

117TH CONGRESS
1ST SESSION

H. R. 4814

To obtain and direct the placement in the Capitol or on the Capitol Grounds of a statue to honor Associate Justice of the Supreme Court of the United States Sandra Day O'Connor and a statue to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Ms. LOIS FRANKEL of Florida (for herself, Ms. SPEIER, Mrs. LAWRENCE, Ms. ESCOBAR, Ms. GARCIA of Texas, Miss GONZÁLEZ-COLÓN, Ms. DEAN, and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To obtain and direct the placement in the Capitol or on the Capitol Grounds of a statue to honor Associate Justice of the Supreme Court of the United States Sandra Day O'Connor and a statue to honor Associate Justice of the Supreme Court of the United States Ruth Bader Ginsburg.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 (a) SANDRA DAY O'CONNOR.—Congress finds the
5 following:

1 (1) Sandra Day O'Connor was born in 1930 in
2 El Paso, Texas, and spent her childhood on her fam-
3 ily's isolated Arizona cattle ranch. She lived with her
4 grandmother in El Paso during the school year,
5 away from her home and parents.

6 (2) O'Connor matriculated to Stanford Univer-
7 sity at the age of 16, and combined her under-
8 graduate and law school curricula, graduating with
9 a bachelor's degree in economics and a law degree
10 in just 6 years. She was third in her law school
11 class, behind William Rehnquist, her future col-
12 league on the Supreme Court of the United States
13 (in this section referred to as the "Supreme Court").

14 (3) Despite her qualifications, O'Connor could
15 not find work as an attorney because of bias against
16 women in the law. She ended up negotiating for an
17 unpaid position in the San Mateo County District
18 Attorney's office at a shared desk, while her hus-
19 band, John, finished at Stanford Law School 1 year
20 later.

21 (4) O'Connor traveled to Frankfurt, Germany,
22 in 1954 with her husband John, who had joined the
23 United States Army Judge Advocate General's
24 Corps, where she was able to find work as a civilian
25 attorney with the United States Army Quarter-

1 master Corps. In 1957, O'Connor returned to Ari-
2 zona and still could not find work with a traditional
3 law firm due to her gender, so she “hung out a shin-
4 gle” as a sole practitioner.

5 (5) In 1965, O'Connor was hired as an Assist-
6 ant Attorney General for the State of Arizona.

7 (6) Active in Republican Party politics and
8 well-received for her work at the Arizona State Cap-
9 itol, O'Connor was appointed to an Arizona State
10 Senate seat in 1969 when the incumbent, also a
11 woman, was appointed to a Federal position and va-
12 cated the office.

13 (7) In 1970, O'Connor was elected to the Ari-
14 zona State Senate and served 2 consecutive terms.
15 In 1972, she was selected as majority leader of the
16 Arizona State Senate, the first time a woman held
17 such a position in any State.

18 (8) In 1974, O'Connor ran for office as a trial
19 court judge. She won and was later appointed to the
20 Arizona Court of Appeals in 1979.

21 (9) On August 19, 1981, President Ronald
22 Reagan nominated O'Connor to be an Associate Jus-
23 tice of the Supreme Court, to fill the seat vacated
24 by Associate Justice Potter Stewart. On September
25 21, 1981, the Senate confirmed O'Connor's nomina-

1 tion by a unanimous vote, making her the first
2 woman to serve on the Supreme Court.

3 (10) O'Connor established herself as a prag-
4 matic, independent voice on the Supreme Court,
5 casting decisive votes during a time when the Court
6 was being asked to resolve politically charged issues.

7 (11) In the 1982 case of *Mississippi University*
8 *for Women v. Hogan*, O'Connor wrote the majority
9 opinion holding that the State could not prevent
10 men from enrolling in an all-women's nursing school,
11 writing that laws discriminating on the basis of sex
12 would be allowed only if there was an "exceedingly
13 persuasive justification" for them.

14 (12) O'Connor sought, when possible, to find
15 the middle ground between her often-divided col-
16 leagues, frequently joining the majority decision but
17 presenting her views in concurring opinions that es-
18 chewed broad constitutional doctrine in favor of re-
19 solving the cases before the Court.

20 (13) O'Connor put a very public face on the
21 role of the Supreme Court, domestically and around
22 the world. She became the Court's most prolific pub-
23 lic speaker, traveling to all 50 States and to count-
24 less law schools, libraries, and public events to de-
25 scribe how the Court works and its role in our con-

stitutional form of government. She traveled worldwide as an ambassador for the Rule of Law and the independence of judiciaries everywhere.

(14) After 24 years on the Supreme Court, O'Connor announced her retirement to care for her ailing husband, who had Alzheimer's disease. President George W. Bush nominated John Roberts, Jr. for the vacancy, but before Roberts was confirmed, Chief Justice Rehnquist passed away, creating a second vacancy. President Bush personally appealed to O'Connor to remain on the Court so he could nominate Roberts for the Chief Justice vacancy and have more time to make a second nomination to the Court. In yet another act of public service, O'Connor agreed to serve until Samuel Alito was confirmed to fill her seat on January 31, 2006.

(15) O'Connor began her retirement with 2 goals. One was to convince more States to adopt merit selection of judges for filling vacancies in State courts. The second was to educate the public on the importance of an independent judiciary. Her judicial independence work led to her awareness of a national civics education deficit.

