

# [***President Biden Addresses The Nation; Biden Takes Questions After Bombshell Document Report; Indignant Biden Rips Special Counsel After Report Says He Did Not Remember When His Son Died; Biden Called Hasty Press Conference After Bombshell Document Report; Biden's Trove Of Classified Documents Exposed; Biden Says He Did Not Share Classified Information After DOJ Report Says He Did; Biden Snaps At Reporter After Age Question; Supreme Court Skeptical Of Colorado Ballot Ban; Democrats Have Trump Insurance Policy; Hillary Thinks Trump Is A Would-Be Killer Who Shouldn't Be Permitted To Run; Media Doesn't Want You To Hear Trump; Bodycam Video Shows Migrants Attack NYPD***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B94-XN91-F072-X000-00000-00&context=1516831)

Fox News JESSE WATTERS PRIMETIME 8:00 PM EST

February 8, 2024 Thursday

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**Section:** NEWS; Domestic

**Length:** 9233 words

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**Guests:** Stephen Miller, Kristi Noem, Joe Kent

**Body**

JOE BIDEN, PRESIDENT OF THE UNITED STATES: According to the indictment, he not only refused to return the documents for many months, he also obstructed justice by enlisting others to destroy evidence and then to lie about it."

"In contrast," it went on to say, "Mr. Biden turned in classified documents to the National Archives and the Department of Justice, consented to the search of multiple locations, including his home, sat for a voluntary interview, and in other ways cooperated with the investigation."

I've seen the headlines since the report was released about my willful retention of documents. This assertion is not only misleading, they're just plain wrong.

On Page 215, if you had a chance, I know it's long -- it's a thick document -- on Page 215 in the report of the special counsel, found the exact opposite. Here's what he wrote: There is in fact a shortage of evidence that I willfully retained classified materials related to Afghanistan. On Page 12, the special counsel also wrote for another document, the decision to decline criminal charges was straightforward. The evidence suggests that Mr. Biden did not willfully retain these documents, the evidence also said, I did not willfully retain these documents.

In addition, I know there's some attention paid to some language and report about my recollection of events. There's even reference that I don't remember when my son died. How the hell dare he raise that.

Frankly, when I was asked the question, I thought to myself, it wasn't any of their damn business.

Let me tell you something. Some of you have commented, I wear since the day he died, every single day, the rosary he got from Our Lady of --

Every Memorial Day, we hold a service remembering him, attended by friends and family and the people who loved him. I don't need anyone. I don't need anyone to remind me when he passed away, when he passed away.

The simple truth is, I sat for five -- over two days of events, going back 40 years, at the same time I was managing a national crisis. Their task was to make a decision about whether to move forward with charges in this case, that's their decision to make, that's the counsel's decision to make, that's his job, and they decided not to move forward.

For any extraneous commentary, they don't know what they're talking about. It has no place in this report.

The bottom line is, the matter is now closed. I'm going to continue what I've always focused on, my job of being president of the United States of America.

Thank you and I'll take some questions.

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

BIDEN: I'm well-meaning and I'm an elderly man, and I know what the hell I'm doing. I've been president and I put this country back on its feet. I don't need his recommendation.

QUESTION: How bad is your memory? And can you continue as president?

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

QUESTION: Do you know if your memory has gotten worse, Mr. President?

BIDEN: My memory has not gotten -- my memory is fine. My memory -- take a look at what I've done since I've become president. None of you thought I could pass any of the things I got passed. How'd that happen? No, I guess I just forgot what was going on.

QUESTION: Mr. President --

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

BIDEN: Only by some of you.

QUESTION: Mr. President, you are cleared of criminal liability today, Mr. President. Do you take responsibility for at least being careless with classified material.

BIDEN: I take responsibility for not having seen exactly what my staff was doing because it goes in and it goes out. Things that appear in my garage, things that came out of my home, things that were removed, not by me but my staff -- but my staff.

(INCOMPREHENSIBLE CONVERSATION)

QUESTION: Mr. President, for months when you were asked about your age, you would respond with the words "watch me." Well, many American people have been watching and they have expressed concerns about your age --

BIDEN: That is your judgment. That is your judgment.

QUESTION: This is the according to public polling.

BIDEN: That is not the judgments of the press.

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

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

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

(INCOMPREHENSIBLE CONVERSATION)

QUESTION: Mr. President, why are you confusing the names of world leaders?

UNIDENTIFIED MALE: Thank you, everyone. Thank you very much.

BIDEN: I did not share classified information. I did not share --

QUESTION: With your ghostwriter.

BIDEN: With my ghostwriter, I did not. I guarantee you, did not.

QUESTION: But the special counsel said that you did --

BIDEN: I did not say that. I did not say that.

QUESTION: But Mr. President, one other --

BIDEN: Let me answer your question.

The fact of the matter is, what I didn't want repeated, I didn't want him to not -- I didn't read it to him was I had written a long memorandum to President Obama, why we should not be in this -- in Afghanistan. And I was -- it was multiple pages.

And so when I was referring to, I said, classified, I should have said it was -- it should be private, because it was a contact between the president and vice president as to what was going on. That's what it is referring to. It was not classified information in that document. That was not classified.

(INCOMPREHENSIBLE CONVERSATION)

UNIDENTIFIED FEMALE: Thank you so much, guys.

QUESTION: He called on me. When you look back at this incident, is there anything you would do differently now? And do you think that a special prosecutor should have been appointed in the first place in both of these cases?

BIDEN: First of all, what I would have done is oversee the transfer of the material that was in my office, in my offices. I should have done that.

