

IN MEMORY OF PETER M. CICCHINO

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In 1998, Peter Cicchino and I found we both had job offers to begin teaching at American University's Washington College of Law (WCL). That Peter Cicchino, of considerable fame in the public interest community, was choosing to leave the life of direct services to come teach at a law school was the most possibly affirming signal that shifting into academia could not be equated with abandoning a commitment to social justice.

The spring we were still in New York before moving to Washington, Peter reached out to me in ways I learned were typical of Peter. We met for dinner and he gave me a copy of NYU Professor Peggy Davis' new book, *Neglected Stories*, with a little note. He invited me to play Scrabble, on which occasions I was quite overcome by his zeal for competition, the force of his personality, and his charm. I met the one he always called his beloved Jonathan, his life partner Jonathan Springer. Then Peter received the news that he had colon cancer—and then, the news, that it had already become metastatic and reached his liver.

Despite the diagnosis, Peter and Jonathan decided to make the big move to Washington—to leave much support of friends and family in New York—so Peter could start a new career in what he knew would probably be the last year or two of his life.

Peter became the most extraordinary colleague and friend. He loved teaching and threw himself into an astonishing four new course preps, teaching Jurisprudence, Constitutional Law, Torts, and Sexual Orientation and the Law. As a teacher, Peter used a mercilessly sweeping Socratic style, one he referred to as “loving,” and one that specified the interlocutor (Peter) was as subject to questioning as the students. (Of course, those of us who knew Peter know he never lost an argument.) Once the students recovered from the shock of his

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relentless questioning (and most did) they emerged with the understanding that they had to engage with 100% of their beings in their learning. Peter taught all his classes as if the classroom was an Athenian democracy, where he and his students through reasoned and passionate debate, were determining their collective fate.

Peter always had time for students. They were constantly in his office. But he also found time to write. Peter cared passionately about ideas and intellectual production. His first year, he published an article in the *Georgetown Law Journal*, called "Reason and the Rule of Law," where he argued that bare assertions of public morality should never be allowed to justify denials of equal protection. My colleague Jamin Raskin called this piece the most stunning debut of a law professor in decades. Peter engaged deeply in the intellectual life of the school—writing lengthy memos to colleagues who asked him for feedback on their writing, presenting his pedagogical method in a talk entitled "Love and the Socratic Method," and leading us to read and discuss one of his favorite works, Wallace Shawn's *The Fever*. He continued his life as a public intellectual, appearing on television, and attending demonstrations in Washington, despite the pain from his illness. On these occasions, he attempted, as always, to use reason to persuade those he thought were impoverishing and oppressing the poor and the weak.

Peter forged alliances and became friends with many individuals at WCL who, other than their love for Peter, thought they had little in common. He was a force at faculty meetings, speaking up in the very first one we attended that, as an unapologetic egalitarian, he was concerned about the material conditions of scholarly production, and the lack of access to electronic databases that might affect the ability of those engaged in public interest law to publish extensively before trying to enter law teaching. And Peter functioned as a moral compass for the school. He spoke with the tremendous authority of one who searches for truth and goodness, and he was listened to, as a guide to what was the right thing to do.

Peter became an extraordinary friend—immensely loyal, compassionate, challenging, and loving. He loved law school gossip, and had a wicked sense of humor. He lived life with a ferocious energy and was supremely affirming to me and to countless others.

Peter did all this, despite the chronic pain, the fatigue brought about by chemotherapy and the disease, and the emotional roller coaster of living with a terminal disease. Peter showed us how to live; he also showed us how to die. As his friend Anna Brown said to me—of course, Peter had to die first! He does everything first! And he

showed us how it is to be done.

Peter died with grace. Thanks to the loving support and superhuman efforts of his partner, Jonathan, Peter was able to die at home. He said he felt at peace about going, and was able to say goodbye to many people. I met a parade of incredible people from all different times of Peter's life, his teaching at Gonzaga, his life as a Jesuit, his time as a law student, his work in the South Bronx, his time with the Urban Justice Center, and his most recent life in Washington, as well as his wonderful family.

In honor of Peter, WCL created awards in his name that are accompanied by an annual conference on public interest law. This spring, a panel spoke about a topic dear to Peter's heart, namely the right to welfare, a term that, in the words of panelist Professor Avi Soifer, also means to "fare well" —which is also the message we intend to impart when we say, "farewell."¹ To help keep Peter's memory alive, the WCL library has also created a special bookcase with his books and his writings, along with a photo of Peter.

Peter had told me he wished we could sit side by side on our rocking chairs, grandchildren running about, to reminisce about the old days at WCL. Instead, I have to hold onto the idea that Peter will always be with us. His light continues to shine, in all who knew him and loved him.

1. The proceedings of this year's panel are being published in the *American University Journal of Gender, Social Policy, and the Law* (forthcoming 2002). The proceedings of the first annual conference accompanying the Peter Cicchino Awards for Outstanding Advocacy in the Public Interest are available at 9 *Am. U. J. Gender, Soc. Pol'y & Law* 1 (2001).