FREEDOM CENTER SILVER ANNIVERSARY MORGAN INSTITUTE

A History of the Institute by Howard Tolley, Jr.

I. Introduction

If the Morgan Institute was a professor seeking tenure, First, faculty on the Reappointment Promotion and Tenure Committee, then Dean Bilionis, and finally Provost Perzigian would evaluate performance in three areas teaching, research, and service. I am honored by the opportunity to pay tribute before such an impressive audience that understands the conflict of interest that would disqualify me as a former Morgan fellow from serving on the RPT committee in such a review. My association with the Institute for 24 of its 25 years does qualify me to present the tenure candidate's self assessment -- the first item in the RPT dossier.

Following Bill Butler's critical role in establishing the Institute, new law Dean Gordon Christensen wisely reached back to his former institution, recruiting the Associate Dean at American Law School as the Institute's first director. A year later I met Bert Lockwood in his temporary faculty office at Deaconess Hospital and came to understand that UC stands for under construction. Bert nevertheless convinced me and several other Political Science Ph.D.s and former Peace Corps Volunteers to enroll. Traditional UC law students must have regarded us academics as ringers, yet one younger woman still edged me out for the top spot in the class of 1983, unlike fellow political scientist Professor Martha Good and a half dozen other Morgan Fellows without Ph.D.s who graduated #1. The Institute ultimately succeeded as an equal opportunity center, including any law school student interested in human rights whether or not they qualified for a fellowship.

II. Teaching

The Morgan Institute's extraordinary achievements in teaching, the first RPT criterion, extend far beyond Bert's advanced human rights seminars for J.D. students. The world became our classroom in summer externships to human rights groups and international organizations around the globe, those clinical placements combining practical instruction with field service. From day one, academic excellence was the top priority.

The numerous distinctions won by practitioners and academics following their education here testify to the Institutes great impact. 1995 Classmates Terry Coonan and Dinah Hayes qualified for the Honors Law Graduate Program at the US DOJ. Monique Hoeflinger was awarded a Soros Justice Fellowship in 1999. Most recently Sean Arthur was awarded the coveted Skadden Fellowship and others won prestigious clerkships.

The Institute's University of Penn Press Human Rights Series includes textbooks widely adopted for undergraduate teaching. Richard Claude's text received an American Political Science Association book award and has been translated into Korean and Japanese. The second edition is in press. The second edition of Paul Lauren's "Visions Seen" was translated into Arabic, and all 3,000 copies have been sold -- I hope they weren't all swept up by a single rogue buyer determined to prevent distribution. In response to Penn editors quest for shorter books in the series, Bert might consider soliciting monographs likely to be very short on human rights advances in countries such as China and Iran.

I suspect that a majority of those attending tonight's event will never forget their participation in faculty club dinner conversations with distinguished visitors to the campus that have included U.N. special rapporteurs, leaders of the major NGOs, and government officials. At the law school the Institute has offered special seminars for international visitors on State Department tours, recording several programs that remain available as webcasts on the law school website where a webcast of this afternoon's program will be archived. Dual degree programs with the UC Departments of Women's Studies and Political Science have broadened the curriculum. The Teaching Human Rights Online Project expanded the Institute's educational outreach by providing interactive exercises for use by a global constituency of faculty, students, practitioners and the general public. In 2001 THRO was recognized as the outstanding political science website.

The Institute has also placed UC law students as inspiring teachers of the Street Law curriculum at Withrow and Hughes High Schools. Compelling evidence of the Institute's teaching effectiveness appears above us on the top floor of this museum in a gallery on Unfreedom designed by the UC law students to censure racism, genocide, slavery, hunger,

illiteracy, and tyranny.

III. Research

Beyond teaching, the Institute excels in research, an equally important RPT measure. At the core of the Institute's success, The *Human Rights Quarterly* is a unique scholarly journal with broad appeal to practitioners and academics in the social and natural sciences as well as the humanities. The forthcoming issue, possibly extending an unparalleled academic record, will be the 94th consecutive release on schedule, prompting a personal word of appreciation for Administrative Assistant Nancy Ent, a one woman tour de force here for the past 20 years.

