

Ginsburg is in the lefty's batter's box at the original (1923-2008) Yankee Stadium in the Bronx.<sup>1</sup> Her posture is inspired by a Babe Ruth trading card from Ruth's time with the Yankees.

The setting is Yankee Stadium on October 1, 1933 – the last day of the regular season. The Yankees (Ruth's current team) are hosting the Boston Red Sox (Ruth's former team). The scene is the bottom of the fifth inning, with one out. Ruth hits a home run. He is also the pitcher. He pitches a complete game (including a perfect ninth inning), winning 6 to 5. The catcher behind Ruth is, like Ruth, a future Hall of Famer – Rick Ferrell. On this *Supreme Court Sluggers* card, Babe Ruth the batter-pitcher is played by Justice Ruth Bader Ginsburg, and Rick Ferrell the catcher is played by an old friend and colleague – Justice Antonin Scalia.

The number on the baseball bat – 00-203 – corresponds to Ginsburg's opinion for the Court in *United States v. Cleveland Indians Baseball Co.*<sup>2</sup>

The low wall behind home plate is bright red on the original *Sluggers* card, like the wall at the Gray-Minor field at the Virginia Military Institute. This is a nod to what may be her most important opinion, in the VMI sex discrimination case.<sup>3</sup> The wall has additional symbolic meaning in the form of the “Specially Reserved Access” sign, a reference to a case in which then-Judge Ginsburg wrote for the U.S. Court of Appeals for the D.C. Circuit – *Wright v. Regan* – and was reversed by the Supreme Court, in an opinion by Justice Sandra Day O'Connor.<sup>4</sup>

We could say more, and maybe we will someday.

## HARLAN FISKE STONE: THE BOBBLEHEAD

While we are on the subject of recent *Green Bag* projects that might benefit from some explanation, our annotation of the Harlan Fiske Stone bobblehead is on the next page.

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<sup>1</sup> The Yankees did not play there during 1974 and 1975, while the stadium was renovated.

<sup>2</sup> 532 U.S. 200 (2001); *cf. id.* at 220 (Scalia, J., concurring).

<sup>3</sup> U.S. v. Virginia, 518 U.S. 515 (1995).

<sup>4</sup> *Allen v. Wright*, 468 U.S. 737 (1984), *reversing Wright v. Regan*, 656 F.2d 820, 821 (D.C. Cir. 1982).

# Harlan Fiske Stone (J., then C.J.)

## The Annotated Bobblehead

"[T]he state does not exceed its constitutional powers by deciding upon the destruction of one class of property in order to save another ..." *Miller v. Schoene*, 276 U.S. 272 (1928).

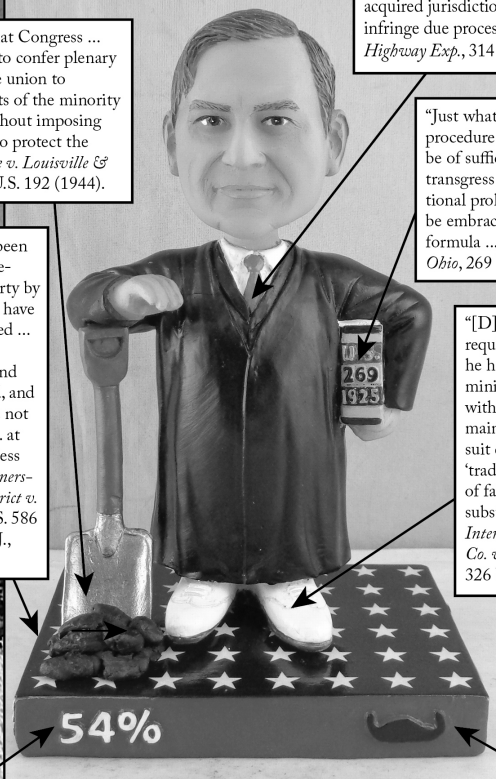
"[U]ndue extension of the ... authority of a state beyond its own borders by ... judgment against non-citizens ... the state has acquired jurisdiction [over], may infringe due process." *Pink v. AAA Highway Exp.*, 314 U.S. 201 (1941).

"[W]e think that Congress ... did not intend to confer plenary power upon the union to sacrifice ... rights of the minority of the craft, without imposing on it any duty to protect the minority." *Steele v. Louisville & N.R. Co.*, 323 U.S. 192 (1944).

"Just what alterations of procedure will be held to be of sufficient moment to transgress the constitutional prohibition cannot be embraced within a formula ..." *Beazell v. Ohio*, 269 U.S. 167 (1925).

"[T]here have been but few infringements of ... liberty by the state which have not been justified ... in the name of righteousness and the public good, and few which have not been directed ... at politically helpless minorities." *Minersville School District v. Gobitis*, 310 U.S. 586 (1940) (Stone, J., dissenting).

"[D]ue process requires only that ... he have certain minimum contacts with it such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).



"The representation in this case no more satisfies ... due process than a trial by a judicial officer who ... may have an interest in the outcome." *Hansberry v. Lee*, 311 U.S. 32 (1940).

*Massachusetts v. New York*, 271 U.S. 65 (1926) (trans. of record, original p. 1346).

"[W]hether prejudice against discrete and insular minorities ... may call for a correspondingly more searching judicial inquiry." *U.S. v. Carolene Products Co.*, 304 U.S. 144, 153 n.4 (1938).

"The fact alone that attack on our shores was threatened by Japan ... set these citizens apart ..." *Hirabayashi v. U.S.*, 320 U.S. 81 (1943) (upholding Public Proclamation No. 3).