

# Two men convicted in 1965 Malcolm X assassination exonerated in New York court

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Two of the men convicted in the assassination of Malcolm X more than 56 years ago were exonerated in New York State Supreme Court on November 18, in response to a motion by Manhattan District Attorney Cyrus Vance Jr.

The outrageous frame-up of Muhammad Abdul Aziz, now 83 years old, and Khalil Islam, who died in 2009 at the age of 74, saw both men sentenced to life in prison for a crime they did not commit. Aziz was paroled in 1985 and Islam two years later. They had maintained their innocence from the outset.

Judge Ellen N. Biben granted the motion to vacate the convictions of Aziz and Islam. “I regret that this court cannot fully undo the serious miscarriages of injustice in this case and give you back the many years that you lost,” she said.

Aziz, who was present in the courtroom, declared, “I do not need this court, these prosecutors or a piece of paper to tell me I am innocent. I am an 83-year-old who was victimized by the criminal justice system.”

A third man, Mujahid Abdul Halim, had confessed to the killing, which took place at the Audubon Ballroom in upper Manhattan on February 23, 1965, about a year after Malcolm had announced his split with the black nationalist Nation of Islam (NOI).

Halim had always insisted, however, that Aziz and Islam, from the Harlem mosque of the NOI, were innocent. He pointed to four others, men affiliated to the Newark, New Jersey, mosque of the NOI, as directly involved in the killing.

The evidence against Aziz and Islam was very weak and inconsistent from the outset. Eyewitnesses contradicted one another in the courtroom. The defendants both presented alibis, which were ignored. Their Legal Aid attorneys were outmanned and outspent by the prosecution, however. Enormous

pressure was brought to bear for conviction, and the jury complied with its guilty verdict at the trial in early 1966.

The exoneration of Aziz and Islam is the latest development that points to a government conspiracy to murder Malcolm X. The frame-up victims became the fall guys, convenient scapegoats who enabled the authorities to rapidly close the case. The two innocent men each lost twenty years of their lives, their marriages and families were broken up, and they lived for decades after prison with the false conviction hanging over their heads.

Meanwhile, most of the actual assassins and the organizers of the killing go free. Above all the role of government agencies—including the FBI and New York Police Department (NYPD), which had informants in the audience at the Audubon Ballroom—has not been exposed. Even if they had not specifically organized the operation, they had undoubtedly allowed it to take place.

The dubious nature of the convictions of Aziz and Islam has long been understood, even if it took the government 55 years to acknowledge that fact. In 1977 and 1978 Halim filed two affidavits which repeated his insistence that his two co-defendants were innocent, but a judge dismissed a defense motion to reopen the case. Decades later, the 2010 biography of Malcolm X by Manning Marable prompted new calls for the Justice Department in Washington to conduct an investigation, which were likewise ignored.

In recent years, however, there have been repeated calls for review of the case. Thursday’s court action comes after a 22-month investigation by Vance’s office, a probe that was triggered in part by the release of a widely-watched Netflix documentary series, *Who Killed Malcolm X?*, as well as a new biography, *The*

*Dead Are Arising*, by Les and Tamara Payne.

Vance began the investigation after meeting with Aziz and with lawyers from the Innocence Project and the office of David Shanies, representing the family of Khalil Islam. The lengthy investigation confirmed evidence of official misconduct, along with new evidence of the innocence of the accused. A witness came forward to confirm the alibi that Aziz was at home at the time of the assassination. In addition, records show that the NYPD had received a tip that the assassination would take place, but it was not communicated to anyone at the time.

However welcome the exoneration of Aziz and Islam is, both to their families as well as all those outraged by the “capitalist justice” illustrated by their conviction, the vacating of these convictions still leaves the main questions unanswered. There is no explanation of the role of the FBI informants, at least 7 in number, who were present at the Audubon Ballroom on the date of the killing. Nor is the role of the NYPD undercover cop who was in charge of Malcolm’s security on that very day accounted for. The deathbed confession of another undercover police officer, who wrote that he had followed his superiors’ instructions to entrap two of Malcolm X’s bodyguards so they could be arrested and therefore kept away from the Audubon Ballroom, is also not discussed.

The unanswered questions make Cyrus Vance’s courtroom apology look all the more like yet another effort to refurbish the image of the so-called justice system. In fact, Vance made this almost explicit. “I want to begin by saying directly to Mr. Aziz and his family, and the family of Mr. Islam, and of Malcolm X that I apologize,” Vance said as the hearing began on Thursday. “We can’t restore what was taken from these men and their families, but by correcting the record, perhaps we can begin to restore that faith.”

The lengthy report in the *New York Times*, while welcoming the latest ruling as at least partly correcting a 55-year-old miscarriage of justice, also does nothing to expose the cover-up, but even continues it. The Times calls the charge that government agencies were involved in the killing of Malcolm X “a popular conspiracy theory,” but then goes on to declare that “[Vance’s] investigation did not attempt to explain why the nation’s largest police department was not able to protect Malcolm X when he was clearly in danger, or

why the premier national intelligence organization, with blanket surveillance on Malcolm X and the organizations around him, was not able to see the attack coming.”

Of course, the *Times* can hardly be this naïve. As many millions know, the nation’s largest police department was not interested in protecting Malcolm X, nor was it at all a question of “the premier national intelligence organization” being unable to see the attack coming!

The assassinations of Malcolm X and, some three years later, of Martin Luther King Jr., could not have been accidental in their purpose or their timing. When Malcolm represented the Nation of Islam his life was not threatened, but when he broke from Elijah Muhammad’s anti-white separatism and suggested, even in a limited way, that race was not the fundamental dividing line in the fight against injustice, he became a marked man. His newly-formed Organization of Afro-American Unity (OAAU) was undoubtedly quickly infiltrated by agents and provocateurs, while full advantage was taken of the threats made against him by the Nation of Islam. All the cops had to do was sabotage Malcolm X’s security and look the other way.

A similar process, an even more politically direct one, took place in relation to Martin Luther King Jr. When the country’s most famous civil rights leader denounced the imperialist war in Vietnam and began to insist that the civil rights reforms raised more fundamental class issues and the need for a united struggle on the economic front, he became targeted for elimination.

The lessons of this history must be emphasized, as the WSWS had said before. The acute sensitivity of the capitalist state agencies to the danger that a politically armed and united working class represents to their outmoded system requires the highest vigilance against the dangers of state infiltration, provocation and violence.



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