

The social context of a police frame-up

Why we defend Mumia Abu-Jamal

17 May 1999

In response to the following letter from a reader, Helen Halyard of the Socialist Equality Party (US) has written to explain the basis of the party's defense of Mumia Abu-Jamal, the black nationalist and author now on death row in Pennsylvania. Abu-Jamal was convicted of first-degree murder in the shooting of a Philadelphia policeman. Pennsylvania Governor Tom Ridge is expected to set an execution date for him sometime this summer.

I write in response to your April 27 article about Mr. Abu-Jamal. I feel that your approach to this issue is so obscured by ideology that you fail to draw an important distinction. It is one thing to debate the legitimacy of capital punishment. I share your misgivings about placing the power of life and death in the hands of a government which is likely to be motivated by concerns more cynical than those of impartial justice. The fact of the matter is that the evidence proves Mr. Abu-Jamal's guilt, and his refusal to deny his crime underlines and compounds it. No reasonable person could come to the conclusion that he is innocent unless they were willing to put the most tortured interpretation possible upon the clear facts of the case. He shot a fellow human being to death deliberately, a fellow human being who was going about his job, a father and husband whose wife and child never saw him again because of Mr. Abu-Jamal's act of frightening violence.

Whether or not the power of the state can rectify this crime with its own act of violence is a separate matter. Do not glorify the cold-blooded killer of a hard-working, blue collar family man.

WF

4 May 1999

Dear WF,

Thank you for your letter concerning Mumia Abu-Jamal. But I must state that we disagree with the objections you raise and the method with which you approach the issues. You uncritically accept the facts of the case as presented by the Philadelphia Police Department and the courts. Moreover, the absence of even a trace of elementary class consciousness is summed up in your attitude to the police, described by you as "hard-working fellow human beings just doing their job."

No one disputes that an altercation took place on December 9, 1981 between Officer Daniel Faulkner and Mumia Abu-Jamal. Recognizing that the shooting took place, under murky circumstances at best, does not prove that Jamal is guilty of first degree murder.

What were the conditions and social context that led to the altercation?

Abu-Jamal was not a cold blooded killer, as you state, but a

professional journalist who was very highly respected for his in-depth reporting and honesty. He was well known for exposures of police brutality involving the notorious Philadelphia Police Department. Because of this he earned the hatred of Philadelphia Mayor (and ex-police chief) Frank Rizzo and the entire political establishment.

After considerable pressure from his superiors he was forced off the air and was working as a taxi driver when he happened on the scene and saw that his brother had been beaten by Daniel Faulkner. In the moments that followed, both the police officer and Abu-Jamal were seriously wounded. Later that evening, Faulkner died.

What is unusual in this scenario is that the cop died and not Jamal. Let us say, for example, things had turned out differently. Press headlines in the morning papers would have read, "Well-known radio journalist dies in shootout." In such an event, even if an official investigation were to take place, there is no doubt that it would be a whitewash and that no charges would be brought against the police.

On the morning of December 10, 1981, the headline of the *Philadelphia Inquirer* read, "Policeman shot to death: Radio newsman charged." The press carried the police version of events and reported, without a shred of evidence to back it up, that Jamal was guilty. Having barely recovered from the wounds he suffered, Jamal was arraigned for first degree murder charges at his bedside and ordered held without bail.

Would such treatment be used if it was the other way around? The facts of American life speak for themselves. Even after charges were brought against the four cops responsible for the execution of Amadou Diallo in New York, they were kept on the job.

On the very rare occasion when cops are prosecuted, convictions are generally overturned. Are you familiar, by chance, with the case of Malice Green, an unemployed worker, in Detroit? In 1992, two cops, Larry Nevers and Walter Budzyn, known in the neighborhood as "Starsky and Hutch" for their brutality, beat Green to death with a flashlight as other police stood by and watched. Following a trial which included many eyewitnesses and expert medical testimony, they were convicted of second degree murder. The second degree murder convictions were eventually overturned on the basis of an alleged judicial error that is trivial compared to the procedures employed in Mumia's trial. Budzyn was released immediately from prison and Nevers shortly afterward.

