

# [***House Passes FISA Surveillance Bill; Trump Hush Money Trial Set To Begin Monday; Interview With Former Acting U.S. Immigration And Customs Enforcement Director Ron Vitiello; Stolen Truck Cashes Into Texas Department Of Public Safety Office; Israel Prepares For Potential Iranian Attack; Donald Trump Meets With House Speaker Mike Johnson***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BSR-W7G1-F072-X000-00000-00&context=1516831)

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**Body**

NEIL CAVUTO, FOX NEWS ANCHOR: And we will have more on that cell of today.

Focusing on what's going on at Palm Beach, Florida, where the former President Donald Trump, House Speaker Mike Johnson are set to hold the news conference. We're told they will be pitching a bill to keep noncitizens from voting in federal elections, but that's already illegal in the United States, so they have to sort of sort of sort out the details they're pursuing.

Will all of this help Speaker Johnson keep his job? A lot of people want to take it from, at least two in particular. We're going to explore that and the fight over FISA that we think was resolved today, on a busy news day, at that.

Welcome, everybody. I'm Neil Cavuto.

Let's go to Aishah Hasnie in Palm Beach with the very latest on what could be coming up between two people who have been working closely with each other, even as they occasionally differ with each other -- Aishah.

AISHAH HASNIE, FOX NEWS CORRESPONDENT: Hey, Neil.

That is actually a great way to put it. Everyone will be watching to see what former President Trump has to say or perhaps doesn't have to say about Speaker Mike Johnson. This is going to be a very important moment for the speaker, as he is facing, of course, that motion to vacate from Congresswoman Marjorie Taylor Greene.

It's still hanging over his head. And that's a storyline that we're watching today, that and also Trump's influence on Congress right now. We saw that work out on the House floor today. Now, Trump has been weighing in on several big issues on the Hill, sometimes undermining the speaker. He did that this week with FISA, telling House Republicans to kill the bill.

Johnson was able to pass a FISA renewal today only because Trump agreed to a shorter two-year term. But there was much drama on the floor, Neil. One Republican amendment failed, and MTG accused the speaker of being the final tiebreaking vote that killed that amendment.

Johnson's office is disputing this, saying that he voted much earlier. So you will understand again why today's appearance standing next to Trump is going to be a political lifeline for the speaker.

Now, the Biden campaign is responding to today's election event via a statement from former January 6 Select Committee Chairman Congressman Bennie Thompson, who writes: "Donald Trump and Mike Johnson don't care about election integrity. They care only about helping Trump's campaign of revenge and retribution to regain power at all costs."

The presser could be pushed back. We're just waiting for Johnson's arrival here to Palm Beach -- Neil.

CAVUTO: All right, well, that's a good assignment, though, if you're in Palm Beach. Nice neck of the woods to be, Aishah.

(LAUGHTER)

HASNIE: It's beautiful.

CAVUTO: And you have been in some incredible places, Aishah Hasnie.

When the press conference gets under way, as Aishah said, we will be taking you there.

Now to another big alert and something we're following, because everyone on tenterhooks across the globe, and that is what's happening along the Israel-Gaza border, as they're beefing up and -- security along the area amid talk of an Iranian attack on Israel that could come at any moment.

Now, the White House is calling that threat credible. Israel says it is ready to defend itself on the ground and in the air.

We want to go to Greg Palkot in London with more on that threat -- Greg.

GREG PALKOT, FOX NEWS CORRESPONDENT: Neil, it has been a really fast- moving day, Israel getting ready for any kind of possible attack from Iran.

This follows the deadly strike claimed to be by Israel on the Iranian government compound in Damascus, Syria. The Wall Street Journal today quoting its U.S. sources saying Israel is preparing for a potential strike by Iran in the northern or southern part of Israel either today or tomorrow.

Iran has threatened to retaliate ever since that claimed Israeli attack. The other options Iran has is to attack Israeli assets outside the country or let proxies like Hezbollah do the dirty work. We have been seeing some nasty stuff happening up on the border tonight.

All of these concerns have prompted the State Department, Neil, to bar any kind of movement around Israel by U.S. Embassy employees and families. But the decision really comes down to the Iranian supreme leader, Ayatollah Ali Khamenei. He too has personally said there would be a response, but it's also reported he doesn't want to start a full-fledged war.

Some Iranian officials are talking about a measured response. Whatever. Underscoring the U.S. concerns about all this, another day of meetings today involving the U.S. Central Command chief, Israeli officials. Israel says it will respond to an Iranian attack. President Biden says the U.S.- Israeli defensive link is ironclad.

Here's a bit more of what he had to say.

(BEGIN VIDEO CLIP)

QUESTION: What is your message to Iran in this moment?

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Don't.

(END VIDEO CLIP)

PALKOT: "Don't," that's the message to Iran tonight from President Biden, Neil.

Now it's down to a lot of nervous watching and waiting. There's already a big upheaval around the region, Gaza, et cetera. It could get bigger in a few hours. We are watching -- back to you.

CAVUTO: Thank you, my friend.

Greg Palkot following all of that.

Want to go do what Jennifer Griffin right now at the Pentagon on what she is hearing -- Jennifer.

