



Lockdown

Chapter 6 of Amy and David Goodman's book *The Exception to the Rulers. Exposing Oily Politicians, War Profiteers, and the Media That Love Them*

Imagine living, eating, sleeping, relieving oneself, day-dreaming, weeping – but mostly waiting, in a room about the size of your bathroom. Now imagine doing all those things – but mostly waiting, for the rest of your life. Imagine waiting – waiting – to die.

– Mumia Abu-Jamal¹

In 1997, *Democracy Now!* made a decision that resulted in the program getting thrown off of twelve radio stations in one fell swoop. It knocked us completely off the air in the entire state of Pennsylvania.

Our crime was airing the commentaries of a death row prisoner named Mumia Abu-Jamal.

A former journalist and activist in Philadelphia, Abu-Jamal has been on death row in Pennsylvania since being convicted of the 1981 murder of a police officer. Abu-Jamal maintains he is innocent of the charges, and an international solidarity movement has grown up around his case. Among those supporting his cause are Nelson Mandela and the European Parliament. Amnesty International says Abu-Jamal never received a fair trial.

Mumia Abu-Jamal has been an outspoken voice for the thousands of people on death rows around this country. He has written articles for the *Yale Law Review*. His popular book, *Live from Death Row*, is a collection of his commentaries.

Abu-Jamal's essays touch on a broad range of issues. None of them were about his own case. He speaks of capital punishment being punishment for those without capital. And he talks about father hunger – the idea that so many young black men in prisons do not have fathers. Abu-Jamal reflected on the irony of being a father figure to those prisoners, despite the fact that he can't be a father to his own children or grandchildren. He writes in *Death Blossoms*:

Here, in this restrictive place of fathers without their children and men who were fatherless, one senses and sees the social costs of that loss. Those unloved find it virtually impossible to love, and those who were fatherless find themselves alienated and at war with their own communities and families.

In October 1996, the San Francisco-based Prison Radio Project taped thirteen essays with Abu-Jamal, and *Democracy Now!* began airing the pieces in early February 1997. (The Philadelphia Fraternal Order of Police declined our invitation to comment on air.) But minutes be-



¹ Mumia Abu-Jamal, edited by Noelle Hanrahan, *All Things Censored*, New York, Seven Stories Press 2000, p. 55.

fore the first broadcast, the twelve stations in Pennsylvania owned by Temple University that aired *Democracy Now!* pulled our show entirely and ended their contract with the Pacifica Network. They said it was “inappropriate” to air the commentaries of Mumia Abu-Jamal; his voice should not be heard on the public airwaves.



Temple is a public university, so for us it was not only an issue of freedom of the press but also an issue of academic freedom and free speech at a publicly funded institution. The Temple stations replaced *Democracy Now!* with jazz.

A tremendous outcry followed. The president of Temple received more than a thousand calls, e-mails, letters, and faxes from academic associations and activists all over the country. The *Washington Post* and *The New York Times* both framed the incident as a free speech issue. Hundreds of students turned out for a forum against censorship at Temple University Law School.

One reason Abu-Jamal’s commentaries were groundbreaking is because it is rare to hear voices from jail – journalists are increasingly being barred from prisons. Virginia, California, Pennsylvania, Indiana, and Illinois are among the states that heavily restrict journalists’ access to jails. California bans all face-to-face interviews. The state senate in Virginia killed a bill that would have ensured that reporters could interview prisoners. And just days after Abu-Jamal recorded his prison commentaries, the Pennsylvania Department of Corrections barred one-on-one media interviews with inmates.²

Abu-Jamal has faced multiple obstacles as he has tried to have his voice heard. On August 12, 1999, Mumia Abu-Jamal called in to



Democracy Now! to comment on the release of sixteen Puerto Rican political prisoners. As Abu-Jamal began to speak, a prison guard yanked the phone out of the wall. Abu-Jamal called back a month later and recounted that “another guard appeared at the cell door hollering at the top of his lungs, ‘This call is terminated.’ I immediately called to the sergeant

standing by and looking on and said ‘Sergeant, where did this order come from?’ He shrugged his shoulders and answered, ‘I don’t know. We just got a phone call to cut you off.’”³

These rules are not typically made by legislatures; they are edicts handed down by various prison authorities. As journalists, we must ensure that prisons are accountable to the public. These are public institutions, not the fiefdom of some prison boss. And as prisons become increasingly privatized, we have to ensure that the civil liberties of prisoners are respected.

