

Human Rights Conversations Across Generations

Elisa Massimino episode

Transcript of edited conversation

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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 0:26

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.

BERT LOCKWOOD 1:03

Today, we are joined Elisa Massimino, Executive Director of the Human Rights Institute and a Visiting Professor of Law at Georgetown University Law Center. Alyssa has spent more than three decades at the forefront of human rights advocacy. Before joining Georgetown, she spent 27 years at Human Rights First, including a decade as president and CEO. Her work has spanned refugee protection, national security, the prevention of torture, and the role of the United States in advancing human rights. Before joining Georgetown, she spent 27 years at Human Rights First, including a decade as president and CEO. Her work has spanned refugee protection, national security, the prevention of torture, and the role of the United States in advancing human rights. Throughout her career, Elisa has testified before Congress dozens of times and has helped shape some of the most consequential human rights debates in Washington. Following 9-11, she helped bring together retired military leaders to U. S. policies

authorizing an advocacy campaign we explore later in our conversation. Elisa joined Georgetown Law in 2019 as the Robert F. Drinan Chair in Human Rights, and today she leads its Human Rights Institute. She also teaches a course called Effective Human Rights Advocacy in Polarized Environments, where students learn how to turn the human rights issues they care about into practical strategies for change. Now let's welcome Elisa to the show.

MEREDITH LOCKWOOD 2:58

Hello. Thank you for joining us today.

ELISA MASSIMINO 3:00

My pleasure. I was saying what a great idea this thing

MEREDITH LOCKWOOD 3:04

Well,

ELISA MASSIMINO 3:05

is.

MEREDITH LOCKWOOD 3:05

you know, I'm just so lucky that I got to grow up in a human rights household and I didn't know the giants they were. They were just our family friends. And something I find incredibly inspiring about is, right now you're focused on shaping the next global leaders of human rights. Do I have

recollection that you might've been born in Hawaii?

ELISA MASSIMINO 3:23

I'm a bit jealous I have been thinking. For a long time, not so much with my dad, although my dad passed away a couple of years ago and the stories that I got out of him before he passed, which are all recorded on my phone, but they're just incredibly rich, you know, stories. And many of them I had never heard before. We had some wonderful, days together doing that before he passed away, but also on a professional level, As I'm reaching, you know, retirement age and my peers who we all work together on, know, similar issues, uh, are the same age or a bit older, I'm thinking there's so much. That we're losing as they, are, are retiring. and I had thought about doing a, uh, like an oral history project, maybe that's focused on specific campaigns or specific issues. and, you know, it's one of those things that I keep thinking about, oh, maybe when I retire, I might have time to do that. so I was so thrilled to see that you're doing this and I'm, I'm just, I think it's a wonderful idea and a great way for people to absorb, Some lessons that are applicable to the work that we're all engaged in today.

I was, yeah. So my parents who were, you know, in their early twenties, my, when my dad graduated from the Naval Academy, um, my mom graduated from what was then called Indiana State Teachers College in Indiana, Pennsylvania. And they, uh, you know, they grew up in these very small towns. My dad's father was, you know, the immigrant and was a coal miner

and, and died shortly after my dad graduated from the Naval Academy and my mom's, uh, parents, uh, her mom was a school teacher and her dad worked at Alcoa, uh, in a little, uh, suburb city of Pittsburgh called New Kensington, which was a big thriving, you know, uh, mid-sized town during that period. And they had not been really very many places. And they, uh, they took their honeymoon across the country and got on a boat and, and ended up in, uh, Honolulu for my dad's first, uh, assignment.

BERT LOCKWOOD 5:35

You Meredith, j had get that book. I, I'm only about 50. Pages. And the head of the Washington.

MEREDITH LOCKWOOD 5:44

Yeah. Sarah Gu is the head of the Washington Post creative department. And this is her new memoir. We got a sneak peek copy for the podcast. and it's the story of her family, the land and legacy in old Hawaii.

ELISA MASSIMINO 5:57

Oh, wow. I have to, I have to get that. That looks amazing.

MEREDITH LOCKWOOD 6:00

Yeah. I'll send you the

ELISA MASSIMINO 6:01

Oh, great. That's wonderful. Yeah. we left when I was, I don't know, two years old or something, and I hadn't been back uh, just with my youngest sister. we went and it was wonderful. I found the house where, where we lived and, uh, got a real sense of what my, my parents' lives must've been like back then.

BERT LOCKWOOD 6:22

Oh, you'll identify then because that's what she does as well. The.

ELISA MASSIMINO 6:25

Oh,

BERT LOCKWOOD 6:26

Back

ELISA MASSIMINO 6:26

great.

BERT LOCKWOOD 6:26

to discover her roots.

ELISA MASSIMINO 6:28

It is wonderful. The people are amazing.

MEREDITH LOCKWOOD 6:31

so, Alyssa, I'd love to talk about the beginning of your human rights journey. And to quote you, you have said, "My own human rights journey started in the context of protecting refugees." Now, these early experiences, I believe, have become a foundational part of your lifelong commitment to advancing human rights. If we look back to your early days, could you tell us about those refugee communities that you were working with and learning from?

ELISA MASSIMINO 6:58

Sure. Yeah. you know, so I, I came to Washington after law school. I had been in a PhD program for philosophy before I went to law school and I quit after a degree. I just felt like I wanted to do something more practical, you know, really to help people. And I had had this idea as an undergraduate that I would go and, write books about how philosophy could help solve social problems. And that wasn't much in vogue where I was in grad school at the time in the eighties. um, I did not really know what I wanted to do, but I was dating a guy at the time who was in the grad program who I met in, in, at Hopkins and was from Michigan and, was always planning to go back and get a law degree in at University of Michigan. So I thought, I don't know, could I do that? I didn't know any lawyers. I didn't really know what it meant to practice law. But then in law school, I took, there was not much human rights, teaching going on, but there was a visitor, from Europe, Bruno Simma. I don't know if you remember him, Bert, but he came every other year as a visiting to teach one seminar at Michigan. And I took it and I thought, wow, this is kind of what I had in mind when I was thinking about philosophy. And I was, but then he left and, you know, and then I had a bunch of debts and I went to work for a big firm in DC, w was then known as Hogan and Hartson. mostly because, they had a very strong and innovative at the time pro bono program. And that's really how I started to get a window into that. There were people who were lawyers who were using that skill set to help people in need more directly. um, and so one of the projects that I worked on, uh, back then for Arthur Helton, I don't know if you ever knew Arthur Burt, but, He was very important mentor to me. I worked for him on, uh, drafting, talk about full circle now drafting, and supporting and, and, um, advocating for temporary protected status statute. and then, when the organization, which was then called the Lawyers Committee for Human Rights, uh, wanted to open an office in Washington and they needed a staff attorney, Arthur, called me and said, I think you should apply for this job. And I, I had known about the job, but I didn't apply because I didn't think I would be qualified. I knew other lawyers who were applying who were more senior than I was and had far more experience. Um, but I ended up getting that job and I was very enthusiastic and, uncharacteristical self-confident when I went for the interviews because I, I, I became convinced that this was my calling in life and that I was going to do it no matter what, whether I got this job or didn't get this job. I, I realized all of a sudden kind of through that experience, what my purpose was. and it turned out that what they needed, it was quite a specific skillset. and it was, you know, very coincidentally one that I had developed, they needed somebody who knew the pro bono culture in Washington and knew, you know, who at which law firms would be interested in this setting up, This refugee, um, pro bono program, the asylum representation program that was already well established by the Lawyers

Committee in New York. And I had done a couple of asylum cases, which was hardly enough to make me an expert, but I had, this was in the eighties and the AIDS epidemic was ravaging communities in Washington. And I was involved in, Spearheading the first AIDS Walk fundraiser from the legal community to support Whitman Walker Clinic, which is still, uh, the flagship, clinic for the community here in DC. And through that experience, I got to know basically every, every lawyer at every firm in DC who cared about making a difference in the community. And, um, and that was something that they, they wanted. So was my pathway in, to becoming the staff attorney to set up this refugee protection program. And I, at the time I was living in Mount Pleasant, which was a neighborhood then in the, in the, uh, late eighties, early nineties that had the largest Salvadoran population outside of San Salvador. And mostly they were young, you know, teenage, mostly boys who had fled forced recruitment. from both sides actually in the, in the civil war. And I lived a block away from the Latin American youth center, uh, there in Mount Pleasant. And so, the firm allowed me to spend every Friday walking over there and using, you know, my very meager legal talents to try to help. This was during the time of the, of the amnesty, uh, these were kids who were being kind of, taken advantage of. By their employers and their landlords and to help them put together a portfolio that would, enable them to, um, enable them to, to benefit from this amnesty. so it was really, a small places close to home kind of,beginning for me.

BERT LOCKWOOD 12:17

you uh, have you had, uh, any contact with them sort of continuing no, what happened to them?

ELISA MASSIMINO 12:23

we, there were many, many, But,

BERT LOCKWOOD 12:24

yeah.

ELISA MASSIMINO 12:25

but, but, but there was a family, uh, uh, well, uh, two brothers who, I personally represented,in their asylum hearings. And, and I kept up with them for many, many years. You know, t, they were the most lovely, hardworking folks. And their employer, was very much, supportive of all of the legal process. He felt they were the best workers he'd ever had. and in fact, I believe that, uh, after they, they grew up and started a family, that the, uh, employer who was a, a native born American, wanted to pass the business on to, to the brothers. It was a very beautiful story.

BERT LOCKWOOD 13:05

Oh, yeah. Wow.

MEREDITH LOCKWOOD 13:07

Wow.

BERT LOCKWOOD 13:08

So, when I was the associate dean at American Law um, I set the, uh, International Human Rights Law Group, and Amy Young was of my students at American that then went down to, Virginia.

ELISA MASSIMINO 13:23

Yeah

BERT LOCKWOOD 13:24

To work with Richard Lillich, who was my mentor,

ELISA MASSIMINO 13:27

Wow,

BERT LOCKWOOD 13:28

but we set up the International Human Rights Law Group at the same time that Mike Posner set up the Lawyers Committee for, uh, Human Rights. And Steve Marks was the, person at the Ford Foundation that, funded both of those efforts.

ELISA MASSIMINO 13:47

Yeah. the Law Group was one of the organizations that I worked for pro bono when I was at Hogan. And

BERT LOCKWOOD 13:53

okay.

ELISA MASSIMINO 13:53

I got to know, Amy. And, in fact, I, she talked me into, adjunct teaching down at UVA at one point. and then all of the others who worked there, kept up with for many, many years at the Law Group. Wonderful, wonderful, wonderful people. Gay, Gay McDougal, I actually just, saw last year, when we took our students up to the UN for the Permanent, Forum on People of African Descent. And she was there in her role, you know, talking about reparations. And it was so wonderful to see her.

BERT LOCKWOOD 14:24

Yeah. Oh, she's a remarkable person.

ELISA MASSIMINO 14:27

Yes,

MEREDITH LOCKWOOD 14:27

Yeah.

ELISA MASSIMINO 14:28

indeed.

MEREDITH LOCKWOOD 14:28

Yeah, I remember that lovely dinner we had with her in Chelsea. Gosh,

BERT LOCKWOOD 14:32

Yep.

MEREDITH LOCKWOOD 14:33

quite a few years ago now. But that was a wonderful meal. And she is just absolutely fascinating and has an incredible legacy.

ELISA MASSIMINO 14:39

y. Yeah.

BERT LOCKWOOD 14:40

Well, I was just talking about her last night because I went with our former dean at the law Um, for the International Commission of Jurists, when, in 94, when South Africa was, holding its first, uh, free elections, we went,

ELISA MASSIMINO 14:55

mm-hmm.

BERT LOCKWOOD 14:55

observers. And, uh, Ga was the person that basically in charge of educating the NGOs, during an orientation. yeah, no, she was, quite remarkable. So.

ELISA MASSIMINO 15:10

You should interview her for sure. And someone should write a book about her life. She is really an extraordinary person.

MEREDITH LOCKWOOD 15:15

Yes. She's on our Um, so Elisa, something I was thinking about when I was listening to your early beginnings is when you were talking about having that bravado, that young confidence to say, this is my job. I am going to make this happen. This is my life's purpose. And you gave an incredible talk, in 2020, with title called Chutzpah and Humility, the human rights. In this The Drinan lecture at Georgetown. an for our listeners, I'm going to add the YouTube link in our show notes so you can watch it. It's really fantastic. and one thing I took away from listening was really about having the two qualities that almost seem contradictory, chutzpah and humility. One, the confidence to step forward, challenge and justice, and then having that humility to recognize that we don't have all the and I was curious, what inspired you to come up with that

ELISA MASSIMINO 16:17

Well, you know, the Drinan, Chair in Human Rights, which is a one year visiting position. Georgetown. it came at such a perfect time for me. You know, I had, Left the Human Rights First in 2018. And I had immediately gone down back down to Texas where my, uh, folks lived and, and where I went to, junior high and high school and college, to work on a political campaign. And I had never been able to do that before in my life. And I went down to work on, the Beto Senate campaign in 2018. And it was amazing to have a kind of very different experience from what I had been, you CEO of, of Human Rights First for the past 10 years and very close up and personal to the people that needed to be persuaded to listen and to engage around a new vision for Texas and for the country. and then I went straight from to Georgetown where, you know, I never thought that I would end up in academia because, I made a conscious decision when I left grad school and then I taught philosophy for a year just to make sure before I started law school really, that was not the environment for me. That I was more of an activist that's where I belonged. And it is where I stayed for, you know, most of my career. but I had this opportunity and, and Father Drinan was a really important person actually in my, my life and in my, development as a young lawyer. And so it was just so wonderful to be able to be in a place where I could have time to reflect on the lessons that I had learned, actually do some reading where I often felt like I was saying to myself, man, I really wish I done, known this or thought about this while I was in the thick of it because it was really That's Having that time to reflect on the lessons learned, that's where you know, I realized that one of the reasons I, I agreed to come to Georgetown is that I felt that the students really needed to kind not just learn the law and learn skills, but also. Focus on the qualities that the human qualities that make for successful advocacy. And, you know, one of them relates back as, as you mentioned, Meredith, to that moment of, of feeling like, I'm going to do my best to make change in the world that I, you know, help make the world. I want to see, I want to see, not just envision it, that light bulb moment for when I, was, was trying to get my first human rights job. and that, know, especially now with so many overwhelming challenges to even the very idea of universal human rights, that I wanted students to understand that they could be part of, of actually changing things and not just be on a side of the good guys. and then the class I teach is really about what does that look like in real life? You know, the boring, tedious part of making change and coming up with a strategy and all of that. And then, the humility part that came naturally for me, it was a lesson I take from my many years of working on human rights is that, you have to always be learning and, and you can't really be persuading people unless you understand them. A you cannot understand them unless you have an open heart and ask questions and try to, try to understand people, what makes them tick? What do they care about? And I don't think there is, a good advocate, a successful advocate who doesn't know that that's, you know, that's essential. That's gotta be an essential. Skill set, but also just kind of a quality that you have to develop as a person. and I think as you get older, certainly for me, as I get older, I understand better and better how little I know. but with younger people, you have to be more intentional about like, how do I listen it's not necessarily something they train lawyers to do. Lawyers do a lot of talking. Um, not as much of, not so big on the listening. And so a, it may not be, you know, a typical law school kind of course, but it is definitely what I see anyway, the essential qualities for effective advocacy.

BERT LOCKWOOD 20:43

you Father Drinan, he and I became very close, because Felice Gaer, sent us to Pinochet's Chile, on a mission for, uh, I think it was 10 days or two weeks, and one of the things that I remember, um, is that I never appreciated the rivalries amongst the different orders of the Catholic Church, and it became clear that the Jesuits were just a little

ELISA MASSIMINO 21:14

other,

BERT LOCKWOOD 21:14

bit better than every he probably was my biggest, uh, fan of the Human Rights Quarterly, he would me, me, these notes on different articles that appeared and stuff, but

ELISA MASSIMINO 21:26

Yeah.

BERT LOCKWOOD 21:26

he was just-

ELISA MASSIMINO 21:27

He

BERT LOCKWOOD 21:27

was just a wonderful guy,

ELISA MASSIMINO 21:29

He

BERT LOCKWOOD 21:29

so.

ELISA MASSIMINO 21:29

was a wonderful, wonderful person, and Georgetown was lucky to have him for so many years, you know, wh the Pope told him he had to pick between-

MEREDITH LOCKWOOD 21:37

Yeah.

ELISA MASSIMINO 21:37

...being a member of Congress and, and, uh, being a priest, I I don't know how the people of Massachusetts felt, but we were very, very fortunate that he chose to, uh, to be a Jesuit priest instead, and we benefited from that over many years at Georgetown.

BERT LOCKWOOD 21:52

Yes.

ELISA MASSIMINO 21:53

It's good to hear Felice's name, too

because

MEREDITH LOCKWOOD 21:55

Oh,

ELISA MASSIMINO 21:56

She

MEREDITH LOCKWOOD 21:56

yeah.

ELISA MASSIMINO 21:56

was also, obviously, a very important person in the movement, and also, you know, I had many, important discussions with her, and good, and challenging times.

MEREDITH LOCKWOOD 22:08

Mm-hmm.

