

# [***Boeing MAX 9 to Resume Flights; Interview With Andrew Yang; Supreme Court to Hear Arguments Over Trump Ballot Access; Will Nikki Haley's Backers Stay With Her?; Border Battle; Interview With Rep. Chip Roy (R-TX)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B63-VYT1-F072-X000-00000-00&context=1516831)

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**Body**

NEIL CAVUTO, FOX NEWS ANCHOR: The Lone Star State is not alone.

GOP governors from Oklahoma, and South Dakota, and Florida, Virginia, Georgia, Utah, Montana and more telling the federal government, don't mess with Texas in its battle to combat the border crisis, and now a deal on border security could be unraveling, as former President Donald Trump is apparently meddling.

Why Utah Republican Senator Mitt Romney says that is appalling. We will ask Texas Republican Congressman Chip Roy where all of this could be going.

Welcome, everyone. Glad to have you. I'm Neil Cavuto.

Let's get right to it with Matt Finn in Eagle Pass, Texas, with the very latest on this building soap opera -- Matt.

MATT FINN, FOX NEWS CORRESPONDENT: Hi, Neil.

As you can see behind me, right now, Texas' razor wire remains untouched in and around Shelby Park, and not far off in the distance, Texas National Guard is installing more razor wire. And right now, the state attorney general, Ken Paxton, tells me that Texas does not have plans to comply with the Biden administration to open Shelby Park tomorrow.

Now, a federal attorney on behalf of DHS writes to Texas that the Supreme Court already ruled in favor of the Biden administration, ending a temporary restraining order that prohibited Biden's border agents from touching razor wire in Shelby Park.

The Biden administration's letter to Texas reads in part -- quote -- "The Supreme Court restored the department's right to cut and move the concertina wire placed by Texas in order to perform their statutory duties. In sum, we require full access to the Shelby Park area currently obstructed by Texas by January 26, 2024. Please confirm that the state will provide U.S. Border Patrol with the access described."

Now, the Biden administration goes into detail about the access it wants, not just Shelby Park, but also the boat launch and the International Bridge.

For weeks now, Texas Governor Greg Abbott has seized this hot spot for illegal immigration and kicked out the feds, arguing that President Biden actually wants an open border. Governor Abbott says President Biden's lawless border policies has allowed more than six million illegal immigrants to cross the southern border in the past three years. So Abbott declared an invasion.

(BEGIN VIDEO CLIP)

GOV. GREG ABBOTT (R-TX): The Biden administration has really, truly abdicated its responsibility to secure the border and enforce the laws. Texas very simply is securing the border.

(END VIDEO CLIP)

FINN: And, at this hour, the U.S. speaker of the House and a growing list of Republican governors have publicly declared their support for Texas Governor Abbott.

Right now, 14 Republican governors across the U.S. have indicated they support Governor Abbott versus the Biden administration -- Neil.

CAVUTO: Thank you for that, Matt. And that list is growing, to your point, my friend.

I want to go to Congressman Chip Roy of Texas right now. He's on the House Freedom Caucus. He's the policy chair, House Judiciary Committee. He knows of what he speaks.

Congressman, this effort that the administration has had to sue Texas, oftentimes for a variety of things, including razor wire and the rest, but constantly battling in courts, a lot of your colleagues have said not doing enough with security on the border. Where are you on this?

REP. CHIP ROY (R-TX): Well, Neil, obviously, since I have been in Congress, I have spent the bulk of my time trying to elevate this issue, bring attention to the issue, and point out that it is terrible for Texans and terrible for migrants.

And I just want to start this by saying yesterday I have been gone. I hadn't seen my family for a number of weeks, been out on the campaign trail. I came in, in Texas, went straight down to Brackettville, Texas, yesterday, spent about three hours with ranchers, with local law enforcement, with sheriffs, local political leaders, who are just absolutely devastated with what's going on down in South Texas.

And, frankly, as much as I have tried to do for them, tried to be a voice for them, they're mad. They're yelling at me. They're saying, we're tired of the rhetoric. We're tired of more words.

And, look, there's a lot of noise that is surrounding all of this with the razor wire now down in Eagle Pass. The fact is, I totally support Governor Abbott, 100 percent has my backing to do that and go further. But the fact of the matter is, we're still allowing thousands to pour into our country, because they're just going around the razor wire and coming into ports of entry in other places.

And the Biden administration is using parole and asylum to dump them into our country, which is upending our security, empowering cartels and allowing fentanyl and bad actors to come in between the ports of entry. So I applaud picking the fight. I'm glad there are Republican governors around the nation that are saying, we stand with Greg Abbott in Texas.

But, OK, now what? Do you really stand with us? Are you sending the National Guard? Are you going to tell President Biden to pound sand, that we're not going to follow whatever nonsense he's trying to force upon the people? Because it's not just Texas. The whole country has made weaker for this.

So we have got to get serious about this. And my last point is, House Republicans have got to stop funding the government that is at war with the people, and Senate Republicans have got to stop trying to cut a deal that has no chance of passage through the House and no chance of actually securing the border.

CAVUTO: You talk about these governors who have signed on in support of Governor Abbott. Among them is Ron DeSantis, the candidate you were backing for president. Didn't end well for him.

What do you think of what happened to now the move afoot by the RNC to look to Donald Trump as the presumptive nominee with only two states having voted?

ROY: Well, I mean, Governor DeSantis put his money where his mouth is. He sent National Guard there years ago. He's been sending support to Texas. He's been out there advocating,and a number of the other governors.

I was on the campaign trail with Governor Stitt, others that have been very helpful. But let's be very clear. President Trump is 100 percent right that the Senate GOP should not be cutting a deal with the administration. But let me be also clear, not just for political reasons, right? It shouldn't be for political purposes to say, oh, we want this issue to be live through the campaign.

No, I want this border to be secured today. So I want House Republicans to stand up. I want Senate Republicans to stand up. So I'm with President Trump, no deal.

But I am with House conservatives to say that we need to stand up and force a funding fight between now and the end of February to say, guys, you don't get to keep doing this. They're funding the United Nations that is moving these people through, through a systematic scheme, endangering us and empowering cartels.

They're funding the United Nations that's funding Hamas. They're funding a Mayorkas DHS that is at war with the people of Texas, suing us in court. Why would any Republican do that? So if you're watching this, call your Republican member of Congress and say, why are you funding the people that are making our country less secure and that are undermining our freedoms?

That should end this month.

CAVUTO: So you would be -- if it pushes the government to the brink and a shutdown, better that than to accept the watered-down security measure?

ROY: Neil, we are at such a point of desperation. This isn't about political theater and shutdowns.

This is about simply a simple question. When the founders gave us the power of the purse, Federalist 58, James Madison, it was specifically to stop an executive branch that is ignoring the law and acting tyrannically. That is what is happening here. We have a duty to do that.

I think we need to have that fight. If Republicans aren't willing to do that, why are Republicans in the majority?

CAVUTO: Sir, I meant to pass along to you former Speaker Kevin McCarthy was fingering the House Freedom Caucus for getting nothing done and sort of trying to extract concessions -- I'm interpreting here -- for bringing us to this brink, not this particular one, but several of them.

What do you make of that?

ROY: Well, look, I was working with Kevin all last year, frankly, and I'm not going to get in the middle of that skirmish or whatever he said or didn't say.

But I will say this. We did a lot of good things for the first half of last year. We passed the best border bill we have ever passed. We passed Limit, Save, Grow, which would have actually responsibly increased the debt a mere $1.5 trillion for serious changes. We passed a good defense NDAA bill that would have stored our military to its mission.

We passed seven appropriations bills, 1,100 amendments. We were restoring regular order. I disagreed with the motion to vacate last September. Now here we sit. I wish we weren't here. I think that some people in the Freedom Caucus got that wrong. I think some people that are not in the Freedom Caucus love to spend people's money in the uniparty and keep doing the same business as usual.

The American people want us to actually responsibly change the town. That's what I have been trying to do. I have been trying to call out my Freedom Caucus colleagues when they get it wrong. I have been trying to call out the uniparty establishment when they keep spending money, keep empowering defense, keep getting us an endless wars.

And next week, we're going to do another corporate tax cut bill. I support some of those policies, but how do we look at the American people and say, oh, we're the party of endless wars and tax cuts, but our borders are open and we keep spending money we don't have?

They want us to be responsible, so that's what I'm trying to fight for in my perch in Washington.

CAVUTO: I did touch on very briefly, sir, of this RNC move to make Donald Trump the presumptive nominee.

ROY: Yes.

CAVUTO: Nikki Haley has criticized that move, essentially saying let the voters in the Republican Party decide that.

I know Ron DeSantis was your candidate, not Nikki Haley.

ROY: Yes.

CAVUTO: But I'm just curious what you make of that. Is that a little too soon to be making anyone a presumptive nominee?

ROY: Well, first, let me say that I think Nikki, with all due respect, she kind of represents that old guard of the Republican Party that I just was kind of lambasting that's big spending and all defense and endless wars.

I think we need to move in a different direction. I think President Trump represented in 2016 a challenge to the establishment, a challenge to drain the swamp. But I don't think we should be coordinating somebody. I went out and campaigned in Iowa. We don't coordinate people. We don't just choose somebody and you get anointed.

Go through the process, go earn it, because it makes you sharper in the general election. So, if he doesn't think that he has anything to worry about, then don't worry about it. Go campaign and go win. He should be able to win in South Carolina, based on, I think, the electorate in South Carolina.

So we should proceed with the electoral process. And if he's ultimately the nominee by votes, then he should be supported as the nominee for the Republican Party. But you got to go earn it. You don't just get coordinated.

CAVUTO: Got it.

Congressman, always good seeing you. Thank you for taking the time.

ROY: Thanks, Neil. God bless you.

CAVUTO: Same here.

Chip Roy following all of that.

