

The Case of Mumia Abu-Jamal - Political prisoner denied new trial after 16 years on death row

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The case of Mumia Abu-Jamal, the former Black Panther and radio journalist convicted in 1982 in the shooting death of a Philadelphia police officer, is receiving renewed attention following the decision by the Pennsylvania Supreme Court to deny his motion for a new trial.

The October 29 ruling by the state's highest court means that Pennsylvania Governor Thomas Ridge could sign a death warrant at any time, scheduling Abu-Jamal's execution in the coming weeks. In August 1995, after a national and international campaign on his behalf along with a legal effort which brought forward new witnesses and additional evidence, he won a stay of execution with only days to spare.

In the past three years the prosecution case against Abu-Jamal has continued to unravel. The authorities held him for the murder of officer Daniel Faulkner, who stopped Mumia's brother's car in the early morning of December 9, 1981. Abu-Jamal, working as a taxi driver, happened on the scene and saw that his brother had been beaten. In the moments that followed, both the police officer and Abu-Jamal were shot. The officer died, and Abu-Jamal was hospitalized in critical condition. He was charged with murder and quickly tried and convicted. Abu-Jamal has steadfastly maintained his innocence.

The prosecution case was based on three main contentions: (1) that all witnesses identified the defendant as the only person who could have killed the police officer; (2) that Mumia's gun was the murder weapon; and (3) that the defendant confessed to the shooting at the hospital.

Each of these elements has now been thoroughly refuted. Several lengthy court hearings that were held in 1995 and 1996, as part of Abu-Jamal's efforts to secure a new trial, brought out facts which demolished the prosecution case and pointed more and more to a frame-up of the radical black nationalist defendant.

The identification of Abu-Jamal as the killer of Faulkner was based on a combination of police coercion and suppression of evidence.

A prime witness in the 1982 trial was Veronica Jones, a prostitute, then 20 years old, who changed her original story that she saw two men running from the scene of the shooting. When Jones was located in 1996, her life as a prostitute long behind her, she came forward to explain that she changed her testimony to conform to what the police were looking for because she was visited by two detectives in jail, where she was awaiting trial on serious charges, who threatened her with a 10-year prison sentence if she helped Mumia's defense.

William Singletary, an eyewitness who was found at the crime scene but did not testify at the trial, explained that he saw an individual, not Mumia, shoot Faulkner and then flee the scene. He said that Mumia

had been shot by Faulkner when he bent over to help the officer. When he had told this to detectives on the night of the crime, they threatened him unless he changed his story. He was held for hours; the police repeatedly tore up his written statements until he signed a false one dictated by them. He was eventually forced to leave Philadelphia in the face of police threats and harassment. Unlike the prosecution witnesses, Singletary had no criminal record and no motive to lie.

Another witness, Debbie Kordansky, who did not testify at the original trial because she 'didn't like black people' and 'didn't want to help the defense,' was subpoenaed by the defense for the 1996 hearing and acknowledged that she told the cops that from her hotel room overlooking the street she saw someone run after the shooting had stopped.

Police intimidation and abuse

These are only a few examples of the intimidation and police abuse at the core of the prosecution of Mumia Abu-Jamal. The other elements of the prosecution case are no stronger. The medical examiner's report, which had not been entered into the record at the original trial, noted that the bullet removed from the officer's brain was a .44 caliber. Mumia's gun, a .38, could not have fired such a bullet. Moreover, the police allegedly failed to conduct a test to determine if Mumia's gun had even been fired recently, or a routine test to see if he had recently fired any weapon.

The alleged confession by Abu-Jamal at the hospital was based on the testimony of another cop who did not appear at the original trial because he was allegedly on vacation. This officer, subpoenaed by the defense to testify at a court hearing in 1995, admitted that he reported that 'the negro male made no comments' on the night of the shooting. Several months later, however, after attending a meeting with the prosecutor, he suddenly remembered that Mumia had confessed!

In addition to the coercion of witnesses, fabrication of a confession, suppression of evidence and other misconduct, Abu-Jamal faced a jury selection process which was virtually rigged against him. The presiding judge, Albert Sabo, is a lifetime member of the Fraternal Order of Police who has sentenced 32 defendants to death, more than any other judge in the country. Sabo, now retired, also presided at the 1995 and 1996 hearings, years after the original railroading of Abu-Jamal, and upheld his earlier conduct by dismissing all of the new evidence and arguments for a new trial.

The death penalty and racism

The case of Mumia Abu-Jamal exposes the role of racism and of the death penalty in the brutalization of millions of workers and in the oppression of the working class as a whole. Abu-Jamal is being persecuted for his political beliefs, but is also a victim of a system in which nearly one-third of all young black men between the ages of 20 and 29 are under the supervision of the criminal 'justice' system--facing trial, in prison or on parole.

Philadelphia, while by no means unique or even unusual, is notorious for the blatant racism and brutality of its police department. During the two terms of Mayor Frank Rizzo in the 1970s shootings by police resulted in a staggering 162 deaths, according to a report issued in April 1979 by the Police Project of the Public Interest Law Center of Philadelphia. Seventy-five of these people were not being sought for a violent felony and were running away when they were shot dead. The police shot a person on the average of once a week, and two out of every three people killed in 1975 were black or Hispanic.

Another report listed 290 people as having been shot by the Philadelphia police between January 1, 1975 and December 10, 1978. State and federal investigations have documented both the brutality and the corruption of the Philadelphia cops. In the last few years the authorities have been forced to release hundreds of defendants because of fabrication of evidence and other misconduct uncovered in a broad federal investigation of the police department.

Capital punishment is used in the United States as a means of dividing the working class, diverting attention from the social causes of crime. Pennsylvania Governor Ridge has signed 95 death warrants in three years, swelling the state's death row to 210 persons, the fourth largest in the US. Executions resumed in 1995, after a 33-year moratorium in the state. Sixty-one percent of the state's death row inmates are black, though blacks make up only 10 percent of the state's population.

Both Democratic and Republican politicians are equally enthusiastic in their support of the death penalty. Philadelphia Mayor Ed Rendell joins Pennsylvania Governor Ridge in backing this process, which has resulted in the deaths of numerous innocent people.

A conference in Chicago this past weekend brought together 28 of the 75 men and women who have been released from death row since 1972 after their innocence was proven, a partial indication of the horrible injustice of capital punishment. In addition to these 75, there are hundreds of others unjustly imprisoned, who have been unable to wage a legal fight against unjust convictions or have not yet been able to prove their innocence.

How to defend frame-up victims

The defense of Mumia Abu-Jamal and other victims of this system is inseparable from the broader movement of the working class against capitalist exploitation and all of its consequences, including poverty and the attacks on democratic rights. A fight must be waged through the judicial system, but it is only the mobilization of mass support that can force the courts to grant any concessions to the rights of defendants like Abu-Jamal.

The federal court system has mirrored the shift to the right by the capitalist state as a whole. Over the last decade, 35 percent of all death sentences appealed to the federal courts have been overturned on grounds of unfair trials or proven innocence.

In April 1996, however, the Effective Death Penalty Act was passed by Congress and signed by Clinton, essentially returning the federal

court system to the era of 'states' rights' as far as the rights of defendants seeking redress in the federal courts. The federal courts are now not permitted to look at the evidence in a state trial. The standard for invalidating a state verdict has been raised to a level almost impossible to satisfy.

The US Supreme Court has already backed the execution of minors and the mentally handicapped. In 1993 in the *Herrera* decision the high court said that a state could execute an innocent person as long as his trial had no legal errors.

The law-and-order hysteria being orchestrated by all three branches of government is itself a reflection of the growing social polarization and social tensions in US society. This shows the way forward for all those seeking justice for Mumia Abu-Jamal and all other victims of persecution and frame-ups--turning to the ever-growing layers of working people who are becoming victims of the system. The broadest mobilization of support, nationally and internationally, is needed.

Letters and telegrams protesting the impending signing of a new death warrant and demanding a new trial for Mumia Abu-Jamal should be sent to Governor Thomas Ridge, Main Capitol Building, Room 225, Harrisburg, PA 17120; Philadelphia District Attorney Lynne Abraham, 1421 Arch Street, Philadelphia, PA 19102; and Attorney General Janet Reno, Main Justice Building, 10th and Constitution Ave., Washington DC, 20053.

Messages can be sent to Abu-Jamal at:

Mumia Abu-Jamal,
#AM 8335, SCI Greene,
1040 E. Roy Furman Hwy.,
Waynesburg, PA 15370-8090

The web site address for full information on the defense campaign for Mumia Abu-Jamal is <http://www.mumia.org>



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact