



Written by [James Murphy](#) on September 22, 2020

Graham Claims GOP Has the Votes to Confirm Ginsburg's Successor Prior to Election

Senate Judiciary Committee Chairman Lindsey Graham (R-S.C.) said Monday evening that Senate Republicans have enough votes to confirm Justice Ruth Bader Ginsburg's replacement to the Supreme Court, and that it was his intention to go forward with the confirmation process. Graham made the remarks on Fox News' *Hannity* program.



"We've got the votes to confirm Justice Ginsburg's replacement before the election," Graham said. "We're going to move forward in the committee. We're going to report the nomination out of the committee to the floor of the United States Senate so we can vote before the election. That's the constitutional process.

Graham had fiery words for Democrats who have been threatening all sorts of chaos — from court packing to another impeachment of President Trump — should Republicans go forward with a nomination prior to the November 3 general election.

"After Kavanaugh, everything changed with me. They're not going to intimidate me, Mitch McConnell or anybody else," Graham said. "The nominee is going to be supported by every Republican on the Judiciary Committee, and we've got the votes to confirm the judge — the justice on the floor of the Senate before the election. And that's what's coming."

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Graham was, of course, referencing the 2018 political firestorm over President Trump's nomination of Brett Kavanaugh to replace Justice Anthony Kennedy. Kavanaugh was forced by Democrats to fend off unsubstantiated claims of sexual assault by Christine Blasey Ford, Julie Swetnick, and Deborah Ramirez before being confirmed.

Graham is facing allegations of hypocrisy over a 2016 statement regarding the GOP Senate not acting on President Obama's nomination of Merrick Garland to replace Justice Antonin Scalia due to it being an election year.

"I want you to use my words against me," Graham said at the time. "If there's a Republican president in [2020] and a vacancy occurs in the last year of the first term, you can say Lindsey Graham said, 'Let's let the next president, whoever it might be, make that nomination.'"

But Graham claims that the Kavanaugh hearings and the Democrats' own actions have led him to change his mind on the subject, which he made clear in a series of tweets on Saturday. On Sunday, Graham tweeted: "I stand by what I said in Jan. 2019. Harry Reid and Chuck Schumer changed Senate



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I stand by what I said in Jan. 2019: Harry Reid & Chuck Schumer changed Senate rules to try and stack the courts for Obama. Now it's coming back to haunt them as I predicted. I'm dead set on confirming [@realDonaldTrump](#)'s nominee. If you stand with me:
<https://t.co/MYF6qgyjdI> pic.twitter.com/lsejlSs0QQ

— Lindsey Graham (@LindseyGrahamSC) [September 19, 2020](#)

While Graham appears confident of a quick confirmation process, there are a few sticking points. Senators Susan Collins (R-Maine) and Lisa Murkowski (R-Ala.), two left-leaning GOP senators, have both said that the nomination should be after the election.

"In order for the people to have faith in their elected officials, we must act fairly and consistently — no matter which political party is in power," Collins wrote in a statement the day after Ginsburg's death. "Given the proximity of the presidential election ... I do not believe the Senate should vote on the nominee prior to the election."

Murkowski said, "I would not vote to confirm a Supreme Court nominee. We are some 50 days away from the election."

Still, Republicans appear to have a clear path to a majority, given that Senator Charles Grassley (R-Iowa) and Senator Cory Gardner (R-Colo.) — two senators who might have been persuaded to hold the nomination — have already announced that they were not opposed to moving forward with the process. In addition, Utah Senator [Mitt Romney](#), who is not considered an ally of President Trump, has announced that he is willing to go forward with the nomination.

President Trump has promised a nominee as early as this week, "probably Saturday," he told reporters before leaving for a campaign event in Ohio. Among the candidates are 7th District Court Judge Amy Coney Barrett and 11th Circuit Court Judge Barbara Lagoa.

The coming election adds another layer of suspense with several senators — including Graham and Collins — embroiled in tough reelection fights. Currently, polls show Graham in a dead heat with Democrat challenger Jaime Harrison in South Carolina. Polls show Collins trailing her opponent Democrat Sara Gideon by six percentage points in Maine. Their behavior during the judicial nomination process could either gain or cost them votes.

Image: Gage Skidmore/Wikimedia Commons

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