

Human Rights – Conversations Across Generations

Episode: Harold & Emily Koh Part 02

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Transcript of audio conversation

MEREDITH LOCKWOOD 0:04

Hi, welcome to our podcast, Human Rights Conversations Across Generations. I'm Meredith Lockwood, founder of Lockwood Creative, a purpose-driven creative agency. And I'm here with my dad.

BERT LOCKWOOD 0:16

And I'm Professor Bert Lockwood, the director of the Urban Morgan Institute for Human Rights at the University of Cincinnati College of Law.

MEREDITH LOCKWOOD 0:27

Together, we are your father-daughter co-hosts.

BERT LOCKWOOD 0:29

For over 50 years, I've had a front-row seat to the evolution of international human rights.

MEREDITH LOCKWOOD 0:35

And now, we're sharing that expertise with you by connecting to the powerful stories and insights of human rights voices from around the world.

BERT LOCKWOOD 0:43

We bridge the past and the present, making complex human rights issues more approachable and understandable.

MEREDITH LOCKWOOD 0:50

So, pull up a chair and join our table as we speak with Nobel Peace Prize recipients, political leaders and the world's leading human rights scholars and activists.

Welcome to part two of our special series with Harold and Emily Koh. If you're joining us for the first time, we recommend you start with Part One to get the full context of this engaging conversation. As we continue today, we're diving even deeper into the world of human rights, exploring the ongoing impact of the Koh family's dedicated work. All right. So let's jump back in.

MEREDITH LOCKWOOD 1:28

I would love to pick back up the conversation, starting with you, Harold, discussing the early days in your career, particularly your clerkships. For our listeners, I'd love to make a direct connection to Harold's clerkship with Justice Harry Blackmun, who delivered the majority

decision for Roe v. Wade in 1973. On a personal note, my mom marched down Fifth Avenue in New York City in the 1970s for reproductive rights. And since then, she's always impressed upon me and my sister the importance of ...the Roe vs Wade rule. ruling and standing up for our rights. Unfortunately, we know that the reality now is those rights have been taken away from us. So Harold, could you walk us through what it was like clerking for Justice Blackmun? I know he was a strong mentor for you, and you wrote such a beautiful tribute to him in 1994.

HAROLD KOH 2:25

Um, well, you know, Justice Blackmun, uh, was a very modest, almost, almost painfully modest man. He was from a very, uh, poor family in Minnesota. and he was a scholarship boy all the way through. A he got a scholarship to Harvard, Harvard Law School. He ended up working, clerking for a judge, uh, becoming a partner at a leading Minnesota, Minneapolis tax firm. Um, then he went to the Mayo Clinic and, got on the eighth circuit and then onto the Supreme Court. um,so he to be a judge when he's 60. And I, I think he actually at the time thought that the world works, you know, that, uh, institutions work. And then he got on the Supreme Court and he was such a person that he actually read everything. He read all the cert petition. And then I think he started to see that actually a lot of people fall through the cracks and are, are, the people who don't have special access, the, the underprivileged, the people who are in minorities. and he would just read these things. And I, I think it just sort of opened his mind um, he started writing a lot in his opinions about, we have to think about the world out there. Um, and there's a case in which, uh, a woman was denied a medical procedure by the majority. He wrote the majority's opinion says, let her eat cake. You know, that that's the practical impact of the decision. Now, interestingly, because he was general counsel in the Mayo Clinic, when he was assigned the Roe versus Wade opinion, I think he was assigned because they thought he was pro doctor and also pro establishment. And so when you read the opinion, it, it looks like deference to doctors and the woman is barely mentioned, but as time went on and he went out and, uh, spoke about it, women would come up to him and tell him how he had saved their lives. And, uh, by the time he retired, he went to a press conference at the white house and they said, what do you want to say about, Roe versus Wade? And he said, I think it's an essential step on the road to the full emancipation of women. So he had changed his view over time that it was not about deference to doctors. It was about treating women as equals. And he also had very much the same position with regard to LGBT rights. Uh, you know, his dissent in Bowers versus Hardwick became the majority and Lawrence But it was also connected to his notion that we have to understand what he called the world out there. And that really meant not just America, but the world as a whole. And that, he was acutely aware um, the United States didn't invent the rule of law. And I think that's what we in traveling abroad. And I'm sure you did too. There's a system of international law out there and that's the rule of law. And I remember talking to a French kid at Oxford when I was a student, I said, uh, what do you think about human rights? And he said, ah, loi de l'homme. And then he said, liberté, égalité, fraternité. And then I started saying, you mean, you think this is your idea? You know,the French Revolution. And then I started thinking, you know, we think about this as the, uh, the Bill of Rights or the Declaration of Independence or the Constitution, but every country feels like they came at it their own way. And so there's this global rule of law connected by networks of individuals who have come to believe the

