



RUTH BADER

1584 East 9th Street

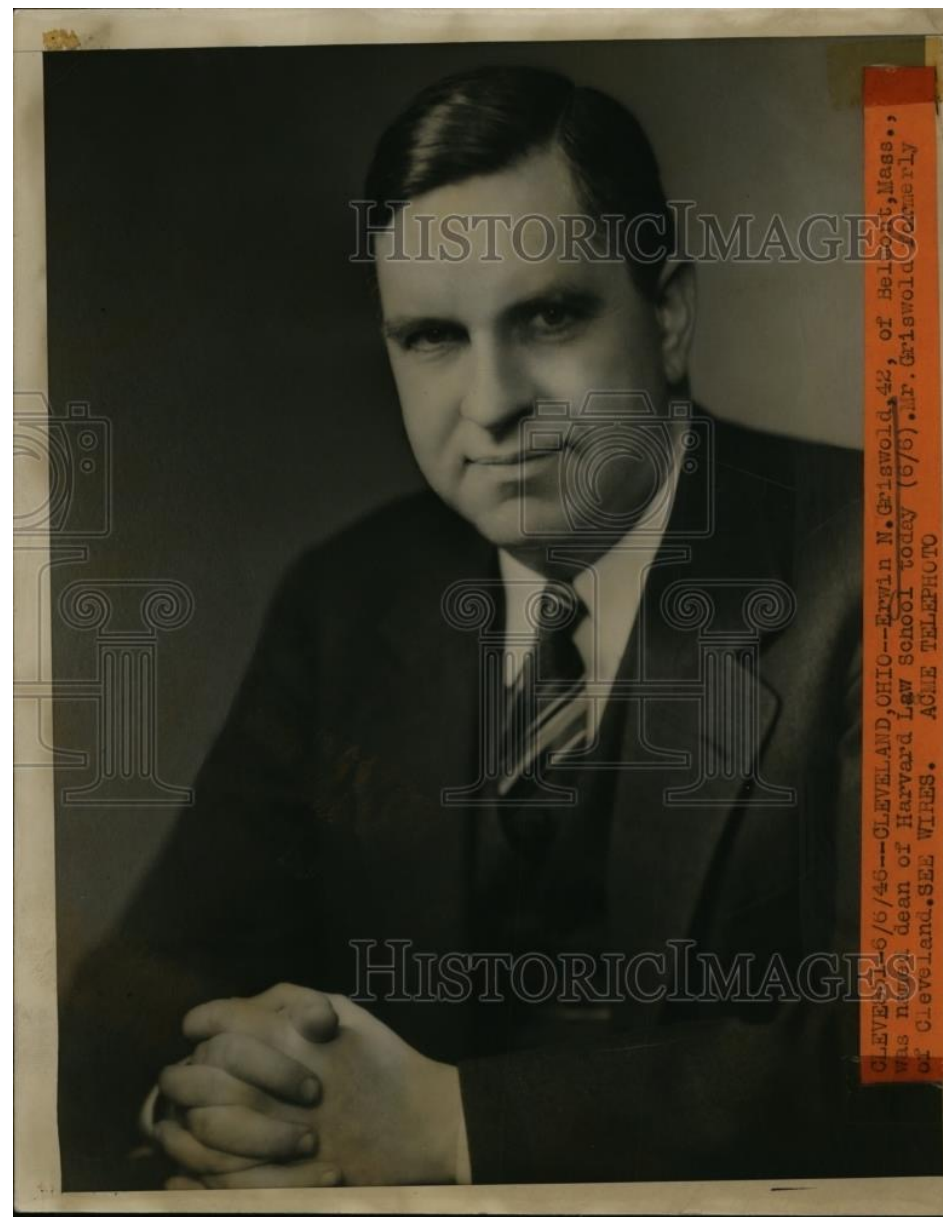
Arista, Treas. of Go-Getters, School
Orchestra, Twirlers, Sec. to English
Department Chairman, Feature Ed-
itor Term Newspaper
Cornell University





Ruth Bader at Cornell 1953



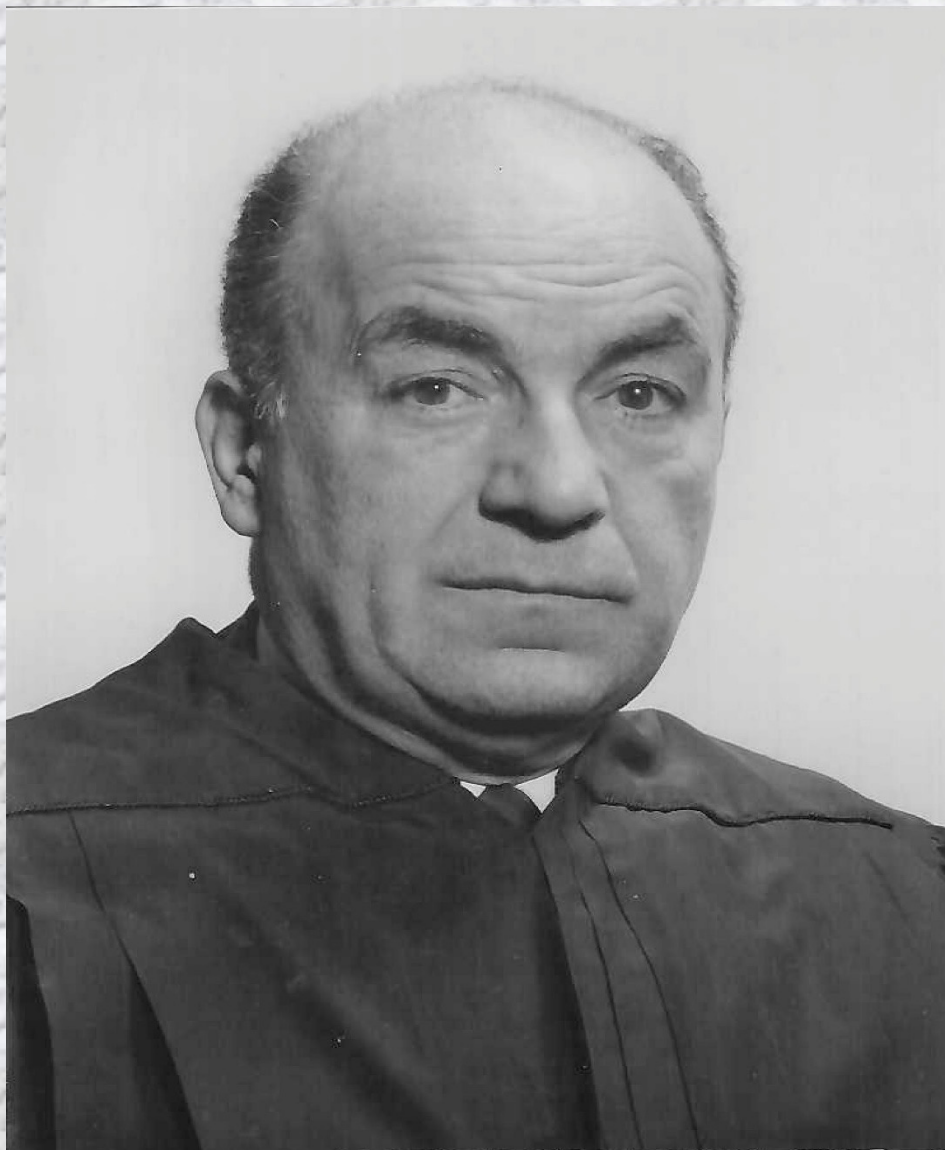


Erwin Griswold, Dean of Harvard Law School



RBG

The men (and two women) of the Harvard Law Review, 1957/58



Edmund L. Palmieri

RBG at Rutgers





Myra Bradwell (Bradwell v. Illinois, 1873)

Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution: **“No state shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”**

Supreme Court that decided *Bradwell v. Illinois*, 1872



Rational relation:
the court assumes that the law is constitutional, unless there is no possible way to consider it rational.
(Burden of proof is on anyone who challenges the law.)

Virginia Minor (*Minor v. Happersett*, 1875)



Supreme Court that heard *Minor v. Happersett*, 1875



Valentine Goesaert (*Goesaert v. Cleary*, 1948)



“Liquor alone causes enough trouble, why add women?”

STATE OF FLORIDA
 Board of Commissioners of State Institutions
 DIVISION OF CORRECTIONS
 TALLAHASSEE, FLORIDA

Name: Rebekah Hoyt No: CP4021 Date Received: December 29, 1960
 Release: January 20, 1961 Date: 11/16/60
 Court: District Court of Second No: 1st Degree Murder
 Term: 10 Years

Rebekah 12-26-60

APPROVED: _____ DATE: _____



Color: Brown Eyes: Blue Hair: Dark Build: Slender
 Birth: 1924 Place: W. Madison, Mass.
 Physical Description: Large nose upper left ear. Several scars along neck. Small scar on side of forehead. Small mole above left side of mouth.

Arrested by: Mr. Augustine N. Roberts, (Officer) 3 Missy Ave., E. Madison, Mass.

* Released by Order 12-12-61. Date received from Appeal Court.

Hoyt v. Florida (1961)

Supreme Court that decided *Hoyt v. Florida*, 1961



UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

No. 71 - 1127

CHARLES E. MORITZ,
Petitioner—Appellant

COMMISSIONER OF INTERNAL REVENUE ,
Respondent—Appellee

BRIEF FOR PETITIONER-ÄPPELLÄNT

Ruth Bader Ginsburg
Martin D. Ginsburg
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New York, New York 10022

Melvin L. Wulf, Esq.
American Civil Liberties Union Foundation
Weil, Gotshal & Manges
Of Counsel

Suspect classification: assumption that a law that treats "discrete and insular" minorities differently is unconstitutional. Such a law is subject to "**strict scrutiny**," meaning the court must be shown that there is no other way to reach a legitimate end and that the government therefore has a "**compelling interest**" in the law. Burden of proof shifts to the government.

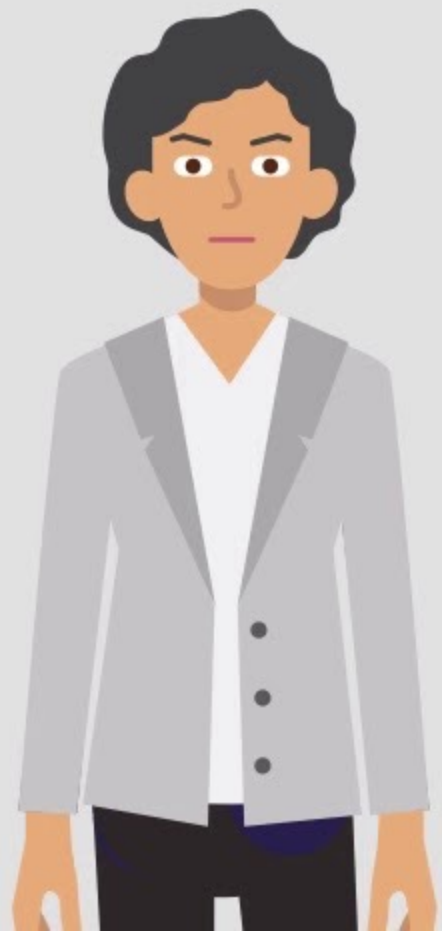
Moritz: if a law affects “fundamental rights or interests...or when the statute classifies on a basis ‘inherently suspect,’ the courts will subject the legislation to the most rigid scrutiny.”



Erwin Griswold, Solicitor-General of the U.S.



Sally Reed



The Idaho statute requires a male to be appointed over a female if they are otherwise similarly situated.



IN THE
Supreme Court of the United States

OCTOBER TERM 1971

No. 70-4

SALLY M. REED,

Appellant,

—v.—

CECIL R. REED, Administrator, In the Matter of the
Estate of Richard Lynn Reed, Deceased.

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF IDAHO

REPLY BRIEF FOR APPELLANT

MELVIN L. WULF
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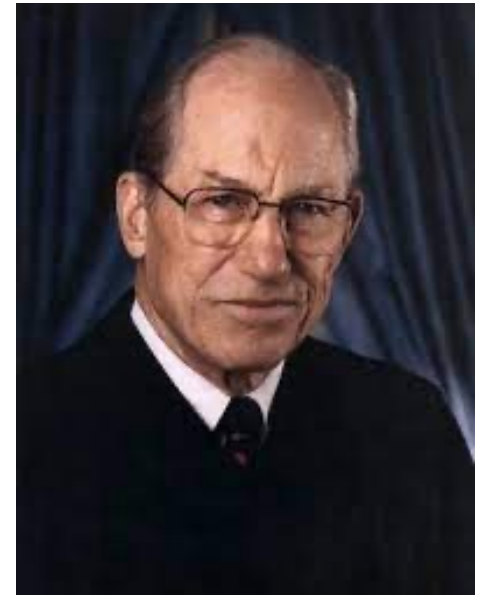
Attorneys for Appellant

RBG in *Reed v. Reed*:

“Legislative discrimination grounded on sex...ranks with legislative discrimination based on race.”



