

# [***Final Days Of Countdown To Iowa Caucuses; GOP Candidates Launch Attack Ads Against Haley; Defense Secretary Failed To Disclose ICU Stay; NTSB Briefing Underway On Alaska Airlines Incident; NTSB Says Alaska Airlines Incident Was 'Traumatic; Boeing Planes Grounded After Perilous Door Blowout; Trump To Attend Immunity Hearing In January 6 Case; Mystery Surrounding Lloyd Austin's Hospitalization; Defense Secretary Failed To Disclose ICU Stay; New California Law On Mugshots And Pronouns Takes Effect; Shoppers Line Up Overnight To Nab A Stanley Tumbler***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B2J-1PD1-F072-X000-00000-00&context=1516831)

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**Body**

(COMMERCIAL BREAK)

GREG GUTFELD, FOX NEWS CHANNEL HOST: Out of time! Thanks to Michael Loftus, Emily Austin, Tyler Fischer, Kat Timpf, our studio audience. "FOX NEWS @ NIGHT" with dreamy Trace Gallagher is next. I'm Greg Gutfeld. I love you, America.

TRACE GALLAGHER, FOX NEWS CHANNEL HOST: Good evening. I'm Trace Gallagher. It's 11:00 p.m. on the East Coast, 8:00 here in Los Angeles. And this is America's late News, FOX NEWS @ NIGHT.

And breaking tonight, the NTSB is now holding a briefing at this hour right now about the Alaska Airlines incident that broke on this show on Friday nights. We will bring you updates from the NTSB as soon as the briefing starts, and we will dip into it live if there is any relevant or new information.

Meantime, it's crunch time in Iowa, with the GOP presidential candidates campaigning into the night, using every minute to make their final appeals to voters. As the Iowa caucuses now just one week away. And there is so much on the line that even the front runner, former President Trump leading by 30, is now urging his supporters to get out and vote.

And Ron DeSantis and Nikki Haley are banking on an upset victory. Aishah Hasnie is live for us on the trail in Des Moines, Iowa, with the very latest on the pre caucus run up, Aishah, good evening.

AISHAH HASNIE, FOX NEWS CHANNEL CONGRESSIONAL CORRESPONDENT: Good evening to you, Trace.

We are live here from a very snowy and wintry Des Moines, Iowa, where a lot of events were cancelled earlier today, because of this winter storm that's coming through the state right now.

Tonight's townhall, I can tell you after a series of gaffes, Nikki Haley came out very strong and very confident and really hitting back at her opponents. So, both front runner, former President Trump and Florida Governor Ron DeSantis are out today with new attack ads.

DeSantis is going after her for those comments about New Hampshire correcting Iowa's results in Trump's super PAC is running an ad accusing her of opposing a border wall. Here is Haley's response to that.

(BEGIN VIDEO CLIP)

NIKKI HALEY (R), PRESIDENTIAL CANDIDATE: I appreciate all the attention President Trump is giving me. It is quite sweet and thoughtful of him, but he is lying about it. And I'll tell you the reason he's lying about it is because he's taking snippets of things I said. I said you shouldn't just do the border wall, you have to do more than that.

(END VIDEO CLIP)

HASNIE: Now, Haley is currently out spending the entire pack and advice here in the last week before the Iowa caucuses. DeSantis is up next in the Fox Town Hall tomorrow he needs to overperform here in Iowa. Right now, he is fighting off speculation that he is going to drop out of the race. If he can't do that.

He tells Fox that's a total lie.

(BEGIN VIDEO CLIP)

GOV. RON DESANTIS (R-FL), PRESIDENTIAL CANDIDATE: That's a lie totally made up. And you know what, when people, you know, fabricate these anonymous sources and do it, why he is saying that is because he wants people to somehow think oh, you know, why should I go in my negative 20-degree weather.

(END VIDEO CLIP)

HASNIE: And Trace, again, a wintry weather here in Des Moines, which just a big reminder that weather could impact the results and the turnout on Monday when we're expecting temperatures a dipped down below zero.

A lot of folks here have been talking about it. And that is why the candidates are out there trying to get people to commit to coming out and caucusing for them. Trace?

GALLAGHER: Aishah Hasnie, live for us in Des Moines. Aishah, thank you.

Let's bring in District Media Group President Beverly Hallberg, and the host of the Iowa ***politics*** podcast, Jeff Stein. Thank you both for coming on. We very much appreciate it. Jeff, nobody knows more about Iowa ***politics*** than you do. I am fascinated by this.

The turnout, icy cold there. But if Trump gets above 45 percent in the caucuses next week, that is significant. Tell us why.

JEFF STEIN, HOST, IOWA ***POLITICS*** PODCAST: it is, Traced, and good evening. Because only twice in history in a contested caucus has any candidate top 40 percent. And the last time that happened it was in the year 2,000.

So, if he gets the number you mentioned, above 45 percent, it's a record and the polls show him above 50 percent. And that would be quite an optic that would be hard for the others to match. Because if he is ahead of the field, the rest of the field combined on the way to New Hampshire, that's a statement.

GALLAGHER: Yes. You talked about the rest of the field. Mark Penn, the pollster, the analysis, the analyst, said the following. And a Fox said -- a fox op-ed, quoting here, "Trump could win Iowa but voters second choice is absolutely critical going on to say the big question is what is going to happen with the remaining Trump opponents and whether Iowa will shrink the field even further.

And Beverly the question there really is the past couple of days. If DeSantis comes in third, do you think he's out?

BEVERLY HALLBERG, PRESIDENT, DISTRICT MEDIA GROUP: I think he will, at least go to New Hampshire. But this is the concern is in New Hampshire, he is already polling at number four. Nikki Haley is looking like she is going to come in at two.

So, I really think this Iowa election, the caucuses is about who comes in second, who comes in third. And then, if DeSantis is third, and then, goes to New Hampshire, is he willing to get out at that point? So, I, I do think that these two states are so important coming up, and we'll see if the polling is correct.

GALLAGHER: Yes.

HALLBERG: And if Donald Trump is going to have that commanding lead.

GALLAGHER: Yes, I think it's a fair assessment. Nikki Haley, as we said, was at a Fox townhall tonight. She said this about not resenting former President Trump. Watch.

(BEGIN VIDEO CLIP)

HALEY: ***Politics*** is at personal for me. And that's actually been what's wrong with ***politics*** for so long, is they make it about personalities. The reason I'm doing this, I don't want my kids to live like this. We've got to stop with this hatred back and forth. We've got to stop with these divisions. I don't have resentment for President Trump.

(END VIDEO CLIP)

GALLAGHER: Yes, I mean, Nikki Haley is putting a lot of money into Iowa. That's the whole thing. Jeff. She thinks that a big push there would really, really push her into a very strong second position.

STEIN: And she is already polling so well, as noted in New Hampshire. If she were to finish second in Iowa, and DeSantis, who was supposedly the heir apparent, the individual that the non-Trump voters would go to. If he can't pull off second, where does he go? Because again, she is doing so well in New Hampshire and her home state of South Carolina is right after that.

GALLAGHER: Yes. Meantime, let's move on to the Democrats, if I can. I want to put up some sound of President Biden, amidst a protest in South Carolina today. Watch this.

(BEGIN VIDEO CLIP)

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Without light, there is no path from this darkness.

UNIDENTIFIED FEMALE: If you really care about the lives lost here, then you should honor the lives and call for a ceasefire in Palestine.

UNIDENTIFIED MALE: Ceasefire now!

UNIDENTIFIED FEMALE: Ceasefire now!

UNIDENTIFIED MALE: Ceasefire now!

UNIDENTIFIED FEMALE: Ceasefire now!

UNIDENTIFIED MALE: Ceasefire now!

BIDEN: That's all right.

UNIDENTIFIED MALE: Ceasefire now!

UNIDENTIFIED MALE: Ceasefire now!

(END VIDEO CLIP)

GALLAGHER: Yes. I mean, the whole thing, Beverly, he is going to get this again and again, throughout the campaign trail. It's just going to be a reoccurring theme.

HALLBERG: It really is. And I do think he handled it well. He just stayed quiet. He didn't do much with the situation. And he had his supporters in the room that actually started to chant, saying, for more years, four more years to drowned out these hecklers.

I will say, well, I am in advocate of free speech. I really hate when you have the president of the United States heckled in these types of situations or even in the State of the Union when the opposing party does it. We can celebrate free speech, but realize there still is a level of decorum that we need. I think he handled it well. And he's going to have to continue to face it.

GALLAGHER: Yes. I got 30 seconds left, Jeff.

I just wonder what you think about the reports of former President Obama coming into the Biden campaign, saying, you need to kind of ramp up things a little bit over there.

STEIN: Trace, any president wants a legacy. And Obama's legacy would have been for a Democrat to succeed him, that did not happen. So, this is the second-best option. And if this one does not get another four years, I think that tarnishes the Obama legacy. He has a lot on the line as a result, and it's not a surprise he would get involved.

GALLAGHER: Yes, true enough. Jeff Stein, Beverly Hallberg, thank you both.

Well, Ron DeSantis and Donald Trump get their turns in the town hall spotlight over the next few nights. Tomorrow at 6:00 p.m. Eastern Time. The Florida governor joins Bret and Martha to answer Iowa voters' questions. Then, Wednesday, 9:00 p.m. also in the east, the former president takes center stage, of course, FOX NEWS @ NIGHT will wrap it up for you, 8:00 p.m. in the west, 11:00 in the east.

And just a few hours from now, former President Trump plans to make an appearance in a Washington, D.C. courtroom for arguments about his efforts to dismiss the federal election interference case against him, based on his claim of presidential immunity.

The senior national correspondent Kevin Corke is live with the breaking details in the nation's capital. Kevin, good evening.

KEVIN CORKE, FOX NEWS CHANNEL SENIOR NATIONAL CORRESPONDENT: Evening, Trace.

It could mark the first of actually two court appearances, the former president makes this week. He is also expected to attend closing arguments in his civil fraud trial in New York on Thursday. Mr. Trump, as you pointed out, seeking the dismissal of the federal election interference case on the grounds that he has absolute immunity from prosecution for actions taken while serving in the nation's highest office.

There is this from the Trump Defense team. "234 years of unbroken historical practice from 1789 until 2023, provide compelling evidence that the power to indict a former president for his official acts does not exist.

Meanwhile, the former president is mounting a similar defense in Georgia, where another Democratic district attorney has charged him with election interference.

Trump attorney Steve Sadow, warning, "The current Fulton County, Georgia indictment of President Trump threatens to open the floodgates of politically motivated criminal prosecutions of virtually every future president. This brake with two centuries of historical precedent virtually ensures that all future Residents will suffer similar prosecutions by state and local prosecutors in locales of the greatest political hostility to them." Wow.

Now, the president has also made double jeopardy. One of his remaining arguments, reminding both the courts that he's already been acquitted of so-called election interference by the Senate. The drama continues, Trace.

GALLAGHER: Indeed, it does. Kevin Corke, live in D.C. Kevin, thank you.

Let's bring in former Pentagon chief of staff during the Trump administration Kash Patel. Kash, great to have you on. I want to play this soundbite. This is a Trump attorney Alina Habba, makes a pretty good point. We'll see if you agree, I'll get your assessment. Watch.

(BEGIN VIDEO CLIP)

ALINA HABBA, LEGAL SPOKESMAN OF DONALD TRUMP: This is all rooted in ***politics***. The fact that you look at the law fair that we're going through. And if you look at the timeline of these cases, these activities happened while he was sitting in -- as president most of them.

So, they waited, investigated for years, and years, and years. And then, they say we are in a rush to get to trial.

(END VIDEO CLIP)

GALLAGHER: You got the GOP candidates kind of campaigning in Iowa getting ready. And of course, the former president is back in court again tomorrow. Kash.

KASH PATEL, FORMER DEPARTMENT OF DEFENSE CHIEF OF STAFF UNDER TRUMP: Hey, it's great to be with you. Look, as a former national security prosecutor and public defender, the Constitution should be the only thing adjudicating this matter. And I agree with Miss Habba. It is wholly definitive to me in the Constitution that every president has that presidential immunity. And now, President Trump is taking that task to the American people. And the American people are following suit because they do not want to see a two- tier system of justice.

In my opinion, Jack Smith -- totally consequential and a step that will backfire, because he went to the interlocutory appellate court mid trial, because he thought he was going to gain leverage. And it looks like to have been backfired.

This case could stop in its tracks, dead this summer. The Supreme Court could take it it's very unlikely that there'll be a resolution before the election cycle.

GALLAGHER: Yes. I want to move down to Georgia if I can, to Fulton County, in particular. What do you think of the motion to disqualify Fulton County D.A. Fani Willis, saying that she had improper relationship with special prosecutor Nathan Wade.

It goes on to say here the motion to disqualify, "Willis has benefited substantially and directly. and continues to benefit from this litigation because Wade is being paid hundreds of thousands of dollars to prosecute this case, on her behalf. In turn, Wade is taking Willis on, and paying for vacations across the world with money he is being paid by the Fulton County taxpayers and authorized solely by Fani Willis."

What do you -- what do you think? Is it compelling to you?

PATEL: It's extremely troubling. It's the -- you know, essentially, lovebirds, 2.0. First, you had paid and instruct two government agents and a lawyer who tried to get President Trump and were caught.

And now you have the prominent prosecutor in a state level prosecution of a presidential candidate bring in her Paramore and pay him over half a million dollars.

By the way, an individual who is not a prosecuting attorney is leading this charge was paid through taxpayer dollars. That information was not divulged to the court. That could have been done ex parte, (PH) Trace, and they could have put it all out there for the judge to know. But they hid it, then, they took advantage of that money, and use it to prosecute Trump and profit off it by going on vacation.

The appearance of impartiality has totally been lit on fire here. And for this reason alone, these prosecutors must be disqualified. And the judge needs to take a serious look at the constitutional violations that have occurred against President Trump, because bias prosecutors who profited are now prosecuting him in their own backyard.

GALLAGHER: Right.

PATEL: And they are basically saying nothing to see here. Let's get all their text messages and see what they got.

GALLAGHER: And you're correct. Nathan Wade is not a prosecutor. So, it does and that has been echoed by many people along the way. Kash Patel, great to see you as always. Thank you.

PATEL: Happy New Year.

GALLAGHER: Well, controversy at the Pentagon now, hitting a fevered pitch. And now, a House Republican plans to file impeachment articles against Defense Secretary Lloyd Austin, after the Pentagon failed to disclose that Secretary Austin was hospitalized.

Matt Finn is live with more on just how this story kind of keeps changing. Matt, good evening.

MATT FINN, FOX NEWS CHANNEL NATIONAL CORRESPONDENT: Good evening, Trace.

Well, now, Republican Congressman Matt Rosendale of Montana tells Fox News digital, he plans to introduce articles of impeachment against Defense Secretary Lloyd Austin, arguing that Austin has violated his oath of office on multiple occasions.

