

ON THE BASIS OF SEX

Written By

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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

HEAR: Driving, martial music. Horns and drums. It's the Crimson fight song "*Ten Thousand Men of Harvard.*"

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:

(CONTINUED)

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)

Ruth sits in the first row. Surrounded by men. A textbook on the desk: *Introduction to Contracts*.

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)

BROWN

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

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.

FITZPATRICK (CONT'D)

...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.

BROWN

A question already, Mrs. Ginsburg?

RUTH

(rising)

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.

FITZPATRICK

That's the same thing.

BROWN

Is it? What say you, Mrs. Ginsburg?

RUTH

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.

FITZPATRICK

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

LAUGHTER FROM THE CLASS.

RUTH

The Court denied Hawkins damages--

(CONTINUED)

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!

Ruth waves them off. Builds her courage -- despite the passing gawkers... And does her best Marilyn Monroe. Posing. Back arched. Butt out.

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)
Annnnd....

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.

(CONTINUED)

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 GUY 1
No sound effects! 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)

DR. LEADBETTER (CONT'D)
 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
 (leaving)
 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.

(CONTINUED)

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...

WAAAAH! 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)
Okay. Brown v. Board of Ed. Go.

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
...Threeeeeee!

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)

BURTON

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

RUTH

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.

RUTH (CONT'D)

On what grounds, Miss... Roemer?

ROEMER, an Angela Davis-type, rises.

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.

BENNETT, a male student, calls out:

BENNETT

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

WHOA! It doesn't go over well with the women in the room.

FEMALE STUDENTS

Excuse me? Are you kidding? (etc.)

BENNETT

What? Men are the mammoth hunters.

BURTON

You're never getting laid again.

VALENTIN

What about women who don't have children?

BURTON

Yeah. Or they're out of the house.

(CONTINUED)

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.

(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)
 And be the youngest partner
 in the history of the firm.

MARTIN
 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.

(CONTINUED)

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 puts 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.

Arms spread. Breathing heavy. A broad grin.

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...

(CONTINUED)

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)

Martin watches it all the way down the street.

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 remove 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.

(CONTINUED)

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)

(CONTINUED)

MORITZ (CONT'D)

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.

(CONTINUED)

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
Not me. Canon One of The
American Bar Association's
Model Code of Professional
Responsi--

JANE (CONT'D)
... 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:

MARTIN

... 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.

(CONTINUED)

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. Demanding 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.

(CONTINUED)

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)

(CONTINUED)

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

Ruth. Alone. Consulting a book. Hunched over a legal pad. Writing. Crossing out. And starting again.

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:

MILLICENT

Professor Ginsburg? I finished
typing the brief.

RUTH

(accepting it)
You're a saint, Millicent.

MILLICENT

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...

MILLICENT (CONT'D)

Maybe... gender?

RUTH

You realize that means...

MILLICENT

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)

(CONTINUED)

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)

(CONTINUED)

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:

OMITTED

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*?

(CONTINUED)

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.
Firm:

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...

(CONTINUED)

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.

(CONTINUED)

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)

STUDENTS
 Thank you, Professor.
 Good night. ... Thanks,
 Professor Ginsburg.

RUTH
 Good night. ... Thank you.
 That was a persuasive
 analysis of Gruenwald v
 Gardner, Mr. Bennett.

BENNETT
 Hey thanks, Professor G.

COURIER (O.S.)
 Ruth Bader Ginsburg?

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

COURIER (CONT'D)
 Delivery from the Department of
 Justice.

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

RUTH
 It's the government's response
 brief.

INT. GINSBURG APARTMENT - NIGHT

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.

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

BURTON
 Why would you want to?

JANE
 That's not the point. We should be
 allowed.

ROEMER
 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.

(CONTINUED)

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.

(CONTINUED)

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.

GUNTHER

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

RUTH

(intimidated)
Pauli Murray.

GUNTHER

He's not making it easy for you.

JANE

Who's Pauli Murray?

GUNTHER

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.

(CONTINUED)

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) (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.

(CONTINUED)

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)

A beat of silence. As Ruth crumbles...

PAULI

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.

(CONTINUED)

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.

MILLICENT

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, MILLICENT'S PHONE RINGS. As she heads out and Ruth resumes packing:

RUTH (CONT'D)

Did you pack the Kirk v Commissioner briefs?

MILLICENT

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)
Okay. Ruth Ginsburg. Allen Derr.

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)

...not for your own personal
glory.

RUTH

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.

(CONTINUED)

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)

MORITZ

... But you're my lawyer, Ruth.
What do you think?

Off Ruth: with a decision to make.

OMITTED

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.

(CONTINUED)

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.

OMITTED

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)

BROWN

You have a century of case law on your side. Just do your job.

Holloway flips through a couple papers on his desk.

JUDGE HOLLOWAY

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.

JUDGE HOLLOWAY (CONT'D)

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.

MARTIN

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.

JUDGE HOLLOWAY

Congress assumed that a caregiver is most likely a woman. Is that so unreasonable?

MARTIN

If the law said all caregivers can claim a deduction.

(MORE)

(CONTINUED)

MARTIN (CONT'D)

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 DAUGHTERTY

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.*

(CONTINUED)

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.

IN THE GALLERY, Mel sits forward. Nervous. Moritz notices.

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.

(CONTINUED)

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.

(CONTINUED)

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?!

(CONTINUED)

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 APPELLEE'S TABLE: Brown is impressed by his protege.

INT. COURTROOM - 9:53

STILL AT THE LECTERN: Bozarth is winding down.

BOZARTH

Y'honors, I'm certain there isn't a man amongst us who wouldn't try to ease his wife's burdens.

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.

(CONTINUED)

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)

Radical. Social. Change.

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-laughs 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...

(CONTINUED)

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.

9:58. The Clerk Rises. Ruth considers him.

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)

JUDGE DOYLE (CONT'D)

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)

She should be done. She knows that. But she lets herself linger a moment more. And no one stops her.

RUTH (CONT'D)

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.

RUTH (CONT'D)

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:

(CONTINUED)

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...

GRISWOLD
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

(CONTINUED)

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.