

US Supreme Court upholds conviction of political prisoner Mumia Abu-Jamal

Helen Halyard
5 October 1999

The US Supreme Court ruled Monday to uphold the conviction of Mumia Abu-Jamal, the internationally-known opponent of police brutality, racism and the death penalty, who has been on Pennsylvania's death row for nearly 18 years. Without comment or dissent, the justices rejected Abu-Jamal's appeal that his constitutional rights were violated during his 1982 trial for the shooting death of a Philadelphia policeman.

Monday's decision frees Pennsylvania prosecutors to seek an execution date. Governor Thomas Ridge's spokesman said that Ridge, following state policy in capital cases, would sign a new execution warrant for Abu-Jamal within 30 days. Abu-Jamal's attorneys are expected to file an appeal with the US District Court in Philadelphia, challenging decisions by the Pennsylvania Supreme Court, which also upheld the conviction, the last time in 1998.

Last April Abu-Jamal's legal defense team, led by attorney Leonard Weinglass, filed a motion for a Writ of Certiorari before the high court, challenging the legality of the original trial. They argued that Abu-Jamal was denied the right to act as his own attorney, removed from the courtroom on numerous occasions and not given any means to monitor the proceedings—all violations of his constitutionally protected rights under the Sixth Amendment.

In filing for the Writ of Certiorari Abu-Jamal's attorneys were restricted to asking the Supreme Court to review the written record of the trial and rule on particular points of law. They could not ask the court to hear any new evidence. In appeals filed for a new trial, Abu-Jamal's lawyers have chiefly unraveled the prosecution's case, demonstrating that police and prosecutors coerced witnesses, and concocted or suppressed evidence in order to brand the outspoken radio journalist and political activist as a “violent, cop

killer.”

Mumia's trial is widely recognized as a travesty of justice. It was assigned to Judge Albert Sabo, a lifetime member of the Fraternal Order of Police who has sentenced more defendants to death than any other judge in the country. Before the trial began the judge permitted Abu-Jamal to act as his own attorney, and directed Abu-Jamal's court-appointed lawyer, Anthony Jackson, to act as his back-up counsel. But during the jury selection process the judge ordered Jackson to take over, complaining that Abu-Jamal was taking too long to question potential jurors. Abu-Jamal correctly feared that this would be the first step in stripping him of his rights and protested, but he consented after being faced with the possibility that the court would select all jurors.

Jackson informed the court that he was unprepared to try the case and did not have the sufficient funds for expert witnesses. When he reported that he was asked to withdraw from the case at Abu-Jamal's request, Judge Sabo told him to make an emergency appeal to the Pennsylvania Supreme Court for guidance. When Jackson questioned whether he had the right to make such an appeal given that Abu-Jamal was then acting as his own counsel, the court commented, “Well, if you are asking me to remove him, I'll remove him. I'll make it easy for you.” This decision was taken in Abu-Jamal's absence.

Prosecutors urged the Supreme Court to deny the appeal, claiming it lacked any merit. They stated that Abu-Jamal, who was fighting for his life during the 1982 trial and therefore had every right to raise objections, was disruptive and responsible for being removed from the court. They also argued that the evidence irrefutably pointed to Abu-Jamal's guilt.

Abu-Jamal's lawyers, who anticipated the Supreme

Court's decision, are preparing to file a motion for a Writ of Habeas Corpus with the federal district court in Philadelphia. They will ask the federal judges to review the 1998 decision by the Pennsylvania Supreme Court to uphold the conviction based on the facts of the case.

However, since 1996, when Clinton signed into law the Effective Death Penalty Act, death row inmates have to a large extent been stripped of the right to have federal courts review the evidence in state courts. And even if Abu-Jamal won such an appeal his case would likely come before the Supreme Court again.

The Supreme Court's decision underscores the determination of state and federal authorities to execute Abu-Jamal. The fight for Abu-Jamal's freedom and a new trial has become the focal point internationally of the struggle against the death penalty in the US, particularly its use against the poor and minorities. Such a high-profile execution, the first of a political prisoner in the US in decades, would be aimed at silencing the growing opposition to the attack on democratic rights that Abu-Jamal's case has come to symbolize in the US and internationally.

Messages demanding a new trial for Mumia Abu-Jamal should be sent to the Supreme Court and Governor Thomas Ridge.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact