

# [***Search For Victims Of Maryland Bridge Collapse; NYPD Mourning Loss Of Fatality Shot Officer; TikTokers Say Random Assaults On NYC Streets; NBC Caves To On-Air Revolt, Fires Ex-RNC Chair; Feds Raid Homes Of Rapper Sean Diddy Combs; Hunter Attorney Tries To Get Tax Case Thrown Out; Democrats Call RFK Jr. "Spoiler" After He Makes VP Pick***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BNB-15H1-JCS1-6001-00000-00&context=1516831)

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

March 27, 2024 Wednesday

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**Section:** NEWS; Domestic

**Length:** 7223 words

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**Guests:** Hugh Hewitt, Brian Claypool, Andrew Cherkasky

**Body**

MARTHA MACCALLUM, FOX NEWS ANCHOR (on camera): All right. Thank you very much, you guys. Good afternoon, everybody. I'm Martha MacCallum. And this is THE STORY. Right now, the search continues at the Key Bridge in Baltimore. But officials now say that they believe the six construction workers lost did not survive. The NTSB is now analyzing the ship's data recorder, trying to figure out what happened that caused this crash. National correspondent Griff Jenkins reporting live from a boat near the scene of the collapse. Hi, Griff.

GRIFF JENKINS, FOX NEWS CHANNEL NATIONAL CORRESPONDENT: Yes, Martha, we're getting a closer look from the Patapsco River, and you can really begin to take in, I'll get out of the way here and let our viewers see the magnitude of the wreckage. Obviously, the Dali with nearly 5,000 containers sitting there in the water. But we've been watching, Martha, all day long as divers have gone in and out of this frigid temperature trying to recover the bodies of those workers to bring closure to these families. It's just breathtaking to get this close to see the task that lies ahead, not only to rebuild this bridge, but also to just simply remove the debris, the massive wreckage that we have here.

I do want to play a sound bite, though, because I found it very informative when the vice admiral, Coast Guard Vice Admiral Gautier, was talking at the White House briefing about the hazardous containers that are on this ship that you're looking at. Listen here.

(BEGIN VIDEO CLIP)

VICE ADM. PETER GAUTIER, COAST GUARD DEPARTMENT COMMANDANT FOR OPERATIONS: We have a very specialized hazmat team on board called the Atlantic Strike Team. We have three of those around the country and we have air monitoring them there to detect if there are anything that are coming off of those containers. The majority of those containers are closer to the pilot house and are completely unaffected by the damage to the bow of the ship and that we have not determined that there's any kind of release at this time.

(END VIDEO CLIP)

JENKINS: So, with that in mind Martha, let's look here. You can see at the front of the ship, that's where such a large just steel span of the bridge has collapsed on the front. So, the hazardous containers, about 56 I believe of them, were not in the front. They're back to the pilot house. So, if you go back to the rear of the ship, up top, you can see the blue structure. That's going to be the back of the ship and the pilot house and the other controls there in the middle. So, that's an interesting bit of information to get here.

Now one of the things that we're hoping to learn more and we hope and anticipate the NTSB will do a later briefing this afternoon or this evening is what's on that data recorder? What will it tell us about the power loss because we've all watched this video. We know that at 1:27 a.m. the ship collided with one of the main pillars of this bridge behind us that brought it down, but there was a few minutes before where we saw the lights flicker on and off. Maybe we'll learn more about what caused that power outage and how it affected the outcome you see behind us. Martha?

MACCALLUM: All right, Griff, thank you very much. So, preparations are underway here in New York to honor fallen NYPD officer Jonathan Diller, his fellow officers paying their respects last night in this tragic scene and very moving somber moment for all of them as it played out last night here in New York City. Officer Diller was shot and killed during a traffic stop this week. There's a picture of the officer.

The person who is the suspect in this case, this is a story we tell too much right? He has a lengthy rap sheet raising questions about why he was even out on the street. Diller was 31 years old, he left behind his wife, his 1-year-old son, Ryan. Crime obviously impacting all walks of life here in the city from officers to this woman who says she was just walking down the street when this happened.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I was literally just walking and a man came up and punched me in the face.

(END VIDEO CLIP)

MACCALLUM: Incredible. These people are on the subway waiting for the train when a commuter was shoved to his death by a man on the platform. The suspect's family, no surprise here, they say that, they told the New York Times that he has a history of mental health issues. Here is New York City Mayor Eric Adams, watch.

(BEGIN VIDEO CLIP)

ERIC ADAMS, NEW YORK CITY MAYOR: When you're dealing with a mental health, severe mental health crisis, or if you want to participate in criminal behavior, we have now reached a point where there are those who are so emboldened by that they can keep doing their actions, that uniform no longer means anything. Bad guys no longer fear the police.

(END VIDEO CLIP)

MACCALLUM: That's a sorry state of affairs, right? Fox 5's Rosanna Scotto is here. First let's bring in Bryan Llenas at the subway station here in New York City. Hi, Bryan.

BRYAN LLENAS, FOX NEWS CHANNEL CORRESPONDENT: Hi, Martha. Well, the Brooklyn D.A.'s office tells me the 24-year-old who was charged with murder for randomly shoving a man in front of a moving train on Monday was arrested in October for allegedly trying to hit someone with a walking cane, but he was released without bail. Carlton McPherson was re-arrested in January, but was released again on just a $2,000 bail. McPherson's brother reportedly says the family tried to keep McPherson hospitalized for his mental illness and off the streets but the city failed him.

41-year-old, Lindy Jones, one of two suspects in the killing of NYPD officer Jonathan Diller on Monday, was charged today with criminal possession of a weapon. He was arrested for the same charge last April but was out free on bail. Jones reportedly has 14 prior arrests, including attempted murder. The alleged shooter, Guy Rivera, reportedly has 21 prior arrests. Police say New York's bail reform law has allowed judges to be far too lenient with criminals.

(BEGIN VIDEO CLIP)

MAJ. GEN. PATRICK RYDER, PENTAGON PRESS SECRETARY: It's a bigger picture because it's bail reform. It's letting the prisoners out. The revolving door of the 80s has come back. We've lost support for the men and women of law enforcement and we've lost support when it comes to the tools that used to be in the toolbox. They're no longer there for us.

(END VIDEO CLIP)

LLENAS: Yesterday in the subway system, an NYPD officer was randomly punched in the face, actually, by a woman who had just jumped the turnstile, the NYPD says. The mayor says the city is improving, jobs are up, and crime is generally down.

(BEGIN VIDEO CLIP)

ADAMS: I could only do within my span of control educate the public, continue to visit Albany, engage in conversations, speak with the City Council members, speak with my district attorneys.

(END VIDEO CLIP)

LLENAS: We're told President Trump will appear at Officer Diller's wake tomorrow. Martha.

MACCALLUM: OK, Brian, thank you very much. With that, we bring in Rosanna Scotto. She has years of experience covering New York City crimes. She is the anchor of "GOOD DAY NEW YORK" on Fox 5 here in New York and host of "THE SANCTUARY TRAP", where she recently sat down for an exclusive interview with Mayor Eric Adams for Fox Nation. Rosanna, great to have you with us.

ROSANNA SCOTTO, FOX FIVE HOST: Thank you so much, Martha.

MACCALLUM: Thank you very much for joining us. You know, when you hear the mayor, who I said you just interviewed recently, he doesn't do a lot of sit-down interviews of the kind that he did with you, which was extensive and excellent. And you hear him say, look, the city's getting better, more jobs, less crime. What goes through your mind?

SCOTTO: Well, I think they're starting to reclassify the crimes. In fact, the mayor will say it's not a crime. It's recidivism. It's the repeat offenders who keep doing this. No matter how you slice it, it's crime. People are getting attacked. And, you know, today it's ironic. The MTA voted for congestion pricing. Now, congestion pricing is they're going to charge New Yorkers, or people who live right across the bridge, to come into New York City, $15.00. These are people who may be afraid to take the subway. And for a good reason, right? They're afraid to take the subway. We have slashings going on, random pushings going on, and yet they approved congestion pricing in New York City today.

MACCALLUM: Yes, forget it. I mean, we all know how many stores are boarded up, how many great institutions and restaurants are no longer in New York City. And this is going to be another way to dissuade people from coming into the city. And I would imagine it's going to leave more space for the people who are, a lot of them are, you know, mentally ill on the streets. The mayor has said he's going to pull them off the streets. We've asked them for the update on those numbers. Somewhere around 100 or so have been pulled off the street.

SCOTTO: Yes, but they may have been pulled off the street. They're back on it within 42 hours. A friend of mine --

MACCALLUM: And you make such a good point about the numbers, that it's the same people committing the same crimes over and over, but who cares? I mean, you have to get them up. The crime is still going on.

SCOTTO: Right. A friend of mine works at a psychiatric hospital. She said they keep them there usually for 36 hours and on the way out they give them a metro card. So, that's where they go. And you know my daughter uses the subway all the time. What we consider normal and a non-eventful day is so abnormal. You're sitting next to people who are mentally challenged, who are defecating in the seat next to you, fighting, asking for money. You're on guard when you're on the subway of New York City.

MACCALLUM: I mean, I know people who are commuting on the bus now because they feel like it's safer than the subway and they have to leave an hour and a half to get to work where they used to be able to take the subway for 20 minutes. Let's watch this TikToker video. This is stunning. You said you talked to your daughter about this. I talk to my kids about this all the time too. And watch this example of something that's happening here.

(BEGIN VIDEO CLIP) UNIDENTIFIED FEMALE: You guys, I was literally just walking and a man came up and punched me in the face. Oh my god, it hurts so bad. I can't even talk. Literally, I fell to the ground.

