



Bars And Churches Fight To Reopen; Senate Republicans Authorize Biden Subpoena; Rice Defends Flynn E-mail; Religious Leaders Defy Governor's Order In Michigan Fined In IL; Minnesota Bar Issued Restraining Order; Large Percentage Of Deaths Coming From Nursing Homes; Exploring China's Reach On America's Campuses

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Body

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: -- sitting to my right several feet away from the mannequin that coughed had droplets on her face.

(END VIDEO CLIP)

LAURA INGRAHAM, FOX NEWS HOST: It's a constant state of fright. Someone should tell the media it's okay to once in a while report positive developments to a nation desperately seeking some.

That's all the time we have tonight. Shannon Bream and the "FOX NEWS @ NIGHT" team, take it from here. Shannon, you might as well have thought that we never came into contact with germs in public before ever. Never.

SHANNON BREAM, FOX NEWS ANCHOR: Yes, I always get scared when they do those hotel room things and you see all the junk that's in there, like, the world is a scary place. It's bad.

INGRAHAM: But we still go on.

BREAM: By the way, we do have some positive news that we're going to tell you on FOX NEWS @ NIGHT tonight. Thank you Laura.

INGRAHAM: I'm watching. All right. Have a great show.

BREAM: All right. This is a Fox News alert. A growing rejection tonight of the lockdowns from two ends of the societal spectrum. Minnesota's Catholic Church and some Lutheran churches resuming services next week, choosing to defy democratic governor, Tim Walz' bans. They're choosing to open their doors May 26th, the same day that casinos are allowed to open and a day after the governor freed the Mall of America.

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But in my home state of Florida, currently run by Republicans, bars are declaring they are essential. They're getting ready to protest over Memorial Day weekend. Are the chains coming off the gradual reopenings that governors had been trying to carefully orchestrate coast to coast?

Breaking tonight, the Senate Homeland Security Committee authorizing a subpoena in its probe of the work that former Vice President Joe Biden son, Hunter, did for Ukrainian natural gas company, as Democrats call it a political stunt designed to bolster the President's reelection chances.

And tonight former National Security Adviser Susan Rice defending the e-mail to herself about successor Michael Flynn, suggesting it proves the Obama administration was right about the general's ties to the Russians.

Former acting Attorney General Matt Whitaker, notice something very specific in that e-mail, he's here to weigh in live in just a couple minutes.

Hello and welcome to FOX NEWS @ NIGHT, I'm Shannon Bream in Washington. White House correspondent, Kevin Corke, with brand-new information tonight on Flynn, Biden, and much more. Hey, Kevin.

KEVIN CORKE, FOX NEWS WHITE HOUSE CORRESPONDENT: Indeed. Evening, Shannon.

Now, during an April 2017 appearance on PBS NewsHour, Ambassador Rice was asked if she was aware that the Trump administration's transition team had been surveilled before he took office, as had been alleged by House Republicans. Her answer in particular in light of the e-mail to herself on Inauguration Day, just may surprise you.

(BEGIN VIDEOTAPE)

SUSAN RICE, FORMER OBAMA NATIONAL SECURITY ADVISOR: I know nothing about this. I was surprised to see reports from Chairman Nunes on that count today.

CORKE: So did former National Security Adviser Susan Rice forget what she'd written down in the waning days of the Obama administration, memorialized in that now infamous e-mail she sent to herself or was it something else?

Well, that depends entirely upon your point of view, but by any standard, it was a curious declaration, but for many lawmakers, it also raises more questions about the intentions of members of the Obama administration during the Trump transition following the 2016 election.

SEN. RON JOHNSON (R-WI): What we've witnessed here and we're gaining more evidence of is a corruption of that transition process, the transition designed primarily to sabotage the incoming administration.

CORKE: Johnson and fellow Republicans issued the first subpoena today as part of the wide-ranging investigations tied to the Obama administration, issuing one for BlueStar Strategies, that's a firm with ties to Burisma Holdings where Hunter Biden, the son of presumptive democratic presidential nominee, Joe Biden, was a member of the Board until 2019.

A spokesman for the Biden campaign accused Johnson of, "Running a political errand, wasting time, and attempting to resurrect a craven previously debunked smear against Vice President Biden."

SEN. CHUCK SCHUMER (D-NY): Senate Republicans are not just ignoring the coronavirus, they're practically sprinting towards a partisan election making this chamber part of a re-election campaign.

CORKE: All this on a day that saw Secretary of State Mike Pompeo rejects suggestions that he retaliated against Steve Linick. When he asked President Trump to fire him as the State Department's Inspector General, he also blamed New Jersey Senator Bob Menendez for stoking the controversy about the move.

