

Congress of the United States
Washington, DC 20515

June 26, 2017

Madam Justice Ginsburg
The Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Dear Madam Justice:

We write to request that you recuse yourself from participation in *Trump v. International Refugee Assistance Project*.

As an Associate Justice of the Supreme Court, you are required to recuse yourself in cases in which your “impartiality might reasonably be questioned,”¹ and where you have “a personal bias or prejudice concerning a party.”² The U.S. Court of Appeals for the Fourth Circuit rested its decision in *International Refugee Assistance Project v. Trump* on President Trump’s campaign statements. The case places the personal credibility of President Trump directly at issue. Given your repeated public criticism of both candidate and President Trump, the statute is triggered and your recusal in *Trump v. International Refugee Assistance Project* is required by law.

Your public criticism of Donald Trump during the campaign included statements such as, “I can’t imagine what this place would be—I can’t imagine what the country would be—with Donald Trump as our president.”³ You referred to Donald Trump as “a faker.”⁴ When asked about the possibility of Donald Trump winning the presidency, you responded “I don’t want to think about that possibility, but if it should be, then everything is up for grabs.”⁵

Additionally, friendly media outlets harshly criticized your conduct. For example, the editorial board of *The New York Times* found it “baffling that Justice Ginsburg would choose to . . . call her own commitment to impartiality into question,” and wondered whether, in a case involving Mr. Trump, if anyone could “now argue with a straight face that Justice Ginsburg’s only guide would be the law.”⁶

¹ 28 U.S.C. § 455(a).

² 28 U.S.C. § 455(b)(1).

³ Adam Liptak, *Ruth Bader Ginsburg, No Fan of Donald Trump, Critiques Latest Term*, N.Y. TIMES, July 10, 2016, https://www.nytimes.com/2016/07/11/us/politics/ruth-bader-ginsburg-no-fan-of-donald-trump-critiques-latest-term.html?smid=pl-share&_r=1.

⁴ Joan Biskupic, *Justice Ruth Bader Ginsburg Calls Trump a ‘Faker,’ He Says She Should Resign*, CNN, July 13, 2016, <http://www.cnn.com/2016/07/12/politics/justice-ruth-bader-ginsburg-donald-trump-faker/>.

⁵ Mark Sherman, *AP Interview: Ginsburg Reflects on Big Cases, Scalia’s Death*, ASSOCIATED PRESS, July 8, 2016, <https://apnews.com/0da3a641190742669cc0d01b90cd57fa/ap-interview-ginsburg-reflects-big-cases-scalias-death>.

⁶ Editorial, *Donald Trump is Right About Justice Ruth Bader Ginsburg*, N.Y. TIMES, July 13, 2016, <https://www.nytimes.com/2016/07/13/opinion/donald-trump-is-right-about-justice-ruth-bader-ginsburg.html?smid=pl-share>.

Echoing similar sentiments, the editorial board of *The Washington Post*, while citing the admonition in the Code of Conduct for United States Judges that a “judge should not . . . publicly endorse or oppose a candidate for public office,” wrote your “remarks about the campaign . . . [were] inconsistent with [your] function in our democratic system” and risked “undermin[ing] public faith in the impartiality of the courts.”⁷

You are bound by law to recuse yourself from participation in this case. There is no doubt that your impartiality can be reasonably questioned; indeed, it would be unreasonable not to question your impartiality. Your participation in *Trump v. International Refugee Assistance Project* would violate the law and undermine the credibility of the Supreme Court of the United States.

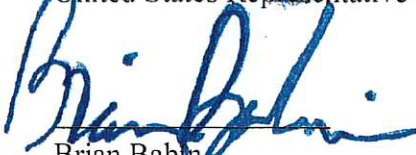
Sincerely,

⁷ Editorial, *Justice Ginsburg's Inappropriate Comments on Donald Trump*, WASH. POST, July 12, 2016, https://www.washingtonpost.com/opinions/justice-ginsburgs-inappropriate-comments-on-donald-trump/2016/07/12/981df404-4862-11e6-bdb9-701687974517_story.html?tid=ss_mail&utm_term=.806eca35e166.



