INT. HOTEL BATHROOM - DAY

Concealer, lipstick, mascara on the counter. RUTH BADER GINSBURG (36) is applying blush. When she’s finished, she considers her reflection. She puts on a GOLD, SUNBURST PIN. And tries a smile. ..... But it looks forced. She drops it.

A breath. And she tries again. A different smile. And...

RUTH
May it please the court.

Not right yet. A smile. And...

RUTH (CONT’D)
Your honors and may it please the court...

That’s not it either...

RUTH (CONT’D)
May it please the court.

She looks herself in the eye one more time.

CUT TO:

MAIN TITLE -- OVER BLACK:

ON THE BASIS OF SEX


AS A MALE CHORUS joins...

EXT. AUSTIN HALL - DAY

Well groomed white MEN (20s) march through a quad. Into an impressive building with columned arches.

“Ten Thousand Men of Harvard want victory today....”

They’re the future leaders of America. And in their well-cut dark suits, with their cocky grins, it’s clear they know it.

“For they know that o’er old Eli, fair Harvard holds sway...”

But amidst the pants and loafers -- GLIMPSE: a pair of high-heeled shoes, a skirt swaying, shoulder-length brown hair.

“So then we’ll conquer all old Eli’s men...”
INT. AUSTIN HALL - DAY

AS THEY ENTER AN AUDITORIUM: She slows her step. Letting the men pass...

IT’S RUTH (23 here). Petite, lean and striking. She takes in the size of the place, its grandeur. And is awed.

“And when the game ends, we’ll sing again…”

Proud, she continues down the center aisle.

“Ten thousand men of Harvard gained victory today!”

Ruth finds a seat. And as the crowd quiets, smiles to the man she’s settling beside. He stares. Confused by her presence.

IN FRONT: A line of seated professors. AMONG THEM: Professor Ernest Brown. ERWIN GRISWOLD (52, formidable) comes to a podium:

GRISWOLD
Settle down, please. ... Be seated.

SUPER: 1956

GRISWOLD (CONT’D)
My name is Erwin Griswold. I’m the dean of this place. ... Welcome to Harvard Law School. We have no glee club here. The work is hard. The load is heavy. ... Take a moment to look around you...

Ruth does. There are over five hundred people in this grand room. Most of them are white. Only nine of them are women.

GRISWOLD (CONT’D)
In this room are Rhodes and Fulbright scholars. Phi Beta Kappa members. Student body presidents. A Harvard Crimson football captain.

Pats on the back for the smiling sports hero.

GRISWOLD (CONT’D)
Together, you will become lawyers. It is a privilege you share. And a responsibility that you accept. ... Consider: what does it mean to be a Harvard man? A Harvard man is intelligent, of course. But he is also tenacious. He is a leader devoted to the rule of law.

(MORE)

(CONTINUED)
GRISWOLD (CONT’D)
He is mindful of his country. Loyal
to tradition. And he is respectful
and protective of our institutions.

OFF RUTH: Determined.

INT. GINSBURG HARVARD APARTMENT - LATE DAY

The garden apartment is small and uncluttered: mismatched
furniture, books, baby toys and museum posters.

IN THE BEDROOM: THE MARRIAGE OF FIGARO plays on a record.
Ruth, in a slip, is considering the contents of her closet.
One dress in hand, she pulls out another. She can’t decide.

She takes them with her... Out of the room. DOWN THE HALL...

THE LIVING ROOM empty, she enters THE ADJACENT KITCHEN:

RUTH
(re: the dresses)
Which one makes me look more like a
Harvard man?

MARTIN GINSBURG (24, classically handsome) is at the kitchen
table. Bouncing their daughter JANE (1) on his knee.

He looks up from a textbook before him. Adoring.

MARTIN
I’m thrilled you look nothing like
a Harvard man.

RUTH
Seriously, you know how I am at
these things. It’s the dean’s
dinner, Marty. I need to make a
good impression.

MARTIN
You will, Kiki (pr: Kick-EE). But
it’s the other way around. You make
the dress look good.

She kisses him -- and Jane. Then notices Martin’s untouched
plate of “food” on the table.

RUTH
You barely touched your tuna
casserole. I put onions in. They
help, right?

They don’t. As he forces down a forkful:

(CONTINUED)
MARTIN
Yeah... Definitely.

RUTH
(re: the dresses)
I don’t like either of these.

She breezes out of the room.

MARTIN
(to Jane)
So. Where were we? ... Ah.
(reading aloud to her)
The Tax Code disallows some
deductions held to be contrary to
the public interest.
(off Jane’s babbling)
Just wait. This is the good part.

He eats a grape off her plate.

OMITTED

INT. HARVARD UNIVERSITY CLUB - FOYER - NIGHT

A grand room. Dignified and formal. MALE PROFESSORS in suits chatting collegially. THE EIGHT OTHER WOMEN of the class of 1959 (20s, intelligent, poised) are ingratiating themselves.

Ruth enters. A vision in her swing dress and pearls. And takes it all in: The room. The crowd. The chatter... The men are proffering arms to the women. Forming a double-line to enter THE DINING ROOM...

Before the doors, Dean Griswold and his wife, HARRIET GRISWOLD (52, on crutches, crippled by polio), are welcoming their guests...

HARRIET GRISWOLD
Welcome. ... Hello, Professor.

GRISWOLD
Harry. You’re happy with the updated textbooks? ... Good.

Ruth prepares herself... Then joins in.
INT. HARVARD UNIVERSITY CLUB - DINING ROOM - LATER

Ruth eats her stewed chicken and lima beans with slow precision.

She scans the room. They’re around a formal dining table: men and women in alternating seats. Entrenched in conversation. Being served by Black Waiters.

She eyes the women: Confident. Wise. With easy laughs.

To her right: a YOUNG PROFESSOR faces away from her, ashing a cigarette in the ashtray between him and Ruth, and talking up one of the women, EMILY:

YOUNG PROFESSOR
He said, “Professor, have you corrected our papers?” I said, “Correcting them would take a lifetime. I’m merely grading them.”

Emily laughs gregariously.

DING-DING-DING. At the head of the table, Griswold TAPS HIS GLASS, rising. Ruth puts down her utensils neatly.

GRISWOLD
Esteemed colleagues. Ladies. This is only the sixth year women have had the privilege to earn a Harvard Law degree. This little soiree is our way of saying welcome. (pointing her out) My wife Harriet and I are glad all nine of you have joined us.

APPLAUSE. Ruth is grateful. But notes that some professors are more enthusiastic than others.

GRISWOLD (CONT’D)
Let us go around the table. And each of the ladies, report who you are, where you’re from... And why you’re occupying a place at Harvard that could have gone to a man.

As Griswold sits, Ruth is disquieted. She and the other women exchange anxious glances. Harriet singles out the closest:

HARRIET GRISWOLD
Why don’t you get us started, dear?

One of Ruth’s CLASSMATES rises. White knuckling her chair:
CLASSMATE
I’m Hennie Callaghan. Father’s a lawyer back in Minneapolis. He used to give me drafts of contracts to use for drawing paper. At some point, I got more interested in reading them than drawing on them. In a few years, it’s going to be Callaghan and Callaghan.

GRISWOLD
That was fine. Next?

EMILY’s turn. She rises.

EMILY
Emily Hicks. Hello. Connecticut. When I finished Mt. Holyoke, my mother wanted me to get married. But I didn’t want to do THAT. And I didn’t want to be a teacher or a nurse. So when I--

GRISWOLD
Ha. That’s not a very good reason.

Ruth watches Emily slump into her seat -- mortified. All eyes land on Ruth. Including Griswold’s. She stands...

And knocks over the Young Professor’s ash tray. It lands with a heavy thud. Ruth stares at the ash and butts on the rug...

When she looks up -- she eyes them all. The anxious women. The men watching her. Emily controlling her frustration.

Griswold is waiting...

RUTH
I’m Ruth Ginsburg, from Brooklyn.

GRISWOLD
And why are you here Miss Ginsburg?

RUTH
Mrs. Ginsburg, actually. My husband Marty is in the second-year class. ..... I’m at Harvard to learn about his work. So I can be a more patient and understanding wife.

Emily laughs. Several others gasp. And on Griswold’s face is plain dislike.

OFF RUTH: Seeing it.
INT. GINSBURG HARVARD APARTMENT - BEDROOM - NIGHT

Ruth. Home from dinner. Rubbing her sore feet.

RUTH
Come to dinner. The beans will be boiled. The chicken will be stewed. 
And you will be grilled. ... We came to Harvard to be lawyers. Why else?

Martin, in an undershirt, climbs off the bed.

MARTIN
It was an asinine question.

RUTH
I couldn’t just ignore it! But the way he looked at me. Now he’ll never take me seriously.

MARTIN
You’re smarter than everyone here. You’ll be better prepared. Just stand up and say what you know. In this place, that’s all the matters.

She turns her back: Unzip me.

RUTH
In my experience even small mistakes are glaring when you stick out.

The dress falls to the floor. And he turns her around...

MARTIN
Then you’re lucky. Because you’re very short.

She laughs. Despite herself.

RUTH
Oh, yeah? Why don’t you come down here and say that to my face?

She pulls him into a kiss. Flirty. Fun... He lifts her. She buries her face in his neck, as they fall onto the bed.

INT. LECTURE HALL - DAY

The grand room is laid out like a Roman theater. Portraits of alumni stare down: Holmes, Brandeis, Frankfurter...

(CONTINUED)

At nine-thirty precisely, PROF. ERNEST BROWN (50) enters. And begins lecturing.

> BROWN
> I’m Professor Brown. This is *Introduction to Contracts*. Hawkins versus McGee.

Ruth’s hand flies up. Along with several others. Brown eyes one student not raising his hand -- and finds him on a huge seating chart with passport-size photos...

> BROWN (CONT’D)
> State the case please, Mr. Pruitt.

PRUITT adjusts his tie as he rises.

> PRUITT
> Uh, good morning. I’m Donald Pruitt. I’m really honored to be here with--

> BROWN
> Hawkins v McGee.

As Pruitt flips through his textbook:

> PRUITT
> Hawkins v McGee. It’s uh-- a fascinating breach-of-contract case that--
> (found it)
> Oh, right! Charles Hawkins hurt his hand. And McGee--

> BROWN
> Can someone help him, please?

As Pruitt deflates into his seat, a smug classmate, FITZPATRICK, sees Ruth’s hand go up first. He raises his as well. Brown looks at Ruth. Checks his seating chart...

> BROWN (CONT’D)
> Yes? ... Mr. Fitzpatrick.

Fitzpatrick rises, giving Ruth a look...

> FITZPATRICK
> It was Charles’s son who hurt his hand. ... Electrocution burn.

(CONTINUED)
And on what point does the case turn, Mr. Fitzpatrick?

McGee promised to fix the hand...

Ruth frowns. She knows Fitzpatrick’s not quite right. But notices that no one else seems bothered by it.

...by performing a skin graft. But McGee wasn’t very familiar with the procedure. And the results weren’t quite what he’d planned.

Ruth can’t let it lie. She decides to raise her hand.

A question already, Mrs. Ginsburg?

A correction, Professor Brown. McGee did not simply promise to fix George Hawkins’s hand. He promised, quote: a one hundred-percent good hand.

Pruitt flips pages in his textbook, trying to catch up.

That’s the same thing.

Is it? What say you, Mrs. Ginsburg?

It is not. Words matter. McGee grafted skin from Hawkins’s chest. Not only did this fail to fix the scarring, he had chest hair growing on his palm.

Proving that a hand with a burn is worth two with a bush.

The Court denied Hawkins damages--
FITZPATRICK
Hawkins did get damages! The court said he could keep up to five hundred dollars--

RUTH
If I may finish: Hawkins was denied damages for pain and suffering.
(as Fitzpatrick sits)
The New Hampshire Supreme Court ruled he was entitled to damages only based on the expected result of the contract being fulfilled.

Brown, sliding down his reading glasses, measures up Ruth over the frames. Pruitt, still flipping pages, is frantic.

RUTH (CONT'D)
So if Dr. McGee had set realistic expectations, instead of making grand promises, Hawkins’s award likely would have been less.

A pair of men share a glance: “Ball-buster.” Pruitt gives up. Ruth has silenced the room.

BROWN
Was that an answer, Mrs. Ginsburg, or a filibuster?

As the class laughs, Ruth sits. Holding steady.

INT. HARVARD STUDENT UNION - DAY

Couches and endless book shelves. Warm light through the windows. Students study, read, and hang out. AND IN ONE NOOK:

Emily is on a couch with another female FRIEND (20s). Martin and TWO OTHER GUYS (20s) are on another. Beers all around. Ruth stands before them... THEY’RE PLAYING CHARADES:

EMILY & FRIEND
Movie... Four words... Second word.

Ruth takes a swig of her beer. Then holds up seven fingers.

FRIEND
Seven.

EMILY & FRIEND
Fourth word.

Ruth thinks a beat... then starts scratching. The Men LAUGH.

(CONTINUED)
EMILY
Ape! Gorilla!

FRIEND
Monkey!

EMILY
Monkey Business!


FRIEND
Monkey on my back!

THE MEN LAUGH MORE. Martin laughs so hard his stomach hurts. As Ruth reminds them: Second word. Seven.

EMILY
Seven Brides for Seven Brothers.

FRIEND
What’s that have to do with monkeys?

GUY 1
(eye on his watch)
Annnnnd....

EMILY
Oh! Oh! Oh!

GUY 1
Time!

EMILY (CONT'D)
The Seven Year Itch!

RUTH
Yes!

As Martin gets up and kisses her:

MARTIN
Ruthless Ruthy strikes again!

She jabs him in the gut playfully with an elbow.

GUY 1
Okay. Next round is riding on you.

As Martin picks his clue from a hat:

RUTH
Don’t worry. He’s very good.
MARTIN
And she dumped a guy once for being bad at charades.

FRIEND
You didn’t really?

RUTH
It was a manifestation... of his being an idiot.

EMILY
(to Guy 2)
Don’t worry. I’m comfortable being smarter than you.

GUY 2
Oh, thank you.

LAUGHTER ALL AROUND.

FRIEND
Everyone ready? And... Go!

Martin begins.

GUYS 1 & 2
A song.

Martin curls his lip, shakes his arms, and gyrates his hips. They enjoy his spot-on impression -- especially Ruth.

GUY 1
By Elvis.

GUYS 1 & 2
Three words. ... First word.

He points to a blue pillow:

GUY 1
Pillow! Chair!

GUY 2
Blue! Blueberry Hill!

GUY 1
That’s Fats Domino.

GUY 2
Third word.

Pointing to his feet, Martin does a bit of fancy footwork...

(CONTINUED)
FRIEND
Nice moves!

Martin winces, clutching his belly. And cries out.

EMILY
No sound effects!

GUY 1
Blue Suede Shoes!

MARTIN BUCKLES -- AS HE FALLS TO THE FLOOR:

GUY 2
Marty, you’re a lightweight.

Ruth knows something’s wrong. She runs to Martin. Going to her knees. Cradling him...

RUTH
Marty? ... Marty!

Martin’s looking up at her. Pain written on his face.

RUTH (CONT’D)
He needs help. Somebody help!

As Ruth’s world slows and the sound fades:

GUY 1
Someone call an ambulance!

RUTH
Marty. I’m right here. I have you.

INT. HOSPITAL WAITING ROOM - NIGHT

Hard floors and harder chairs. Ruth sits alone...

TIME CUTS:

It’s crowded. Ruth tries not to watch the other worrying families. A man soothes his wife...

Fewer people waiting. Ruth still waiting. A mother reprimands her son in harsh whispers...

Fewer still. Ruth still waiting. The misbehaving boy is asleep on his mother’s lap...

The sky is lightening out the window. The few people left are sleeping. Except Ruth. Still up. Still waiting.

She gets up...
INT. NURSES’ STATION / CORRIDOR - EARLY MORNING

Ruth approaches and tries to get the attention of TWO NURSES - talking among themselves:

RUTH
Excuse me. Excuse me? I’d like to see the doctor who--

One gestures for her to wait.

She does for a frustrated beat. Then notices AN EMERGENCY ROOM DOCTOR (30) DOWN THE HALL. Ruth pursues him...

RUTH (CONT’D)
Doctor? ... Doctor?

He turns with a look that says, “I don’t have time for this.”

EMERGENCY ROOM DOCTOR
Yes?

RUTH
You examined my husband. I’m wondering when you think he’ll be able to leave. I need to call the sitter.

EMERGENCY ROOM DOCTOR
What’s the patient’s name?

RUTH
Ginsburg. Martin.

EMERGENCY ROOM DOCTOR
Right. Ginsburg... He’s not going home tonight.

RUTH
Excuse me?

EMERGENCY ROOM DOCTOR
We have more tests to run.

RUTH
What kind of tests?

Her voice stops him in his tracks.

EMERGENCY ROOM DOCTOR
Various kinds. He’s gonna be with us a while.

(CONTINUED)
RUTH
What tests are you running on my husband?

EMERGENCY ROOM DOCTOR
There was a shadow on his X-ray that--

RUTH
What kind of shadow?! I need to see him!

EMERGENCY ROOM DOCTOR
Mrs. Ginsburg. You’re getting yourself worked up. Go home. Get some rest. We’ll know more in a few days. ..... If you’ll excuse me.

He leaves her. In the busy hallway. Uncertain and scared...

INT. GINSBURG HARVARD APARTMENT - MORNING

Ruth enters. The sound of the door wakes up Emily, on the couch. Still in the same dress as during charades.

RUTH
Thank you so much.

EMILY
Ruth. Of course. Jane was a doll. She’s blissfully asleep. .... How is he?

RUTH
Fine. I’m sure he’ll be fine.

Emily hesitates to believe her. Then gives her a long hug.

EMILY
Call any time. Okay?

She leaves Ruth. ... Alone. And painfully aware of it.

Ruth turns on the record player, lifts the needle. AND STOPS.

Her gaze shifts to the collection of FAMILY PHOTOS on the credenza beside the record player. TO HER MOTHER. Posing with young Ruth. Supportive. Uncompromising. Strong. Wearing the same sunburst pin Ruth wore in the opening scene.

Ruth lowers the needle at last. Static gives way to SOFT OPERA. A breath. Then Ruth walks DOWN THE EMPTY HALL...

(CONTINUED)
TO JANE’S BEDROOM. As the girl sleeps, Ruth watches her. Keeping her fear and doubt at bay.

ENTERING HER AND MARTIN’S BEDROOM, she collapses atop the covers. And curls up alone...

INT. HOSPITAL ROOM - DAY - DAYS LATER

Bright. Antiseptic. A TICKING CLOCK. Martin is hooked up to a glass IV. Reading a textbook in bed. In a chair beside him, Ruth has a law book as well. But she’s watching him. Waiting.

Her gaze shifts -- to an empty hospital food tray...

RUTH
At least you got a break from my cooking.

He looks to her. And they laugh -- nervously.

DOCTOR WYLAND LEADBETTER (50) enters. Clean-shaven, in a bow-tie, vest and white coat, full of genial self-confidence.

DR. LEADBETTER
Good afternoon.

RUTH
Dr. Leadbetter.

MARTIN
Hey, Doc.

As he pulls up a chair, he glances at Martin’s textbook:

DR. LEADBETTER
Fundamental Principles of Corporate Taxation: Addressing the Challenges of Today’s Regulatory Environment. I thought medical books were dry.

He sits. And prepares himself to deliver the news...

DR. LEADBETTER (CONT’D)
It’s as we feared.

Ruth and Martin take the blow.

DR. LEADBETTER (CONT’D)
Marty you’re young, and we caught it early. We’ve pioneered a treatment here. (MORE)

(CONTINUED)
It entails multiple surgeries, each followed by a course of radiation. It’s—well, it’s unpleasant, but—

MARTIN
What does that mean?

RUTH
On top of the pain of surgery, the radiation will leave you exhausted, nauseous. Prone to infection.

MARTIN
(off Leadbetter’s look)
Her mother died of cervical cancer.

DR. LEADBETTER
With the new treatment, there’s a chance you could go on to live a healthy, normal life— as if this never happened.

RUTH
What kind of “a chance”?
(off his hesitation)
Dr. Leadbetter, we’d rather know what we’re facing.

DR. LEADBETTER
The survival rate for testicular cancer has been about five percent.

It hangs there for a beat...

MARTIN
Thank you for the honesty. I think.

DR. LEADBETTER
(leaveing)
I’ll let you two talk.

In the wreckage of his wake: a heavy silence...

Martin tries to make sense of it. Ruth stifles her tears. They can’t even look at each other...

Until Ruth takes Martin’s hand. Pulling him back into the present. They watch one another a beat...

She rises. And sits on the bed beside him. Their eyes locked.

MARTIN
I’m sorry.
Slowly she lies next to him. They hold each other. Watching one another. The clear path of their future lost in a haze...

RUTH
We’re never giving up. Keep working. Keep studying. Jane will have her father. And you will be a lawyer. I am spending my life with you, Martin Ginsburg.

EXT. HARVARD CAMPUS - DAY

Bare trees. Snow flurries. ... Ruth rushes through. She’s running late.

FREUND (V.O.)
Judicial consistency...

INT. LECTURE HALL TWO - DAY

PROFESSOR FREUND (48), black hair, broad, lectures before a full class. His voice resonant:

FREUND
The doctrine of *stare decisis* comes from English Common Law...

The door CREAKS. And Ruth enters. As Freund continues lecturing, he watches her find a seat in back.

FREUND (CONT’D)
Which also provides the first examples of circumstances where precedents may be overturned. Judges are bound... Excuse me. May I help you?

She rises tentatively.

RUTH
I’m Martin Ginsburg’s wife. I’ll be attending his classes for him.

Freund seems surprised by it. His students are impressed.

FREUND
In addition to your own?

The look in her eye leaves no room for negotiation. Freund is moved. He resumes his lecture without further objection...

(CONTINUED)
FREUND (CONT’D)
Judges are bound by precedent. But cannot ignore cultural change.

Ruth sits and begins taking notes.

FREUND (CONT’D)
A Court ought not be affected by the weather of the day, but will be by the climate of the era.

MARTIN (V.O.)
(weakly)
Wait. Wait. Say that again...

INT. GINSBURG HARVARD APARTMENT - NIGHT

AT THE KITCHEN TABLE: Ruth sits before a typewriter. From her vantage point, through the opening between rooms, she can only see half of Martin -- LYING ON THE LIVING ROOM COUCH.

RUTH
(reading her notes aloud)
A Court ought not be affected by the weather of the day, but will be by the climate of the era.

MARTIN
You’re sure that’s what he said?

She leans to the side to give him a look that says “Are you kidding?” His chalky skin is blotched in sweat.

MARTIN (CONT’D)
(off her look)
Of course.

He closes his eyes and catches his breath.

MARTIN (CONT’D)
The law is never finished. It is a work in progress. And ever will be.

As he dictates, Ruth types...

MARTIN (CONT’D)
Brown v Board of Education, parenthesis 1954, was the most revolutionary Supreme Court case of the last century...

WAAAAAH! Somewhere in the apartment, JANE CRIES. Ruth types the last few letters as she rises...

(CONTINUED)
Martin continues, AS SHE PASSES HIM:

MARTIN (CONT’D)
Representing Oliver Brown, et. al.

RUTH
I’m not listening.

SHE HEADS FOR JANE’S ROOM, but Martin’s on a roll:

MARTIN (O.S.)
Thurgood Marshall educated the
Court about the burdens created by
segregation--

IN JANE’S ROOM, the crying drowns Martin out.

RUTH
Sweetheart. What’s wrong?

Ruth scoops her up. And her cries fade to a whimper. Ruth takes Jane with her back to THE LIVING ROOM... en route to THE KITCHEN:

RUTH (CONT’D)

Silence. It stops her. Clutching Jane, she turns to find Martin still as stone. She approaches him...

Martin’s asleep. His breathing shallow. Jane still in her arms, Ruth returns to THE KITCHEN.

She takes a sip of coffee. Then removes the page from the typewriter, stacks it with others, and puts them all into a folder -- labelled “Martin.”

She opens another folder: “Ruth.” Loads a half-typed page into the machine. And resumes her work in the quiet dark....

RUTH (V.O.)
One... Two...

EXT. HARVARD CAMPUS - AUSTIN HALL - DAY - 18 MONTHS LATER 16

Campus is in bloom. Ruth and Martin walk with Jane (3 now) holding both their hands and swinging between them....

RUTH
...Threeeeee!

JANE
Again! Again!

(CONTINUED)
RUTH
(reading Martin’s look)
Daddy needs a rest, sweetheart.

JANE
(disappointed)
Okay.

When she runs ahead, Martin watches her.

MARTIN
One day that little angel is going
to slam a door in our faces and
tell us we’re ruining her life.

Ruth appreciates the observation.

MARTIN (CONT’D)
I shouldn’t have taken the job.

RUTH
It’s a great firm. And New York is
the center of the legal universe.
You’ve earned it.

MARTIN
You earned it. I just survived. I
don’t want be apart from either of
you.

RUTH
You won’t be. I won’t allow it. ...
I’ll convince him.

INT. DEAN GRISWOLD’S OFFICE - DAY

A room with history. Daunting. Regal. Griswold sits at his
desk. Ruth, tiny in an oversized chair, looks him in the eye.

GRISWOLD
You want a Harvard degree, though
you plan to finish your coursework
at... Columbia? You would be well
served to remember, Mrs. Ginsburg,
how fortunate you are to be here.

RUTH
Dean Griswold, between the first
and third year of law school, which
is the more substantive? The more
critical?

(CONTINUED)
GRISWOLD
The first. Of course.

RUTH
Yet when someone transfers in as a second-year student -- having taken those more important classes elsewhere -- he’s allowed a degree.

GRISWOLD
That’s--

RUTH
I’ve been here two years. I’m first in my class.

GRISWOLD
There is no reason why your husband cannot provide for you while you and the child remain in Boston.

RUTH
Last year, John Sumner was allowed to finish his coursework in Baltimore. Three years ago, Roy Paxton--

GRISWOLD
Very different cases.

RUTH
How are they differ--

GRISWOLD
Mrs. Ginsburg. You have no compelling need to transfer.

RUTH
Marty could relapse! The doctors say at any time. He puts a good face on it, but I can see it. He’s scared. Dean Griswold, this is my family.

Griswold is sympathetic for a beat...

GRISWOLD
Nonetheless. We each have our responsibilities. And mine is to protect the distinction of a Harvard degree. I can’t force you to stay. But I won’t reward you for leaving, either.

OFF RUTH: The argument lost.
EXT. HARVARD CAMPUS - AUSTIN HALL - LATER

Ruth. Bearing her disappointment. Comes out of the building.

For a beat, she watches Martin and Jane playing tag among the trees. Until Martin stops to catch his breath. And notices her. Smiling, he waves.

Ruth forces a smile. And waves back. FADE TO BLACK.

EXT. GINSBURG APARTMENT (1959) - DAY

A brownstone on a quiet side street. Ruth comes out in smart suit. Determined and bold.

She heads down the street. And around the corner. REVEALING:

NEW YORK, NY -- in autumnal red and gold. Vibrant, bustling, and alive.

SUPER: 1959

E/I. MIDTOWN OFFICE BUILDING - DAY

Ruth goes through a revolving door into an impressive LOBBY.

She enters an elevator full of men in suits.

GREENE (V.O.)
Jesus, Mary and Joseph.

INT. GREENE’S OFFICE - DAY

GREENE (45), a big man, a street-wise lawyer, is reading Ruth’s resume. SOUNDS OF CONSTRUCTION outside.

GREENE
Graduating top of your class. Law Review at Harvard AND COLUMBIA?! I didn’t even know that was possible.

RUTH
Thank you, Mr. Greene. I’ve worked hard.

GREENE
You want some white-shoe firm. Big-money cases, complex legal maneuvers.

(CONTINUED)
RUTH
No, I think Bibler and Greene would be a perfect fit. You handled the Mercer bankruptcy last year, and--

GREENE
C’mon. How many have you been to?

With a look, she deflects.

GREENE (CONT’D)
They all turned you down right? How many? Ten?

RUTH
Twelve.

GREENE
A woman. A mother. A Jew, to boot. I’m impressed that many let you through the door.

RUTH
One sent me to interview for the Secretarial Pool.

GREENE
Ha!

RUTH
Another told me I’d be too busy at bake sales to be effective. One partner closes clients in the locker room at his club -- so he said I’d be out of the loop. Last week I was told women are too emotional to be lawyers. Then, that same afternoon, that a woman graduating top of her class must be “a real ball-buster,” and wouldn’t make a good colleague. I was asked when I’d have my next baby, and whether I keep Shabbat. One interviewer told me I have a sterling resume, but they hired a woman last year, and what in the world would they want with two of us?

Unburdened, she lets out her breath. And grows embarrassed. Greene’s sardonic chuckle says he gets it:

GREENE
You must be livid.

(CONTINUED)
She is.

RUTH
My mother taught me not to give way to emotions.

GREENE
Bull shit! You’re angry. Good! Use it. I have to say, Mrs. Ginsburg, I’m impressed.

A glimmer of hope. Ruth grabs for it...

RUTH
Mr. Greene. I want to be a lawyer. I want to represent clients before the court in pursuit of justice.
(re: her resume)
You can see I worked hard through school. I did everything I was supposed to, and I excelled. I swear it: I’ll do the same for you.

Greene takes a moment to think... As he does, his gaze drifts over the contours of her body. Ruth tenses.

GREENE
Thing is... We’re a close-knit firm. Almost like family. And well-- the wives, they get jealous.

Ruth stares him down. Fighting her building fury.

EXT. NEW YORK CITY STREETS - DAY
Ruth back on the street. Stunned...
She slows. Almost to a stop. Diminished...
New York continues its perpetual movement around her without notice.

INT. GINSBURG APARTMENT (1959) - LIVING ROOM - DAY
It’s mostly the same furniture, art and books -- moved to a new city. One addition: an original opera poster from Rome.
Ruth is on the couch with Jane (4 now) in her lap. They’re reading the Marcia Brown illustrated edition of CINDERELLA...

(CONTINUED)
RUTH
The prince would marry her whose foot would fit the little slipper. First they tried it on the--

They hear the FRONT DOOR OPEN. As Martin finds them:

MARTIN (O.S.)
Ruth? Kiki?

JANE
Daddy!

MARTIN
(sweeping her up)
Hi sweetie.

He notes a bottle of champagne on ice near the couch.

MARTIN (CONT'D)
You got the job! Are they giving you a corner office, or will they make you jump through hoops first?

He kisses her.

RUTH
It’s not at Bibler and Greene. I wasn’t what they were looking for.

MARTIN
I don’t-- Then what’s the firm?

RUTH
Clyde Ferguson left his professorship at Rutgers.

MARTIN
Kiki.

RUTH
They haven’t found another black man to replace him, so someone decided a woman would be the next-best thing.

MARTIN
There are more firms. You can’t give up. This is the biggest city in the most litigious country in the history of the world. You can still--

She shuts him up with a kiss.

(CONTINUED)
RUTH
Marty. I got a job. Open the champagne.

For a beat, he searches her face...

MARTIN
Okay. Okay! Let’s celebrate.

As he opens the bottle:

MARTIN (CONT’D)
Y’know what? I think this is better. I do.

Ruth puts on a record. THE MARRIAGE OF FIGARO OVERTURE begins.

MARTIN (CONT’D)
You won’t be beholden to a firm. There won’t be partners breathing down your neck. A professor can represent any client she wants.

POP! ... The bottle open, he pours.

RUTH
So long as they don’t mind a lawyer who’s never actually practiced law. (re: champagne)
Thank you.

MARTIN
(a toast)
Hooray for Mommy!

JANE
Hooray for Mommy!

RUTH
... Hooray for Mommy.

She takes a drink.

BLACK.

HEAR: SCREAMING. CURSING. A MASS OF FURY...

EXT. RUTGERS UNIVERSITY - NEWARK CAMPUS - ACKERSON HALL - DAY

Early fall. STUDENT PROTESTORS (20s) throng the urban boulevards around the MAIN PLAZA STEPS -- across the street from Rutger’s Law School. Seething. Screaming.

(CONTINUED)
And scorched by late-summer heat. They wave placards: ‘Impeach Nixon’; ‘End the War’. They’re surrounded by A CORDON OF CAMPUS POLICE OFFICERS.

SUPER: 1970

ON THE STEPS: students hoist enlarged photos of the KENT STATE MASSACRE. A PROTEST LEADER has a microphone:

PROTEST LEADER
Blood flowed at Kent State. Those Guardsmen shot blindly into the crowd. And for what? Was anyone armed?

STUDENT PROTESTORS
No!

Professor Ruth Bader Ginsburg (36 now) approaches the throng. This isn’t “Occupy” anything. It’s Tahrir Square...

PROTEST LEADER
No! They murdered them. Murdered them for protesting Nixon’s illegal and immoral and grotesque war in Vietnam.

Ruth wedges her way INTO THE CROWD: Student-Protestors all around. Taller than her. Men, women, white, black. SCREAMING WITH RAGE. She sees The Protest Leader over their shoulders:

PROTEST LEADER (CONT’D)
And now-- Now we’re told there will be NO PROSECUTIONS! Are we gonna stand for it?

STUDENT PROTESTORS
No!

PROTEST LEADER
Are we gonna die in Vietnam?

STUDENT PROTESTORS
Hell no! We won’t go! Hell no! We won’t go!

As Ruth pushes toward ACKERSON HALL: Campus Police hold the Students back with billy clubs. She’s jostled. And ignored.
INT. RUTGERS LAW SCHOOL - CLASSROOM - LATER

Narrow windows, drop-ceiling, linoleum floor. It’s worlds away from Harvard...

As Ruth enters, the students find their seats. And watch her arrange syllabi and lecture notes from her bag in neat piles. At last she looks them over. An uncomfortable silence...

RUTH
I’m Professor Ginsburg. This is Sex Discrimination and the Law. ... Some of my colleagues will tell you that sex discrimination doesn’t exist. I may as well be teaching the legal rights of gnomes and fairies. Let’s see if they’re right. ....... Hoyt versus Florida. State the facts please, Miss... (checking a class list) Valentin.

VALENTIN, an Hispanic, blue-collar Jersey Girl, rises.

VALENTIN
Gwendolyn Hoyt was a housewife. And her husband was this real asshole.

The class CHUCKLES.

RUTH
Can you recall the specifics?

VALENTIN
He cheated on her. He choked her. He’d rip off her clothes and threaten to kill her.

RUTH
So in statutory terms... he was a real asshole.

WHEN THE STUDENTS LAUGH, Ruth seems almost embarrassed by it. But the room relaxes. Including Ruth.

RUTH (CONT’D)
On the night in question, Clarence told his wife he had met another woman, and he was leaving. How did Hoyt respond, Miss... Burton?

IN THE BACK: BURTON rises.

(CONTINUED)
She smashed in his skull with a baseball bat. Then called an ambulance, while he was dying.

A jury convicted Hoyt of second-degree murder. And that’s where our story begins. A great civil rights lawyer took up Hoyt’s appeal. Dorothy Kenyon.

Ruth writes her name on the board. The students take notes.

On what grounds, Miss... Roemer?

That Florida’s juries violated the U.S. Constitution, ‘cause there were only men on them. Kenyon said a jury with women on it may have convicted Hoyt of a lesser crime, like manslaughter.

That law makes sense though. Women can’t take care of their kids, if they’re on some sequestered jury.

Excuse me? Are you kidding? (etc.)

What? Men are the mammoth hunters.

You’re never getting laid again.

What about women who don’t have children?

Yeah. Or they’re out of the house.
ROEMER
Let the man stay home and take care of his children. We got work to do.

The women HOOT AND HOLLER.

BENNETT
Hey, hey, hey! Don’t take it out on me. I’m not holding my fiance back. She has TWO jobs.

RUTH
Which she can be fired from just for marrying you. The law allows it.

That quiets him. And the room.

RUTH (CONT’D)
There are laws that say women can’t work overtime. A woman’s social security benefits, unlike her husband’s, don’t provide for her family after death...

The class is furious:

STUDENTS
What? ... That’s bullshit. (etc.)

BURTON
We need to do something.

Ruth is thrilled by their passionate response. They recognize she’s waiting and shush one another...

RUTH
Ten years ago, Dorothy Kenyon asked a question: if the law differentiates between people on the basis of sex, then how will women and men ever become equals? And the Supreme Court answered. ... They won’t. Hoyt lost her appeal. The decision was unanimous: discrimination on the basis of sex is legal.

OMITTED
INT. GINSBURG APARTMENT (1970) - DAY

They’ve come up in the world. The apartment is spacious, with city views and a balcony. The furniture is contemporary. The artwork, original. The Roman Opera poster is still prevalent on a wall. An ARIA plays on the radio.

JANE is stirring blanquette de veau simmering in a pot on the stove. She’s 15. Pretty, blonde, in a private school uniform.

JANE
Daddy, that’s not how you do it. If you put the herbs in too early they lose all their punch.

Martin (37 now, in a French apron) is chopping celery, thyme & rosemary with a chef’s speed and precision.

MARTIN
The flavors are meant to compliment one another. Not pummel each other.

As he adds his work to the pot and covers it:

MARTIN (CONT’D)
That’s why it’s called marrying them.

HEAR: THE FRONT DOOR OPEN AND CLOSE. Then...

JAMES (O.S.)
We’re home!

JANE
Speaking of which...

James bursts in...

JAMES
Daddy!

Martin scoops him up -- matching his tone:

MARTIN
James!

Ruth enters and kisses Martin.

RUTH
Hi.

JANE
(change in tone)
Jane.

(CONTINUED)
JANE
Hey, mom.

MARTIN
So? How is this year’s class?

As she gets a spoon to taste the stew:

RUTH
These kids are so passionate. To them it’s about more than precedents and dissents. They want to forge a movement.  
(re: the stew)
Mmm. This is delicious.

As he does, Jane tries to make her exit.

RUTH (CONT’D)
Hold on Jane. We need to have a talk. I got a call from her school today. Apparently I mis-dated a note excusing you from classes last week?

Martin is flipping through the Advance Sheets...

JANE
It’s not a big deal.

MARTIN
(sarcastic)
Oh, well, problem solved then.

RUTH
You skipped school. It’s the first week. Is this what this year’s going to be like? You lied to--

JANE
I never lied.

RUTH
Forging a note IS lying, Jane. You’re smart enough to know that.

JANE
(leaving)
Apparently I’m not, Mom.

As Ruth follows Jane out...

(CONTINUED)
MARTIN
Don’t forget we have the party tonight.

James, thrilled by the action, tries to follow Ruth out. Martin grabs him by the back of his shirt.

MARTIN (CONT’D)
Oh no. Not you.

IN THE LIVING ROOM: Ruth pursues Jane across the apartment.

RUTH
Jane. ... Jane, stop.

JANE
I apologize, okay?

RUTH
I want to know where you were.

Jane turns back on her.

JANE
Denise and I went to a rally to hear Gloria Steinem speak.

Ruth looks at her: You did WHAT?

JANE (CONT’D)
(“obviously”) She’s a writer. She’s starting her own magazine. She just testified in the Senate about--

RUTH
I know who Gloria Steinem is. What if you got hurt? Or arrested.

JANE
It was just a rally. Not a riot.

RUTH
Those things can get out of hand.

JANE
I’m fifteen years old. You don’t have to control every minute of--

RUTH
Yes. I do. That’s my job. Your job is to go to school and learn.

(CONTINUED)
JANE
Gloria says we need to un-learn the status quo.

RUTH
You’re on a first name basis now?

Jane sees Martin coming from the kitchen.

JANE
...You know what, Mom? You may be satisfied sitting around with your students talking about how shitty it is to be a girl--

MARTIN
Hey, language.

JANE
But don’t pretend it’s a movement. It’s not a movement if everyone’s sitting. That’s a support group.

For Ruth, it stings. Martin sees it.

MARTIN
Jane that’s enough.

RUTH
(to Martin)
We should get going.

JANE
Yeah. Go make yourself pretty for Daddy’s party.

OFF: Ruth.

INT. WEIL, GOTSHAL & MANGES RECEPTION AREA - NIGHT

Mahogany and marble, the firm’s name in brass. PARTNERS (50s +), ASSOCIATES (30s) and INTERNS (20s) mingling. All men.

NEAR THE BUFFET: Martin stands out in his short-sleeved, collared shirt. He’s surrounded by a group of eager Interns.

MARTIN
It is well known. Tax is the only genuinely funny area of the law.

INTERN 1
I think most of us just want careers that have more... impact.

(CONTINUED)
Martin glances across the room: THE WIVES are segregated in a corner... But he notes that Ruth is NOT among them. As he regales the Interns, he continues to scan the room...

MARTIN
Do you know that in Sweden, young people often don’t get married?

The Interns chuckle. Nervously. Unsure what to say.

MARTIN (CONT’D)
It’s true. They get engaged. Live together. Raise families. But they don’t marry. You want to know why?

INTERN 1
They can have sex without it?

The Interns laugh. Not Martin. .... As he finally finds Ruth:

MARTIN
Because of taxes.

IN A CORNER: Alone. Ruth sips a glass of wine, inspecting a framed, modernist painting. Until her gaze lands on Martin. Watching her while he talks. She smiles at him.

BACK BY THE BUFFET: Martin continues his lesson. Tipping his head, he cracks a smile.

MARTIN (CONT’D)
After the war, Sweden decided married couples should file joint tax returns. But unlike the United States, they didn’t give the couples a benefit. Married Swedes found themselves in much higher tax brackets. So, they got divorced.

He knows he’s got them hooked.

MARTIN (CONT’D)
‘Course they kept living together.

NEARBY: TOM MALLER (55, Senior Partner and Martin’s boss) approaches the buffet and, as he fills a plate, is drawn into Martin’s story.

MARTIN (CONT’D)
So the government passed a new law. If a couple got divorced, but continued living together -- then for tax purposes they’d still be considered married. ...

(MORE)

(CONTINUED)
MARTIN (CONT’D)
People did what anyone would. Added a second entrance to their homes and a wall down the middle. With a door for easy access.

The Interns laugh. Tom Maller smiles.

MARTIN (CONT’D)
Fine. Once married, now divorced, two-earner couples in sub-divided homes would, for tax purposes, be considered living together and—

INTERN 1
And therefore still married.

Martin’s laughing with the Interns now. Ruth arrives. Takes a glass of wine off a waiter’s tray, and hands it to Martin:

MARTIN
It kept going. For decades. While a whole generation of Swedes simply avoided the issue by never getting married. ... Thanks, Honey. ...
Have you met my wife?

RUTH
The moral of his story is that, in their attempt to raise revenue, the Swedish government ruined all those young men’s best hope at happiness.

MARTIN
Exactly. Because how a government taxes its citizens is a declaration of a country’s values.

He turns to look Intern 1 - who challenged him - in the eye.

MARTIN (CONT’D)
Now what in the world could have more impact than that?

As the point hits, Maller puts an arm over Martin’s shoulder.

MALLER
You’d be wise to listen, boys. I swear to Christ, Martin Ginsburg’ll be signing all our checks some day.

As Martin smiles modestly, Maller takes it too far:

(CONTINUED)
MALLER (CONT’D)
You’re a smart girl, Ruthy. You married a star.

OFF RUTH: Stung, but biting her tongue.

EXT. MIDTOWN MANHATTAN STREET - LATER
Ruth walks ahead quietly. Martin sees she’s irritated...

MARTIN
Tom Maller is barely evolved. He started walking upright last week.

RUTH
You always do that. You act like it doesn’t matter. But all the little brush-offs, the dismissive pats on the head... It matters, Marty.

MARTIN
Why? YOU know what you do is important.

She keeps walking.

MARTIN (CONT’D)
Fine. Next time my boss gives me a clumsy compliment, I’ll challenge him to a duel. Will that help?

RUTH
I wouldn’t want to hurt your stellar reputation.

Martin stops.

MARTIN
What do you want me to do, Ruth? Should I quit in protest? Tell me what you want, and I’ll do it.

RUTH
Nothing! I want... Nothing. I want you to go to work and wow your bosses and clients.

RUTH (CONT’D) MARTIN
And be the youngest partner in the history of the firm. That’s not fair! Give me a break.

(CONTINUED)
RUTH
And I want you to walk me home, Marty. So I can sit in my corner and write a lesson plan to inspire the next generation of lawyers to go forth and fight for equality.

MARTIN
What could possibly be more important than that? I don’t understand why you’re acting like it’s a punishment. You’re teaching young people to change the world!

It comes bursting out:

RUTH
Because that’s what I wanted to do!

As she walks off -- leaving him there -- the admission is as much a shock to her as it is to him...

INT. GINSBURG APARTMENT - BEDROOM - LATER

Ruth sits at the table that was once in their kitchen in Cambridge. She’s writing lesson plans, sipping coffee.

She ignores a KNOCK on the door. Martin enters anyway. And drops, right onto her papers, a small, yellow booklet -- the TAX COURT ADVANCE SHEETS (TCAS).

MARTIN
Page ten.

RUTH
I don’t read Tax Court cases.

MARTIN
Read this one. The IRS wouldn’t allow a tax deduction for the Petitioner to hire a nurse to take care of an invalid mother.

RUTH
Sounds like a real page-turner.

MARTIN
Ask me why.

RUTH
Marty. I have a lecture to write.
He seems to accept it. And heads for the door. But before he goes, he turns back:

MARTIN
It’s because the Petitioner is a man.

When she turns to him, he grins -- and is gone. Ruth opens the TCAS: CHARLES E. MORITZ V. COMMISSIONER OF INTERNAL REVENUE...

INT. GINSBURG APARTMENT - LIVING ROOM - LATER

Martin putts a golf ball under the couch and into a water cup. When he looks up, Ruth’s in the doorway. TCAS in hand:

RUTH
Section 214 of the tax code assumes a caregiver has to be a woman. This is sex-based discrimination... AGAINST A MAN.

MARTIN
Poor guy.

RUTH
If a federal court ruled that this law is unconstitutional, it would become the precedent others refer to and build on. Men and women both. It could topple the whole damn system of discrimination.

She notices the delight on his face.

RUTH (CONT’D)
What? ... What is it?

MARTIN
No. Nothing. I’m just thrilled by your sudden enthusiasm for tax law.

She puts her arms around him:

RUTH
Marty. We need to take this case.

INT. ACLU RECEPTION AREA - DAY

An open bullpen bustling with the urgency of a Military HQ. There’s a culture war, and these are front-line soldiers. A sign over reception: AMERICAN CIVIL LIBERTIES UNION.

(CONTINUED)
An elevator slides open, REVEALING RUTH...

She heads for THE RECEPTIONIST, crossing paths with ACLU STAFFERS (various ages, races, genders), hearing SNIPPETS OF CONVERSATION:

ACLU STAFFER 1
Of course he says he’s against bombing Cambodia. I want to know, where’s his bill to de-fund it?

Another STAFFER is holding up a T-shirt -- a “WANTED: DEAD OR ALIVE” poster with a cop in the middle.

ACLU STAFFER 2
(to a third staffer)
It’s derogatory. It’s taunting. But it’s speech. Not conduct.

RUTH
(to receptionist)
Mel Wulf is expecting me.

Phone to her ear, the Receptionist motions for her to wait.

MEL WULF, the ACLU’s Legal Director (40, handsome, wildly smart), is escorting A GUEST to the elevator:

MEL
I need exact words. Did he say he wants to get his hands on Nixon, or that he hopes the Viet Cong do?

He notices Ruth at Reception. And grins mischievously.

ACLU STAFFER 3
Why? What’s the difference?

MEL
Five years in prison. Would you excuse me?

As Ruth waits, Mel sneaks up behind her...

MEL (CONT’D)
(chanting)
I’m a little acorn round / lying on the dusty ground...

Ruth spins on him. As Mel jumps into an intricate choreographed routine of stomps, claps and jazz-hands.

(CONTINUED)
MEL (CONT’D)
Everybody steps on me. / So I'm a little cracked you see...

Everyone stops. To watch. The Receptionist lowers the phone. Ruth smiles -- blushing.

MEL (CONT’D)
I'm a nut / but that's no sin. / At Camp Che-na-wah, I'll fit right in.


MEL (CONT’D)
Ladies and gentlemen. The three-time Camp Che-na-wah All-Around Camper: Ruth “Kiki” Bader.

A smattering of APPLAUSE. As Mel struts toward Ruth, he jokes to a laughing colleague...

MEL (CONT’D)
Hey. You think this job’s hard? I used to judge the fifteen-and-unders with a color war trophy on the line.
(to Ruth)
Hi Kiki. Whaddya say?

INT. ACLU OFFICES - CORRIDOR - LATER

Ruth follows Mel down a crowded hallway. He’s reading the Tax Court Advance Sheets as they walk.

MEL
You said you had a case. This is not A case. It’s the opening salvo in a fifty-year war for a new class of civil rights.

RUTH
Yes! Exactly!

MEL
I can’t help you. This is beyond my mandate.

RUTH
American CIVIL LIBERTIES Union. Women’s right are civil rights.

(CONTINUED)
MEL
I’m still getting flack for defending draft card burners. And a right to protest actually exists.

He hands Ruth the Advance Sheets. As they stop before his office: “Melvin Wulf / Legal Director”. He opens the door. But neither moves.

MEL (CONT’D)
After you.

INT. MEL’S OFFICE - CONTINUOUS

Mel closes the door behind them. Then relaxes into his chair, feet up on the desk. As Ruth sits across from him:

MEL
How’s Marty? Still protecting the rich from the predations of the poor?

She gives him a look.

RUTH
If we’re going to appeal, the court needs to agree there’s a constitutional handle here.

MEL
How did you even convince this guy to let you represent him?

RUTH
I’ll take care of that. Alone, the judges--

MEL
Are you kidding me?

RUTH
The judges may not give Marty and I the benefit of the doubt. But with your name alongside ours on the brief...

He considers her...

RUTH (CONT’D)
You must see the opportunity this case represents.

(CONTINUED)
MEL
You think judges will be sympathetic because they all have prostates? Men and women eat at the same lunch counters. We drink at the same fountains. We go to the same schools.

RUTH
Women can’t attend Dartmouth.

MEL
Men can’t go to Smith.

RUTH
Women police officers can’t patrol New York City streets. We have to get credit cards in our husbands’ names.

MEL
You’re fifty-one percent of the population. You’re not even a minority. Anyway, it’s been tried. Muller. Goesaert. What’s-her-name with the baseball bat.

RUTH
Gwendolyn Hoyt.

MEL
Exactly.

RUTH
And morally, they were right.

MEL
Yet they lost. Look around you, Ruth. Morality doesn’t win the day. Dorothy Kenyon couldn’t even get women equality arguing a case with sex, murder, and prison-time on the line. You and Marty really think you’re gonna do it with this guy and his taxes?

EXT. ACLU’S OFFICE BUILDING - DAY

A tower in Manhattan’s financial district. A man holds the door for Ruth -- and she takes the other. She storms past Business Men and Secretaries. Taxis and phone booths. The sound of CAR HORNS AND CONSTRUCTION is oppressive. As she disappears down THE STEPS OF A SUBWAY STATION...
A MOMENT LATER: Ruth re-emerges. Eyeing A PHONE BOOTH... She steps inside.

   RUTH
   (into the phone)
   Operator. I need a number. ... Denver, Colorado.

EXT. LEXINGTON AVE. - DAY

MARTIN’S ON THE CORNER, waving down a cab. As it pulls over, he’s urging Ruth, Jane and James to hurry up...

   MARTIN
   C’mon! C’mon!

DOWN ON THE BLOCK: They’re hurrying. Jane pulling Ruth’s bag.

   RUTH
   (to Jane)
   You’re going to have to get James from school while I’m in Denver.

   JANE
   Mom. I told you, Denise and I are starting our consciousness-raising group.

   RUTH
   Then take James with you.
   (looking them over)
   Will you be all right?

Jane puts a hand on James’s shoulder.

   JANE
   We’ll survive somehow. Go kick ass.

Martin’s loading her bag:

   MARTIN
   Meter’s running.

Ruth approaches him...

   RUTH
   What if I can’t convince him?

   MARTIN
   What if you never try?

They kiss. And she gets in the taxi...

(CONTINUED)
JAMES
Daddy. Why’s Mommy going to Denver?

MARTIN
She’s climbing a mountain.

E/I. MORITZ HOUSE - DENVER - DAY
Ruth walks up the path to a modest home in a leafy Denver suburb. She rings the bell. No answer. She knocks, waits patiently. And finally tries looking through a nearby window.

MORITZ (O.S.)
Mrs. Ginsburg...

She’s startled. The front door has opened to reveal CHARLES MORITZ (60’s, lived-in face, no shoes).

MORITZ (CONT’D)
You’re early.

RUTH
(checking her watch)
I can come back in ten minutes, if you prefer.

MORITZ
You might as well come in now and have your say.

Ruth follows him into THE ENTRYWAY, where he indicates for her to removes her shoes. As she slips off her heels, her mountain seems steeper.

INT. MORITZ HOUSE - LIVING ROOM - MOMENTS LATER
Moritz points out a sofa where Ruth can wait...

MORITZ
I’ll be with you in a minute.

He crosses the room to his MOTHER (85). In a wheelchair by a window. Napkin tucked into her shirt. Tomato Soup on a TV tray beside her.

MORITZ (CONT’D)
Mother. This is Ruth Ginsburg. The New York lawyer I told you about.

(CONTINUED)
RUTH
Mrs. Moritz... hello.

Moritz’s Mother gives Ruth a dismissive look. To her son:

MORITZ’S MOTHER
I thought she’d be bigger.

As Ruth waits, she looks at family photos on the mantle. One in particular catches her eye: a young, proud Charlie as the drum major in a marching band.

RUTH
I see you were a drum major. I was a twirler.

MORITZ
That was a thousand years ago.

So much for making a connection. Ruth pulls out a legal pad.

Moritz finishes feeding his mom. He hands her a large-print crossword puzzle and tries to put a pencil in her hand, which SHAKES uncontrollably. Eventually, she secures it.

Moritz returns to Ruth.

RUTH
Mr. Moritz. About your case...

MORITZ
I don’t have a case. Four lawyers told me so before I went to Court myself and asked for justice. And that judge... Tietjens, he basically said I was a tax cheat.

RUTH
Are you?

MORITZ
I’ve never cheated at anything in my life!

Suddenly, from the other side of the room... and LOUD!

MORITZ’S MOTHER
“Tasmanian egg-layer.” Eight letters.

MORITZ
Not now, Mom.
RUTH
(ready to take notes)
Tell me in your own words: why did you hire a nurse?

MORITZ
If you’ve never cared for an ailing parent...

RUTH
(pained by the memory)
I have.

He’s surprised.

MORITZ
Then you know. Between the dressing, the bathing, the toilet. It’s not a task for one person. Especially when you have a day job. If it weren’t for Cleeta, I’d have to put mom in a home.

RUTH
And so you deducted Cleeta’s salary on your taxes.

MORITZ’S MOTHER
“Tasmanian egg-layer.” Second letter L.

MORITZ
Mom. I’ll help you in a bit.

RUTH
(loudly, helpfully)
How about ‘Platypus’?

Moritz’s Mother writes it down. Ruth smiles to Moritz. He doesn’t smile back.

MORITZ
I’m a salesman Mrs. Ginsburg. I know when I’m being sold.

RUTH
With due respect, you have $296 at issue. I’m not here for the money. We’d represent your appeal pro-bono, if you’ll let us.

MORITZ
The judge said that Tax Code is plain.

(MORE)
The caregiver deduction is available to all women. But only to men whose wives are incapacitated or dead. Or who are divorced.

RUTH
And you’ve never been married. ... The men who wrote that law couldn’t even fathom that a bachelor choosing to take care of a parent at home might exist.

MORITZ
So... what? The judge was wrong?

RUTH
Mr. Moritz, the LAW is wrong.

He takes a beat to respond.

MORITZ
You’re a long way from home. You must be hungry after your trip.

Ruth nods with a smile.

INT. MORITZ RESIDENCE - KITCHEN - LATER

Moritz is making cold-cut sandwiches -- mixing his own mustard-horseradish spread. Ruth is at a small table.

MORITZ
What’s so difficult for my mother is that she’s KNOWS she’s fading. And there’s nothing she can do to stop it.

Ruth considers it...

RUTH
The hardest part for MY mom... It must have been-- When she was young, she was expected to tend to her father and brother, instead of going to college. ... The idea that now her daughter... that I was taking care of her...

MORITZ
How did you manage to do both? You were just a girl.
RUTH

And you’re ‘just an unmarried man.’
(she thinks about it...)
We both confounded expectations.

He finishes the sandwiches and sits. Ruth bites into hers.

RUTH (CONT’D)

This is delicious. I was famished.

He watches her eat for a moment.

Moritz’s Mother and her nurse, Cleeta (70), pass by IN THE HALL...

MORITZ

If it’s not for the money, then why are you here?

She puts down the sandwich.

RUTH

The 14th Amendment to the United States Constitution says all people must be treated equally under the law. And yet, there are... I don’t know how many laws -- like the caregiver deduction -- that say, in effect, women stay home, and men go to work, and that it should stay that way forever. ... I want to convince the federal courts that those laws are unconstitutional.

MORITZ

(impressed)

How do you do that?

RUTH

One case at a time. Starting with yours. We’ll submit a brief stating our argument. Then the government will submit a response. And both sides will present oral arguments at the 10th Circuit Court of Appeals, here in Denver.

MORITZ

(a knowing smile)

So I’m a guinea pig?

(CONTINUED)
RUTH
No, sir. You’re the man marching out ahead of the band, leading the way. Just like the drum major you used to be.

He smiles.

RUTH (CONT’D)
Can you imagine, Charlie, if our moms had grown up in a world where girls could dream as big as boys?

She looks back to him. It’s plain in his look: he’s in.

EXT. WEIL, GOTSHAL & MANGES - NIGHT

A brisk autumn evening. Martin and Tom Maller come out of the building. As they look and cross the street:

MALLER
For God’s sake. I’ve invested a lot of my own reputation building up your career. Now you’re wanna dump it down the toilet for some cockamamie case?

MARTIN
My contract says I need permission to take outside work. So I’m asking. But--

MALLER
You’re on track to be the youngest partner at the firm. Do yourself a favor. Don’t blow it.

He notices Martin’s slowing down...

MALLER (CONT’D)
I thought you live uptown?

(CONTINUED)
MARTIN
I’m picking up Ruth’s dry-cleaning around the corner.

MALLER
Jesus Christ. ... What are you doing this for Marty? You’re gonna go blindly traipsing into this case... for what? So the little woman can feel like she’s a real lawyer?

MARTIN
(holding in his fury)
Tom. I am determined to--

MALLER
You really want to support her? Tell her the truth.

MARTIN
Which is?

MALLER
The case is unwinnable. You must know that. Congress can write whatever taxes it wants. That’s not open to constitutional attack.

MARTIN
You only say that because no one’s ever done it successfully before.

MALLER
Fine. So try it. I won’t stop you.

Martin’s relieved.

MALLER (CONT’D)
But when you lose, be ready for your career to come crashing back to Earth.

As Maller leaves, checking his watch, Martin weighs the warning...

INT. GINSBURG APARTMENT - NIGHT

ON THE DINING ROOM TABLE: A dog-eared copy of TO KILL A MOCKINGBIRD, and an essay by Jane, crossed out and marked up in red pen -- “Atticus Finch: Great American Lawyer.”

RUTH
Murder can never be condoned. Least of all by a lawyer.

(CONTINUED)
JANE
It’s called justice, mom.

RUTH
What’s just to you may not be just to me or to someone else.

IN THE FOYER: Martin enters.

JANE
You know what I mean.

MARTIN
Good evening!

Ignored, Martin notices THE BOOK on the table.

JANE
Would it kill you to admit that maybe I’m actually right about something? This is an ‘A’ paper!

RUTH
Of course it is. You’re a beautiful writer. That’s not the point.

MARTIN
Whoa! Whoa! Whoa! ... Please tell me you’re not going ten rounds over To Kill A Mockingbird.

JANE
Daddy. Tell her Atticus Finch can be a role model.

RUTH
He covers up Bob Ewell’s murder. He is a terrible lawyer.

JANE
Why? ‘Cause you say so?

RUTH (CONT'D) JANE
Not me. Canon One of The American Bar Association’s Model Code of Professional Responsibility... What are you talking about?!

RUTH
Legal ethics.

JANE
You’d do exactly the same thing -- if you actually had a heart.

(CONTINUED)
MARTIN
All right. That’s enough.

She storms off -- disappearing DOWN THE HALL. HER DOOR SLAMS.

RUTH
I don’t know where she gets her stubbornness.

Martin lets it lie.

As Ruth goes to THE DINING ROOM TABLE, and copies onto a note card a quote from a legal tome:

... So how are you?

She looks at him: How am I? ... Then picks up one of the books open beside her, and hands it to him -- highlighted:

MARTIN (CONT’D)
(reading aloud)
“History discloses that woman has always been dependent upon man. Like children, she needs special care. This justifies a difference in legislation.”

RUTH
Muller v Oregon. The law of the land.

She picks up another book...

RUTH (CONT’D)
Or Bradwell v Illinois.
(reading aloud)
“The destiny of woman is the benign offices of wife and mother. This is the law of the Creator.” ... And for how long have you been hearing the voice of the Creator, Justice Bradley?

MARTIN
Maybe The Creator submitted an amicus brief.

RUTH
On a stone tablet, no doubt.

She tosses the book aside.
RUTH (CONT'D)
I’m writing this brief, and citing the same cases, coming up against the exact same precedents as everyone before us. If this is what we go in with...

With a look, he shares her worry.

FROM JANE’S BEDROOM comes BLARING MUSIC: “OHIO” by Crosby, Stills and Nash. Ruth and Martin share a look.

When Ruth moves to get up, Martin waves her back...

INT. GINSBURG APARTMENT – JANE’S BEDROOM – MOMENTS LATER
Jane over her math homework is the mirror-image of Ruth with her brief. Martin KNOCKS and enters.

JANE
I’m busy.

He turns down the record. When Jane looks up at him, he’s surprised to see her eyes are welled with tears...

MARTIN
Come here.

She sits beside him on the bed. And for a beat, lets him hug her... Then shrugs him off.

JANE
I’m fine. I can be as tough as she is. ... She’s a bully. She needs everybody to know how smart she is.

MARTIN
You want Mommy to stop being smart?

JANE
I want her to stop rubbing it in everyone’s face all the time.
(off his look)
Don’t tell me she doesn’t.

MARTIN
Rubbing it in people’s faces is the only way she’s ever gotten anyone to notice.

Jane hears him.

( CONTINUED )
MARTIN (CONT’D)
Grandma Celia died when Mom was about your age. But right up to her dying breath, they would read together, and debate ideas, and she’d make mom question everything. ... Jane, Mom isn’t bullying you. She doesn’t want you to feel small. She wants to share what her mother taught her. .... That’s how she shows her heart.

Jane is touched.

MARTIN (CONT’D)
Maybe she overdoes it sometimes.

INT. GINSBURG APARTMENT - DINING ROOM - LATER
Ruth is at the typewriter, still working.

Martin enters. Takes one of her reference books. And joins her. Ruth looks up and watches him. ... Until he notices.

RUTH
Is she okay?

MARTIN
She’ll be fine.

They resume working. Together. Until Ruth looks up again...

RUTH
I love you.

MARTIN
I love you.

EXT. LOWER WEST SIDE - SIDEWALK - DAY
A SHOP OWNER cleans graffiti off his store window. Cast iron facades. Pot-holed streets. Dumpsters overflowing. And against the gray sky, the Twin Towers are being built.

In her up-town coat, Ruth is out of place. Searching for an address. Beside her, Jane, in a short skirt and knee-highs, hugs her denim jacket tighter against the blustery, late-autumn cold.

JANE
This is stupid. You’re the one who said I’m supposed to be in school.

(CONTINUED)
RUTH
If you’re going to write about
Great American Lawyers, you may as
well meet one.

They come to a derelict building with an empty storefront.
Share a wary look. And step over a drunk, passed out on the
sidewalk. Entering...

INT. DOWNTOWN BUILDING - MOMENTS LATER

As they come DOWN A LONG HALLWAY, Ruth grabs Jane’s wrist,
holding her back. Awestruck.

DOROTHY KENYON is locking a door marked “Attorney” in peeling
paint. She’s slender, with a white bob beneath a broad-
rimmed, floppy hat. Her eyes are vivacious; they can flash
from humor to fiery passion without blinking.

Door locked, she turns. And finds them.

KENYON
You ladies look lost.

Ruth watches her -- a long beat.

KENYON (CONT’D)
Well, spit it out.

RUTH
Ms. Kenyon. We’re here to see you.
I tried to make an appointment.

KENYON
Here I am. I don’t have all day.

RUTH
... It’s about Gwendolyn Hoyt.

KENYON
Ah. In that case I have no interest
in talking to either one of you.

She shoves the keys into her large bag. As she blows by them,
Ruth and Jane follow.

RUTH
I’m arguing a case... Sex-
discrimination violates the equal
protection principle.

(CONTINUED)
KENYON
‘Equal Protection’ was coined to grant equality to the negro -- a task at which it has dismally failed. What makes you think women would fare any better?

RUTH
Please. If we could just talk for--

Kenyon turns on them:

KENYON
You wanna know how I blew it, that it? What I’d do differently? Why?
You think you can change the country?

She indicates Jane, who is taken by surprise.

KENYON (CONT’D)
You should look to her generation. They’re taking to the streets. Demandng change. Like we did when we fought for the vote.

Jane gives Ruth an “I told ya so” look.

KENYON (CONT’D)
Our mistake was thinking we’d won. We started asking please. As if civil rights were sweets to be handed out by judges.

RUTH
Protests are important. But changing the culture means nothing, if the law doesn’t change. As a lawyer, you must believe that.
KENYON
Let me guess: you’re a professor, aren’t you? Yeah. A ton of knowledge, and no smarts.

JANE
Mom. We should go.

KENYON
You want advice? Here it is. Tell your client she won’t find equality in a courtroom.

She walks away... Ruth following:

RUTH
My client’s name is Charles Moritz.

KENYON
That’s cute.

RUTH
He hired a nurse who helps care for his mother. But he was denied a caregiver deduction on his taxes.

Kenyon does the calculation. It takes her a beat -- but just a beat -- to put it together. Kenyon stops.

KENYON
He’s never been married. You found a bachelor taking care of his mother at home? .... The judges will be repulsed by him.

RUTH
Feeling anything is a start.

KENYON
... What did you say your name was?

RUTH
Ruth Bader Ginsburg.

She and Kenyon watch one another for an extended beat.

KENYON
Well... Sorry Professor Ginsburg. Maybe someday. But the country isn’t ready. Change minds first. Then change the law. ... (MORE)
KENYON (CONT'D)
If you’ll excuse me, the mayor’s decided to rename the neighborhood, so now a developer’s kicking thirty families out of a building he abandoned ten years ago.

As she heads to the stairwell...

KENYON (CONT'D)
... SoHo. Who’s ever heard of such a ridiculous thing?

Ruth and Jane share a look: Whoa.

EXT. LOWER WEST SIDE - SIDEWALK - LATER

It’s raining hard as Ruth and Jane exit. They open their umbrellas. Ruth looks back the way they came. Then points Jane in the other direction.

RUTH
Let’s catch a cab.

They start walking.

JANE
I know she’s your personal hero and all. But she’s kind of a bitch.

RUTH
No. She’s formidable. ... Dorothy Kenyon has been fighting for Civil Rights and Women’s Rights and Labor Rights her entire career. She didn’t always win. But she made damn sure she was taken seriously.

The rain is pelting down. Ruth and Jane take cover under a scaffolding. A cab passes, but its dome light is off. They lower their umbrellas.

JANE
She didn’t help you. ... What are you going to do?

