

Chokwe Lumumba: A Legal Biography

by

National Conference of Black Lawyers
March 3, 2014

Longstanding National Conference of Black Lawyers (NCBL) member, Chokwe Lumumba, made his transition on February 25, 2014 in Jackson, Mississippi. Lumumba joined NCBL when he was a student at Wayne State University Law School in 1970, and he remained an active and dedicated member until his passing. In 2006 Lumumba received NCBL's highest recognition, Lawyer of the Year. He was honored once again by his NCBL colleagues in October 2013, in his hometown of Detroit, where were gathered his family and long-time legal community.

Chokwe Lumumba became deeply committed to the cause of Black liberation as a young student at Kalamazoo College, where, in 1969, he was a key organizer in forming the Black United Front. After graduation he enrolled at Wayne State University Law School and while still a student, at the age of 24, was elected to the cabinet of the Provisional Government of the Republic of New Africa (PGRNA) as its Second Vice President. The RNA described itself as "an African nation in the Western hemisphere struggling for complete independence." Young Lumumba took the oath of the RNA: "For the fruition of Black Power, for the triumph of the Black Nation, I pledge to the Republic of New Africa and to the building of a better people and a better world, my total devotion, my total resources, and the total power of my mortal life." He was a part of the leadership when the RNA moved the capital of its provisional government to Hinds County, Mississippi in 1971. His first case, while he was still a law student, involved serving as an advisor to members of the RNA who, in August 1971, were arrested in Jackson after being attacked by state and federal officers who raided their headquarters and seized scores of documents and weapons. After the ensuing gun battle, in which a local police officer died, the RNA members were charged with treason and murder, and Lumumba, then the mid-west Vice President of the RNA, became the spokesperson for the defendants and assisted NCBL lawyer John Brittain in their representation. Eleven of the accused received life sentences; the leader of the RNA, Imari Obadeli, was released in 1980 – a result of massive protests – and resumed his leadership. Lumumba became the Minister of Justice for the Republic of New Africa. In that capacity, in August 1973, Lumumba attended the National Black Political Assembly, chaired by Imamu Amiri Baraka and held in Greenville, Mississippi. Lumumba warned the assembly that the United States government, together with the state of Mississippi, was attempting to destroy the PGRNA.

Lumumba returned to his native Detroit from Jackson to continue his legal education, graduating at the top of his class from Wayne State University Law School in 1975. There he created the Malcolm X Center and worked with the Detroit Public Defenders Office. Upon graduation, with NCBL member Jeffrey Edison, he formed a law firm dedicated to representing the Black community and Black revolutionaries in particular. In 1978, its first year of operation, the firm, which would come to be known as Edison, Davis and Lumumba, successfully defended some of the Pontiac Brothers – sixteen prisoners who were charged with murder in connection with a riot at Pontiac Correctional Center in Illinois.



Lumumba was also deeply engaged in the Black liberation movement in New York. In November 1979 he gave an address at the United Nations on behalf of NCBL at Black Solidarity Day, sponsored by the National Coalition for Black Human Rights. In May 1981, he, along with Afeni Shakur and Reverend Herbert Daughtry spoke at a birthday tribute to Malcolm X. Lumumba reminded the gathering that scores of Black people had been killed that past year by police, and that the fight for “black self-determination, land, and independence” should never be abandoned.

That year, Lumumba took on the case of Fulani Sunni-Ali, the Minister of Information of the Provisional Government of the Republic of New Africa and a member of the Black Liberation Army, who was charged with participating in the 1981 Brinks robbery in Rockland County, New York.

Lumumba, co-counseling with William Kuntsler, was initially prevented from representing Sunni-Ali when the New York U.S. Attorney, John Martin, Jr., labeled Lumumba a security risk because of his association with the Republic of New Africa, and moved to bar him from practice in New York State. The federal judge agreed, claiming that Lumumba was a member of a “terrorist organization” and citing the lawyer’s statement that “we must take our land and win our independence ultimately by force.” NCBL successfully fought for Lumumba’s right of representation. Even the *New York Times* condemned Martin’s action, editorializing on November 15, 1981, that:

[Chokwe Lumumba] is a lawyer duly licensed in Detroit, but to Mr. Martin, his revolutionary rhetoric rendered him unfit for temporary admission to New York’s courts. But now he has changed his position. . . Where were the leaders of the bar while all this was going on? If a Wall Street lawyer had been similarly shut out of a courtroom the Association of the Bar of the City of New York would have flown to support a client’s – and her lawyer’s – rights. In this case the lions of the bar were nowhere visible.

After demonstrations and persistent protest by NCBL and other organizations, the US Attorney dropped his opposition, and Lumumba entered the case and provided excellent representation. After being incarcerated for a year and a half for refusing to testify before a grand jury, Sunni-Ali was released. Lumumba also represented Solomon Bouines (Samuel Brown) in connection with the 1981 Brinks case, and, in a Queens court, Nathaniel Burns, who was charged with attempted murder stemming from a shootout three days after the Brinks robbery.

In 1983 Lumumba successfully defended Bilal Sunni-Ali in a five-month trial, also arising from the 1981 Brinks robbery. Lumumba, who co-counseled the case with Lynne Stewart, put his defense clearly in his opening statement, telling the jurors that “the wrong people are on trial here ... the prosecutors and federal agents] ought to be the defendants in this case.” He identified his client as a citizen of the Republic of New Africa, and referred to the jurors as “brothers and sisters.” He reiterated the political nature of the proceedings in his masterful cross-examination of the government’s informant. And in his deeply political summation, he included a Gil Scott Heron song.

As a result of his aggressive – and successful – representation in that case, Lumumba was twice cited for contempt, first when he insisted that the jury panel was unconstitutionally selected, and second when, outside the presence of the jury, he challenged the prosecutorial bias of the judge’s rulings. Lumumba proclaimed, on behalf of his client, “I would like some kind of ruling on why you won’t let me do what you let them do and then have the audacity to sit on the bench and claim you are fair.” Because of ongoing biased treatment, Lumumba condemned the judge as an “outstanding bigot” and a “racist dog.” He was summarily convicted of criminal contempt and thereafter sentenced to three years’ probation and 350 hours of community service. At his sentencing on the contempt charge, Lumumba once again asserted that the American system of justice was “dishonest” and “racist,” and that it would “self-destruct.” In 1984 the conviction was overturned and the sentence vacated in the Second Circuit, where Lumumba was represented by his former law partner, Anthony Adams. Margaret Burnham appeared on behalf of NCBL in the case, *United States v. Lumumba*, 741 F.2d. 12 (1984). On remand, a federal trial judge conducted an inquiry into the facts and reinstated the earlier sentence, which Lumumba ultimately served. *United States v. Lumumba*, 603 F. Supp 913 (1985).

After completing his representation of Sunni-Ali in the Brinks matter, Lumumba represented Mutulu Shakur, who, along with co-defendant Marilyn Buck, was charged with murder and other crimes related to the same 1981 Brinks robbery. Shakur was also charged with taking part in the prison escape of Assata Shakur. Mutulu Shakur was captured in 1986; at the time he was leading the National Task Force for COINTELPRO Litigation and Research. Shakur maintained that he was a prisoner of war; as such, Lumumba sought pre-trial dismissal of the charges, claiming the acts charged against Shakur were not criminal offenses but acts of war and resistance to genocidal oppression. In a groundbreaking argument, Lumumba asserted, “The acts were committed in furtherance of the New Afrikan National liberation struggle in America,” and in pursuit of the objective of independence of the New Afrikan Nation from the United States.” He claimed Shakur was implicated because of his “anti-colonial” activism, and he sought for Shakur the international protection afforded prisoners of war combating racist political regimes under Protocol 1 of the 1949 Geneva Convention, which had at that time been signed but not ratified by the United States. The Protocol classified “national liberation wars” as international conflicts, and afforded participants in such wars the same rights and protections as other soldiers. A national liberation war was defined as “any armed conflict” against a “colonial, racist or alien regime.” Lumumba argued his client was covered by the Protocol, and the judge referred to the State Department the question whether the activities charged as a criminal enterprise against the defendants should be deemed an insurgency within the meaning of Protocol 1. The State Department responded that it did not recognize the Protocol, nor consider itself a party to a conflict with New Afrikan guerrillas.

