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In Gratitude for Justice Ginsburg's Remarks

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In Gratitude for Justice Ginsburg's Remarks

IN GRATITUDE FOR
JUSTICE GINSBURG'S REMARKS

A GLOBAL LAWYER: CELEBRATING THE
CONTRIBUTIONS OF HERMAN SCHWARTZ
TO THE RULE OF LAW

SEPTEMBER 27, 2019

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

HERMAN SCHWARTZ*

I have been unusually fortunate in meeting and working with some of the outstanding figures of the human rights movement. In that luminous constellation, no star shines brighter than Justice Ruth Bader Ginsburg. Unfortunately, for all of us, today and probably for some time to come, she will have to be one of the great dissenters, joining the first Justice Harlan, Holmes, Brandeis, and Thurgood Marshall. But happily, she has not only written some of the most important and powerful dissents of our time, she was and remains the most successful advocate for women's constitutional and legal rights in our history, joining Elizabeth Cady Stanton and Susan B. Anthony in the women's rights pantheon. Unlike Stanton and Anthony,

* Professor of Law Emeritus, *American University Washington College of Law*. Throughout a long career in academia, publishing, and community service, Professor Schwartz has focused his attention and the world's on issues of civil rights and civil liberties as they have played out in courts and prisons across the globe. He has worked with the United Nations, the human rights advocacy group, Helsinki Watch, the U.S./Israel Civil Liberties Law Program (which he founded), the ACLU Prison Project (which he founded), Washington College of Law's Human Rights Center, and other organizations.

AMERICAN UNIVERSITY LAW REVIEW

however, she has also fought for racial and many other forms of justice. Her dissent in the *Shelby County* case, the decision that gutted the most important and effective feature of the Voting Rights Act of 1965, eviscerated the majority opinion and provided the English language with one of its most vivid analogies:

Throwing out preclearance—[the most important part of the Act]—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.¹

And how great a rainstorm it was became clear within just a few hours after that decision came down, when Texas immediately revived a restrictive voter ID law that had earlier been found unconstitutional under the Voting Rights Act.

On a more personal note, I also want to take this occasion to thank you for the meetings in your chambers with some of the Fellows in the [Herman Schwartz US/] Israel Human Rights program. They have often cited those meetings with you as one of the high points in their time in our country.

1. *Shelby County v. Holder*, 570 U.S. 529, 590 (2013) (Ginsburg, J., dissenting).