

TAKING RISKS TO UPLIFT HUMANITY: A TRIBUTE TO PETER CICCHINO

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I have known Peter for nearly a decade and he has lived by the ideals described in “Defending Humanity” long before he delivered it as a speech in March 1998.¹

My work as an advocate, primarily for low-wage workers toiling in sweatshops in Los Angeles, daily reflects the profound truths of Peter’s piece. I want to mention briefly three of those truths and then tell a personal story about Peter that I have seldom told.

The three elements of Peter’s piece I will address are capitalism,² the good life and individual choice,³ and Dr. Seuss.⁴ Before coming here today, I was discussing with my dear friend, Professor Leti Volpp, the nature of this event—a celebration of Peter with the inauguration of public interest awards in human rights named in his honor. Leti assured me that, particularly given my work as an activist for human rights, and the fact that Peter was my advocate and defender, and I his client, the first and only time I have ever been prosecuted at a trial, my remarks here today need not comment in the traditional way on Peter’s piece. Instead, I will tell some stories about my work, my relationship with Peter, and how Peter’s words

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1. See generally Peter M. Cicchino, *Defending Humanity*, 9 AM. U.J. GENDER, SOC. POL’Y & L. 1 (2001).

2. See Cicchino, *supra* note 1, at 5 (remarking that capitalism promotes the view that “human labor is a commodity, a thing to be bought and sold like any other commodity on the open market”).

3. See Cicchino, *supra* note 1, at 7 (suggesting that attorneys can have a good and happy life when they work to protect against human rights violations).

4. See Cicchino, *supra* note 1, at 2 (observing that the Dr. Seuss story, *Horton Hears a Who!*, is a valued tool in conveying the message that human rights are important).

and deeds continue to resonate with and inspire me.

My clients are primarily non-English speaking Asian and Latino immigrants with low levels of formal education.⁵ They are refugees of the global economy seeking a better life in the United States. Generally, their dreams are no loftier than finding a job on which they can feed and clothe themselves and their families, and being treated with some measure of dignity. Sadly, even such modest dreams are too much to ask. My clients feel they are told everyday that they are too poor, too uneducated, and too expendable to have dreams.⁶

In a capitalist system like ours, corporations can go anywhere in the world to buy the labor they want.⁷ In my work organizing garment workers and representing them in impact litigation against manufacturers and retailers,⁸ our fundamental demand is that corporations treat workers not as line items on the “cost” side of their balance sheets, but as human beings, with, in Peter’s words,

5. See, e.g., K. Connie Kang, *Final \$1.2 Million Added to Thai Workers’ Settlement*, L.A. TIMES, July 29, 1999, at A1; Marissa Navarro, *Sweat Equity*, CAL. L. BUS., June 26, 2000, at 11.

6. See generally Julie A. Su, *Making the Invisible Visible: The Garment Industry’s Dirty Laundry*, 1 J. GENDER RACE & JUST. 405 (1998) (illustrating the conditions faced by Thai garment workers at the El Monte, California, sweatshop compound who came to the United States only to have their dreams shattered by an industry built on exploiting poor immigrants, primarily women of color).

[The] Thai workers were held in a two-story apartment complex. . . . A ring of razor wire and iron inward-pointing spikes. . . surrounded the apartment complex. . . . The workers lived under the constant threat of harm to themselves and their families. . . . The workers were not permitted to make unmonitored phone calls or write or receive uncensored letters. Armed guards imposed discipline. . . . [The workers] were making less than a dollar an hour for their eighteen-hour work days. . . . The workers tell me that though eighteen-hour days were the norm, they sometimes worked more depending on how quickly the manufacturers and retailers wanted their orders. . . . When they were finally permitted to go upstairs [from the factory] to sleep, they slept on the floor, eight or ten to a bedroom made for two, while rats and roaches crawled all over them.

See *id.* at 406-08 (describing the conditions faced by Thai garment workers at El Monte).

7. See *The Globalization of Sweatshops*, 6 SWEATSHOP WATCH 2 (Sweatshop Watch, Oakland, Cal.), Summer 2000, available at http://www.sweatshopwatch.org/swatch/newsletters/6_2.html (describing the globalization of the economy and the negative effect it has had on labor standards in the United States and abroad). See generally Katherine Van Wezel Stone, *To the Yukon and Beyond: Local Laborers in a Global Labor Market*, 3 J. SMALL & EMERGING BUS. L. 93 (Summer 1999) (remarking that improved labor standards and capitalism cannot coexist in a globalized economy because companies will seek out countries with lower labor costs and lower regulatory standards).

8. See generally *Bureerong v. Uvawas*, 922 F. Supp. 1450 (C.D. Cal. 1996), 959 F. Supp. 1231 (C.D. Cal. 1997) (finding that Thai and Latino garment workers stated causes of action against the manufacturers and retailers for whom they sewed); see also Kang, *supra* note 5, at A1 (providing an update of the lives of the Thai workers after El Monte); Navarro, *supra* note 5, at 11; Janet Dang, *Garment Worker’s Suit Ends in Settlement*, ASIAN WK., June 1-7, 2000.

“legitimate claims to make on us as individuals and as a society.”⁹ When I raise such arguments, corporations unfailingly insist that low wage jobs in the United States, even if exploitative, are better than what workers had in their home countries. In other words, corporations are saying “this is the best poor people can hope for, it is not our fault they’re poor” or even more insidiously, “we have created jobs, they should be grateful for that.”

At a recent meeting with representatives of some of these big corporations, a corporate executive said, “If workers in this country insist on higher wages and better working conditions, *all* of the work will go to Asia and Latin America. If those workers insist on pushing the issue, we will be *forced* to go to Africa.”¹⁰ From a capitalist’s perspective, the only option for the rich is to seek out, deliberately, the poorest, most vulnerable, and most exploitable labor. This “poor-be-damned” philosophy is disturbing not only from a class-based analysis. The racial and gender implications are equally troubling. Around the world people of color, primarily women, are perfectly situated in the righteous path of corporate plunder.¹¹ Peter’s piece reminds me that we can do better and, in fact, that we must do better. Specifically, attorneys have a particular role to play and responsibility to fulfill.¹²

This brings me to the second element of Peter’s piece I wish to address—the good life and individual choice. I have been excessively fortunate. I went to law school with dreams of fighting the good fight and ending the injustices I saw, namely poverty, racism, sexism, and homophobia. Law school, it turned out, was not the place for dreams. The most valuable lessons I learned in law school were products of my battle against the law school. At Harvard, I learned how to fight an oppressive institution, but not in the classroom or in

9. See Cicchino, *supra* note 1, at 5 (commenting that labor is a variable cost in production and people are erroneously treated as commodities); see also Maria L. Ontiveros, *A Vision of Global Capitalism that Puts Women and People of Color at the Center*, 3 J. SMALL & EMERGING BUS. L. 27, 33 (1999) (stating that “[the United States has] a version of global capitalism that values the bottom line and short-term profits over community and human life”).

10. This comment was made at a meeting in Los Angeles convened by the California Trade and Commerce Agency as part of a series focused on the garment industry in 1999 and 2000. See also Stone, *supra* note 7 at 98 (reporting that “[t]here is now considerable data that indicates that firms tend to move production to the countries that offer lower labor costs, as well as lower levels of unionization”).

11. See Maria L. Ontiveros, *A Vision of Global Capitalism that Puts Women and People of Color at the Center*, 3 J. SMALL & EMERGING BUS. L. 27 (1999) (describing conditions faced by people of color and women who are confronted with the dehumanizing effects of global capitalism); see also Su, *supra* note 6, at 406 (noting that of the seventy-one workers found at El Monte, sixty-seven were women and all were people of color).

12. See generally Su, *supra* note 6, at 417 (explaining that an attorney is “an advocate for people and an advocate for justice”).

my casebooks; I learned through action and the choices that I made.

