

Ginsburg, a feminist icon memorialized as the Notorious RBG

by Mark Sherman Associated Press

WASHINGTON (AP) — Supreme Court Justice Ruth Bader Ginsburg moved slowly.

When court was in session, she often had her head down, sometimes leading visitors to think she was asleep. She once acknowledged that she did occasionally nod off. She once confessed to dozing during a State of the Union.

But it was a mistake to equate her gait and gaze with frailty, for Ginsburg showed over and over a steely resilience in the face of personal loss and serious health problems that made the diminutive New Yorker a towering women's rights champion and forceful presence at the court over 27 years.

She made few concessions to age and recurrent health problems, working regularly with a personal trainer. She never missed any time in court before the age of 85, and then only following surgery in December 2018 for lung cancer.

Ginsburg died Friday of complications from metastatic pancreatic cancer at her home in Washington at 87, the court said.

Late in her court tenure, she became a social media icon, the Notorious RBG, a name coined by a law student who admired Ginsburg's dissent in a case cutting back on a key civil rights law.

The justice was at first taken aback. There was nothing "notorious" about this woman of rectitude who wore a variety of lace collars on the bench and often appeared in public in elegant gloves.

But when her law clerks and grandchildren explained the connection to another Brooklynite, the rapper The Notorious B.I.G., her skepticism turned to delight. "In the word the current generation uses, it's awesome," Ginsburg said in 2016, shortly before she turned 83.

In 2018, Ginsburg was the subject of a documentary and a feature film "On the Basis of Sex," in which the actor Felicity Jones portrayed her.

In her final years on the court, Ginsburg was the unquestioned leader of the liberal justices, as outspoken in dissent as she was cautious in earlier years.

Criticizing the court's conservative majority for getting rid of a key part of the landmark Voting Rights Act in 2013, Ginsburg wrote that it was like "throwing away your umbrella in a rainstorm because you are not getting wet."

Her stature on the court and the death of her husband in 2010 probably contributed to Ginsburg's decision to remain on the bench beyond the goal she initially set for herself, to match Justice Louis Brandeis' 22 years on the court and his retirement at the age of 82.

Ginsburg had special affection for Brandeis, the first Jew named to the high court. She was the court's second woman and its sixth Jewish justice. In time she was joined by two other Jews, Stephen Breyer and Elena Kagan, and two other women, Kagan and Sonia Sotomayor.



AP Photo/Alex Brandon

People gather at the Supreme Court Friday, Sept. 18, 2020, in Washington, after the Supreme Court announced that Supreme Court Justice Ruth Bader Ginsburg has died of metastatic pancreatic cancer at age 87.

Both developments were perhaps unthinkable when Ginsburg graduated from law school in 1959 and faced the triple bogey of looking for work as a woman, a mother and a Jew.

Forty years later, she noted that religion had become irrelevant in the selection of high-court justices and that gender was heading in the same direction, though when asked how many women would be enough for the high court, Ginsburg replied without hesitation, "Nine."

She could take some credit for equality of the sexes in the law. In the 1970s, she argued six key cases before the court when she was an architect of the women's rights movement. She won five.

"Ruth Bader Ginsburg does not need a seat on the Supreme Court to earn her place in the American history books," President Bill Clinton said in 1993 when he announced her appointment. "She has already done that."

Her time as a justice was marked by triumphs for equality for women, as in her opinion for the court ordering the Virginia Military Institute to accept women or give up its state funding.

There were setbacks, too. She dissented forcefully from the court's decision in 2007 to uphold a nationwide ban on an abortion procedure that opponents call partial-birth abortion. The "alarming" ruling, Ginsburg said, "cannot be understood as anything other than an effort to chip away at a right declared again and again by this court — and with increasing comprehension of its centrality to women's lives."

Ginsburg once said that she had not entered the law as a champion of equal rights. "I thought I could do a lawyer's job better than any other," she wrote. "I have no talent in the arts, but I do write fairly well and analyze problems

clearly."

Besides civil rights, Ginsburg took an interest in capital punishment, voting repeatedly to limit its use. During her tenure, the court declared it unconstitutional for states to execute the intellectually disabled and killers younger than 18.

She voted most often with the other liberal-leaning justices, fellow Clinton appointee Breyer and two Republican appointees, John Paul Stevens and David Souter, then later with President Barack Obama's two appointees, Sotomayor and Kagan.

In the most divisive of cases, Ginsburg was often at odds with the court's more conservative members. Yet she was personally closest on the court to Justice Antonin Scalia, her ideological opposite.

She once explained that she took Scalia's sometimes biting dissents as a challenge to be met. "How am I going to answer this in a way that's a real putdown?" she said. Scalia died in 2016.

As for her own dissents, Ginsburg said that some were aimed at swaying the opinions of her fellow judges while others were "an appeal to the intelligence of another day" in the hopes that they would provide guidance to future courts.

"Hope springs eternal," she said in 2007, "and when I am writing a dissent, I'm always hoping for that fifth or sixth vote — even though I'm disappointed more often than not."

Joan Ruth Bader was born in Brooklyn in 1933, the second daughter in a middle-class family. Her older sister, who gave her the lifelong nickname "Kiki," died at age 6, so

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Black women mourn death of Justice Ginsburg, vow to continue the struggle for equality

Statement from Marcela Howell, founder and president of In Our Own Voice: National Black Women's Reproductive Justice Agenda

WASHINGTON, September 18, 2020 — The night the death of U.S. Supreme Court Justice Ruth Bader Ginsburg was announced, Marcela Howell, founder and president of In Our Own Voice: National Black Women's Reproductive Justice Agenda, issued the following statement in response:

"Tonight, we mourn the passing of Justice Ruth Bader Ginsburg, a lifelong champion of women's and civil rights. We send our heartfelt sympathy to Justice Ginsburg's family and friends; the country and the world mourn with you.

"With her passing, Justice Ginsburg leaves a mammoth void on the high court. The author of both monumental majority opinions and powerful dissents, Justice Ginsburg always voiced strong and principled demands for justice and equality for all.

"Tonight, we are putting the U.S. Senate on notice; we demand that no nominee be voted on until a new president is elected. We will take to the streets in protest if McConnell and his cohorts do not abide by their own precedent.

"We promise to continue Ruth Bader Ginsburg's fight for freedom. As we mourn, we will honor her life and legacy by fighting hard to demand a worthy successor. And we will fight even harder to ensure that all votes are counted on Election Day."

In Our Own Voice: National Black Women's Reproductive Justice Agenda is a national Reproductive Justice organization focused on lifting up the voices of Black women leaders at the national, regional and state levels in our ongoing fight to secure Reproductive Justice for Black women, femmes, queer, trans and gender non-conforming people and youth. Our strategic partners include Black Women for Wellness, Black Women's Health Imperative, New Voices for Reproductive Justice, SisterLove, Inc., SisterReach, SPARK Reproductive Justice NOW, The Afija Center and Women With A Vision.

Justice Ginsburg *Should Not* be replaced until after the Election

by Alicia Bannon, Brennan Center for Justice at NYU Law

GOP senators invented a new standard in order to deny President Obama a Supreme Court appointment in 2016. Now they should abide by it.

September 19, 2020—It is less than 50 days until Election Day. If Senate Majority Leader McConnell follows through on his pledge that he will consider a nominee by President Trump to succeed Justice Ruth Bader Ginsburg it will be more than rank hypocrisy. It will be a full-on crisis for the country, the Supreme Court, and our democracy.

The Court touches virtually every aspect of our lives — from marriage, to health care, to the right to vote. Whoever is appointed to succeed Ginsburg will either cement conservative dominance on the Court for the next generation or play a critical role in countering that trend.

Of course, many will remember that there is a recent precedent for the loss of a justice in an election year. Justice Antonin Scalia died on February 13, 2016, opening a vacancy on the Supreme Court nearly nine months before the 2016 presidential election.

Less than an hour after Scalia's death had been confirmed, McConnell announced that the Senate should not confirm a replacement justice until after the 2016 election. "The American people should have a voice in the selection of their next Supreme Court justice," he declared. When President Obama nominated Judge Merrick Garland to fill Scalia's seat the next month, McConnell reiterated, "Let's let the American people decide."

Other Republican leaders echoed McConnell. "The American people shouldn't be denied a voice," opined Sen. Chuck Grassley (R-IA). Sen. John Cornyn (R-TX) said that "the only way to empower the American people and ensure they have a voice is for the next President to make the nomination to fill this vacancy." Sen. Ted Cruz (R-TX) argued,

"There is a long tradition that you don't do this in an election year. And what this means ...is we ought to make the 2016 election a referendum on the Supreme Court."

Many observers, including at the Brennan Center, called out Republican senators for creating a new principle out of whole cloth. But the fact is that a new principle was created — one that gave President Trump an extra vacancy to fill and conservatives an opportunity to maintain and solidify their majority on the Supreme Court, with huge ramifications for the country.

In more recent statements, McConnell has tried to redefine what he did, suggesting that the issue in 2016 was that the Senate was controlled by a different party than the president. But there's no clear historical precedent for any such rule — it has almost never come up in modern history. Forcing through a successor to Ginsburg would be an exercise of raw power, plain and simple.

The Supreme Court doesn't have an army, and it has no power of the purse. Its power comes from the fact that the public accepts its decisions, even when it disagrees with them. The Supreme Court has of course always been a political institution, but if it's going to retain its public legitimacy it can't be seen as simply another wing of partisan politics.

Supreme Court nominations have become far too politicized, but packing the Supreme Court weeks before a presidential election is different in kind. It's not simply another stress test for our institutions — there's a real risk it will break them. That is genuinely scary — not just for the Supreme Court, but for the basic functioning of our country and the rule of law.

It doesn't have to be this way. McConnell and other Republican senators should respect the rules they set out four years ago and, as they put it, let the American people decide.