same thing. And I started to see that this is a common element of, of how international and domestic law intersect, that there are these certain common concepts. so, you know, when I see somebody like Justice Kavanaugh, when he was sworn in, he I believe in the American rule of law. And I thought, what about rule of law elsewhere? I mean, you know, you're talking about the American rule of law as if other people don't have the rule of law. And then the Supreme Court has had this crazy set of rules about, we don't borrow from other countries. We don't look to their traditions of precedence. And the more I think about it, I'm from a family which has Irish and Koreans. And, um, when I go to, a taco truck, if I want to put kimchi in the taco, I say, can I borrow some kimchi and put it in the taco?

MEREDITH LOCKWOOD 7:04

uh,

HAROLD KOH 7:04

Nobody says, that's an American taco. Yo don't put cream. Or if I go to a bar mitzvah and they start playing gangnam style, we don't say this is American bar mitzvah.

MEREDITH LOCKWOOD 7:15

put

HAROLD KOH 7:15

You can't play Korean music, you know? um, so, you know, uh, human rights is as American as, their frankfurter, right? there's a sort of parochialism that I think the way that I was trained, you know, Americans are borrowers. So obviously we borrowed our everything, including our legal tradition. now that doesn't mean that these traditions bind us. but you know, if a judge can a law review article, why can't they cite another country's opinion on the exact same uh, thoughtful and, and, an, and instructive analysis. And so I think part of this internationalization of our education has taught us that. And so now this response has sort of cut ourselves off from this global network by, know, travel bans or preventing people from enrolling as students or not teaching certain cultural aspects, you know, critical race theory, um, you know, critical race theory. know, it's, it's just this, um, mistaken belief that we can seal off ourselves from, other know, what we know is, it's only one version of the truth.

BERT LOCKWOOD 8:29

Harold, one of the programs that got affected by the, pandemic but now I suspect other reasons is the state department had this program where they would identify, uh, people in foreign countries, it's often, uh, they thought were perspective leaders in their various, walks of life and amongst those were human rights people. And would send them on 30 day tours around the U S and, one of the, when they, we got people in the human rights field, they would typically send them to Cincinnati to have what I called a dinner conversation with my human rights students. And, One of the refrains that I heard over and over from these, uh, individuals is- and it didn't matter whether it was Republican administrations or Democratic- is how much they appreciated that the government did not try to shield them from groups that were critical of the government. And, many of these individuals were skeptical of the United

States before they came on these visits, but after the visits and after this experience, I think they came away, thinking that one of the great strengths, uh, strengths of the country was this willingness to have this diversity of ideas and- and the like. And is reflective, I think, of a different moment. Well, it was a fairly long moment that we had than what we're in today, where there seems to be this censorship and

that's going And well, negative with respect the, I think, image of U. S. in the world. But kind of soft diplomacy, I think, was one the strengths. I made myself a something that was said that I just wanted share with And that Bill Butler who was my benefactor, was often fond of quoting his father-in-law, who was Arthur Garfield Hayes, who was one of the founders of the American Civil Liberties Union in 1910. But one of the things that Arthur Garfield Hayes said when someone asked him why he was involved human rights, his response was, I don't like to see the little guy get kicked around. And I've always thought there may not be a better definition for a human rights lawyer than that in terms of the motivation.

