

US Supreme Court denies Mumia Abu-Jamal's appeal for new trial

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The US Supreme Court has denied Mumia Abu-Jamal's appeal for a new trial. A well-respected journalist and political activist, Abu-Jamal was convicted in 1982 of murdering Philadelphia police officer Daniel Faulkner.

The trial that resulted in Abu-Jamal's death sentence has since become infamous for its racist and anti-democratic character. Abu-Jamal, now 53, continues to profess his innocence, as he has since his arrest nearly three decades ago. His case has won widespread international support.

The high court justices rejected Abu-Jamal's case without comment on October 6, the first day of the Supreme Court term. His was among more than 2,000 appeals rejected in the first days of the new term, including those of other death row inmates. On October 14, the court refused to hear the case of Georgia death row inmate Troy Davis, widely assumed innocent of the murder he was convicted of committing. (See "US Supreme Court clears way for execution of likely innocent death row inmate")

In 1981, Mumia Abu-Jamal, already an established journalist, had taken a second job working as a cab driver. On December 9 of that year, he was driving his cab through downtown Philadelphia in the early hours of the morning when he happened upon an altercation between his brother, William Cook, and police officer Faulkner. Seeing that his brother was in distress, Abu-Jamal rushed to his aid. During the confrontation which followed, both Abu-Jamal and Faulkner were shot. The police officer died from his wounds; Abu-Jamal survived and was taken into custody.

Before the shooting of Daniel Faulkner had occurred, Abu-Jamal, who had been a founding member of the Philadelphia chapter of the Black Panther Party, had already drawn the wrath of the FBI and the

Philadelphia police department for his political activism. He had worked for years as a journalist in radio, where his political reporting earned him the nickname "Voice of the Voiceless."

In the late 1970s, Abu-Jamal was an outspoken supporter of John Africa's MOVE organization, a political group that was locked in a bitter struggle with police. During a 1978 raid on MOVE's west Philadelphia commune, police officer James Ramp was killed and six other officers injured. In 1985, just three years after Abu-Jamal's conviction, Philadelphia police dropped a bomb on the commune which had since moved to a new location. Eleven people were killed in the resulting fire, including the group's leader John Africa, and five children.

Abu-Jamal's defense of MOVE during this time earned him the wrath of the Philadelphia police force and there is ever-increasing evidence that the journalist has been the victim of a police frame-up.

Of the latest appeal to the Supreme Court, Robert R. Bryan, lead attorney for Abu-Jamal, had previously explained in a legal update for the journalist's supporters, "The basis of the current litigation is that the prosecution persuaded witnesses to lie in order to obtain a conviction and death judgment against my client."

The appeal centered on two recent affidavits by new witnesses who have challenged the testimony of key witnesses in the 1982 prosecution. The first affidavit was from Yvette Williams, who came forward to refute the story of Cynthia White, an essential player in the original prosecution who claimed she saw Abu-Jamal shoot Faulkner.

Williams' affidavit, recorded January 28, 2002, begins, "I was in jail with Cynthia White in December of 1981 after Police Officer Daniel Faulkner was shot

and killed. Cynthia White told me the police were making her lie and say she saw Mr. Jamal shoot Officer Faulkner when she really did not see who did it. She said she knew Mumia from seeing him drive a cab." Williams goes on to say, "I asked her why she was 'lying on that man [Abu-Jamal]'. She told me it was because the police and vice threatened her life."

The second affidavit, recorded April 18, 2003, by Kenneth Pate, an inmate at SCI Greene prison in Pennsylvania, challenges the testimony of Priscilla Durham. Durham was a security guard at the hospital where Abu-Jamal was treated on the night Faulkner was killed. Durham had testified in 1982 that she heard Abu-Jamal confess to Faulkner's murder.

Pate, who is a relative of Ms. Durham, states in his affidavit that "She [Ms. Durham] said that when the police brought him [Abu-Jamal] in that night she was working at the hospital. Mumia was all bloody and the police were interfering with his treatment, saying 'let him die.'" Pate goes on, "Priscilla said that the police told her that she was part of the 'brotherhood' of police since she was a security guard and that she had to stick with them and say that she heard Mumia say that he killed the police officer, when they brought Mumia in on a stretcher."

Pate says that when he asked Durham if she had really heard such a confession, she replied, "All I heard him say was: 'Get off me, get off me, they're trying to kill me.'"

The Supreme Court Justices did not comment on their October 6 ruling against the appeal containing the sworn statements of these new witnesses, remarkable considering Abu-Jamal's case is likely the most high-profile death penalty case in the United States in decades.

While Abu-Jamal's appeal for a new trial has been rejected, there are further legal battles ahead, including another appeal to the Supreme Court that will specifically address the more racist elements of the 1982 trial.

An earlier federal appeals court ruling denied a new trial for Abu-Jamal, but ordered a new sentencing hearing. If the Supreme Court does not grant him a new trial on the basis of his new appeal, federal prosecutors may appeal the federal appeals court ruling that ordered the new sentencing hearing.

While his initial death sentence was overturned in

2001, Abu-Jamal could face the death penalty once again should a new sentencing hearing take place. He remains incarcerated on death row during the appeals process. The only legal options open for Abu-Jamal are life in prison or a new death sentence.



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