

# *Down with the Racist Death Penalty!* **For United Front Defense of Mumia Abu-Jamal!**

Last summer saw an explosion of protest over the threatened execution of black journalist and political activist Mumia Abu-Jamal. Jamal, a former Black Panther, who was wrongly convicted in the 1981 murder of a Philadelphia policeman, Daniel Faulkner, has spent over 13 years on death row. It was clear during his trial that the government's case against Mumia is a pack of politically motivated lies.

As the news of his wrongful conviction spread, support for Jamal grew steadily. It mushroomed following the signing of his death warrant on 1 June 1995 by Pennsylvania's governor, Tom Ridge. Tens of thousands attended rallies in Philadelphia, New York, Toronto, Rome, London, Berlin, Johannesburg, Wellington, Sydney and other cities around the world to demand a halt to the execution, which was scheduled for 17 August. The eruption of protest forced Philadelphia judge Albert Sabo to grant Jamal an indefinite stay of execution on 7 August. However, his appeal for a new trial has been turned down by the same judge, and he remains on death row. The struggle for Mumia's freedom is far from over.

At 3:55 am, on 9 December 1981, at the corner of 13th and Locust Streets in Philadelphia, shots were fired, and when the smoke cleared both Mumia Abu-Jamal and police officer Faulkner lay wounded on the ground. The circumstances surrounding the two men's shooting are far from clear, but much of the evidence presented against Jamal was obviously concocted, and the manner in which the trial was conducted was a travesty of justice.

The state's case against Jamal had three essential components: witnesses who supposedly saw him shoot Faulkner; ballistic tests which allegedly confirmed that Jamal's gun had been used to commit the crime; and Jamal's own "confession." All three have been discredited. First, there is strong reason to suspect that Cynthia White, a prostitute with a substantial criminal record, who was clearly vulnerable to police pressure, perjured herself at the trial. After the shooting, she was twice picked up by cops on charges of prostitution and taken to the *homicide* division in Faulkner's precinct. This is highly irregular. Since testifying against Jamal, she has freely pursued her profession without arrest or police harassment. Another prostitute working the same area, Veronica Jones, reported that police attempted to get her to testify against Jamal, even though she was nowhere near the crime scene. The other supposed witnesses to the shooting—Robert Chobert and Mark Scalan—both say they didn't see White at the crime scene.

The state's second witness, Chobert, a taxi driver who needed to keep his license, was on probation for an arson conviction at the time of the shootings. Like White, he was therefore vulnerable to police pressure. Also like White, his initial statements to the police were considerably different from what he testified to in court. He had first told police that the shooter, who weighed about 225 pounds—Jamal weighs 170—had fled the scene. At the trial he claimed to identify Jamal, who had supposedly run only 10 feet after

the shooting. The prosecution's third witness, Mark Scalan, a passing motorist who was drunk at the time of shootings, said he was "confused" and couldn't identify the shooter.

Despite the extremely dubious testimony provided by these "witnesses," District Attorney Lynn Abraham had the gall to write, in a 13 August op ed piece in the *New York Times*, "the only witnesses whose testimony agrees with the known facts came forward immediately after the crime." Apparently, for the Philadelphia DA, a little police coercion can sometimes be helpful in establishing "known facts."

The ballistic and forensic evidence in the case against Jamal is equally dubious. Mumia was *never* tested to see whether there was gunpowder on his hands after the shooting—a standard police procedure in cases such as this. Neither was Jamal's gun (for which he had a permit) checked to see if it was used that morning. The failure to conduct these two basic tests (or, alternatively, to report the results) suggests something is amiss. In the police version of events, Jamal was standing above Faulkner when Jamal was shot. Yet the bullet that wounded Jamal went in the opposite direction—it entered his chest and went *downward*, ending up in the base of his spine.

Perhaps the most outrageous assertion by the prosecution was that Jamal had "confessed" to the crime. According to Garry Bell, Faulkner's former partner, Jamal, while lying wounded in the hospital, was screaming, "I shot the motherfucker and I hope the motherfucker dies!" A security guard at the hospital, who was a personal friend of Faulkner's, claimed to hear the same thing. Yet in his official statement concerning the events that night, Gary Wakshul, the policeman assigned to guard Jamal at the hospital, wrote, "during this time the negro made no statements." Moreover, as the late William Kunstler, America's best known civil rights lawyer, observed in a letter published in the *New York Times* (17 August): "This officer [Gary Wakshul] conveniently took his vacation at the beginning of the trial, and a defense request for a short continuance to await his return was summarily denied by the judge, a former Philadelphia undersheriff."