RUTH
It’s the right cause. It’s the right client. But women have been losing this same argument for over a century.

JANE
Well... just because you lost a hundred years before you started is no reason not to try to win.

Ruth considers it... And realizes:

(CONTINUED)
RUTH
Jane. That was incredibly wise.

JANE
Do you know who said it first?
(Ruth doesn’t)
Atticus Finch.

In Ruth’s look: “Touché.”

Across the street, two CON ED WORKERS SHOUT and WHISTLE at them lasciviously.

CONSTRUCTION WORKER
Lookin’ good, ladies. We’ll warm you up... if you’re getting wet.

RUTH
(checking for another cab)
It’s okay. Just ignore them.

CONSTRUCTION WORKER
Too good for us, huh? Bitches!

Jane SHOUTS back at them.

JANE
Real nice. You kiss your mother with that mouth? Asshole.

That shuts the Workers up. Jane sees Ruth’s surprise.

JANE (CONT’D)
Mom. You can’t just let boys talk to you like that.

At that moment, Jane sees a vacant cab approaching. She dashes out fearlessly and YELLS:

JANE (CONT’D)
TAXI!

The cab BRAKES sharply. Ruth starts out after her, but stops mid-street. Jane’s at the cab door.

Ruth looks around at the constructions workers tearing down buildings, wild posting for a Joni Mitchell concert; a couple making out; sexy women on a billboard...

JANE (CONT’D)
Mom, c’mon.
(to the TAXI DRIVER)
Yeah, yeah. Hold on a second.

She returns to her mother. She’s not sure what’s going on...

JANE (CONT’D)
He’s not gonna wait forever. You’re getting soaked.

(CONTINUED)
RUTH

Twenty years.
(a beat)
Look at you. It may as well be two hundred.

JANE
You lost me.

RUTH

It’s only twenty years since I was your age. Back then girls were told: “Be a lady.” “Speak when spoken to.” “Respect your elders.”

Jane’s getting where her mom is headed...

JANE
Now it’s ‘Don’t trust anyone over thirty!’

RUTH
They taught me how to curtsy in school.
(laughs)
I couldn’t go out wearing pants.

JANE
I’m not even wearing a bra.

The cabbie HONKS impatiently.

RUTH
You are a liberated, fearless young woman. Twenty years ago, you couldn’t have been who you are today.
(a beat)
Dorothy Kenyon’s wrong. The times have already changed.

BEGIN -- BRIEF-WRITING SEQUENCE:

INT. RUTGERS LAW SCHOOL - CLASSROOM - EVENING


OUTSIDE THE DOOR: a Janitor buffs the hallway floors.

(CONTINUED)
RUTH (V.O.)
It's what Professor Freund said at Harvard...

OMITTED

INT. GINSBURG APARTMENT - KITCHEN - NIGHT
Ruth's standing at the counter. Eating leftovers. Martin is reading the typed notes. Concerned...

RUTH
"A court ought not be affected by the weather of the day. But will be by the climate of the era."

MARTIN
Okay... So we're not re-fighting the old cases.

RUTH
We're arguing the precedents should no longer apply.

MARTIN
But Ruth, Freund was talking about Brown v. Board of Ed. That was a once-in-a-generation case.

RUTH
And we're the next generation.

OFF MARTIN: impressed.

INT. RUTGERS LAW SCHOOL - FACULTY OFFICES - DAY
Ruth is dictating her notes to a department secretary, MILLICENT (28, sultry), who is typing them up.

INT. GINSBURG APARTMENT - LIVING ROOM - NIGHT
Martin is on the couch, writing notes on Ruth's typed work. IN THE BACKGROUND: Jane is laying out dinner on the table.

Ruth is on the floor, playing checkers with James.

JAMES
King me!
INT. GINSBURG APARTMENT - BEDROOM - NIGHT

On the wall over her desk, Ruth tacks up the same note card. SEE: OTHERS. AND NEWSPAPER CLIPPINGS. It’s the outline of her argument.

Martin’s on the bed, surrounded by books, writing his tax section of the brief.

INT. RUTGERS LAW SCHOOL - FACULTY OFFICES - DAY

CLOSE ON TYPEWRITER KEYS STRIKING THE PAPER: “Changes in societal attitudes.” ... “Unalterable biological traits.”

INT. RUTGERS LAW SCHOOL - CLASSROOM - EVENING

Ruth’s added a coffee pot to the room. Some of her class is with her. They’re passing books, newspapers, journals -- and Chinese food cartons -- between them. Animated. Discussing.

OVER THIS, START TO HEAR: MILlicent’S TYPING...

EXT. NEW YORK STREET - NIGHT

AS THE TYPING CONTINUES, GETTING LOUDER...

Ruth and Martin walking -- dressed in overcoats:

    MARTIN
    Our client is a man. We can’t lose sight of that. Men are also harmed by these stereotypes. Boys who are told they’re not supposed to be nurses, or teachers, or--

    RUTH
    Cook dinner for their families.

    MARTIN
    We’re counting on you, too.

INT. GINSBURG APARTMENT - LIVING ROOM - NIGHT

Ruth and Martin are cuddled on the couch. Writing notes on their work...

Noticing one another, they stop. Kiss... And resume working.

THE TYPING CONTINUES. LOUDER STILL...
INT. RUTGERS LAW SCHOOL - FACULTY OFFICE - DAY

Millicent is typing up their hand-written pages...
She pulls out the final page.

INT. RUTGERS LAW SCHOOL - RUTH’S OFFICE - LATER

Millicent enters -- the typed Moritz Brief in hand:

MILICENT
Professor Ginsburg? I finished typing the brief.

RUTH
(accepting it)
You’re a saint, Millicent.

MILICENT
May I make an observation? ... It’s just... I’m typing your brief. And jumping out all over it is, well... sex-sex-sex-sex-sex-sex. It reeks of hormones and backseats and-- You know how men are. Maybe you should try a less distracting word.

She and Ruth exchange a look...

MILICENT (CONT’D)
Maybe... gender?

RUTH
You realize that means...

MILICENT
That’s no problem. I’m happy to type it again.

Off Ruth: END SEQUENCE.

INT. ACLU OFFICES - CORRIDOR - DAY

Mel hurries down the hallway, chatting with a LAWYER.

MEL
Guessing does me no good. I need to know how many people were actually turned away from the polls.

(CONTINUED)
ACLU STAFFER 4
The Affiliate still hasn’t sent the list.

MEL
Call Brian Tanner. Remind him, please, that we’re on the same team. And tell him if he doesn’t start acting like it, I’ll come to Wisconsin and rip his God-damn throat out myself!

As he opens his OFFICE DOOR:

KENYON (O.S.)
Melvin. Didn’t your mother ever teach you to clean your room?

INT. MEL’S OFFICE - CONTINUOUS

She’s sitting behind his desk. Reading a newspaper -- THE IDAHO STATESMAN. Mel, surprised, enters and closes the door.

MEL
Ms. Kenyon. Is it time for your annual dusting-off already?

Kenyon laughs. As she folds her newspaper...

KENYON
In 1776, Abigail Adams wrote her husband a letter. “As you write this new constitution,” she said, “Remember the ladies.” Know what the bastard went ahead and did?

MEL
I can guess.

She slams the paper down, the article oriented toward him: “COURT FINDS FOR CECIL REED.”

MEL (CONT’D)
The Idaho Statesman? You need a hobby.

KENYON
These poor people. Sally and Cecil Reed. Divorced. Their son committed suicide, and both parents want to administer his estate. (MORE)
KENYON (CONT’D)
In Idaho the law says that in this situation, males must be preferred to females. Why? ’Cause men are better at math.

She taps the newspaper article with her finger.

KENYON (CONT’D)
The Idaho Supreme Court just said that is perfectly legal.

With some effort, she gets up. Taking her over-sized bag with her. As she does:

MEL
Dorothy. I’ve got student protestors in jail in California. I’ve got schools in Mississippi that still refuse to desegrega--

KENYON
Eh, you’re a sissy. The Board threatened to can you ‘cause you stood up for draft dodgers, and your tail’s been between your legs ever since.

MEL
That’s not-- I don’t have the resources to take this on.

KENYON
I’ve seen you stand up to the might of government with sling and stone for what you know is right. And kid, I loved ya for it. They’re not gonna fire you, Mel. The board’s a bunch of tired old fools, and they don’t have the nerve to do it. I should know; I’m one of ‘em.

She takes his hand.

KENYON (CONT’D)
John Adams forgot the ladies. And it’s time the ACLU got back in the fight.

With a look, he concedes.

KENYON (CONT’D)
Good.
   (digging into her bag)
Now here’s where you start.
   (MORE)
KENYON (CONT’D)
A case headed for the tenth
circuit. Professor out of Rutgers.
Smart cookie.

She presents him with a copy of Ruth’s Moritz Brief...

He looks at it. Surprised. Then his surprise turns into
clarity -- he glances at the newspaper still on his desk:

MEL
("of course")
Ruth.

She pats him on the cheek.

KENYON
You’re a good boy.

INT. RUTGERS LAW SCHOOL – CLASSROOM – DAY

The Fourteenth Amendment is written on the board. Ruth,
before her class, underlines the Equal Protection Clause...

RUTH
But nowhere does the Constitution
say the federal government must
treat people equally. What did the
Court say about that? Mrs. Parker.

PARKER
That the Due Process Clause implies
that Equal Protection applies to
the federal government as well.

RUTH
Can you cite the case?

Parker hesitates. Unsure. ... REVEAL:

MEL
Bolling v Sharpe. 347 U.S. 497.

He’s in the doorway. A briefcase in hand.

MEL (CONT’D)
Decided in conjunction with Brown v
Board of Ed in 1954, Bolling
desegregated Washington, D.C.’s
public schools. Chief Justice
Warren, writing for the Court. ....
How about it, Teach? Do I get an A?

OFF RUTH:
INT. DINER - DAY

Ruth and Mel with coffee. Only Mel is eating pie. He reaches into his bag -- and drops Ruth’s brief between them. An accusation in his eyes.

MEL

It was well played Ruth, sending your work to Kenyon.

RUTH

(playing innocent)
I thought she might have advice.

MEL

Cut the shit. Just don’t play games with me again.

They stare each other down for a beat...

RUTH

What did you think of the brief?

MEL

(admitting it)
It’s a compelling argument. Brilliantly reasoned. These days more women than ever are working. And why not? We have pre-schools and washing machines and cheap contraceptives.

RUTH

Times have changed.

MEL

But there’s a glaring problem... In the unlikely event that you win this thing -- what’s the remedy? The Court takes away the Caregiver Deduction from everyone -- including working mothers. And then you’ve done more harm than good.

RUTH

No. Do you remember Justice Harlan’s opinion last June in Welsh v United States?
MEL
(getting it, impressed)
He said laws could be extended, when doing so would be closer to the legislature's intent than overturning would be.

RUTH
We’re adding one more section to the brief, urging The Court to extend the law -- to include Charlie as well as everyone else.

Mel runs through the argument in his mind. It could work.

MEL
I still say I’d rather be a woman in America than a black man. Or a socialist. Or religious minority... But the ACLU will put its name on your brief.

RUTH
We appreciate your support.

She gives it a beat...

RUTH (CONT’D)
Now let’s talk about you taking on Reed v Reed. (off his look) All men in Idaho are better at math?! It’s a perfect example of--

MEL
Quit while you’re ahead, Kiki. One case. That’s all you get.

As he goes for his wallet:

RUTH
The Moritz argument works just as well for a female client. And Reed’s a state supreme court case. Which means the US Supreme Court must hear the appeal. (he’s ignoring her) Call Sally Reed’s lawyer, Mel.

MEL
I told you, I’m not starting another fifty-year battle. I’d worry about defending my own case, if I were you.

He tosses some cash on the table. And rises to go. (CONTINUED)
MEL (CONT’D)
I expect to see your Remedy argument before you submit to the Tenth Circuit. And I want to be there when you practice your oral arguments. (before she can protest)
We’re holding a moot court. That’s not negotiable.

RUTH 
(relenting)
When?

MEL
As soon as we get the government’s response brief.

EXT. DEPARTMENT OF JUSTICE (DOJ) - DAY

Imposing, limestone facade -- gray in the winter-morning light. Over the entry: “Justice is founded in the rights bestowed by nature upon man.”

BOZARTH (V.O.)
...A pig ‘aint good for nothing but sitting in its own filth.

INT. DOJ - TAX DIVISION - BOZARTH’S CUBICLE - DAY

JIM BOZARTH (26), a Government Lawyer, is full of airy, likeable, college-boy confidence. In his uncluttered cubicle: a photo of his wife and a University of Texas coffee mug. He’s yukking it up with A COLLEAGUE (25):

BOZARTH
It’s the first rule of barbecue. 
You start with a cow.

COLLEAGUE
Well, you could try up in Columbia Heights, if not for... you know, the riots.

BOZARTH
For a slab of beef cooked low and slow? I’ll pack my ..45.

GLADYS (55) approaches before him with a file cart. A reliable cog in the machine of government. She hands him a brief. And a clipboard.

(CONTINUED)
GLADYS (V.O.)
Bozarth. You finished a case today.

As Bozarth’s Colleague takes his leave, she passes Bozarth his new assignment...

GLADYS
Sign for your next brief.

INSERT: Tenth Circuit Court of Appeals / Charles Moritz v Commissioner of Internal Revenue / Authors – Ruth Bader Ginsburg; Martin Ginsburg; Melvin Wulf, Legal Director, ACLU.

Bozarth lets out a long whistle.

BOZARTH
10th Circuit Court of Appeals. Know who I am, Gladys?

GLADYS
Sure do. You’re the kid who’s going to sign my form.

BOZARTH
(as he does -- grinning)
I’m a guy moving up in the world.

He settles in, feet on the desk -- and opens the brief.

GLADYS
In the meantime, the chief best not catch you with your feet on that desk.

He takes them down. And re-opens the brief.

BOZARTH
Howdy, Mr. Moritz. And what can your Uncle Sam do for you today?

INT. DOJ – TAX DIVISION OFFICES – LATER

Brief in hand, Bozarth heads down a hallway to a closed door marked “Special Attorney / Tax Division”. Stops. Prepares himself. ... THEN KNOCKS.

BROWN (THROUGH DOOR)
... What is it?
INT. DOJ - BROWN’S OFFICE - LATER

The room is utilitarian. Straight lines and right angles. With an orderly and organized charm that’s inviting. (Professor) Brown is 65 now. Dignified. Finished to a high polish. He’s at his desk reading the brief. Bozarth watches.

BOZARTH
You can’t make a constitutional challenge to the Tax Code. Right?

BROWN
(still reading)
It’s a stretch.

BOZARTH
And who’s ever heard of ‘gender discrimination?’

Brown gives him a look. Then finishes reading.

BOZARTH (CONT’D)
These folks are runnin’ at Hell with a bucket of water.

BROWN
Case law is filled with challenges that could not be made... Until they were. I’m putting Murphy on writing our response brief.

BOZARTH
With due respect, Mr. Brown--

BROWN
It isn’t personal, Bozarth. But if we’re not careful, this appeal will cast a cloud of unconstitutionality over every federal law that differentiates between men and women. I need someone more seasoned on it.

For Bozarth, it’s a body blow. Brown picks up his phone...

BROWN (CONT’D)
Could you get me the Solicitor General, please?

Bozarth summons his courage.

BOZARTH
I pulled the file. I deserve the chance. Murphy’s a weak sister.

(CONTINUED)
Brown gives him a dismissive look. Bozarth leans in.

**BOZARTH (CONT’D)**

I know how to win this case, sir. Better than Murphy. Better than anyone. You need me on this appeal.

Brown stares. A bit impressed. A bit dubious... Before he can decide, someone picks up on the other end of the line.

**BROWN**

(eyes still on Bozarth)

This is Brown. I need to see him.

**EXT. CAPITOL BUILDING - DAY**

A cold day. The ground dusted with snow. But (Dean) Erwin Griswold doesn’t seem to notice. He’s 67 now, and Nixon’s Solicitor General. Brown and Bozarth walk with him...

**GRISWOLD**

For God’s sake! Where does it end? Gender equality as a civil right?!

**BROWN**

When everyone’s aggrieved and a victim. It’s what the ACLU does. Divide the country into smaller and smaller subgroups.

**GRISWOLD**

Ginsburg... Cancer, right? And the wife. Very demanding.

**BROWN**

But smart.

**GRISWOLD**

Ten years. Ten years I fought to enroll women at Harvard Law. The faculty, the university -- even my wife warned me it could come back to haunt me. Now this is the thanks I get.

**BROWN**

Erwin, we could settle. Martin Ginsburg was one of my best students. A practical young man. I can call him, tell him we’ll let the man have his money. And we go our separate ways.

Griswold thinks about it for a beat...
GRISWOLD
No. ... No. We settle now, it’s open season. Let’s put the idea of gender discrimination to bed once and for all. They handed us a winnable case.

BROWN
(on the mission)
Then we’ll win it.

Griswold talks of Bozarth as if the young man weren’t there:

GRISWOLD
You’re sure he’s up to it.

BROWN
Mr. Bozarth is a fine litigator.
(to Bozarth)
Tell him your idea.

