Senate Concurrent Resolution No. 21

Introduced by Senator Rubio

(Principal coauthors: Assembly Members Gabriel, Cristina Garcia, and Blanca Rubio)

(Coauthors: Senators Allen, Atkins, Becker, Caballero, Eggman, Glazer, Gonzalez, Hertzberg, Hurtado, Leyva, Melendez, Newman, Skinner, Stern, and Wiener)

(Coauthors: Assembly Members Bauer-Kahan, Carrillo, Levine, Medina, Quirk-Silva, and Ward)

March 8, 2021

Senate Concurrent Resolution No. 21—Relative to Justice Ruth Bader Ginsburg Day.

LEGISLATIVE COUNSEL'S DIGEST

SCR 21, as introduced, Rubio. Justice Ruth Bader Ginsburg Day.

This measure would declare that the Legislature honors the life and legacy of Justice Ruth Bader Ginsburg, and proclaims March 15, 2021, as Justice Ruth Bader Ginsburg Day, a day of remembrance and education to ensure that all Californians always honor and remember a vibrant guardian of equality for all.

Fiscal committee: no.

WHEREAS, Women's History Month in the United States is celebrated in March and commemorates and encourages the study, observance, and celebration of the vital role of women in American history; and

WHEREAS, One of these historical leaders is Ruth Bader Ginsburg of Brooklyn, New York, born on March 15, 1933, who was one of the most notable and influential Justices to have served on the United States Supreme Court; and

WHEREAS, Prior to her appointment to the Supreme Court in 1993, Justice Ginsburg had a respected legal career: she attended Harvard Law School and graduated first in her class from Columbia Law School; served as a law clerk to a Judge of the United States District Court; served as a law school professor at Rutgers Law School from 1963 to 1972, and at Columbia Law School from 1972 to 1980; and was appointed a Judge of the United States Court of Appeals for the District of Columbia Circuit in 1980; and

WHEREAS, As a woman and a person of the Jewish faith, Justice Ginsburg endured gender and religious discrimination that denied her employment opportunities. However, she overcame gender and religious discrimination by becoming the first female professor to earn tenure at Columbia Law School; and

WHEREAS, At Harvard Law School, Justice Ginsburg tackled the challenges of motherhood and of a male-dominated school where she was one of nine females in a 500-person class. She faced gender-based discrimination from even the highest authorities there, who chastised her for taking a man's spot at Harvard Law School. Justice Ginsburg broke barriers and served as the first female member of the Harvard Law Review and Columbia law Review, and later became the second woman appointed to the United States Supreme Court. Due to her drive and persistence, she was not deterred from pursuing her goals and Justice Ginsburg truly paved the way for many women to follow; and

WHEREAS, As a young attorney, Justice Ginsburg was instrumental in fighting for women's rights, launching the Women's Rights Project of the American Civil Liberties Union, and from 1973 to 1976, winning five women's rights cases that she argued before the United States Supreme Court. Justice Ginsburg took a broad look at gender discrimination, fighting not just for the women left behind, but also for the men who were discriminated against. Through litigation, community outreach, advocacy, and public education, Justice Ginsburg empowered poor women, women of color, and immigrant women, who have been subject to gender bias and who faced pervasive barriers to equality. Justice Ginsburg worked to ensure that women and their families could enjoy the benefits of full equality and participate in every sphere of society; and

WHEREAS, The jurisprudence of Justice Ginsburg blended moral purpose with precision and technical mastery of the law.

Justice Ginsburg's successful advocacy for gender equality significantly changed the law as it affects women, including the landmark decision of Reed v. Reed, 404 U.S. 71 (1971), the first case to hold that discrimination on the basis of sex violated the equal protection clause of the Fourteenth Amendment; and

WHEREAS, Justice Ginsburg was a champion for gender justice, abortion rights, voting rights, the rights of immigrants, and the rights of LGBTQ+ individuals. Justice Ginsburg steadfastly protected the rights of African Americans, women, immigrants, gays and lesbians, persons accused of crimes, political dissidents, and other groups in our society whose rights and interests are too often disregarded by a hostile or indifferent majority. She was devoted to the preservation of a fair electoral system, whether the issue was campaign finance reform, gerrymandered legislative districts, or expanding and preserving voting rights; and

WHEREAS, Justice Ginsburg became a leader, writing majority opinions in the United States v. Virginia 518 U.S. 515 (1996), holding that the Virginia Military Institute's male-only policy violated the Equal Protection Clause, which led the institution to admit 30 women in the fall of 1997, the institution's first ever co-ed class, and in Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581 (1999), holding that the federal Americans with Disabilities Act required states to place persons with mental disabilities in community settings rather than institutions when feasible; and concurring in Stafford Unified School District No. 1 v. Redding, 557 U.S. 364 (2009) that the strip search of a middle-school student violated the student's Fourth Amendment rights against unreasonable searches and seizures; and

WHEREAS, Her oral dissent in Ledbetter v. Goodyear Tire & Rubber Co., Inc., 550 U.S.618 (2007) pushed the United States Congress to enact, and President Barack Hussein Obama to sign, equal pay legislation in 2009, by rejecting a pay discrimination case on a technicality. She defended women's reproductive freedom in several cases and supported gay marriage. In other cases, Justice Ginsburg defended affirmative action against a legal onslaught, and poignantly noted in interviews that she and many other women had benefited from the practice; and

WHEREAS, Justice Ginsburg died on September 18, 2020, at 87 years of age after a long battle with cancer, and became the first woman and the first Jewish person to lie in state in 168 years

and only the second United States Supreme Court Justice to lie in state; and

WHEREAS, The nation and our state are deeply indebted to Justice Ruth Bader Ginsburg, a truly distinguished American; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature honors the life and legacy of United States Supreme Court Justice Ruth Bader Ginsburg and proclaims March 15, 2021, as Justice Ruth Bader Ginsburg Day, a day of remembrance and education to ensure that all Californians always honor and remember a vibrant guardian of equality for all; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

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