JENNIFER GRIFFIN, FOX NEWS CHIEF NATIONAL SECURITY CORRESPONDENT: Well, Neil, the Pentagon on high alert as well.

And, as Greg reported, President Biden issued a strong warning to Iran moments ago. When asked by those reporters what his message to Iran is regarding a possible attack on Israel, "Don't," he said.

Israel's Iron Dome and Patriot missiles were activated this evening to intercept 40 rockets and two drones fired into Northern Israel from Southern Lebanon. I am told by well-placed U.S. officials that this is not the anticipated Iran retaliation, but it could be a precursor. It did light up the night sky in Northern Israel.

I have been covering the Middle East, as you know, Neil, for 30 years, and I have never seen things so tense, with the potential for a wider war to break out between Iran and Israel, which could draw the U.S. and others into a wider Middle East war.

(BEGIN VIDEO CLIP)

BIDEN: We are devoted to the defense of Israel. We will support Israel. We will defend -- help defend Israel, and Iran will not succeed.

(END VIDEO CLIP)

GRIFFIN: Until now, the U.S. has been facing Iranian proxies, but in the wake of the Israeli strike on April 1 in Damascus that killed the Iranian Revolutionary Guard general and six other top Iranian commanders, U.S. officials who have seen the latest intelligence say there are movements that suggest Iran appears poised to avenge that attack with a massive show of force, targeting Israeli territory with perhaps a swarm of one-way attack drones and possibly ballistic missiles.

(BEGIN VIDEO CLIP)

AYATOLLAH ALI KHAMENEI, SUPREME LEADER OF IRAN (through translator): The wicked regime of Israel made a mistake in this case. It must be punished and it will be punished.

(END VIDEO CLIP)

GRIFFIN: In recent days, the U.S. has prepositioned additional military assets in the region. It already has the USS Eisenhower aircraft carrier strike group, which is accompanied by two destroyers, the USS Mason and Gravely, and a cruiser in the Red Sea.

And eight additional U.S. warships, a nuclear-powered submarine, are positioned elsewhere in the Middle East, along with four U.S. warships armed with dozens of Tomahawk missiles in the Eastern Mediterranean.

Israeli warplanes are patrolling the skies along the borders. What's unusual is for Iran to telegraph its response. It usually relies on proxies and terrorism. It's clear this time, Neil, similar to Iran's response to the U.S. killing of General Qasem Soleimani in January of 2020 that it wants a big show of force in response, not necessarily to kill a lot of people, but they do want to strike Israeli territory.

That is the belief of those who have seen the intelligence. Israel and U.S. forces across the Middle East remain on high alert, the White House urging Iran to reconsider, few indications, however, that Iran's leaders are listening -- Neil.

CAVUTO: So, just to be clear, Jennifer, I found it interesting. It's powerful when you say, in the 30 years covering the region, this is something the likes of which you haven't experienced.

But I'm curious now, is Israel saying a hit against them, a counterstrike by Iran would warrant a counterstrike on the part of Israel into Iran? In other words, is that set in stone, a strike is going to beget another strike?

GRIFFIN: There are a lot of things that have been said and a lot of warnings to try and deter Iran.

But I think, at this point, it will depend what Iran hits and whether any Israelis are killed, whether civilians are killed, whether it strikes, for instance, at the nuclear power -- the nuclear plant in Dimona.

CAVUTO: Hmm.

GRIFFIN: That would be an escalation that would require a response. That is why this is such a dangerous moment.

On the one hand, the U.S. is trying to receive assurances from Iran that this will be a limited strike or, if it's a strike, that it won't escalate, and the U.S. is trying to make sure this doesn't spread and trying to deter Iran from striking at all.

But the problem with the Middle East is, there's always the principle of unintended consequences.

CAVUTO: You're right.

GRIFFIN: And let's say one of those missiles goes awry. Let's say the missile defense doesn't work. There's very strong missile defense in Israel. It should be able to protect most of the country.

But we are in a moment -- and we have been seeing this with the Houthis firing missiles, cruise missiles, and others at U.S. ships. One of those ships gets sunk, and U.S. sailors are killed, and it's anyone's guess what goes on from there.

CAVUTO: Yes, a lot of moving pieces to it, to your point, Jennifer. Thank you. Great reporting.

Jennifer Griffin on all of that.

Well, the president's response to this, as Jennifer outlined, was "Don't." And we have heard that a couple of times from this commander in chief. Take a look.

(BEGIN VIDEO CLIP)

QUESTION: Vladimir Putin is becoming embarrassed and pushed into a corner. And I wonder, Mr. President, what you would say to him if he is considering using chemical or tactical nuclear weapons?

BIDEN: Don't. Don't. Don't.

(END VIDEO CLIP)

CAVUTO: All right. "Don't."

General Jack Keane, what do you think?

GEN. JACK KEANE (RET.), FOX NEWS SENIOR STRATEGIC ANALYST: Well, I mean, that's not much of a policy, don't.

And we have obviously lost our deterrence capability under this administration time and time again. I mean, the reality of Iran finally center in the picture here, in a sense, is welcome news, because it reminds us how everything got started here.

