

# [***Royal Photo Confusion; Interview With Rep. Ro Khanna (D-CA); Fani Willis Decision Expected This Week; Dozens Hurt in Boeing Jet Incident; Interview With Former Israeli Prime Minister Naftali Bennett; Rift Growing Between Biden and Netanyahu?; Interview With Rep. Michael McCaul (R-TX); Border Threats***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BHX-DY51-F072-X000-00000-00&context=1516831)

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**Body**

(BEGIN VIDEO CLIP)

CHRISTOPHER WRAY, FBI DIRECTOR: From an FBI perspective, we are seeing a wide array of very dangerous threats that emanate from the border.

There is a particular network that has -- where some of the overseas facilitators of the smuggling network have ISIS ties that we're very concerned about, and that we have been spending enormous amount of effort with our partners investigating.

(END VIDEO CLIP)

NEIL CAVUTO, FOX NEWS ANCHOR: Very scary stuff from the FBI director today, not only worrying about the numbers, the sheer masses who are now penetrating our border, but just who they are, dangerous types, and working with cartels to slickly get into this country, and then, well, God knows what.

Welcome, everybody. I'm Neil Cavuto, and this is "Your World" on top of these fast-moving developments concerning not only who's getting through, as I say, but how many are dangerous and already here.

Let's get the latest on how the White House is responding to all of this.

Jacqui Heinrich can do that.

Hey, Jacqui.

JACQUI HEINRICH, FOX NEWS CORRESPONDENT: Hey, Neil, good afternoon.

Now, remember, President Biden, his 2024 budget is still being worked on by Congress, but the White House has released today the 2025 budget proposal, and there are several pieces in there that would increase border security amid all of these threats that we're facing; 2025 outline calls for a $4.7 billion emergency management fund to address migrant surges, plus 1,300 more Border Patrol agents to secure the border.

That is up, by the way, from last year's request for 350 agents. It further proposes a 1,000-agent addition for fentanyl detection, plus 1,600 asylum officers, $849 million in spending for fentanyl detection, and it again ups last year's call for 375 new immigration judge teams.

The White House has been railing against Republicans for standing in the way of the Senate-negotiated border bill that would have addressed a lot of these border concerns, and even using that gridlock to reject criticism over Biden's about-face on whether it was wrong to refer to Laken Riley's alleged killer as a -- quote -- "illegal."

(BEGIN AUDIO CLIP)

OLIVIA DALTON, WHITE HOUSE PRINCIPAL DEPUTY PRESS SECRETARY: The president absolutely did not apologize. There was no apology anywhere in that conversation. He did not apologize. He used a different word. I think what's -- what we should be really clear about is the facts.

(END AUDIO CLIP) HEINRICH: The White House seems to want it both ways, now forcefully saying that regret does not amount to an apology, even though that interview aimed to clean up the president's initial response.

(BEGIN VIDEO CLIP)

QUESTION: Do you regret using the word illegal to describe immigrants last night, sir?

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Well, not -- I don't regret -- technically, not supposed to be here.

An undocumented person. I shouldn't have used illegal. I should have -- it's undocumented. And, look, when I spoke about the difference between Trump and me...

JONATHAN CAPEHART, MSNBC HOST: So, you regret using that word?

BIDEN: Yes.

(END VIDEO CLIP)

HEINRICH: The president has not expressed regret or apologized for policies that allowed Laken Riley's alleged killer to roam the country after entering illegally even after tangling with law enforcement on two separate occasions.

The administration does blame Republicans, though, for saying that they're playing ***politics*** with Laken Riley's death while they're blocking this border bill, Neil.

CAVUTO: All right, Jacqui, thank you very much for that.

Jacqui Heinrich on all of that.

Let's go to Bill Melugin. He's in West Palm Beach. Of course, former President Trump has been making this a singular issue and it is resonating all over the country -- Bill.

BILL MELUGIN, FOX NEWS CORRESPONDENT: Yes, Neil, it is.

Look, Laken Riley's murder has put a huge spotlight on the ongoing controversy of mass catch-and-release of illegal immigrants taking place at our southern border, President Biden very underwater in all the polls regarding his handling of immigration.

And former President Trump is promising, if he's elected for a second term, he says he's going to clean it all up.

(BEGIN VIDEO CLIP)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES (R) AND CURRENT U.S. PRESIDENTIAL CANDIDATE: One day one of my new administration, I will terminate every open border policy of the Biden administration and we will use every tool at our disposal to rid our country of the monsters who Joe Biden set loose to threaten and kill innocent Americans.

(CHEERING AND APPLAUSE)

(END VIDEO CLIP)

MELUGIN: Now, before a campaign rally in Georgia over the weekend, former President Trump actually met with Laken Riley's family backstage.

This is after Riley's mom called Biden -- quote -- "pathetic" for botching her daughter's name during his State of the Union address. But some Democrats are saying that Trump and Republicans are just playing ***politics*** with her death, trying to capitalize off of it, and they don't want actual solutions at the border.

Take a listen.

(BEGIN VIDEO CLIP)

PHILIPPE REINES, FORMER CLINTON ADVISER: If I were talking to Donald Trump right now, I would say, sir, why did you tell the members of the House of your own party to not vote for the most comprehensive security bill on immigration in decades?

It makes absolutely no sense.

(END VIDEO CLIP)

MELUGIN: Now former President Trump and current President Joe Biden no longer have any real serious competition in their respective presidential races anymore, both of them can potentially net enough delegates in the next round of voting contests tomorrow in order to clinch their party's respective nominations.

But let's face it. This general election has already been under way and they are still competing with their eyes set for November.

Back out here live here in Florida, no official campaign events for Donald Trump either today or tomorrow. We will be keeping an eye on that.

We will send it back to you.

CAVUTO: Bill, thank you very much for that.

Bill Melugin in Florida.

Let's go to Michael McCaul right now, the Texas Republican congressman, House Homeland Security Committee, House Foreign Affairs committee chairman, busy guy.

Chairman, always good to have you.

REP. MICHAEL MCCAUL (R-TX): Thank you.

CAVUTO: The president has gone back and forth on illegal, undocumented or he shouldn't be here. I think he got the cusp of it when he said that, you shouldn't be here and you are here, which is essentially what illegal is.

Does it matter to you how it's described?

MCCAUL: I mean, it's really semantics, but the idea he has to apologize for calling it what it is. This killer of Laken Riley was in the country illegally.

And that's the whole point here. And this is not one isolated event. When you have 200,000 people dying to fentanyl overdoses, to the terror threat coming in the United States, but also the eight million encounters, and you're going to see more and more killings, more and more deaths to fentanyl and more terror threats as this policy is just totally out of control.

CAVUTO: Now, in the meantime, in the president's latest budget, he's committed $4.7 billion as part of an emergency fund to address these surges.

What do you think of that?

MCCAUL: You know, I think the Democrats' response is always to throw more money at the problem.

But the problem is, he stopped the policies that were working. The president already has executive powers and congressional authorities that we have passed in the Congress to go back to the policies that were working, primarily remain-in-Mexico.

I marked that up out of my bill, even though, Neil, it's a 30-year-old statue, ending catch-and-release, finishing and completing the border wall. All these things can be done immediately by the president, maybe putting a moratorium on new people coming in to get this thing under control, but he refuses to take any action.

Rather, I think, he wants cover from the Congress, because the last thing he wants to do is admit that the prior administration, President Trump, was right.

CAVUTO: So when he talks about this bipartisan measure that he blames on former President Trump for torpedoing, that a lot of your colleagues were afraid to challenge Donald Trump on this so they folded, that's the way he's presenting it, how do you see it?

MCCAUL: You know, I don't think anybody folded. We did pass H.R.2, by the way, Neil, which the Senate refuses to take up.

(CROSSTALK)

CAVUTO: But you know no Democrats supported that in the House, if I remember.

MCCAUL: And that's very true.

CAVUTO: So that was the problem, right?

MCCAUL: And I was told by Schumer that all border-related stuff is dead now in the Senate. So I don't know.

But all I know is this. I chaired Homeland for three terms. I was a federal prosecutor down at the border. The authorities are there. The president could take action today, but he refuses to do so. We can continue to pass these bills. We can throw more money at the problem.

But the real problem are these asylum -- the policies of political asylum and reforming those, so the magnet, the pull factor for the cartels is shut off. In that prior report, it was alarming to me to think there could be a nexus between ISIS and the smugglers making money.

Now, is this financial terror operations, or could they be operational, that is, actually getting in the country to conduct terror plots in the United States? That always concerns me, given my background.

CAVUTO: I'm just wondering, as you step back and look at this, and now the concern that some nefarious elements have gotten through that border might already be here, the way the FBI director outlined it, they could be well along to being here and planning something.

MCCAUL: And I try to be very careful when I talk about this threat. I don't want to exaggerate. I don't want to overplay it.

But when the FBI director, who I know very well, is stating that all the red alarms are going off right now, that's a pretty serious message from our FBI director. I personally believe he's telling the truth.

I think Hamas has gotten into this country. I think ISIS- and al-Qaida- related groups are a threat at the border. And you have 300 on the terror watch we apprehended. We don't even know how many got into this country. All we know is, we apprehended 300. That number, when I chaired Homeland back in the day with ISIS and the caliphate, would have been an alarming number to pay attention to.

CAVUTO: Absolutely.

Chairman, thank you for taking the time. Always good seeing you, sir, even under these circumstances.

MCCAUL: Thank you, Neil.

CAVUTO: Chairman McCaul on all of that.

In the meantime, we're going to be talking to Robert F. Kennedy Jr. About all of this. Right now, a lot of people wonder what's No Labels going to do? Are they going to be involved in and submit a candidate, a Republican, a Democrat, to take on a repeat election of what was the last election?

Robert F. Kennedy Jr. here to say, you know I am here and I am that independent alternative.

My special guest tomorrow on "Your World."

In the meantime, the growing threat that we are seeing right now in Israel. Now, to hear Benjamin Netanyahu tell it, he has to go further and be more aggressive. To hear the president of the United States tell it, you're overdoing it. These two have come to loggerheads -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, to say that the bloom is off the rose regarding the relationship of President Biden with Benjamin Netanyahu of Israel, that might be assuming it was ever a rose or blooming to begin with.

Trey Yingst now has the latest on the back-and-forth and what's at stake in Tel Aviv.

Hey, Trey.

TREY YINGST, FOX NEWS FOREIGN CORRESPONDENT: Hey, Neil. Good afternoon.

I do want to start with some breaking news here. FOX News has confirmed this hour that Israeli security forces just intercepted a man who was traveling from the West Bank toward Tel Aviv. He had with him a suicide bomb and a weapon, likely planning to carry out an attack tonight.

Israeli security forces say he was eliminated. All of this comes as the war rages on inside Gaza, and there is growing tension between President Biden and Israeli Prime Minister Benjamin Netanyahu over what the next steps in the war should be.

We do know there are continued humanitarian concerns for the Palestinian people, this specific issue causing a rift between the two leaders, with Biden saying in an interview over the weekend that Netanyahu is actually hurting Israel more than helping.

This morning on "FOX & Friends," Netanyahu responded to Biden's new comments, saying this:

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER: Look, we have our agreements on the basic goals, but we also have disagreements on how to achieve them. Ultimately, it's Israel that has to decide. Our neck is on the line. Our people were murdered. Our women were raped and beheaded.

Well, I'm telling you that we're not getting off the gas. I'm telling you that we have to take care of Israel's security in our future.

(END VIDEO CLIP)

YINGST: Inside Gaza, Israeli troops are conducting daily raids in different areas of the strip, supported by their air force and artillery units along the border.

Reports indicate the number three in Hamas, Marwan Issa, was targeted over the weekend in a strike in Central Gaza. It's unclear if he was killed. Further south, in the city of Rafah, Palestinians gathered supplies over the weekend for Ramadan. The first day of fasting was today.

Now, the region is looking toward Friday. Traditionally, there have been clashes taking place at the Al-Aqsa Mosque compound in Jerusalem, the third holiest site in Islam. And there are concerns that, if any clashes happen this year, it could spark a broader conflict in the region -- Neil.

CAVUTO: Trey Yingst, thank you for all of that. Be safe, my friend.

Trey Yingst in Tel Aviv with us now.

With us now, I'm honored by the presence of Naftali Bennett. He is the former prime minister of Israel.

Prime Minister, very good to have you.

NAFTALI BENNETT, FORMER ISRAELI PRIME MINISTER: Thanks for having me.

CAVUTO: This taking down of someone who obviously was planning a terror attack in your country is just the latest. I mean, we have seen it again and again.

BENNETT: Yes.

We're surrounded by thousands, tens of thousands and sometimes even millions of people who want to annihilate Israel. And this is our neighborhood. I wish we had a different neighborhood. I wish we were -- our neighbors were in New Jersey and perhaps, I don't know, Connecticut.

(LAUGHTER)

BENNETT: But, in fact, our neighbors are Syria, Hezbollah, Islamic Jihad, Hamas, ISIS. This is the neighborhood we're in, and we have got to be strong and tough, and we got to beat them.

CAVUTO: But it's bigger than the neighborhood, right? It's the world P.R.

You and I were talking during the break here about this, the impression that Israel is going too far in its response. I don't know if you -- you're a busy guy -- if you saw the Oscars last night, but Jonathan Glazer, he is an Oscar-winning director, went out of his way to talk about your government. This is from last night.

(BEGIN VIDEO CLIP)

JONATHAN GLAZER, DIRECTOR, "THE ZONE OF INTEREST": Right now, we stand here as men who refute their Jewishness and the Holocaust being hijacked by an occupation which has led to conflict for so many innocent people, whether the victims of October...

(CHEERING AND APPLAUSE)

GLAZER: ... whether the victims of October the 7th in Israel or the ongoing attack on Gaza.

(END VIDEO CLIP)

CAVUTO: He got a pretty uproarious round of applause for that.

BENNETT: Shame on them. What a coward, and how easy it is to sit somewhere in L.A. and tell Israel that we're on the bad.

What occupation is he talking about? Who was occupying Gaza? Gaza was occupied by the Palestinians. They govern Gaza. They have been governing Gaza for 17 years since we came out of there. What's he talking about, for heaven's sake?

CAVUTO: Well, I think what he's talking about is, was your response disproportionate? You have heard that again and again that, after the October 7th attack -- that's how it all started.

BENNETT: Was it disproportionate? Was it disproportionate?

CAVUTO: But do you -- how do you answer that?

BENNETT: Take World War II. Japan bombed Pearl Harbor; 2,406 Americans died in that attack. And then America went on for four years to defeat Japan, killed three million Japanese, including one million civilians, because they were eradicating an evil regime.

And there was no choice. Three million. We're talking about five months in, and we have killed 13,000 terrorists, and the lowest collateral damage ratio in history. We could have gotten this whole war done in a couple of days if we didn't go bend over backward to reduce the...

(CROSSTALK)

CAVUTO: Well, do you President Biden...

BENNETT: So, what are they talking about?

CAVUTO: ... Prime Minister, is holding you back?

BENNETT: Look, President Biden has been a great friend to Israel.

He flew over after October 7 and showed his compassion and care for Israel, and no doubt he's a big friend to Israel.

Now is the real time, because we knew this was going to take time. Now is the time to stand behind Israel.

CAVUTO: Did you know that he would start reining it in? He's already said that there should be no invasion of the city of Rafah. That's, of course, at the southern border of the Gaza Strip.

But now, of course, Netanyahu comes on to say, wait a minute, this is our war, we have to fight it.

But they -- you have the president of the United States and the United States, providing you a lot of aid, saying, no, no, no, don't do that. I mean, that -- how does Israel deal with that?

BENNETT: Look, we have to get the job done. If we keep quarter of Hamas alive, they're just going to reconstitute themselves and we're going to face this very same massacre a year from now, two years from now.

CAVUTO: But do you really think you're going to eradicate Hamas altogether? There are going to be some elements somewhere all the time.

BENNETT: Well, I beg to differ. You can eradicate terror. Well, you can eradicate enemies. The world eradicated Nazis.

CAVUTO: But there will be Hamas sympathizers, right? Does that worry you?

BENNETT: There are sympathizers -- there are still Nazi sympathizers.

CAVUTO: True.

BENNETT: But there's no Nazi Germany. There may be still some people who support all kinds of terror organizations that don't exist anymore.

Terror can be beaten. We beat terror in 2003 in Judea and Samaria. We're going to win this time also. But we have to get it done.

CAVUTO: So what defines winning, Prime Minister? I mean, you talk about eradicating Hamas. I can understand that goal. But that's virtually impossible, isn't it?

BENNETT: It's not at all impossible. It's highly possible. We're on track to getting it done.

CAVUTO: That every last Hamas entity alive will be dead?

BENNETT: No, you -- you don't have to kill every Hamas, just like we didn't have to kill every single Nazi.

But once we toppled the regime at the end of the day and destroyed the regime and there was total surrender...

CAVUTO: But what does that mean? I'm sorry.

(CROSSTALK)

BENNETT: In this case, what it means -- I will tell you what it means.

CAVUTO: Go ahead.

BENNETT: It means they come out with white flags or -- we either kill them or they come out with white flags surrendering. We're talking about the leadership and the organization of Hamas.

We bring in a new regime, a new group that will be built in from within, coupled with moderate Arab states.

CAVUTO: But Hamas wants a say in that, and all these international negotiations back and forth have Hamas representatives there saying it...

BENNETT: Well, that's why you have to...

CAVUTO: ... the very people that started this on you on October 7.

BENNETT: That's exactly why you have to...

CAVUTO: How can you negotiate with someone you want to eradicate?

BENNETT: Well, right now, we set a very clear goal of total defeat of Hamas. And I really don't see any option we have.

Would you do anything differently if you had a zombie terror state next to you?

CAVUTO: Does that bother you? You and I were just saying this during the break.

Your P.R. sympathy honeymoon, for lack of a better term, Prime Minister, was probably one of the most short-lived we have seen in recent history. Right after that horrific butchery, it seemed a little more than a couple of weeks later the world was saying, go slow, go slow, cool it, cool it, cool it.

BENNETT: Yes, it's very tough. It's very tough for Israelis.

I have got four children in Israel. And we now -- the whole world saw what would happen to Israel if we didn't defend ourselves. We have no choice. I think no other country would be held to a standard of stopping the attack, the counterattack on these terror villains.

After what they did to us, if this was done to America, imagine the equivalent would be, about 36,000 Americans murdered, burnt, raped. What would America do? Probably...

CAVUTO: But what do you say and how do you explain that to Jewish groups and this fellow who won this Oscar last night, who are all Jewish players, who say that Israel has gone too far?

And they also saw October 7, and they're saying, we reach out to the victims of October 7 and all who have been killed since.

Do you reconcile that?

BENNETT: Well, the only way to reconcile or to solve this whole problem -- we recognize that people in Gaza are suffering. It's true.

Those who -- unfortunately, many in Gaza were involved, and Hamas enjoys popular support in Gaza. This is a very unfortunate fact that...

CAVUTO: Even still.

BENNETT: Yes, it does.

CAVUTO: Yes.

BENNETT: Two-thirds of the Palestinians support the massacre, support Hamas. This is a very unsympathetic situation. I wish that weren't the case.

CAVUTO: But that's what I mean by sympathize. You even get rid of all Hamas, you still have those who support them.

BENNETT: But once you defeat Hamas...

CAVUTO: thank

BENNETT: ... the public there will see a new option, a new vision, like postwar-World War II Germany.

And then it'll take a few years, I would say five to seven years, to denazify Gaza, to take out that horrible ideology that brought them to...

CAVUTO: In the meantime, who's in control?

BENNETT: What we would have is a technocratic leadership that is not elected in the medium term, and only later on they would be able to govern themselves.

CAVUTO: Got it.

All right, it's an amazing, ongoing, endless saga.

But, Naftali Bennett, the former prime minister of Israel, thank you...

BENNETT: Thank you.

CAVUTO: ... very much.

We'll have more after this.

(COMMERCIAL BREAK)

CAVUTO: They're all in charge of keeping us safe, and they're all in Washington at this very hour talking about the threat at the border. It's how they outlined it and who they're most worried about, not coming, already here.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

WRAY: The national security ramifications of the issues at the border are better reflected in some ways more by what we don't know about the people who snuck in, provided fake documents or in some other way got in when there wasn't sufficient information available at the time they came in to connect the dots, is almost more significant in our view than the actual number of so-called KSTs, because those people for the most part are stopped, detained and processed appropriately.

(END VIDEO CLIP)

CAVUTO: What the FBI director is saying, of course, beware of those who are already here that we don't know their background, we don't know where they came from, we don't know what they're up to. And that is a little unsettling, to put it mildly.

In the meantime, another big development we're following, yet another Boeing plane with some questionable issues and scary issues, something I had taken up with Pete Buttigieg, the transportation secretary, before this latest incident. Take a look.

(BEGIN VIDEO CLIP)

CAVUTO: Are you disappointed in Boeing?

PETE BUTTIGIEG, U.S. TRANSPORTATION SECRETARY: Definitely concerned about what we have seen. I have communicated that directly to the CEO of Boeing. And I think really the proof is going to be in how they respond.

I think that they need to demonstrate better results and really need to demonstrate that they have achieved a culture that puts safety first.

(END VIDEO CLIP)

CAVUTO: And that was before this latest incident that got a lot of attention during a flight to New Zealand.

The latest on that from Alex Hogan, who joins us now out of London -- Alex.

ALEX HOGAN, FOX NEWS CORRESPONDENT: Hi, Neil.

So, after this terrifying day for passengers on this plane, the Chilean airline LATAM did release a statement saying that it regrets any inconvenience and discomfort caused to passengers on board.

But it is worth noting that still, despite those words, 50 people on board were wounded. It was about halfway through this flight, as you mentioned, that left from Sydney to Auckland. It was flight LA800. There was a technical issue on the 787-9 Dreamliner.

And it suddenly lost altitude, causing people on board who were not buckled to slam into the ceiling of that plane when it plummeted. Well, the airline has not specifically said what exactly caused the drop. But 13 people were taken to the hospital. One person is in serious condition. Others suffered mild and moderate issues and injuries.

But this comes after technical problems on another flight today departing from the same airport. Flight UAL830 left Sydney headed for San Francisco early this morning. But because of a mechanical issue, the Boeing 777 turned back to Australia and landed about two hours later.

Now, all of this is adding a lot of pressure to Boeing amid growing safety concerns. There's now investigations by the Justice Department and National Transportation Safety Board that will look into a blowout of a fuselage section of an Alaska Airlines 737 MAX 9 at the beginning of January.

And U.S. Transportation Secretary Pete Buttigieg says that he expects Boeing to cooperate with those investigations -- Neil.

CAVUTO: All right, Alex, thank you for that.

Alex Hogan.

In the meantime, keeping track of some of the latest developments here with Fani Willis and whether she will survive the week. The judge in that Atlanta case is expected to make a decision by the end of the week on her fate and where she goes, if she goes.

(COMMERCIAL BREAK)

CAVUTO: All right, to hear her biggest critics tell it, Fani should be out on her fanny.

We're talking about the prosecutor Fani Willis right now in that whole big Georgia case, who has now become such a burden and a distraction that the judge might decide by the end of the week to let her go. It could be far bigger than that, maybe drop the whole case. No way of knowing.

Katie Cherkasky joins us right now, the former federal prosecutor, constitutional law attorney.

Katie, first off, the judge could rule on this one way or the other by Friday, right?

KATIE CHERKASKY, FORMER FEDERAL PROSECUTOR: Well, he had said that he was anticipating having his ruling by this week. There was a lot of testimony for him to consider, and he's not on any sort of required timeline, but that was what he had telegraphed.

CAVUTO: So, Katie, if she were to be thrown off the case, wouldn't all the other prosecutors in her office be thrown off the case, essentially, that this might have to be sent to another court?

Could you explain that process?

CHERKASKY: Realistically, in this case, I believe that because Fani Willis' office was so intimately involved in defending her on this case that they would, by extension, be disqualified.

It's not necessarily the case that any other attorneys in a DA's office would be implicated in something that disqualifies the DA under all circumstances. It's just that, in this case, there's been so much intermingling between those attorneys that I believe the judge would find the office in its entirety to be disqualified from proceeding with this action.

CAVUTO: What about the whole case against Donald Trump here, done, finis, we're not doing it anymore?

CHERKASKY: If Fani Willis and her office are disqualified, then the case is gone, at least for the time being. It's possible that another district attorney's office could pick it up.

And the question would be where they would need to begin the case from, whether they would need to seek a new indictment altogether. Certainly, there would be significant litigation and I would anticipate motions to dismiss this case altogether if she's disqualified. But the road ahead is not entirely clear, but it won't be going to trial any time soon. That much is clear.

CAVUTO: I'm wondering if any of these various cases, the seven of them, whatever, get to go to trial before the election? What do you think?

CHERKASKY: It's getting closer and closer to that point.

Now, today, with the New York case coming up in the next few weeks here, the Trump team has attempted to get that pushed. So that one was looking like the most likely to go to trial, scheduled and was ready to proceed from all accounts. But the question still remains whether even that one will be able to proceed.

CAVUTO: All right.

Now, I notice, in the case of E. Jean Carroll, she and her lawyer are raising hackles again that Donald Trump has been mentioning her and the unfairness of this case and all that and that they might just say, all right, that 90-plus-million that you set aside, we might go back for more.

Where do you think that stands now?

CHERKASKY: I think that Trump stands the risk of being sued again for additional defamatory remarks or arguably defamatory remarks that he's made against E. Jean Carroll.

And so, certainly, I think that he is going to have to contend with continued legal action in that case if he continues to make any sort of commentary about her.

CAVUTO: Then that makes you wonder. I mean, obviously, between the money they have to put up there, the money on the separate finance case, you're talking, when all is said and done, over $500 million, right?

And I'm just wondering whether -- forget about whether that's unfair or pile-on, if he were to succeed on appeal, does he get those monies back in both cases? How does that work?

CHERKASKY: Well, the question would be exactly on what ground he would succeed on appeal. And so if the cases were overturned altogether for some legal reason of some sort, then it's potential that he could get everything back.

If the cases were overturned only on some grounds, I think there's a question about whether there would still be some amount of damages that he would be liable for, because one of the issues they're going to raise on appeal is an Eighth Amendment argument that excessive fines shall not be imposed.

And so potentially the amount of fines could be reduced, but not go away altogether.

CAVUTO: And one way or the other, since these are civil matters, pricey civil matters, getting elected president, being back in the White House isn't going to buy him any free pass here, right?

CHERKASKY: Not for cases that have already been adjudicated.

CAVUTO: Right.

CHERKASKY: Obviously, if he is elected and there are still pending federal matters, then those cases would go away. But for anything that's been adjudicated, the appellate process will continue.

CAVUTO: Got it.

All right, thank you very much, Katie Cherkasky, on that.

CHERKASKY: Thank you.

CAVUTO: Getting a refresher and an update on these myriad illegal cases and how they pan out.

In the meantime, in Britain, some of them are calling it Photogate right now. And it involves Kate Middleton, the princess, and growing concerns that there was a picture that was manipulated and she was the one manipulating it. And it's causing a great royal stink.

(COMMERCIAL BREAK)

CAVUTO: All right, it looked like just a beautiful family photo, until folks started taking a closer look at that royal family photo.

Greg Palkot has more from London -- Greg.

GREG PALKOT, FOX NEWS CORRESPONDENT: Hey, Neil.

It is the royal photo seed and talked about around the world, more for what it wasn't and for what it was, the picture showing a beaming Princess Kate, along with her three cheerful kids, said to be taken by husband Prince William and released for the U.K.'s Mother's Day yesterday.

But shortly after it was posted on social media, it was taken down by several news agencies. It was described as being manipulated, or, as we also know it, Photoshopped.

Today, Kate issued a statement admitting she was experimenting with editing, apologizing for any confusion the shared family photograph might have caused. She was seen leaving Windsor Castle with William. The concern about all this is that she's recuperating from abdominal surgery some two months ago.

And while the recovery time was anticipated, her absence from the public eye was beginning to spark rumors. And this comes as King Charles is undergoing treatment for cancer, although his profile has been a bit higher, addressing via video today a service honoring U.K. Commonwealth countries, which Prince William, Queen Camilla and other royal family members attended in person, seemed to be in quite good spirits, appearing to be unruffled by this latest controversy.

Neil, one thing palace sources are saying is that they won't be releasing the undoctored version of the family snap. It may be a good idea for the royals, according to some, to stick to their day job -- back to you.

CAVUTO: But a lot of people were making of the fact there was no ring visible on her finger. The hand did not look like it was connected to the body and all of this.

I mean, who noticed it first before they made such a big to-do out of it?

PALKOT: I think it was the news agencies, Neil.

CAVUTO: I see.

PALKOT: They spotted as many as 14 or 15 items that weren't quite right. Was it Kate just fiddling around, making it a little bit nicer? Was it something more major? That is the question that's unanswered today. That's why it remains discussed about -- back to you.

CAVUTO: And Prince William took the picture of his wife and the kids, right?

PALKOT: Prince William took the picture. And, again, as we said, he was out today and out tonight. He seemed to be unruffled by this. So I think it's keep calm and carry on at Buckingham Palace, as they're so good at doing, Neil.

CAVUTO: Yes. Well, they have bigger worries, I think, than this dust-up. Whatever.

Always good seeing you. Thank you, my friend, Greg Palkot.

PALKOT: Good seeing you, Neil.

CAVUTO: We will give you more of that royal rumble and what to make of it. And it's all anyone is talking about in London right now.

All we're talking about in this country right now is ***politics***. That tends to be front and center. And we even apply it when the president releases his budget and starts raising taxes on the rich, who he says yet again are not paying their fair share. So it got us asking yet again, what is fair share?

After this.

(BEGIN VIDEO CLIP)

BIDEN: Folks, look, I'm a capitalist. If you can make a billion bucks, wonderful. Just pay your fair share, man.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

BIDEN: That's my goal, to cut by $3 trillion by making the wealthy and big corporations finally begin to pay their fair share.

(CHEERING AND APPLAUSE)

BIDEN: Folks, look, I'm a capitalist. If you can make a billion bucks, wonderful. Just pay your fair share, man, not 8.2 percent.

(CHEERING AND APPLAUSE)

BIDEN: If you paid 25 percent, we'd have $500 billion more over the next 10 years to cut the deficit...

(CHEERING AND APPLAUSE)

BIDEN: ... to provide childcare, to do all the things we need to do.

(END VIDEO CLIP)

CAVUTO: All right, the president is making clear in his latest budget here that the rich have to start paying their fair share. That is a moving target.

Of course, the 8 percent figure raises eyebrows, because not everyone's quite sure who he is applying that to. But he does want them to pay more. He wants more corporations to pay more. And that's really what's debated here. There used to be a time, of course, when we looked at what was a fair share back in the 1950s. It was 90 percent as a top income tax rate.

It got down to 70 percent by the time we had the Carter years, got as low as about 28 percent under Ronald Reagan. Now it's hovering at around that 37 percent to 38 percent. But, again, what is fair share?

Ro Khanna joins us right now, the California Democratic congressman.

Congressman, it might be a linguistic game with you, but what do you think? Again, we can apply different math to billionaires. I get that. But what is a fair share someone should fork over to the government?

REP. RO KHANNA (D-CA): Well, look, I represent Silicon Valley. We create $10 trillion of wealth in my district. I'm proud of the entrepreneurs.

But I think someone who's a multimillionaire, billionaire, should pay at least as much percent of their income in tax as a teacher, or a firefighter, or a police officer. I think that's what the president is saying.

CAVUTO: All right, so -- when you're talking about a top rate that -- around the time of Barack Obama in and out of that 39.6 percent, Donald Trump brought it down to a little less than that, is that enough?

KHANNA: Yes, I don't think that's the real issue.

I mean, we have been hovering around 35, 39 percent over the last three decades, and Democrats take it up to 39, Republicans bring it down to 37. I obviously am for what Obama had it at, around 39.

The issue is, though, that people aren't paying that. They're paying -- whether you cite the president's number at 8 percent or it's 10 or 15 percent, they're certainly not paying anywhere near the 39 percent. And they're paying less than people who are on W-2 employees or salaried as janitors or truck drivers or teachers.

CAVUTO: Right.

KHANNA: And that's what drives the anger.

CAVUTO: Where is the creativity? I get the creativity when it comes to finding ways to get more money and raise money.

I never find the impetus to save money, in other words, to address the same sort of resolve to spending that we do to paying for the spending.

KHANNA: Yes, I share it.

I went after companies that were doing single-source contracts with our Pentagon budget. As you know, that's almost a trillion dollars. That's about 55 percent of federal discretionary budget. Why don't we have a more competitive procurement process and not have the jacked-up prices?

"60 Minutes" did a whole report on it. So I'm all for making government spending more efficient.

CAVUTO: I'm all for just being clear, and honestly clear, Congressman. And when I heard the president talking about we take $3 trillion off deficits over the next 10 years, and I'm thinking to myself, wow, that's phenomenal.

Then I look at the details. He's talking about saving that off the growth in deficits anyway. They will still average about $1.7 trillion in red ink per year over the next 10 years. So we are actually adding $15 trillion in debt to our country.

And he's talking about it could be $18 trillion, so I saved you that. It's just weird.

KHANNA: Well, look you know, Neil, that it's been a bipartisan issue that we have had huge debt and deficit.

CAVUTO: Absolutely, on that, you're quite right.

KHANNA: And we need to first figure out where we raise revenue, and that's not popular in Washington. And we need to figure out where we cut spending, including...

CAVUTO: But I think we need to speak English, Congressman, right?

We need the president to say, I'm not really saving you anything. It would be like if I was committing to a diet, and I end up gaining 30 pounds over the course of the decade. But I might have gained 40 pounds, and I say I lost 10 pounds. You and I both know, even though the cameras -- you know -- have met -- it does add -- OK, it doesn't add any weight. It's just me being fat.

But you know what I'm saying, that we make it a twisted argument to justify more spending by saying, well, I could have spent a hell of a lot more. We could have had debt that was a lot higher than it will be.

But it will still be over $15 trillion of added red ink. And he's presenting it as, I saved you $3 trillion. No, you haven't. You just lied.

KHANNA: Well, first, for the record, you look great on camera, so I just want to get that out of the way.

(CROSSTALK)

CAVUTO: But it's the suit. But go ahead.

KHANNA: But, look, I wouldn't say he's lying. I would say that let's speak plainly.

CAVUTO: That's a lie. Congressman, that's a lie. You're a gentleman and all.

Now, I don't mean dispersions, because I see it on all sides. But to say you're saving that kind of money, when you're bragging about actually paring the deeper hole by not making it as deep a hole, that is lying to people, and that is bragging about something you shouldn't be bragging about.

KHANNA: Well, I think maybe more accurate is, we're going to try to reduce the growth of the debt or deficit.

I -- whatever you want to call it...

CAVUTO: Well, do you find that encouraging, to reduce the growth of something?

You hear $3 trillion and go, oh, my gosh, that's a lot of money. And then you go, wait a minute, it's going up by more than $15 trillion. We're not - - if that's reducing growth, I would be Mama Cass on steroids. I mean, it doesn't make sense, right?

KHANNA: Well, look, I think the reality is, we have got to figure out a way to increase revenue.

That means, what the president's talking about, being willing to have billionaires, millionaires pay more effective tax. It also means, as I propose, scrap the cap on Social Security, have it be taxed higher after $400,000.

Look, those are concrete proposals. And you may like them, dislike them. That's increasing revenue. And...

CAVUTO: None of them are in this. None of them are in this.

KHANNA: And have reduction on some of the defense spending.

Now, people may disagree on values, but what I -- my challenge would be is, you propose your own way of increasing revenue and decreasing spending. That's what we need to do.

CAVUTO: How about just being more creative with finding ways to save money on what we're spending, and then address what we're pouring into it, regardless of who you're zeroing in on? Why can't we do that, or at least give a particle of the same time we do to raising money to saving money?

You think we can do that?

KHANNA: Well, we can.

But, Neil, here's the thing. When the Democrats talk about it, we talk about the 55 percent, which is the military budget, and saying, let's do it there.

CAVUTO: Right.

KHANNA: The Republicans talk about the social spending.

CAVUTO: You're right.

KHANNA: We have got to do it...

CAVUTO: You talk past each other. You do.

KHANNA: You have got to do it both places for efficient government.

CAVUTO: All right.

KHANNA: I'm all for efficient government.

CAVUTO: Well, this is all one way. Another president will be all another way. But we don't solve anything.

But, Congressman, thank you.

Here comes "The Five."

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