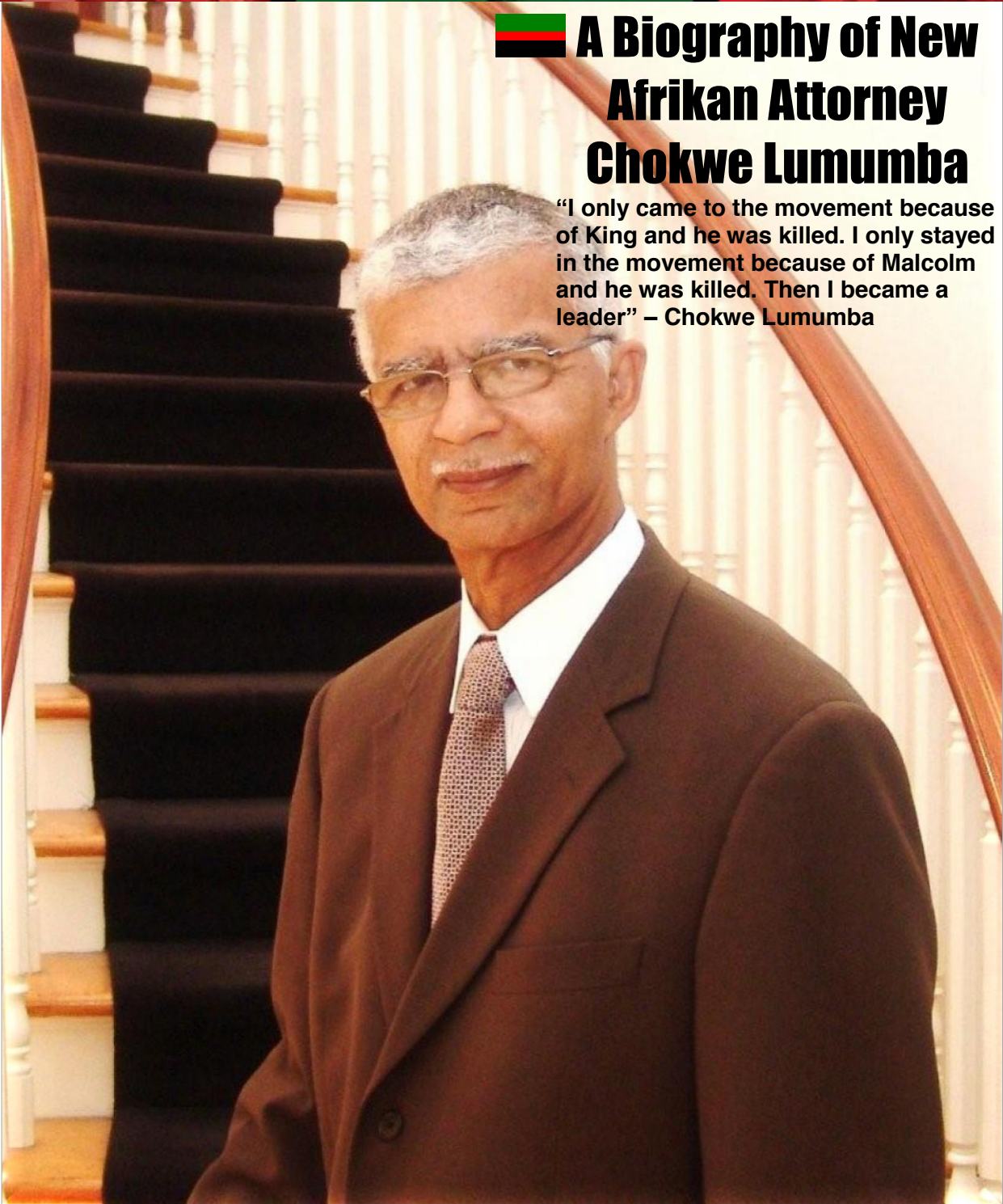




## **A Biography of New Afrikan Attorney Chokwe Lumumba**

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At the age of 60, Chokwe Lumumba is well into his fifth decade as an activist, attorney, and human rights advocate. He began civil rights activism in high school in the 1950s, and since 1968 he has included the language and principles of international human rights in his work.

Throughout his life Lumumba has worked to defend the rights of African American activists and communities. He has educated and organized student activists throughout the Midwest and the South and persuaded universities to attract and cultivate people of color. He has been on the frontline of protecting African American communities from drug trafficking and gang violence. He has opposed rights violations by local, state, and national law enforcement and intelligence agencies and vigilante groups; he has confronted the Ku Klux Klan in Michigan and Mississippi.