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MIKE POMPEO, U.S. SECRETARY OF STATE: I don't get my ethics guidance from a man who was criminally prosecuted case number 15-155 in New Jersey federal district court. A man for whom his Senate colleagues bipartisan said basically that he was taking bribes.

(END VIDEOTAPE)

CORKE: Strong words from the secretary of state. Now, for the record, Menendez' prosecution actually led to a mistrial back in 2017. As with the senator himself, he responded to Pompeo saying this, "The secretary should focus on answering questions and getting his story straight as to why he wanted to target I.G. Linick."

The controversy and the war of words continuing tonight, Shannon. And probably tomorrow as well. Kevin, thank you.

CORKE: You're welcome.

BREAM: All right. The Supreme Court's denying House Democrats efforts for now to gain access to Grand Jury material from special counsel Robert Mueller's Russia investigation.

In today's decision, the Justice has said the DOJ must file a petition for the court to hear the actual case on the merits by June 1st or those documents will be subject to release.

So as Democrats on Capitol Hill are stymied for now, some Democrats that used to work in the White House may be feeling some heat tonight. As K.T. McFarland told us last night, former National Security Adviser Susan Rice, maybe one of them.

(BEGIN VIDEO CLIP)

K.T. MCFARLAND, FORMER DEPUTY NATIONAL SECURITY ADVISER: What an odd thing to do. Why would you write a memorandum to the record for yourself, unless you assumed that somebody was going to come and look for those -- look for those clues that somebody was potentially going to come after the fact and see that they've done something wrong, so she was trying to make sure that everything was done by the books.

(END VIDEO CLIP)

BREAM: All right. Let's break down with -- what we do know with the author of the new book, "Above The Law." Former acting Attorney General, Matt Whitaker. Good to have you back, Matt.

MATT WHITAKER, FORMER ACTING ATTORNEY GENERAL: Shannon, great to see you.

BREAM: OK. So a spokesperson for former ambassador former NSA, Susan Rice, says this, "As has been previously documented by Rice's Attorney, she wrote this memorandum in response to a request from White House Counsel."

Our Gillian Turner reporting today, that is unusual. It's not heard of. But there were some questions about that tonight. What do you make of it?

WHITAKER: Well, I noticed several things about that memo. One of them is just how strange the term by the book appears now in the lens of history because by the book was suggests that you're going to do things in regular order and follow ordinary procedure. Yet, four days after that memo was written, somebody that said that the investigation was going to be by the book, Jim Comey set agents to the White House inconsistent with at least any book I've ever read, especially the Justice manual which guides these things and all of the tradition of past administrations. So this was anything but a by the book investigation and I think it looks like sort of a cover your backside memo to me.

BREAM: Well, you note what former FBI Director, James Comey, said about that and sending folks over there, there's the clip that is played quite a bit, and we've shown it on our show before too where he's asked about that.

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And he sort of chuckles and the audience laughs along with him. It's a public event where he says, well, you know, with any other administration that was maybe more stood up and ready to go, we wouldn't have gotten away with it, but we just sent him over there and, you know, to see if it would work and it did for their purposes. It sounds like.

WHITAKER: Yes, and that's one of the reasons that Jim Comey is on the cover of my new book is because he acted above the law, and the way he behaved he deserved not only to be fired, but he deserves all of the reputational damage that he has earned over the last two years based on everything he did at the beginning of the Trump administration.

BREAM: Let me read you something from a letter in 2018 that Susan Rice's attorney sent to Senator Chuck Grassley saying this, "President Obama and his national security team were justifiably concerned about potential risks to the nation security from sharing highly classified information about Russia with certain members of the Trump transition team, particularly Lieutenant General Michael Flynn."

What's your reaction to that? I mean, they say there were real concerns. They were worried about the amount of traffic, the level of conversation between the parties, and they say that was legit.

WHITAKER: Yes, I think it was very inappropriate to not only withhold information regarding Russia from the incoming national security adviser. But also, it appears that it was a disagreement as to who was a bigger threat ultimately, between the Trump administration believing China and it's proven to be true to be a bigger threat than Russia, which the Obama administration believed was a bigger threat.

And, you know, I just think what happened to General Flynn is a travesty and I am glad that it is ultimately those -- that case is going to be dismissed once Judge Sullivan follows the law.

BREAM: Well, we'll see as we have talked about and, you know, amazed call for this outside briefing and oral arguments that they're going to have, despite the DOJ's recommendation that it go away.

OK. I want to ask you about this decision from the Supreme Court today. House Democrats on the House Judiciary Committee have been pressing the supreme -- well, they've been pressing in court, now, it's at the Supreme Court to get secret materials from the Mueller grand jury.