In my first year on the HRQ staff, I heavily edited a manuscript submitted by Montana Professor Paul Lauren, a scholar with far greater research credentials than my own. He could not have been more gracious in agreeing to revisions; other contributors with larger egos who initially resented the meticulous attention their work received have, following publication, professed their gratitude and respect for the student editors' professional standards and submitted more articles. How fortunate that before coming to UC, in the first class he taught at American, Bert had as a student a published political science professor who was editing the journal at Maryland. That connection made all the difference when the Quarterly needed a new university home in 1981; the new Morgan Institute, with no library to speak of, became the journal's new home base despite a competing bid from Notre Dame.

The most celebrated HRQ article, the *Rape of Dina* by Kenneth Cain on Liberia, was one of five finalists for the National Magazine Award in the category of reporting. The *Village Voice* headline comparing HRQ to other finalists such as Vanity Fair read "Obscure Journal Takes on the Glossies." HRQ is far from obscure among those in the know in the human rights academic community and global movement.

Since 1988 the Penn Press Human Rights Series has published 38 titles in the Institute's Human Rights series making significant contributions to the research literature. The largest seller, Rebecca Cook's work on Women's rights has been translated into Chinese and Spanish. I am indebted to the institute for sponsoring the research for two of my books, the second published in the Penn series; I nevertheless remain envious of Ian Guest, whose Penn series book *Behind the Disappearances* was more suitable for required reading in my classes than my own work on the UN Human Rights Commission. Numerous titles in the Penn series have been recognized by Choice as outstanding academic publications, and a work on Guatemala received a Human Rights Award from PIOOM in the Netherlands

The institute's scholars in residence have also contributed to the literature. I look forward to the forthcoming memoir by former acting UN High Commissioner for Human Rights Bertie Ramcharan who made considerable progress on the manuscript during his month on our campus. A 1996 Fulbright scholar in residence from the Ukraine described in the Washington Post her participation in the December 2004 Orange Revolution for democracy in the former Soviet republic.

IV. Service

Her public testimony demonstrates how the best teaching and research promotes service, in the RPT context valued not only to the community but also to the university, and to the profession. A proclamation at the HOLOCAUST MUSEUM, WASHINGTON, DC**:** makes clear the duty to serve that has distinguished the institute – "Thou shalt not be a victim. Thou shalt not be a perpetrator. Above all, thou shalt not be a bystander."

As an academic institute, the program has never engaged in advocacy as a primary litigator, but its students remain deeply engaged in promoting the rule of law. UC summer externs have stood with human rights groups around the world in the unending struggle for justice. While many graduates have made careers doing full time human rights advocacy, many others offer pro bono service while in legal practice, living the adage of Will Rogers: "A man makes a living by what he gets; he makes a life by what he gives."

At the time the institute was getting underway, two regional human rights courts also opened for business. A cue from Judge Thomas Buergenthal, on the Inter-American Court noted that the new tribunal's rules of procedure were silent about the admissibility of amicus curiae briefs, so common in the American legal system. The institute helped establish a procedure allowing the submission of NGO briefs in an early case involving Costa Rica, and also supported a petitioner in the European Court of Human Rights. In Botswana Africa, the

institute provided vital support to human rights activist and judge Unity Dow, whose daughter is now in her second year at the law school. When the institute supported litigation challenging draconian cuts in Ohio's welfare benefits, I was surprised to learn that our state constitution celebrates as an inalienable right "seeking and obtaining happiness and safety."

