

ON THE BASIS OF SEX (2018)

- Released on January 11th, 2018
- 2 Hours
- \$20,000,000 (estimated) Budget
- Directed by Mimi Leder
- Written by Daniel Stiepleman
- Amblin Partners, Participant Media, Robert Cort Productions
- Rated PG-13 for some language and suggestive content
- Premiere at the AFI Fest on November 8, 2018, and was theatrically released in the United States on December 25, 2018, by Focus Features.

QUICK THOUGHTS

- Marisa Serafini
- Demetri Panos
- Mina Wahab

DEVELOPMENT

- ON THE BASIS OF SEX is the story of a young Ruth Bader Ginsburg facing adversity and many obstacles during her fight for equal rights throughout her career. The film also chronicles the romance between Ruth and her husband Martin Ginsburg - a partnership that flourished personally and professionally.
- The plot goes on to follow how Ginsburg fights for Charles Moritz, a man who was denied a tax deduction after he hired a nurse to care for his dying mother so he could work and ultimately care for her. It was ruled that he did not qualify because he was not “a woman, a widower or divorcee, or a husband whose wife is incapacitated or institutionalized”. Ginsburg argues how a **man** was unfairly discriminated against on the basis of sex and how that precedent can be cited for cases/laws that discriminate against women. The government offers Moritz a **settlement of one dollar**. Ruth makes a **counter-proposal**: the government will pay Moritz the sum he claimed as a deduction, make a declaration that he did nothing wrong, and enter into the record that the gender-based portion of section 214 is unconstitutional. The government declines this offer, setting the stage for the oral argument at the Court of Appeals
- Focus Features produced this film.
- July 18, 2017, reported that Jones would play the role of Ginsburg in the film, which would be directed by Mimi Leder
- Film was stuck in development for 4 years
 - Natalie Portman was attached to star but eventually dropped out
- Original release date was November 9th, 2018, but was pushed back to limited release on December 25th, 2018 and wide release January 11th, 2019
- First trailer included line of dialogue where Ginsburg says the word “freedom” appears nowhere in the constitution. This moment got push back from some audiences. Writer Daniel Stiepleman claims he included the line to make the point that “the constitution, like the country as a whole can be improved upon”.
- Real-life Ginsburg gave 2 mandates for the film: 1. Get the law right 2. Get Marty right

REAL LIFE RBG:

- As a freshman In 1956, she was one of only nine women in a class of more than 500 men and had to constantly justify taking up place her professors thought should go to a man. Approximately 560 total.

- Job as a professor at Rutgers Law School, teaching "The Law And Sex Discrimination". 1963
- Taught at Columbia in 1972. She became the first female professor at Columbia to earn tenure.
- Directed the influential Women's Rights Project of the American Civil Liberties Union during the 1970s.
- Ginsburg accepted Jimmy Carter's appointment to the U.S. Court of Appeals for the District of Columbia in 1980
- Bill Clinton- 107th Justice to the United Supreme Court. - 1993 - Aug 10, 1993
- Strongly supported abortion rights for females.
- Liberal Justice
- Ginsburg wrote the majority opinion in United States v. Virginia, holding that qualified women could not be denied admission to Virginia Military Institute.
- **Califano v. Goldfarb**- -Oct 5, 1976- Mar 2, 1977 Leon Goldfarb was a widower who applied for survivor's benefits under the Social Security Act. Even though his wife Hannah had paid Social Security taxes for 25 years, his application was denied. To be eligible for benefits under 42 U.S.C. Section 402, he must have been receiving half his support from his wife at her time of death. Section 402 did not impose this requirement on widows whose husbands had recently passed away. Goldfarb challenged this statute under the Due Process Clause of the Fifth Amendment in the United States District Court for the Eastern District of New York. The District Court ruled that the statute was unconstitutional. The Government appealed to the Supreme Court. - WON

WRITING (Daniel Stiepleman)

- Stiepleman's 1st produced feature script. The screenplay is by first-time screenwriter Daniel Stiepleman, who happens to be the Justice's nephew.
- The writer "Stiepleman" is Ruth Bader Ginsburg's real-life NEPHEW
- Received 17 votes on 2014's Blacklist competition (ranks best unproduced screenplays from that year).
- Stiepleman originally set out to write the story of his aunt and didn't realize it would be about someone who loomed so large in the culture.
- "The Justice asked Daniel, "Why this case? I've tried much more important cases in the Supreme Court?" And he said, "Well, but this is the only case you've tried with Marty." And this movie is as much about their marriage and about an equal partnership. And about how love prevails. And that's why it was important and very smart of Daniel to focus on this, their first case and only case they ever tried together." -Leder
- Stiepleman recalls that Ginsburg was indeed "the worst cook ever". One recipe Ginsburg shared with Stiepleman included a can of Campbells soup and baked beans. That's why Martin (husband) handled 100% of the food cooked in their house.
- Every year from ages 5 to 12, Ginsburg would bring writer Daniel Stiepleman a copy of the U.S. Constitution for Hanukkah.
- When Stiepleman got married to his wife Jessica Hawley he "saw the light" and realized how amazing his aunt really was and how much of a "role model Ruth and Marty are for what a marriage was supposed to look like."
- Stiepleman began writing the script for On the Basis of Sex shortly after Martin Ginsburg died in 2012 from cancer. Stiepleman claims that he was comfortable with his aunt before the film but he grew an even more affectionate relationship with her after writing the script and he wished he had that relationship before Martin passed away.

- The last part of the movie shifts to a courtroom drama focusing on the only case the couple worked together, a gender-discrimination case brought by Ruth Bader Ginsburg to the Supreme Court, and which would kick off her career as a feminist crusader and legal activist.
- Charles Moritz Case- resembles the **Califano v. Goldfarb** case- who had to hire a nurse to help him care for his aging mother so he could continue to work. Moritz was denied a tax deduction for the nursing care because at the time Section 214 of the Internal Revenue Code specifically limited the deduction to "a woman, a widower or divorce, or a husband whose wife is incapacitated or institutionalized". The court ruled that Moritz, a man who had never married, did not qualify for the deduction.

STORY/TOPICS

- Discrimination against women
- Sexism
- Discrimination against men
- What's "Unconstitutional"
- The last 4 Minutes*****

CAST

FELICITY JONES (Ruth Bader Ginsburg)

- Was cast after Natalie Portman dropped out
- "When Natalie dropped out of the project I kept a list of actors, actresses and I kept looking at this picture of Felicity. I kept comparing pictures of the young RBG to Felicity and I felt they had a great similarity in their features as young women. Both very beautiful, both very strong. And Felicity really embodied her...Felicity has green eyes and the Justice has beautiful blue eyes so she put a little lens on too, not the same color." - Leder
- Felicity Jones claimed she found the role very daunting but could not refuse.
- Felicity said, "It's definitely intimidating at first, playing someone who's that deeply beloved, but I had such enormous respect for her. She's someone who managed to completely change the system for the better and was considered a total outsider. She had obstacles against her the entire way, and she gives us such hope that change is possible." (Variety)
- "I wanted to film her entering Harvard in a sea of men, in a sea of black, brown and gray suits, one of only nine women. And I wanted her to be in a certain color, so she stood out, but not in a red or yellow. Blue is her favorite color and so Isis Mussenden, our costume designer, found this beautiful corn flower blue fabric." -Leder
- Felicity had to say goodbye to Felicity and start to embody RBG and she called [Leder] one day and said, "You know Mimi, I want to put some caps on my teeth to make them feel a little larger on the side." "So she did it. It looked fantastic. It opened her mouth a little bit larger and her mouth was closer looking to RBG's mouth and she learned how to walk like her. RBG has a specific walk."

ARMIE HAMMER (Martin Ginsburg)

- His character Marty is diagnosed with testicular cancer, of course happened in real life
- Marty was a lawyer and cook. Hammer would cook for the cast during the production claiming that "the care Marty put into his cooking also replicated the care he put into his legal practice - and in terms of his family, how good of a husband and parent he wanted to be."

JUSTIN THEROUX (Mel Wulf)

- Justin Theroux worked with dir. Mimi Leder for three years on HBO's *The Leftovers*
- Theroux claimed he knew only fundamentals about the legal system before taking on the role. After meeting and speaking to Ruth Bader Ginsburg he claims he "takes comfort that people like her exist on the supreme court today".
- Theroux had a hard time locating Mel Wulf. He said there are barely any photos of the guy and that he had to pick a lane and really rely on the material to play him.
- Justin Theroux's routine before filming is breaking down the script, be as prepared as possible, and says he'd rather work with an actor who prepared too much as opposed to not enough.
- Justin Theroux was raised by a single mom. He believes the relationship Marty and Ruth have in real life and in this film is a perfect example of how men and women can support each other in a healthy respectable way.
- Theroux adores working with Mimi Leder and thinks it is so fascinating how essentially Leder was "kicked out of hollywood" after some of her films (deep impact) underperformed and how her hard work to regain "status" as a financially and quality successful director made her the perfect person to make this movie.

