

# [***Special Counsel Report Filled With Damning Indictments Against Joe Biden; Governor Ron DeSantis Sounds Alarm Over Hur Report; Donald Trump's Mounting Legal Issues In this Election Season.***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B9K-DVB1-F072-X0KV-00000-00&context=1516831)

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**Guests:** Ron DeSantis

**Body**

JOEY JONES, FOX NEWS CHANNEL CONTRIBUTOR: No more snowboarding.

LISA BOOTHE, FOX NEWS CHANNEL CONTRIBUTOR: Yes, I totally forgot about that part.

KENNEDY, FOX NEWS CHANNEL CONTRIBUTOR: Thou shalt not use your snow stick to hurt animals.

All right --

BOOTHE: That's it for us.

KENNEDY: We are going to see you here tomorrow at 7:00 PM Eastern for "The Big Weekend Show."

LIFE, LIBERTY & LEVIN starts right now.

MARK LEVIN, FOX NEWS CHANNEL HOST, "LIFE, LIBERTY & LEVIN": Hello, America. I'm Mark Levin and this is LIFE LIBERTY & LEVIN Saturday.

Welcome. You know, it's an amazing thing when these three, four or five hundred-page reports or these omnibus bills come out how quickly people can tell us what's in it. They can't tell us what's in it that quickly. They're not speed readers.

What they do is they look for summaries or they look for title heads or they look for lines here and there in the document.

Well, I've had time to read this document that was put up by Special Counsel Hur and I've concluded something a little bit differently that Mr. Hur would never have prosecuted Julius and Ethel Rosenberg. This report is filled with damning, damning indictments against Joe Biden, multiple violations of the Espionage Act, one after another after another, a black and white case. And yet throughout -- throughout the report, it is schizophrenic.

They said look at this, but we wouldn't charge him because he's an imbecile. Oh, we wouldn't charge him because you know, we don't have this. We wouldn't charge him -- if only Donald Trump had such a prosecutor.

But let's take some time as we like to do on this program. Here's the report. I've read it all. And there we go.

I want to go to relevant parts that you have not heard given the nature of broadcasting, but this show, we do things a little differently. Right there in the beginning: Our investigation uncovered evidence that President Biden willfully retained and disclosed classified materials. He lied about this the other night. He said he didn't, because he's a liar. He's a serial liar.

Apart from the mental problems, he has got character problems -- disclosed classified materials after his vice presidency when he was a private citizen. That is a crime.

These materials included one marked classified documents about military and foreign policy in Afghanistan. Two, notebooks containing Mr. Biden's handwritten entries about issues of national security and foreign policy implicating sensitive intelligence sources and methods. That is a crime.

FBI agents recovered these materials from the garage, offices, and basement, and the den a Mr. Biden's Wilmington, Delaware home. That is a crime.

However, for the reason summarized below, we conclude that the evidence does not establish Mr. Biden's guilt beyond a reasonable doubt. Really?

Well, we have a prosecutor's office filled with Helen Kellers, I guess.

Biden regularly wrote notes by hand in notebooks, some of these notes related to classified subjects including the president's daily brief, and National Security Council meetings, and some of the notes are themselves classified.

Mr. Biden wrote in 2007 and 2017 memoirs with the help of a ghostwriter. In the recorded conversation with his ghostwriter in February 2017 about a month after he left office, Mr. Biden said while referencing his 2009 Thanksgiving memo that he had just found all the classified stuff downstairs.

Wait a minute. He said that in 2017, by my calculation, that's seven years ago. So there he is, president of the United States. He sees what they're doing to Trump. He knows he has classified information downstairs. Does he say hey, everybody, I've got information here. Does he call in the attorney general? The FBI? Anybody? No. But he's been very cooperative once they found the incriminating information.

At the time, he was running a home in Virginia, where he met his ghostwriter to work on a second memoir. Downstairs from where they met with Mr. Biden's office in his office, where he stored his papers. He moved out of the Virginia home in 2019 consolidating his belongings in Delaware, where FBI agents later found marked classified documents about the Afghanistan troop surge in his garage.

Mr. Smith, what do you think about this? I'm talking to you, Jackie. What do you think about this? Then they put here, several defenses are likely to create reasonable doubt as to such charges.

Now, ladies and gentlemen. Honestly, I've never read that in any prosecutorial document in my life. Now, this is a report. It's not a charging document, obviously. But he has several defenses that he can raise.

Well, if you think he broke the law, which he clearly did, then he can raise several defenses on his own. I've never seen a government raise the charges and then raise the defenses. And they conclude well, in the end, no jury would find him guilty anyway. And besides, we don't even think we can prosecute or charge a sitting president.

Now, what do you think Jack Smith would do with this information? You think he'd honor the memo from the Department of Justice that you can't indict a sitting president. He has broken through attorney-client privilege barriers, he's broken through executive privilege barriers, he's broken through immunity barriers, he could care less this guy. Very concerned.

They go on. We've also considered that at trial, Mr. Biden would likely present himself to a jury, and this is where the media is jumping all over and it's true, but it's not the only thing as he did during our interview of him as a sympathetic, well-meaning elderly man with a poor memory. Gee, we've ever sent such men to prison, have we? Prison is filled with people like this.

Based on our direct interactions with and observations of him, he is someone for whom many jurors will want to identify reasonable doubt. Who writes a report like this? Is this guy, a psychiatrist or is he a prosecutor?

It would be difficult to convince a jury that they could convict him by then a former president well into his 80s of a serious felony that requires a mental state of willfulness.

You know what this is? This is a cover up. They lay out all of this factual information. Then they say no jury in their right mind -- I mean, we've got an imbecile, we've got a guy you can't prove intent, even though we willfully did these things. Let's see willfulness and intent? Seems like a synonym to me.

Notebooks containing classified information, FBI agents recovered from unlocked drawers in the office and basement den of Mr. Biden's Delaware home, a set of notebooks he used as vice president, evidence shows that he knew the notebooks contained classified information.

Willful and knowledge -- those are pretty strong elements of a crime, don't you think?

Some evidence also suggests Mr. Biden knew he could not keep classified handwritten notes -- wow, malice of forethought -- at home after leaving office, Mr. Biden, who had decades of experience with classified information was deeply familiar with the measures taken to safeguard classified information and the need for those measures to prevent harm to national security. Wow.

Asked about reports that former President Trump had kept classified documents at his own home, Mr. Biden wondered how "anyone could be that irresponsible." And voiced concern about "what data was in there that may compromise sources and methods." Wow.

While vice president, he kept his notebooks in the White House say for a time in contrast with this decision after leaving office, to keep them at home in an unlocked drawer. Pretty damning, don't you think?

I think a first year prosecutor would know what to do with this information.

But we also consider whether Mr. Biden willfully disclosed National Defense Information to his ghostwriter, by reading aloud certain classified notebook passages to the ghostwriter nearby verbatim.

On at least three occasions, Mr. Biden should have known that by reading his unfiltered notes about classified meetings at the Situation Room that he risked sharing classified information with his ghostwriter, but the evidence does not show that when Mr. Biden shared specific passages with his ghostwriter, Mr. Biden knew the passages were classified and intended to share classified information. That is what we call in Philadelphia, bull S.

They just told us he's been around forever. They just told us he knew about classification requirements. They just told us his notes contained classified information, but we're not sure if he knew it contained classified information, or if he was passing it along. It is a coverup.

They lay it out and then they pull the rug from it. It is like Comey.

On the facts of this case, they go on, the fundamental interest of society do not require criminal charges against Mr. Biden. For this additional reason, applying the principles of federal prosecution set forth in the justice manual, we decline to prosecute for the good of the country. Wow.

I didn't read any of this in any of Jack Smith's leaks to "The New York Times" or "The Washington Post" or his formal documents. For the good of the country?

The practices of retaining classified material in unsecured locations and reading classified material to one's ghostwriter present serious risks to national security. Given the vulnerability of extraordinarily sensitive information to loss or compromise to America's adversaries, the department routinely highlights such risks when pursuing classified mishandling prosecutions.

But addressing those risks through criminal charges, the only means available to this department, this office, is not the proper remedy here.

FBI recovered additional marked classified documents at the Penn Biden Center, elsewhere in Mr. Biden's Delaware home and the collections of his Senate papers at the University of Delaware, but the evidence suggests Mr. Biden did not willfully retain these documents.

Didn't they just say he willfully retained documents? Did I not read this from the beginning of this document? Willfully knowingly shared them. You go to Page 12, he didn't willfully retain these documents and they could plausibly have been brought to these locations by mistake.

You know what's funny about the Espionage Act? It doesn't care if you made a mistake, it's gross negligence. Oops. Mr. Biden's ghostwriter's destruction of evidence. Oh do to tell.

After learning of the special counsel's appointment in this matter, Mr. Biden's ghostwriter deleted audio recordings he created of his discussions with Mr. Biden during the writing of Mr. Biden's 2017 memoir.

The recordings had significant evidentiary value. After telling the Special Counsel's Office what he had done, the ghostwriter turned over his computer and external hard drive and consented to their search. But why did he destroy them? It doesn't tell us.

Based on the FBI's analysis, it appears the FBI recovered all deleted audio files relating to the memoir though portions of a few of the files appear to be missing, which is possible when forensic tools are used to recover deleted files. So why did he delete them? And then, of course, he turns over whatever he has later.

The ghostwriter kept, and did not delete or attempt to delete his near verbatim transcripts of the recordings and produce those transcripts to us, including for each of the incomplete recovered files.

What we're finding here is that once an investigation started, and people start to find out, it's like Joe Biden, I'm cooperating, wait a minute, you stole documents out of the Senate SCIF? Yes, yes. But as soon as I found out about it, I started cooperating.

That's like, you know, yes, I shot that guy. But you know what I'm cooperating now. Come on.

Well, the ghostwriter admitted that he deleted the recordings after he learned of the special counsel's investigation. Oh, there you go. The evidence falls short of proving beyond a reasonable doubt that he intended to impede an investigation, which is the intent required by law.

In 2010, the executive secretary team around Biden raised concerns about the number of classified briefing books that Biden had not returned. And the fact that even when they were returned, some of the content was missing.

Oh, these concerns were raised with Hogan, who was the counsel to the vice president, as well as Mr. Biden's personal aide and military aides. E-mails indicate that the executive secretary team alerted Hogan, the attorney, to the issue at least in June 2010, when nearly 30 of the classified briefing books were in the first six months of 2010 were outstanding aka missing, and in August 2010, with Mr. Biden failed to return Top Secret Sensitive Compartmented Information contents of a classified briefing book that he had received during a trip to the Hamptons in New York.

I thought he was Joe from Scranton. Oh, I guess --

We were unable to determine whether these materials were ever recovered.

Are you kidding me?

Although they were likely found and disposed of by military aides and naval enlisted aides, they have no idea where those materials went. That's a crime.

During the Obama administration, Mr. Biden's staff regularly collected and reviewed his note cards to determine if they can take classified information, so they could eventually be archived as presidential records at the end of the administration. Mr. Biden's staff arranged for him to store most of this classified note card information, which contained notes on the president's daily brief, that's top secret, and other classified information in a SCIF at the National Archives.

In contrast, Mr. Biden held his notebooks close and his staff did not review them. After the administration, Private Citizen Biden brought his notebooks home with him, stored them in unsecured locations, they were not authorized to store classified information, even though the notebooks like the note cards contained classified information.

More in the report, Mr. Biden wanted to take copies of his no cards when he left office to help write his book. When conceiving of and writing the book, Mr. Biden worked with a ghostwriter, Mark Zwonitzer. In 2016 Mr. Zwonitzer reached out to Mr. Biden's staff, requested help with locating Mr. Biden's journals and notes that would be helpful in writing a book.

As he approached the end of his vice presidency, Biden sought to keep copies of his note cards and other records for use in the book writing process. According to a staffer involved in the project, Biden wanted to take copies of the notes "so that he didn't have to go to the National Archives every day to help write his book."