Writing, in part, Secretary Austin knowingly put the American people in danger and compromise our national security when he allowed a spy balloon from a foreign adversary to fly over Malmstrom Air Force Base, home to ICBMs; and allowed the Chinese Communist Party to gather Intel on American citizens.

This dishonesty seems to be a repeated pattern for the Secretary as he once again lied to our military and the American people about his health last week."

But today, the White House says despite the growing controversy, Secretary Austin's job is safe.

(BEGIN VIDEO CLIP)

REAR ADM. JOHN KIRBY (RET.), COORDINATOR FOR STRATEGIC COMMUNICATIONS, NATIONAL SECURITY COUNCIL: No plans for anything other than for Secretary Austin to stay in the job and continuing the leadership that he's been exude, that he's been demonstrating.

FINN (voice over): The why House is reviewing the rules and procedures regarding his failure to disclose that he has been in the hospital since January 1st, following an unknown elective procedure.

The White House was not notified for three days after Austin was admitted to the ICU.

And number two, in the defense department, Kathleen Hicks was on vacation in Puerto Rico and was not told about Austin's hospitalization until days after as well, essentially leaving the U.S. defense department without a leader.

(END VIDEO CLIP)

FINN (on camera): Now, over the weekend, Austin acknowledged the lack of public disclosure, in a statement, saying he could have done a better job and in securing that the public was a properly informed. Trace.

GALLAGHER: Matt, thank you.

FINN: Sure.

GALLAGHER: We want to go to Portland, Oregon now. The National Transportation Safety Board holding a presser. We are kind of monitoring this here. They are answering a few questions. We'll have more on the defense secretary in a moment, but let's just dip in here talking about the incident aboard the Alaska Airlines flight that happened on Friday night and broke during this newscast. Watch.

(BEGIN VIDEO CLIP)

JENNIFER HOMENDY, CHAIR, NATIONAL TRANSPORTATION SAFETY BOARD: The cabin altitude greater than 10,000 feet warning deactivated. The cabin pressure with 10.48 psi. At 17:26 and 46 seconds, the aircraft landed on runway two- eight left at Portland International Airport.

Now, the survival factors team interviewed the remaining two flight attendants. One from the aft of after to the aircraft and one four from forward. Their interview and discussion was consistent with the interviews of the other two flight attendants. They also reported pretty significant crew communications challenges during the event.

They didn't know what was occurring. They were certainly concerned. They stated about the four unaccompanied minors and their focus was on them. And the three lap children at the time.

The two flight attendants in the aft outboard seats in the aft galley had difficulty seeing what was going on in the cabin. And then the aisle. It's very difficult from that location to see anything. There is a very, very small mirror provided to look down the aisle. It's not sufficient. So, it's very difficult for them to see.

They -- the flight attendants mentioned that the communications was so poor that they felt like they really needed guidance and information. And it was -- it was pretty terrifying event.

Now, with that said, I know that a lot of media is reaching out to the flight attendants. The interviews have been very emotional. This was a really significant event with zero information at the time.

There is a lot of trauma that they are working through. It's going to be a long process. It was terrifying. I would ask -- the NTSB is asking, please give them that time. They are working with peer-to-peer counsellors, and they just need that time to heal. And they have asked us to mention that in this media briefing and I would really ask that you respect their wishes and give them that time to really begin to process what they experienced.

Now, the cockpit door. We found today that the cockpit door is designed to open during rapid decompression, it is designed to open during rapid decompression. However, no one among the flight crew knew that they were not informed.

So, Boeing is going to make some changes to the manual, which then hopefully will translate into procedures and information for the flight attendants and for the crew in the cockpit.

As far as the oxygen mask that we weren't sure if it deployed or if it was stuck. It did deploy. We interviewed the passengers in that row and they had put the oxygen masks, but back up in the panel which was the other thing we suspected. But it did deploy and was working.

Now, on two systems. Our systems group focused on the cabin pressure control system on the aircraft. This is the auto pressurization light that illuminated that I -- that we have gotten a lot of questions on. This system is designed as a triple redundant system with one primary cabin pressure controller, it's a computer system. There is a secondary cabin pressure controller, a secondary -- that's a secondary computer system.

And then there's a manual controller. So, there are -- it's a triple redundant system. That means that if the primary controller fails, the flight crew switches to the secondary controller.

If that fails, they can switch to manual. Any one of these systems is fully capable of maintaining safe cabin pressurization. In fact, if either one of the computer systems is inoperative, the FAA allows the operator to continue flying the aircraft.

We have verified from the maintenance logs that the redundant system operated as designed on December 7th, January 3rd, and January 4th, going into the ult mode, not needing to go into the manual mode. At this time, we have no indications whatsoever that this correlated in any way to the expulsion of the door plug and the rapid decompression.

Now, the NTSB is very thorough. So, we will go back and look at the flight data recorder, and we will get data on cabin pressure. And we're also going to download the memory on the cabin pressure controllers. We may have to pull the units to see why it was acting up.

But at Boeing, we have asked Boeing for a specialist to arrive tomorrow to work through this. So, we can just go through the rest of it. But again, no indication of any correlation between the two.

With respect to the ETOPS restriction. Alaska Airlines reported to the NTSB that their internal policy is to restrict aircraft with multiple maintenance write ups for certain aircraft systems from flying ETOPS flights for a period of time.

That's not required by the regulation. That is an extra step that Alaska Airlines put in place. Now, ETOPS stands for Extended Twin Engine Operations. What that means is that ETOPS allow a permits twin engine airplanes to operate over a route that contains a point further than three hours flying time -- three hours for this aircraft from the nearest airport.

And the restriction was put in place for Alaska as an extra step to ensure safety and to allow them to conduct maintenance.

As for the structures, we, I want to start by thanking Bob, who all of the media successfully outed. But Bob apparently was a star with all his students today. I really want to thank the community overall. I can't thank you enough. Every time the NTSB asks for help, every single time the community posts through and I just want to say thank you to everyone. I especially want to say thank you to Bob. I'm sure he was a hit at school today. So, that's very exciting. We did go out at --

(END VIDEO CLIP)

GALLAGHER: Well, there you have the NTSB chair right there, Jennifer Homendy, giving you kind of a rundown.

And while she is thanking people in greeting, I want to bring in our experts here. Former Transportation Department official, Diana Furchtgott- Roth, and former commander of the Thunderbirds, Air Force veteran, John J.V. Venable.

Thank you to you both. I know you've been -- you've been listening to this, this broadcast, this news conference the NTSB is holding. I want to go to you if I can to you first, J.V. because what they are talking about here is this cabin pressure control system.

And what we've been told is that in three previous flights in late December and early January, this cabin pressure warning system came on, on three separate occasions and they stopped the plane for and flying over water. As she said the ETOPS, stopped it from these long-term flights and flying over water, but kept it in the short term.

Should this plane have been grounded all together? She says there is no correlation. But boy, it sure looks like there is -- there is something going on there.

JOHN J.V. VENABLE, FORMER COMMANDER, THUNDERBIRDS: Trey, thank you. It's great to be with you.

I love Jennifer's play of that. The NTSB is a great and professional organization, as is Alaska Airlines.

And your question is a very good one. One of the troubling things about maintenance is sometimes you'll get something that's so hard to run down, you'll run every trap, every line of your repair manual, and you can't find or discover what the problem is.

And so, you take precautionary measures, and you heard Trey, and you mentioned it ETOPS. Alaska voluntarily put that limitation on themselves to keep that airplane flying over land where it can land relatively rapidly if something happened like this.

But of all of the things that you could imagine as a pilot, having a structural problem in construction is something that you never would actually think about or count on.

(CROSSTALK)

GALLAGHER: Right. Yes.

VENABLE: This airplane is just a couple of months old, as I understand it.

GALLAGHER: Right.

VENABLE: And this leak was actually in an area that was supposed to have an exit door in it in other aircraft.

GALLAGHER: Right, right.

VENEBLE: And they had removed that exit door, put a panel on, and just hadn't sealed it.

There's no way you can see that from the outside. There's no way you can see it from the inside.

GALLAGHER: Yes.

VENEBLE: And that little flickering light was a tell that said that to your point, had a structural problem.

(CROSSTALK)

GALLAGHER: And I want to bring in, J.V. if I can. Let me just bring in, Diana, real quick, if I can, because the New York Times said this, and they wrote the thing.

"Boeing Max 9 plane had been barred from long flights over water. The Alaska Airlines plane that lost a piece of its fuselage in midair on Friday was not being used in long flights over water because a pressurization warning light had gone off during three recent flights.

And the question becomes maybe there is a correlation. Maybe there's not, but you know, shouldn't you ground the plane altogether, Diana, while you are waiting to figure out what this maintenance issue is?

DIANA FURCHTGOTT-ROTH, FORMER TRANSPORTATION DEPARTMENT OFFICIAL: Well, I think that we have to let the National Transportation Safety Board finish its investigation. They are doing a thorough investigation. The Federal Aviation Administration is doing a thorough investigation. We need to wait for their answers. But I think we do need to ask why. Boeing has had a series of mistakes with the Max. And United Airlines just said that it found some bolts among some of the plane in the areas where it should not have found these bolts. Then it had these earlier problems.

GALLAGHER: Yes.

FURCHTGOTT-ROTH: And the 737 is a very safe plane, it was started to be built in the 1960s to use all over the world. It's very popular. But this Max does seem to have had some issues. But the American public knows that the FAA, the NTSB do a very thorough job of investigating. And that's why American flying is some of the safest in the world. The safest in the world.

GALLAGHER: I want to put this up. I want to play this. This is one of the passengers, talking to Fox News, what he was saying about when this -- when this, you know, fuselage part broke off. Watch.

(BEGIN VIDEO CLIP)

VICKI KREPS, FLIGHT 1282 PASSENGER: I heard a hissing noise that my brain in that first moment thought was like luggage sliding. I think now, in retrospect, it was probably the leak. Then, I heard the boom noise as I was pushed forward in the plane. I would describe it as like somebody stepping on the brakes. And then a big gush of wind hit me in the face and pushed me back into my seat.

(END VIDEO CLIP)

GALLAGHER: Yes, and very quickly, I'd like to get both your take on this.