BERT LOCKWOOD 22:08

You know, I think it was, like, three days before she passed away that I had an exchange with her.

ELISA MASSIMINO 22:15

Oh, wow.

BERT LOCKWOOD 22:16

And, uh, and, uh, I was uh, about the, uh, Lancaster Hotel, and, which is where this famous meeting of NGOs occurred, in 1945 with the, founding of the United Nations. And, there was scene that, I mean, the story goes that the, uh, then Secretary of State, Statinius, met with human rights NGOs. One of the things that Roosevelt and Truman followed up on, uh, important things, given in light of what happened with the League of Nations covenant, is that they invited to attend the founding of the UN, all these civil, uh, society organizations, religious and, and others, to participate in the UN. And, um, I mean, they, they couldn't vote or anything, but that they were part of a presence there. And there is this scene Statinius goes in, the U. in the draft of the, UN that's put forth, there isn't any human rights in it. And these organizations basically stand up and say, if you don't include strong support for human rights as part of the UN we aren't going to campaign for it. Um, he is sort of shocked. And within, police then told me that within 10 minutes of that meeting, he called back to Washington to,

uh, inform them this opposition. and, you know, they were haunted by what happened with the League of Nations, uh, President Wilson was the principal person.

ELISA MASSIMINO 24:08

Mm-hmm.

BERT LOCKWOOD 24:08

But he couldn't the Senate to ratify it. So the U. S. never joined. And, you know, some can, uh, attribute failure of the League to the fact that the U. S. didn't join. yeah verified that information.

ELISA MASSIMINO 24:27

uh, wow.

BERT LOCKWOOD 24:28

Uh, that, uh, was not apocryphal. That was, uh, actually, uh, had a. Yeah.

ELISA MASSIMINO 24:33

Amazing.

BERT LOCKWOOD 24:34

Yeah,

ELISA MASSIMINO 24:36

I'll bet, yeah.

MEREDITH LOCKWOOD 24:37

Elisa, something that I wanted to get to walk through with you, and this is one of my favorite parts of the podcast, is getting to allow our listeners to walk into your classroom. And imagine they're pulling up a chair, and they get to join your course, Effective Human Rights Advocacy in Polarized Environments. I don't think any of our audience will deny that we are in a polarized, divided culture right now, for our American listeners and our global listeners. Um, and what I love to learn from you, my dad, and other professors we have the honor of bringing on the show, is what your students are talking about. called What is that temperature check? They are a younger generation, and they're getting to take a really unique, interesting course, where, of course, you're teaching them about international human rights, but you're also teaching them about research, advocacy, practical experience. Could you tell us what kind of topics topics your students are talking to you about in that course?

ELISA MASSIMINO 25:45

Sure, yeah. I loved it. teaching this course. actually, I don't teach a lot about international law in the although some of the students need to be studying that in order to accomplish what they need to for the class. But the class is, you know, the, On the theory, that I kind of outline in that Drinan lecture that you mentioned, of, having a real sense of agency. I think in order to

feel that way, to have that be a real sense that, you know, I can do something that the consequences of my you know, in concert with others can change the course of, of an issue or, even the world. you have to be able to, break down problems to their essential elements. And so the, the course is essentially each student identifies, an outcome in the world that they want to see happen. and I have 22 students, they come from lots of different countries. Uh, are, some are, uh, second year law students, some are LLMS and already practicing lawyers. we spend most of the first, third of the class, talking about what is a suitable Um, you know, not, is it, I have a lot of students who Well, I really care about, about clean water and access to clean water, but I know that's not a human rights issue. And I say, actually, in my office, in my little corner, we have woodblock prints of, each article and the preamble of the universal declaration of human rights. And I invite them to come over to the office and, read it. Um, in the human rights first office in DC, where I used to work, we had the Eleanor Roosevelt quote, uh, painted on the wall in huge, the whole thing, small places close to home. Where, where, after all, the universal human rights begin in small places, close to home, so small and so close that they can't be seen any map of the world, but they are the world to the individual person. And unless we make progress, there, we will look in vain for, progress in the broader world, uh, to paraphrase. So you know, the first link in my syllabus is to a song by Joe Jackson, who I was really fortunate to actually see in concert last week. in DC.

MEREDITH LOCKWOOD 28:11

Oh,

ELISA MASSIMINO 28:11

Yeah,

MEREDITH LOCKWOOD 28:12

very cool.

ELISA MASSIMINO 28:12

it was so great. And he played this song and I was like, this is my syllabus. And that is, you can't get what you want till you know what you want.

MEREDITH LOCKWOOD 28:21

Oh yeah.

ELISA MASSIMINO 28:22

and so we focus very much on what is it that we want and, and breaking that down into a manageable piece that you could actually design a strategy Uh, and then it's really about all the elements, you know, how do you recruit unlikely allies? Who is it that has the power? How do you map that? how do you figure out who can stand in your way and block what you want and who has the power to make the decision? Um, uh, to give you what you want or accede to your demands for what you want. And how are those people influenced? What do they care about? Who do they listen to? where, you know, who are the influential people in their lives? What do they really care about? and how do you communicate? And then, know, also how do

