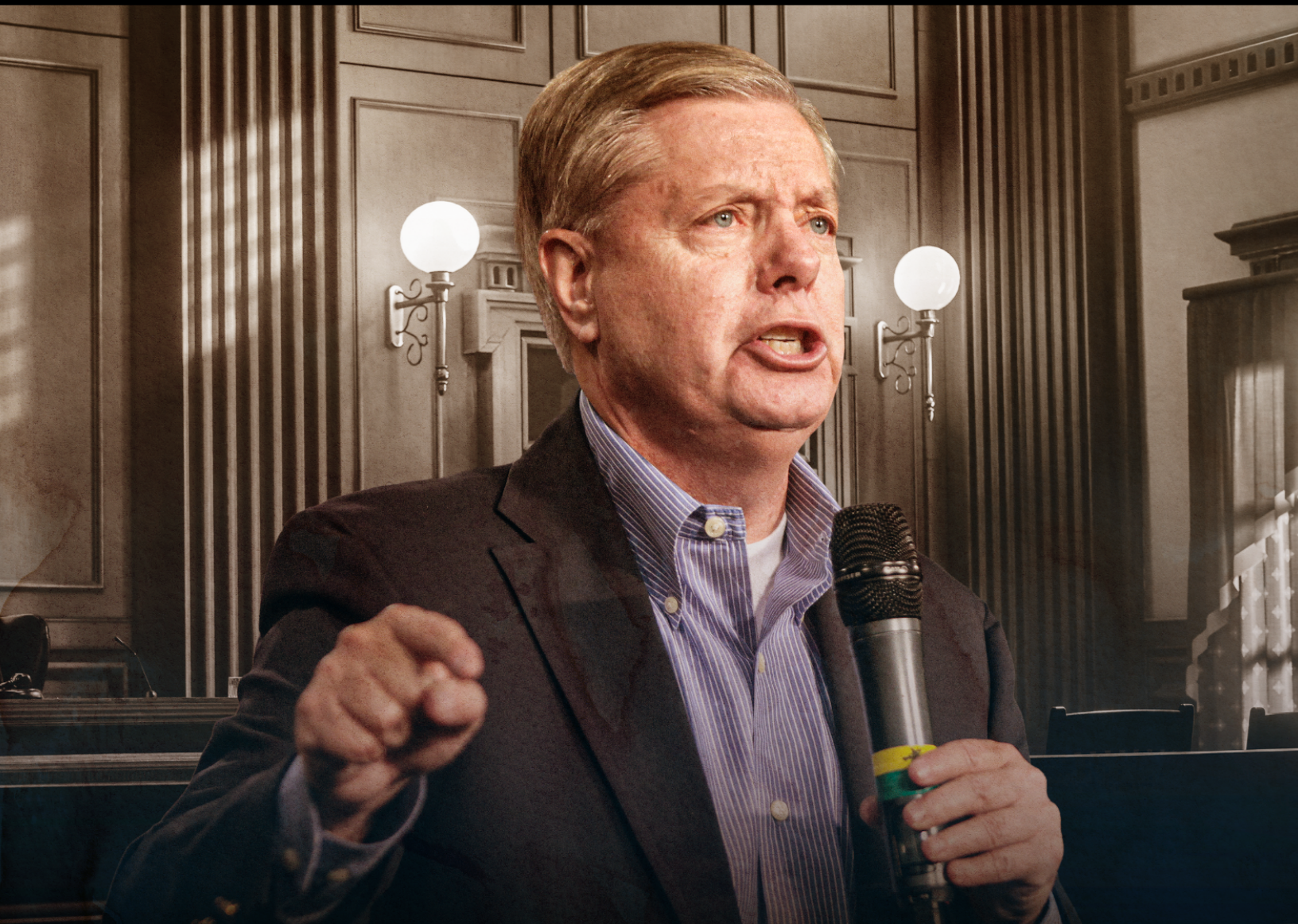


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**NEW EXPLAINER**

# Why Lindsey Graham Is Testifying in Georgia — Tomorrow —

November 2022

## **EXPLAINER:** **Why Lindsey Graham Is Testifying** **in Georgia Tomorrow**

*Why is South Carolina Senator Lindsey Graham being compelled to testify tomorrow in Atlanta? Senator Graham was a key figure in the criminal conspiracy to overturn the results of the 2020 election. Along with his partners in the Trump administration, Graham helped create the conditions that led to the violent attack on our Capitol. Graham spent weeks spreading lies and misinformation about the election and casting doubt on the vote count afterwards. He used his position as chair of the Senate Judiciary Committee to promote false claims about federal law enforcement, and even collaborated with the Trump campaign to share false evidence of so-called voter fraud. On November 13, 2020, Lindsey Graham called Georgia Secretary of State Brad Raffensperger twice, asking if he would unilaterally reject absentee ballots in certain counties, in an effort to reverse Biden's narrow lead in the state. Graham's efforts landed him a subpoena from the Fulton County grand jury investigating illegal interference into Georgia's 2020 election process.*

*After January 6, Graham has continued to promote lies about the election and deflect blame for the violence that day. He has resisted and undermined every effort to investigate the attack or hold those responsible accountable. Even as he attempts to stonewall the investigation, Graham is openly plotting politically motivated investigations into the FBI and Department of Justice with Congressional Republicans. His scheduled testimony to the Fulton County grand jury reaffirms that no one, including a sitting Senator, is above the law.*

[Lindsey Graham Is Under Investigation For His Attempts to Overturn the 2020 Election in Georgia](#)

**November 13, 2020: Senator Lindsey Graham Pressured State Officials To Investigate So-Called Election Fraud Claims.** On Nov. 13, Senator Graham called Georgia Secretary of State Brad Raffensperger [twice in one day](#), asking him whether he had the power to reject absentee ballots in certain counties. Georgia was in the midst of the state's hand recount, and Sen. Graham's [efforts were characterized as](#) "an effort to reverse President Trump's narrow loss in the state." During his [first phone call](#), he asked Raffensperger "to explain to me the [mail-in ballot] system." Later that day the senator [called again](#), asking Raffensperger if he would toss all mail-in ballots from counties found to have higher rates of non-matching signatures. While Graham claimed to be working alone to "fulfill...his duties to investigate allegations of fraud," not at the behest of Trump, Raffensperger said he seemed to be "asking the office to audit the state's mail-in ballots and to [throw out the ballots](#) in counties that had [sic] for mail-in voting." The Georgia Secretary of State's Chief Operating Officer Gabe Sterling, who was also on the call, confirmed that the conversation [revolved around](#) throwing out whole counties'

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election resolutions. Two other members of Raffensperger's office [who were also on the call](#) said that they were "appalled" by Graham's request." Graham also [contacted](#) Arizona Governor Doug Ducey and received a briefing on Nevada shortly after the call. [Wall Street Journal, [11/16/20](#); Washington Post, [11/16/20](#); Yahoo News, [11/17/20](#); ProPublica, [11/18/20](#); Atlanta Journal-Constitution, [8/8/22](#); Josh Lederman (NBC News) Twitter, [11/17/20](#); The Independent, [11/18/20](#)]

**November 19, 2020: Senator Graham Brushed Off A Senate Ethics Complaint Over Contacting Georgia's Secretary of State.** On Nov. 19, the Senate Select Committee on Ethics [received a formal ethics complaint](#) asking the panel to investigate Senator Graham's inquisition of Georgia Secretary of State Brad Raffensperger the week prior. The complaint questioned Graham's other attempts to coerce election officials in other states, as well as his high-dollar contributions to Trump's legal efforts to undermine and overturn the 2020 election in those same states. In addition to the ethics complaint, some members of Congress [asked the Department of Justice to investigate](#) Graham's phone call that week, with one congresswoman calling Graham's approach "[insane and illegal](#)" as outside ethics groups [called for his resignation](#) for participating in illegal election interference. [USA Today, [11/19/20](#); Vox, [11/18/20](#); The Guardian, [11/17/20](#); The Independent, [11/19/20](#)]

**December 3, 2020: The Georgia State Elections Board Received A Formal Complaint Against Senator Lindsey Graham.** On Dec. 3, former U.S. District Attorney Michael J. Moore [reported](#) Senator Lindsey Graham to the Georgia State Elections Board after finding that the reported request violated several Georgia election laws. D.A. Moore [told](#) the Board that Graham's actions amounted to an attempted "conspiracy to commit election fraud," and expressed concern about the upcoming Senate runoff elections. Though no further action was taken, a Georgia elections board member [later cited the complaint against Graham](#) as precedent for launching an investigation into MAGA Republicans' numerous attempts to pressure state election officials. [Forbes, [12/3/20](#); Atlanta Journal-Constitution, [12/3/20](#); Washington Post, [1/3/21](#)]

**December 7, 2020: Lindsey Graham Publicly Asked Raffensperger to Audit the 2020 Election in Georgia.** Weeks after his phone calls to Secretary Raffensperger, Graham [called for an sham audit](#) over absentee ballot signatures in Georgia, and demanded that the Secretary of State "change his mind," or ask Governor Kemp to call a [special session](#) of the legislature "conferring power to create audit of signatures," telling his Twitter followers: "Hope friends in Georgia will act [while there is still time](#)." Senator Graham's desperate, last-minute demands for sham election investigations came just one day before the "[safe harbor](#)" deadline for states to certify their 2020 election results. [Lindsey Graham Twitter, [12/7/20](#), [12/7/20](#), [12/7/20](#); NPR, [12/8/20](#)]

**July 6, 2022: A Fulton County Grand Jury Investigating MAGA Attempts to Overturn the 2020 Election Subpoenaed Senator Graham.** After weeks of testimony

# Defend Democracy Project

from [high-ranking state officials](#), special prosecutors for Georgia's Fulton county grand jury investigation [issued a subpoena](#) for Lindsey Graham on Jul. 6. The investigation, led by District Attorney Fani Willis, is seeking to uncover illegal, outside attempts to influence, undermine, and overturn the 2020 election in Georgia. The subpoena cited a legal inquiry into his phone calls with Georgia election officials, noting that there were [18 attempted calls from the Trump White House](#) to Raffensperger's office after Senator Graham's conversation, almost all pursuing similar requests for the Secretary of State to wipe tens of thousands of mail-in ballots from Georgia's election results. [Atlanta Journal-Constitution, [7/15/22](#); Greenville News, [7/18/22](#); CNN, [1/4/21](#)]

**July 12, 2022: Lindsey Graham Moved To Dismiss His Grand Jury Subpoena.** As news of his court order began to circulate, Senator Graham angrily [denied any wrongdoing](#) and immediately refused to testify in the investigation. His legal team filed a [motion to quash the subpoena](#) less than a week later, relying on a legally-dubious argument that his phone calls to Georgia state officials constituted "acts [that] occurred within his official capacity," and claiming that the testimony would interfere with his "official duties on behalf of the People of South Carolina." [Greenville News, [7/14/22](#); District Court of South Carolina (Motion To Quash), [7/12/22](#)]

**Lindsey Graham Spent Months in Court Fighting His Subpoena and Delaying Testimony.** In response to Senator Graham's motion, a federal judge [ordered Lindsey Graham to testify as a witness in August](#), ruling that his "efforts to 'cajole' or 'exhort' state election officials to change practices or alter election results" were "political in nature rather than legislative" and that his testimony [would not likely interfere with any official duties](#) as a sitting Senator. Graham immediately [appealed](#) the ruling, launching a months-long legal campaign opposing the terms of his subpoena in an effort to avoid accountability. The ensuing [legal back-and-forth](#) set back his original appearance date numerous times – even after Fulton County DA Fani Willis warned that [further setbacks](#) would "delay the revelation of an entire category of relevant witnesses or information" and would significantly harm the interests and administration of the grand jury. [Atlanta Journal-Constitution, [8/15/22](#); PBS, [8/15/22](#); Associated Press, [8/18/22](#); New Republic, [9/20/22](#); District Court of Northern Georgia Atlanta Division, [8/29/22](#)]

**November 1, 2022: The Supreme Court Ordered Senator Graham To Testify In the Fulton County Grand Jury Investigation By Nov. 17.** Following a [lengthy court battle](#) over the scope of legislatively-protected questions, the U.S. Supreme Court ruled that Senator Lindsey Graham [must testify to the Fulton County grand jury](#) investigating Trump's 2020 election interference, ending a months-long dispute about the terms of Senator Graham's subpoena and compelling him to appear by Nov. 17. The Supreme Court also affirmed a district court order ruling that Graham can [only invoke Senatorial privilege](#) for an extremely limited set of questions about his so-called "investigatory fact-finding." [New York Times, [8/24/22](#);

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Georgia Public Radio, [11/1/22](#); U.S. District Court of Northern Georgia Atlanta Division, [9/1/22](#); CBS News, [9/1/22](#)]

## Graham Continues to Align Himself With Trump And Plans To Investigate His Political Opponents

**Lindsey Graham Has Spent Months Planning Politically-Motivated Investigations Led By Congressional Republicans.** Senator Graham and other Congressional Republicans have spent months [openly planning](#) to launch [politically-motivated investigations](#) of the Biden administration – particularly the Justice Department. Graham has [coalesced behind Trump](#) alongside fellow senators Marco Rubio and Ted Cruz, who have been planning partisan investigations into the FBI. They [baselessly accused](#) the Biden administration of using the FBI as “political enforcers,” and have suggested that Congressional Republicans “need hearings; we need subpoenas...” When Trump attacked the FBI and Department of Justice for lawfully-executing a search warrant at Mar-a-Lago in August, Senator Graham was [among the first](#) to speak with former President Trump. Graham supported Trump’s attempts to mobilize his MAGA followers to take action, and the Senator confirmed that “I am stronger in my belief now” about Trump’s political future. [Senator Lindsey Graham Press Release, [8/11/22](#); Senate Judiciary GOP Twitter, [7/25/22](#); Axios, [8/9/22](#); CBN News, [8/10/22](#); Ted Cruz Twitter, [8/8/22](#)]

**Lindsey Graham Warned Of “Riots In The Streets” If Trump Is Prosecuted Over Classified Documents.** On Aug. 28, Senator Graham warned his constituents about “[riots in the streets](#)” if former President Trump is prosecuted for his mishandling of classified documents withheld from the National Archives and seized by the FBI at Mar-a-Lago. Graham [stated](#) on Fox News, “If there’s a prosecution of Donald Trump for mishandling classified information, after the Clinton debacle... there’ll be riots in the streets.” Hours after the interview, Trump [shared a clip](#) on Truth Social. Graham also warned of riots over the Fulton county grand jury investigating attempts by Trump and his allies to overturn the 2020 election in Georgia. [The Hill, [8/28/22](#); Business Insider, [8/29/22](#); CNN Business, [8/29/22](#)]

**Senator Lindsey Graham, Who Endorsed and Voted For Attorney General Merrick Garland, Continues To Attack Federal Law Enforcement.** On Jan. 6, 2021, Graham [endorsed](#) Merrick Garland for Attorney General, calling him “a man of great character, integrity, and tremendous competency in the law.” Though he [voted for Garland’s confirmation](#), Graham has demonstrated a deep distrust in federal law enforcement under Attorney General Garland’s purview. A year later, Graham [characterized](#) a statement by the FBI condemning domestic terrorism as “ill-conceived.” In August 2022, Graham escalated his attacks on the agency, [claiming](#) that “there is no benefit of the doubt when it comes to investigating President Trump,” and [alleging](#) “deep mistrust of the FBI and DOJ.” He [denounced the FBI](#) on Fox News, and

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defended Trump's defensive claims. [Lindsey Graham Twitter, [1/6/21](#), [1/16/22](#), [2/15/22](#), [8/11/22](#), [8/11/22](#), [8/11/22](#), [8/15/22](#); U.S. Senate, [3/10/21](#); Fox News, [8/10/22](#)]

**Senator Graham Recently Spoke Alongside Trump At A MAGA Policy Conference Headlined By Jan. 6 Conspirators.** In June 2022, Graham [spoke at](#) a MAGA Christian nationalist policy conference with Donald Trump as the keynote speaker. During his speech, Graham [lauded Trump](#), stating, "You know what I liked about Trump? Everybody was afraid of him. Including me." In turn, Trump said he would look, "[very, very seriously for pardons](#)" for defendants in cases connected to his criminal conspiracy to overturn the 2020 election. Other MAGA Republicans dominated the conference, with speeches from numerous fellow members of the GOP who attempted to overturn the election on Jan. 6. [Faith & Freedom Coalition, Accessed [8/19/22](#); Yahoo News, [6/18/22](#); The Hill, [6/17/22](#)]

[Senator Graham Was Part Of A Group Of MAGA Conspirators Who Worked With Trump To Plot To Overturn The 2020 Election](#)

**Before the 2020 Election, Lindsey Graham Spread A False Conspiracy About Federal Law Enforcement Influence Without Evidence.** Long before Election Day 2020, Senator Graham spread false narratives about federal law enforcement agencies, [alleging](#) that a supposed investigation into the Trump campaign would "erode the American people's confidence in DOJ [sic] and FBI, after they took the law into their own hands." Senate Republicans even [released a set of dubious documents](#) targeting the (Trump-appointed) DOJ and FBI leadership. One month later, Graham [encouraged](#) his constituents to pursue the conspiracy theory and look for evidence of a so-called cover-up. [Lindsey Graham Twitter, [1/29/21](#), [7/17/20](#), [8/14/20](#)]

**November 7, 2020: Lindsey Graham Spread Trump's Conspiracy Theory About Mail-In Ballots.** Days after the 2020 election was called for President Joe Biden, Senator Lindsey Graham [pledged he would investigate so-called voter fraud](#). He called on the Department of Justice and the U.S. Postal Service to [investigate Trump's baseless claims of fraud](#) after allegedly receiving a ([later recanted](#)) affidavit claiming to represent a postal worker in Pennsylvania, [provided by the Trump campaign](#). He then appeared on Fox News to repeat Trump's allegations, [echoing false claims](#) about election fraud. [Business Insider, [11/7/20](#); Newsweek, [11/8/20](#); WBTW News (Archived), [11/10/20](#); WCBD, [11/9/20](#); Vox, [11/18/20](#)]

**November 8, 2020: Senator Graham Spread Trump's Election Lies After Election.** After the 2020 election was called for Joe Biden, Graham said that Trump "[should not concede](#)," because "if Republicans don't challenge and change the U.S. election system, there will never be another Republican president elected again." He [later suggested](#) that "everything should be on the table" when asked if Republican lawmakers in Pennsylvania and elsewhere should invalidate election results due to supposed "corruption." After the 2020 election, the Senator

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[recommended criminal prosecution](#) or administrative action against the Department of Justice and FBI, “to restore credibility.” He then [posted](#) about a web of unsubstantiated conspiracy theories [alleging](#) corrupt connections between Democrats and foreign actors, including a conspiracy theory falsely claiming that the FBI supposedly imposed a “[double standard](#)” for certain investigations, and allegedly held “[strong political biases](#)” against the Trump campaign. Notably, these highly inflammatory accusations were leveled against two agencies led by Trump-appointed Republicans, both of whom Graham had [voted](#) to [confirm](#). [The Hill, [11/8/20](#); Politico, [11/10/20](#); Lindsey Graham Twitter, [12/1/20](#), [12/9/20](#), [12/9/20](#), [12/9/20](#); U.S. Senate, [2/14/19](#); [6/26/17](#)]

**November 14, 2020: Lindsey Graham Brainstormed Ways To Overturn the 2020 Election With Fox News Host Sean Hannity.** On Nov. 14, Graham [joined a call](#) with Fox News host Sean Hannity, Trump campaign attorney Jay Sekulow, and right-wing attorney James Bopp Jr. Bopp, who worked for Texas-based non-profit ‘True the Vote’, promoted disputed claims of widespread voter fraud after the 2020 election. During the call, Bopp [reportedly](#) “explained the work we were doing.” The attendees, including Graham, reportedly asked for “a preliminary report asap, to be used to rally their troops internally,” according to an internal email later [made public in court filings](#) from a lawsuit brought by a disenchanted GOP donor. [Washington Post, [5/20/22](#), [2/15/21](#); The Verge, [5/22/22](#)]

**December 11, 2020: Lindsey Graham Joined Texas Attorney General Ken Paxton’s Lawsuit Seeking To Overturn The Election.** Graham [praised](#) Texas Attorney General Ken Paxton’s lawsuit seeking to throw out the election results in Georgia, Michigan, Pennsylvania, and Wisconsin. He [applauded](#) South Carolina Attorney General Alan Wilson for [joining](#) Texas Attorney General Ken Paxton’s lawsuit seeking to throw out the election results in Georgia, Michigan, Pennsylvania, and Wisconsin. [Politico, [12/11/20](#); Lindsey Graham Twitter, [12/11/20](#); WIS News 10, [12/9/20](#)]

**January 2, 2021: Senator Graham Communicated With Rudy Giuliani About ‘Election Fraud’ Days Before The Attack on Our Capitol.** On Jan. 2, Senator Graham met with Trump lawyer Rudy Giuliani to hear his ‘findings’ about [Trump’s plan to overturn the 2020 election](#). Two days later, after Graham [requested proof](#) of Trump’s fraud claims, Giuliani reportedly sent him a collection of memos alleging various irregularities in voting in key states. After supposedly vetting the claims, Graham rejected the allegations as “third grade” arguments. He also [criticized calls for an election commission](#) as being ‘insufficient’ for “not effectively fighting for Trump.” In a lengthy thread, he [alluded to](#) a “failure to take corrective action in addressing election fraud” during the 2020 election. He [said](#) he would “look forward” to hearing “the objections of my colleagues in challenging the results of this election,” and [admitted](#) that his fellow MAGA colleagues had a “high bar to clear.” [Washington Post, [9/20/21](#); National Review, [9/20/21](#); Mediaite News, [1/3/21](#); Lindsey Graham Twitter, [1/3/21](#), [1/3/21](#), [1/3/21](#)]

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## The South Carolina Senator Has Continued To Promote Lies About The January 6 Attack

**Lindsey Graham Deflected Blame Over The Attack On The Capitol.** Lindsey Graham refused to hold Trump and his MAGA allies accountable for the violence they [planned, promoted, and paid](#) for on Jan. 6. During the Capitol attack, as most Senators hid from the rioters, he [reportedly](#) complained to a Capitol Police officer that security forces “let people breach the Capitol.” One year after the Jan. 6 attack, Graham [continued to blame security forces](#), releasing a statement alleging, “I still cannot believe a mob was able to take over the United States Capitol during such a pivotal moment...” His remarks have increasingly echoed MAGA talking points [deflecting responsibility](#) – even as undeniable evidence emerged revealing that Trump [personally refused](#) to bolster the embattled security force on Jan. 6. [Defend Democracy Project, [7/25/22](#); Business Insider, [4/29/22](#); Lindsey Graham Twitter, [1/6/22](#), [1/6/22](#); Rolling Stone, [7/21/22](#)]

**Lindsey Graham Has Maintained Close Ties With Trump Since 2020 – Even After January 6th.** Even as he [distanced himself](#) in the days after the attack, Graham was back to embracing the former President just weeks later. Graham [voted against convicting Trump](#) for inciting an insurrection and, during a March 2021 interview, [said](#) Trump was his friend before the riot, “and I’m trying to keep a relationship with him after the riot. I still consider him a friend.” He later [declared](#) that the Republican Party “can’t grow” without Trump, and [claimed he would oppose](#) Senator Mitch McConnell’s bid for Minority Leader unless he had “a working relationship” with Trump. [Washington Post, [3/16/22](#), [5/7/21](#), [1/13/22](#); U.S. Senate, [2/13/21](#); Vanity Fair, [3/8/21](#)]

**Lindsey Graham Repeatedly Opposed Accountability For Jan. 6.** Less than a week after the Jan. 6 attack, Graham characterized those who [perpetrated the events of Jan. 6](#) as “domestic terrorists,” and [called on Congress](#) to “bring all who participated in this seditious act to justice.” Senator Graham flipped his position just a few months later, and [voted against](#) creating an independent commission to investigate the Jan. 6 attack on the U.S. Capitol, [saying](#) the bipartisan, independent commission had “politics written all over it.” Over a year later, in the midst of the Jan. 6 Committee hearings, Graham [alleged](#) on Fox News that the House investigation was “not designed to get to the truth.” [Lindsey Graham Twitter, [1/11/21](#), [1/11/21](#); Washington Post, [5/21/21](#); The Hill, [5/25/21](#); Fox News, [7/12/22](#)]