For you, J.V., if this thing had been at 35,000 feet and people were up and about the cabin, they're fortunate this was at 16,000 feet because a lot of feet people kind of talked about that they got a jolt, they got wind in their face. It's a different scenario at 35,000 feet. Is that fair?

VENABLE: Yes. Trace, it absolutely is. It's twice the air pressure that, that cabin carries at 39,000 feet as it does at 16.

GALLAGHER: Yes.

VENABLE: So, the explosion out would have been much more violent. And then, you would have had that decompression aspect, which would have caused many people in that airline cabin to likely lose consciousness. You've got about a total of seven seconds of time of useful consciousness and a rapid decompression before you can no longer put a mask up to your face. So, it's very fortunate that this incident happened at 16,000 feet.

GALLAGHER: Yes, Diana, your final thoughts on this. Same thing, if it happens at 35,000 much different story?

FURCHTGOTT-ROTH: It's a much different story. And this shows how the FAA has to focus on safety, not on green fuels, should have a sustained stream of funding. It should think about corporatizing some of its operations. as is done in Canada, Australia, New Zealand.

We really need to have the FAA be as efficient as possible and have the funds it needs and raise funds by itself through airline fees, or bond revenues the way is done in other countries, and just focus on that safety measure.

GALLAGHER (on camera): And I just want to very quickly, Diana, thank you, J.V. Thank you. Let's dip back into the NTSB. They're covering something we might want to listen to very briefly. And then, thank you again for your time to see if we can learn some more about this.

(BEGIN VIDEO CLIP)

JENNIFER HOMENDY, NTSB CHAIR: Additional, if you have additional media relations needs, also please monitor our Web site at NTSB.gov. I want to take a few moments though and say thank you. Again, I want to say thank you to the community. What an outpouring of support. Incredible. Thank you. We could not do what we do without you. I also want to thank the media. I am very appreciative of everything you do.

I believe, you will play a significant role in improving safety and holding the NTSB and every other federal, state, and local agency accountable for ensuring the safety of others. So, thank you for everything you do. Keep it up. I also want to thank our parties. The parties to our investigation help provide the factual information. They are the ones who give us that technical information that allow us to ask all the great questions and dig into the issues.

(END VIDEO CLIP)

GALLAGHER: The NTSB chair giving the final thing, they're kind of wrapping up their news conference there. You got the big information there from our analysts as well as from Chairman Homendy there talking about the warning light that came on about the pressurization. Remember, this was at 16,000 feet and had this been at 35,000 feet, it would have been an entirely different scenario.

This piece that fell off, the fuselage, was actually an emergency exit. And because this configuration of seating did not use that emergency exit, they went back in and they replaced it with a panel. It's that panel, that piece that actually fell off of the fuselage at 16,000 feet. And of course, there were no injuries, no deaths in this. But again, very fortunate.

And now, the MAX-9 aircraft, United has the most, with almost 200 of these, have all been grounded. We don't know if that's temporary. We don't know if that will be a protracted grounding. But they have been grounded. We will keep you up to speed on the breaking news coming out of this. It will change transportation the way you fly in the coming months, especially if you fly United or Alaska or other airlines that fly the 737 MAX-9s.

Meantime, coming up later, we will talk about the craziness in the "NIGHTCAP" of the Stanley Cup craze. Nothing to do with hockey, but it has people standing in line for hours to purchase these mugs. Anything on earth you would wait for hours in line for and then run into store and grab it? What exactly would that item be? Let us know on X and Instagram, @TraceGallagher. We'll show you the results and read the best responses coming up in the "NIGHTCAP."

Meantime, 8:33 on the west coast. The FOX NEWS @ NIGHT trip across America, first, a live look at Salt Lake City, Utah. Grab your skis. Apparently, they got some snow. A live look now, Iowa City, Iowa, where primary voting will begin in one week. And finally, a live look at Boston College in Chestnut Hill, Massachusetts, lit up nicely tonight. If you can't join us live, don't forget to set your DVR and watch us anytime. We are coming right back.

(COMMERCIAL BREAK)

GALLAGHER: 38 minutes past the hour. Now, time for the top of the news. One week to go until the first votes are cast in the presidential election race. Three of the frontrunners remaining in the Republican primary field, all taking part in Fox News town halls this week.

Donald Trump is expected to appear in a Washington, D.C. courtroom tomorrow. He is arguing he should have presidential immunity from prosecution in his federal election interference case.

And Defense Secretary Lloyd Austin remains hospitalized tonight and is under mounting political pressure because of the Pentagon's delay in notifying the White House about his health status.

And the FOX NEWS @ NIGHT "COMMON SENSE DEPARTMENT" has some thoughts on Defense Secretary Lloyd Austin's whereabouts being unknown for days. The President didn't know nor did the Vice President, Secretary of State, National Security Council, or Congress. In fact, General Austin's location was so unknown that his number two, Kathleen Hicks, who assumed his duties while she was on vacation in Puerto Rico, did not know for three days.

