

# [***Biden Touts Economy; Holiday Travel Rush; Interview With Sen. Deb Fischer (R-NE); Border Battle; Colorado Removes Trump From Ballot***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:69XB-NDW1-F072-X3VF-00000-00&context=1516831)

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**Guests:** Doug Schoen, Deb Fischer; Noelle Nikpour, John Yoo

**Body**

(BEGIN VIDEO CLIP)

GOV. RON DESANTIS (R-FL), PRESIDENTIAL CANDIDATE: There was no trial on any of this. They basically just said, what, you can't be on the ballot? I mean, how does that work? What's the limiting principle for that?

NIKKI HALEY (R), PRESIDENTIAL CANDIDATE: We don't need judges making these decisions. We need voters to make these decisions.

VIVEK RAMASWAMY (R), PRESIDENTIAL CANDIDATE: If they're not going to run a free and fair election in Colorado, I will remove myself from the GOP primary ballot too and call on every other Republican to do the same thing.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: Now, whether the 14th Amendment applies, I will let the court make that decision. But he certainly supported an insurrection.

UNIDENTIFIED MALE: I certainly don't want to support a candidate that's not going to be able to be on the ballot.

UNIDENTIFIED MALE: People will still show up. In fact, it'll create more animosity. It'll help Trump because they're doing this.

(END VIDEO CLIP)

NEIL CAVUTO, FOX NEWS ANCHOR: Rocky mountain slide? The debate off the rails, as Colorado's top court takes Donald Trump off its 2024 presidential ballot.

Now, will other states follow? And who stands to benefit the most? What if I give you a hint? His initials are DJT, the same guy who has raised money off of such so-called obstacles, including court cases and indictments and pile-ons in the past and going on now. Is history repeating itself? We follow the money. You decide.

Welcome, everybody. I'm Neil Cavuto. And so it goes yet again, another controversy for the former president and another potential money-raising event for him in the process.

In the meantime, let's go to the White House and get reaction from David Spunt, who's been there and monitoring it -- David.

DAVID SPUNT, FOX NEWS CORRESPONDENT: Well, hi, Neil.

The White House, the Justice Department, the Supreme Court all watching this case out of Colorado right now. The president saying he won't comment on it because it's an active case. Here he is just a few hours ago in Wisconsin.

(BEGIN VIDEO CLIP)

QUESTION: Mr. President, your reaction to the Colorado ruling on Trump and the ballot?

BIDEN: I'm not going to comment on a court case. That's up to the court. That's all I have to say about it.

(END VIDEO CLIP)

SPUNT: OK, Neil, but just seconds later, he walked over to the camera when he was asked if his predecessor, Donald Trump, is an insurrectionist, given what happened on January 6 inside the U.S. Capitol. And the president bit on that question. Watch this.

(BEGIN VIDEO CLIP)

QUESTION: Is Trump an insurrectionist, sir?

BIDEN: Well, I think it's self-evident. You saw it all. Now, whether the 14th Amendment applies, I will let the court make that decision.

But he certainly supported an insurrection. There's no question about it, none, zero. And he seems to be doubling down on about everything.

(END VIDEO CLIP)

SPUNT: Now, it's likely this case will head to the U.S. Supreme Court, where the nine justices who try -- and I say try -- to stay away from ***politics*** are more and more finding themselves in the nerve center of next year's presidential election.

Not only will this case likely come before the U.S. Supreme Court but the justices have already indicated that they're going to get involved over this issue of presidential immunity. Special counsel Jack Smith, who's trying the president here in Washington, D.C., for trying to overturn the 2020 election, went to the Supreme Court early last week and said, listen, can Donald Trump be prosecuted, or is he truly shielded by presidential immunity, as his lawyers claim he is?

And we're waiting on the Supreme Court to get involved in that case as well -- Neil.

CAVUTO: Got it.

David Spunt, thank you, my friend.

Want to go to Mark Meredith right now, who's in Iowa.

And I would imagine, Mark, that this might have come up once or twice today.

MARK MEREDITH, FOX NEWS CORRESPONDENT: Neil, it came up pretty much all day long.

But what's fascinating, you think, if you're these presidential campaigns, they have spent months trying to get their message together to decide what they are going to focus on this late in the race, and instead these Republicans are all having to talk about Donald Trump and this latest legal challenge coming out of Colorado.

But, today, as you hinted, all of those candidates came to Trump's defense.

(BEGIN VIDEO CLIP)

RAMASWAMY: Make no mistake, I want to win this election, and I want to do it through the front door by convincing the voters of this country that I'm best positioned to lead our movement to the next level, not by having the competition eliminated from the ballot.

