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January 30, 2018

Newsroom

‘You Can’t Help Being in Awe’

U.S. Supreme Court Justice Ruth Bader Ginsburg, the eighth Supreme Court Justice to address RWU Law students, asserts that appreciation – and not merely tolerance – of differences is what made America great.



Justice Ruth Bader Ginsburg speaking at RWU Law on January 30, 2018. Image Credit: Andrea Hansen

January 30, 2018 Michael M. Bowden and Edward Fitzpatrick

BRISTOL, R.I., January 30, 2018 – “We the People” may have started out meaning white, male property owners – but the concept has steadily broadened since then, much to the benefit of the nation, said U.S. Supreme Court Justice Ruth Bader Ginsburg on a snowy Tuesday morning at Roger Williams University School of Law.

“Over the course of our history, the composition of ‘We the People’ has expanded,” Ginsburg said, addressing more than 200 law students, faculty and staff during a wide-ranging “fireside chat” with 1st U.S. Circuit Court of Appeals Senior Judge [Bruce M. Selya](#) (a friend since their

law school days at Harvard, and vice-chair of RWU Law's board of directors). "It now includes the people left out at the beginning. The idea of an embracive society that not simply tolerates but appreciates differences I think is what made our nation great."

During a question-and-answer session, a law student asked Ginsburg which decision has had the biggest impact during her tenure on the Court, and she cited its 2015 ruling in [Obergefell v. Hodges](#), which held that the Constitution guarantees a right to same-sex marriage.

"It's another example of how society has changed and the Court is catching up," Ginsburg said. "The great constitutional scholar Paul Freund once said 'the Court should never be influenced by the weather of the day, but inevitably they will be influenced by the climate of the era,' and that's what happened with the gay rights movement. People looked around and said, 'That's my next-door neighbor' or 'That's my daughter's best friend.' There wasn't that 'we/they' anymore."

Back to the Way It Was

Ginsburg's visit to Roger Williams was preceded by a mini-controversy, as news outlets from [CNN](#) to [Fox](#), from [Newsweek](#) to [The Hill](#) to [Breitbart](#), suddenly picked up on her decision to visit Bristol instead of remaining in Washington. Even [Cosmopolitan](#) got into the act, with a headline blaring: "Justice Ruth Bader Ginsburg Will Not Attend Trump's State of the Union. She'll be speaking at Roger Williams University instead."

Ginsburg, in fact, obliquely addressed today's hyper-polarized political atmosphere, comparing it to the [Red Scare](#) of the 1940s and '50s. "That time has passed," she said. "This time will pass. We have something so wonderful in this nation; that democracy exists. It would be tragic to lose it. And I think good people, no matter whether Democrat or Republican, appreciate that."

Selya noted that both he and Ginsburg were confirmed as judges by overwhelming bipartisan votes, but that in recent years Supreme Court nominees have been the subject of bitter partisan battles. Ginsburg said [U.S. Sen. Orrin Hatch](#), R-Utah, was her biggest supporter on the Senate Judiciary Committee, but she agreed that recent high court nominees have not received the same kind of bipartisan support.

There have been "four fine justices who should have gotten overwhelming support but got many negative votes," she said. "Someday I hope we will get back to the way it was. I think it would take great leaders on both sides of the aisle to say, 'Let's stop this nonsense and start working for our country the way we should.' We will see this time end, this fierce partisanship."

Ginsburg said she does not want the public to get the impression that the federal courts are "just another political branch of government."

"We have a great federal judiciary," she said. "I hope we can keep it."

An Odd Couple

Selya asked about the famously liberal Ginsburg's friendship with the late, conservative [Justice Antonin Scalia](#).

“I disagreed with a lot of what he said, but I was captivated by the way in which he said it,” she explained. “This was a man who cared about words. Even though we were often on opposite sides, we’d go over each other’s opinions. My suggestions were: ‘Nino, you should tone this down – you’d be more persuasive.’ He would call or come to my chambers and say, ‘You had a couple of grammatical slips in this opinion.’ He always did it on a personal level so he wouldn’t embarrass me.”

Ginsburg said she and Scalia shared a love of opera, and she described a 2015 comic opera titled “[Scalia/Ginsburg](#),” by composer Derrick Wang. In the opera, she recounted, the Scalia figure says, “The Constitution says absolutely nothing about this” and the Ginsburg figure replies, “The great thing about our Constitution is that like our society, it can evolve.”

