

Mumia Abu-Jamal supporter jailed for speech at Republican National Convention protest

David Walsh
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A prominent supporter of US political prisoner Mumia Abu-Jamal has been sentenced to 90 days in prison for parole violation by a federal magistrate in Philadelphia. Judge Arnold Rapoport sent Clark Kissinger—a leading member of the left group Refuse & Resist!—to jail on Wednesday because the latter had traveled to Philadelphia in August, in defiance of onerous probation terms, to make a speech in defense of Abu-Jamal during protests organized outside the Republican National Convention.

The “crime” for which Kissinger was placed on parole was refusing to move when ordered to do so by Park Rangers at a rally for Abu-Jamal held July 3, 1999 at the Liberty Bell in Philadelphia. Ninety-four people were taken into custody at the time. They were charged with “failing to obey a lawful order,” a charge equivalent to a traffic ticket. Most of those arrested paid a \$250 fine.

Eight defendants, including Kissinger, pleaded not guilty and chose to go to trial. A senior staff member of the US Attorney's Office prosecuted the low-level case. The government was obviously determined to make an example of the defendants, both for their general defiance of authority and their continued campaign in defense of political prisoner Abu-Jamal. Rapoport ordered the eight defendants to pay the \$250 fine and sentenced them to one-year probation sentences—for an offense considered less serious than a misdemeanor.

The probation terms represented a blatant attack on democratic rights. The defendants were prohibited from any contact with felons, including Mumia; they were required to hold jobs, making it impossible for them to work full-time in the defense campaign; they were forbidden to leave the federal court district in which they resided without permission from a probation officer; they were ordered to turn over a list of all organizations to which they belonged, as well as their financial records.

Additionally, the eight were obliged to turn in their passports and submit to visits by probation officers. The probation terms essentially criminalized activities carried out in defense of Abu-Jamal.

“I turned in my passport,” says Kissinger, “and I report to my parole officer, but when it comes to First Amendment stuff, I have refused to cooperate.” He has not complied with the directive to keep out of the company of felons. “In my line of work, most of the people I see have been arrested for something.” Nor has he filed any financial information. In regard to travel restrictions, Kissinger comments, “Whenever it's been a request for something personal, like visiting my sick mother in Massachusetts, it's granted by my parole officer, but whenever it's something political, he has referred it to the sentencing judge, Federal Magistrate Arnold Rapoport, and he's always refused me permission.”

This is what took place in August, when Kissinger applied for permission to make a speech at a rally for Abu-Jamal. When permission was not granted, Kissinger went and gave the speech. The probation officer subsequently notified Rapoport.

In sentencing the Refuse & Resist! leader December 6, Rapoport indicated that once Kissinger has served his 90 days in jail, the conditions of the parole will remain intact. According to the Refuse & Resist! web site, the judge remarked, “A trail of disruption follows this man wherever he goes.” Kissinger's lawyers, Ron Kuby and Anthony Erba, announced they would appeal the sentence and filed a motion to stay its execution.

Kissinger may be the first political activist on the left to be sentenced to prison for delivering a speech since World War II. It should be noted, however, that Kissinger's appearance and sentencing have received virtually no

coverage in the media.

The *World Socialist Web Site* has principled differences with the Refuse & Resist! organization, but the jailing of Kissinger is an outrageous attack on the right of free speech and free assembly and democratic rights as a whole. The government is giving itself the right to silence any voices it doesn't like.

The entire state apparatus in Philadelphia is resolved to execute Abu-Jamal, who has been on death row for 18 years. He was framed up for the December 7, 1981 shooting death of Philadelphia policeman Daniel Faulkner. His case has become an international symbol of the struggle against the death penalty, state violence and racism. Philadelphia authorities have conducted a systematic campaign to deprive opponents of the effort to push Abu-Jamal into the death chamber of their constitutional rights.

A suspicious break-in at the office of Abu-Jamal supporters in June resulted in the theft of boxes of files containing financial records and lists of high-profile contacts. A well-known supporter of Abu-Jamal, Ernst Ford, alleges that a police car followed him home recently. Ford reports that the policeman approached him and said, "Mumia's going to die, and so are you." Ford and the International Concerned Family and Friends of Mumia, sponsor of the protests, have filed a complaint.

Abu-Jamal's lawyers are currently appealing his conviction in a federal District Court and a hearing will be scheduled in the near future. Supporters have declared December 4-11 a "Week of Awareness" for Abu-Jamal, marking the nineteenth anniversary of the killing for which he was falsely convicted. Demonstrations will be held in various cities, including Philadelphia.

The tenuous state of democratic rights in Philadelphia emerged in another court case this week in which dozens of protesters faced charges for being inside a "puppet warehouse" during the Republican National Convention protests in August. Seventy-five people were arrested in a police raid on the warehouse, which was viewed as a preemptive strike against those planning to demonstrate at the GOP gathering. Those arrested were not taken in for any crime they had committed, but supposedly to prevent future criminal behavior. The affidavit in support of a search warrant had asserted that the protesters were financed by "Communists."

On Monday, Judge James M. DeLeon refused to dismiss charges against 46 defendants accused of a variety of misdemeanors. The judge ruled there was sufficient probable cause for the raid, and that there was no prior

restraint of free speech and no improper police conduct.

"The judge today ruled that there was probable cause based on the fact that people possibly could have done something," commented Bradley Bridge of the Defender Association. "That's possible cause, that's not probable cause, and that's not a reason to go to trial."

According to the *Philadelphia Inquirer*, defense attorney David Rudovsky "argued that police had a special obligation to wait until protesters actually broke the law to arrest them because their activities—the protests—involved First Amendment issues."

The prosecution's case collapsed on Wednesday when undercover state troopers were unable to identify a single defendant responsible for committing a crime among mug shots of those arrested. The cops recognized three individuals, but could not connect them to any crime. All 31 defendants whose photos were examined December 6 will have their cases dismissed or dropped. The undercover police will look next week at the photos of 30 more defendants charged with misdemeanors.

Protests of Clark Kissinger's sentencing can be directed to:

Arnold C. Rapoport, 610-776-0369, Fax 610-776-0379;
or to the judge who will rule on the appeal of his 90-day sentence:

Honorable Bruce Kauffman,
US District Court,
601 Market Street, Philadelphia,
PA 19106,
Fax: 215-580-2281



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Socialist Equality Party visit:

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