FMR. GOV. CHRIS CHRISTIE (R-NJ), PRESIDENTIAL CANDIDATE: But what I will say is this. I do not believe Donald Trump should be prevented from being president of the United States by any court. I think he should be prevented from being president of the United States by the voters of this country.

(END VIDEO CLIP)

MEREDITH: Trump was in Iowa, the first contest state, just last night, but he chose to not directly weigh in on the information coming out of Colorado.

He's not expected to hold any more campaign events this week. However, today, we are hearing from the Republican National Committee, the chairwoman posting: "The same party that claims they want to save democracy, wants to let non-citizens vote, while disenfranchising millions of voters. They don't want to save democracy. They want to stop it from happening, and we will leverage all of our resources to stop them in the courts."

So it's fascinating here. You have got the RNC saying that they're going to stick with Trump on this issue, saying that he should be on the ballot, like we have also heard from those other candidates today. And as David was talking about, this is likely an issue that's going to get decided by the Supreme Court relatively soon.

So we heard from Governor DeSantis today. He said that he doesn't think this is going to be an issue very much longer. He thinks the courts will get involved. But, again, Neil, you think about what these candidates are trying to focus on, they want to tell their story, they want to talk about the economy, the border, what's happening with inflation.

CAVUTO: Yes.

MEREDITH: And instead they're all having to talk about Donald Trump and January 6.

CAVUTO: Indeed. Here we go again.

Mark Meredith, thank you very much.

I want to go to John Yoo right now. Of course, you know John, the former deputy assistant attorney general, U.C. Berkeley law professor, Justice Thomas law clerk, the whole package. We're honored to have him.

So, John, I was doing a little research, because I always have to do research when you come on. I can't fake it, but I try.

(LAUGHTER)

CAVUTO: Anyway, there are 15 or 16 states that are kicking around this idea of removing Donald Trump from the ballot. Obviously, Colorado was first out the gate through its Supreme Court doing so. But what do they, other states, then use as the trigger mechanism?

JOHN YOO, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL: Neil, your research is done well, as always.

In this case, that's actually the second Supreme Court that's heard this issue. The Minnesota Supreme Court actually turned away this challenge. There's going to be other courts. Other secretaries of state are also considering this. For example, in California, out here, the secretary state is considering whether to bar Trump from the ballot.

That's why I think the Supreme Court will intervene. And I think the Supreme Court will overturn the Colorado Supreme Court, because the last thing the U.S. Supreme Court wants is 30, 40 different standards about who gets to be on the ballot, who doesn't get to be under the ballot, when the U.S. Constitution actually sets out.

You have to be natural-born citizen.

CAVUTO: Right.

YOO: You have to be 35 years old. You have to be resident of a state, and this insurrectionist clause doesn't apply.

CAVUTO: So if there are number cases still pending against the former president, including the whole January 6 issue, and if a conviction were to come down on anything that relates to January 6, are all bets off then? Can Colorado come back and say, well, now he's convicted, and we're well within our rights doing this, and other states seizing on the same thing?

YOO: It's a really good point, Neil.

There's two different questions here. Did Trump participate in an insurrection or not? That's like -- you could say that's a factual question. The legal question is, even if he did, or even if he didn't, it doesn't seem to matter.

The Constitution just says you can't run for Congress, you can't be an officer of the United States, can't be a judge or a military officer. The Constitution's text doesn't say the president. And the important issue here is, every time the Constitution talks about the president, it says the president. It doesn't use one of these other terms.

So Trump is going to say, it doesn't matter whether Jack Smith and the special counsel convict me of insurrection or being involved with January 6. I'm still allowed to run for president. In fact, he could be president from jail. He could be president if he was a convicted felon.

CAVUTO: So this is essentially what Colorado is using, or at least the court. It was along a party line, I think a 4-3 vote, so the Democratic justices obviously voting for it, the Republicans opposed.

So it doesn't take the ***politics*** out of this and the fear that there's a sort of a party-based cabal against the former president. And doesn't that ignite its own legal fire?

YOO: Well, actually, one correction. The one hopeful thing here is that all of the Colorado justices were appointed by Democratic governors.

I haven't been to Colorado lately, but I don't think they have had a Republican governor in like 20 years or something. But the point is even three Democratic justices out of the seven thought this was going too far and that Trump should be allowed to run.

CAVUTO: OK.

YOO: But your major point, Neil, is correct, which is that this is -- the courts are inevitably being drawn into ***politics***.

I'm sure Chief Justice John Roberts and the justices of the Supreme Court would love nothing more than to have to say absolutely nothing about the 2024 presidential election. But as you have pointed out now, there's two separate lines of cases that are going to require the Supreme Court to get involved. One is this. Can Donald Trump be on the ballot in all the 50 states?

