

O'Connor urges student action

BY JOE ROBERTSON
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This much former U.S. Supreme Court Justice Sandra Day O'Connor knew:

More than a thousand high school students were waiting in Yardley Hall at Johnson County Community College, bused in from 25 area high schools Tuesday, assembled to hear her message of civic duty.

What she didn't know was the back story that led her there.

That was the real-life drama of high school students 20 years ago in Olathe who stood before their school board — and ultimately a federal judge — asserting their First Amendment rights.

"What was the outcome?" O'Connor asked as she listened to the story backstage.

The wheels were turning inside her head. She was going to add this story — how teenagers had interceded when a school board moved to pull an award-winning book from its school library's shelves — to the message she was about to deliver to the students:

"Don't be afraid to get involved in issues of public law. We need you."

Nancy Garden, the author of the challenged book, "Annie on My Mind," was also in the audience, having come to Kansas City from Boston for the first time since the days of the highly publicized trial to join what was more than a call for restoring the importance of civics education, but a celebration as well.

Because those Olathe students won. And the \$170,000 in contingency fees that the law firm representing them was awarded became the seed that started the Johnson County First Amendment Foundation in 1999.

Over the years since then, the foundation has engaged students in writing essays on banned books and other civic-minded exercises. It also has brought in important speakers.



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Former U.S. Supreme Court Justice Sandra Day O'Connor

But nothing like this — Justice O'Connor, the first woman appointed to the U.S. Supreme Court.

O'Connor came because she has been looking for opportunities in her retirement to rededicate schools, teachers and students to the kind of education that inspires public service. She started the interactive educational website, icivics.org.

"You can make a difference" on issues, former justice tells high schoolers.

For Garden, it was thrilling to stand amid a new generation of students at Yardley Hall, imagining the possibilities of what might stir their courage.

"This is such an affirmation of kids," she said.

Garden wrote "Annie on My Mind," the love story of two 17-year-old girls, to be a solace and encouragement to other women and adolescents who are lesbians.

The book had been in circulation a decade when it and just about every school district in the Kansas City area were caught up in a firestorm.

In 1993, in a move to support people who are gay, lesbian, bisexual and transgender, an organization called Project 21 donated copies of Garden's book and another book to 42 area high schools.

Many people and like-minded school board members who were angered by the politically loaded donation led movements to reject the gifts. One group of demonstrators burned books in front of the Kansas City school board offices.

"Annie on My Mind," however, proved to be a particularly vexing situation for some districts.

The book was highly acclaimed in literary circles. It turned out that copies of the book had already been sitting essentially unnoticed on some school library shelves, including those at Olathe South High School.

Most school boards in the area rejected the gift of the books. The Olathe school board took the extra step of removing its existing copies.

While student protests rose up in other districts, including Shawnee Mission and Lee's Summit, it was the students who crowded in an Olathe school board meeting in 1994 that gave the American Civil Liberties Union the venue to challenge the book's removal.

"This all really started because high school students had the courage to stand up for First Amendment rights," said Eugene Balloun, a lawyer with the Shook, Hardy & Bacon law firm who was a co-founder of the Johnson County First Amendment Foundation, along with David J. Waxse, now a U.S. magistrate judge in Kansas.

Waxse, while a member of the law firm, had provided services for the ACLU and brought the law firm into the Olathe students' case. As the case was coming to an end, they thought the foundation would be a way to spread the ideals witnessed in the students.

Bringing in O'Connor, her story and mission was a perfect fit.

“We’ve been working toward this for years,” Balloun said.

O’Connor’s rise to becoming the first woman appointed to the U.S. Supreme Court is itself a tale of remarkable grit.

Although she graduated in the top 10 percent of her class at Stanford Law School in 1950, the daughter of Southwestern ranchers could not land a job with a law firm — although she was offered work as a legal secretary at one office.

She volunteered in a county attorney’s office and quickly began to impress, earning paid positions, starting a private practice, joining the Arizona attorney general’s office in 1965, then gaining appointment and election to the Arizona Senate in the early 1970s. Her Senate peers elected her as the first woman to serve as majority leader.

PRACTICE YOUR CIVICS

■ Justice O’Connor’s web page of lessons and games is at www.icivics.org.

■ The Johnson County First Amendment Foundation has created a study guide with lessons and quizzes at www.jcfaf.org/constitutional-study-guide.

She won a judgeship with the Maricopa County Superior Court in 1974 and had been appointed to the Arizona Court of Appeals in 1979 when President Ronald Reagan named her to the highest court in July 1981.

She told her student audience about the phone call she took in her judge’s chambers in early 1981. It was the White House, the caller said. Moments later, a familiar voice from the news got on the line.

“He said: ‘Hello Sandra? This is President Reagan. I’m going to announce you

as my nominee for the Supreme Court tomorrow. Is that all right with you?’ ”

She endured extra pressure as the first woman, but she is excited today, she said, to see three women on the high court.

Just what roles the students in her audience might play is wide open, of course. Some might be future legislators, she said, or a future governor. But if they look to their left and their right, she told them, “you see citizens.”

“You can organize,” she said. “You can make a difference.”

Twenty years ago, Olathe students like them certainly did.

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