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REFLECTION OF FRED BANKS

*John Brittain**

I offer my reflections of my dearly beloved colleague, Fred Banks, based upon our experiences together in the last fifty plus years.

HOWARD UNIVERSITY LAW SCHOOL

Fred and I met as classmates at Howard University Law School. Fred was a year ahead of me and received his J.D. in 1968; I received mine in 1969. Fred was born and raised in the South, while I was a “Black Yank” from Connecticut, but we were both prepared to travel to Mississippi. In 1967 I volunteered to join the Law Students Civil Rights Research Council (LSCRRC) as a poll watcher in the first Mississippi state elections after the passage of the Voting Rights Act of 1965. LSCRRC instructed the poll-watcher participants to prepare for the dangers that civil rights workers experienced in the deep south. Fred thoroughly briefed me on the culture of friendly African Americans, White allies, and hostile White segregationists in the Magnolia State. He shared his keen insight on the behavior of southern white folk when confronted by Black and White civil-rights activists. Upon our return to the law school, Fred and I debriefed on the trip. His deep analysis of Black people voting in mass bonded me with him for an unknown future at the time.

Fred graduated in 1998 and returned to Jackson, Mississippi, to create a small private law firm with financing from the NAACP Legal Defense and Education Fund (LDEF). A year later I would join Fred in Mississippi and enlarge our relationship.

OXFORD, MISSISSIPPI

Upon my graduation from HU Law in 1969, I started my first legal job as a Reginald Heber Smith Fellow and staff attorney at North

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Mississippi Legal Services in Oxford, Mississippi. I immediately resumed my relationship with Fred, a founding partner in the law firm of Anderson, Banks, Nickols, & Leventhal in Jackson. I regularly drove from Oxford to Jackson—at trip of well over two hours—on legal business to visit Fred and seek his wisdom in how to become a lawyer. Fred, ever so humble, friendly, and extremely intelligent, made a permanent impression on me. As I reflect, I can see how these exceptional traits led Fred to an outstanding career.

JACKSON, MISSISSIPPI

Next, I moved to Jackson in 1971 and became a staff attorney with the Jackson Litigation Office of the Lawyers' Committee for Civil Rights Under Law. Fred's law office was only a couple of blocks from mine on Farish Street, the hub for Black-owned businesses at the time. Our connection leaped into a major professional association as co-counsel in a murder case.

A Black militant organization known as the Republic of New Africa (RNA) moved to Jackson in 1971 and announced its status as a nation independent from the United States. At the break of dawn on August 19, 1971, a shooting occurred between law enforcement officers and residents in a home occupied by RNA citizens. Law enforcement personnel commenced a raid on the RNA home in search of a wanted person by initially shooting rounds of teargas containers into the RNA's residence. The occupants responded with gunshots for what they claimed was self-defense. One White police officer was shot and killed. Omari Obadele, the RNA president, and Chokwe Lumumba, the Minister of Justice who would later become the mayor of Jackson, retained me to represent Hekima Ana, a citizen of the RNA, whom the district attorney for Jackson, Mississippi, charged with murder. The tension in Jackson and the entire State of Mississippi was thick enough to cut with a knife. With only two years of experience as a lawyer, I turned to Fred with a plea to join me as co-counsel for the defendant.

Fred agreed and smartly joined in soliciting another HU alumnus to join the team: my '69 classmate, Earnest "Lake" Jones from New Orleans. Fred, with only one more year of experience than Lake and me, served as the chief legal strategic thinker for the team. As I reflect on the past, I applaud Fred for his professional standard of zealous representation. Fred stood up against a hostile environment of Mississippi to uphold the right to counsel guaranteed by the Sixth Amendment of the United States Constitution—regardless of the accused's political, economic, or social beliefs.

Fred played an outstanding role as the legal conscience of the team. The jury, consisting of only one Black juror, found the defendant guilty. However, the legal team convinced the jury in the penalty phase of the case to spare the defendant of punishment by death and instead sentence him to life in prison. Fred remained defense counsel in subsequent federal cases against members of the RNA that ultimately led to defendant Hekima Ana in the state case serving less than ten years, as he was released due to a procedural error by the state.

MISSISSIPPI CENTER FOR JUSTICE (MCJ)

Fast forward from the 1970s to the mid-2000s, when I became chief counsel of the Lawyers' Committee for Civil Rights Under Law (LCCRUL), a national civil rights legal organization located in Washington, D.C., in 2005. By then, Fred had served as a member of the Mississippi House of Representatives, a Circuit Court judge, and a justice on the Mississippi Supreme Court, and had become a senior partner in the Phelps Dunbar law firm. In addition to Fred's commitment to social justice, he became chairperson of the Mississippi Center for Justice, a state civil-rights organization in Mississippi. Fred and I once again stood together for equal justice.

UNIVERSITY OF COLUMBIA SCHOOL OF LAW SERVICE-LEARNING PROGRAM

Fred and I continued our close connections when I, a law professor at UDC Law School, annually brought students to Mississippi during spring break to work with MCJ. We always invited Fred, who graciously volunteered his precious time to speak and dine with the students.

Reuben Anderson, who also joined the Phelps Dunbar law firm as senior partner after he resigned as the first African American justice on the Mississippi Supreme Court, joined my UDC students and Fred for dinner in March 2020 prior to COVID-19. Fred and Rueben were so gracious and informative at dinner with the Service-Learning Seminar group of a dozen law students. These icons in the legal profession shared illustrious portions of their professional lives with the students.

I am deeply grateful for five plus decades of professional relations with Fred because he is such a brilliant and loving soul.

I have heard it said that "[y]ou can succeed best and quickest by helping others to succeed." When I reflect on this quote, I am reminded of Fred. Fred gave of himself time and time again to ensure helping clients,

young lawyers, and students along their own paths to success. Fred's understated demeanor disarmed people and allowed him to get close enough to the bureaucratic systems to be able to dislodge systemic racism and inequitable treatment for so many. His friendliness made people want to help him; thereby helping him to assist clients, lawyers, students, and pave the way to the justice many people enjoy today. His intelligence is not just academic; it is street smart, context based, and fluid. He quickly studied people and situations to be able to best understand how to proceed.

An ancient African proverb states, "If you want to go *fast*, go alone. If you want to go *far*, go together." In closing, if you want to go fast and far, go with Fred.