

Essays

Mobilizing for Mumia Abu-Jamal in Paris

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I. RETURNING TO THE CITY OF LIGHT

The strike halted all railways, subways, and buses. Bumper-to-bumper traffic flooded the narrow streets of Paris, and walking became the fastest way to travel. The grey beauty of the Seine felt soothing that December morning as I walked by the river looking for number 19 Quai Bourbon, the law office of Roland Dumas. It was only Friday, but so much had happened that week, my head was spinning. It felt like the time I first met Dumas, back in the seventies.

Eldridge Cleaver and I, among hundreds of other revolutionaries, lived clandestinely in Paris then, and Dumas was our lawyer. A deputy in the French Assembly at the time, he petitioned the government to legalize Eldridge's presence when he was a fugitive Black Panther leader facing imprisonment in the United States.

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Cities were still going up in flames after Martin Luther King's assassination that night Eldridge was arrested with eight other Panthers following a gun battle with the Oakland Police in 1968. Once his parole was revoked it looked as though he would spend his next four years in prison regardless of how the shoot-out trial ended. But to everyone's astonishment, he won a habeas corpus petition that June, and was out on bail a week after Bobby Kennedy was killed in Los Angeles. Eldridge was the presidential candidate of the Peace and Freedom Party and the author of the best-selling *Soul On Ice*,¹ and thousands of people turned out to hear him speak. He claimed over and over that the San Quentin guards would murder him if he ever returned to prison, and I believed it. When the appellate court ordered him back to prison, Eldridge fled to Cuba, and later to Algeria, where I joined him in 1969. Four years later we reached France, where Dumas's legal effort failed to win asylum, but our friendship with him remained alive for years.

Over twenty years later, life circled me back to the City of Light with my friend St. Clair Bourne, the black filmmaker. We arrived in late November 1995 to join radical lawyer Leonard Weinglass at several events sponsored by a collective of French organizations opposed to Mumia Abu-Jamal's execution.² Uncertainty marked our departure—up until the day we left New York, we didn't know whether the transportation workers' walk-out in France would shut down the airport. But our flight arrived in Paris just in time for us to join the throngs that packed the sidewalks along the route of the national protest march for women's rights.³

On Sunday morning, the day after we arrived, all transportation unions went on strike. The national student strike took off a few days later and caught me in its turbulence. I felt like the seventies had sprung back to life,⁴ and before I left Paris, I wanted to see Roland

1. ELDRIDGE CLEAVER, *SOUL ON ICE* (2d ed. 1992) (1968).

2. During the summer of 1995, numerous human rights and antiracist organizations, opponents of the death penalty, and a prisoner support group united in a collective to prevent Mumia Abu-Jamal from being executed in the United States. They solicited support from internationally known French intellectuals, occupied the Paris office of American Express, and mounted demonstrations outside the American Embassy. In addition, they collected thousands of signatures on petitions to the Governor of Pennsylvania demanding that Mumia not be executed. See generally Chemin Anne, *Des Associations Reclament la Grace d'un Condamné à Mort aux États-Unis; Le MRAP et Amnesty International ainsi que des Écrivains ont Lancé une Campagne pour Obtenir que Mumia Abu-Jamal, Ancien Militant des Panthères Noires, Ne Soit Pas Exécuté le 18 Août*, LE MONDE (Paris), July 27, 1995.

3. See Gerard Le Puill, *Le pavé de Paris décliné le droit des femmes au féminin*, L'HUMANITÉ (Paris), Nov. 27, 1995, at 3.

4. See William Drozdiak, *French Strikes Cripple Nation, Reforms; Government Vows Transit Standstill Won't Derail Austerity Program*, WASH. POST, Nov. 29, 1995, at A32; Thomas Kamm & Douglas Laviv, *French Stand Tough Against Strikers to Prove Readiness for Monetary Union*, WALL ST. J., Nov. 30, 1995, at A16. See generally Raghu Krishnnan, *The First Revolt Against*

Dumas again. I valued his friendship immensely; I drew from it a sense of stability that came from reconnecting with people who in some real way helped save my life when I lived underground.

I reached his elegant law office fifteen minutes early. The enormous wooden doors opened onto a spacious courtyard where horse-drawn carriages used to enter. His office occupied one of the four suites the tall painted shutters of which faced each other. Dumas was still walking to his office from home, his secretary explained, and showed me into a wood-paneled sitting room where I glimpsed morning sunlight sparkling on the river flowing past the windows.

Roland Dumas had served as minister of foreign affairs while François Mitterand was France's president. Framed photographs of Dumas standing beside world leaders were clustered on the mantle above the fireplace. I skimmed past the color photograph of him greeting President Ronald Reagan and the one showing him standing with British Prime Minister Margaret Thatcher, but an older, black-and-white photograph caught my attention. Its silvery tones portrayed a younger, dark-haired Dumas sitting on a sofa next to Pierre Mendès-France, the famous French socialist leader. Behind them an exquisite Chinese lacquer screen shimmering in the background enhanced the aura of intrigue the picture captured. Leaning toward them from a stiff-backed chair was Chou En Lai, Communist China's austere aristocratic foreign minister.

While I was absorbed by the photograph, Dumas, an elegant and energetic man with thick white hair, swept into the room. We embraced, and I congratulated him on his appointment to the highest court in France. Then I asked when that picture had been taken in China.

"It was in 1968," he answered cheerfully.

Ironically, I was hearing the words "sixty-eight" repeated all over Paris, as demonstrators swarmed into the capital to mark the start of the nationwide student strike. "Sixty-eight" served as shorthand for an incredible year of brilliant expectations and violent defeats that still provoked excitement. Those were the days when French students fought pitched battles with the police in the streets of Paris protesting restrictive government policies.⁵ They were joining the uprisings of revolutionary students in Mexico, Germany, Japan, and the United States, where the "Black Power" revolt had inspired French demands

Globalization, MONTHLY REV. (New York), May 1, 1996, at 42 (discussing the strikes of 1995 in the context of French politics over the previous thirty years).

5. See Christopher Burns, *Spirit of 1968 Lives On at Student Rebellion's Birthplace*, AP, May 8, 1993, available in 1993 WL 4539913; Julie Street, *Talking About a Revolution*, INDEP. (London), Dec. 17, 1995.

for “student power.” Striking workers who challenged the authority of the De Gaulle government joined the radical students. That same year saw the Soviet invasion of Czechoslovakia to overthrow a liberal regime, the stinging defeat of U.S. troops during the Tet offensive in Vietnam, the bloody battles of protestors outside the Democratic presidential convention in Chicago, and the longest American student strike in history at San Francisco State—as well as the Black Panther Party’s sudden spread across the United States in the wake of King’s assassination.

Dumas and I crossed the hall into his office. It had been the summer of 1994 when I saw Dumas for the first time in nineteen years. He had told me then about the memoir he was writing and had asked me to help him locate several items published in English about Eldridge. This visit to Paris allowed me to continue researching my life in Paris for the memoir I was writing, and days earlier I’d interviewed Ellen Wright, the widow of the great writer Richard Wright. Ellen, a literary agent, had been tremendously helpful to me and Eldridge from the day I first met her back in 1969. I handed Dumas the copies of old clippings from the *International Herald Tribune* about Eldridge’s departure from Paris that I’d received from Ellen.

Dumas’s manuscript, a thick stack of pages easily a foot high, each chapter separated by a colored paper folder, rested on his lap. He gave me quick synopses of the chapters, as he pulled them from the stack. One was called, “Lawyer for the People,” another “The Death of Jean Genet.”

“The Cleaver Case,” Dumas recited. He paused, then smiled, saying, “You’re sitting in the same chair that Eldridge Cleaver sat in when he first came to my office.”

How odd—to pick up that fleck of information, to feel it on the walls of the room, to sit where my presence flashed a vision from 1973 into the immediate moment.

“The War Years,” the title across a blue folder, provoked my curiosity. “Were you an adult during the war?” I asked incredulously.

“No, but I fought,” he replied with perfect self-assurance.

I was impressed. “You were in the Resistance?” I asked.

“Yes,” he replied.

“And how old were you then?”

“Nineteen.”

He was younger than I had been when I joined the Afro-American resistance movement called the Black Panther Party in 1967, but older than Mumia Abu-Jamal was when he signed up with the Philadelphia Black Panther chapter as a fifteen-year-old high school student.⁶

6. See Malcolm Gladwell, *Abu-Jamal’s Bitter Philadelphia Story; Death Row Inmate’s Murder*

Years later, the judge presiding over Mumia's murder trial in 1982, in which he was sentenced to death, insisted that his having been in the Black Panther Party established his motive for killing a policeman.⁷

In France the increasingly critical scrutiny by intellectuals and activists opposed to Mumia's death was fueling protests, petition drives, rallies, and other demonstrations of support for his case. The campaign called "Vie Sauve Pour Mumia,"⁸ or "Save Mumia's Life," escalated when Pennsylvania Governor Ridge signed the death warrant in June 1995,⁹ only days before Mumia's lawyers filed an appeal to reverse his conviction.¹⁰ The French collective was confident that their protests had helped win the unprecedented stay of execution the judge had granted during Mumia's hearing that August.¹¹

Conviction Followed Many Confrontations With Police, WASH. POST, Aug. 23, 1995, at A1. According to an FBI memorandum, "Wesley Cook [Mumia's previous name], Negro Male, age 15, has been affiliated with the BPP in Philadelphia since 5/1/69. . . . Currently Cook is enrolled in the eleventh grade of Benjamin Franklin High School." Memorandum from FBI (Oct. 24, 1969) (on file with author).

7. Amnesty International expressed its concern that the verdict may have been influenced by illegitimate factors:

Amnesty International is deeply concerned that reference to Mumia Abu-Jamal's purported political beliefs and statements made as a teenager—which had no direct bearing on the case—may have unjustly swayed the jury in its sentencing decision. The prosecutor indeed explicitly suggested that the remarks made by Abu-Jamal in the 12-year-old newspaper interview (which included a quotation from Mao Tse Tung that "political power grows out of the barrel of a gun") "might ring a bell as to whether or not you are an executioner or endorse such actions." Given that Mumia Abu-Jamal had no prior convictions for any offense, or any history of involvement in politically motivated violence, such a line of questioning in our view was highly prejudicial.

The Case of Mumia Abu-Jamal, AMNESTY INT'L FACT SHEET (Amnesty Int'l, New York), Jan. 1995 [hereinafter *Case of Mumia*]; see also *Call From Death Row*, AFR. NEWS SERVICE, Feb. 14, 1997 (commenting on the similarities between the corruption in the South African police force and murder of South African human rights activist Steven Biko and the corrupt prosecution of Mumia Abu-Jamal); Linda Grant, *Perspectives: A Lawful Lynching, Black Panther Mumia Abu-Jamal*, GUARDIAN (London), July 22, 1995, at T21.

8. See *Vie sauve pour Mumia Abu-Jamal*, L'HUMANITÉ (Paris), July 17, 1995 (listing the names of French and European public figures who publicly supported the "Vie Sauve Pour Mumia Abu-Jamal" campaign).

9. See Sonya M. Haynes, *Ridge Signs Abu-Jamal Death Warrant: Governor Makes No Apologies, as Opposition Sounds in Pittsburgh*, NEW PITTSBURGH COURIER, June 7, 1995, at A4.

10. See *United States/Human Rights: Black Activist Facing Date with Death*, INTER PRESS SERVICE, June 7, 1995, available in 1995 WL 2261573 (reporting that Governor Ridge signed Mumia's death warrant on June 1 even though Mumia's lawyers were scheduled to file an appeal on June 5).

11. See Jacques Derrida, *Pour Mumia Abu Jamal*, LE MONDE (Paris), Aug. 8, 1995, at 1 (calling, on the front page of *Le Monde*, for support for the campaign to save Mumia's life, and lashing out at Pennsylvania as a "drunkenly racist state . . . that dares to call itself the birthplace of the U.S. Constitution while every day violating the letter and spirit of that document"); Françoise Germain-Robin, *Le nom de Mumia Abu-Jamal résonne à Paris*, L'HUMANITÉ (Paris), Aug. 10, 1995 (reporting that thousands of people gathered in the Place de la Concorde to protest the pending execution of Mumia Abu-Jamal); see also Scott Kraft, *U.S. Inmate Has a Hold on Europe's Power Elite; Politicians Philosophers Seek to Save Convicted Killer Mumia Abu-Jamal, Saying His Case Shows America's Racism and the Barbarism of Capital Punishment*, L.A. TIMES, Sept. 6, 1996, at 1.

As I strolled across the Isle St. Louis after leaving Dumas's office, I felt sad that it was my last day in Paris. The red letters on a small, engraved plaque mounted by a doorway caught my eye, proclaiming that in 1941, one hundred and twelve people had been deported to the German camps from that building, among them forty children who died. Gazing at that plaque made me wonder if the Nazi occupation of France had played some part in creating the sensitivity to racial persecution I'd observed in the energetic campaign to save Mumia's life. That stark phrase—"forty children who died"—burned my consciousness and jerked my thoughts back to the "death penalty," the gruesome words I heard every time Mumia's case was discussed.

II. FRENCH SUPPORT FOR MUMIA ROOTED IN POLITICAL STRUGGLES

Julia Wright, who had asked me to come to Paris, was the spokesperson for one of the groups in the Collective, the Support Committee for Political Prisoners in the United States. Julia's father, Richard Wright, had brought his family to live in France at the end of World War II to escape the McCarthyite persecution in America.¹² The radical Parisian political world that had nurtured Wright became Julia's home.

I first met her during the summer of 1969. I'd arrived in Paris in late May, the same day that all the members of the New Haven chapter of the Black Panther Party had been arrested on charges of conspiracy to commit murder. Erika Huggins, whose husband John Huggins had been murdered that January on the UCLA campus along with the Los Angeles Panther leader Alprentice "Bunchy" Carter, Eldridge's best friend, had started the chapter. Erika had returned to her late husband's hometown to fulfill his intention of starting a Panther branch, and within months she was behind bars herself. Remembering how several New York party members—those few who hadn't been swooped up in the predawn raids that April—tried to entice me to visit New Haven made me shudder. At the time, my schedule was so full that it left no room for a New Haven trip. When I reached Paris, it hit me that those who had insisted I visit New Haven were probably police infiltrators trying to

12. Following the end of World War II, the demagogic Senator Joseph McCarthy rose to prominence for his flamboyant anticommunist witch hunts, investigations, and prosecutions. The paranoia unleashed against so-called Communists ruined the careers of artists, entertainers, academics, and government officials and threw a pall over organizations and individuals holding radical political views that lasted until the early 1960s. See generally FRED J. COOK, *THE NIGHTMARE DECADE* (1971); ROBERT GRIFFITH, *THE POLITICS OF FEAR* (1970).

ensnare me in the conspiracy they were setting up! I was one of the few remaining Central Committee members not under arrest, in exile, or imprisoned. The dragnet was tightening; I felt as though I'd barely escaped.

Julia actively supported the black revolution in Africa, the Caribbean, and the United States. She and her husband had sponsored a Black Power rally in Paris a few months before we met, and they were energetically assisting the independence movement on the island of Guadalupe when I first met her. I was seven months pregnant at the time, and Julia was essential in navigating my trip to Algeria where I was determined to join my husband in time for the birth of our first child. Her combination of indomitable fierceness, appealing delicacy, and political savvy made me like her immediately. The way she merged French and African American culture made her an invaluable ally. We had become friends that summer and had remained close ever since.

Julia had attended the hearing in Philadelphia on Mumia's motion for a new trial during the summer of 1995.¹³ I was delighted at the chance to see her again, and we met for dinner at her hotel in New York. That's when I first learned the details of the French campaign against Mumia's execution, which barely had been covered, if at all, by the American press. As a member of one of the defense committees, Julia needed to find out what was happening with the competing fundraising efforts supporting Mumia's appeal. In the years after I returned to the United States, I'd finished college and become a lawyer. Julia was certain that I could help her unravel the complexities of Mumia's support network, and I put her in touch with three women who could explain it all, women whose judgment I trusted. She also asked to interview me about the case, which dominated our conversation.

As she talked about the presiding judge, Albert Sabo, her face squinched up as if she smelled a putrid odor.¹⁴ "He has a little thin moustache, a bald head, he looks like—a Nazi." I knew what she meant; the unfortunate part was that hearing about a judge who looked like a Nazi—or who even made decisions like he was part of a police state apparatus—no longer shocked me. But Julia's enthusiasm about blocking Mumia's execution was contagious and ultimately drew me into the French campaign.

13. See Jill Smolowe, *Mumia on Their Mind: A Philadelphia Journalist on Death Row Inspires a Celebrity Packed Campaign for a New Trial*, TIME, Aug. 7, 1995, at 33.

14. See Michel Muller, *Rapports truqués et faux témoins*, L'HUMANITÉ (Paris), Aug. 2, 1995; Michel Muller, *Sabo: la loi, l'ordre et la piqure*, L'HUMANITÉ (Paris), Aug. 1, 1995 ("Roi du couloir de la mort,' 'juge bourreau,' 'juge tueur,' tels sont quelques-uns des qualificatifs associés au nom du 'juge' Sabo de Philadelphia.").

A special exhibition, *Art Against the Death Penalty*,¹⁵ had been shipped to Paris and hung at the Donguy gallery, where the drawings, paintings, and photographs were being sold to benefit Mumia's defense. On Sunday, my friend St. Clair accompanied me to the gallery. Above the entrance, posters with black and red block letters denouncing Mumia's execution hung from the ceiling, and on the table under the posters were spread stacks of petitions, postcards, compact discs, pamphlets, and other literature. Collective members sat there taking donations, soliciting signatures on petitions, and selling everything displayed on the table. I was one of the speakers for the event that the Support Committee was sponsoring at the gallery in conjunction with the show.

Julia introduced the program by reading a statement from political prisoners about the genesis of this art show, which she had translated into French.

"Most of us have had quite enough of being the objects of campaigns, victims cited on petitions, defendants in legal cases or the topic of an occasional conference or panel discussion."¹⁶ Men locked inside Lewisburg federal prison conceived the project of *Art Against the Death Penalty*, the statement continued, "as a prisoner-directed collaboration because we want to break with the dynamic of people doing things about us while asserting ourselves anew as creative political people."¹⁷ They asked the viewers to act creatively and reach out to the art communities, to actors, dancers, rappers, and painters to explore how their work can be used to support Mumia.

Speaking in French, I welcomed the audience to the benefit and thanked them for their invaluable support in winning a stay of execution. Then I said a few words about how National Public Radio's refusal to air its planned broadcast of Mumia's program "Live From Death Row" had sparked the idea for the art show.¹⁸

Expatriate African American musicians and poets performed as people flocked into the gallery, and after all the chairs were filled, pillows were lined along the wall to seat the overflow. After Jo Ann Pickens, the opera singer, led the audience in singing *Give Me That Old Time Religion*, Julia again stepped up to face the audience so that she could translate while Leonard Weinglass spoke.

15. See International Political Prisoners Unite to Save Mumia Abu-Jamal: Art and Writings Against the Death Penalty (1994) (on file with author) (explaining the project, a proposal initiated by 67 imprisoned men and women).

16. Open Letter from Alberto Rodriguez, Jihad Mumia, Tim Blunk, *Free Mumia Abu-Jamal* (Sept. 1994) (on file with author).

17. *Id.*

18. See *Death Row Inmate Sues NPR for Refusing to Air His Commentaries*, PUB. BROADCASTING REP., Apr. 5, 1996, available in 1996 WL 8312584.

His clear voice slowly pronouncing each word, Weinglass began by saying how delighted he was to speak on the same platform with me, evoking the decades over which our lives intertwined. Then he launched into a detailed report on the domestic and international efforts that had successfully blocked Mumia's execution.¹⁹

The simple way he spoke as he patiently listed the barriers remaining to a new trial underlined the gravity of the events. Weinglass told the assembled supporters that Judge Albert Sabo, a member of the Philadelphia Sheriff's Department for fourteen years before ascending to the bench, still retained close ties to the Fraternal Order of Police.²⁰ He has publicly stated that he has never seen an innocent man in his court. Sabo, Weinglass said, has sent more people to death row than any other judge in the United States.²¹

It was Sabo who presided over Mumia's original trial, then came out of retirement to rule on the new trial motion.²² Only four days after a lengthy hearing ended, Sabo issued a 154-page opinion refusing to grant a new trial.²³ The following day, the Fraternal Order of Police met in Philadelphia, and Judge Sabo's opinion denying Mumia a new trial turned the meeting into a victory celebration.²⁴

At least the corruption Mumia faces is being publicized, I thought while Weinglass spoke. I wondered: How many other nameless prisoners remained trapped by legalized injustice without anyone hearing about their cases?²⁵ I myself could think immediately of twelve prisoners in that situation, and I knew that represented only a fraction.

Julia mounted the raised platform at the front of the gallery and talked about Jean Genet, who strongly supported the Black Panthers and who, years earlier, had asked the French playwright and actor

19. See William Drozdiak, *Pennsylvania Death Row Prisoner Captivates Europeans*, WASH. POST, Aug. 4, 1995, at A1; Farhan Haq, *United States: Pending Execution Sparks International Outcry*, INTER PRESS SERVICE, Aug. 3, 1995.

20. See Alexander Cockburn, *Lynching Mumia*, 260 NATION 911, 911 (1995); Rupert Cornwell, *Abu Jamal Supporters Worldwide Plead with US State to Retry Case*, IRISH TIMES, Aug. 2, 1995, at 6; Gregg Zoroya, *Journalist's Death Sentence has People Judging the Judge*, L.A. TIMES, Sept. 13, 1995, at 4.