UNIDENTIFIED FEMALE: I have fallen victim to the men in New York City lifting an elbow or trying to punch innocent girls.

(END VIDEO CLIP)

SCOTTO: Martha, it takes your breath away. They're targeting young women who are engaged with their phone. They're not paying attention to their surroundings. And they're giving them a big punch. Some of them are being knocked to the ground. One woman said she was knocked unconscious.

MACCALLUM: They think this is funny.

SCOTTO: I don't know what they think it is. You know, we are dealing with a lot of gangs. Some of those gangs came in from the border. And so --

MACCALLUM: We have the Venezuelan gangs that have been shoplifting, grabbing people's bags. They wrapped a lady around a parking meter. And, you know, it is not these young women's fault that they are on their phone, but they have to be aware because people are looking to take them out. And in the gang situation I think sometimes they get challenged, right? Go punch. How many girls can you go punch today?

SCOTTO: This is not the New York City that we were under Mayor Bloomberg or Mayor Giuliani. We're in a different time. You have to be on guard all the time.

MACCALLUM: Yes, and they have to get the Albany folks on board to make some of these changes, which they are very reluctant to do, as you well know. Rosanna, thank you. It's such a pleasure to have you with us.

SCOTTO: Thank you, Martha. Thank you.

MACCALLUM: Come back soon. Good to see you. So, NBC's decision to cave to the pleas of their talent and silence a conservative voice from reaching their audience, we've got a great lineup here to talk to you about this. Coming up next.

(BEGIN VIDEO CLIP)

NICOLLE WALLACE, MSNBC HOST: What we've also said to election deniers is not just they can do that on our airwaves, but that they can do that as one of us, as badge-carrying employees of NBC News, as paid contributors to our sacred airwaves.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: So, after an on-air meltdown over at NBC from Chuck Todd, Rachel Maddow, Jen Psaki, and others, Ronna McDaniel is out as a network contributor. NBC's boss apologizing to anyone that he let down for hiring the former RNC chair. He says they remain committed to having diverse viewpoints. That's obviously brought into question here.

Here's some of the on-air celebration, relief, whatever you want to call it, last night.

JOY REID, HOST, MSNBC: When somebody does right thing, I feel like it should be acknowledged as publicly as we acknowledged our outrage.

RACHEL MADDOW, HOST, MSNBC: It's not about hiring a Republican. It's not even about hiring somebody who has Trump ties. This was a really specific case.

CHRIS HAYES, HOST, MSNBC: She aided and abetted in the biggest attack to destroy American democracy since the Civil War.

ALEX WAGNER, HOST, MSNBC: Our company listened to us, to you, and did what was right.

(END VIDEO CLIP)

MACCALLUM: Oh, boy. Let's bring in Howie Kurts, host of "MEDIA BUZZ," Joe Concha, Fox News Contributor, and Hugh Hewitt, nationally syndicated radio host. Gentleman great to have all of you with us. You can hear the jubilation. We played Nicolle Wallace on the way out to the break. She was, you know, very emotional. She said that, you know, we almost had an election denier carrying a badge here at our sacred airways.

Howie, what's going on here?

HOWARD KURTZ, FOX NEWS HOST: Well, look, we now know who's a charge in NBC. And it's the Liberal MSNBC hosts led by Rachel Maddow who felt free to trash their bosses on the air and wound up getting this apology you mentioned from NBC Universal chief Cesar Conde.

Now, he made a spectacular miscalculation in hiring Ronna McDaniel because she did play a role in trying to help Donald Trump overturn the 2020 election, but at the same time he now says he wants a more cohesive message. Translation, everybody has to get in line with a cable network that largely portrays Donald Trump as a threat to democracy.

There's a couple different kinds of on air players in MSNBC, Democrats and Republicans or former Republicans who are fiercely anti-Trump.

MACCALLUM: Yes. Hugh, let me go to you on this. So, Cesar Conde said no newsroom can succeed unless it is cohesive and aligned. Now, they do have some Republican contributors there, but apparently she was not in line with where -- how they want those people to sound to it.

HUGH HEWITT, NATIONALLY SYNDICATED RADIO HOST: Well, I am a former NBC employee and I'm a friend of Ronna. I'd like to disclose that. And I know how tricky contracts are. And I think Cesar did his best with a very bad set of circumstances, but they did Ronna very badly.

She is a fine Republican. She is not an election denier. She has never denied the election. She is pro-Trump. If you look up and down MSNBC, you will not find one pro-Donald Trump voice, you will not find one pro-Donald Trump panelist on Meet The Press. You will not find one pro-Trump anyone anywhere in Comcast or NBC anymore. And it's going to stay that way.

I think Brian Roberts who runs Comcast has got to be asking do I really want to tell half of the country we don't want their business because that's what they did.

MACCALLUM: Yes. Here -- exactly -- that that is exactly right. So, they're telling half the country that their voices are not allowed at this table and everything -- I agree with what you said about Ronna there. Here's her interview with Kristen Welker on Meet The Press with I think could have been interpreted as, you know, sort of part of this vetting and welcoming her voice to NBC. Watch this.

(BEGIN VIDEO CLIP)

KRISTEN WELKER, HOST, MEET THE PRESS: On November 17th, you and Donald Trump were recorded pushing two Republican Michigan officials -- election officials not to certify the results of the election. And on the call, you're recorded as saying, "If you can go home tonight, do not sign it. We will get you attorneys."

Do you have regrets about that phone call and your actions that day?

RONNA MCDANIEL, FORMER CHAIR, RNC: I'm so glad you asked me about this because I've never had a chance to respond to this. And if you know the course of what happened that night, these two individuals went into a hearing, they voted no. They didn't vote not to certify. They said, you know, we want an audit.

(END VIDEO CLIP)

MACCALLUM: Which she felt was their right at that point in the process. That's her take on it. Joe, how do you see it?

JOE CONCHA, FOX NEWS CHANNEL CONTRIBUTOR: Oh, I see it as that was the first and last interview that Ronna McDaniel did as an NBC employee. I mean, isn't that remarkable what's happened in the last 96 hours. And I think overall, Martha, this brings long-term damage to NBC's news division. I mean, this is once the home of, let's remember, Chancellor, Brinkley, Mudd, Tim Russert.

We're a long way from that credibility because as it stands now why should NBC, a lot of Conservatives are asking, host another major debate anytime soon after seemingly every host as you just played went to Defcon 1 in claiming Ronna McDaniel is, according to Rachel Maddow, "part of an ongoing project to get rid of our system of government."

This is Mitt Romny's niece we're talking about, not some you know far-right extremist. So, why would any Republican who supports the GOP nominee appear on Meet The Press for example? Because if this is the kind of unhinged view they have around any Republican who isn't a staunch never-Trumper, the kind of Republican that openly roots for Democrats to win, then how could anyone outside of staunch Liberals ever trust a news division like this again.

Let's put it this way. In contrast, Martha, both Bret and you for example host many town halls and have -- and have conducted many interviews featuring Democrats. They come on with both of you because they know they're going to get tough but fair germane questions. Your credibility is why they keep coming back. What Republican can say that about anybody at NBC News now and especially obviously MSNBC news now especially after that D-list performance art that we just saw over the last two days on their cable networks calling out their own bosses.

MACCALLUM: Yes. Well, as usual, Joe makes excellent points. I agree with everything he said. Thank you. Thank you very much.

You know, Howie, I want to take you back because there have been plenty of, you know, un -- of untruths that have been spoken at NBC that didn't seem to ruffle anyone's feathers at the time or even after they were proven wrong. Let's take a look at with some of these.

(BEGIN VIDEO CLIP)

CHRIS MATTHEWS, FORMER HOST, MSNBC: Do you believe the president right now has been an agent of the Russians?

REP. ERIC SWALWELL (D-CA): Yes, I think there's more evidence than it is --

MATTHEWS: Agent?

SWALWELL: Yes.

MADDOW: We are also starting to see what may be signs of continuing influence in our country not just during the campaign but during the administration, basically signs of what could be a continuing operation.

JOHN BRENNAN, FORMER DIRECTOR, CIA: I wouldn't be surprised if for example this week on Friday, not knowing anything about it, but Friday is the day that the grand jury indictments come down.

(END VIDEO CLIP)

MACCALLUM: Howie, a lot of egg on the faces over there with the Russian collusion story to be sure.

KURTZ: Russia, Russia, Russia, and you know, never really held accountable. And so, I have to think, whatever McDaniel's baggage, what would have been the great harm in allowing her to occasionally express pro-Trump views? What is MSNBC protecting its audience from?

Remember, this is the network that boasts about not taking many Trump speeches on primary nights, caucus nights, courthouse appearances, because you know, he's only going to start lying. And they bashed the Republican nominee all day long. Trump can't even get a few minutes of airtime. And now one of his supporters who they were going to pay $600,000 to over two years, and she obviously wants to collect that money, gone in just four days after she was hired with great funfair. That's not journalism.

MACCALLUM: I just want to get a final thought from Hugh on this. Hugh, you know, I remember nights of watching election coverage and looking at what was going on across the networks, right? So, if Trump were to win, it looks like it's going to be very close election in 2024, I can imagine that once again you're just going to have these shocked faces across the board and -- to which I would only say, well, maybe if you had some people on there who talked about what's actually going on in the country and the -- you know, 50-50 split and what they're saying and talking about, you might not be so caught on your heels on this reality.

HEWITT: I do not know who is going to keep NBC informed of what normal people think because Ronna McDaniel is about as normal as they come. She's a Michigan mom. She's been in that job for seven years. She represents the Republican Party. NBC and Comcast does not want our viewership, period.