And during those three days, common sense would remind you the Pentagon was still dealing with conflict in Ukraine and Gaza, and inching closer to conflict between Israel and Hezbollah, add to that the Houthis still firing on U.S. military bases and ships in the red sea, and oh, yes, the Pentagon struck and killed an Iranian militant in Baghdad. The phrase, dereliction of duty, has been bandied about quite a bit over the past few days, but now, we're learning the real reason General Austin's whereabouts were unknown is because his chief of staff was out with the flu.

And the other 2.8 million Pentagon employees were also apparently unavailable. Secretary Austin said yesterday that he, "could have done a better job ensuring the public was appropriately informed." But today, we still know very little. So common sense thinks now would be a good time for General Austin to appropriately inform the public.

Let's bring in the host of the "Deep Dive" on YouTube, retired Army Lieutenant Colonel, Daniel Davis. Colonel Davis, great to have you on here. Why would they conceal this? It just seems like a big mistake, violating a lot of trust.

COL. DANIEL DAVIS (RET.), U.S. ARMY: Yes, you know, Trace, this is puzzling to me, because one of two things is true. Either there's more to this story than we know and we're not being told everything, because what we are being told honestly doesn't make any sense. Because, I mean, I'm talking second lieutenant stuff knows that you let the boss know if something's going on and you let your deputy know if you're going to be incapacitated.

That's not a question of, oh guys, I should have done a better deal but it to me it shows a continued pattern of lack of judgment of the Secretary of Defense, and I'm talking about from the very beginning. We can go through the Afghanistan stuff, some of the things he's been doing with the, the Russian-Ukraine war from the beginning. I mean, everywhere you look at this, he's making bad judgment calls and this is just the latest warning at your own line.

GALLAGHER: Yes, it really is. The New York Post had this and put this on the screen for me because they don't have the hard copy here, but the New York Post wrote the following here: "We are told that Joe Biden is robust and energetic when he is increasingly rickety and seemingly easily confused. We can be sure if the president gets worse, right? Or we can be sure if the president's worse. The White House adopting the Austin policy will do everything in its power to hide the ball." I mean that's what I'm talking about is the trust level of this administration just took a big time hit because, I mean you can't just go four days without telling people where your defense secretary is.

DAVIS: Yes, absolutely you cannot -- I mean, just imagine if something had happened with any of those issues you just mentioned at the outset of this. Something happened in the Red Sea, something happened with our troops in the Middle East and the president said give me the Secretary of Defense on the line and his people said, yes, he's not available, can you come back Thursday or something like that? You can't do that, you can't run like that and the fact that during this time the Secretary of Defense didn't let the vice or the President of the United States know, there's a big, there's a big red flag here and we need to find out what was really going on.

GALLAGHER: Yes, Colonel, thank you for wading through the breaking news, we appreciate your time sir, as always.

DAVIS: Always.

GALLAGHER: Meantime, back here in California, we've hit a new milestone in the illegal immigration crisis with taxpayer dollars now being used to pay for migrants' health care. And if they so choose, the state will also foot the bill for a sex change. Let's bring in the host of the "Emily Saves America" podcast, Emily Wilson. Emily, it's great to have you on here. FoxNews.com says, California State Health Insurance to cover sex changes for illegal immigrants.

Going on to say, "The Golden State is expanding its massive health care system this year which means more taxpayer dollars will fund sex change surgeries for state residents regardless of their citizenship status." I mean California's $68 billion upside down. We can't take care of the people we have legally in this state and yet we're opening the door and here they come for whatever they want.

EMILY WILSON, "EMILY SAVES AMERICA" HOST: Yes, I mentioned it the other night, when you live in L.A. you can go through Brentwood and you see that there's veterans everywhere. They're homeless, they're starving. We have ignored them for years; we don't take care of them. And then on top of that I'm like, what about the roads? I mean, I single-handedly am keeping tire shops in business at this point. The roads are so bad, we're blowing out our tires. And I'm like, also to the point where like, how about the fact that a lot of us morally disagree with changing you know sex surgeries and now you're offering it to illegal immigrants?

GALLAGHER: Yes, it doesn't really make sense, you know. And California just keeps going down the same path because the newest one, and it's really only in California, quoting here, officials must use arrestees' pronouns in sharing mugshots. "AB 994 will require police and sheriff's offices which by the way is now in effect, to use the name and pronouns provided by the arrestee."

So, the criminal's name and pronouns, if their mugshot is to be posted on the agency's social media accounts, this applies to individuals accused of any crime. So, you're trying to get somebody, you're trying to track somebody down, and you've got to use their pronouns, and you've got to use the name they give, and try -- good luck to try to track these criminals down.

WILSON: Yes, that's going well. The same way we're putting men in women's prisons, and now women are being sexually assaulted and ending up pregnant, so it's great that we're focused on not putting criminals away, but seeing how they identify. And also, this is another thing for our police to go through, and I feel so bad for them at this point, because they're just such hardworking people, and I can't even imagine having to go through these mental gymnastics at this point for them.

GALLAGHER: We showed this video, Emily, last week. This is of this crash. I'm sure you've seen it a bunch of times. A lot of people have. This is where the car crashed into the bakery in Compton, and then the mob went in there, and they just tore everything about from the store. Well, the owner of this bakery was on Fox and he said this, watch.

