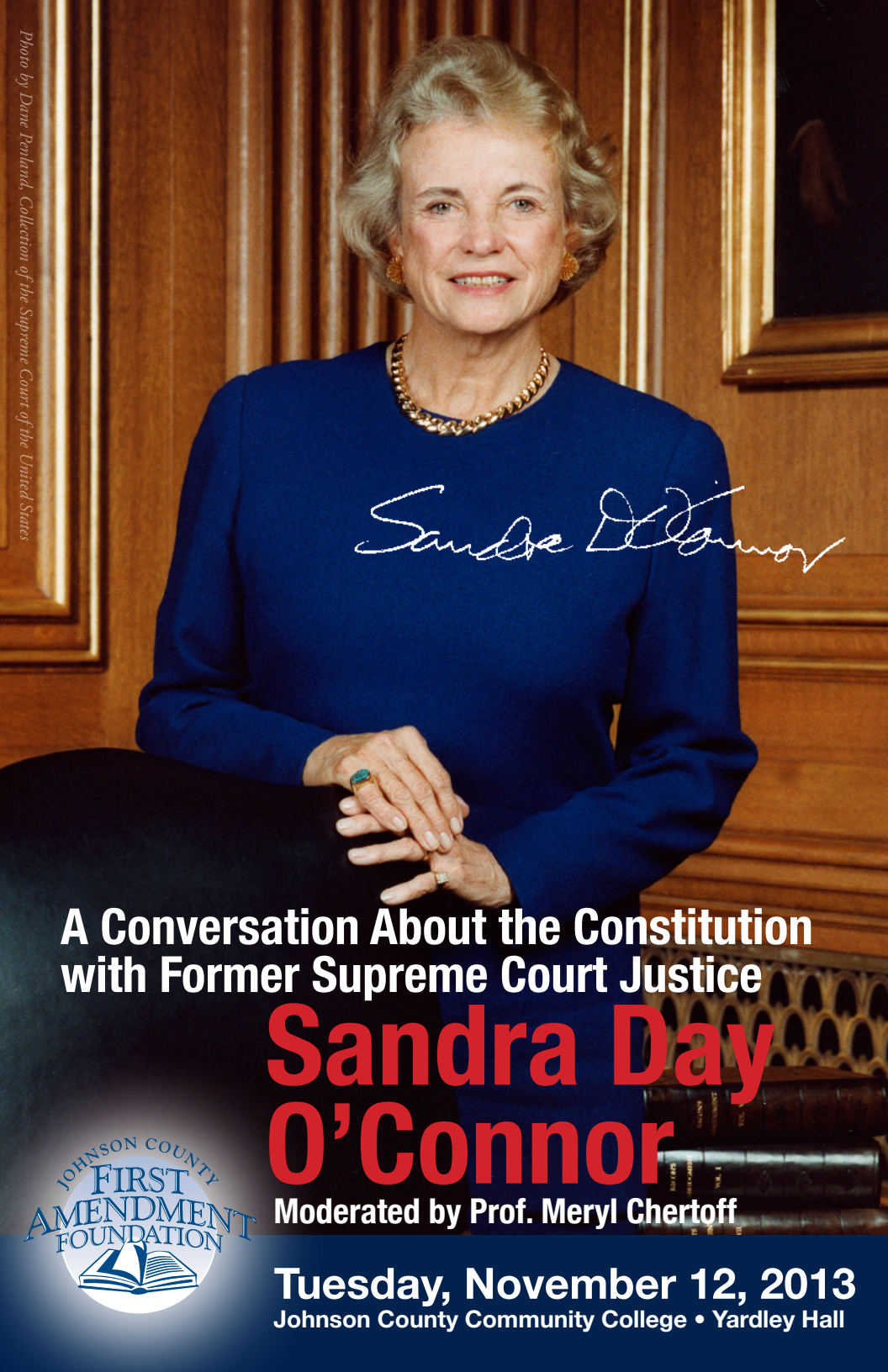


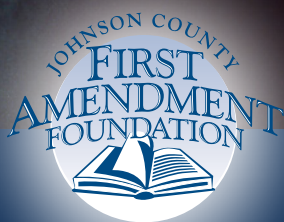
A portrait of Sandra Day O'Connor, a former Supreme Court Justice. She is seated, wearing a dark blue long-sleeved top and a gold chain necklace. Her hands are clasped in her lap. She has short, wavy, light-colored hair and is smiling slightly. The background is a wood-paneled wall with a framed picture partially visible on the right.

Sandra Day O'Connor

**A Conversation About the Constitution
with Former Supreme Court Justice**

**Sandra Day
O'Connor**

Moderated by Prof. Meryl Chertoff



Tuesday, November 12, 2013
Johnson County Community College • Yardley Hall

“The greatest contribution from the legal systems of Great Britain and the United States toward peace in the world has been the principle that all nations should live under the Rule of Law. The concept of the Rule of Law—that laws should be enacted by democratically elected legislative bodies and enforced by independent judiciaries—is fundamental to a free society. The knowledge that there are certain basic rights of the individual that are enforceable even against the state has been the hallmark of our system of governance.”

— Sandra Day O'Connor

TODAY'S PROGRAM

Introduction and Welcome

Founders of the Johnson County First Amendment Foundation

J. Eugene Balloun, *Shook, Hardy & Bacon L.L.P.*

The Honorable David J. Waxse, *United States Magistrate
Judge, U.S. District Court for the District of Kansas*

An Armchair Discussion About the Constitution

The Honorable Sandra Day O'Connor,
Associate Justice (ret.), United States Supreme Court

Meryl Justin Chertoff, *Director,
Justice and Society Program, The Aspen Institute*

Conclusion and Closing Remarks

Ken S. Thomas, *Teacher, Blue Valley Northwest High School,
and member of the Advisory Committee of the
Johnson County First Amendment Foundation*

A FEW GUIDELINES FOR TODAY'S PROGRAM



Please turn off all cell phones before the program begins, and keep them off for the duration of the program.



No cameras or taking of photographs of any kind are permitted inside Yardley Hall.



No bags, backpacks or similar items are permitted inside Yardley Hall.



At the conclusion of the program, audience members will be dismissed by school. Please remain in your seat until your school is dismissed by the Yardley Hall program coordinators.



SANDRA DAY O'CONNOR

served as the 102nd Justice – and the first woman Justice – on the United States Supreme Court. Born in El Paso, Texas on March 26, 1930, she grew up on her family's "Lazy B" Ranch on the New Mexico/Arizona border. At just 16 years old, she left Arizona to enter college at Stanford in 1946, and entered Stanford Law School after her junior year of college. She joined *Stanford Law Review's* board of editors and graduated (after only two years, instead of the usual three) in the top 10% of her class. Remarkably, none of the law firms with which she interviewed offered her work as an attorney – with one major firm offering her only a legal secretary's job.

As a volunteer in the San Mateo County Attorney's Office, she so impressed her supervisor that he hired her for a paid position. When her husband, attorney John Jay O'Connor III, was later deployed to Frankfurt for three years of military service, she became a civilian attorney for the Army Quartermaster's Market Center in Germany from 1954 to 1957.

Upon returning to the United States, the O'Connors settled in Phoenix. Justice O'Connor opened a law office with a colleague in Maryvale, Arizona from 1958 to 1960. After a brief break to raise three sons (Scott, Brian and Jay), she became an Arizona Assistant Attorney General in 1965. In 1969, she was appointed to fill a vacancy in the Arizona State Senate, a seat to which she won re-election in 1970 and 1972 and from which she was elected by her colleagues as the first woman majority leader in any state legislative body in 1972. In 1974, Justice O'Connor successfully campaigned for election to a newly created state trial court judgeship on the Maricopa County Superior Court, and in 1979, she was appointed to the Arizona Court of Appeals.

In July 1981, President Ronald Reagan nominated Justice O'Connor to succeed Justice Potter Stewart. "I had not been admitted to practice before the Court" at the time of the appointment, she later recalled. "The first argument I ever witnessed in the Supreme Court was one that I considered as a member of the Court." She would serve with distinction for nearly a quarter-century, during which, as one former clerk observed, she would "change the face of the Court, the legal profession, and the justice system."

REFLECTIONS ON A CONSEQUENTIAL LIFE

“Justice O’Connor was always a really visible presence on the Court, because she was such a dominant figure. Not dominant in the sense of wielding her power over other people, but so much of the jurisprudence of the Court, the actual results of what they did particularly on constitutional issues, was very much a product of the thinking of Sandra Day O’Connor. She was unbelievably important to the Court’s modern history.”