In late September 2016, Zwonitzer, the ghostwriter e-mailed Mr. Biden's chief-of-staff to schedule an interview with Mr. Biden. He said he wanted to cover very specific topics and timeframes and said he would tell you exactly what ground/time period I want to cover as the vice president could have relevant notes and diaries, when he talks to him.

This is the kicker. The executive secretary, her name is Katya, she did not recall ever advising Mr. Biden that he could retain classified notes after his term in office, and said it was not her role to advise the vice president about classified record handling. Based on her own training, she knew that classified materials were supposed to be stored in a secure facility.

Now get this, Mr. Biden appeared to reference those note cards he issued during a recorded interview with his ghostwriter on October 10, 2016, the same time period during which his staff were discussing and arranging the secure storage of his classified note cards.

At the time, Mr. Biden was reading aloud from his "foreign policy" notebook including reading notes from meetings in the Situation Room. Mr. Biden's notebooks were separate from his note cards, though he often took similar and similarly classified notes on each, referring to his foreign policy notebook. Mr. Biden added "they didn't even know I have this."

Now, ladies and gentlemen, you have specific intent, your willfulness, you have confessions. It is documented, you have eyewitnesses, and they choose not to charge him.

The issue of whether you can charge a sitting president aside, they choose not to charge him, and they charge Donald Trump with a setup on obstruction, which is outrageous, and the Espionage Act, I would argue because the Constitution trumps the statute, it doesn't even apply to a sitting president when he is taking documents with him. But he didn't declassify it. Hello? He is the president of the United States. By his action, he took the document with him. But why would you even bring it to the point of charging a former president of the United States, a former president of the United States, Biden was never president of the United States. He's not the executive branch, the president is.

Hillary Clinton is not the executive branch. She was Secretary of State. They have felonies all over them under the Espionage Act, and neither were charged. This is a cover up for all the information that's provided, it goes on and on and on saying that we would never charge this, a jury would never convict. And besides, this isn't Donald Trump.

Donald Trump obstructed, Joe Biden didn't obstruct us because he held all of this information, knowingly violated the law, inferred information to a ghostwriter and on and on and on. It's not the same thing, you're right, because what Joe Biden did is a thousand times worse.

I'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

We have America's governor with us, governor of Florida, Ron DeSantis.

Now, Ron DeSantis, you saw Joe Biden the other day. You saw his so-called press event. He confused Egypt with Mexico while he was arguing that he has a very good memory. In addition to that, this report is damning.

What do you make of this where a guy like this doesn't even have to face the issue of whether he should be prosecuted constitutionally as a sitting president, but on the other hand, they throw everything imaginable at Donald Trump, even in the other case, the Klan Act, and then the Enron Act and all the rest. What do you make of this?

GOV. RON DESANTIS (R-FL): Well, I think there's been a lot of focus, understandably, on the provision saying, hey, this guy is just too senile to actually stand trial, a jury wouldn't convict him. And I think that that is something that, okay, you can't stand trial, but somehow you can have the nuclear codes? What about invoking the 25th Amendment then if that's what it's going to be? And obviously, that's going to continue to be a huge political issue.

But you went through a lot of the actual facts about what happened, and I think a lot of that has gotten lost. This was willful retention of documents over many decades. This was like a pattern in practice when he was a US senator, when he was vice president, when he got out of office and I think back to the Hillary Clinton case, which you and I both thought merited prosecution at the time.

But you know, Hillary, she set up that server, it really wasn't about classified, she just didn't want her communications to be subjected to FOIA because of whatever she was doing, the Clinton Foundation, who knows, so she was willing to risk exposure of classified by having this private server.

Biden, I think, was even more willful, because he was doing this for a pattern of practice, these documents are sprinkled over how many different locations. And so clearly, you know, they had the goods if they wanted to go forward and recommend. Now, of course, a sitting president, that that's a separate issue. But they're hanging their hat on the fact that this guy is effectively not mentally competent to stand trial.

How pathetic is that for our country that this is the guy that has the nuclear codes?

