

# [***Interview With Rep. Dan Crenshaw (R-TX); Special Counsel Robert Hur Testifies; Interview With Teamsters General President Sean O'Brien; Interview With Presidential Candidate Robert F. Kennedy Jr.***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BJ2-8WY1-JCS1-60JD-00000-00&context=1516831)

Fox News YOUR WORLD WITH NEIL CAVUTO 4:00 PM EST

March 12, 2024 Tuesday

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**Section:** NEWS; International

**Length:** 7263 words

**Byline:** Garrett Tenney, Jacqui Heinrich, David Spunt, Neil Cavuto

**Guests:** Dan Crenshaw, Gerry Baker, John Yoo, Sean O'Brien, Robert F. Kennedy

**Body**

(BEGIN VIDEO CLIP)

REP. MATT GAETZ (R-FL): The president: "I did not share classified information. I did not share it. I guarantee I did not."

That's not true, is it, Mr. Hur?

ROBERT HUR, FORMER DEPARTMENT OF JUSTICE SPECIAL COUNSEL: That is inconsistent with the findings based on the evidence in my report.

GAETZ: Yes, it's a lie.

REP. PRAMILA JAYAPAL (D-WA): You exonerated him.

(CROSSTALK)

HUR: We did not exonerate him. That word does not appear in the report.

(CROSSTALK)

JAYAPAL: Mr. Hur, it's my time.

REP. TOM MCCLINTOCK (R-CA): All I have to do when I'm caught taking home classified materials to say, I'm sorry, Mr. Hur, but I'm getting old. My memory's not so great.

HUR: Congressman, I...

MCCLINTOCK: This is the doctrine that you have established in our laws now and it's frightening.

REP. ADAM SCHIFF (D-CA): You cannot tell me you're so naive as to think your words would not have created a political firestorm.

HUR: Congressman, what you are suggesting is that I shape, sanitize, omit portions of my reasoning and explanation to the attorney general for political reasons.

SCHIFF: No, I suggest that you not shape your report for political reasons, which is what you did.

(CROSSTALK)

HUR: That did not happen.

(END VIDEO CLIP)

NEIL CAVUTO, FOX NEWS ANCHOR: So it went for almost six hours, talking right past each other, and special counsel Robert Hur caught up in the well, food fight, right in the middle of a food fight that wouldn't stop and didn't stop.

Why Robert F. Kennedy Jr. Says there has got to be a better way, another way, maybe a third way, maybe an independent way. And RFK Jr. says he is that way and he is here.

Welcome, everybody. I'm Neil Cavuto. Let's get right to it.

It was going to be controversial and was going to be in your face. Probably what Robert Hur wasn't counting on is that he would be getting broadside attacks in his face from both parties oftentimes.

David Spunt on Capitol Hill with the fallout -- David.

DAVID SPUNT, FOX NEWS CORRESPONDENT: Hi, Neil.

Republicans welcomed Robert Hur to Capitol Hill today, though some were upset that he chose not to charge President Biden criminally. Democrats disparaged the special counsel. I should say now former special counsel, who recently just left his post at the Justice Department after completing this.

But the most important thing is to hear from him, and this is why he says he did not charge the president with any criminal violations.

(BEGIN VIDEO CLIP)

HUR: We identified evidence that the president willfully retained classified materials after the end of his vice presidency when he was a private citizen. We did not, however, identify evidence that rose to the level of proof beyond a reasonable doubt.

(END VIDEO CLIP)

SPUNT: Neil, the 345-page report contains picture after picture of classified documents kept in torn and tattered brown boxes in his Delaware garage and private offices, sensitive documents relating to Afghanistan, and his time as vice president, part of that larger pile.

Republicans argue that President Biden took the documents while he was writing his book.

(BEGIN VIDEO CLIP)

REP. JIM JORDAN (R-OH): Pride and money is why he knowingly violated the rules, the oldest motives in the book, pride and money. You agree with that, Mr. Hur? You wrote it in your report.

HUR: That language and -- it does appear in the report, and we did identify evidence supporting those assessments.

(END VIDEO CLIP)

SPUNT: Democrats repeatedly brought up someone not in the room or even a subject of this report, and that is the former President Donald Trump.

Watch.

(BEGIN VIDEO CLIP)

REP. HANK JOHNSON (D-GA): You're doing everything you can do to get President Trump reelected so that you can get appointed as a federal judge or perhaps to another position in the Department of Justice. Isn't that correct?

HUR: Congressman, I have no such aspirations, I can assure you. And I can tell you that partisan ***politics*** had no place whatsoever in my work. It had no place in the investigative steps that I took.

(END VIDEO CLIP)

SPUNT: On the president's memory, Democrats criticized Hur for even bringing up his memory or cognitive abilities, but he said he had to as part of the overall picture explaining why he declined to charge Biden.

And, ultimately, the Department of Justice led by Attorney General Merrick Garland did not push back and said that Robert Hur's entire report, 345 pages, was not out of bounds in any way.

But, Neil, this really turned into somewhat of a proxy fight between team Biden and team Trump gearing up for the election in November, a lot of conversations about Donald Trump as well in this room, Neil.

CAVUTO: Yes, you would never know it was an election year, would you, David?

Thank you very much, David Spunt, following all of that.

John Yoo with us right now, the former deputy assistant attorney general.

John, obviously, when you're getting it from both sides, it's a sign that maybe you're resonating with both sides or not, but the fact of the matter is, what Hur is making very clear here is, look, I had enough, I think, to go on here, but, bottom line, I stand by my comments that the president of the United States was an old guy and it was showing his age and that a jury would be sympathetic, and that was the reason this didn't go further.

Democrats seized on that and thought it was gratuitous. Did you?

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: No, I didn't.

And I thought what you saw in today's hearing was a by-the-book, straight- arrow prosecutor. He reminded me a lot of the career Justice Department prosecutors who do the work of the department in and out every day that I met when I worked at the Justice Department.

I think what Hur did repeatedly and why nobody was happy with him is that he explained how a normal prosecutor would have approached this case. I think what you saw was Hur basically saying, Biden did violate the law. He did keep classified information. He wasn't supposed to have it.

And I think one thing that was something of a revelation was that the special counsel really relied on these tapes with Biden talking to his ghostwriter where he's on tape saying, oh, I was just downstairs and I found the classified documents.

That's pretty much a concession by the president that he had classified documents. The reason why -- you're quite about to focus on this, Neil. The reason why Hur said he couldn't prosecute is because, one, Justice Department policy is, you can't prosecute a sitting president, but, two, because of President Biden's reduced memory, because he's a well-meaning old man, he didn't think that a jury would find that he had the mental state, the mental state to violate the law.

CAVUTO: If he wasn't an old man -- and some of these issues have come up, of course, not only here, but elsewhere, as you know, John -- would he and should he have prosecuted?

YOO: That's an interesting question, which Hur did his best not to answer.

(LAUGHTER)

CAVUTO: Absolutely, many times, yes.

YOO: Of course -- yes. Yes. I mean, I'm glad he's not prosecuting me for keeping classified information, because I don't have that defense.

(LAUGHTER)

YOO: But I think that -- reading between the lines, I think it would have been very hard for him to say, given the evidence that he had there, that he would not bring a case if he was dealing with someone who was at the height of their career, had a sharp memory, knew what they were doing, had all their papers in front of them, which is why, from much to the hearing, that Democrats spent their time talking about why Donald Trump should be prosecuted and really kind of left Hur alone on these points.

CAVUTO: You could also say Republicans felt there was sort of a split justice here. Other presidents have gotten away with this sort of thing in the past. They argue that, in the end, so did Joe Biden, but not Donald Trump. He sticks out like a sore thumb. What did you make of their argument, the ones who waged that argument?

YOO: Actually, someone who's like scoring points like the Russian judge or the East German judge back in the old days...

CAVUTO: Right.

YOO: ... in figure skating, I actually think the Republicans missed a big chance here, because a lot of the criticism of Hur was, why didn't you prosecute Trump? I'm sorry. Biden. That's another hearing we're going to talk about prosecuting.

He said, why didn't you prosecute Biden? And so I don't think that's really what they wanted to press, because Hur, as he said, Justice Department policy is you can't prosecute a sitting president. And he said that the reason he gave was that President Biden's mental state wasn't strong enough.

That's actually gold for Republicans. If I had been on the Republican side of hearing, what I would have pressed more is, why did you decide President Biden's mental state is not that strong? Why did you think he couldn't stand up to a trial? Compare him to somebody else that you have ever prosecuted and you also dropped the charges are because you thought their mental state wasn't very strong.

That would have been -- because that's I think what most Americans want to know. They don't -- what they drew from their report was the discussion of President Biden's failed memory questions about whether he's up and competent to the job of being president. Put aside whether he should be prosecuted.

CAVUTO: Yes, and he left a lot of doubts there when it concerned that.

John, thank you very much.

John Yoo following all of that.

Jacqui Heinrich at the White House.

Jacqui, do we know if the president -- I know he's had a busy day there, meeting with the Polish leaders and all that, but did he have time to watch any of this?

JACQUI HEINRICH, FOX NEWS CORRESPONDENT: Well, we're told, Neil, that the president was monitoring the hearing on Capitol Hill. We are expecting to hear from a spokesman from the White House Counsel's Office for their sort of conclusions pretty shortly here.

But, broadly, officials here wanted Robert Hur's testimony to reaffirm his report's conclusion that, conversely, with former President Trump, Biden's handling of classified documents did not warrant a charging decision. And, moreover, they wanted to show that Hur's commentary about Biden's age was overwrought.

They released the transcript of Biden's October eight interview to try to demonstrate that. But at the end of the day, they have found themselves arguing against Hur's testimony from the Hill today that, in fact, he never exonerated President Biden. Listen.

(BEGIN VIDEO CLIP)

REP. DARRELL ISSA (R-CA): Did you reach conclusion that this man was outright innocent?

HUR: That conclusion is not reflected in my report, sir.

(END VIDEO CLIP)

HEINRICH: The White House Counsel's Office tweeted: "In America, you're innocent until proven guilty. The ultimate conclusion here was that charges are not warranted and the case is closed. In other words, the president was cleared."

And in that tweet, they included a screenshot of the dictionary definition of the word exonerated.

These live so-called fact-checks have been going on all day. The White House released Biden's interview transcript to several media outlets to try to counter Hur's description of Biden's memory. They have been highlighting favorable reporting that came out of that all day, tweeting these excerpts among others.

Washington Post: "Biden doesn't come across as absent-minded as Hur has made him out to be.

And the Associated Press: "The full transcript could raise questions about Hur's depiction of the 81-year-old president as having significant limitations on his memory."

Special counsel Hur defended his descriptions of Biden's memory as relevant to the question of willful intent, saying that he had to get at the question of the president's state of mind. We do expect to hear more detail from a spokesman here shortly, Neil.

CAVUTO: Thank you very much for that.

Jacqui Heinrich at the White House.

Well, this is what Robert F. Kennedy Jr. means when he talks about this array in Washington the part of both parties. He's been a big critic of Joe Biden's. He's been a big critic of Donald Trump's. There is a middle ground, he says, and he's it. He's also here, and next.

(COMMERCIAL BREAK)

CAVUTO: All right, you heard him, you witnessed it, and it was bedlam for a while, almost six hours of testimony from the special counsel Robert Hur on why he opted to take the route he did in not prosecuting President Biden, but making note of his age and the fact that a jury would find that sympathetic.

Robert F. Kennedy Jr., witnessing a good deal of this, he gets back to the notion as an independent candidate for president of the United States that this is part of the problem, these guys, the two presidential candidates right now, a repeat of the last race, are the problem.

Kind enough to join us.

Robert, good to see you.

ROBERT F. KENNEDY JR., PRESIDENTIAL CANDIDATE: Good to see you again, Neil. Thanks for having me back.

CAVUTO: Same here.

Let me ask you a little bit about what you made of this back-and-forth on Robert Hur and more particularly his issue -- he didn't take a prosecutorial issue with the president because of his age, because of his memory problems, significant memory problems.

What did you think of that?

KENNEDY: Well, I haven't read the transcripts, but the issues that he pointed out, that President Biden couldn't remember specific things that you would think he'd remember when he was vice president under the dates when he was vice president under President Obama -- I mean -- under President Obama -- the date of his son's death and a number of other things, are worrying.

I think that it's important for President Biden to do what he did the other night, which is actually to come out in public, but, more importantly, to have unscripted debates, unscripted encounters with voters, to engage in the debate, which Americans expect from a presidential candidate, and to show -- this is a job, Neil, that requires a lot of nuance, of complexity of mind, of acuity, mental acuity.

And we want to -- we have a right to assurances that the person who's in charge of taking that phone call at 3:00 in the morning, when all of our children's lives are at stake, that they're going to make good judgments and the best decisions and that they're going to be -- they're going to be on their toes.

So I think it's important for him to persuade the American public, to show the American public he can do that, particularly after these kind of questions have been officially raised, not only by the prosecutor, but also the -- the mainstream media is now talking about some of these issues.

CAVUTO: Yes, whether he's too old for the job.

Now, you had said, and a lot of people who liked the president said that he brought his A-game to the State of the Union address. You did not agree. You had said that it was a hyperpartisan speech. You're similarly not a huge fan of Donald Trump's.

And it looks like those two guys are not keen on debating each other. Might happen, but it doesn't look like it will. What do you think of all of that?

KENNEDY: Well, I think we're living at a time when the two least popular mainstream or -- mainstream party candidates in the history of our country are running. Both of them would actually win the prize for the least popular candidate in history of a major political party.

Oh, 80 percent of the public says that they don't want the -- a rematch of 2016. They want other choices. And now it's a three-man race. As of today, I think both candidates will clinch their party's nomination in the three primaries that are being held today, and it will be -- and we will be entering the general election.

And I would hope that both of these candidates will debate. We should start talking about the issues that concern Americans, the chronic disease epidemic, the destruction of our soils, the forever wars that have...

(CROSSTALK)

CAVUTO: Well, you have to get in on that debate. You have to get in on that debate.

And as an independent candidate, you have gotten on a few more states now, last time I checked, New Hampshire, Utah, Hawaii, Nevada, very close to Georgia. I could go on and look at South Carolina, Alabama.

But you need to get on a lot more state ballots, and there's been talk that you're going to become a libertarian. They're interested in you. Any truth to that, that, thereby, that could get you on pretty much all the states.

KENNEDY: We -- yes, we will be on all the state ballots. And we're -- we have now launched -- today, actually, we're starting -- launching a push to get us on all the ballots that are open today at this point within four to six weeks.

And, as they open, we will have four to six weeks to get on each one. And we will make those deadlines.

CAVUTO: All right, when you say you make those deadlines, then, you would be more than a spoiler, right? If you're on all the state ballots, you have a real crack at it and more than just getting a spoiler role.

But the traditional wisdom is you hurt President Biden more than you hurt Donald Trump. What do you say?

KENNEDY: I mean, my intention is to hurt both of them.

I'm getting -- right now, I'm beating both candidates and independent voters. And independents is the biggest part -- this is the first election in the history, Neil, where independents are the biggest voting bloc. So independents now represents 43 percent of American voters, self-identified independents.

Republicans are only 27. democrats are only 27. And I'm beating both candidates in independents. I'm also beating them and by really dramatic margins, by 40 percent, among Americans who are under 35. In the battleground states I'm beating them under -- among Americans under 45.

Those are -- I'm tied in a three-way tie for Hispanic votes, and that vote is increasing for me. I'm really winning in all of the major demographics, except -- with one exception, which is Baby Boomers. And we believe that we're going to start making inroads with them soon.

So I really -- I think we have a very good chance of winning in November.

CAVUTO: That might be so. I haven't seen some of these polls that show you competitive in that regard with these other two gentlemen. That could change, and, again, the more awareness you get -- you have obviously raised significant awareness, certainly more than people like Jill Stein and Cornel West making their own third-party runs up for the White House.

I am curious. When you talked about the president's State of the Union, you had a different vision for how you would see the state of the union, as a compelling reason to find an alternative to the same old, same old. What did you mean by that?

KENNEDY: Well, I -- we published an address, a simultaneous address, my own vision of what the state of the union is and that we're talking about the issues that the major political candidates are not talking about, the fact that we have a $34 trillion debt.

In the last 100 days, the debt is going up by another trillion dollars. That's unsustainable. We're already spending the equivalent to our entire defense budget just on servicing that debt, just on paying the interest of that debt. Within five years, every -- half of every tax dollar collected will go towards servicing the debt and within 10 years it could be every tax dollar collected.

And nobody's talking about this. Nobody's talking about the chronic disease epidemic. When my uncle was president, Neil, 6 percent of Americans had chronic disease. Today, 60 percent do. We have an entire generation that is now sick, the sickest generation in the sickest country in the history of the world. And nobody's talking about it.

We're now paying more for treating diabetes than our entire defense budget. So, when I was a kid, a typical pediatrician would see one diabetes case in their entire career. Today, one out of every three kids who walk into their office is either diabetic or prediabetic, and no political candidate is talking about these things.

Nobody's talking about, how are we going to get our kids in houses? None of them can afford a house.

(CROSSTALK)

CAVUTO: No, no, you raise a lot of very valid points. And that does generate interest and a lot of attention to you.

But you mentioned your uncle. You were obviously referring to President John F. Kennedy. Of course, your dad tried to run for president, was cruelly cut down in the middle of all of that.

But what do you think your dad would say of you and your uncle Jack would say of you running away from the party that -- for which they were iconic symbols?

KENNEDY: Yes, I mean, my father and uncle -- my father specifically said on many occasions, including directly to me: "I don't vote for the candidate -- I don't vote for the party. I vote for the individual."

They understood the dangers that George Washington warned about of partisan ***politics***, that partisan self-interest would subsume and replace and displace patriotism and patriotic impulses. If you go down...

(CROSSTALK)

CAVUTO: But do you think your dad ever knew -- but do you think your dad knew that you would be leaving the Democratic Party? I mean, you're an iconic family.

KENNEDY: I don't think my father -- I don't think my father -- I don't think my father would care about that kind -- party loyalty was irrelevant to him.

CAVUTO: Well, that's not what some of your family members say.

KENNEDY: If you went down the issues -- well, right.

If you went down the issues that my father believed in, that he felt strongly about, I would check every one of those boxes. The same with President Kennedy. Show me an issue that they felt strongly about and I don't agree with them on.

CAVUTO: All right.

KENNEDY: So, I feel like I am representing the values of the Democratic Party.

CAVUTO: OK.

KENNEDY: And maybe the party has slipped away from its traditional values.

CAVUTO: Real quickly, you mentioned Joe Biden.

I'd be remiss if I didn't mention something in the news concerning Donald Trump. He wants to pardon and thought it would be a good idea to pardon any of the January 6 rioters if elected. What do you think of that?

KENNEDY: I would not comment on that. I -- that's not -- that's not something that I would comment on until I was president of the United States. I would take a look at those cases.

CAVUTO: Would you do something like that? Would you ever consider something like that?

KENNEDY: I would pardon people.

I intend to use the pardon power, and I intend to use it very quickly in office. I'm going to pardon Julian Assange. I'm going to pardon Edward Snowden. I may pardon Ross Ulbricht if I find that his prosecution was -- that his sentence, his very lengthy sentence, was the result of making an example of him in order to punish Bitcoin and cryptocurrencies.

CAVUTO: But, meanwhile back to -- not to -- you wouldn't extend that to those who rioted on January 6 and were imprisoned?

KENNEDY: You know, I would look at individual cases.

CAVUTO: OK.

KENNEDY: I'm going to look at any individual case that people bring me.

CAVUTO: All right, we will watch it very closely.

Robert F. Kennedy Jr., very good catching up with you.

We will see how everything's go -- how everything goes, as he continues this widening independent bid for the presidency of the United States. Again, tonight is the night we should see Joe Biden and Donald Trump respectively kind of lock down their positions for a repeat of the last presidential race.

We'll have more after this.

(COMMERCIAL BREAK)

CAVUTO: All right, for the first day in three, the market averages zooming up, even though we had a tad worrisome some retail inflation report.

By some measures, though, it did show a decline in food and other related prices from where they were. So, it was a mixed bag. Good enough for the Street -- after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

QUESTION: What has frustrated you so much about this era of ***politics*** in this -- and particularly Congress? What's made it so difficult?

REP. KEN BUCK (R-CO): You really need me to say that?

(LAUGHTER)

BUCK: You need me to explain what's so difficult about this place? We have taken impeachment and we've made it a social media issue, as opposed to a constitutional concept. This place keeps going downhill. And I don't need to spend more time here.

(END VIDEO CLIP)

CAVUTO: All right, a stakeout here. That's Congressman Ken Buck of the state of Pennsylvania announcing he's going to be leaving Congress.

It's not that it's a matter just that he's not running for reelection. He's going to be leaving, like, I believe next Friday, a little sooner than thought. I believe he was asked about him being one of the three Republicans who did not want to impeach Mayorkas, and that surprised some people, because he did say Mayorkas wasn't doing a good job, but he thought that sort of thing was overkill.

Didn't get along with Donald Trump. Didn't like the Trumpitization of the party as well. That had come up. But, bottom line, he is leaving.

Gerry Baker, The Wall Street Journal editor at large, what he makes of this.

Gerry, what do you think?

GERRY BAKER, HOST, "WALL STREET JOURNAL AT LARGE": I mean, I think it just really -- I mean, two things.

One, it makes life even more complicated for Speaker Mike Johnson and the very, very wafer-thin Republican majority. Two, it just absolutely emphasizes the complete Trump -- Trumpification, as you describe it very well...

CAVUTO: Right.

BAKER: ... the complete Trump takeover of the Republican Party. We have seen it with the RNC this week.

The very last remaining critics of Donald Trump, the last remaining independent Republicans are bowing out because they see the writing, the handwriting on the wall.

CAVUTO: I'm just wondering too. He's from Colorado. I think I misstated, said Pennsylvania.

But let me ask you about the makeup of the House right now. I think they really can't afford to lose anyone out. They're down to two- or three-vote margin when it comes to crucial pieces of legislation I'm sure the speaker and others want to get through.

BAKER: Yes.

CAVUTO: But it's going to be dicey right through the end of the year.

BAKER: Look, I mean, I think the possibility of Speaker Hakeem Jeffries sometime between now and January the 3rd next year is rising pretty rapidly, because there may well be more.

Some Republican -- the handful of Republicans who really are holdouts against Trump, who really don't have any -- don't have any time for him, may decide to do exactly what Ken Buck's done and say, I'm getting out first. I'm going to get -- A, I get a lot of attention, and, B, I can actually go and do something quicker than hanging around waiting for the axe to fall.

And I think, yes, as you say, we're down to two or three. If we have any more shenanigans over shut -- government shutdowns or debt limits, all this kind of stuff, you could well see Johnson's position being vulnerable. And we're really at the point now where Jeffries -- another couple of Republican defections like that or another couple of Republican resignations like that or a Republican gets sick, or, God forbid, is unable to perform his or her duties, you could well -- Jeffries could just about squeak a speaker vote.