If I go back, I didn't have a responsibility to that. That was my staff that was supposed to do that, and they referenced that in the report. And my staff did not do it in a way that, for example, I didn't know how half the boxes got to my garage, until I found out staff gathered them up, put them together and took them to the garage of my home.

And all the stuff that was in my home was in filing cabinets that were either locked or able to be locked. It was in my house. It wasn't out in like in Mar-a-Lago in a public place where -- and none of it was high classified. It didn't have any that red stuff on it, you know what I mean? Around the corners, none of that.

And so I wish I had paid more attention to how the documents were being moved to where -- I thought they would be moved to the Archives. I thought all of those would be moved. That's what I thought.

Now, what was the last part of the question?

QUESTION: Whether a special counsel should have been appointed in this case, and in the case of your rival, former president?

BIDEN: I think a special counsel should have been appointed and the reason I think a special counsel should have been appointed is because I did not want to be in a position that they looked at Trump and weren't going to look at me, just like they looked at the vice president.

And the fact is, they made a firm conclusion. I did not break the law. Period. Thank you all very, very much.

(INCOMPREHENSIBLE CONVERSATION)

BIDEN: The hostage negotiation, look, I'm of the view, as you know, that the conduct of the response in Gaza, in the Gaza Strip has been over the top.

I think that as you know, initially, the president of (Mexico), El Sisi did not want to open up the gate to allow humanitarian material to get in. I talked to him, I convinced him to open the gate. I talked to Bibi to open the gate on the Israeli side.

I've been pushing really hard, really hard to get humanitarian assistance into Gaza. There are a lot of innocent people who are starving, a lot of innocent people who are in trouble and dying and it has got to stop. Number one.

Number two, I was also in a position that I'm the guy that made the case that we have to do much more to increase the amount of material going in, including fuel, including other items.

I've been on the phone with the Qataris. I've been on the phone with the Egyptians. I've been on the phone with the Saudis to get as much aid as we possibly can into Gaza.

They're innocent people, and it's the women and children who are also in bad -- they want badly needed help. And so that's what we're pushing, man.

I'm pushing very hard now to deal with this hostage ceasefire because as you know, I've been working tirelessly in this deal. How can I say this without revealing -- to lead to a sustained pause in the fighting and the actions taking place in the Gaza Strip.

And because I think if we can get the delay for that initial delay I think that we would be able to extend that so that we could increase the prospect that this fighting in Gaza changes.

There are also in negotiations. You may recall, in the very beginning, right after -- right before Hamas attacked, I was in contact with the Saudis and others to work out a deal where they would recognize Israel's right to exist, let them make them part of the Middle East and recognize them fully, in return for certain things that the United States would commit to do.

The commitment that we were proposed to do, related to two items, I'm not going to go in detail, but one of them was to deal with the protection against their archenemy to the northwest -- northeast, I should say.

The second one, by providing an ammunition and material for them to defend themselves. Coincidentally, that's the timeframe when this broke out.

I have no proof what I'm about to say, but it is not unreasonable to suspect that the Hamas understood what was about to take place and wanted to break it up before it happened.

(INCOMPREHENSIBLE CONVERSATION)

UNIDENTIFIED MALE: Thank you, everybody.

JESSE WATTERS, FOX NEWS CHANNEL HOST, "JESSE WATTERS PRIMETIME": So that was the president of the United States reeling after a special counsel report found him to have diminished capacities, found him to have willfully retained classified documents in multiple locations that were insecure, putting our national security at risk, but did not choose to bring charges because of those diminished capacities, and thought he would appear to be an elderly man with memory issues in front of a sympathetic jury.

The president forced to call a hasty press conference, which he never does at this hour, about 10 minutes late to the press conference, seething with anger at one point at the special counsel for suggesting that he didn't remember when his son, Beau died; the special counsel saying at one point, he did not remember when he was vice president, lashing out at our very own, Peter Doocy, lashing out at several reporters there and then forced to walk out of the room.

Let's now bring in Kayleigh McEnany, former White House press secretary.

Kayleigh, have you ever seen anything like that where the president of the United States is having a hard time, struggling to convince not only the press, but the American people that he's mentally sharp enough to continue to execute the duties of the presidency?

KAYLEIGH MCENANY, FOX NEWS CHANNEL CO-HOST "OUTNUMBERED": No, we just saw an unmitigated disaster play out before our very eyes. We just watched a wounded political animal hobble to a podium and react with defensiveness, with anger.

And you know, it's bad, Jesse, when you have the White House press corps, they are essentially an extension of the Joe Biden press and communications team, when they are shouting at him asking repeatedly, Are you going to step aside, Mr. President? The CNN correspondent asking that.

When NBC -- NBC of all places -- writes a headline, a nightmare, special counsel report triggers panic among Democrats. And when you have a president, who for 45 minutes announces a press conference with no topic, giving the world 45 minutes to speculate, is he stepping aside? What would life be like under a President Kamala Harris? For 45 minutes, the nation got to feel that panic and I don't think they will forget it come November.

WATTERS: Yes, we were upstairs thinking whether he was going to announce that he wasn't running for re-election and what the implications in terms of national security would be.

I mean, he's already jeopardized national security, and then lied about it to the press just now saying he never willfully retained these classified documents, did not take any responsibility for it. Blamed the press when in fact, the special counsel said that he packed some of these boxes, and he is on tape acknowledging, oh, yes, I've got classified documents down there.

MCENANY: Right.

WATTERS: And then when Peter Doocy says, you know, you have issues with your memory, he goes, "My memory is so bad, I let you speak." That doesn't even make any sense, Kayleigh.

