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Sidney Shainwald Public Interest Lecture: The Honorable John F. Kerry, Senior Senator from Massachusetts

New York Law School

SIDNEY SHAINWALD
PUBLIC INTEREST LECTURE

New York Law School
March 2, 2012

THE HONORABLE JOHN F. KERRY
SENIOR SENATOR FROM MASSACHUSETTS

PROGRAM

ARTHUR N. ABBEY, ESQ.
Chairman of the Board of Trustees
Welcome

SYBIL SHAINWALD
Introductory Remarks

CONGRESSWOMAN CAROLYN B. MALONEY
U.S. Representative for New York's 14th District
Introduction

THE HONORABLE JOHN F. KERRY
Senior Senator from Massachusetts
Keynote Speaker

For Sybil Shainwald, endowing the Sidney Shainwald Public Interest Lecture Series is a meaningful way to pay homage to the extraordinary life and career of her husband. For New York Law School, it is an opportunity to further Sidney's efforts and to honor a man who was invaluable in both his life and work.

SENATOR JOHN F. KERRY



John Kerry was born on December 11, 1943 at Fitzsimons Army Hospital in Aurora, Colorado. Not long after John Kerry was born, the family settled in Massachusetts, where his parents taught him the values of service and responsibility and the blessings of his Catholic faith, lessons he carries with him to this day.

As he was graduating from Yale, John Kerry volunteered to serve in Vietnam, because, as he later said, “it was the right thing to do.” John Kerry served two tours of duty.

On his second tour, he volunteered to serve on a Swift Boat in the river deltas, one of the most dangerous assignments of the war. For his leadership, courage, and sacrifice under fire, he was decorated with a Silver Star, a Bronze Star with Combat V, and three Purple Hearts.

When he came home to the United States, John Kerry spoke out against a policy he felt gave politicians political cover while soldiers bore the real burden. He also began a lifelong fight for his fellow veterans—joining with other vets to found the Vietnam Veterans of America to fight for veterans’ benefits, for extension of the G.I. Bill for Higher Education, and for treatment of PTSD.

Later, John Kerry accepted another tour of duty—to serve in America’s communities. After graduating from Boston College Law School in 1976, John Kerry went to work as a top prosecutor in Middlesex County, Massachusetts. He took on organized crime, fought for victims’ rights, and created programs for rape counseling.

John Kerry was elected Lieutenant Governor in 1982. Two years later, he was elected to the United States Senate and he has won reelection four times since. He is now serving his fifth term.

John Kerry entered the Senate with a reputation as a man of conviction. He helped provide health insurance for millions of low-income children. He has fought to improve public education, protect our natural environment, and strengthen our economy.

From his ground-breaking work on the Iran-Contra scandal to his leadership on global AIDS, John Kerry has distinguished himself as one of our nation’s most respected voices on national security and international affairs. As chairman of the Senate Select Committee on POW/MIA Affairs, he worked to learn the truth about American soldiers missing in Vietnam and to normalize relations with that country. As the ranking Democrat on the East Asian and Pacific Affairs Subcommittee, he is a leading

SENATOR JOHN F. KERRY (CONTINUED)

expert on that region, including North Korea. He worked on a bipartisan basis to craft the American response to September 11th and has been a leading voice on American policy in Iraq and Afghanistan, the war on terrorism, the Middle East peace process and Israel's security.

In 2003, John Kerry announced that he would be a candidate for president of the United States—and he went on to mount a come from behind campaign that won the Democratic nomination. Today in the United States Senate, he continues fighting for what motivated him to enter public life in the first place: love of country and the call of duty.

Senator Kerry was an early and ardent supporter of Barack Obama in the 2008 Presidential Election, all while mounting his own successful run for a fifth term in the U.S. Senate. Kerry now chairs the Senate Foreign Relations Committee, the very committee he testified before in 1971. Under Kerry's leadership, the committee is addressing the key foreign policy and national security issues facing the United States including Afghanistan and Pakistan, nuclear nonproliferation, and global climate change.

Today, Senator Kerry is the tenth most senior Senator and the second longest serving Senator in his seat. He is the sixth most senior Senate Democrat and holds senior positions on the Finance, Commerce, and Small Business Committees.

In his life of public service, John Kerry is sustained by his loving family. He is married to Teresa Heinz Kerry, and they have a blended family that includes two daughters, three sons, two grandchildren, and two dogs.

CONGRESSWOMAN CAROLYN B. MALONEY



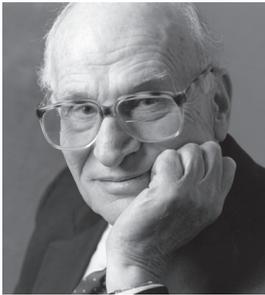
First elected to Congress in 1992, Carolyn B. Maloney (D-Manhattan, Queens) is recognized as a national leader with extensive accomplishments in financial services, national security, the economy, and women's issues. She is a senior member of both the House Financial Services Committee and the House Oversight and Government Reform Committee, Vice-Chair of the House Democrats' Steering and Policy Committee, and immediate past Chair of the Joint Economic Committee.

Her career has been a series of firsts. Maloney is the first woman to represent New York's 14th Congressional District; the first woman to represent New York City's 7th Council district (where she was the first woman to give birth while in office); and was the first woman to Chair the Joint Economic Committee, a House and Senate panel that examines and addresses the nation's most pressing economic issues. A prolific legislator, Maloney has authored more than 50 bills that have become law, including the James Zadroga 9/11 Health and Compensation Act and legislation to provide annual mammograms for women on Medicare; reduce fees paid to the SEC, saving investors \$14 billion over 10 years; create a system to track vendors doing business with the U.S. government; target the demand side of sex trafficking; expand affordable daycare; and increase the number of rape kits processed so prosecutors have access to DNA evidence, the best evidence to convict or acquit a rapist.

On the House Financial Services Committee (and as a past chair of its Financial Institutions and Consumer Credit Subcommittee), she has worked to modernize financial services laws and regulations, strengthen consumer protections, and institute more vigilant oversight of the safety and soundness of our nation's banking industry. Maloney's "Credit Cardholders' Bill of Rights" prohibits many of the egregious tricks and traps the credit card industry used to generate fees while entangling consumers in an endless cycle of debt.

Maloney is the author of *Rumors of Our Progress Have Been Greatly Exaggerated: Why Women's Lives Aren't Getting Any Easier*.

SIDNEY SHAINWALD



If every man is the architect of his character, then Sidney Shainwald was a master builder: a man of great integrity, humor, intellect, charm, and kindness, with a lifelong commitment to social justice. Sidney was a rare individual—a man of many accomplishments who not only conceived and discussed ideals, but strove throughout his life to see that those ideals became realities.

For Sidney, social justice was the desired result; Consumers Union was the mechanism through which to achieve it. It was much more than a magazine: it was a movement for change. The founders of the organization believed that product testing was a means to organize consumers to promote their welfare. CU’s goal was not merely to evaluate products, but to “initiate, to cooperate with, and to aid group efforts of whatever nature—seeking to create and maintain decent living standards for ultimate consumers.”

As Sidney later wrote:

The CU then is not to be confused with the CU of today. There were 148 subscribers, 10 staff members whose weekly salary totaled \$100, 350 square feet of office space, and a devoted Board of Directors. From its inception, CU’s Board and staff were composed of idealists and iconoclasts. Divisiveness was exacerbated by financial difficulties, necessitating a constant interplay among the Board, the management, and staff on daily policy matters.

In 1939, at age twenty-two, Sidney wrote his thesis—the first on the subject—“Consumer Product Testing: A Comparative Analysis.” He noted:

Clearly the consumers, lacking the coordinated bargaining power of other economic groups, are not yet sufficiently protected from the money-making tricks of producers and sellers.

A subscription to *Consumers Union Reports* costs three dollars, for which the subscriber is entitled to membership in the organization, which includes one vote in the annual election of directors and in

the determination of the future policies of CU, twelve copies of the monthly *Reports*, and one copy of the *Annual Buying Guide*. The *Annual Buying Guide* is a booklet of some 300 pages, which lists the ratings of products which were tested and about which reports appeared in the magazine. The *Buying Guide* is a compact little booklet of pocket size designed to aid the consumer while performing his or her shopping. The *CU Reports* may be shown to anyone, but the *Buying Guide* is confidential and is intended to be used by no one but the subscriber.