The Society of Professional Journalists understood how threatening Temple’s action was. „I am outraged that administrators at Temple University decided to silence an alternative voice,“ said then SPJ president Steve Geimann to *The Washington Post*. “SPJ, like Pacifica Radio, isn’t taking a stand on Abu-Jamal’s guilt or innocence. This issue today is all about allowing him – and other prisoners – the right to be heard.”⁴

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² “Another One Bites the Dust...,” Society of Professional Journalists, *FOI Alert*, January 10, 1997.

³ *Democracy Now!*, September 21, 1999.

⁴ Marc Fisher, “Pacifica Stations Bolt Over Convicted Killer’s Commentary,” *Washington Post*, February 25, 1997.

The Prison-Industrial Complex

We need to know what is happening inside prisons because the prison population is exploding at an unprecedented rate. In 2002, the number of prisoners in the United States exceeded 2 million for the first time in history – up from 200,000 in 1970.⁵ The rate of incarceration in the United States – 701 inmates per 100,000 population (in 2002) – is the highest reported rate in the world.⁶



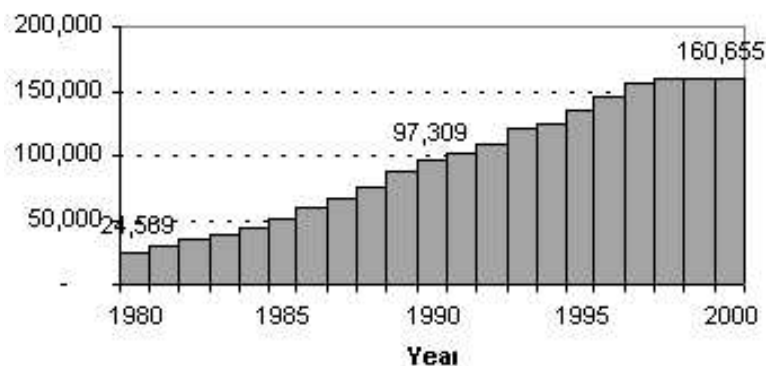
Racial disparities in prison are startling. Forty-five percent of prisoners in 2002 were black; 18 percent were Hispanic. According to the Department of Justice, black males have about a one in three chance of landing in prison at some point in their lives. Draconian drug laws have taken a particularly high toll: 57 percent of federal prisoners are incarcerated for drug-related offenses; a fifth of state prisoners are there for drug-related charges.

All this has helped the booming prison industry. Corrections is now a \$50-billion-a-year business. Due partially to immigrant lockups and harsh drug laws, prisons, like weapons manufacturing, are a growth industry. From 1994 to 2002, the number of people in state prisons increased by 30 percent. During the same period, the number held in federal BCIS (Bureau of Customs and Immigration Services) and ICE (Immigration and Customs Enforcement) custody increased by 275 percent. The explosion in immigrant prisoners follows the special registrations for immigrants from twenty-five countries that started in November 2002 and ran to January 2004. The federal government's 2003 budget for locking up immigrants was \$ 672 million.

Nobody is cashing in on the immigrant lockdown like the private for-profit corporations that run prisons. The \$3-billion-a-year private prison industry profits handsomely when immigrants end up in their cells. The federal government pays county jails \$ 35 a day for murderers, rapists, and white-collar thieves, but the jails get from \$ 75 to \$ 100 a day for immigrant detainees.⁷ And it's certainly not because the immigrant prisoners are getting more services.

"It is clear that since September 11, there's a heightened focus on detention, [and] more people are gonna get caught," Steve Logan, the chairman of Cornell Corrections, a private corrections company, cheerfully informed his shareholders. "So I would say that's positive. The federal business is the best business for us, and September 11 is increasing that business."⁸

California's Inmate Population



⁵ *Facts About Prisons and Prisoners*, The Sentencing Project, October 2003.

⁶ *Ibid.*

⁷ "How Do Prisons Profit from Immigrant Detainees?" *Democracy Now!*, September 12, 2003.

⁸ *Ibid.*



Inside the bright shining hell of SCI Greene

America's death rows have also been busy places. The United States has executed over 885 people since 1976. Over 3,500 men and women are currently on death row.⁹

Death row is a monument to racial injustice. As a U.S. General Accounting Office study confirms, "The single most reliable predictor of whether someone will be sentenced to death is the race of the victim."¹⁰ Over 80 percent of people executed were convicted of killing whites, even though half the homicide victims in this country

are people of color. And a Justice Department study revealed that "80 percent of the cases submitted by federal prosecutors for death penalty review in the past five years have involved racial minorities as defendants. In more than half of those cases, the defendant was African-American."¹¹

In Oklahoma and North Carolina, killers of white victims are four times more likely to get the death penalty than are killers of black victims. In Mississippi, they are five times more likely; in Maryland, seven times. Forty percent of the people on death row are black – yet African-Americans make up just 12 percent of the population. In Pennsylvania alone, more than two-thirds of the people on death row are African-American.



Left: Freed because proven innocent: Anthony Porter in Illinois.
Right: Executed though almost certainly innocent: Shaka Sankofa in Texas.

The most disturbing fact may be this: Since 1977, 140 death row prisoners (as of January 2004) have been exonerated.¹² Were it not for the relentless work of families, activists, attorneys, and reporters who cared, these innocent people would have been executed.

Condemned to Silence

Temple University insisted that the idea to banish Mumia Abu-Jamal from the airwaves didn't originate with them: They were merely following the lead of National Public Radio. "We share the view of NPR on Abu-Jamal's commentaries," said Temple spokesman George Ingram.¹³

⁹ Death Penalty Information Center, www.deathpenaltyinfo.org.

¹⁰ Cited in "Death Penalty Facts: Racial Disparity," Amnesty International, 2003, <http://www.amnestyusa.org/abolish/racialprejudices.html>.

¹¹ *Ibid.*

¹² Innocence Project, 2003, <http://innocenceproject.org/>.

¹³ David Hinkley, "Pa. Stations Scrap 'Democracy' and Mumia," *New York Daily News*, February 25, 1997.

Temple was referring to the fact that in 1994, NPR commissioned Mumia Abu-Jamal to do a series of commentaries unrelated to his case. When the NPR editor left the prison, she claimed that these were some of the finest commentaries she had ever heard.¹⁴ They were scheduled to air, and NPR heavily promoted the series.

”We read his material and evaluated its content,” said Ellen Weiss, executive producer of NPR’s *All Things Considered*. “He is a good writer and brings a unique perspective to the air.”¹⁵ She added that the commentaries were a way for public radio to broaden its coverage of crime and punishment.

NPR knew these segments might be controversial, and they were. The day before the commentaries were to begin on NPR, leaders of the Philadelphia Fraternal Order of Police were attending a national event in Washington, D.C. The police put tremendous pressure on NPR not to air the commentaries. Senator Bob Dole denounced the radio network on the floor of the Senate.

NPR could not take the heat. Within a couple of days, it pulled the commentaries, abruptly changing its tune about them. “There is a different standard for a convicted murderer,” said Bruce Drake, NPR’s managing editor. “In the end, I didn’t feel that what he had to say was compelling enough to overcome our misgivings.”¹⁶

NPR then put the tapes in a vault and refused to return them to Mumia Abu-Jamal – even now, a decade later. But the commentaries finally did appear – in Abu-Jamal’s book *Live from Death Row*.

NPR’s cowardice had a ripple effect. They set a precedent by caving to pressure from the police, and then they dressed it up as principle. Then smaller networks such as Temple University Public Radio cited NPR as the example of why they wouldn’t air a controversial voice.

In April 1997, NPR called poet Martin Espada and asked him to write a poem to commemorate National Poetry Month. The poem would air on *All Things Considered*. Espada, an acclaimed poet and a professor of English at the University of Massachusetts at Amherst, was pleased to take the assignment. While traveling in Philadelphia, he read an article about a development in Abu-Jamal’s case: an “unnamed prostitute” had come forward with important new information. Espada was intrigued. So he wrote “Another Nameless Prostitute Says the Man Is Innocent,” a poem about Abu-Jamal’s case, then faxed it in to NPR.



Suddenly Espada was poet *non grata*. NPR would not return his calls.

Espada could not understand what happened. He had read poems on *All Things Considered* before. NPR had pursued him to get this poem and he felt he had sent them a very good one. It was done the way NPR wanted it: as poetry, but also addressing news of the day. Finally he reached an NPR editor and asked what was going on.

We won’t be airing it, came the reply.

”But you asked me for a poem,” Espada protested.

Yes, but we can’t do this poem, the editor replied, because it deals with Mumia Abu-Jamal.

¹⁴ Interview with Noelle Hanrahan, director of the Prison Radio Project.

¹⁵ Associated Press, “Public Radio Hires Officer’s Killer as a Death Row Commentator,” *New York Times*, May 15, 1994.