MCENANY: It makes no sense. I believe that one day, we will discover that we were all played in what was the biggest presidential cover up in recent memory. I mean, Jesse, think of the links that this team around him has had to go to create an eggshell environment that has kept the American people out.

His lawyers wrote to the special counsel, please take out the details about his memory. Jill Biden has to escort him off the stage. Karine Jean-Pierre yells ad hominem attacks at Peter Doocy when he asks questions about age.

Tonight, the White House communications director said, oh, the interview just came one day after October 7th, as if that's an excuse.

His campaign says -- they bring up his age, the press does to distract from the booming economy. These are all ploys to deceive the American people.

One day, we will discover the cover up, and how greatly at risk we were for this man being in charge.

WATTERS: Well, today, we found out that there has been a coverup and they certified everything that we have all with our very own eyes, that he just does not have what it takes to be commander-in-chief.

Kayleigh, thank you so much.

Let's bring in Fox News contributor, Marc Thiessen.

Marc, I don't think I've ever witnessed anything like that -- the anger, the defensiveness, the dishonesty, the inability to communicate any sort of competence or accountability. His own administration said he couldn't be held accountable in a court of law. They'd take pity on him, a jury.

MARC THIESSEN, FOX BUSINESS NETWORK CONTRIBUTOR: Oh, exactly right. Like, we are now beyond concern about whether Joe Biden can serve a second term. We should be concerned about whether he could finish serving his first, and this press conference made it worse.

I mean, first of all, he just referred to the president of Egypt, President Sisi as the president of Mexico in that press conference just then. So he couldn't remember Hamas. In the last week, he couldn't remember who Hamas were. He described a conversation with a long dead French president. He described his conversation with a dead German chancellor about the January 6th attack who died four years before the attack happened, and he now has discussed it -- described his conversations with President Sisi of Mexico. That's what we just witnessed.

He said during that press conference, that during the crisis, just a couple of days after the attacks in the Middle East, the October 7th attacks, he took the time in the middle of a crisis to have a five-hour interview.

Let me describe -- read to you how the presidential -- the special counsel described that interview: "In his interview in our office, Mr. Biden's memory was worse. He did not remember when he was vice president, forgetting the day of the interview when his term ended, and on the second day of the interview when his term began, he did not remember even within several years, when his son Beau died, his memory appeared hazy when describing the Afghanistan debate that was once so important to him. He described General Eikenberry, who was his ally as someone who he disagreed with."

And then it said that they found that the reason they didn't go to a jury and charge him -- couldn't charge him is because his diminished faculties and faulty memory he showed in our interview with him.

That is the state of Joe Biden's mental capacity when he was handling the October 7th attacks in the middle of that, what so --

Go ahead, I'm sorry.

WATTERS: I was going to say, we expected someone to come down into the Oval Office and say, Joe, it's over and say we can't have you run for re- election, just for the sake of the country, for the sake of the safety of the nation. Aren't there any wise old hands to come down and deliver that message to the president? Because this is a dangerous world and we've now had the conclusion by his own administration that he is not equipped, mentally, physically equipped to handle the duties of the presidency.

This makes everybody feel unsafe.

THIESSEN: A hundred percent.

Look, here's the thing. Seventy-six percent of Americans say that he is too old to serve a second term, and that is based on his public utterances. We have limited view into his mental capacity because we just see him stumble in press conferences, make a mistake on the world stage.

Well, we all sit and wonder, well, what's he like behind closed doors if he's this bad in public? And we didn't know.

And what the special counsel has done has pulled back the veil and shown us -- shown us what he's like in a five-hour interview. Well, if he's having that much trouble having a conversation, remembering facts, or following trains of thought in his meetings with Justice Department lawyers, what are his meetings with world leaders like? What are his meetings with his national security advisers like?

You know, he told us after the disastrous Afghanistan withdrawal that no one told him to leave 2,500 troops as a residual force. And then his military commanders testified that he had -- they had. They had all told him that we needed to leave 2,500 troops behind in Afghanistan. Was he lying? Or did he actually not know? I mean, we've got --

WATTERS: That's where we are, Marc. We are at the point where we don't know if he's telling the truth, or he doesn't remember. And if you read the report from Hur.

THIESSEN: Exactly.

WATTERS: He says that over and over and over again, where the president doesn't really know or can't remember, and then later just says, yes, I wanted to keep these documents for my book. You can't have it both ways. You can't have it where he's not going to remember enough, so you can't put him on trial. But if you're going to say, well, he actually knows everything, well, what are you talking about?

He just said he can't remember. None of that makes any sense and this might be the worst day of his presidency. Maybe not as bad as the Afghanistan day. This might be the worst.

Let's now bring in former White House senior adviser, Stephen Miller. Stephen, you were there in the White House when the press, everybody was salivating over the 25th Amendment. What are your thoughts on that now?

STEPHEN MILLER, FOUNDER, AMERICA FIRST LEGAL: Well of course, President Trump is the sharpest person to occupy the Oval Office in our lifetimes, and I can say that from intimate experience working in the West Wing every single day of the presidency.

But let's talk about what happened today and how stunning this is. The Department of Justice effectively said that Joe Biden is less mentally fit and capable than the average inmate in San Quentin. That you could go to any federal prison in the country, pick any random inmate -- drug dealer, murderer -- anybody there, and they will be more mentally capable than the president of the United States of America.

It has a very low bar to be ruled mentally fit for trial. That very low bar that most retirees in most retirement communities all across the country could meet, the president of the United States does not meet.

When they talk about diminished faculties, those are phrases you hear in a hospice care setting when they are explaining to the children of the patient why Grandpa is biting the care workers. That's how bad this is, Jesse. That's the president of the United States.