They also indicated in their court filing like they're not possibly done with impeachment, and they need to see this material and maybe there would be more, there would be another impeachment.

The Supreme Court said today, no, no for now. We're not going to release those materials, but this could ultimately be end up being heard by the Supreme Court at some point.

Adam Schiff, tweeting this, who is the head of the House Intel Committee and led impeachment effort said, "The president rants about witch hunts and claims he wants the truth to come out. Yet, Barr's Department of Justice has gone to the Supreme Court to avoid turning over Mueller's grand jury records to Congress. To their dishonesty, you can add hypocrisy." Matt?

WHITAKER: Yes. I think the Supreme Court is obviously going to seriously consider this. I know the Solicitor General Northland Noel Francisco well. I praise him in my book.

And one of the things I do know is that this court is going to take this controversial matter, and try to make it look as little least controversial as it can. And so, I expect that they will take cert in June. And we won't hear this case argued until the fall and ultimately will be decided in the next term.

BREAM: Yes. I think that you're right about that. And, of course, if the President is reelected, that's going to be a very important decision about those documents.

So, Matt Whitaker, the book is out today. It's out this week. Good luck. Great to have you.

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WHITAKER: Thank you. Good to see you, Shannon.

BREAM: All right. The civil unrest continuing in Michigan today, barbers and stylists shut down by the governor stay home order, offering free haircuts on the capitol lawn in Lansing, as the President threatens to hold up funding to that state over a mail in voting plans.

Correspondent Jacqui Heinrich following the story. She can explain for us tonight. Good evening, Jacqui.

JACQUI HEINRICH, FOX NEWS CHANNEL CORRESPONDENT: Good evening, Shannon. President Trump's crusade against mail-in voting hit a new high when he threatened to punish Nevada and Michigan for illegally expanding mail-in voting, but a new study shows there might be another option for people to keep folks safe at the polls.

(BEGIN VIDEOTAPE)

HEINRICH: Although, the Nevada Secretary of State unilaterally moved to an all-male primary over coronavirus concerns, Michigan voters approved a constitutional amendment in 2018, allowing no excuse absentee ballots. The Secretary of State announced Tuesday she'd be sending applications to every registered voter to the ire of President Trump who tweeted, "This was done illegally and without authorization by a rogue Secretary of State. I will ask to hold up funding to Michigan if they want to go down this voter fraud path."

Michigan Secretary of State, Jocelyn Benson, fired back also noting Republicans are taking similar measures in Iowa, Georgia, Nebraska, and West Virginia.

JOCELYN BENSON, MICHIGAN SECRETARY OF STATE: For every Michigan citizen has a right to vote by mail. It's a right that was enshrined in our state constitution by our voters in November of 2018. And so, I have a responsibility as the chief election officer for the state of Michigan to ensure everyone knows how to exercise the right to vote.

HEINRICH: Trump, who narrowly won Michigan in 2016 and voted absentee in Florida's recent primary, has voiced objection to vote by mail.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: They're supposed to look at you and check you and make sure that -- I mean when you get thousands of ballots, and they put them in a bag and they just bring them in and people start count -- who knows where they come from?

HEINRICH: But new data shows election officials have another option to address pandemic voting concerns, expanding polling locations. The National Bureau of Economic Research studied 52 coronavirus cases the state linked to Wisconsin's primary, concluding consolidating polling locations affected the spread because it increased density of voters. The authors say election clerks should either expand polling locations or encourage absentee voting to limit the spread of coronavirus

(END VIDEOTAPE)

HEINRICH: Meantime, the Trump campaign is reportedly looking to recreate the energy of his signature mega rallies by ramping up virtual events and also considering visits to states that are reopening. But first, he'll head to Michigan to tour a Ford facility that's producing ventilators. Shannon.

BREAM: Jacqui Heinrich live in New York, thank you.

Well, Ford announcing it temporarily pause production at two of its plants in Dearborn, Michigan and Chicago this week after employees their tested positive for COVID-19. Production had been shut down for months before they resumed on Monday. This is all part of their plan.

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Well, as Jacqui mentioned, tomorrow, President Trump is set to visit a separate Ford plant in Michigan that is now converted into making ventilators.

Well, back on March 11th, Denmark became one of the first European countries to lockdown. And last month, the Danes were the very first in Europe to reopen schools, daycare centers, and smaller businesses. They report with no subsequent rise in COVID-19 cases.

So how did they do it? Chief breaking news correspondent, Trace Gallagher, is on the Danish case for us tonight. Hey, Trace.

TRACE GALLAGHER, FOX NEWS CHIEF BREAKING NEWS CORRESPONDENT: Hi, Shannon. Denmark is now in week four of reopening its economy and the dire predictions of a spike in cases has not materialized.

