

# [***Boeing Under Scrutiny; Interview With Former U.S. Secretary of Homeland Security Jeh Johnson; Trump-Biden Rematch Set; Interview With Sen. Pete Ricketts (R-NE); Congress Targets TikTok; Georgia Judge Throws Out Several Charges Against Donald Trump***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BJB-C9R1-JCS1-63N3-00000-00&context=1516831)

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**Guests:** Jeh Johnson, Bob Cusack, Pete Ricketts

**Body**

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: On this vote, the yeas are 352. The nays are 65.

REP. NICK LANGWORTHY (R-NY): With every dance challenge in the lip sync video, American users are unknowingly contributing to a vast surveillance apparatus.

REP. NANCY MACE (R-SC): I do believe we should protect national security, but this is not the way to go about doing it.

REP. CHIP ROY (R-TX): This is really very much about the CCP and their ability to own data and use that data that nefariously against our national security interests and against our citizenry.

REP. PRAMILA JAYAPAL (D-WA): There are serious national security concerns, but I think the way the bill was crafted was problematic.

UNIDENTIFIED MALE: So many small businesses on here. People are surviving off this app.

UNIDENTIFIED FEMALE: There's no doubt that they are collecting our data through TikTok.

UNIDENTIFIED FEMALE: I feel like it's not deep enough to the point where it should be banned. I feel like we have bigger problems.

UNIDENTIFIED FEMALE: Ban TikTok, and you're banning financial security for mothers.

REP. MIKE GALLAGHER (R-WI): There's no concerns with the app continuing, as long as TikTok makes the choice to break up with the Chinese Communist Party.

(END VIDEO CLIP)

NEIL CAVUTO, FOX NEWS ANCHOR: Tik rocked. It happened today in the House of Representatives by an overwhelming vote of 352-65, a move right now in the U.S. of A. to say go away to this Chinese-run social media phenomenon.

Now, young people, by and large, don't like what they're hearing and seeing and potentially witnessing. We will talk to a governor who got rid of it in his state or is trying to.

In the meantime, the latest from Aishah Hasnie on Capitol Hill with what happens now -- Aishah.

AISHAH HASNIE, FOX NEWS CORRESPONDENT: Hey, Neil.

Well, this bill is now headed to the Senate. And the path there is pretty unclear right now. The majority leader, Chuck Schumer, is noncommittal, will only say that the committees will take a look at this bill text, despite the fact that this has gotten the endorsement from the Intel chair, the Intel vice chair, a majority of House Democrats, almost 200 House Democrats, including the majority leader -- excuse me -- the minority leader in the House also voted for this.

And now the White House is also endorsing this bill. Listen.

(BEGIN AUDIO CLIP)

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: We're going to support it in a technical way, obviously. And, look, we want to make sure that this bill ensures the threats we face and is on the strongest -- is on the strongest possible legal footing. That's also very important.

And so I'm not going to get ahead of any of those discussions from here, but we want to see the Senate take swift action.

(END AUDIO CLIP)

HASNIE: Well, TikTok is trying to influence the Senate, though.

It's going to try to kill the bill in the Senate, putting out a statement today saying: "The process was secret and the bill was jammed through for one reason. It's a ban. We're hopeful that the Senate will consider the facts."

Now, FOX is told that CEO Shou Chew has -- supposed to be visiting the Senate offices today, but really no one has seen him on the Capitol grounds, Neil, this as some of the no-votes in the House are trying to explain why their Senate colleagues should kill this.

(BEGIN VIDEO CLIP)

HASNIE: What would you recommend to Republican senators?

MACE: Well, again, I would look at the Constitution. What is the role of the government here? This is not our job to do this. And I think there should be a broader conversation about the role of tech and consumer data, but it's got to be applied across the board here to every tech company.

(END VIDEO CLIP)

HASNIE: Neil, as of right now, it is highly doubtful the Senate takes this up for a vote this week -- Neil.

CAVUTO: Got it, Aishah. Thank you for that.

Montana Governor Greg Gianforte was the first to do something like this in his state, ban it in his state, that is, ban TikTok in his state. And he's still having a devil of a time trying to get that through and make it happen in his state.

But when I spoke with him earlier today, he said that is the goal and we should do it nationwide. Take a look.

(BEGIN VIDEO CLIP)

GOV. GREG GIANFORTE (R-MT): The Chinese Communist Party have used these platforms to spy on Americans. China is not our friend.

And I just applaud the House for taking the bipartisan action they did today.

CAVUTO: This might be a watershed event, in that it could endanger other sites and social media companies having nothing to do with China, and an avalanche begins going after social media for being intrusive, for spying on us, all of that, American and foreign companies alike.

What do you think of that argument?

GIANFORTE: Well, I think this action is restricted to foreign adversaries. We don't want them to have inroads onto our mobile devices to spy on Americans. That's pretty simple.

Divest it, continue to use TikTok. But this is a multifaceted approach.

(END VIDEO CLIP)

CAVUTO: All right, before there was Montana Governor Gianforte, there was the former Nebraska Governor Pete Ricketts, now the senator from that fine state, who banned it on all public systems in his state. And that ban remains in effect, I believe.

Senator, good to have you.

SEN. PETE RICKETTS (R-NE): Great. Hey, thanks very much for having me on.

And yes, we -- I was the first governor to bang TikTok on our state devices, and that is still in place.

CAVUTO: All right, so how did that work at the time?

Again, you focused on state devices or anyone who worked for the government or the state. If they had such devices or anything like that, and this was on it, it would soon be off it. How did you get it off it?

RICKETTS: Yes, so it did require us to go out and start, not only pushing that policy, but to actually police it with our state teammates, so it didn't happen overnight, because we did have to push it.

But it was complete within my powers to be able to say to all of our folks at state government, we're not going to allow the Chinese government to spy on us, there's good national security reasons for it, and we got very good compliance with it.

CAVUTO: I'm wondering how far you think it goes here.

Now, I don't even know at this point whether the Senate will take up this matter, but given the lopsided nature of this vote in the House, and it was overwhelmingly bipartisan, is the pressure on Chuck Schumer to make it happen?

RICKETTS: Well, it should be on Chuck Schumer to make this happen. This is an important national security issue.

Now, look, if you are going to own a TV or radio station, we, the federal government, make you say you're a citizen, you're a U.S. citizen, and you're not a felon. Well, guess what? We're talking about adversaries of the United States, China, Russia, Iran, North Korea.

They're not U.S. citizens, and the communists are felons. I mean, come on. This is a terrible system that is working against us. So this is something that we ought to do. The president should come out and not just say he'd sign the bill, but he should call Chuck Schumer and say, hey, you need to put this bill up as quickly as possible.

This is a national security issue. And as it's already been pointed out, this is not a ban. This is just requiring that the Chinese Communist Party to divest this into an American ownership so that we don't have our avatars spying on us. And, by the way, we would never allow the U.S. government to collect this much data on our citizens.

Why are we allowing the Chinese communists to collect that much data on our citizens?

CAVUTO: All right, I'm glad you clarified what really this bill does. It's asking ByteDance, the Chinese-owned parent company of TikTok, to divest itself of TikTok.

But I was thinking, Senator, even if we got such assurances that ByteDance did this, said goodbye, TikTok, you're not part of us any longer, how do we know that China has kept to that, that ByteDance has kept to that, and that they're still not spying?

RICKETTS: Well, one of the things we know about the Chinese Communist Party is that they're willing to lie. They're going to be disingenuous with us.

So, just like I had to do, we had to not only have the policy, we have to police it, we're going to have to police this as well. We're going to have to set up systems to be able to make sure that ByteDance has divested, that they're not continuing to provide the information to the Chinese Communist Party.

And that's going to be true for anybody who falls under this law.

CAVUTO: All right, now, there are a lot of young people, including I have two sons who are of an age to go ahead and vote. And they're not happy with this move to get rid of TikTok. And they think that everyone spies on them.

Maybe they're just cynical, and they get -- probably get that from their mother.

(LAUGHTER)

CAVUTO: But my point is that they don't like it. They don't like the notion of the government moving to take something away from them.

How do you address that part of the population?

RICKETTS: Well, again, this is not a ban on TikTok. ByteDance sells us to somebody else, and they will continue to operate it. I'm sure they're going to continue to operate the same way they did before, so it can be commercially successful.

I don't expect young people to have lost anything here. What we will have stopped, though, is the Chinese Communist Party from pushing their propaganda onto our people. We wouldn't, again, allow our government to do that. I don't know why we allow the Chinese Communist Party to do it.

CAVUTO: So you have no problem? Because they will quickly turn around, young people, today and say, well, they're so cynical about this. Everyone spies on them. Everyone is looking at every stroke they make. I try to make the point, well, this is China we're talking about here. They sometimes kind of wish us ill, kids.

They don't care. They have gotten to the age where privacy doesn't seem to be a paramount concern, because it's compromised every day with U.S. companies, let alone those abroad. What do you say?

RICKETTS: Well, certainly, again, I certainly recognize that young people have a different level with regard to how they're comfortable with regard to their privacy.

CAVUTO: Yes.

RICKETTS: But this is a national security issue, right? So this is where you have -- when you have both the chair and the ranking member on the Intel Committee in the Senate say this is a good idea, it shows you it's bipartisan.

The vote today in the House shows you it's bipartisan. Folks here in D.C. recognize this is a national security issue. We want to make sure that we're protecting our citizens. That's what we're sent here to do. And this is one of the ways that we're going to have to do it, because the Chinese Communist Party is not our friend. They're a danger to us, the largest existential threat outside this country to us.

We have got to stop them from taking advantage of our open system, and this is one of the ways we do it.

CAVUTO: Senator, I want to thank you very much for taking the time to join us. We will look at the ramifications of this as the show ensues.

Very good seeing you again, sir.

RICKETTS: Great. Thank you very much, Neil.

CAVUTO: All right.

We're going to be talking about the national security implications of all of this with Virginia Senator Mark Warner tomorrow on this very show, and his thoughts on exactly how we progress here and move beyond this here.

In the meantime you probably heard that we have already had our rematch set, the exact same contest it was four years ago. The last time we saw this was back in 1956. Then, the incumbent president in that battle won. What happens now?

(COMMERCIAL BREAK)

CAVUTO: Man, oh, man, was this like the quickest presidential election year from the start in Iowa, and even though all the contests leading up to that and the drama and the candidates leading up to it?

It's over. It's already finished. We now know it's going to be a rematch and a replay of what it was four years ago, but getting to this point startling. Let's take a look.

(BEGIN VIDEO CLIP)

CAVUTO: Bursting-at-the-seam slate of Republican presidential candidates that's getting darn close to rivaling the size of the 2016 field.

SEN. TIM SCOTT (R-SC): America can do for anyone what she's done for me.

I love "Rocky III."

CAVUTO: All right, here we go.

I pity the fool who thinks otherwise. But, Senator, thank you.

SCOTT: I pity the fool.

CAVUTO: Oh, that's pretty good.

(SINGING)

VIVEK RAMASWAMY (R), FORMER PRESIDENTIAL CANDIDATE: And drive change through the private sector sooner than becoming a number two or a number three in the federal government.

CAVUTO: That's a heartbeat away from the presidency. Are you saying that you would turn it down if offered to you?

RAMASWAMY: I am.

FMR. GOV. CHRIS CHRISTIE (R-NJ): I have had enough already tonight of a guy who sounds like ChatGPT.

RAMASWAMY: Your claim that Donald Trump is motivated by vengeance and grievance would be a lot more credible if your entire campaign were not based on vengeance and grievance against one man.

(CHEERING AND APPLAUSE)

CAVUTO: Do you regret the fact that Donald Trump wasn't there and that this was an opportunity lost?

CHRISTIE: I don't regret it for me. I regret it for the voters of our party. He's giving Joe Biden every excuse to not show up for debates in November.

CROWD: We want Trump! We want Trump!

CAVUTO: Here we are in Iowa, and I got to tell you it is incredibly cold here. In the history of them doing these caucuses, it has never been colder.

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES (R) AND CURRENT U.S. PRESIDENTIAL CANDIDATE: You must all caucus tomorrow, the very first step, the very first step. We have got to do it. We have got to do it.

(APPLAUSE)

TRUMP: You can't sit home.

UNIDENTIFIED MALE: Iowans love Donald Trump, so I'd imagine he will do fine here.

CAVUTO: How do you feel?

FMR. GOV. NIKKI HALEY (R-SC): I mean, we're so excited. This -- it's go time. This is what we have been waiting for. Do you think we have to be worried today?

AUDIENCE: No!

CAVUTO: I'm not worried.

I think I know who you like.

UNIDENTIFIED MALE: Yes.

CAVUTO: Why Nikki?

UNIDENTIFIED MALE: I feel like her message is more positive. I love her energy. I believe she's a natural leader.

GOV. RON DESANTIS (R-FL): If people are willing to come out and hear from me, I'm going to show up all the way until the end of this caucus.

We're facing challenging circumstances, but you got to play the hand your dealt and you got to do what you can do to be able to amass support.

CAVUTO: Many who were saying you're a young man. You could wait it out, wait until '28. What do you think, in retrospect?

DESANTIS: I didn't run to be somebody. I ran to do something. 2024 is a time for choosing for this country.

AUDIENCE: Ron! Ron! Ron!

CAVUTO: The one thing you quickly discover about New Hampshire voters is, they don't want to have polls decide or telegraph what they will do.

Preference for a candidate yourself? You just want to see a Republican?

UNIDENTIFIED MALE: There's no way I would ever vote for anybody but Trump.

SCOTT: To endorse the next president, Donald Trump!

CAVUTO: Were you surprised, disappointed?

HALEY: Look, I mean, South Carolina is a blood sport, and I have dealt with the old guard and the fellows for a long time.

CAVUTO: It's really the Republican battle that's getting the attention. That's not to say that Democrats aren't running in their own primary, but here's the thing. President Obama Biden isn't even on the ballot.

You have to write him in. Why isn't he on the ballot?

UNIDENTIFIED FEMALE: He's not on the ballot because of a change in the calendar that does not recognize the results of the New Hampshire primary. But we don't care what the DNC says. We're here to support Joe Biden. And we're going to write his name in.

MARIANNE WILLIAMSON (D), PRESIDENTIAL CANDIDATE: It's outrageous, actually, the idea that the DNC feels entitled to just anoint the president.

CAVUTO: He wouldn't be the first incumbent to try to pull that. But what do you think of that? Because you're pushed to the side.

WILLIAMSON: Well, what I think of it is that we're going to see on Tuesday what the voters of New Hampshire have to say.

