

TRIBUTE TO RUTH BADER GINSBURG: A TRAILBLAZER FOR THE AGES

*Hillary Rodham Clinton**

In 1993, Justice Ginsburg was Judge Ginsburg on the D.C. Circuit Court of Appeals. She was well-respected not only for her razor-sharp intellect and ability to frame arguments, but also for how well she got along with her colleagues across the ideological spectrum (including then-Judge Scalia, who served on the bench with her). I had followed her career for a long time: As a young lawyer, I admired her groundbreaking legal strategy, her academic work, and her leadership at the helm of the ACLU Women's Rights Project. When my husband had the opportunity to appoint a new Supreme Court Justice that year, I recommended he take a close look at Ruth.

There were other strong candidates being considered, and the competition was every bit as brisk as you might expect. But Ruth was clearly qualified and had several champions making her case—including her husband, Marty, who was her partner in all things and her greatest advocate. Finally, a meeting was set up for Ruth to come into the White House and meet with Bill. It was supposed to be a casual get-together, scheduled for a Sunday afternoon. Ruth arrived in casual clothes, only to find that Bill had stepped away from the football game he had been watching to put on a suit and tie. She was mortified. Her embarrassment, however, didn't last long. The two of them hit it off right away. Bill had taught constitutional law years earlier, and they talked at length about the Constitution and the role of the courts. It was clear that Ruth had a rare combination: a deep respect for our democratic institutions coupled with the vision to understand how the law could be used as a means to expand our country's definition of "We the People." Or, as Bill summed it up at the end of their meeting: "Wow, she really is the real deal." In the decades to come, she proved just how right he was.

In her confirmation statement, Ruth pointed out that she was "a Brooklynite, born and bred—a first-generation American on my father's side, barely second-generation on my mother's."¹ Neither of her parents could afford to attend college, but they instilled in their daughter a love of learning and the belief that she could go as far as her talent and hard

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1. Nomination of Ruth Bader Ginsburg, to Be Associate Justice of the Supreme Court of the United States: Hearings Before the S. Comm. on the Judiciary, 103d Cong. 49 (1993) (statement of Ruth Bader Ginsburg, Circuit Court J., U.S. Court of Appeals for the District of Columbia).

work could take her. “What has become of me,” she said, “could happen only in America.”²

Like Ruth, I too became a lawyer in the days “when women were not wanted by most members of the legal profession.”³ I’ll never forget the event I attended for admitted students at Harvard Law. A friend introduced me to a professor, saying, “This is Hillary Rodham. She’s trying to decide between us and our nearest competitor.” The professor looked me up and down and announced: “Well, first of all, we don’t have a nearest competitor. And secondly, we don’t need any more women.” I remembered that story years later when Ruth recounted her own experiences at Harvard, where she was one of just nine women in a law school class of more than 500. At a dinner for those nine women, the dean went around the table, asking each one why she deserved to be there, taking a man’s place. Ruth, always a quick thinker, replied that she wanted to be able to better understand her husband’s work.⁴

While at Harvard, Marty became ill. Like so many other women throughout history—particularly now, in the midst of a pandemic that has brought an already-strained system to its breaking point—she pulled double duty. She spent late nights finishing her coursework and editing articles for the *Harvard Law Review*, while taking care of Marty and their young daughter, Jane. She eventually transferred to Columbia, where she graduated first in her class. Even with her impeccable resume, like Sandra Day O’Connor before her, she had a hard time finding a job. These were the days, after all, when the classified ads were divided into “help wanted—male” and “help wanted—female.” As a woman, a wife, and a mother, she had three strikes against her in the eyes of potential employers.

A few years later, she joined the faculty of Rutgers Law School. When she found out that she was being paid less than her male colleagues, she didn’t just speak up for herself. She started an equal pay campaign along with other women professors. Together, they fought for raises and got them.

While many activists were marching in the streets, she chose to wage her battles in the courtroom, championing women’s equality under the law, one court case at a time. In *Reed v. Reed*, she coauthored a groundbreaking brief that resulted in the Supreme Court applying the Equal Protection Clause to strike down a law that discriminated against women for the first time.⁵ In *Weinberger v. Wiesenfeld*, she argued against a Social Security provision that kept widowed fathers from receiving the same benefits as widowed mothers, brilliantly illustrating the ways in which gender inequality hurts men as well as women.⁶ And in *Frontiero v. Richardson*, she

2. *Id.* at 50.

3. *Id.*

4. Debra Bruno, *Supreme Start*, *Legal Times*, Nov. 7, 2007, at 1, 1.

5. See 404 U.S. 71, 76–77 (1971).

6. See 420 U.S. 636, 637–39 (1974).

memorably quoted the abolitionist Sarah Grimké, saying: “I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks.”⁷ Of the six cases she argued in front of the Supreme Court, she won five.

Like so many other women of my generation, I saw personally what a difference her work made. After I was married, I couldn’t get a credit card in my own name. I was informed by the credit card companies that my only choice was to get Bill’s permission and take one out on his account—despite the fact that I earned more money than he did! That’s no longer the case for women today, thanks in no small part to Ruth’s pioneering work.

To the surprise of no one, she proved to be as powerful on the bench as she was arguing before it. In her twenty-seven years on the Court, she wrote 483 opinions, many of which were intent on making every American who had been excluded feel they belonged in our country. Many of us will never forget her majority opinion in *United States v. Virginia* more than twenty-five years ago, ruling that the prestigious Virginia Military Institute had to open its doors to women.⁸ Her dissents were equally thrilling—in defense of women’s rights, civil rights, and equal justice. One of my personal favorites was her fiery defense of the Voting Rights Act in *Shelby County v. Holder*.⁹ As U.S. Senator from New York, I voted with my colleagues—98 to nothing—to renew this crucial piece of legislation. When the Court gutted the preclearance provision of the Voting Rights Act,¹⁰ she wrote that throwing it out “when it has worked and is continuing to work . . . is like throwing away your umbrella in a rainstorm because you are not getting wet.”¹¹

Ruth’s great gift was not only that she was a brilliant lawyer, litigator, and judge; it was that she was a compassionate and understanding human being. To her, the law was deeply personal. She felt the loss of respect and rights suffered by her clients and those who appeared before her in court and was compelled to do everything she could to remedy the problem. And while a Supreme Court opinion might not seem like the most compelling reading to some, her clear, incisive writing style could transform even the most minute legal issue into a page-turner. She was aided by her terrific sense of humor—a necessity, she always said, in her line of work. She got a particular kick out of the memes, songs, and nicknames she inspired, and those of us who dared attempt her workout knew just how tough the “Notorious RBG” really was.

7. Oral Argument at 27:39, *Frontiero v. Richardson*, 411 U.S. 677 (1973) (No. 71-1694), https://apps.oyez.org/player/#/burger4/oral_argument_audio/17043 (transcript on file with the *Columbia Law Review*).

8. See 518 U.S. 515, 557–58 (1996).

9. 570 U.S. 529 (2013).

10. See *id.* at 557.

11. *Id.* at 590 (Ginsburg, J., dissenting).

After Ruth's death last year, Bill and I traveled to Washington to pay our respects to this five-foot-one legal giant. As we stood atop the steps to the Court, I was struck by the signs, flowers, candles, and flags that lined the sidewalk below, each representing another American whose life she touched. I was especially moved by the outpouring of tributes from young women and little girls who looked up to her and knew that, thanks to her, there was someone fighting for them on our nation's highest court. But there is no greater tribute to Ruth, and no more powerful testament to her legacy, than this rising generation of lawyers and law students determined to use the law to continue to strive toward that more perfect union. After all, it falls to each of us to help build the country we all want to live in—an America where our institutions are strong, the rule of law is thriving, leaders make decisions rooted in facts, and we celebrate the fact that, yes, women belong in all places where decisions are being made. No one understood that better than Ruth Bader Ginsburg.