They have to get involved because they don't want 50 different standards. They don't want states retaliating against each other. Imagine if a red state said, I think Joe Biden's committing insurrection because he's letting in all these illegal aliens across the Southern border and bars him from their ballot? So that's one problem.

And then you have the appeals that are coming up, as you mentioned, Neil, the immunity question, whether President Trump is immune from prosecution by the Biden Justice Department. That's coming up on a slower track. Actually, Trump is not eager for that to get to the Supreme Court quickly.

It may be that the Supreme Court hears that, but it may not be until after the election.

CAVUTO: Yes, and if you think about it real quickly, I mean, he did -- the president, the former president lost Colorado nearly by 13 points.

But if this were to be extended to the six or seven battleground states in which he presently leads, and several or all of them took him off the ballot, you would have more than just a constitutional crisis on your hands.

YOO: Yes, Neil, I think that's the point we should really focus on.

As you said, Colorado doesn't really matter for the Electoral College equation.

CAVUTO: Right.

YOO: Wisconsin, Pennsylvania, Arizona, Georgia do. And those states all have still yet to say whether they think Trump should be on the ballot, but there are all efforts in all those states to get him disqualified.

CAVUTO: Incredible.

John, always learn a lot. Thank you very much.

John Yoo on all of those developments.

YOO: Thanks, Neil.

CAVUTO: Meanwhile, I want to go to break here, but take a look at a sell- off on Wall Street. You heard me right. After nine straight winning sessions, five records in a row for the Dow, a little bit of a giveback today, the Dow falling about 475 points.

Of course, we had some news on the transports and a lot of those stocks that have to do with companies that move things not moving as much. A lot of that was triggered by FedEx saying that its forecast was looking a little less robust as it earlier thought. That stock fell about 11 percent, dragged transport stocks with it.

And there are those who subscribe to something called the Dow theory that says, as they go, so potentially go the markets. Or this was just an excuse to sell. We're still up a lot. The year is still looking strong and the Santa rally, we're told, is still very much on. We shall see.

We'll have more after this.

(COMMERCIAL BREAK)

CAVUTO: All right, in Iowa, this is all they were talking about today. You heard that a little bit earlier, but now there are indications that this is all helping, that is, Colorado trying to take Donald Trump off its presidential ballot next year. That this is actually feeding this notion that there's a pile-on going on here.

And as Chris Christie, himself no fan of the former president, was saying, that's something courts shouldn't be deciding. That's something, well, voters should be deciding.

Doug Schoen, the former Clinton adviser, Democratic strategist, joining us, Noelle Nikpour, GOP fund-raiser extraordinaire.

Noelle, I end with you, begin with you then. As a Republican looking at this, you have to be thinking a little Yogi Berra deja vu all over again, another incident that on the surface looks bad for Donald Trump, but could actually be quite galvanizing. What do you think?

NOELLE NIKPOUR, REPUBLICAN FUND-RAISER: Well, once again, people like an underdog, and when they feel that he's being picked on, I feel a lot of people, his base, they're going to be even stronger.

So it keeps -- over and over again, it keeps looking like that he is some sort of a martyr by having people, if they can't get him one way, they're going to get him another way. But this only secures his base. And another thing to look at, I always look at it from the money.

I'm going to be very curious to see how these small contributions start coming in for Donald Trump to help him fight the good fight. So it's going to be very interesting, especially in the state of Colorado. Any supporters that he has -- that he already has that are engaged, I want to see what they're going to do on the fund-raising part of this, which is really huge to look at, is following the money.

CAVUTO: Doug Schoen, I think we're going to look at Texas Congressman Chip Roy. Of course, Donald Trump had recommended primarying him, his greatest sin, of course, being not to go ahead and disqualify the electoral votes on that fateful January 6 day.

But he's as conservative as they come. He's supporting right now Ron DeSantis. Ron DeSantis has already indicated, Doug, as you know, that he thinks he's going to win Iowa. Does he have to win Iowa?

DOUG SCHOEN, FORMER BILL CLINTON POLLSTER: Oh, I think Ron DeSantis has to win Iowa.

But with a new poll out in Iowa showing Nikki Haley tied with him and moving towards being ahead, I think the chance of that happening is very, very slight.

On your earlier question, let me just weigh in quickly. Noelle is correct. And, as a Democrat, I think it is against our interests that, without a trial for Donald Trump, to be knocked off the ballot in Colorado or anywhere. So I very much hope an appeal succeeds and restores him sooner, rather than later.

CAVUTO: There's always the issue, too, of all these other cases, Noelle, against or the former president has to deal with.

Any conviction any one of them, to hear Chris Christie and some of those who are not a fan of Donald Trump, that that would doom him. I'm not so sure of that anyway, but what do you think?

NIKPOUR: Well, this is a constitutional lawyer's dream. I mean, we are really getting into the minutiae of constitutional law.

And as someone that works in ***politics***, I raise national money for super PACs and I do fund-raising for candidates. So it's really educating a lot of people that are involved in ***politics*** as consultants, as people that raise funds, campaign managers.

We are really having to study constitutional law, because never have we had -- first of all, we have two races going on. We have Donald Trump, who's in some polls 50 percent ahead. Then we have got another race going on between DeSantis and Nikki Haley. And if you look at that race, Nikki Haley and DeSantis, when the big donors jumped ship, the perception of that to the general public is, oh, he's losing, she's gaining momentum, I'd better get with the with the leader of the B team.

So you have got the A team, Donald Trump, that's got all this legal -- legal jargon going on. And then you have got the B team. You have got the leader of the B team, which looks like DeSantis has fallen back, he's lackluster. And it's not because he doesn't have a good record. It's because he's not that great a communicator, and he's not as likable as Nikki Haley.

Nikki Haley is somebody that you would actually sit down and like to have a beer with or discuss now what's going on in the world.

(CROSSTALK)

CAVUTO: Do you think I wanted -- if I saw her at a bar, and I said, let's have a beer and talk about these issues, I always hear that analogy with candidates and all. Maybe at a bake shop, I could see, exchange a cannoli.

(LAUGHTER)

CAVUTO: But let me ask you -- I'm kidding.

But, Doug, to make that point, there's obviously a lot of tension with Iowa less than four weeks away, and that it gives you momentum if you have a win in Iowa. Let's say it's not Donald Trump and let's say it is DeSantis. Changes everything going into New Hampshire, but, oftentimes, the Iowa winner is not the New Hampshire winner.

And it doesn't have the same clout or gravitas that it used to. But what do you make of that?

SCHOEN: Here's what I'd say.

The voter profile in Iowa is very different, as you suggest, Neil, than New Hampshire. In New Hampshire, independents can vote in the Republican primary. That helps Nikki Haley. Iowa is more dominated by traditional conservatives and, indeed, evangelicals.

I would say, for Donald Trump, his best result would be for Nikki Haley to finish third in Iowa. And, if she wins or has a close race in New Hampshire, I think that would help her. But with South Carolina and Nevada coming next, whatever happens, I think Trump is going to be in a stronger position.

And I think the events of yesterday in Colorado only strengthen the hand of Donald Trump and support his narrative that he is in some ways being scapegoated or targeted.

CAVUTO: Yes, so, to your -- both your points, this might have come at just an ideal time for Donald Trump, hardly a damaging development.

SCHOEN: I think it did, yes.

CAVUTO: Maybe a constructive...

SCHOEN: I agree with that.

CAVUTO: Guys, I want to thank you both. Very good seeing you again.

SCHOEN: Thank you, Neil.

CAVUTO: In the meantime, we have been focusing on the border as well, not just these political battleground states, but the battleground that is the border right now.

Remember those records I was telling you about yesterday and warned you might want to write them in pencil? There's a reason for that. We're breaking them again -- after this.

(COMMERCIAL BREAK)

CAVUTO: OK, so enough about ***politics***. You're trying to get somewhere, anywhere for Christmas, right?

Well, tomorrow will be your busiest day. And I hate to break it to you. The weather notwithstanding earlier in the week -- and that was rough -- you could be looking at something much rougher -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, don't say our Bill Melugin didn't warn you, another day, another record at the border, and that's a pretty wide and widening border.

He's in Lukeville, Arizona, today.

Bill, what can you tell us?

BILL MELUGIN, FOX NEWS CORRESPONDENT: Yes, Neil, it just gets crazier.

CBP sources telling FOX News that, since December started, we have already had over 190,000 migrant encounters at our Southern border. That's a population size equivalent to Birmingham, Alabama, crossing our country in just 19 days. And take a look at what's going on in Eagle Pass right now, our FOX News drone live over the situation there, which has been ongoing for over 48 hours now.

We all saw the mass illegal crossings there this week. They have had 10,000 illegal crossing since Saturday there, another 4,000 in the last 24 hours alone, and they're coming in from all over the world, Border Patrol reporting some of the crossings they have seen there coming from Lebanon, Oman, Guinea, China, Bangladesh, Albania and Angola.

Texas Congressman Tony Gonzales says the situation out there is completely unacceptable. Take a listen.

(BEGIN VIDEO CLIP)

REP. TONY GONZALES (R-TX): I am sounding the alarm as loud as I possibly can. I don't care how we got here. I don't care whose fault it is. I don't care about the ***politics***. I want this to end, and I want our country to be safe.