CU feels that it has a definite responsibility in reporting on the conditions under which the products are made, since it is the workers who comprise more than 90 percent of the consumers. CU feels that it is not enough to provide consumers with information which enables them to save money by buying one brand of a commodity rather than another; it also wants to help them materially in their struggle as workers, to obtain an honest wage. CU does this by letting consumers know what products are manufactured under good labor conditions so that, when possible, they can favor them in their purchases, and by letting them know what products are produced under unfair conditions, so that consumers can avoid such products. These labor reports supplement the actual ratings as to “Best Buy,” “Also Acceptable,” and “Not Acceptable,” but in no way influence the ratings.

After serving in the South Pacific, where he taught math to his fellow soldiers and edited the newspaper, Sidney became a partner in a public accounting firm—sharing his desk and political views with I.F. Stone. Sidney was also deeply committed to the arts, and represented some of the greatest artists and entertainers of the twentieth century, including Marc Chagall, Jacques Lipschitz, Naum Gabo, George Grosz, Peggy Guggenheim, Mike Todd, Zero Mostel, David Merrick, Albert and Mary Lasker, Josh Logan, Dinah Shore, Eddie Albert, London Film Productions, Tricolor Films Ltd., Magnum Photos, and the Palestine Economic Corp. He was also the accountant for, and astute investor in, several shows and movies, including *Fanny*, *The Bells are Ringing* and *Around the World in Eight Days*.

SIDNEY SHAINWALD (CONTINUED)

In 1960, when CU asked Sidney to work full-time, he left his practice. He was Interim Executive Director, Associate Director, an ex-officio member of the Board of Directors, CU's liaison to the Consumer Association of Canada, representative to the Consumer Federation of America, and a delegate to the International Organization of Consumers. From Holland to Hong Kong, he gave speeches and presented papers to budding and burgeoning consumer organizations which he visited worldwide. As CU continued to grow through the years, the *Chicago Tribune* noted that "Sidney Shainwald, CU's financial brains since the year after its founding in 1936, said the circulation of *Consumer Reports* reached a peak of 2 million in 1974."

Consumerism has become a household word, and CU, which has been termed a unique social invention, is now inextricably woven into the fabric of society. In 2011, CU celebrated its 75th anniversary. It has more than eight million subscribers to its products and services, and an annual budget of \$200 million. Consumers Union is the only social reform organization born in the Depression that has survived. At the time of Sidney's retirement, the American prototype had been replicated in over forty-six countries. Today IOCU is known as Consumers International and has a membership of over 220 organizations in 115 countries.

In 1980, Sidney paid tribute to the founding president of CU, with whom he worked for more than forty years. He spoke on behalf of the staff: "If Consumers Reports were to make a product evaluation of Colston Warne, it might read something like this: A unique model, a once-in-a-lifetime production, exceedingly efficient. . . . Definitely top-rated and the best buy ever." The same can be said for Sidney Shainwald.

It is a great privilege to have Senator John F. Kerry as the 2012 Sidney Shainwald Public Interest Lecturer.

EXCERPTS FROM *A CALL TO SERVICE: MY VISION FOR A BETTER AMERICA* BY SENATOR JOHN F. KERRY

It's time for a new call to service. It's time to rally Democrats, Republicans, and independents alike to face the common challenges of this generation. In the course of my career, from the Mekong Delta to Senate, I've tried to muster the right combination of the toughness to govern and the compassion to care – along with a deep commitment to justice and to America's progressive values.

While we are living today in the most extraordinary and powerful nation on earth, I believe not only that America's best days are still to come but that our best work is yet to be done. We have the capacity to lift the life of our own land as well as lead the world to a safer and more hopeful future. But doing so will require equal measures of strength, vision, and resolve, embodied in a leadership that grasps both the breadth of our potential and the great legacy of our past.

As someone might guess from my early decision to serve on fast boats in the Navy, I love pastimes that bring together the sky, wind, and surf. One of my favorite sports, in fact, is windsurfing, followed by sailing as a close second. In the winter, I love to ski and skate, and I am so addicted to ice hockey that I still fantasize about starting a professional over-fifty senior league.

I will proudly proclaim the values that make us Democrats: our commitment to equal opportunity; our belief that economic growth is built on the work and talent of all our people; our commitment to international rules and institutions that promote peace, security, prosperity, freedom and democracy; our concern for a vibrant and participatory democracy here at home; our willingness to meet national challenges before they become emergencies; and, above all, our determination to make government not an end in itself but a vehicle for the achievement of common goals.

