNO: Yes, no, look, it's a great question. I think first and foremost, we have to be careful with polling, 2016, if we remember, every poll in America said that Hillary Clinton was going to be president and every single poll was wrong. Obviously, Trump became president, so I don't believe polls.

I think I think polls tell a part of the story, a part of the picture. We're more than eight months out before November. There are a lot of things that can happen. So I actually think Biden has got a great chance to be re- elected than more than any other candidate out there, or, by the way.

Obviously, is age an issue? Yes, age is an issue. So is for President Trump. President Biden makes mistakes, I make mistakes, people make mistakes. Trump makes mistakes all the time.

So I don't think there is a Plan B, and if there is a Plan B, maybe a minority of Democrats, I don't think it's a solid plan. I don't think we're going to need it at all. I think President Joe Biden will be ready to serve four more years, and he's going to continue to deliver solutions for the American people.

GOWDY: Hey, Jose, I make more mistakes than all the people you just listed put together. So let me ask me one more question before I let you go, should Biden do more or less press? He skipped the Super Bowl. But he does do media gaggles from time to time and I think those things are crazy with a helicopter blaring in the background and you can't hear the question.

I mean, I think it is a dumb idea for any president to do it. But what do you think? You're a press expert. Should he do more or less media?

ARISTIMUNO: He should a hundred percent do more. He is great on camera. He's very likable.

I mean, he connects with the American people. I think he should do more. He's done -- he has done quite a bit, right? And not just the gaggle, he's done podcast. He's done a lot of social media, reels, things, so things that actually young people like more than the traditional sort of news, you know, after the Super Bowl.

Look, President Trump skipped a couple of those as well. So I don't think it's -- I don't think it's like absurd or something different. I think every president, every White House has the directive to take, you know, to make those choices. Do I want to do traditional media? Or do I want to do maybe some of the new digital media that the president has been doing lately?

GOWDY: Look, I'm glad he didn't do the Super Bowl. I don't want to mix ***politics***. I was already depressed enough that Dallas wouldn't play and so it didn't bother me, but some people think he missed a chance.

Thank you for joining us on a Sunday night. I look forward to our next visit.

ARISTIMUNO: Thanks a lot, Trey.

GOWDY: In the old days, you became vice president by running for president and losing. Things are a little different now. Maybe. People may not run for the job, but they definitely campaign for it.

Olivia Beavers writes for POLITICO and she has her finger on the pulse of Capitol Hill. She joins us now.

Welcome, Olivia. It is wonderful to see you again.

Conventional wisdom is that President Trump -- former President Trump needs help with suburban White women. He says Nikki Haley is out as VP, Elise Stefanik and Kristi Noem seem interested, but Tim Scott may help with female voters also. So what are you hearing about the VP sweepstakes?

OLIVIA BEAVERS, CONGRESSIONAL CORRESPONDENT, POLITICO: Yes, Trey, I mean, I think Donald Trump is doing what he typically does, which is he will float names with some of his close allies and advisers and he'll try to get feedback from them to basically see what they think.

He has indicated he likes the idea of a woman. Elise Stefanik, especially on Capitol Hill has been, you know, out there stumping with him, doing fundraisers and trying to sort of when brownie points, as she kind of auditions, it seems to audition for this role, but so are others.

And it's making the Hill kind of an interesting stomping ground for people with the Veep stakes. You have Tim Scott, who Donald Trump has also spoken highly of, and that is someone who would possibly follow a more traditional path of having run against Donald Trump and maybe he could be tapped there.

And you also have, you know, senators like JD Vance, who seemed to be auditioning, and that's probably why you're also hearing some comments about why they would have not done the same thing as Mike Pence in terms of certifying the election.

So you're really kind of seeing people trying to separate themselves or appeal to Trump and in terms of their loyalty test.

GOWDY: All right, Republicans lost the special election to replace George Santos, which makes a pretty narrow minority, like minuscule. It looks like Republicans have responded by continuing to throw rocks at one another over who's to blame. What's the reality? Are folks getting along really, really fabulously well, and we're just missing it?

BEAVERS: I would say it's a really good thing that there aren't buckets of rocks, because people would probably be picking up those rocks and throwing them at each other at this rate, especially Republicans who just seem to be blasting one another.

In terms of the race, I think there is sort of a belief that there is a good chance they didn't hold on to this seat. This was a very tough seat to hold on to after George Santos was expelled. It's a big reason why members of leadership did not want the rest of the rank and file to vote him out.