HAROLD KOH 11:32

If I can just tell one story, which I think captures both this diversity of experience, but the fact that there's a common commitment to human rights. When I was Assistant Secretary of State for Human Rights, when Emily was a teenager, I spent a lot of time in Kosovo, which is, you know, a Muslim part of the old Yugoslavia. And, they were being persecuted the Serbs. And there was a, big bombing campaign and NATO stepped in and sort of saved them. And then they spun off into an independent nation. I went there a number of times in the late 90s. I went to Prishtina, the capital.

leader of the Serbs, Milosevic, had just sort of cried uncle.

all of these people came out of the refugee camps. And they're in a room with me in an auditorium. And they said, these guys are the lawyers and judges. And we're going to a new legal system for Kosovo. And they're going to be the judges. And so they have to be sworn in. So you're the Assistant Secretary of Human Rights. We do swear them in. So I said, OK. And I said, what should we swear them in on? And I said, should we swear them in on a Bible? And then they said, well, about half, most of them are Muslims. And I said, well, what about the Koran? And then they said, well, a bunch of them are Christians. And then we said, what about the Constitution of Yugoslavia? And they said, it doesn't exist anymore. And what about the Constitution of Kosovo? We don't have one yet. And so I said, so what should we do? And then they conferred with each other. And then they went around and they were picking up these books. And then they came back with a stack of books. And I said, what are these books? And they said, the Universal Declaration of Human Rights, the UN Charter, the European Convention on Human Rights. And. And they said, we will take an oath that we will obey these universal principles of human rights law in the way that we administer justice. And every one of them, I don't know who was from what background, came up and, you know, put their hands and took this oath. And there's no more powerful illustration to me than that the rule of law and human rights is a universal concept that transcends different societies and different differences.

BERT LOCKWOOD 14:09

I want to share with you, uh, um, John, John Humphrey, who wrote the first draft of the Universal Declaration was a friend. I can remember, I worked in 1975 for two years for this, uh, World Peace Through Law Center, which would every other year hold these huge conferences. Where they'd get 5,000 lawyers from a hundred, uh, countries. And Humphrey was the chair of our human rights, committee. And, uh, one of the things they did at the, uh, end of the conference was they uh, vote on resolutions that would come out of the various committees. And Humphrey submitted a resolution that said the Universal Declaration of Human Rights . was customary international law. so I get on the phone and I said, well, John, you know, I'm willing to accept that parts of the declaration of human rights customary international law, but there's no way that all of it is. And Humphrey's response was, well, I know that's true and you know, it's true, but if enough of us say that it is, it will become so. And one of the sources that he looked to is experts in the field say customary international law. to me, it was always sort of the Tinkerbell phenomenon how you establish international criminal If enough of us applaud that it'll become so. John invited me up in the early 1980s McGill to give a set of three lectures. he had a dinner party for me at his house first night. And when we pulled into his driveway, there was this gorgeous old Mercedes sitting there. And I said to him, oh, what a beautiful It was a 1966. He said, Well, he bought it when he left the and that his first wife died of cancer and he had just gotten remarried. And he said they had decided they didn't need two They were just going to use the one. And therefore he was going to get rid of it. And I said, well, how much do you want for it? And he said, well, he just had a problem with the engine. And if he could get back, he had a new engine put that he'd be happy. The upshot of is he sold me this 1966 Mercedes on the condition that we call it, Eleanor. And so I bought it, drove it back to Cincinnati. And I'll tell you, Harold, it almost put me into poorhouse. I mean, one thing after another kept going wrong with it. And you didn't sort of pull into a local gas station get it fixed. I mean the parts were expensive and only a few mechanics would work on it. but Humphrey would call me once a month to find out how Eleanor was doing.

So I kept up this pretense that I was driving Miss Eleanor, uh, around Cincinnati for, you know, years as it was sitting, ru away in my garage. Um, until one day I came home and, uh, it was no longer there. My, my wife apparently had, uh, she claimed she didn't know what happened to it.

Uh,

HAROLD KOH 18:03

You know, Meredith, one, thing this reminds me of, you know, I had two female bosses, Madeleine Albright and Hillary Clinton, and both of them are also examples of a father-daughter relationship in human rights. You know, tha Madeleine's father, Josef Korbel, fled from the Nazis and then fled from the Russian communists and, and went to Denver and became a professor. And so she was very inspired by him. And so when I first met her, that's, that's what bonded me to her. And then, you know, Hillary Clinton, her father, Hugh Rodham was, uh, very profound influence in their life. But when they went to the Beijing Women's

Conference in the nineties, the actual conference was really a show, a governmental show. and the Chinese made it as difficult as possible for the NGOs to get together, but they invited Hillary. And so Hillary, who was first lady at the time, goes and she consulted with Madeleine. They decided that what they would say is, she would say is, uh, "women's rights are human rights and human rights are women's rights", which is we've created the structure of human rights, but we haven't created a broad enough concept to include women in it. But that it's the framework is there. You just have to expand your mind, uh, to include half of the world in that idea. And when you put it that way, gender equality, which is what Emily does, is the next phase of the human rights movement Bert and I have been part of you know, earlier, frankly, visionary, uh, perspective on that issue.

EMILY KOH 19:48

I should say this year, 2025 is the 30th anniversary of Beijing.

MEREDITH LOCKWOOD 19:55

Wow.

EMILY KOH 19:55

And so when we were, when I was on the gender policy council, I was privileged to work with leaders who have worked alongside first lady Clinton, Secretary Clinton, in addition to my dad, and have been, you know, longstanding champions for gender equality. And part of what we worked on was an assessment of the U S progress since Beijing and, you know, reflecting on what issues have advanced, where we've regressed the role of councils like the gender policy council and carrying that work forward. and while we're obviously in a very different moment under the Trump administration, you know, so many people continue to carry that work forward in all kinds of ways, you know, outside of the federal and just to hear about that legacy and to be able to carry it forward is really exciting and important work.

BERT LOCKWOOD 20:49

I was just, I was just going to mention, uh, I was at Beijing I, um, decided that I, I would be smart. And then instead of, uh, cause I, I'd been at Vienna that rather than getting accredited as an NGO, um, I would go as a journalist, uh, with the Human Rights Quarterly. And so that's how I got accredited. Well, in Beijing, what happened is the first day, the limited access of the NGOs to any of the governmental meetings. And then the second day they opened it up, that NGOs representatives could go and sit and listen to the governmental things, but they prevented journalists from attending those things. And so I, I ended up having very limited, uh, access and, and having to be basically briefed by the NGOs at the end of each, each day as to what was going on. But one of the things I remember from Beijing was, um, that McDonald's, a, a wonderful opportunity that the most popular restaurant to eat at, at lunch was McDonald's. And so there would be this line of women in very colorful dress of all different countries kind of stuff lined up long line, waiting to go into McDonald's. Um, and, and I thought that would have been perfect. And actually, one of the things that they, do every few years is they, take a survey around the world to what are the most recognizable symbols. And for years, it's been the Christian cross. And, and it was about, three years ago that the Christian

cross is no longer the most recognizable symbol in the world. Uh, you know, what is taking its place?

MEREDITH LOCKWOOD 22:45

Ba-da-ba-ba-ba-ba.

BERT LOCKWOOD 22:47

The golden arches.

MEREDITH LOCKWOOD 22:49

Yep. Yep. That's brand, that's branding 101. as somebody who designs branding, that's our branding 101. well, and I want to be conscious of time because, both Harold and Emily have been so unbelievably generous, but

BERT LOCKWOOD 23:03

you

MEREDITH LOCKWOOD 23:04

One

BERT LOCKWOOD 23:04

have.

MEREDITH LOCKWOOD 23:04

thing when I reach out to friends and colleagues and I ask, you know, for persons who might not be as savvy with human rights law, but are listening to understand our current climate in the United States and abroad, what can help them? And so many people right now feel powerless and they don't know what to do and how to get involved. And we're 140 days into the inauguration. And something that I always go back to, Harold is from your work in the 1990, Storming the Court and helping Haitian refugees. And I want you to walk us that and the origins, but it reminds me that your law students at the time Yale law school, it was their request. They were driven by this desire to help others and to be able to sue human rights violators. and to take that your present work, um, you were just the commencement speaker at George Washington Law. And I'm sure Emily and I've had many proud dad moments. I've been in the audience with my dad getting awards and Emily, I know you got to be in the audience listening to your dad's incredible speech. For our listeners, I'm also going to include that link in the show notes, but one you shared Harold with the graduates that meant so much to me and reminded me is for them as law graduates about to take their bar exam and practice law, you reminded them that they are the guardians of the law. And for me rereading Storming the Court for our podcast a day and listening to your speech, it reminded me that I'm a defender and of human rights. Even without a law degree, And now more than ever, we must find our community, our like-minded persons to come together and fight for our neighbors, fight for immigrant rights. ICE and DHS are infiltrating our neighborhoods, our restaurants, our community centers. but I wanted to take it back to 1990, as I'm just so deeply inspired by you

and your counterpart, listening to your students and saying, we hear you and we will make a law clinic and we will be the litigators for you. could you take us back to that time and how it all got started?