Lumumba offered a riveting summation at the end of Shakur’s trial, at once ripping apart the testimony of the government’s star witness, who had turned state’s evidence, and defending his client as a revolutionary engaged in the struggle for racial and social justice. He portrayed Shakur as a dedicated acupuncturist with a practice in Harlem, and a revolutionary.

He told the press that “Mutulu Shakur is a target . . . because of his roots in the Black Liberation struggle. He is a target because of his affiliation with the Republic of New Africa and its link to the Prairie Fire Organizing Committee of the Weather Underground.” Notwithstanding his brilliant advocacy, the jury returned a guilty verdict.

Not deterred, Lumumba continued to offer his services to those targeted because of their political beliefs and their work on behalf of Black liberation. He represented Geronimo Pratt, a high-ranking member of the Black Panther Party, who was falsely charged with murder and kidnapping in 1972, and finally released in 1997 after it was established that the FBI had withheld exculpatory evidence from the defense. With NCBL leaders Louis Myers and Lennox Hinds, Lumumba appeared in defense of Black Liberation Army member Assata Shakur, who was convicted of first-degree murder in 1977 and escaped from prison in 1979.

In 1988, Lumumba moved his family back to Jackson, Mississippi and sought to become a member of the state bar. He was initially denied admission because, bar leaders said, he “believed in the peaceful overthrow of the US government.” NCBL lawyers Adjoa Aiyetoro and Jeffrey Edison successfully challenged this decision, and in 1991 Lumumba opened a general practice, specializing in criminal matters. In 1998, NCBL member Imhotep Alkebu-lan associated with Lumumba’s Jackson-based firm, Lumumba, Freelon and Associates. Lumumba remained in active practice until his election as mayor in July 2013. In addition to his long association with Attorney Alkebu-lan, who became Special Assistant to the Jackson City Attorney after Lumumba assumed the mayor’s office, Lumumba also tried cases with his law partner, Harvey C. Freelon.

Lumumba’s high-level litigation practice in Mississippi was international in scope and characterized by the same vigorous, cutting-edge representation he had provided to hundreds of clients during his years in practice in Detroit and New York, where he had been admitted *pro hac vice*. With Alkebu-lan, he represented the South African Azikiwe Kambule, for whom the team won a state pardon, Tupac Shakur, reggae artist Buju Banton, and former Hudson, Mississippi police officer Eddie Myers, for whom they won an acquittal in a high-profile murder case.

In 2001, Lumumba was once again held in contempt in connection with a criminal case in Leake County. Lumumba is reported to have said to a trial judge during post-trial motions, “look Judge, if we’ve got to pay for justice around here, I will pay for justice. I’ve paid other judges to try to get justice, and I’ll pay you, too, if that is what is necessary.” Given the nature of the proceedings, Lumumba said he would be “proud to be thrown out of your courtroom.” The judge cited Lumumba for contempt, fined him \$500, and ordered him to serve three days in the county jail. Thereafter, Lumumba, complaining about the contempt citation, told a reporter that the judge had “the judicial temperament of a barbarian.” In an appeal of the citation and sentence, the state Supreme Court wrote that Lumumba’s statements were “truculent language for the purpose of inciting anger,” and “[went] far beyond zealous representation of one’s client. . .”