A part of me feels silly claiming that law school oppressed me, especially when I look into the faces of garment workers who awake each morning to work ten, twelve, fourteen hours a day, sometimes more, for meager wages, and forced to endure daily insults. I am well aware that access to the education I received is an enormous privilege. But precisely for that reason, the challenge of making the institutions to which we gain access just, nondiscriminatory—yes, humane—is one that we must accept. Powerful institutions, whether they are corporations, governments or universities, must be held accountable by each of us.

We make choices at not only the major crossroads in our lives, but every day when we decide whether we will be defenders of humanity.¹³ Each time we choose to engage rather than look away or stand idly by, we make it harder for ourselves the next time we are confronted with injustice to be complacent. We make the act of struggle, the will to fight, and the liberation of ourselves and our fellow humans an integral part of who we are.

This life of struggle has been enormously satisfying for me. Like Peter, I have never regretted my choices.¹⁴ Although I now work twelve or fourteen-hour days, litigating without support staff, regularly meeting with workers until late into the night, and hearing life stories that break my heart and leave me aching inside as I drive home, alone on the freeway, these life stories have also made me a better lawyer and person. My life experiences have given me a family committed to the same vision of a just world that includes Peter, a number of people here today to pay tribute to Peter, and co-workers, professors, organizers, students and advocates with whom I am blessed to work.

One of the unintended consequences of standing up for justice is that you will befriend, love, and share your life with people who will stand with you, who live and take risks for common ideals. These friendships, born as they are out of shared passions and pain, a willingness to confront and be truthful with one another, and the thrill of shared victories are essential to any good life.

This leads me to Dr. Seuss, the third and last element of Peter's piece that I will address. I first heard Peter talk about the Dr. Seuss

13. See generally Cicchino, *supra* note 1, at 7-8 (remarking that people must choose to become defenders of humanity).

14. See Cicchino, *supra* note 1, at 7-8 (expressing that he has no regrets for defending the rights of a student while a teacher at a Jesuit school). The defense of his student resulted in Cicchino's departure from the Jesuit order, a life he had known for six years. *Id.*

book, *Horton Hears a Who!*,¹⁵ at a Skadden Fellows¹⁶ conference in New York. As further evidence of how much more well read Peter is than I, I had never heard of the book. But I never forgot Peter's account of it and its simple but powerful message: each individual's contribution to raising a collective voice against oppression and invisibility is crucial.¹⁷ One of the saddest, and sadly accurate, descriptions in the book is the picture Dr. Seuss paints of how Horton, the elephant with large ears and a deep moral sensibility, was ridiculed and taunted by his peers.¹⁸ People, including Peter, who take on battles on behalf of society's marginalized inevitably endure criticism, some of it incredibly cruel. They are labeled divisive and disruptive, irrelevant, immature, rash and overly excitable. I have been called all of these. Their activism is attributed to a lack of self-confidence. Risks are inevitable.

I want to close with a story about how I met Peter and why I am here today. Exactly eight years ago today, on April 17, 1992, I was a first-year student at Harvard Law School and was charged with "interfering with the normal function of the Law School . . . and obstructing access to the Dean's office and related offices."¹⁹ I was told a disciplinary hearing would proceed against me and eight other students several weeks later.

The eight students and I facing charges had engaged in a twenty-four-hour sit-in, protesting the lack of women of color and openly gay and lesbian faculty members, as well as the dearth of people of color generally on the faculty. We protested the institutionalized

15. See DR. SEUSS, *HORTON HEARS A WHO!* (Random House 1954).

16. See Cicchino, *supra* note 1, at 1 (describing a keynote speech he gave at the Skadden Fellows Public Interest Conference in March 1998). Peter Cicchino is a 1992 Skadden Fellow. Julie Su is a 1994 Skadden Fellow.

17. See generally Cicchino, *supra* note 1, at 2 (describing Horton as a powerful symbol of the importance of each person standing up against oppression).

18. See DR. SEUSS, *supra* note 15.

19. In letters delivered via Federal Express to all nine of the students charged, we were informed that:

[a]fter careful consideration of the materials available . . . the Administrative Board at its meeting of April 16, 1992 voted to initiate disciplinary proceedings against you. Specifically the charge is: Interfering with the normal functioning of the Law School and with individual freedom of movement by obstructing access to the Dean's Office and related offices for approximately 24 hours from April 6 to April 7, 1992, and by refusing to leave when requested to do so by officers of the University.

(letter on file with author).

See Andrea Estes, *Law Students Want Dean Out: 'Animosity' to Minorities and Women Cited*, BOSTON HERALD, Apr. 17, 1992, at 5 (noting that the nine students who protested Harvard Law School's lack of minority and women faculty are facing disciplinary action by the dean).

discrimination that led to their absence and the resulting narrowness of the curriculum and our educational experience that, among other things, failed to train students to serve the underprivileged.²⁰ The Dean and other faculty members sought our expulsion. One of the many catalysts to our sit-in was the Dean's statement in the *Wall Street Journal* that activist students were really acting out because we lacked self-confidence, an insecurity caused by affirmative action, which made us desperate for more professors who "looked like [us]."²¹

Once we learned we would be put on trial before the Administrative Board ("Ad Board") of the law school—the first such public trial in the history of the Ad Board—we approached many professors to assist in our representation. Most declined to help, for reasons that I could not dispute and still understand at some level today, namely, the time and energy toll it would take and the risk of making powerful enemies among their colleagues. When we approached Peter, who was then a third-year student, it must have felt like *déjà vu* to him.

Peter has often been approached by those in need because of the kind of person he is. Struggle against injustice, and a willingness to take risks both personally and professionally are integral to his being. I did not know when I met him eight years ago that Peter had come to law school after years as a Jesuit.²² During his time as a Jesuit, he taught high school seniors. One of his students was subject to an official inquiry and suspension for painting and displaying a picture that upset the school's president. Despite warnings from his fellow Jesuits that taking on the student's cause could prove disastrous for Peter, he fought for his student and won. However, having so angered and alienated his religious superiors, Peter was forced to leave the Jesuit order.²³

Peter's fight for his high school student and the consequences that followed must have given Peter pause when, in April 1992, less than

20. See Barbara Oliver, *Harvard Law School Dean Urged to Resign*, UNITED PRESS INT'L, Apr. 16, 1992 (explaining the premise behind the student protest). See also *Why We Must Sit-In Today*: Statement from members of the Harvard Law School Coalition for Civil Rights, Apr. 6, 1992 (on file with author).

21. See L. Gordon Crovitz, *Harvard Law School Finds its Counterrevolutionaries*, WALL ST. J., Mar. 25, 1992 at A13 (quoting the Harvard Law School Dean as stating that "minority students need a sense of validation and encouragement, with the fundamental problem being a need for self-confidence . . . [and] 'more teachers who look like me' . . . we're dealing here with one of the symptoms of affirmative action").

22. See Cicchino, *supra* note 1, at 8 (stating that he had been a Jesuit for six years).

23. See Cicchino, *supra* note 1, at 8 (remarking that despite being forced to leave the Jesuit order, he has never regretted taking up his student's cause).

two months before Peter's graduation from law school,²⁴ he was approached by a group of students facing expulsion. He must have had doubts about whether this was the right thing for him to do, particularly after so many professors had declined. But if Peter had concerns, he never once expressed them to us.

With Peter's help, we convinced Professor William "Terry" Fisher to take on our cause and serve as our defense counsel. Over the next few weeks, we were forced to drop almost everything to prepare for the school's prosecution of us. We convened endlessly to discuss trial strategy, risks, and defense and prosecution witnesses. We alternated between laughing at the absurdity of the situation, the whole weight of the university brought down on student protest, and crying in despair, fear and frustration. We rejoiced at the impact our actions made, even if only temporarily, on the consciousness of the law school.

