

Why Ruth Bader Ginsburg Regrets Attacks on Trump

U.S. Supreme Court Associate Justice Ruth Bader Ginsburg issued an apology through the high court Thursday over her comments about Republican presidential nominee-in-waiting Donald Trump.

"On reflection, my recent remarks in response to press inquiries were ill-advised and I regret making them," she said. "Judges should avoid commenting on a candidate for public office. In the future I will be more circumspect."

The 83-year-old jurist, appointed by the husband of Trump's Democratic counterpart in 1993, started the controversy with comments to the Associated Press on July 7. Asked about the implications of a Trump presidency for the Supreme Court, she said, "I don't want to think about that possibility, but if it should be, then everything is up for grabs."

The next day, the New York Times followed up on those comments, and Ginsburg doubled down, saying:

"I can't imagine what this place would be—I can't imagine what the country would be—with Donald Trump as our president. For the country, it could be four years. For the court, it could be—I don't even want to contemplate that."

She also jokingly suggested she might take her late husband's advice and "move to New Zealand."

Those comments are the ones that really started the war of words with Trump. The voracious Twitter user tweeted the justice was "an embarrassment" for making "very dumb political statements" about him.

He also suggested her mind "is shot" and demanded that she

resign. He later tweeted that she was “incompetent” and suggested she should apologize.

Rather than apologize, however, Ginsburg instead committed the “triple-dog-dare-you” of impolite discourse and made the following comments Monday to CNN:

“He is a faker. He has no consistency about him. He says whatever comes into his head at the moment. He really has an ego ... How has he gotten away with not turning over his tax returns? The press seems to be very gentle with him on that.

“At first I thought it was funny,” she said of Trump’s early candidacy. “To think that there’s a possibility that he could be president ... I think he has gotten so much free publicity. Every other presidential candidate has turned over tax returns.”

At this point, Ginsburg triggered not only the ire of Trump, and of fellow Republicans who have been making the Supreme Court a central theme of the 2016 election, but of Democrats and legal scholars, as well. The consensus: even if we agree with her comments, it’s out of place for a judge—even one who sits on the Supreme Court—to publicly state them.

Ginsburg’s statement doesn’t indicate how she will handle any cases in the future that involve Trump or a potential Trump administration. Most scholars agree she would face enormous pressure to recuse herself.