

LETTERS TO THE EDITOR

Recusal Standards and All the Justice's Flags

I agree with your assessment that the controversy surrounding the "Appeal to Heaven" flag is an overreaction ("Justice Alito's Latest Vexing Vexillology," Review & Outlook, May 25). It diverts attention from the more concerning signal of an inverted U.S. flag flying at the residence of a Supreme Court justice.

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In "A Flagging Campaign" (Potomac Watch, May 24), Kimberley Strassel claims that legislation that would "dictate recusal standards for the justices" is "a challenge to the separation of powers." But Congress has passed such legislation already and the Supreme Court follows the

law. As 28 USC 455(a) states: "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

Further, the Supreme Court, in its Nov. 13, 2023, "Statement of the Court Regarding the Code of Conduct," states directly that "the Justices also comply with . . . current laws relating to judicial ethics including, but not limited to 28 U.S.C. §§ 455" and others. That doesn't mean the proposed legislation is wise or ought to be passed, but congressional regulation of court ethics is lawful.

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