HAROLD KOH 25:28

Um, yeah, well, we, the students asked me to start, you know, I was teaching international business transactions and, they asked me to start a human rights clinic, named after Allard Lowenstein, who Ber knows. part of the idea was to have a human rights law firm within the school. So we started initially by doing cases under the Alien Tort Claims uh, which Bert also knows very well. one of our cases was involved Haiti. And so we got involved with sort of the Haitian community and then the Haitian refugees started, coming on boats and being returned and they were being taken to this place nobody had heard of, which is called Guantanamo. This was being litigated out Florida. And so we started or helping them. Our clinic was writing amicus briefs in support of them and they lost. And so at that point, the Haitians just started being returned in very large numbers. And, you know, for my big mouth, part of what I would do in a teaching class would be to say, you know, why did they make this forum choice? This is exactly the point about Emily. You know, you don't go to a place where you're going to lose. And we knew that they would lose in the 11th Circuit because the court of appeals was so unfriendly. And the student said to me, well, where would you bring a case? And I said, in New York. First of all, there's, you know, Haitian community. Second, at the time, there was a New York City government. Ironically, Emily later worked for New York City government under a Democratic mayor. I said in particular we could file in Brooklyn, Eastern District of New York. And in fact, that's where the judge who had done the first alien tort case was – Eugene Nickerson. Then a bunch of the students came to me and said, you know, what, what if we actually filed the case in the Eastern District of New York? This was spring vacation of their last year of law school. So they were graduating like a month and a half later. In retrospect, it was insane to start a case with them. They were all students and they were all going to be leaving. so at first I sort of said to them, well, no. And then, uh, I was thinking about it and it came to exactly what I said to, about my dad. You know, there's a moment to decide. Then I thought, you know, here I am. I'm the son of immigrants, I'm a refugees' kid, I happen to be a tenured professor at a law school that has a human rights clinic. Um, you know, if they had done this to my parents, we wouldn't be here. And I thought, who, who else uh, has the, uh, resources, the capacity, the time, to do this. And I thought, if I'm not going to do it, how can you expect anybody else to do it? So I called the students back and I said, uh, you know, uh, let's go. And then, you know, we were lucky. The students included, you know, Chris Coons, who is now, Senator from Delaware. Sarah Cleveland, who is now the U. S. Judge on the International Court of Justice. Mike Wishnie, who now teaches uh, Yale Law School. He's a professor, uh, you know, Van Jones, who's a famous, television commentator. and so the students all signed up and we, uh, went into it. And then it was crazy. I mean, you know, most cases get to the Supreme Court, if at all, once every three or four years. We were at the Supreme Court, seven times in the first year. And, uh, we filed in three different courts on the same day, District Circuit and Supreme Court, a number of times. And, uh, we regularly had 24-hour turnarounds and all these people got involved on our side. You know, Jesse Jackson, Susan Sarandon, Harry Belafonte. Uh, it became kind of huge cause celebre. Um, and then, you know, Bill Clinton was

running for president. He, he was actually on our side, And so we, we were trying to normally plaintiffs try to speed the case up. We tried to slow it down so that he could get elected and change Bush's policy. Um, anyway, I remember I, I went to a dinner for people in the Korean community.

And this older Korean guy, in an attempt to talk down younger the younger people he gets up and says, um, why are you spending all your time helping these Black people? Why don't you help our people? And, you know, 10 or 15 years ago, I might've been deferential to him, but I was so caught up. And I said, Hey, do you mean to say that in the face of Haitian boat people, you don't see Vietnamese boat people? And in the face of, Haitian people being interned in these camps, you don't see Japanese people interned in camps in the face of Haitians who are fighting for democracy, you don't see Koreans who are fighting for democracy? And I said, you know what Dr. King said is we may have come in different boats, but we're in the same boat now. And I said, the question is not why I am doing it. The question is why aren't you doing more? Anyway, I think the older people thought I was being very insulting, but, but in fact, this was kind of the precursor to what I said to the kids at GW, you know, know, courage is contagious and cowardice is contagious too. And that's what I saw learn from my dad. You make a choice and then suddenly other people join in. And then when I argued the case at the Supreme court, I decided that the last sentence, the last paragraph would be, "Ours is a nation of refugees. Most of our ancestors came here by boat. If they could do this to the Haitians, they could do this to any of us. " And what I was trying to tell the justices is don't think of it as us versus them. We are them. They, they are us. You know, we were all outsiders trying to come in. And that's the message for today. So, uh, I guess I take it forward in two directions. One, we had then in, after 9/11, other people on Guantanamo, we knew the most about Guantanamo. So we started a 9/11 clinic. And that was really about the rule of law and then Trump was elected so we had another rule of law clinic. And then Trump got elected again and all the stuff that's going on now, much of it's directed against foreigners. And so we have a, a new rule of law clinic. Except now, uh, we need new tools. You know, We didn't have social media. You know, so, you know, suddenly it comes out, we, we could spend weeks writing a brief that has no impact, or we can try to find people like you guys who have trained in this and try to deliver these messages. And so we're, we're building out for a different age. But the other story, which I think was really important was that when, Clinton got elected, I was supposed to be the legal advisor of the State Department, this is back in, in, uh, 1993, uh, which is one of the jobs I was always interested in. And Clinton decided to hang on to the policy of Bush, at least for the initial period. And so some of my colleagues said, why don't you get off the case, and just join the Clinton administration? And I said, if he's not going to change the policy, I'm not going to join the Clinton administration. And, they said, what do you think about the policy? I said, well, he's, he's wrong. Uh, and all these people said, you can't criticize democratic president if you're a Democrat, cause then you'll be persona non grata. So I then heard, I'm not going to be the legal advisor. And right at the end of the argument, somebody told me, you know, um, when you leave – this is actually is very important to the media point – when you leave the oral argument, Emily was at the oral argument. It was actually very touching. Christy and Emily came down and, um, I had a hotel room, so they got a separate hotel room. So the night before, and I was preparing and I had all these notebooks of all the

cases I'm trying to suddenly at about 10 o'clock at night, there's a bang on the door. And I opened there's Emily who was only four years old at the time. Oh no, no, no, 1993. Yeah. So you were, you were seven years old. She's carrying this gigantic notebook. And she said, dear dad, we assembled all the cases for you to read. And she came in and I, she said, what are you doing? And I said, look, look at this. And she goes, what a mess! But the next day, a guy advised me, he said when the argument's over, turn around and just walk right through the corridor of the court, walk down the stairs, go to the nearest, microphone and just say Clinton this, Clinton that. And he said, then you'll come, somebody will come up to you and ask me, do you want to be on the News Hour, which was called at the time McNeil Lehrer. And he said, then you'll go over there. And he said, that's the oral argument. And I said, what do you mean? He said, you're not going to win this case in court, but you could win it in the court of public opinion. So, um, sure enough, I appear that night and who was there, but Sandy Berger, the, the, um, Deputy National Security Advisor. In fact, the exact same position that Rostow had years earlier. And at that point, I was so angry. Everything he said, I was attacking him and all this stuff. And I thought, this guy hates me. Anyway, um, they changed the policy. and then I got called and asked if I wanted to be Assistant Secretary of State for Human Rights. And I, I said to my friend who was putting me forward, you know, I sued the Clinton administration. And not just for Haitians, but also for Cubans. And he said, yeah, that's why Madeline wants you. And I said, why? He said, well, if you defend our policy, nobody think you're doing it just to suck up – you're doing it because that's what you believe. And so Madeline Albright and I became very good friends. And then the, the last two things of that administration that really registered with me. was I went to Korea and we're there with, um, Kim Dae-jung, the great human rights, he won the Nobel Peace Prize and became president of Korea. And the meeting begins. And he says, I'd like to point out the presence of, um,

