

The Case of Mumia Abu-Jamal

BY TERRY BISSON

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In 1978, Philadelphia Mayor (and ex-police chief) Frank Rizzo blew up at a press conference, threatening what he called "the new breed" of journalists. "They [the people] believe what you write and what you say," said Rizzo, "and **it's got to stop**. One day—and I hope it's in my career—you're going to have to be held responsible and accountable for what you do."

What the "new breed" was doing in 1978, and is still doing today, was exposing police misconduct. A cop had been killed in a confrontation between Philadelphia police and the radical MOVE organization (the same MOVE that was fire-bombed by the city seven years later), and the police version of who shot first hadn't been accepted without question. Rizzo feared a new trend, and he was right.

The trend has continued. Today, the Mollen Commission, the NYPD "party" in DC, the Rodney King case and hundreds of other local scandals have exposed the dark underside of police misconduct nationwide. Ironically, the most prominent of the "new breed" of journalists at whom Rizzo's outburst was directed is awaiting execution on Pennsylvania's Death Row, the victim—many believe—of a police frame-up.

Mumia Abu-Jamal began his journalism career with the Black Panther Party. The Panthers were the original "affirmative action" employer, and Mumia (then Wesley Cook) was Minister of Information for the Philadelphia chapter at age 15, writing for the national newspaper. A heady beginning for a West Philly kid. After the Panthers fell apart (helped by a stiff dose of FBI harassment) Mumia turned to broadcasting. He had the voice, the writing talent and the ambition, and by age 25, he was one of the top names in local radio, interviewing such luminaries as Jesse Jackson and the Pointer Sisters and winning a Peabody Award for his coverage of the Pope's visit. He was president of the Philadelphia Association of Black Journalists, called "one to watch" by Philadelphia magazine.

But Mumia was still a radical. The *Philadelphia Inquirer* called him "an eloquent activist not afraid to raise his voice," and this fearlessness was to be his undoing. His vocal support of MOVE's uncompromising life-style lost him jobs at Black stations, and he was forced to moonlight to support his family. The mayor's outburst marked the beginning of a campaign of police harassment that included such sub-

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tleties as a cocked finger and a "bang bang" from a smirking cop, and escalated to a late-night police beating of Mumia's brother on the street.

Mumia was driving a cab that night. It is undisputed that he intervened. It is undisputed that both he and officer Daniel Faulkner were shot, and that Faulkner died. What is in dispute is who killed Faulkner. Mumia says it was someone else, and several witnesses saw another shooter flee the scene. Mumia's legally registered .38 was never decisively linked to Faulkner's wounds.

Mumia's murder trial was a policeman's dream. Denied the right to represent himself, he was defended by a reluctant incompetent who was later disbarred (and who has since filed an affidavit in Mumia's support detailing his delinquencies). Mumia was prosecuted by a DA who was later reprimanded for withholding evidence in another trial. He was allowed only \$150 to interview witnesses.

But best of all was the judge. A life member of the Fraternal Order of Police, branded as a "defendant's nightmare" by the *Philadelphia Inquirer*, Judge Albert F. Sabo has sentenced more men to die (31 to date, only two of them white) than any other sitting judge in America. A fellow judge once called his courtroom a "vacation for prosecutors" because of bias toward convictions.

Sabo wouldn't allow Mumia to defend himself because his dreadlocks made jurors "nervous." Kept in a holding cell, he read about his own trial in the newspapers. A Black juror was removed for violating sequestration, while a white juror was given an court escort to take a civil service exam; in the end all the Black jurors but one were removed. A policeman who filed two conflicting reports was never subpoenaed (he was "on vacation"). Mumia's Black Panther history was waved like a bloody flag: Had he said, "**All power to the people?**" Yes, he admitted, he had said that. Character witnesses like

poet Sonia Sanchez were cross-examined about their "anti-police" writings and associations.

Thus with Judge Sabo's help, an award-winning radical journalist with no criminal record was portrayed as a police assassin lying in wait since age 15. After Mumia's conviction, Sabo instructed the jury: "You are not being asked to kill anybody" by imposing the death penalty, since the defendant will get "appeal after appeal after appeal." Such instruction, grounds for reversal since *Caldwell vs. Mississippi*, was allowed in Mumia's case.

Mumia's appeals have so far gone unanswered. After being on Death Row for thirteen years, he is now the target of a policed smear campaign. Last year NPR's "All Things Considered" canceled a scheduled series of his commentaries after the Fraternal Order of Police objected. Mumia's book, *LIVE FROM DEATH ROW*, has been greeted with a boycott and a skywriter circling the publisher's Boston offices: "Addison-Wesley Supports Cop Killers" Officer Faulkner's widow has gone on TV claiming that Mumia smiled at her when her husband's bloody shirt was shown—even though the record shows that Mumia wasn't in the courtroom that day.

Mumia and his supporters want only one thing—a new trial, with an unbiased judge and a competent lawyer. Defense attorney Leonard Weinglass has entered a motion to have Judge Sabo removed from the case because he cannot provide even the "appearance of fairness." The struggle became a race against time last month, when Pennsylvania Governor Ridge, though fully aware of the many questions in the case, signed a death warrant scheduling Mumia for execution August 17.