¹⁶ Lois Romano, “Cancel That Call,” *Washington Post*, May 17, 1994.



Veronica Jones was the first ex-prostitute who testified how the police had coaxed and coerced prostitutes to conceal the truth and to falsely testify against Abu-Jamal. She was arrested on the stand after revealing this in court in 1996.

Espada quickly figured out what was happening. “NPR is refusing to air this poem because of its political content?”

Yes, was the reply from All Things Considered producer Diantha Parker. According to Dennis Bernstein of Pacifica’s KPFA, Parker said Espada should have known better.

Kathy Scott, NPR’s communications director, told *The Boston Globe*, “NPR has already been criticized for not running the commentaries. Obviously, Mr. Espada thinks Mumia is innocent. In our way of thinking, this was a way to throw that back in our face.”¹⁷

NPR was now attempting to muzzle both Mumia Abu-Jamal and Martin Espada. Both refused to be silenced. Espada came on *Democracy Now!* to talk about his case. *The Progressive* magazine published his poem, and it circulated widely on the Internet.

”If I didn’t speak out, then I would be governed by the same fear that governs NPR, and that would be wrong,” said Espada. “All a writer wants is to be judged on the merit of his work. They censored my piece for political reasons.”¹⁸

Journalists are not entertainers. We are reporters. We go to places that are unpopular. We broadcast voices that are controversial. We are not here to win popularity contests. We are here to cover the issues critical to a democratic society. We have to pressure the media, to shame the media into going into these forgotten places where so many are sent to waste away in silence.

Here is the poem that NPR didn’t want you to hear:

¹⁷ Jenifer B. McKim, “A Case of Poetic Injustice?” *Boston Globe*, July 30, 1997.

¹⁸ *Ibid.*

Another Nameless Prostitute Says the Man Is Innocent¹⁹

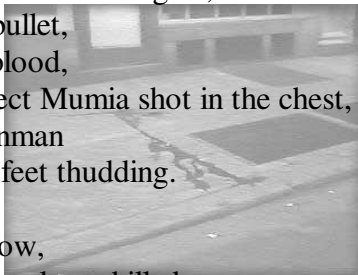
– for Mumia Abu-Jamal, Philadelphia, Pa./Camden, N.J., April 1997 –

By Martin Espada

The board-blinded windows knew what happened;
the pavement sleepers of Philadelphia, groaning
in their ghost-infested sleep, knew what happened;
every black man blessed
with the gashed eyebrow of nightsticks
knew what happened;
even Walt Whitman knew what happened,
poet a century dead, keeping vigil
from the tomb on the other side of the bridge.



More than fifteen years ago,
The cataract stare of the cruiser's headlights,
the impossible angle of the bullet,
the tributaries and lakes of blood,
Officer Faulkner dead, suspect Mumia shot in the chest,
the witnesses who saw a gunman
running away, his heart and feet thudding.



The nameless prostitutes know,
hunched at the curb, their bare legs chilled,
Their faces squinted to see that night,
rouged with fading bruises. Now the faces fade.
Perhaps an eyewitness putrefies eyes open in a bed of soil,
or floats in the warm gulf stream of her addiction,
or hides from the fanged whispers of the police
in the tomb of Walt Whitman,
where the granite door is open
and fugitive slaves may rest.



Mumia: the Panther beret, the thinking dreadlocks,
dissident words that swarmed the microphone like a hive,
sharing meals with people named Africa,
calling out their names even after the police bombardment
that charred their black bodies.
So the governor has signed the death warrant.
The executioner's needle would flush the poison
down into Mumia's writing hand
so the fingers curl like a burned spider;
his calm questioning mouth would grow numb,
and everywhere radios sputter to silence, in his memory.

¹⁹ Martin Espada, *Zapata's Disciple*, Boston, South End Press 1998, p. 133-35. Reprinted with permission of the author.

The veiled prostitutes are gone, gone to the segregated balcony of whores.
But the newspaper reports that another nameless prostitute
says the man is innocent, that she will testify at the next hearing.
Beyond the courthouse, a multitude of witnesses chants, prays,
shouts for his prison to collapse, a shack in a hurricane.



Mumia, if the last nameless prostitute
becomes an unraveling turban of steam,
if the judges' robes become clouds of ink
swirling like octopus deception,
if the shroud becomes your Amish quilt,
if your dreadlocks are snipped during autopsy,
then drift above the ruined RCA factory
that once birthed radios
to the tomb of Walt Whitman,
where the granite door is open
and fugitive slaves may rest.