CAVUTO: At the corner Wall on Broad, we have another record to report today for the Dow Jones industrials. We also had it for the S&P 500. And the S&P 50, it's the fifth time in a row we have seen a record here.

What propelled this, of course, was much-better-than-expected news on the economy, the GDP running at a 3.3 percent annualized clip in the final three months of the year, far stronger than anyone thought. And inflation seemed well under control there. So that had the bulls dancing in the streets here, and we will see if it continues tomorrow.

In the meantime, the administration is crowing about a lot of this, saying, that's us. That is all us -- after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

CAVUTO: There are some already seizing on Donald Trump's promise of cutting corporate taxes as one of the reasons for its advance.

I normally maybe can get a sense of that or the markets handicapping election results, but probably late in the summer or early fall, not this soon. But what do you think?

KEN FISHER, FOUNDER, FISHER INVESTMENTS: The fact of the matter is -- and I have said this over and over again -- it's a bull market. When it's a bull market, you don't need a lot of reasons to justify why what's going on is going on.

It's mostly going on because things are better than people think they are. If you just look today at the GDP release, in almost every way, it's better than was forecasted for it.

CAVUTO: Right.

FISHER: It's a perfect example. People have their heads down.

(END VIDEO CLIP)

CAVUTO: And Ken Fisher isn't playing ***politics*** with that. He's looking at the data. He's looking at the numbers. He's looking at the GDP report.

And, obviously, he says investors are as well, in sensing that what typically happens in election year is going to happen this year. The stocks are going to go up. The economy will do well. They're doing everything in their power to keep goosing that.

Lee Carter joins us, GOP pollster. We have Tiana Lowe Doescher also joining us from The Washington Examiner.

Tiana, one of the things that has come up, and it's easy to see things through the prism of whatever your ***politics*** are, but Ken is looking at it as the market itself telling us, we're not going to go into a recession. Doesn't mean that we're over all our ills, but Wall Street is going to have a good year.

Here's where I want to get your sense as to whether that alone changes the political equation, that people see the markets moving, they feed off of that, and it helps. It helped Ronald Reagan. So I'm just curious what you think of that.

TIANA LOWE DOESCHER, THE WASHINGTON EXAMINER: I mean, the real boon to Biden is the fact that since the Fed has pulled off the soft landing and economic growth is coming in a little higher than expected, a lot of that coming from government spending, but that means that the Fed doesn't have to cut rates for a while.

And that is actually a good thing, because cutting rates does run the risk that we do get this rebound inflation that you saw in the '70s. And that's what Jerome Powell really wants to avoid. We still have a bull market, but let's be real. Inflation has really cut into a lot of those gains.

Whereas Trump had some 36 percent annualized return in the S&P right before COVID, right now, it's only about 7 percent for Joe Biden. So, yes, still real growth, most of it coming from the Magnificent Seven, right?

CAVUTO: Right, the technology stocks.

LOWE DOESCHER: So, it's like the rest of the stock market isn't doing too great.

CAVUTO: Yes.

LOWE DOESCHER: But, yes, it just means that right now we're sort of at a good stasis, where there is still growth. We're not hitting a recession. We don't need to get interest rates down. And inflation needs to continue to come down.

That is the best thing for America, and, quite frankly, it's the best thing for Biden's reelection, if he wants to hope to win this thing.

CAVUTO: Lee, let me talk to you about that, because you're a great student of political history as well. And I'm old enough, not you, Lee, to remember 1992, when George H.W. Bush was running for reelection.

For a while, he looked unstoppable after the Kuwait and Iraq war, and then the economy settled in a serious recession. He had argued in 1992 that we were coming out of it. And, ironically, in the fourth quarter that year, we were indeed coming out of it, but not enough time for voters to get a sense of that. And they took it out on him and he was out on his heinie and not reelected. In came Bill Clinton.

I only mention it because the Biden White House says, we have a lot more time with this turnaround for it to register and resonate with voters. Time is on our side. What do you make of that?

LEE CARTER, REPUBLICAN POLLSTER: I mean, in some ways, he's right. Time is on his side. He has -- there's some time for us all to metabolize the turnaround.

But the bigger issue is that, when we're talking about the stock market, when we're talking about all these indicators that are going to make us think that the economy is on the up and up, that's not something the average American is feeling quite yet.

CAVUTO: Right.

CARTER: Not everybody's looking at these huge 401(k) balances. A lot of people don't have savings at all.

What people are looking at right now is their grocery bills. And they're saying, you know what, they're 25 percent more expensive they are today than they were when Biden took office. When Donald Trump was in office, things were cheaper, gas was cheaper. I -- my income seemed to go a lot further. I could afford to buy a different level of house.

All of those kinds of things are things that people feel on a day-to-day. What they don't feel necessarily is their 401(k) balances, et cetera. So, until inflation really starts to come back down, and I'm not saying it's not -- it has -- the increase has slowed, but then the prices are still higher.

When somebody goes to pick up a pack of bacon, it's $11. When people go to buy dog food, it's 25 percent more expensive than it was just a few years ago. So if you ask the question of voters today, are you better off today than you were three years ago, a lot of people say, no, regardless of where we are in the broader economy.

And that's going to take some time for everything to catch up. Yes, great numbers today. Yes, the stock market's doing well, but a lot of Americans are still strapped for cash.

CAVUTO: All right, ladies, thank you both very much.

In the meantime here, the debate that will be happening a little more than a couple of weeks in the Supreme Court to hear the argument for what Colorado is doing, taking Donald Trump off its ballot.

That state's governor on what he thinks of that -- after this.

(COMMERCIAL BREAK)

CAVUTO: Think all of Nikki Haley's billionaire backers are bolting? Apparently not. A good many are still staying with her. The question is, for how long?

What Charlie Gasparino is hearing -- after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

CAVUTO: We're a couple of weeks away from the Supreme Court taking up this ballot issue, where Colorado was moving to remove Donald Trump's name from the ballot.

What were your thoughts on that and what the court should do going forward?

GOV. JARED POLIS (D-CO): Well, look, I think we have to beat Donald Trump if he's a Republican nominee in an election.

And I think, absolutely, Joe Biden will.

(END VIDEO CLIP)

CAVUTO: All right, so the governor kind of hinting there he is not a fan of this idea to force someone off a ballot. The Supreme Court is going to be hearing arguments on this I believe two weeks from today. We might get a better idea where they stand.

But there are a number of states considering doing the exact same thing here, so it could mushroom if unaddressed, but it will be addressed, or so we hope.

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

John, where do you think this goes? Two weeks, we will get an idea how the justices are feeling about this, but you need a pretty strong majority in either case, don't you?

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: There's two big deadlines coming up, Neil.

Next week is when the briefs are due, not just from Colorado, but also if we're going to hear from the Biden administration. They have been very quiet about how they're going to come out on this question. You could see that they might not want presidents being disqualified by 50 different states under 50 different standards.

Then, as you said, Neil, February 8, oral argument, when we will hear the justices and get a good sense of where they are when they press the lawyers for Trump and for Colorado. I would expect there will be an opinion from the Supreme Court by the end of February.

That's light speed by Supreme Court standards.

CAVUTO: Really, yes.

YOO: They usually -- yes, they usually take almost a year to go from when they first hear a case to when they issue the opinion. To get an opinion out in three weeks, that's them working around the clock.

I hope, like you do, Neil, that it's a unanimous decision for the good of the country and good of the stability of our system. But more important than that, I have to say I agree with Governor Polis. I hope that the court lets Trump stay on the ballot, because let the voters decide in November what they think about Donald Trump, January 6, and how he should be held accountable, if at all, for potentially being involved in an insurrection.

CAVUTO: I was just thinking of this. And knowing having you on, John, I always try to do my homework ahead of time, as if it helps me at all when talking to you.

(LAUGHTER)

CAVUTO: But one of the things I was curious about is the unusual role the Supreme Court finds itself, probably involving itself in what will be several cases, when all is said and done, maybe up to the election itself, in a 2000-like role that I'm sure the court doesn't like, but it's been forced into.

YOO: Neil, as usual, you have done your homework, because that's exactly right.

This is just the first of two other cases we know about for now that I'm sure will demand that the Supreme Court make a decision that will affect Trump's viability as a candidate. The next one that's almost certainly coming up is whether Donald Trump has full immunity from being prosecuted by the special counsel, Jack Smith, for the January 6 events.

That's at the lower court right now. They're still -- they're going to have oral arguments. They're going to have an opinion out. That will almost certainly go to the Supreme Court. And then I think even the bigger issue that's lurking and is probably going to come out by the end of June is, the Supreme Court agreed to hear the central charge against almost all the January 6 rioters, whether they interfered or obstructed a process of Congress.

That's also the main charge that Jack Smith has brought against Donald Trump. If that actually gets struck down by the court, then the special counsel may have very little to go after Trump with.

CAVUTO: Back to this effort Colorado and other states are considering, if a conviction were to come down not within two weeks, when this is being heard, but maybe shortly thereafter, does that change things?

Does that get the Coloradans who are pushing this to say, well, see, here we go, now we have a conviction?

YOO: Well, this is the thing. Neil, you really did your homework this time. Geez, you're going to get 100 on the quiz.

CAVUTO: If only, yes.

YOO: Because the Colorado...

(LAUGHTER)

YOO: The Colorado case might have been mistimed, in a way, because one of the things that the Colorado court hinges on is whether Donald Trump's an insurrectionist.

Now, Donald Trump has said at court -- and I have to admit I have filed an amicus brief, a friend of the brief court -- to the court brief making this argument too -- is there's no standard set anywhere about who's an insurrectionist or who's not. Usually, Congress puts out a criminal statute.

It would have been better for Colorado and other stores to wait to see whether any of these other cases, these prosecutions yielded a verdict by a jury that Donald Trump had committed insurrection. Then they could have had better grounds to take him off the ballot. But to do it before he's had any prosecution, before he's had a fair hearing, before any jury has heard any evidence really undermines Colorado's case here.

That's why I think a lot of experts, including myself, think that the Supreme Court's going to reverse Colorado and let Trump stay on the ballot for now.

CAVUTO: All right, thank you, my -- and you're very generous, John, but I think you would be an extremely generous grader in my case. And I'd like that. I always say, grade on the curve, John. Grade on the curve.

(LAUGHTER)

CAVUTO: Always good having you, my friend.

John Yoo, a great read of that.

In two weeks again, the Supremes take this up, so we will see what happens on that.

All right, the push for money for one Nikki Haley. She's having no trouble raising money, better than a million bucks within a 24-hour period after the New Hampshire primary, so plenty of donors, plenty of support.

Our Charlie Gasparino on whether that's going to continue -- after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

ANDY SABIN, GOP DONOR: You have to know when to hold them. You have got to know when to fold them and you have got to know when to walk away. It's time for Nikki Haley to walk away.

ERIC LEVINE, GOP DONOR: I remain unbroken and unbowed. I'm just going to continue to support Nikki Haley. As long as she's in the race, I'm with her.

(END VIDEO CLIP)

CAVUTO: How could they screw up Kenny Rogers' lines? I mean, come on. They're billionaires.

Anyway, the idea was from one of those big backers, I'm sorry, Nikki Haley, it's over. You got to know when to fold them. Get out. Now's the best time to do it. But not all her backers are saying that. In fact, a good many are sticking with her, so many, in fact, that she got better than a million bucks in new campaign funds in the 24 hours after the New Hampshire results.

But that doesn't necessarily mean that will always be the case.

Let's go to Charlie Gasparino, who's been following this closely. She is not wanting for money right now. What do you think of things?

CHARLIE GASPARINO, FOX NEWS SENIOR CORRESPONDENT: I mean, she's the establishment candidate.

And I think -- one of the problems I think Nikki Haley has -- and I say this as a -- I'm not -- I'm a neutral observer here -- is that the Republican Party is not the party that Nikki Haley represents, OK? The Republican Party now, particularly the grassroots and the base of the party, which decides these elections, is Trumpian, and it's very progressive.

And the closest anybody came to that was Ron DeSantis, who couldn't make a run of it because the genuine article is running. So, when you -- when you put all that together, she has a very uphill battle. And I will say this. Playing with the big fat cat donor base is a risky -- is a risky business, because if you -- because what they -- because they can pull the plug on you at any minute.

And that's what they did to Ron DeSantis. I mean, I think one of the issues that people forget -- and I was kind of -- I did a lot of reporting on this -- is that the reason why he pulled is because they said, we're not giving you any more money. We're done and we're out.

And they're going to say -- at some point, they're going to say the same thing with Nikki Haley, I believe. And I think it actually -- what do I know, but it seems like, based on what I'm hearing, it could occur a lot sooner than most people think.

If the needle doesn't move on South Carolina, if she loses her home state - - and it looks like she's going to lose by 30 points -- I mean, Neil, I just can't imagine. Now, maybe they will wait until South Carolina before pulling.

(CROSSTALK)

CAVUTO: I don't know. And I respect the hell out of you, Charlie, but last time I checked, it takes about 1,215 delegates to become the Republican nominee, and both of these guys are a long way from it.

Now, you're quite right. I get the momentum thing. I get all of that. Then I'm hearing that Donald Trump is threatening the blacklist a lot of Haley donors. And that might scare them away. And this separate move on the part of the RNC to already make Donald Trump the presumptive nominee, isn't everything like this getting way ahead of our skis?

GASPARINO: A little bit, but it's...

(CROSSTALK)

CAVUTO: No, more than a little bit. What are you talking about?

GASPARINO: Well, let's just be real clear. I mean, if you're telling me that Donald Trump is looking to blacklist people, I mean, that's a lot. You know what I'm saying?

If you're telling me that -- and, by the way, it won't work. Does Ken Langone really care what Donald Trump thinks about him? I mean, really?

(CROSSTALK)

CAVUTO: Ken Langone has already been a little bit itchy about maybe leaving her because she didn't do better in New Hampshire.

GASPARINO: Right, and, by the way, because Ken is a businessman, bottom line.

He doesn't...

(CROSSTALK)

CAVUTO: So these guys aren't scared off by a Donald Trump threat?

GASPARINO: Ken Langone can buy and sell Donald Trump 20 times over. I mean, forget it. That's not what he's worried about.

What his main thing is that he is not, not going to throw good money at bad. And Donald Trump, whether you like it or not -- this is where I'm not over my skis. I think that was a term you just used.

CAVUTO: Yes.

(CROSSTALK)

CAVUTO: Do you ski, by the way? Because maybe it just fell on deaf ears.

(CROSSTALK)

GASPARINO: Never in my life.

CAVUTO: Neither have I.

(CROSSTALK)

GASPARINO: And this is where I'm not...

CAVUTO: OK.

GASPARINO: He -- Nikki Haley, it appears, has no path to victory unless Donald Trump drops dead or -- God forbid -- or, like, gets indicted -- goes in jail before Election Day.