BOZARTH
We list the laws.

GRISWOLD
What laws?

BOZARTH
All of ‘em. Every federal law that treats men and women differently. So the Court sees exactly the can of worms these folks are--

Griswold’s belly-laugh interrupts him. Until, looking between Brown and Bozarth, Griswold realizes it’s not a joke.
GRISWOLD
Last I checked, the U.S. Code was
20,000 pages long.
(to Brown)
Whose gonna read it? Him?

BOZARTH
I can get it done, sir. All I need
is an introduction.

Griswold’s interest is piqued.

GRISWOLD
To whom?

Bozarth knows exactly how outrageous it sounds:

BOZARTH
... The Secretary of Defense.

EXT. THE PENTAGON - DAY

Sprawling. It dwarfs the Washington Monument in the distance.

INT. THE PENTAGON - DAY

Reels of magnetic tape spin. Glowing switches CLACK. And the
whole room HUMS. A KEYPUNCH OPERATOR (female, 22) hands a box
of punch cards to one of a dozen TECHNICIANS (male).

Through plate glass, Brown and Bozarth watch from a hallway.

BROWN
And this computer will find what
we’re looking for?

BOZARTH
In just a few days.

BROWN
Without any human being actually
reading the laws. ... What a
horrifying age.

INT. RUTGERS LAW SCHOOL - CLASSROOM - EVENING

The Students are filing out. Talking among themselves.
Murmuring their thanks and goodbye. SEE: Roemer, Burton,
Valentin, Parker, Bennett amongst them...

(CONTINUED)
Thank you, Professor. ... Good night. ... Thank you.
Good night. ... Thanks, ... That was a persuasive analysis of Gruenwald v Gardner, Mr. Bennett.

Hey thanks, Professor G.

Ruth Bader Ginsburg?

Everyone stops to see him standing in the doorway with a thick envelope in hand.

Delivery from the Department of Justice.

She signs for it and accepts. Then opens the envelope -- all eyes on her:

It’s the government’s response brief.

Twenty volumes of THE U.S. CODE stacked around the room. Open and empty cartons from the ACLU...

Ruth, Jane and Ruth’s students Roemer and Burton are seated AROUND THE DINING ROOM TABLE. In the middle of them, the brief is open to “Appendix E”. Each has a volume before her, and is looking from the Appendix to her book, searching for the corresponding page.

Get this: there’s a law that we’re not allowed to fly military cargo planes?

Why would you want to?

That’s not the point. We should be allowed.

You really think you can change all these laws?

(CONTINUED)
RUTH
That’s the plan.

The FRONT DOOR opens, and Martin enters. Dry cleaning over his shoulder.

MARTIN
Ruth are you ready? Curtain’s up in forty minutes. It’d be nice to get there on time.
(to himself)
For a change.

He enters the DINING ROOM.

MARTIN (CONT’D)
What are you doing?

RUTH
The Government’s brief came. ... Look who’s listed as co-author.

She passes it to him.

MARTIN
I had heard Griswold was trying to recruit Brown to the DOJ. I guess it worked. ... How does it look?

BURTON
Check out Appendix E.

Martin gives her a look: Who are you? ... But obliges.

JANE
It’s every federal law that discriminates on the basis of sex. We’re looking them all up.

Martin exhales: The scope of it.

MARTIN
Pass me one of those volumes.

Ruth smiles as Martin joins the unorthodox team at the table.

MARTIN (CONT’D)
How in the world did they manage all this?

INT. GRISWOLD’S SUBURBAN HOME - LIBRARY - MAGIC HOUR

A formal room. Out the window, the first hints of spring.
James Bozarth stands before a PULL-DOWN SCREEN in a formal, wood-panelled “library.” Amidst a team of young DOJ LAWYERS. PROJECTED ON SCREEN: JUDGE DAUGHERTY (57, close-cropped hair and perfect posture).

OFF TO THE SIDE: Harriet Griswold (67 now and in a wheelchair) is supervising a MAID preparing tea service.

ON A COUCH before Bozarth are Griswold and Brown.

BROWN
So you’re confident Daugherty will see it our way.

BOZARTH
Based on reading all of his opinions. Yes. And so will Holloway.

Bozarth uses his clicker. JUDGE HOLLOWAY (48, a kindly smile) appears on the screen.

BOZARTH (CONT’D)
But the final judge, Doyle...

Bozarth puts up DOYLE’s picture (60, a shock of white hair).

BOZARTH (CONT’D)
He’s a tougher nut to crack.

Griswold shoots Brown a warning look.

GRISWOLD
That’s unacceptable.

BROWN
We need an unanimous verdict out of the Tenth Circuit, James.

GRISWOLD
I don’t intend to risk so-called gender discrimination going before the Supreme Court.

BOZARTH
Yes... Yes, sir. I understand.

Harriet can see he’s nervous. And sympathizes...

HARRIET GRISWOLD
What makes this judge so difficult?

(CONTINUED)
BOZARTH
He’s a civil rights crusader, ma’am. Two years ago he ordered Denver to bus black students to white schools. There was arson, protests, demands for him to quit the bench. But even after someone threw a bomb at his house, Doyle wouldn’t budge.

GRISWOLD
In that case he was enforcing the law. The Ginsburgs are asking him to MAKE law. We need to drive home the difference.

Brown considered Griswold’s challenge... And offers a path:

BROWN
(to Bozarth)
Paint the judges a picture of the America that will exist if they rule the wrong way. Children running home from school to find... No one’s there. Mommy’s at the office. Or on a factory floor.

GRISWOLD
That’s very good, Ernie. If a man and woman vie for the same job, she can work for less. What is a man without a paycheck to take care of his family?

BROWN
What woman would want him?

BOZARTH
(going with their flow)
Wages go down. Divorce rates soar. Society unravels.

BROWN
Exactly! The other side wants this to be about the Equal Protection Principle. YOU need to show the court that what’s really at stake is the American family.

GRISWOLD
What the judges are deciding is what kind of country, what kind of society, they want their children and grandchildren to grow up in.
INT. GRISWOLD’S SUBURBAN HOME - BEDROOM - NIGHT

Harriet’s atop the bed. Her withered legs sprawled limply across Griswold’s lap. He’s massaging them.

She watches him for a beat...

HARRIET GRISWOLD
Erwin. Did you ever take a caregiver deduction on our taxes?

GRISWOLD
I take whatever deductions the law says we’re entitled to.

He can see in her look, she’s not satisfied with his answer.
GRISWOLD (CONT’D)

Harriet...

HARRIET GRISWOLD
Are you sure you’re doing the right thing in this case?

GRISWOLD
What exactly are you concerned about?

HARRIET GRISWOLD
I don’t doubt the law is on your side. But I feel sorry for this Moritz. Can you imagine coping with the burden of my polio if--

GRISWOLD
You have NEVER been a burden to me. You have been so productive all your life.

HARRIET GRISWOLD
But I’ve always had help.

He knows it. Griswold considers her. After a long beat...

GRISWOLD
I can’t imagine how Charles Moritz manages. It must take remarkable fortitude. Really. ... But I don’t get to indulge in sentiment. I took an oath to protect the constitution because it protects the country. I can’t let these Ginsburgs attack it piece-by-piece.

HARRIET GRISWOLD
I don’t envy you.

He smiles. And goes back to rubbing her legs.

GRISWOLD
You should. I’m a very lucky man.

INT. GINSBURG APARTMENT - NIGHT

Martin, in his usual golf shirt and French apron, is cooking IN THE KITCHEN.

James is drawing dinosaurs on THE COUNTER BETWEEN THE KITCHEN AND DINING ROOM.

(CONTINUED)
IN THE DINING ROOM: Ruth paces. Notes in hand. Practicing...

RUTH
(to herself)
Sex and race are both unalterable biological traits...

She’s forgetting something. She checks her notes: Of course.

IN THE KITCHEN: Martin lifts a flambé pan warming on the stove. And... WHOOSH! He ignites the Calvados inside.

JAMES
(running into the kitchen)
Whoa! Cool!

Martin pours the flaming liquor over a pan of chicken livers.

THE DOORBELL RINGS. As Ruth goes to answer it, Jane finds her...

JANE
Mom. Can I be on the jury?

RUTH
There is no jury in federal appeals court. No witnesses, no evidence. ... It’s just you and the judges.

She looks to Jane and smiles. Then opens THE FRONT DOOR to GERALD GUNTHER (44). He’s genial, with graying hair and a bald crown. He wears a collared shirt and gray sweater. Ruth is delighted to see him.

RUTH (CONT’D)
Gerry. Jane, you remember my old professor, Gerald Gunther.

He has a vaguely European accent. As Ruth takes his coat:

GUNTHER
A little specificity, Mrs. Ginsburg. Former professor. (to Jane) Look at you. All grown up.

Jane smiles. As he follows them into the DINING ROOM:

GUNTHER (CONT’D)
Hello, James.

JAMES
(back to drawing)
Hi.

(CONTINUED)
JANE
What do you think of our courtroom?

The place has been transformed into a rough facsimile of a courtroom. The table serves as a judges’ bench. A dictionary lectern, the lawyer’s podium.

GUNTER
All it’s missing is Justice holding her scales. So, who did Mel find to be the third judge?

RUTH
(intimidated)
Pauli Murray.

GUNTER
He’s not making it easy for you.

JANE
Who’s Pauli Murray?

GUNTER
Thurgood Marshall himself called Pauli’s writings the Bible of the Civil Rights Movement.

Martin enters, wielding a meat tenderizer.

MARTIN
Gerry. I come bearing your gavel.

INT. GINSBURG APARTMENT - DINING ROOM - LATER

Beneath a drawing (by James) of Justice, the moot-court judges sit behind the dining room table.

Laid out on the table: sliced baguette, apple, vegetables. And a heaping, garnished platter of chicken liver paté.

Gerry BANGS his meat tenderizer gavel.

Mel is to his left. Biting into a baguette slice topped with paté, he’s impressed.

To Gerry’s right is PAULI MURRAY (61) -- a petite, black woman with short hair in tight curls and round glasses. Her grin extenuated by joyous laugh lines.

Martin watches from the couch. With Jane.
GUNTHER
Counsel for the appellant, you may proceed. Again.

Ruth, at the lectern, takes a breath. As the “judges” continue to snack.

RUTH
Your honors and may it please the court. Section 214 of the tax code covers employed single women who care for their dependents. But excludes Charles Moritz, a bachelor providing--

PAULI
My wife stays home to raise our children. You’re saying she’s oppressed?

RUTH
No Judge. But as a man, you--

MEL
Stop. Stop.
   (he finishes chewing)
Never make it about the judge.

GUNTHER
You don’t think the judge knows he’s a man?

MEL
I don’t think she needs to put him on the defensive about it.

PAULI
In Brown, we put it out there without apology: This. Is. Wrong.

MEL
Well, no offense, but Ruth doesn’t exactly have Thurgood Marshall’s......

PAULI
Balls?

MEL
Gravitas.

Nothing resolved, the conversation’s over. Ruth shuffles her papers to cover her frustration. Jane gives Martin a worried look. His smile says “Don’t worry.”

(continued)
RUTH
Should I start again?

MEL
Ya think?

GUNTHER
Whenever you’re ready.

RUTH
Your honors and may it please the court. Section 214 of the tax code covers employed single women who care for their dependents. But excludes Charles Moritz, a bachelor providing the same care. There is no rational basis for--

GUNTHER
Why isn’t it rational? Men go out. Women stay home. That’s been the way of things for thousands of years.

Ruth takes a breath. Keeps her cool.

RUTH
Historical justification was also used to legitimize the separation of the races. Now classification--

PAULI
You’re saying race and gender are the same?

RUTH
Both are unalterable biological traits of--

PAULI
This nation struggles to give blacks fair representation throughout society.

MEL
(to Gunther)
Would you pass the...

Ruth watches Gunther pass the paté.

(CONTINUED)
PAULI
(still going)
...Are you saying that, if we decide in your client’s favor, we’re committing ourselves to working toward half our, I don’t know... firemen being women? Half our nurses being men?

RUTH
Why shouldn’t men be nurses? If women want to fight fires--

MEL
What about pilots?

RUTH
Again if women--

MEL
(chewing)
Judges?

RUTH
Why not?

MEL
Generals? CEOs? What about garbage men? You wanna be a garbage man?'

RUTH
And men should be teachers or raise children, if they want. Percentages aren’t the point.

MEL
No. Wrong. Wrong. You’re screwing it up!

RUTH (CONT’D)
People should be able to pursue their passions and--

She holds up the Government’s APPENDIX E:

RUTH (CONT’D)
Have you seen the appendix attached to their brief? Laws written by men who think we’re privileged to be excused from men’s obligations. It’s not a privilege. It’s a cage. These laws are the bars.

As they all fall silent. Ruth realizes she’s blown it. Mel eyes her smugly...

(CONTINUED)
MEL
(smearing paté onto bread)
And you’re going to take on all of them at once, is that it?

RUTH
You asked the questions.

MEL (harshly)
That doesn’t mean you answer them, Ruth. You’re making the government’s case for them.

Jane’s surprised, and angered, by his tone.

MEL (CONT’D)
Either you make this case about one man, or you lose. Because to the judges, you’re not talking about women in the abstract. You’re talking about their wives. At home. Baking briskets.

JANE
You braise a brisket. You don’t bake it.

Mel shoots her a look. As Martin chuckles.

GUNTHER
Perhaps that’s enough, Mel.

MEL
No. I don’t think it is, Gerry.
(to Ruth)
Since you were a girl, you’ve been pretty and smart as a whip. But you’re coming off as some bitter, unlikable shrew I don’t recognize. And let me tell you: if that’s who shows up in Denver, Ruth, you’ll blow it. And would it kill you to smile?

RUTH
That’s your sage advice: ignore the judges and smile?

Mel bites into the bread. With his mouth full:

MEL
But I will say your paté is the best I’ve ever tasted.
Ruth’s look says, *Choke on it.*

Martin rises and approaches Ruth. Gently. Supportive. An excellent teacher, he talks just to her...

**MARTIN**

You could evade.  
(modelling)  
“Do you think women should be firefighters?” ... I’ve never considered it. Because my client isn’t a firefighter.

Jane’s watching. Martin’s “teaching” Ruth, but without condescension. Wanting only her success. Ruth listens. With trust and affection. It’s intimate... And Jane is affected.

**MARTIN (CONT’D)**

Or refocus. With respect, Judge. This case isn’t about firemen; it’s about taxpayers. And there is nothing inherently masculine about paying taxes.

Mel looks up. *That’s not bad.* He shares a look with Gunther and Pauli.

**MARTIN (CONT’D)**

Or crack a joke. Your honor, no one who’s raised children could be intimidated by a burning building. Then lead them back to your case.

Ruth looks to Martin: *Thank you.*

**MEL**

Marty. You should do the oral argument.

It lands like a grenade...

**MARTIN**

No. No way. I was just... Ruth is the expert in gender law.

**GUNTHER**

At least half this case is tax.

**MEL**

The most important thing is that Charles Moritz wins.

**MARTIN**

I said no. Drop it, Mel.

(CONTINUED)
They could split the time. Martin goes first, focuses the argument on tax. Then Ruth steps in to talk about gender.

Her tone is so even. Her solution, so reasonable. Her affect, so definitive. It’s clear they agree.

INT. GINSBURG APARTMENT – FRONT HALL – LATER

The ‘Judges’ are getting ready to leave. As Ruth chats with Gunther and Pauli, Martin sidles up to Mel. Quietly. Angrily.

MARTIN
There is no aspect of the law at which Ruth Ginsburg can be bested.

MEL
Objection noted, counselor. She’s still arguing half.

MARTIN
I don’t know how things work at the ACLU. But if anyone at my firm couldn’t see that, he’d be fired.

MEL
She’s written a revolutionary argument. But brief writing is an academic’s job. Oral arguments require a lawyer who commands a judge’s respect. A real appellate lawyer.

Mel turns away -- suddenly cheerful. Leaving Martin to stew.

MEL (CONT’D)
Well, I think this was a very productive exercise. I have to get to a fundraiser. Pauli. Gerry. Are you headed downtown?

They all leave...

When the door closes, Martin looks to Ruth. And waits for her to speak first...

RUTH
You have such a light touch. It’s effortless for you, isn’t it?

(CONTINUED)
MARTIN
Mel was goading you. He wanted you to feel overwhelmed.
RUTH
Of course he was. He’s a relentless prick. But that doesn’t change the fact that I’m not ready.

MARTIN
But that’s not your fault. You’ve never even done this before.

RUTH
Is that what I’m supposed to tell our client when I blow it in court?

She’s already walking away:

MARTIN
Where are you going?

RUTH
To figure out every question those judges can possibly ask me. I’m going to have answers for all of them.

INT. RUTGERS LAW SCHOOL - RUTH’S OFFICE - DAY

Time has passed. Ruth is selectively packing books, journals, notes into a box.

Millicent enters -- with another book in hand.

MILLCENT
Do you want “Theories in Public Taxation” with you in Denver?

RUTH
Who needs a tax reference? I have Marty.