CAVUTO: That's amazing. But you're right. The math is so close, it's possible.

I did want to get your take on something Robert F. Kennedy Jr. had mentioned with me a while ago, criticizing Joe Biden and the fact that he might not be up to the job and his age is showing it, similarly concerned about some of the baggage that Donald Trump brings with him, and that there's a third way and all and another way.

And that, of course, is every independent candidate's march. There's talk that he could move to become a libertarian candidate, thereby assuring he certainly gets on almost all state ballots, but, bottom line, still a force to reckon with. Or is he? What do you think?

BAKER: I listened to your interview, Neil. It was really fascinating.

I mean, whatever else one can say about Kennedy, he is -- he's a fascinating person to listen to.

CAVUTO: Right.

BAKER: You don't have to agree with anything he says, but it is -- he has he has such a different take on ***politics*** from most of our politicians.

Look, I think three things about Kennedy. One, he still has a certain name recognition. He doesn't have the glamour of his uncle or his father, but he has the name, still has a little patina of magic about it. Two, he is an extremist. I mean, you heard him say there, Neil, he would pardon Edward Snowden and Julian Assange.

CAVUTO: Right. Right.

BAKER: I mean, these are two people who are very credibly accused of having handed secrets over, certainly in public and, in Snowden's case, actually to the Russians. So this is pretty extremist stuff.

And he's extremist on environmental issues and extremist on vax and all that kind of stuff. But, thirdly, as you say, he is scoring, what,10, 12, 15 percent sometimes in the polls. It just seems to me, if you take all that together, he's right, in a sense that it does show the degree of dissatisfaction that there is with the two main candidates.

And if someone like Kennedy, with all of that track record, all of that extremism, all of that kind of outside equality to ***politics***, if he can do that well, then what does it say about maybe an alternative third-party candidate who actually might be more palatable, who might be more in the mainstream of ***politics*** and might be able to draw more votes from both sides?

CAVUTO: As you have reminded me many times, my friend, you never say never until you never can say anything again.

BAKER: Correct.

CAVUTO: Gerry Baker, always good seeing you, my friend.

In the meantime, the president did have time finally to meet with the Teamsters general president, Sean O'Brien. He had already met with Donald Trump. He's very close to deciding whether he's going to go for Biden or whether he's going to go for Trump. Maybe Sean O'Brien will spell it out, because he's next.

(COMMERCIAL BREAK)

CAVUTO: Well, President Biden has been in the news a lot today.

In fact, he was meeting with Polish leaders today at the White House, but one meeting he definitely wanted to make and did was a one-on-one with Sean O'Brien, the Teamsters general president. I believe that went through.

Sean O'Brien joins us right now.

Sean, good to have you back.

SEAN O'BRIEN, GENERAL PRESIDENT, TEAMSTERS: How you doing, sir?

CAVUTO: Very well.

Did the meeting take place? What can you tell us?

O'BRIEN: Yes, so the meeting took place today. It wasn't a one-on-one. It was before our executive board and...

CAVUTO: OK.

O'BRIEN: ... a rank-and-file committee. It's the exact same process we have done with all the other candidates.

CAVUTO: And how did it go?

O'BRIEN: It went well. It went just like every other meeting went.

President Biden is very strong on a lot of our issues. All the other candidates, they all support unions, supposedly. But President Biden has proven -- he's done a lot of hard work on behalf of unions. And no decision has been made. It won't be made in the near future. We still got a lot of due diligence to do.

And, more importantly, our members, 1.3 million, they are going to be included in the process. We have got polling going on right now. And we're going to be having town halls in every single local union to ensure that this decision we make is in the best interest of our members and their families.

CAVUTO: All right, it doesn't sound like it's coming any time soon. What's the holdup? Your counterpart at the United Auto Workers made up his mind a while ago. It's Joe Biden, and no debate.

O'BRIEN: Yes, I mean, look, we run our union differently. I'm all about transparency and inclusiveness of our members.

I'm not sure what their process was. But...

(CROSSTALK)

CAVUTO: I don't believe he ever met with Donald Trump at all.

O'BRIEN: Yes, that's -- that's on him. But I don't think he met with any other candidate either.

CAVUTO: Yes.

O'BRIEN: But the reality of it is, we have got a lot of -- a lot of decisions to make. And we want our members included.

And, look, just like we did with the UPS campaign, where we did a lot of one-on-ones with our members, we were very successful because we knew what they were wanted, and we just recently did with Anheuser-Busch, where we secured the largest contract for 5,000 Teamsters who produce American beer and who drink American beer.

And we have got a good, good result as a result of that. So we're all about meeting with folks and coming to make good decisions on behalf of our members.

CAVUTO: Who did your board seem impressed by more, the president or the former president?

O'BRIEN: Well, I think, I think our board was impressed with all the candidates, number one, because we have never done this process before as a union.

I mean, there were some strong candidates. Your previous guest Robert Kennedy did real well. So it's all over the map. We're going to have a discussion next week formally with our general...

CAVUTO: So he's in the mix? Is he in the mix then, Robert Kennedy?

O'BRIEN: Everybody's in the mix. Everybody's in the mix.

We're doing polling nationwide currently. And, at the end of the day -- look, historically, we haven't endorsed until after the respective conventions.

CAVUTO: Yes.

O'BRIEN: So, look, this is a tough decision. This is the biggest decision we're going to make in years to come. And we have got to make sure we get it right.

CAVUTO: All right.

The natural assumption is that the leadership at least is going to go for Joe Biden and that's just the way you do it. Now, it hasn't always been that way. I get it. And you have reminded me in the past about how unions vote -- sometimes vote for people like Ronald Reagan, I think George H.W. Bush.

But, by and large, it tends to be a Democratic president or candidate you go to. Is that a safe rule of thumb?

O'BRIEN: Yes. I mean, that's been the plan over the -- over the several decades prior.

But we have a different membership now. We have got a different society. We have got different issues.

CAVUTO: Yes.

O'BRIEN: And, look, we have been reaching across the aisle with senators just to try and focus on the issues that affect us. Most recently, we have been working with Senator Josh Hawley, who last weekend walked a picket line with Teamsters Local 688 in St. Louis, Missouri, with Graybar.

We had a big strike going on out there, and his presence and his support. Ironically, we settled the strike early this week. So we're focusing on people that are going to support our issues. And, look, like I said before, everybody's got a track record. And what we have achieved in the past doesn't mean those are the goals in the future.

So those are the decisions we're going to make and focus on.

CAVUTO: All right, you have heard all the back-and-forth and today the courtesy of five-, six-hour hearing on Capitol Hill featuring Robert Hur, of course, the special counsel, who essentially said that President Biden has significant memory problems, bottom line. He's an old guy and he's showing it.

Do you agree with that? And do you think that could affect ultimately whether you support him or someone else?

O'BRIEN: Look, I'm 52 years old, and I think I'm slowing down.

But I will tell you, today, President Biden, he answered the questions. He answered thoroughly. He was well-prepped. And it's like anything else. People can focus on the negative, and I'm not going to do that. I'm not going to attack anybody personally regardless.

(CROSSTALK)

CAVUTO: You don't think he's old or feeble? Nothing you have seen indicates old feeble or just losing his fastball?

O'BRIEN: I don't know. He grabbed my hand and pulled me real tight.

(LAUGHTER)

O'BRIEN: So I think he's just trying to squeeze the endorsement out of me today.

CAVUTO: All right. That didn't work today, but you think a decision will be made after the conventions?

O'BRIEN: That's most likely what's going to happen, yes.

CAVUTO: OK. Well, let us know.

Sean O'Brien, always good seeing you. Thank you very much.

O'BRIEN: Thank you very much, sir. I appreciate you.

CAVUTO: All right, Sean O'Brien, the Teamsters general president.

All right, when we come back, the trouble at the border. I'm talking the terror trouble at the border. Don't say that a certain Congressman Crenshaw didn't warn you. Confirmation of that today all the way up to the FBI.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

REP. DAN CRENSHAW (R-TX): What are the costs and benefits of designating cartels as a foreign terrorist organization?

CHRISTOPHER WRAY, FBI DIRECTOR: We give us some enhanced abilities to go after their money that we don't have.

CRENSHAW: Who should be in charge of a whole-of-government strategy to battle the Mexican drug cartels? Is this a law enforcement problem or is this our national security apparatus?

AVRIL HAINES, U.S. DIRECTOR OF NATIONAL INTELLIGENCE: It needs to be a whole-of-government strategy.

(END VIDEO CLIP)

CAVUTO: All right, give credit where it's due.

Dan Crenshaw was on this and concerned about what's happening at the border and the terror elements there. He will be joining us in just a second.

Garrett Tenney first on what's at stake -- Garrett.

GARRETT TENNEY, FOX NEWS CORRESPONDENT: Yes, Neil.

And, today, intelligence officials reiterated that the flood of folks coming across our border is creating a lot of national security concerns, including increasing the risk of a terrorist attack. FBI Director Christopher Wray says, over the last few years, there has been a drastic increase in the number of known or suspected terrorists caught trying to get into our country through the southern border.

But those are just the ones we know about. Even more concerning for intelligence officials are the more than 1.8 million known got-aways who have come across the border over the last three years who we know nothing about.

Even with those who are caught entering the country illegally, though, Wray says it's really tough to know with any kind of certainty who these people are before they're released.

(BEGIN VIDEO CLIP)

WRAY: The bigger concern, though, the bigger concern is a situation, for example, where somebody presents, say, fake identification documents at the border, and there's not biometrics to match up, so there's no way to be able to know that they're not who they say they are. Then they get into the country.

(END VIDEO CLIP)

TENNEY: You can see in this video group that almost got away.

This is in Kinney County, about 50 miles north of us. Seven people made a break for it when deputies pulled over a suspected smuggler. The whole group from Mexico, ages ranging from 20 to 35 years old, the Kinney County sheriff tells us, ever since the wires went up along the river here in Eagle Pass, that they are seeing a lot more of these kinds of smuggling incidents up there in Kinney County -- Neil.

CAVUTO: Garrett, thank you.

Dan Crenshaw has something to say. What are we waiting for? He's next.

(COMMERCIAL BREAK)

CAVUTO: Nefarious elements at the border, and a good many of them may be already here.

Congressman Dan Crenshaw, the Texas Republican, kind enough to join us.

You were warning about this as long as I can remember, Congressman. And now it appears out of control, where all our top security officials, including the FBI director, who you were dealing with today, kind of confirmed it. What do we do?

CRENSHAW: They did confirm it.

Look, what do we do? We stop the incentive structures that make hundreds of thousands of illegal immigrants come to our border and then pay the Mexican drug cartels in order to do so. That's what we do. We change the laws and we change their incentives.

And we recognize what's really happening. We hear from our Democrat colleagues sometimes that, well, the fentanyl, it's not really coming between points of entry. It's coming through the ports of entry. Well, I always have to remind them, that's because we're -- that's because where we have a lot of people actually watching and inspecting.

There's between 1,000 and 2,000 got-aways every single day. We don't know what they have. They're trying to get away from Border Patrol. They're not turning themselves in. So there's a massive security problem, 170 people in the terrorist watch list.

We don't have a good idea of what happened to them after they have been encountered. That's a problem that we brought up today in the hearing. And the main thing I bring up is this. We have a large, very formidable, very well-armed, very well-funded force south of our border, the Mexican drug cartels.

They kill tens of thousands of Americans a year, and they have the potential to topple the Mexican government. That's a real problem that we have to address.

CAVUTO: You also wonder their influence on the Mexican government already. That's a lot of money there.

But I am curious about what happens now, because one of the things I was hearing from a lot of these intelligence officials is that there might be elaborate networks here working with those who've made it into this country to plot God knows what. What do you think?

CRENSHAW: Yes, look, the trafficking networks, you can look at them like supply chains. So the cartels take their part. They take their pay. They establish mechanisms for immigrants to go into the U.S., and maybe those immigrants are trafficking into labor or sex trafficking or whatever it may be.

But they absolutely collude with local gangs, local criminal elements, local financiers. It happens everywhere, because there's plenty of money to be made.

CAVUTO: So let me get your take on some other developments today, Congressman, concerning what some interpreted to be a bit of a browbeating for the special counsel Robert Hur from both sides, disappointment among your Republican colleagues that he didn't prosecute the president, even though legally that might have been tough, anger on the part of Democrats that he went out of his way to criticize the president and call him a doddering old fool and all this.

Didn't call him that, just significant memory problems, I believe, was the wording. What do you think of the back-and-forth, whether anything that came of any of this?

CRENSHAW: I'm not sure anything came of it, and I wasn't following it as closely.

So I have been in the SCIF all day doing the intel briefing. So I'm not sure I have a lot for you on that.

CAVUTO: All right. Well, I admire that.

Let me get your sense then of something Robert F. Kennedy Jr. was mentioning earlier as a third way, an alternative way to the established parties and the way they do business. They talk past each other, that the appetite is such to avoid a repeat of the last election and seek out alternatives.

Now, I know you're a Republican and all that, but what do you make of what he's saying, that that is something that Americans share, a sense of frustration with another race like the last race?

CRENSHAW: Sure, I get that.

And this is what I say to those Americans. I asked them a simple question. Did you go vote in your primary? Because if you didn't, then I don't know what you're complaining about. Our primary elections have extremely low turnout, extremely low turnout.

So if you don't like your choices, it means maybe you should encourage you and your friends to vote in primaries. Now, I'm also not as maybe pessimistic as he is as -- at the state of American ***politics***.

The entire point of ***politics*** is for people to disagree, and to disagree peacefully. We will never all think the same. And that's OK. That's the entire point. That's why we have a system the way we have it.

CAVUTO: Congressman, very good talking to you again. Thank you very much.

CRENSHAW: Right.

CAVUTO: Congressman Crenshaw on all of that.

Again, the Dow up today 235 points. We have records in the markets again, sensing that the good economic times, or at least better, continue. We shall see.

Here's "The Five."

**Load-Date:** March 12, 2024

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