(END VIDEO CLIP)

MELUGIN: Meanwhile, take a look at this video, Texas Governor Greg Abbott's office confirming to FOX News he has started flying illegal immigrants to sanctuary cities with this flight you're looking at right now the very first one to Chicago last night.

This flight was loaded up with 120 illegal immigrants in El Paso and it landed at Chicago's O'Hare Airport last night around 5:00 local time. Keep in mind this happened after Chicago's Mayor Brandon Johnson had been going after Governor Abbott, saying that he was -- quote -- "attacking the country" regarding his migrant busing program.

Well, Abbott is shooting back, his office saying they have got even more flights planned now. And any sanctuary city in the country is -- quote -- "fair game" for these flights.

Lastly, we will bring you out here to Lukeville, Arizona, where we are. Take a look at this footage we shot earlier this morning, another mass illegal crossing through a breach in the border wall cut by human smugglers.

You will see hundreds of adults from all over the globe walking down this dirt road where we're standing right now. They're heading to a processing center set up by Border Patrol, some of them pulling out iPhones and doing what's known as the selfie factor, where they send selfies of themselves to friends and family around the world, letting them know they have arrived here in the United States.

And, Neil, I would add, two men from Afghanistan were in this group earlier today. Back out here live, those two men from Afghanistan are considered special interest aliens. They will now be subjected to further federal vetting.

One more thing to note, Neil, the numbers are the highest they have ever been. We are currently on pace right now to hit over 300,000 migrant encounters for the month of December. If it stays the way it is, that would be the single highest month ever recorded in U.S. history, would beat the previous record set in September, which was 269,000.

We will have to wait and see how the rest of the month plays out, but it's not good right Neil. We will send it back to you.

CAVUTO: Just incredible. All right, thanks very much for that.

Guys, I'd like to go -- I believe Ron DeSantis is speaking right now in Iowa, this, of course, on the same day we got this Colorado news, a day after, where they're taking him off, that is, Donald Trump, the presidential ballot next hear.

Let's just listen in for a little bit.

(JOINED IN PROGRESS)

DESANTIS: ... about how to change this country for the better. And I'm confident that, with me as your candidate, you're going to get eight years of strong conservative leadership, and we are going to reverse the decline of this country.

We're going to give this country a new birth of freedom.

(APPLAUSE)

DESANTIS: And you know that I can do that because I'm the one that's done it. I'm the only one running who's delivered on 100 percent of his promises.

Everything I promised I would do as governor, I have delivered on. I'm also the only one that's running that has beaten the left on issue after issue. You look around in Washington, a lot of these Republicans get steamrolled. Many other states across the country, the left steamrolls.

In Florida, we took them on and we won big victories. We beat the teachers unions on school choice and have universal school choice now. We beat Fauci on COVID, and Florida's doing about as good as it ever has done because we were open and free.

(APPLAUSE)

DESANTIS: We beat George Soros on crime by removing two radical left prosecutors who were letting people get away with crimes.

(APPLAUSE)

DESANTIS: We beat the Democrats on election integrity. We have universal voter I.D., a ban on ballot harvesting and a ban on Zuckerbucks. And, as a result, Florida has the most secure elections in the country.

(APPLAUSE)

DESANTIS: And we beat the Democrats by banning China from purchasing land in the state of Florida, no farmland, no land near military bases, none of that. We're putting our people first, regardless of what Wall Street or other interests say about that.

So we have fought for people, we have won for people, and we have led the state.

CAVUTO: All right, we are continuing to monitor this.

The candidates, of course, are going across Iowa, the caucuses there less than four weeks away. You heard from Nikki Haley a little bit earlier here.

But they're making the full-court press there ahead of those caucuses, in light of what's just happened, of course, yesterday, where Donald Trump was taken off the Colorado ballot, no doubt going all the way to the Supreme Court.

We will see how the justices rule on that. And you got all these other developments, as I said, with the border.

Senator Deb Fischer kind enough to wait all of that out, the Nebraska Republican joining us now.

Senator, very good to have you.

A couple of things to get in with you, Senator, if you don't mind, first off on what's going on in Iowa right now, and then, of course, Colorado taking it upon itself to remove Donald Trump from the presidential ballot next year.

I did want to give you a chance to offer your thoughts on that.

SEN. DEB FISCHER (R-NE): Oh, sure.

And what we saw in Colorado, it's -- we used to think that something like that would be unthinkable. We believe in elections in this country. The courts don't decide who's going to be on a ballot. So it's just really unthinkable that they would remove or try to remove President Trump from that ballot.

I'm sure, as you said, Neil, it's going to go to the Supreme Court. And I hope action is taken swiftly. This cannot stand.

CAVUTO: The backdrop for this, as you know, is this idea that we have very big issues on the table, not the least of which is something you're concerned about.