IN THE ATTACHED OUTER OFFICE, MILLCENT’S PHONE RINGS. As she heads out and Ruth resumes packing:

RUTH (CONT’D)
Did you pack the Kirk v Commissioner briefs?

MILLCENT
Yes.
(answering the phone)
Rutgers Law.

She covers the mouthpiece.

(CONTINUED)
MILLICENT (CONT’D)
It’s Mel Wulf for you.

Ruth waves her off.

MILLICENT (CONT’D)
(into the phone)
I’m sorry, Mr.--
(to Ruth)
He says it’s urgent.

OFF RUTH: Hearing her.

EXT. ACLU’S OFFICE BUILDING - DAY
ESTABLISH: Spring. The city is in bloom.

Ruth and James come out of THE SUBWAY, and head for the entrance.

INT. ACLU RECEPTION AREA - DAY

Ruth’s kneeling before James. He’s seated, swinging his legs.

RUTH
Now just wait here. And I need you to be patient, okay? Don’t get up. Don’t wander off. And don’t touch anything. Do you understand?

Ruth notes the Receptionist, who’s watching them skeptically.

RUTH (CONT’D)
That nice lady is going to keep an eye on you. And if you get bored...

She scans the area. Then grabs a “Prisoners’ Rights” pamphlet off a nearby table.

RUTH (CONT’D)
Read this.
INT. ACLU CORRIDOR / MEL WULF’S OFFICE - DAY

Follow Ruth as she enters -- without knocking:

RUTH
What was so important?

Mel’s on the phone. Before him is another lawyer, 43; in a tweed suit; with a gentle, aw-shucks demeanor: ALLEN DERR.

Mel gestures for Ruth to sit beside Allen. Who half-rises, and offers a handshake:

ALLEN DERR
I’m excited to work with you.

Mel SHUSHES him. As Ruth sits -- unsure what’s going on.

MEL
(into phone)
I understand. ... Yeah, she just walked in. ... And to you.

He hangs up.

MEL (CONT’D)

ALLEN DERR
How do you do?

MEL
The Supreme Court announced this morning that they’ll hear Reed v Reed on appeal from the Idaho Supreme Court.

RUTH
That’s fantastic.

ALLEN DERR
Mrs. Reed is very excited for the opportunity.

MEL
Allen is Sally Reed’s lawyer.

Ruth is surprised -- pleasantly.

RUTH
Is the ACLU going to help?

(CONTINUED)
MEL
You told me it was the right thing to do.

ALLEN DERR
Mel says you know this area of the law better than anyone.

MEL
You’re our secret weapon, Ruth.

Ruth is shocked... Honored... Amazed:

RUTH
You want me...? In the Supreme Court?

Mel can see she thinks she’s being asked to argue the case:

MEL
I assured Allen you’d be eager to help him write his brief.

She swallows her disappointment.

MEL (CONT’D)
You can basically just take the Moritz brief and change the pronouns around, isn’t that right?

RUTH
It’s a bit more involved than that.

MEL
I was kidding. We’ll get working right away.
(rising)
Allen. Enjoy the city. You should catch a show.

ALLEN DERR
Oh! Well, thank you.

MEL
Kiki and I have some other things to discuss.

ALLEN DERR
Of course! I’ll be out of your way.
(gathering his belongings)
It was a pleasure, Ruth -- or Kiki! Goodbye, Mel. ....... Bye. Oh!
(he remembers his hat)
Bye.

(CONTINUED)
And he’s gone. Mel’s smile drops.

MEL
What a schmuck.

RUTH
Let me argue Reed in Court.

MEL
Give me a break, Ruth.

RUTH
I am no less experienced in Federal Court than Allen Derr. If you’re gonna use MY arguments--

MEL
He’s been Sally Reed’s lawyer for three years. She trusts him. She wouldn’t even let ME plead the case. Now would you just listen for a second?

She does.

MEL (CONT’D)
Ernie Brown called earlier. In light of Reed going to the Supreme Court, the government is offering to settle Moritz’s case for a dollar.

RUTH
(getting it)
Reed ups the profile of our case. They’re getting nervous.

MEL
I told him to expect you in D.C. on Monday to sign the paperwork.

RUTH
Why would you--? Charlie won’t want to settle.

MEL
Convince him.

RUTH
I will not. First you took half the argument away from me...

(CONTINUED)
MEL
Nobody took anything from you, Ruth. You weren’t robbed in the night. I gave you this opportunity for the good of the cause...

MEL (CONT’D) RUTH
...not for your own personal glory. You think you gave this to me?!

MEL
In fact I did. Jesus Ruth, get your emotions in check.

RUTH
You first.

They stay that way. Eye to eye. Until...

MEL
Allen’s going to argue in the Supreme Court that times have changed. We can’t afford the 10th Circuit ruling that they haven’t.

RUTH
Nothing would strengthen the argument more than the Appeals Court deciding for Charlie.

MEL
Yes. That would be very nice. But here in the real world--

RUTH
You think I can’t be persuasive.

MEL
Ruth, I’ve never been more certain of anything in my life.

RUTH
You don’t get to tell me when to quit.

MEL
You asked for my support. I put my neck out for you. And you couldn’t even get through a moot court without embarrassing yourself. You’ll lose Ruth! And when you do, it’ll set back the women’s movement by a decade or more.

(MORE)

(CONTINUED)
MEL (CONT'D)
We’re dodging a bullet here. Are you really the only one who can’t see that?

A strained and silent beat. Before...

Mel pulls a stack of documents from his desk drawer.

MEL (CONT’D)
These are Allen’s briefs from his previous appeals. Tie them into the framework of the Moritz brief. I’ll review it when you’re done.

Eyeing him coldly, Ruth doesn’t move.

MEL (CONT’D)
It’s a Supreme Court brief. .... I can assign it to someone else, if that’s what you’d prefer.

She hesitates. Then takes them from the desk. As she leaves:

MEL (CONT’D)
And Ruth, the sooner you call Charlie the better.

INT. GINSBURG APARTMENT - KITCHEN - NIGHT

As Ruth pours coffee, Martin is watching her.

RUTH
You know I had this idea...

She trails off.

MARTIN
What was it?

RUTH
It doesn’t matter. ... Thank you for working so hard on this. I know you had paying clients to worry about, too.

MARTIN
What were you going to say?

She hesitates a beat. Then admits it -- the scope of her ambition:

(CONTINUED)
RUTH
We could have taken Appendix E from the Government’s brief, that entire comprehensive list of laws that differentiate between the sexes, and turn it into our own hit list. (MORE)

(CONTINUED)
RUTH (CONT'D)
We could have started a special project at the ACLU to go after those laws one-by-one -- in the legislature, in the courts. Until women and men were genuinely equal under the law.

She laughs at her own naiveté.

RUTH (CONT'D)
... And I’ve been running around claiming things have changed.

She leaves. OFF MARTIN: Who doesn’t know how to help her.

INT. GINSBURG APARTMENT - BEDROOM - LATER
At her desk. OPERA on the radio. Her mother’s portrait watching her. Ruth takes a long, slow sip of coffee.

Then gets to work taking down the note cards and clippings still tacked to the wall... One by one.

Jane approaches. But hesitates in the doorway. Watching...

JANE
Daddy told me about the case. Why’s Mr. Wulf being such a douchebag?

Ruth’s displeased with the language. But lets it go.

RUTH
He thinks I’m going to lose.

JANE
Seriously? I can tell you from experience: no way, Jose.

RUTH
He didn’t exactly give me a choice.

Jane considers is...

JANE
So do you want help taking apart your life’s work, or is that something you’d rather do alone?

They share a look -- and really SEE each other.

RUTH
I know that this case... That I disrupted our lives. I’m sorry.
JANE
For what? Doing your job? That’s how men WANT us to feel. ... Mom, who was this for, if not me?

INTERCUT:

INT. MORITZ’S LIVING ROOM – DAY

Moritz cradles the phone to his ear with his shoulder. He’s cleaning up His Mother’s lunch off the television tray.

MORITZ
So you did it? ... We won. Ruth. Congratulations. ... And they’ll say it, right? That I’m not a cheater. That the law is unfair.

RUTH
No, Charlie. That’s the point. They don’t want to... They will never say that. A judge has to.

MORITZ
But if they don’t say it, Ruth... how have I gotten justice?

RUTH
You get the money.

Moritz considers this. And it doesn’t sit right.

MORITZ
What about everyone else? When you came to see me, you said--

Ruth knows Jane is listening, and is sad to say it, but...

RUTH
That’s for another day.

MORITZ
But could we win?

RUTH
We could.
(looking at Jane)
And the impact would last generations. But in the end, you may walk away with nothing. ... Charlie. The ACLU feels it’s for the best if you take the offer.

(CONTINUED)
... But you’re my lawyer, Ruth. What do you think?

Off Ruth: with a decision to make.

INT. DOJ - BROWN’S OFFICE - DAY

Brown opens the door to Ruth. He takes her hand. Warmly. She’s mildly surprised to see Griswold behind him.

BROWN
Ruth.

RUTH
Hello, Professor Brown. Dean Griswold.

GRISWOLD
(as they shake hands)
Mrs. Ginsburg. I’m pleased you found a use for your Harvard Education.

RUTH
Oh, no. What I’m doing, I learned at Columbia.

He sizes her up for an awkward beat... Until Brown steps in.

BROWN
Ruth was always my most thoroughly prepared student. So much to prove. These days the girls are as hopeless as the men. (offering her a seat) How’s little Jane?

RUTH
Not so little. And we have another. James.

BROWN
They must keep you busy.

RUTH
Yes. Both of us.
GRISWOLD
Ernie has your paperwork ready.

RUTH
My client was very excited about your offer.

GRISWOLD
Good. Good.

RUTH
He did, however, have some conditions.

BROWN
Conditions...? What kind of...?

RUTH
First of all. He’d like you to forgive a hundred percent of the money. None of this one dollar business.

BROWN
Ha. Well... I’m sure we can find a way to arrange that.

RUTH
And he’d like the government to concede that he did nothing wrong. And to enter into the court record that Section 214 of the Tax Code discriminates on the basis of sex. And is therefore unconstitutional.

Griswold and Brown’s smiles drop.

GRISWOLD
I can’t agree to that. And you know it.

BROWN
Does Mel Wulf know about this?

It’s in Ruth’s look: she’s completely in control. Brown glances to Griswold -- who’s eyeing Ruth coldly.

BROWN (CONT’D)
(menacing)
We’ll see you in court.
EXT. THE BROWN PALACE - DAY

A grand, brownstone hotel -- a wedge between two of Denver’s broad boulevards. On a bright, cool autumn day.

INT. HOTEL BATHROOM - DAY

IT’S THE SAME SCENE THAT OPENED THE MOVIE:

Concealer, lipstick, mascara on the counter. RUTH BADER GINSBURG (36) is applying blush. When she’s finished, she considers her reflection. She puts on a GOLD, SUNBURST PIN. And tries a smile. ... But it looks forced. She drops it.

A breath. And she tries again. A different smile. And...

RUTH

May it please the court.

Not right yet. A smile. And...

(CONTINUED)
RUTH (CONT’D)
Your honors and may it please the court...

That’s not it either...

RUTH (CONT’D)
May it please the court.

She looks herself in the eye one more time.

KNOCK-KNOCK-KNOCK... Ruth opens the door. It’s Jane.

JANE
Dad says, Justice delayed is justice denied.

EXT. 10TH CIRCUIT COURTHOUSE - FRONT STEPS - DAY

Early fall. A Denver Cab parks across the street from the building’s neoclassical facade. Ruth, Martin, Mel and Jane all get out.

Ruth stares at the court. Frozen. Awed. ... Martin sees her:

MARTIN
You’re ready for this. You’ve been ready for as long as I’ve known you. Just let the judges see the Ruth Ginsburg I know.

As they cross the street, a black town car pulls up. And DOJ Lawyers step out. With Bozarth and Brown. ... Brown spies Martin and approaches. As Ruth continues up the stairs.

MARTIN (CONT’D)
Professor Brown.

Brown clasps Martin by the hand. Another hand on his shoulder.

BROWN
It’s good to see you Marty.

He looks over at Ruth -- still collecting herself...

MARTIN
She’s getting psyched up.

BROWN
Ah...
(pointing the way)
After you.
INT. COURTROOM - DAY

Ruth, Jane and Mel enter between gray, marble pillars. A chandelier casts the JUDGE’S BENCH in warm light. Over it, a clock and an adage: Reason is the Soul of All Law.

MEL
(skeptically)
Well... Here we are.

A small CROWD loiters amid the pews IN THE GALLERY. From among them, Moritz approaches.

RUTH
Charlie.

MORITZ
Good morning.
(to Mel)
Mr. Ginsburg?

MEL
Uh... Um. No. Mel Wulf. ACLU.

Jane chuckles. As Martin arrives.

MARTIN
Mr. Moritz, that’s me. I’m Mr. Ruth Bader Ginsburg. It’s nice to finally meet you.

They shake. Moritz looks warily toward Bozarth and Brown at THE APPELLEE’S TABLE. As the Court Clerk puffs his chest.

COURT CLERK
All rise. The United States Court of Appeals for the 10th Circuit is now in session. Judges Doyle, Holloway, and Daugherty presiding.

Martin and Ruth find their place at the APPELLANT’S TABLE.

The Judges enter from behind the velvet curtain beyond THE JUDGES’ BENCH. Each takes a seat behind his name plate.

In THE GALLERY, Mel and Jane flank Moritz. Jane reminds him to remain standing.

JUDGE HOLLOWAY
Be seated.

Martin and Ruth share a glance as they sit. At THE APPELLEE’S TABLE across the aisle, Brown catches Bozarth eyeing them.

(CONTINUED)
You have a century of case law on your side. Just do your job.

Holloway flips through a couple papers on his desk.

The first case is docket number 71-1127. Charles Moritz v Commissioner of Internal Revenue. Each side will have 30 minutes to present. When two minutes remain, the Court Clerk will rise to give warning. When your time is up, he will sit.

He looks over at Martin and Ruth, seated together before him.

Counsel for the appellant. Mr. Ginsburg, you may proceed.

It begins.

Martin and Ruth look to one another. Then Martin takes his place at the lectern, checking the time on the clock overhead. 9:00 AM.

IN THE GALLERY, Moritz sits taller. Smiles nervously to Jane.

Your Honors and may it please the court. We’re going to demonstrate that Section 214 of the tax code discriminates against our client -- Charles Moritz -- because he is a man.

FROM THE BENCH the Judges settle in. Interested. And engaged.

INT. COURTROOM - 9:13 AM

ON THE BENCH, Judge Holloway remains polite. Thoughtful.

Congress assumed that a caregiver is most likely a woman. Is that so unreasonable?

If the law said all caregivers can claim a deduction.

(CONTINUED)
And in the back of their minds the authors thought, well, this will only apply to women, that would be an assumption. But they did more than that, Judge. They explicitly listed who counts as a caregiver.

JUDGE DOYLE
As is their prerogative.

MARTIN
I doubt you’d turn a blind eye if the code said that only white caregivers—

JUDGE DOYLE
That’s hardly the same thing.

Martin checks the clock. 9:14:40

MARTIN
Respectfully we disagree. But I’ll turn it over to my co-counsel to address the constitutional—

Ruth begins to get up.

JUDGE DAUGHERTY
You’re telling us that race and gender are the same?

Ruth is stuck, mid-rise. Watching Daugherty.

MARTIN
Your honor, my co-counsel—

JUDGE DAUGHERTY
Yes. Yes. We’ll get to her in a minute. But I’d appreciate an answer to my question.

Ruth sinks back into her seat. And Martin is caught looking back and forth between her and Daugherty. She urges him on with her eyes: Get out of there.
JUDGE DAUGHERTY
In order for a law to discriminate, it must distinguish between groups arbitrarily. Is that correct?

MARTIN
Again. Your Honor. My co-counsel--

JUDGE DAUGHERTY
Mister Ginsburg. I have asked you.

Martin looks to Ruth. An apology. He has no choice...

MARTIN
It must be arbitrary. Yes. And this law is. Mr. Moritz is a man who has never been married. That may suggest he is less likely to have child-care responsibilities. But not parent-care responsibilities. Had he been a woman--

Judge Doyle cocks a skeptical eyebrow.

JUDGE DOYLE
And to your mind, classifications of this sort must always be discriminatory?

AT APPELLEE’S TABLE, Brown leans close to Bozarth.

BROWN
There’s some help. He’s asking him to make a broad categorical claim.

MARTIN
I can’t speak to always, Judge Doyle. We can only speak of this man. In this case.

IN THE GALLERY, Mel lets out a breath. Martin nailed it.

JUDGE DOYLE
Very well.

He takes a note on the brief before him. As Martin moves away from the LECTERN.

JUDGE DOYLE (CONT’D)
Then speak of him.

The COURTROOM chuckles. Especially Brown. In the ruckus, Martin turns to check on Ruth. She’s staring at her notes. (CONTINUED)
MARTIN
Again. The distinction between Mr. Moritz and other caregivers is, in Judge Daugherty’s words, arbitrary.
(hurriedly)
I cede the remainder of the time to my co-counsel.