And he certainly, as Marc said, did not allay any concerns when he thinks the president of Egypt is the president of Mexico. He went on TV live tonight and talked about opening up humanitarian gateways from Mexico to the Gaza Strip.

Do you know how demented and deranged that sounds? A man shouting angrily at reporters, accosted them, screamed at them. And then he said, oh, let's talk about the president of Mexico El Sisi and our plan for Gaza relief.

This is a PR catastrophe for the White House, but it is a national security catastrophe, Jesse, for the United States of America.

WATTERS: You're right, and then afterwards, when he was speaking to Democrats this afternoon after this thing dropped, he said I was elected to be the president for red states and green states. I hadn't heard that one before.

MILLER: Yes, it's a classic Dr. Seuss line.

WATTERS: I think, it is red states and blue states, but go back to the picture that we're going to show now. Look at the garage. This is the president of the United States' garage, Stephen Miller. This is where he was keeping information about US weapons capabilities, foreign intelligence, military secrets.

There it is, next to a lamp with duct tape wrapped around it and a shoe box. The FBI said that box was so dilapidated and crumbled, that they couldn't even pick it up. They had to take the classified documents and put it in another box.

Now, this is a garage that Hunter is in and out of, with JiaQi Bao who is tied to Chinese intelligence. This is where the garage doors open, they're going on a joyride in the Corvette.

Now you take this and look at Donald Trump where his documents were. They were locked up in a secure facility, boxes had tops on them, guarded by Secret Service on an estate on an island. Now the media went crazy when those images came out.

How can you continue to go forward with this document prosecution on the Trump side after what we've witnessed here with this off ramp that the special counsel has given Joe Biden, who had a garage that looked like my great grandfather's after a rummage sale?

MILLER: Yes, let's be very clear that the Department of Justice, the report they wrote was an attempt to get Joe Biden completely scot-free off of the documents case while they are persecuting Donald Trump.

Those pictures you showed are the least secure handling and storing of classified information I've ever seen in my life. Donald Trump stored the records based on consultation with the Department of Justice and the National Archives, records that he as president has the absolute right to maintain, to control, to declassify that is an unmitigated right of the president of the United States.

Joe Biden had no such right. Joe Biden was vice president, not president. He was senator, not president when he stole these records; when he purloined these records, and yet, and yet he is not being prosecuted, and we know why he's not being prosecuted because the system is rigged, Jesse, it is rigged in the same way that Black Lives Matter can torch buildings and kill people and ruin lives, but pro-life protesters, they get thrown in the slammer.

It's rigged because if you are on the right team, if you're on the Democrat team, you can commit any crime and you will be shielded. And if you're in the wrong team, you're the Republican team and certainly for Donald Trump, no matter how innocent you are, you will be railroaded.

Joe Biden belongs in prison. He willfully retained and disclosed classified information and he has absolutely no right to retain those records because he was not the president of the United States.

WATTERS: Well, he is lying, right, to the American people about disclosing classified information. The report says he shared classified information with his ghostwriter for the book, and then he was asked about it. He said it wasn't true, and told some crazy story about Afghanistan.

And now knowing this whole time, he has been sitting on this dusty disheveled box of classified documents in his garage and all over Chinatown and Penn Biden Center, he was greenlighting his Justice Department to go raid Donald Trump's Mar-a-Lago estate. Think about how diabolical that is.

MILLER: Well, because we don't live in a free country anymore. We don't live in a democracy anymore. We live in a country where there's a ruling party, a ruling regime, ruling power centers, and they decide who goes to jail and who is innocent.

Look Hunter Biden had unfettered access to these documents in this area, a drug addict had unfettered access. This is the same time as the Biden family is making millions and millions of dollars in shady foreign dealings.

How easy would it have been for any number of foreign governments to obtain access to this garage? How often was the garage open? How often were these facilities unsecured?

This is a complete and total violation of our nation's most essential secrets. But at the end of the day, this is the same government that has a wide open border and traffics in children. It is the same government that censures our speech illegally. It's the same government that allows people to vote without any verification, and it is the same government trying to throw Donald Trump in jail because he's the leader of the opposition party.

They don't care about the rules. They care about power, Jesse.

WATTERS: Yes, you've got a wide open garage and border. It looks like a mess on both fronts.

Stephen, thank you so much.

Let's now bring in Dana Perino, who we have on the phone, former White House press secretary and my co-host on "The Five."

Dana, you have seen quite a lot of presidential press conferences. I don't know what to say about this one. It looked like he was almost going to throw a punch at one point.

DANA PERINO, FOX NEWS CHANNEL HOST (via phone): I admired their decision to have him come out and do a statement tonight. Because the Robert Hur report today was so devastating that imagine letting that go for 18 hours and the newspapers in the morning would have no response except for the sort of anemic response from Biden's lawyers, which was a written statement, basically saying we don't think it was appropriate that you included that.

Meanwhile, the rest of the nation is saying, Oh, my gosh, the special counsel just said that our president is mentally unfit, and would be dismissed by a jury for being too elderly and of poor memory. So I admired that part.

I don't understand why the White House didn't let him do the statement seated at the Oval Office. No press pool, deliver the statement, nice and tight, and go to bed.

But by taking questions from a very frustrated press corps, who never gets to ask him questions on the hottest new story of their lives and of this moment, then it was going to be a free for all and he didn't stick the landing, Jesse.

WATTERS: No.

PERINO: He didn't stick the landing. And so the purpose of the statement, which I appreciated, understood, I thought it was smart, got ruined when he didn't do that.

WATTERS: I think they were forced into coming out and taking questions because if they hadn't and delivered something behind the desk, it would have just reinforced the idea that he's hiding, and not capable of engaging articulately with the American press corps, which he really hasn't been able to do for quite some time.

