

Stopping the execution of an innocent man

Demonstrations, protests and other actions are taking place throughout North America and across the world in response to the shocking Oct. 30 decision by the Pennsylvania Supreme Court to deny renowned and award-winning journalist, political prisoner and prominent US death row inmate, Mumia Abu-Jamal, a new trial. This decision flies in the face of the mass of evidence that clearly establishes Mumia's innocence. No doubt exists that the original trial and appeals were a farce of justice. Moreover, the trial occurred in a context of a city riddled with abundantly revealed police corruption and endemic racism — which has resulted in an unusually high number of African Americans on death row. Governor Thomas Ridge has vowed to sign, as quickly as possible, a death warrant as part of the orchestrated campaign to kill an individual who has been described as "the voice of the voiceless". It is clear that the rulings that surround Jamal's case have been political, not judicial, in nature, starkly revealing the barbaric and racist nature of the death penalty in the United States.

Who is Mumia Abu-Jamal?

Mumia Abu-Jamal is an eloquent, outspoken opponent of injustice and racism who has been hounded by the Philadelphia police and the FBI since the time he was a teenage spokesperson for the Black Panther Party in the 1960s and 70s. Indeed, the FBI accumulated hundreds of pages of surveillance on Jamal. In the late 1970s he went on to become a highly respected radio reporter. At the time of his arrest he was president of the *Philadelphia Association of Black Journalists*. He was particularly noted for his political activism and support of MOVE (a black community organization). He covered police attacks on that organization, especially the 1978 police assault on the home occupied by MOVE members that left one officer dead. Nine MOVE members were convicted of that killing and received 30-100 year sentences. The police campaign against MOVE culminated on May 13, 1985, when hundreds of heavily armed police attacked another MOVE home, dropping a bomb that eventually burnt 63 homes to the ground, left 250 people homeless and 11 MOVE members dead, including 5 children.

Jamal's activities in exposing similar attacks and other instances of police brutality and racism earned him the enmity of the entire Philadelphia police force. This produced the decades-long vendetta that railroaded him to prison and now seeks to still his pen, silence his voice and suffocate his ideas.

The deliberate miscarriage of justice

On April 3, 1982 Abu-Jamal was convicted of killing Philadelphia police officer Daniel Faulkner and was sentenced to death. On Dec. 9, 1981 Faulkner was shot to death on a public street. Jamal was also shot. That Jamal arrived on the scene shortly after Faulkner had pummelled his brother is not disputed. At the trial prosecutors alleged that Jamal ran up behind Faulkner and shot him in the back and then emptied his revolver into the fallen officer.

Faulkner then shot Jamal, who sat down on the curb.

Several observers stated that the police beat Jamal, both at the scene and at the emergency department of the hospital to which he was taken. Despite the fact that he was in critical condition for three months, the case went to trial in less than six months. He was given just three weeks to prepare his case for trial and was allocated \$150 for investigation.

No physical link of Jamal to the murder

The prosecution claimed that Jamal's legally registered gun, carried for protection as he moonlighted as a cab driver, was the murder weapon. This is refuted by the fact that there is no evidence at all that Jamal's gun was ever fired that night, much less by Jamal. The police never tested it to determine if it had been recently fired. Nor did they test Jamal's hands to ascertain if he had fired a gun. Moreover, the forensic evidence shows that the bullets that killed Faulkner could not be matched to Jamal's gun. The report of the medical examiner stated that Faulkner was shot with a .44 calibre: Jamal's gun was a .38 calibre. Jamal's defense was not made aware of this report. The medical examiner's office has since "lost" the bullet fragments.

The false confession

Another central pillar of the prosecution's case was that Jamal "confessed" to the shooting while in the hospital that night. This has been exposed as a fabrication. Indeed, there was no report of said "confession" until *more than two months after the shooting*. But officer Gary Wakshul, who took Jamal into custody and stayed with him, stated in his written report that Mumia remained silent throughout the entire time he was with him. The "confession" only materialized after a meeting in the prosecutors' office with the police officers who were present at the hospital that night.

The witnesses

At least five different witnesses from five different vantage points, neither knowing Jamal or each other, told police that another man who was found slumped on the street after being wounded in the chest had shot Faulkner and then fled from the scene. These witnesses were silenced through intimidation, coercion and harassment — and were illegally withheld from Jamal's defense at trial. One witness, William Singletary, a local businessman, was harassed to such an extent that he subsequently fled the city.

The prosecution's key witness, Veronica Jones, was a female prostitute with over 35 arrests serving a sentence in Massachusetts. Jones testified that she saw Mumia shoot the police officer. Previously she had given a series of differing accounts. She was offered a deal: immunity from arrest, the right to "work her corner" unmolested by the police in return for her testimony against Jamal. She was also threatened with the loss of her children if she did not testify against Jamal. *She has recanted that testimony*. Since her recantation she has been the victim of police harassment. At Jamal's 1995 appeal the police arrested her before she

had even left the courtroom.

Another prosecution witness, Robert Chobert, originally told police that the shooter had fled. He described the shooter as a large, heavy man, over six-foot-two and weighing more than 225 pounds. Jamal is six feet one and at the time weighed less than 170 pounds. At trial this witness changed his story and identified Jamal as the shooter. However, the judge kept from the jury the fact that this witness had previously been convicted of throwing a molotov cocktail into a public school and was now out on parole. Indeed, both the police and the prosecutor's office had applied pressure.

The 'Hanging Judge'

Judge Sabo, who presided over Jamal's trial, has sentenced more people to death — almost 95 percent of them non-white — than any other judge in the U.S. He has had more murder convictions overturned than any other Judge. Sabo's pro-prosecution bias was so blatant that in 1995, the *Philadelphia Daily News* stated that Sabo's "heavy handed tactics can only confirm the suspicions that the court is incapable of giving Abu-Jamal a fair hearing". At the initial trial Sabo denied a defense request for a continuance in order to call the police officer (who was on "vacation") who reported that Jamal had said nothing the night of the shooting. This was essential to challenging the "confession" proffered by the prosecution, but Sabo ensured that this witness was unavailable to the defense.

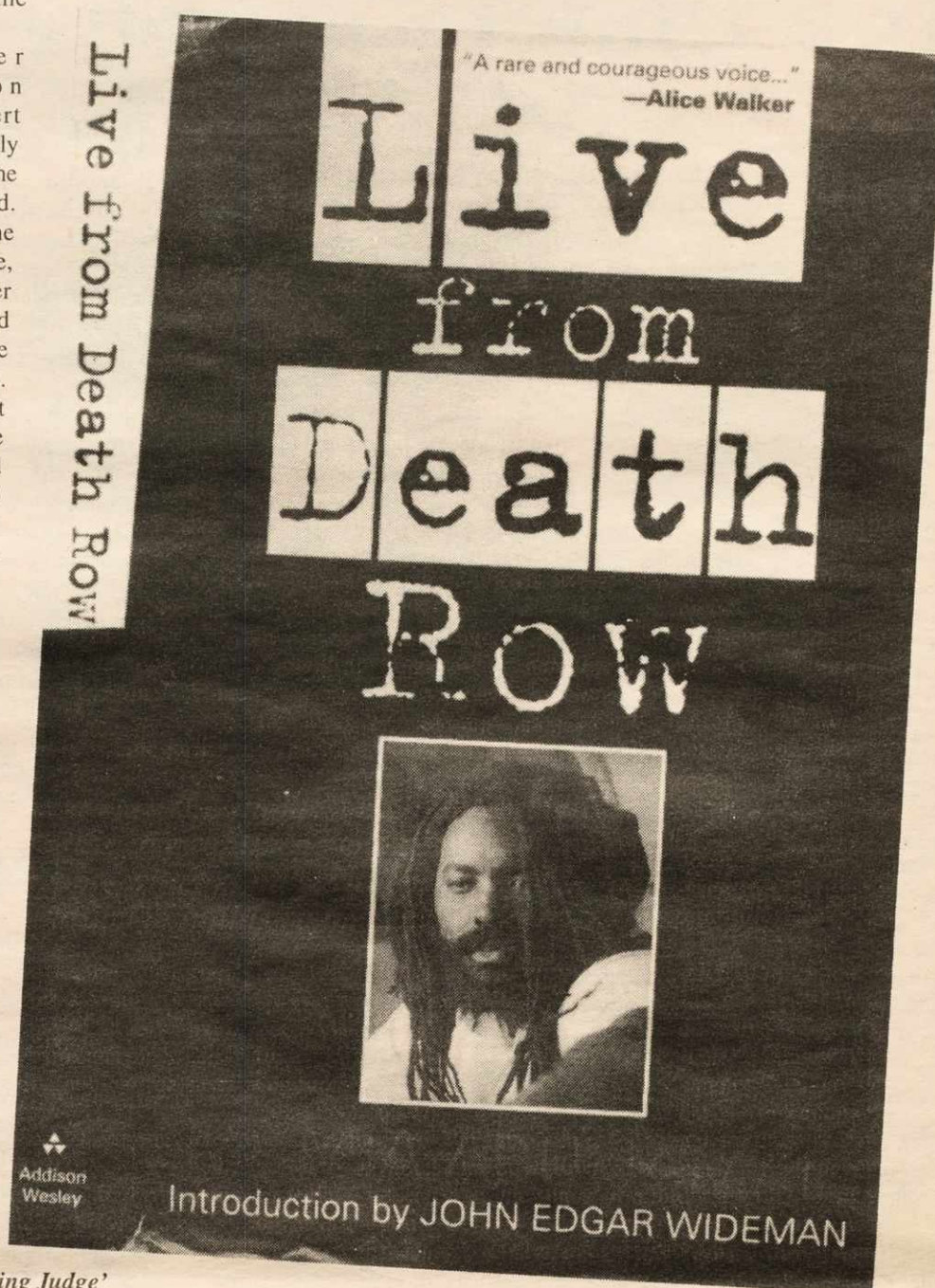
The Rigged Jury

Black people were systematically excluded from the jury. A mostly white jury convicted Jamal. This was an example of the racist jury rigging, which was revealed to be widespread and common when a 10 year old "training video" by the Philadelphia District Attorney became public in 1997.

While blacks were excluded, the jury included one man whose close friend had been shot while serving on the Philadelphia police force. Also on the jury was a woman who was married to a police officer.

The Philadelphia Police Department

The Philadelphia Police Department is notorious for its systemic racism, fabrication of evidence and frame-ups. It is so blatant that even the US Attorney



General filed a 1979 civil rights law suit charging "widespread, arbitrary and unreasonable physical abuse" of witnesses and suspects. In the last three years alone, hundreds of convictions in Philadelphia have been thrown out on such grounds.

The Pennsylvania Supreme Court ruling: a judicial lynching

In a demonstration of flagrant bias, the Pennsylvania Supreme Court dismissed the unequivocal evidence of Jamal's innocence. The court accepted the bogus "confession". It held that Sabo was fully justified in barring key evidence from both the trial and the post-conviction relief hearing. Furthermore, the court let stand the removal of jurors on the grounds of race after the US Supreme Court had outlawed that practice.

Justice Ronald Castillo, who signed the order turning down the appeal, has an unquestionable conflict of interest. Ten years ago, as *District Attorney*, he played a crucial role in denying a new trial to Jamal. Not only was he instrumental in the denial of the original appeal, he was responsible for making the instructional video designed to keep off Philadelphia's juries.

In rejecting the appeal and all the evidence amassed in two years of hearings, the court has kept in step with the program of both the Republicans and the Democrats to reject appeals from death row inmates, no matter how meritorious, and expedite executions. Jamal now has 30-90 days to obtain a stay of execution from a Federal judge. However, the

Anti-terrorism and Effective Death Penalty Act of 1996 has dramatically altered the standards of Federal review: Sabo and the Pennsylvania Supreme Court will be "presumed correct".

The crusade to kill an innocent man, Mumia Abu-Jamal, is precisely designed to sanctify the state's machinery of death. Jamal's possible execution confirms for many, not just African-Americans, the basic moral bankruptcy of the US gulag. His case lays bare the vicious underside of the rampant globalized and escalating war. The death penalty is one more weapon deployed in this war.

Thus, it is clear why the US state wishes to eliminate Jamal. He is dangerous because he refuses to succumb and surrender his right to speak truth to power, to challenge and call into question the prevailing social order, to remain political even while in prison: to refuse to be ground down, to show fear. This is his significance. Not a transcendental useless meaning, but one rooted in reality and amongst those who envision and struggle for a world without exploitation and oppression, a world founded upon dignity and justice.

As Jamal noted in his statement on this latest effort at judicial lynching: "A court cannot make an innocent man guilty. Any ruling founded on injustice is not justice. The righteous fight for life, liberty, and for justice can only continue."

ISAAC SANEY
Halifax Committee to Free
Mumia Abu-Jamal