Supreme Court that decided *Reed v. Reed*, 1971



Reed v. Reed (1971)

- New test: “A classification ‘must be reasonable, **not arbitrary**, and must rest upon some ground of difference having a **fair and substantial relation to the object of the legislation.**’”
- “To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment.” (9-0)



RBG at the ACLU Women's Rights Project and teaching at Columbia



Sharron and Joseph Frontiero

IN THE
Supreme Court of the United States

OCTOBER TERM, 1972

No. 71-1694

DEC 8 1972

MICHAEL MOORE, JR., CLERK

914

SHARRON A. FRONTIERO and JOSEPH FRONTIERO,

Appellants,

—v.—

MELVIN R. LAIRD, as Secretary of Defense, his successors and assigns; DR. ROBERT C. SEAMANS, JR., as Secretary of the Air Force, his successors and assigns; and COL. CHARLES G. WEBER, as Commanding Officer, Maxwell Air Force Base, Alabama, his successors and assigns,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRIEF OF AMERICAN CIVIL LIBERTIES UNION
AMICUS CURIAE

RUTH BADER GINSBURG
MELVIN L. WULF
BRENDA FEIGEN FASTEAU
MARC FEIGEN FASTEAU
American Civil Liberties Union
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Attorneys for Amicus Curiae

Supreme Court that heard RBG's first oral argument, 1973



Chief Justice Warren E. Burger, Associate Justices William O. Douglas, William J. Brennan Jr., Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun, Lewis F. Powell Jr., William Rehnquist
(*Frontiero v. Richardson*, 8-1)



Justice William J. Brennan (SC years: 1956-1990)

Recent legislation such as the Equal Pay Act and the congressional endorsement of ERA showed that **“Congress itself has concluded that classifications based upon sex are inherently invidious.”**

“...women still face pervasive, although at times more subtle, discrimination in our educational institutions, in the job market and, perhaps most conspicuously, in the political arena.”

“With these considerations in mind, **we can only conclude that classifications based upon sex, like classifications based upon race, alienage, or national origin, are inherently suspect, and must therefore be subjected to strict judicial scrutiny.**”

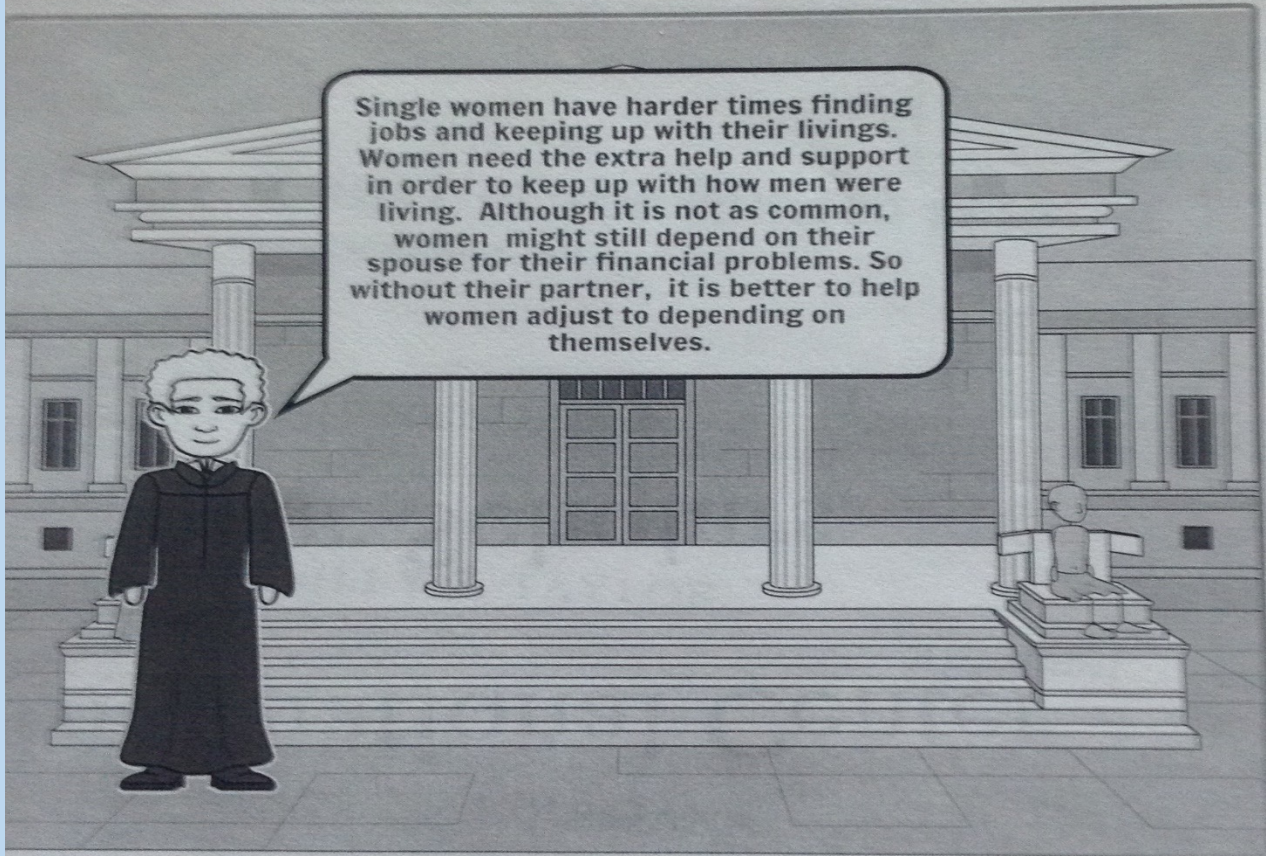
“ I believed, after Frontiero, that an effective five-year plan could come close to finishing the job. That estimate proved excessively optimistic.”