the son of Kwang Lim Koh who stood up for Korean democracy, and you are the human rights official. Uh, and you don't know what this means to the Korean people and how your father inspired us. And, you know, my father was dead at that point, but I thought, you know, he was right. He made the right decision. And, and, and they remembered. Uh, and then, uh, on my last day as, uh, Assistant Secretary of Human Rights and Emily and Christy and William were there, there was a party a friend's house and we're there. And then a limousine pulls up and who gets out but Sandy Berger. And he comes in and he well, um, I work with Harold on human rights throughout the last couple of years. And he goes, I, I first saw him on the News Hour after the Haitian argument. And I didn't know who he was, but when the argument was over, I said two things, he said, one, let's change the policy. And two, let's get this guy into the administration. And so, you know, that to me showed that, you know, the power of advocacy, the power of new media, the importance of sticking by your principles and that, you know, in time, things, have their own way of working out. So, you would have thought that we lost, you would have thought that my father lost, but in the end, you know, they, we were vindicated. And the lesson I learned, which I passed on or tried to pass on is doing the right thing is always its own reward. um, I, I see in Emily and I see in my son, William, that's what they're ready to do. they understand this. And from Christy too, you know, it's the last client doesn't thank you for the, for the judgment you got. But then in time they realized you were one of the people who was fighting to level the playing field for them.

MEREDITH LOCKWOOD 37:58

Absolutely. Thank you so much for, And, you know, with my last note for our call is, the lessons your father shared with you are such gifts that you are passing down to your children, your students, your colleagues, your friends, our listeners. something I also think is incredible about your work and dealing with human rights What's happening under the Trump administration is you're still very optimistic. and we have so many significant challenges facing the rule of law, but there's still an optimistic outlook you have every day in your work. Um, and, and Emily, please feel free to answer this as well. it's for What gives all of you hope for the future of international law and human rights? And what role do you see for individuals and institutions in this fight?

HAROLD KOH 38:58

Well, first of all, what makes me optimistic is my own life. You know, my whole life is complete accident. You know, my mother was in North Korea. She hadn't gotten out. She would never have met my father. And my father is born on this little island. How on earth did he get to America? And even before he left, he almost got killed by his teacher. And, and then, you know, all of these things happened and, you know, he's an exile and a refugee. And, suddenly we're in New Haven, Connecticut. And, as time goes on, you know, this is an amazingly open society. and it was that that allowed us to achieve our dreams. And so maybe my father couldn't achieve all his dreams in one generation. But we could achieve them in two generations. And so I feel optimistic, but also a very strong sense that we have to advance things, know, not let things go backwards. So a good example was, you know, I was testifying, uh, for the ratification of the Convention for the Elimination of Discrimination Against Women. And I was trying to think about how to deliver the end of it to these skeptical senators. And I said, you know, if my, my mother was born in Korea, they have ratified the treaty so she would be in Korea protected by the treaty. And my wife is an Irish American and they've ratified the treaty. And so she would be protected. And my daughter, Emily is an American citizen and, um, she's not protected by the treaty. You know, how, how can this be why isn't the world moving forward? Why, why isn't there progress? And, um, you know, we've got to ratify the treaty just so that the next generation has the same opportunities as the last ones did. The same applies to climate change, public health, anti-discrimination, rule of law. But I, I'm practical enough to realize it's not all gonna happen in my lifetime. I know Bert realizes that too. And that means that the work has to be carried on by the next generation. And that's you and Emily. You know, and it may not finish in your generation and then you'll pass it on to others. I, I leave it to Emily because we, we went to see this incredible play, Suffr. And why don't you tell us about it? Cause I think it captured this.

EMILY KOH 41:31

Yeah, the, the play, which was, on Broadway when we saw it at the end of last year is now touring across the country. So there's still, still ways to see it. the play, Suffr, is really about, the suffrage movement here in the United States, which, you know, Meredith, if you and I have the benefit of that movement in that we are able as women to and what is so often overlooked in the story of, women's suffrage here in the US is just how difficult a fight was that fight was and

