

“Full Court Press with Greta Van Susteren”

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Transcript: Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Greta Van Susteren

Sir, do you expect this week when there is a vote in your committee that any Democrat will vote to send Judge Barrett's name to the floor? I understand that they'll probably vote no once it gets to the floor, but out of the committee, do you expect any Democratic senators to say she's qualified?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

No, and that's unfortunate, because another time in our history she'd get 90 votes like Scalia and Ginsburg, but we're in a contentious time. She's a Trump nominee. I don't know if anybody nominated by President Trump could get a vote. But that's a shame, because she's the most highly qualified person I think President Trump could have chosen. Every bit as qualified as Justice Sotomayor and Kagan, and one of the most impressive human beings I've ever met. So it's more about us as politicians than it is her as a judge, but she will be on the Supreme Court. I doubt if she'll get any Democratic support, because Democrats changed the rules. All you need is a majority, and she'll get a majority.

Greta Van Susteren

Do you expect any senator on the Republican side of the aisle, once the vote is on the floor for the entire Senate, to vote no, that she shouldn't be on the Supreme Court? Is Senator Collins, for instance, going to vote no?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

I think Senator Collins is more worried about the process that we shouldn't do it before the election. But in terms of qualifications, I don't think there would be any no votes as a Republican, but Senator Collins has said she felt we should wait after the election. Same about Murkowski. I don't know how they'll vote, but I respect them both, but there's 51 votes on the Republican side. And Greta, there might be one or two Democrats that could cross the aisle. Because if you listen to any of this hearing, that's one of the most knowledgeable people in the law that I've ever known. Her judicial disposition is beyond belief. Her character is unquestioned, and the ABA rating was stellar. So it's a shame, but we are where we are.

Greta Van Susteren

During the course of the hearing, and of court you're the chairman, you made the remark, something about the good old days of segregation. I've seen the headlines. I know you, sir, but are you worried? I know that you said it was sarcastic and were being flip, but are you worried that it could affect some people, especially back home in South Carolina when you're facing election? Do you think it hurt people?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

No, not at all. I think any fair-minded person understood that I was vehemently protesting against the idea that there's any movement in America to overturn *Brown v. Board of Education*. My point was there's not any legislative body in America contemplating going back to segregation. Nobody is in that mindset, and that's why *Brown v. Board of Education* is a super-precedent. That's why it's not being challenged.

Greta Van Susteren

Should candidate Judge Barrett have answered the question by Senator Kamala Harris about whether or not she believes in climate change? Should she have answered that question?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

I don't think it's really relevant to whether or not she's on the bench. What's that got to do with applying the law to the facts? They're trying to get her to make a political statement, not a legal statement. I believe climate change is real, but some people believe this is caused by other factors than man alone. And she gave an answer. I know something about it. I'm no student, I'm not a scientist. Haven't formed an opinion as a person. But it's all about everything but her and the law. Just trying to marginalize her as some kind of out of touch figure. She's adopted two African-American children from Haiti. She's lived a noble life. She is a devout Catholic. But everybody, including the ABA, has said unequivocally she will not let her personal feelings dictate legal outcomes. So that was an attempt by Senator Harris to try to draw her out in a political debate, and she didn't take the bait.

Greta Van Susteren

But we know in fact, and you praised her for a while, that she is pro-life. So we know her views, and she said that that would not impact her review of the law, of the Constitution, of statutes. So why not just answer this-

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

She gave it.

Greta Van Susteren

... question on climate change?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

She says, "I'm not a scientist. I believe in science. I haven't formed an opinion." Senator Harris is using these moments to try to, in my view, get her to look out of touch. And all I can say is that there's a lot of Americans probably would give the same answer she did. Yeah, I know there's a debate about it. I know it's a problem. I know some about it, but I'm not here... For me to go down that road would be just an uninformed opinion. And that's okay for her to say that. That's probably true in a lot of people's lives, so it's got nothing to do with anything about her judging. Almost everything that they ask her really was to try to draw her into a debate, not about her qualifications, but about some political hot topic. Like, would the president pardon himself? Well, I have no reason to believe that's going to happen. She can't give answers to hypotheticals. You can ask her about anything, including climate change. I thought she gave a perfectly reasonable answer that a lot of Americans would say, "Yeah, count me in there."

Greta Van Susteren

What struck me about-

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

This whole idea about race and the judge, I mean, everybody who knows her says she doesn't have animosity toward the ACA or any particular group. She will apply the law. She may not like the outcome that law dictates. And as to me, anybody that knows me that I'm trying my best to move my state, our country, forward and move to a broader day, not go back to the darkest days in our history. So, we live in a world where you're under the gun, like she is. They twist and turn every statement. They isolate a sentence in a paragraph. They'll take one thing I said, freeze frame it, and try to manipulate an outcome, manipulate a issue when there is not one. And that's just the times in which we live in, and I thought she handled it all really well.

Greta Van Susteren

Senate Judiciary Committee is report is going to vote on a subpoena for Jack Dorsey of Twitter, and having to do with about Twitter blocking a story having to do with Vice President Biden's son that was posted a few days ago in the New York Post. What do you want to ask Jack Dorsey? And what is it conceivable that you could do if he answered a question in a particular way?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

What the hell's going on? How can you block the dissemination of an article from the fourth largest circulation in the country? What was your basis? Why did you choose to stop an article about Hunter Biden's alleged connections to China when you freely flowed information about the dossier and Russia and everything else when it came to Twitter. There is a belief by conservatives, some liberals and libertarians, that these social media platforms are way too powerful. They're imposing their values, their judgment about worthy news, what is worthy in terms of news on the rest of us, and we need to deal with that. Anytime they take political content down as a newspaper, you can sue them. If they libel you, there is no accountability for the social media platforms. And we need to change the law, in my view.

Greta Van Susteren

Do you anticipate having a hearing before election, after the election, before inauguration? Or, when would you anticipate having a hearing with Jack Dorsey?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Well, we're going to try to move forward and get him here this week. I don't know if we'll be successful, but I know this: That Twitter has blocked Senator Cruz and others from sharing a New York Post article about ties between Hunter Biden and China. They have shut that down, and I just find that astonishing. I think most conservatives are just astonished that they have not only the power to do it, but they've exercised that power. What led to this decision? What kind of standards do you have? There's a real belief in the conservative world that the social media outlets are being run by liberals and that they're putting their thumb on the scale, so that's what it would be all about.

Greta Van Susteren

It struck me in the hearings that there was so much discussion about the ACA, shorthand Obamacare. There's a hearing coming up right after the election in the United States Supreme Court, and Judge Barrett was quizzed about it from both sides of the aisle, Republicans and Democrats. But what struck me is that the case that's up before

the Supreme Court has been in the system for about two and a half years. And so you all, meaning Congress, you legislators have known about the problems with it and you haven't fixed it and you sort of dump it on the Supreme Court to fix it. And then when someone's nominated to the Supreme Court, you quiz them about it.

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Well, here's what I think about the Affordable Care Act: It was challenged as a unconstitutional measure. Justice Roberts said the power to tax was pretty broad, so they upheld the individual mandate. They struck down the Medicaid mandatory expansions of violating the Tenth Amendment, but they'll let the law stand. They use severability. Well, since that decision, the Republican-controlled House and Senate, when we had power, eliminated the tax. We took it down to zero. It's still a tax on paper, but there's no money attached to it. The question is in light of this change, would it still be considered a taxing power of the United States lawfully exercised, or would that individual mandate fall because it's down to zero? The second question would be even if it was an unconstitutional tax, would you sever that portion of the statute and keep the other parts in place? Severability is an issue, a doctrine to try to preserve statutes where you can.

So, that's the legal situation that Judge Barrett finds herself in, ruling on the change and the tax that's happened since the first case. Is it severable? And she'll apply the law to the facts. In terms of health care as a issue, Obamacare, Greta, started out with five choices in South Carolina. We're down to one. 30% increase in premiums across the board in South Carolina. Four rural hospitals have closed. Under the formula that the Democrats use, 35% of the money goes to three states. Pelosi, California, Schumer, New York, and Elizabeth Warren, Massachusetts. If we had a per-patient formula that's equal, Charleston versus San Francisco, it'd be almost a billion dollars of new revenue to South Carolina. That's my beef with Obamacare. It's been very bureaucratic, and it rewards a handful of blue states to the expense of the rest of us.

Greta Van Susteren

By the end of year, a million people could run out of unemployment benefits. There's been a fight over the stimulus bill for many weeks. And one of the issues that Senate majority leader Mitch McConnell has is that even with his own house, the Senate rather, is that he can't get all the Republicans on board to agree to something. Do you see any stimulus bill coming out of the center? Will there be this soon for the American people?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Well, we're going to take up a stimulus package where we try to do a PPP program, where businesses can get a forgivable loan, 300 or less employees, 25% reduction revenue due to COVID. We all agree on that. I'm willing to do some unemployment benefit relief, not \$600. You're paying people more not to work than work. There's a lot of common ground about helping schools. The \$2.2 trillion coming out of the House has a mandate for ballot harvesting. What's that got to do COVID? And the \$1,200 payment, which I support, doesn't require a Social Security number to get it, so a lot of the money would go to illegal immigrants. The difference is to me is not money as policy. The president's right to want a bigger package.

There are some Republicans who don't want to spend anymore. I disagree. I think we need more money, but we don't need policy provisions like the House has, where you reward illegal immigrants with 1200 bucks and you change election laws through the COVID relief package. So time will tell, and I think the person is right to want to go big, but it's got to be big and smart.

Greta Van Susteren

President Trump seems to be having trouble with getting college educated women and suburban women to vote for him. I mean, at least that's what the polls are showing. He even, at a rally, said, "Will you please like me," in one of his more colorful statements at a rally. Why is he having trouble with the college-educated women and suburban women?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Yeah. Well, we see that beginning to change in South Carolina, and I feel really good about my election. I've never felt better about it. So, people are beginning to understand the difference between the choices they have. If Republicans maintain control of the Senate, I'll be the budget chairman, in line to be the budget chairman. If Democrats take over, the budget chairman will be Bernie Sanders. That's pretty unnerving to women running a household, and in charge of the family's budget many times like they are. But you see the choices between the public safety is a bigger and bigger issue. But with women, it's about the style of the president, the kind of the disruptive style he has versus a particular policy.

But as we get closer to the election and more the extreme the Democrats get, if they take the House, the Senate, and the White House, they're going to do away the Electoral College, which means New York and California decide the election. They're going to increase the number of judges from nine to whatever number to make it liberal.

They're going to fundamentally change the way our country works, and I think that is beginning to be clear to people. And I see President Trump doing better.

Greta Van Susteren

All right, last time around, you won by about 16 points. A very recent New York Times Siena College poll has you now up 6 points. That's of course 10 points less than it was last time around. Do you see that your relationship with President Trump, you're seen as a close ally, has made it more difficult this race for you, or not?

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Good question. President Trump's going to win South Carolina. I'm going to win South Carolina. I think he's been a good president on rebuilding a broken military. He's brought the borders now under control versus chaos. I think Judge Barrett is hugely popular in South Carolina. South Carolinians, including independents, want conservative judges, so I like our chances in South Carolina. My opponent, Greta, is going to raise well over 100 million dollars. Now, how can that be? What's happened in my state? Nothing really, other than I stood in the way of the destruction of Justice Kavanaugh by liberals. And I've been an ally of the president, which is an unpardonable sin in the liberal world. So every liberal is trying to take me out, and 100-something million dollars is coming from out of state.

But the bottom line is I'm standing up for Judge Barrett, and people will be standing up for me. I like my chances, the president's chances, but we're taking everything seriously. I'll make a prediction here. As we go into the last two weeks of the race, it's going to be more about choice in terms of policy versus a choice in terms of personality. Joe Biden is a friend. I like Joe Biden, but the Democratic Party is the most radical in modern American history, and I do believe that they win it all, this country is transformed in a very bad way. And people are beginning to get that.

Greta Van Susteren

One last question. In Charleston, South Carolina, recently 1300 people got the wrong absentee ballot. And we read stories all over the country, and you've got different... And I know that the Republicans think there's... Or at least President Trump has said there'll be fraud in the election. But setting that aside, the day after election, would you be in favor of creating a commission to standardize voting, make this simple? We all do it the same way. We all count the same way, or make it so we have one person, one vote, and that people can really vote. Because this is getting a little crazy every four years.

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Yeah. Well, one thing that protects the integrity of our election is it is decentralized. If you centralize the election process, it would be easier for China, Russia, Iran, and bad actors to affect the outcome. The fact that it's in 50 different States I think is a good thing. I don't mind voting by mail. I don't mind absentee voting by mail in South Carolina. I think it's a safe way to vote. I don't like the idea of mailing out ballots unrequested, because that is ripe for fraud. But the idea of voting by mail in absentee process, I would encourage that. I would encourage early voting. I want as many people to vote as possible safely. I want to protect the integrity of the ballot box, but centralizing our election-

Greta Van Susteren

But we could just have the same system. It doesn't have to be centralized, just that South Carolina does it the same way as Wisconsin. Then we figure out a way that it really works, that it's properly, may have to be funded by the federal government. But just so that we have some prediction on this, because the whole world watches us as we vote.

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Well, I just say states are different. I like the idea you can set up the elections the way you want as long as they're fair, they're open. They have to be easy access. You can't discriminate. So my view is that we always try to make elections better, but the last thing I want to do is federalize voting.

Greta Van Susteren

Senator, thank you. Always nice to see you, sir.

Sen. Lindsey Graham (R-SC), Judiciary Committee Chairman

Thank you, Greta. Thanks.