

**INNOCENT & FRAMED - FREE MUMIA NOW!  
NO STATE EXECUTION BY COVID!  
NO ILLUSIONS IN “PROGRESSIVE” DA LARRY KRASNER!**

The movement to Free Mumia Abu-Jamal, the most prominent political prisoner in the U.S., from the slow death of life imprisonment and the jaws of this racist and corrupt injustice system is at a critical juncture. *The battle to free Mumia must be as ferocious as it has ever been.* We continue to face the unrelenting hostility to Mumia by this racist capitalist injustice system, which is intent on silencing him, by all means.

Mumia is at immediate risk of death by covid! Mumia has tested positive for covid-19. The PA Department of Corrections and officials at SCI Mahanoy at first denied this, but then needed to hospitalize Mumia. He is now in the prison infirmary. Mumia’s life is on the line. He is almost 67 years old; his immune system is compromised because of liver cirrhosis from years of untreated hepatitis-C. It is also reported that Mumia now has congestive heart failure!

An international campaign succeeded in getting a judicial order that Mumia was deprived of essential health care and be treated with life-saving Harvoni treatment. That has compelled the DOC to provide the medication to Mumia and other prisoners infected with hep-C.

*The National Union of Metalworkers of South Africa (NUMSA) said it best, “The refusal of health-care reminds us of the conditions we were put in under Apartheid prisons where sick detainees were allowed to die in very deplorable lonely conditions in solitary as part of the punishment for their role in the struggle.”*

We, in the Free Mumia movement, call on all to ACT NOW! Mumia must not die in prison from covid! He should be released, now!

**Urgent: Email Gov. Tom Wolf, [brunelle.michael@gmail.com](mailto:brunelle.michael@gmail.com); John Wetzel, Secretary PA Department of Corrections, [jwetzel@state.pa.us](mailto:jwetzel@state.pa.us) and [ra-crpdoc.secretary@pa.gov](mailto:ra-crpdoc.secretary@pa.gov).  
Demand: Mumia Abu-Jamal Must be Released from Prison! No State Execution by Covid!  
Prisoners 50 Years and Older Should also be Released from Prison to Protect them from Covid 19!**

Mumia’s life was saved from legal lynching of state execution in 1995 and 1999 by the power of mass, international mobilization and protest, which included representatives of millions of unionized workers. Human and civil rights organizations, labor unions, and students won Mumia’s release from death row in 2012 and his medical treatment for deadly hep-C in 2017. Now we need to do the same to save his life from covid-19.

We also must face the latest obstacle in Mumia’s pending legal appeal.

In the prosecution Response to Mumia’s appeal to the Pennsylvania Superior Court, filed February 3, 2021, “progressive” District Attorney Larry Krasner *rubber stamps* the lying, racially biased, politically motivated and corrupt conviction of Mumia for the murder of P.O. Daniel Faulkner on December 9, 1981 under hanging judge Albert Sabo who promised, “I’m going to help them fry the nigger.”

For decades Mumia fought racist and corrupt prosecutors in Pennsylvania state court and the U.S. federal court. “Progressive” Philadelphia D.A. Larry Krasner joined their ranks in filing the prosecution legal brief to the Pennsylvania Superior Court stating that Mumia is guilty and should remain imprisoned for life.

There is a moment of opportunity to deepen the struggle for Mumia’s freedom. Political consciousness about the systemic racism of the U.S. injustice system and policing has reached a high level not seen in 50 years, accelerated by the police murders of George Floyd, Breonna Taylor, and so many others, and the massive protests that followed. Mumia’s name has been injected into struggles around Black Lives Matter, the pandemic and the economic crisis. Notably, Colin Kaepernick has called for Mumia’s freedom.

There is also a new danger. Nationally and in Philadelphia, there is a rise in the illusions of the “progressive district attorney” who will upend the entrenched repressive, racially and class-biased [in]justice system, which is integral to capitalism and rooted in the legacy of slavery.

A new legal path to Mumia’s freedom was opened by the historic ruling in December 2018 from Philadelphia Court Judge Leon Tucker, the first Black jurist to review Mumia’s case. Judge Tucker granted Mumia the right to file a new appeal of all the evidence of judicial, prosecutorial and police misconduct that had been rejected by the Pennsylvania Supreme Court from 1998-2012. That evidence was proof that Mumia is factually innocent and framed and is legally entitled to dismissal of the charges against him, or at least a new trial.

“Progressive” DA Larry Krasner blocked that path with the prosecution’s legal Response to Mumia’s new appeal to the PA Superior Court on February 3, 2021. Krasner opposes Mumia getting a new trial—let alone a dismissal of the charges. And Krasner calls for the appeals court to dismiss Mumia’s appeal without even considering the facts and law. Krasner follows exactly the script of the notorious, pro-cop, racist prosecutors who preceded him, notably Edward Rendell, Lynne Abraham—called “one of America’s deadliest DAs” —and Ronald Castille, whose pro-cop, pro-prosecution, and pro-death penalty bias became the grounds opening up Mumia’s right to file this new appeal.

The Krasner Response begins with the same lying “statement of facts” of the case that has been used since Mumia’s 1982 frame-up trial by District Attorney Edward Rendell. Krasner insists that Mumia’s appeal should be dismissed without considering the merits because it was “not timely filed.” This makes clear the falsity of Krasner’s purported withdrawal of his objection to Mumia’s new right of appeal granted by Judge Tucker.

Krasner also denies that the newly disclosed evidence of state misconduct—“Brady claims”—from the six hidden boxes of Mumia’s prosecution files found two years ago in a DA storeroom are “material” and grounds for a new trial. This is legal jargon for saying the evidence against Mumia at trial was so overwhelming that it wouldn’t have made a difference to the jury that convicted him of first degree murder and sentenced him to death. Krasner’s Response on the new evidence that the trial prosecutor purposely disqualified African-Americans as jurors is that the Pa Supreme Court has previously decided the jury selection process was fair and should not be re-examined.

As District Attorney, Krasner had the legal authority and responsibility to review Mumia's case and, as constitutionally warranted, to support overturning Mumia's conviction because of due process violations and state misconduct. Those due process violations included:

- \*trial and post-conviction judge Sabo was biased and racist

- \*African-Americans were excluded from juries as a policy and practice of the Philadelphia DA's office

- \*police and prosecutorial misconduct in presenting false witness testimony that Mumia shot Faulkner, a fabricated confession and a manufactured scenario of Mumia shooting PO Faulkner which is disproved by ballistics, medical, and other forensic evidence, including photographs of the crime scene; and

- \*the suppression of witnesses who swore that Mumia did not shoot PO Faulkner, that a shooter ran away and the confession to fatally shooting Faulkner.

But "progressive" DA Krasner argued these factors should not even be considered.

DA Krasner's Response brief ends with: "For the foregoing reasons, including those set forth in the PCRA court's opinions, the Commonwealth respectfully requests that this Court affirm the orders denying post-conviction relief." This means District Attorney Krasner approved all previous court denials of Mumia's challenges to his convictions made from 1995-2012, including those of Judge Sabo.

This Response is the definitive, final statement of District Attorney Larry Krasner to the Superior and Supreme Courts of Pennsylvania. And should Mumia's case return to the U.S. federal courts, this would remain the prosecution position: that Mumia is guilty and there are no legal or factual reasons to re-consider his conviction.

Once there has been a conviction and sentence, the District Attorney does not have unilateral authority or power to reverse a criminal conviction, order a new trial or dismiss the original charges. That decision rests the post-conviction review judge or appeals court.

The District Attorney does have enormous authority and credibility to argue to the courts that a case should be reversed, a new trial granted or charges dismissed. The opinion of the district attorney's office is a persuasive authority to the reviewing court. And it was that process which resulted in overturning the convictions of 18 imprisoned men during the past three years. Those publicized reversals as well as Krasner's promises of criminal justice reform; his "no objection" to releasing on parole the surviving, imprisoned MOVE 9 men and woman; his partial ban of cash bail and de-escalation of arrests for minor, non-violent offenses, and his record as a civil rights lawyer gave him credentials as a "progressive DA".

Krasner's Response to Mumia's appeal is an undeniable legal blow and has most likely blocked the judicial path to Mumia's freedom.

To any who held out hope that Krasner would "do the right thing", Krasner has never given any indication that he questioned Mumia's conviction, even when—after protest and pressure—he agreed not to oppose the appeal process.

In fact, "progressive DA" Krasner was explicit when questioned during the proceedings brought by Maureen Faulkner to have him removed from Mumia's case on grounds he was biased in favor of Mumia. Krasner was allowed to continue prosecuting Mumia in the Supreme Court

ruling on December 16, 2020. During those proceedings, Larry Krasner assured the investigating judge that, “in my opinion based upon all the facts in law [sic] that I have is that he [Abu-Jamal] is guilty.” Further, the investigating judge found all prosecutors involved, including DA Krasner, stated, “it is their intention to defend the conviction, and that they are aware of no evidence that would support or justify a decision to the contrary or to concede any PCRA relief.”

It is precisely because Larry Krasner has a profile and reputation as “a progressive DA,” and faces hostility from the Fraternal Order of Police, and supporters of racist “law and order” who will be supporting anti-Krasner candidates in this year’s DA election that his total rejection of Mumia’s claim is so damaging.

The rejection of Mumia’s appeals by this “progressive DA” is not just equal to those of prior DAs but is more damaging. The position of the “progressive DA” in opposition to Mumia’s appeal provides additional rationale and justification for the appeals courts to reject Mumia’s appeals.

Krasner must be uncompromisingly exposed and denounced as not different from Judge Sabo and prior prosecutors. Mumia’s prosecution, his conviction, death sentence and appeal denials are an indictment of the entire racist capitalist injustice system. Opening up Mumia’s case exposes the racism, rot, corruption, brutality and fundamental injustice of the whole system. “Progressive” district attorney Larry Krasner would not and cannot go down that road and keep favor with the elements of the ruling class that seek to provide a “progressive” cover to delay and distract those who fight not only for Mumia, but for justice for all.

What is to be done to free Mumia? Continue to mobilize protest action demanding the Department of Corrections and Governor immediately release Mumia – along with prisoners 50 years and older to stop death by covid. In Pennsylvania the governor has the executive power to commute sentences and release prisoners who are serving life without parole.

We must expand the international campaign for Mumia’s freedom, centered on the understanding that Mumia is factually innocent and framed, that he never should have been arrested and prosecuted for a murder the state knows he did not commit. International mobilization has been critical to our prior limited victories. Now more than ever, we need to grow in strength and numbers Mumia’s defenders, including labor, Black Lives Matter, human rights and civil rights organizations, and left organizations in rallies and mass demonstrations.

**Rachel Wolkenstein (former attorney for Mumia Abu-Jamal);  
and for the Labor Action Committee to Free Mumia Abu-Jamal  
<[laboractionmumia.org](http://laboractionmumia.org)>; Jack Heyman (International Longshore and  
Warehouse Union-retired), Bob Mandel (Oakland Education Association-  
retired, member of Adult School Teachers United), Carole Seligman (Co-  
editor of Socialist Viewpoint)**

March 5, 2021