

Protests mark 20 years since arrest of Mumia Abu-Jamal

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December 9 marked 20 years since Pennsylvania death row inmate Mumia Abu-Jamal was arrested and charged with the shooting death of Philadelphia police officer Daniel Faulkner. His case continues to draw national and international attention due to the denial of due process from judicial bias and police manipulation of evidence at his first trial in 1982. Former Governor Tom Ridge twice signed death warrants for his execution. He continues to sit on death row at the SCI Greene prison in western Pennsylvania.

Abu-Jamal, a locally and nationally renowned journalist at the time of his arrest, has become the focal point for international protests against the death penalty and racist judicial practices. On December 8, demonstrations were held around the world to call for a new trial. In Paris, 5,000 rallied at Place de la République to show support for Abu-Jamal. Rallies or support meetings were also held in Madrid, Berlin, Heidelberg, London, San Francisco, Atlanta, Los Angeles, New York and other cities.

Hundreds of supporters, some coming from as far away as Chicago and Toronto, rallied in Philadelphia in support of Abu-Jamal. A 12-member delegation from France spoke of their meeting with Abu-Jamal the previous day and of harassment by prison officials who confiscated their cameras. On December 4 the city council of Paris named Abu-Jamal an honorary citizen. The last person to be designated an honorary citizen of the city was Pablo Picasso in 1971.

Following the Philadelphia rally, supporters staged a march to the place of Abu-Jamal's arrest. Shortly after, the marchers were attacked by dozens of Philadelphia police. According to demonstrators, at the back of the march a woman bystander started an argument with a young protester. Claiming the youth had hit her, she pointed at the youth and told the police to "get him." When the youth ran, two cops chased him into the center of the protest and tackled him. One of the officers pulled

out a small silver pistol and pointed it at the youth's head.

When protesters gathered around the officers chanting "Shame!" the officers sprayed the crowd with pepper spray and the officer started waving his gun at the crowd. Soon dozens of police arrived on the scene using mace and wielding nightsticks to push the crowd onto the sidewalk. Two women were arrested as they fell down; one man with a camera was grabbed from off a car.

A total of eight people were arrested and charged with felony assault, felony riot, conspiracy, assault and conspiracy to riot. Four were hospitalized with a concussion, a fractured tailbone, internal bleeding and severe abrasions. All those arrested have been released on bail ranging from \$8,000 to \$80,000.

The police attack on the march is part of the continuing attempt by the Philadelphia police and the district attorney to cover up the denial of due process in Abu-Jamal's first trial in 1982. At that trial, he was denied the right to choose his own counsel. His court-appointed attorney never questioned him about the events leading to his arrest and the attorney was denied funds to depose witnesses and do ballistics tests.

The Philadelphia media continued its role of distorting the record of Abu-Jamal's arrest and trial in coverage of the demonstration. The *Philadelphia Inquirer* wrote that "Abu-Jamal has never directly claimed innocence." Abu-Jamal has stated his innocence repeatedly over the last 20 years. Most recently, in a sworn deposition on May 4, 2001, he stated, "I did not shoot Police Officer Daniel Faulkner. I had nothing to do with the killing of Officer Faulkner. I am innocent."

On November 21, Abu-Jamal was denied his petition for a reopening of Post Conviction Relief Act (PCRA) hearings by the state of Pennsylvania. In announcing her decision, Commonpleas Judge Pamela Dembe concluded that the court "lacks jurisdiction to entertain the PCRA petition." She denied all requests for discovery,

depositions and further hearings. The judge cited as the basis of her decision a reactionary 1995 amendment to the PCRA by the Pennsylvania state legislature, which requires defendants to file PCRA petitions within one year of conviction. The only exception is that new evidence may be presented for a new trial, but this must be presented within 60 days of a defendant learning of the new evidence. The judge's ruling states the courts are "guided by an understanding that finality is necessary in all litigation," not the truth and justice.

Abu-Jamal's petition was made in light of a confession to the shooting of officer Faulkner by one Arnold Beverly. In a sworn deposition, Beverly said that he and another man were hired by police officers connected with organized crime to kill Faulkner because he was interfering with the graft and payoffs made to allow illegal activity such as gambling, drugs and prostitution.

Abu-Jamal contends his appeal fell within the new PCRA restrictions because he had new attorneys who were prepared to present this evidence. Abu-Jamal stated that his previous attorneys, Leonard Weinglass and Daniel Williams, had suppressed the Beverly confession due to death threats and Williams was guided in his counsel by a desire to increase sales for a book he was writing on the case.

On December 7, Abu-Jamal's lawyers filed a challenge to Judge Dembe's ruling. The attorneys point out that a federal judge has just overturned the conviction and death sentence of Otis Peterkin, a case Dembe cites in her finding that Abu-Jamal had not met the PCRA restrictions. In that case, the Pennsylvania Supreme Court had refused to hear Peterkin's claims that he had not received a fair trial, was the victim of prosecutorial misconduct, and there was insufficient evidence to convict him.

Abu-Jamal's attorneys state, "What the Pennsylvania Supreme Court achieved in Peterkin was to conceal a grave and flagrant miscarriage of justice which it was its very task to remedy." The attorneys argue that Judge Dembe "achieves precisely the same with ... [her] refusal to hear Petitioner Jamal's claim that he is innocent; that the real killer has confessed and exonerated him; [and] that his prior attorneys, Weinglass and Williams, suppressed this and other evidence of his innocence ... because they themselves were the victim of death threats."

The attorneys cite an editorial in the November 12 *Philadelphia Inquirer*, which calls for a moratorium on all executions in Pennsylvania because they

"disproportionately condemn minorities and the poor, and sometimes even the innocent."

The attorneys also take issue with Judge Dembe's ruling on the testimony of court reporter Terri Carter. Carter recently came forward to say, in a sworn deposition, that at Abu-Jamal's first trial in June 1982 she heard trial judge Albert Sabo say in chambers, "Yeah, I'm going to help 'em fry the n****r."

In her denial of the appeal, Judge Dembe states, "Since this was a jury trial, as long as the presiding Judge's rulings were legally correct, claims as to what might have motivated or animated those rulings are not relevant." Abu-Jamal's attorneys disagree with Judge Dembe's "surprising and unsustainable position that an openly racist judge who expresses the specific intention to contrive with the prosecution to procure the conviction and death sentence of a defendant [because of his race] does not deprive the defendant of his constitutional right to a fair trial."

Abu-Jamal's federal habeas corpus appeal, which was filed in October 1999, is still before Federal District Judge William Yohn. On July 19, Yohn refused to take a deposition of Arnold Beverly. In making the ruling, Yohn went out of his way to cite the federal 1996 Anti-Terrorism and Effective Death Penalty Act. The law's purpose is to cut off the ability of people convicted in state courts to seek the overturning of those convictions and sentences in federal courts. In his decision, Yohn took the unusual step of advising the Pennsylvania courts which state law they should cite in refusing to hear further appeals of Abu-Jamal's conviction.



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