**Transcript: A Conversation with U.S. Supreme Court Justice Ruth Bader Ginsburg – AALS Presidential Program Transcript**

AALS President Vicki Jackson & Ruth Bader Ginsburg

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Video Link: [Here](https://www.youtube.com/watch?v=qv1s_2viBMQ)

**Vicki Jackson (VG):** So welcome to this conversation with Justice Ginsburg. I’m Vicki Jackson and it is my great privilege and very real pleasure to be able to welcome U.S. Supreme Court Justice Ruth Bader Ginsburg. She truly is someone who needs no introduction, especially in this room, in light of her work on behalf of gender equality before she went on the bench and her brilliant, carefully reasoned judicial voice since taking the bench. After graduating from Cornell and attending law school at Harvard and Columbia, the Justice soon thereafter became a law professor. First at Rutgers and that [applause] and then at Columbia. [Applause]. She co-founded the ACLU Women’s Rights Law Project, she argued major milestone cases on gender equality, before being appointed first to the D.C. Circuit by President Carter, and then in 1993 by President Clinton to the Supreme Court. I’ll briefly note that the Justice was recently honored with the Berggruen prize, for 2019, for major achievement in advancing ideas that shape the world. And how fortunate are we to live in a world now more shaped by her advocacy and her ideas? Among her many, many well-deserved other accolades, I’m gonna mention only one: the award from the double-A-L-S section on women in legal education, which established an award in her name—the Ruth Bader Ginsburg Lifetime Achievement Award—of which the Justice was the inaugural recipient in 2013.

On behalf of all of us, Justice Ginsburg, I want to thank you for agreeing to be present this evening for our conversation, which I hope will cover a range of topics in life and law. All right, so let’s start with life. And my question is: how are you and are you still doing that amazing exercise regimen? [Laughter].

**Justice Ruth Bader Ginsburg (RBG):** How am I? I’m well on my way to conquering my fourth bout with cancer.

**VG:** Oh, what great news! [Applause].

**RBG:** And as for my exercise routine, my workout, most recently I met with my trainer on Thursday of this week. We meet twice a week. We started in 1999. I had just finished surgery for colorectal cancer, many weeks of chemotherapy, six weeks of daily radiation, and when I was through with all of that, my dear husband Marty said, “you look like a survivor of a concentration camp, you've got to do something to build yourself up.” So I asked around town and District Judge Gladys Kessler—

**VG:** Oh, yes.

**RBG:** A judge on the D.C. District Court said, “I have the ideal person for you, Bryant Johnson, he works in the clerk’s office and part-time he trains me and some of my colleagues.” So I started with Bryant way back in 1999, and as I said we met most recently on Thursday of this week. He is essential to my well-being.

**VG:** Well that's great to hear, more power to you both! [Applause]. Let me turn to another aspect of sort of life and work that many of us in this room, like you, have had to work with—and that is you had small children early in your career, including while you were in law school as a student, and then also in your early years as a law teacher. Could you talk to us a little about some of the elements in how you maintained both your incredible professional accomplishments and your family commitments?

**RBG:** When I entered law school, my daughter, Jane, was fourteen months. And I attribute to her a large part of a responsibility for my doing well in law school. Because my day went like this: the babysitter would come in at 8:00 in the morning at leave at 4:00. I went to my classes in between, I prepared for the next day, I didn’t waste a minute. But when it was four o’clock it was Jane’s time. We’d go to the park, we’d play silly games, I’d read to her. And then when she went to sleep, I’d go back to the books. It was my life had two parts, and one was a respite from the other, so I didn’t get caught up—as many first-year students do—in nothing but the law as just a steady diet. There was life outside the law for me.

I must say Jane was a major impediment to my getting a job, because there were not many law firms even willing to consider a woman, and no firm was up to, uh, giving a mother a chance. So and when Jane went to school, I remember when one of the mothers told her daughter, “be nice to Jane, her mother works.” And then, you know, my children are ten years apart. So when my miracle child James was born in 1965, it wasn’t at all unusual for families to have two earners. So there was a sea change in how people were living in the United States between ’55 and ’65. Still, I wasn’t going to risk my job, so when I became pregnant with James— he was conveniently born in September—I was on a year-to-year contract at Rutgers and I didn’t want to be denied a renewal. Those were early days for anti-discrimination law, so I disguised my pregnancy, I wore my mother-in-law’s clothes (she was one size larger). And then with new contract in hand, I told my colleagues when I came back for the fall semester there’d be one more member of the family. Now, how did I do this all? It would have been impossible if I didn’t have a husband who thought what I was doing was as important. That’s what he was doing. [Applause]. James, uh, Marty wanted very much to be part of James’ upbringing and he had a facility that I lacked. He had a sister who was thirteen years younger so he knew that babies didn’t break easily. And so from the start we were a two-parent family.

**VG:** It’s a big help to have that kind of a spouse for sure. Justice Ginsburg, the early experiences that you had, some of which you’ve just described, have they influenced how you have responded in in the workplace that you’re now the head of? When, if your law clerks or staff have family care issues?

**RBG:** Very much so. Well it started on the D.C. Circuit. I had an application from a then-young man who was attending Georgetown in the night program. And he explained that he was in the night program because he had two young children, his wife was an economist who had a high-powered job, so he was the primary caretaker of the children. And on top of that, this law clerk, whose name was David Post, he submitted as his writing sample for the clerkship not a moot court brief or a law review article draft. He submitted his first-year writing section paper, which was something like “the law of contract as it plays out in Wagner’s Ring Cycle.” [Laughter]. So he was totally irresistible. And when I got the good job I now hold, I asked him would he come back and be my clerk at my first year at the Supreme Court. These were very early days, there was no Internet yet. And I asked my then-Chief Justice Rehnquist if David could have access to Lexis and Westlaw at home, because he had flexible hours. The Chief said, “absolutely not, you can, the Justices can, but not the clerks.” Well the next year, every law clerk had access to Lexis, Westlaw. And now it is not at all unusual for clerks to be parents. So it was once a barrier unbreachable, but nowadays my colleagues see that people can be fully productive and manage their family responsibilities as well. One of the joys is to see at our holiday party all the children filling the Great Hall. Or even, the law clerks meet every Thursday for what they call “happy hour,” and a number of their children attend that as well. So, I would say having children is no barrier to a clerkship anymore.

**VG:** Thankfully, thankfully. When we go back now and ask how you came to choose law? Was it pre-ordained or was there a moment of choice when you said, “I’m going to go in this direction rather than others?”

**RBG:** At every turn in my life I had remarkable luck. But the choices that I had, well I couldn’t get a job with a law firm. I had a teacher then at Columbia, later at Stanford, [Gerald] Gunther, who was in charge of clerkships—

**VG:** Oh, this is when you were finishing the law school, right?

**RBG:** Yes. And he was determined to get me a clerkship. So, he called every judge in the Southern District, and the Eastern District, every Second Circuit Judge, and then he came to Judge Palmieri, who was a graduate of Columbia College and Law School. And Palmieri’s reaction was, “Well, her record is good but she has a four-year-old child.” So Gerry’s proposal was: give her a chance, and if she doesn’t work out, there’s a young man in her class going to a downtown firm who will jump in and take over. So, that’s the carrot, there was also a stick [laughter]—and the stick was, if you don’t give her a chance, I will never recommend another Columbia student to you. [Laughter]. So that’s how, that’s how I got my—for the women of my era, it was getting your foot in the door, it was getting the first job. If you got the job, you did it usually at least as well as the men. So the second job wasn’t the same a hurdle. But you—my plan was that I would go to a law firm, work about five years, and then try to get a job in academia. But no law firm would have me, so that plan had to be passed. And then the luck that I had in getting into teaching in the field that I loved, civil procedure, incidentally, if truth be told how I got that job—Rutgers had an excellent civil procedure teacher, Clyde Ferguson. He left Rutgers to become the Dean of the Howard Law School, and Rutgers tried mightily to replace him with another African-American male. And having failed in that quest, the best, next-best, was a woman. [Laughter].

And Justice O’Connor once said to me, “Suppose we were born into a world where there was no discrimination, where would we be today?” And her answer was, “We would be retired partners at some large law firm.” But since that wasn’t open to us we ended up in another . . . [laughter, muffled words] Supreme Court.

**VG:** Justice Ginsburg when you entered law teaching, the period you were just talking about, there were very, very few other women on law faculties. Among those who entered law teaching at just around the same time as you, maybe a little bit before, was Herma Hill Kay at Berkeley, a past President of double-A-L-S. And at our 2015 meeting you presented her with the Ruth Bader Ginsburg Lifetime Achievement Award, I know you think very highly of her, and I wondered if you could reflect on her significance for, for you and for all of us.

**RBG:** On Herma?

**VG:** On Herma Hill Kay, yeah.

**RBG:** Herma was a legend already when I met her. I met her in 1971, at a women in the law conference at Yale. Her fields were conflict of laws and family law. At a very young age she was the co-author of the Uniform Marriage and Divorce Act—the legislation that introduced no-fault divorce, which took the country by storm inside of a decade. I had taught conflicts from her casebook. I had heard about Herma Hill Kay, who had an apartment in San Francisco and drove to Berkeley in a yellow Jaguar. [Laughter]. She also had a pilot’s license and flew at least once a week. She was very stylish. Anyway, we, we met and it was chemistry. We liked each other enormously. And Herma was then working with Kenneth Davidson, who was at SUNY Buffalo Law School. She and Ken were working on a book, *Sex Discrimination and the Law*, and they asked if I would join them in that effort. That book came out in 1974, and it was the first text, casebook on what we then called “sex discrimination and the law.” And Herma and I became fast friends, and we remained closely in touch with each other until she died, I think in 2015.

Herma decided to spend the last ten years of her life telling the stories of the fourteen women who had been appointed to law faculties across the country before her appointment. I don't remember whether Herma was appointed in ’61 or ’62, but there were just fourteen from the East Coast to the West Coast. And Herma wrote mini biographies of each of these women. I wrote an introduction to the book, and then when she died, somehow the project got lost. I was at Berkeley in September, and I understand that that book finally will see the light of day, that the Berkeley Press will publish it. It’s, it’s just—it, she, she devoted her heart and soul to this effort, and it was bothering me mightily that years were going by and this book remained unpublished.

**VG:** I’m so glad to hear that it will be coming out, that’s very good news, because it is important, I think, to preserve the history of early women in our profession. And the AALS’s own Women in Legal Education section is trying to do that through an oral history project, which has interviews, including one with Justice Ginsburg from I think 2014, up on the website and other people. So, I’m delighted to hear the news about, the, Herma Hill Kay’s.

**RBG:** Herma taped her interviews, with as many of the women who were still alive—

**VG:** Mm-hmm.

**RBG:** When she was working on the book.

**VG:** Great to know! Now you mentioned working with your two co-authors on the first casebook in this area. And one of the things that struck me looking, reading many really interesting books about your life was the way in which, throughout your career, you, you seemed to have a gift for working with people. Co-founding the ACLU project, joining with women faculty at Rutgers on a paid discrimination suit—I think you were also involved with a group that worked on the double-A-L-S non-discrimination policy. Could you say a word about that?

**RBG:** About the AALS Committee on Women in Legal Education? It wasn’t a section, it was a committee. It was headed by Freddie Lombard, who was then teaching at Wayne State, and our primary mission was to have every law school add to its non-discrimination policy, sex. They had a non-discrimination policy for race, religion, national origin. There was, at the time, at the start of the ’70s one law school, Washington & Lee, that was still all-male. It was part of an all-male university. The faculty of Washington & Lee wanted very much to open admission to women, but they were part of this all-male institute. The faculty cheered our effort because it could then go to the university and say, “we’re going to be dropped from the AALS if we don’t open our doors to women.” So that’s the project. We began with another project, which was to say that no unit of the AALS could hold meetings in any club that barred people from membership because of their race, religion, national origin, or sex. Something else we, we called our colleagues’ attention to jokes that were then-prevalent in law school teaching materials. Like there was a popular first-year property book that had—it was, it was explaining a certain kind of land holding. And it had the tagline: “for after all, land, like women, was meant to be possessed.” [Audience murmur]. And so we suggested to our colleagues that those—that statements like that were not really funny. [Applause]. So by then there were many schools that had started women and the law courses, but we didn’t want to be, to have teaching about how the law regarded women isolated into women and the law classes. We wanted every, every course: torts, contracts, property, to bring up these issues where they arose. And that Committee on Women in Legal Education is today what has long been [an AALS] Section.

**VG:** So we thank you for all of those efforts. I’m sure I speak for the room and thank you . . . [applause].

**RBG:** I think you asked about my joining the ACLU Women’s Rights Project. I realized at the start of the ’70s, that for the first time in the history of the United States, it would be possible to move the Court to recognize the insidiousness of sex discrimination. And then I had to think about, well I have to join some effort, where should I go? Should I go to the now-Legal Defense Fund? I decided on the ACLU because I thought this issue should not be off in a corner or something that women did. It should be a prime part of a human-rights agenda. And the ACLU was an organization where men and women worked side-by-side trying to preserve our country’s basic values. So I deliberately chose an organization that included men as well as women.

I think you mentioned my early encounter. So I was engaged by Rutgers in 1963. It is the year that the Equal Pay Act passed. And the very kindly Dean at Rutgers told me that they would be glad to have me on the faculty, but I would have to take a substantial cut in pay. So I said I understood that Rutgers was a state university and its salary scale was not the same as at private institutions. But when he told me how much the cut would be, I was astonished. And so I asked, “how much do you pay so-and-so,” a man out of law school about the same amount of time, and his response was: “Ruth, he has a wife and two children to support, and you have a husband with a good paying job in New York.” That was . . . so there had been an effort begun before I was engaged by Rutgers by some of the women in other branches of the Newark campus. Just a straight Equal Pay suit against Rutgers. So, it was begun about 1963, it was settled in 1969. The lowest salary increase for any woman in the class was $6,000, which in those days was, was quite a lot. But we didn't make a fuss, we didn't bring a Title VII suit, just straight Equal Pay. **VG:** Thank you very much. Now we’re getting close to the question of what, something you’re very, very well-known for, which was the litigation strategy that you developed to advance equal citizenship stature for, for everyone while you were at the ACLU. Some people have referred to your work in that period as, um, making you the Thurgood Marshall of the women’s movement. And I know you have strong views about this, so I wondered if you could comment on that analogy and speak about litigation strategy as well.

**RBG:** In one sense since it is a totally inept analogy. And that is, Thurgood Marshall would wake up in the morning in a Southern town and not know whether he would be alive at the end of the day. I never faced that. But what I did copy deliberately was his technique. There were many courtrooms Thurgood Marshall entered and would say, “separate-but-equal is not before the court today, these facilities are vastly unequal.” So *Brown v. Board* wasn’t brought until there were all the building blocks in place. Think of *Sweat* [*v.*] *Painter*—that Texas finally appreciated it couldn’t exclude African-Americans from legal education altogether. They set up a separate and *vastly* unequal law school just for African-American students. Another school said it would pay the tuition, the college tuition, for an African-American to attend a school out of state. He took the court step-by-step up to the point where he could say, “enforced separation of the races can never be equal.” So, I admired his strategy, and his patience, in realizing he couldn't go to the top of the tree in one giant step, that he had to have his building blocks in place.

**VG:** Well, and the effectiveness of this strategy in cases like *Reed* [*v.* *Reed*], which you wrote the brief in, and *Frontiero* [*v. Richardson*] and [*Weinberger v.*] *Wiesenfeld*, and so many others is suggestive of the success of that kind of way of thinking about it.

I was struck in thinking about those cases, which I reread again this afternoon just to have them fresh in my mind, about how important it was to have the Court’s voice rejecting the idea that you can draw classifications that exclude women from benefits or exclude men from benefits based on generalizations about what . . . what women wanted or could do or what men wanted. So we’re very much in your debt for that. But, it also struck me how, in these cases, were not just about - for you - not just about improving the principles of equality law at a general abstract level, but they were also about the lives of your clients. And, I know both with respect to *Wiesenfeld* and *Frontiero* that you've kept up with them over long periods of time. Can you talk about those case? Those people and their cases?

**RBG:** None of the cases in the ‘70s were test cases in the sense that we went out and looked for plaintiffs. The public was becoming increasingly aware of the unfairness of gender-based barriers. So even Sally Reed’s case, I think, is a perfect example. Sally Reed was an everyday woman: made her living by caring for elderly and infirm people. She had a great tragedy in her life. She and her husband divorced when their son was a young boy. Sally got custody because, as the law expressed it, the boy was “of tender years.” When the boy reached his teens, the father applied for custody, and his argument was, “The boy now needs to be prepared to live in a man's world.” Sally fought that unsuccessfully, and she tragically turned out to be right.

The boy, living with his father, was sorely depressed, and one day took out one of his father's many guns and committed suicide. So, Sally wanted to be appointed administrator of his estate. The Idaho law – not, not because there was anything of value in the estate, but for sentimental reasons. The Idaho law read: “As between persons equally entitled to administer a decedent's estate,” – equally entitled because related in the same degree – “males *must* be preferred to females.” So, it was a tragic life situation and a law that was so blatantly unjust. Sally took that case through three levels of the Idaho courts on her own dime. She thought she had encountered an injustice and that the legal system could right it. The ACLU got into the case at the Supreme Court level.

Sharron Frontiero, same story. She's a Lieutenant in the Air Force. She gets married to a college student. She applies for the housing allowance that's available to married officers and for her spouse to have free access to the medical and dental facilities on the base. She was told: “These benefits are not available to *you*. They are available to men, not women, in service.” Sharon couldn't believe that that was it. By now people knew that there was an Equal Pay Act, which, by the way, did not apply to the military. It was a straight Equal Pay case; she got no housing allowance, no fringe benefits, medical and dental care. So, that was her situation.

Stephen Wiesenfeld was another tragedy. He was the lower earner in the family; he had just started in the early days [a] computer business at home. His wife was a high school teacher. She had a healthy pregnancy, taught into the ninth month, went to the hospital. Doctor came out and told Stephen, “You have a healthy baby boy, but your wife died of an embolism.” At that moment, Stephen vowed that he would not work full-time until this child was in school full-time. And he figured out that with part-time earnings up to the earnings limit plus Social Security benefits, he could just make it; he could support himself and his child. So, he went to the Social Security office to apply for what were called “child-in-care benefits” and was told, “These benefits are not available to *you*; these are mother's benefits, not father's benefits.” It was the ideal case to show how these artificial gender-based lines hurt everyone.

So most of the judges - it was a unanimous judgment, three separate reasons. The - it was . . . I guess it was a plurality - plurality led by Justice Brennan who said, “A male is complaining to us, but the discrimination starts with the woman as wage-earner because she pays the same Social Security taxes as a man, but the government doesn't give her family the same protection.” I think it was my colleague Justice Stevens and one other who said, “It's discrimination against the male as parent. Stephen Wiesenfeld has no choice but to work full-time so that he can support his child.” And then, writing just for himself, then-Justice Rehnquist, who had voted against my argument in every case until *Wiesenfeld* said, “This is utterly arbitrary from the point of view of the baby. Why should the baby have the opportunity for the care of a sole-surviving parent only if that parent is female and not if the parent is male?”

**VG:** Very important victories, and am I right in thinking that you kept up with the Wiesenfeld family? Two weddings, maybe, that you performed? One for the son . . .

**RBG:** Yes, and one for the father. After many, many years Stephen Wiesenfeld found the second love of his life. I performed that ceremony after having performed baby Jason's. Baby Jason, by the way, ended up going to Columbia Law School. He’s now in investment banking.

**VG:** And I think I read you and Sharron Frontiero, now Frontiero Cohen, are going to be at a conference together later this year on the 100th anniversary of the Women's Suffrage Amendment? Is that right?

**RBG:** Yes, we will be together on a panel in Omaha, Nebraska, and the third panelist will be Joe Levin who was then working at the Southern Poverty Law Center, which was near - their office was near the base where Sharron was stationed. And that's – she, she began the litigation by going into the Southern Poverty.

**VG:** Oh, that's great that you will all be together. Let's move on to the Supreme Court since you've been there. There's so much to talk about - and would that we had many hours, but we don't. And I'd like to continue, maybe, the theme of the gender equality case law that has been developed since you've been on the court. The *VMI* case - very important decision you wrote for the Court - three years after you joined the Court. And, you also have come to know something of the aftermath if I'm remembering correctly. You have visited VMI after they took women. Could you talk a little . . . ?