Mumia Abu-Jamal was not surprised. Several of the essays in his book deal with America's frantic "march toward the death chamber." As he wrote several years ago in the *Yale Law Journal*, "states that have not slain in a generation now ready their machinery: generators whine, poison liquids are mixed, and gases are measured and readied."

Unless Mumia Abu-Jamal's final petition is answered, and he gets the fair trial he deserves, America will see its the first explicitly **political** execution since the Rosenbergs were put to death in 1953. Frank Rizzo's angry threat will be fulfilled, for one "new breed" journalist at least. **It will stop.** We won't hear any more criticism of the police from Mumia Abu-Jamal. Forever.

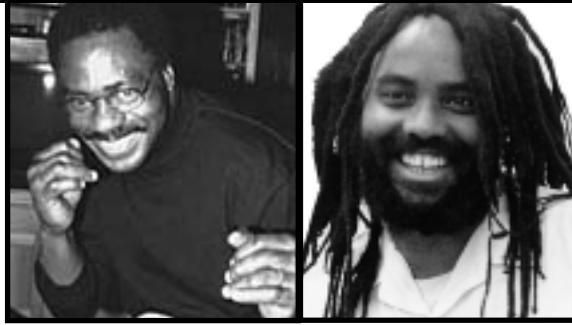
THE HURRICANE FOR MUMIA

“Mumia Abu-Jamal is factually innocent, & he’s still sitting on death row.”

So stated legendary boxer and former prisoner Rubin “Hurricane” Carter spoke out in support of death-row activist Mumia Abu-Jamal. He chose Philadelphia—Abu-Jamal’s hometown—to make a statement supporting a new trial for the former Black Panther.

Carter also sits on the board of the Southern Center for Human Rights, a Georgia-based group that aids death-row prisoners in their appeals.

Carter, who is African American, was framed for murder and sentenced to three consecutive life terms in 1976. After years of mass protests and committed support from anti-racist activists,



including Muhammad Ali, Carter won a new trial. He presented new evidence proving his innocence, and was ultimately freed by using his right to Federal Habeas Corpus.

Habeas corpus, the right of a prisoner to have an independent federal court review, was crucial in freeing many innocent people on appeal—including Hurricane Carter.

But the 1996 Effective Death Penalty Act signed by President Bill Clinton virtually wiped away this right. Federal judges

are now instructed by law to take state court findings as good coin in all but the most extraordinary circumstances.

“Jailhouse stool pigeons, jury tampering, jury fixing, paid criminals for perjured testimonies, the manufacturing of evidence by police departments, the lies in the seat of government itself—that’s what Mumia Abu-Jamal is in prison for. That’s what I was in prison for.”

Stacked juries Carter explained how in both his and Abu-Jamal’s cases most of the potential African American jurors were excluded. The jury in Carter’s first trial included 10 whites and two African Americans.

The Hurricane called this “the ploy by which the government gets away with the appearance of a mixed jury.”

He said he hopes to meet with Abu-Jamal.

Martin Luther King III for Mumia Abu-Jamal

Excerpts from remarks by Martin Luther King III, President, Southern Christian Leadership Conference

Conscience compels me to unite with Nelson Mandela, Catholic Bishop Thomas Gumbelton, elected representatives of the European Parliament, the Congressional Black Caucus, Amnesty International, Harry Belafonte, Paul Newman, Ossie Davis, Danny Glover, Arch Bishop Desmond Tutu, and millions of others around the globe to fight for the life of our brother in “the struggle,” Mumia Abu-Jamal.

SCLC’s commitment to justice for Mumia Abu-Jamal dates back over a decade. We thank God for the energy of Ralph Schoenman, our board member Dick Gregory, and others, who have made today’s international witness a reality.

First of all, at the Southern Christian Leadership Conference we are unequivocally opposed to capital punishment. The conductors of the evil system of injustice

made Abu-Jamal a political prisoner and now they have planned his execution. As “conscious-raising members” of the global society, we cannot afford to sit back and let an innocent man die.

The world must know that the judge purposely withheld “crucial evidence” from Abu-Jamal’s case. Experts say this evidence alone could have brought an acquittal. We can no longer afford to allow bias in the criminal justice system to continue.

We must stand by Abu-Jamal’s side just as we stood by the sides of Nelson Mandela, Angela Davis, Ben Chavis, and Joann Little.

I do not believe it is incidental that I find myself protesting for the life of this innocent man, one month after my family and I received the verdict from a multicultural jury that said my father’s assassination was part of a conspiracy. Martin Luther King, Jr. was brutally murdered because he spoke out against social injustices.

Today, almost thirty-three years after he was killed, we must unite together in the

name of justice to stop the execution of Mumia Abu-Jamal, a young man who was respected in the community for reporting stories about economic and social injustices.

We must come together as a family in the spirit of my father who said, “the arc of the universe is long but is bent towards justice,” and never give up until we save the life of our brother, Mumia Abu-Jamal.

Americans should know that the world is watching to see if she will do the right thing. Under the system of government dictated by our Constitution, the judicial system is the final repository of public power. It should be held inviolate from racism and other prejudices, which plague our society. We demand that, all those with the power to intervene, do so now in the name of justice, do so now in the name of all that America holds, claims to hold, true and fair, do so now in the name of humanity, do so now, in the name of all those who have already died to force America to live up to its motto of liberty and justice for all.

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