She called her former colleague [Justice Sandra Day O'Connor](#) -- the first woman ever appointed to the U.S. Supreme Court -- "the closest I ever came to having a big sister." (Later, during a faculty luncheon, she called the Court "the most collegial place I've ever worked.")

The 84-year-old justice also addressed her health, saying that she feels fine and attributing her fitness to personal trainer Bryant Johnson, who published a book on Ginsburg's exercise routine last year, titled [The RBG Workout: How She Stays Strong . . . and You Can Too!](#) (Scenes from her workout, she added, are slated to appear in a biographical documentary, [RBG](#), due out later this year.)

“Many reporters want to know about the routine,” Ginsburg said with a chuckle. “Most of them fail miserably.”

She smiled when asked about “Saturday Night Live” actress [Kate McKinnon’s impression](#) of her as an iron-pumping, vitamin-popping health nut, determined to outlast the Trump administration – but refused to take the bait, deftly changing the subject.

She later did draw laughs when she mentioned that her husband had been a member of the [Denis Thatcher Society](#) (named for former British Prime Minister Margaret Thatcher's husband), consisting of "men whose wives had a job that in their hearts *they* would really like to have had."

‘You Can’t Help But Be in Awe’

From students to faculty, staff to alumni, the Ginsburg visit was a hit.

“I’m not one to be star struck, but this one got me,” said [Deborah Johnson](#), Director of Diversity and Outreach, following the event. “She got me.”

“She is one of my ‘she-ros,’” added alumna [Nicole Verdi ’14](#). “As a female and as an attorney I look up to her immensely. She’s not afraid to say things that make other people uncomfortable

when she knows it's right, in order to move things forward. And she does it in a really smart, articulate and beautiful way, with the law and history to back it up. For example, someone once asked her, 'How many women on the [Supreme Court] would be enough for you?' And she replied, 'All nine.' And though it seems like a wild statement at first glance, if you think about it, she's saying, 'Look, it's been all nine *men* for so many years. Why is it so wild?' Statements like that are beautiful and inspiring and I love her for that."

"Her opinions, both for the majority and dissents, are well written, they're needed, and they've shaped our history," Verdi said. "So to see her in person, in the flesh – I almost cried. You can't help but be in awe."

Current students were no less impressed.

"I was really moved by hearing about the kinds of obstacles she's had to overcome in the legal profession," said 1L Erica Brandt. "To hear her talk about that and to see where she is now is just a huge inspiration."

"She's one of the greatest justices of all time in my opinion," added 1L Brianna Byam. "She was able to put differences aside, whether in personal relationships, in legal philosophies or in politics, and focus on the greater good."

Noting Ginsburg's sharp, nuanced replies and observations, 1L Jake Komar said, "I feel she's in fine condition to keep doing the great job she's been doing."

It Would Have Been Enough

RWU Law [Dean Michael J. Yelnosky](#) introduced Ginsburg, citing a song Jews sing during Passover – "*Dayenu*" – that enumerates blessings, celebrating that any one of them alone "would have been enough."

"Justice Ginsburg would be worthy of acclaim because she was the first woman named to the Harvard Law Review, and she graduated at the top of her class at Columbia Law School in 1959," Yelnosky said. "It would have been enough that while teaching she co-founded the [Women's Rights Project of the ACLU](#), and while teaching she engineered and executed the legal strategy that led the Supreme Court to strike down gender-based government classifications as a violation of the constitution's guarantee of equal protection."

"Surely, it would have been enough that in 1993 she became only the second woman to serve on the nation's highest court," Yelnosky said. "But of course, there is more. She has become perhaps the best known justice in the history of the court, and she has chosen to be with us today. *Dayenu*."

Ginsburg's visit marks the eighth time that a sitting or retired U.S. Supreme Court justice has addressed RWU School of Law students. Justice Anthony M. Kennedy delivered the law school's first commencement address in 1996, and law students have since heard from Chief Justice John G. Roberts Jr. (2008), Justice Antonin Scalia (2008), Justice Stephen G. Breyer

(2011), Justice Samuel A. Alito Jr. (2012), Justice Elena Kagan (2013) and retired Justice Sandra Day O'Connor (2013).

The event was part of RWU's year-long series, "[Talking About Race, Gender and Power.](#)"