They green-lighted the ground invasion into Israel, and they operationalized every single one of their proxies to coordinate an axis of resistance against Israel or against U.S. presence in the region. All of that took place because Iran wanted it to take place, and also they provided the support for it, the training for it.

And, as we know, they have assisted in the planning for it. So this is the reality of what we're dealing with, and this administration has lost their capability to deter Iran. As a matter of fact, one of the very frustrating things, not publicly disclosed, is how frustrated the Israeli political and military leadership is with the administration over Iran, because they believe it needs of major effort to deter Iran's aggression in the region.

And yet this administration for three years has put diplomacy and appeasement first, despite the increasing aggression that Iran has displayed. And that is one of the reasons why we're really in this situation.

I will say this, Neil. I know there's -- everybody spun up over the fact that Iran is going to do something, and it's likely imminent. But let's keep this in focus. Iran does not want to get into a conflict with Israel or the United States. Why is that? Their military is absolutely not prepared for anything like that. air force, navy relatively weak.

Army, while they have a lot of numbers, not particularly well-trained, not particularly well-equipped. They put most of their money into offensive missiles and drones, and the overwhelming majority of their money goes to their who, the proxies to conduct offensive operations for them.

Likely, certainly a response by Iran, because all the international visibility attack on the IRGC headquarters in Damascus. So there will be a response.

CAVUTO: All right.

KEANE: But Iran does not want this escalated to conflict.

CAVUTO: We are showing some video of that attack and the aftermath of that attack at that consulate, to your point, General.

We're learning separately, General, that the United States has been working the angle of China to see if they can tell Iran not to retaliate. How effective do you think that will be?

KEANE: I don't think not much.

Obviously, China has a role to play in the Middle East, and they certainly want the flow of oil to take place. I don't think they have ever agreed with Iran's goals to dominate and control the Middle East and control the flow of oil. And the United States has reached out to all the Arab nations, certainly in the regions, to Turkey and to others to try to convince Iran not to do that.

That's fine, but Iran's going to make the call here themselves, based on their own national interest. And they have certainly acted as independent actors in the past, and I think that's what we're going to get here.

The guy in charge of this, the supreme leader, is making this decision, just as he made the decision to go ahead with the ground invasion into Israel.

CAVUTO: General, hopefully, cooler heads prevail here.

General Jack Keane, always good seeing you, my friend, and thank you. Have a safe weekend.

KEANE: Yes, you too. Thank you.

CAVUTO: All right, in the meantime here, we're just letting you know, obviously, with this high alert right now involving the United States and Israel and virtually the entire region, we are devoting pretty much all of our show tomorrow to the ramifications of this and the tenterhooks we are on, a special edition of "Cavuto Live" tomorrow with the former Israeli Prime Minister Ehud Olmert.

He will be joining me, as well as Tal Heinrich, a spokesperson for Prime Minister Benjamin Netanyahu. That all kicks off at 10:00 a.m. Eastern time.

A lot more on that, including the global market reaction, and this is an example of that. We had a continued sell-off, the Dow tumbling about 475 points in one of its worst days of the year. It was a down week across the board. Oil was kind of running amok for a while today. Suffice it to say that this has picked up considerable ground, or oil has, over the last couple of weeks, as tensions have seemingly escalated.

And a lot of that are going back to that tense phone call between President Biden and, of course, Benjamin Netanyahu, and the fact that they are not remotely on the same page.

There is also the issue as to whether this has complicated what the Federal Reserve wants to do when it comes to interest rates, sort of in a position of being damned if they do, damned if they don't.

Austan Goolsbee, who is one of those voting members and head of the Chicago Fed, on what he sees happening that had investors selling -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, a tough day and week for the markets. There's confusion now, given some of the developments in the Middle East with higher oil prices and the like, to say nothing of some inflationary data this week that showed that, in part, inflation might be getting a little bit better, but it is still stubbornly high.

So the Federal Reserve is in a bit of a box.

Enter Austan Goolsbee, the Chicago Federal Reserve bank president, with whom I chatted on FOX Business. And one of the things he raised with me is how this is now complicating those plans. Take a look.

(BEGIN VIDEO CLIP)

AUSTAN GOOLSBEE, PRESIDENT, FEDERAL RESERVE BANK OF CHICAGO: We're in an environment, just like you said, with crosscurrents. For the second half of 2023, we made good progress in getting the inflation rate down from the unbearable peaks that it had reached.

And we did that without a recession, which was virtually unheard of. And now, at the start of this year, we have gotten multiple inflation readings that are higher than where we wanted them to be. And I would say one month is no months, but two months, you got yourself a real month.

And now we got two to three months of CPI inflation. We will see what happens on PCE inflation. But we must get inflation back down to target. The law says that we need to maximize employment and stabilize prices. That's the dual mandate. And if we're not getting the job done, we have to get the job done.

CAVUTO: We're told that that PCE, that personal consumption expenses, and particularly the core part of that, is a favorite of you and your fellow brainiacs at the Fed.

And that generally might show, not all the time, a more stable inflation environment. If it does, are we back to the consensus that had built for at least two rate cuts? Some are looking at three rate cuts. Or is that also a jump ball?

GOOLSBEE: Well, I don't like tying our hands to say what we are going to do at future meetings.

If we start getting better readings that show us that that arc of inflation coming down is true, that will make us feel a lot better about where we are in terms of the monetary policy environment.

If the PCE inflation is reinflating, then, like I say, our job is stabilize prices, and we will stabilize the prices.

CAVUTO: Which means you will not be cutting?

(LAUGHTER)

GOOLSBEE: As I say, I'm not going to...

(LAUGHTER)

GOOLSBEE: I'm not going to commit to what the policy should be.

CAVUTO: Got it.

GOOLSBEE: Let's just look at the numbers.

CAVUTO: Fair enough.

GOOLSBEE: The data dog caucus is -- is the one I like to be part of. And we -- we just got to get the numbers.

CAVUTO: If Donald Trump got back into the Oval Office, he's made it clear he's no fan of Jerome Powell, so he'd replace him. What do you think of that?

GOOLSBEE: Well, you know, when I became a Fed man, I stopped talking about elections and ***politics*** and partisan battles of the old days.

The Fed's job is to go off the conditions. We have got a dual mandate. There's nothing in there that says anything about ***politics***, about the stock market, or any of the following.

CAVUTO: Are you saying, though, that the Fed ignores all of that?

GOOLSBEE: I think we do it...

CAVUTO: Are you saying the Fed ignores all of that, though, Austan?

GOOLSBEE: Yes. It needs to. It has to.

CAVUTO: I -- because you...

(CROSSTALK)

CAVUTO: I understand. I understand.

GOOLSBEE: Yes. Look -- yes.

CAVUTO: But that pressure must be unbearable, because, when you have many saying that Jerome Powell wants to make this a little bit better for Joe Biden to be reelected, not that he can orchestrate that at the Fed, but that is his personal preference, if he had his druthers -- I don't even know if that's true -- but that none of that enters into the equation with you guys? You don't sort of see what's going on around you?

It's the big old elephant in the room.

GOOLSBEE: Look, like I said, I don't speak for -- I'm not going to speak for Jay Powell. You get -- go -- you should have an interview with Chair Powell, and you can ask him.

I know that, if you go look at the minutes or the transcript...

CAVUTO: You're not? You specifically, Austan Goolsbee, are not influenced by it?

GOOLSBEE: I don't have any pressure.

CAVUTO: OK.

GOOLSBEE: And go just go look at the minutes or the transcripts of the FOMC meetings. We put those out publicly.

CAVUTO: Yes.

GOOLSBEE: It's not about ***politics***. It's about the dual mandate, what's in the employment, and the job market, and what's happening to prices. That's what's going to drive our behavior.

And just we -- we have got to tune out the arguments about elections. That's not appropriate in the -- in the Fed context.

CAVUTO: So, you also tune out the markets, you say, and I have heard a lot of your colleagues say the same thing. You don't pay attention to it, but the markets were clearly expecting three rate cuts. Now they're down to two. Some are down to one.

I believe Bank of America is down to none. They don't think we will have any rate cuts this year. I know you don't want to get into those predictions, but you know what you say in that regard is the type of stuff that rattles them, that's been rattling the market of late with this backup in inflation or the perception that it's not totally whooped yet.

So, they're kind of losing hope. What do you tell them? Do you just ignore that?

GOOLSBEE: I don't -- I don't want them to feel bad.

(LAUGHTER)

GOOLSBEE: But, yes, you mostly ignore them.

CAVUTO: So, you just -- you don't? If it's down a few hundred points, like it is today or whatever, you -- that's just all noise to you?

GOOLSBEE: I think that it's mostly noise.

CAVUTO: OK.

GOOLSBEE: The thing to remember is, financial conditions do affect the economy. They are like monetary policy, but only with a long lag.

CAVUTO: OK.

GOOLSBEE: So, what happens this week or next week, it -- that's -- that part is noise.

(END VIDEO CLIP)

CAVUTO: All right, you might have noticed that those were pretty hawkish remarks coming out of Austan Goolsbee here, the Chicago Fed president.

As he was speaking on FOX Business, we were carrying this live at the time, the market was tanking. It was already tanking. It fell an additional 220 points, hit session lows of more than 550 points now. We ended up splitting the difference, down about 475, but this is what really got them going in the investment community, the way he warned about what he and his colleagues are looking at when it comes to moving on rates.

"The long arc," as he said and I showed you there, "on inflation shows it coming down from high levels." If something, and he referred to it, as the PCE. That's the Personal Consumption Expenditure. It's a gobbledygook word for the Fed's favorite, favorite statistic on inflation.

"If it shows better readings, that will make us feel better. If it shows re-inflating, the Fed will stabilize prices."

Re-inflating means inflation coming back. Stabilizing prices means hiking interest rates, or, at the very least, keeping them where we are. So that's why the markets are still rattled.

All right, a news conference coming up very soon on that truck crash at Texas Department of Public Safety that looks like it could have been deliberate in Brenham, Texas. Sadly, we have to pass along that one person has now died in that -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, the scene at Mar-a-Lago right now. The president -- the former President Donald Trump and Speaker Mike Johnson are going to be speaking to the press very shortly.

This is the second time a speaker, remember, Kevin McCarthy, has made the pilgrimage down there, and what they're about -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, a press conference just wrapping up a short time ago into that truck crash into a Texas Department of Public Safety office in Brenham, Texas. One person has died in this. And, apparently, it was deliberate.

Casey Stegall has more from Texas -- Casey.

CASEY STEGALL, FOX NEWS SENIOR CORRESPONDENT: Yes, Neil, this went down just before 11:00 this morning down in the small community of Brenham, Texas. That is in between Houston and the city of Austin, and only about 76 -- or 46 miles, I should say, to the northwest of Houston, at a Texas Department of Public Safety office off of Highway 290.

Officials say a man who has been identified as 42-year-old Clenard Parker stole an 18-wheeler from a nearby town and then gave chase to police, before, they say, he intentionally drove that tractor trailer right through the DPS office front door.

The suspect then reportedly backed the vehicle up out of the building, when officers moved in, pulled him out of a vent window and made the arrest. At least 14 people were hurt, three critically, and one of those critical patients died at the hospital.

One DPS worker was briefly trapped in an office, but was not injured. The motive, according to investigators, that driver was trying to exact revenge on DPS after he'd been denied a commercial driver's license the day before.

(BEGIN VIDEO CLIP)

SGT. JUSTIN REESE, TEXAS HIGHWAY PATROL: Parker did come to the DPS Brenham office yesterday at approximately 3:00 or 4:00 p.m., where he was denied his commercial driver license.

He then -- while he was there, the driver's license staff advised Parker that he was not eligible to renew his commercial driver's license.

(END VIDEO CLIP)

STEGALL: Texas State Senator Lois Kolkhorst released a statement which reads in part -- I'm quoting here -- "This deliberate heinous act is a reminder of the dangerous work done by our law enforcement and licensing agencies that work to provide public safety and services."

The Texas Rangers now investigating and the fire chief told the mayor, who just announced that in the press conference, saying that they were told if the driver would have veered a little bit to the left into that building a second time, the whole thing would have collapsed -- Neil.

CAVUTO: Scary stuff. Casey, thank you very much.

Casey Stegall.

So, speaking of scary, you probably heard reports now -- and now FOX can confirm them -- that an Afghan national linked to a terrorism watch list was released twice along the southern border. He's back in custody now. A lot of folks wondering how the heck it happened in the first place again, twice.

Ron Vitiello is the former U.S. Border Patrol chief and deputy commissioner, former acting ICE director as well.

Ron, what happened here?

RON VITIELLO, FORMER ACTING U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DIRECTOR: Yes, it begs a lot of questions, Neil. Thanks for inviting me on.

I think what needs to happen -- I know -- I know what's happening on the operational side with my former colleagues is, they're looking into all of the systems and the data that were available at the time of arrest. It appears through the reporting that they had information that this was a match, but they couldn't corroborate the match in time.

So then he was released. ICE subsequently picked him up again, put him in the custody, and then he was released by a judge because, apparently, again, according to the reporting, the classified nature of the threat was not seen by the judge. And so there was an order of release after bond.

The border always has these kinds of discrete threats. That's why we have a Homeland Security Department. That's why the Border Patrol exists to protect us from these things. So, a thorough review operationally needs to happen.

But what we really need to understand is that, since the pendency of the Biden presidency, this risk has been maximized by 10X, because we have got more traffic on the Southwest border than we have ever had in the history of that border. And it has been that way throughout this presidency.

And so these risks are magnified and increased, not just on the border, not just to our agents in the front line, but everywhere in the country. This particular individual's pedigree is that he's with an Afghan terror group that is anti-Western in every single way. This is a real danger and a real threat.

These threats occur on the border, but they're occurring much more because of the chaos that's been sown on the border by the choices and the policy decisions that political leadership in the department and in the White House have made on their border, again, putting us all at risk, not just at the border, but everywhere else.

CAVUTO: Do we know what his intentions were, Ron? I know he's on this list. When apprehended by authorities, finally, and back in custody, has he given any hint of what he was going to be doing or what he was up to?

VITIELLO: Neil, what's available, there's no indication about an ongoing plot or something that he was planning in the United States.

But we clearly do not want this kind of individual to roam free in our society. That is why the Homeland Security Department was created. That's why CBP and the Border Patrol and ICE and ERO and all of the entities within the department changed in an extreme way all of the vetting procedures that allow people to come and go freely with visas and permission from the United States and we screen diligently those that come illegally, so we keep these kinds of threats out of our communities.

The system failed here, but, mostly, it failed because of the policy decisions, the volume that these agents are forced to deal with. And there also seems to have been a breakdown with the prosecution group at ICE when they put this person in front of the judge. And so that needs to be reviewed operationally, but what we really need to remember here is, we're at war in the Middle East.

Whether we want to admit that or not, we're in a proxy war with Iran, and the kinds of threats and the kinds of people who want to do us harm are in the illegal pipeline right now, and the bigger that volume is, the more risk that we're in. And you're asking these front-line men and women to make snap decisions on vetting, whether they have all the information or not.

