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Volume 10 | Issue 1

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Winter 2006

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Penelope Andrews  
*CUNY School of Law*

Frank Deale  
*CUNY School of Law*

John Farago  
*CUNY School of Law*

Victor M. Good  
*CUNY School of Law*

Cathy Larsen  
*CUNY School of Law*

*See next page for additional authors*

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### Recommended Citation

Penelope Andrews, Frank Deale, John Farago, Victor M. Good, Cathy Larsen & Julie Lim, *Haywood Remembrances: Faculty and Staff*, 10 N.Y. City L. Rev. 71 (2006).  
Available at: 10.31641/clr100104

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## Haywood Remembrances: Faculty and Staff

### Authors

Penelope Andrews, Frank Deale, John Farago, Victor M. Good, Cathy Larsen, and Julie Lim

## HAYWOOD REMEMBRANCES: FACULTY AND STAFF

I have just returned from a trip to South Africa, and, as has been the case since 1996, the memory of Haywood and Shanara shadowed my journey. Their brief presence in South Africa, and the profound impressions they left, is still felt so acutely there. Their short sojourn seems so timeless, despite their untimely death in Cape Town. For Haywood and Shanara, their love of and commitment to justice and equality seemed to come to fruition in a non-racial, democratic South Africa with Nelson Mandela at the helm. And they utilized their knowledge, experience, and skill to bring that dream closer to reality.

For me, Haywood will forever be tied to my home, South Africa. He was one of the first people I met when I came to Columbia Law School in 1983; he having spent a huge part of his adult life as a committed anti-apartheid activist. My meeting him in 1983 was the beginning of a life-long friendship—and his very persona, his joy, and his integrity influenced my continuing love affair with the United States. For he was both a patriot and rebel—targeting his rebelliousness beyond his country's borders.

Shanara, a bundle of contradictions: both tough and sweet, grounded and restless, charming and angry. She loved South Africa. On a prior trip she stayed with me and my family, stealing their hearts with her warmth and kindness. Her innovative approach to clinical legal education is reflected in the myriad clinics now operating at all law schools in South Africa.

I loved them both and they continue be sorely missed.

—*Penelope Andrews, Professor*

### HAYWOOD BURNS: THREE RECOLLECTIONS

*Vietnam Era* I am a draft counselor at the Workers Defense League (WDL) during the end stages of the Vietnam War. It must be around 1970. I am in my late teens, working on a case that I only recall as the McKutchen case. The case involves an African-American G.I. resister, who is to be tried as a capital defendant for alleged crimes of resistance committed while in the U.S. military. I'm part of a small group from WDL going to see Haywood, who is head of the National Conference of Black Lawyers. Our goal is to

line up support from that organization for defendant McKutchen. Haywood comes down the stairs of the balcony at NCBL, spiffy as always, with a great big smile and arms extended in the warmest of friendship. He greets me, a teenager, as if I am chief counsel in the case.

*Early 1990s* I had just joined the CUNY Law School faculty. On many aspects of the school's present and future—grades, curriculum, admission standards—the faculty is split right down the middle with many policies being decided by one or two votes. We are in the midst of a tense discussion, sitting in something of a rectangle, as we did in those days, so that no one is looking at the back of anyone's head. A member of the faculty makes a point, using technical terminology with cutting precision, designed to eviscerate totally the position made by the previous speaker. Silence. Haywood says, "Is the person who said that a law professor or what?!" Howls of laughter, as the tension eases.

*April 1996* It's the morning of Haywood's funeral at the church in Harlem. I think of our first meeting about the McKutchen case as the eulogies are spoken. At the end of the service, as people go down for a final viewing, I convince myself that I do not want to see Haywood that day. I am terrified that the image of my first meeting with him will be replaced by the image of him in a casket.

—*Frank Deale, Professor*

#### HAYWOOD WAS DIFFERENT

Haywood was my teacher, my mentor, my colleague, my friend.

The first time I met Haywood I was a first-year student in his Criminal Law class at New York University. I was easily the most obnoxious student in the pile. My hand was always up. Teachers would wince when they saw it, avoid eye contact, refrain from calling on me unless all else failed, end class a minute or two early. The more generous ones might keep me on hold, getting to me if no one else hazarded a guess.

