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## Dedication

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## DEDICATION

*Lennox S. Hinds\**

When I returned from Cape Town, South Africa in April 1996 after participation in the Fiftieth Anniversary Congress of the International Association of Democratic Lawyers (IADL),<sup>1</sup> I was both profoundly saddened and enormously hopeful. The Congress' program had been enriched by presentations by lawyers and jurists from over thirty-nine countries in addition to South Africa on the theme: "Challenges for Law and Lawyers in the Next Millennium: Democracy in Domestic and International Law." Although I grieved for my lost comrades Haywood Burns, Shanara Gilbert, and Felicia Roberts, I was heartened by the imagination, energy, and creativity demonstrated by Congress participants.

The new South Africa was chosen as the venue for this Congress, the fourteenth since the Association's establishment in Paris in 1946; it was the first in Sub-Saharan Africa. The new South Africa, committed to a non-racial and non-sexist society, was chosen not only to pay homage to the second year of democratic government, but also to affirm IADL's commitment, as an international bar association, to enter the next millennium avoiding eurocentricism and first-world dominance.

Among those attending the Congress at my urging and invitation was my long-time colleague and friend, Haywood Burns: former Dean of the City University of New York School of Law, first National Director of The National Conference of Black Lawyers, tireless advocate, pioneering legal educator, and consummate law-

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<sup>1</sup> Founded on October 24, 1946 in Paris at an international gathering of lawyers who had fought and survived the war against fascism and had participated in the Nuremberg trials, the IADL is committed to the principle of equality among peoples; the rights of all peoples to self-determination; the elimination of imperialism and colonialism; and the peaceful settlement of international disputes. It was organized to promote the exchange of ideas and skills among lawyers and jurists throughout the world who are dedicated to the principles of the United Nations Charter; the defense of peace; and the establishment of a democratic world order. The IADL is a non-governmental organization (NGO) with consultative status to the United Nations' Economic and Social Council (ECOSOC), Educational, Scientific, and Cultural Organization (UNESCO), and Children's Fund (UNICEF) and is represented at the United Nations in New York, Vienna, and Geneva. It is a member of the Congress of Non-Governmental Organizations (CONGO) of the United Nations. See International Association of Democratic Lawyers: Profile, <http://www.iadllaw.org/profile.htm> (last visited Feb. 1, 2007).

yer, whose accomplishments in support of human rights in this country and throughout the world are legendary.

A few short hours after an inspiring address to the Congress by President and advocate extraordinaire Nelson Mandela on April 2, 1996,<sup>2</sup> my friend Haywood and two other lawyers and academicians—Professor M. Shanara Gilbert, a sister from the United States, and Felecia Roberts, recently returned from exile to her homeland in South Africa—were senselessly cut down in the prime of their creativity and productivity in a motor vehicle accident.

The IADL dedicated the Fourteenth Congress Report of the proceedings to the memories of these three beloved activists and, particularly, to my dear friend and comrade Haywood Burns. Not only were their lives as lawyers and citizens of the world committed to social, political, and economic change through the application of principles of law and justice, but also they existed as exemplary People's Advocates whose professional and personal gifts were always dedicated to the human rights of the world's citizens.

Haywood Burns, the founding National Director of the National Conference of Black Lawyers (NCBL) and one of the great Presidents of the National Lawyers Guild (NLG), brought a passion for justice, brilliant scholarship, and humanity to every task he undertook. Throughout his busy, productive life of public and private service, he remained—to the last—committed to social change and equity.

In addition to his active membership in both NCBL and NLG, Haywood served on the board of directors of every major U.S. legal organization committed to the securing of economic and social jus-

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<sup>2</sup> President Mandela reflected on South Africa's liberation struggle and the role of "progressive lawyers" throughout the world. Specifically, he observed that:

The ending of apartheid would not have been possible without the enormous support that our liberation struggle received from the role played by progressive lawyers throughout the world in highlighting the need for their governments to isolate the apartheid regime. They shall not be forgotten . . . . Our transition to a truly democratic framework of government is an achievement of immense historical significance and one of which we are most proud as a nation.

Nelson Mandela, President of South Africa, Address at the Fourteenth IADL Congress in Cape Town, South Africa (Apr. 2, 1996) (on file with the Author). President Mandela also spoke of the future, suggesting that:

International efforts to condemn apartheid and uphold freedom mark only the start of the much more extended tasks of democratizing society; entrenching a living culture of human rights; and improving well-being. When freedom has given us the opportunity at last to address the basic requirements which ordinary people need to live, then that freedom will remain a promise and a reality.

