

Law Day Address
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Thank you Bob Bloom

Good evening. I started working in human rights in 1981, as an intern at Amnesty International in Washington, DC. I documented abuses committed by US immigration officials against refugees from El Salvador. I spent that summer talking with volunteer lawyers, and I was so inspired by their brilliance, their commitment to the most desperate clients, and their determination to make our country more just, I decided to become a human rights attorney. Thanks to Bob Bloom and the other folks on the BC Law admissions committee, I have had the great honor to spend the last 27 years working on international human rights. For that, and for all of you who support BC Law, I am eternally grateful.

Beyond my particular assignment at Amnesty, I learned of Refusniks in Russia, Anti-apartheid leaders in South Africa, democracy activists in Chile. The cause was compelling, the enemy dangerous and powerful. But I found myself surrounded by Davids, who, with little more than the slingshots of their hearts and nerve and sinew to support them, stood up against a world full of Goliaths. Looking back, it seems that the angels prevailed.

Military dictatorships ruled throughout South America.
Today, not one is left standing.

Communism dominated Eastern Europe.
Today, Today, no communist governments exist in Eastern Europe.

South Africa suffered the agony of Apartheid.
Today, Today South Africa has had a series of freely elected governments elected by a majority of its people.

At the time, the leading human rights defender from South Korea was in exile in Boston....
A few years ago, that same exile, Kim Dae Jung, now President Kim, won the Nobel Peace Prize for reaching out to North Korea. And,

At the time, women's rights were not on the international agenda. Today, CEDAW, the women's rights convention- has been ratified by 185 nations.

All of these changes came about not because governments, militaries or multi national corporations wanted them to, but because people with few resources beyond their own determination fought for human rights. Individuals created change. They harnessed the dream of freedom and made it come true. And their efforts created a ripple effect, encouraging others, building a tidal wave which swept down some of the mightiest walls of repression.

I think there is no time in the last 27 years that our work in this field, and the lessons we learn from HR defenders, is more important. The challenges we face are daunting:

The challenges of addressing the more than 60 million gender selective abortions in countries such as China and India, where male babies are prized above females.

The challenge of stopping the violence in Russia where 14 thousand wives are murdered by their husbands each year.

The challenges in Liberia, Rwanda, Bosnia, Cyprus, Haiti, Peru, Burma, Algeria, Sri Lanka, the Dominican Republic of the Congo and beyond where millions of women have been raped and mutilated as a tool of warfare, and too often where the soldiers who perpetrate these unspeakable acts go unpunished while the victims are ostracized.

The challenge of stopping the genocide in Darfur where the government of Sudan has financed and armed the janjaweed militias resulting in the slaughter of nearly half a million people and the displacement of 2.5 million more.

The challenge of creating hope in a world where 10 million people a year die of preventable diseases.

The challenge of transforming the lives of the 250 million children around the world who are caught in the hell of child labor.

The challenge of building equity in a world where over 3 billion people, half the worlds population, most of them women and children, live on less than two dollars a day.

And a billion women and girls will be sexually assaulted during their lifetimes.

But you don't need a passport to work on human rights. In the wake of the terrorist attacks, the challenge of protecting our national security while refusing to give in to the call to diminish our commitment to our core values define us for ourselves, our children and the world.

The Bush Administration and the Department of Justice in particular took full advantage of the climate of fear after September 11th to embark on an unparalleled attack on the very values we as Americans hold most sacrosanct.

Assault #1. The Freedom of Information Act is perhaps our most important guarantor of government accountability. Under this administration the presumption that government records should be accessible to the American people was reversed. Now, there's a presumption of secrecy.

Assault #2. Privacy

The FBI is now allowed to openly monitor the Internet, credit card data , library records and pharmacy items *anyone* purchases, and no warrant necessary; furthermore the FBI can and has intercepted vast quantities of the telephone and internet communications of innocent Americans without court approval.

In addition, **Assault #3:**

The FBI now has the mandate to spy on domestic religious and political organizations without court approval.

Assault #4.

The government now has unprecedented power to listen in on conversations between clients and their lawyers, whether convicted or merely accused of a crime, effectively gutting attorney client privilege.

Assault #5. Outsourcing torture

The Bush Administration's "extraordinary rendition" program kidnaps suspects and hands them over to countries known for torture under investigation.

Assault #6. torture under US custody:

According the United States department of justice, only if a practice amounts to organ failure, does the Bush administration considerate it torture

Under this administration, prisoners under U.S. control have been subjected to unspeakable horrors, including sexual abuse, humiliation, use or threat of electric shock, beating, shaking, hooding, "water boarding," extended sleep deprivation, attacks by dogs, prolonged solitary confinement, and prolonged incommunicado detention.

To date almost 100 detainees have died in U.S. custody. The Pentagon itself categorizes 34 of these deaths as homicides. In at least 8 and as many as 12 of these cases, the detainees were literally tortured to death by U.S. officials.

Assault #7. Secret Prisons

Taking a page from the '70's in Latin America, the CIA has opened a series of secret prisons overseas where disappeared detainees are held indefinitely as prisoners without a name in cells without a number.

The Military Commissions Act allows for

Assault #8, Convictions based on hearsay and on secret evidence which the defendant cannot rebut

Assault #9.

Convictions based on confessions resulting from torture.

And **Assault #10.**

Circumvention of the Geneva Conventions

Earlier this afternoon, I saw former US Assistant Secretary For Human Rights, John Shattuck, and I said I was going to talk about ten assaults on our civil liberties. His reaction was: ONLY TEN?

So in the interest of time Ill just add one more,

Assault #11, The failure to hold every person who allowed torture in our name at Abu Ghraib, and elsewhere, accountable for their unspeakable acts, no matter how far up the chain of command it goes.

When we look at these challenges across the globe and the assaults on civil rights here at home, we need to muster that same sense that each of us has a responsibility to protect human dignity and advance liberty, and that same confidence that the angels are on the side of freedom. And if we fail to confront the destruction of our dignity, the next generation will inherit the harvest of our indifference.

Justice Thurgood Marshall said: “History teaches that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure.”

But liberty is never extravagant; it is the very heart and soul of the idea of America. That’s the America I grew up to believe in. The America which assured all our citizens the right to vote. The America which passed legislation so women would have equal pay for equal work. The America which embraced immigrants who built our nation. The America which proudly stood with those seeking to shuffle off the shackles of colonialism across Africa. The America where the pursuit of happiness is measured not by our accumulation of wealth, but by how we educate our children, respect our elderly, secure a living wage to our workers, provide health care for the sick, and, through the hard work and sacrifice of people like the women and men in this world, the America which assures we remain the land of the free.

The America where professors like Buzzy Baron and Bob Bloom taught, and heroes like Father Bob Drinan taught us it is our duty as lawyers to protect the most cherished values of our constitution and the Bill of Rights. At this time, when we are put to the test, we must hold fast to the core beliefs passed down to us from our country’s Founders — Life, Liberty and Justice for ALL.

I would like to end with these lines from a poem by Langston Hughes:

O, Let America be America again---
 The land that never has been yet---
 And yet must be---
 The land where every one is free.
 The land that’s mine---
 The poor man’s, Indian’s, Negro’s, ME---
 Who made America,
 Whose sweat and blood, whose faith and pain,
 Whose hand at the foundry, whose plow in the rain,
 Must bring back our mighty dream again.

We, the people, must redeem
 Our land, the mines, the plants, the rivers,
 The mountains and the endless plain---

All, all the stretch of these great green states---
And make America, America again!

As you leave here today, hold fast to your dreams—to your courage and your commitment.

And, make America America again.