

As top Judiciary Republican, Graham could preside over Trump & the Russia probe

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Lindsey Graham could wind up a top Senate player as the investigation into President Donald Trump's ties to Russian meddling in the 2016 campaign intensifies.

He could even end up presiding over impeachment hearings.

The South Carolina Republican is now next in line to become the Senate Judiciary Committee's top Republican next year, thanks to Sen. Orrin Hatch's announcement Tuesday that he will retire from Congress when his term ends next January.

And while the position could give Graham new clout in 2020, when he's up for re-election, it could also bring him significant challenges.

He would have to straddle the line between being a collegial, bipartisan deal-maker — his reputation in the Senate — and asserting his hardline conservative bona fides to ward off primary challengers in his deep-red state. Graham had to play to both sides in his last reelection campaign in 2014, when he won with 54 percent.

The difference now, however, is that Graham would likely be walking this fine line not as just a rank-and-file lawmaker, but as his party's representative on a committee that could end up having to wade even deeper into the controversies that have hounded Trump and his administration.

Trump is beloved in the Palmetto State, which he won by nearly 14 percentage points over Democrat Hillary Clinton. So far, Graham has found a way to be an ally — even a golfing companion — of Trump's, even as the senator insists that Congress stay the course on its Russia investigations.

It might be harder for Graham to continue fielding personal calls on his cell phone from the president if he finds himself forced to take on a new role of holding the administration accountable.

If Democrats retake control of the Senate and House next year and start to pursue impeachment proceedings, political life could get even stickier for Graham, who as a member of the House Judiciary Committee in the 1990s was a Senate floor manager for the impeachment trial of President Bill Clinton.

Gibbs Knotts, a political science professor at the College of Charleston, said Grama's stature as his party's top representative on the judiciary panel would probably help the senator politically: He'd have a very public forum to fight for conservative policies and advance judicial nominees, possibly even a new Supreme Court justice.

He'd be able to tout a degree of power South Carolinians value in their elected officials and which has been missing in the Senate with the departures of longtime Sens. Strom Thurmond, a Republican, and Ernest Hollings, a Democrat.

And Graham has also proved he can fend off primary challengers, Knotts added, despite some of his controversial positions — particularly related to legal immigration. In 2014, he won 57 percent of the votes in the Republican primary, averting a run-off election for the party's nomination that political observers had at one point predicted was inevitable.

"I think he sent a really clear message in 2014 by just trouncing several pretty reasonable primary challenges from the right," Knotts told McClatchy. "The proof is in the pudding."

Graham's ascendance, while likely, is not assured. First, it is dependent on whether Sen. Charles Grassley, R-Iowa, the current chairman, wants to change leadership assignments. Grassley is in line to chair the Finance Committee.

If Republicans lose their majority in the Senate next year and impeachment proceedings are in the offing, Grassley might want to keep his judiciary job. Adversely, if the GOP keeps its majority and Supreme Court retirements seem likely, Grassley might want to continue leading confirmation hearings for new justices.

Graham's ability to take the helm will also depend on whether party leaders adhere to the seniority system, which rewards long-serving Republicans, or anoint a more junior committee member. While rare, it happened in 1979 when down Thurmond out-maneuvered then-Sen. Charles Mathias, R-Md., for the top judiciary job in retaliation for Mathias' frequent defiance of GOP orthodoxy.

Grassley has already led the Finance Committee, meaning he could be overruled by ambitious lawmakers who haven't had that chance.

Graham could also decide he doesn't want the job. Spokespeople for Graham and Grassley both declined to comment on the senators' plans.

Legal experts belonging to politically-aligned outside organizations said it was too soon to predict what Graham's performance would look like in the top judiciary job. They did, however, have thoughts on Graham's record so far as related to judicial nominees.

Roger Pilon, vice president for legal affairs at the libertarian Cato Institute, bemoaned how most committee Republicans were "not conversant with the evolution over the past three decades of conservative thought on the proper role of the courts."

He said he thought Graham, 62, might understand better than his older colleagues what it takes for judges to have "proper judicial engagement," but that remained to be seen.

Dan Goldberg, legal director for the left-leaning Alliance for Justice, said any top committee Republican on the Judiciary Committee would have to not be "a rubber stamp for the Trump administration ... not just on the judicial front but also in standing up for the rule of law, independence from the Justice Department and for critical checks and balances between the legislative and executive branches."

So far, Goldberg said, Graham and most other committee Republicans had not passed that test.