They're forced to release people because of the conditions that exist in the detention centers, again, the same thing with this trial in front of the judge, the immigration court. We don't know exactly what happened, but they're dealing with such an extreme volume that these kinds of things that should not happen sometimes do.

CAVUTO: Yes. And you wonder who else might have slipped away.

Ron Vitiello, thank you very much. Very good seeing you again.

VITIELLO: Thank you.

CAVUTO: In the meantime, a couple of things we are waiting on, one, a presser involving the speaker of the House and former President Donald Trump.

Remember, Donald Trump has a busy weekend planned. Of course, next Monday, that hush money trial starts in New York with jury selection. So that is still on. And this presser, in about 20 minutes or so, could still be on. We will watch it and be on it -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, we are waiting right now on the left of your screen in Mar-a-Lago, Palm Beach, Florida, of course, the president's home there, former President Donald Trump's home.

He's with Speaker Mike Johnson. They will be announcing some common ground they have found on a number of issues, including settling what seems to be that FISA surveillance thing that was looking precarious for a while. It seems to be back on, and we will explore that in greater detail.

I mean, on the right of your screen, the New York courthouse where, of course, this hush money trial begins on Monday. Donald Trump is set to become the first former president ever to face a trial on felony charges.

Andy McCarthy with me on what's at stake.

Andy, always good having you.

Thirty-four counts here that are in question, and, again, most of it having to do with falsifying, hiding business records and the like. I'm just wondering whether there's a great deal of redundancy in the counts in the first place, whether they overlap. I mean, the odds of escaping conviction on all of them seem pretty high, but what -- your thoughts.

ANDY MCCARTHY, FOX NEWS CONTRIBUTOR: Well, it's a tremendous redundancy, Neil.

In fact, it's just a kind of charging practice of stacking counts and turning one offense into multiple offenses that, if you're in the Justice Department, the Justice Department manual actually instructs federal prosecutors not to do.

What Bragg has done here is take one potentially misdemeanor violation of the business record falsification statutes and turned it into 34 felony counts. The way he does that is, this one transaction, this one repayment of $130,000 was paid in, I think, it was 11 installments.

He's taken -- with each one, there was an invoice supplied, a book entry, and a check cut. Instead of just charging it as one big scheme, he's charged each piece of paper, each of those three things with respect to all 11 installments as separate felony counts.

So, instead of having a misdemeanor, what you have is 34 felony counts that could result in over a century of imprisonment, in theory.

CAVUTO: You know, I'm just wondering. Michael Cohen is key to this, of course, the so-called former fixer for Donald Trump.

If you're the defense, you really want to go after him and rip him to pieces, right?

MCCARTHY: Yes. Yes, it was just two weeks ago, Neil, that a federal judge in New York who has Cohen's case there -- he's still under post-sentence administration from when he did the three-year sentence in connection with some fraud and tax counts sometime back.

The judge found that he either committed perjury when he pled guilty in the federal case or he pled guilty -- or he committed perjury when he testified in the recent civil fraud trial in New York, or possibly both. So that's just two weeks ago, and he had kind of a spotted record even before that.

CAVUTO: You know, so many of these felony counts, if they reduced, or they could work out, I'm talking about the Trump defense team, the misdemeanor counts, that don't carry nearly the weight or certainly nearly the potential of jail time, how would a strategy like that go?

MCCARTHY: So here's what I think I would do if I -- obviously, you have to see how the trial goes, but if I'm Trump and the Trump defense, what I'm going to do is ask for a lesser-included offense instruction to be given to the jury.

Here, the misdemeanor count is falsification of business records. The greater felony charge is falsification of business records to conceal another crime.

What I want is a jury instruction that says, if they don't find Trump was trying to conceal another crime, they can convict him on the misdemeanors. The reason I'd be asking for that as Trump's attorney is that the misdemeanor count has a statute of limitations of two years.

If that's all they convict him of, that count was -- that count lapsed in 2019. So then you could argue that the case ought to be thrown out on that ground.

CAVUTO: Is he up, that is, the former president -- I mean, this is the most liberal of liberal cities, and I'm sure they can find 12 jurors, but the odds of finding 12 who would be sympathetic to the president's view, the former president's view, I don't know how that process goes, but, in this city, I imagine that would be a little difficult.

MCCARTHY: A little difficult, Neil, but let's also factor in, the guy who really needs 12 is Bragg, right?

CAVUTO: Right.

MCCARTHY: What Trump needs is one.

CAVUTO: Good point.

MCCARTHY: Because a mistrial for him would be a major victory. If the jury were to hang in this case, I think that would be spun politically and, in fact, it would be legally a real coup for him.

And I wouldn't just write off Manhattan because someone like Alvin Bragg gets elected in Manhattan. The number of people who actually vote in those elections is vanishingly small compared to the number of potential jurors in Manhattan.

CAVUTO: All right.

MCCARTHY: And I'm not saying Manhattan's anything but a blue borough, but Trump lost Manhattan, what, probably by 2-1, maybe a little bit more than that.

Having 30 percent of two million people who are potentially in your corner, so to speak, or at least people who are open to your case, if you're a defendant and you just need one, that's not inconceivable, by a long shot.

CAVUTO: Yes, you hit on that. All it takes is one. So we will watch closely.

Andy McCarthy, great having you. Thank you very much. Have a good weekend.

MCCARTHY: Thanks, Neil. You too.

CAVUTO: All right, whether Donald Trump addresses questions concerning that upcoming trial that commences Monday when he is with the speaker, Mike Johnson, and they both come to that podium at Mar-a-Lago is anyone's guess.

But we're there -- right after this.

(COMMERCIAL BREAK)

CAVUTO: All right, a lot of developments this past hour here.

And we are still monitoring what will be a joint press conference, sort of a lay in the land between the two men, of course, talking about Donald Trump and the speaker of the House, Mike Johnson. They are on common ground and apparently resolved earlier today this whole FISA surveillance thing that the president, the former president, was opposed to, but apparently have reconciled.

Chad Pergram on all of that -- Chad.

CHAD PERGRAM, FOX NEWS SENIOR CAPITOL HILL PRODUCER: Neil, good afternoon.

Johnson had a FISA reform bill ready to go on Wednesday. That's when Trump lowered the boom on the speaker. A retooled FISA bill passed the House today, but not before Johnson infuriated his nemesis, who is close with Trump.

(BEGIN VIDEO CLIP)

REP. MARJORIE TAYLOR GREENE (R-GA): His last vote there being the vote that took down the warrant amendment certainly brought other members over to my side.

QUESTION: Was he the last, the final person to cast a vote, or -- I didn't see that.

GREENE: Yes.

QUESTION: Oh, OK. You were watching.

GREENE: Oh, yes.

(END VIDEO CLIP)

PERGRAM: Johnson's office disputes this account. The speaker's office says Mariannette Miller-Meeks of Iowa was the final vote against the amendment.

Greene has threatened to oust Johnson. And even though the House approved the FISA bill, it's not done. Opponents forced the House to delay sending the bill to the Senate. They're trying to drum up opposition.

(BEGIN VIDEO CLIP)

REP. CHIP ROY (R-TX): The default in this town is to want to let the engine keep going down the tracks. But when people start feeling the heat at home, they say, hold on a second. You're voting for this bill even though there's no warrant protection? It'll be interesting to see if that vote stays the same.

(END VIDEO CLIP)

PERGRAM: Johnson's appearance with Trump buoys Republicans who are fans of the former president.

(BEGIN VIDEO CLIP)

REP. CHUCK FLEISCHMANN (R-TN): I think discussing where the House is, where the issues that we can work on as House conservatives going forward to seek some guidance and some wisdom, they can both learn and glean from each other and move us forward.

(END VIDEO CLIP)

PERGRAM: The fate of aid to Ukraine swings in the balance.

House Minority Leader Hakeem Jeffries predicted that some Democrats could intervene to bail out Johnson if he does -- quote -- "the right thing" on Ukraine -- Neil.

CAVUTO: You know, Chad, it is a little weird. I understand Donald Trump is the likely Republican nominee. So, de facto, for the time being, he appears to be the leader of the Republican Party. He's not that yet, I mean, until if he becomes president. Maybe all that changes.

But it does raise questions about the appearance of this and whether it looks like the speaker's down there kissing the ring. What do you think?

PERGRAM: Well, it underscores kind of the influence that Donald Trump has over the House Republican Conference.

And Mike Johnson is trying to make good with those Republicans, also align himself as closely as possible with the former president, the presumptive Republican nominee. And Mike Johnson has been skating on a bit of thin ice. They did pass this retooled bill today. I will note that they passed it with more Democratic votes again than Republican votes.

They had another rule, a procedural vote, a test vote blow up on this bill earlier this week after, as I said, the former president weighed in on that earlier version of FISA reform. So that kind of shows you where the standing is between the Republicans and the speaker of the House.

Now, it's not uncommon to have those leaders there try to develop a relationship. Certainly, you have seen that with other people once they became the obvious nominee of their party to develop those relationships in Congress.

CAVUTO: Sure. But this is one of the few nominees who can just say something about some legislation that might be worked on, if it's good, it they will pass. If it's bad, they will avoid it like the third rail.

That's close to unprecedented.

PERGRAM: And that's problem that Mike Johnson has.

CAVUTO: Yes.

PERGRAM: Yes. That's the problem that Mike Johnson has. The question is, does he call the shots?

I mean, I talked to one Democrat today, Jason Crow of Colorado, about Ukraine. And, supposedly, that's next in the queue. The speaker did not say that today. He said, we will move on to other things. He did not necessarily hand-signal if they were going to do Ukraine.

But Jason Crow said, look -- he said that's a bad sign for Ukraine if he's down there talking with the former president in Florida.

CAVUTO: So the fact that Speaker Johnson is down there, they're on the same page. They're getting along. I mean, it wouldn't be a nasty event when it starts, right?

PERGRAM: Well, we don't know.

CAVUTO: Yes.

PERGRAM: That's always the issue. You just don't know the level of tension. We think they're on good terms, but it's hard to divine these things.