MACCALLUM: Yes. It's so important to give people an opportunity to listen to a lot of different voices especially in this time when there's so much division in the country. We need to understand each other and we do try to do that. So, Howie, thank you very much. Hugh, thank you. Joe, great to see you as always. Thank you, gentlemen.

KURTZ: Thanks.

CONCHA: Thanks, Martha.

HEWITT: Thank you.

MACCALLUM: All right, so still ahead this hour, Jesse Watters joins us. And rapper Sean Diddy Combs declares his innocence as the investigation into alleged sex trafficking at his properties heats up.

(COMMERCIAL BREAK)

MACCALLUM: So, we are getting a look inside Sean Diddy Combs' home in L.A. Look at this mess after the feds raid it. This is the video obtained by TMZ. They also searched his home in Miami apparently as part of a sex trafficking investigation. TMZ also reporting that this photo shows Combs with federal agents at the Miami Airport on Monday, the day of the raids his lawyer accusing the feds of an excessive show of force and a witch hunt. He says Combs was not detained, did cooperate, and will keep fighting to clear his name.

Senior National Correspondent William La Jeunesse reporting live from Los Angeles. Hi, William!

WILLIAM LA JEUNESSE, FOX NEWS CHANNEL SENIOR NATIONAL CORRESPONDENT: Well, Martha, when you see the allegations contained in these civil lawsuits, you can see why a prosecutor sought and a judge approved the search warrants of Diddy's homes in L.A. and Miami. And Homeland Security appeared to be looking for evidence, photos, videos, emails that could substantiate charges of sex trafficking, sexual abuse of a minor, taping people without consent, and forcing people to have sex as a condition of employment.

(BEGIN VIDEO CLIP)

MARK GERAGOS, ATTORNEY: I think clearly the feds have taken notice of the kind of wrath of lawsuits that have been filed. They're using those as a road map.

(END VIDEO CLIP)

LA JEUNESSE: Combs' lawyer called the raid an unprecedented ambush paired with an advanced coordinated media presence leading to a premature rush to judgment of Mr. Combs, and is nothing more than a witch hunt based on meritless accusations made in these civil suits.

Now, four women and one man, music producer Rodney Jones, have accused Combs of sexual assault. Jones also claims Mr. Combs had hidden cameras in every room of his home, has recordings of celebrities, artists, music execs and athletes engaging in illegal activity. These individuals were recorded without their knowledge or consent, giving Combs possession of compromising footage of every person who has ever attended his parties.

UNIDENTIFIED MALE: Now being framed like the Mona Lisa, he also could be absolutely guilty --

LA JEUNESSE: Also named in the suit, Brendan Paul, seen in these documents and described as Combs personal drug mule. Well, Monday, Miami Dade Police arrested and later released Paul for cocaine possession at the same airport where TMZ found Combs, as you mentioned, before he is believed to have delayed a trip to the Caribbean with his daughters.

Now, the US attorney in New York is reportedly spearheading the case. Combs recently said on Instagram that he is innocent of "the awful things being alleged." Martha, back to you.

MACCALLUM: Yes. Brendan Paul is 25 years old. I believe he went to Syracuse, right. William?

LA JEUNESSE: My alma mater, yes.

MACCALLUM: Your alma mater.

LA JEUNESSE: The best school.

MACCALLUM: Yes. It sounds like something out of "Breaking Bad," but we will see where it goes as you point out. Thank you very much, William.

LA JEUNESSE: Thank you.

MACCALLUM: So with that, let's bring in criminal defense attorney Brian Claypool. Brian, good to have you with us. Obviously, these are very serious accusations that we have that have been made in this suit. The question is, did they find what they're looking for? And was the kind of raid that you saw, which was very extensive and destructive in the home, was it merited, do you think?

BRIAN CLAYPOOL, CRIMINAL DEFENSE ATTORNEY: Hey, Martha, great to see you again. Yes, this is crazy. I mean, it was breaking news in LA all day yesterday, and a couple of feelings I have about it. It looked like it was a little excessive in terms of the use of force going into P. Diddy's home, Holmby Park home here in Los Angeles, handcuffing, for example, his kids in the yard. I don't think that was necessary. Ransacking his house, as you showed, I didn't think is necessary.

But look, at the end of the day, I've worked on a lot of sexual abuse cases and usually, Martha, it's he said-she said unless you've got some corroborating evidence. What do I mean by that? William mentioned it. Is there any pictures, any videotapes, any, for example, airline ticket vouchers or receipts for transporting somebody from one state to another or from one country to another because one of the alleged victims is from Canada.

So this is what investigators need to get. And they also need to possibly get, for example, they arrested one of Combs' workers, that could lead to potentially getting some information from that worker, copying a plea deal and possibly then testifying against Combs.

MACCALLUM: Yes.

CLAYPOOL: But these are complicated cases. You're not going to walk into a home and find a gun and say, oh, this is the gun that was used in the murder. It's not that simple.