In fact, today, Denmark reported 73 new cases of COVID-19 with three new deaths, meaning, the averages are actually coming down. Even health experts are surprised saying it appears Denmark is very unlikely to get hit with a second wave. Some believe Denmark fared better than other European countries, because unlike French and Italians, Danes don't greet each other with hugs and kisses. Other states because the country doesn't rely heavily on public transportation or high-rise multi-generational apartment buildings.

And while Denmark did implement early lockdowns, they were not nearly as severe as France, Italy, and Spain. The Danes also did not have robust testing or contact tracing. Yet, Denmark's Prime Minister says the virus is quote under control.

Meantime in this country, Dr. Deborah Birx, coordinator of the White House Coronavirus Task Force, says the latest numbers show a steep decline in both deaths and hospitalizations in recent weeks.

Over the past 10 days, the U.S. has averaged just over 1,300 deaths per day. In mid-April, it was almost 2,200. Dr. Birx also says the number of infections continues to go down, even though testing is increasing.

And in every state, less than 20 percent of the tests are coming back positive. In New York, less than 10 percent of tests are positive, which is significant, considering a month ago, 45 percent of New York tests were coming back positive.

And finally, you know the groceries, packages, and countertops you've been wiping down for the past few months? The CDC now says coronavirus does not spread easily from touching surfaces or objects because even if a virus is on a surface, it's likely not infectious.

The CDC still recommends wiping down surfaces. But the medical director for the National Foundation for infectious disease says the safest thing to do is social distance, wash your hands, and wear a mask, at least for now. Shannon?

BREAM: All right. We have heard the advice. Trace, thank you so much. Good to see you.

GALLAGHER: Sure. You too.

BREAM: All right. We're getting some breaking news tonight. We're told that two people have been shot at a mall in Glendale, Arizona. Police are saying that one person is in custody at the -- at this hour. We're learning little bits and pieces. We want to get our facts straight on this. So we're going to continue to monitor the situation when we confirm some more news. We'll bring you updates on that as it comes in.

All right. Is there an anti-Florida bias in the mainstream media? Governor DeSantis not holding back in a showdown with a reporter today. We've got that clip and our "Power Panel" standing by to debate, live, next.

(BEGIN VIDEO CLIP)

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GOV. RON DESANTIS (R-FL): You got a lot of people in your profession who wax poetically for weeks and weeks about how Florida was going to be just like New York. Wait two weeks, Florida's going to be next. Well, hell, we're eight weeks away from that and it hasn't happened. We've succeeded, and I think that people just don't want to recognize it because it challenges their narrative. It challenges their assumption, so they got to try to find a Boogeyman. Maybe it's that they're black helicopter circling the Department of Health. If you believe that, I got a bridge in Brooklyn I'd like to sell you.

(END VIDEO CLIP)

BREAM: Florida Governor Ron DeSantis, not holding back while also highlighting his state's encouraging coronavirus numbers. The vice president was there he saw standing next to him today to hand deliver PPE to an Orlando nursing home.

DeSantis says and he's not the only one that unlike New York Governor Andrew Cuomo, a Democrat, DeSantis has not gotten a fair shake from the media. So let's talk about it.

Let's bring in democratic strategist, Kevin Walling, and Fox News contributor, Lisa Boothe. Great to have you both.

LISA BOOTHE, FOX NEWS CHANNEL CONTRIBUTOR: Hi, Shannon.

KEVIN WALLING, DEMOCRATIC STRATEGIST: Hi, Shannon. Hey, Lisa.

BREAM: I got to say, I thought it was interesting that Politico, a few days back, noted this and they said this under the headline, "Florida man beats COVID, for now." It says, "Florida just doesn't look nearly as bad as the national news media and sky-is-falling critics have been predicting for about two months now. But then the national news media is mostly based in New York, and loves to love its democratic Governor Andrew Cuomo about as much as it loves to hate on Florida's Republican governor, Ron DeSantis."

Lisa, it sounds like he's had enough today.

BOOTHE: Yes, I'm sure it was kind of therapeutic for him to, you know, get that all out of his system, because we did see the media. I mean, they shamed him. The media led Floridians to believe that the actions of DeSantis would put them in harm's way and that's not been the case. We've seen the positive case rate drop in states like Florida, Florida, JP Morgan, coming out with a study showing that infections are not increasing in the states that are open. We've seen the same thing in countries like Denmark.

So the media has really been wrong about so many things. So have a lot of politicians in the country. And I'm sure what is so frustrating for him is the fact that he actually took COVID patients out of nursing homes, whereas you have Governor Cuomo who previously mandated nursing homes to take in COVID patients, which led to so many deaths in the state of New York, but Cuomo is not being covered critically.

And even when you look at when Florida reopened, when Georgia reopen, when Texas reopened, you saw the criticism that the governor's in those states got. Meanwhile, you had Governor Jared Polis in Colorado doing the same thing, but no criticism, no media focus.

So just a tremendous amount of bias and also just a tremendous amount of inaccuracy from the media as well. Well, and Kevin, you know, it's frustrating to average Americans out there who whatever state they're in, they can see the double standard in some of these things.

I mean, Politico pointing it out itself. Colorado is a great example, reopening the same time in much the same way as Georgia and yet, the headlines on those two were totally different if we're just being objective.

WALLING: Yes, Shannon, it's problematic. I think, to your point, Americans want truthfulness, they want transparency when it comes to their governors and with the federal government's response to this virus. Any distraction from that is a problem, because we need to reopen this economy and we need to reopen it in a safe

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manner. And we need to make sure that Americans have faith in their elected officials, in the media, especially, that what they're doing is a safe way to go about their everyday lives.

BREAM: OK. I want to get you to weigh in as well on another topic. There is something -- this is the way it's been described by National Review online talking about Senator Kamala Harris introducing a resolution condemning the use of the word Wuhan virus as racist. They say it can -- "It aims, this resolution, to condemn and denounce anti-Asian sentiment, racism, discrimination, and religious intolerance related to the coronavirus and specifically cites phrases like Wuhan virus or Chinese virus."

Now, the AP talking about this when we were on the beginning end of this said, "That's actually consistent with the centuries-old tradition of naming new ailments after cities, countries or regions of the world where they first popped up West Nile, the West Nile district and Uganda, Lyme disease, Lyme, Connecticut and Ebola in a village near Africa's Ebola river."

I want to get you both to weigh in on this. Lisa first and leave some time for Kevin.

BOOTHE: Well, I would say why is Kamala Harris covering for China? I mean, the whole point of naming it the Wuhan virus and the Chinese virus, in part of what you mentioned with tradition and what has happened, you know, traditionally in the country, but also to shame China, because we know that China lied. We know China destroyed evidence. We know China prevented people from going in to take a look at this thing.

They silenced people that try to raise the alarms, people disappeared. And even worse, it looks like this may have came from the Chinese lab and, you know, gotten out of that as well, so they have lied. So the whole point is to shame China. So why is she covering for China?

BREAM: Kevin, final word to you.

WALLING: Yes, Shannon and Lisa, you know, Senator Harrison and Senator Duckworth, and Senator Mazie Hirono, who introduced this resolution aren't looking to cover China, they're looking to support Chinese-Americans. Unfortunately, as a result of some of the language that we're seeing in our everyday life in the attempts to call it the Chinese virus or the Wuhan virus, we're seeing a rise in anti-Chinese American sentiment in this country, rise in hate crimes. And that's what this resolution is all about. It's about condemning those violent acts. There's threats of violence against Asian-Americans in this country that are just as much Americans as the three of us on this program.

So that is what this resolution is about. It's not about providing cover for China. It's about providing cover for Chinese-Americans.

BREAM: Lisa, are you worried about bias against people here in the States and the worry that using this language is actually going to endanger people?

BOOTHE: No, because they think people are smart enough to realize the fact that this is just a matter of fact that the virus came from Wuhan, China. That's a simple fact. So people should be able to think logically and understand that.

And additionally, I do think we should be shaming China, we should be shaming the Communist Chinese government for the actions they have taken that have led to the death of hundreds of thousands of people around the globe. So I think it is 100 percent accurate to call it the Wuhan virus or the Chinese virus.

BREAM: Well, and folks across the ideological spectrum do need to make clear that talking about the Communist Chinese leadership is different than even talking about the people of China who have suffered greatly as well.

So we'll leave it there for tonight. Kevin and Lisa, thank you both.

BOOTHE: Thank you, Shannon. Bye, Kevin. Bye, Shannon.

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WALLING: Absolutely, Shannon. That's a great point.

BREAM: All right. All 50 states partially reopen, but Americans still conflicted. Now, the live report you need to hear as you decide whether you're ready to head out this Memorial Day weekend or not, that's next.

BREAM: With the malls of America and Minnesota casinos soon to be allowed to reopen religious leaders in the North Star State intend to follow suit with churches next week, in defiance of democratic Governor Tim Walz has modified stay home order. Meanwhile, three churches in Chicago have been fined \$500 each for holding services of more than 10 people this past Sunday. Those defied Democratic Governor J.B. Pritzker's stay at home order which deems religious services in Illinois not essential. So, tonight, for the first time in months, all 50 states are at least partially reopened to some degree as the CDC releases more guidelines to get businesses, restaurants and schools back up and running. And in Florida, even reopened friendly Governor DeSantis is being pushed to pick up the pace. Senior Correspondent Rick Leventhal is tracking all the very latest on those fronts. Hey, Rick.