Haywood was different. He stood out at NYU in many ways, in part as a person whose lawyering work had already made a difference, had changed the system or bloodied itself battering against it. But that didn't render him all that special in a group that in-

cluded Sylvia Law, Norman Dorsen, Burt Neuborne, Harlon Dalton, Larry Sager, and others.

What made Haywood unique was his natural, unstudied way of treating his students with respect, of using the Socratic method, asking questions and wringing answers out of the surly, slow, loutish animal that all first-year classes are without demeaning us or flexing his own intellectual muscles. No false modesty, no holding back, no power games—just questions and answers, cases and analysis, policy and reality, methodically deconstructing the law at a time when doing so was still a way of understanding its impact on real peoples' lives rather than a means of disowning our collective responsibility for laws we don't like.

Haywood was different. He called on students with calm and neutrality. The dialogue was not an ordeal; he wasn't testing us. He wasn't trying to ferret out those who were unprepared, nor was he content to rely on those who were. More than any other teacher, one got the sense that Haywood called on people because he believed the unanticipated dialogue, the interplay, the dialectic were the way we would, individually, learn. He was unwilling to deprive any student of that opportunity. Evenhandedly, he plowed through the class, the entire class, asking questions and pursuing responses.

Other teachers would move through the roster, even noting who had spoken already with tick marks on the seating chart. But those teachers *were* testing us, putting us through our paces, assessing how much we knew. Picking us up, turning us over in their fingertips, inspecting us for blemishes or defects the way a careful shopper chooses an avocado.

Haywood was different. He was *teaching* in the purest sense of the word. He didn't need tick marks. He knew who had spoken earlier in the class, earlier in the semester. He knew because he had been listening to what we said. To him, the colloquy *was* the class. Haywood had a deeply internalized sense of evenness, of equality. He neither shied away from nor was drawn to those who knew the answers. He was neither dismissive nor solicitous of those who didn't.

*It wasn't a test.* It was a conversation with a 120-headed beast whose views he genuinely valued.

You didn't have to be right for Haywood to care about what you said. He didn't have to agree with you to want to talk with you. I linger over this because the experience lingers for me. Haywood's innate, intuitive, fundamental capacity to treat everyone as

he would want them to treat him was not a matter of righteousness, or values, or religious conviction. It was not a way to keep score or fuel a teacher's pride or bitterness. It was not an entitlement to expect the recipient to do likewise. It was just how Haywood was in the world. It was just, I'm convinced, how he *saw* the world.

Haywood was different. He treated people with interest and concern and respect because that was the only way that made sense to him. He could no more do otherwise than a turtle can fly. The fact that others seldom reciprocated never seemed to unsettle him. In fact, I wonder whether he even noticed the loneliness of being who he was. This was not about values or politics. It was not about being progressive or radical or marginalized. There's company to be had in all those. It was about core, fundamental decency. Decency in every cell; decency swirled into the helices of his DNA. Decency in the fabric, not the cut.

The moment I first realized the depth of Haywood's difference was when, a week or two into the spring semester, he called on me when I hadn't raised my hand.

I was startled. Here I had put my hand up all year, playing Horshack to the faculty's collective Kotter, and, though I had never been conscious of it, it suddenly dawned on me that my hand had been my best defense against humiliation, my talisman to fend off the faculty's evil eye. My hand was up so often, my presence such an annoyance, that in six months of law school no one had ever called on me when I hadn't asked for it. My upraised palm was my shield; no one had ever breached that rampart.

But Haywood was different. And there I was, being asked to answer a question I wasn't prepared for, about a case I didn't really understand. He wasn't trying to put me down. He didn't make me squirm. He wasn't trying to make the point, to me or to the class, that even the most arrogant person is unprepared sometimes. He treated me with the same interest and respect he used when I made my best point. It was just that Haywood happened to be curious about my views of the case, and I just happened not to have any.

There were lots of teachers (well, at least a handful) who made a commitment (often a showy commitment) to spending time on the students who were struggling. There were others who ladled gravy over those who seemed to understand the material without effort. But there was no one else who genuinely treated us all as though we merited concern, attention, and collegueship. It takes a special person to treat those without power with care and respect.

Not many of us unselfconsciously wash lepers' feet or turn the other cheek. But it takes a unique person to do so without denigrating those at the top of the heap.

Haywood *was* unique; he was different. He had the capacity to love the powerless without indulging in hating the empowered.

That's part of the picture, but it makes Haywood sound like a saint and misses the part of him that was twinkle and delight. I can't recall knowing anyone who took as much pleasure as Haywood, directly and with a child-like gusto, in the rich sensory flood of the world. Food, music, dancing, basketball, children, books, movies, jazz, conversation, gossip—Haywood's face would beam, his eyes would widen, his attention would zero-in; he would be fully immersed in the experience, whatever experience.

I recall passing him in the corridor outside CUNY's Childcare Center, peering in the window beaming, vivified by what he saw. When I looked over his shoulder, the children were asleep. He watched, rapt, for five minutes, ten minutes; then fifteen, as though innocence were a spectator sport.

When I was in law school, he and I lived in the same neighborhood on the pre-gentrified Lower East Side, and we prowled the same restaurants and walked the same vibrant late-night streets, occasionally running into each other on Second Avenue or at the Gem Spa. Later, after we had each moved away, once or twice a year we'd get together for lunch and somehow always wind up back there, usually in the one of the innumerable Indian restaurants on 6th Street that he favored that week.

Haywood took pleasure in life—a barrel-chested, vigorous pleasure. There was delight about Loisaída; about Strivers' Row, where he lived next; and even about moving to the suburbs (not far from Tom Paine's haunts). There was delight about travel and newness. About Preservation Hall and lip-synching in a New Orleans mall. About listening to friends and strangers. About music and musicians. About jokes.

Haywood was a marvelous, inspirational speaker, but he was at his best as an audience, a listener, an interlocutor. He was a maintainer of confidences.

There were things that Haywood was not. He was not a manager, not a writer, not a crusader. The Law School under Haywood maintained its unruly momentum, its flirtation with chaos, its dalliance with entropy. When Haywood left NYU to start the Urban Legal Studies Program, he promised to record what he found compelling about that move; what drew him to leave graduate school

for college; elite teaching for grassroots education. But getting him to set pen to paper was like wringing blood from a stone. I was editing a symposium on change in legal education, and Haywood promised and stalled and promised and stalled, putting off delivering the essay until he was certain the deadline had passed and his piece could no longer be included. But I called his bluff and held space open after the rest went to the press, and so he finally delivered: an elegant, direct, spare description of what ULS was about, a description that made it clear why that program meant so much to him. He could write and write well, and yet he seldom did for publication.

I've known people who felt let down by Haywood. People who believed that he didn't fight single-mindedly enough on their behalf. He had a capacity to acknowledge that with which he disagreed. He lived and worked and broke bread amongst advocates and crusaders and revolutionaries. But Haywood was different. However clear and powerful the disagreement, he never took up the weapons of the other side. He fought each duel on his own terms with civility that never partook of indecisiveness, submission that did not yield to bitterness or rage, persistence devoid of self-righteousness. If you wanted a champion, a pit bull, a defender of the faith who would ignore the other side and blindly rage on your behalf—with reason or without; in futility or success—you had better seek elsewhere. Haywood was different. He was measured and balanced and quietly tenacious, at times infuriatingly so. Not rising to the bait of hatred or of passion can seem uncaring or distant. It can be a challenge to rely on, to love, to be loved by such a person.

When Haywood was a candidate for the deanship, the School received an endless stream of letters in his support. At first it seemed orchestrated and overdone, like a campaign. But they kept coming. Tens and scores and, as I recall, hundreds of letters singing Haywood's praises. It was an awesome array of support: liberals, conservatives, radicals; colleagues and clients; employers and friends; judges and legislators and journalists and scholars; progressives and pillars of the establishment; young and old. It seemed that anyone who had ever met Haywood took a few minutes to write on his behalf and let us know how remarkable he was. Everyone has a few friends, and some people have many. But what sort of person, much less what sort of activist, could cut such a broad swath through those whose lives he touched?

There are a small heap of people who make a difference in the world because of what they believe. Haywood was one of these:



His vision of what was good and true and right inspired, exemplified, and led.

There are a handful of people who make a difference in the world because of what they do. Haywood was also in this small cadre: His choices of what to do; of how and where and when to do it; of how and where to live; of whom to work for, against, and with—his actions made a difference.

If you are fortunate in the course of your life, you may come across one or two people who affect the world because, simply, of *who they are*. People who *make* a difference simply by *exemplifying* that difference.

With Haywood gone, the world is a meaner, colder place. The balance between good and evil has palpably shifted.

When I was younger, the people I missed were mostly those who had gone off to college or careers or lives that had diverged from mine; people whom I expected to see again, now and then, at parties or holidays or reunions. They were just out of sight at the moment.

But at some point I turned a corner and started missing people who are never coming back; people I will never see again; people around whom the path of my life has been built, but whom I won't pass by another time.

A day doesn't pass that I don't miss Haywood. The fact that who I am was forged in part on Haywood's anvil does not make up for his absence. Memories make lousy companions. The past is love's cage, not its shrine. Though we spoke, other than casually, no more than several times a year, Haywood's presence in my life was different, vivid; his absence is the constant pang of a lost limb.

There are, simply, not enough decent people in the world; people who treat others with unflagging, unthinking, unconditional respect; people of care and gentleness and enthusiasm and joy. We cannot lose even one without feeling the vacuum, the mounting moral sameness of those of us who are left. I continue to feel that loss with each step I take in a world dimmed, diminished; rendered more predictable, less civil, and less fun because Haywood's voice is only an echo against a receding wind.

—John Farago, Professor

There are times in life when you meet people that you remember as truly engaging. They have many unique qualities, but cer-

tainly one that captures that sense of engagement is their ability to speak in a crowded room, yet leave you with the impression that they were really having a conversation with you. You come away from those encounters feeling that they touched your inner thoughts and had something special to say to you. I experienced that feeling in 1972 at Rutgers Law School when Haywood came to speak to a group of students about his work on behalf of Angela Davis. She had recently been arrested in New York and charged with aiding in the attempted prison escape of George Jackson, an early member of the Black Panther Party. Angela Davis was already a major figure in the Black Liberation struggle because of her work on behalf of political prisoners in California, but suddenly she had become America's most-wanted fugitive. Shortly after her arrest in New York, Haywood stepped forward not only as her lawyer, representing the National Conference of Black Lawyers (NCBL), but as an organizer of lawyers and legal workers. He implored them to join in the struggle to prevent what many of us saw as racist and oppressive tactics by the police and the courts targeting black political activists in utter disregard of the Constitution. He was fulfilling the role that Arthur Kinoy often described as that of "a people's lawyer."

These thoughts come back to me, not simply because it was the first time I met Haywood, but because the organization that he helped found, the NCBL, will celebrate its fortieth anniversary in 2008. NCBL was formed shortly after the assassination of Martin Luther King in April of 1968. While this milestone for NCBL will be reached without Haywood's physical presence, it would have never emerged at all but for his early dedication and vision of racial justice and social equality.

Haywood was part of a small group of Black lawyers who, in the fall of 1968, met at an old black-owned resort in Capahosic, Virginia that catered to Black guests during the Jim Crow era when there were practically no places for Blacks to hold meetings or social affairs. There they pledged to become the legal arm of the Black revolutionary movement, a heady challenge for the time. With a bold and visionary proclamation of purpose but few resources, Haywood was selected as the first National Director of the NCBL. The "national office" in Harlem turned out to be Haywood's desk in a suite leased by the civil rights lawyer and activist Floyd McKissick, a former founder of the Student Non Violent Coordinating Committee. After his student activist days, McKissick moved to New York and began practicing law in a modest office in

Harlem. From those very humble beginnings, Haywood quickly rose to national prominence with his energy, dedication, hard work, and superb oratorical skills.

I later learned during my own stint as NCBL's third National Director that there were at least two professions where the Black community expected their leaders to be able to hold the attention of an audience with their speaking skills. First on that list was their preachers; followed by their lawyers. Haywood certainly met that expectation. I remember his passion for speaking when, in later years, he would recite Frederick Douglas' famous Fourth of July speech with the same firm, set jaw, and fire in his eye as Douglas was said to exhibit. Haywood loved the opportunity to give a poem or speech. He always valued the important role that all the arts played in nurturing political activism and giving greater breath and vision to people's core ideals.

As I think back to that day at Rutgers, Haywood's plea for support in the Angela Davis case was not simply to Black law students, but to all students who believed in justice. He asked us to find a way to join the ranks of brave lawyers who risked their careers and sometimes even their lives to stand up and demand justice. I think this was the first time I heard the metaphor of the law as both a sword and a shield. In 1972, this message of solidarity in struggle was no small feat in Newark, New Jersey, a city torn by years of racial strife. But Haywood did pull it off—not simply with his message, but through the sheer power of his personality.