And Tom Suozzi had this huge name recognition and Democrats also spent -- really outspent Republicans from I think fourteen or fifteen million to Republicans eight million.

So they lost the seat and now, they reality is when tough votes come around, they have one less person after February -- you know, later this month, February 28th, I think to get that vote done and we saw what Secretary Mayorkas, three votes make a difference in terms of at least having the votes to pass as it did the first time they intended to do it, although they ultimately succeeded.

GOWDY: All right, Olivia, I know you spend every waking moment on Capitol Hill, but you possibly may have missed the ghost of Kevin McCarthy. He reappeared this past week and he said a couple of things I thought were interesting. He said, he hoped Nancy Mace got the help she needs and then he brought up the sordid allegations against Matt Gaetz once again.

It looks like Ethics Committee investigation into Gaetz has picked back up and Mace, it looks like, is being opposed by a former chief-of-staff from her own office. Are both of those right? Is the Ethics investigation back up and Nancy Mace is facing opposition from within?

BEAVERS: I think Nancy Mace does have a primary challenger, I am not sure that her former chief-of-staff is actually going to take on his former boss, even though that was something he was weighing and talking to consultants about. He hasn't really pulled the trigger on that.

But Nancy Mace is facing a challenger from someone that she knows down the state named Templeton and Templeton is trying to run against her record and might be getting help from Kevin McCarthy allies, so there is that.

As for Matt Gaetz, we do know the Ethics investigation is continuing. I don't think we're going to be seeing the results of that anytime soon. Those investigations tend to take a lot longer than usually the committee wants, and some of it relies on them voluntarily offering information.

GOWDY: I am sure there is a harder job in the world, Olivia than the one you have, but I don't know what it is having to go deal with this all time, so look, maybe you should have done better in college or maybe you should do, which is go to law school so you can get rid of all of that, but nonetheless, thank you for joining us on a Sunday night and I am sure we will be talking again very soon.

BEAVERS: Thanks, Trey.

GOWDY: You take care.

Coming up, officials are urging the public to stay calm after the House Intel chair issued a warning about a serious national security threat, so who is right? Former national security adviser to Vice President Mike Pence, General Keith Kellogg joins us right after the break.

(COMMERCIAL BREAK)

ASHLEY STROHMIER, FOX NEWS CHANNEL CORRESPONDENT: Welcome to "Fox News Live." I am Ashley Strohmier in New York.

We're getting a better idea of when Israel's military could launch its ground operations in Gaza's crowded Rafah city. An Israeli war cabinet member is threatening the military invasion will happen by March 10th unless Hamas frees its remaining hostages. March 10th marks the start of the Muslim holy month of Ramadan.

This is the first time Israel has said when its troops might enter the city. Global opposition is growing to such an attack. Ceasefire negotiations between the warring sides remain at an impasse.

And a Minnesota community is mourning tonight after a gunman barricaded in a house opens fire killing two police officers and a paramedic. This happened just outside of Minneapolis. Investigators there say the officers were responding to a violent domestic call at the time. The gunman also died.

I'm Ashley Strohmier. Now back to SUNDAY NIGHT IN AMERICA.

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

One lawmaker said the threat is so real President Biden should immediately declassify the material so we can all see it. Others said, it is not exactly new or pressing. The issue is whether space is now a nuclear battlefield. Now, it was just one national security issue making the news last week.

(BEGIN VIDEO CLIP)

ADM. JOHN KIRBY (RET), COORDINATOR FOR STRATEGIC COMMUNICATIONS AT THE NATIONAL SECURITY COUNCIL: I can confirm that it is related to an anti- satellite capability that Russia is developing.

This is not an active capability that's been deployed. And though Russia's pursuit of this particular capability is troubling, there was no immediate threat to anyone's safety.

(END VIDEO CLIP)

GOWDY: Joining us now is Fox News contributor and former national security adviser to Vice President Mike Pence, General Keith Kellogg. Welcome General.

Thank you for your service. I remember when Russia was viewed as an adversary, an enemy, an opposing world power that could not be trusted. This even on the backdrop of the death of Alexey Navalny. Has that view changed particularly within the Republican Party? Is Russia still our enemy?

GEN. KEITH KELLOGG (RET), FOX NEWS CHANNEL CONTRIBUTOR: Trey, thanks for having me.