MACCALLUM: Right. Yes. I mean, it'll be interesting to see what comes out in terms of why they handcuffed his sons, which, you know, I agree, looked like an unusual situation. Unless they resisted entrance to the house or they wouldn't cooperate, you know? I don't know. I'm sure that part of the story we'll learn.

Have you heard anything about whether or not they were cooperative or needed to be handcuffed?

CLAYPOOL: Yes, Martha. I did learn that the reason why federal authorities use so much force put on notice that Combs has armed guards at his house. That's why they showed up with the amount of force that they did.

MACCALLUM: Yes. Let me ask you one more quick question. This Brendan Paul, who went to Syracuse University, played basketball there, apparently. I think that you are probably onto something, that they see him as somebody who could possibly flip against Combs, right?

CLAYPOOL: Yes. And, Martha, what the feds did is not atypical. They arrested him on a drug charge. They did that on purpose so they can detain him and then start questioning him about the alleged human sex trafficking. And that's really what they're going to need to do, to get something out of another witness.

Remember Jeffrey Epstein? He had Ghislaine Maxwell. There's usually another player, and I think he's going to be an interesting suspect in this case as well.

MACCALLUM: Yes. It certainly looks like there's a lot of analogous activity in the Epstein case, but too early to say whether or not they have anything solid on these charges. We'll see. Brian, thank you very much. Good to see you, Brian Claypool.

CLAYPOOL: You bet. Thanks, Martha.

MACCALLUM: So attorneys for Hunter Biden now inside the Los Angeles courthouse, where they will attempt toss federal tax charges against the President's son, who is accused of dodging 1.4 million in taxes while spending a lot of money on other things.

(BEGIN VIDEO CLIP)

HUNTER BIDEN, JOE BIDEN'S SON: Like every single person that I've ever known, I have fallen and I've gotten up. I've done estimable things and things that have been in my life that I regret. Every single one of those things has brought me exactly to where I am right now, which is probably the best place I've ever been in my life.

(END VIDEO CLIP)

MACCALLUM: So new video just in of Hunter Biden's attorney arriving at the courthouse in Los Angeles. That's Abbe Lowell trying to get tax charges against the President's son thrown out of court. He called it selective and vindictive prosecution. The feds accused Hunter of a four year scheme, spending millions while living the high life instead of paying on time that 1.4 million in taxes, including almost $700,000 that was spent "on various women" and close to $200,000 on "adult entertainment," that's a lot of money.

Justice correspondent David Spunt joins us now live at the courthouse in Los Angeles. What's happening there, David?

DAVID SPUNT, FOX NEWS JUSTICE CORRESPONDENT: Well, Martha, this will all begin in about 20 minutes. And Abbe Lowell's goal and Hunter Biden's team's goal is to get this entire case thrown out. Right now, as we speak, Hunter will go to trial and walk through the front doors of this building beginning June 20th, right in the middle of the election. But will the judge decide to possibly move this back or throw out all the charges, depending on how much Hunter Biden's legal team persuades him, as you mentioned, Abbe Lowell now in the building.

Also in the building who will be in the courtroom is special counsel, David Weiss, the man who is charging the President's son. It's notable David Weiss has not been here for past court appearances, but he is today. Abbe Lowell says that Hunter officially moved to California in 2019 and the indictment focuses on years before. Therefore, this case should not be brought here in California.

But David Weiss, Martha, as special counsel, can charge anywhere he wants in the country, and he did so in this case because that's where Hunter lives now. And speaking of Weiss, Lowell also questions the legitimacy of Weiss' special counsel, arguing that he caved to Republican pressure and public pressure to charge Hunter after that infamous plea deal fell apart in a very public way last July. Weiss and his team are moving full steam ahead with these charges.

According to the indictment, and you shared some of these before, the government says instead of paying his taxes, Hunter spent his money on women, clothing, health and beauty products to the tune of hundreds of thousands of dollars, also adult entertainment. The President's son also charged with firearms violations and that case is set to go to trial in early June in Delaware.

We'll keep you posted. This begins in about 20 minutes, Martha.

MACCALLUM: OK. David Spunt, thank you. So with me now, criminal defense attorney and former federal prosecutor Andrew Cherkasky. Andrew, great to have you with us. I just want to quote from the motion by Abbe Lowell. Here is what the argument that he's going to make here. Mr. Biden, one party struck a deal with the prosecution. The other party through the diversion agreement, as part of that agreement, he sacrificed valuable rights in exchange for the prosecution's agreement not to prosecute the very sort of indictment that it has brought here. He goes on to say that the court should require the prosecution honor its agreement and dismiss this indictment.

So this goes back to the "sweetheart deal" that we reported on so much at the time that really would have exonerated him from pretty much anything over a multi-year period. He says that still should be upheld. What do you think is going to happen?

ANDREW CHERKASKY, CRIMINAL DEFENSE ATTORNEY: Well, the evidence against Hunter Biden is overwhelming of his criminality. The question is whether David Weiss has diligently prosecuted this case or whether he's made errors along the way that ultimately sacrificed this case. And he has made significant errors along the way.