SAM WATERSON (Harvard Dean Erin Griswold)

- Plays the dean of Harvard
- Asks Ginsburg and other women at a dinner party "why the think they have the right to be there instead of the men who might have been admitted instead?" NOTE: Ginsburg was one of 9 women in Harvard's class of 500 that year.

KATHY BATES (Dorothy Kenyon)

- Bates plays another civil rights lawyer who made an earlier attempt to crack the edifice of sex discrimination which ended in failure. Ginsburg learns from Kenyon and must develop a constitutional theory that will persuade judges who all happen to be men.
- Later meets with Wulf and convinces him to sign on to the case.

DIRECTING (Mimi Leder)

- Mimi Leder's Directing resume includes: 10 episodes of HBO's *The Leftovers*, *Shameless*, *Pay it Forward* (Feature), *Deep Impact*, *The Peacemaker*, and several *ER* episodes.
- In 1973 she was the first woman to graduate from the AFI Conservatory, where she studied cinematography.
- Leder saw this film as an origin story to one of the most amazing women in American history.
- Leder wants audiences to walk away from the film feeling that "we've come a long way, but we still have a long way to go."

PRODUCTION (Michael Grady)

- *The Leftovers*, *Ozark*
- There is a shot of Felicity in an elevator surrounded by taller men which is absolutely inspired by the opening sequence of *Silence of the Lambs*.
- "We had a bunch of extras, 300 extras. I shot it with long lenses to compress the frame and it make it feel even more like she was isolated by making the background kind of blow out of focus. I also shot it at 48 frames, a lot of it in slow motion just to give the feel of entering into her new world. And the sun was just perfect at that time of day we shot it, so slow-mo and backlight are beautiful ingredients." -Leder
- "I'll say it was a high budget indie, but it was an indie budget and we shot the film in 34 days, 33 in Montreal and one day in D.C. It was quite a feat because it's a very dense film. We shot on

mini-Alexas. Michael Grady I believe made it look like film. We shot it on the Alexas because film was too expensive for our budget. And we added a lot of grain to the look. I wanted a lot of depth of color, a lot of saturation. And I wanted her to be lit a certain way; I wanted to light her in a very classic sense and naturalistic, but classic.” -Leder

- FINAL SCENE:
 - “I was standing in front of the Supreme Court Building before we shot, talking to my DP, Michael Grady, I was saying, “You know, I want to change the ending. I really want to end this film with the young Ruth Bader Ginsburg, the 35 year-old Ruth Bader Ginsburg walking into her future. I want to mirror it with the front of the film. And I want her to morph into the real RBG. I want her younger self sending her to her future on the Supreme Court.”-Leder
 - And so I then had to write a letter to Justice Ginsburg and ask her to be in the film. And she said, “Yes.” And then I was like, “Oh my God, we have to do this. This is exciting.” It was the last thing we shot in the film, and it was fascinating directing the Justice. I did do two takes, and I wanted one more, and I asked her, “Justice may I have one more take, please?” And she said (holding up one finger), “One more,” just like that.

EDITING/VFX (Michelle Tesoro)

- Priors editing works include: *House of Cards*, *Fringe*, *Godless*, *The Newsroom*, and *Revenge of the Green Dragons*.

SOUND/MUSIC (Mychael Danna)

- In the opening scene, the score is in tune to Harvard’s most popular fight song “10,000 Men of Harvard”
- Mychael Danna is an Oscar winner for his score in *LIFE OF PI*.
- On September 21, 2018, recording artist Kesha released the song "Here Comes the Change" as the first single from the film's soundtrack.

PROMOTION

- First trailer debuted in July of 2018.

BOX OFFICE

- Domestic (as of Feb 6th, 2019): \$23,222,687
- Foreign: \$851,023
- Worldwide: \$24,073,710

RECEPTION

- RT: 71% Tatometer: 71%
- IMDB: 6.5/10
- Cinemascore: A
- “Very Good Ginsburg's determination never falters, but it is moving to witness her growing realization that the world is catching up to her vision, and is ready for her voice. Jones and Hammer make an appealing couple, and they get strong support from the more colorful characters...” -Robert Ebert

Consensus of reviews are positive overall. There is a theme that majority like the movie with the note that it was more of a standard safe biopic while others think it transcends that.

SEQUEL/LEGACY