Well, I think we should treat it as that. Sure, they're an adversary. I mean, you look at -- to start with, you look at the leadership. You look at Vladimir Putin. You know Putin is retired KGB Lieutenant Colonel, the furthest West he'd ever been is Dresden, Germany in his post, and he really doesn't understand the West and he thinks he's Peter the Great reincarnate.

And he has got a real Messianic view of the world. and so we need to be very concerned about that and they are a nuclear power, and their attitude towards us is in fact an adversarial relationship.

That's okay. That doesn't necessarily mean by definition that they are our "enemy" but they are an adversary we should be aware of and we should treat him as such.

And I think by the way, I think we have treated him that way. I think former President Trump has, and that he has really pushed so hard on NATO to inform them to get to their two percent of GDP sending that is basically they all said they were going to do in the Wales Declaration of 2014, but we have to be on notice with them, because they do have an urge to west, and there should be a major concern about that and you see what they're doing in Ukraine.

So, yes, I think I would treat him as an adversary, just like I treat the Chinese an adversary. You know, they're not competitors, France is our competitor. But to me the big two that we are facing is China and Russia.

GOWDY: I want to ask you about NATO in just a second. But let's clear up, so we have a House Republican chairman of house Intel, who says this is important enough for an immediate briefing.

We have other people who are experts in the field that say, it's not really all that newsworthy. Where do you come down on Russia and space and nuclear capabilities and satellites?

KELLOGG: Yes, well, I'm just hoping the Republicans didn't get played on this by the White House. Look, the 1967 Outer Space Treaty clearly says you can't have weapons of mass destruction -- read nukes -- in the outer space. And if it's an ASAT technology they're looking at, anti-satellite technology, that's been in the books for four years.

The Russians have an ASAT capability, we have one. The Chinese have one, the Indians have one. That isn't new/ That is old stuff.

But if they're talking about improving or putting a nuclear weapon in space, that's a game changer. And I'll tell you, Trey, it's not necessarily because it becomes an ASAT capability. What you're creating, if you put a nuke in space, besides violating a treaty that the Russians, the Soviet Union signed onto, that becomes an EMP weapon.

If you explode a nuke in space, you've got a major problem on the ground over a considerable area, that'd be the worry I've got. And I think where I would come from, I said, if it's this serious, it's really easy for the president to declassify.

He can do it overnight, and say this is what I want to have happen. I've seen it done in the Oval Office, just do it. Tell the American people, but you hear two different thoughts. You hear one where everybody is clutching their pearls, grabbing their go bags and heading down to the beach. And the other is don't worry about it, it is no big thing.

I would just like to know what they're really talking about. It is okay, if you bring it out, let the American people know, let them make the call.

GOWDY: All right, I want to play a clip from the president then ask you a question on the other side. The former president.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES: NATO was busted until I came along. I said everybody has got to pay.

One of the presidents of a big country stood up and said, well, sir, if we don't pay, and we're attacked by Russia, will you protect us? No. I would not protect you. In fact, I would encourage them to do whatever the hell they want. You've got to pay.

(END VIDEO CLIP)

GOWDY: All right, General, here's my question. Why not have that talk in private? I mean, it is welcome to say pay your dues, you need to contribute fairly to the cause. But why not send you or send Mike Pompeo or send John Ratcliffe to deliver that message in private. Why do it at a political rally?

KELLOGG: Yes, you know, Trey, this was a literal message that he sent. I know where he's coming from. I know what he's trying to do and I know there's enormous frustration when he is talking about Russia, he's talking about NATO.

Look, we are committed to NATO. We always have been committed to NATO. There's never been a talk about getting out of NATO, using Article 13, to say, we get a letter of denunciation and walk out the door.

But his point is, and I think it's a valid point that everybody needs to do what they said they were going to do in the 2014 Wales Declaration. Two percent GDP, 20 percent of modernization, only two-thirds of the countries right now are not doing that and we need to force that and I happen to agree with the president in that regard.

GOWDY: I'd like to point -- I just wish he had made it the way you just made it as opposed to doing it at a political rally, but we will save that for another conversation. Thank you for your service to our country and for joining us on a Sunday night.

KELLOGG: Thanks, Trey. Thanks for having me.

GOWDY: Yes, sir.

Coming up Republican California Congressman Tom McClintock voted no on the historic impeachment of Alejandro Mayorkas. Let's find out why on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

It took a couple of trips to the plate, but House Republicans voted to impeach DHS Secretary Alejandro Mayorkas this week. It's only the second time in US history a Cabinet secretary was impeached.