RICK LEVENTHAL, FOX NEWS CHANNEL SENIOR CORRESPONDENT: Good evening, Shannon. Figuring out what to open and when has proven challenging for many states, and something else we've learned what's essential and what isn't, depends on who you ask.

(BEGIN VIDEOTAPE)

LEVENTHAL: Protesters in Florida have a simple question. If you can sit down and eat a meal in a restaurant, why can't you go to a bar and have a drink?

UNIDENTIFIED MALE: I just don't understand why the bars can't open.

LEVENTHAL: Business owners have formed groups staging demonstrations, including bars are essential and bars can safely open angry that Governor Ron DeSantis is allowing gyms and malls back in business and restaurants to serve indoors at 50 percent capacity but keeping pubs, clubs and other drinking establishments shuttered.

UNIDENTIFIED FEMALE: It looks like we're being left out. We want the chance to prove that we can also be saved just like other businesses.

UNIDENTIFIED MALE: I've been out of work for two months and I haven't received any money of any kind.

LEVENTHAL: In Michigan, some barbers and salon owners were ticketed for disorderly contact for giving free trims on the lawn of the state capitol in a protest of Operation Haircut, demanding Governor Gretchen Whitmer allow them to earn a living.

UNIDENTIFIED FEMALE: And we're all here for the same reason today. So, we'll show the governor that our lives do not come from her and that we need to open Michigan. People need to get back to work. It's that simple.

UNIDENTIFIED MALE: I will not stand down. I will continue my work with or without a license. I have been denied my livelihood by this governor.

LEVENTHAL: And with Memorial Day weekend fast approaching, New Yorkers are questioning the mayor for keeping beaches closed and threatening to pull people out of the water telling them to go to Long Island instead changing his tune when officials there said beaches were open to local residents only.

BILL DE BLASIO, MAYOR, NEW YORK CITY: But if you're in surrounding counties where people are mainly going by car, where beaches don't get crowded the way ours do, you know if that's what works for them, I respect that.

(END VIDEOTAPE)

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LEVENTHAL: New York Governor announced that gatherings of up to 10 people will be allowed starting tomorrow as long as they social distance and wear masks. But if New Yorkers want to go to the beach, Shannon, it looks like it may have to be the Jersey Shore.

BREAM: There's a lot of fun there. I hear. Rick Leventhal, thank you. All right, growing outrage over the shocking number of deaths in Pennsylvania nursing homes as the state's health secretary comes under fire. Pennsylvania's House Speaker joins us live next. But first, our "REOPEN ROUNDUP."

The Department of Justice warning California Governor Gavin Newsom, not to discriminate against churches in its phased reopening plan, citing unequal treatment for preventing faith communities from gathering in person. The DOJ pointing out churches can practice the same social distancing as businesses.

Texas salon owner Shelly Luthor, who spent time in jail for defying state lockdown orders now showing support for a 77-year-old Michigan barber. You saw him a minute ago whose license was suspended after he decided to reopen. Luther calling Michigan Governor Gretchen Whitmer, a tyrant.

And hundreds waited in line for a Minnesota bar chain to reopen. But minutes before shady his hometown Tavern unlocked its doors; a county judge served the owner with a temporary restraining order for defying a state lockdown order. The owner facing a \$25,000 fine for each location he reopens before June 1st.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: They're overworked and it's just atrocious in there.

UNIDENTIFIED FEMALE: There's other patients in there that are fighting for their lives, mainly because of the incompetence of this this facility. I want this facility shut down. I want it dismantle.

(END VIDEO CLIP)

BREAM: Wow, you can hear the growing frustration coast to coast over nursing home deaths because of coronavirus and we're getting new video tonight from Vallejo, California. Protesters there gathering outside an assisted living facility, where at least 11 people have died from COVID-19. There are calls tonight to begin testing all nursing home patients in California and across the country. Correspondent Garrett Tenney is looking at the stunning data tonight on nursing homes and the controversial policies that got us to this place tonight. Good evening, Garrett.

(BEGIN VIDEOTAPE)

GARRETT TENNEY, FOX NEWS CHANNEL CORRESPONDENT: Well, Shannon the data is painting a devastating picture across the country showing how deadly the coronavirus is for older Americans and how critics say some states might not have done enough to protect them. Nationwide, at least 33,000 people have died in nursing homes due to COVID-19, almost a third of the total deaths in the U.S. More than 10,000 of those were in New Jersey and news resisting calls for a federal investigation into the deaths.

GOV. ANDREW CUOMO (D-NY): Older people, vulnerable people, are going to die from this virus. That is going to happen despite whatever you do because with all our progress as a society, we can't keep everyone alive.

TENNEY: In Ohio, nursing home deaths account for 59 percent of the state's total COVID-19 fatalities. In Pennsylvania, it's 69 percent, and the state health secretary is facing calls to resign for allowing coronavirus patients to be readmitted to care facilities after leaving the hospital and then pulling her own 95-year-old mother from one. In Minnesota, state regulators are still allowing COVID positive patients to return to nursing homes despite 81 percent of the state's COVID-19 deaths coming from those facilities. As for Florida, the Sunshine State has the second highest number of seniors in the country, but only a third of the state's death.

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UNIDENTIFIED MALE: We also prohibited COVID positive patients for these obviously some states forced that. I think that was a really bad thing. So, we were able to do that here.

TENNEY: Nursing homes had major problems. Even a new report by the Government Accountability Office found that between 2013 and 2017, 82 percent of nursing homes were cited for deficiencies in preventing and controlling infections in one or more years and half of those had citations in multiple years. Shannon.

(END VIDEOTAPE)

BREAM: Garrett Tenney, thank you very much for covering this important story. And in Michigan tonight, Democratic Governor Gretchen Whitmer has reportedly just issued a revised order specifically on nursing home. She says, this new order is going to ensure hospitalized COVID patients are discharged only to nursing homes that are actually equipped to safely isolate them when they come back in. All right, driving some of the controversy in Pennsylvania tonight, as Garrett mentioned, the state health Secretary removed her own elderly mother from a personal care home during the outbreak. A couple of lawmakers now there in the state are calling this crisis has been handled. Well, Speaker of the Pennsylvania State House, Republican, representing Allegheny County, Mike Terzie joins us tonight. Mr. Speaker, good to have you with us.

REP. MIKE TERZIE (R-PA): Well, thank you very much Shannon. I'm honored to be with you.

BREAM: I want to recap some of the numbers that Garrett touched on there. We have these latest out today from your state Department of Health, the total cases of death in Pennsylvania 4,767. Those that are in nursing and personal care facilities 3,172. That puts that in the high 60 percent, close to 70 percent of the deaths in your state are in nursing homes. What has happened? How are you going to get answers?

TERZIE: Well, you know, when it's, it's really sad, and it's tragic. 70 percent, just about 70 percent of those deaths across the state have been in nursing homes, personal care homes, assisted living residents. The, I think, disappointing thing from the Secretary Levine, is that we kept asking. In fact, I wrote letters, specifically asking for the statistics coming out of those particular facilities, and we weren't provided with those until really, almost late April. And, and it's clear that the Secretary knew about that, while making the decision on a personal level. She took her mom who was age 95 out of a personal care home. That should have been made public, and it should have been -- the public should have been alerted about the, the crisis in these homes.

Today, we passed in the statehouse, the Senior Protection Act. And what we focused on in the House by a vote of 201-1, is we went to the academic medical centers, like UPMC, like Allegheny Health Network, and I'm the in the Pittsburgh area, and then in the Philadelphia area, Penn Temple, Jefferson, amongst other academic medical hospitals. We want them to really, in a collaborative way, take responsibility for infection control, testing and surveillance in clinical on boots on the ground in these facilities, and we've got to save these people.

BREAM: Well, I mean, anytime you know, something 201-1, I mean, that's an impressive show of bipartisanship where people know these are the most vulnerable people that need protection. A couple of other state lawmakers there, I know this isn't something you've signed on to, but they're actually calling for a resolution for Secretary Levine to go saying Dr. Levine's resistance to release data and or non-cooperation with coworkers.

In this case, a co-equal branch of government would never be considered acceptable business management practices in the private sector. The governor there has said, listen, my assessment of her is she's doing a phenomenal job. I think we've got to be careful about blaming the messenger for the message. He said, you know, she's done her best. And these are just really difficult circumstances. What do you think?

TERZIE: Well, I will say this, there has been a failure on the Department of Health with respect to those most vulnerable, it's, it's quite simple. We could have been working with the academic medical centers from the get go if we would have been upfront about the statistics and really upfront about where we needed to focus our efforts instead of a statewide shut down. With the state wide shut down right now, Shannon, but we have -- we have 2.2

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million Pennsylvanians out of work. That, that's over 30 percent of our workforce. You know, increased drug addiction, mental illness, alcoholism, domestic violence, breakdown of the family.

The fact of the matter is, if we would have targeted right from the get go, those vulnerable in those particular senior settings, we would have had been addressing much of much of the crisis for COVID in the Commonwealth of Pennsylvania, without the economic collapse that we've seen in our state. And I would just say this as well. We have a responsibility to care for those most vulnerable. I'm from Allegheny County, and we've never really had a significant COVID outbreak in the Pittsburgh area, but yet 80 percent of the hundred and 43 deaths that we've had, 80 percent, have come from nursing home settings.