As an attorney Lumumba has played a leading role in many significant cases over the last twenty-five years, representing poor people and political activists and defending individuals and groups whose human rights have been violated. He has fought against the death penalty in general and against executions in individual cases.

Over the years Lumumba and members of his family have been harassed, threatened, and arrested for the role he has played in these struggles. The Federal Bureau of Investigation (FBI) and other law enforcement agencies have surveyed his activities. He has suffered discrimination when trying to rent and buy property. He has been prevented from practicing law and now is facing the loss of his license to practice in Mississippi in circumstances that suggest that his political activities and speech are the reason.

Chokwe Lumumba was born in 1943 into a family of seven brothers and sisters in the public housing projects of Detroit’s West Side. Originally named Edwin Taliaferro, he later renounced this as a “slave name” in favor of Lumumba, after the Congolese nationalist and prime minister, and Chokwe, the name of an Angolan tribe. His early education was in Catholic schools, where blatant racism was part of the learning experience:

I remember going to a white church and a guy asked me and my brother, ‘Why are you niggers going to this church?’ Later on a white guy told me with conviction that God had left me in the oven too long. It occurred to me that whites were spending their time teaching their children racism.

At Saint Theresa High School, where he was student council president and captain of the football team, he began to engage in political protest activities. He and his mother would stand on street corners to collect money to support the activities of the Student National Coordinating Committee (SNCC), a primarily African American organization promoting respect for civil rights throughout the South. A speech given by Martin Luther King in 1963 inspired Lumumba to make civil rights his life’s work.

Dr. King’s assassination on April 4, 1968, affected Lumumba profoundly. He says, “I think the single most important thing in my political development is his death. You see, to my mother he was the Black Moses. She followed him and she always talked to me about him”. On the day following King’s death, Lumumba, participated in a student takeover of the University Center



Building of Western Michigan University, where he was a student. The protesters demanded that the university hire more African American teachers and create Martin Luther King scholarships for African American students.

Lumumba became part of the movement to establish African American studies programs at other universities throughout the Midwest and he helped organize Black student movements in Michigan, Ohio, and Indiana. He formed the Black United Front at Kalamazoo College in western Michigan, forcing a shift of resources from buildings to childhood education in the predominantly African American area of Kalamazoo, Michigan.

In 1969 Lumumba entered law school at Wayne State University in Detroit. In the first year, however, eighteen of the twenty-four Black students in his class failed due to a discriminatory grading system. In response to this injustice, Lumumba and other Black students occupied the law school administration building demanding reinstatement of the students and fair grading practices. As a result Wayne State readmitted the students and established an anonymous system of grading. Ultimately all but two of the students received good grades and graduated, many of them becoming prominent attorneys and judges. Lumumba himself graduated cum laude in 1975. Lumumba continued his advocacy of equal education at Wayne State and has supported programs that allow African American students to succeed in the law school environment.

After graduation, Lumumba became an advocate for the protection of Black communities, following attacks by local police and vigilante groups. Rather than harassing the so-called “radical leadership”, special units of the Detroit police, had begun targeting the African American community for “pre-emptive action”.

Lumumba confronted these abuses with community patrols against violence and drug dealing and an urban scout program for young people to protect themselves against gang and racial attacks. He created the Malcolm X Center to educate and train young Black activists. He established Africa-centric schools to teach the dismantling of racism and sexism and inspire Black pride. He challenged the excessive rates for heat and electricity being charged residents of poor neighborhoods.

In the early 1970s in a case of national prominence, Lumumba defended Hayward Brown, a radical Black activist who had previously been acquitted of assaulting a police officer. Lumumba defended Brown on charges of possession of a concealed weapon in the virtually all-white suburb of Dearborn, Michigan. When a jury of nine Blacks and three whites could not reach a verdict, Lumumba declared,

The Wayne County prosecutor has chased Haywood Brown relentlessly from jury to jury, from judge to judge and from court to court with trumped-up charges<sup>14</sup>. Not only are his human rights being violated, ours are likewise. They are using our tax dollars in their endeavor to silence another freedom fighter.

Also at this time Lumumba became vice-president of the Republic of New Afrika (RNA), an organization formed to coordinate the efforts of individual activists, Black nationalists, and grassroots groups of diverse philosophies. The RNA was staunchly anti-capitalist, sought reparations for slavery, and aimed at giving African Americans control over their lives and land.



