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HAROLD HONGJU KOH: EXCELLENCE AND DECENCY

Janet Koven Levit[†]

When then Dean of the Yale Law School, now Judge, Guido Calabresi, delivered his annual welcome address to the entering first year class, he exhorted law students to strive for two values – excellence and decency. Throughout history, remarked Guido, naked excellence, unmatched with decency, has produced some very smart, very crafty, and some very evil demagogues.

Our speaker tonight, the current Dean of the Yale Law School, personifies both excellence and decency.

Dean Koh has achieved excellence in everything he has touched. He graduated *summa cum laude* from Harvard College, was awarded the prestigious Marshall scholarship for graduate study at Oxford University, and was a law clerk to Justice Harry Blackmun, following his graduation from the Harvard Law School. After his clerkship, he worked in the Office of Legal Counsel at the Department of Justice and joined the Yale Law School faculty in 1985, where he taught classes in civil procedure, international human rights, international business transactions, and national security. As a scholar, Dean Koh has authored or edited eight books, including the award winning *National Security Constitution*; and written over eighty articles, which have been published in the most prestigious of journals, including the *Stanford Law Review*, *Yale Law Journal*, *Harvard Law Review*.

Yet, what is so unique about our speaker is that he does not sit contently in the ivory tower – instead, he lives one of his father's truisms – "Theory without practice is as lifeless as practice without theory is thoughtless." As director of the Orville Schell Center for International Human Rights and co-founder of the Lowenstein human rights clinic, Dean Koh has worked tirelessly and passionately as one of the country's – the world's – leading human rights advocates, playing a role in virtually every significant international law case in the last 15 years. And through this work he has inspired dozens and dozens of students – affectionately referred to as "Koh groupies," who could be found in

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the clinic at the wee hours of the night pouring over depositions taken from Haitian refugees in Guantanamo or wrangling over the latest Supreme Court brief. For his human rights work, Dean Koh has received more than 20 awards and, in 1998, President Clinton appointed our speaker as Assistant Secretary of State for Democracy, Human Rights and Labor. Yet the fruit of his labor can be found in this room tonight (and rooms like this all around the country) – in the form of former students who have embraced human rights as the nation's leading professors, advocates and practitioners.

In addition to this impressive exhibit of excellence and achievement, Dean Koh exudes humility and decency. He has a contagious smile. He recognizes students and alumni by name. He signs e-mails (which he usually returns around 4 in the morning), “hugs, Harold.” And, as I was working with Dean Koh to arrange this visit, he repeatedly requested that I block time for a visit with my kids, ages six and two. Dean Koh is solidly grounded in his Korean roots and concludes each of his classes with a meaningful story about his parents influence on his career and his life. There is simply no pretense in Dean Koh – he is real, he is approachable, and he is infinitely generous – as clearly evidenced by his being here tonight, which involved a risk that he – a die-hard Red Sox fan – would miss the 5th game of the World Series. Of course, it was not to be – sorry Cardinals fans.

In addition to decency, in addition to excellence – Dean Koh approaches his work with the highest degree of integrity and a razor sharp moral focus. He does what he believes is “right” – not necessarily the most politically expeditious or popular. So in the early 90s, when the AIDs cause was not in any sense vogue, he (and a group of students) represented a class of HIV positive Haitian refugees whom the INS had interdicted and sent to Guantanamo Bay; they litigated their case all the way to the Supreme Court, suing the very administration that he would later serve. In the days immediately following 9/11, when the country was solidly united behind the President's efforts to use “all necessary means” to hunt the terrorists, Dean Koh was one of the lone voices warning of the high costs in terms of civil liberties and detainee rights.

At a recent Yale Law School Alumni weekend, John Shattuk, who preceded our speaker as Assistant Secretary of State for Human Rights, said this “Get behind Harold. . . he will . . . reinvent the field of human rights and mainstream it in our political discourse.”¹

It is my humble honor to welcome Dean Harold Hongju Koh to the University of Tulsa College of Law to deliver the 9th Annual Hager Lecture.

1. John Shattuck, CEO, John F. Kennedy Library Foundation, Remarks at Yale Law School Alumni Weekend (Oct. 9, 2004) at http://www.law.yale.edu/outside/html/Alumni_Affairs/alumniwkend_av04.htm (last visited Jan. 25, 2005).