

# [***SCOTUS Rules 9-0 To Keep Trump On Colorado Ballot; Trump Returned To Colorado Ballot Ahead Of Super Tuesday; United States Envoy: "Reasonable Grounds" To Believe Hamas Committed Rape, "Sexualized Torture"; Biden Prepares For State Of The Union As Polls Lag; Kirby On Push For Biden To Call For Gaza Ceasefire; Haley Looks Ahead To Super Tuesday After Win In D.C.; Haley On Backing Trump If He's GOP Nominee; Haley Reacts To Growing Third-Party Speculation; Biden Faces Polling Slump Ahead Of Super Tuesday; Rep. Burgess Owens (R-UT) Is Interviewed About Border; Ex-Border Patrol Chief: Never Spoke To Biden Or VP***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BGD-VFX1-F072-X197-00000-00&context=1516831)

Fox News THE STORY WITH MARTHA MACCALLUM 3:00 PM EST

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**Body**

JOHN ROBERTS, FOX NEWS HOST: But still, 450,000 people, that's a significant number of people. And, I mean, the percentages, too, are really quite striking. Well, that's something I think that everybody needs to look at for the future, considering how much widespread that is. Thank you, Alexandra. Appreciate it. Sandra?

SANDRA SMITH, FOX NEWS HOST: Thanks for joining us. I'm Sandra Smith.

ROBERTS: And I'm John Roberts. We'll see you tomorrow. "THE STORY" with Martha starts right now.

MARTHA MACCALLUM, FOX NEWS ANCHOR: Thank you very much, you guys. Good afternoon, everybody. I'm Martha MacCallum. On this Monday, this is THE STORY. Nikki Haley will join us live on this day before Super Tuesday. Lots to speak with her about today. And also, John Kirby is here as the White House faces huge challenges electorally, at the border, and on Israel. So, we will speak with John Kirby in moments away later this hour. But first, Former President Trump celebrating the Supreme Court's unanimous decision rejecting state efforts to keep him off the ballot.

(BEGIN VIDEO CLIP)

DONALD TRUMP, 45TH PRESIDENT OF THE UNITED STATES: You cannot take somebody out of a race. The voters can take the person out of the race very quickly, but a court shouldn't be doing that, and the Supreme Court saw that very well. And I really do believe that will be a unifying factor because while most states were thrilled to have me, there were some that didn't, and they didn't want that for political reasons. They didn't want that because of poll numbers, because the poll numbers are very good. We're beating President Biden in almost every poll.

(END VIDEO CLIP)

MACCALLUM: OK, we're going to talk about a lot of these polls. These are some of the numbers that he has been referring to beating President Biden by five in the New York Times Siena poll. Very big numbers in this Siena poll that came out over the weekend. He's up by two in Fox News polling. Same at The Wall Street Journal.

And those last two results are within the margin of error on those two comparisons. So, the Wall Street Journal's James Freeman is here to talk about this, and pollster Lee Carter standing by as well. Obviously big implications for 2024 electoral ***politics***, but first let's go to Republican West Virginia Attorney General Patrick Morrissey.

He led a coalition of states in writing the brief to the Supreme Court, supporting the former president in this case. He's also running for the governor of West Virginia. General, good to have you here. Thank you very much for joining us today. Tell me your reaction to this and tell me what impact your amicus briefs may have had on the thinking of the Supreme Court.

PATRICK MORRISEY (R), WEST VIRGINIA ATTORNEY GENERAL: Absolutely. So, thank you, Martha, for having me on. All along, we had believed that the actions on the states to disqualify President Trump from the ballot would always be found invalid because this was essentially a federal decision.

We know that the states have been trying to put out some extra criteria that's not included under the Constitution, that's not part of the categorical criteria where you exclude someone from office, let's say it's natural born citizen or the number of terms you've been in office.

So, we thought all along, in order for someone to be vulnerable to being thrown off the ballot, you needed to have a federal decision by Congress. That obviously didn't occur, and so we thought that we were going to be correct in our arguments that we put forth, that the Supreme Court would say the states lack the power to do it plain and simple.

MACCALLUM: Yes, I mean, we listened to the fascinating discussion on all of this at the Supreme Court when the audio was played and you know you heard some of the arguments that there's just no precedent for a state kicking about someone off the ballot. This is the leading contender for the GOP nomination as we, as we mentioned.

So, one of the interesting things here, I think one of the prominent things here is that this was a unanimous 9-0 decision. So, tell us what you think went into the thinking of for example Justices Kagan or Brown-Jackson, who may have been inclined to vote against this?

MORRISEY: Well, I think if you heard the Supreme Court argument, you got a sense that even some of the more liberally leaning judges were going to be sympathetic to Trump's argument because they were asking about what might happen. And I think all of the justices concluded that chaos would ensue if you could allow individual states to step on and rule that someone's disqualified. That would be the worst form of election interference.

So, I think we started to get that sense during the oral argument. And that makes sense, right? Because we're talking about a uniquely federal office, a national office. This is different than running for governor or a statewide office. This is the presidency of the United States that have specific rules and if you're going to let a Secretary of State who's unelected make that decision or a court in Colorado without actually having a criminal finding of insurrection to make that decision, that would be very problematic.

MACCALLUM: Right. That's a little problematic. Yes, exactly. He hasn't been charged in any of these counts with insurrection, and these states independently decided that he was guilty of it, and therefore used a tenant of the Constitution to try to kick him off their state ballot. And it seems that cooler heads have prevailed here in the Supreme Court today. Attorney General Morrisey, thank you very much for joining us today from West Virginia. We appreciate it.

MORRISEY: Hey, thank you so much. Appreciate it.

MACCALLUM: You bet. So, let's bring in James Freeman, Wall Street Journal Editorial Page Assistant Editor and Fox News Contributor; and Lee Carter, Pollster and President of Maslansky and Partners. James, you know, your take on this and the impact on electoral ***politics***.

JAMES FREEMAN, FOX NEWS CONTRIBUTOR: Yes, I think this kind of abuse of the legal system, the judicial system to try and get Trump out of the race is part of why he's actually becoming a little more popular, which is a little weird because you think of him as someone people know well, they either love him or hate him, but his negatives in the Journal Poll and some others are shrinking.

And I think people look at cases like this, just an appalling abuse of our system. Obviously, the idea that a single state could decide who can run for a federal office was ridiculous. Also, you mentioned, no due process. He's never been convicted. Even some of the dissenters on the Colorado Supreme Court talking about it.

Look, this is a code meant to decide disputes like whether someone's met the residency requirement for a school board race. The idea that you think you're going to use this to intervene in the presidential race is really, really outrageous. I hope it dissuades other states from following soon.

MACCALLUM: Yes, and there are some questions about post-election in terms of the impact of this could have a fail out of the taken off the ballot anyone anyway what some of the states might have pursued in that, James, just quickly and then I'll get --

FREEMAN: Well, I think that does raise a question we've seen. This is where the Supremes, the justices did have a disagreement is they, they agree the state can do this but they disagreed on whether Congress has to act to pass legislation to say, here's how you disqualify someone. And it does raise, unfortunately, the specter of, are they going to have different opinions if there's an effort at the federal level after the fact to intervene here?

MACCALLUM: All right. Lee, let's talk about, welcome, and let's talk about some of these polls, because they got a lot of attention over the weekend. And some of the numbers in these polls are quite stunning. I just want to pull this one up. We showed the headline number already. This is black registered voters in this recent polling -- 66 percent, Biden; 23 percent, Trump. Now, going back to 2020, 91 percent for Biden and eight percent for Trump. That is a huge move for black voters towards former President Trump, Lee.

LEE CARTER, POLLSTER: It's a huge move. And there's a huge move across a number of key segments that were traditionally always hugely going for the Democratic candidates. And it doesn't seem to be the case now. You see that with black voters, you see it with females now who are tied, who went by a huge margin to Joe Biden. You're seeing with Hispanic voters as well.

The gap is narrowing across the board. And I think it's fascinating. I think if I were a Democrat right now, I'd be very, very concerned because in every place where they had that margin of error covered or where they had the surge, they're not seeing it. And again, also in those key swing states those seven states in a matter the most you see Donald Trump taking it away and no matter what the Democrats are saying right now, I think it's a really big issue for them.

MACCALLUM: All right, thank you very much guys good to see you both, Lee Carter and James Freeman. Thank you for coming by today. So, coming up we have John Kirby live from the White House on the message President Biden plans to deliver at this week's State of the Union address to convince voters that he is fit for the job. We've seen the polling going against that category, so we'll talk to John about that and much more.

(COMMERCIAL BREAK)

MACCALLUM: All right, breaking moments ago, a United Nations envoy says that there are "reasonable grounds" to believe that Hamas committed rape on October the 7th against Israelis, and "sexualized torture" beginning on that day as the attack under Israel was underway, and that the sexual violence "may still be happening" according to their investigation. Here's what the leader of the group U.N. Women had to say about the accusations of that right after this happened in early November. Watch this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: And just to provide a little bit of context in terms of U.N. Women's role, UN Women specifically provides and has extensive knowledge on gender-based violence and provides and supports investigations as we do with all U.N. investigations.

And so, consequently, in this context and within the U.N. system, it is the independent International Commission of Inquiry which for us has the mandate to investigate all alleged violations. It is absolutely important for the rights, for the needs, for the protection, for the dignity, for the survivors of violence to be supported throughout a process.

And that's why we work through these globally mandated mechanisms. That notwithstanding, we understand and certainly we encourage and support national level efforts, the ones that you've heard about today, the Civil Commission in Israel, which has brought together women's organizations to document gender-based atrocities impartially. Our work will be on the backside of the Independent International Commission.

(END VIDEO CLIP) MACCALLUM: Oh, boy. That was a lot. And that was in response to a question that she was asked directly about whether or not there were sexual rapes, atrocities happening to women on October 7th in Israel.

So that was the extraordinarily long-winded answer, which really didn't answer that question. But today, breaking news, there is a report from the U.N. saying, oh, yes, we actually think, according to our deep investigation that these things did happen.

So, let's go live to Tel Aviv and get an update on the very latest on all of this from our correspondent, Trey Yingst. Hi, Trey.

TREY YINGST, FOX NEWS CHANNEL FOREIGN CORRESPONDENT: Martha, good afternoon. We start with a disturbing and developing story out of the United Nations where Pramila Patten the U.N.'s Special Representative on Sexual Violence in Conflict, has released the findings of her investigation.

She found that Hamas on October 7th, systematically raped Israeli women at, at least, three different locations across southern Israel. The findings are things that we already knew and had been reporting.

It's what she confirmed, though about the hostages that only add to this horrific story. Take a listen.

(BEGIN VIDEO CLIP)

PRAMILA PATTEN, SPECIAL REPRESENTATIVE ON SEXUAL VIOLENCE IN CONFLICT, UNITED NATIONS: We found clear and convincing information that sexual violence including rape, sexualized torture, cruel, inhuman and degrading treatment has been committed against captives.

(END VIDEO CLIP)

YINGST: Patten says there are reasonable grounds to believe that some of that sexual violence may be ongoing against the women who are still held by Hamas inside Gaza.

Patten's findings come after reviewing more than 50 hours of footage, more than 5,000 photos and speaking with survivors who were released as part of a November ceasefire deal.

We should be very clear here what Patten is describing are war crimes. And you can expect Israeli officials tomorrow, and in the days ahead to say if you are outraged by the tragic civilian casualties that are taking place inside Gaza, may you also be outraged by the fact that United Nations believes Israeli women may still be assaulted inside Gaza as we speak. Martha.

MACCALLUM: Yes. Many hostages still being held. And we remember the video and the images that we all witnessed after October the seventh. And saw in your reporting extensively at that time. Trey, thank you very much.

Trey Yingst in Tel Aviv.

So, there are very high stakes for President Biden that this week's State of the Union Address on Thursday night, as the age issue and other very big issues loom quite large for the president right now in terms of his quest for reelection.

White House National Security communications adviser John Kirby joins us next.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I don't think President Biden with all due respect, has the withdrawal to do anything at all. Then, I feel like if he was anybody else's relative (PH) that they would have him retire, and maybe he then, yes, be contacting, you know, Adult Protective Service, (INAUDIBLE) because I feel like he is just being forced to do his job, and he's not doing very well. He is -- he is being -- he's so out of touch with what's going on in the United States.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: So, President Biden's big night on Thursday for the State of the Union Address, and he is preparing for that. We are told, more than 60 percent of those who voted for him in 2020 now say -- see that top line there? Biden 2020 voters, 61 percent, say that he is or maybe too old to be president.

Again, these are from the New York Times polling that came out over the weekend. 60 percent of Democrats say the same thing. 75 percent of independents say that, almost two-thirds of black voters, and more than 70 percent of Hispanics. Those are huge numbers of different groups of voters who say that he is or may be too old to be an effective president. That coming out over the weekend, as I said, New York Times Seanna.

White House National Security communications adviser John Kirby, standing by on that. And other issues that are facing the president this week.

But first, let's go to White House correspondent Peter Doocy. Hi, Peter.

PETER DOOCY, FOX NEWS CHANNEL WHITE HOUSE CORRESPONDENT: Martha, voters are concerned about President Biden's age, there is nothing he can do to get any younger. But he can start to lean more heavily on younger members of his team.

(BEGIN VIDEO CLIP)

PETE BUTTIGIEG, UNITED STATES SECRETARY OF TRANSPORTATION: I'm going to be on the road. Even more, you're going to see the president continuing to be on the road.

And look, we've also got to work with partners on the ground until make sure that their residents connect the dots.

(END VIDEO CLIP)

DOOCY: We are also told by the White House comms director, "We are fanning out aggressively not only on Thursday, but in the weeks ahead to reach Americans where they receive the news with the president's message about whose side he is on."

But there are, actually lawmakers right now actively trying to prevent the State of the Union from happening.

(BEGIN VIDEO CLIP)

SEN. JONI ERNST (R-IA): It is unfathomable that we do not have a national security strategy from the president. Nor do we have his budget for the upcoming fiscal year. And because of that, we want to stop him from actually delivering the State of the Union.

