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Mumia Is Innocent—Free Him Now!

Supreme Court of Death Rules Against Mumia Abu-Jamal

Abolish the Racist Death Penalty!

On January 19, the U.S. Supreme Court took a clear step toward the legal lynching of Mumia Abu-Jamal. The Court vacated a 2001 decision by federal district court judge William Yohn overturning Mumia's death sentence. Yohn's decision had been previously upheld by the U.S. Third Circuit Court of Appeals. The new ruling by the Supreme Court underscores our insistence that fighters for Mumia's freedom must place no faith in the courts, which, at every level, have colluded with the police and prosecutors to see through the execution of this innocent man.

Mumia was targeted by the police and FBI in his teenage years as a Black Panther leader and later as a journalist and MOVE supporter renowned for his searing exposés of cop brutality and racist oppression. In a blatantly racist and political frame-up, Mumia was railroaded to death row in 1982 on false charges of killing Philadelphia police officer Daniel Faulkner. Without a shred of actual evidence against him, he was convicted on the basis of phony ballistics and other manufactured "evidence," a "confession" concocted by cops and prosecutors, massive police intimidation of witnesses and racist jury rigging. His trial was overseen by "hanging judge" Albert Sabo, who was overheard saying he would help the prosecution "fry the n---r." To secure the death sentence, prosecutors pointed to political statements issued by Mumia as a 16-year-old Panther.

Since his trial, the courts have repeatedly tossed aside massive evidence of Mumia's innocence, not least the confession of Arnold Beverly that he, not Mumia, shot and killed Faulkner. Yet Mumia remains unbowed, speaking out for the oppressed and the impoverished through his death row commentaries. The Partisan Defense Committee—a class-struggle, non-sectarian legal and social defense organization associated with the Spartacist League/U.S.—calls on trade unionists, death penalty abolitionists and all opponents of racist injustice to make their voices heard in demanding: Free Mumia now! Abolish the racist death penalty!

The PDC is a class-struggle, non-sectarian legal and social defense organization which champions cases and causes in the interest of the whole of the working people. This purpose is in accordance with the political views of the Spartacist League.

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The Supreme Court moved against Mumia with cold calculation. Last April, it turned down Mumia's petition to overturn his frame-up conviction. At the same time, the Court held in abeyance the arguments of Pennsylvania prosecutors to reinstate his death sentence, which had been overturned by Yohn on the grounds that Mumia's trial jury had been given faulty sentencing instructions. The Supreme Court waited to rule against Mumia until after it reinstated the death sentence for Ohio neo-Nazi Frank Spisak, which had been overturned on similar grounds of faulty jury instructions. In effect, the high court gave the Third Circuit their marching orders to uphold Mumia's death sentence. Alternatively, the Third Circuit could send the case back to Yohn for a hearing to consider other still-pending claims by Mumia or, less likely, reaffirm its prior decision.

The Supreme Court cynically tied together the Spisak and Mumia cases, not despite but because of their glaring differences. Spisak is a sociopath who admitted to killing his victims and made no secret of his admiration for Adolph Hitler. Mumia has always maintained his innocence and won acclaim as the "voice of the voiceless" for his powerful commentaries. The Court is consciously manipulating abhorrence of the fascist Spisak's crimes to set a precedent for the legal murder of Mumia, a man whose "crime" was to stand up to the racist capitalist rulers. Noting how his case differed from Spisak's, Mumia aptly told Free Speech Radio News, "The law is the tool of those in power, so how they use it doesn't depend on the law; it depends on power." The Supreme Court ruling will touch off new rounds of perhaps lengthy legal proceedings. But even if Mumia wins his battle against execution, the "alternative" offered by the courts is a life sentence with no possibility of parole, which, as Mumia noted in one of his prison writings, "is merely slow death."

The court's linking of the two cases highlights yet again how the fight for Mumia's freedom is inseparable from the struggle to abolish the death penalty. The PDC opposes the death penalty on principle and everywhere—for the guilty as well as for the innocent. We do not accord any state the right to determine who lives and who dies.

Capital punishment is a barbaric relic of ancient codes of justice and, in the U.S., of chattel slavery. Where in medieval times those who ran afoul of Crown and Church were put to the rack or burned at the stake, today's representatives of bourgeois "civilization" debate which combination of lethal drugs to administer to writhing prisoners strapped to death gurneys. In threatening such treatment for Mumia, the courts hark back to when black slaves could be tortured and put to death for hitting a white man in self-defense or for any other act deemed a challenge to the slaveholders. The hugely disproportionate number of black people on America's death rows is a testament to the racist subjugation of the black population, which is fundamental to the maintenance of American capitalism. And while judges in their oak-paneled chambers decree the legal murder of the poor, minorities and working people, the police carry out the same sentence on a far greater scale as they gun down ghetto and barrio youth in the streets.