LEVIN: And isn't that kind of the defense of most mobsters? You know, you used to see these guys walking around in pajamas, trying to pretend that they didn't have their wits. And, you know, you shouldn't prosecute him because you know, he doesn't have his wits, but here we're talking about the president of the United States.

So let me ask you this, what about the immorality of the media? The Democratic Party? Even his family to continue to promote him and present him as not only an effective president, but a competent individual who should be renominated and should be re-elected as the president of the united states?

Doesn't his family, the people immediately around him, his staff and the media that talk to him and he talks to them, aren't they the ones who are really responsible for promoting this guy knowing full well that you shouldn't be anywhere near the gates of the White House?

DESANTIS: If you had a Republican president or even a candidate who had the same level of mental acuity, same level of dementia as Joe Biden did, it would be a nonstop feeding frenzy by the corporate media.

I mean, you would see MSNBC, they would have a neurologist on saying this person can't be president 24/7. And so yes, the media has very much run cover and run interference for Biden, of course, what his family is doing with this is clearly something that's there, how his staff is managing this. This is not good for the country.

And I think the question is, is he went out on that press conference the other night, it was a disaster. The question is did his staff not want him to do that? Or did they want him to do that, knowing that maybe this ends up causing the Democratic Party to try to look elsewhere come convention time?

Because I could tell you, as bad as Biden's policies are, which is the main reason I have opposed him from the start, if you ask the average American voter, the thing they don't like -- that they like least about him, is the fact that he's lost so much on his fastball, and that he's just not up to the job. That's not something that you can cure.

Yes, they are probably going to raise billions of dollars, they are going to spend it, you know, smearing Republicans and doing what they always do, but people, they see what's happening and they see this is a guy that's just not up to the job.

I mean, we have a massive crisis on our southern border, and he refers to General Sisi from Egypt as the president of Mexico. No wonder why we've had millions of illegals come in under his watch. He doesn't even know what's going on.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

JON SCOTT, FOX NEWS CHANNEL ANCHOR: Welcome to "Fox News Live." I'm Jon Scott in New York.

Millions of people from the Great Plains to the northeast are bracing for a wild few days of weather. It's forecast to kick off tonight when supercells could develop across Central Texas. Those have the potential to bring large hail, damaging winds, and tornadoes to much of that state.

The powerful system then will move across the south as it picks up moisture from the Gulf of Mexico. The storm eventually will meet colder air as it shifts north. People from Pennsylvania to Massachusetts could see nearly a foot of snow by Tuesday.

Tensions escalating in the Middle East as the US carries out more strikes against Houthi controlled areas of Yemen. The latest wave of attacks happening yesterday. At least seven targets were hit. The US says the strikes destroyed weapons that posed a threat to Navy and commercial shipping in the Red Sea.

I'm Jon Scott. Now back to LIFE, LIBERTY & LEVIN.

LEVIN: Welcome back, America.

You know, Governor, AXIOS had a column the other day which said Joe Biden wants the war with Gaza to end soon because his election is coming up. He sent his senior staff to Michigan to reach out to Arabs and Muslims.

Dearborn, Michigan really is ground zero for a lot of the river to the sea stuff. What do you make all this?

DESANTIS: Well, this is Obama's foreign policy on steroids. You have a situation on October 7th. Hamas terrorists killed more Jews at any time since the Holocaust. Israel is fighting for its basic existence. Hamas would wipe every Jew off the map. They would totally destroy Israel if they could. That's their goal.

And so there is no moral equivalence there, and the United States, we should stand strongly and forthrightly behind our great ally in the Middle East, the state of Israel. But you're right to bring up the ***politics*** because I think that's the issue, that supporting Israel and the Democratic Party nowadays, is a net loser for them politically.

I do think they see him hemorrhaging support as a result of that, so I think a lot of this is with an eye towards him losing support for his re- election campaign amongst core segments of the Democrat base.

The days of kind of the strong bipartisan support for Israel in this country, Mark, unfortunately, I think are over. I think the Republican Party is where you have strong pro-Israel sentiment. I think the Democratic Party is much more divided and I think the anti-Israel energy far outstrips the pro-Israel support of the Democratic Party right now with the activists.