21. See *Mumia Abu-Jamal Files Appeal in Pennsylvania Supreme Court*, SUN-REPORTER (S.F.), Feb. 22, 1996 (reporting that 30 of the record-breaking 32 people Judge Sabo has sentenced to death row have been members of racial minorities).

22. See Cockburn, *supra* note 20; Smolowe, *supra* note 13.

23. See Tawanda D. Williams, *Abu-Jamal Supporters Decry New-Trial Ruling in Oakland Rally*, PITTSBURGH POST-GAZETTE, Sept. 17, 1995, at B6.

24. The *Philadelphia Inquirer* reported that the FOP meeting entertained "hours of speeches praising Sabo's decision." See Accl Moore, *The Blueprint Exists to Overhaul Our Racist Criminal-Justice System*, PHILA. INQUIRER, Aug. 17, 1995, at A29.

25. Since the Supreme Court upheld new capital punishment laws in 1976, 393 people have been put to death and 3,300 more are on "death row." See David J. Garrow, *Two Death Penalty Cases, One Dilemma*, N.Y. TIMES, June 17, 1997, at A2.

Andre Benedetto to write a play about the prisoner George Jackson.²⁶ Jackson was one of the Soledad Brothers whose cause the Black Panther Party advocated.²⁷

But before Benedetto could complete the play, San Quentin guards murdered Jackson in the prison yard just before his trial, she continued.²⁸ They claimed he was trying to escape. Julia's comments spun my thoughts back to my old life in Paris: It had been through Genet's insistence that Roland Dumas agreed to represent Eldridge back in 1973 when we first arrived in Paris.

Benedetto was a stocky man with wavy grey hair whose dark shirt and dark suit gave him an aura of intensity. That Sunday would be the first performance of his one-act play about Mumia.²⁹ "Since people traditionally come to the theater to see plays in which you know the ending," Benedetto explained, "what I will present is really not theater because this drama has no ending."

In a one-man improvisational presentation, Benedetto brilliantly elaborated the web of events that caught Mumia—first on the streets of Philadelphia moonlighting as a cab driver, then when he was wounded by a police bullet, next when the witnesses in his favor were prevented from testifying, finally onto death row. Even though my French was not fluent enough to understand every word, I was captivated by Benedetto's spellbinding performance, which the Parisian audience loved.

The following Monday morning MRAP, another of the organizations active in the Collective,³⁰ arranged for Weinglass to meet the widow of Pierre Mendès-France, an influential public figure.³¹ Outspoken in the campaign to save Sarah Balabagan, a young Filipina condemned to death in the United Arab Emirates for killing the

26. See Donald Shockley, *George Jackson's Soledad Brother: The Prison Letters of George Jackson, Am I A Soledad Brother's Keeper?*, COMMONWEAL, Mar. 26, 1997, at 65, 65-67 (book review).

27. See *George Jackson Speaks from Prison*, BLACK PANTHER (Oakland), Oct. 17, 1970, at 16; *Soledad 3 On Trial*, BLACK PANTHER (Oakland), Apr. 6, 1970, at 8.

28. See *Prisons: San Quentin Massacre*, NEWSWEEK, Aug. 30, 1971, at 28, 28; see also *George Jackson Lives!*, BLACK PANTHER (Oakland), Aug. 28, 1971, at 1; *Jackson Family Demands U.N. Investigation of George Jackson Death*, BLACK PANTHER (Oakland), Sept. 18, 1971, at 9, 9-12.

29. Andre Benedetto, a well known activist playwright who works out of his own theater in southern France, was the first European dramatist to write a play about Mumia. At Julia Wright's request, he worked on *A Theatrical Attempt to Clarify the Case of Mumia Abu-Jamal* throughout the summer of 1995. The world premiere of his play took place at the Paris opening of the Art Against the Death Penalty show. See *supra* note 15 and accompanying text. The play has also been translated into Italian.

30. MRAP is an acronym for Mouvement contre le racisme et pour l'amitié entre les peuples, or Movement Against Racism and for Friendship Among Peoples. See Anne, *supra* note 2.

31. See Suzanne Lowery, *Politicians' Wives Pursue La Glorie Paris Life*, DAILY TELEGRAPH (London), Feb. 22, 1996, at 13 (describing Marie Claire Mendès-France as "one of France's most remarkable political wives of the last generation").

employer who raped her, Marie-Claire Mendès-France was a well-known advocate for abolishing the death penalty. Her support carried considerable weight, and after talking to Weinglass, she issued a statement condemning the death sentence imposed on Mumia Abu-Jamal, saying that “the fate of Mumia Abu-Jamal upsets me because it appears to me that his trial was conducted hastily and carelessly, that his guilt was not proven, and that he was condemned to death in part because he is Black.”³²

I waited at a nearby café with Michel Muller, the journalist who had covered Mumia’s hearing in Philadelphia for the communist newspaper *L’Humanité*, while Weinglass met with Madame Mendès-France. A slender French woman walked over to my table, introduced herself to me as Monique, and said that she was responsible for the logistics of the meeting sponsored by the Collective to Save Mumia at which Weinglass and I were to speak that evening. She was the first person I’d met from MRAP who gave me details about the meeting. Each speaker would be allotted ten minutes—except for Weinglass, she said, whose time was unlimited.

I had drafted notes for my talk several days earlier and asked Julia to translate them into French for me. My speech explained how Mumia’s present situation grew from his past association with revolutionary groups, and what his predicament revealed about current political developments in the United States. That day Julia and I met at a café near Weinglass’s hotel to go over the speech. A solitary man sat near us. All he did was roll cigarettes, smoke, and drink coffee. We couldn’t tell whether he was watching us or not.

I boldly assured Monique that I would speak in French. In Algiers I had done some translation for the Black Panther Party, while I lived in Paris I had spoken French daily for years, and for three weeks prior to my departure I’d been tutored in French. I felt confident and relieved to dispense with both the inadvertent and deliberate mistakes involved in simultaneous translation—especially since my speech could only be five minutes long if I had a translator.

Muller drove Weinglass and me to the headquarters of the French Communist Party, where a formal meeting with George Marchais was scheduled. For years Marchais had been the General Secretary of the Party, and he currently served as Chairman of the Committee for the Defense of Liberty and Human Rights, an organization spearheading opposition to Mumia’s execution.³³

32. Marie-Claire Mendès-France, Statement in Support of Mumia Abu-Jamal, Paris (Nov. 27, 1995) (on file with Leonard Weinglass, Esq.).

33. See *Lettre de Georges Marchais à Jacques Chirac*, L’HUMANITÉ (Paris), Aug. 4, 1995 (Marchais’s letter to Jacques Chirac urging the Prime Minister to take political action on behalf

A huge poster of Mumia's smiling face framed by long dreadlocks hung in the ultramodern lobby where Marchais's assistants met us. They escorted us upstairs to a spacious office. I never imagined I would meet Marchais. When I shook his hand I felt a sudden shock of recognition that came from encountering the real person whose photograph I'd seen countless times in French newspapers years ago. We all sat on leather sofas surrounding a glass-topped table where a pot of coffee and a tray of soft drinks were neatly arranged.

Marchais began speaking to us slowly, allowing time for his words to be translated, in that assured tone of voice men accustomed to being listened to possess. "We've been in this campaign for Mumia's freedom for six years," he said. "From the beginning, our demands were clear. First, Mumia's life must be saved. Then we demanded that he receive a new trial in a different place before a different judge."

He spoke about the petition campaign his committee had mounted, which he described as bigger than the start of the campaign to win Nelson Mandela's release. "Our support came from working people, from intellectuals, and reached to the highest levels of society."

Resting on the table in front of him was a letter. Marchais, proudly picking up the letter, said: "I wrote to the President of the Republic, Jacques Chirac. I received an answer from him. He told me that he has instructed our Ambassador in the United States to take whatever steps are necessary to save Mumia's life. It's not often," Marchais remarked, "that the French President gets involved in this way."³⁴

Marchais's blue eyes twinkled as he talked about the stack of petitions he had delivered to the American Embassy. "We are part of a collective," he stated, "but we like to preserve our freedom of action. We took thousands of petitions demanding that Mumia's life be saved to the Embassy. They said that they were very aware of our efforts. That day the Ambassador, Pamela Harriman, was not there, but she left a message that she would be glad to meet me if I came again."

Then he pointed to two cardboard boxes stacked one on top of the other to the right of where I sat. "We have collected over 40,000 signatures on petitions since then, and we want to deliver them to you, Mr. Weinglass."

"The next area on which we need to focus is the question of funds. But let me thank you for your visit, and ask you how Mumia is feeling?"

of Mumia Abu-Jamal); see also *Une déclaration de George Marchais: Notre responsabilité*, L'HUMANITÉ (Paris), Sept. 14, 1995.

34. See *France Urges Mercy for Controversial Death Row Prisoner in US*, AGENCE FRANCE-PRESSE, Aug. 7, 1995; James Morrison, *A World: Embassy Row*, WASH. TIMES, Aug. 8, 1995, at A10.

The way George Marchais and Leonard Weinglass spoke to each other through interpreters reminded me of those stilted conversations I'd heard years ago when I was part of Black Panther Party delegations visiting the Korean or Vietnamese Embassies in Algiers.³⁵ That stylized dialogue had expressed agreement over mutual goals, transcending whatever vast differences marked our worlds, and had helped each of us fulfill our distinct missions.

Weinglass, his remarks translated by Muller, conveyed Mumia's gratitude for the mobilization of French support and brought Marchais up to date on the legal actions taken. Then he outlined the obstacles facing his effort to win a new trial for Mumia:

His next appeal is to the Supreme Court of Pennsylvania, where the justices are all elected. And the Fraternal Order of Police, a right-wing police union, is one of the biggest contributors to their political campaigns. On that court, a vote for Mumia is considered a vote against the police.

We are worried, but we should get a decision next year. If we lose at this level, we can go before the federal court. There, judges are appointed for life, which is better for us. But there we face another obstacle.

The new crime bill, which President Clinton has indicated he will sign, will diminish Mumia's rights, so by the time his appeal reaches the federal court, there may be little the judges can do.³⁶

Then, the state of Pennsylvania, which has the third largest death row in the United States, has the highest percentage of African Americans on death row.³⁷ The percentage is higher than in Georgia, Alabama, or Texas.

Despite all that, Mumia remains very strong. His whole life has been devoted to political action. He always says that he hopes his case can shine a small light on the darkest corner of American society—death row.³⁸

35. See Kathleen Neal Cleaver, *Back to Africa: The Evolution of the International Section of the Black Panther Party*, in *THE BLACK PANTHER PARTY RECONSIDERED* 211, 231 (Charles Jones ed., 1998).