As he stood behind the bench of our moot court room offering us those words of encouragement, many of us got the sense that Haywood was really part of something much bigger than himself; he had become part of a movement. More importantly, he was not just telling us, but showing us how we could become part of it, too. This movement, though miniscule in terms of numbers, was about to make its mark in the sands of history. We couldn't fathom then what that mark would be. It might be indelible; merely one of history's forgotten footnotes. But Haywood impressed on many of us that day that regardless of the outcome, we knew that somehow and in some way we had to join him in that struggle. That often happens with people who are truly engaging. They speak in ways beyond words and have an emotional resonance in their message that says, "Come, let's commit ourselves to something important, and let's do it together."

NCBL and the National Lawyers Guild weren't successful in blocking Angela Davis's extradition to California. But they were

successful in building a movement of lawyers, students, and legal workers who would continue to work in the struggle for racial justice for years to come. For Haywood that journey would take him from 125th Street in Harlem to Buffalo as the Coordinator of the Attica Defense Committee. There would also be stops at New York University Law School and the University of Buffalo School of Law. Eventually when he assumed the deanship of CUNY in 1987, he became the first African-American dean of a law school in New York State and was able to speak not to a small room of interested students, but to an entire student body. When he joined the Law School, it was an almost-fated reunion for members of our faculty and staff who had crossed his path many times in our activist journeys.

Haywood is not with us today to capture a room with his oratory or to give one of those speeches that so often left everyone feeling like "he was talking to me." He has left us with those memories and so much more. The institutions he commanded are stronger today because of his presence. Where they have withered, it is not from his absence as much as from being dashed on the shoals of reactionism that have claimed the lives and fortunes of so many.

We were blessed by his time with us. His memory is marked by a school that bears his name, as well as scholarships, an environmental center, and even a Harlem street corner. But I like to think of Haywood as simply one who made that mark in the sands of history a little longer and a little deeper than it might have been without him.

—*Victor M. Goode, Associate Professor*

## CONTINUATION

(written in 1988 and rededicated in 2007 to  
former Dean Haywood Burns)

Twenty or so-odd years have passed  
And still there are people who are crying  
out for help  
On the same issues that were being fought  
way back when  
Who knows why but the enlightened will  
remain exactly that  
And those less-fortunate souls  
Will continue to breed the same negativity that we  
all need to leave behind  
The student will learn when he or she is ready  
And the Teacher will continue in this lifetime  
and many more to come.

—Cathy Larsen, *Staff*

I remember Haywood Burns for his acknowledgement of all people, regardless of class or race. He treated everyone equally and with a thoughtful kindness that one does not see often these days. I saw him greet the Law School community—both students and staff—with sincere civility. He always asked how the person was and remembered things that mattered to her or him. He made sure he knew a staff member's birthday and would call to wish them happy birthday. He was a very thoughtful man who always remembered societal niceties.

I remember a standing-room-only faculty meeting. While Dean Burns was giving his report to the faculty, he noticed that I, eight months pregnant, was leaning against the wall. He stopped in the middle of his report and asked if anyone could let me sit down. Because of the intensity of the meeting, no one had thought about offering me a seat, but Haywood did.

Despite his busy schedule, Dean Burns made time to visit community groups and give presentations at elementary schools and senior citizen centers. I remember his administrative assistant, Tona Schmidt, juggled Haywood's schedule to accommodate such visits with the demands of the Law School; the revamping of the Law School governance; the ABA accreditation process; and the

challenges presented by the University in the process. She could not understand his reasons for scheduling such visits when there were so many other demanding tasks that needed to be addressed. Haywood's actions demonstrated how he considered people's requests equally, regardless of status or rank, if it brought people closer to understanding the Law School's mission. Giving talks to local community groups was just as important as addressing the challenges of the Law School.

I also remember him coming to my father's funeral, traveling to Chinatown in Manhattan from Flushing, Queens on a late October afternoon. Dean Burns was the first of many Law School community members to come. After paying respect to my father, he went to my mother, embracing her while she was crying. He did not mind her tears flowing over his sleeves as he consoled her. Although he did not know a word of Chinese, he was able to offer her comfort during his visit.

Haywood was kind and thoughtful, and he accepted all regardless of class and race. He had no pretensions—only sincerity and goodness.

—*Julie Lim, Professor*