REP. DEAN PHILLIPS (D-MN), PRESIDENTIAL CANDIDATE: Let's shock the world tomorrow night. Let's do it.

(CHEERING AND APPLAUSE)

CAVUTO: Williamson was here saying the party couldn't ostracize her enough. I don't want to misquote her, Congressman.

PHILLIPS: It's true.

CAVUTO: But it's an apparatus built around the king.

PHILLIPS: It's true. And our country was established to prevent the very coronation that we are seeing expressed right now.

HALEY: The time has now come to suspend my campaign.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: You are going to win this primary for us on Tuesday, and because we're going to win in November.

TRUMP: This one got us over the top. The Republican National Committee has just declared us the official nominee.

(END VIDEO CLIP)

CAVUTO: Hard to believe.

A lot of you are saying, oh, you just sped that up. No, the actual campaign season lasted about 3.5 minutes, like that. It was that fast, that quick.

(LAUGHTER)

CAVUTO: And I'd be remiss if I left out one Robert F. Kennedy Jr. As an independent candidate, he's gathering some steam and talking about taking on the two heavyweights, that is Joe Biden and Donald Trump, even now outlining some of the running mates he's considering.

He will make a decision in a couple of weeks, March 26, among them, the New York Jets' Aaron Rodgers and Jesse Ventura, of course, the former Minnesota governor, eclectic, to put it mildly.

Bob Cusack on all of that, the Hill editor in chief.

Those are some interesting picks. What do you think?

BOB CUSACK, EDITOR IN CHIEF, THE HILL: Well, Neil, I'm a Jets fan. So I'm hoping that Rodgers is the quarterback for the jets, not in the White House.

Listen, I think RFK Jr. has appealed to independents. He's done quite well. And if he can get on enough ballots, I think he can get the 15 percent threshold to get in the debates, if we do have debates.

CAVUTO: Yes.

CUSACK: So he's one to watch. He can certainly probably not win, but tilt it in one direction or the other. Which way? Remains to be seen.

CAVUTO: All right, that was an issue that I'm glad you raised it. It's not a given that we will have debates in the first place. The last time we didn't have presidential debates, I think it was with Richard Nixon in 1972. He passed on that opportunity, as he did four years earlier.

Didn't seem to hurt him. He got reelected regardless and got elected first regardless of that. So what do you make of the importance of debates and who it helps or hurts?

CUSACK: Well, certainly, in debates in ***politics***, the person who's losing the race wants a lot of debates.

Now, Trump has said he's willing to debate Biden any place, anywhere, but he doesn't like the Presidential Commission on Debates. But there has to be a third party who does a negotiation, who sets these things up. So I think we probably will have a debate. It's part of our culture now, but will we have four of them, three presidential and one vice president?

Probably not.

CAVUTO: All right, Robert Kennedy did address this issue of debates, period. Obviously, he's itching to get involved in them. Of course, a lot depends on place and the ballots. Want you to react to this.

(BEGIN VIDEO CLIP)

CAVUTO: Well, what do you think of...

ROBERT F. KENNEDY JR., PRESIDENTIAL CANDIDATE: I think that it's important...

(END VIDEO CLIP)

CAVUTO: All right.

(BEGIN VIDEO CLIP)

KENNEDY: ... 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.

CAVUTO: 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.

Would hope that both of these candidates will debate. We should start talking about the issues that concern Americans.

(END VIDEO CLIP)

CAVUTO: All right. I don't know if there will be debates. I know it's very hard to get a third candidate in there. I mean, Ross Perot was in it with George H.W. Bush when he was going against Bill Clinton.

There's a debate that rages to this day that he took from one or the other. Others say it was equally taking from both. A Bobby Kennedy return, how would that be seen? In other words, if he makes it to the debate stage, how do you think he affects the stage and the race?

CUSACK: Well, listen, I think it would make it a little more interesting to have a three-way, or who knows if there's a -- No Labels has another candidate, and it's a four-way, but you do have to qualify.

So you have got to pass that 15 percent threshold. And what RFK Jr. has to really focus on is getting on ballots. I know you talked to him. I watched your interview of him. He would be wise to go in negotiation with the Libertarian Party...

CAVUTO: Right.

CUSACK: ... because they already have a head start on getting on ballots. It's not the easiest thing in the world to do.

So if you can't get on enough ballots, you can't get in the debates.

CAVUTO: Yes, and you think about it too -- and you know your political history so well -- we always look at the role of H. Ross Perot in 1992, getting 19 percent of the vote. But for my money on this, I think the more compelling case was what George Wallace pulled off in 1968.

I mean, he won all those Southern states, got 45 electoral votes. Many argue his presence in a three-way race took votes away from Hubert Humphrey and Richard Nixon was elected. Now, I'm not sure lightning strikes twice. There are big differences there. But the role of the third-party candidate isn't just that of a spoiler sometimes. He can rack up, as Wallace did, quite a few electoral votes.

CUSACK: Yes, that's right, Neil.

And, listen, as far as if you're going to bet on an independent or a third party, you usually lose. But if there was any year that a third party could really catch fire, it's this year...

CAVUTO: Yes.

CUSACK: ... because seven out of 10 people don't really like this sequel and they're looking for another alternative.

But that alternative has to be legitimate and be able to get on enough ballots, because people want to back a winner. They don't -- some people want to just do a protest vote, but people usually want to vote on somebody who has a chance to win.

CAVUTO: Got it.

Bob, great catching up with you.

We will see what happens. We will also get details in a couple of weeks of who Robert F. Kennedy Jr. chooses as his running mate. If Aaron Rodgers goes, I'm not a Jets fan one way or the other, so it doesn't matter. But I will keep you posted on that.

(LAUGHTER)

CUSACK: Thank you, Neil.

(LAUGHTER)

CAVUTO: In the meantime, we have Ken Langone coming up with us on Friday. And he speaks his mind.

The Home Depot co-founder, billionaire had some very choice words to say about Donald Trump. But now that his candidate, Nikki Haley, didn't make it to the finish line, where's he going and who's he looking to this go-round? He's pretty blunt, pretty clear. He doesn't take any prisoners when it comes to sorting out the political landscape. You should hear what he talks about now with the business landscape, but my special guest on Friday.

In the meantime, wouldn't you know my buddy Edward Lawrence, boy, when he gets a big one, he gets a big one in his own right, the Treasury secretary of the United States. And she decided, I'm going to talk to this guy Edward Lawrence. I respect him. And she necessarily had to bring up, I guess, some shifting views in the White House about inflation and the economy itself.

Edward, what did you learn?

EDWARD LAWRENCE, FOX BUSINESS CORRESPONDENT: Yes, I'm here in Elizabethtown, Kentucky.

I did ask the Treasury secretary, why not cut some spending while raising taxes in order to balance the budget going forward? You're going to want to hear her answer coming up.

(COMMERCIAL BREAK)

CAVUTO: Jeh Johnson, who was Barack Obama's homeland security secretary, isn't just worried about the number of got-aways, but exactly who is getting away, some dangerous types -- after this.

(COMMERCIAL BREAK)

CAVUTO: You are not imagining it. Some of the president's top people are flanking and going all over the country to get the word out that things are turning around and the trend is our friend as the American people, and we will benefit from all of that improvement, and sooner than you think.

Our own Edward Lawrence caught up with the Treasury secretary of the United States, Janet Yellen, who was reflecting much the same theme -- Edward.

LAWRENCE: Yes.

Yes. And the Treasury secretary, Janet Yellen, saying that inflation will come down this year. She does not think that stagflation will take hold, mainly because of rent prices and the lag that's in rent. She says, when new rent leases are signed, that will then drag inflation down.

Now, delinquencies and credit cards and autos have moved up slightly. The Treasury secretary says that is from historically low levels though.

(BEGIN VIDEO CLIP)

JANET YELLEN, U.S. TREASURY SECRETARY: I see that as a normalization, rather than disturbing new trend.

LAWRENCE: But it does seem like prices are higher than when President Biden came into office. What do you say to the family that's having to use their credit card to pay for food or possibly could lose their home because of debt that they have accumulated with the higher prices?

YELLEN: Well, I think the single most important metric to judge how households are doing is their spending power.

(END VIDEO CLIP)

LAWRENCE: And more people are spending, racking up $1.13 trillion in credit card debt. That is a record in this.

The federal government is also racking up some debt related to this; $34 trillion is the national debt. So I asked the secretary about the president's proposal in spending $7.3 trillion for fiscal year 2025. Listen.

(BEGIN VIDEO CLIP)

LAWRENCE: But even if you add up all the deficit -- deficits from now through 2034, it's $18 trillion. Add that to $34.5 trillion we already have. You're looking at $53 trillion for the debt.

Why not do a balanced budget now? Why not cut something in order to get there?

YELLEN: Well, the president's budget cuts deficits by $3 trillion over the next decade relative to the baseline.

And we do have a growing economy. What the president's budget does is stabilize the ratio of debt to GDP or debt relative to the economy.

(END VIDEO CLIP)

LAWRENCE: And she says, even with the higher interest rates, this debt we have now and that we could have until 2034 under the president's proposed budget, it's manageable -- Neil.

CAVUTO: Yes, remarkable, looking back at the interview, that she's obviously stepped back from the idea that inflation was transitory. It obviously wasn't, isn't.

LAWRENCE: Yes.

CAVUTO: But now they're trying to go full steam, full port, things are going up and things are looking better, right?

LAWRENCE: And they're taking a time frame look at this.

So she picked -- for me, when I talked about wages, for example...

CAVUTO: Right.

LAWRENCE: ... she's picked a time in March of 2019 and compared average hourly wages to where they are now. But if you look at the day President Biden came into office to where they are now, wages are down 2.5 percent.

Again, they're looking at the time frame. When they look at inflation, they look at 2022 and peak levels in June, and they're down from now. But that's not when President Biden got into office. He got into office in January of 2021.

So, again, if you pick the time frame, you can make the numbers look good. And that's what they're doing. They're picking the time frame, saying, from that point, things are getting better, which is true.

CAVUTO: And, obviously, she avoids talking about the Federal Reserve, of course, but the real big improvement in inflation, what we have seen of it, owes more to the Federal Reserve aggressively hiking rates to at least slow that down.

LAWRENCE: Yes.

CAVUTO: Your thoughts?

LAWRENCE: Yes, exactly.

And that's what -- the Federal Reserve did their job. And, actually, government spending was a headwind for the Federal Reserve, meaning that the Federal Reserve was pushing back against all the government spending that's happening. And that showed up in several of the Fed minutes. That's the notes they take from the meetings that they do over the course of the last two years.

So, as the government is spending more, the Federal Reserve is trying to keep that, damp that -- dampen that down, because when you have more spending, you have more money out there, things get bought up, supply and demand. If there's less of something, it costs more. And that's been inflation. That's been the problem.

CAVUTO: You said it there. It was a stunningly revealing interview there.

Great job, as always, my friend.

Edward Lawrence following that in Kentucky.

In the meantime, following perhaps a bigger problem, at least the nation's number one concern among voters right now, no matter where you go, and that's what's happening at the border. But for Barack Obama's homeland security secretary, it's more about who is getting through at that border, not the sheer number of got-aways, but the worrisome individuals among those got-aways.

What we're learning and what he's fearing -- next.

(COMMERCIAL BREAK)

CAVUTO: All right, welcome back, everybody.

We know there have been problems at the border, and the sheer surge and just the numbers are staggering. But what we learned this week from top security officials, and including the head of the FBI, CIA, and others, is that some dangerous folks are getting through and that the next terror attack on this country just could come from these individuals who are making it through these very porous open borders, as they remain.

Jeh Johnson is with us. You remember him, of course. Calls it as he sees them, Barack Obama's homeland security secretary kind enough to join us.

Secretary, good to see you again.

JEH JOHNSON, FORMER U.S. SECRETARY OF HOMELAND SECURITY: Nice to see you, Neil. Thanks for having me back.

CAVUTO: Let's talk a little bit about where things stand now.

These security officials, to a man and woman, said essentially the same thing. We got trouble. We have got nefarious elements who might be getting through, who probably are getting through. To what end?

JOHNSON: First of all, got-aways is a great unknown. By definition, you can't know who got away from the Border Patrol, from customs officials.

The best we can do is an educated estimate. When I was in office, we were very focused on what I would refer to as special interest aliens, someone who crosses our southern border from the other hemisphere. And we have made great strides in detecting someone who is making their way from, say, the Middle East or the Far East, enters this hemisphere through South America and begins working their way up north.

And while I was in office, there were some real success stories in detecting and stopping someone coming from the Middle East trying to make their way up to South America, through Mexico to our southern border.

The numbers are much larger now. And so, certainly, this is an area of concern. It's an area of security concern.

CAVUTO: But you and Barack Obama were very concerned about it back in the day. I get the impression this president either isn't or only lately aware of the degree of the problem. And I'm not sure why.

I understand criticizing the failure of the bipartisan border measure, the failure of that. For a lot of people, that does ring true. But almost immediately, when he became president, he nixed almost everything Donald Trump was doing.

Now, for whatever the reason, the end result is an impression of the president who didn't want to address and really didn't care about what was happening at the border. What do you think?

JOHNSON: The border is a top-line political issue right now.

What...

CAVUTO: Well, why didn't he very early on just get ahead of it?

JOHNSON: Well, the same security officials who were sounding this alarm also worked for him. And so I'm sure this is a concern of his.

I will say...

CAVUTO: Do you really think so? It might be now, sir, but you get the impression that he had to be kicking and screaming, A, to go to the border and, B, to do something about it.

JOHNSON: Neil, the answer -- I will answer it this way.

The problem is way bigger now than it was 10 years ago, when I was in office. The problem actually got a lot bigger while Donald Trump was in office. In the year 2019, when Trump was president, there were one million apprehensions on our southern border. So, there's something much larger at work now than no matter...

CAVUTO: Well, now it's that on steroids.

JOHNSON: Well, yes.

No matter who the president is...

CAVUTO: Yes.

JOHNSON: ... there's a hemispheric shift northward because of drought, famine, corruption, crime, violence, et cetera, et cetera, et cetera.

And what frustrates me about this debate, sitting in the comfort of my office three blocks up on Sixth Avenue -- it's always easier to analyze these problems when you're out of office -- is a solution is at hand. There is a hard-negotiated bipartisan bill negotiated by Jim Lankford, Chris Murphy, Kyrsten Sinema to solve this problem.

The frustrating thing about the immigration system, our broken immigration system, there are solutions, Neil, but they are politically unobtainable because this is such a politically volatile issue.