(END VIDEO CLIP)

DOOCY: And there was some reporting over the weekend by NBC News that the Biden team is hoping to limit his appearances in front of large groups because they're worried about pro-Palestinian protesters interrupting him. He's going to have a huge crowd on Thursday night, and it's not unprecedented for lawmakers to interrupt a president's State of the Union, Joe Wilson did in 2009. Martha.

MACCALLUM: Indeed. Peter, thank you very much, Peter Doocy at the White House.

With that, let's bring in John Kirby, White House National Security communications adviser. John, welcome back to the program. Thank you very much for being here today.

Your reaction to those very large numbers from the Sienna poll of people who voted for him last time, and black voters, Hispanic voters, independent voters. large majorities say that he is too old to be an effective president.

So, how much is weighing on this big speech on Thursday nights try to change those numbers?

REAR ADM. JOHN KIRBY (RET.), COORDINATOR FOR STRATEGIC COMMUNICATIONS, NATIONAL SECURITY COUNCIL: Any State of the Union, Martha, you know, is an important opportunity for the president not just to communicate with Congress, but with the American people.

The president is working hard on that address. As you and I speak, as a matter of fact, this afternoon, and he is looking forward to that opportunity. And he believes that he's got a strong case to make to the American people that the State of the Union is better, is stronger. Economy is roaring back to life, record levels of unemployment, and infrastructure -- billions of dollars being invested in roads and bridges and railroads. There's an awful lot of good stuff going on here, and the president is looking forward to laying it all out for the American people.

MACCALLUM: What about the state of the president that seems to be the issue that is really cropping up in these polls, John?

KIRBY: Well, look I can't speak for the polling numbers. I can just tell you, speaking for the president that he is 100 percent engaged in the job of being commander in chief and president of the United States.

And again, through his leadership, all these domestic things have improved as well as our footing on the world stage. This is a president who is actively engaged every single day. I've seen it for myself.

MACCALLUM: OK. Let's get to some of that, specifically. You say he's actively engaged. And yet, according to his former Border Patrol chief, who spoke out on 60 minutes, Raul Ortiz, he never spoke with the president. The entire time he was the border chief overseeing 21,000 agents -- or the vice president.

Given the fact that this is the number one issue for voters in every primary state we've covered so far, John. How is that possible?

KIRBY: Well, you saw the president down at Brownsville last week, Martha. As the second visit down to the border, he obviously has a close relationship with Secretary Mayorkas and everybody at DHS. He had a chance to meet directly with border agents down there in Brownsville.

This is an issue he knows is important to the American people. It's important to him. And frankly, Martha, that's why it was so important for the Senate to pass that bipartisan bill, which included significant changes not only in border security, but immigration policy.

And now, it's languishing because the House won't take it up. The president is willing to negotiate and compromise and talk about all these things and move forward. That's why I ask about national security stuff on that.

MACCALLUM: John, how has he never spoken to -- and you know what, we did some reporting on this earlier today. Not only Raul Ortiz, the former chief of the Border Patrol, but the current chief of the Border Patrol, Chief Owens, who you pointed out, he did meet with him in Brownsville. But from what we can find out, they had never spoken before that. How is that possible?

KIRBY: You know, the president's engaged with the DHS. He is engaged with leadership there, He is engaged with --

(CROSSTALK)

MACCALLUM: But why not the Border Patrol?

KIRBY: He is engaged with the Border Patrol, Martha. He was just down there Brownsville meeting and talking to those folks directly and hearing from them about the situation on the ground.

(CROSSTALK)

MACCALLUM: But he never met with the former or current chief. The current chief he just met, he's been president for three years, just met him in the other day.

KIRBY: He again, is engaged with everybody at DHS, including the Border Patrol down there at Brownsville, talking to them on the ground, hearing from them directly about what their concerns are.

MACCALLUM: OK, but just to confirm that record, your time -- you -- they never met before Thursday, correct? (INAUDIBLE)

KIRBY: I -- look, I don't -- I don't have -- I don't have the president's daily calendar with me in terms of like, who he's met specifically with.

(CROSSTALK)

MACCALLUM: OK.

KIRBY: But the idea that he's somehow disengaged from the Border Patrol just flies in the face of the facts.

MACCALLUM: OK.

You know, I mean, obviously, this is a very important issue for his election. And now, what we're learning is that 75 percent of the border crossings are happening in what people would consider to be blue states. New Mexico, Arizona, California. 75 of the border crossings.

And you see the numbers. He's down against President Trump by five nationally. You know, obviously, this is a very important issue for his election. Are we going to hear something new and different on Thursday night with regard to how he expects to turn that issue around, John?

KIRBY: I think you can hear -- you'll hear the president talk about a whole range of issues that he knows are important to the American people. And he understands that the border is important to the American people. It's important to him too. That's why he was so eager to work with the Senate on that bipartisan legislation. And so gravely, disappointed that the House and Speaker Johnson were refused to take it up.

I mean, they said -- they said they had to have border security to pass the supplemental for Ukraine. They got border security in there, and then decided they weren't going to take it up.

I can't speak to the ***politics*** in the election, you know that I'm not allowed to do that.

But he's obviously aware that this is an important issue for all Americans.

(CROSSTALK)

MACCALLUM: So --

KIRBY: With no matter who they vote for.

MACCALLUM: Absolutely.

KIRBY: And that's why he wants to work on immigration reform.

(CROSSTALK)

MACCALLUM: All right. I know you have to go, John. I just want to squeeze in one more. This is the -- Trump leads Biden among Hispanic voters by six percent.

Biden beat Trump by 28 percent with Hispanic voters.

So, if the idea was that having, you know, allowing millions of people to come across the border from Central America, South America, was going to help. It's been -- it's done, actually, absolutely the opposite. He's lost -- he's now -- but -- it's now Trump up six, after Biden was ahead with Hispanics by 28. So, what happened there?

KIRBY: I can't speak to the poll numbers, as you know, Martha. I'm not -- I just can't get into electoral ***politics***, and the -- and the polling that goes into supporting that.

All I can tell you is that Speaker Johnson has an opportunity here to do the right thing. Do the same thing the Senate did and get some border legislation passed.

We need some additional legislative authorities. We want to put more Border Patrol agents down there. The president is serious about this. It's time for the Speaker to be serious about this.

MACCALLUM: OK. Yes, I know you have to go. Just two seconds here. Does the president agree that there needs to be an immediate ceasefire by Israel, as the vice president said?

(CROSSTALK)

KIRBY: He believes -- it's -- he believes Vice it's important that we get a temporary ceasefire as soon as possible. There is a deal on the table, Martha. Hamas just has to take it. It's a deal that the Israelis have signed up to. It's forward leaning. It will give us a six-week ceasefire so that we can get all those hostages out.

Yes. We want that temporary ceasefire in place right now.

MACCALLUM: OK, John Kirby, thank you very much. National security advisor. Good to have you with us --

KIRBY: You bet. Thank you.

MACCALLUM: -- spokesperson. Thank you very much, John.

All right, so coming up, republican presidential candidate Nikki Haley, ahead of her biggest test yet, Super Tuesday tomorrow.

(BEGIN VIDEO CLIP)

DAN FOOSE, VIRGINIA VOTER: I think she can continue, and she should continue, just so the rest of us have somebody we could vote for. And maybe in the end, she can win. We'll have to see.

NEIL CODY, MAINE VOTER: She has a lot in her favor. I mean, she's much younger, she's sane. She doesn't have any excess baggage. And Trump's got enough excess baggage to ground that plane that he has.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: So former ambassador Nikki Haley says that she agrees with the unanimous Supreme Court ruling keeping former President Trump on the ballot in Colorado, one of more than a dozen states that are voting on Super Tuesday tomorrow. The Trump team predicting a delegate avalanche that will help them clinch the nomination they say next week. Right now, he has 244 of those delegates, needs to get 1215. Haley has 43 after winning her first contest in Washington, D.C., more than 850 will be up for grabs tomorrow night. We will have all evening coverage of that.

And as I said, 1,215 is the magic number for the nomination. Republican and presidential candidate Nikki Haley joins me now.

Ambassador Haley, good to have you with us. Thank you very much for being here.

FMR S.C. GOV NIKKI HALEY, (R) PRESIDENTIAL CANDIDATE: Thanks so much, Martha.

MACCALLUM: So is it fair to say -- you said the other day that you had only thought as far as Super Tuesday in terms of your campaign, is it fair to say that you will be making some kind of decision on Wednesday?

HALEY: What's fair to say is we've been in 10 states in the past week. We just had a rally here in Texas with well over 1000 people just outside of Houston. We'll be doing another rally tonight in Fort Worth. And you know, we're running through the tape. We're touching as many people as we can.

The crowds are passionate. They're fired up. They want a new generational leader. They want to turn the page. And we're excited about that.

And so our goal has always been to stay competitive. And as long as we're competitive, we're going to keep on running through the tape.

MACCALLUM: So what does that mean? You know, what states do you think that you might have a crack at winning? What is staying competitive? How do you define that come Wednesday morning?

HALEY: Well, usually it's the media that defines what's competitive. But I will tell you, we have some internal numbers that we're looking for, and that's what we're going to focus on. I'm not going to share those today, but our goal is just to be competitive.

Look, I mean, we are blessed to live in America where everybody has the opportunity to show the power of their voice at the ballot box. We've got 16 states and territories that are going to be voting tomorrow. We're excited because this is the opportunity of do we go with more of the same or do we want something different? And you know, whether it's here in Texas, where we just did the rally and every -- you know, thousands of people are saying they want something different, that's our goal, is to make sure that we go back to what's normal. We go back to results for the American people.

We go back to where we have fiscal responsibility and stop the wasteful spending and securing the border and making sure we prevent war. Those things matter.

MACCALLUM: So, you know, former President Donald Trump has come after you for not pledging to support the eventual nominee, which, of course, you had to pledge to support the eventual nominee to get the RNC, you know, permit to go on these early debate stages. Now, what do you say about that? You answered the question yesterday, so I'll ask you again. Will you support the eventual nominee for the Republican Party?

HALEY: Well, I think you should ask him if he would support the eventual nominee if it was me. I mean, nobody's asked him that, and I think that's the case.

Look, the conventions not till July. There's a lot of time. I mean, I have said very clearly how much I think Joe Biden is a problem, how I think he's dangerous for our country, and how I think we need to go in a different direction. But I don't think Joe Biden or Donald Trump should be president, that's why I'm running. And I don't think a lot of other people think the same thing.

Millions of people will vote tomorrow, and they're going to have their voices heard. This is not anti-Trump movement. This is a pro American movement. These are people who are tired of the wasteful spending. And Donald Trump's not talking about the fact that he put us $8 trillion in debt in four years. These are people who want to go and see a secure border, and they don't like the fact that Trump stopped Congress from trying to fix the bill and pass a strong border bill.

This is about national security, where we should be preventing war, and Trump said he would stand with Putin as he invaded our allies. It's a totally different set of policies that we're talking about that we want to see America go in a strong direction. And so, I think people have the chance to vote tomorrow, and it's going to be a great day.

MACCALLUM: You know, I know that you've ruled out running in any kind of third party and giving people another alternative, but here are some folks who really would like one. Watch this.

(BEGIN VIDEO CLIP)

MATTHEW, NORTH CAROLINA VOTER: I'd vote third party.

UNIDENTIFIED MALE: Third party?

MATTHEW: Yes.

UNIDENTIFIED MALE: Right in or third party?

MATTHEW: Well, if Nikki doesn't win the republican nomination, hopefully she'll go third party.

DEANNA, VIRGINIA VOTER: I'm pretty dissatisfied with the current administration, though, I will say that. So I'm leaning towards Trump. But honestly, at the end of the day, I'll probably write in a name.

(END VIDEO CLIP)

MACCALLUM: Probably write in a name. Your thoughts on that. And would you ever consider giving those people a yes?

HALEY: I mean, with 70 percent of -- 70 percent Americans don't want Donald Trump or Joe Biden. Sixty percent of Americans say they don't want -- that they think Donald Trump and Joe Biden are too old. And you know the Fox poll that you're talking about, Trump beats Biden by two points. I defeat Biden by eight. I win Hispanics by 12 percent.

This is are -- this is about addition. This is not about the fact that he's telling my supporters they're barred permanently from MAGA.

MACCALLUM: Yes.

HALEY: I'm a conservative Republican. I always have been. I always will be. I'm not going to do a third party. That's not anything I'm interested in.

But these voices cannot be ignored. They are tired of the way Republicans and Democrats are spending. They're tired of the fact that Donald Trump put them in debt. They're tired of the fact that we're becoming isolationists and not realizing the strength of our allies. And they're tired of the chaos.

They're thinking of the younger generation and the fact that they are worried about whether they're going to be able to afford a home, get a job, make ends meet. And on top of all of that, they see the division and the anger that's in our country, and everybody wants it to stop. And I think that's what you're seeing when we see these massive crowds wherever we go.

MACCALLUM: All right, we will be covering all of it and look forward to doing so tomorrow throughout the whole day. Super Tuesday tomorrow night. Big states at stake and big decisions that will follow in one way or the other.

Governor Haley, thank you very much. Always good to have you with us. Thank you for being here.

HALEY: Thanks so much. Get out and vote tomorrow. Nikkihaley.com.

MACCALLUM: So Bret Baier joins us with a preview of the big night tomorrow night coming up next.

(COMMERCIAL BREAK)

MACCALLUM: Hillary Clinton reacting to the unanimous Supreme Court ruling keeping former President Trump on the ballot in Colorado, one of more than a dozen states voting on Super Tuesday tomorrow. Watch.

(BEGIN VIDEO CLIP)

HILLARY CLINTON, FORMER SECRETARY OF STATE: Without talking about the opinion, which I haven't had a chance to read and study, I'm not surprised that this court would make that decision. And I'm not surprised that ultimately it's up to the American people to prevent him from ever getting near the Oval Office again. And that's what we have to do.