(16) In 2009, O'Connor created iCivics.org to educate young Americans about civics and what it

1 means to be a citizen. That endeavor grew to become
2 the largest civics education platform in the country,
3 with over 7,000,000 students annually enrolling in
4 the programs. Its popularity was due to a capti-
5 vating online, interactive gaming approach. The pro-
6 gram was free to all and had no advertising. iCivics
7 played a crucial role in Educating for American De-
8 mocracy, a federally-funded initiative to improve
9 civics and history education, which released its re-
10 ports in March 2021.

11 (b) RUTH BADER GINSBURG.—Congress finds the
12 following:

13 (1) Ruth Bader Ginsburg was born in 1933 in
14 Brooklyn, New York, and grew up in a low-income,
15 working-class neighborhood.

16 (2) Ginsburg graduated from Cornell University
17 in 1954, finishing first in her class. Following her
18 graduation, Ginsburg enrolled at Harvard Law
19 School in 1956, entering into a class of 552 men
20 and only 8 other women.

21 (3) As a law student, Ginsburg became the first
22 female member of the Harvard Law Review, a pres-
23 tigious legal journal. She also cared for her husband,
24 Martin Ginsburg, who had been diagnosed with can-
25 cer, and their young daughter. Ginsburg finished her

1 legal education at Columbia Law School, where she
2 graduated first in her class in 1959.

3 (4) Ginsburg taught at Rutgers University Law
4 School from 1963 to 1972 and at Columbia Law
5 School from 1972 to 1980, where she became the
6 school's first female tenured professor.

7 (5) During the 1970s, Ginsburg served as the
8 director of the Women's Rights Project of the Amer-
9 ican Civil Liberties Union. In this position, she led
10 the fight against gender discrimination and success-
11 fully argued 6 landmark cases before the Supreme
12 Court.

13 (6) Ginsburg won 5 cases on gender discrimina-
14 tion before the Supreme Court, including the case
15 Weinberger v. Wiesenfeld, which involved a portion
16 of the Social Security Act that favored women over
17 men, because the Act granted certain benefits to
18 widows, but not widowers.

19 (7) In 1980, President Jimmy Carter nomi-
20 nated Ginsburg to a seat on the United States Court
21 of Appeals for the District of Columbia Circuit.

22 (8) On June 22, 1993, President Bill Clinton
23 nominated Ginsburg to be an Associate Justice of
24 the Supreme Court, to fill the seat vacated by Asso-
25 ciate Justice Byron White. On August 3, 1993, the

1 Senate confirmed Ginsburg's nomination to the Su-
2 preme Court by a 96 to 3 vote.

3 (9) Ginsburg became the second female justice
4 to serve on the Supreme Court, as well as the first
5 Jewish female justice to serve on the Supreme
6 Court.

7 (10) As a justice, Ginsburg presented a strong
8 voice in favor of gender equality, voting rights, the
9 rights of workers, and the separation of church and
10 state.

11 (11) In 1996, Ginsburg wrote the Supreme
12 Court's landmark decision in *United States v. Vir-*
13 *ginia*, which held that the State-supported Virginia
14 Military Institute could not refuse to admit women.

15 (12) Ginsburg famously dissented in *Ledbetter*
16 *v. Goodyear Tire & Rubber Co.*, where the plaintiff,
17 a female worker being paid significantly less than
18 males with her same qualifications, sued under title
19 VII of the Civil Rights Act of 1964 (42 U.S.C.
20 2000e et seq.), but was denied relief under a statute
21 of limitation issue. Ginsburg broke with tradition
22 and wrote a high colloquial version of her dissent to
23 read from the bench. In her dissent, she also called
24 for Congress to undo this interpretation of the law.

1 (13) Ginsburg’s impactful dissent in *Ledbetter*
2 *v. Goodyear Tire & Rubber Co.* led to the successful
3 passage of the Lilly Ledbetter Fair Pay Act of 2009
4 (Public Law 111–2; 123 Stat. 5), which was the
5 first piece of legislation signed by President Barack
6 Obama.

7 (14) Until the 2018 term, Ginsburg had not
8 missed a day of oral arguments, not even when she
9 was undergoing chemotherapy for pancreatic cancer,
10 after surgery for colon cancer, or the day after her
11 husband passed away in 2010.

12 (15) Ginsburg passed away on September 18,
13 2020.

14 **SEC. 2. STATUES HONORING JUSTICE SANDRA DAY O’CON-**
15 **NOR AND JUSTICE RUTH BADER GINSBURG.**

16 (a) OBTAINING OF STATUES.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of the enactment of this Act, in consulta-
19 tion with the Committee on House Administration of
20 the House of Representatives and the Committee on
21 Rules and Administration of the Senate, and under
22 such terms and conditions as the Joint Committee
23 of Congress on the Library considers appropriate,
24 consistent with applicable law, the Joint Committee
25 shall—

1 (A) enter into an agreement to obtain a
2 statue honoring Associate Justice of the Su-
3 preme Court of the United States Sandra Day
4 O'Connor; and

5 (B) enter into an agreement to obtain a
6 statue honoring Associate Justice of the Su-
7 preme Court of the United States Ruth Bader
8 Ginsburg.

9 (2) CONSIDERATION.—In selecting one or more
10 artists to make the statues obtained under para-
11 graph (1), the Joint Committee of Congress on the
12 Library shall make the announcement available to
13 and consider artists from underrepresented demo-
14 graphic groups.

15 (b) INSTALLATION.—The Architect of the Capitol,
16 under the direction of the Joint Committee of Congress
17 on the Library, shall permanently install each statue ob-
18 tained under subsection (a) in a prominent location in the
19 Capitol or on the Capitol Grounds, as described in section
20 5102 of title 40, United States Code.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this Act. Amounts appropriated pursu-

1 ant to this subsection shall remain available until ex-
2 pended.

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