

News; Domestic

Subway Shooting Suspect Manhunt Ends After 29-Hours; CDC Extends Transportation Mask Mandate Into May; First Migrant Bus From Texas Arrives In D.C. Near Capitol; Majority Of Voters Oppose White House Move On Border; CDC Extends Transportation Mask Mandate Into May; U.S. To Send Additional Assistance To Ukraine; Zelenskyy Lays Out Military Needs; High Inflation Numbers And Low Presidential Approval Ratings Indicate Possible Significant Republican Congressional Gains In Midterm Elections; Virginia Governor Glenn Youngkin Pushing For All Members Of Loudoun County School Board To Be Put On Ballot In November; Ukrainian Refugees Attempting To Enter America Through Southern Border; Ukrainian President Volodymyr Zelenskyy Asks Western Countries For More Weapons To Combat Russian Invasion

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Fox News: Special Report with Brett Baier

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JESSE WATTERS, FOX NEWS CHANNEL HOST: All right? Well, not the guy, the robot car fled from the officer. Goodbye. All right, that's what happens.

"JESSE WATTERS PRIMETIME" tonight Kellyanne Conway, Dan Bongino, Kat Timpf and psychedelic toads. We got the toads in the show.

GERALDO RIVERA, FOX NEWS CHANNEL CORRESPONDENT-AT-LARGE: Give Bongino my love.

WATTERS: I will do that. SPECIAL REPORT is up next with Bret.

BRET BAIER, FOX NEWS CHANNEL HOST: Bongino and toads. That's good.

WATTERS: That's a good combo.

BAIER: Thanks, Jesse.

Good evening, I'm Bret Baier.

Breaking tonight, a suspect is in custody following yesterday's assault on a Brooklyn subway train that left 10 people shot. 62-year-old Frank James was arrested by patrol officers this afternoon on a street corner following a Crime Stoppers tip. Authorities are calling Tuesday's incident a terrorist attack now.

Correspondent Bryan Llenas is live tonight in Brooklyn with the latest and our top story. Good evening, Bryan.

BRYAN LLENAS, FOX NEWS CHANNEL CORRESPONDENT (on camera): Bret, good evening. Frank James is now in federal custody. He faces terrorism charges for allegedly attacking a mass transit system and if convicted, he could be sentenced to life in prison.

The 62-year-old was processed by the NYPD just a short time ago and handed to the FBI for allegedly shooting 10 people and injuring some 19 others.

(BEGIN VIDEO CLIP)

KEECHANT SEWELL, NEW YORK POLICE COMMISSIONER: We used every resource at our disposal to gather and process significant evidence that directly links Mr. James to the shooting. We were able to shrink his world quickly. There was nowhere left for him to run.

LLENAS (voice over): The 29-hour manhunt for James came to an end just before 2:00 p.m. today, when none other than Frank James himself reportedly called Crime Stoppers and told them that he was at a McDonald's in the Lower East Side.

When police arrived, he wasn't at the McDonald's, an eyewitness tells Fox News he saw James walking a block away and told police.

ZAK DAHHAN, WITNESS: He was walking on the sidewalk clear. And I see the people walking behind him and he have like bags, small bag. I don't know what he have inside. (INAUDIBLE). He was thinking he's going to do something. I see the police, I told the police. I call him this guy, he did the problem to Brooklyn, catch him (PH).

LLENAS: Investigators say after attacking the Brooklyn subway station, James managed to escape by boarding an adjacent train which was carrying wounded passengers to the next station.

According to the criminal complaint, James drove a U-Haul van from Philadelphia to Brooklyn, New York, just four hours before the attack. Investigators say they found ammunition and weapons at his Philadelphia apartment and storage unit.

No motive has been given but James posted hours of YouTube videos complaining about homelessness, New York City and Mayor Eric Adams. He ranted about race issues, white people and about an upcoming race war.

He said he was diagnosed with mental illness and "Full of hate, anger and bitterness".

(END VIDEO CLIP)

LLENAS (on camera): The big question now is where was Frank James hiding for those 29 hours? Was he inside the New York City subway system the entire time? Frank James makes his first court appearance tomorrow, Bret.

BAIER: Bryan Llenas live in Brooklyn. Bryan, thank you.

Well, you will have to wear, still wear a mask on a plane, at least for a while. The federal government is maintaining some of its requirements regarding face coverings while using public transportation.

It comes amid complaints by critics that the Biden administration is ending pandemic precautions for asylum seekers at the southern border. But as we said, extending some for travelers across the country.

Correspondent Jonathan Serrie has details tonight from Atlanta. Good evening, Jonathan.

JONATHAN SERRIE, FOX NEWS CHANNEL CORRESPONDENT (on camera): Good evening to you, Bret. The Biden administration is extending its mask mandate for planes, trains and buses through May 3rd. That is an additional 15 days past the original deadline which was set for April 18 when it was supposed to expire.

CDC officials say they're concerned about increases in the average of daily cases this month driven by the highly infectious Omicron sub-variant BA.2 now responsible for more than 85 percent of active COVID cases nationwide.

(BEGIN VIDEO CLIP)

JEN PSAKI, WHITE HOUSE PRESS SECRETARY: So, what they're trying to do is give a little bit more time to assess its potential impact, the rise of the cases have on severe disease, including hospitalizations and deaths and the healthcare system capacity.

SERRIE (voice over): The timing of the travel mask extension may be difficult politically, the Biden administration is continuing one pandemic protocol while ending another. Title 42, a Trump era policy that allows border agents to expel asylum seekers coming in from Mexico to prevent the spread of COVID is set to expire on May 23rd. This is sparking opposition from Republicans and creating divisions among Democrats.

At the same time, airlines are complaining that their employees have to continue to enforce unpopular mandates for masks, which are no longer required in crowded restaurants, schools and sporting events, even though they lack the advanced air filtration systems that you find on planes, but the Surgeon General says public transit is different.

DR. VIVEK MURTHY, U.S. SURGEON GENERAL: Airplanes and buses and trains are unique settings because we bring a lot of people together in a close setting for a prolonged period of time, and not everyone has the option to not travel.

(END VIDEO CLIP)

SERRIE (on camera): And Bret, several major universities, including Georgetown, American and Johns Hopkins have reinstituted their indoor mask mandates and the city of Philadelphia plans to do the same this coming Monday. Back to you.

BAIER: Jonathan Serrie live in Atlanta, home to the CDC. Jonathan, thank you.

The illegal immigration crisis has come to the nation's capital tonight. It's a move the White House refers to as a publicity stunt. Lucas Tomlinson shows us this evening from Washington. Good evening, Lucas.

LUCAS TOMLINSON, FOX NEWS CHANNEL CORRESPONDENT (on camera): Good evening, Bret. The first busload of migrants from Texas arrived here just a few blocks from the U.S. Capitol, dropping off nearly two dozen illegal immigrants, including 19 males for females, including two small children.

They departed from Del Rio, Texas Saturday at 4:00 p.m. They arrived this morning at 8:00 a.m. Officials say there were no overnight stops. We spoke to one group of young men from Venezuela.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE (through translator): I want an opportunity to get ahead. I want a job, an opportunity to move forward.

TOMLINSON (voice over): The trip to Washington, part of Texas Governor Greg Abbott making good on a threat he made last week, to send illegal immigrants to the nation's capital.

Today, Abbott inked a deal with Mexican leaders to reserve normal inspections to free up commercial traffic.

GOV. GREG ABBOTT (R-TX): President Biden must assert the national security priority that comes with being the commander-in-chief of the United States. Until then, Texas will use its own strategies to secure the border. If you want relief from the clogged border, you need to call President Biden.

TOMLINSON: The bus sent to D.C., Abbott's response to the Biden administration's plan to end Title 42, the Trump era public health measure that turned away 1.7 million migrants over the past few years.

Back at the border, Fox News has learned that officials have cleared the horse man of border patrol agents of wrongdoing after they were accused of whipping migrants in September and placing them on probation.

Migrants appear emboldened, some even taking selfies after illegally crossing over into the U.S.

A bipartisan group of lawmakers including five Democrats have proposed legislation to delay the repeal of Title 42 for 60 days. Texas officials said they did not force any migrants to make the free trip to D.C. The White House is calling this a stunt but others say it's not a gimmick.

KARL ROVE, FOX NEWS CHANNEL CONTRIBUTOR: This thing has been called a stunt. But it is the only way that we can sort of grab the attention of the -- of the nation and of the federal government and say meet your responsibilities to control the border.

(END VIDEO CLIP)

TOMLINSON (on camera): Now, Governor Abbott was hoping to get the attention of lawmakers here at the U.S. Capitol but they're on Easter recess. We saw a number of migrants depart with family members who joined them when they got off the bus here on the corner of North Capitol and Louisiana, Bret.

We also saw another group of migrants head over to Union Station with hopes of catching a train to Miami, Bret.

BAIER: Lucas Tomlinson on Capitol Hill. Lucas, thank you.

Let's bring in our panel early, Senior Political Analyst Brit Hume. Harold Ford Jr., former Tennessee Congressman, co-hosted "THE FIVE" and Ben Domenech, editor of the Transom.com, host of The Ben Domenech Podcast on Fox Radio.

Brit, what do you make of this move? And, you know, having these busloads coming into Washington D.C.?

BRIT HUME, FOX NEWS SENIOR POLITICAL ANALYST: Well, I think it is in a sense a publicity stunt. It's probably no accident that they were -- they were dropping the migrants off just outside our bureau in Washington, where Lucas was reporting from.

BAIER: Convenient.

HUME: Yes, convenient, right. And I wonder how many other news organizations will really cover this event.

Obviously, the intention is to shame the politicians in Washington, particularly in the administration who seem unwilling or unable to do anything to really stop the flow of migrants across the border now with Title 42 about to be lifted, even though they're leaving other pandemic related restrictions in place.

They have a case, they have a strong case, because I think the sense people get in this country is that these migrants are pouring across the border illegally, they're staying here indefinitely. And this administration is not trying to do very much about it at all.

BAIER: Harold, what about that dichotomy of, you know, mask mandates extending, some states putting them back in, schools putting them back in and transportation doing that, but yet, on the border Title 42 being lifted off, creating this surge of illegal immigration?

HAROLD FORD JR., FOX NEWS CHANNEL CONTRIBUTOR: Well, thanks for having me.

I think the president's team, the policy that they have implemented, whatever that might be is simply not working at the border. And there needs to be an acknowledgement of that.

And nowhere is it clear than their recommendation to repeal Title 42. As someone who admires the president and many members on the team, this one confounds me a bit as to how this is going to help, a challenge and a problem we have.

If I were him, I'd do three things. First, I'd convene my senior staff and cabinet secretaries whom are responsible for immigration policy and give them 60 days to coordinate policy, to figure out what resources are needed in various agencies.

And as a part of that, I would convene even some of the governors and mayors in these border states and figure out how we can coordinate better. Take some of the politics out of this to the extent that he can.

As a part of that plan, Bret, I would also figure out ways in which to determine how we invest in this southern hemisphere on our own hemisphere, if we seek investments and have investments all across the globe.

And finally, I'd give a national address on a border state -- in a border state, maybe Arizona and lay up for the country. Here's the challenge, here's what we're going to do and here's the buy in I have from all of our partners, our governors, our mayors and my cabinet secretaries.

Because of right -- as of right now, Bret, it's unclear, I think not only to Republicans who want to be partisan, but to those who want to be constructive, and certainly us Democrats who want to be supportive. It's unclear what the policy is and how they're implementing it.

BAIER: Texas Governor Greg Abbott and White House Press Secretary Jen Psaki.

(BEGIN VIDEO CLIP)

ABBOTT: The Biden administration and a lot of leaders in Congress have no idea about the chaos they have caused by their open border policies. And if they're not going to come to the border, I'm going to take the border to them in Washington D.C.

PSAKI: These are all migrants who have been processed by CBP and are free to travel. So, it's nice the state of Texas is helping them get to their final destination as they await in their outcome of their immigration proceedings.

(END VIDEO CLIP)

BAIER: Ben, your thoughts?

BEN DOMENECH, PUBLISHER AND CO-FOUNDER, THE FEDERALIST: Well, processing in this segment really means at this point, with the level of migrants that we're seeing that they're handed a piece of paper and essentially let free to go.

I mean, this is not a situation that in any way is organized, or is something that I think that the White House press secretary should be laughing off.

We are seeing 7,000 migrants all around that order coming across the border and being processed every day. That's already more than the border can handle in terms of its personnel.

We're about to see 10,000 to 15,000. And what I would like to bring to mind for everyone is the situation that we saw with the Del Rio encampment of Haitians that we saw previously, that type of thing playing out all along our southern border is what we are really queued up for right now.

And I understand that this is a gimmick. But it's a powerful one because it reminds people I think that Washington has been completely avoiding the real challenges related to the southern border. The media that was so attentive to these issues under President Trump seems completely willing to ignore them under President Biden. And we are really headed for something that I think is going to be a humanitarian disaster.

And regardless of what happens with Title 42, money has already exchanged hands, deals have already been made south of the border when it comes to the cartels and their transportation of these people. This disaster is already headed our way. And it's going to be measured in the hundreds of thousands I believe in terms of lives that are going to be ruined by this policy.

BAIER: Yes, I want to close the circle Brit with this -- remember this whipping investigation with Border Patrol agents. It's now come to an end but just flashback to 2021 if you would, this is the DHS Secretary Mayorkas.

(BEGIN VIDEO CLIP)

ALEJANDRO MAYORKAS, HOMELAND SECURITY SECRETARY: We are addressing this with tremendous speed and with tremendous force, the facts will drive the actions that we take. We ourselves will pull no punches. And we need to conduct this investigation thoroughly but very quickly, it will be completed in days and not weeks.

(END VIDEO CLIP)

BAIER: That was September 2021. We are just getting to the back end of this investigation where the guys are not being punished, Brit. And remember how much coverage was given to that moment in those allegations.

HUME: Right. And you know, at first it looked bad. And then the explanation was available within a matter of 24 or 48 hours. It didn't stop President Biden for coming out and say that these border agents were going to pay.

He's been notably silent on this since and now we know it's probably was inevitable that they've been cleared of doing anything wrong there. They were using they're -- you know, using the reins to deal with the horses.

You know, this is -- this is another example of the administration on the border and border issues. They slow walk these issues, because I think in the end, they believe that their constituents in the Democratic Party want these migrants to come and come by the hundreds of thousands.

BAIER: Let me just turn Harold to the issue of COVID and policy -- public policy. Do you sense that it is going to change dramatically? We're obviously having at least a few weeks of these mask mandates on transportation. We don't know where it goes from there.

But even as cases go up with the new variant, is there a sense that they're going to handle it differently?

FORD JR.: I don't know. I hope that they handled it in a way that will they minus out the politics if it -- if it's right to wear a mask, I know it's inconvenient. And it's in position -- in position to me and to others, and to all of us, perhaps. But I hope they follow and they do what's best, irrespective of the politics.

Look, my school here, my kids school in New York, just tonight, said they never going to re-impose a mask policy, because so many kids have are out of school because of COVID, or other viruses.

I think that we have to as much as it's an inconvenience, as much as it's an imposition, I think we have to try our hardest to do the same thing and believe that those in authority, at least at the local level, are looking out for our best interest.

So, I don't know what to do at the federal event. But I'm pleased that some of the local level taking charge.

(CROSSTALK)

BAIER: Yes, but Ben -- But Ben, as the variant becomes less virulent, if you will, is there a need for public policy change?

BEN DOMENECH, FOX NEWS CHANNEL CONTRIBUTOR: It's a -- it's a mouthful, but it's true. It is becoming less virulent. I mean, this is a situation where I think, unfortunately, we have a number of policymakers who are unwilling to reconsider any of the mistakes that they've made in the past.

They're just doubling down on the same policies that they've used over and over again, which ultimately, did not provide a better outcome for the American people, or for those students that Harold mentioned, who we ultimately are learning suffered more from the lack of in-person education than they did from any kind of risk associated with this virus.

BAIER: All right, panel, thank you. We'll see later in the show.

Stocks were up today. The Dow gained 344. The S&P 500 finished ahead 49. The NASDAQ jumped 272 today.

Up next, President Biden commits to another major infusion of weapons for Ukraine, but not one type of platform.

And we'll go live to Kyiv where additional evidence of atrocities are now uncovered.

BAIER (voice-over): First, here is what some of our Fox affiliates around the country are covering tonight. Fox4 in Dallas as the National Weather Service examines reports of several tornadoes in Central Texas, at least 23 people were hurt by severe storms in Bell County between Austin and Waco.

One of those people is in critical condition tonight. The others were treated at the scene or released from a hospital.

Fox2 in St. Louis says several school districts canceled classes because of expected storms there. Forecasters calling for damaging winds, large hail, tornadoes, and heavy rain today in that area and around the Midwest.

And this is a live look at San Francisco from Fox2, our affiliate there. One of the big stories there tonight, Alyssa Nakken of the Giants, becomes the first woman to coach on the field in a Major League Baseball game.

She came in to coach first base last night in the third inning after the regular coach was ejected. Nakken, became the first female coach in the big leagues when she was hired by the Giants' manager Gabe Kapler in 2020.

That is tonight's live look, OUTSIDE THE BELTWAY" from SPECIAL REPORT. We will be right back.

(COMMERCIAL BREAK)

BAIER (on camera): President Biden is announcing another \$800 million in military assistance to Ukraine. This comes following a remote meeting with Ukraine's president today.

White House correspondent Jacqui Heinrich joins us from the North Lawn with details. Good evening, Jacqui.

JACQUI HEINRICH, FOX NEWS CHANNEL CORRESPONDENT (on camera): Good evening to you, Bret.

There was some back and forth this morning about whether the U.S. was, in fact, going to include Mi-17 helicopters as part of this new aid package. Yesterday, U.S. officials told Congress that they would be sending them to Ukraine. And then, this morning, Pentagon officials said that they were not part of the package.

The White House clarified today that Ukraine had been a little unclear about whether or not they wanted them. When Zelenskyy said that they did, President Biden approved it.

HEINRICH (voice-over): Ukrainian President Volodymyr Zelenskyy made his weapons wish list public before speaking today with President Biden.

(BEGIN VIDEOTAPE)

VOLODYMYR ZELENSKYY, PRESIDENT OF UKRAINE (through translator): Artillery, 155 millimeters. Artillery shells, 152 millimeters -- as many as possible. Multiple Launch Rocket Systems -- Grad, Smerch, Tornado, or M142 HIMARS. Armored vehicles, APC infantry, fighting vehicles, others. Tanks.

HEINRICH: The White House answering with \$800 million more in aid, including for the first time, 18 Howitzers, and 40,000 rounds of artillery to go with them.

Plus counter artillery and surveillance radar systems, 300 switchblade drones, 500 javelins, hundreds of Armored Personnel Carriers, 11 Mi-17 helicopters, and unmanned see drones, which U.S. troops will need to train Ukrainians on how to use.

REAR ADM. JOHN KIRBY (RET.), PENTAGON PRESS SECRETARY: We tailored this list specifically to meet the needs that they have asked for, with respect to what's going on in eastern Ukraine. That's what's really driving this.

HEINRICH: The new aid comes as Biden administration officials clarified the president wasn't declaring U.S. policy, when he called Russia's war genocide.

VICTORIA NULAND, UNITED STATES UNDERSECRETARY OF STATE: In order to make a formal U.S. government policy decision with regard to genocide, we have a process of collecting evidence over time, and we are continuing to do that.

HEINRICH: The White House confirming, Biden said the word his administration had, to date, resisted off the cuff.

JEN PSAKI, WHITE HOUSE PRESS SECRETARY: He is the president of the United States and the leader of the free world, and he has allowed to make his views known at any point he would like.

(COMMERCIAL BREAK)

BAIER: The surging cost of energy pushed wholesale prices up a record 11.2 percent last month from a year earlier. The Labor Department's producer price index measures inflation before it reaches consumers. The figure climbed at the fastest year-over-year pace in records going back to 2010. It was up 1.4 percent from February. Energy prices were up almost 37 percent from March of last year.

Those kinds of numbers are sending congressional Democrats scrambling for cover as the midterm elections approach. Congressional correspondent Chad Pergram has that story tonight from Capitol Hill.

(BEGIN VIDEO TAPE)

CHAD PERGRAM, FOX NEWS CORRESPONDENT: Groceries, goods, gas -- all higher. Two arrows trending in opposite directions may define the midterms -- inflation climbing, President Biden's poll numbers plummeting. Democrats fretting about inflation.

REP. DEBBIE DINGELL, (D-MI): Prices are way up. There is no question about that. Why are they way up? A very complicated issue.

PERGRAM: The inflation surge means Democrats in battleground districts must choose whether to embrace the president and controversial policies or run away. Virginia Democrat Abigail Spanberger narrowly won re-election in 2020. Spanberger hosted Mr. Biden in her district in February.

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: I know food prices are up and we are working to bring them down.

REP. ABIGAIL SPANBERGER, (D-VA): I was really proud to have President Biden come to our district.

PERGRAM: But analysts note that Democrats are wary of cozying up to an unpopular president.

ALISON DAGNES, SHIPPENSBURG UNIVERSITY: We are so polarized right now that one Democrat can be emblematic of the entire party.

PERGRAM: That's why Republicans boast about their electoral prospects.

REP. KEVIN MCCARTHY, (R-CA), HOUSE MINORITY LEADER: We are going to win the majority, and it's not going to be a five-seat majority.

PERGRAM: The president's party almost always loses seats in the midterms.

KARL ROVE, FORMER WHITE HOUSE DEPUTY CHIEF OF STAFF: The president's ratings on this. They are the same on the economy and crime. They're lousy.

PERGRAM: Republicans must only flip a handful of House seats and net one Senate seat to control Congress. But --

DINGELL: Overconfidence is always a dangerous thing. It's way too early now to predict.

PERGRAM: Senate Minority Leader Mitch McConnell is cautious.

SEN. MITCH MCCONNELL, (R-KY) SENATE MINORITY LEADER: How could you screw this up? It's actually possible.

(END VIDEO TAPE)

PERGRAM (on camera): In politics it's best to under-promise and overdeliver. Some Republicans feel a GOP cockiness could make their voters complacent and stay home. Bret?

BAIER: Chad Pergram on the Hill. Chad, thanks.

New Jersey Governor, Democrat, Phil Murphy appears to be changing his tune on the controversial gender identity curriculum in the state's school system. The Democratic governor is acknowledging some lesson plans are undesirable and should be discarded. But Governor Murphy still blames the majority of the public backlash on what he calls intentionally misrepresented appraisals by political opponents. Part of the curriculum requires kids as young as first grade to define gender, gender identity, and gender roles stereotypes.

Educators at a pair of northern Virginia school districts are being tested tonight. In one county, voters could decide to overhaul the entire school board. In another, parents are targeting a prestigious science based high school over its admissions process that allegedly demonstrates against some minorities. Chief Washington correspondent Mike Emanuel has details tonight.

(BEGIN VIDEO TAPE)

MIKE EMANUEL, FOX NEWS CHIEF WASHINGTON CORRESPONDENT: Virginia Governor Glenn Youngkin is pushing an amendment to have all nine members of the Loudoun County school board put on the ballot in November a year ahead of schedule. The school board is pushing back, accusing the governor of seeking to undo a free and fair election and, quote, "ultimately hinder the operations of the school board."

Loudoun County became ground zero in parents fighting back against COVID mandates and classroom curriculum, including Critical Race Theory, which links racial discrimination to America's foundations and legal system. Youngkin cited unspecified challenges that caused him to make this move after making education reform a centerpiece of his campaign.

GOV. GLENN YOUNGKIN, (R) VIRGINIA: I'm just so excited to see rest of the nation fall in and recognize that parents matter when it comes to their kids' education.

EMANUEL: Neighboring Fairfax County is also a political lightning rod with parents suing over what critics call a new race-based admission process that discriminates against Asian-American students at a prestigious science based high school. An appeal is pending at the Supreme Court. Progressive activists are mobilizing.

SVANTE MYRICK, PEOPLE FOR THE AMERICAN WAY: We believe that far rightwing extremist politicians in Virginia are trying to intimidate teachers and stop them from having the freedom to teach the true history.

EMANUEL: Virginia's education secretary insists her focus is on academics, not indoctrination.

AIMEE GUIDERA, VIRGINIA EDUCATION SECRETARY: Our democracy rests on the foundation that education must teach every generation how to think, not what to think.

(END VIDEO TAPE)

EMANUEL (on camera): Youngkin is credited with winning back suburban voters by siding with parents over unions and bureaucrats, a critical voting block both sides will seek to energize heading into November's midterms. Bret?

BAIER: Mike, thank you.

Up next, thousands of Ukrainian refugees arrive at Mexico's border with the U.S., adding another obstacle for already overwhelmed immigration officials there.

(BEGIN VIDEO CLIP)

OKSANA DUDNYK, UKRAINIAN REFUGEE: It's perfect. I'm so thankful for all these guys, all these volunteers that helps us Ukrainians.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

BAIER: A judge has ruled the criminal prosecution of a Hillary Clinton campaign lawyer charged with lying to the FBI can move forward. Michael Sussmann is accused of misleading Bureau officials during the investigation into the origins of the Trump-Russia probe. The denial of Sussmann's dismissal motion means

his trial remains scheduled for May 16th. His attorneys have argued Sussmann's ties to the Clinton campaign were already well-known to the FBI. Sussmann's legal team rejects the assertion the relationship could have meaningfully influenced the FBI's decision to investigate then candidate Trump.

The crisis at the southern border is becoming more complicated tonight as thousands of Ukrainians await entry to the U.S. near San Diego. National correspondent William La Jeunesse explains why the journey for those refugees holds several roadblocks.

(BEGIN VIDEO TAPE)

WILLIAM LA JEUNESSE, FOX NEWS NATIONAL CORRESPONDENT: Escaping the war in Ukraine through Mexico.

UNIDENTIFIED MALE: Until now, it's up to 2,000 between already came, and people are coming. About 300 people every day.

LA JEUNESSE: Mexico is providing shelter. Others camp near the border in tents.

ANASTASIA DEREZENKO, UKRAINIAN REFUGEE: This is very nice, really very nice. We have food. We have sleep.

LA JEUNESSE: Volunteers from Slavic churches in the U.S. provide food and transportation.

OKSANA DUDNYK, UKRAINIAN REFUGEE: It's perfect. I'm so thankful for all these guys, all these volunteers that helps us Ukrainians.

LA JEUNESSE: Why Mexico? Fleeing the war, Ukrainians say U.S. consulates in Europe are so understaffed they can't get an appointment. So they fly to Mexico city, then Tijuana, arriving at the U.S. border for an immigration interview.

YANA URIEVA, UKRAINIAN REFUGEE: I'm here because my husband have father there. And we just want to come.

LA JEUNESSE: Unlike refugees, Ukrainians entering from Mexico receive humanitarian parole and do not qualify for U.S. taxpayer assistance. The administration expects to change that next week by creating a new pathway for legal status.

JESSICA BOLTER, MIGRATION POLICY INSTITUTE: Certain nationalities are treated differently from others.

LA JEUNESSE: Critics on the left accuse DHS of a double standard, exempting Ukrainians from Title 42 expiring next month, but not others, a charge Secretary Mayorkas denies.

UNIDENTIFIED FEMALE: Is there a double standard here?

ALEJANDRO MAYORKAS, HOMELAND SECURITY SECRETARY: There is not.

UNIDENTIFIED FEMALE: I will only get half of a loaf of bread.

LA JEUNESSE: This family escaped starvation and bombing in Mariupol to find safety, family, and freedom here.

(END VIDEO TAPE)

LA JEUNESSE (on camera): Unlike the U.S., Ukrainians don't need visa to enter Mexico, which explains the surge. U.S. officials say they are preparing to process up to 600 Ukrainians a day at the border. Bret?

BAIER: William, thank you.

Up next, the panel reacts to the latest headlines out of Ukraine.

First, Beyond our Borders tonight. An Islamic State supporter in England will likely spend the rest of his life behind bars after a jury found him guilty of fatally stabbing a British lawmaker. Ali Harbi Ali says he targeted conservative David Amess over his support for airstrikes in Syria. Jurors deliberated just 18 minutes before finding him guilty.

U.S. and Japanese warships are conducting rare joint naval drills near the Korean peninsula as defense experts warn North Korea could conduct nuclear tests sometime this week. It's the first time in five years the U.S. and Japan have held exercises in this region.

And this is a live look at Helsinki, Finland. One of the big stories there tonight, Finland and Sweden could be the next countries to join NATO. Both governments are reviewing final documents before announcing whether they will apply for membership. Finland's prime minister says a decision could come in the next few weeks. Sweden is expected to announce a bit later.

Just some of the other stories Beyond our Borders tonight. We will be right back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

VOLODYMYR ZELENSKYY, UKRAINIAN PRESIDENT: We need heavy artillery, armed vehicles, air defense systems, and combat aircraft. Freedom must be armed better than tyranny. Western countries have everything to make it happen. The final victory over the tyranny and the number of people saved depends on them.

JOHN KIRBY, PENTAGON PRESS SECRETARY: We are aware of the clock. And we know time is not our friend. And that's why even before this was announced today, we had been moving at a very, very fast speed. All the other security assistance that we have been providing, frankly, at an unprecedented rate.

(END VIDEO CLIP)

BAIER: The Biden administration announcing \$800 million in more equipment heading to Ukraine. "The Financial Times" writes it this way, "The assistance comes as Ukraine is bracing itself for a new and more brutal Russian offensive in the southeastern Donbas region. One of the definitions the administration had been using is offensive versus defensive weapons. There is sort of a feeling now that's no longer a meaningful distinction."

We're back with our panel, Brit Hume, Harold Ford Jr., and Ben Domenech. Harold, thanks again for being on. Let me ask you about the weapons and where we think -- do we think the U.S. is effectively getting them in to Ukraine?