you compromise and how do you think about compromise? And that's probably the hardest, that's where we have the most kind of like, interesting and, um, interesting and, uh, challenging discussions with students is to, how do you think about a strategy that moves the world towards the vision that you want? when there are people in power who aren't ready for that, and how do you know whether a compromise is going to take you off track permanently? Or is a step towards what you want. And of course, unfortunately, I have to tell them that there's no magic formula for that, that it involves a lot of judgment and a lot of listening to people who in close proximity to the problem. and then thinking about how to mitigate against, know, potential negative consequences of compromise. how to think about, uh, relationships as an essential to the long-term progress towards a vision of the world that we want, where human rights are respected, and everybody can, uh, enjoy them and, and, and reach their full potential. You know, how do you build long-term relationships that will survive disagreements? And, and it's, you know, that is, doesn't happen by accident. it takes a lot of intention and it takes a lot of, um, actually personal qualities, like I was saying before, and the ability to, to feel in your bones that you might be wrong about something. And so to seek counsel and seek lots of, um, opinions, but also to have the chutzpah to move forward in the absence of perfect information. and in, in, in, in a belief that it's worth it to act. I really always chafed against this idea of, you know, human rights is sort of a belief system, and you just labor in the vineyards and, just doing the work is good in itself. I mean, there is some truth to that as I reflect back but I always was antsy to make progress, to actually do something that, that had an impact. and so I my personality very much, I'm somewhat of an incrementalist and that you need all the different types of people, right. And all the different types of strategies to move things forward. And I think the ecosystem of human rights organizations, you know, we had lots and lots of, of disagreements and even fights about, the right strategy going forward. And the worst thing is it's bad not to have those disagreements, right. Cause that's how you, that's how you learn a certain amount of conflict is necessary in order to move forward and test ideas and, and all of that. but you have to do it in the context of, like actually hearing each other and considering carefully all the different, uh, uh, arguments and then not be paralyzed by, you know, there's no perfect way to go forward. So we just throw up our hands and we can't do anything. that way lies, all kinds of bad things and personal despair. So, trying to get students to understand those things and to feel comfortable with compromises and with taking responsibility for acting and for the consequences of action, is I think mostly what I want to contribute to the students during their law school education.

BERT LOCKWOOD 32:36

I'm, I'm if you experienced a, a different attitude toward you and your With sort of the outside world, is I had a feeling that when Trump was first elected the international community, sort of the human rights community if you will, treated it as a sort of a, a fluke. but now that he's been reelected us, I'm just wondering if the rest of the world, the human rights community looks at us differently. how could we reelect this guy?

ELISA MASSIMINO 33:13

Well, I no, I don't think any place is kind of a monolith. And so, that's what we know when we're trying to get other governments to, behave better on human rights. We know that there

are always going to be good people somewhere, are ideological partners if it's not the, the, the government leaders. and so always looking for those, the things that will support, know, those people and what they're trying to do at home. you know, um, it is, you know, I think the, the Trump phenomenon it's horrifying on so many levels, what the speed with which, you know, our, our institutions and norms are being trashed. but I do think the world, including the, those around the world who, devote themselves to advancing human rights, realize that this is not an phenomenon alone. Uh, and that it's also causing us, and I include me in us, to spend more time thinking about what were the, preexisting conditions that allowed for this to happen. and how do we envision a new approach going forward that, that addresses the failures of democracy, our democracy. And others, so that we, um, so that we not only just survive this, but can flourish afterwards and have a new, you know, a, a new approach, a new kind of vision for democracy and human rights, . . . that is honest about the failures of the past and how to build a much stronger coalition to support those things. you know, I've always, always been the glass half full kind of gal and boy, that is like a hard thing to sustain right now, but I am thinking about how, as I just think about my reflect on my own kind of intellectual journey around human rights. And I feel like I'm really learning a lot right now. And also questioning a lot about, know, why the movement, particularly in the United States, was so blind to many of the, you know, in particular, the economic, and social and cultural rights issues. That's issues that I think, have, well, you know, the history, you know, better than I do, Bert, but, we were on a trajectory. I feel like when Dr. King said, we're moving from the era of civil rights to the era of human rights, and we're going to build a multiracial movement for economic and political equality and justice. And that was, you know, that was, you know, I have hanging in my apartment, these two original paintings of a guy who was present at, Resurrection City, which was direct action protest that was, part of that vision that Dr. King had before he was murdered and that they went ahead with in Washington in the summer of 68. and , and that feels like the spirit with which we need to go forward. and the blueprint for it, we had it in the Universal Declaration of Human Rights, you know, and we, we didn't take that seriously enough and we didn't live it enough as a country, as a global movement. And, uh, we cannot make that mistake again. Uh, so I, I do feel like I have, after a career of trying to leverage American power to get other nations to behave better on human rights, I feel like we have so much to learn now from those countries who have been, you know, grappling with those issues and building a vision that is one that, we can all share now. So, um,

MEREDITH LOCKWOOD 37:14

I, I also try to be an eternal optimist, you know, that the glass is half full. It sure is getting more challenging day by day. I'm going to pose this to both of you. I am not expecting exactly an answer, more just on the same theme here. Um, so we're recording this podcast episode on Friday, July 17th. so two days ago on the 15th, our Senate hearings started, for the replacement of Tulsi Gabbard for the director of national intelligence, which Trump's new appointee is Jay Clayton. biased Senator John Osso from Georgia grilled him on asking him to confirm whether president Joe Biden won the 2020 presidential election. As many people have seen watching those interviews, Jay Clayton would not answer directly and kept declining when there was pushback. So my question is what concerns us most when public officials were, are unwilling to answer fundamental questions about democratic legitimacy.

ELISA MASSIMINO 38:26

Well, uh, I don't know, Bert, maybe you know of other times this kind of thing has played out. In my lifetime, I'm having trouble, thinking of a time everyone in that room knows the answer to that question. And so they do, uh, they know factually and in private, I they would all express what they know to be true. But we're in a situation that I've never seen before, where there seems to be, almost, uh, an understanding among political actors. That, I mean, the reason you have to ask that question is to test whether someone is going to be a public servant or a private, uh, assistant to the president's personal interests. You know, that, that's why those questions get asked to test whether somebody who is about to be appointed as a public servant it sees themselves as a public official or a member of a private cabal inside our government. And, and your question answers itself, Meredith. It's we should be very, very concerned about that.

BERT LOCKWOOD 39:50

I think the McCarthy era, would be a previous incident, in terms know, searching for communists in the State Department. and the role Roy Cohn played and, somewhat similar in terms scapegoating and the like.

MEREDITH LOCKWOOD 40:07

Yeah.

BERT LOCKWOOD 40:08

Though, though I will say that one of the people who, challenged, uh, McCarthy publicly during those hearings and stuff was, uh, Eleanor Roosevelt.

ELISA MASSIMINO 40:17

There were, there were some profiles in courage during that period. Yeah.

MEREDITH LOCKWOOD 40:21

Yeah. And, Elisa, you may not know this, but Eleanor Roosevelt. Now, Da, would you say she is your hero or amongst many of your human rights heroes?

BERT LOCKWOOD 40:30

I think she was the most remarkable, woman in the 20th century.

MEREDITH LOCKWOOD 40:36

know, another. Thing we saw this week was Congresswoman Rashida Tlaib was interviewing the architect of project 2025, Russell Vought. And she asked him point blank. Who do you work for? And he said, I work for the president. I work for Trump. And she, without missing a said, no, you don't. You work for the people of the United States of America. And I think that's something that in different generations is causing this distrust we're losing that core of democracy, that we are the people. We're not a dictatorship. W but it feels like we're moving in that direction. And, and so are other countries as well. You know, we are keeping an eye on

what's happening in Europe and other areas. But- this is the pivotal moment for 2026 midterm elections. And if we look ahead at 2028, the presidential election is going to be one of the biggest chapters of our history as a country. When you both teaching in the classroom and you're talking about human rights and advocacy, how do encourage your students to stay involved? I just find it a very difficult time to be in your shoes when we have these, people in power lying and not following our constitution.

ELISA MASSIMINO 41:57

Well, I don't know. for me, I think with my students, I say, this is your moment. know, people go through life thinking, wow, you know, like look at the past at these heroic figures and, you know, we've benefited so much from them. This is, is, a hugely consequential time for people who believe in democracy and human rights. And so like, you know, the curse of may you live in interesting times. Well, times are very interesting. Right And, and I think there is, I mean, it's somewhat of a self-selecting group, I suppose, who I see in law school, but, they are on fire changing the world and making it better. Um, and not just for a few people, but for everybody. you know, to your point about the elections, Meredith, I mean, it feels to me like we've been saying that this election is the most consequential of our lifetimes for a number of years now. it, not that it hasn't been true. It is true, but, know, we talked earlier a little bit about the, preexisting conditions that allowed for, a person like Trump to be elected, not just once, but twice. And, know, elections are obviously vitally important in a democracy, but they are not the sum total of democracy, complete, you know, the fullest description of human rights as outlined in the universal declaration of human rights. that, that is really the core. And, you know, you know, um, you can have elections. I mean, look at what happened to Hungary for so long and, and an election has helped to turn that tide now, back in the right direction, but it is not the solution to the, to the You know, the democracy has to live in people's hearts for it to be real. um, Elections are an important part of that, and we should work like heck to make sure that they reflect our values. But the task is even bigger, sorry to say, and that is, you know, reigniting that that belief that democracies can deliver, rights for people. Um, and, and ensure them and, promote them people have to believe that. And they're not going to believe it because you have a better slogan or a better, you know, campaign, uh, song or whatever it they, this is not a PR problem. a, and it's not a, it's not even a strategic communications problem. It is a substance problem that, you're not going to persuade people that democracies deliver unless they start to do that. And unless they start to deliver for people, for everybody. So that's what I'm thinking when I'm thinking about the upcoming elections is who believes that and who's going to fight for that. And how do we hold people accountable if they don't?

BERT LOCKWOOD 44:49

I, I, I don't know why. It's something you you mentioned Hungary. brought back a memory. I was part of delegation. I think it must've been on behalf of the International Commission of Jurists. But there were 12 of us, um, who were to advise the Hungarian new government, at the time in on a new constitution. I remember going over there and a couple of things struck me. One was they didn't really need us to be advising them on a new constitution. They, they, clearly, had done homework and knew what needed.

ELISA MASSIMINO 45:32

Yeah.

BERT LOCKWOOD 45:33

But they were sort involving this to keep an eye on Hungary because they had a fear that. It would be backsliding. And they sort of wanted us to an, an interest in it. they didn't need of constitutional law. I was teaching Con Law at the time. They didn't need constitutional law scholars. They of needed state and local because it had been such a centralized setting. system that if you wanted to get a road built someplace in a village, it had to go to the central government was the one that made the decision, and what they really needed was sort more federalism, if you will. anyway, that triggered the thought Hungary, which, has been experiencing, new issues.

ELISA MASSIMINO 46:19

Yeah, well, you know, that point, Bert, it's related very much to, what I think politically in this country we need to be focused on. You know, I mean, one of the, if you look back to the building of the, local support for the MAGA agenda, it was really quite astute. They focused on school board elections and local elections, and, that was where they could get up close to people and make them afraid of things. And, you know, build up this kind of groundswell know, fear of the other fear, you know, the whole banning of books and, know, attacks against, trans people and kids. And, you know, all of that, that started very, locally with people who had that agenda and seeded that kind of hatred. And I think it's really, important people with a different agenda, an agenda to promote, uh, human rights and respect, To... also pay attention to where. Eleanor Roosevelt said she, we should pay attention.

BERT LOCKWOOD 47:38

Well, and, you know, on the, on the other hand, I mean, one of the things I think we've sort of been saved by, um, with the current effort at attempting to and the modern election is that it isn't a federal government project. I mean, states run the elections, and it makes much more complicated for, you know, a group of people at the top to want to, corrupt, the elections. It's because they have to do through, uh, thro state and local, uh, governments.

ELISA MASSIMINO 48:13

Yes. and we saw that sort of play out, with, uh, in but it's a huge challenge. And I, I really respect the folks who are taking their eye off the ball for all of this, you know, kind of like strengthening the guardrails at the state and local level. For free and fair elections. it's a huge amount of work. It's a huge, just, just to ensure that the elections will be, you know, you've got the structural issues and the redistricting and the gutting of the Voting Rights Act and all of that, that's

MEREDITH LOCKWOOD 48:50

Yeah.

