

## **LDF Honors Supreme Court Justice Ruth Bader Ginsburg, Icon of American Jurisprudence and Ardent Civil Rights Defender**

The NAACP Legal Defense and Educational Fund (LDF) deeply mourns the loss of Supreme Court Justice Ruth Bader Ginsburg, an indefatigable icon of American jurisprudence who tirelessly dedicated her life to advancing civil rights, especially the rights of women. Justice Ginsburg was the second woman to serve on the nation's highest court and, amid a conservative-leaning bench, became known for her powerful dissents that passionately argued for equal justice for all. Justice Ginsburg died at her home in Washington, D.C. on Sept. 18, 2020, of complications from metastatic pancreatic cancer. She was 87 years old.

“Ruth Bader Ginsburg is one of the most consequential figures in American law and democracy. We must, first and foremost, lift up the extraordinary contributions of Justice Ginsburg as a lawyer and a justice,” LDF President and Director-Counsel Sherrilyn Ifill said upon hearing of Justice Ginsburg's passing. “Every woman in this country owes her an enormous debt, and every American has benefitted from her work to clarify the meaning of equality in our country. She was a powerful member of that exemplary group of lawyers who helped give real meaning to the words etched onto the exterior of the Supreme Court: ‘equal justice under law.’”

Justice Ginsburg [was born](#) on March 15, 1933, in Flatbush, Brooklyn to Celia and Nathan Bader. She endured several tragedies early on in life, losing her older sister, Marilyn, to meningitis when the justice was 14 months old, and then losing her mother to cancer at the age of 17 — the day before graduation from James Madison High School. Throughout her career, Justice Ginsburg always spoke of the inspiration with which her mother provided her. Celia was unable to attend college, and she prioritized her daughter's education to ensure she did not endure the same fate, [steadily building a college fund](#) for her over the years.

“She [Celia] told a story about bringing home a report card with all A's to her father. But it didn't mean anything. She was a girl. My mother graduated from high school at 15 and went to work to support the family because the eldest son went to college,” Justice Ginsburg recalled in a Nov. 14, 2015, [New York Times interview](#).

Her mother's enduring commitment was never far from Justice Ginsburg's mind. “It is to my mother, Celia Amster Bader, the bravest and strongest person I have known, who was taken from me much too soon,” she said during a [June 1993 White House Rose Garden speech](#) after President Clinton announced her nomination to the Supreme Court. “I pray that I may be all that she would have been had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons.”

Following high school, Justice Ginsburg attended Cornell University on a scholarship, earning her Bachelor of Arts in Government in 1954. Justice Ginsburg also met the man who would become her husband, Martin Ginsburg, during her time at Cornell. The couple married in 1954, and relocated to Oklahoma for Martin's Reserve Officers' Training Corps job. In Oklahoma, the justice briefly worked as a claims examiner in the Social Security Administration, and was [demoted for becoming pregnant](#) with her first child, Jane.

Jane was born in 1955, and Justice Ginsburg began law school at Harvard University in 1956 as one of only nine women in a class of 552 students. The justice earned top grades and a spot on the law review, despite enduring regular discrimination. This included discrimination from the

school's dean, who once asked Ruth and her fellow women classmates what it felt like to occupy seats that could have been taken by men.

Justice Ginsburg faced another hurdle when Martin was diagnosed with testicular cancer. As he recovered, the justice attended both of their classes (Martin was a fellow law student as well) and brought notes home to her husband so he would not fall behind in his studies. When Martin graduated from Harvard in 1958 and accepted a job in New York City, Justice Ginsburg joined him and finished law school at Columbia University. The justice again made the law review at Columbia and graduated tied for the top of her class in 1959.

Following graduation, Justice Ginsburg had difficulty obtaining a job in the legal profession and faced rampant discrimination by New York law firms. "There were many firms who put up sign-up sheets that said, 'Men Only.' And I had three strikes against me. First, I was Jewish, and the Wall Street firms were just beginning to accept Jews. Then I was a woman," she told the *New York Times* in 2015. "But the killer was my daughter Jane, who was four by then."

The justice eventually secured a position as a law clerk for Judge Edmund L. Palmieri of the U.S. District Court for the Southern District of New York after a Columbia professor extensively advocated on her behalf. She served in this role for two years, and then became an associate director of the Columbia Law School Project on International Procedure, during which time she co-authored a book on Swedish civil procedure.

In 1963, she became a professor of law at Rutgers Law School and served in that role until 1972. During her tenure, she co-founded the *Women's Rights Law Reporter*, the first-ever legal journal to focus solely on feminist legal scholarship. Ginsburg's son, James, was also born during her time at Rutgers, in 1965. In 1972, she became a professor at Columbia Law School, and co-penned the first-ever casebook on sex discrimination. Notably, she was the law school's first tenured woman professor.

That same year, Justice Ginsburg also co-founded the Women's Rights Project at the American Civil Liberties Union (ACLU) and became general counsel of the project in 1973. In describing the impetus behind the project's creation, the ACLU noted that "Ginsburg envisioned that men and women would 'create new traditions by their actions, if artificial barriers are removed, and avenues of opportunity held open to them.'"

While at the ACLU, Justice Ginsburg argued six sex discrimination cases before the Supreme Court – and won five of them. "We were trying to get rid of all laws modeled on that stereotypical view of the world, that men earn the bread and women take care of the home and children," the justice said of her time at the ACLU during a 2014 interview with *The New Republic*. Justice Ginsburg was recognized for her methodical approach to dismantling sex discrimination, strategically choosing plaintiffs (including men), incrementally identifying discriminatory statutes, and thoughtfully perpetuating the message that sex discrimination harmed both women and men.

Indeed, Justice Ginsburg's incremental approach to litigating was sometimes compared to that of Thurgood Marshall, LDF's founder and the first African American Supreme Court justice. Justice Ginsburg deeply admired Justice Marshall, and also recognized the inherent safety and welfare risks that he faced when he litigated matters of racial justice.

"He was my model as a lawyer ... I took a step-by-step, incremental approach, well, that's what Marshall did. He didn't come to the Court on day one and say, 'End apartheid in America.' He started with law schools and universities, and until he had those building blocks, he didn't ask the Court to end separate-but-equal," Ginsburg said during [the 2014 \*New Republic\* interview](#). "Of course, there was a huge difference between the litigation for gender equality in the '70s and the civil rights struggles in the '50s and '60s. The difference between Thurgood Marshall and me, most notably, is that my life was never in danger. His was. He would go to a Southern town to defend people and he literally didn't know whether he would be alive at the end of the day. I never faced that kind of problem."

In reflecting on her life, Ms. Ifill also noted that Justice Ginsburg always was sure to acknowledge the risks that Justice Marshall faced. "One of the things I love about Justice Ginsburg is that when she was lauded and described as a courageous pioneer, she was always careful to say that she regarded Thurgood Marshall as the lawyer who exhibited true courage because he litigated cases where he had to fear for his own life and safety."

Justice Ginsburg continued to work at the Women's Rights Project until 1980, when she was nominated by Jimmy Carter for a seat on the United States Court of Appeals for the District of Columbia. She was confirmed in June of that year, and served in this role for 13 years.

On June 22, 1993, President Bill Clinton nominated Justice Ginsburg for a seat on the United States Supreme Court to succeed Justice Byron R. White. She was confirmed by a vote of 96-3 on Aug. 3, 1993, and took the judicial oath on Aug. 10, joining Justice Sandra Day O'Connor and becoming only the second woman to ever serve on the highest court's bench.

Justice Ginsburg wrote her first majority opinion as a Supreme Court justice in 1996 in [\*United States v. Virginia\*](#), in which the court struck down the Virginia Military Institute's male-only admissions policy. "... The Court has repeatedly recognized that neither federal nor state government acts compatibly with the equal protection principle when a law or official policy denies to women, simply because they are women, full citizenship stature — equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities," the justice wrote.

Justice Ginsburg also authored a powerful majority opinion in [\*Olmstead v. L.C.\*](#), a case which established that unjustified segregation of individuals with disabilities is a discriminatory violation of the Americans with Disabilities Act. "Recognition that unjustified institutional isolation of persons with disabilities is a form of discrimination reflects two evident judgments," she wrote. "First, institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life ... Second, confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

Throughout her Supreme Court tenure, though, Justice Ginsburg was most known for her powerful dissents. In 2007, she [read her dissent](#) in [\*Ledbetter v. Good Year Tire and Rubber Co, Inc.\*](#) aloud to draw attention to the gender pay gap. The court had dismissed plaintiff Lilly Ledbetter's claim that her employer had violated the Civil Rights Act of 1964 by paying her significantly less than her male colleagues because she did not file a claim within 180 days of when the discrimination happened.