As fate would have it, I learned a new personal lesson about diversity and the American mosaic late last year. Anticipating my candidacy, *The Boston Globe* looked into my family history. Among other things, the paper discovered that one hundred years ago my paternal grandfather was an Austrian Jew named Fritz Kohn, who changed his name to Kerry and

EXCERPTS FROM *A CALL TO SERVICE: MY VISION
FOR A BETTER AMERICA* BY SENATOR JOHN F. KERRY

(CONTINUED)

converted to Catholicism shortly before immigrating to Massachusetts. I didn't know this because my grandfather died when I was just five years old – a reminder of how much so much of America's history is buried.

We have the means and the opportunity in this country to create the highest standard of living the world has ever seen. We have the brainpower to clean up our environment, improve our quality of life, spread innovation throughout our workplaces, build twenty-first century schools, give Americans longer life and better health, eradicate bigotry, and radically reduce poverty. And we can spread political and economic freedom around the world, doing so in a way that makes America the most admired, not the most feared, nation on earth.

No lesson our students can learn is more important than citizenship. Teaching them about the rights and responsibilities they have as Americans is as vital as teaching them algebra or literature. Literacy about democracy is the lifeblood of a free society. Yet in a recent national test, more than 45 percent of twelfth graders couldn't explain how democracy benefits from citizen participation. That's our failing, not theirs. We need to teach democratic values in our classrooms and educate students not only about how a bill becomes a law but about how they can become fully participating citizens.

Our great country, the world's oldest and strongest democracy, can become even greater if we commit ourselves to helping one another here at home and helping others beyond our borders achieve the values of freedom and democracy that we have championed to the envy of the whole world. This is my call to service and yours.

EXCERPTS FROM *RUMORS OF OUR PROGRESS HAVE BEEN GREATLY EXAGGERATED* BY CONGRESSWOMAN CAROLYN B. MALONEY

One of the main reasons I am in Congress today is that I wanted to help push progress forward.

Yet, there are many areas in which women's rights are being eroded and women's vital needs are not being met. The wage gap is narrowing at a snail's pace. Reproductive rights are more restricted than at any time since the *Roe v. Wade* decision in 1973. Sex discrimination complaints, although falling, are higher now than they were in the year after the Clarence Thomas/Anita Hill hearings... Indecent, regressive changes to the tax code have cut into the social services that women disproportionately utilize, and they are likely to lead to deeper cuts in the future. America's percentage of children enrolled in early education programs that are critical to child development and help enable women to balance work and family is tied with that of Ecuador—39th in the world.

What does the Women's Equality Amendment—all 52 words of it—actually say?

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. This amendment shall take effect two years after the date of ratification."

Too many government policies contribute to what I call the decency deficit. Abuse of power, greed, corruption, and arrogance collapsing under its own weight contributed strongly to the change of control in Congress in 2006.

The best definition of evil I've ever heard is that it is simply the absence of empathy. The trafficking of girls and women—robbing them of every shred of dignity, which is every human's birthright, strictly to make a profit—is evil in the extreme.

- Of the estimated 27 million people held in slavery around the world today:
 - 80 percent are female.
 - As many as 50 percent are minors.
- 800,000 people are trafficked across international borders each year.
- 14,500 to 17,500 are trafficked into the United States.

EXCERPTS FROM *RUMORS OF OUR PROGRESS HAVE BEEN GREATLY EXAGGERATED* BY CONGRESSWOMAN CAROLYN B. MALONEY (CONTINUED)

Over time, if we all strive to make a difference both inside and outside Washington's Beltway—as workers and moms, scholars and senators, mentors and coaches, activists in religious congregations and community organizations—American women will prove once again that we are as unstoppable as we are incomparable. We can be the business leaders who create jobs for women and maintain America's economic preeminence. We can change the attitudes of the workforce and government to foster *real* family values, creating a saner work/life balance for all parents, married or single. We can end violence against women by more effectively prosecuting its perpetrators and protecting its victims. We can create a health-care system that puts people ahead of profits. We can restore the decency and human values on which this country was founded. We can change the rules. We can change the world.

TAKE-ACTION GUIDE:

Equal Opportunity for All:

Battle the stereotypes that hold women back.

Get a Catalyst report into the hands of those who run your organization and its management training programs. Spread the word on how stereotypes work so others can make the subconscious conscious.