LEVIN: It is shocking. Same with the media.

Now, Governor, let's get back to the border.

You know, the media, the RINOs, the Democrats, they're hilarious. They've burned down our border. We had millions of people coming in illegally. We have actual slave trading going on the southern border for sex, for children in ways we've never seen before as a result of the Biden- Democratic Party policies.

So you have Republicans who want to impeach the man who is in charge of the Department of Homeland Security who takes an independent oath to uphold the Constitution, whether you go after the president or not, Cabinet secretaries -- Cabinet secretaries, they're not immune from impeachment.

But on top of that, you have Mitch McConnell and the Democrats put together this bill that would enshrine illegal immigration by the millions and still give the power to Joe Biden to open the gates all the way under emergency authority. It pushes illegal aliens to ports of entries.

In other words, it's all smoke and mirrors, and then they run around and they say, we had the toughest bill in American history. You think they're going to get away with this?

DESANTIS: Well, I'll tell you what. It was a grotesque piece of legislation and you're right, it basically made illegal immigration legal. But then even the provisions that were so called, you know, tough, Biden could waive the provisions.

Well, he's not following current law now, so what makes you think he does kind of want to follow new provisions of law? He has made a decision to have this open border. But here's the problem, I just think politically. One, these Republicans are like the keystone cops. They should have gone after Mayorkas long ago. They can't even get that impeachment vote across the finish line, that vote failed which was a joke.

They've continued to fund Biden's policies. They have not been willing to use the power of the purse. So this all has been gone on now for three years.

You have states like Florida, we've been sending personnel to Texas to help them secure the border for years now starting in 2021. So the states, the Republican states are the ones that have actually stood up and done something about it.

But I think here's the problem, by these Republican senators negotiating this terrible deal, yes, it went down in flames, but it now gives the media and the Democrats a talking point. What they're going to be able to say is, hey, we tried to do something to shore up the border, and these Republicans killed it.

Now, we all know it was a bad deal. We all know it would not have stopped the invasion. However, in a political campaign with the media spewing this narrative, it's going to give them a talking point now to say that if it wasn't for the Republicans, they would have secured the border.

I don't understand why they went into it with such a bad deal. That was not something that was ever going to pass muster. It's good that it failed, but I also think the Republicans have not been willing to take the fight to Biden in the way they need to.

This is an existential issue for our country. If you don't have borders, you don't have sovereignty. We have eight to 10 million that have already come in. You listed some of the ills with the human trafficking, the sex trafficking. We know the fentanyl deaths are at record levels, but then, just the sheer number of people. We can't be having this many people pour into our country like this. It's causing huge problems in communities all across the United States.

So now is the time that if you're not willing to fight on this issue, then what issue are you going to be willing to fight on?

LEVIN: None. And I'm guessing, Governor, that neither you nor Governor Abbott were consulted by the Republican leadership in the Senate when they were putting this bill together on what you guys think. You are a border state because illegals come to you by way of ship, typically by way of boat.

I'm guessing neither of you were consulted. Were you consulted, yes or no?

DESANTIS: I was not.

LEVIN: Yes. But all the special interests in Washington, DC were consulted, because that's who wrote that bill, a grotesque farce.

Governor DeSantis I want to thank you for being a great patriot, for all the great things you've done in my new home state of Florida, and my best to you and your wife and your kids.

DESANTIS: God bless you, man. Thank you.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back, America.

I'm here with one of the great lawyers and really a dear friend, Leo Terrell.

And Leo, I'm glad you finally got the recognition you need. You've got all kinds of stuff on your jacket there. Are a general now or an admiral like Admiral Kirby over there at the White House?

LEO TERRELL, FOX NEWS CHANNEL CONTRIBUTOR: I got America and Israel, the state of Israel.

LEVIN: You're the best.

All right, a couple of important questions here. Leo, we have a lot of cases of first impression. The Supreme Court, a case on whether you can actually remove a presidential candidate from the ballot, twisting the Section 3 of the 14th Amendment, which was aimed at the Confederacy.