CAVUTO: Well, those who voted against the measures, some said it was Donald Trump because he said, don't do this, it's a political issue, whatever.

But there are others who say, well, there are enough holes in that deal, that it would still allow a good number.

JOHNSON: I actually -- having been the person who owned this problem for three years, I beg to differ.

CAVUTO: Yes.

JOHNSON: No bill is perfect, but this bill...

(CROSSTALK)

CAVUTO: ... this was better than nothing, right?

JOHNSON: This bill is the strongest, most pro-border security bill that has been negotiated in decades.

CAVUTO: So, the ones who didn't like it, Secretary, were the ones who said, well, it's still allowed for thousands to still get through day in and day out.

JOHNSON: Well, let's not be the perfect the enemy of the good. And...

CAVUTO: Very good point, very good point.

So, that is what Joe Biden is hanging his hat on, and in his State of the Union address, that is the way he sort of -- he's framed it as Republicans' fault.

Now, this late, like, interest in this bipartisan security measure, which is -- to your point, it's something, and there was bipartisan support. Do you think that that's an excuse on his part, that, if he was so concerned about it, he could have addressed this on his own with a number of measures or either seal the border...

JOHNSON: No. Well, there's a limited amount...

CAVUTO: ... to do a lot of the things that you...

(CROSSTALK)

JOHNSON: There's a limited amount you can do by executive action.

The executive branch on its own can't print money to produce more resources.

CAVUTO: But he took an executive action to stop the border wall.

JOHNSON: Well, hold on.

CAVUTO: What do you think of that?

JOHNSON: I know, from personal experience, there's a limited amount you can do in the immigration space through executive action.

CAVUTO: I know, but that, I'm telling you -- I gave you one example there where he did by executive action stop the border wall. You're quite right. There are some people who say, well, that wasn't the solution, but it was a means by which we can stop the sieve of people, right?

JOHNSON: Well, hold on.

I would support stopping building a wall simply for the sake of building a wall. There is smart border security. There are places where a wall makes sense and there are places where a wall does not.

CAVUTO: But do you think that sent a signal that we were open for business? Come on to America. Come on.

JOHNSON: I would agree that it is important that we send the right message to Central America, but, Neil, I keep coming back to this.

The bill that was negotiated would create a Title 42-like emergency authority to send people back more quickly. It would raise the bar for how you qualify for asylum in this country, which is a huge magnet in our system.

CAVUTO: It was something. It was something.

JOHNSON: It was more than something.

CAVUTO: Yes.

JOHNSON: It was a good bill. It was a strong bill. And it is dying on the vine.

CAVUTO: Do you blame Donald Trump for that?

(CROSSTALK)

JOHNSON: I'm not interested in blaming this politician or that politician.

As an American citizen, I'm interested in solving the problem. And there are some senators who sat down...

CAVUTO: Well, Joe Biden blames Donald Trump for this.

JOHNSON: But, again...

CAVUTO: You don't?

JOHNSON: ... I'm not interested in Trump versus Biden, who's to blame.

CAVUTO: I understand.

JOHNSON: Here is the solution. Constituents, Americans concerned about border security should be writing their representatives in Washington, phoning their representatives in Washington, saying, hey, there's a solution to this problem. Vote for this solution. Let's deal with the problem. Let's stop complaining about the issue and bickering about it.

CAVUTO: So let me ask you.

Barring that -- it doesn't look likely -- and you had a chance to come back to Washington and try to deal with this yourself, what would be the first thing you would do?

JOHNSON: First thing I would do is go to Republicans and Democrats and say, help me to help you to help your constituents solve this problem.

It is a huge problem right now. The numbers are unprecedented over a period of decades. And if we're genuinely interested in solving the problem, work with me to do that. There are solutions. There is a fix. It's in my right pocket right here.

(LAUGHTER)

JOHNSON: So let's vote this bill.

CAVUTO: All right, Secretary, great seeing you.

I didn't know you were so close. You're right here, right across the street from us.

JOHNSON: Right up there, at 1285 Sixth...

CAVUTO: But booking you is like booking Elvis. We have a great deal of...

(CROSSTALK)

JOHNSON: Invite me more.

CAVUTO: I will. All right, I will keep trying.

Secretary, thank you very much.

JOHNSON: Thank you.

CAVUTO: Jeh Johnson, Barack Obama's homeland security secretary.

JOHNSON: Thank you.

CAVUTO: In the meantime, updating you on that stunning decision by a judge to take away 16 of the indictment charges against Donald Trump -- six, I should say -- 41, he did not do that with.

More after this.

(COMMERCIAL BREAK)

CAVUTO: All right, we're learning a lot more about that Boeing scare where some passengers were hitting the roof of the plane, quite literally.

Dan Springer has more from Seattle -- Dan.

DAN SPRINGER, FOX NEWS CORRESPONDENT: Yes, Neil, it's been a very rough couple of months for Boeing, and especially bad the last week.