Abbe Lowell is a force to be reckoned with, an outstanding defense attorney, and he's brought a handful of very strong motions. I think all of them will ultimately be defeated. But we have to look at what the plea agreement complaint is. Essentially that Hunter Biden entered into an agreement with the United States that he didn't fail to fulfill his side of the agreement. He fulfilled his contract, so to speak, and so he should still get the benefit of that deal, even though there were clauses in there, so to speak.

MACCALLUM: But we all remember the federal judge threw it out --

CHERKASKY: That's right.

MACCALLUM: -- said this makes no sense. I've never seen anything like this. This sweetheart deal is done. And so, does that judge have that authority and jurisdiction to dissolve that agreement?

CHERKASKY: Well, he has the authority to dissolve the agreement and that he doesn't have to accept, or I think it was she, doesn't have to accept that portion of the agreement. But there is debate in the law as to whether you could essentially take out just that portion of the agreement and leave the rest of it as is.

The main complaint was in, how it would be enforced, whether the judge would have the authority to effectively be the ongoing authority to decide if that agreement had been violated. So that's what they're arguing today. I don't know that's ultimately going to be successful. I would bet against it. But there are also a handful of other motions that are being brought, that are all challenging the idea that David Weiss even was a legitimate special prosecutor brought in on this. And that's been a big deal --

MACCALLUM: It's so ironic because we all -- remember, the David Weiss story, which is that two IRS whistleblowers claimed that they brought a case to him of felonious tax behavior and other behavior that they said should be prosecuted. And they claim that he said, my hands are tied, I can't go forward with this, you know, talk to the guys upstairs. And now Weiss is the person who's trying to get him, you know, to find criminal behavior on these tax charges that actually the taxes were paid. What do you make of it?

CHERKASKY: Well, also kind of derelict in prosecuting and letting the statute of limitations run on some of the charges that would have been from the earlier 2010s. So we have issues there.

We have him actually prosecuting in terms of the strength of the overseas activity, but never going after Joe Biden. And so all of that is a concern in terms of his legitimacy all along and whether he's compromised. I think both sides criticize him.

MACCALLUM: All right. Big day in court in June, we'll see how these motions go over with the judge and if that changes. Andrew, thank you. Always good to have you with us.

So coming up, Jesse Watters on the Democratic panic over President Biden's third party threat next.

(COMMERCIAL BREAK)

MACCALLUM: All right, folks, Democrats calling Robert F. Kennedy Jr. a conspiracy theorist, a spoiler and an obstacle to President Biden winning a second term. All of that after Kennedy introduced his running mate, tech lawyer Nicole Shanahan, a move that could help him get on more state ballots, many of them he needs a VP on the ticket in order to get on those ballots. But the head of the Democratic National Committee insisting they're not worried.

(BEGIN VIDEO CLIP)

JAMIE HARRISON, DEMOCRATIC NATIONAL COMMITTEE CHAIRMAN: She has written, what, $4 million-$5 million so far to support his efforts through third party efforts? So, if you and I wanted to be on a VP ticket, we just needed $4 million or $5 million to give over RFK and we could have been there.

I mean, in the end of the day, we have to understand what this guy is. He's an extremist. He is not in the mainstream of this country.

(END VIDEO CLIP)

MACCALLUM: Jesse Watters is here, host of "Jesse Waters Primetime" and co- host of "The Five" and the author of the awesome new book "Get It Together: Troubling Tales from the Liberal Fringe." I love that title. I think people need to say get it together more often. Hi, Jesse.

JESSE WATTERS, FOX NEWS HOST: Hi, Martha.

MACCALLUM: Great to see you.

WATTERS: You too.

MACCALLUM: So how nervous do you think they are? You hear Jamie Harrison of the DNC there, how nervous --

WATTERS: They're nervous. When you call someone an extremist, that means the Democrats are nervous.

MACCALLUM: Oh, get ready.

WATTERS: Trump's campaign's also going after RFK Jr., called him an environmental wacko, and so now they're calling him an extremist. They're hitting him from both sides. He's more of a threat to the left. If you look at the polling, whenever you add his name, it pulls a little bit more from Joe than it does from Trump.

And now this VP pick, Shanahan, she's got deep pockets. She's going to self fund. She's going to get him on the ballot. They're terrified. So they're just throwing a bunch of savage lawyers at these two and they'll probably try to get him kicked off.

MACCALLUM: You know, I know you've talked to him a number of times. I have interviewed him as well. Let's put up this presidential preference swing state polling. And they still claim, the Kennedy folks, that they're going to get on all 50 ballots. I don't know how they're going to do it. There's one route through the libertarian path if they run as libertarian. Apparently No Labels is talking to them as well, so I think it's going to be interesting to see how all of this works out.

But you can see, you know, 7 percent to 10 percent in those presidential preference, not going to get them a win. But he says all I have to do is get you 34 percent in any one of these places.