You have a court stripping Donald Trump of his attorney-client privilege rights in this so-called documents case and the January 6 case. He's charged with a Klan Act. He's charged with Enron Acts. He's charged with everything, but sedition and insurrection or anything related to violence.

You head to New York, you have an attorney general, who's a radical kook, she brings up a statute never used, it is called a fraud statute, but you don't actually have to commit fraud. Nobody has been charged with it before.

Then you move into this case in Washington, DC where the circuit court is addressing this issue of post presidential immunity. Quick question. None of this would be happening, these cases of first impression, dusting off these ridiculous statutes, none of this would be happening, but for a concerted effort by Democratic Party judges and prosecutors with the support of the American media. Is that not correct?

TERRELL: Let me think about that. You are one trillion percent correct. None of these cases would take place, but for the fact that President Trump, the current Republican leader in the Republican nomination, and who will probably become the next president, they are afraid of him being submitted his name to the voters.

Mark, this is all about power and control. You're talking about the Democrats who are an elitist party. You have President Trump, who people can relate to because we had four great years. They do not want this man on the ballot.

And what you just mentioned with that laundry list of cases is an attempt by the Democrats without stopping to stop President Trump from appearing on the ballot in November 2024, that is the bottom line.

They are obsessed with power, the hell with the Constitution, the hell with the rule of law, they are afraid of President Trump winning re-election.

LEVIN: Have you ever heard of a federal circuit panel, three judges ruling against an individual and telling them you have seven days to appeal, and by the way, don't appeal here to the full court. You have seven days to go to the Supreme Court or we are ordering the trial court to start this trial.

Is that not evidence beyond any reasonable doubt that these courts are involved in interfering in the election?

TERRELL: Perfect example. I was upset by that.

I've been practicing law for 30 years. Never has an appellate court, circuit court, say hey, we're going to limit your right to appeal this case to the Supreme Court.

President Trump should have 90 days, but what they tried to do in that ruling, they inserted a poison pill. Make a decision right now. You've got seven days to make that decision if you're going to appeal.

What gives them the right to say that to President Trump? Why because they're part of the establishment. They're part of the deep state.

And what's scary? Both of us being lawyers, the legal system has been weaponized. And now these judges, they don't care. They're out front and center out in the public saying, we will do anything to stop President Trump, even if we have to corrupt our legal system.

Mark, the only thing that makes our country so unique is the rule of law. That has been lost in an attempt to prevent President Trump from appearing on the ballot.

LEVIN: I want the audience to understand when you have a panel like this, it's just three judges of the full circuit court, you have a right to at least try to appeal to the full court. The full court doesn't have to take it, but it is a considered process. It's a process that you go through. You don't have to rush, you have a deadline, 30 days, 60 days, and then depending on what they do, you have a period of time to appeal to the United States Supreme Court.

You're talking about now, very important constitutional legal arguments, not even factual arguments. You're now in the case of first impression. And so it's supposed to go through the process, people have time to think about it, judges have time to consider, and here, this judge, these three judges, one of whom is a radical leftist whose husband tried to destroy Kavanaugh with lies about group sex and all the rest of it, this judge and this panel rule, seven days, you appeal not to this full court, to the Supreme Court or we are directing the trial court to start the trial.

That is unbelievable.

We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Leo Terrell, iconic civil rights lawyer, let me ask you this question. When Joe Biden gets up there and keeps screaming that Donald Trump is a dictator, that he's an existential threat, that he has to be stopped for the sake of democracy, is he not telling his prosecutors, his judges, future jury pools in Washington DC, and Georgia, and places like that, you better convict this man. You better put him in prison. I better win the presidency and we're counting on lawfare to do this. You people need to do this. Why else would he be saying this as often as he does?

TERRELL: Because he is -- Joe Biden is obsessed with staying in power. He is basically the puppet, the frontman for the Democrats who want to maintain power and they are -- and Joe Biden is sending out marching orders to every aspect of the federal government to derail President Trump from appearing on the ballot.