— **Lyle Denniston**, former Supreme Court reporter for the *Baltimore Sun* and current Supreme Court commentator for SCOTUSblog

“Justice O’Connor’s voice has done enormous good in our nation and world. She has endeavored, tirelessly, to improve the administration of justice, promote the professionalism of the bar, and encourage the integrity and independence of the judiciary. She has earned the respect of jurists everywhere for her influential legal reasoning, her meticulous preparation for Court sessions, and her open-mindedness, which defies any ideological label. In her work and days at the Court, she strived to make what was momentous for women in 1981 no longer extraordinary, but entirely expectable.”

— **Ruth Bader Ginsburg**, Associate Justice of the United States Supreme Court

“The effect of Justice O’Connor’s appointment upon the status of women in the legal profession cannot be overstated. With Justice O’Connor’s confirmation, the axis of the legal world for women shifted, never to return to its old position. . . . She has served as a role model, motivator, and mentor for countless women. . . . Every woman who is a part of or who aspires to join the legal profession owes a debt of gratitude to Justice O’Connor.”

— **Ruth V. McGregor**, former Chief Justice of the Arizona Supreme Court



MERYL JUSTIN CHERTOFF

The moderator for today's program, Meryl Justin Chertoff, is Director of The Aspen Institute's Justice and Society Program and an Adjunct Professor of Law at Georgetown Law School, where she teaches about state government, intergovernmental affairs and state courts.

From 2006 to 2009, Prof. Chertoff was Director of the Sandra Day O'Connor Project on the State of the Judiciary at Georgetown Law, studying and educating the public about federal and state courts. At Georgetown Law, she also developed educational programs for visiting judges and other government officials from overseas.

Prof. Chertoff served in the Office of Legislative Affairs at the Federal Emergency Management Agency (FEMA), participating in the agency's transition into the Department of Homeland Security in 2003. She has also been a legislative relations professional, Director of New Jersey's Washington, D.C. office under two governors, and legislative counsel to the Chair of the New Jersey State Assembly Appropriations Committee.

Prof. Chertoff is a magna cum laude graduate of Harvard-Radcliffe College and earned her J.D. degree from Harvard Law School. While in law school, she was Articles Editor of the Harvard Civil Rights-Civil Liberties Law Review. She practiced law for a number of years in New York City and New Jersey, and served as law clerk to the Honorable Myron H. Thompson, Judge of the United States District Court for the Middle District of Alabama.

In addition to her work at The Aspen Institute and Georgetown Law School, Prof. Chertoff is a member of the O'Connor Judicial Selection Initiative Advisory Committee at the Institute for the Advancement of the American Legal System at the University of Denver; a member of the Washington Area Advisory Committee of Common Sense Media; a member of the board of iCivics, Inc.; and a Trustee of the Meridian International Center in Washington, D.C.

She has written and lectured extensively to lawyers and the public about judicial selection issues, federalism, and intergovernmental affairs.

“

The power of the independent courts to declare unconstitutional the acts of another branch of government—the power of judicial review—as set forth in *Marbury* [*v. Madison*] is the foundation of the courts’ role in protecting individual rights. Without *Marbury*, the rulings of our Supreme Court on questions of discrimination, church-state relations, and freedom of speech or of the press would be less important and less enduring. . . . But because *Marbury* established the courts, and especially the Supreme Court, as the final arbiters of the constitutionality of all acts of government, it is possible for an aggrieved individual to win a victory in the Supreme Court that neither Congress nor the executive branch can take away.

”

— Sandra Day O’Connor

WELCOME, STUDENTS & TEACHERS

The Johnson County First Amendment Foundation would like to thank the teachers and students from schools participating in today's program:

Bishop Miege High School
Blue Valley Center for Advanced Professional Studies
Blue Valley North High School
Blue Valley Northwest High School
Bonner Springs High School
Eudora High School
Gardner-Edgerton High School
J.C. Harmon High School
Kansas City Christian School
Lawrence Free State High School
Lawrence High School
Leavenworth High School
Olathe East High School
Olathe North High School
Olathe Northwest High School
Olathe South High School
Piper High School
Shawnee Mission East High School
Shawnee Mission North High School
Shawnee Mission Northwest High School
Shawnee Mission West High School
Spring Hill High School
St. James Academy
Turner High School
Wyandotte High School

WELCOME,

DISTINGUISHED MEMBERS OF THE KANSAS JUDICIARY

The Johnson County First Amendment Foundation welcomes the following guests from Kansas' state and federal courts to today's program:

Karen Arnold-Burger	<i>Judge, Kansas Court of Appeals</i>
Carol Beier	<i>Justice, Kansas Supreme Court</i>
Robert Berger	<i>Judge, U.S. Bankruptcy Court for the District of Kansas</i>
Michael B. Buser	<i>Judge, Kansas Court of Appeals</i>
J. Charles Droeg	<i>Judge, Kansas District Court, 10th Judicial District</i>
Daniel Duncan	<i>Judge, Kansas District Court, 29th Judicial District</i>
Robert W. Fairchild	<i>Chief Judge, Kansas District Court, 7th Judicial District</i>
Michael H. Farley	<i>Magistrate Judge, Kansas District Court, 10th Judicial District</i>
Thomas E. Foster	<i>Chief Judge, Kansas District Court, 10th Judicial District; and President, Kansas District Judges Association</i>
Henry W. Green, Jr.	<i>Judge, Kansas Court of Appeals</i>
Steven Grieb	<i>General Counsel to Chief Justice Lawton R. Nuss; member of the Kansas iCivics Advisory Committee</i>
Bill L. Klapper	<i>Judge, Kansas District Court, 29th Judicial District</i>
William P. Mahoney	<i>Judge, Kansas District Court, 29th Judicial District</i>
Patrick McAnany	<i>Judge, Kansas Court of Appeals</i>
Timothy P. McCarthy	<i>Judge, Kansas District Court, 10th Judicial District</i>
Kevin P. Moriarty	<i>Judge, Kansas District Court, 10th Judicial District</i>
Nancy Moritz	<i>Justice, Kansas Supreme Court</i>
Lawton R. Nuss	<i>Chief Justice, Kansas Supreme Court</i>
Tim O'Brien	<i>Clerk, U.S. District Court for the District of Kansas</i>
G. Joseph Pierron	<i>Judge, Kansas Court of Appeals; parent of student plaintiff in First Amendment litigation</i>
Thomas Kelly Ryan	<i>Judge, Kansas District Court, 10th Judicial District</i>
Kathleen L. Sloan	<i>Judge, Kansas District Court, 10th Judicial District</i>
Dale L. Somers	<i>Judge, U.S. Bankruptcy Court for the District of Kansas</i>
Melissa Standridge	<i>Judge, Kansas Court of Appeals</i>
David J. Waxse	<i>Magistrate Judge, U.S. District Court for the District of Kansas; JCEAF co-founder</i>
Sara Welch	<i>Judge, Kansas District Court, 10th Judicial District</i>

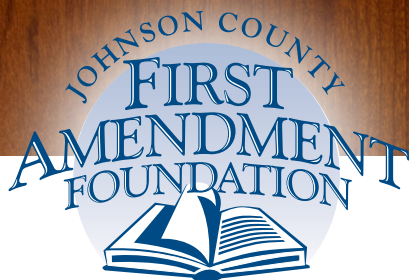
THANK YOU

The Johnson County First Amendment Foundation would like to thank our friends and special guests for their contributions to the development of the Foundation and today's program:

J. Eugene Balloun	<i>Co-Founder, Johnson County First Amendment Foundation; and Partner, Shook, Hardy & Bacon L.L.P.</i>
Doug Bonney	<i>Former Member of the Advisory Committee of the Johnson County First Amendment Foundation; and Chief Counsel & Legal Director, ACLU of Kansas & Western Missouri</i>
Erin Braun	<i>Director of Outreach, iCivics, Inc.</i>
Steve Case	<i>Parent of student plaintiff in First Amendment litigation</i>
Linda Coffee	<i>Executive Director, Johnson County Bar Association</i>
Dennis Depew	<i>President, Kansas Bar Association; and Partner, Depew Law Firm</i>
Tristan L. Duncan	<i>Partner, Shook, Hardy & Bacon L.L.P.</i>
Nancy Garden	<i>Author</i>
Bill Hays	<i>Former Chair, Johnson County First Amendment Foundation</i>
Jay E. Heidrick	<i>President, Johnson County Bar Association; and Shareholder, Polsinelli PC</i>
Mike Kautsch	<i>Member, Kansas Bar Association Media Bar Committee; and Professor, University of Kansas Law School</i>
Stephen W. Mazza	<i>Dean and Professor of Law, University of Kansas School of Law</i>
C. Patrick McLarney	<i>Former Managing Partner, Shook, Hardy & Bacon L.L.P.</i>
Celia Garrett Mills	<i>Former Chair, Johnson County First Amendment Foundation</i>
John F. Murphy	<i>Chairman, Shook, Hardy & Bacon L.L.P.</i>
Clayton T. Norkey	<i>Director, Lawyers Association of Kansas City, Inc.; and Of Counsel, Shook, Hardy & Bacon L.L.P.</i>
Tim O'Brien	<i>Clerk, U.S. District Court for the District of Kansas</i>
G. Joseph Pierron	<i>Parent of student plaintiff in First Amendment litigation; and Judge, Kansas Court of Appeals</i>
Sam Pierron	<i>Student plaintiff in First Amendment litigation leading to the establishment of the Johnson County First Amendment Foundation</i>
Thomas J. Romig	<i>Dean and Professor of Law, Washburn University School of Law</i>
Ellen Y. Suni	<i>Dean and Professor of Law, University of Missouri–Kansas City School of Law</i>
Alleen Van Bebber	<i>President, Tenth Circuit Historical Society</i>
David J. Waxse	<i>Co-Founder, Johnson County First Amendment Foundation; and Magistrate Judge, U.S. District Court for the District of Kansas</i>
Deborah Wilkerson	<i>President and CEO, Greater Kansas City Community Foundation</i>
Corey Ziegler	<i>Corporate Counsel, Greater Kansas City Community Foundation</i>

“[N]ew questions are always being raised—questions that no one could have foreseen in our nation’s earliest years. That is the beauty of the Bill of Rights. Along with the new questions come new understandings of what the amendments mean. For while the text of the Bill of Rights does not change, our perspective on it has evolved with the passage of time. The adoption of the Bill of Rights deserves our praise and thanksgiving. It is part of our American contribution to the notion of justice and freedom.”

— Sandra Day O’Connor



ABOUT THE JOHNSON COUNTY FIRST AMENDMENT FOUNDATION

The Johnson County First Amendment Foundation grew out of a successful lawsuit challenging a school board's decision to remove an award-winning book from a Johnson County, Kansas high school library.

In 1995, the law firm of Shook, Hardy & Bacon successfully represented a number of students challenging the book's removal from the school library. After a trial, Judge G. Thomas van Bebber, the Chief Judge of the U.S. District Court for the District of Kansas, ruled that the school district defendants had removed the book because they disagreed with the ideas expressed in it. As a result, the court determined that the school district had violated the students' First Amendment rights and ordered that the book be returned to the district's high school libraries.

The district court also ordered the defendants to pay the fees of the students' attorneys. Shook, Hardy & Bacon combined fees received from the litigation with additional funds and donated \$200,000 to establish the Johnson County First Amendment Foundation.

The Foundation was established "to promote a better understanding among Kansas students, particularly in Johnson County, of First Amendment and other Constitutional rights." The two principal attorneys for the student plaintiffs in the First Amendment case, J. Eugene Balloun and David J. Waxse (now United States Magistrate Judge of the U.S. District Court for the District of Kansas), were instrumental in establishing, organizing, and founding this organization. The Foundation was created as a part of The Greater Kansas City Community Foundation.

To learn more, visit the Foundation's website at www.jcfaf.org.

THE FOUNDATION'S ADVISORY COMMITTEE WELCOMES YOU TO TODAY'S PROGRAM

The Foundation is managed by an advisory committee, consisting of a teacher, a librarian, an attorney selected by the Johnson County Bar Association, and a member selected by the American Civil Liberties Union of Kansas and Western Missouri. The members of the advisory committee of the Johnson County First Amendment Foundation welcome you to today's program:

Scott E. DuPree, *Chair*

Lori A. Weiss

Ken S. Thomas

Gary Brunk

The Foundation would like to thank these additional people who assisted in the planning and development of today's program:

Sherwood Archibald

Aleksandra Beshkova-Bordages

Sara Hofeditz Christensen

Brian Hanes

Linda Kilpatrick

Jill Moore

Valerie Vogt

Special thanks to:

Tristan L. Duncan,

Partner at Shook, Hardy & Bacon L.L.P., for her invaluable work as liaison between Justice O'Connor, Prof. Chertoff, and the Johnson County First Amendment Foundation

Prof. John J. Patrick,

Director of Indiana University's Social Studies Development Center, for his contributions to, and his helpful suggestions concerning, the study guide developed for this program

Ken S. Thomas,

Government and Advanced Placement U.S Government Teacher, and We the People Coordinator, at Blue Valley Northwest High School, for his tireless efforts and thoughtful insights in developing the study guide for this program and his contributions to the substance of today's program

THE JOHNSON COUNTY FIRST AMENDMENT FOUNDATION WELCOMES iCIVICS



“When I went to school, we had all kinds of courses on civics and government,” Justice O’Connor told the *ABA Journal* in 2011. “Today, at least half of the states don’t even require high school students to take civics; only three states require it in middle school.”

In 2009, Justice O’Connor founded iCivics to reverse Americans’ declining civic knowledge and education. iCivics is a web-based education project designed to teach students civics and inspire them to be active participants in American democracy. In the four years since it was founded, iCivics has grown beyond its board and staff to include a national leadership team of state supreme court justices, secretaries of state, educational leaders, and a network of volunteers reaching every state. To date, it has produced 18 educational video games as well as teaching materials that have been used in civics classrooms in all 50 states and the most comprehensive, standards-aligned civics curriculum that is freely available on the Internet.

As Justice O’Connor bluntly told a Texas audience last June, “I started iCivics because most states don’t teach civics anymore. Every person in America has a voice and a vote and a role to play in making our government work at the state, the local, and the federal level.” Moreover, iCivics addresses a deeply held need: as she told CNN last year, “there is an increasing appreciation that we do need to know how our government works: national, state and local.”

The Johnson County First Amendment Foundation salutes iCivics for its work as a powerful educational resource to schools and the nation’s students, inspiring them to become thoughtful, informed and contributing members in their communities. We are delighted to welcome to today’s program several distinguished guests from the iCivics network:

Erin Braun, *Director of Outreach, iCivics, Inc.*

Deborah K. Brown, *Member of the Kansas iCivics Advisory Committee; and Shawnee Mission School District K-12 District Social Studies Specialist*

Steven Grieb, *Member of the Kansas iCivics Advisory Committee; and General Counsel to Chief Justice Lawton R. Nuss*

Nikki Hininger Howell, *Missouri iCivics Coordinator; and Shareholder, Littler Mendelson P.C.*

Ted J. McDonald, *Kansas iCivics Coordinator; and Partner, Adam & McDonald*

The Honorable Lawton R. Nuss, *Chief Justice, Kansas Supreme Court*

To learn more about iCivics, visit its website at www.icivics.org.

TO LEARN MORE ...

Numerous Internet sites provide a wealth of helpful and interesting information about the Constitution; the U.S. Supreme Court; the Court's cases, decisions, docket, composition and history; and America's republican democratic form of government. Some useful resources include:

iCivics, Inc.	http://www.icivics.org/
UMKC Law School: "Exploring Constitutional Law" by Doug Linder	http://law2.umkc.edu/faculty/projects/ftrials/conlaw/home.html
Public Broadcasting System: "Constitution USA with Peter Sagal"	http://www.pbs.org/tpt/constitution-usa-peter-sagal/home/
Public Broadcasting System: "The Supreme Court"	http://www.pbs.org/wnet/supremecourt/index.html
Annenberg Foundation: "The Constitution: That Delicate Balance"	http://www.learner.org/resources/series72.html
Annenberg Foundation: "Democracy in America"	http://www.learner.org/resources/series173.html#jump1
Supreme Court of the United States: Official Website	http://www.supremecourt.gov/
The Supreme Court Historical Society: Official Website	http://www.supremecourthistory.org/
The Oyez Project at IIT Chicago-Kent College of Law	http://www.oyez.org/
Supreme Court of the United States Blog (SCOTUSBlog) <i>(sponsored by Bloomberg Law)</i>	http://www.scotusblog.com/
First Amendment Center at Vanderbilt University and the Newseum: Official Website	http://www.firstamendmentcenter.org/
National Constitution Center: Official Website	http://constitutioncenter.org/
American Bar Association: "Preview of United States Supreme Court Cases"	http://www.supremecourtpreview.org



A study guide for this program, prepared on behalf of the Johnson County First Amendment Foundation, is accessible at <http://www.jcfaf.org/constitutional-study-guide/> or by scanning the QR code with your smartphone.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

— First Amendment to the United States Constitution



Design, printing, marketing and organizational support
generously donated by Shook, Hardy & Bacon L.L.P.