With Bill Butler's support, the Institute has contributed significantly to human rights standard setting in partnership with the International Commission of Jurists by sponsoring three expert conferences at Siracusa, Italy, Maastricht, Netherlands and Princeton N.J. that promulgated highly regarded principles on civil and political rights, economic, social and cultural rights and universal jurisdiction. A General Assembly resolution endorsed the Maastricht principles. A landmark decision by the House of Lords in December 2004, struck down a law authorizing the indefinite detention of suspected terrorists without charge, relying in part upon the Siracusa Principles that interpret the International Covenant on Civil and Political Rights.

With Bill Butler representing the ICJ, the Institute dispatched election observers to South Africa in 1994. At the Beijing Conference on Women's rights, Bert calculated he'd gain easier access to restricted meetings with a journalist's credentials than as an NGO representative. Attending the conference as a credentialed HRQ reporter, disposable camera in his pocket, Bert was intimidated by a press corps equipped with uncountable high powered lenses and then found the media were excluded from restricted access meetings that were open to NGOs. Learning from that miscalculation, the Institute sent a non-press 4 member delegation including Judge Jones and Dean Joe Tomain to the Durban Race conference.

Award of the Butler Medal has fostered recognition of the extraordinary service performed by UNHCHR Mary Robinson, the four activists most responsible for bringing to completion the Rome Statue creating an ICC, and our honoree this evening. The Institute sponsored annual meetings of the AIUSA Legal Support Network for 4 years and in 1996 became a co-founder of the Midwest Coalition of Human Rights, and. After facilitating the development of human rights programs at other universities, this year the Institute helped launch an undergraduate international human rights certificate at UC involving 25 faculty members from twelve departments in four colleges.

V. Conclusion

Four law school Deans in the past 25 years at this dinner, Gordon Christensen, Joe Tomain, Donna Nagy, and Lou Bilionis as well as Provost Tony Perzigian obviously had no need for the evidentiary record I have presented here to appreciate that the Institute's RPT case is a slam dunk whether or not George Tenet would agree. UC made its appreciation clear in 1999 by awarding Bert Lockwood a Distinguished Service Professorship, only the third such honor granted by the university. I never ceased to be amazed at how much has been done by so few, with so little. I hope that this silver anniversary inspires a renewed commitment to build on the program's great strengths by providing essential resources to address new challenges.

A clinical director is needed to take full advantage of the numerous potential opportunities for externships obtained by years of cultivating an extraordinary global network of professional contacts. New technology should make affordable internet videoconferences for an online global human rights moot court and the delivery of distance learning classes to institutions around the world unable to retain their own human rights instructors. The Institute can lead other universities through the International Human Rights Education Consortium to establish standards for interdisciplinary academic programs at the undergraduate and graduate level.

Professionally and personally I remain profoundly indebted to the generosity and inspiration of Bill Butler and Bert Lockwood whose collaboration has enriched our university, the city of Cincinnati and the lives of uncounted others around the globe. Perhaps others dining here this evening share my personal feeling of inadequacy when hearing about their extraordinary achievements and the stellar contributions of the alumni who detailed their work for us earlier today. I take some consolation from the words of Helen Keller: "I long to accomplish great and noble tasks, but it is my chief duty to accomplish humble tasks as though they were great and noble. The world is moved along, not only by the mighty shoves of its

heroes, but also by the aggregate of the tiny pushes of each honest worker."
The aggregate of pushes by UC law alumni should help us keep hope alive in these troubled times when our voices must be joined in opposition to misconduct by our own government. The Morgan Institute gave us an appreciation that human rights include not only civil and political freedoms but also basic economic social and cultural rights. Our legal education incorporated a critical moral dimension, empowering us to advance humane values.

Only one of us here tonight qualifies for the Butler Medal; inspired by the Institute and the example of its human rights heroes, the rest of us should appreciate the teaching of Frederick Buechner who wrote: "The life I touch for good or ill will touch another life, and that in turn another, until who knows where the trembling stops or in what far place my touch will be felt."

The Institute has touched us all, its influence has spread to the farthest corners of our shrinking globe, and we will continue to spread it values, each in our own way, both great and small.

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