(BEGIN VIDEO CLIP)

RUBEN RAMIREZ, JR., RUBEN'S BAKERY AND MEXICAN FOOD: The silence that's going on right now, these street takeovers here in Compton have been getting worse and worse and I'm not the only one frustrated. My neighbors here are telling me the same thing, you know, they're with us, and they want this to stop, but I don't know how you can stop it.

(END VIDEO CLIP)

GALLAGHER: Yes, he started by saying, you know, my parents have owned this bakery for such a long time and there's like $70,000 or $80,000 in damage and stuff that's not insured, and he's not sure they can stay in business. They've been in business for 48 years, and people up and down those streets the same way. They don't know if they can stay in business, and the state, and the city do not have the resources to be able to patrol these types of gangs that just kind of roam around and do this stuff.

WILSON: Yes, it's heartbreaking. I read it and I believe he said that they were immigrants and he said they were going on 40 years of having that business. It's not just them. We're watching small businesses every single day leave. Not only when there's crime, they can't prosecute the crime.

I mean, also, it's sad to see what's going on. I mean, everyone just looks at us. We're a laughing joke at this point. Newsom has destroyed the most beautiful state in the country, in my opinion. And you just look and you're like, I mean, I have the craziest idea -- we could prosecute crime.

GALLAGHER: It is. That is. Have you run that by anybody? Because they might put you behind.

WILSON: I know, I know, it's becoming, it's becoming such a crazy concept. And then, maybe once they're in there, we keep them in there.

GALLAGHER: You think?

WILSON: Yes.

GALLAGHER: Yes. OK, well, let's run that by the governor and see if we can get some traction on that. Emily, great to have you on.

WILSON: Thanks for having me.

GALLAGHER: Well, coming up, we told you about talking about crazy, the craze that has people standing in line for hours just to get their hands on the latest Stanley Cup. Is there anything you would be willing to wait in a very long line for? Anything at all? And then go in like this and just, you know, elbow people out of the way to get a Stanley Cup. Still time to weigh in, X and Instagram, @TraceGallagher, the "NIGHTCAP" crew is next.

(COMMERCIAL BREAK)

GALLAGHER: We're back with the "NIGHTCAP" crew: Kevin Corke, Jackie Ibanez, Matt Finn and Emily Wilson. Tonight's topic, chaos in the shopping aisles. Check out the video of people rushing inside a Target store after waiting in line overnight to purchase a limited edition Galentine's Day Stanley Tumbler. The reusable water bottles apparently are all the rage right now, large part because of social media, TikTok and Instagram.

These videos made us wonder if there's anything in the world that you would wait in line overnight for, talking about camping outside and then run into the store, elbow a few people out of the way, throw some kids on the ground and then walk out with a Galentine cup. Matt Finn, would you walk into anywhere and walk out with that kind of a --

FINN: No, no, Trace. I don't like lines at amusement parks at restaurants or in stores. So, you would not catch me waiting in line for one of these cups.

GALLAGHER: Really?

FINN: Yes, no way.

GALLAGHER: Kevin Corke, I'm saying -- yes, I mean, I don't know if there's anything, is there something that you would run in for if they were on sale, you're like I have got to have one of those and I'll wait overnight.

CORKE: I thought about it long and hard -- no. There's nothing out there I would wait in line for.

GALLAGHER: Yes, I was kind of the same way, like, no, really not a chance. Jackie Ibanez, is there something you just love, you have to have, you think, you know what? Because you know, the girls, by the way, are the ones who are really going in. The girls are the ones waiting the most. So, I'm curious to get your answer.

IBANEZ: No, absolutely not. I don't have that kind of patience. I have a couple of Stanley Cups that were given to me, and they are great, but I'm actually embarrassed at this point to take it to the gym, so I don't. Because it's just too -- the craze has gone, it's outrageous.

GALLAGHER: It's crazy. Yes, I really thought this was a hockey store when they first pitched it, but it's apparently not. Emily, your thoughts on this? Have you run into a store, and this is your generation that they're going after.

WILSON: I'm like, no, I don't like crowds. I get anxiety, and I'm like, other than that, I'm like, watching this is like, don't you guys value your time more than this? I'm like, there's got to be something more productive I feel like I'm watching the decline of society. It's like so sad. It's so sad to see.

GALLAGHER: Matt said, he prefers Yeti anyway. So, is there any item you would wait overnight to get in line? Yes on Instagram nine percent, or X nine percent; Instagram 15 percent. That's a big no.

Kev says, "No, I survived both the Cabbage Patch Doll and Tickle Me Elmo brouhahas. Never again."

Stacey, "We used to wait in line for concert tickets back in the pre- Ticketmaster days. It was fun." Yes, I did that.

James, "Nope. Nothing. Nada. Waited in line overnight to buy a tumbler, not even if it was filled with my fav bourbon. People's priorities are pretty screwed up these days."

And Debra says, "A free Mercedes Benz." Yes, I'd walk in for that.

Thanks for watching America's late news, FOX NEWS @ NIGHT. I'm Trace Gallagher in Los Angeles. I'll see you right back here tomorrow night.

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