

MEMORANDUM

Agenda Item No. 11(A)(2)

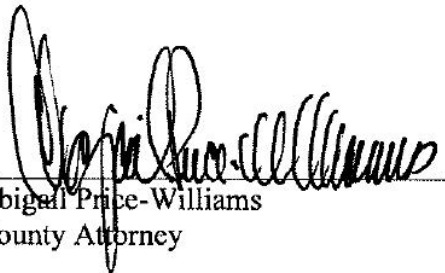
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution expressing sympathy
and condolences to the Ginsburg
family on the passing of United
States Supreme Court Justice
Ruth Bader Ginsburg

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
10-6-20

RESOLUTION NO. _____

RESOLUTION EXPRESSING SYMPATHY AND
CONDOLENCES TO THE GINSBURG FAMILY ON THE
PASSING OF UNITED STATES SUPREME COURT JUSTICE
RUTH BADER GINSBURG

WHEREAS, United States Supreme Court Justice Ruth Bader Ginsburg was a renowned jurist, a groundbreaking attorney, and a feminist icon whose life's work as a judge and as an advocate for justice and social progress indelibly and positively transformed the legal, social, and cultural framework of the United States; and

WHEREAS, Justice Ginsburg was born in Brooklyn, New York, on March 15, 1933, to a middle class Jewish American family; and

WHEREAS, Ginsburg excelled in school and attended college on a scholarship at Cornell University in Ithaca, New York, where she met her future partner and husband, Martin Ginsburg; and

WHEREAS, Ginsburg and her husband both attended Harvard Law School, where she was one out of only nine women in a class of over 550 students; and

WHEREAS, although at school she faced sexism and at home had to juggle the responsibilities of caring for her husband, who had fallen sick with cancer, and also for their new baby daughter, Ginsburg achieved excellent academic success in law school and graduated first in her class; and

WHEREAS, despite her impeccable academic credentials, sexist hiring practices in the legal industry prevented Ginsburg from obtaining prestigious job opportunities that were available to her male peers; and

WHEREAS, Ginsburg nevertheless overcame adversity and went on to become the first female tenured law professor at Columbia University in New York City and the first leader of the American Civil Liberties Union’s Women’s Rights Project; and

WHEREAS, as a lawyer, Ginsburg was a formidable advocate for gender equality who brought groundbreaking, precedent-setting lawsuits that helped dismantle the complex web of state and federal laws that discriminated between men and women on the basis of outmoded, unfair, and indefensible sex stereotypes; and

WHEREAS, indeed, National Public Radio’s Nina Totenberg has described her as the “[a]rchitect of the legal fight for women’s rights in the 1970s”; and

WHEREAS, for example, in *Reed v. Reed*, decided in 1971, Ginsburg helped persuade the United States Supreme Court to hold, for the first time, that the Equal Protection Clause of the United States Constitution prohibits laws that treat men and women differently for arbitrary, irrational reasons; the Court consequently struck down as unconstitutional an Idaho law that gave preference to males over females in the appointment of administrators of estates of deceased persons; and

WHEREAS, similarly, four years later, in *Weinberger v. Wiesenfeld*, Ginsburg helped persuade the United States Supreme Court to invalidate a federal law that gave a deceased spouse’s Social Security benefits to widows who had minor children but did not give those same benefits to widowers who had minor children; the Court reasoned that this gender-based distinction was unconstitutional because it was based on the “archaic and overbroad generalization . . . that male workers’ earnings are vital to the support of their families, while the earnings of female wage earners do not significantly contribute to their families’ support”; and

WHEREAS, in 1980, Ginsburg was appointed by United States President Jimmy Carter and confirmed as a Judge on the United States Court of Appeals for the District of Columbia Circuit, one of the most influential and important federal courts in the United States; and

WHEREAS, in 1993, then-Judge Ginsburg was appointed by United States President Bill Clinton and confirmed as a Justice on the United States Supreme Court, becoming the second woman, and the first Jewish American woman, to be a Supreme Court Justice; and

WHEREAS, as a jurist, Justice Ginsburg was known for her fierce intellect, strong and clear writing, and determined work ethic; and

WHEREAS, as a Supreme Court Justice, Justice Ginsburg continued her relentless pursuit of justice and gender equality, signing on to important decisions in the realm of civil rights; and

WHEREAS, one such opinion was her majority opinion in *United States v. Virginia*, decided in 1996, which declared that the Virginia Military Institute's policy of admitting only men to the school violated the Equal Protection Clause of the United States Constitution; Justice Ginsburg explained that the Equal Protection Clause enshrines the principle that a law or official government policy is unconstitutional when it "denies to women, simply because they are women, full citizenship stature—equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities"; and

WHEREAS, these and other court decisions upon which Justice Ginsburg had such an influence not only helped eradicate gender-based discrimination from our legal system but also empowered women in their lives and created more space for the construction of a more egalitarian society; and

WHEREAS, for as much as Justice Ginsburg was a key figure in Supreme Court majority decisions, she was perhaps just as well known for her incisive dissenting opinions; and

WHEREAS, one of her most famous dissents was issued in 2007 in *Ledbetter v. Goodyear Tire & Rubber Co.*, in which Justice Ginsburg denounced the majority opinion's conclusion that a woman's lawsuit for gender-based pay discrimination was barred by a procedural technicality in a statute; Justice Ginsburg's dissent would ultimately influence the United States Congress to amend that statute to allow women greater opportunity to obtain legal relief for gender-based pay discrimination; and

WHEREAS, Justice Ginsburg's judicial reputation eventually made her into an American cultural icon who was the subject of a well-received documentary; a biopic; an operetta; numerous books, both for adults and children; and even merchandise; her reputation also earned her the adoring nickname the "Notorious RBG"; and

WHEREAS, a devoted public servant and steadfast guardian of justice and the rule of law, Justice Ginsburg continued to serve on the United States Supreme Court until her passing on September 18, 2020; and

WHEREAS, all of her life, Justice Ginsburg fought uphill battles and made significant personal sacrifice to advance her mission of using logic, intellect, and civil discourse to improve the legal framework of our society and thereby improve our society as a whole; and

WHEREAS, Justice Ginsburg's legacy as a jurist, a lawyer, and a force for positive change has inspired women, men, girls, and boys nationwide and will continue to do so for generations to come; and

WHEREAS, this Board expresses sympathy and condolences to the Ginsburg family and mourns the passing of Justice Ruth Bader Ginsburg, a staunch, fearless advocate for gender equality and civil rights, and a role model to all who seek to make the world a more just, equal, and peaceful place,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Expresses sympathy and condolences to the Ginsburg family on the passing of United States Supreme Court Justice Ruth Bader Ginsburg.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the family of United States Supreme Court Justice Ruth Bader Ginsburg.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl