

Federal magistrate imposes severe restrictions on supporters of US political prisoner Mumia Abu-Jamal

Joseph Tanniru
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A federal magistrate has imposed severe restrictions on several prominent organizers of the campaign to defend US political prisoner Mumia Abu-Jamal because they allegedly refused to obey a policeman's order during a civil disobedience protest last July in Philadelphia. The eight individuals—including Clark Kissinger of Refuse and Resist; Frances Goldin, Mumia's literary agent; and Mark Taylor, Chair of Academics for Mumia—were placed on one-year probation, during which time their contact with Mumia and their activity in the campaign will be legally restricted.

The sentences, handed out on April 23, are a gross violation of democratic rights and a political attack aimed at undermining the campaign for the freedom of Mumia Abu-Jamal. Mumia, who has spent the last 18 years on Pennsylvania's death row after being framed up for the murder of a Philadelphia policeman, is an internationally known opponent of the death penalty, racism and the US justice system.

The eight individuals were arrested, along with 87 others, during a July 3, 1999 rally at the historic Liberty Bell in Philadelphia. They were arrested after allegedly refusing to move when Park Rangers ordered them to do so. Those arrested were charged with "failing to obey a lawful order," a petty offense equivalent to a traffic ticket. While most of those arrested pled guilty to the offense and paid a \$250 fine, the eight pled not guilty and requested a trial. Federal magistrate Arnold Rapoport ordered the eight defendants to serve a one-year probation sentence in addition to paying the fine—an extraordinary punishment for an infraction not even considered a misdemeanor.

The probation terms consist of an assortment of

draconian restrictions and requirements, directly aimed at limiting the political activity of those sentenced. This includes a prohibition against associating with felons, including Mumia, and a requirement that the eight hold a regular job, meaning they cannot work as full-time volunteers for the Mumia campaign. In addition, they are prohibited from leaving the federal court district in which they reside without the permission of a probation officer, and must submit a list of all organizations to which they belong, as well as a detailed list of their financial records. Moreover, they must inform authorities of all individuals with a criminal record that they contact, must surrender their passports and will be visited regularly in their homes by probation officers.

From the beginning, those who pled not guilty were targeted for severe sentences. Goldin writes that "from the start, the prosecutor told one of our lawyers that he was going to make life so difficult for us, we'd have wished we'd pled guilty."

Rich Goldberg, a senior staff member of the US Attorney's Office, prosecuted all the defendants. Normally, Goldberg would never prosecute such a low-level case. Andrew Erba, the defense lawyer who has filed appeals on behalf of several of the defendants, stated, "Somewhere there was a policy decision to make this high priority." The sentence couldn't have been more severe, Erba said. "[Rapoport] would never have done it on his own. The only reason the probation was advanced was because the US Attorney's Office pushed it."

The prosecution's rationale for seeking the stiff probation sentence was that the defendants did not acknowledge the criminal character of their actions, and did not renounce engaging in similar activity in the

future. “At sentencing,” reasoned Goldberg, “they told the court they had not committed crimes, that they would not be deterred from doing what was right.” The court, he said, declared that they must therefore be watched, and prevented from committing future “crimes.”

At the trial Goldin, Kissinger and Taylor stated that they were never ordered to move and thus could not have disobeyed any such order. Indeed there were a number of problems with the prosecution's case, including false identifications on the part of prosecution witnesses. By the government's own account, the activity of those given the parole sentences was less disruptive than many of those who received only the fine.

More importantly, however, the defendants argued that their refusal to acknowledge they had committed a crime in Philadelphia was not a brief for disobeying orders, but simply an assertion of their legal rights to campaign on behalf of Mumia Abu-Jamal.

The federal magistrate's ruling essentially criminalizes much of the political activity carried out by the defendants. The sentence, though it is currently being appealed, has already prohibited Kissinger from speaking at Mumia rallies held outside of the New York City district in which he lives. The clause prohibiting contact with felons will especially disrupt the activity of Frances Goldin, who has been in close contact with Mumia and has written a great deal on his trial.

Shortly after the sentencing, Kissinger's wife received two federal subpoenas demanding that she turn over all her financial records for the last 10 years, including joint records with Clark Kissinger. She has also been ordered to testify before a federal grand jury, supposedly because of an investigation of her former employer. However, she worked for the individual under investigation for only two years, and no other employees have been subpoenaed. This action, in conjunction with the sentencing of Clark Kissinger, hardly seems coincidental. Kissinger has stated that it is an attempt to use “every legal mechanism to bring pressure on a key leader in the Mumia movement and find out everything about his finances and personal activity.”

The federal magistrate's ruling is the latest in a series of efforts by the authorities, the media and police

organizations to intimidate and silence supporters of Mumia Abu-Jamal. In January 1999 New Jersey Governor Whitman led a witch-hunt against a benefit concert for Mumia in East Rutherford. Two months later Philadelphia Mayor Ed Rendell attempted to restrict to 500 the number of participants at an April 1999 pro-Mumia march and prevent supporters from publicizing the protest the night before in many downtown areas. In June 1999 House majority whip Tom Delay, the right-wing Texas Republican, sought to prevent officials at Evergreen State College in Washington state from playing a taped address by Mumia to graduating students. A similar effort was made by the Philadelphia District Attorney's Office and the Fraternal Order of Police two months ago at Antioch College in Ohio.

These efforts underscore the connection between the political vendetta against Mumia Abu-Jamal and the ongoing attack on democratic rights in the US.



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