36. President Clinton signed the \$30 billion crime bill entitled the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (codified in scattered sections of U.S.C.). See generally Jeffrey Rosen, *Shell Game*, *NEW REPUBLIC*, May 13, 1996, at 6 (explaining that the bill "will greatly increase the possibility that ordinary defendants can be convicted or executed after a state trial that has been tainted with constitutional or factual errors").

37. Data from the Pennsylvania Department of Corrections and the U.S. Department of Justice reveal that in Philadelphia alone, 80 African Americans are sent to death row for every ten condemned white persons. This racial imbalance exceeds that of southern U.S. states, where seven African Americans are on death row for every ten white death row inmates. See *Death Penalty Newsletter*, 3 AMNESTY INT'L (1997).

38. Mumia published his prison writings to critical acclaim in 1995. See MUMIA ABU-JAMAL, *LIVE FROM DEATH ROW* (1995).

Marchais asked, "How long will the process of appeal take?"

"Approximately two years," Weinglass answered, "but the new federal legislation may speed it up."

"And what do you expect it to cost?" Weinglass smiled, and said:

Mumia's supporters tell me that I'm a very good lawyer, but a terrible fundraiser. I forget to talk about the cost. We spent over \$71,000 to prepare for his hearing. We hired investigators, a pathologist, a ballistics expert, and a polygraph expert. For the next appeal, we'll need to raise at least \$150,000."

I flicked the tape of my memory back to the countless times I'd spoken at or participated in events to raise legal defense funds for revolutionaries—Huey Newton, Eldridge Cleaver, Bobby Seale—with whom I was intimately connected. My very presence here in Paris was indirectly tied to my association over the decades with Geronimo Pratt, the former leader of the Los Angeles Black Panther Party.³⁹ During the creation of a citizens' commission to pressure Los Angeles District Attorney Gil Garcetti for a hearing on Pratt's case,⁴⁰ Geronimo had insisted that all his supporters do what they could to keep Mumia from being executed. Always being on the defensive, attempting to rescue ourselves from the abyss of prison, raising money for lawyers—it seemed to be the drumbeat of my life.

At the Bourse de Travail, white posters showing Mumia's face with American flag bars behind him and "Sauvons Mumia Abu-Jamal" in huge letters were tacked across the walls and the low table where the speakers sat facing the audience. MRAP Chairman Mouloud Aounit briefly introduced each speaker, who then mounted an elevated podium in back of our table. The chairman of France's chapter of Amnesty International began the meeting. In his speech, he acknowledged—for the first time, I was told—that Mumia was a political prisoner.⁴¹ A gentle woman named Christine Serfaty,

39. See generally Edward J. Boyer, *New Attorney Denied for Pratt at Parole Hearing; Prisons: Kathleen Cleaver Won't Be Able to Represent the Convicted Black Panther at Session Wednesday; Official Says More Notice Was Needed to Add a New Lawyer*, L.A. TIMES, Aug. 23, 1994, at B3 (reporting that Cleaver flew from Algiers to Los Angeles to testify at Pratt's 1972 trial and that she was barred from representing Pratt at a 1994 parole hearing).

40. See generally Edward J. Boyer, *Pratt Strides into Freedom Courts: Granted \$25,000 Bail, Former Black Panther Is Greeted by Cheering Crowd, Including Radical Icons of 60's*, L.A. TIMES, June 11, 1997, at A1.

41. Amnesty International is concerned about both the fairness of Mumia's trial and the evidence on which he was convicted. The specific issues that Amnesty cites include: 1) "concern about the jury selection process which resulted in an overwhelmingly white jury in an area where a significant minority of the population was black"; 2) "questions about the reliability of the identification evidence and possible pressure on witnesses"; 3) "the withholding of evidence that might have been helpful to the defense"; 4) "doubts about the veracity of a purported 'confession' made by Abu-Jamal after his arrest"; 5) "the competence of Mumia's trial counsel"; and 6) "the lack of adequate funding afforded to the defense to investigate its case." Amnesty

representing the International Prison Observers, followed him. Sounding like a librarian, she softly contrasted prison conditions in various nations. She denounced the death penalty, concluding with a quotation from Donne's poem *Devotions Upon Emergent Occasions*.⁴²

Then Marie-Agnès Combesque, a youthful journalist who chaired the American Commission of MRAP, vividly described her visit to a black political prisoner in a remote upstate New York prison.⁴³ The disruption of the train strike had delayed the start of the program, but by the time she started talking, the auditorium was nearly full. In a way, it was fortuitous, because her voice was the first that expressed any energy. What struck me was how much the crowd looked like an Upper West Side meeting of old labor organizers and socialists in New York City. Only a handful of students sat in the audience, and of the three hundred people gathered in the hall, perhaps eight were black.

I began talking about the late sixties, when the confrontations between black liberation fighters and the state had produced hundreds of political trials and political prisoners. Back then, Mumia was a Philadelphia high school student attracted to the revolutionary Panther program, and I was a member of the Black Panther Party's Central Committee. Mumia, then known as Wesley Cook, was designated for the FBI's Security Index, because he "made public speeches and has written several articles expounding the ultramilitant revolutionary views of the Black Panther Party."⁴⁴

Mumia was also part of another category that the FBI targeted in its Counter Intelligence Program (COINTELPRO) to undermine the black struggle. A March 1968 memorandum from the San Francisco Special Agent in Charge to Director J. Edgar Hoover stated that the Negro youth wanted something to be proud of, but he must be made to understand that if he turned to revolutionary views, he would become a "dead revolutionary."⁴⁵

organized a letter-writing campaign on behalf of Mumia to urge Pennsylvania Governor Tom Ridge "immediately [to] halt the execution of Mumia Abu-Jamal." *Case of Mumia*, *supra* note 7.

42. JOHN DONNE, *Devotions Upon Emergent Occasions, Meditation XVII*, in *THE COMPLETE POETRY AND SELECTED PROSE OF JOHN DONNE* (Charles M. Coffin ed., Random House 1952) (1624) ("And therefore never send to know for whom the bell tolls; it tolls for thee.").

43. See Marc Kaufman et al., *Convicted Killer Now a Symbol: Mumia Abu-Jamal, Convicted of Killing a Cop, Is a Hero in the Eyes of Thousands Around the World*, *YORK DAILY REC.*, Aug. 21, 1995, at 11 (describing Combesque's prison visits to Mumia).

44. Memorandum from Special Agent in Charge (SAC) Philadelphia to FBI Director (Jan. 1, 1970) (on file with author) (recommending that a "security index card be prepared on" Wesley Cook).

45. Memorandum from SAC San Francisco to FBI Director (Mar. 9, 1968) (on file with author).

I was a candidate for the California State Assembly on the Peace and Freedom Party ticket in 1968.⁴⁶ My campaign platform included freedom for all political prisoners. Bobby Seale, then Black Panther Party Chairman, gave this definition of a political prisoner: "To be a revolutionary is to be an enemy of the state. To be arrested for the struggle is to be a political prisoner."⁴⁷

Mumia had not been arrested on any serious charges before being picked up for selling Black Panther newspapers in Oakland.⁴⁸ He subsequently left the Panthers and aligned himself with other black organizations. But before he enrolled in college, Mumia briefly became the Philadelphia correspondent for the newspaper *Babylon*.⁴⁹ A short-lived enterprise, the International Section of the Black Panther Party published that paper in the wake of the COINTELPRO-provoked "split" in the Party.⁵⁰ At that point, the FBI reopened Mumia's file because he was identified with what they called "the Cleaver faction" of the Black Panthers—those who rebelled against Newton's consolidation program.⁵¹

Years later, I said, Mumia became an award-winning journalist.⁵²

46. See *Kathleen Cleaver for Assemblywoman: 18th District, San Francisco, California*, BLACK PANTHER (Oakland), May 18, 1968, at 18.

47. Bobby Seale, *Revolutionary Action on Campus and Community*, BLACK PANTHER (Oakland), Jan. 10, 1970, at 1.

48. An April 30, 1970 FBI Memo on "Wesley Cook, a.k.a. RM-BPP," reported that "it is to be noted that Cook is a juvenile and does not have an arrest record." Memorandum from SAC Philadelphia to FBI Director (Apr. 30, 1970) (on file with author). The memorandum also enclosed a photograph of Mumia taken a year earlier to be sent to the San Francisco FBI office. See *id.* A subsequent memo reports that a "fifth source advised that Wesley Cook was presently in Juvenile Hall as he was arrested at Tenth and Washington Streets, Oakland, California, for improper identification and crossing against a red light. Cook was selling BPP newspapers at the time of his arrest." Letter from SAC (July 21, 1970) (on file with author).

49. "The first edition of the RPCN [Revolutionary People's Communications Network] biweekly newspaper 'Babylon,' dated 11/1-14/71, has just been published, and its list of correspondents includes the name 'Mumia' of Philadelphia." See Memorandum from SAC Philadelphia to FBI Director (Nov. 12, 1971) (on file with author).

50. See *The Panthers: Their Decline—And Fall?*, NEWSWEEK, Mar. 22, 1971, at 26. See generally WARD CHURCHILL & JIM VANDER WALL, *AGENTS OF REPRESSION: THE FBI'S SECRET WARS AGAINST THE BLACK PANTHER PARTY AND THE AMERICAN INDIAN MOVEMENT* (1988).

51. See Memorandum from SAC Philadelphia to FBI Director (Dec. 9, 1971) (on file with author); see also Gladwell, *supra* note 6 (reporting that FBI COINTELPRO files on Mumia reached 700 pages). Mumia was deleted from ADEX in March 1973, although sources "continued to report periodically on COOK and, although he has not displayed a propensity for violence, he has continued to associate himself with individuals and organizations engaged in Extremist activities." Memorandum from SAC Philadelphia to FBI Director (Apr. 4, 1974) (on file with author).

52. Mumia was called the "Voice of the Voiceless" for his extensive and uncompromising coverage of police brutality and disadvantaged and unpopular groups such as MOVE. See *Political Prisoners Here*, HARRISBURG PATRIOT, Feb. 23, 1990, at A8; see also T.T. Nhu, *Inmate's Voice Heard on Radio*, CINCINNATI ENQUIRER, June 11, 1994, at A9. Mumia was also the president of the Philadelphia Association of Black Journalists. See Todd Burroughs, *Abu-Jamal Juggles Roles of Writer and Activist: Career of Condemned Reporter Sheds Light on Black Journalism*, PHILA. TRIB., Mar. 5, 1996, at 7A.

FIGURE 1



Kathleen Cleaver speaking at a rally to stop the execution of Mumia Abu-Jamal. The rally was held at the Bourse de Travail in Paris, November 1995. Photo: St. Clair Bourne.

In radio broadcasts and articles, he remained vigilant in opposing police brutality, and openly supported the MOVE members who were convicted of killing a Philadelphia policeman in 1978.⁵³ At the time of his arrest for murder, Mumia, president of the Philadelphia chapter of the National Association of Black Journalists, continually spoke out and condemned the abuse of state power, especially by the Philadelphia police.