But you're right, he didn't deliver when he needed to.

PERINO: But I think what I would have done, Jesse, because that's a good point. I think you make -- you raise a good point is I would have done the nice and tight statement to be in the newspapers and then all of the media tomorrow morning and maybe then announce and the president will hold a press conference at 10:00 AM tomorrow which is his strongest time of day.

WATTERS: Yes. That's exactly right. This is way late for him. And he never calls these hasty press conferences and it shows, and he was angry. He was too emotional.

You're right. Get a good night's sleep. Sleep on it. Come together. Have a nice breakfast, cup of coffee, the next morning, and then you're on your game.

Dana, thank you so much and I am sure, I'll see you tomorrow.

PERINO: See you tomorrow.

WATTERS: South Carolina Governor Kristi Noem joins us now and we're going to turn around some of these sound bites from that insane press conference we just witnessed where the president almost looked like he was going to jump across and hit somebody for asking him a question. And I think he's reserving a little something special for the Special Counsel Robert Hur who just said to the American people that the president has issues, mentally, a hazy memory, and diminished faculties. Your reaction?

GOV. KRISTI NOEM (R-SD): Well, I think Dana pretty much said, you know, my thoughts exactly is that they have to know -- every staffer should know what they're dealing with whether it is a candidate or a president. It is what's their strengths? What's not their strengths? And that's really the challenge that President Biden has.

He has very few strengths. He is not good at night. He was emotional, a statement would have been better and this all only made it a much, much worse situation for him.

After this report came out, he just came out and proved he has diminished capacity. He couldn't even refer to the right country, with the right president, and the right conflict, and the right war. It was, wow, it was a lot.

WATTERS: Yes.

NOEM: So, you know, Jesse and I think -- what I think is amazing is, we as Republicans have to get smart, and really realize what's going to happen in this next election? I don't think they replace him. I think that what they do, and I've been in my brain been thinking, they're going to figure out a way to do what they did during COVID.

During COVID, there was a crisis, an emergency and a disaster and they issued an emergency order, and they're going to do it, I think in 2024, something will happen, whether manufactured or not, that will allow these governors in all these states to write emergency orders to conduct their elections, however they want to.

They're going to go back to exactly what they did in 2020, and all of these liberal governors that got re-elected in these swing states are going to write emergency orders to run their elections, however they want to whether, it's mail-in ballots, it's collecting ballots by the unions and Walmart parking lots, they will use every tool that they had then, to make sure that Joe Biden gets elected again.

And so, we just need to be --

WATTERS: Yes, I mean, we saw what happened today at the Supreme Court. I mean, it looks like that could go nine-zero against the Democrats who tried to strip Biden off the ballot there.

And I agree, anything is on the table after what we've just seen. It's a sad day. It's not a happy day for the American people. It's, it's depressing to see the commander-in-chief in a state like that.

Kristi Noem, thank you so much.

NOEM: Thank you, Jesse.

WATTERS: Let's bring in our White House correspondent, Peter Doocy. Do we have Peter?

PETER DOOCY, FOX NEWS CHANNEL CORRESPONDENT: I'm here. You're not having a memory lapse, are you?

WATTERS: I am not.

DOOCY: It's me.

WATTERS: I am not. It is not your father. You look much more handsome.

Tell me about what it was like in that room. You haven't had a lot of those moments, that intensity with the president in quite some time. He seemed incredibly antagonistic.

DOOCY: I wouldn't say that he seemed antagonistic. In fact, whenever it is that you guys can turn around the tape, if you want to play it later, but his response to me when I asked him how bad his memory is, and he said, bad enough that I let you talk. That's funny. They should --

If that is how he's going to respond to questions like that, they should have him do stuff like that more often. As I have gone back and read the notes and the transcript, it seems like the only mistake that he made, was talking about the Israel-Hamas ceasefire talks and he referred to the President of Mexico Sisi, which is obviously, he is the president of Egypt.

But, you know, they needed to show that he is not what the special counsel describes. I went in there with all these quotes. I read one to him, but -- well-meaning elderly man with a poor memory, did not remember when he was vice president, did not remember when his term ended as VP. They needed to show intensity.

So I did not think it came across antagonistic at all. I thought it came across as, I don't like what people are saying about me, and I'm going to do something about it. And they never put them out for stuff like that, especially not in primetime.

WATTERS: Well, he looked angry to me, maybe it was different in the room. Let's actually listen to the exchange with you and the president. Run it.

(BEGIN VIDEO CLIP)

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

BIDEN: I'm a well-meaning and I am elderly man, and I know what the hell I'm doing. I've been president and I put this country back on its feet. I don't need his recommendation.

DOOCY: How bad is your memory? And can you continue as president?

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

UNIDENTIFIED FEMALE: Are you telling us, your memory has gotten worse, Mr. President?

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

(END VIDEO CLIP)

WATTERS: All right, so I see what you're saying. If you look at the transcript, it's a joke, but the sarcasm did not translate at the time. I don't know how it was in the room, but you thought he performed how today?

DOOCY: But also look at what I was asking him. I was asking him if his memory is so bad that he has to step down as president. That is a very straightforward, but hard and uncomfortable question. And so I wouldn't expect him just to laugh it off. It's a serious thing.

He needs to convince people that he can go another five years when there's already 388 pages of a special counsel saying he's got serious lapses in his memory. He doesn't remember giving things to people. he doesn't remember where he puts stuff.

He said tonight, he doesn't even know how some of the boxes got into his garage. So he -- I wasn't expecting him to go in there and just laugh it off. He takes this stuff seriously.