## **Albert Sabo: Hanging Judge**

As if the state's case against Mumia Abu-Jamal wasn't spurious enough, he was also tried under highly dubious circumstances. The presiding judge, Albert Sabo, is best described by Terry Bisson of *New York Newsday*:

"A life-time member of the Fraternal Order of Police, branded a 'defendant's nightmare' by the *Philadelphia Inquirer*, Judge Albert F. Sabo has sentenced more men to die (31 to date, only 2 of them white) than any other sitting judge in America. A fellow judge once called his courtroom a 'vacation for prosecutors' because of his bias towards convictions."

This same Judge Sabo forced Jamal to take a court-appointed lawyer, Anthony Jackson, who insisted from the outset that he was not prepared to defend Jamal, since he

had never tried a capital case. Jackson has since been disbarred for unrelated reasons. Moreover, Sabo four times denied Jamal and his lawyer funds to pay for the investigation of the ballistics evidence and witnesses.

The stench of racism hung heavy over the trial. The prosecution clearly feared that an integrated jury might very well acquit Jamal; they used 11 of their 15 peremptory challenges to remove black prospective jurors. Equally sinister was the prosecution's use of Jamal's political activism to ensure he received the death penalty. Joseph McGill, the prosecutor, played up Jamal's former membership in the Black Panther Party to paint him as a violent black extremist to the mainly white jury. McGill's prize piece of "evidence" was a 1970 interview Jamal did with a *Philadelphia Inquirer* reporter, where he commented that the murder of dozens of Black Panther members by police proved Mao's dictum that, "Political power grows out of the barrel of a gun." McGill told the jury that this proved Jamal was prepared to kill police "way back then"!

Since the trial, the U.S. Supreme Court has ruled against the use of peremptory challenges to exclude blacks from juries. Moreover, in 1992, the U.S. Supreme Court overruled a death sentence in the *Dawson* case because, during the trial, the prosecutor raised the defendant's association with the Aryan Brotherhood, a violent fascist outfit. Yet, when Jamal raised the *exact same* objection in his appeal to the Pennsylvania Supreme Court in 1989, he was flatly rejected. In its decision the court argued that his participation in an "unpopular political organization" proved his "longstanding disdain for the system"!

A closer look at the system's treatment of Jamal shows something worse than disdain. As a former member of the Black Panther Party and long-time political activist, Jamal has earned the U.S. government's overt hostility. Jamal, known as Wesley Cook in his youth, was a bright, self-taught writer and organizer for the Black Panther Party in Philadelphia. As a Panther, he sought to organize and defend the black community in Philadelphia against the violence and harassment of the city's notoriously racist police department. Jamal recalled at the age of 14 he and a group of young blacks attended a rally called by supporters of the arch-segregationist George Wallace:

"We came, we demonstrated, and we were clubbed into insensibility afterwards by plainclothes police who never identified themselves as police, who put three of us in the hospital. We were 15, 16-year-old boys from North Philly, who got a lesson in constitutional law very quickly, very clearly."

—interview with *Revolutionary Worker*, December 1994

This was only the beginning of the massive campaign of surveillance and harassment at the hands of the U.S. government. Over 700 pages of information were collected by the FBI on Jamal. He was placed on the Security Index of the FBI and the Administrative Index, a list of citizens to be rounded up in a "national crisis." The recently released FBI files on Jamal describe him as "Armed and Dangerous" despite the fact he had not committed any crime other than to expose the racist nature of American capitalism. Jamal was a target of the FBI's murderous Counter-Intelligence Program (COINTELPRO). In an interview on New York's WBAI radio station, Ward Churchill, an expert on COINTELPRO, was asked recently what this meant:

"Mumia Abu-Jamal would have been directly targeted by the FBI for what they euphemistically refer to as neutralization, which is to say, to be incapacitated politically by any means available to the Bureau....but most intensively,

repression that was part of the so-called COINTELPROs or counter intelligence programs administered by the FBI were directed at the Panthers.

"That is something that hasn't gone away. There is a residue of that in this country which exists. Many of the former [Black Panther] Party members, especially those who were identified by the Bureau as being key members, remain incarcerated on what are self [evidently] at this point, fabricated cases."

—transcribed by Bob Witaneck, *NJ Speakout*, 20 August

The Philadelphia Fraternal Order of Police has made it clear they want to see Jamal eliminated by any means necessary. The day he was granted a stay of execution, Philly cop James Green spat: "It makes you wonder. Maybe we should have executed him at 13th and Locust where he executed Danny Faulkner" (*NYT*, 8 August 1995). In fact, the cops made a fairly serious attempt to do just that. Even though Jamal was seriously wounded (his lung and liver had been perforated by the bullet) and bleeding the morning of 9 December 1981, he was beaten by police on the scene and again in the paddy wagon. A witness at Jamal's trial testified that it took more than 40 minutes to get the critically wounded man from the shooting scene to the hospital, three blocks away. This suggests that the police on the scene hoped he would die from his wounds.

The courts, the D.A. and the Fraternal Order of Police all want Jamal dead because, as a journalist, he often exposed the racism and brutality of the Philadelphia police. In particular he investigated harassment of MOVE, a black organization that follows the teachings of John Africa. He was known as the "Voice of the Voiceless" for his fearless exposure of police violence, and was elected president of the Philadelphia chapter of the Association of Black Journalists.

## Live from Death Row

Neither a death sentence nor confinement have silenced Jamal. After his conviction, he began to write about the notoriously inhumane conditions and racism of America's prisons. These essays have been published in a single volume by Addison-Wesley under the title, *Live from Death Row*. The authorities responded to this book with open hostility. Saying that Jamal was attempting to "run a business" from his jail cell, they used the publication of the book to place him in extreme isolation. They have attempted to seize all money coming to Jamal, open his correspondence, prevent his attorney's paralegals from visiting him and ban all visits from journalists. The FOP also pressured National Public Radio into cancelling a planned series of death-row broadcasts by Jamal, and even flew a blimp over the offices of Addison-Wesley denouncing them for publishing a "cop killer."

It is instructive to compare this to the official reception accorded *Presumed Guilty*, by the LAPD's Stacy Koon. Sergeant Koon is in jail for the media-exposed racist beating of Rodney King. Although his legal expenses are being paid by the LA Police union, he is soliciting by mail contributions of \$30 to the "Stacy Koon Defense Fund" in return for a copy of his book, in which he shamelessly alibis the brutal beating of King. There has been no interference in Koon's activities.

The campaign to free Mumia began years before Pennsylvania governor Ridge signed his death warrant. One of the key organizations involved in his defense from early on was the Partisan Defense Committee (PDC—legal defense arm of the Spartacist League [SL]). Refuse and Resist and a

variety of anarchist groups also played an important part in bringing the case to public attention and organizing on Jamal's behalf.

Following the signing of the death warrant in June 1995, there was a flood of articles in a wide variety of publications, as well as on the Internet, explaining Jamal's case and demanding his freedom. *Live from Death Row* was even released on CD-ROM. A broad array of leftist, anarchist and civil rights organizations around the world took up Jamal's cause, and organized the massive outpouring of rage that succeeded in winning the stay of execution.

The International Bolshevik Tendency (IBT) made a modest contribution to building the campaign for Mumia's freedom. In 1990 our New Zealand comrades organized a demonstration in conjunction with the first wave of international protests demanding freedom for Mumia. In Toronto, upon learning of a scheduled PDC demonstration, our comrades immediately endorsed it and sent a letter offering to help "with leafleting, postering and any other practical work necessary to make the demonstration a success" (letter to the Trotskyist League 18 June 1990).

In the latest phase of the campaign, IBT supporters won union endorsements for Jamal's defense from a New York United Auto Workers local, as well as the Trades Council of Birmingham, England. In New Zealand our comrades initiated a demonstration in June 1995 with anarchists and other leftists. Our supporters have participated in rallies in London, Berlin, Hamburg, the San Francisco Bay Area, as well as Philadelphia. Bill Logan spoke for the IBT at a PDC-initiated rally for Mumia in Paris. In Canada, IBT comrades worked closely with the PDC, anarchists and other leftists to build several united-front demonstrations for Jamal in both Montreal and Toronto.