“The Court’s insistence on immediate contest overlooks common characteristics of pay discrimination,” Justice Ginsburg noted. “Pay disparities often occur, as they did in Ledbetter’s case, in small increments; cause to suspect that discrimination is at work develops over time. Comparative pay information, moreover, is often hidden from the employee’s view ... Her initial readiness to give her employer the benefit of the doubt should not preclude her from later challenging the then current and continuing payment of a wage depressed on account of her sex.”

Justice Ginsburg released one of her most excoriating dissents in recent times in the 2013 voting rights case, *Shelby v. Holder*, which effectively eliminated the preclearance provision of the Voting Rights Act (VRA) that was established to counter voter discrimination. “The sad irony of today’s decision lies in its utter failure to grasp why the VRA has proven effective. The Court appears to believe that the VRA’s success in eliminating the specific devices extant in 1965 means that preclearance is no longer needed,” the justice wrote. “In truth, the evolution of voting discrimination into more subtle second-generation barriers is powerful evidence that a remedy as effective as preclearance remains vital to protect minority voting rights and prevent backsliding.”

“Beyond question, the VRA is no ordinary legislation. It is extraordinary because Congress embarked on a mission long delayed and of extraordinary importance: to realize the purpose and promise of the Fifteenth Amendment. For a half century, a concerted effort has been made to end racial discrimination in voting. Thanks to the Voting Rights Act, progress once the subject of a dream has been achieved and continues to be made,” she continued. “Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

These constitute just some of the many examples of Justice Ginsburg’s powerful dissenting opinions. Other cases of particular note include the 2007 abortion rights case, *Gonzales v. Carhart*, and multiple Affordable Care Act contraceptive mandate cases, *Burwell v. Hobby Lobby Stores, Inc.* (2013) and *Little Sisters of the Poor v. Pennsylvania* (2020).

Justice Ginsburg’s commitment to the court was unflappable, even in the hardest of times. When her husband, Martin, died of cancer in 2010, she was back on the bench the next day. She also faced her own exceedingly difficult health issues, battling cancer four times as well as undergoing heart surgery during her court tenure. Until lung surgery in 2018 – her third cancer battle – she had never missed an oral argument at the Supreme Court.

Despite the myriad personal challenges she faced, Justice Ginsburg remained unfailingly committed to her work and also seemed to joyfully embrace her status as a popular culture icon that arrived late in life, quite to the justice’s surprise. “It was beyond my wildest imagination that I would one day become the Notorious R.B.G.,” Justice Ginsburg said during a 2019 speech.

Throughout her career, Justice Ginsburg received countless awards and honors, both in popular culture and the legal community. She was inducted into the National Women’s Hall of Fame in 2002, was named one of *Forbes*’ “100 Most Powerful Women” in 2009, one of *Glamour*’s “Women of the Year” in 2012, and one of *Time*’s “100 Most Influential People” in 2015.

In 2019, the justice received the Berggruen Prize for Philosophy and Culture for her “work in pioneering gender equality and strengthening the rule of law.” In the award announcement, the Berggruen Institute noted that Justice Ginsburg had received many prestigious legal awards throughout her

career, including the American Bar Association's highest honor, the ABA Medal; the Thurgood Marshall Award; the Margaret Brent Women Lawyers of Achievement Award; the Genesis Foundation's Lifetime Achievement Award; and the Jewish Culture in Sweden's Gilel Storch Award, "in recognition for her contributions to gender equality and civil rights." In 2020, the justice also received the LBJ Foundation's Liberty & Justice for All Award and the World Peace and Liberty Award (an international legal award).

Justice Ginsburg is survived by her two children, Jane and James, four grandchildren, two step-grandchildren, and a great-granddaughter. LDF sends its deepest condolences to the justice's family as they grieve her profound loss. It is unquestionable that Justice Ginsburg will always be remembered in the way she desired — to be thought of as "Someone who used whatever talent she had to do her work to the very best of her ability. And to help repair tears in her society, to make things a little better through the use of whatever ability she has."

Her legacy lives on in everyone who fights for equal justice under the law, and we will continue to tirelessly work to advance civil rights in this country, just as she did.