Ruth looks up. Realizing she’s on. As Martin gathers his papers and flees the LECTERN.

As he passes, he eyes Ruth: What could I do? Martin sits at the APPELLANT’S TABLE. As Ruth approaches the lectern.

FROM THE BENCH, the Judges eye her skeptically.

She adjusts the microphone down. To Doyle’s amusement.

RUTH
Your Honors...

She watches them. Looking down on her. And falls silent. She cannot see Martin urging her on with his eyes.


JUDGE HOLLOWAY
Whenever you’re ready, Professor Ginsburg.

RUTH
... Your Honors and may it please the court. Section 214 denies Mr. Moritz a caregiver tax deduction available to similarly situated women who--

JUDGE HOLLOWAY
We’ve been through all that. Mrs. Ginsburg. You are aware that the government has three co-equal branches?

She watches. Expecting him to continue.

JUDGE HOLLOWAY (CONT’D)
Mrs. Ginsburg?

It dawns on her. He actually expects an answer.

RUTH
Yes. Of course, Judge.
JUDGE HOLLOWAY
And that it is the Congress’s role
to write law.

RUTH
(sharply)
Your Honor, I understand how
government works.

Holloway lifts his eyebrows, unaccustomed to being addressed
impatiently.

IN THE GALLERY:

MEL
(to himself)
Take it easy, Ruth.

JUDGE HOLLOWAY
Well sometimes a law -- even a good
law, even a law that is legal under
the constitution -- may not be good
for every individual it affects.

JUDGE DOYLE
I have a question. If I understand
correctly, you’re concerned about
men and women being pigeon-holed
into certain roles based on gender.

RUTH
Yes. That’s correct. Because --

JUDGE DOYLE
Excuse me. That wasn’t my question.
(Ruth grimaces)
It strikes me that the caregiver
deduction does the opposite. It
helps women be able to work outside
the home. Isn’t that a good thing?

RUTH
But the law assumes it must be
women who are supposed to stay at
home in the first place.

JUDGE HOLLOWAY
That’s the case in every family I
know.

JUDGE DOYLE
So it’s the assumption that’s the
problem?

(CONTINUED)
JUDGE DAUGHERTY
Then when can a law differentiate on the basis of sex? Never?

Ruth stares up at Daugherty for a beat. Catching up.

IN THE GALLERY: Moritz glances at Jane biting her fingernail nervously. Then back at Ruth.

RUTH
When the classification is rationally related to the law.

JUDGE HOLLOWAY
Keeping women out of combat, for example.

RUTH
I’m not sure whether I agree with that example, but--

IN THE GALLERY: Mel closes his eyes. Exasperated.

JUDGE DAUGHERTY
So you think women belong on the front lines now, too?

RUTH
No. That’s not what...

Ruth takes a deep breath. Composing herself.

RUTH (CONT’D)
Gender. Like Race. Is a biological, unalterable trait. There is nothing that women are inherently better at than men. Nor vice versa.

JUDGE HOLLOWAY
Growing a beard?

The GALLERY laughs. And Holloway appreciates the attention. As Ruth grows visually frustrated.

RUTH
That isn’t--

JUDGE DAUGHERTY
Lactation.

More laughter. AT THE APPELLEE’S TABLE: Brown and Bozarth share a satisfied grin.
RUTH
(bursting)
No thinking person can possibly believe Charles Moritz’s gender relates to his ability to--

Her hand strikes the microphone. And it SQUEALS. Leaving the courtroom dauntingly quiet in the wake of her outburst.

IN THE GALLERY: Mel drops his head. Defeated.

AT THE APPELLANT’S TABLE: Even Martin looks away.

Ruth knows she’s blown it.

JUDGE DOYLE
Why can’t we? Mrs. Ginsburg?

Staring at the floor, she doesn’t answer.

JUDGE DOYLE (CONT’D)
In most households, aren’t women the primary caregivers? Aren’t men the breadwinners? ... Aren’t they?

She readjusts the microphone.

RUTH
Yes, Your Honor.

JUDGE DOYLE
Doesn’t that reality suggest that it’s the natural order of things?

She looks to Martin. Who watches her with deep and tender sadness in his eyes.

RUTH
Respectfully. Your Honors. I’d like to reserve the remainder of my time for rebuttal.

Slowly. She gathers her papers. And returns to the APPELLANT’S TABLE. Daugherty tosses up his arms.

As Ruth sits, Martin leans toward her.

MARTIN
(whispering)
Good move. It’s not over yet.

IN THE GALLERY: Moritz turns to Mel.

(CONTINUED)
MORITZ
I don’t think I followed all that.
How are we doing?

Mel eyes him askance. Are you serious? He mimes an explosion.

JUDGE HOLLOWAY
Mr. Bozarth for the appellee. You may proceed.

AT THE APPELLEE’S TABLE:

BROWN
Don’t let them forget what this case is really about, and you’ll be fine.

Bozarth understands. He steps to the LECTERN. 9:27.

JUDGE DAUGHERTY
Ah. Bozarth. The master of citations.

BOZARTH
That’s what my family calls me too, Judge.

Daugherty chuckles.

BOZARTH (CONT’D)
Your Honors and may it please the court. Congress created this tax deduction to help caregivers go out and work. Caregivers. Folks that, if they weren’t working, would stay home.

Martin focuses his attention on Ruth. Eyes her steadily. As she stares ahead. Maintaining her composure.

IN THE GALLERY: Moritz listens intently. One thing about him: he could be any man.

BOZARTH (CONT’D)
Are we meant to believe that this man would have the skills or the... caregiver’s instinct to do that?

JUDGE DOYLE
Why can’t we believe that? Why does an unwed woman have that instinct, but not an unwed man? Or a WIDOWER for that matter?!
BOZARTH
Widowers don’t choose to be
caregivers, Judge Doyle. It’s
thrust upon them. As for women...
It doesn’t take a legal treatise to
prove what a hundred thousand years
of human history makes clear.

Ruth -- calmly, quietly -- slides her notes across the table
to Martin. ... A flash of relief, as Martin begins to review
them. Preparing for rebuttal.

JUDGE DOYLE
And Congress can write the tax code
to enforce this... natural law?

BOZARTH
Congress can write any tax code it
wants. All I’m saying, Judge, is
that -- given the natural order of
things -- Mr. Moritz has not
suffered as a result. But the
COUNTRY will suffer, if the court
doesn’t find for the appellee.

AT THE APPELLANT’S TABLE: Martin is working on Ruth’s notes.
Drawing arrows, jotting down reminders.

BOZARTH (CONT’D)
So I don’t see how we can judge
negatively the members of Congress
who would do the same. And I’m not
alone in that. There is a long and
honorable tradition in the Courts
of supporting laws like this one.

The Court Clerk rises. 9:54.

IN THE GALLERY: It’s clear on Mel’s face: the damage is done.
BOZARTH (CONT’D)
I for one would rather see my government err on the side of caring too much, of trying too hard to help the ladies of this country. Rather than be indifferent to their unique burdens. Now maybe Mr. Moritz disagrees. Or maybe he simply doesn’t like paying taxes.

IN THE GALLERY: Moritz looks small. And defeated.

BOZARTH (CONT’D)
Personally, I don’t believe that.

AT THE LECTERN: Bozarth knows he has the Judges’ attention.

BOZARTH (CONT’D)
I believe Charles Moritz is a victim. Not of his government. But of lawyers who used his case to achieve their own ends...

Ruth looks up at him -- finding him staring at her.

BOZARTH (CONT’D)

He lets it sink in. Lets his head nod for emphasis.

BOZARTH (CONT’D)
We rest our case on our briefs and argument, and ask that the Court uphold the Tax Court’s decision.

9:55. The Clerk is still standing.

An awed silence follows him. Ruth watches as he takes his seat at the APPELLEE’S TABLE. Brown pats him on the back.

AT THE APPELLANT’S TABLE: Martin jots a last note to himself. As Ruth watches Bozarth and Brown. Her mind reeling.

JUDGE HOLLOWAY
Counsel for the appellant. You have four minutes for rebuttal.

Ruth looks up toward the BENCH. And sees where the Judges are looking: all eyes are on Martin. He rises. Gathering his papers.

She looks across the aisle. At the APPELLEE’S TABLE: like he’s still her professor, like she’s still some presumptuous student - Brown stares at her over the frames of his glasses.

(CONTINUED)
And she looks back INTO THE GALLERY, where Mel’s rocking nervously.

Ruth grabs Martin’s arm. He looks down at her. An enduring glance, as she tightens her grip and pulls him back down.

IN THE GALLERY: Mel sees it. And knows they’re screwed.

JUDGE HOLLOWAY (O.S.) (CONT’D) Counsel for the appellant?

Martin considers Ruth’s intensity... And grins. THIS is the woman he married. He settles into his chair. Gives a nod...

MARTIN Counselor.

Leaving her notes behind, Ruth approaches THE LECTERN. The Judges share a look.

RUTH Radical social change.

She half-laughes at it. And looks up to the Judges.

RUTH (CONT’D) When I was in law school... there was no women’s bathroom.

A murmur of LAUGHTER from the gallery. ON THE BENCH: Doyle smiles. Holloway and Daugherty don’t know where she’s going.

RUTH (CONT’D) It’s amazing to me now, but we never complained. Not because we were timid. We were just astounded that we were in law school at all.

AT THE APPELLEE’S TABLE: Bozarth turns away dismissively - toward Brown. Surprised to find him listening intently.

RUTH (CONT’D) A hundred years ago, Myra Bradwell wanted to be a lawyer. She had fulfilled the requirements for the Illinois bar, but wasn’t allowed to practice because she was a woman. An injustice she asked the Supreme Court to correct. Illinois was so confident of victory, they didn’t even send a lawyer to argue their side. They were right. She lost.

(CONTINUED)
IN THE GALLERY: Mel leans forward. This is a different Ruth. She’s confident. Compelling. She’s finally connecting.

RUTH (CONT’D)
That was the first time someone went to court to challenge his or her prescribed gender role. A hundred years ago. Radical social change?

She clutches the lectern.

RUTH (CONT’D)
Sixty-five years ago. When women in Oregon wanted to work overtime, and make more money, as men could. The Court looked to the precedent in Bradwell. And said no. And then there were two precedents. Then three. Then four. And on. And on.
You can draw a direct line from Myra Bradwell to Gwendolyn Hoyt – told ten years ago she was not entitled to a jury of her peers.

She looks the Judges directly in the eyes.

RUTH (CONT’D)
That is the legacy the Government asks you to uphold today. You are being urged to protect the culture and traditions and morality of an America that no longer exists.

For Judge Holloway, it’s a sobering thought.

RUTH (CONT’D)
A generation ago, my students would have been arrested for indecency wearing the clothes that they do.

THE GALLERY laughs. Including Jane and Moritz.

RUTH (CONT’D)
Sixty-five years ago, it would have been unimaginable that my daughter would aspire to a career. And a hundred years ago. I would not have had the right to stand before you.

She presses her fingers into the lectern for emphasis...
RUTH (CONT'D)
We are not asking you to change the country. That’s already happened without any Court’s permission. We are asking you to protect the right of the country to change.


IN THE GALLERY:

MEL
(to himself)
Get to the remedy. The remedy.

RUTH
There are a hundred and seventy-eight federal laws that differentiate on the basis of sex. Count them. The Government did the favor of compiling them for you. And while you’re at it, I urge you to read them. They are obstacles to our children’s aspirations.

JUDGE DOYLE
You’re asking us to overturn nearly a century of precedent.

She looks him dead in the eye. Without hesitation.

RUTH
I’m asking you to set a new precedent. As courts have done before when the law is outdated.

It’s in Martin’s reaction -- that was a good response.

JUDGE DOYLE
But in those cases the courts had a clear constitutional handle.
(to his colleagues)
(MORE)

(CONTINUED)
The word ‘woman’ doesn’t appear even once in the U.S. Constitution.

RUTH
Nor does the word ‘freedom.’ Your honor.

Doyle looks down on her for a long time. And she returns his gaze -- unflinchingly. Until he leans back. A slight nod.

RUTH (CONT’D)
Our sons and daughters are barred by law from opportunities based on assumptions about their abilities. How will they ever disprove these assumptions, if laws like Section 214 are allowed to stand?

FROM THE APPELLANT’S TABLE Martin watches the Clerk, watching the clock. 9:59:30.

RUTH (CONT’D)
That is why we must take these laws on. One-by-one. For as long as it takes. For their sakes.

IN THE GALLERY: Jane smiles. Mel is anxious: C’mon. C’mon.

RUTH (CONT’D)
And you have the power to set the precedent that will get us started. You can right this wrong, by--

The Clerk sits. 10:00. And Ruth watches him. Her jaw clenched. Willing him to stand. As Mel exhales a long, distressing breath.

JUDGE HOLLOWAY
Go on. Professor Ginsburg.

Ruth looks to him. His gentle eyes urging her on avuncularly.

RUTH
The principle purpose of Section 214 is not to protect women nor to discriminate against men. It is to provide caregivers the opportunity to work outside the home. Therefore -- as the Supreme Court did in Levy v Louisiana -- this court should fix the law in the way most in line with the legislative intent. Extend the deduction to never-married men. Help all caregivers equally.

(CONTINUED)
Our client, Charles Moritz, was well raised to be the sort of man we should all hope our sons will become. He deserves our admiration. Not only has he accepted the burden of caring for his... very strong-willed mother -- when no one would expect it of him.

The courtroom appreciates her diplomacy.

But in doing so, he has surpassed the limitations the rest of us -- and our laws -- try to force upon him. We rest our case on our briefs and argument, and ask that you reverse the Tax Court’s decision.

The room is silent as Ruth returns to her seat...

INT. 10TH CIRCUIT COURTHOUSE - ROTUNDA - DAY

Amongst the milling crowd, Bozarth and Brown exit the courtroom.

BOZARTH
I’d say it’s clear we had the stronger legal footing.

BROWN
Perhaps.

He eyes Ruth, Martin, Jane, Moritz -- ACROSS THE ROOM:
MORITZ
What happens now?

MARTIN
They’ll issue an opinion in a few months. For now, we wait.

Mel comes running up. Embraces Ruth. Her smile beams.

MEL
Kiki. That was perfect. Perfect.

RUTH
We don’t even know who won.

MEL
It doesn’t matter, Ruth. It was right.

She’s moved by the sentiment...

It’s as much a question as a promise:

RUTH
This is just the beginning.

With a look, he agrees.

Then he eyes the government lawyers headed out, and gets a playful air. Bounding off:

MEL
I’m going to gloat.

MORITZ
Martin. Thank you. ... Jane. (as they embrace:)
Ruth.

RUTH
I’ll be in touch.

As he walks off, Martin turns to Ruth. And they kiss... Letting it linger.

MARTIN
You did it.

Quietly, Ruth takes his hand... And Jane’s as well. As they head off together:

RUTH
We did it.
EXT. U.S. SUPREME COURT – DAY

ESTABLISH: The United States's temple to the rule of law.

Bag over her shoulder, Ruth approaches the broad front steps. Where men in suits loiter, talking in close huddles.

SUPER: TWO WEEKS LATER -- UNITED STATES SUPREME COURT

CHIEF JUSTICE BURGER (V.O.)
Our first case is docket number 70-4, Reed v Reed -- on appeal from the Supreme Court of Idaho.

Among the men, Ruth spots Erwin Griswold. And stops short.

CHIEF JUSTICE BURGER (V.O. -- CONT’D)
Counsel for the appellant. Mr. Derr, you may proceed.

When Griswold notices her, Ruth holds his gaze. A beat -- as they size each other up...

Griswold approaches her. And Ruth prepares for it...

GRISSWOLD
Mrs. Ginsburg...

He proffers his hand. Moved, she accepts it. And they shake.

DERR (V.O.)
Mr. Chief Justice and may it please the Court. One hundred years ago, Myra Bradwell wanted to be a lawyer...

AS RUTH’S WORDS CONTINUE AND SLOWLY FADE:

She climbs the Supreme Court steps. NOT with wide-eyed awe this time. WITH CONFIDENCE. Ruth is a woman who knows exactly where she’s going. She’s determined. Resolute. And unafraid.

Becoming...

THE REAL RUTH BADER GINSBURG (84), Associate Justice of the U.S. Supreme Court. Taking her younger self’s place, in a matching, contemporary outfit, she ascends the final steps. Fully the woman she set out to be.

BLACK.

OVER BLACK:

(CONTINUED)
SUPER: Moritz v Commissioner and Reed v Reed were the first
U.S. federal cases to find laws unconstitutional for discriminating on the basis of sex.

***SUPER***: As Director of the ACLU’s Women’s Rights Project, Ruth Bader Ginsburg became the leading gender rights lawyer of her generation, winning several landmark cases before the U.S. Supreme Court.

***SUPER***: Martin Ginsburg became one of America’s preeminent tax attorneys and a beloved professor at Georgetown University Law Center.

He died of cancer in 2010, a few days after he and Ruth’s fifty-sixth wedding anniversary.

***SUPER***: On June 14, 1993, President Bill Clinton nominated Ruth Bader Ginsburg to the U.S. Supreme Court.

The Senate confirmed her nomination: 96-3.