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## Ginsburg's Trump Comments Draw Criticism

*The Supreme Court justice, in unusual remarks, suggests Trump would be bad for the court, the nation*

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Justice Ruth Bader Ginsburg's dislike of the possibility Donald Trump could be president is sparking criticism that she is politicizing the Supreme Court, which is already a central issue in the presidential election.

Justice Ginsburg has addressed the presumptive Republican nominee in three recent interviews in which she suggested Mr. Trump would be bad for the court and for the nation. Her remarks—unusually candid and perhaps unprecedented in modern times—have prompted debate about whether it is appropriate for a justice to speak directly on an election, particularly one that could have long-lasting consequences for the Supreme Court.

“He is a faker,” Justice Ginsburg said of Mr. Trump in a CNN interview from her chambers late Monday. “He has no consistency about him. He says whatever comes into his head at the moment. He really has an ego.”

The CNN comments followed interviews with the New York Times and Associated Press in which she expressed dread at the possibility of a Trump presidency. “I can't imagine what this place would be—I can't imagine what the country would be—with Donald Trump as our president,” Justice Ginsburg said in the Times interview.

Mr. Trump, in a tweet posted at 11:54 p.m. Tuesday, called on Justice Ginsburg to resign. “Justice Ginsburg of the U.S. Supreme Court has embarrassed all by making very dumb political statements about me. Her mind is shot—resign!” Mr. Trump said in the tweet.

Justice Ginsburg, through a court spokeswoman, declined further comment.

Justice Ginsburg has a reputation for being more outspoken in public than most of her colleagues, but her comments have prompted unease in legal circles and denunciations from some politicians.

The code of conduct for federal judges says that they shouldn't "publicly endorse or oppose a candidate for public office." The code doesn't apply to Supreme Court justices, but they are generally guided by it.

"Steering the courts into the political fray is something the code is trying to avoid," said Indiana University law professor Charles Geyh. "I don't mind Justice Ginsburg letting her hair down a little, but I do think there's a peril in going as far as she's gone."

Ilya Shapiro, a senior fellow in constitutional studies at the libertarian Cato Institute, said Justice Ginsburg's comments "make the judiciary just as political as the other branches of government, and that's a bad thing. It's inappropriate for judicial branch officials to do this because it removes even the illusion of impartiality."

Mr. Shapiro said Justice Ginsburg could face requests to recuse herself if legal disputes arise out of the November presidential election, and in future cases involving executive actions by Mr. Trump if he were to win the White House.

Justice Ginsburg's comments are the latest signal that the 2016 election has strayed far beyond the usual norms for political races. Mr. Trump himself has gotten into hot water for attacking a member of the judiciary from the campaign trail. He told The Wall Street Journal last month that U.S. District Judge Gonzalo Curiel had an "inherent conflict of interest" in presiding over litigation involving Mr. Trump because of the judge's "Mexican heritage" and the candidate's plan to seal the southern U.S. border.

The next president could shape the direction of the Supreme Court for a generation. Justice Antonin Scalia's death in February left the court evenly split between conservative and liberal justices and the Senate has declined to consider President Barack Obama's nominee to fill the ninth slot, Judge Merrick Garland, with Republicans saying the nomination should go to the next president.

In addition, future vacancies could arise over the next four years. Justice Ginsburg is 83 years old, though she hasn't signaled an interest in retiring soon. In her recent interviews she noted that Justice Anthony Kennedy is approaching 80, while Justice Stephen Breyer is nearing 78.

Justice Scalia, like Justice Ginsburg, had a reputation for outspokenness. In 2003, he recused himself from a case involving a challenge to the words "under God" in the Pledge of Allegiance, after having publicly criticized a lower-court decision that sided with the challenger.

In 2004, Justice Scalia declined to recuse himself in a case involving Vice President Dick Cheney, rejecting a request that he should sit out because the two men had gone on a duck-hunting trip together.

Justice Sandra Day O'Connor reportedly was upset at an election-night party in 2000 when she believed Al Gore had won the presidential race. Her husband told some partygoers she would be reluctant to retire if a Democrat won the White House. She later participated in the court's decision in *Bush v. Gore*, which effectively decided the election.

On Tuesday, Senate Majority Leader Mitch McConnell (R., Ky.) said it was “totally inappropriate for members of the Supreme Court to be weighing in on an American election. It raises the level of skepticism that the American people have from time to time about just how objective the Supreme Court is.”

Senate Minority Leader Harry Reid (D., Nev.) declined to address the Ginsburg comments and said Sen. McConnell and Republicans “should focus on the fact that the Supreme Court has become very inoperable as a result of their failing to take action; doing their jobs; get a hearing and a vote for Merrick Garland.”