how long it took. and the play, um, and the play, um, and the play, um, and the, um, that, that advanced that movement. it also does a really good job of showing the generational differences of those leaders. Um, and the ways that they had different perspectives into, how to secure the right to vote for women here in America. um, and whether that was through outside advocacy, whether that, that was through, proximity to power and the play really wrestles with those different approaches and really highlights common goals that everyone in those movements had. and the efficacy of, um, and the efficacy of all of those different approaches at different times. It also shows how, you can enter into these fights, and have one way of doing things. And then as time goes on, you change your approach and then another generation comes up behind you and they might, have a similar way of trying to advance the fight that you did when you were younger. Um, and that there's a real cycle, to how these, these movements and these issues and the people who contribute to them, uh, that appears continuously over time. We saw that play in the, the final message of it. And the final song, is about the importance of just keep marching. And you may not see the change that you're trying to give within your lifetime. but if you don't keep marching, the generations after you won't see it either. And that there's a real importance to just taking action, staying in the fight and doing what you can. And that is definitely what motivates me right now. It's what gives me a lot of hope and determination in this moment is that know, where there is injustice things that you want to see changed in the world, it is so important to just take action and do what you can. and to keep fighting in whatever ways that you can contribute. And that could be as a lawyer, it could be as a creative, it could be inside the system, outside of the system. But, you know, we only make progress when we take those steps forward. Um, and those steps forward can really influence so many generations to come. and, uh, you know, we don't necessarily see all of the benefits of that work. but what we know is that it can really make a difference in profound ways. and so I've seen that in the fights that, you know, our ancestors have carried forward. The fights that, you know, our dads have, have been engaged in and continue to be engaged in. and then I also, of course, draw just tremendous inspiration from, the fight and resolve of, of peers like you, Meredith, who continue to use your creativity and your intellect to figure out how do we move the ball forward and how do we do so in collaboration and in partnership with one another.

HAROLD KOH 45:02

Yeah, the lyric, the lyric is: "progress is possible, not guaranteed. It will only be made if we keep marching, keep marching on". And, uh, Em, where are we, tell, where are we going next week?

MEREDITH LOCKWOOD 45:17

Where, where are you going?

EMILY KOH 45:19

We're going to go to, um, Newcastle, Maine, and we'll be at the opening of the Frances Perkins National Monument.

MEREDITH LOCKWOOD 45:26

Wow.

EMILY KOH 45:27

Um, which has real significance because when I was on the Gender Policy Council, you know, one of our, one of the things that, um, I got to work on was the administration's, uh, recognition and work to advance women's history across the federal government. And one of the ways that you can do that, of course, is through national monuments. And there are so few national monuments that recognize women's history, women's contributions to American history. Um, Frances Perkins' homestead in Newcastle, Maine, was designated a national monument by President Biden as a result of our work. And it will open next week. And as you know, Frances Perkins was the first woman to serve in a presidential cabinet. She was the longest serving member. And so many of the really historic achievements of the New Deal, and our social safety net, and so many, issues that really have served as the foundation for the gender equality work that, we are all carrying forward is because of the policies that Frances Perkins championed. And, uh, and, uh, and so to get to see that and to get to see that with my family will be really, really special

BERT LOCKWOOD 46:38

One of my dreams has always been to hold a small human rights conference, in Maine at uh, Roosevelt. Um, it's a national, sort of a national park that borders Canada. But I always thought of the, to bring together about 10 people, just to sort of brainstorm on where we are and where we go from here kind of thing. Uh, uh, that would be the ideal setting with Eleanor with Eleanor in the background. So,

MEREDITH LOCKWOOD 47:06

well, well, we can make that happen, dad. We have some participants right here that will come

EMILY KOH 47:13

Sign us up.

MEREDITH LOCKWOOD 47:14

I'll take the lead. All right. Well, thank you both so much. You have been again, incredibly generous with your time.

BERT LOCKWOOD 47:19

Yeah.

MEREDITH LOCKWOOD 47:19

We are so deeply grateful. we hope you'll come back another time on the podcast as we continue to grow and expand. and we're just so grateful for your friendship, your continued partnership and all the work that you do around the world. and Em, we have to get our dads together in DC, come see you. It would be so much fun.

BERT LOCKWOOD 47:38

Thank you ever so much. It's been wonderful. Thank you.

HAROLD KOH 47:41

Yeah. Keep marching. Keep marching.

EMILY KOH 47:43

Tha you so much. Such a pleasure.

MEREDITH LOCKWOOD 47:49

So that's a wrap on Harold and Emily Koh. How lucky were we to share the space with another father-daughter duo in human rights? If you were inspired by today's conversation or perhaps the Koh's sparked an idea or a question for you, we would love to hear from you. Our email is [humanrightsconversations at gmail.com](mailto:humanrightsconversations@gmail.com) and you can visit my website, meredithlockwood.com to learn more about the podcast. Be sure to join us next time.