Although the RNA drew support from prominent civil rights figures like Congressman Julian Bond and comedian Dick Gregory, it became a key target of the FBI's Cointelpro program, a system of illegal government subversion intended to destroy groups perceived to be a threat to the USA. They followed him throughout the country, attempted to recruit a cousin to spy on him, and kept constant watch on his mother's house.

Not surprisingly this kind of advocacy and activism had consequences for Lumumba and his family. In September of 1971, he was arrested during a citywide sweep after the murder of a Detroit police officer. While he was being booked, police officers referred to his involvement with the RNA saying, "We're going to send you all back to Africa in boxes with African names on them". Lumumba's younger brother, then 13, was arrested and held in jail but never charged. Police have made a point of informing Lumumba's landlords of his past political activities.

In 1972 the RNA purchased land near Jackson, Mississippi, as the geographic base for the movement. The RNA met with discrimination, threats, harassment, roadblocks, and arrests by local, state, and federal law enforcement agencies. Lumumba took responsibility for confronting and negotiating with these agencies and managed to convince the FBI to order the removal of roadblocks preventing access to the land. Local police and the FBI mounted an assault on a house that was serving as RNA headquarters in Jackson. In 1973, Mississippi police officers stopped Lumumba and his wife while they were out for a walk; he recalls, "They put a shotgun in my gut and asked, 'Are you the second-in-charge of the black-ass niggers?'"

Back in Detroit in 1976, Lumumba joined the staff of the Detroit Public Defenders Office, providing free counsel to indigent clients. In 1978 he set up his own law firm with the intention of combining his political advocacy with his legal skills. He sued Wayne State University for abandoning their program of affirmative action in admitting African American students. He defended Alton Maddox, a prominent police-abuse attorney suspended by the Michigan Bar Association because he refused to give authorities information about a client.

On July 22, 1978, inmates at the maximum security prison in Pontiac, Illinois rioted to protest violations against prisoner rights, including unsanitary living conditions; cramped quarters; cold, insect-infested food; lack of medical treatment; and guard brutality. Many prisoners were injured and three guards were killed in the riot; twenty-eight African Americans and three Latinos were charged. Sixteen of the accused, popularly known as the "Pontiac Sixteen", faced murder charges and a possible death sentence if convicted. Lumumba agreed to defend Ozzie Williams, whom he perceived to be one of the most political of those charged, in this significant case. Eventually, all charges against the defendants were dismissed. Lumumba said at the time, "The Pontiac Sixteen trial is ¼ the type of case that I got into the legal profession to deal with". At trial ten of the Pontiac Sixteen were found not guilty; all charges against the other defendants were dismissed.

Lumumba was an organizer of and speaker at the February 1980 New York City march for the rights of African Americans. Five thousand people walked from Harlem to the United Nations Building to demand an international forum on the plight of minority populations in the US.

He was lead defense counsel in the "Brinks Case", a major legal confrontation between the Justice Department and a group of revolutionaries who had been charged with the October 1981 robbery of \$1.6 million from an armored car and the killing of two police officers and a guard in Rockland County, New York. On November 10, 1981, New York Judge Irving Ben Cooper barred Lumumba from representing Fulani Sunni Ali (Cynthia Boston) on charges arising from the Brink's incident, citing his political ideology, his values as a lawyer, and his behavior on the witness stand. Of this ruling Stephen Shapiro, then chief counsel for the New York Civil Liberties Union said, "The opinion incredibly ignores two sacred rights in this country:



the right to free speech and association, and the right of a criminal defendant to choose her own lawyer". Lumumba ultimately won the right to represent Fulani Sunni Ali and her husband, Bilal Sunni Ali. The charges against Fulani were ultimately dismissed when witnesses established her whereabouts in New Orleans at the time of the Brink's incident in New York.

On September 3, 1983, the Brinks Case ended in a stunning defeat for the US Government. Six of the eight defendants were acquitted of all major charges, and no defendant was convicted in the actual robbery. As a result of his comments to the press, Lumumba was held in contempt by the District Judge.

In 1985 Lumumba worked with a legal team that successfully uncovered evidence demonstrating how the FBI targeted and framed activist Geronimo Pratt. That work ultimately helped win Pratt's release ten years later. In similar cases he defended Asata Shakur, Mutulu Shakur, and Mutulu's son, the popular music performer Tupac Shakur. In 1991 he represented activists in Los Angeles protesting the videotaped police beating of a young Black man named Rodney King. Lumumba notes with pride that most of his political clients have gone on to become effective activists; Geronimo Pratt, for example, now works as a community development advocate in Louisiana and Africa.