HAROLD FORD JR., FORMER TENNESSEE REPRESENTATIVE: I hope so. You have to look at Ukraine as a giant and deadly crime scene. I have no hesitation whatsoever in helping to provide the Ukrainians with all the weaponry and all the technology they need, including airplanes. I understand the hesitancy around a no-fly zone.

We've said it well and your show has already talked through it. I thought your interview with Zelenskyy in the last week or so really laid it out. His resolve and his stubbornness is what you want when you're facing the kind of evil that he's facing. I'm glad we are on his side. And I hope that we continue with these sanctions, we make them harder and harsher. I give the president a lot of credit on the other side of this as he has held NATO together.

But it may be time to do more. And if we are going to do more, the president is going to have to lay out for the American people some of the pain we may face not only in the agriculture and energy markets, but what we may face militarily as well. And I hope he does that.

BAIER: Brit, at the same time, the Biden administration is scrambling to figure out what they will do if chemical weapons are used, written like this for "Politico," "The current moment echoes former President Barack Obama's red line in Syria in which he pledged that chemical weapons used by Syrian President Bashar al-Assad would trigger a U.S. response. Current administration officials insist that situation is dramatically different now and that Biden made no such red line declaration either." Take a listen to both.

(BEGIN VIDEO CLIP)

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: We would respond, we would respond if he uses it. The nature of the response would depend on the nature of the use. It would trigger a response in kind, whether or not -- you are asking whether NATO would cross -- we would make that decision at the time.

BARACK OBAMA, FORMER U.S. PRESIDENT: We have communicated in no uncertain terms what every player in the region that that's a red line for us, and that there would be enormous consequences if we start seeing movement on the chemical weapons front, or the use of chemical weapons.

(END VIDEO CLIP)

BAIER: Brit, your thoughts?

HUME: When Obama drew that red line and it was crossed and he didn't do anything about it, that, I think, didn't help our allies' confidence in us. At the moment, Bret, I think the important overall question is, in

addition to the chemical weapons issue and what would happen if they were used, is the question of what is now our goal. We now know that the Ukraine's goal isn't simply to hold off the Russians and cut some kind of a deal that would secure whatever parts of the country the Russians have not previously occupied. The Ukrainians' goal now is to win the war and drive Russians out of every foot of their territory.

Is that now what the United States is seeking? John Kirby said the other day we wanted the Ukrainians to win. But you have not heard that from Jake Sullivan or the State Department or from the president himself. It will be interesting to see if he is prepared to say that, and how far he is willing to go in pursuit of that. I don't -- that doesn't mean I think he would have to be involved with troops, U.S. troops on the ground. But there's still military assistance that the Ukrainians want that we have not provided, to wit, the warplanes.

BAIER: Yes. And Ben, it's interesting that President Zelenskyy puts out this video with very specific wants and wish lists, shopping list, if you will, before talking to President Biden. And eventually gets what he wants.

BEN DOMENECH, PUBLISHER, "THE FEDERALIST": Brit's point is very key here. I think, unfortunately, that we are in a situation where the president's rhetoric has actually become a defect when it comes to their policies. Their policies have been largely good if a bit slow, I would say, in terms of the uptick.

But what we are seeing now is an increasingly unified NATO alliance, one that is about to bring in, as you said in your previous segment, the northern flank in terms of Finland and Sweden in all likelihood. It is going to represent unified Europe with American backing against the Russian forces. In the long-term, that's something that's good for peace and stability and that we all should applaud.

BAIER: Panel, as always, thank you.

Finally tonight, a SPECIAL REPORT salute.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: It was a rockslide.

(END VIDEO CLIP)

BAIER: She calls herself "The Dirty Explorer," but that was one clean getaway. A TikTok filming along an Alaskan highway notices an incoming rockslide. She books it down the road -- take a look at this -- to warn a driver. The thankful man notes he was about 30 seconds from getting killed. He did not say she rocks, but she does rock.

Tomorrow on SPECIAL REPORT, I will speak with former U.N. Ambassador Nikki Haley about the latest developments in Ukraine, and also take a trip around the world, the hotspots, foreign policy challenges.

Thanks for inviting us into your home tonight. That's it for this SPECIAL REPORT, fair, balanced, and still unafraid. "JESSE WATTERS PRIMETIME" starts now. Hey, Jesse.

END

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