**RBG:** It was twenty-first anniversary. I, I want to make one comment about the *VMI* decision. It was 1996. New Justices don't get the plum assignments and, most naturally, this assignment would go to Justice O'Connor. When she was asked if she would author the opinion, she said “Ruth, Ruth should write this.” And I was standing on her shoulders, because there had been, her very first year on the Court, a case called *Hogan against Mississippi University for Women* [*Mississippi University for Women v. Hogan*]. So this was a man who wanted to be trained as a nurse, and the best nursing school in the area where he lived was the Mississippi University for Women, but he was not a woman. Sandra, at the end of her first year, so it would have been 1982, wrote the decision saying that the State could not exclude him from this facility. Some of her colleagues, in another way, they thought that the reservation of nursing schools to women-only was a kind of a favor - a kind of affirmative action for women. But, between the lines of Justice O'Connor's opinion, you could see her appreciation that if you want to upgrade pay in the nursing profession, the best way to do that is to get men to want to do the job. [Laughter]. So, *VMI* had an important precedent in place.

**VG:** And, when you visited VMI was it twenty years later?

**RBG:** It was supposed to be twenty years later; I made it the twenty-first. [Laughter]. They were so proud of the women cadets. They didn't change the rigorous training. They still had a ratline, the quarters where the cadets lived were spartan. I met with many of the women, and they wanted to be engineers, nuclear scientists. The commander was so proud of what the women had achieved. There were, by then, women on the faculty, women on the Board of Trustees. Well, the faculty at VMI appreciated early on how helpful it would be to open the doors to women. For one thing, it would upgrade their applicant pool. [Laughter]. So VMI was a great success story contra the prediction of my dear colleague Justice Scalia who said that “this decision will spell the end of the Virginia Military Institute.”

**VG:** So looking backwards is always interesting, and in those situations the number of predictions of disaster if women were allowed to do this or that have not been fulfilled, happily. [Laughter]. Could I ask you about a different case, which is the *Ledbetter* case? And the way in which one of the strategies when you were back at ACLU, there was always a sort of public education component. And an idea around that, which I could – maybe, this is just me - but in reading your wonderful dissent in that case, it felt to me like you were calling on a broader public to get educated about this.

**RBG:** Yes, that, too, had a predecessor. And it was in the ‘70s when the Court first held, under the Equal Protection Clause and then Title VII, unbelievably held that discrimination on the basis of pregnancy is not discrimination on the basis of sex because the world was divided into two classes of people: there were the non-pregnant people, and that included many women [laughter] and then there was just this category “pregnant persons” and there was no male counterpart. That was so wrong [laughter]. There was a groundswell to change Title VII to make it explicit that discrimination on the basis of pregnancy *is* the essence of discrimination on the basis of sex. So, across the whole political spectrum, everyone was on board. And the Amendment to Title VII was the soul of simplicity: discrimination on the basis of pregnancy is discrimination on the basis of sex.

It was that kind of groundswell that I thought would be replicated with Lilly Ledbetter’s case. Lilly, for those in the audience who are not familiar with the case, she was an area manager at a Goodyear tire plant in Alabama. And when she was initially hired in the ‘70s, no other women were doing that job. She had worked at the job for a dozen or so years when she found, one day, in her mailbox at the plant, a slip of paper with a series of numbers, which she recognized immediately to be the pay of all the other area managers. And she saw that her pay was lower even than the young man she had trained to do the job. So she said, “I've had it. I’ll sue under Title VII.” Which she did, and she wanted a substantial jury verdict. But by the time her case got to the Supreme Court, Goodyear was arguing, and the Court said it was right, that her suit was way out of time, because Title VII requires that you complain to the EEOC within 180 days of the discriminatory incident. And it had been years, not days, since Lilly was first paid less.

So my dissent tried to show what the reality of the workplace was. First of all, the employer didn't give out pay figures. But, even if the employer did, what would have happened to Lilly Ledbetter if early on she had complained? Well the defense would have been: “It has nothing to do with Lilly being a woman, she just doesn't do the job as well as the men.” Now, year after year she gets good performance ratings, so that defense is no longer available. She has a winnable case, but the Court said she sued too late. So my theory was the soul of simplicity. It is the one that applied under the Fair Labor Standards Act. That is, every paycheck that Lilly Ledbetter received reflected and carried forward the discrimination, so she could sue within 180 days of any paycheck. And Congress amended – oh, my tagline in the dissent was “The ball is now in Congress's court to correct the error into which my colleagues have fallen.” [Laughter]. And again, everyone was on board to amend Title VII to say what I thought Title VII meant all along. But, her experience - and every woman of her age recognized that pattern - they were paid less yes, but they didn't want to rock the boat; they didn't want to be seen as troublemakers. But there came a point when they had it.