In 1985 Lumumba became active in the movement against apartheid in South Africa, training and motivating young people to become active in "fighting for something other than drug turf".

When Lumumba returned to Mississippi in 1988, his application to practice law in the state was held in limbo for three years. But he rapidly became a noted legal and community advocate, focusing on clients who had experienced violations of their fundamental human rights. For example, he defended DeWayne Boyd, a civil rights activist who had helped to sue the US Department of Agriculture for reparations for African Americans. Lumumba offered his protection to Boyd, who was in Mississippi trying to prevent the illegal expropriation of African American-owned land.

After he was granted the right to practice law in 1991, Lumumba represented the family of Johnnie Griffin, a community activist who had been shot by the police, in a wrongful-death suit. A self-avowed segregationist police officer shot Griffin to death at his home in front of his four children. Lumumba won \$250,000 in compensatory damages for the family.

In the 1990s Lumumba increasingly specialized in cases where racial prejudice and political power combine to produce biased investigations, unjust arrests, and excessively punitive sentences. In a landmark case for Mississippi, he wins the acquittal of George Little, a young African American charged with murder for defending himself against an attack by a white man.

In July of 1995, 13-year-old Elliot Culp was one of several witnesses to the murder of a white woman by a white man. Although Culp had reported what he saw to police, they chose not to investigate the perpetrator but to arrest Culp instead. The teenager spent one year in prison charged with capital murder before Lumumba won his acquittal and release. Lumumba said at the time of Culp's release, "This verdict is a triumph over thoughtless, narrow-minded advocates for wholesale execution and wholesale incarceration of our children".

In February of 1996, Lumumba announced that he would pursue lawsuits on behalf of Charles and Esther Quinn. A few days after the Quinns' son Andre Jones had been arrested in August of 1992, he was found hanged in a shower stall in the Simpson County jail. The case attracted national attention for three reasons: first because he was one of the last of forty-eight jailhouse hangings of young African American men in Mississippi since 1987; second, because an independent autopsy ruled the death a homicide after state's pathologist had called it a suicide; and finally, because the hanging happened under the supervision of Simpson County Sheriff Lloyd "Goon" Jones. Jones had become infamous after being accused in the deaths of two



foreign journalists covering the landmark racial integration admission of James Meredith to the University of Mississippi in 1962. Jones was later implicated in the murders of two Jackson State University students in 1972. Lumumba won substantial damages for the Quinn family.

In the mid-1990s Lumumba took on the system of capital punishment in Mississippi. Typically defendants in capital cases, predominantly African-Americans, have little access to information or competent counsel. In their fear and vulnerability, they frequently follow the advice of prosecutors to plead guilty and serve life in prison, rather than “take their chances with a jury and get death”. Death sentences and executions in the USA are plagued by: racial disparities, execution of juvenile and mentally disabled prisoners, and conviction of people who are later found to be innocent.

When Lumumba observes that in over ninety percent of his cases the defendant is either found not guilty or his death sentence is reversed, he stresses that any good, independent attorney would have the same results. However, most poor defendants receive totally ineffective counsel because of the system of representation in effect in Mississippi is not designed to ensure effective representation of defendants in these complex cases.

According to Lumumba, the case of John Buford Irving is typical. Irving was convicted and sentenced to death for shooting a white storeowner during an alleged 1976 robbery when he was 17-years-old. After Lumumba took up the case, secured a new sentencing hearing, and won a change of venue. Irving’s death sentence was reversed. Lumumba notes that in prison Irving has developed into an advocate for other prisoners, often writing their appellate briefs.

Lumumba has consistently participated in demonstrations against the activities of the Ku Klux Klan. In 1990 he represented anti-Klan demonstrators accused of infringing on the Klan’s civil rights. As a demonstrator and outspoken advocate, Lumumba has had police protecting the Klan point their guns directly at him. He has also defended groups of anti-Klan demonstrators in other parts of the country.

The Mississippi legal establishment has also directed its hostility against him. In 2000 the Mississippi Bar publicly reprimanded Lumumba for speaking out against Hinds County Circuit Judge Swan Yerger. A self-proclaimed segregationist, Yerger had dismissed a lawsuit filed against a white police officer brought by Lumumba for an African American client. Lumumba challenged the judge’s decision as being discriminatory. Judge Yerger held him in contempt and filed a complaint with the Mississippi Bar.

Lumumba is currently embroiled in a fight for professional survival, facing the potential loss of his ability to practice law in Mississippi. In the summer of 1996, an African American named Henry Payton came before Judge Marcus Gordon of the Leake County Circuit Court in Carthage, Mississippi. Payton was convicted of bank robbery and arson and sentenced to five years in prison. However, the conviction was overturned by the Mississippi Supreme Court, which found that Judge Gordon had violated Payton’s rights in the trial. The case was returned to Gordon for a new trial; Payton hired Lumumba to defend him.

According to reports, during the trial Judge Gordon openly expressed animosity toward Lumumba and bias against Payton. Lumumba requested that the judge disqualify himself; the judge refused. When the jury was unable to reach a verdict, Gordon ordered them to deliberate further and two hours later the jury returned with a verdict of guilty. This time, Judge Gordon gave Payton a sentence of forty-eight years in prison.

After the trial several jurors said that they would not have found Payton guilty, but had understood the judge’s instructions to mean that the law required them to put aside their honest beliefs to reach a verdict. Other jurors admitted that they were acquainted with one of the prosecution’s key witnesses and had decided that Payton was guilty before the trial began.



In October 2001, Lumumba filed a motion for a new trial. At the hearing Judge Gordon would not allow any of the jurors to testify and refused to order the appearance of people with knowledge of jury misconduct. Lumumba accused Gordon of being unfair. Later Lumumba told a reporter that Gordon “had the judicial demeanor of a barbarian”. He was held in contempt, ejected from the courtroom and jailed for three days. He was fined \$300 for saying he was proud to be removed from the courtroom, and \$500 for “failing to demonstrate contrition”.

On April 10, 2003, two lawyers and a judge from Harrison County, Mississippi, formed a tribunal and held a hearing on the charges. Lumumba explained that his comments during the Payton trial were prompted by the biased manner of Judge Gordon, including: allowing Payton to be brought before the jury in chains; cutting off Lumumba’s voir dire of potential jurors; interrupting Lumumba’s opening statement; reading erroneous instructions to the jury; and sentencing Payton to forty-eight years. One of Lumumba’s attorneys argued that he had spoken out only with the intention of defending his client’s rights, that the statement made about the judge’s demeanor was protected as free speech, and that the transcript of the proceedings failed to show any evidence Lumumba had disrespected or disrupted the court. The tribunal found Lumumba guilty and ordered that he be publicly reprimanded.

The Mississippi Bar is apparently not satisfied with this reprimand and is appealing the tribunal’s decision to the Mississippi Supreme Court, requesting a one year suspension — a punishment that would require Lumumba to give up all his clients and retake the state bar examination. A hearing was held on April 22, 2003, but a ruling has not yet been announced.

In a separate proceeding, the Mississippi Supreme Court affirmed Lumumba’s conviction for contempt of court. Leake County refused bond and he served three days in jail.

Lumumba says, “Of course the origin of these proceedings is political. It comes down to the Bar not wanting an assertive human rights lawyer who will challenge the various local courts and tribunals in Mississippi”.

Though Front Line is not in a position to express an opinion on the merits of the pending proceedings, the circumstances of these charges against Lumumba raise substantial questions about whether he is being singled out for harsh treatment on the basis of his political beliefs and advocacy for unpopular clients and causes rather than his actual conduct in the courtroom.

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The United Nations Declaration on Human Rights Defenders states in Article 9 that everyone has the right

To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.... in the exercise of human rights and fundamental freedoms<sup>1</sup>/<sub>4</sub> everyone has the right<sup>1</sup>/<sub>4</sub> to benefit from an effective remedy and to be protected in the event of the violation of those rights.

Lumumba can recall his first moment of outrage at racism. In 1955 his mother showed him a magazine photograph: “It was a picture of the body of Emmett Till in JET Magazine”. (The 14-year-old Till, an African American, had been kidnapped, tortured and murdered in rural Mississippi for whistling at a white woman).

I said that they need to get the bad people that did that, and Mama said it wasn’t just a few bad people, but America that was at fault. And this will eventually destroy it. I did not understand that at the time, but she said it in such a way that it stuck with me.

When asked if he considers himself a civil rights lawyer, Lumumba responds, “I am more fond of human rights, because human rights are what you have, regardless of who gives them to you”.