

Curriculum Vitae

MARGARET A. BURNHAM

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Teaching and Research Interests

My scholarly work is focused on the movement in the United States to draw current meaning from the history of mid-twentieth century racial violence. It considers initiatives to remedy past racial injustices, paying special attention to criminal prosecution. It examines reparations, official apologies, and truth-seeking instruments such as truth commissions and less formal restorative practices in the United States. I hope the work will contribute to our assessment of transitional justice mechanisms; the legacy of the long civil rights movement; and the function and cultural meaning of the “political trial.”

Other research interests are international criminal justice and comparative constitutionalism.

At Northeastern University School of Law, I teach courses in Constitutional Law, Comparative Constitutional Law, Federal Courts, and International Criminal Justice. I direct the Northeastern University Civil Rights and Restorative Justice Project. CRRJ engages students in civil rights-era legal matters and coordinates the work of affiliated researchers.

Academic Appointments, 1990-2008

2002 – Present

Northeastern University School of Law, Boston, MA

Associate Professor, 2002-2006

Professor, July 2006

Teach Constitutional Issues, Federal Courts, Comparative Constitutional Law and International Criminal Law

Current research focuses on US civil rights and international criminal law.

Director, Civil Rights and Restorative Justice Project

1989 – 2002

Massachusetts Institution of Technology, Cambridge, MA

Lecturer, Department of Political Science
Lecturer, Program on Women's Studies

Taught graduate and undergraduate courses - Constitutional Law & the Supreme Court, Human Rights Law, Race & the American Legal Process, and Gender & Law. Advised doctoral students in law-related subjects, served on thesis committees, and counseled undergraduate students interested in law school and law-related careers.

Education

LL.B., 1969 **University of Pennsylvania Law School**, Philadelphia, PA

B.A., History, 1966 **Tougaloo College**, Tougaloo, MS

Professional Licensure *Admitted to practice* in Massachusetts, 1973 ▪ New York, 1970 (*lapsed*) ▪ North Carolina, 1970 (*lapsed*) ▪ U.S. District Ct. For the District of Massachusetts, 1973 ▪ U.S. District Ct. for the Southern District of New York, 1970 ▪ U.S. Ct. of Appeals for the First Circuit, 1999 ▪ U.S. Ct. of Appeals for the Second Circuit, 1970 ▪ U.S. Ct. of Appeals for the Eighth Circuit, 1971

Publications (selected, 1990-2008)

ARTICLES

Indigenous Constitutionalism and the Death Penalty: The Case of the Commonwealth Caribbean, 3 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 582 (2005).

Unbowed and Unbanned: The South African Freedom Charter at Fifty, SAFUNDI: THE JOURNAL OF SOUTH AFRICAN AND AMERICAN COMPARATIVE STUDIES 18 (April 2005), Article Number 2. Available at < <http://www.safundi.com/issues/18/burnham.asp> >.

Survey of Civil Cases, First Circuit, 39 SUFFOLK U.L.REV. 4 (2006).

Saving Constitutional Rights from Judicial Scrutiny: The Savings Clause in the Law of the Commonwealth Caribbean, 36 UNIVERSITY OF MIAMI INTER-AMERICAN LAW REVIEW 249 (2005).

Cultivating a Seedling Charter: South Africa's Court Grows Its Constitution, 3 MICHIGAN JOURNAL OF RACE & LAW 29 (1997).

Property, Parenthood and Peonage: Reflections on the Return to Status Quo Antebellum, 18 CARDOZO LAW REVIEW 433 (1996).

An Impossible Marriage: Slave Law and Family Law, 5 UNIVERSITY OF MINNESOTA JOURNAL OF LAW & INEQUALITY 187 (1987). Anthologized in Race, Law and American History: Race and Law Before Emancipation, Paul Finkelman, ed., 1992, and Family Matters: Readings in Family Lives and the Law, Martha Minow, ed., 1993.

BOOK CHAPTERS

The Death Penalty in East Africa: Law, Politics and Transnational Advocacy, Human Rights NGOs in East Africa: Defining the Challenges, Makau Mutua, ed., 2007 .

Legal Aid, Legal Services and Public Defender Organizations, Legal Chowder: Lawyering and Judging in Massachusetts, Rudolph Kass, ed., 2002.

Twice Victimized, Tracey Meares and Dan Kahan, Urgent Times: Policing and Rights in Inner City Communities, Joshua Cohen and Joel Rogers, eds., 1999.

The Dream and the Reality: Closing the Gap, Reflections of the Dream, 1975-1994: Twenty Years Celebrating the Life of Martin Luther King, Clarence G. Williams, ed., 1996.

The Supreme Court Appointment Process, Race-ing Justice, Engendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality, Toni Morrison, ed., 1992.

OTHER

Opinion Editorials and Other Media Commentary

Naissance of the Court: The ICC at Ten, GLOBAL POLICY FORUM, July 24, 2008

The Missing Civil Rights Murders: Justice Delayed in Mississippi, JURIST LEGAL NEWS AND RESEARCH, June 11, 2007.

Justice Plays Catchup, BOSTON GLOBE, April 27, 2007.

Book Review: "A Matter of Law: A Memoir of Struggle in the Cause of Equal Rights" by Judge Robert L. Carter, VINEYARD GAZETTE, July 29, 2005, p. 15.

WBAI, Interview with Mimi Rosenberg, Host of Legal News, South African Freedom Charter, July 6, 2005.

Celebrating South African Freedom, BOSTON GLOBE, June 16, 2005, p. 19.

War Powers: Towards Unchecked Executive Authority? JURIST LEGAL INTELLIGENCE, February 25, 2003. Available at <<http://jurist.law.pitt.edu/forum/forumnew99.php>>.

Building Justice, Caribbean Style, NORTHEASTERN LAW MAGAZINE, Summer 2004, p. 3. Available at <<http://www.slaw.neu.edu/magazine/04summer/04s-nuslmag.pdf>>.

Dixiecrats Still Grip Our Politics, BOSTON GLOBE, December 21, 2002, p. 15.

Breeding Violence in Solitary Confinement, BOSTON GLOBE, March 11, 2002, p. 15.

Democratic Values in the Balance, 28 PEACEWORK (newsletter of the New England Regional Office of the American Friends Service Committee) 319, October 2001.

A Cynical Supreme Court, BOSTON GLOBE, December 14, 2000, p. 23.

Throwing Bombs at a Judge, BOSTON GLOBE, September 10, 2000, p. 17.

New Hope in South Africa, BOSTON GLOBE, May 16, 1996, p. 25.

The Death of a Death Penalty, BOSTON GLOBE, June 9, 1995, p. 23.

Stereotypes and Suspicion, BOSTON GLOBE, July 17, 1994, p. 75.

South Africa Election is a Big First Step, (with Makau Mutua), OAKLAND TRIBUNE, May 8, 1994, p. 19.

In South Africa the Dream Comes Alive, BOSTON HERALD, April 30, 1994, p. 17.

Non-Legal Periodicals

Freedom Charter: 50 Years, MULTIDIVERSITY: MYERS BOOK COMMENTARY (newsletter of the Simmons College Gustavus Myers Center for the Study of Bigotry and Human Rights), Summer 2005, p. 3.

Constitution-Making in South Africa, BOSTON REVIEW, December/January 1997-1998, p. 19.

New South African Constitution and Customary Law, 7 NORTHWESTERN UNIVERSITY PROGRAM OF AFRICAN STUDIES (newsletter of the Program of African Studies), Winter 1997, p. 2.

Continuing Legal Education Materials

Developments in the Law of Equal Protection, Flaschner Judicial Institute, Annual Appellate Judges Conference (unpublished annotation of recent New England case law, October 18, 2001) (copy on file with Flaschner Judicial Institute, Boston, MA).

Supervisory Liability in 1983 Litigation, Suffolk Law School Advanced Legal Studies Program (unpublished materials October 2000) (copy on file with Suffolk Law School Advanced Legal Studies Program, Boston, MA).

Legal Assignments (selected)

HUMAN RIGHTS MISSIONS

1994 ***Observer Delegation to South Africa's First Non-Racial National Election***, Johannesburg and Mmabatho, Republic of South Africa, April 16 – May 2, 1994

The U.S. based Lawyers' Committee for Civil Rights Under Law sponsored an observer delegation, led by Judge Nathaniel Jones of the Sixth Circuit Court of Appeals, to the first non-racial, multi-party elections in the Republic of South Africa. Comprised of sixteen distinguished lawyers from the United States and Africa, the delegation observed the election and issued a report.

1993 ***Motsuenyane Commission of Enquiry into Certain Allegations of Cruelty and Human Rights Abuse Against ANC Prisoners and Detainees by ANC Members***, January 12 – August 20, 1993

I was appointed by Nelson Mandela, then President of the African National Congress, to an international commission to investigate allegations of human rights violations made against members of the ANC. I was one of three members of the Commission, and the only American member. The Commission collected evidence from South Africa, Tanzania, and Zimbabwe. It held public hearings. The report issued by the Commission was a foundation for the later work of the South African Truth and Reconciliation Commission. I was the principal reporter for the 200 page report.

1986 ***Broadwater Farm Estate Investigation***, London, England

I was commissioned by the Borough of Haringey, a public authority, to review the criminal procedures that followed an incident of civil unrest at a public housing development in London. My investigation included trial observation and interviews with criminal justice authorities and community leaders. I wrote a report titled *Burnham Report of International Jurists in Respect to Broadwater Farm Trials*. Amnesty International wrote a second report in February 1988. Both reports concluded that in investigating the crimes committed at Broadwater Farm, the police acted unlawfully in denying suspects access to lawyers and to family members. The major convictions were reversed on appeal.

1977 ***In the Matter of Arnold Rampersaud***, Guyana, South America

I was commissioned by a national political party to review a homicide prosecution of a prominent political figure. I interviewed law enforcement and judicial officers and wrote a report.

JUDICIAL APPOINTMENT

1977 – 1983 **Municipal Court Department, Trial Court of Massachusetts**
Boston and Cambridge, MA
Associate Justice

Handled thousands of criminal and civil matters on this court of general jurisdiction, including bench and jury trials. Assigned to Superior Court and judged major felony jury trials. Headed bench-bar study to reform procedures for appointing attorneys for indigent defendants in the lower courts.

Law Practice

1987 – 2002 **Burnham & Hines** (*formerly* Burnham, Hines & Dilday; Margaret Burnham), Boston, MA

Founding Partner

Co-founder of litigation firm concentrating in complex civil rights, employment law and criminal defense work, with a multi-state practice in federal and state trial and appellate courts. Tried nine homicide cases. Won \$1m verdict. Served as court-appointed administrator and receiver in federal and state court matters. Served as lead counsel for significant cases and had a leading role in human rights missions.

1983 – 1985 **National Conference of Black Lawyers**, New York, NY

Executive Director and Chief Counsel

Managed national bar and civil rights organization with oversight responsibility for litigation, administration, and fundraising.

1974 – 1977 **Burnham, Stern & Shapiro** (*now* Stern Shapiro Weissberg and Garin, LLP), Boston, MA

Founding Partner

Engaged in civil rights and criminal litigation. Affiliated with NAACP Legal Defense and Education Fund, Inc. as cooperating attorneys.

1972 – 1974 **Roxbury Defenders**, Boston, MA

Staff Attorney

Represented indigent defendants on serious felony charges in state court.

1969 – 1972 **NAACP Legal Defense & Educational Fund, Inc.**, NY

Staff Attorney

Litigated cases involving education and school desegregation for national organization. Took a leave of absence, 1971-72, to serve on the defense team in the **Trial of Angela Davis**, Santa Clara, California.

FELLOWSHIPS (SELECTED)

- Grotius Institute, University of Leiden, International Criminal Justice Research Fellow, The Hague, 2008
- Newhouse Center for the Humanities, Wellesley College, 2008
- Bunting Fellowship, Radcliffe College, MA, 1985

AWARDS, HONORS AND COMMENDATIONS (SELECTED)

- Trailblazer Award, Massachusetts Black Lawyers Association, 2008
- Nominated by peers to participate in a study of exceptional professionals committed to socially conscious law practice: *The GoodWork Project*, Harvard School of Education, Cambridge, MA, with Principal Investigators Howard Gardner, William Damon, and Mihaly Csikszentmihalyi, 2002
- Doctor of Education Honorary Degree, Wheelock College, Boston, MA, 2002
- Featured in “*The Long Road to Justice*,” a traveling exhibit on African-Americans in the Massachusetts justice system, sponsored by the George Lewis Ruffin Society <http://www.masshist.org/longroad/03participation/profiles/burnham.htm> .
- Doctor of Laws Honorary Degree and Commencement Speaker, Western New England College School of Law, Springfield, MA, 2000
- YWCA Boston Academy of Women Achievers Award, Boston, MA, 1996
- Robinson Award for Outstanding Achievement in the Profession, Women’s Bar Association, Boston, MA, 1995
- Doctor of Humane Letters Honorary Degree, Lesley University, Boston, MA, 1985
- Commencement Speaker, Public Interest Award, University of Pennsylvania Law School, 1984
- Formerly listed in *The Best Lawyers in America* (peer-reviewed)

SERVICE

INTERNATIONAL

Global Policy Forum

Member, Board of Directors (2004-present), of this international organization, with offices in Frankfurt, Germany and New York City, that monitors U.N. policy making and promotes accountability in global decisionmaking. Contribute to Public Forum page on International Criminal Justice issues.

See <http://www.globalpolicy.org>.

South Africa Partners

Founding Director and Member, Board of Directors (1997 – 2008), of this international organization, with offices in Boston, MA, and Port Elizabeth, South Africa, which is dedicated to the development of long-term partnership opportunities between the United States and South Africa in the areas of health, economic development and education.

See <http://www.sapartners.org> .

Grenada Education and Development Program

Member, International Advisory Board (1996 – present), of this organization based in Grenada, West Indies, which provides educational programs in rural communities.

See <http://www.grened.org> .

NATIONAL

Algebra Project

Member, Board of Directors (1997 – present), of this national educational organization, headquartered in Cambridge, MA, which was founded by civil rights leader Robert P. Moses. Among the directors and staff are civil rights activists who worked together in the South in the 1960s, including me. The Project promotes the struggle for citizenship and equality by assisting students in inner cities and rural areas, particularly in the South, achieve mathematics literacy.

See <http://www.algebra.org>.

Bunting Institute, Radcliffe College

Member, National Advisory Board (1999 – 2002), of Radcliffe College's multi-disciplinary center for scholars, writers, artists and activists in Cambridge, MA.

REGIONAL

National Center of Afro-American Artists

Chairman, Board of Directors (1992 – present) of this Boston-based national organization which fosters, preserves, and presents contemporary and historical expressive arts from the global black world. The NCAAA operates an art museum in Roxbury and hosts cultural programs. It holds one of the finest collections of African-American art in the country, and offers educational programs for youth in the areas of music, art, poetry and drama. See <http://www.ncaaa.org>

Old South Meeting House

Member, Board of Trustees (1993 – present), of this Puritan-era Meeting House in Boston. The Meeting House's historical role in Boston history makes it a significant educational site. Its programs promote free speech and offer a forum for discussion of current issues.

See <http://www.oldsouthmeetinghouse.org>

Massachusetts Advocates for Children

Member, Board of Directors (2002-07), of this state-wide organization based in Boston providing advocacy services to children in Massachusetts facing barriers due to poverty, race, limited English or disability. See <http://www.massadvocates.org> .

