

Janet Benshoof, Women's Champion on a Global Scale, Dies at 70



Janet Benshoof, president of the Center for Reproductive Rights, in her Manhattan office in 1998. Credit...G. Paul Burnett/The New York Times

By [Richard Sandomir](#)

Dec. 21, 2017

Janet Benshoof, a lawyer who spent much of her career defending a woman's right to an abortion, then expanded her work to champion causes for women around the world, including those raped in war zones, died on Monday in Manhattan. She was 70.

Her son David Benshoof Klein said the cause was uterine serous carcinoma, a rare and aggressive form of endometrial cancer.

"For there to be justice, peace and security in the world, there has to be equality of women in fact," [Ms. Benshoof said at a Google talk in 2008](#). "If women are always out of the boardrooms and the decision makers and the military, then you do not have the sustainable justice, peace and security that is our ultimate aim."

Over 40 years, she pursued her advocacy at three organizations in New York City: as director of the American Civil Liberties Union's reproductive freedom project and as the founder and president of the Center for Reproductive Rights and, most recently, the Global Justice Center.

Ms. Benshoof (pronounced BEN-shawf) plotted the legal strategy for abortion and sex-education cases in state courts and the United States Supreme Court, and trained judges in Iraq to prosecute rape and sexual violence cases under international law.

“No single person has done more to promote reproductive rights than Janet in the United States and globally,” [Sylvia Law](#), a professor of law, medicine and psychiatry at New York University, said in a telephone interview.

In 1989, while at the A.C.L.U., Ms. Benshoof argued [Hodgson v. Minnesota](#), a Supreme Court case that challenged a state law requiring a minor to notify both biological parents before having an abortion.

She told the court that the two-parent requirement was “out of step with the reality of family life” and that it had been imposed “regardless of whether the minor lives in a no-parent, one-parent or two-parent household, regardless of whether she is mature, or whether it would be in the best interest to have a private abortion, regardless of whether she has ever met the absentee parent.”

The court ruled, 5-4, that the Minnesota law was constitutional because the state gave minors an alternative to the two-parent requirement by allowing them to seek authorization for an abortion in a judicial hearing.

The continuing fight to preserve abortion rights took Ms. Benshoof far afield. In 1990 she learned that the legislature in Guam, a United States territory in the Pacific, had passed a law banning abortion, except if the mother’s life or health was believed to be in imminent danger. She promptly bought a Fodor’s travel book and headed for the airport.



Janet Benshoof at the Women's March in New York City on Jan. 21, 2017, the day after the inauguration of President Trump. Credit...The Global Justice Center

Once in Guam, she told reporters that pregnant women there who were seeking an abortion should fly to Honolulu. She was arrested and arraigned for soliciting women to have abortions, a crime in Guam punishable by a year in jail and a \$1,000 fine.

["Never have I seen a statute anywhere in the world,"](#) she told People magazine, "where to talk about abortion to pregnant women is a crime."

Joseph Ada, Guam's governor, was displeased by Ms. Benshoof's flouting of the law. "It's her right to question it," he said, "but she's making a mockery of our abortion law. That's not nice."

The charges were eventually dropped, and the law was struck down by a federal district judge, who ruled that Roe v. Wade, which made abortion a constitutional right, “applied with equal force and effect to Guam.”

At the time, the A.C.L.U. was already representing [Planned Parenthood of Southeastern Pennsylvania](#) against Gov. Robert P. Casey, a Democrat, in a case that challenged the state’s abortion law as an unconstitutional infringement of women’s rights to privacy and equality.

[Kathryn Kolbert](#), the A.C.L.U.’s co-counsel on the case, said in an interview that as it headed for an appeal to the Supreme Court, Ms. Benshoof provided critical advice about framing its petition for review.

“Janet would have flashes of brilliance that few lawyers I knew had,” said Ms. Kolbert, who is director of the Athena Center for Leadership Studies at Barnard College. “Once in a while, she’d come up with a way of approaching a case that the rest of us wouldn’t have.”

Ms. Benshoof suggested that instead of having the introduction to the A.C.L.U. petition address each provision of the law separately, as was commonly done, it should raise only a single all-or-nothing question.

The question posed by Ms. Kolbert and her co-counsel, Linda Wharton, reflected their belief that the court’s rulings since 1973 had eroded Roe and their fear that Clarence Thomas’s confirmation as a justice in 1991 gave the court five votes to overturn the decision.

“Has the Supreme Court overruled Roe v. Wade?” the lawyers asked.

In 1992, the court affirmed Roe, 5-4, but still upheld most of the state’s restrictions.

But having anticipated that Roe would be overturned, Ms. Benshoof and the rest of the abortion-rights staff had left the A.C.L.U. before the court’s ruling to form what was then called the Center for Reproductive Law and Policy.

Image



Janet Benshoof in an undated photograph. “No single person has done more to promote reproductive rights than Janet,” a colleague said. Credit...Lynn Savarese for the New Abolitionists Campaign

One of her signature achievements at the center resulted in the Food and Drug Administration’s approval in 1996 of the use of the morning-after pill as an emergency contraceptive to prevent unwanted pregnancies. The center had filed a citizen’s petition

with the agency two years earlier asking companies to label the pill as a post-intercourse contraceptive.

“The F.D.A. has stood idly by as drug manufacturers routinely suppress required information about safe and effective emergency contraception,” Ms. Benshoof told The Washington Post in 1994 at the time that she filed the petition with the F.D.A. “Millions of women are being hurt.”

Janet Lee Benshoof was born on May 10, 1947, in Detroit Lakes, Minn. Her father, Lowell, was a county prosecutor, and her mother, the former Helen Genevieve Kohler, was a teacher.

She graduated with a bachelor’s degree in political science from the University of Minnesota and later from Harvard Law School, where she met her first husband, Richard Klein.

After Harvard Law, she spent five years at South Brooklyn Legal Services, where she supervised class-action litigation for low-income people. She then joined the A.C.L.U., where her clients included abortion doctors.

One of them, Dr. Barnett Slepian, was murdered in his home in Buffalo 1998 by an abortion opponent.

“We’ve represented most of the abortion providers,” [she told The Times in 1998](#). “At one time or another, nearly all our clients have been under death threats.” But she did not fear for her safety, she said, adding: “If I’m supposed to die, I’ll die. I also sky-dive. And I scuba-dive. I don’t think I’ve ever been scared in my life.”

As her concerns about women’s rights turned to the world stage, the Global Justice Center became her most prominent platform to address repression by authoritarian regimes. In addition to training judges of the Iraqi High Tribunal in dealing with cases of sexual violence during Saddam Hussein’s rule, she and her organization lobbied to see Myanmar’s military government face prosecution for war crimes by the International Criminal Court in The Hague and filed amicus briefs with that court seeking justice for the Yazidis, [the often-prosecuted Iraqi minority who have been victims of genocide by the Islamic State](#) group, according to United Nations investigators.

“ISIS’s state-building strategy is dependent on the subjugation of women and control over their reproductive capacity as a way to secure the continuity and future of the caliphate,” she wrote in a 2015 letter to [Fatou Bensouda](#), the international court’s chief prosecutor. Yazidi women, she added, “are systematically captured, murdered, enslaved, forced into marriages, raped, sexually assaulted, tortured, forcibly impregnated and forcibly converted.”

Ms. Benshoof’s work also led the European Union in 2015 to recognize that abortion is protected care under the Geneva Conventions for girls and women who are raped in conflict. The action was a rebuke to the Helms Amendment, a 1973 United States law

originally sponsored by Senator Jesse Helms, which prohibits the use of foreign assistance for abortion.

In addition to her son David, she is survived by her husband, Alfred Meyer; another son, Eli Klein; a stepson, Nick Rose-Meyer; two step-grandchildren; and a sister, Lou Ann Garvey. Her marriage to Mr. Klein ended in divorce.

Ms. Benshoof's marriage to Mr. Meyer was officiated by Justice Ruth Bader Ginsburg, a longtime friend.

Five days before Ms. Benshoof died, Justice Ginsburg sent her a letter that read, in part: "Martin Luther King said the arc of the moral universe is long, but it bends toward justice. To make that so it takes people of your commitment, will and grit."