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An Extraordinary Legacy

Katherine Mims Crocker column: As she lies in state, a tribute to Justice Ginsburg

By Katherine Mims Crocker

Sep 24, 2020

From her revolutionary work as an advocate convincing the Supreme Court to limit sex discrimination to her transcendent time as a justice, Ruth Bader Ginsburg's accomplishments were the product of an exceptional mind. But Ginsburg always has been known for her physical presence, too.

As one of just a handful of women in her law school class at Harvard, Ginsburg's look made her stand out at the start. As a new mother pulling her husband — a year ahead of her at Harvard — through a perilous cancer struggle, her body bound her ability to shoulder a double load of both caregiving and coursework. As a recent graduate searching for a job, her gender caused firm after firm to discard her top-of-the-class transcript.

Ginsburg — ever the professor of her past life — taught us that whether or not women can have it all, they can do it all, both metaphysically and physically. Call the latter lessons Ginsburg's Anatomy, a play on the famous medical-textbook title (like the television dramedy). She taught me that, at least. And she did so in two quite personal respects.

Over the coming weeks, many people will praise Ginsburg's majority opinion in *United States v. Virginia*, which held the Virginia Military Institute's refusal to admit women unconstitutional. But long ago, Ginsburg's opinion touched my life in an individual way.

I was a 10-year-old girl when the case came down in 1996. Indeed, I was a 10-year-old girl growing up in Virginia and I earnestly believed the sky was my limit. So it might seem like I would have cheered the decision as a manifestation of the wide-open world I thought girls my age could claim. But I felt torn. For my father was a Republican politician, and my social community told me tradition sometimes trumped parity, separate sometimes

was equal and maleness sometimes was superior.

My understanding of Ginsburg’s opinion in the VMI case changed when I met Erin Nicole Claunch a few years later. A member of VMI’s first fully coeducational class, Claunch had been selected to serve as a battalion commander, the second-highest student military post at the institute. She came to Richmond to accept a joint resolution the General Assembly had passed in her honor, which my dad, then a state senator, was privileged to introduce.

Contrary to countless predictions, Claunch and other women not only were surviving the infamous “Rat Line,” barracks living and so much else at VMI; they, and the school, were thriving. And this happened without VMI initially changing its rigorous fitness standards. Some were astonished, but Ginsburg knew what was possible all along. As she had written, rather than “destroy the Institute,” including them would “enhance its capacity to serve the ‘more perfect Union.’”

Years later, I had the distinction of meeting Ginsburg when I clerked for her famous frenemy, Justice Antonin Scalia. This was around the time Ginsburg was becoming the “Notorious RBG,” with much of America transfixed by her progressive jurisprudence and incisive dissents — and by her athletic feats and fashion choices to boot.

“Ginsburg’s opinion prompted Congress to pass the Lilly Ledbetter Fair Pay Act.” “Ginsburg does push-ups!” “She gave the majority a piece of her mind for striking down part of the Voting Rights Act.” “She survived cancer (again)!” “Have you read the Hobby Lobby dissent she announced from the bench?” “Not yet, but did she wear that amazing collar?!” Ginsburg’s physical presence was becoming a topic of national conversation in an unprecedented way.

I was delighted one day to receive an invitation from Ginsburg for tea. As I sat with my co-clerks in her beautifully

decorated chambers, eating cupcakes from fine china, I saw how her intellect cut through the conversation, despite her halting speech. I saw how her passion shone through her recollections, despite her bowing head. I saw how she carried her diminutive frame with enormous dignity, despite her declining health.

I was too timid to tell Ginsburg that while our circumstances were very different, I, too, had been diagnosed with cancer about a decade ago and I, too, continued to walk with its effects. But the physical presence of this person, this woman, who had done and borne so much provided a sense of power and peace that still gives me strength.

I am heartened to know that Ginsburg's Anatomy is but part of an extraordinary legacy from which generations of women will be able to glimpse their own potential, just like the justice allowed me to do.

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