(END VIDEO CLIP)

MACCALLUM: OK, let's bring in special report anchor Bret Baier, my co- anchor for our special Super Tuesday coverage tomorrow night. Bret, great to have you here. It seems that --

BRET BAIER, FOX NEWS ANCHOR: Martha.

MACCALLUM: -- as hard as these blue states try to keep the former president off the ballot, they seem to be just energizing his campaign time and time again.

BAIER: Yes, definitely. And the Supreme Court ruling, while not a surprise 90 is something significant.

MACCALLUM: Yes.

BAIER: And you know, the left leaning justices really making their feelings clear that states can't tell a candidate on a national level for a federal office whether they could be on or off the ballot. And that affects not only Colorado, but obviously Illinois and Maine as well. It's been a string of victories, but there are a string of question marks for the former president as well, legally coming up.

MACCALLUM: Yes. I just spoke with Governor Nikki Haley moments ago, she obviously is in this through tomorrow. And I asked her if she's going to make decisions on Wednesday, and she didn't really want to get that far in terms of how far looking she's ahead. But you know, I was reading a piece by Victor Davis Hansen today saying that what she needs to do is build bridges back to the former president and unify the party and help to do that. What do you expect tomorrow night, Bret, and what comes after that?

BAIER: You know, listen, as we look at those polls at all those states, 15 in the U.S., 11 of the 15 have open primaries that Independents and Democrats can vote in as well. You would think she would do better. But right now, the polls in all those states, the ones that we see have him exponentially leading. She's won in D.C. and that's the only district in which she's won. And you know, the prospect of a win tomorrow, we'll see.

I think that there is a real question, you know, whether she's going to spend ads, whether she's going to keep campaigning after tomorrow night. And that speech, I think will be really interesting to listen to.

MACCALLUM: Absolutely. And we're going to cover all of that. So on the other side of the fence with the current president, he's getting, you know, a lot of joke fodder over the weekend. Here's a piece from "Saturday Night Live" as Karine Jean-Pierre, as played by one of the folks at "Saturday Night Live," tries to convince people that he is in amazing shape. Watch.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Look at his schedule 07:00 a.m. soul cycle class. And I'm not talking about taking one, he leads it. 09:30 a.m. meets with Joint Chiefs for a military strategy meeting and push up contest. 10:02 a.m., wins contest. Three to 11:00 train time. And that's all before a lunch where he eats five whole chickens and a raw potato.

(END VIDEO CLIP)

MACCALLUM: All right, back to back here. Let's look at Bill Maher and what he had to say, Bret, watch this.

(BEGIN VIDEO CLIP)

BILL MAHER, "REAL TIME" HOST: Instead of trying to refute all the too old to be president slams, Joe must embrace them. Stop with the, I'm sharper than ever. Nobody's buying that.

Don't try to deny the age thing. Lean into it. Lean in. Lean in like you're eating soup and just admit it. Say, yes, I'm bad with names and I walk like a toddler with a full diaper.

(END VIDEO CLIP)

MACCALLUM: Oh, boy. Pretty tough to take on a Monday morning, Bret, for the White House.

BAIER: Yes. I tell you what, that "New York Times" Siena poll was just an eye opener.

MACCALLUM: Yes.

BAIER: It really was. And some of those numbers, there really wasn't a positive thing in any of those numbers for President Biden and his campaign. And if you look at that and realize how big an issue, the age issue is for the Biden campaign, and you look at it as he's 81, it's not going to get better as far as, you know, his ability to convince the American people that he's somehow different.

He is who he is to Bill Maher's point. And if you look at those numbers, they are going to have to do something drastic to change the trajectory because each one matches poll numbers that we've seen across the board.

MACCALLUM: Yes. All right, Bret, we look forward tomorrow night and great to have you here this afternoon. Thanks very much. Good to see you.

BAIER: Sure.

MACCALLUM: So Bret and I will be anchoring the special coverage of Super Tuesday results. We start tomorrow night at 07:00 p.m. And lot of states to cover, lot of numbers that we're going to get in, speeches by these candidates. All of that will be covered here live in primetime tomorrow night on Fox News is.

And Texas scores a big win as it battles the Biden administration to secure their border. Republican Congressman Burgess Owens joins me next.

(COMMERCIAL BREAK)

MACCALLUM: Fox cameras capturing brand new video. Just moments ago, a group of migrants crossing the Rio Grande in Eagle Pass, Texas, appearing very emotional after arriving on U.S. soil and right before they surrendered to Border Patrol. Earlier today, a decision out of Texas giving a potential big win to Governor Greg Abbott as he continues to battle the Biden administration over the border crisis. A federal court ruling that state law enforcement can arrest and prosecute people entering the country illegally. That's going to take effect this weekend unless this new ruling is appealed by the Supreme Court. The news follows this stunning admission in by former Border Patrol Chief Raul Ortiz on "60 Minutes." Watch.

(BEGIN VIDEO CLIP)

RAUL ORTIZ, FORMER BORDER PATROL CHIEF: I've never had one conversation with the president or the vice president, for that matter. And so, I was the chief of the border Patrol. I commanded 21,000 people. That's a problem.

The cartels, the criminal organizations, that's who's winning in all of this. They're sitting back, reaping all the benefits while they watch the state of Texas and Washington, D.C. go at it.

(END VIDEO CLIP)

MACCALLUM: All right. With that, we bring in republican congressman from Utah, Burgess Owens. He has visited the border several times back in January.

Congressman Owens, thank you very much for being here. What is your reaction? And I just asked John Kirby about this, we're going to try to turn that around. But you know, why hasn't the President had a conversation with either the former border patrol chief overseeing 21,000 agents or the current one? How is that even possible?

REP. BURGESS OWENS (R-UT): Well, you know, what's interesting, I think America now is coming to the conclusion that many of us came to three years ago when we first time visited the border, we said then that this is on purpose. And a lot of people just could not accept that a president of the United States would allow the death of so many Americans. The hopelessness that's now prevailing across our country, the idea that we can literally purposely bring misery to our country, and that's what we're now seeing. I think it's very obvious.

America's now seeing, we have states across the country now sitting their national guard because what the president won't do. And we're going to stand back at one point and be thankful. First of all, those grave men and women that are on the border doing their best and for the state of Texas doing what the federal government should have been doing. And we're going to have to hold these people accountable because this -- I'll say this is traitors to me. To purposely do this to American people to get power is not the way we have actually ever done in our country.

So we're going to have a chance to reflect back on this time and see what happened and why. And we should hold people accountable once we get to that point.

MACCALLUM: Here's what John Kirby had to say in answer to that. Watch this, please.

(BEGIN VIDEO CLIP)

KIRBY: The president's engaged with the DHS. He's engaged with leadership there. he's engaged with --

MACCALLUM: But why not the border patrol?

KIRBY: He's engaged with the border patrol, Martha. He was just down there at Brownsville meeting and talking to those folks directly and hearing from them about the situation the ground.

MACCALLUM: But he never met with the former or current chief. The current chief he just met, he's been president for three years, just met him the other day.

KIRBY: He, again, is engaged with everybody at DHS, including the border patrol down there at Brownsville talking to him on the ground.

(END VIDEO CLIP)

MACCALLUM: I guess you must be right, Congressman. I think the only logical answer to that is that he didn't want to hear the reality that they might want to talk to him about and tell him about if he called them.

OWENS: Well, we have administration that says this, don't believe your lying eyes. It is amazing. And American people are waking up. Unfortunately, because of the way our education system is going, we begin to have a nation which many people do not have empathy. Empathy happens when you start dealing with it personally.

What's happened right now across our country, because of what they've done to invade our nation, every city, every state now isn't dealing with it. So empathy, which is what has always been our strongest points now are finally beginning to become part of what we're all about. We're realizing what's happening at the border is now happening every place else. The deaths, the fentanyl, the crime, the hopelessness, not ability to have a home anymore, all the things we can go through the list is being done on purpose.

MACCALLUM: Yes.

OWENS: And when Americans realize that we've been lied to and that our pain is coming because somebody decides they would rather their interest is stronger than our interest, that does not fare well in our country. So, we're going to come out stronger because of this. Because as a nation, we're coming together realizing we're truly at war. We're at war, unfortunately against our own federal government. And never thought we'd ever say that --

MACCALLUM: Yes.

OWENS: -- but here we are. And because we're going to come together as a country and be strong at the end of the day, because we might not agree on everything --

MACCALLUM: Yes.

OWENS: -- but we do believe that we should have -- we should be looking at ourselves first for ourselves.

MACCALLUM: I just have about 30 seconds, sir, so quickly, if you can. The Black vote and the Hispanic vote is trending very forcefully towards the former president --

OWENS: Yes.

MACCALLUM: -- Donald Trump. Quick thought on that, sir, if you will. Thank you.

OWENS: Because we want the same things everybody else, life livers suit of happiness and realize we've been lied to by Democratic Party. I realized that 40 years ago. I've been praying for this day that Black Americans and the American Jews, they're realizing the Democratic Party has never been for them and we're going to come back and show that at 2024. I'm excited about that process.

MACCALLUM: Congressman Burgess Owens, it's always good to talk to you, sir. Thank you very much for making time for us today. We hope to see you soon.

OWENS: Thank you.

MACCALLUM: Thank you, everybody, for being here. That is THE STORY for this Monday, March the fourth. THE STORY goes on. So, I look forward to seeing you back here tomorrow at 03:00. "YOUR WORLD" starts right about now.

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