You approach Mumia's case completely out of its social and political context. While stating your misgivings on capital punishment which place the power of life and death in the hands of the government, you fail to recognize that police have the power over life and death every single day.

What was it like in Philadelphia for the vast majority of workers and minorities? They faced continuous harassment, brutality and death at the hands of the police. The department is among the most notorious in the United States for blatant racism and use of force. During the period between 1970 and 1978, according to official reports, 452 people were shot and not a single officer was held accountable. More than 160 people were killed by police, two-thirds of whom were black or Hispanic.

In addition, during the last few years, the authorities have been forced to release dozens of defendants because of fabricated evidence and other misconduct uncovered in a broad federal investigation of the Philadelphia Police Department.

Is it any wonder that Abu-Jamal, who was intimately familiar with these facts, became alarmed when he saw his brother being beaten by Officer Faulkner? Is it also any wonder that the political establishment, which had targeted Mumia for more than a decade because of his outspoken opposition to racism and police brutality, would jump at the chance to silence him permanently?

By the time Mumia's trial opened, he had been all but convicted and hung in a highly charged political atmosphere. His 1982 trial was marked by repeated and flagrant examples of prosecutorial misconduct aimed at punishing him for his political views. A witness who had been coerced later recanted her testimony, and another whom the prosecution had refused to call came forward to tell his version, which pointed to another shooter. The medical examiner's report indicated that Mumia's gun could not have fired the bullet that killed the officer.

In addition to the coercion of witnesses, fabrication of a confession, suppression of evidence and other misconduct, Abu-Jamal faced judge Albert Sabo, a lifetime member of the Fraternal Order of Police. Sabo has sentenced 32 defendants to death, more than any other judge in the country. During the sentencing phase of the trial, Jamal's former membership in the Black Panther Party was introduced, an act that was blatantly unconstitutional.

These are the methods that are commonly used in the American judicial system. Jamal's case is not an aberration, but exposes the role of the courts and the police in class society.

It is no accident that the economic changes of the last 20 years, with growing social inequality, have been accompanied by a rise of political repression. From your remarks, I can only conclude that you have been taken in by the frenzied law-and-order campaign which criminalizes the poorest sections of the population while glorifying wealth and the capitalist market. After all, as you say, the police are just doing their job.

Were the police just going about their job when they shot 41 times at an unarmed African immigrant, Amadou Diallo, in New York or when they rammed a stick into Abner Louima's rectum inside a Brooklyn police station?

One can list countless documented cases where police have killed unarmed civilians, not to mention those that go unreported. Police frame-ups, murders and brutality have increasingly become

the norm in America. This has its source in the class contradictions of society. The concentration of privilege and wealth in the hands of such a small percentage of the population is incompatible with the continued existence of democratic rights.

Given the intimate political connections between the police department, the district attorney's office and the judicial system, for one to conclude that Mumia Abu-Jamal received a fair trial and unbiased treatment at the hands of the authorities would require an extraordinary leap of faith.

Furthermore, your description of Mumia Abu-Jamal as a "cold blooded killer" exhibits a deep prejudice for those victimized by the system. Just to remind you, American law is supposed to be based on the premise that one is innocent until proven guilty beyond the shadow of a doubt. The conclusions you draw regarding his case are not only ideologically driven but prove that you have not the slightest acquaintance with social reality.

There is growing support for Mumia Abu-Jamal all over the world. His case has become a focal point of the struggle in the US and internationally against political repression, racism and capital punishment. Growing numbers of people are beginning to recognize that his threatened execution and the acts of daily police violence are symptoms of a diseased society. That understanding is all to the good.

We have no illusions about the intent of authorities. Mumia is the only person on death row facing a well-funded campaign, led by right-wing and reactionary political forces, to expedite his execution. They aim to make an example of Mumia and create an atmosphere of intimidation and fear aimed at curtailing all forms of political dissent.

The WSWS will deepen its campaign for Mumia's freedom and his right to a new trial as part of the struggle to build up a political movement of the working class that fights for social justice and equality. On the basis of such a struggle, ever broader layers of the population, and we hope you are among them, will come to understand that the same forces that are victimizing Mumia are victimizing the entire working class.

Helen Halyard
15 May 1999



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