**VG:** And the call to Congress worked I think within three years, two to three years.

**RBG:**  And that case was similar to one in my very early days at Columbia. A feminist friend came to my office at the law school and said, “Columbia just gave layoff notices to twenty-five maids and not a single janitor. And what are you going to do about it?” So I went to see the Vice President in charge of business and told him that the separate seniority lines - the union contract with Columbia for the maintenance department set it up so that before the first janitor was laid off, all of the women - all of the maids - would have to go. The Vice President in charge of business told me, “We have very able counsel who says what we're doing is lawful,” and “Would you like a cup of tea?” And that was the end.

So there was a motion for a preliminary injunction that was going to be argued the following week in the Southern District. On the Friday before the hearing, there was a meeting at Columbia of some women who were very well known: Susan Sontag, Bella Abzug, Carolyn Heilbrun, who, when I got to Columbia, I think she was the only tenured woman on the Columbia College faculty. Anyway it was a kind of a press conference. That Monday, the EEOC sends its chief counsel to argue for the preliminary injunction. The Union then states its position. It says, “We're with the maids. These seniority lines should be merged, and they should be in the order in which people were hired, whether male or female.” So there was Columbia all alone [laughter] and saying, “But Union, you wanted this in your contract; you wanted the janitors’ jobs to be preserved.” And the union said, “Well, we can't abide by a contract that violates Title VII.” [Laughter]. So the end of the story, and so many others, was happy. Colombia somehow found that it didn't need to layoff anyone, [laughter] and it would deal with the problem of over-employment by attrition: as people left they would not be replaced.

**VG:** I'm so glad you told that story. I had skipped asking you about it earlier, but I just - I love that story. It's a wonderful story, and amazingly, as I look at my watch here, we're getting near the end of our time to talk. So, I thought that I would ask you about something you said. I've seen it quoted in a couple of contexts. And the quote that I've seen attributed to you is, “As long as one lives, one can learn.” And I know you've discussed this in the context of the [*Nevada Department of Human Resources v.*] *Hibbs* case, and I wonder if you might comment on that. And then I have one follow-up I hope we'll have time for.

**RBG:** The *Hibbs* case was about the Family and Medical Leave Act. It was a challenge to whether Congress has the authority to require family and medical leave by private employers. The thing about that legislation; it was one of them - I think the only laws - that envisioned that the worker who was being regulated, the center of attention, was a woman. So what does the woman worker need to be able to do her job successfully? She will need time out if she has a sick child, a sick spouse, a sick parent, or if she herself is sick. So the women worker is the center, and of course, the men get the same benefits. And the plaintiff was a man in the *Hibbs* case. So, it was a model for what legislation should be: think of the woman worker and her needs.

The opinion in *Hibbs* was written by then-Chief Justice Rehnquist and it is *such* a contrast to his dissents from the gender discrimination cases of the ‘70s. And I brought the *Hibbs* opinion home and showed it to Marty. He asked me after reading it, “Did you write that opinion?” [Laughter]. So there were other examples with Rehnquist. He had had nothing good to say about the *Miranda* decision, but when the court was confronted with overruling *Miranda* he said, “no.” And he wrote the opinion preserving it.

**VG:** Yeah, *Dickerson* [*v. United States*].

**RBG:** I think something was working on him in the gender discrimination area, and I genuinely believe it was his granddaughters. I mean, he had a very close relationship with them, particularly after his daughter divorced. I think he had in mind how he thought the world should be for them.

**VG:** It's a wonderful story. But the statement that you've made, “As long as one lives, one can learn” might apply to a very, I thought, charming story about you that is told in the new Jeff Rosen book about his asking you to perform his wedding ceremony. And you're giving him some scripts that you had used for wedding ceremonies, and when it came back to you with some of your words, how you edited it. Could you could you share that with us?

**RBG:** Well there was a tagline that I would say to the man: “And now you may kiss the bride.” And I read that over, I said, “This is wrong.” [Laughter].So I changed it: “And now the two of you may embrace for the first kiss of your marriage.”

**VG:** So what I love about this story is the way in which one feels the Justice continuing to reflect on - what should I say? - the meaning of equality, the need to change the scripts of our lives that we've gotten used to, in order to move us towards a more equal and more just world. I hope you will join me in thanking the Justice, and I am sure I speak for the room in saying we look forward to your continuing to improve the world for many years to come. [Applause]