Lumumba was suspended from practice for six months, fined \$1,000, and required to retake the Ethics portion of the Mississippi Bar. Lumumba was represented in the matter by NCBL attorneys Imhotep Alkebu-lan, Adjoa Aiyetoro, and Jeffrey Edison. *Mississippi Bar v. Lumumba* 912 So.2d 871 (2005).

While practicing in Jackson, Lumumba spoke all over the country on behalf of the New African Peoples Organization, which succeeded the RNA, and of which he was the chairman. In 1987 Lumumba joined forces with many members of NCBL, including Adjoa Aiyetoro, N’Kechi Taifa, and Imhotep Alkebu-lan, to form the National Coalition of Blacks for Reparations in America (N’COBRA). In 1994, on the eve of the Fifth Annual Conference on Reparations in Detroit, he told *New York Times* reporter that reparations were imperative. “Blacks have a retarded economic infrastructure,” he said. “We’re saying we need reparations to develop that: land, machinery, technology. All of that has to come with billions of dollars.”

In 1993, Lumumba, at the time practicing in Jackson, returned to New York to represent NCBL member Alton Maddox, who was battling an indefinite suspension imposed in 1990 and associated with his zealous advocacy in the Tawana Brawley matter. Lumumba represented Maddox before the New York State Bar Grievance Committee.



granted them clemency in 2010.

In Jackson, Lumumba and long-time law partner and political associate, Alkebu-lan demonstrated for the world what was required of revolutionary lawyers in their extraordinary representation of Jamie and Gladys Scott, two sisters who were each given double life sentences in 1993 for allegedly participating in an \$11 armed robbery with other teenagers. After Lumumba and Alkebu-lan waged a long international campaign for their freedom, Mississippi Governor Haley Barbour finally

Lumumba’s remarkable and unique legal career was characterized by brilliant courtroom advocacy, unwavering courage, and creative strategies. He never compromised his own revolutionary commitments in the courtroom, nor did he allow them to interfere with zealous advocacy for all of his clients. Rather, he exemplified liberationist advocacy, and ultimately won justice for hundreds of clients as well as respect for their political beliefs and decisions. Self-determination was his message, in and outside the courthouse; he conveyed it to jurors and judges alike, often paying dearly for speaking plainly about the racism he and his clients faced before the bar of American justice.



Lumumba won wide acclaim and an international reputation for his courage and unstinting advocacy on behalf of Black activists and revolutionaries. In 1993 he helped the rapper Tupac Shakur (at left with Lumumba looking on in blue) in a successful effort to clear himself of assault charges, and in the same year Justice Bruce Wright commended Lumumba at an awards ceremony sponsored by the United African Movement, wherein the William Leo Hansberry Award was conferred on Lumumba.

In 2009, Lumumba successfully won a seat on the Jackson City Council, bringing together for his election campaign the organization he helped to found, the Malcolm X Grassroots Movement, as well as the Jackson People's Assembly and the Mississippi Disaster Relief Coalition. On May 21, 2013, he defeated his better-financed opponent in the mayoral race, winning five out of the seven municipal wards. He won the general election in June, and was sworn in on July 1, 2013. He conceded none of his political beliefs in moving into politics: a day after he won the general election for mayor, he queried whether Christopher Columbus was the real "discoverer" of America.

About his election Lumumba stated, "I attribute the victory that we had this last week to the people, the people of Jackson, who were more than ready to have leadership that was forward-looking and ready to raise Jackson to a different level of development, ready to embrace the ideas that all government should do the most to protect the human rights of the people." He was dedicated to human rights, and was embarking on a progressive agenda for the city, particularly focusing on alternative models of cooperative economic development. His slogan was "One City, One Aim, One Destiny."

Chokwe Lumumba was a visionary activist lawyer representing the fundamental ideals of NCBL and an unwavering commitment to human rights and the liberation of Black people.

Source: <http://www.ncbl.org/2014/03/03/chokwe-lumumba-a-legal-biography/> [retrieved August 15, 2016, 1:07 AM].