The tens of thousands who demonstrated for Mumia—students, blacks, trade unionists and many others—were mobilized by the joint efforts of many different leftist, black, religious and even some liberal organizations. The demonstrations were a visible counterpoint to the general rightward trend of recent years, and were important enough that the major bourgeois media in the U.S. felt compelled to pay attention. Naturally, they took a somewhat unfriendly attitude toward the protests, but breaking the media embargo counts as a victory of sorts.

### For United-Front Defense!

The campaign to free Jamal, however, is not without its problems. While the level of practical cooperation was relatively high (particularly in the U.S., where the left has not had much to celebrate in recent years) there were, unfortunately, instances of sectarian reluctance by some left groups to building joint actions. There was also a tendency to put maintaining control above considerations of building the broadest and most representative mobilizations. This sectarianism was evident in some of the actions of the PDC and its parent, the Spartacist League.

In the midst of the campaign to stop Jamal's execution, the *Wall Street Journal*—an authoritative voice of U.S. finance capital—published an article on 16 June 1995 that sneered "Not Much Left: 'The Movement' Is Pretty Still Nowadays." The author, Laurie Cohen, derided the massive support for Jamal, and sought to trivialize the campaign and his defenders on the left. To this end she retailed various misrepresentations and half-truths about a number of left organizations, including the Spartacist League, and briefly mentioned our criticisms of the latter's undemo-

cratic internal regime.

The SL attempted to use this article as an excuse to attack its leftist opponents, particularly ourselves. In its 28 July issue, *Workers Vanguard* (WV) printed an article entitled "Anti-Communist Smear Targets Jamal Campaign," in which we were accused of being "sinister" and an "instrument for bigger forces" who seek to persecute the SL. The article concluded that criticism of the SL amounts to "*spiking the necessary mass protest that is essential in fighting for Jamal's freedom*" (emphasis in original). Ironically, Trotskyist League (TL, Canadian affiliate of the SL) members and supporters were selling this article at a demonstration in Toronto for Jamal that had been initiated by the youth arm of the New Democratic Party (Canada's social-democratic party). It was built by our comrades in conjunction with the TL, the International Socialists (who were also being denounced by the SL as enemies of the campaign to free Mumia) as well as various other leftist and anarchist groupings. This demonstration, which was by far the largest held in Jamal's defense in Canada, was one of the few genuine united fronts the SL or its international co-thinkers participated in during the entire campaign.

In a letter written to the editorial board of WV, and distributed at an SL meeting as a leaflet entitled "Sectarian Stupidity Will Not Free Mumia," our New York comrades pointed out that the SL was in fact contemptuous of the Trotskyist history it claims as its tradition:

"According to your logic, Trotskyists in the 1930s, by pointing to the bureaucratic internal regime of the U.S. Communist Party and its cult of Stalin, were sabotaging the campaign to defend the Scottsboro Boys. The Stalinists themselves seized every opportunity to make this point. But Trotskyist exposures of Stalinist betrayals from Germany to Spain, or their condemnations of the Moscow trials, never prevented them from defending the Soviet Union against imperialism, or from defending American Stalinists from McCarthyite witchhunts. Similarly, our knowledge of the of the cult-like practices of the SL leadership does not prevent us from seeking united fronts to defend Mumia, nor from defending the SL from repression by the state."

Our letter apparently struck a nerve. The next issue of WV (25 August 1995) printed it in full and wrote a lengthy reply, "Poison Pen Pals." As well as recycling various sub-political smears they have thrown at us in the past, the SL leadership responded directly to our criticism that its sectarianism had limited the potential of the Jamal campaign in the U.S. and internationally. In a letter dated 6 August 1995, before the stay of execution, our British comrades had written to the Spartacist League/Britain to propose an emergency united-front mobilization:

"Time is short, but it is still not too late to initiate a sizeable national demonstration before 17th August. Other groups are planning various events, but these will be fragmentary and isolated in the absence of a co-ordinated campaign. There has been considerable coverage of Mumia's case in the bourgeois press and most of the left groups would probably come on board for united action. The SL/B, of all the groups on the British far left, is probably best positioned to initiate such a united front because of the years of work by your American comrades in Mumia's defence. We pledge our fullest support in building any such action, and are prepared to participate actively in every facet of it."

*Workers Vanguard* replied:

"[A] letter from the International Bolshevik Tendency to

our comrades of the Spartacist League/Britain argues that we have undermined Mumia's defense by not setting up a 'united-front committee.' We don't know what world the BT lives in, but we have a lot more grasp of social reality and our own social weight than to believe that a 'Free Mumia Committee' of ourselves, the BT and a bunch of other small leftist organizations would be able to rally the social forces necessary to win Mumia's freedom."

We don't know what world the SL/U.S. lives in, but it is precisely the fact that "a bunch of other small leftist [and other] organizations" all began to mobilize around the same issue, at the same time, that made the demonstrations for Jamal successful. In order to build the mass support necessary for winning his freedom, it makes sense to organize this cooperation. In New York in July, there were a series of separate demonstrations—some of which the SL initiated and controlled, and some where other organizations played the central role. This is not a good model. True, the combined forces of the left are less than massive. But is the SL suggesting that *it alone* is capable of mobilizing greater numbers than small groups working in concert? The largest single event in the U.S. campaign to date was a demonstration of 10,000 in Philadelphia on 12 August. That event was chiefly organized by Sam Marcy's Workers World Party through its front groups.

In its better, revolutionary days the SL wrote:

"A united front does not refer to any and every kind of cooperation with other political organizations. A united front is essentially a common *action* characteristically around concrete, usually negative, demands on bourgeois authority. The characteristic organizational form of the united front is a technical coordinating committee. This does not mean that a united front need be limited to a single event. It is possible to have a united front campaign, for example, a legal defense case."

—*Young Communist Bulletin* No. 3, "On the United Front"

The IBT embraces this tradition because it is the *best* way to run a defense committee, i.e., it *works*. In Birmingham (Britain's second-largest city), for example, the only demonstration for Jamal that took place happened thanks to a united-front committee, which allowed the maximum number of those who wanted to fight for Jamal's life to act together. A similar committee in Toronto organized the biggest Mumia demonstration in the city, almost 1,000 people. The SL leadership's idea of a united front, on the other hand, consists in allowing representatives of other organi-

zations to speak at rallies organized and controlled by themselves. In general, the SL avoids participating in building activities jointly with other groups, deriding all such efforts as "popular frontist."

While the campaign to save Mumia is, in itself, vitally important, it is also necessary that communists show leadership in this fight. Jamal's threatened execution has everything to do with the violently racist, capitalist society we live in. Many youth, blacks, working people and members of other oppressed groups who are drawn to the Mumia campaign have a rudimentary understanding that they have an interest in preventing the courts and police from getting away with murdering Mumia. As Leon Trotsky wrote in 1922:

"If we [i.e., communists] were able simply to unite the working masses around our banner or around our practical immediate slogans, and skip over reformist organizations, whether party or trade union, that would of course be the best thing in the world...."

"The question arises from this, that very important sections of the working class belong to reformist organizations or support them. Their present experience is still insufficient to enable them to break with reformist organizations and join us. It may be precisely after engaging in those mass activities, which are on the order of the day, that a major change will take place in this connection. That is just what we are striving for."

—"On the United Front," *The First Five Years of the Communist International*, Vol. 2

Showing leadership means being able to work with those who still have illusions in capitalism and its legal system and, through the experience of fighting for Jamal's life, show them that ultimately it will take a socialist revolution to root out the racist police, jails, courts and executioners and build a society based on human equality.

Much has been accomplished in the campaign to free Mumia Abu-Jamal, but much remains to be done. We urge our readers to participate actively in the struggle. Letters of support can be sent to: Mumia Abu-Jamal, AM8335, SCI Greene, 1040 E. Roy Furman Highway, Waynesburg, PA 15370-8090. Financial contributions should be made out to Bill of Rights Foundation (for "Jamal Defense"), and sent to: Committee to Save Mumia Abu-Jamal, 163 Amsterdam Ave., No. 115, New York, NY 10023-5001. ■