The death penalty stands at the apex of the machinery of state repression used by the tiny class of capitalist exploiters against the masses they exploit and oppress. The "justice" system threatens Mumia with the ultimate state sanction that it used against earlier militants deemed to be threats to capitalist "order"—the Haymarket Martyrs (1877), IWW militant Joe Hill (1915) and anarchist workers Sacco and Vanzetti (1927), to name a few. The state vendetta against Mumia began as part of the FBI's COINTELPRO campaign to wipe out the Black Panther Party,

in which some 38 Panthers were killed and hundreds of others framed up and railroaded to prison. The government's intent was made clear in 1968 by FBI director J. Edgar Hoover, who warned: "The Negro youth and moderate[s] must be made to understand that if they succumb to revolutionary teachings, they will be dead revolutionaries."

Mumia's cause has been and must continue to be a focal point of the fight for abolition of the racist death penalty. Popular support for capital punishment has fallen steadily in recent years, due not least to the many cases where DNA evidence has exonerated death row prisoners. Even the conservative American Law Institute, whose death penalty guidelines were cited by the Supreme Court when it ended a brief moratorium on executions in 1976, has decided to get out of this gruesome business as ever more exposures of American injustice come to light. The Supreme Court, however, is not in the least deterred from its push to execute the innocent. Some six weeks before ruling against Mumia, the Court refused to consider the appeal of black California death row inmate Kevin Cooper despite evidence of his innocence and of a massive police frame-up. Free Kevin Cooper!

From the time we first took up Mumia's cause more than 20 years ago, the PDC has supported the use of every possible legal avenue available to Mumia while having no illusions in the courts or any other agency of the capitalist state. Our fight has centered on the struggle to mobilize the multiracial working class in the U.S. and working people internationally, based on the fact that the proletariat is the one force in this society with the social power to effectively challenge the capitalist rulers. When Mumia faced a death warrant in the summer of 1995, worldwide protests that included trade unions representing hundreds of thousands of workers played a crucial role in staying the executioner's hand.

Counterposed to this class-struggle strategy is the policy of many organizations--Socialist Action, the Workers World Party, the Concerned Family and Friends of Mumia Abu-Jamal and others--which long centered their protests on the demand for a new, fair trial for Mumia. With the judicial appeals in which they put their faith nearly exhausted, their plea that the capitalist state deliver justice now comes in the form of petitions to Attorney General Eric Holder to conduct a civil rights investigation into Mumia's frame-up trial and to President Barack Obama to "speak out against the death penalty for Mumia Abu-Jamal."

These hat-in-hand appeals to America's top cop and imperialist Commander-in-Chief are a savage indictment of the liberal belief in the "democracy" of capitalist class rule. Holder's Justice Department recently threw leftist attorney Lynne Stewart in prison and threatened to extend her sentence by 28 more years for staunchly defending her client, who was accused of terrorist activities. Obama openly announced his support for the death penalty in his run for the White House, including in an interview with right-wing journalist Michael Smerconish, one of the voices calling loudest for Mumia's execution.

After eight years of the despised Bush regime, Obama took office to give a facelift to bloodsoaked U.S. imperialism. Reinforcing illusions that Obama represents "change," the reformist left tails after the trade-union bureaucracy, whose program of seeking "friends" in the parties and state agencies of the capitalist class enemy has gravely dissipated labor's fighting capacity. Meanwhile, the U.S. military still rains death on Iraq and Afghanistan, inmates from America's vast prison complex to the military's Bagram and Guantánamo Bay dungeons

continue to be brutalized and tortured, and bankers get billion-dollar bailouts while workers lose their jobs and homes.

The fight to free Mumia, as with all struggles against social oppression and deprivation, can go forward based only on a clear understanding of the class forces involved. Make no mistake: In baying for Mumia's blood, the forces of bourgeois "law and order" are sending a message to all who would fight against exploitation, oppression and imperialist war that they, too, are in the sights of the state. Any real fight for Mumia's freedom must be based on a class-struggle opposition to the capitalist rulers, who have entombed this innocent man for more than half his life. ***Free Mumia now!***

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