President Biden called it a "blatant act of unconstitutional partisanship." The Democrat-led Senate might not even give it a trial. One thing appears certain, Ali Mayorkas will not be convicted. Three Republicans voted not to impeach, not to indict, if you will, one of them joins us now, California Congressman Tom McClintock.

Congressman, one thing I distinctly remember about our time together in the House, you were a stickler for what you believe to be constitutional. You were, and I say this, with all due respect, a constitutional thorn in both sides, if you believe the document was being pushed aside.

So I'm assuming that something in the -- yes, I mean, that's a compliment, actually. So I'm assuming what led you to believe something led you to believe malfeasance in office alone is not sufficient grounds for impeachment?

REP. TOM MCCLINTOCK (R-CA): Like you say, the Constitution is what protects our liberty and the only way we'll lose it is if we abandon it, and that's the job of each generation.

You know, with respect to the grounds for impeachment, we know what are not grounds for impeachment -- maladministration, malfeasance, corruption, neglect of duties -- because the American founders at the Constitutional Convention rejected all of those terms. In Madison's words, they would make the president a servant of the Senate, that would completely destroy the separation of powers, which is at the heart of the constitutional mechanisms that keep us free, and they settled instead on high crimes and misdemeanors.

Those are actual crimes using the office. They didn't want the policy and political disputes to be turned into impeachment.

GOWDY: Yes, I think that's what we have elections for or the policy and political disputes. I'm going to ask you a question I'd like to ask some of your Republican colleagues, I assume Ali Mayorkas is doing exactly what Joe Biden wants him to do, or else Biden would get rid of him.

MCCLINTOCK: Exactly.

GOWDY: So why the push to get rid of the puppet and not the puppet master?

MCCLINTOCK: You know, I don't understand that either. Again, all executive authority shall be vested in a president of the United States of America. All of it, not some of it.

Any power that a Cabinet secretary exercises comes directly from the president through the Constitution. He can't serve two masters. If the Congress wants him to do one thing and the president wants him to do another, his duty is always to the president and as long as he's acting within his constitutional authority.

GOWDY: All right, Republicans want at least my memory tells me, Republicans wanted to impeach a guy named John Koskinen, the former IRS commissioner, and AG Eric Holder. And then the Democrats wanted to impeach Bill Barr. And they did impeach Donald Trump twice. There are constant calls to impeach Supreme Court justices who don't vote the way people think they should vote. Has impeachment become just another political tool?

MCCLINTOCK: I'm afraid it is becoming that and that's what the founders feared. They didn't want that to happen. And yet, we're now watching it unfold before our eyes. And that is very disturbing, because if this was allowed to continue, it's going to become a fixture in our national life whenever the White House is held by one party and the Congress by another.

GOWDY: Before I let you go, the latest on the border security versus military aid for Israel and Ukraine and Taiwan. I mean, I don't know why Republicans have to negotiate over border security. That's something that a nation ought to have regardless, but they seem to all be mixed together. How is it going to sort out?

MCCLINTOCK: Well, I'm a big believer in single subject bills that provides a clarity you can't get any other way. So the impact on the discussion has been to produce a stalemate. I think we have to take these issues up separately.

But with respect to border security, it's not a question of passing new laws. It's a question of enforcing our existing laws. Donald Trump did that, the border was secured. Joe Biden, on Inauguration Day reversed all of those policies and began the largest illegal mass migration in our country's history.

So we need to enforce the existing laws and that can't be done by Congress. Congress writes laws. We cannot enforce them.

Ultimately, this was set in motion by the American people when they elected this administration and it can only be fixed by the American people replacing it with an administration that's actually devoted to securing our borders and upholding the rule of law and protecting the American people.

GOWDY: As you say, take care of the laws that are faithfully executed. That is the job of the president.

Tom McClintock, once again citing the Constitution as he did when we served together. That is his guiding document and thank you so much for joining us on a Sunday night, Congressman.

MCCLINTOCK: Thank you for having me, Trey.

GOWDY: Up next, the Super Bowl is known for its commercials. One commercial caught the attention of the entire nation.

Alex Jones is the CEO of Hallow and he joins us next on the surging popularity of this app only on SUNDAY NIGHT IN AMERICA.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

MARK WAHLBERG, ACTOR: Help us, Lord, especially this Lent to grow closer to you. Amen.

Join us in prayer this Lent on Hallow. Stay prayed up.

(END VIDEO CLIP)

GOWDY: Welcome back to SUNDAY NIGHT IN AMERICA.