BREAM: Yes, it is just, it's something that's unconscionable and people are going to want a lot of answers. I know there will be investigations and kudos to you lawmakers there in the House side for getting this measure passed to try to protect those folks. Pennsylvania Speaker Mike Terzie, thank you for being on. Good to see you, sir.

TERZIE: Thank you so much, Shannon.

BREAM: Well, professors across America accused of selling secrets research to China, as colleges break the law by failing to report tens of millions in donations from China. What's been uncovered the investigation next?

BREAM: Three doctors have been arrested in recent days in a federal crackdown on alleged participants in China's so called Thousand Talents Plan. The FBI claims the program paid the three men to attempt to steal U.S. intellectual property and scientific research. Editor-in-Chief Cabot Phillips joins us now to discuss what Campus Reform has uncovered about secrets being sold to China and more about what's going on our campuses. Cabot, good to have you back.

CABOT PHILLIPS, EDITOR-IN-CHIEF, CAMPUS REFORM: It's great to be on.

BREAM: OK. Let me read something from RealClearPolitics. Let me read this to you real quick. It says, "For years the Chinese government has worked to co-op American students, scholars, and institutions of higher education. The Chinese government has sought to shape American students' knowledge and beliefs through programs such as Confucius Institutes." Tell us what those are and what you guys have found.

PHILLIPS: Yes, so Confucius Institutes are Chinese Communist Party-funded centers on college campuses. They purport to teach Chinese language and culture to students on campus. But the Chinese Ministry of propaganda openly admits that they are propaganda centers hoping to influence the curriculums on campus and to make sure that they're controlling the narrative around the Chinese government. So, that's on 75 college campuses in America today, operating completely freely there to spread their propaganda on campus.

The other element of this is the Chinese Communist Party, essentially buying research from American professors and we've seen a whole spat of professors recently, three this month, but we've been reporting at the leadership institute's Campus Reform dozen in the past year or so that have been caught using federal research dollars to conduct research here in America and then turning around and selling it to the Chinese Communist Party secretly. One professor at UCLA caught selling Navy and Air Force missile secrets.

Another professor at Harvard caught being paid \$1.5 million to help set up a secret medical lab in Wuhan, China. Another professor in West Virginia saying he was going on maternity leave when in reality he actually went to China secretly, he was paid hundreds of thousands of dollars to give them research that he had conducted with American taxpayer dollars. And so, that's what's going on on campus, and it's time for our leaders in Washington to take action on this.

BREAM: And I know that you have been tracking something where you say the are actually tens of millions of dollars coming into us colleges from China. And apparently, they're breaking some laws or this being handled illegally. You say, they're not reporting the funding? I mean, does anybody get held accountable for that?

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PHILLIPS: Very rarely. So, the Department of Education looked and found 48 universities that had failed to disclose hundreds of millions of dollars in foreign donations. Now, why are they keeping it a secret if there's nothing sketchy going on? That's a question people are asking. And I've been meeting with legislators in D.C. urging them to take action. I think there's three things we should be doing when it comes to this. First off, it's just making the American people aware of what's going on. The Chinese government openly views our campus as soft targets. People need to be aware of that so they can urge legislators to do something about it.

The first step is accountability and urging them to do something about it any professor that's call it should be held accountable to the furthest extent of the law. We need to dissuade professors from using taxpayer dollars and then look searching abroad for the highest bidder and selling out the American people in exchange for a fat payday from the Chinese Communist Party. And the third part is the federal government, they do play a role in this. I'm very hesitant to ask the federal government to swoop in to save the day but when it comes to national security, it is their job. They should be passing laws to shut down all of these Confucius Institutes on campus and, and use researches or use resources to investigate any professor that we think might be working with the Chinese behind the scenes.

BREAM: Well, Cabot, you know, cases they're out there, people can Google it and check it out for themselves. Thanks for tracking it and keep us updated. Thank you, Cabot.

PHILLIPS: Thanks so much. CampusReformed.org/China -- we've got all the stories for your viewers out there. Thanks so much.

BREAM: OK. All right, some good news before we say good night. Stimulus check donations bringing a bit of Mardi Gras to frontline workers in New Orleans. Organizers calling it a stimulus serenade. Donations putting the New Orleans Jazz Orchestra back to work, performing after Hospital in this festive tribute to healthcare workers, nurses and doctors enjoying the break from the frontlines. Great to see you. Most watched, most trusted, most grateful you spent the evening with us. Good night from Washington. I'm Shannon Bream.

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