I connected the specific predicament Mumia faced with general social conditions within the United States. I spoke of how the gap between rich and poor had grown exponentially since the end of the Vietnam War,⁵⁴ explaining how our government has rushed to offer tax benefits and corporate subsidies to the wealthy while generating more homelessness, unemployment, and despair for the poor.⁵⁵ As the average American's standard of living was declining, politicians were laying the blame at the doorsteps of black criminals and welfare mothers.⁵⁶ And in this era of reaction, racism, and class warfare against the poor, the death penalty had been turned into a political weapon.⁵⁷

I ended by noting that the mobilization around Mumia's case was reuniting many of those who had fought in the radical struggles during the sixties. Our success in winning a stay of execution had demonstrated once again the power of the people!

53. Mumia continues to work as a journalist while in jail and still writes and speaks out about MOVE and other oppressed groups. MOVE is an organization devoted to the teachings of John Africa that began in the 1970s in Philadelphia. See MICHAEL BOYETTE, LET IT BURN: THE PHILADELPHIA TRAGEDY (1989); MOVE, 25 YEARS ON THE MOVE (rev. ed. 1997); see also Mumia Abu-Jamal, *Barring None*, ESSENCE, Nov. 1, 1996, at 84; Mumia Abu-Jamal, *COINTELPRO Continues: The Bari Bombing*, MICH. CITIZEN, May 18, 1996, at A7. His writings have been carried by several major publications. See Mumia Abu-Jamal, *A Hole in the Soul*, CHI. TRIB., June 16, 1996, at 21; Mumia Abu-Jamal, *Parole Denied for Geronimo—Again!*, MICH. CITIZEN, June 8, 1996, at A6. Additionally, the *Yale Law Journal* published Mumia Abu-Jamal, *Teetering on the Brink: Between Death and Life*, 100 YALE L.J. 993 (1991). His work has also been translated and published abroad. See, e.g., Mumia Abu-Jamal, *Voici le Texte de la Preface du Livre du Journaliste Noir Americain Condamne a Mort*, L'HUMANITÉ (Paris), Aug. 9, 1995 (Michel Muller trans.).

54. See generally HOLLY SKLAR, CHAOS OR COMMUNITY: SEEKING SOLUTIONS NOT SCAPEGOATS FOR BAD ECONOMICS (1995); *Among Hills and Hollows: The South*, ECONOMIST, April 13, 1996, at 22 (discussing the racial disparities in Southern poverty); Editorial, *Slicing the Cake*, ECONOMIST, Nov. 5, 1994, at 13 (reporting that for 40 years after 1930, the gap between rich and poor in American narrowed, but that from the end of the 1960s, it widened, and is greater now than at any time since the creation of the modern welfare state).

55. See Howard Gleckman, *Welfare Cuts: Now, It's Corporate America's Turn*, BUS. WK., April 10, 1995; Dante Ramos, *The War Against the Poor*, WASH. MONTHLY, Dec. 1, 1995 (book review).

56. See *Scapegoating and Slander: Blaming the Poor for Poverty*, ECOLOGIST, July 17, 1996, at 185.

57. For a thoughtful discussion of the politics and significance of death penalty litigation, see Austin Sarat, *Representation and Capital Punishment: Bearing Witness and Writing History in the Struggle Against Capital Punishment*, 8 YALE J.L. & HUMAN. 451 (1996). See also Stephen B. Bright, *The Electric Chair and the Chain Gang: Choices and Challenges for America's Future*, 71 NOTRE DAME L. REV. 845 (1996).

Enthusiastic applause erupted from the audience.

Then Weinglass, flanked by his interpreter, mounted the podium. He gracefully thanked the audience for its invaluable support in winning the stay of execution, then traced the botched trial that had led to Mumia's conviction. Mumia had been unable to hire any ballistics or medical experts to testify on his behalf, since only \$150 had been allotted for expert witness fees.⁵⁸ No forensic testimony that Mumia's bullet wound from Officer Faulkner's gun may have affected his ability to shoot the policeman between the eyes was offered.⁵⁹ The bullet that killed Faulkner, Weinglass said, was never identified as having been shot from Mumia's .38 caliber pistol, nor was it determined on the night of the murder whether or not that gun had even been fired.⁶⁰ His court-appointed attorney was ill equipped to handle the trial, and Mumia instead represented himself.⁶¹ But during much of the trial, Judge Sabo excluded Mumia from the courtroom because of his protests at its conduct.⁶²

Four witnesses who did not know each other each told the police that they had seen a black man running away from the scene after the shooting.⁶³ For various reasons, not one of these people was available at the trial.⁶⁴ One was a white woman who flatly refused to testify because she said she didn't like black people.⁶⁵ The witnesses who did testify that they saw Mumia shoot Faulkner were each facing criminal charges, which left them highly vulnerable to police manipulation.⁶⁶

58. See LEONARD WEINGLASS, *RACE FOR JUSTICE* 17, 147 (1995). *Race for Justice* is a compilation of legal documents concerning the Abu-Jamal case, including the Memorandum in Support of Petition for Post-Conviction relief, Petition for Post-Conviction relief, the Motion for Recusal of the Honorable Albert F. Sabo, and exhibits and information about the campaign to save Mumia's life. See also Kathy Deacon, *In Sabo's Court: Jamal Wins a Stay as the Legal Farce Continues*, VILLAGE VOICE, Aug. 15, 1995, at 15.

59. See WEINGLASS, *supra* note 58, at 17, 55-58, 146-47.

60. See *id.* at 56.

61. See *id.* at 17-19, 20, 67-74, 112-15, 119-20, 165-67, 179-81; see also *Lawyer Admits Poor Defense of Abu-Jamal*, BALTIMORE EVENING SUN, July 28, 1995, at 13A.

62. See WEINGLASS, *supra* note 58, at 17-18, 57-67, 74-89, 162-64, 167-71.

63. See *id.* at 30, 38, 41, 147-48.

64. See *id.* at 30-32, 38-41.

65. See Brief for Appellant at 54-55, *Commonwealth v. Abu-Jamal* (Pa. 1982) (No. 1357-58) (appeal from order of the Court of Common Pleas).

66. The saga continues into the present. At a hearing in 1997, Veronica Jones, a prosecution witness against Mumia, recanted her trial testimony and revealed that the police had pressured her to lie in 1982. Immediately after she testified at the hearing, the police arrested her on "bad check" charges and reinstated prosecution on a fourteen-year-old charge of prostitution. See Dina Wisenberg Brin, *Witness Recants Story in Murder: Woman Arrested During Hearing for Abu-Jamal Trial*, PITTSBURGH POST-GAZETTE, Oct. 3, 1996, at D1; David Kinney, *Lawyer for Abu-Jamal witness says old charges are intimidation: The witness was arrested on the stand after changing testimony in the murder case*, YORK DAILY REC., Oct. 4, 1996, at 2. Additionally, Pamela Jenkins, a close friend of another prosecution witness, gave a sworn statement that a prosecution witness, Cynthia White, was being pressured by the police to testify against Mumia. See Dinah Wisenberg Brin, *Ex-prostitute Supports Abu-Jamal Case—Woman, 31, Claims That*

Weinglass pointed out that the policeman who had filled out the arrest report that night wrote that "the male Negro made no statement."⁶⁷ Months later, other police officers claimed that they had heard Mumia brag about killing Faulkner in his hospital bed that night.⁶⁸ During the trial, the police department claimed that the officer who filled out the original arrest report was away on vacation, and he was never called to testify.⁶⁹ But our investigation found out, Weinglass explained, that he was actually at home not far from the courthouse when the police department said he was out of town.⁷⁰

Weinglass also spoke of the personal hostility to Mumia that his reporting had evoked. Once, when former Chief of Police Rizzo was Philadelphia's Mayor, he had told Mumia at a public meeting that people believed what Mumia said and wrote about the police, and that he had better stop it. Rizzo said, "One day—and I hope it's in my career—you're going to be held responsible and accountable for what you do."⁷¹

Weinglass then spoke briefly about how the Philadelphia police became so blatantly abusive that in 1979 the United States Department of Justice sued the entire police department.⁷² The

Police Threatened the Life of a Witness, HARRISBURG PATRIOT, Mar. 11, 1997, at B1; Christopher Hitchens, *Death and the Maidens*, NATION, Apr. 14, 1997, at 8.

More recently, the validity of Pamela Jenkins's recollections of Cynthia White's statement have been questioned by the prosecution, which claims that Cynthia White died in 1992—before Pamela Jenkins says she spoke with her. Judge Sabo allowed testimony from New Jersey officials who claimed that White died in 1991 and excluded defense witnesses who claimed to have seen White within the previous two years. *See Ex-FBI Informant to Testify Philly Police Coerced Key Witness in Abu-Jamal Trial*, HARRISBURG PATRIOT, June 10, 1997, at B9; *Woman's Status Key to Murder Appeal: Is Cynthia White Dead or Alive?*, HARRISBURG PATRIOT, July 1, 1997, at B5.

67. WEINGLASS, *supra* note 58, at 34, 146.

68. *See id.* at 32-34, 145-46.

69. *See id.* at 146.

70. *See id.*

71. Terry Bisson, *A Journalist's Last Deadline?*, NEWSDAY (New York), June 22, 1995, at A34; *see also* Gladwell, *supra* note 6 (quoting Rizzo and explaining that "[t]he animosity between Frank Rizzo's police department and Abu-Jamal and other black activists became highly personal. When the Black Panthers were at their height, Rizzo made them a kind of public challenge, as if the police and the Panthers were combatants on a playground. 'We'd be glad to meet them on their own terms,' Rizzo said. 'Just let them tell us when and where'"). FBI files from as early as 1969, when Mumia was 15 years old, record Mumia calling Rizzo a "pig," as well as speaking "the usual trash about the oppressor." *See* FBI documents obtained via the Freedom of Information Act (Aug. 11, 1969) (on file with author). *See generally* Gene Gilmore, *The Night-Stick Candidate*, 213 NATION 397 (1971) (reporting that as police commissioner, Frank Rizzo ordered Philadelphia Black Panthers to strip on a public street while their clothes were searched; describing Frank Rizzo's evening attire of a cummerbund and nightstick); *Rizzo's Reign of Terror*, BLACK PANTHER (Oakland), May 29, 1971, at 5. As police commissioner, Rizzo was closely associated with his nightstick. In response to the federal lawsuit filed by the Justice Department alleging police brutality in the Philadelphia police department, Rizzo responded, "It's very easy to break some of these nightsticks nowadays." William Lowther, *Nightstick Justice in Rizzo's Town*, MACLEAN'S, Aug. 27, 1979, at 35.

72. *See A Police Force that "Shocks the Conscience,"* U.S. NEWS & WORLD REP., Aug. 27, 1979, at 28. Rizzo and his department were charged with shooting nonviolent suspects, abusing handcuffed prisoners, stopping pedestrians and motorists without probable cause, and conducting

indictment echoed observations that Mumia's writing and radio broadcasts made, charging the police with a pervasive practice of brutality and intimidation in the minority community.

Weinglass spoke of another investigation into the corruption of the Philadelphia police that led to indictments against many officers of the district where Mumia had been arrested.⁷³ Captain Giordano, the officer who arrived first on the scene where Mumia and Faulkner were shot, pled guilty to corruption charges brought by the U.S. Attorney's office in Philadelphia in 1983, a year after Mumia's conviction.⁷⁴

After explaining the obstacles he faced at every stage of the appeal process, Weinglass then talked of the amazing outpouring of international support. He announced that the Italian parliament was passing a resolution about his case,⁷⁵ and so was the parliament in Denmark. Mumia's hearing was the first time that observers from the Japanese parliament had been sent to an American legal proceeding. Former political prisoners Vaclav Havel and Nelson Mandela,⁷⁶ who are now Presidents of their countries, expressed their opposition to his execution. Even the Pope condemned Mumia's death sentence.⁷⁷

illegal searches, among other things. The Justice Department also reported that Philadelphia's Police Department shot approximately 75 people per year. The Justice Department stated that the Philadelphia police department's curtailment of the rights of individual citizens was "arbitrary, unreasonable and shocking to the conscience." *Nightstick Control*, NEW REPUBLIC, Aug. 25, 1979, at 3; see also Dennis A. Williams, *Philadelphia: Brotherly Excess?*, NEWSWEEK, Aug. 27, 1979, at 27 (quoting Justice Department official Louis Thresher: "The conditions we're addressing seem institutionalized, and putting away individual officers doesn't solve the problem.").

The Justice Department's suit was not particularly successful in halting police brutality or corruption. Recently, scores of arrests in Philadelphia were reviewed and invalidated because of the numerous guilty pleas of officers who had been involved in the arrests. See Rupert Cornwell, *FBI Investigates 100,000 Philadelphia Arrests*, INDEPENDENT (London), Sept. 2, 1995, at 12; Elizabeth Gleick, *The Crooked Blue Line*, TIME, Sept. 1, 1995, at 38; Don Terry, *Victimized by Criminals in Blue: A Police Scandal Shakes Philadelphia to the Core*, STAR TRIB. (Minneapolis-St. Paul), Aug. 29, 1995, at 4A.

73. See *Chronology of Events in FBI's Investigation of Police Corruption*, PHILA. INQUIRER, Feb. 23, 1985, at 4-A. The investigation focused on the Sixth District where the shooting occurred. See *22 Are Notified They Are Targets in U.S. Probe of Police*, PHILA. INQUIRER, Oct. 3, 1984, at 1-A.

74. Captain Giordano, who in 1981 was one of the officers who allegedly heard Mumia "confess," pled guilty to charges of tax evasion in connection with pay-offs he had received. See *Ex-Inspector tells of Police Cheating, Roofers Payoffs*, PHILA. INQUIRER, May 22, 1986.

75. See Kraft, *supra* note 11.

76. See, e.g., *Mandela Letter Supports Abu-Jamal*, PITTSBURGH POST-GAZETTE, Aug. 15, 1995, at B2; Paul Resch, *Governor Flooded by International Mail Supporting Abu-Jamal*, MORNING CALL (Allentown), Sept. 3, 1995, at A8.

77. Cardinal Anthony J. Bevilacqua, Archbishop of Philadelphia, issued a statement "strongly" urging Governor Tom Ridge and judicial leaders "not to allow the imposition of the death penalty" on Abu-Jamal or four other prisoners for whom execution dates had been set. Marc Kaufman, *Rendell, Once DA, Appalled at Abu-Jamal Celebrity Status*, HARRISBURG EVENING NEWS, July 25, 1995, at B1. The statement continues:

In the coming weeks, the Commonwealth of Pennsylvania plans to proceed with the capital punishment of several convicted criminals; I must make my voice heard and the voice of

Of course, Mumia wants to live, he concluded. But even if he loses his life, Weinglass said, he will be pleased if it has shed a little light on the darkest corner of American society—death row.

The audience gave him sustained applause.

Following the speech, Moloud Aounit stood up and presented Weinglass with checks totaling \$4,500 raised during the Collective's campaign to block Mumia's execution. The audience applauded once again, and as people started to stand up to leave, Weinglass and I answered a few questions from the audience. Afterward, people crowded around our table. Most of them wanted to speak to Weinglass, but a few, mostly Africans, ventured over to me.

A tall young man wearing a suit and trench coat shook my hand. "I just want to thank you for coming to Paris," he said pleasantly. He told me that he was a student—from Mali, I believe. Next, a light-skinned woman with long dreadlocks introduced herself to me as an African journalist. "I write for a black news magazine here," she said, informing me that it was "something new." Then she asked why so few Africans were at the meeting, given how many lived in Paris.

"Do you think these people want to organize Africans?" I replied, almost by reflex. "That would be dangerous."

I didn't say what I knew so well: that any major political prisoner campaign has a way of falling prey to political schisms, rivalries, and preexisting agendas, and that this one was no different. I was well aware of how insulted Julia felt that she had not been invited to the mass meeting, but she kept Weinglass ignorant of her distress at the way MRAP treated the Support Committee, the only part of the Collective with black members.

I merely said to the journalist, "They didn't even bother to announce the benefit being held tomorrow by African Americans in the Collective, did they?" I showed her my copy of *L'Humanité* with the story about the event and the address of the gallery, and suggested that she come.

A rail-thin, dark-skinned young man with a fierce gleam in his eyes stood away from the table, staring at me. He was wearing a knitted cap, an army surplus jacket, and had a worn cotton backpack slung across his shoulder. He approached the table haltingly, then mumbled something. I asked him his name, which he told me, and then I asked where he was from. I noticed that his face had hardened, and he radiated anger.

the whole church, including that of Pope John Paul II heard. . . . While the church believes that those found guilty must face punishment, it also is keenly aware of the many modern methods within our penal system to punish guilty persons without taking life.

Id.

He spit out, "Burkina Faso," the name of a small West African nation that used to be a French colony.⁷⁸ His hands clutched a shiny, hardcover book about the recent assassination of Burkino Faso's President. "Why do they talk about the prisoner in America?" he growled. "The same things happen here!"

"Yes, I know."

But that was not why I was invited to speak in Paris. Mumia's credentials as an imprisoned writer helped galvanize French supporters, who were energized by a simmering resentment of America's cultural imperialism. French radicals were far less interested in exposing the struggle of Africans subjected to French colonial domination. Although the descendants of Africans enslaved in America evoked hostility and fear among white Americans comparable to that which Africans faced in France, African Americans were not treated like Africans in Paris. No African or Algerian prisoner could generate the attention Mumia attracted. His blackness served as evidence of America's racist backwardness to which the French could feel superior.

The young African drew himself up straight, raised his voice and said, "I get stopped by the police all the time; they always ask me for identity. They harass me. Even here," he said, his voice becoming louder as he pointed emphatically toward the floor, "even here in this meeting!"

As he trembled with anger, I saw the same smoldering rage in his face that was consuming young black people in America's ghettos, a rage that one generation earlier had catapulted the Black Panther Party onto the political stage.

III. SOMETHING TO DO WITH THE COLOR OF OUR SKIN

A friend of Julia who belonged to MRAP had given St. Clair and me her Latin Quarter apartment for our stay in Paris. The day after the event at the Bourse de Travail, she invited us to lunch. The massive demonstration planned for Tuesday was to march along rue Gay Lussac directly in front of Point du Jour,⁷⁹ the Marxist bookstore where she was working that day. She asked us to meet her at the bookstore.

78. Formerly known as Upper Volta, this landlocked nation obtained independence from France in 1960. In 1987 the military leader Thomas Sankara christened the country "Burkina Faso," a name that translates roughly as "Land of Upright Men." See *Africa, in 2* WORLD MARK ENCYCLOPEDIA OF NATIONS 32 (1988).

79. Librairie La Point du Jour was the headquarters for the Comité de Soutien aux Prisonniers Politiques aux Etats-Unis (The Support Committee for Political Prisoners in the United States) and a frequent gathering place for other radical organizations.

Prime Minister Juppé had announced reforms of the national social insurance that had been the cornerstone of French society since the end of the war.⁸⁰ Popular reaction was swift and hostile, rejecting the new taxes, limitations on retirement benefits, and cutbacks. Newspapers had widely quoted Juppé's remark that "if two million French take to the streets, the government will fall." His opponents, particularly the train unions that adamantly rejected government efforts to shut down thousands of miles of rural routes, were mobilizing actively to bring that many people into the streets.⁸¹

As St. Clair and I mounted the hill leading to the bookstore, tow trucks were pulling the parked cars away, uniformed police were placing red traffic cones by the curb in the street, and traffic was dwindling to nothing. Later, we learned that not only was the street being cleared, but plainclothes police were asking businesses along the demonstration route to close.

Across the street from the bookstore, our hostess took us and her friend Steve, a unemployed British journalist, to an Indian restaurant. Once we were seated, she inquired whether the police had asked the restaurant to close.

"No, no one asked," the waiter replied.

"Ah, discrimination against foreigners," she complained. "They asked the French businesses to close. They're treating you differently."

The brown-skinned waiter shrugged.

Steve, a thin, tired-looking, blue-eyed fellow, chattered on and on about his gaffes with language when he first immigrated to the United States with his parents and started high school in Hayward, California. At the time, I barely noticed how determined he seemed to keep the conversation going regardless of whether he had anything to say.

After lunch the four of us took a position along the sidewalk in front of the bookstore to watch the demonstration. St. Clair focused his Nikon on the arriving marchers who were waving square red flags proclaiming "FO" (Force Ouvrière) in large letters.⁸² Marchers chanted rhythmically, "Retrait, retrait, retrait le Plan Juppé," insisting that Juppé's austerity measures be rescinded.

80. See Rose Marie Burke, *French Debate: How Much Pain for Reform Gain?*, USA TODAY, Dec. 8, 1995, at 7A; William Drozdiak, *Strike Showdown Nears in France; Juppé Presses Reforms as Unions Set Protests*, WASH. POST, Dec. 6, 1995, at A27.

81. See *France Braces for New Strike Wave: Railroad Workers Keep Up Pressure on Juppé*, INT'L HERALD TRIB. (Paris), Nov. 28, 1995, at 5.

82. See Ben MacIntyre, *Strikers Challenge Juppé with Biggest Show of Strength*, TIMES (London), Dec. 13, 1995; *Turn-Out at Protests Put at Between 600,000 and Two Million*, AGENCE FRANCE-PRESSE, Dec. 16, 1995.

As I looked at the workers filing past us along rue Gay Lussac, I was struck by how much they resembled what we call “the rank and file,” ordinary working people with jobs in the public sector as well as private industry. The reactionary Republicans in the U.S. Congress were legislating far more drastic changes than Prime Minister Juppé was promoting, yet organized opposition to American cutbacks was much weaker. I wished the “Contract with America” provoked such spirited resistance. France’s long history of labor organization made such demonstrations possible, and they could not be duplicated easily in the United States.

Some of the marchers held large banners identifying themselves as employees of the treasury department, hospitals, or Kodak, but hundreds of the demonstrators had no banners. Waves and waves of Force Ouvrière union members marched past us. Several times passers-by informed me of the origins of F.O.

“It was created with CIA money after the War,” I was told at least twice. “Originally, the Communist labor federation, the General Trade Confederation (CGT), was known as CGT-FO, but the American intervention split the FO away from the CGT and made it more like an American union—and anticommunist.”

How familiar it all sounded to me, having survived the COINTEL-PRO-induced “split” in the Black Panther Party. It was many years later that I pieced together the fact that the CIA had a hand in that as well.

“Look at their flags,” one Collective member who had joined us remarked. “They’re brand new. You can tell they’re not used to striking. In fact, they’re so busy signing agreements with management we call them ‘force-stylo’ (force ball point pen).” Unions from around France marched past, including some from Bretagne to the north and a cheerful band of mechanics from Catalan. The sing-song chants, “Retrait, retrait, retrait le plan Juppé,” continued. The flow of demonstrators seemed unending.

St. Clair and I decided to go back to the apartment to rest before the evening’s program at the gallery. On the way, we looked for a place to change our dollars into French francs, but every post office and bank we passed had closed in response to the demonstration. At the foot of the hill, where Avenue Gobelins and Rue Claude Bernard meet, we saw a cloud of smoke rising above a slowly moving mass of marchers holding a white banner. Drumbeats accompanied their motion. A flare thrown into the street hissed and released a cloud of white smoke. The CGT segment of the demonstration was heading toward us.

Their banners were frayed and their members included the train workers adamant in their opposition to the government. I heard a

young demonstrator shout “Juppé salaud, payez votre loyer” (Bastard Juppé, pay your own rent), referring to a scandal a month earlier that exposed how Juppé had obtained a reduced rent apartment for his family at government expense. Once the story broke, Juppé resigned, but President Chirac had asked him to form a new government.⁸³ Juppé returned to his position as Prime Minister, and then proposed radical cutbacks to reduce France’s social insurance program deficit.⁸⁴ Thousands upon thousands of union demonstrators marched past us, closely observed by three different police units: the national police, the special riot squad called CRS, and the gendarmes.

That evening, Weinglass and I were scheduled to speak at a cultural program similar to the previous event at the gallery. St. Clair and I hoped we’d be able to get a taxi to the Right Bank, but every one that passed was flashing the yellow busy light. We walked toward the Seine, but still didn’t see a taxi that wasn’t occupied. I felt certain we’d catch one before we reached the Pont D’Austerlitz, but there we found throngs of pedestrians patiently walking across the bridge, and we joined them. We ended up walking all the way to the gallery on Rue de la Roquette, the first time I’d ever walked an hour to reach a speaking engagement.

“Where’s Len?” Julia asked nervously as we came in the door, nearly ten minutes after the program was set to start.

I’d glanced at his itinerary last night, and remembered seeing back-to-back appointments. “I haven’t seen him all day,” I told her.

Julia’s telephone calls failed to locate him. After we’d decided to start the program, even though none of the musicians we’d expected to perform had arrived, Weinglass showed up. He, too, had walked all the way from the Left Bank.

Attendance was lighter than the previous evening, but the students, artists, and professionals who came displayed deep interest in Mumia’s case. Benedetto opened the evening with another brilliant performance of his play. I delivered the same speech I’d given at the Bourse de Travail and was followed by Weinglass. An intense question-and-answer session concluded the event.

It was past 11:00 p.m. by the time St. Clair and I left the gallery. We hadn’t eaten dinner, but the first three restaurants we walked past were closed. When St. Clair and I saw a rather expensive restaurant that was still open, we rushed inside. After our dinner, we went back

83. See William Drozdiak, *Chirac Dissolves New French Government; Prime Minister Juppé Reappointed to Lead Streamlined Team as President’s Popularity Flags*, WASH. POST, Nov. 8, 1995, at A19.

84. See *id.*

to the Rue de la Roquette, certain that by this time of night we would find a taxi. Two empty cabs passed us by.

"I wonder why they won't stop," I mumbled.

"Maybe it has something to do with the color of our skin," St. Clair answered, half-joking.

A skinny French teenager standing near us on the sidewalk piped up in English, "The taxi drivers are very racist. You should take out your gun and shoot them."

The remark had a wry irony, given that we had just left a meeting protesting the death penalty being imposed on a black man for shooting a white policeman. Maybe, I thought for a moment, the teenager had heard a line like that in a rap song—but I knew there was more to it. Such sensitivity to racial violence would not have been so baldly stated twenty years earlier. When I lived in Paris during the seventies, probably before the young man was born, the evidence I saw of the simmering French hostility to Africans was racist graffiti scrawled on the walls of the subway stations, but now an openly racist political party elected delegates to the government.⁸⁵

A. The Dragnet of Surveillance Grows Tighter

Every Wednesday, Mumia's supporters demonstrated outside of the American Consulate, and they also held a demonstration in front of the American Embassy once a month.⁸⁶ By this Wednesday, however, exhaustion from planning the recent programs and the disruption of the metro strike kept most people away.

Every day since our arrival, to St. Clair's dismay, Steve, the unemployed journalist, manufactured some reason to stop by the apartment where we were staying. He'd been house-sitting there until we showed up, and had left some luggage in a back closet. When he stopped by on Wednesday, Steve asked me if I planned to go to the demonstration, and I told him it was unlikely.

"There's a plainclothes policeman who comes, always the same guy. He asks how many people are coming, and I like to push up the numbers," he said.

Not even the person responsible for bringing the banners managed to get to the consulate that Wednesday. Only Steve, who walked all the way from the Left Bank, showed up.

On Wednesday afternoon I finally managed to find a money-exchange office that was open. Singing students were filing down the

85. See Paul Hockenos, *Making Hate Safe Again in Europe: Right Cultural Revolutionaries*, 259 NATION 271 (1994); *A Victim and a Monster: Socialist Party; National Front—A Survey of France*, ECONOMIST, Nov. 25, 1995, at S8.

86. See Germain-Robin, *supra* note 11.

street, some pulling papier-mâché dinosaurs, as I walked toward the exchange office on Boulevard St. Michel. At the intersection of Boulevard St. Michel and Boulevard St. Germain a spontaneous demonstration of students was assembling, a sort of pep rally for Thursday's big march. The anticipation building toward the nationwide student strike was palpable. Newspapers were evoking comparisons with the demonstrations of "'68," and so was everyone I heard talking about the strike.⁸⁷

The train strike made it impossible for most students to travel across France. Instead of one national demonstration originally planned for Paris, there were going to be regional demonstrations around the country and mainly students from the twelve Paris campuses would march in Thursday's rally.

On Thursday morning, as usual, Steve came into the apartment carrying his copy of *L'Humanité*, made himself coffee, and smoked a cigarette. He informed me that the student demonstration was starting at Place d'Italie around 2:30 p.m.

I thanked him, and said I was looking forward to seeing it. That afternoon as I walked toward the post office on Rue de la Reine Blanche, I saw a row of blue CRS vans parked on Avenue Gobelins. I knew I was in the right place. By the time I left the post office, striking student protesters flooded the streets. I perched on the base of a street lamp to get a better view of the students walking twenty abreast down Avenue Gobelins.

Long banners representing the campuses, such as Nanterre or Censier, identified the throngs of protesters. Some students held up tall posters showing a caricature of François Bayrou, the Minister of Education. The atmosphere seemed serious and peaceful, although I saw a couple of young people guzzling beer from green bottles as they walked past. The overwhelming majority of students appeared to be European, but I saw a few black faces scattered among the crowd. I took a copy of every leaflet being passed out, one of which called for equality between foreign and French students. A huge mass of protesters, including professors, high school teachers, a cluster of demonstrators from a lycée identifying themselves as "future students on strike," and throngs of university students proceeded past. In the very last segment of the demonstration, I saw a band of striking train workers marching in solidarity with the student strikers, holding a white banner and shouting "Retrait, retrait, retrait le plan Juppé." The energy emanating from all the demonstrations against French government policies felt exhilarating. The catchy phrase, "Retrait le

87. See sources cited *supra* note 5.

plan Juppé” rang in my head, and I sensed a rekindling of that optimistic spirit of resistance I’d felt decades ago.

While I watched the demonstration, St. Clair was meeting several French television executives whose offices were on the Right Bank. We planned to meet for dinner later that evening, but we couldn’t set a definite time, not knowing whether St. Clair would have to walk all the way back to the Left Bank. I ate lunch at the Cafe Kanon, where the glass windows gave me a clear view of Avenue Gobelins. There I watched the CRS squad marching in formation after the last of the demonstration had passed. They projected a threat, a cold show of force, in response to the onset of the student strike.

From a phone booth on the sidewalk I called the office where St. Clair was expected at 4:00 p.m. I left a voice-mail message for him to call me, then returned to the apartment. The phone rang and I answered, expecting to hear St. Clair’s voice. Instead, it was Steve:

“This is urgent,” he said excitedly. “I’m calling from a phone booth. The student delegates from all the campuses are having a meeting tonight, and they’d like to have you come to talk about Mumia’s case.”

“I’m not sure that I’m the best person to do that.” I hesitated, then said, “Perhaps it would be better if someone who lives here in France went to that meeting.”

“No, they want to hear from you,” he said. “The novelty of having you speak appeals to them.”

His answer put me on guard. Clearly, he wanted me to participate in some way in the student action. I asked where they were meeting.

“At Jussieu, it’s not far from where you are.”

“Well, I’m not sure whether I’ll be available. I’m still waiting to hear from St. Clair. But give me the information just in case.”

“Ampitheatre 44 in Jussieu at 8:00 p.m.” he answered. “The students will stay in the building all night. I’ve just got an assignment to cover the occupation, so I’m going to spend the night there too.”

“Congratulations on getting work,” I told him.

B. The Scars of Psychological Warfare Remain Unhealed

While Steve was speaking, I calculated whether going to the student delegates meeting could be interpreted as interference with the internal affairs of France, which could be grounds for expulsion. That wasn’t idle speculation on my part; I’d been expelled from France before, back in 1970.

The expulsion came about after I'd been forbidden to enter the Federal Republic of Germany,⁸⁸ where the German equivalent of SDS (Students for a Democratic Society) had invited me to speak at a Thanksgiving rally being held at the University in Frankfurt. I'd flown from Algiers to Paris, and at Orly airport, I had changed to a Lufthansa plane bound for Frankfurt.

It was dark by the time the flight landed, and heavy-set uniformed border guards had greeted me and escorted me off the airplane. They drove me in a jeep along back roads; the experience of being whisked away by beefy, uniformed Germans to an unknown destination was terrifying. After about ten minutes, it seemed, we pulled up to the airport, where I caught a glimpse of camouflage-clad riot police and a paddy wagon full of long-haired demonstrators. I was escorted to the airport police station where they stamped "verboten" on my passport and ordered my return to Paris on the next flight out. The German government declared my presence to be against the best interests of the Federal Republic.

Shortly after I had been invited to Germany, two young black men, one a U.S. Army deserter, had been arrested after they had shot and killed a guard at the Ramstein Air Force base.⁸⁹ In the trunk of the car they had been driving, the German police found Black Panther Party newspapers and flyers announcing the rally that I had come to attend. The Ramstein incident had heightened the ongoing turmoil black soldiers felt over the Vietnam War and the Black Freedom Movement in the United States, which was the real reason that I was banned from Germany. The government issued its official reason, of course, in bland diplomatic code-words.

German officials sent me back to Orly Airport, but I arrived so late that no flights were scheduled to leave for Algiers until the next morning. All night I was held under police guard in a hotel room at the airport. The next morning, police escorted me through underground tunnels directly onto the runway and into an Air Algerie plane back to Algiers.

I was forbidden to enter France again. For years, when I came to France, I sneaked across the border from Switzerland using fake passports. That ban was not lifted until after Eldridge and I were granted French residence permits in 1974.⁹⁰

88. See *Frankfurt Police See Arson Linked to Panther Rally*, INT'L HERALD TRIB. (Paris), Nov. 30, 1970, at 3 (reporting that West Germany refused to let Kathleen Cleaver enter the country). See generally *Germany: Panthers in Frankfurt*, NEWSWEEK, July 19, 1971, at 36; Tyon Reney, *Kathleen Cleaver Denied Freedom of Speech in West Germany*, BLACK PANTHER (Oakland), Dec. 13, 1971, at 15.

89. See *Americans Held in Shooting of German Guard*, INT'L HERALD TRIB. (Paris), Nov. 23, 1970, at 5.

90. See generally *Cleaver Returning After 7-Year Exile*, N.Y. TIMES, Nov. 18, 1975, at 1;

Could going to Jussieu get me expelled again, I wondered? Could Steve be a provocateur—or an informant?

I immediately called Julia. When I told her about the invitation to attend the student delegates' meeting, it struck me that I had no way of determining whether or not it actually came from the students. While I was talking on the phone to Julia, the doorbell rang. I put the phone down, opened the door, and saw Steve standing there.

"I'm running from the police," he gasped, out of breath. "Students were smashing windows after the march, the police were blocking off the crowds, and I just managed to slip out, but I got hit on the hand by a broken bottle being thrown at the police."

I stared at him in surprise.

"I need to change my jacket," he volunteered, and walked back toward the closet where he kept his suitcase.

I resumed my conversation on the phone with Julia, telling her exactly what was happening, how uneasy I felt, and insisted that she stay on the line with me until Steve left. I didn't know who he was, really, nor why he had come to Paris two months ago. But his "urgent" phone call and sudden arrival at the apartment set off my danger alert.

St. Clair, whose massive girth and height would be intimidating if he weren't so gentle, walked through the apartment door about fifteen minutes after Steve had rushed in. I felt overwhelmed with relief, even though Steve continued to rummage in the back closet. Those minutes alone with Steve shook me. I felt threatened. I asked Julia to tell St. Clair some of our suspicions. I wanted him to know what was actually going on at the apartment, but I didn't want the conversation overheard. Steve walked into the living room area wearing an entirely different outfit. I wished he would leave, but he sat down at the table and lit a cigarette.

"The Anarchists were out there fighting the police," he announced.

"Where I come from it's usually the police that form such groups," I replied, recognizing the agent provocateur style.

He looked confused for a moment, then made some innocuous remark.

Just then, our hostess and two friends breezed through the front door. Steve continued to chat for a while with them. As he stood up to leave, he turned and asked me, "So, I guess it's certain that you're not coming to Jussieu?"

"That's right," I said, staring straight at him. "I'm not coming."

"Well, I'll just tell them I wasn't able to reach you," he mumbled and then walked out of the door.

Later that evening, I learned, rioting at Jussieu caused thousands and thousands of dollars worth of damage. The police had turned out in force.

"That's all we needed," I thought to myself, "to have someone identified with Mumia's campaign connected to the riot during the start of the student strike. That certainly would discredit us, just when the international level of support for stopping his execution has reached as far as the Pope."

I couldn't shake my suspicion that Steve deliberately had tried to set me up. Julia had warned me about spies when I saw her during the summer in New York. She said that "our old friends have taken an interest in what we're doing for Mumia." Of course, it was possible that Steve merely had very poor judgment, but that explanation somehow didn't ring right.

All along, he'd shown too much interest in finding out who was calling us, to whom we were talking, where we were going. Possibly, that "curiosity" came from training as a journalist, or possibly from some other training for which journalism served as a cover. I'd spent too many years of my life being followed, chased, stalked, or otherwise spied upon by police and intelligence agents. It gave me a sixth sense, an alertness to their methods, and I instinctively recognized the source.

IV. FIGHTING FOR THE FUTURE

That night, St. Clair found out that Ken Loach's new film *Land and Freedom*,⁹¹ set during the Spanish Civil War, was being shown nearby. "I missed it at the New York Film Festival, but I hear it's really good," he said.

After dinner, we saw a cab waiting at the stand outside of the restaurant, climbed in, and arrived right in front of the tiny Europa Pantheon theater where the film was playing with time to spare.

Land and Freedom was adapted from *Homage to Catalonia*,⁹² George Orwell's account of his participation in the anti-Fascist campaign in Spain. The opening scene shows David, a young Englishman, enthusiastically joining the anti-Fascist forces fighting in Spain. We soon see him in a uniform on a train, and despite being a

91. *LAND AND FREEDOM: A STORY FROM THE SPANISH REVOLUTION* (Parallax Pictures, Messidor Films, & Road Movies 1995) [hereinafter *LAND AND FREEDOM*].

92. *GEORGE ORWELL, HOMAGE TO CATALONIA* (1952).

member of the British Communist Party, he lands in a militia being trained by Spanish anarchists and Trotskyites. His unit stakes out in Catalonia, and the dramatic political shifts that marked the Spanish Civil War unfold in his village encampment.

Orwell wrote that what “happened in Spain was, in fact, not merely a civil war, but the beginning of a revolution,” something, he explained, “that the anti-Fascist press outside of Spain made its special business to obscure.”⁹³ “Outside of Spain,” according to Orwell, “few people grasped that there was a revolution. Inside Spain nobody doubted it.”⁹⁴ The revolution was crushed; the Fascists won.

In the film, David, the English newcomer, meets Blanca, a passionate Spanish revolutionary who is in love with an Irish Republican Army volunteer. She explains what is at stake:

“We are fighting for our future. If we don’t win this war, we have no future,” she says.⁹⁵

Those lines reverberated in my heart. They captured the essence of what we felt during the 1960s black revolutionary movement. We fought to destroy once and for all the legacy of slavery and to create a new future for America. Those commitments seem so distant now to most people. Nothing dims their power more than the erasure of that past, now buried by a triumphant white supremacist political rhetoric.

I vividly identified with the film and its theme of the betrayal of the anti-fascist struggle by Stalinist troops. Although the scale was more global, I had experienced that same betrayal within our movement—the inconceivable betrayal by people you believe are “on your side.”

When the Soviet-backed Popular Army disbands the militias, David’s unit included, he tears up his Communist Party membership card in disgust. As I watched *Land and Freedom*, I understood how the imperialist democracies’ failure to wage all-out war against the Spanish Fascists, whom they found more compatible than the revolutionaries, continues to haunt us. By aligning with Franco’s authoritarian terrorist regime to crush the revolutionaries in Spain, they stacked the deck against popular democracy. Then these powerful imperialists fought to suppress the independence struggles percolating in their colonial territories in Asia, Africa, and Latin America, exposing the racist core of their domination. Today, no longer able to hide behind anti-communism, the European and

93. *Id.* at 50.

94. *Id.* at 51.

95. *LAND AND FREEDOM*, *supra* note 91.

American "democracies" display a resurgence of the authoritarian right.

On both sides of the Atlantic, virulent eruptions of racist violence accompany reactionary social policies that are ravaging working and poor people. Nazi uniforms, parties, and political statements are back in plain view. Encouraging signs are rare for those of us who fought for a revolutionary change in the distribution of power. I am forced to ask—do we have a future, or will an American fascism destroy us?

The fury with which our state and federal governments pursue the draconian use of the death penalty yields part of the answer. But in France, where the death penalty has been abolished, revulsion at the barbaric punishment has galvanized the massive effort to save Mumia's life. When Pennsylvania Governor Ridge signed the death warrant merely days before Mumia's new trial appeal was filed in June 1995, he provoked an astonishing outpouring of protest. The European Parliament passed a resolution condemning the general use of the death penalty in the United States and its specific use against Mumia Abu-Jamal. Dramatic popular opposition to Mumia's execution was expressed in Germany, England, Italy, Japan, and France as well as the United States. Finally, Judge Sabo granted a stay of execution—the first in his career.⁹⁶ While that stay indefinitely postponed the execution, it did not rescind the death warrant.

From his bleak death row cell, Mumia's fight to live has captured the imagination of people all over the world and has inspired them to act. Among the thousands demanding justice for Mumia in Paris, I met people who had marched and signed petitions demanding freedom for Angela Davis, Bobby Seale, and other political prisoners. I met people who had fought for Algeria's independence, and people who had fought in the anti-Nazi Resistance. I met former political prisoners, professors, lawyers, doctors, school teachers, students, and working people. I felt energized by the hope surging through the campaign to save Mumia, and tried to understand its power.

Mumia's predicament continues to provide his supporters with an opportunity to speak truth to an awesome power—and they are escalating their calls for justice. Mumia's book *Live from Death Row* has sold over 70,000 copies.⁹⁷ He received so much mail it could not

96. See *Abu-Jamal Execution Postponed: "Hangman" Judge Holding Hearings to Decide on New Trial*, WASH. TIMES, Aug. 8, 1995, at A5; see also Mike Ervin, *Interview with Leonard Weinglass*, PROGRESSIVE (Madison, Wis.), May 1, 1996, at 34 (discussing the public outcry and demonstrations that fueled the political pressure brought to bear on Judge Sabo and that helped to produce the unprecedented stay).

97. See Adam Bell, *MUMIA, INC.*, SUNDAY PATRIOT-NEWS HARRISBURG, Aug. 20, 1995, at A1 (denouncing the success of Mumia's book sales, as well as other fundraising efforts).

all fit into his cell. But it must be remembered that when Mumia spoke out against the abuse of power by Philadelphia's police, they set their sights on silencing him forever. Even though the letter of the law is on Mumia's side, that is no guarantee that the police will not ultimately succeed.