WATTERS: Right. I think he's not --

MACCALLUM: Combination of that.

WATTERS: Right. He does tell me, Martha, that if Biden gets 33, Trump gets 33 and he gets 34, he's going to be president. I don't think that's going to happen. But if you just look at where he is in Michigan, he's at 18 percent.

MACCALLUM: I know.

WATTERS: That's a killer shot at Joe Biden. He's done if he doesn't win Michigan. And a couple of these other battlegrounds, he's at 10 percent, 12 percent. But he's not on a lot of these ballots. They tell me they're going to be on ballots in all 50 states, I'll believe it when I see it.

WATTERS: I mean, the DNC is fighting so hard against them. They're coming after him for election, breaking electoral rules to get on ballots, to fundraising, the super PAC, the whole bit. I think we're only just seeing the tip of the iceberg about how, and they're going to go after him. Listen to Joe Rogan because he's done a couple of podcasts, I think, extensive podcasts with Joe Rogan, and he reaches millions and millions of people. Watch this.

(BEGIN VIDEO CLIP)

JOE ROGAN, "THE JOE ROGAN EXPERIENCE" HOST: We want to know, why didn't RFK -- why couldn't he get in the primaries?

UNIDENTIFIED MALE: Right.

ROGAN: Like if this is real, if this -- if democracy is real. You guys don't just get to decide who runs your party against the will of the entire United States.

UNIDENTIFIED MALE: But they're experts.

ROGAN: But isn't that insane that no one has a problem with that? But everyone thinks that if Trump gets into office, he's going to become a dictator.

(END VIDEO CLIP)

WATTERS: You see, they kicked him out of the Democrat Party and then they didn't give him Secret Service protection. And now they're trying to neutralize him off every single ballot as an Independent. Sturdy, Martha, this is ***politics***, though. They're just playing to win. And they're going to use everything they possibly can to make sure it's only a choice between Joe Biden and Donald Trump. And they don't care what they have to do to destroy RFK Jr.

MACCALLUM: Yes. I think you're right about that. Just one last thing, that Nicole Shanahan very -- she describes herself as progressive, liberal. I mean, he could have picked someone who was a little bit more in the middle if he could find that person. I think he had a little bit of trouble. I'm glad that he didn't pick Aaron Rodgers.

WATTERS: Why?

MACCALLUM: I mean, hopefully, he'll be back on the football field in the fall. But, you know, she -- I think she helped to fund the -- against the recall effort for Gascon in California.

WATTERS: Yeah. I mean, she's got a good arm, too. Let's not take anything away from Shanahan.

MACCALLUM: Yes. He said he wanted an athlete.

WATTERS: But he -- you're right.

MACCALLUM: He went from an NFL player to a college, I think, softball star.

WATTERS: She's a political athlete. Let's put it that way, right. She's not your independent-minded woman like a Rodgers or a Rogan, or a Roe or Jesse Ventura. Everybody left --

MACCALLUM: That's all were discussed, yes.

WATTERS: -- and I think it's because of the money.

MACCALLUM: Yes.

WATTERS: And that's it.

MACCALLUM: "Get It Together," so I think this book is fun, interesting. You know, some of the character -- you interviewed some real characters in this book.

WATTERS: I think you're fun and interesting, Martha. We did interview a lot of characters. We interviewed two dozen of the craziest characters we could find. They told me their life stories. It's absolutely hilarious. And you understand why people want topple statues, why they want to legalize drugs. What happened to these people in their childhood that make them want to just project all of their problems on the rest of society? I'm a very patient man. I listened for the first time, "Get It Together."

MACCALLUM: You know what, we wonder what happened in your childhood. And I like the fact that you dedicated it to your mom and dad. And that get it together is a direct quote from your mother. And one of my favorite things that you do is when you share texts.

WATTERS: She only said that to me a couple times --

MACCALLUM: "Get It Together" --

SCOTT RADECIC^ -- a couple times.

MACCALLUM: All right. Jesse, great to see you.

WATTERS: Thank you.

MACCALLUM: Thank you very much. Congratulations on the book, "Get It Together."

WATTERS: Appreciate it.

MACCALLUM: Awesome story and great tales in there, funny too. All right, we'll be right back with more.

(COMMERCIAL BREAK)

MACCALLUM: Thanks for sharing "The Story" with us today, everybody. "The Story" goes on. We will see you back here tomorrow. And also a new episode of the Untold Story podcast, Abigail Shrier great new book that every parent should read. It's called "Bad Therapy." It is available now at foxnewspodcast.com. So thanks again for joining us. Check that out.

Another couple of big podcasts are dropping this week as well, so stay on those podcasts. And we'll see you back here tomorrow as "YOUR WORLD" gets ready to get underway. Whoa-hoo, big day for the Dow. We'll see you back here tomorrow. Have a good night.

**Load-Date:** March 27, 2024

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