Do not be anxious about anything, but in every situation by prayer and petition, with thanksgiving, present your requests to God.

It was the largest television crowd ever assembled. Tens of millions of Americans saw a commercial about a prayer app called Hallow as in "Hallowed be Thy Name."

The commercial featured actors Mark Wahlberg and Jonathan Roumie and it caused a major spike in downloads of that app.

Wahlberg and Roumie may be famous actors, but when it comes to talking to God, everybody is equal, and anybody can do it.

Joining us now is Hallow CEO, Alex Jones.

Welcome to you, Mr. Jones. Let's start with the basics. Why? Why this app? And why the Super Bowl? Because those ads from what I hear are sort of pricey.

ALEX JONES, CEO, HALLOW: Yes, certainly.

You know why this app? God changed my own life. I had fallen away from my faith and came back to it by discovering the beauty and the power of prayer.

And so I really just built the app initially for myself, and we've been blown away with what God has done with it. We've seen Him change countless lives, and for everybody, just an opportunity to grow deeper in a relationship with God through daily prayer.

The Super Bowl was a big bet. We're a small startup, but it fell on this once every 10 years, the Super Bowl falls on the Sunday right before Ash Wednesday. So we thought it would be a beautiful opportunity to come together as a country in prayer and give thanks to God and invite everybody to grow deeper in relationship with Him through this.

GOWDY: All right, you mentioned prayer. Even Jesus prayed often alone. I think if my memory serves me correctly, after he was baptized, he spent 40 days alone in the wilderness praying. So what is so powerful about prayer that even God would do it?

JONES: Yes, I mean, prayer is what everything flows from prayer. It's the relationship we have with God. It's the way in which we grow in our relationship with God, and Jesus obviously needed prayer to talk to the Father. He wanted prayer to talk to the Father.

And so I think it's an opportunity for all of us. God gives us this incredible peace, He gives us this purpose, He gives us an opportunity to give Him thanks, and to come together both as a community and as a country to grow deeper in a relationship with Him.

So prayer, we've seen it change thousands and thousands of people's lives. People in the deepest and darkest places, and God is able to reach out to them and give Him His peace and His hope and His love, through prayer through just sitting in silence with God.

GOWDY: You have what I find to be an interesting faith journey, if that's the right phrase, yourself. Tell us what that was.

JONES: Yes, I was raised Catholic, but fell away from my faith in high school in college would have considered myself agnostic or atheist for most of that. And I got pretty into meditation, secular meditation. I started using the apps.

But every time I would meditate, my mind would feel pulled towards something spiritual, which I was agnostic. So I thought that was very strange, like an image of Jesus to the cross. And what I discovered was this beautiful contemplative and meditative tradition within Christianity stretches back thousands of years, things that I'd never heard of before, these beautiful ways to really learn what it means to listen to God, not just talk at him, but really listen to God and sit in silence with him. And it changed my life. It brought me back to my faith, and, you know, we built the app just for me to try to help me get into heaven a little bit. But it's been a blessing to get to journey alongside so many folks in their relationships with God as well.

GOWDY: Now, Alex, so before I let you go, if somebody downloads this app tonight, tell them what they'll be getting.

JONES: Yes, so you just type in Hallow, H-A-L-L-O-W to the App Store and give it a try. We're in the middle of our Lent challenge. So it's certainly not too late to join.

But it's a challenge to pray every day for the season of Lent, which is the season, the 40 days leading up to Easter. You have fasting challenges with Mark Wahlberg. You have these beautiful scriptural readings, and these incredible prayers and meditations with Jonathan Roumie and Father Mike Schmitz.

We have some nuns who are leading us and what it means to like radically give and be charitable. Some people from Mother Teresa's organization actually, and some imaginative prayers and meditations but it's -- you'll be joining with millions of other people praying around the world, in committing to growing deeper in relationship with God. So it'd be an honor to get to pray with you.

GOWDY: You know, Alex, it takes a lot of faith to talk about doubt and the fact that you overcame your doubt and here you are with a nationally known prayer app. Thank you for joining us on a Sunday night. We wish you all the best.

JONES: All Glory to God. Thanks for having me.

GOWDY: Yes, sir. Thank you for spending part of your Sunday night with us. I hope you have a great week ahead.

Until next week, you can find us online at Gowdy America or on "The Trey Gowdy Podcast."

Good night from South Carolina.

**Load-Date:** February 19, 2024

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