You're all the way up in Nebraska, but you're very concerned about the border right now, and particularly the move afoot to essentially stop freight traffic, because a lot of these migrants have been hopping on these trains to get in the United States.

But now a number of these companies that run these trains are saying, you're killing us economically. So where are you on that and how we address this? Because they're trying anything and everything they can to stop the movement, but the movement can't be stopped.

FISCHER: When you look at an open border, all that does is bring crime and drugs and the risk of terrorism to this country.

But now that chaos is also hurting commerce in every state. So not only do we have a national security emergency in this country. We have an economic emergency. My state, Nebraska, we export about a billion dollars worth of ag products to Mexico every year. And when you have these two rail lines that are shut down in El Paso and Eagle Pass, that's millions of dollars every day.

That affects my state. That just doesn't affect the businesses. It affects the ag producers in this state. And ag's the economic engine in Nebraska, so the whole economy of Nebraska is affected. When we look at that, obviously, the Biden administration, they need to come up with a plan.

And I sent a letter to Secretary Mayorkas to ask him what their plan was to reopen those crossings. But that's not the only place that we need to worry about the commerce of this country and free trade. Look at what's going on in the Red Sea with the Houthis and I would say inaction of the Biden administration in trying to get better control over that.

Twelve percent of the economic trade in this world passes through the Suez Canal. Can you imagine if that continues to be a hot spot, and we would see trade shut down there? So this is an economic crisis now.

And when you mentioned that the administration has shut down these two crossings, I would say that the reason they gave for shutting this down was they had to move border staff to the border to be able to control the thousands and thousands of illegal migrants that are coming into this country.

That's why these crossings are shut down. And states like mine and Illinois, and Minnesota, and Kansas, and Iowa, and Missouri, we're losing out on trade.

CAVUTO: Yes.

FISCHER: But that's the reason they're shut down. That -- those rail crossings have to be open so we can continue to have that commerce and free trade.

CAVUTO: Now, you mentioned you called or wrote Secretary Mayorkas. Has that you heard back?

FISCHER: Right.

We have not heard back.

CAVUTO: OK.

FISCHER: We sent the letter, obviously, after we heard the crossings, the two crossings were going to close. We haven't heard back on that.

But when you see the effects of trade being interrupted, as I mentioned in the Red Sea, oil prices in the last week have gone up. We have seen an increase in shipping, about a 20 percent increase in shipping costs that have gone up. That affects every American. That's the bottom line. It affects every American when those prices go up.

CAVUTO: Senator, we will watch it closely. Thank you for taking the time.

FISCHER: Great.

CAVUTO: By the way, we did mention the DHS secretary, Alejandro Mayorkas. We have reached out to his office. We have not heard back.

But, as I like to say, we don't bite. We don't shout. We welcome anyone and everyone. So, hope springs eternal. Maybe we will hear from him and see where this goes, because the debate is far from over.

No debating the fact that this is going to be a very busy travel week. It really kicks off tomorrow in earnest. That is supposed to be the busiest travel day of this year's Christmas season. Just prepare yourself for that.

We will tell you how and what you're looking at -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, that was "Home Alone 2." Remember that one, "Home Alone"? How could you leave the kid at home? Anyway, happened twice, right, in that?

But a lot of people just saying, how can I just even get to the airport itself? Be prepared for the rush, be prepared for the crowds. You probably already are.

And if Madison Scarpino is right, be prepared maybe for some headaches in the process. She joins us right now.

By the way, I want to welcome you in your new role as Atlanta correspondent. Great going, Madison.

And we give you this assignment first up, and it looks like it could be problematic for travelers, right?

MADISON SCARPINO, FOX NEWS CORRESPONDENT: Well, thank you so much, Neil, for that.

Yes, we're here at the busiest airport in the world. Today, so far, crowds have been on and off, but things will probably get a whole lot worse, because TSA expects tomorrow to be the busiest holiday travel day, and we spoke to some travelers here today who say they are glad they left early.

(BEGIN VIDEO CLIP)

NAKESHIA WRIGHT, TRAVELER: I was like, let me go right before everybody leaves, and I'm going to come back after everybody's back.

IAN DANIELS, TRAVELER: I was expecting a little more traffic, so we rushed to get here early.

ADI BHATT, TRAVELER: It looks like we missed the rush time, so I'm pretty glad. We expected way more.

(END VIDEO CLIP)

SCARPINO: TSA expects to scan around 2.5 million passengers a day on those days that will be extra busy.

And government officials, they don't want a repeat of last year's travel debacle. You might remember when Southwest Airlines canceled more than 17,000 flights, leaving countless Americans stranded across the country with no way to get to their final destinations.

And to make sure that this doesn't happen again, the Department of Transportation and the FAA are working closely with the airlines. And FAA Administrator Mike Whitaker says it's all hands on deck.

(BEGIN VIDEO CLIP)

MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION: The airlines actually are in constant communication with us through the command center. There's very close coordination between airlines and FAA on delays and implications of weather.

For the controllers, we currently have just under 11,000 certified controllers.

(END VIDEO CLIP)

SCARPINO: Airlines did perform well during Thanksgiving this year, but something that can't be controlled is the potential of severe weather.

So, remember to check directly with your airline for the most up-to-date information your flight. And in the meantime, travel professionals say stay calm, give yourself plenty of time to get through security, and pack smart, especially when it comes to those gifts.

(BEGIN VIDEO CLIP)

NICK EWEN, THE POINTS GUY: If have a wrapped present and it does set off some kind of alarm or there's something in there that the agents do not like, they will unwrap it.

(END VIDEO CLIP)

SCARPINO: Now, if you're hitting the road, definitely expect a lot of company there as well.

AAA is expecting over 100 million people to drive for the holidays, but gas prices are slightly down from last year, so the good news is you may be saving some money -- Neil.

CAVUTO: All right, Madison. Welcome again. Great to have you. Look forward to many, many more such fine reports.

Kendall Smith is joining us right now, the FOX Weather meteorologist.

So, Kendall, weather-wise, what are folks going to be looking at?

KENDALL SMITH, FOX WEATHER METEOROLOGIST: Yes, Neil, if you can believe it, we are just five days away now from Christmas, and, unfortunately, we are tracking a few storm systems that will be moving across the U.S. that could potentially snarl some travel for a lot of us, millions of Americans headed home for the holidays, I myself included.

And this could be a little bit messy. What's going on? Well, we have got the storm system out to the West, and it is eventually going to be sliding out of the Rockies as we head on into Christmas Eve and into Christmas Day. And the chances are increasing for potentially a white Christmas in places like Denver, but the rest of us, it's just going to be far too warm, a lot of rain.

It's just going to be messy, sloppy, not the best conditions. So here's that storm system right now, still well out to the West, impacting SFO, as well as LAX. We actually have a ground delay in effect right now at SFO. But heading into Thursday and Friday, conditions will improve for the West, but for the rest of us, things will start to deteriorate as the system will be working its way eastward and producing showers and thunderstorms as far to the north as, let's say, Minnesota, as well as kind of Wisconsin, all the way down to Texas.

Notice we could be dealing with some delays in places like Chicago, as well as Houston, Phoenix not out of the woods just yet either. And then heading into Saturday, that's the day that I'm traveling myself. Really hope that I can make it back home. My folks live in Kansas City.

We could be dealing with some messy conditions, Phoenix, Albuquerque, DFW, Houston, the East Coast still looking all right. So if you live along the East Coast, count your blessings because, by Sunday, notice, from Minneapolis all the way down to Houston, we will be dealing with widespread showers and thunderstorms and then snow on the backside, as that colder air is ushering on in.

So, Denver, again, we could be dealing with a few delays and potential cancellations. So the forecast, unfortunately, doesn't look that much better for Christmas Eve or Christmas Day. But it is, Neil, December, after all.

CAVUTO: It is.

SMITH: So, it's pretty much right on cue.

CAVUTO: You're right.

SMITH: We would expect a pretty significant snowstorm.

CAVUTO: All right. Well, I wish you all the luck in the world, Kendall, getting home.

SMITH: Oh, thank you.

CAVUTO: Because you need that and a little break. So we appreciate that.

In the meantime, I hope you appreciate the FOX Weather that we have right now. The app is phenomenal. It really is. I always check it usually the night before I hear a storm is coming. They spell it out for you. They also give you warnings about where the best airports are, for example, with Cinnabons. No, they don't do that.

But they help you out almost every other way. So it's free. Look at it. Awesome, awesome thing. Just awesome. And it's all the brainwork behind that.

In the meantime, taking a look at how Iowa falls now in light of these decisions that we got on Colorado wanting to bump Donald Trump off the ballot, and then how that's reverberating in the contests. We got all of that, and the president now defending Bidenomics without saying Bidenomics, but saying inflation's looking pretty good.

All righty.

(COMMERCIAL BREAK)

CAVUTO: All right, without saying Bidenomics, the president making clear that Bidenomics is working, again, without saying that's the case.

Garrett Tenney was with the president today, still is, I believe, in Milwaukee -- Garrett.

GARRETT TENNEY, FOX NEWS CORRESPONDENT: Yes, President -- President -- President Biden just took off just short time ago.