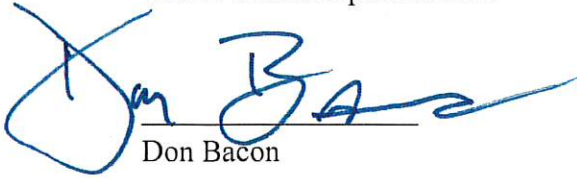
Ron DeSantis

United States Representative



Brian Babin

United States Representative



Don Bacon

United States Representative



Jack Bergman

United States Representative



Andy Biggs

United States Representative



Rod Blum

United States Representative



Dave Brat

United States Representative



Mo Brooks

United States Representative



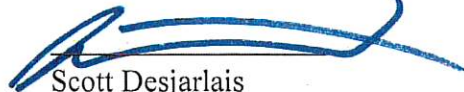
Ted Budd

United States Representative



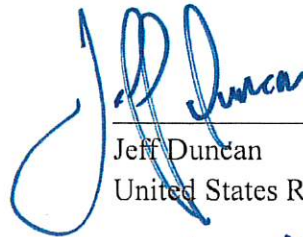
Warren Davidson

United States Representative



Scott Desjarlais

United States Representative



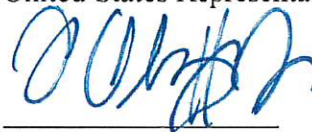
Jeff Duncan

United States Representative



Neal Dunn

United States Representative



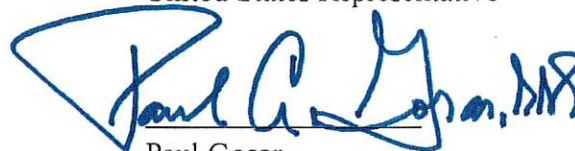
Thomas Garrett

United States Representative



Louie Gohmert

United States Representative



Paul Gosar

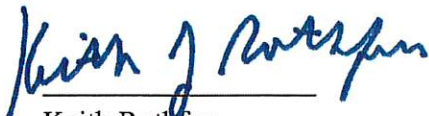
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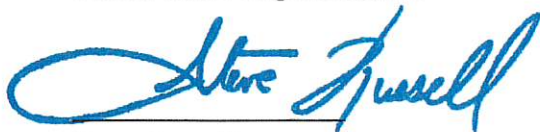
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United States Representative



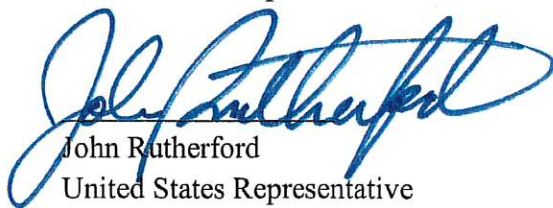
Todd Rokita
United States Representative



Keith Rothfus
United States Representative



Steve Russell
United States Representative



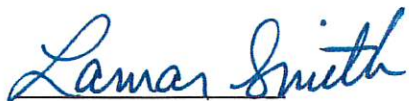
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United States Representative



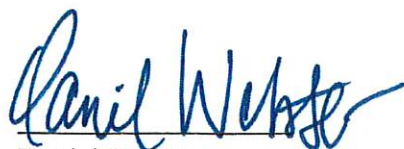
Mark Sanford
United States Representative



Austin Scott
United States Representative



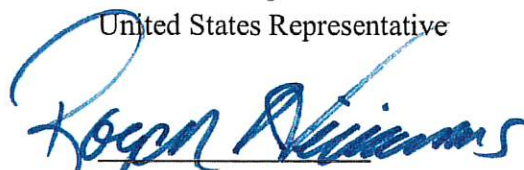
Lamar Smith
United States Representative



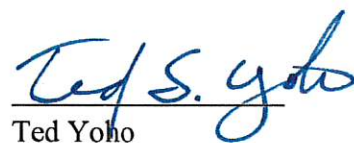
Daniel Webster
United States Representative



Brad Wenstrup
United States Representative



Roger Williams
United States Representative



Ted Yoho
United States Representative



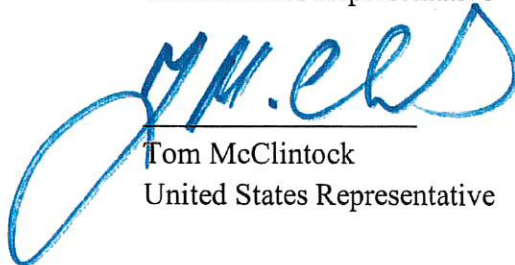
Lou Barletta
United States Representative



Trent Franks
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Doug Lamborn
United States Representative



Tom McClintock
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Morgan Griffith
United States Representative



Thomas Massie
United States Representative



Glenn Grothman
United States Representative



Mark Meadows
United States Representative



Andy Harris
United States Representative



Luke Messer
United States Representative



Jody Hice
United States Representative



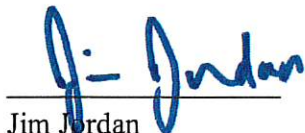
Alex Mooney
United States Representative



Mike Johnson
United States Representative



Gary Palmer
United States Representative



Jim Jordan
United States Representative



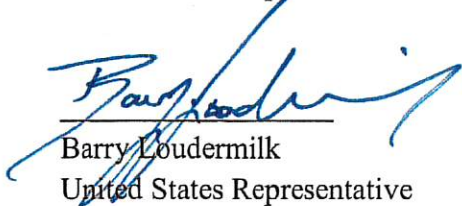
Steve Pearce
United States Representative



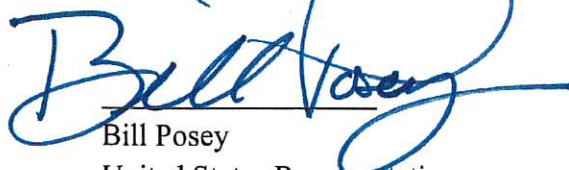
Raul Labrador
United States Representative



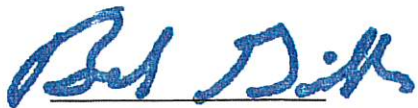
Scott Perry
United States Representative



Barry Loudermilk
United States Representative



Bill Posey
United States Representative



Bob Gibbs
United States Representative



Francis Rooney
United States Representative



Ralph Abraham, MD
United States Representative



Bill Flores
United States Representative



Mike Conaway
United States Representative



Mark Walker
United States Representative



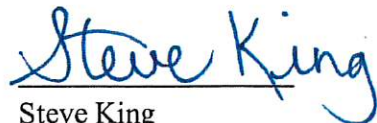
Vicky Hartzler
United States Representative



Michael Burgess
United States Representative



Richard Hudson
United States Representative



Steve King
United States Representative