ELISA MASSIMINO 48:50

all part of a. a, quite

BERT LOCKWOOD 48:52

Yeah.

ELISA MASSIMINO 48:52

a nefarious master plan

BERT LOCKWOOD 48:54

and back to Meredith, your, your point, which I was going to, mention is that there's also been sort of efforts at the level, state level to try to censor what is taught

MEREDITH LOCKWOOD 49:07

Um,

BERT LOCKWOOD 49:07

in the classroom. uh, I know that's happening in Ohio here, because I think the attorney general, who's one of the people behind it, I think he's actually officially the Legal counsel to state universities under our system, uh, uh, I, I haven't myself in that, you can't really. Teach a human rights class without dealing with those, those issues.

ELISA MASSIMINO 49:32

Yeah.

MEREDITH LOCKWOOD 49:33

well, and being tenured, you know, I think that gives some professors a little more security, but I think for the young professors who might not have that barrier, that safeguard can be a little, you know, nerve wracking for them, especially if they're just starting out in their career, at certain institutions. it is a grueling road ahead for people in civics working on political campaigns. there's an onslaught of things they have to go up against, like you talked about, voter suppression, redistricting. I also think about censorship censorship, but also social media. We know Trump is a bully. I just a tweet he put out where he was going after Senator John Ossoff and called him OS, parentheses, jerk, O-F-F. So, Os, jerk off. I had to read it again publication. And sometimes I have to look at his tweets and be like, This is not The Onion. This is real. this is out there. Um, and it's just mortifying that. But with how quickly AI, rapidly evolving, it's a daunting thing when I think about campaign elections. there's AI for good. There's AI for bad. And Elisa, you had an interview last year on the Global South Conversations hosted by Ismail Akwe. you both spoke on AI and how it is reshaping the world, bringing extraordinary possibilities, inside very profound human rights challenges. And to quote you, you described yourself as completely mesmerized by AI potential, thinking healthcare, medical advancements, technology in that way, but also completely terrified by the risk it poses if left unchecked. That could be warfare, drones, surveillance. I'm in the same train of thought rather than rejecting this technology, you argue that the urgent challenge is ensuring humanity establishes the rules of the road before AI outpaces our ability to govern here. I just wonder

how we do that as almost as everyday citizens, or perhaps it is lawyers that have that technology expertise. How do we do the checks and balances of AI?

ELISA MASSIMINO 51:53

Well, I think, we need regulation and we need some, so essentially kind of a, like a constitution that governs AI that, can, I mean, I know that Claude, uh, the anthropic model, one of them has a It's kind of interesting to see how trying to train an AI model, a large language model in guardrails and values is a very, very interesting challenge and I think not going to be perfect. And I'm so far from a technology expert, but I don't think that you have to be an expert in technology to grapple with the moral questions about, you know, whe this technology could take us. And we've been having those conversations, you mentioned drones, for quite a long time now about how we have committed ourselves to certain standards in warfare, the Geneva Conventions and those kinds of And they, they are envisioned, you have to have human beings and human judgment involved in an essential part of making those, those very difficult decisions in warfare. Right. not, if we outsource that to AI completely and take humans out of the equation, then I'm not sure that our framework of know, accountability accountability and that we have now is relevant anymore to those things. And so I guess there are two ways to think about it. One is that you restrict and we saw that a little bit with the battle with, with Pete Hegseth and Anthropic, you restrict the uses of AI to certain parameters or you create some tools and mechanisms. To use as a kind of stick stick against the violations, a, The fact that a lot of people are opting out of those discussions because they just feel too technical, you know, I think is a problem. If we let just the technologists make those rules without public understanding and debate, then, I mean, this is what science fiction writers write about all the time is what happens when you do that. A lot of the potential futures that we could see have already been envisioned by people who understand the potential downsides of this kind of technology. So we have to, we have to keep asking questions, we have to keep pushing and we have to, you know, I do think we need a certain level of technological expertise in Congress. you know, it was, it was really shocking to me at various times when they're debating whether it's the FISA, post 9-11 with, the understanding that the highest level of government person and the, know, closest you can get in Congress to people who understand the technology and, I remember a moment in a hearing where it was obvious that nobody really understood what was actually happening in this, you know, uh, intrusion on the rights of the privacy rights of American citizens, not the people who were doing it and not the people who were supposed to be know, providing oversight of it. So that's also something that I think, well, you know, this generation is going to be, digital natives and they, will have a, more with this, this technology than, than I would or Bert would, but, but it's, it's pretty urgent. Cause the speed with which this stuff develops, mind boggling truly, uh, and, and to stay ahead of it with regulation so that it does, because it has, it touches every part of our lives. And so, you know, like thinking about, know, how much do we want to incorporate the, the hardware and technology from countries that have a different goal than human rights and democracy? it's very difficult to, um, put that back in the, in the bottle once it's, is dispersed throughout hardware, software that runs everything from our, know, hospitals to our bombs.You know, it is really, really tough to think about unwinding that after the fact.

MEREDITH LOCKWOOD 56:12

you know, I was thinking of a quote. I remember listening to you were on another podcast, which was a great discussion with Michael Pace on the rule of law defenders. you were quoted to say, do we want to make a point or do we want to make a difference? Um, and I think this is exactly that junction we have to make a difference. This is emerging at rapid pace. The landscape is changing, we have to get involved. We can't just let it take over. We need to find a way to make that AI constitution to have these safety points in place. from, from your experience at human rights first, 27 years there for in nine years, you were the president CEO. Were there any experiences that come to mind that really reinforced that idea of, do we want to make a point or do we want to make a difference?

ELISA MASSIMINO 57:11

Yeah. Yeah. Lots. but probably the most prominent one for me and where I really learned a lot, um, was in our, uh, campaign to end the use of torture against, detainees in the post nine 11.