Let's be very clear. This is all about power. This is all about the Democrats in cahoots with the deep state. And Joe Biden, being the president of the United States, the most powerful position on this planet is afraid of President Trump being re-elected, and this is what scares me.

At all cost, and I used the words, at all costs, the Democrats and Joe Biden do not want President Trump on the ballot, and they will do everything -- Merrick Garland, the FBI, the CIA, all the state governors who are Democrats, all the state judges that are Democrats -- they have their marching orders: Stop Trump at all costs.

LEVIN: I agree. And under the radar, they have their lawyers at it again in these states trying to change the laws to fix the election. I don't mean reform it, to fix it for Trump.

They have an organization that's pulled together also in the shadows. Matt Taibbi has written about this, NBC even pointed it out that if Trump is elected, they are organizing lawyers and activities to try and un-elect him, challenge his election and destroy his presidency.

A Democratic Party like this is not a normal party, isn't it? It's an autocratic, authoritarian movement filled with Marxist Islamists, power hungry political hacks. Isn't that what the Democratic Party has become? They don't care about Black people and Brown people and Yellow people, all of their talk. It's really a facade for what they're really about, power is, is that correct?

TERRELL: It's absolutely correct. They use Black people, they use Brown people, they use people for power. It is a game. It's all about power.

And what the scary part about it is, Donald Trump has a two-front war. He has to win the election and then make sure that he is allowed to take office.

Hey, what we have ignored in this conversation is the Democrats have a secret weapon. It's called the mainstream media. It's called 95 percent of the media that basically tries to lie to the American people that Donald Trump is somehow unfit to run for office and the Democrats are protecting democracy. Democrats are protecting law and order.

Democrats are destroying law and order, so that mainstream media, that's CBS, that's MSNBC, "New York Times," "Washington Post," "LA Times," they are in cahoots to maintain power and control on behalf of the Democratic Party. That is the scary part, Mark, that is really scary.

LEVIN: What is typical of totalitarian parties and movements, is they project onto their opponents who they are, what they believe, and their so- called principles, and that's exactly what's happening here.

Joe Biden issues executive orders, over 90 of them, to destroy the border, to destroy the border, then he claims he can't issue one to secure the border.

Joe Biden has defied two Supreme Court decisions already. Joe Biden has defied every federal immigration law that's ever been written and signed by a president.

So we can go on and on about this, so he really is the dictator while he is lecturing America about democracy and trying to create -- to dehumanize Donald Trump and his supporters.

But you know what? Leo Terrell, nobody can stop you and that's why we love you and that's why I'm glad you're on the show.

Take care of yourself, my friend.

TERRELL: Take care, my friend. Thank you very much, Mark for having me.

LEVIN: We'll be right back.

(COMMERCIAL BREAK)

LEVIN: Welcome back. I asked Leo Terrell to come back because I asked him a question off air that I want to ask on air.

Leo Terrell you're from California, Super Bowl is tomorrow. 49ers or Chiefs.

TERRELL: I want a good game. I predict the Chiefs, if Patrick Mahomes rush for 40 yards, he can beat the 49ers with his arm and with legs, 40 yards Patrick Mahomes rushing, Chiefs will win.

LEVIN: Well, the 49ers have a tremendous team, and man-for-man, they have a better team, but you can never count Mahomes out. That's the problem. That guy, he is like the Houdini of quarterbacks.

Who do you think is going to win?

TERRELL: Oh, my personal opinion, I think it's going to be Kansas City because of Patrick Mahomes. You cannot ignore Patrick Mahomes. San Francisco has a better team overall personnel, but the Chiefs have Patrick Mahomes. He's been there before and he could run, he could run, 40 yards, Mark, trust me, 40 yards. It is over.

LEVIN: All I can say is this, being from Philadelphia, I don't know what the hell is wrong with the Eagles, but they better figure it out soon.

Thank you, Leo, a second time. God bless you, my friend.

TERRELL: Thank you, my friend.

LEVIN: And I'll see you next time on LIFE, LIBERTY & LEVIN.

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