RBG “Women’s Rights to Full Participation”

. “The war on sex discrimination was not going to be a lightning blitz, but rather a long drawn-out struggle.”

The Ford Foundation

This is violating my Equal Rights Protection! Kahn v. Shevin



Single women have harder times finding jobs and keeping up with their livings. Women need the extra help and support in order to keep up with how men were living. Although it is not as common, women might still depend on their spouse for their financial problems. So without their partner, it is better to help women adjust to depending on themselves.

CREATE YOUR OWN!

COPY

CLOSE SLIDESHOW

Monday, November 27, 1972

Social Security inequality

To the editor:

Your article about widowed men last week prompted me to point out a serious inequality in the Social Security regulations.

It has been my misfortune to discover that a male can not collect Social Security benefits as a woman can.

My wife and I assumed reverse roles. She taught for seven years, the last two at Edison High School. She paid maximum dollars into Social Security. Meanwhile, I, for the most part, played homemaker.

Last June she passed away while giving birth to our only child. My son can collect benefits but I, because I am not a WOMAN homemaker, can not receive benefits.

Had I been paying into Social Security and, had I died, she would have been able to receive benefits, but male homemakers can not. I wonder if Gloria Steinem knows about this?

STEPHEN WIESENFELD,
Edison



Stephen and Jason Wiesefeld

Mr. Chief Justice, and may it please the Court.

Steven Wiesenfeld's case concerns the entitlement of a female wage earner, a female wage earners family to Social Insurance of the same quality as that accorded to the family of a male wage earner.

Four prime facts of the Wiesenfeld family's life situation bears special emphasis.

Paula Wiesenfeld, the diseased insured worker, was gainfully employed at all times during the seven years immediately preceding her death.

Throughout this period, maximum contributions were deducted from her salary and paid to Social Security.

During Paula's marriage to Steven Wiesenfeld, both were employed.

Neither was attending school and Paula was the family's principal income earner.

In 1972, Paula died giving birth to her son **Jason Paul, leaving the child's father Steven Wiesenfeld with the sole responsibility for the care of Jason Paul.**

Weinberger v. Wiesenfeld (1975)

William Brennan: women's rights

Lewis Powell: men's rights

William Rehnquist: children's rights



Craig v. Boren (1976): the “thirsty boys” case: the law must be “substantially related to achievement of the [law’s] objective.”

Califano v. Goldfarb (1975): Social Security
benefits to widower (5-4)

Taylor v. Louisiana and *Edwards v. Healy* (1975):
automatic jury exemptions for women (opt-in)
(8-1)

Duren v. Missouri (1979): automatic “opt out” jury exemptions for women

RBG brief: permitting an exemption for “any woman” is as unacceptable as would be “an exemption for ‘any man,’ ‘any Jew,’ ‘any black.’”

MRS. GINSBURG: To conclude, the unconstitutionality of Missouri's excuse for “any woman” as it operates to distort Jackson County jury panels is plainly established.

JUSTICE REHNQUIST: You won't settle for putting Susan B. Anthony on the new dollar then? [Laughter]



RBG on the Supreme Court in 1996 (she served 1993-2020)



U.S. v. Virginia: “skeptical scrutiny”
“exceedingly persuasive justification”

From “rational relation” to “substantial
relation to the object of the legislation” to
“skeptical scrutiny” and an “exceedingly
persuasive justification”

Women, if you have a credit card in your own name and your own credit history, if you have leased an apartment or bought property in your name, if you have consented to your own medical treatment, if you played a sport in school, you can thank Justice Ruth Bader Ginsburg.