CAVUTO: Yes.

PERGRAM: I mean, obviously, the president and the speaker were not on the same page earlier this week. I mean, Mike Johnson was confident that bill was going to move earlier this week, and he sent out the tweet -- or -- I'm sorry -- the post on TRUTH Social on Wednesday morning.

They were in a Republican Conference meeting at that point. And by the end of the meeting, it was clear that they did not have the votes on that test vote that morning. That indicates, that underscores the presence of Donald Trump looming over Capitol Hill.

CAVUTO: Absolutely. That's an understatement.

Chad, thank you very much.

Chad Pergram following all of that.

Want to go to Bob Cusack right now, The Hill editor in chief.

And, Bob, I don't want to belabor this point. And maybe it's stating the obvious, and you know this far better than I. But, boy, if you have any doubts about Donald Trump's viselike grip on this party and its key players, I saw it again in an interview I did with the House Ways and Means chief on FOX Business, which, if you don't get, Bob, you should demand.

But you're on often, so you have obviously gotten that.

(LAUGHTER)

BOB CUSACK, EDITOR IN CHIEF, THE HILL: I get it.

CAVUTO: But when I talked to him about that, he said, de facto, Donald Trump is our leader, and we do defer and respect his wishes. He doesn't like something -- I don't want to misquote him -- we hear that.

CUSACK: Right.

CAVUTO: And we hear that clearly.

What do you make of that?

CUSACK: Yes, I mean, Donald Trump is in charge of the Republican Party, full stop.

He basically killed an immigration border deal. And he also killed, as Chad was saying, the first version of the FISA bill. So I think a lot of this meaning behind the scenes, we don't know, as Chad said, but I think it's a lot of talking about what to do on Ukraine or what not to do on Ukraine.

Johnson knows that, if he tries to move something on Ukraine, whether it's a loan or anything else, he needs to have Trump's support. So -- and, obviously, Trump is not going to like anything that Biden's going to like. So this is -- it's a really tough job. But Johnson did volunteer for it.

CAVUTO: Yes, he did.

Is he in peril, Johnson? I mean, obviously surviving this, getting the FISA thing through, getting the president to agree to a limited time frame, I guess, on this, or did he just survive a storm and there are more storms coming?

CUSACK: I think he could be in peril.

I mean, certainly, Marjorie Taylor Greene, I think, she's obviously very much against the Ukraine big bill. So unless Trump can say, hey, don't go to the floor, at the same time, could Democrats save Johnson? They could have saved McCarthy. They chose not to. But Democrats need to get something. That's not a great look for the for the House speaker. So we shall see.

CAVUTO: All right, I want to switch gears and talk a bit about the other side.

Kamala Harris in Arizona this hour, she's pushing, of course, abortion right now and saying that Republicans are going too far, this is all Donald Trump's fault, blah, blah, blah. So that's the issue they're hanging on here in an effort to reverse some of these poll numbers.

What do you think?

CUSACK: Yes, listen, I think that Trump, had he done the 15- or 16-week ban -- I understand the arguments for it, as Lindsey Graham has laid them out -- but I think that could have been a big -- would have been a big gift to Democrats.

At the same time, Democrats have the advantage on abortion. There's no doubt about it. Harris is going to be talking about it a lot. Biden, he's Catholic. He doesn't like talking about abortion that much. So I think it's really going to go to Harris for the most part.

But, overall, Trump has the economy. He's got immigration. Democrats have abortion. And there you go. That's why we're headed for a close election.

CAVUTO: Now, some have argued that that dog don't hunt anymore as far as an issue for Democrats, it's not as powerful, not as impactful, and that it won't resonate the way it has for Democrats in the past. What do you think?

CUSACK: I think it's -- I think it's the best thing Democrats have going right now.

And we have seen that even in red states, where abortion measures have passed. So I think it's a big advantage for Democrats going into the presidential election. It certainly was in 2022. But Democrats have other - - have other problems. And that's what Trump is going to be talking about, the economy and immigration. He will probably be talking about it in a few minutes.

CAVUTO: Yes, you were mentioning the economy. We got a big speed bump, and certainly in the markets this past week, on the notion that, given some stronger-than-expected inflation data, the volatility abroad, higher energy prices in the Mideast war, potentially expanding, maybe dramatically so.

All of a sudden, no sure bets, the Federal Reserve, no sure rate cuts. Maybe the next move would be a rate hike. Everything's changed for Joe Biden.

CUSACK: Yes, and that's not good news for Biden. He's not going to have the advantage on the economy, no matter what, I think, by the end -- by the time of the election. He just needs to narrow that gap.

And this week's developments don't help him.

CAVUTO: All right, always good talking to you, my friend.

CUSACK: Thanks, Neil.

CAVUTO: We will see how -- whether you're on FBN or FNC, always learn a great deal.

By the way, we are going to be exploring the implications of this, of certainly what's going on in Israel, Ehud Olmert, the former prime minister, my special guest tomorrow. We're going to look at the impact for the economy and the world, as this could potentially escalate. We're on that tomorrow. See you then.

"THE FIVE" is now.

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