



Written by [R. Cort Kirkwood](#) on September 5, 2018

Former Senator Jon Kyl Replacing McCain: What Will He Do?

Jon Kyl (shown), the former GOP senator from Arizona who retired in 2013, will be sworn in today to replace the late John McCain, filling an open Senate seat during a crucial time: the confirmation hearings and vote on U.S. Supreme Court nominee Brett Kavanaugh, of the U.S. Court of Appeals in Washington, D.C.



Arizona Governor Doug Ducey chose Kyl, news reports said, as something of a compromise candidate to ensure support for his selection from all the camps interested in who got the seat.

McCain died of brain cancer on August 25 after a long political career punctuated with [bellicose warmongering](#), frequent and [extreme fits of anger](#), and [obstreperous denial of the truth](#) about American POWs left behind in Vietnam.

McCain received a week of tributes from the leftist media because of his open hatred of President Trump, whom [he pointedly told to stay away](#) from his funeral.

Kyl and His Record

According to the *New York Times* and the *Washington Post*, Kyl, 76, is a good choice to replace McCain. The appointment won't upset anyone, and as a plus, he has been working to help get Kavanaugh confirmed.

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"Mr. Kyl, who served three terms in the Senate, spoke at a service honoring Mr. McCain in the Arizona State Capitol last week," the [Times reported](#), "but he has also been shepherding Brett M. Kavanaugh, Mr. Trump's Supreme Court appointee, through the Senate."

"It's not the time for newcomers, and now is not the time for on-the-job training," said Mr. Ducey at a news conference in Phoenix.

But in tapping Mr. Kyl, Mr. Ducey has effectively put the stature of Mr. McCain's seat ahead of the political imperative of keeping it in Republican hands: For now, the former senator has only committed to serving until the start of the next Congress, in January.

Mr. Kyl has indicated he would consider staying in the seat longer, until 2020, when a special election will be held to fill Mr. McCain's unexpired term, the officials said. But he made clear at the news conference that he will not seek to run again. That would leave the seat open and could trigger a fiercely competitive primary.

[The Post quoted](#) an Arizona GOP money man as stating: "Jon Kyl is a safe choice for Governor Ducey as he tries to balance his reelection and the McCain and Trump factions of the Arizona Republican Party,"



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said Dan Eberhar. “Senator Kyl is filling the shoes of John McCain and Barry Goldwater before him. That is much easier said than done, but he is a very high-quality, consensus pick.”

Importantly, the *Post* noted, “Kyl will cast crucial votes in the coming weeks on Kavanaugh’s nomination, government spending and possibly billions for a U.S.-Mexico border wall and perhaps another round of tax cuts.”

Voting Record

As politics goes, Kyl, who will leave a [lucrative law practice at Covington Burling](#), was the smart choice. But his voting record isn’t solidly conservative. By retirement in 2012, [the three-term senator had earned a](#) lifetime 72 percent on The John Birch Society’s Freedom Index, which rates the constitutionality and fiscal responsibility of a Congressman’s votes.

Among the most recent votes counted as “bad” on the FI was an “aye” vote on a continuing resolution to keep the government running from October 1, 2012 through March 27, 2013, just five months. The vote is “bad” because it was “a way for Congress to perpetuate its fiscally irresponsible, unconstitutional spending habits with a minimum of accountability to its constituents.”

In 2011, Kyl voted the wrong way on a measure from Senator Rand Paul (R-Ky.) that technically would have stopped the government from compiling a list of every gun owner in the country. In a similar vein, Kyl voted the wrong way on a measure that would extended the Patriot Act’s provision such that the government could violate an American’s protections under the Fourth Amendment .

Yet Kyl voted, as his percentage shows, the right way on more than seven of 10 issues.

That’s better than McCain, [who trailed Kyl by 10 percent](#). The late senator scored 62 percent in the latest cumulative FI survey. But that score compiles votes from several Congresses. Some sessions, McCain, a reputed conservative, raced to the bottom of the index with scores that were as low as of a liberal Democrat.

Sworn In Today

One of the bad votes that McCain cast [helped save](#) the unconstitutional ObamaCare program.

As [the Post noted](#), Kyl might be called upon to rectify McCain’s cosmically unfortunate vote. “If he remains through 2020, he could face a vote on repealing the Affordable Care Act, which the GOP failed to scuttle in 2017 largely because of McCain’s thumbs-down.”

But Kyl is nothing like rage-a-holic McCain, [who nearly came to blows](#) with colleagues more than once. [Many thought McCain an unstable man](#) whose finger they did not want anywhere near the nuclear button.

Photo of Jon Kyl: [Gage Skidmore](#)



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