I learned so many lessons from that work. and, we were as a human rights community united in our horror at the, U S leading the charge to undermine fundamental norm of, of human rights, the right to be free from torture. And, and, you know, we were operating in an environment that where Americans were very susceptible to fear based, uh, approaches, you know, and they were getting a, drumbeat of, of messages from the vice president's office from, you know, in the national security establishment that, these interrogation techniques, which they used all kinds of euphemisms for, but they were clearly torture under any definition, w essential to, were producing actionable intelligence that was instrumental in saving American lives. That was the message. And, you know, in an atmosphere of fear, most Americans were very susceptible to I think they were like, well, maybe I don't like torture, but don't tell me about it. Just make sure this doesn't happen again, whatever it takes kind of thing. And, you know, human rights groups were talking about it, arguing that it's illegal, immoral, all of this, and we were making zero headway. we were not convincing a single person who was not our already on our side. and we realized after years of working on, you know, mostly on the human rights records of other countries, that the damage that it would do to this norm and the broader human rights project for the American government to assert the right to do this. And we, we already saw that, you know, g that had actively been engaged in torture throughout were like saying out loud, now you what we can't see what we see what we mean when we see what we mean when we say, you know, human rights is fine for when everything is going great. But, know, when you have national challenges then, you know, uh, challenges, you know, all bets are off and had that been kind of taken hold as the, the dominant view internationally, the human rights project would have been, over. I mean, it was really, an existential crisis for the broader project. And so we had to be creative we were making our points, but we were not making a difference. um, and so we realized that we have to meet people where they are and we have to address their real fears, whether they are incorrect or not. We have to do that. And so that's what led us get curious about whether any of the claims that the administration was making about torture were true. You know, we were not experts on interrogation. We didn't know whether that stuff, we knew it was illegal and immoral, and under U. S. and international law. but we didn't know whether the claims they were making

about its productivity, its efficacy were true. And even if they were true, we would still obviously be opposing, but we weren't fighting on the, the battlefield that they were fighting on. And so we were not connecting with the people who needed to be persuaded. So we asked what was a very dangerous question, which was, are they right about it So we pulled together people who would know the answer to that question, retired military officers, expert interrogators, and we asked them and then we just listened. And it turned out that they were vehemently opposed to this. They thought it was amateur hour. They thought it was actually harming the intelligence gathering process i addition to being grossly immoral and violation of all military legal codes. And they asked us to help them do something about it. That's where we know, decided to shift the narrative to one that would connect with people who were living in fear. And that was that this was not only immoral and illegal, but they were being lied to by their government. It was not efficacious. It was harming intelligence gathering efforts. And it was using, it was a, uhm, a boon to recruitment by the enemy of additional fighters.

BERT LOCKWOOD 1:01:55

can remember one of the, I think interrogators said, give me a pack of cigarettes. I'll get more information out of the person than if, you know, you try. Because when you torture them, they're going to say anything.

ELISA MASSIMINO 1:02:10

There's a, we could talk for another whole podcast about the, the, the elements of this campaign and this effort, that also touched on, know, Hollywood and the shows that were popular during that time and how popular culture can be used anesthetize public human rights violations, but also the flip side can, can be true. You know, can be also a vehicle for helping improve understanding and respect and appeal to the better angels of our nature. So, that's probably the most profound experience that I had, in my career about, know, learning. And there were so, so many, so many decisions that had to be taken during that period that were without adequate information and that could have gone And I, I still have thoughts sometimes about some of the choices that we made and that I made. but that's, you know, that's why they pay us the big bucks, right?

MEREDITH LOCKWOOD 1:03:12

Yes.

our ending is always a closing reflection and we usually go in two different themes. One is hope and one is how to encourage our listeners to take this conversation and turn it into action. So I'm going to pose both right now. What is giving you hope and do you have any final tokens to our audience of how they can take this momentum and put it forward?

ELISA MASSIMINO 1:03:44

Sure. Well, the hopefulness that I feel, which I will not let go of, is we're experiencing a backlash because of successes that we had in moving the human rights project forward. s I feel that this is, you know, that this global phenomenon of the rise of authoritarianism is a reaction in many ways to the expansion of, of freedom. and so, I think we have to deal with that

obviously. And we have, but the, the human rights project really lives in those small places close to home. Um, not, it does not live in Washington, DC or, you know, capitals of the world. It, it really is in the Eleanor Roosevelt, in the homes and schools and, places of worship. Um, and people have to value that enough to fight for it. and I think this has been enough of a shock to the system here in the U S and in other places, uh, that everyone realizes that this an, all hands on deck moment. and that will regenerate. If we're smart, it provides a, you know, once in a lifetime kind of opportunity to expand the movement, for freedom and democracy and human rights, because we see it had been fragmented into all these little groups and all this specialization of the lawyers. And that, that this is, you know, I, I, I look at the rejuvenation of the poor people's campaign, that was, you know, we talked earlier about, uh, resurre city in Washington and, and the vision that Dr. King had. And I see that, that banner being taken up at the local level. And I find that very exciting. I think there's great potential right now if we are willing to seize it. that's what gives me hope. an energy to be part of it.

BERT LOCKWOOD 1:05:42

Alyssa, it's been such a pleasure having you. Thank you for such a thoughtful conversation, and for sharing so much of your experience with Meredith and me. We are so grateful that you joined us.

ELISA MASSIMINO 1:05:56

Yes, me too. Well, it's been a real pleasure and, uh, I, I love the whole concept of this, this podcast. So I'd be happy to continue the conversation another Thank

MEREDITH LOCKWOOD 1:06:06

you so much. We really appreciate

BERT LOCKWOOD 1:06:07

Alyssa.

ELISA MASSIMINO 1:06:08

My pleasure.

BERT LOCKWOOD 1:06:12

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