The due process violations were numerous and severe. They were particularly ironic given that they were perpetrated by a university whose mission included teaching the meaning and importance of due process protections. The violations ranged from secret phone calls between the Dean and the Ad Board and attempts to turn our right to a "public" trial into a private one by excluding all of the press except the school paper, to which Peter responded publicly, "As is said in the Scripture, those who live in darkness fear the light."²⁵

Peter, along with Professor Fisher, met constantly on our behalf with the Ad Board to try to correct the due process violations. The Ad Board offered several "plea agreements" prior to trial that included our making apologies and promising never to repeat our actions in exchange for expunged records. Peter brought the proposed pleas to us, counseled us, and gave us full decision-making power, vowing to stick with us to the end, regardless of our decision. Peter's professionalism, commitment and respect for us was a model of attorney-client relations that has stayed with me. He missed his classes to commit himself fully and passionately to our defense, and for that, I will always be grateful.

The ferocity of the law school's response galvanized the entire student body. On the night our trial began, over 400 students packed the Ames Courtroom and hundreds more, who could not get in, crowded outside the doors. When we approached, my heart was fearful yet elated. I kept thinking that my parents, Chinese

24. Peter Cicchino is a 1992 graduate of Harvard Law School.

25. See Andy Ward, *Fried 4 Absolved, Griswold 9 Hearing Set for Monday*, HARV. L. REC., May 1, 1992, at 6.

immigrants for whom a daughter getting a law degree was a ticket to all the prestige and privilege of American life, would be mortified. Yet I felt my actions were part of a noble history of struggle in America generally, and at the law school specifically that demanded protest and courage. We marched toward the courtroom with Peter leading the way, calling out, "Make way for the defendants!"

At a trial that lasted more than eleven hours over a two-day period, three days before final exams were scheduled to begin, Peter and Professor Fisher examined and cross-examined witnesses to the sit-in. We argued that there was nothing "normal" about the discrimination in which Harvard Law School engaged, so we could not be charged with violating the NORMAL FUNCTION of the law school.²⁶ Ultimately, as my presence here confirms, we were neither expelled nor suspended.²⁷ Peter graduated that year and went on to do great things: defending individuals who needed his skill, expertise, and passion.²⁸

During that entire period, I was in awe of Peter. The warmth of his personality and the love he exuded were not only attributable to our attorney-client relationship, but to a genuine respect we held for one another and a shared sense of purpose, which were as evident as his commitment to our case and his unparalleled ability.

I learned more from watching Peter interact with us in preparation for and during that trial than I learned during the rest of my time in law school. As Dr. Martin Luther King, Jr. said, "All labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence."²⁹ Peter lives that philosophy. I have tried to imitate him in dealing with my clients, in my approach to creative thinking, and in pushing the boundaries of the law.

To Peter's students, you are incredibly blessed. Learning from Peter is a part of your academic curriculum and your formal legal education, not relegated to *extracurricular* activities that you have no choice but to create for yourselves. I have no doubt you will make good use of this blessing.

26. See Statement of the Administrative Board, Harvard Law School, May 8, 1992, at 6 (on file with author).

27. See Statement of the Administrative Board, *supra* note 26, at 5-6.

28. See The First Annual Peter M. Cicchino Awards Ceremony and Inaugural Conference at American University Washington College of Law, Apr. 17, 2000 (explaining that Peter Cicchino founded and directed the Lesbian and Gay Youth project of the Urban Justice Center, provided legal representation for lesbian and gay street youth in New York City, served as a staff attorney at the ACLU, and clerked for Justice Alan Handler of the New Jersey Supreme Court).

29. Dr. Martin Luther King, Jr. at <http://www.dailycelebrations.com/011500.htm> (last visited Feb. 7, 2001).

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To Peter, you are an extraordinary human being. I know that this day is not *per se* a day to honor Peter himself, and that he wanted us to talk about the stellar awardees and the practice of public interest law generally, but I would be remiss if I did not say that I feel compelled to talk about Peter personally. I believe that, given the experience I just described, I owe my law degree, in part, to Peter. I do the work I do with the hope of imparting the same type of love, energy, devotion, and commitment to humanity that is Peter Cicchino. And I aspire to live my life with the unflinching will to fight and to take risks in defense of humanity that is Peter's example and challenge to us all.