LATAM Airlines now says that its flight to New Zealand that led to 50 people getting injured when the plane suddenly dropped was a -- quote -- "technical event" and one the passengers -- one of the passengers said it happened. A pilot came back to the cabin and said that his instrument panel went black for a second or two.

It's leading to speculation that the Boeing 787 Dreamliner may have temporarily lost power. Boeing would not confirm that, saying only that it will support the investigation.

On Monday, a United Airlines flight headed to San Francisco had to return to Sydney about an hour into the flight for a maintenance issue. One passenger said he saw the landing gear smoking when it was back on the ground. The plane was a Boeing 777. A couple of days earlier, another Boeing 777 was leaving San Francisco for Japan when a wheel fell off right after takeoff.

The wheel crushed several cars parked near the airport. The plane quickly turned around and landed safely, but it is also being investigated, all this as Boeing continues to see more fallout from the January incident where a door plug blew off the 737 MAX 9 after it left Portland. The FAA completed an audit and found dozens of failures on the part of Boeing and its contractor that makes the 737 fuselage.

Boeing's stock has taken a beating, down 18 percent the last five days, down 69 percent for the year to date. So they have got a lot of damage control and a lot of ground to make up as they have these things pile on top of each other -- Neil.

CAVUTO: Like you say, they just keep on happening. Dan, thank you for that.

Dan Springer.

Mark Murphy now, travel expert on what you do.

I apologize here. We are going to come back and discuss some other big issues in the news today, including what happened with Donald Trump in Atlanta, the judge there. He's facing, what was about a 37-count -- 47- count indictment, but six of those counts taken away. The impact on the case and what happens to Fani Willis -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, we were waiting to hear in Atlanta from Judge Scott McAfee concerning the fate of prosecutor Fani Willis. We did hear from him today, but not regarding her, more regarding the fact that he's dropping six of the counts against Donald Trump in that Georgia election case; 41 of the counts remain.

Andy McCarthy on the significance of this -- Andy.

ANDY MCCARTHY, FOX NEWS CONTRIBUTOR: Neil, I don't think it's all that significant. I wish the judge was throwing those counts out for the right reason, which is that Fani Willis is trying to criminalize petitioning the government, which we all have a constitutional right to do.

What the judge has basically said is that the indictment doesn't describe these six charges with enough sufficiency that you can show how the oath that it's claimed that the Trump people were asking these state officials to violate -- they need to specify more how that oath connects to their constitutional responsibilities.

CAVUTO: So, by doing this, some people leapt at that and said, well, he might be keeping Fani Willis. He might not be throwing her off. And some have kind of conjoined the two. Is that wise?

MCCARTHY: No, I don't think so.

The nine-page decision by Judge McAfee today did not even allude to the Fani Willis situation, and that ruling would be the same ruling regardless of who was running the case.

CAVUTO: So if you're dropping the six counts, you're keeping 41 others, then whether Fani Willis is there or not, anyone who is thinking in the back of their minds maybe he's getting rid of all the prosecutors, maybe he's dropping this entire case, that is not in -- that is not this, right?

MCCARTHY: No, there's two tracks going on, Neil.

On the one hand, there's the disqualification litigation, and then there's all the pretrial motions that have been filed by all the different defendants attacking this and that element of the case. So we're seeing kind of both going on at the same time.

CAVUTO: So, again, the original 41 that we were looking at, and the 35 I guess we're down to now, and I will get my math backwards here...

MCCARTHY: Right.

CAVUTO: ... but these six that went away, were they the more serious or how would you describe them?

MCCARTHY: I'd say that they are -- the most serious is obviously the RICO, because this is a RICO case, and that's the biggest penalty.

CAVUTO: Right.

MCCARTHY: These are significant felony counts, not overly significant, and I expect them to reappear.

What the judge said in his decision was that they can go back and supersede the indictment, refile it with a more elaborate explanation along the lines of what the judge said was deficient in his ruling.

CAVUTO: So how does this affect the timeline of things, or the timeline of this case? Does this action today do anything more to add to the notion it's going to be delayed?

MCCARTHY: Yes, if anything -- anything that happens that would induce a prosecutor to have to go back to the grand jury and supersede the indictment is obviously going to entail delay.

It's hard to gauge in this case how much delay because we don't even have a trial date here.

CAVUTO: So let's step back from this and all the cases. There are quite a few we're following, obviously, the documents case and all of that, many of which could see themselves being pushed off here, others that might get squeezed in before the election.

If you were a betting man, would any of them get decided before the election or even adjudicated?

MCCARTHY: Yes, the Alvin Bragg case in Manhattan is scheduled to go on March 25. I think that's actually going to happen. That's a six-week trial.

And Jack Smith has indicated that he's pushing to try even the Washington case, the January 6 case, even if it was September by the time the Supreme Court stuff all got sorted out on immunity and obstruction, he'd go forward with that.

CAVUTO: I can't keep up with this. I'm glad you can. Andy McCarthy, always good seeing you, my friend.

That will do it here.

Let's go to "The Five."

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