WATTERS: He does, as it long as it pertains to his political survival. I wouldn't say he takes classified document retention seriously if you've looked in the garage.

But Peter tell me about the room there, because you don't get a lot of access to him, not just you, but all of you don't get access. There was a frothing that I picked up on that you could almost feel through the screen, these reporters never get to speak to him. They were anxious. They were interested. They were really on the tip of their toes. What was that like?

DOOCY: It was as close as you get to the president indoors when he is speaking like that. They had it in the Diplomatic Reception Room, which is basically the room that he walks in or out of when he is going to the helicopter on the South Lawn.

So you'll see the outside door all the time, you never really see inside. They put him right in front of a fireplace, and a picture of George Washington and some books, and we were only about eight or 10 feet away.

So it's one of those things. It's good that he took questions. He said, right off the top, he was going to take questions. If he didn't, there'll be no way that they could have said he didn't hear, because we were so close.

WATTERS: Okay, so he contradicts the special counsel's report numerous times about sharing classified documents, about willfully retaining them. I mean, the first sentence is, he willfully retained them. When you hear that, does that strike you as typical political defensiveness? Or how do you process that?

DOOCY: Yes, I was not expecting him to come out and say, I accept the results of this special counsel's investigation. He said, what a politician is supposed to say, I cooperated and I'm not going to be charged, so this is over and also look at Donald Trump because his thing is not over yet.

WATTERS: Right. Right, and it's my staff's fault.

DOOCY: Right. That's why you have a staff.

WATTERS: Got to blame the staff. Got to blame -- you never blame your staff. But I have been known to blame staff once in a while, it's okay.

DOOCY: Yes --

WATTERS: Peter Doocy, thank you so much. Good to see you as always.

Let's bring in former Green Beret Joe Kent to talk about the national security implications of this.

Joe, we were talking earlier about this. There was a rumor that he was going to announce that he might not run for re-election after this damning report, so damaging not just to the American voter, but to our enemies, to our allies. When you have his own administration saying he is painfully slow, he has a hazy memory and he is experiencing significant limitations. If you're Saudi Arabia, Russia, China, Mexico, how are you grappling with that?

JOE KENT (R), FORMER CONGRESSIONAL CANDIDATE FOR WASHINGTON STATE: Well, our enemies and adversaries they smell blood in the water. I mean, they've seen how Biden handled the disastrous Afghan withdrawal, how horribly things are going with this war in Ukraine that we're supporting. And then now, this conflict in the Middle East where we're supporting every single side.

I mean, Biden attempted to give some kind of an update there, I guess, on the Middle East, but he fails to mention the fact that we're continuing to support the Iranians while we're pretending to support the Israelis as well. So we're in very dangerous times.

I think one of the biggest functions, though, that Joe Biden serves for the people that are actually calling the shots in our country is that he provides this theater where he goes out there as a doddering old man, and now, he is a doddering old man with a Get Out of Jail Free card. And that distracts from the deliberate destruction of our country that the Democrats are doing every single day.

The border is wide open. They've pumped 12 million illegals into the country, we have no idea who these people are. They've killed 118,000 Americans by fentanyl poisoning. And yet, we're supposed to just get out there and have this debate about Joe Biden's memory.

This is why I think the Democrats love having Joe Biden there. They can put him out and they can continue running the deliberate destruction of our nation.

I think we've got to come to terms with the fact that the Democrats are done playing ***politics***. They're not trying to convince us about their policies anymore, they are simply looting the coffers as the entire country crumbles.

They're pumping in illegals to vote, and at the same time, they are supporting every single side of every single conflict and spending us into oblivion and we are supposed to chase this shiny object that is this doddering old man.

WATTERS: But Joe, that game might be up. If he doesn't win re-election, it's over. Their whole game is done. If you can't drag this guy across the finish line, then he's useless. And if you look at the polling, and then you read this report, how are the Democrat kingmakers going to hear, when did I stop being vice president? Or am I still vice president in 2009? And say, oh, yes, the American people are going to give this guy another shot.

I think this is incredibly damaging to the presidency and almost a terminal blow to the re-election campaign.

KENT: I agree it is. But I do think that the Democrats, especially the Democrat kingmakers, they really stopped worrying about what we would consider normal electoral ***politics***. This is exactly why the border is wide up. This is why they're pumping illegal immigrants into the country, into major urban centers, and probably into swing states, too, for all that we know.

I think that they intend to do exactly what Governor Noem was talking about, some sort of a crisis so that they can manufacture a situation where they control the elections once more like they did in 2020.

So I think we're just in a completely, completely uncharted territory, where the Democrats don't care about the Constitution. They don't care about actual fair and free elections. They don't care about legitimately making their case to the American people, because their case is to completely and totally destroy the nation as we know it.

WATTERS: Yes, I think we all have to prepare ourselves for October surprises from now until October, and then into November.

Thank you so much, and thanks for your service, Joe Kent.

Let's now bring in Fox News contributor, Byron York.

Byron, I want to play an exchange that the president just had with one of the reporters Let's listen.

(BEGIN VIDEO CLIP)

REPORTER: The American people have been watching and they have expressed concerns about your age --

BIDEN: That is your judgment. That is your judgment. That is not the judgment of the press.

REPORTER: They express concern -- they express concerns about your mental acuity. They say that you are too old. Mr. President, in December, you told me that you believe there are many other Democrats who could defeat Donald Trump. So why does it have to be you now? What is your answer to that question?

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

(END VIDEO CLIP)

WATTERS: So that was interesting. He said that is your judgment, not the judgment of the press. That doesn't make any sense. Peter said he wasn't antagonistic. It looked like he was going to snap her neck.

