

The Honorable James Lankford, Chairman  
The Honorable Christopher A. Coons, Vice Chairman  
United States Senate Select Committee on Ethics  
Hart Senate Office Building, Room 220  
Washington, DC 20510

**Re: Investigation of Misconduct by Senator Lindsey Graham (R-SC)**

Dear Chairman Isakson and Vice Chairman Coons:

Pursuant to the Rules of Procedure of the U.S. Senate Select Committee on Ethics (the “Committee”), we respectfully request that the Committee immediately initiate a preliminary inquiry into misconduct by Senator Lindsey Graham. Senator Graham has made public statements that make clear he intends to violate his constitutionally mandated oath of impartiality in connection with the anticipated impeachment trial of President Donald J. Trump. This shameless and unlawful abdication of Senator Graham’s constitutional obligations reflects discreditably upon the Senate and undermines the integrity of the Senate’s most sacred constitutional duty.

Article 1, Section 3 of the United States Constitution rests sole power to try all impeachments with the United States Senate.<sup>1</sup> The gravity of this power cannot be overstated - our nation’s founding document entrusts the one hundred members of the United States Senate with the power to decide when the President of the United States should be removed from power not by the voters, but by the legislative branch of government. As a necessary condition to the exercise of this monumental authority, the Constitution requires that Senators must remain under oath at all times when conducting an impeachment trial.<sup>2</sup>

According to the most recent Senate rules of procedure for impeachment trials, all Senators who participate in an impeachment trial must swear the following oath to satisfy their constitutional obligation: “I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of \_\_\_\_\_, now pending, I will do *impartial justice* according to the Constitution and laws: So help me God.”<sup>3</sup>

On Saturday, December 14, 2019 Senator Graham was asked for his position on President Donald Trump’s potential impeachment during an interview. He responded that he planned to do

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<sup>1</sup> U.S. Const. art. I, § 3, cl 6.

<sup>2</sup> *Id.* The Constitution specifically requires that when an impeachment trial is ongoing, all Senators “shall be on Oath or Affirmation.”

<sup>3</sup> Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials § 194.3 (Aug. 16, 1986) (emphasis added).

The Honorable James Lankford

December 17, 2019

Page 2

everything he could to “make it die quickly.”<sup>4</sup> When questioned about the propriety of taking such a strong position on impeachment before it reached the Senate, Senator Graham doubled down, saying: “I am trying to give a pretty clear signal *I have made up my mind. I’m not trying to pretend to be a fair juror here.*”<sup>5</sup> In Senator Graham’s own words - he is not even going to pretend to follow his constitutionally required oath of impartiality. This statement not only indicates Senator Graham’s clear intention to violate a sworn oath, but further calls into question the integrity of any impeachment trial that is held in the U.S. Senate.

Mr. Graham’s statements that he has “made up [his] mind” and is “not trying to pretend to be a fair juror” cannot be ignored. If the Senate holds an impeachment trial for President Trump, Senator Graham will have already admitted to the American people that he is unable to do “impartial justice according to the Constitution and federal law” and will instead approach the impeachment trial with the goal of “mak[ing] it die quickly” out of loyalty to the leader of his political party. In light of these statements, Senator Graham appears to be incapable of following Senate rules or complying with his ethical duties as a member of the U.S. Senate.

The Select Committee on Ethics is empowered to “receive complaints and investigate allegations of improper conduct which may reflect up on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of the rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate.”<sup>6</sup> The Committee must immediately begin a preliminary inquiry into Senator Graham’s admission of his intention to violate the rules of the Senate and the duties imposed upon all Senators by the United States Constitution. The importance of public confidence in the legitimacy of the outcome of a presidential impeachment trial cannot be overstated. The circumstances at issue demand swift action by the Committee.

Very truly yours,

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Brad Woodhouse

American Democracy Legal Fund

455 Massachusetts Avenue NW, Suite 650

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<sup>4</sup> Veronica Stracqualursi, “I’m not trying to pretend to be a fair juror here’: Graham predicts Trump impeachment will ‘die quickly’ in Senate” CNN (Dec. 14, 2019) <https://www.cnn.com/2019/12/14/politics/lindsey-graham-trump-impeachment-trial/index.html>.

<sup>5</sup> *Id.* (emphasis added).

<sup>6</sup> Rules of Procedure of the U.S. Senate Select Committee on Ethics, Part I, sec. 2(a)(1).

The Honorable James Lankford

December 17, 2019

Page 3

Washington, DC 20001