



The Clintons and Justice Ginsburg on Judicial Nominations, Then and Now

Things have changed, they agreed, since President Bill Clinton's 1993 nomination of the justice was approved by a vote of 96 to 3.



By Adam Liptak

Oct. 30, 2019

WASHINGTON — President Bill Clinton, who put Justice Ruth Bader Ginsburg on the Supreme Court in 1993, joined the justice on Wednesday for a public conversation. So did Hillary Clinton, the former secretary of state, who might have named Justice Ginsburg's eventual successor had she won the 2016 presidential election.

The conversation, at Georgetown University Law Center, focused on what the participants said was a radical change in federal judicial nominations. Mrs. Clinton, without naming names, said the Trump administration has been appointing unqualified judges.

"We've seen people largely chosen on the basis of age, and therefore longevity, and political ideology being pushed through despite having no relevant experience," she said. "Before the last several years people took seriously the selection of judges. Even if they were trying to find somebody who would get to the result they wanted, they wanted to be able to say that this was a distinguished lawyer, that this was a judge with experience."

By contrast, Mr. Clinton said, he was taken by Justice Ginsburg's career as a pathbreaking women's rights litigator when he was considering her for the Supreme Court. He said he was also struck by her forthrightness when they met in 1993 for an interview.

"I knew after about 10 minutes that I was going to give her the job," he said.

They discussed abortion, Mr. Clinton said. Justice Ginsburg, then a federal appeals court judge, had been critical of aspects of *Roe v. Wade*, the 1973 Supreme Court decision that established a constitutional right to abortion.

The Supreme Court had moved too fast, Justice Ginsburg wrote in 1992. It would have sufficed, she wrote, to strike down the extreme Texas law at issue in the case and then proceed in measured steps in later cases to consider other abortion restrictions.

Mr. Clinton said Judge Ginsburg talked freely about all of this. "She made a heck of a case," he said. "We were just two people alone, and she was telling me what she honestly thought."

He recalled thinking, he said, that "this woman is completely on the level."

Justice Ginsburg, now 86, was 60 when she was nominated. "Some people thought I was too old for the job," she said. "Now I'm into my 27th year on the court and am one of the longest-tenured justices. So if you worried about my age, it was unnecessary."

Justice Ginsburg's appearance with the Clintons was part of her remarkably busy public schedule since the Supreme Court announced in August that she had been treated for pancreatic cancer.

JUSTICE GINSBURG'S HEALTH

[Ruth Bader Ginsburg Treated for Tumor on Her Pancreas](#) Aug. 23, 2019

[Ruth Bader Ginsburg Undergoes Cancer Surgery](#) Dec. 21, 2018

[Justice Ginsburg Is Recovering After Heart Surgery to Place a Stent](#) Nov. 26, 2014

[Ginsburg Has Surgery for Pancreatic Cancer](#) Feb. 5, 2009

That was Justice Ginsburg's fourth brush with cancer, after surgery in December to remove two malignant nodules from her left lung, surgery for early-stage pancreatic cancer in 2009 and treatment for colon cancer in 1999.

Some liberals had hoped she would retire under President Barack Obama, but she stayed on, indicating that she expected a Democrat to succeed him.

"I think it's going to be another Democratic president," Justice Ginsburg told The Washington Post in 2013. "The Democrats do fine in presidential elections; their problem is they can't get out the vote in the midterm elections."

President Trump, whose election proved her wrong, has been critical of Justice Ginsburg, saying in 2016 that "her mind is shot" and suggesting that she resign. His sharp words came after Justice Ginsburg criticized Mr. Trump in a series of interviews. She later said she had made a mistake in publicly commenting on a candidate and promised to be more "circumspect" in the future.

In 1993, she was confirmed by a vote of 96 to 3. "Our Senate was working the way it should and the way I hope it will again in my lifetime," Justice Ginsburg said on Wednesday.

Mrs. Clinton said one thing had surprised her in the intervening years. "I always knew Justice Ginsburg would be a great Supreme Court justice," she said. "I did not know she would be a really popular cultural icon."

Mrs. Clinton said she had given her husband "The R.B.G. Workout," a book on the justice's exercise routine.

Both Clintons said they had completed the workout, but at a cost. "It was a problem," Mr. Clinton said. "It was a real struggle."

JUSTICE GINSBURG, OFF THE BENCH

['I Am on My Way to Being Very Well,' Justice Ginsburg Tells Thousands of Fans](#) Aug. 31, 2019

[On Tour With Notorious R.B.G., Judicial Rock Star](#) Feb. 8, 2018

[Ruth Bader Ginsburg Bemoans a 'Divisive' Term, but Vows to Stick Around](#) Aug. 6, 2018

[Ruth Bader Ginsburg, No Fan of Donald Trump, Critiques Latest Term](#) July 10, 2016

Adam Liptak covers the Supreme Court and writes Sidebar, a column on legal developments. A graduate of Yale Law School, he practiced law for 14 years before joining The Times in 2002.

Follow Adam Liptak on Twitter:
[@adamliptak](#) • [Facebook](#)

A version of this article appears in print on Oct. 31, 2019, Section A, Page 17 of the New York edition with the headline: Clintons Join With Ginsburg In Questioning Judicial Picks