BYRON YORK, FOX NEWS CHANNEL CONTRIBUTOR: Absolutely, he was very antagonistic.

This has been an extraordinary day, and an extraordinary performance by the president tonight. You've just got to be stunned that the White House let him get out and do that, and that particular question that the reporter asked, you know, we've had poll after poll after poll with Americans -- Republicans, Independents, and Democrats, majorities of them expressing concern about the president's ability to handle the job of president in a second term. That is absolutely something the electorate thinks.

And you're right, the president just kind of snapped her head off and denied it, gave a real angry old man feel to all of this and accomplished exactly the opposite of what he probably hoped to do, which was defuse some of this before he went out.

WATTERS: You're so right. That was not the attitude to come in with. He was running too hot emotionally. You should have just said, listen, he's not bringing charges. We made a few mistakes. My staff made some mix ups when they delivered the boxes, but I take full responsibility for my staff. I'm sorry, but pivot to Trump. Good night, everybody.

But he freaked out on them.

YORK: Yep.

WATTERS: And it just reinforced the fact that he is so defensive and understandably why, because Byron, she cited the poll, it's like 23 percent of the country, they don't think he has what it takes to be president.

YORK: And for the president to stand there, as he did on a number of occasions tonight and say, my memory is fine. My memory is fine. He is talking to the -- he is telling the American people something that they know isn't true. They're concerned about it.

And these are a lot of people who voted for Joe Biden, and this is something -- this is the world's least surprising story in one way that we knew Joe Biden was 77 years old when he took office, 81 now, would be 86 if he serves a second term, and we all knew that was really, really pressing the edge of the envelope.

And the president has decided to run for re-election and one word on this - - on the other part of the reporter's question, which is why isn't there some other Democrat who could beat Donald Trump? Apparently, early on in his presidency, Joe Biden convinced himself that he and he alone stands between the United States and the abyss of Trumpism and it is his job, it is his mission to rescue America from MAGA extremism.

The president still believes that and he is running when he is clearly, clearly too old.

WATTERS: Yes, I bet Kamala Harris had an interesting evening once this thing dropped. I bet Gavin Newsom might have felt a little wind blow out there in California. I shouldn't even say anything about Michelle because Dana Perino is going to smack me across the face.

But this was a very strange afternoon, an even stranger evening, and he seems to be still in denial. I don't know if that's ever going to change.

Byron, thank you so much for joining JESSE WATTERS PRIMETIME.

YORK: Thank you. Jesse.

WATTERS: Let's now bring in, former deputy independent counsel, Sol Wisenberg.

Sol, the president just not telling the truth about what was in his own administration's report. Let's listen to when he was asked about whether he shared classified documents in a second, but your reaction to the report and the president's heated press conference?

SOL WISENBERG, FOX NEWS CHANNEL CONTRIBUTOR: Well, my reaction to the report was that it must have been ghostwritten by Gavin Newsom and RFK, Jr. in terms of the damage it did to him.

But my -- it is interesting you ask that question, because my response to his brief press conference there and to his answers was that, unfortunately, he is lying and he is rather blatantly lying about what the report said.

Let me just read you if I can, this is from the executive summary: "Our investigation uncovered evidence that President Biden willfully retained and disclosed classified materials after his vice presidency when he was a private citizen." Now, that means willfully retained under this statute means he knew he was violating the law.

Now, the special counsel also said for various reasons, we don't think we can prove it beyond a reasonable doubt, but there was certainly evidence of it. And this is even more damning, and completely opposite of what he just said. It said, talking about classified documents about Afghanistan, these documents from fall 2009 have classification markings up to the top secret, Sensitive Compartmentalized Information level that were found in a box in Mr. Biden's Delaware garage that contained other materials of great personal significance to him, and that he appears to have personally used and accessed.

So he came out and blatantly lied about what the special counsel found. It reminds me very much of when he came out after the Afghanistan debacle, and said a number of things that were blatantly untrue.

WATTERS: I mean, how much does this completely undercut his entire platform that he is the serious person, he's the adult in the room. He understands national security. He is someone to be trusted with America's secrets. He's someone that's sharp and experienced enough to manage the government in a way that Donald Trump is not.

I mean, I don't see how you can read this report, and then believe anything that Joe Biden sells you about who he is.

WISENBERG: You asked a political question. I'm here to do legal and I'm telling you, he lied about what's in the report.

WATTERS: He lied multiple times, and I think this might be it for Joe Biden and the re-election campaign. I'm not going to make predictions, Britt Hume told me not to, especially after my red wave commentary, but it's a bad day for the Joe Biden re-election campaign.

Sol, thank you so much for coming on JESSE WATTERS PRIMETIME. We appreciate your analysis.

More PRIMETIME straight ahead.

(COMMERCIAL BREAK)

WATTERS: Another major blow for the Biden campaign as the Supreme Court heard oral arguments today on whether Colorado should strip Trump from the ballot for engaging in an insurrection. And all nine justices, liberal and conservative alike sounded extremely skeptical. Trump considered it a win.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: I just say that, in watching the Supreme Court today, I thought it was very -- it's a very beautiful process. I hope that democracy of this country will continue.

(END VIDEO CLIP)

WATTERS: During questioning from Justice Thomas, the Colorado attorney choked and couldn't even name a single precedent of state stripping a national candidate from the ballot.

(BEGIN VIDEO CLIP)

JUSTICE CLARENCE THOMAS, US SUPREME COURT: That would suggest that they would at least be a few examples of national candidates being disqualified if your reading is correct.

JASON MURRAY, ATTORNEY FOR NORMA ANDERSON AND GROUP OF COLORADO VOTERS: Well, there were certainly national candidates who were disqualified by Congress refusing to seat them.

THOMAS: I understand that, but that's not this case. If you are right, what are the examples?

MURRAY: Well, Your Honor, the examples are states excluded many candidates for state office, individuals holding state offices.

THOMAS: I understand the states controlling state elections and state positions. What we are talking about here are national candidates.

(END VIDEO CLIP)

WATTERS: Brutal. Justice Kagan and Justice Jackson, both nominated by Democrat presidents didn't seem to buy the argument that the 14th Amendment was written to disqualify presidential candidates when it clearly states only officers could be disqualified. Listen to this.

(BEGIN VIDEO CLIP)

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

MURRAY: The framers were concerned about charismatic rebels who might rise through the ranks up to an including the presidency of the United States.

JUSTICE KETANJI BROWN JACKSON, US SUPREME COURT: But then why didn't they put the word "president" in the very enumerated list in Section three? The thing that really is troubling to me is I totally understand your argument, but they were listing people that were barred and president is not there.

If there is an ambiguity why would we construe it to, as Justice Kavanaugh pointed out against democracy?

(END VIDEO CLIP)

WATTERS: Justice Jackson may not know what a woman is, but she knows what democracy is.

Now PRIMETIME is hearing it could be an eight to one or even a unanimous decision to keep Trump on the ballot, but the resistance will continue because Democrat attorney from Colorado said that if Trump wins this November, they have an insurance policy.

(BEGIN VIDEO CLIP)

MURRAY: If this court concludes that Colorado did not have the authority to exclude President Trump from the presidential ballot on procedural grounds, I think -- I think this case would be done, but I think it could come back with a vengeance because ultimately members of Congress may have to make the determination after a presidential election if President Trump wins about whether or not he's disqualified from office and whether to count votes cast for him under the Electoral Count Reform Act.

(END VIDEO CLIP)

WATTERS: Whoa. This means if Trump wins this November, and the Democrats retake the House and keep the Senate, they could vote to disqualify Trump from the presidency before he can be sworn in.

Hillary Clinton can't read the room and fashions herself as a superior constitutional scholar than the nine justices and says Trump is a would-be serial killer who shouldn't be permitted to run?

(BEGIN VIDEO CLIP)

HILLARY CLINTON, FORMER US SECRETARY OF STATE: There is a yearning for leaders who can kill and imprison their opponents, destroy the press, lead a life that is one of impunity, unbound by any laws.

If you read Section three of the 14th Amendment, it's pretty clear that he should not be permitted to run for president. I think the argument is very strongly on their side.

(END VIDEO CLIP)

WATTERS: The media fell into a depression after sensing Trump would likely stay on the ballot, but enjoyed censoring his reaction to the proceedings. Watch this.

(BEGIN VIDEO CLIP)

BIDEN: Iran was broke when I left. They had no money to give to Hamas.

JAKE TAPPER, CNN ANCHOR: Okay. I think we've gotten all the legal analysis. We're going to get out of President Trump.

BIDEN: It's a very beautiful process.

ANDREA MITCHELL, MSNBC HOST: And we've been listening to Donald Trump. We of course, went to Mar-a-Lago to hear him talk about the arguments that we've all been listening to for more than two hours, but instead he has gone adrift, shall we say and talked about Israel, World War Three, Iraq made all sorts of accusations, unsupported.

(END VIDEO CLIP)

WATTERS: So if Trump was really going to destroy the press as Hillary said, wouldn't the press want to hear what Trump said? Certainly, I'd want to know how I was going to be arrested, thrown in prison and destroyed.

Another Fox News Alert: The NYPD has released the bodycam footage showing migrants attacking the two police officers in Times Square. Nate Foy has it.

NATE FOY, FOX NEWS CHANNEL CORRESPONDENT: Well, Jesse, for the first time we're seeing exactly what two NYPD officers experienced when at least 11 people attacked them, including several migrants in Times Square. Take a look at this.

(VIDEO CLIP PLAYS)

FOY: So you see part of the confrontation there, Jesse, but take a look at how it started.

So this 24-year-old migrant, you can see, looks offended when an officer touches his coat while trying to make him move. The officers guide the migrant away from the crowd. But as they do that, take a look at his next video, he pushes back.

The officers take him to the ground, but then you see his friends jump in and kick the officers while they're down. You see that man in the red on the top of the screen, he gets a few shots in. He is one of five migrants who still hasn't been arrested. Here's what officers saw when the migrants attacked.

(VIDEO CLIP PLAYS)

FOY: Scary stuff. Thankfully, both of those officers are okay. But of the 11 people involved in that attack, get this, Jesse, only one of them is behind bars tonight.

WATTERS: That's a travesty. Nate, thank you so much.

FOY: You got it.

WATTERS: So glad we can talk to you guys about something that is really near and dear to my heart. It's about my book called "Get It Together: Troubling Tales From the Liberal Fringe."

We were just talking about this attack on the NYPD and one of the chapters I discussed with someone how they became to be a BLMer, an anti-racist BLMer who wants to defund the police.

And it totally makes sense when you speak to these people about why they hate police, and why they wanted to defund the police. It all goes back to their childhood.

And like most people, they just open up to me and tell me all the troubling traumas that they've experienced and how all of their political beliefs have nothing to do with logic. It's all an emotional expression about maybe daddy issues, insecurities that they have, it's a really eye-opening book. It's up there with some of the greatest books that have ever been written, and that's not me saying that. That's my editor.

Always remember, I am Watters and this is my world.

**Load-Date:** February 9, 2024

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