A Womb of Our Own:

The assault on reproductive rights and the backsliding it has wrought has been a call to arms for women's rights groups.

- 1. Help make sure that comprehensive, accurate sex education is available to all schoolchildren.**
- 2. Prevent government laws and regulations from standing in the way of a woman's or girl's freedom to choose for herself.**
- 3. Fight to eradicate pharmacist refusal clauses that could prevent a woman or girl from purchasing contraception in a timely manner.**
- 4. Demand that health insurance companies offer comprehensive coverage of contraceptives.**
- 5. Work to keep abortions safe, legal, and accessible.**

EXCERPTS FROM *RUMORS OF OUR PROGRESS HAVE BEEN GREATLY EXAGGERATED BY CONGRESSWOMAN CAROLYN B. MALONEY* (CONTINUED)

A Seat at the Table:

What would the country look like if Congress consisted of 16 percent *men* instead of the other way around? I have my own opinions, but there's only one way to find out:

1. Fill the pipeline.

Encourage your daughters to think about politics and to be active in leading their schools.

2. Make women's voices heard.

Vote! Women are the single largest voting bloc in this country. We have much further to go, and the most important tool available to us all is our constitutionally guaranteed right to vote. Use it.

3. Run for office yourself.

Run for local office. Running for a local office—these vary from community to community but can include everything from town or city council member to sheriff to school board member—can be your entrée into elected office.

A Critical Mass of Women:

The bottom line is that we need more women in the halls of Congress and state legislatures across the country.

We are moving in the right direction. Women gained three House seats and two Senate seats in the 2006 election. Today, there are more women representatives—71—and senators—16—than ever before. Despite all the talk about the empowerment of American women, with just 16 percent representation in the House and Senate, we are about average.

Whatever our personal aspirations may be, we can all make progress for women, not just by writing our legislators or joining [political] organizations, but in our everyday lives. Each time we ask to be promoted, force an insurance company to pay a doctor's bill that it initially rejected, grill the principal on why there are twice as many teams for boys than girls at our daughters' high schools, convince a young woman to get a membership at the gym instead of a tanning salon, or tell our daughters that the sky is the limit for their futures, we make progress for all of womankind.

SPEECH DELIVERED BY HON. JUSTICE SANDRA DAY O’CONNOR (RET.) AT THE SIDNEY SHAINWALD PUBLIC INTEREST LECTURE ON APRIL 6, 2010

Thank you very much for two wonderful introductory speakers. It’s been a delight to meet Sybil Shainwald and to see with my own eyes the good institution she has developed here with the Public Interest Lecture Series. I used to see Ken now and then and I haven’t seen him for a long time, so it’s great to be here today at the Law School and to have the privilege of speaking to you, and I think that promotion of public interest in law is a very important function for any law school.

Lawyers since the start of our country have played a key role in developing what we have and we certainly need them today in sustaining a system of government. I think that it is an opportunity to share a few thoughts with you on the important role of civic education in our participatory democracy.

Our government was certainly an experiment at the time. The success of it depended upon the participation and the self-governing instincts of our citizens in those days. In order for that experiment to work, American citizens needed to be educated – they needed to know what the system of government was – so they could discharge their responsibility to participate in the democratic process, as well as to be able to recognize and avoid threats to our system of government. Thomas Jefferson knew this. He believed that an educated citizenry would provide the nation with the widest possible pool of citizens to become wise and honest lawmakers, and to help combat tyranny whenever it might arise. Now he was a pretty smart guy. He didn’t include women in that thought, as you may know, but aside from that, I thought it was a good idea. But Jefferson’s ideas did not catch on right away. In the early years of our republic, public schools didn’t exist or were very limited. Where education was available, very few members of the lower economic sector in our country were able to take part.

During the so-called Antebellum era, reformers such as Horace Mann picked up where the founding fathers left off. They led the “Common School” movement, as they called it, to create free and compulsory public education across the country. That movement’s lasting achievement lives on today: free public education, at least through high school, has been enacted in every state, and often by a requirement in the state constitution. While the founding of public schools was an important step toward ensuring an educated bunch of citizens, and civics was a critical part of Horace Mann’s vision, robust civic education programs did not immediately emerge in our new public school system.

Most early public school curricula focused on the three Rs: reading, writing and arithmetic. In the early twentieth century, political leaders and educators began to talk about the value of civic education as a way to assimilate the massive numbers of new immigrants to our country. As a result, civics curriculum and initiatives proliferated and, today, forty state

SPEECH DELIVERED BY HON. JUSTICE SANDRA DAY O'CONNOR (RET.) AT THE SIDNEY SHAINWALD PUBLIC INTEREST LECTURE ON APRIL 6, 2010 (CONTINUED)

constitutions mention the importance of civic literacy among students. Thirteen state constitutions point to civic education as the primary purpose of public schools.

For many years, public schools served this purpose pretty well. As late as the 1960s, the typical public school student took three different courses in civics and government to learn about citizenship and the rights and responsibilities that come with it. Of course we can't romanticize the instruction and quality of civics education in the past. It often sugarcoated American history; also it idealized the development of our nation's government and it omitted many of the darkest moments in our American history.

Teaching techniques have improved in this country in the last half-century, but even the flawed civics teaching of the past is better than what we have today, where civics has almost vanished from the public school system. Half the states no longer make civics and government a requirement for high school. Many students' only exposure today comes through a one-semester class, if at all, in high school. Only twenty-nine states require students to take any civics or government course for graduation from high school. In middle school, only three of the states include a separate civics course as part of their standards. So, you know, we need some work here. That's why I'm here today.

One reason for that recent decline is an unintended consequence of the No Child Left Behind Legislation. Those programs – No Child Left Behind – provide some federal money to school districts based on test scores of students in math, science and reading. Why did they do that? Because we had a number of our high school graduates tested alongside those of many other Western nations. We came in near the bottom. Our kids did not know math and science and presumably could not read, or they would have scored higher. So I don't know how that came about, but what happened is that to get the federal money children are tested on math, science and reading. If they test well, the school gets the money. Well, most schools have stopped teaching history and civics. Why would they? They don't get any federal funds. We're really in a dilemma here, right now. That's why I want to talk to you about it today.

An entire generation of American young people who were not taught civics have now grown up, and the results are pretty dismal and not surprising. In the last nationwide civics assessment test administered in 2006, more than two-thirds of the students scored below the level of proficiency. Not even one-third of eighth graders surveyed could identify the historical purpose of the Declaration of Independence and it's right there in the title! They couldn't do it! Less than one-fifth of high school seniors could explain how civic participation benefits democracy. Only one in seven Americans

SPEECH DELIVERED BY HON. JUSTICE SANDRA DAY
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knows that John Roberts is Chief Justice of the Supreme Court, but two-thirds can name at least one judge of “American Idol.” Barely one-third of Americans can name the three branches of government, much less say what they do. Now that’s the scariest of all to me. Two-thirds of Americans can name at least two of the Three Stooges.

There is a civics achievement gap between students from disadvantaged backgrounds and their better-off peers, starting from the fourth grade through the twelfth. The lower-income students score significantly worse on the civics test than the middle-class and well-to-do students. The same students are most likely to face most of the civics problems: crime, drugs, failing schools, poverty. When it comes to civics education, our schools’ failures are especially stark in the communities most in need of effective civics education. Now that’s pretty bleak, but there are a few little glimmers of hope out there.

The 2008 presidential election saw a higher percentage of youth aged eighteen to twenty-nine voting than any election since 1972, when eighteen-year-olds were first given the right to vote. In 2009, one-third of college freshmen surveyed by UCLA said there was a “very good chance” they would engage civically by participating in community service or volunteering in projects during college. That’s an increase of 82 percent in twenty years. That’s pretty good, I like that. We’re hearing at least that students are more interested in volunteer service.

Two-thirds of Internet users under the age of thirty have a social networking profile. Half of them use social networking sites to get information and share their views about politics and I guess a few other things, too. We have to use that indication of renewed interest in civics and politics to convey the information that young people need to be responsible citizens. To improve civics teaching, we need to improve the curricula and the teaching methods, so that in the little bit of time that is now given in school to civic education, students can gain the core skills they need. We need to bring civics education into the twenty-first century.

Today’s civics curricula are regarded by most students as dull and boring and irrelevant to their lives. Study after study shows that civics is the students’ least favorite subject in school. It is an active subject about getting out in the community and making a difference through political process and other things, but it’s usually taught – in the schools where it is taught – by having the students read a textbook. The nation’s bestselling civics textbook is 844 pages long. It’s awful! You can barely pick it up, much less read it. Now imagine. It’s longer than the size of an average textbook in college, and no middle school student wants to read that thing. They hurt their backs just carrying it around.

SPEECH DELIVERED BY HON. JUSTICE SANDRA DAY O'CONNOR (RET.) AT THE SIDNEY SHAINWALD PUBLIC INTEREST LECTURE ON APRIL 6, 2010 (CONTINUED)

Today's students are growing up in the digital age. They have far more avenues of learning than textbooks and paper worksheets. Our surveys show that students spend more than forty hours a week in front of a screen. That's more than they spend with their teachers, and more than they spend with their parents. We can take a big step in the right direction if we use a little bit of that forty hours a week to direct some of that enthusiasm for technology in getting students thinking, learning and engaging in civic life. It seems that every few months we learn of another innovation in digital media – first it was MySpace, then Facebook and now Twitter. Don't ask me what those are because I'm not sure. I don't use them, but I do believe that each new way of communicating offers perhaps another method of civic engagement, and to make civics relevant to students, our teaching tools have to be aligned somewhat with these new techniques.

I teamed up with some experts in education and technology at Georgetown Law School and at Arizona State University, in my home state of Arizona, to design a way that students can use their technological skills while learning civics, and together we launched a website. It's called "Our Courts": www.ourcourts.org. It features free, interactive, online games about civics, and the games include "Supreme Decision," "Do I Have a Right?" and "Argument Wars" and we're getting more. In "Supreme Decision," the students work for a Justice of the Supreme Court in deciding a fictional case about students' First Amendment interests. In "Do I Have a Right?" students play the role of a lawyer, determining if fictional complaints have some base in the Constitution. In "Argument Wars," students play the role of a lawyer in arguing famous Supreme Court cases and they have to point out the significant legal arguments to defeat the other side and earn points.

These games are targeted toward middle school students: sixth, seventh and eighth grades. We found though, that they're appropriate and engaging for many high school students as well, and all of the games are really fun to play. The kids love them. They get addicted. They're shown – introduced – in a class and the students see them, and studies have shown that well over half go home that same night and start playing them. This is great. They learn and don't even know they're learning because it's fun, and so our hope is that these activities will be engaging enough to bridge the gap between classroom time and at-home time.

Ninety-seven percent of teenagers, ages twelve to seventeen, play some kind of computer, web, portable or console games. Some of those commercial games have a few civic concepts in them, but they're pretty generalized. A recent study showed that

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PUBLIC INTEREST LECTURE ON APRIL 6, 2010 (CONTINUED)

teenagers with the top twenty percent of civic gaming experiences are more likely to report interest and engagement in civic and political activities than students at the bottom. The games in the “Our Courts” project offer a lot of overt civic content, and I think this increases the potential for good civic outcomes in a medium that’s very attractive to the students. They’re motivated to do it on their own, even at home. The games are so much fun that in a recent evaluation in the game “Do I Have a Right?” more than half the students who first saw the game at school went home and played it on their own in their free time. So, you know, this is really encouraging to me. The “Our Courts” project offers special resources for teachers too, including civic lesson plans designed for interactive learning, and entire civics units, if they want, that can be reflected in the online games. The website provides online videos, information for students, gives the students a chance to post their own comments on the web, and even ask me questions about a rotating series of topics.

I think that this “Our Courts” project is engaging enough to really bridge the gap between classroom time and at-home time. We have a long way to go to rejuvenate our nation’s commitment to building strong citizens, but we can all get involved. We have a team of student volunteers at Georgetown Law School that go into middle school classrooms to teach the “Our Courts” games, and they take as little as a single class period. That could happen here also, if your school wanted to. If you’re interested, I encourage you to get in touch with us. You can do that through the website, and we can help recruit a network of volunteers to convince schools across the country to adopt this program and if you want to help, we’d be thrilled to have you. I hope I’ll stimulate some here in New York.

Our children – or grandchildren in my case – are the experts in the digital means of civic engagement, but we have an obligation to try to get them to use the tools they need wisely, and to take seriously their role in being part of our country in the future. Recently, there were two Georgetown law student volunteers who were conducting an “Our Courts” lesson in an eighth grade classroom in a Washington, D.C. school. They were introducing the Bill of Rights to the students who were about to play the game “Do I Have a Right?” One student raised her hand and said, “What if someone more powerful than the President, more powerful than Congress, and more powerful than the Supreme Court came and tried to take these rights away? What then?” The volunteer thought for a minute, and then she said, “Well, the only people more important than the President, Congress and the Supreme Court, are you. We are a government by the people and you are the people.” This answer was very satisfying to the student, who said, “Well good, we’ll never let that happen.”

SPEECH DELIVERED BY HON. JUSTICE SANDRA DAY
O’CONNOR (RET.) AT THE SIDNEY SHAINWALD
PUBLIC INTEREST LECTURE ON APRIL 6, 2010 (CONTINUED)

As Thomas Jefferson once said, “We in America do not have a government by the majority. We have a government by those who participate.” I hope that the “Our Courts” volunteers helped foster some more participants that day, but we have a long way to go. Today’s young people are going to create tomorrow’s government and by understanding how our government works – knowing its strengths and its weaknesses and sharing ideas and solutions – they can make it a government that truly is by the people. We need your help, so that these young people can make a real difference in this country.

Thank you very much.

PUBLIC INTEREST PROJECTS

In conjunction with the Justice Action Center, students and faculty at the Law School engage in several ongoing public interest projects. These include:

The International Mental Disability Law Reform Project

Faculty Director: Michael L. Perlin

Program Administrator: Liane J. Bass

Direct Link: www.nyls.edu/mdl

The International Mental Disability Law Reform Project promotes a wide range of advocacy initiatives in Europe, South America, Asia, and Africa. It is involved in legislative reform, lawyer and law student training, pro bono legal assistance, and the full range of law reform projects that relate to the practice of mental disability law in other nations. Currently, the project is working in collaboration with the Tokyo Advocacy Law Office in efforts to create a Disability Rights Tribunal for Asia and the Pacific, and has just been awarded a grant to administer the Disability Rights Information Center for Asia and the Pacific. This project is also closely related to the Online Mental Disability Law Program that now offers 13 separate courses in all aspects of mental disability law and a Master of Arts in Mental Disability Law Studies to New York Law School students, to students at other domestic law schools, and to practicing lawyers, mental health professionals, advocates, and activists. Sections of these courses have been offered in the past in Nicaragua and Japan, and, in modified formats, in Finland and Israel. New partnerships are currently in development to offer other courses in Japan, China, and East Africa.

The Racial Justice Project

Faculty Director: Deborah N. Archer

Direct Link: www.nyls.edu/rjp

The Racial Justice Project is a legal advocacy organization dedicated to protecting the constitutional and civil rights of people who have been denied those rights on the basis of race and to increase public awareness of racism and racial injustice in the areas of education, employment, political participation, and criminal justice. The Racial Justice Project's advocacy includes litigation, training, and public education.

The Safe Passage Immigration Project

Faculty Co-directors: Leni B. Benson and Lindsay A. Curcio

Direct Link: www.nyls.edu/immigration

Each year, thousands of children enter the United States alone, seeking refuge from abuse and maltreatment. Others migrate to the United States with parents who are unable or unwilling to care for them, and end up in foster care. None are entitled to immigration counsel at government expense. Many are eligible for asylum. Others may qualify for Special Immigrant Juvenile status, which allows unaccompanied minors to become permanent residents. The Justice Action Center's Safe Passage Immigration Project works with attorneys and law students to provide pro bono services to juveniles.

SIDNEY SHAINWALD PUBLIC INTEREST LECTURERS

(2004 TO PRESENT)

April 22, 2004

Kenneth R. Feinberg, Esq.

Special Master, September 11th Victim Compensation Fund
The Feinberg Group, LLP

June 1, 2005

Senator Edward M. Kennedy

Senior Senator from Massachusetts

May 2, 2006

The Honorable Stephen G. Breyer

Associate Justice, United States Supreme Court

October 11, 2007

The Honorable Chuck Hagel

Senior Senator from Nebraska

April 29, 2009

The Honorable Jack B. Weinstein

United States District Court, Eastern District of New York

April 6, 2010

The Honorable Justice Sandra Day O'Connor (Ret.)

United States Supreme Court

March 2, 2012

Senator John F. Kerry

Senior Senator from Massachusetts

The Sidney Shainwald Public Interest Lecture

185 West Broadway
New York, NY 10013-2921

T 212.431.2800

F 212.791.2150

E alumni@nyls.edu

www.nyls.edu/alumni

NEW YORK
LAW SCHOOL