*Id.*

tice: the Center for Constitutional Rights; National Emergency Civil Liberties Committee; the Puerto Rican Legal Defense and Education Fund; the Asian American Legal Defense and Education Fund; the Mexican American Legal Defense and Educational Fund, to name just a few of the activist legal organizations to which he gave his energies. Haywood, always conscious of the link between domestic and international human rights, had also worked with IADL for the past thirty years.

He was unflagging in his commitment to social change in the United States and throughout the world, frequently risking his personal safety and certainly his economic fortunes. His ferocious passion for justice infused all his work as a teacher, as a lawyer, and as an advocate, and he refused to shirk any unpopular position if it advanced justice. Haywood brought these experiences to the deliberations at the Congress before his tragic end.

I will always remember him smiling in the sun, rejoicing in his hard-won and secure place on the South African soil as he listened to the new generation of activist lawyers speak about their visions for a more just and equitable world and the roles that lawyers like us could assume.

Haywood served as a mentor to many young lawyers and law students and imbued many others with sparks of activism, a burning in their bellies to see justice done, and a concern that human rights inform every public and private statement they made. These are the values for which Haywood fought without fear or compromise throughout his eventful and enormously productive life. His legacy is like the legendary dragon's teeth, which when sowed in the soil yield an army of disciples who march together on that hard but rewarding road to change. He was an inspiration to those who knew him and to those who benefited from his struggles.

Professor M. Shanara Gilbert, who died with Haywood in that tragic accident, was a young woman rejoicing in her accomplishments, which were bearing new fruits. She held an associate professorship at the City University of New York School of Law. She was the Director of the Defender Clinic, a criminal defense clinical education program for third-year law students, and was well-published on critical issues of law and policy.<sup>3</sup>

In November 1991, Professor Gilbert coordinated a workshop

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<sup>3</sup> See, e.g., M. Shanara Gilbert, *Racism and Retrenchment in Capital Sentencing: Judicial and Congressional Haste Toward the Ultimate Injustice*, 18 N.Y.U. REV. L. & SOC. CHANGE 51 (1990-91); M. Shanara Gilbert, *An Ounce of Prevention: A Constitutional Prescription for Choice of Venue in Racially Sensitive Criminal Cases*, 67 TUL. L. REV. 1855 (1993).

for a national conference in New York featuring presentations by South African and American judges and academics on legal issues presented by the democratization of the legal system in South Africa. In August 1993, she served as a consultant to the Ford Foundation's Namibia office, for which she conducted an assessment of the needs of law clinics and clinical education programs in seven South African law schools. At her untimely death, she was writing a law review article on the nature of legal education in South Africa and the role of clinical education in expanding access to the bar for black South African students.

Her final years were spent in equal measure on the building of democratic legal institutions in South Africa and in challenging, in her words, "[t]he objectification of people of color and the poor (in the United States) as unwelcome, perpetual parasites on a nation bound up in the privilege of race and class status" who were suffering harms "in the name of shrinking government and . . . private profit."<sup>4</sup>

Just hours before her untimely death, she presented a paper to the IADL Commission on the Administration of Justice, concluding with what could be the rallying cry for all who support law in support of justice in every country in which they struggle:

There is no time to lose while the nation's poor suffer the blows of callous, cruel application of laws and policies that violate basic human rights. The progressive legal community in United States strains under the political whims of the so-called "Republican revolution" to find what endures of the principles of the nation's Constitution and our own creativity to challenge the effect of the political tide. Meanwhile, we observe that here in South Africa, where freedom was finally, after so many long years of struggle and suffering, wrenched from the evil vise of apartheid, a conscientious and deliberate approach to the provision of counsel for the poor has emerged in response to the long-reigning illegitimacy and unavailability of the legal system to the masses of people. The United States has much to learn from the efforts of South Africans as they go through the process of accommodating the practical concerns of availability of lawyers and the tremendous legal needs of a large population. More so, the United States can learn from South Africa about human rights and its actual relationship to humanity; about making real for its people the words of an enduring Constitu-

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<sup>4</sup> M. Shanara Gilbert, Address to the Commission on the Administration of Justice: Equal Justice or Substantial Justice? The Crisis in the Provision of Criminal Defense for the Indigent Accused in the United States (Apr. 2, 1996) (on file with the Author).

tion that truly requires and achieves equal justice for all under the law.<sup>5</sup>

Ten years after the tragic deaths of these extraordinary individuals, the legacies of their commitment inspire us to renew our efforts to challenge the tidal waves of regressive policies, searching for democratic solutions in both domestic and international law into the future.

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<sup>5</sup> *Id.*