CAVUTO: You, of all people, buying consensus. You have never done that in all the years I have known you.

GASPARINO: You know, I...

CAVUTO: And everyone is saying the same thing. And the contrarian in you alone should say, no, everyone said Jimmy Carter didn't have a chance...

GASPARINO: I'm a realist.

CAVUTO: ... that Barack Obama couldn't cobble together the nomination.

GASPARINO: Now, that's different.

(CROSSTALK)

CAVUTO: No, it isn't. It's the same thing.

GASPARINO: Yes, it is. No, it isn't.

(CROSSTALK)

CAVUTO: And it's just started. We're only two races into this.

GASPARINO: We're three, and she's lost her home state.

CAVUTO: Last time I checked, they haven't had their primary yet.

GASPARINO: OK, well, I will bet you a bitch a pina colada that she loses.

CAVUTO: Pina colada. No, it's got to be more like a meat byproduct or something like that.

(LAUGHTER)

GASPARINO: I'm thinking like what's your favorite drink? So, I'm sorry. Mine is vodka straight.

(CROSSTALK)

CAVUTO: Well, no, you jumped for pina colada. That was kind of hurtful.

(LAUGHTER)

CAVUTO: All right, I'm just saying, I'm just saying.

All these people are just saying, let's wrap it up. Let's get the RNC to put a stamp on it. I'm all for just seeing how it plays out.

(CROSSTALK)

GASPARINO: Well, I am too.

CAVUTO: No, you're not. You have already said, no, that's it.

(CROSSTALK)

GASPARINO: I don't care. I'm just telling you, she's not going to win.

CAVUTO: OK, OK.

GASPARINO: He is -- listen, face it. The Republican Party is not the Republican Party that you and I might adore.

CAVUTO: That's immaterial to this discussion. You are a very good guy with numbers.

You got a couple of bestsellers. You explore numbers. You're very good at them.

GASPARINO: That's why she's not going to win.

CAVUTO: You're very good at math. And you're very good at saying, at this point, it's a long way to 1,215 delegates.

GASPARINO: Yes, it's a short way to her losing every race in every state.

CAVUTO: You're just incorrigible.

GASPARINO: Neil, I wish I could see...

(CROSSTALK)

CAVUTO: And I don't even know what that word means. I just know you are it.

All right, but we will see. We will see. Very early. Very early.

(CROSSTALK)

GASPARINO: Listen, I want to keep coming on your show, talking about this.

CAVUTO: OK. Well, right now, you're doing this.

GASPARINO: I hope they -- I hope they lengthen this out as long as possible. I just don't think it's going to happen.

CAVUTO: Got it. Oh, look at the time. We're out of it.

So good seeing you, buddy.

GASPARINO: You too, my friend.

CAVUTO: And I mean it when I say he is the best in the business.

But just sometimes...

GASPARINO: If you like pina coladas.

CAVUTO: Yes, you do.

GASPARINO: Remember that song.

CAVUTO: Thank you. No, that's not necessary.

(LAUGHTER)

CAVUTO: All, right I think we have ticked off more than a few people there.

Just want to get that out. We just run to sort of general conclusions. And I'm old enough to remember how often they have been wrong. Whatever.

All right, in the meantime, remember Andrew Yang, a very popular, sort of iconic a candidate who did score in Democratic ways when he was running? Now he's putting his backing behind a Minnesota congressman, Dean Phillips, who's trying to wrest that Democratic nomination away from the president of the United States.

Now a lot of people are dismissing all of that. I will ask Andrew Yang about that -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, it's very hard to take out an incumbent president in his own party. I can think of Ronald Reagan who came very close to doing that in 1976, when he was challenging the incumbent President Gerald R. Ford. But outside of that, it's a very tough thing to do.

Andrew Yang thinks it can happen again with Minnesota Congressman Dean Phillips. He is taking on the president of the United States for the Democratic nomination. He's got a ways to go. It's an uphill battle. But Andrew Yang thinks it can be done, the Forward Party co-chair, the former 2020 Democratic presidential candidate, author of "Forward." It's an intriguing book on just how we can get past some of our political differences and look at the bigger picture.

Andrew, great to see you.

It is tough to take down an incumbent president in his party, because usually the president controls all the apparatus of the party. What makes you think that Dean Phillips can win that?

ANDREW YANG, CO-CHAIR, FORWARD PARTY: Well, people who don't want Trump to win who are piling in behind Nikki Haley, I agree with Charlie, where I think that ship has sailed, and they should be checking out Dean Phillips' campaign.

Dean Phillips is running against an historically unpopular 81-year-old incumbent in Joe Biden. And polls show that Joe Biden is down to Trump in November and a generic Democrat beats Trump by eight. The fact is, whichever party can free itself from its 80-year-old incumbent is going to win in the fall.

I think the Republicans are about to fail that test and Democrats still have a chance to pass it. So Dean Phillips, most people are just now finding out about him. When people realize there's an alternative to the Biden-Trump rematch, they get really, really excited.

CAVUTO: Well, they didn't get super excited about it in New Hampshire. I know he got 19 percent of the voters, so that's not bad challenging a president who's getting written in, but a lot of folks were surprised by how many did write the president in.

YANG: Well, if you look at the numbers, Neil, there were over 300,000 voters in the Republican primary and then only 110,000 in the Democratic primary in New Hampshire.

CAVUTO: Right.

YANG: All the action, again, was between Haley and Trump.

And then in Michigan, on February 27, if it's just Joe Biden versus Dean Phillips, I think all the independents are going to show up and vote for Dean. I think a lot of people want to turn the page on the battle of the 80-year-olds.

So what happens over in the Democratic camp is somewhat reliant upon what's happening between Nikki Haley and Donald Trump. If Nikki Haley does lose by a significant margin in South Carolina, it'd be hard to see her going on. And so Dean might have the field all to himself in Michigan on February 27.

CAVUTO: All right, well, the very fact that you're supporting Charlie Gasparino, his point of view, makes me almost want to stop this interview, but I will continue because I enjoy listening to you.

(LAUGHTER)

CAVUTO: But let me get your take on where we stand here.

Normally, when a president is challenged, whether you make that a significant challenge or not, it's bad for the party that year. It was bad for Jimmy Carter when Ted Kennedy was doing it. It was bad for Gerald Ford, as I said, when Ronald Reagan was doing it. So it's tough.

And if this were to succeed, let's say he does very well, even gets the nomination, it's over. For Democrats, it's not going to work. What do you think?

YANG: Well, one reason why Michigan is such an important state, Neil, is that it's a swing state...

CAVUTO: Right.

YANG: ... that Joe Biden won by a small margin in 2020. But now he's down by eight points.

And there are political candidates in Michigan on the Democratic side who are very nervous about having Joe at the top of the ticket and thinking they can win when he's eight points underwater. It's one reason why there's such an appetite for Dean Phillips in some precincts.

And if he can put up a big number in Michigan, then you could turn the page and upgrade the Democratic nominee. I'm someone who does not want to see Donald Trump prevail in November. I think Joe Biden is going to lose to Donald Trump. And it's one reason why I admire Congressman Phillips' courage to run, because he sees the same math I do and thinks that a 55- year-old fresh new face would be a much, much stronger opponent against Trump in the general.

CAVUTO: I don't know it takes courage to do what he's doing, right? I mean, it's a -- some would look at it as a suicidal mission here, but you think that he has a future, assuming he doesn't go all the way?

YANG: Well, Neil, the great thing is that Dean is motivated by what he thinks is best for the country. He put $5 million of his own money into his campaign.

CAVUTO: So were you. But, Andrew, so were you. So were you four years ago. And then you were a promising candidate. And the media in both stripes were very impressed with your wit, your intellect. You had a good sense of humor. You still do. Didn't do you much good.

YANG: Well, that's one reason maybe why Dean and I get -- connect so well.

(LAUGHTER)

CAVUTO: But Dean helped lead Belvedere Vodka as the CEO of Talenti Gelato, which you all know the jars. It's delightful.

He's a reasonable, pragmatic, second most bipartisan member of Congress. When people realize there's a 55-year-old business guy in the race, they think, wait a minute.

(CROSSTALK)

CAVUTO: He's not a pragmatic guy. He's voted 100 percent of the time with the president, not 98 percent, 100 percent of the time with the president. That's pretty much typecast.

There's nothing wrong with that. I'm just saying that he's hardly some amorphous figure who's evolved, who's like an RFK or something. He has been in lockstep with everything the president has proposed and pushed since becoming president.

YANG: Well, he's a member of the Problem Solvers Caucus, again, the second most bipartisan.

If you listen to him talk now, you know what he's talking about? The border.

CAVUTO: A hundred percent of the time with the president, 100 percent of the time.

YANG: What he's talking about right now is that this administration is failing at the border. What he wants to do is have people apply for asylum in their own country of origin, instead of after they pay the cartel to sneak them across the border.

So that's the kind of commonsense solution Americans can get excited about. And people in the Democratic camp are just trying to hand-wave this issue away. Americans are frustrated. It's one reason why I think Trump is well- positioned to defeat Joe Biden in the fall, unless we get a nominee who actually will call out issues that are straight up the middle and propose commonsense approaches that right now the Democrats are avoiding.

CAVUTO: All right.

We will watch it closely. Andrew Yang, always good having you on, the Forward Party co-chair, the former 2020 Democratic presidential candidate. He believes Minnesota Congress and Dean Phillips is the answer to a lot of what ails us. We shall see. It's still early on both sides, isn't it? So we shouldn't prejudge one way or...

YANG: Michigan Feb. 27, Neil. I'm with you, man. Let's not just let this thing get wrapped up in the first two states.

CAVUTO: All right.

YANG: Let's fight it out.

CAVUTO: All right. But it's a little too late to sort of take back your fondness for Charlie Gasparino over me. But that's OK.

(LAUGHTER)

CAVUTO: Andrew, you're a great guest. You're a great guest. Thank you for that.

In the meantime, still telling you about this market rip, roaring away right now. Boeing and the question and its future is still somewhat in doubt here, especially now with so many calling for the CEO's head and a lot of people and CEOs of airlines saying, about that MAX plane. We're not so sure we want it in our lineup -- after this.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

QUESTION: Do you have concerns about systemic production issues at Boeing?

SEN. TED CRUZ (R-TX): Possibly. And I do think, in approaching this issue, we need to be systematic and we need to follow the evidence.

SEN. TAMMY DUCKWORTH (D-IL): I do. I do believe him that he says he's trying to fix that. But, obviously, we see that there are problems.

(END VIDEO CLIP)

CAVUTO: All right, there might be problems. But at least for the FAA, it's gone ahead and given the go-ahead and cleared the Boeing MAX 9 for continued use.

There had been concern that a lot of carriers were getting a little concerned that there might be other problems there. But the FAA is clearing it now for continued service or back into service.

Charley Pereira joins us, the former National Transportation Safety Board official.

Charley, great having you.

What do you make of what the FAA has said? Good to go back. Everything's OK.

CHARLEY PEREIRA, FORMER NTSB INVESTIGATOR: Well, they have done their brief investigation and they apparently feel confident enough to provide a path to putting the airplanes back up in the air.

So it's good to hear that they at least have that level of confidence. But at the same time, I still think there's some underlying design issues that they need to look at while they're getting the airplanes back up in the air and doing their interim safety measures here.

CAVUTO: So, Charley, when you say there's still some concerns you have about these underlying design issues, would it have, if you were in the FAA's position, prompted you to hold off on clearing them for use?

PEREIRA: I'm not in their position. I haven't seen all the data.

CAVUTO: Sure.

PEREIRA: So I don't know that I would hold off.

I trust that they have done a good job in making the decision that they have. But I hope that they also take a look at the underlying design issues, especially with respect to human factors.

You have got potentially a single-point human factors failure where if bolts are left out or cotter pins are left off or a nut is left off, the spring-loaded up-and-out force vector that these door plugs have, if that one single point failure occurs because of some maintenance crew or manufacturing crew, then eventually with vibration that door will vibrate up and off the stop lugs and swing out into the air and depart the airplane, which is not a very good design idea, in my opinion.

CAVUTO: Charley, there are a lot of people who used to never do this who ask, what type of plane am I flying, whether it's a United, Southwest, a Spirit, what have you, and they get anxious when they hear it's a MAX 9.

Is that a little overanxious? Is that proper? What do you tell people?

PEREIRA: Well, I think in the last four years we have had quite a few hundred people die on 737 MAX airplanes.

And the large -- well, all of them have come from the basic negligence on Boeing's part on the design and certification side. So this is just another reminder of what Boeing was trying to put behind them in their distant past.

(CROSSTALK)

CAVUTO: But those weren't from the last three or four years, right, Charley? I mean, I may be wrong, but we have not had any serious crashes of note.

That would be...

PEREIRA: Well, we had the Lion Air 737 MAX and we had the Ethiopian 737 MAX, which I'm still in the process of representing the families on that one.

CAVUTO: And how many years ago were they? Charley, I just want to be clear of that.

PEREIRA: I'd have to look back, but I believe four to five years since those occurred.

But it's still...

CAVUTO: So, in other words, I don't know -- I can't trace those dates, and I'm not meaning to second-guess here.

I'm just -- what I hear from a lot of people in the industry, air travel is still safe. It is safer than driving. I get that and all that. Do you think they give us too many reassurances that it's safe, safe, safe, no need to worry, that we get sort of maybe a little overconfident?

PEREIRA: Those assurances are based off statistics.

CAVUTO: Right, right.

PEREIRA: Aviation specifically is overwhelmingly safer than highway travel, for example.

That doesn't take away from the fact that it's a very graphic thing when an airplane comes hurling out of the sky at 600 miles an hour and crashes into the ground and kills everybody. That's not something that people forget overnight, like they might forget a car crash on the side of the road.

CAVUTO: So, as far as you -- are you comfortable going into a MAX 9? If you heard you were flying on a MAX 9, would you feel comfortable on that plane?

PEREIRA: As long as it's a major U.S. carrier, in my opinion, yes, I'm comfortable with it.

CAVUTO: OK. Charley, thank you very much.

Charley Pereira following that, the former National Transportation Safety Board official.

I want to call your attention to the corner of Wall and Broad. We had records across the board, at least for the Dow and the S&P 500. This continues, again, on optimism here that we're kind of getting the best of both worlds. We're getting steady growth, in fact, robust growth of better than 3.3 percent on an annualized basis in the latest quarter, and add to that relatively stable inflation.

A key component that the Federal Reserve follows had inflation at a core rate in the 2 percent range, which is ultimately the Fed's goal. Now whether that can hold, whether these are anomalies that can last, anyone's guess, but, for now, they're loving it.

Here's "The Five."

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