

EXECUTIVE ORDER NO. 185

WHEREAS, Justice Ruth Bader Ginsburg was born Joan Ruth Bader on March 15, 1933 in Brooklyn, New York, to Celia and Nathan Bader; and

WHEREAS, Celia Bader, Justice Ginsburg's mother, struggled with cancer while Justice Ginsburg was in high school, and tragically passed away the day before Justice Ginsburg's high school graduation; and

WHEREAS, Justice Ginsburg attended Cornell University on a scholarship, where she received a Bachelor of Arts in Government, was a member of Phi Beta Kappa, and earned the highest grade point average of any female student in her graduating class; and

WHEREAS, during her time at Cornell, Justice Ginsburg met and began dating a fellow student named Martin Ginsburg, and they married nine days after Justice Ginsburg's graduation in 1954 and remained married for 56 years until Martin's death from cancer in 2010; and

WHEREAS, after Justice Ginsburg gave birth to her and Martin's first child, Jane, in 1955, Martin enrolled at Harvard Law School that year while Justice Ginsburg enrolled at Harvard Law School the following year, in 1956; and

WHEREAS, Justice Ginsburg was one of only nine women in a class of 500 at Harvard Law School, and excelled academically while caring for both Jane and Martin, who had been diagnosed with testicular cancer; and

WHEREAS, when Martin took a job in New York City after graduating in 1958, Justice Ginsburg transferred to Columbia Law School and spent her third year of law school there, where she graduated tied for first in her class; and

WHEREAS, despite her superb academic credentials, Justice Ginsburg received no offers from New York law firms and was rejected for a clerkship at the U.S. Supreme Court by a Justice who refused to consider her because she was a woman, reflecting the pervasive discrimination that women in the law faced during that time; and

WHEREAS, Justice Ginsburg eventually obtained a clerkship with U.S. District Judge Edmund L. Palmieri of the Southern District of New York, and then went to work for the Columbia Law School Project on International Procedure, and produced a treatise on Swedish civil law; and

WHEREAS, Justice Ginsburg joined the faculty at Rutgers Law School in Newark in 1963, at which time she was one of fewer than 20 female law professors in the United States, and taught there from 1963 to 1972; and

WHEREAS, during this time, Justice Ginsburg and Martin had their second child, James, in 1965; and

WHEREAS, while a member of the faculty, Justice Ginsburg began volunteering to work on discrimination cases for the New Jersey affiliate and the national chapter of the American Civil Liberties Union ("ACLU"), including *Reed v. Reed*, 404 U.S. 71 (1972), in which the U.S. Supreme Court ruled for the first time that the Equal Protection Clause in the Fourteenth Amendment prohibits gender discrimination; and

WHEREAS, in 1972, Justice Ginsburg left Rutgers Law School to join the faculty at Columbia Law School as its first female tenured law professor and was also hired that year as the first director of the Women's Rights Project at the ACLU; and

WHEREAS, in her role at the Women's Rights Project, Justice Ginsburg argued six gender discrimination cases before the U.S. Supreme Court and won five of them, including several cases where she argued against laws that were based on stereotypes of male and female roles; and

WHEREAS, her contributions to gender equality in the courts led many observers to describe her as the Thurgood Marshall of the women's rights movement; and

WHEREAS, in 1980, Justice Ginsburg was nominated by President Jimmy Carter to serve as a Judge on the U.S. Court of Appeals for the District of Columbia Circuit, and she served on that court for 13 years; and

WHEREAS, in June 1993, President Clinton nominated Justice Ginsburg to the U.S. Supreme Court, and after being confirmed by a 96 to 3 vote in the Senate, she became the second woman ever to serve on our nation's highest court; and

WHEREAS, Justice Ginsburg served on the U.S. Supreme Court for over 27 years, and authored numerous landmark majority and dissenting opinions; and

WHEREAS, in 1996, Justice Ginsburg wrote the majority opinion in *United States v. Virginia*, 518 U.S. 515 (1996), where the Court held that the Virginia Military Institute's all-male admissions policy violated the Equal Protection Clause; and

WHEREAS, in *Ledbetter v. Goodyear*, 550 U.S. 618 (2007), Justice Ginsburg dissented and called on Congress to clarify Title VII and reverse the majority's decision making it extraordinarily difficult to assert a pay discrimination claim, which came to pass in 2009 when Congress passed the Lily Ledbetter Fair Pay Act that was signed into law by President Barack Obama; and

WHEREAS, Justice Ginsburg also notably dissented in *Shelby County v. Holder*, 570 U.S. 2 (2013), where she criticized the Court's decision to invalidate portions of the Voting Rights Act of 1965 because "throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet"; and

WHEREAS, Justice Ginsburg was a beloved member of the Court, and famously forged a close personal friendship with Justice Antonin Scalia despite their sharp ideological differences, serving as a reminder that we in public life can disagree while still maintaining civility and respect for each other; and

WHEREAS, towards the end of her tenure, Justice Ginsburg achieved significant fame in pop culture and became the subject of numerous books, movies, and artwork, making her an iconic figure to younger generations who have benefited from her fights for equality; and

WHEREAS, in 2019, I had the distinct honor of presenting Justice Ginsburg with The Golden Pea on behalf of MARCHENLAND Berlin, an experience that my family and I will never forget; and

WHEREAS, Justice Ginsburg died from complications of metastatic pancreatic cancer on September 18, 2020; and

WHEREAS, Justice Ginsburg leaves behind her daughter Jane, her son James, and her four grandchildren, including her granddaughter Clara, who has followed in Justice Ginsburg's footsteps as a lawyer at the ACLU; and

WHEREAS, despite beginning her legal career at a time when the legal field was almost entirely male, Justice Ginsburg ascended to the highest level of our judiciary through an unmatched combination of intellect, work ethic, and perseverance; and

WHEREAS, Justice Ginsburg was a towering figure in American jurisprudence, both as an advocate and as a Justice, and leaves behind a particularly profound legacy for women and girls, who today are entitled to equal rights under the law because of Justice Ginsburg's lifetime of work; and

WHEREAS, Justice Ginsburg will be sorely missed by a country that will forever be in her debt, and she will always remain a guiding light for all those who continue the fight for justice, equality, and civil rights;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours from Saturday, September 19, 2020, through the day of Justice Ginsburg's interment, in recognition and mourning of an American hero, Justice Ruth Bader Ginsburg.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
19th day of September,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fifth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor