

Mumia Abu-Jamal to leave death row

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The District Attorney's Office in Philadelphia announced on Wednesday that they would no longer seek the death penalty against Mumia Abu-Jamal. A former member of the Black Panther Party and radical journalist, Abu-Jamal was convicted in 1982 of killing Philadelphia police officer Daniel Faulkner. He has spent the last thirty years of his life on death row.

Abu-Jamal has proclaimed his innocence all along, and there is ample evidence to suggest that he was the victim of a police frame-up. No longer facing execution, Abu-Jamal is however to serve a sentence of life in prison without the possibility of parole.

Philadelphia District Attorney Seth Williams informed the media of his decision not to pursue the death penalty at a press conference on Wednesday. He told reporters a new sentencing hearing would likely not produce a favorable outcome for the prosecution, because eyewitnesses from the 1982 trial had died or become otherwise unavailable in the ensuing decades.

In spite of this, Williams continued to insist on Abu-Jamal's guilt. "The decision to end this fight," said Williams, "was not an easy one to make. There's never been any doubt in my mind that Mumia Abu-Jamal shot and killed Officer Faulkner, and I believe that the appropriate sentence was handed down by the jury of his peers in 1982."

The enforcement of the death penalty, said Williams, would have been "the most just result."

Had it been left to Williams, Abu-Jamal would have been executed as planned. The District Attorney's hand was forced, however, when the United States Supreme Court chose not to hear an appeal by prosecutors in October, thereby leaving in place an earlier federal district court ruling calling for a new sentencing hearing.

In that 2001 decision, a federal judge ruled that instructions given to jurors in the sentencing phase of Abu-Jamal's initial trial were a violation of his

constitutional rights. The instructions misled jurors, implying that mitigating circumstances could only be considered during sentencing if there was unanimous agreement among jurors to do so. In reality, Abu-Jamal could have received a life sentence rather than the death penalty, had only a single juror chosen to recognize mitigating circumstances.

The 2001 ruling, with all appeals now exhausted, left prosecutors with the option of once again pursuing the death penalty in a new sentencing hearing, or giving Abu-Jamal life in prison without parole. It is likely prosecutors chose to avoid a new sentencing hearing because they feared further exposing to the public the details of a flawed and unjust case against Abu-Jamal.

Mumia Abu-Jamal was arrested in 1981 and charged with killing 25-year-old police officer Daniel Faulkner on December 9 of that year. In the early morning hours of December 9, Abu-Jamal, then working as a cab driver, came upon a traffic stop where Faulkner had detained Abu-Jamal's brother, William Cook. Believing his brother to be in distress, Abu-Jamal approached the scene. Shots were fired and both Abu-Jamal and Faulkner were wounded. Faulkner was killed, while Abu-Jamal survived and was taken into custody. He was convicted of Faulkner's killing the following year.

Since the trial, significant evidence has emerged pointing to misconduct by prosecutors and police. Major witnesses recanted their testimony against Abu-Jamal, saying they only chose to testify against him after being threatened by police.

Ballistics evidence against Abu-Jamal has also been challenged. During Officer Faulkner's autopsy, a medical examiner identified the bullet that killed Faulkner as a .44 caliber round, which could not have been fired from the .38 caliber weapon found in Abu-Jamal's possession the night of Faulkner's killing. This

evidence was withheld by prosecutors during the 1982 trial.

The vindictive prosecution of Abu-Jamal has the character of a police vendetta. At the time of his arrest, Abu-Jamal, a founding member of the Philadelphia chapter of the Black Panther Party, had already come to the attention of police as a well-known radio journalist who worked to expose police brutality in the city. He was an outspoken supporter of John Africa's radical MOVE organization, which became involved in a bitter conflict with police in the late 1970s—culminating in the police bombing of the MOVE commune in 1985.

A report on Abu-Jamal's case published in 2000 by Amnesty International, entitled "A Life in the Balance: The Case of Mumia Abu-Jamal," discussed the rampant police brutality in Philadelphia in the years immediately prior to Abu-Jamal's arrest and conviction.

It wrote, "In 1979, the US Department of Justice filed a lawsuit against the then-mayor of Philadelphia, Frank Rizzo, and other city officials for condoning police brutality. The lawsuit listed 290 persons shot by the city's police officers between 1975 and 1979, the majority of whom were from ethnic minorities. During Frank Rizzo's eight years as mayor, fatal shootings by Philadelphia police officers increased by 20 percent annually. In the year after he left office, 1980, fatal shootings declined 67 percent. Mayor Rizzo appeared to tolerate police misconduct. In 1978, he told an audience of 700 police officers, 'Even when you're wrong, I'm going to back you.'"



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