And he -- while he was here, he was really, as you mentioned, trying to convince voters that his economic policies are working and making their lives better. The problem is, voters just aren't feeling it. Nearly two- thirds of voters in the new FOX News poll said they disapprove of President Biden's handling of the economy, and nearly half said his economic policies have hurt them.

Just 14 percent said they have been helped by those policies. Today, the president spoke directly to black voters in Milwaukee, a key voting bloc for him and one that hasn't been showing up to vote the past few elections here. But he's hoping his Bidenomics pitch will help change that.

(BEGIN VIDEO CLIP)

BIDEN: It's a fundamental break from trickle-down economics, economics that supercharged my -- was supercharged by my predecessor, the guy who thinks we're polluting the blood of Americans these days.

He cut taxes for the wealthy and big corporations, shipped good-paying jobs overseas, shrank public investment in infrastructure and education.

(END VIDEO CLIP)

TENNEY: The problem for that is that, in Wisconsin, recent polls show more than half of voters in the Badger State have an unfavorable opinion of Biden.

And when it comes to the economy, a majority prefer former President Donald Trump to the current commander in chief. If that doesn't change, it could be a problem for the president, given he only won Wisconsin by 20,000 votes and all of the recent polls show him once again running neck and neck with Donald Trump -- Neil.

CAVUTO: Garrett, thank you very much for that.

Ron DeSantis just mentioned this Colorado decision and why he found that state's move to take Donald Trump off the ballot not a very good one, not a very wise one. We will tell you more -- after this.

(COMMERCIAL BREAK)

CAVUTO: All right, stop me if you have heard this before. News comes up that could be damaging to Donald Trump, like Colorado wanting to take him off its presidential battle next year, and the candidates rally around him to say that's unfair and that's a pile-on.

Ron DeSantis latest to say so. Let the voters decide his fate and not, in this case, the courts.

Charlie Gasparino has heard this kind of thing once or twice, as the president, the former president, faces all these legal challenges.

We're seeing it again, Charlie. What do you think?

CHARLIE GASPARINO, FOX NEWS SENIOR CORRESPONDENT: Neil, so much -- I mean, I have covered campaign raising -- fund-raising for years.

And one reason why I did is because I cover Wall Street and the Wall Street firms used to play very large roles in the fund-raising game. I mean, there was people known as bundlers that would go around...

CAVUTO: Sure.

GASPARINO: ... to different executives and bundle a bunch of money together, and they were deemed important.

They became less important in recent years, particularly in -- I think around 2016 -- or I should say even before that, during the later years, during the second Obama run. I mean, the small donor base became huge. It's huge in the Republican Party right now.

And the small donor base reacts to this sort of stuff if they think their guy is getting screwed. Well, watch the $40 and the $20 checks come flowing in. And I think that's what Donald Trump is going to see. I mean, I can almost bet. I will cut my finger -- I will put my finger on a cutting board to bet that that's going to happen.

CAVUTO: That's not necessary. I don't want you to do that.

GASPARINO: If you see the blood spurting out, you know I'm wrong.

CAVUTO: Yes, that's all right, do a little Julia Child there a moment.

(LAUGHTER)

CAVUTO: Let me ask you a little bit about what it means for the others then. Does money then slow going to them? Nikki Haley has been hauling it in left and right.

I'm just wondering, what would be the impact, the donor impact, on them?

GASPARINO: She's in a little different position here, because Nikki Haley has very close ties to Wall Street and to major corporations, those former bundlers I talked about.

And what's interesting about her, I believe, is that she could really mount a third-party candidacy. And I keep hearing from my sources in No Labels, the non -- allegedly nonpartisan group that wants to put a couple candidates up to -- if Donald Trump faces Joe Biden, they believe they can mount the successful bid, a successful run as a third party.

Her name comes up a lot. And she checks a lot of boxes for them on foreign policy and on taxes and different things. So she's moderate on certain issues, particularly on the abortion issue, where most -- many of her challengers in the Republican Party are further to -- further to the right.

She might -- that's why she's interesting and that's why she may not go away.

CAVUTO: OK.

GASPARINO: She -- I could see her staying in this thing and then running as a No Labels candidate.

That is not out of their -- they are talking about this. I can tell you that, know for a fact.

CAVUTO: OK, we shall see. Thank you, my friend.

GASPARINO: I still have my finger. I still have my finger.

CAVUTO: All right, hang on to that finger.

Oh, by the way, we bring out something tomorrow I haven't done in a while, but you guys have been demanding it, and my staff has been looking at all our nasty e-mail and said: "Neil, now we got to do it."

It's time for who's naughty and nice with our look at e-mail that we have gotten lately. Some of it's a bit extreme. I feel vulnerable, but my staff said, separate the naughty stuff from the nice stuff. I'm still looking for the nice stuff. But that's tomorrow.

"The Five" is now.

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