

Justice Denied!

The Long Struggle of Mumia Abu-Jamal

World-renowned revolutionary journalist Mumia Abu-Jamal, who was convicted and sent to death row in the killing of a police officer in Philadelphia, has now gone through 27 years of fruitless appeal proceedings. Despite mounting and irrefutable evidence of Jamal's innocence, all of these hearings have upheld his conviction in a 1982 trial, which was rightly called "a monumental miscarriage of justice from beginning to end," by crime reporter J Patrick O'Connor.

Then, last April, the US Supreme Court finished off this cowardly charade by denying Jamal a final hearing, without so much as a word of explanation. In making this flat-out rejection of Mumia's appeal, the Supreme Court--like the Federal Third Circuit Court a year earlier--had to knowingly violate its own well-established precedent in *Batson v Kentucky*--the 1986 ruling which said that purging a jury on the basis of race was unconstitutional. A violation required a new trial, even retroactively. In Mumia's case, the prosecutor used at least ten out of 15 peremptory challenges to exclude qualified blacks for reasons that were not applied to prospective white jurors. Only one such exclusion is required to trigger a conviction reversal under *Batson*!



Mumia Abu-Jamal

"The law is what the judge says it is"

Called the "Mumia Exception," by O'Connor, whose book, *The Framing of Mumia Abu-Jamal*, is perhaps the best yet written on the case, decisions such as these demonstrate a systematic bias inherent in the courts and political system: those considered a threat to the system will be persecuted in total disregard of the law. As Mumia himself puts it in his brilliant new book, *Jailhouse Lawyers*, "The law is what the judge says it is."

Racism in jury selection was only one outrage in Jamal's trial. The judge, Albert Sabo, a former cop himself and a known "prosecutor in robes," expelled Jamal from most of his own trial, prevented evidence that would show Mumia's innocence from being admitted, and systematically denied defense motions. None of this behavior was "legal," nor was it an accident: Sabo was out to get Mumia. He made this clear when he was overheard to say privately, in court during a break, "yeah, and I'm gonna help 'em fry the n---r."

Mumia Abu-Jamal Is Innocent!

Jamal's innocence was clear from the beginning, or should have been. Several witnesses said they saw one or two other men flee the scene right after the shooting. Businessman William Singletary, who witnessed the entire incident close up, told police that the passenger in the car which had been stopped by the slain officer was the real shooter. Jamal, he said, arrived on the scene unarmed, and only *after* the shooting!

Jamal had been driving a cab and was in the neighborhood when he heard gun shots, and saw his

brother, Billy Cook, in his rear-view mirror. Cook was staggering, having been beaten by a cop. Running to the scene, Jamal was shot and almost killed by a cop, either by the mortally-wounded officer (Daniel Faulkner), or by a cop arriving on the scene. Meanwhile, police arriving on the scene, instead of collecting actual evidence, immediately began to frame the wounded Jamal for the murder of the officer. They knew who they had, because Mumia was a former Black Panther, a journalist who had exposed earlier police crimes on local radio; and he had been targeted by the Justice Department's counter-intelligence program (COINTELPRO).

A well-prepared railroading

Police and prosecutors prepared Jamal's frame-up well: they threatened witnesses into changing their stories, and suppressed evidence that could prove Jamal's innocence.

The most important prosecution witnesses, Cynthia White and Robert Chobert, later admitted privately, or to investigators, that they had lied under pressure. Neither one of them actually saw the shooting they had claimed to witness! Defense witness Veronica Jones--one of those who saw two men hastily leave the scene right after the shooting--later testified in an appeal hearing that she changed her story and lied at the trial under police threats of jail (which would have meant losing her children).

Police and prosecutors also manufactured a so-called "confession," which one cop claimed to "remember" weeks after the fact. William Singletary refused to lie for police, and promptly became the victim of a police terror campaign. The cops trashed his businesses, and drove

Write Mumia!

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him out of town with a warning: don't be here when the trial started! With Singletary out of the way, the prosecutor, Joe McGill, then hid the presence on the scene of shooter Kenneth Freeman (the man identified by Singletary) from jurors, even though his presence had been acknowledged by McGill in the earlier trial of Mumia's brother for allegedly assaulting the slain officer.

The appeals process was more of the same. Prosecutors read Mumia's private correspondence with his lawyers, where they learned of a planned appeal by the lawyers. As a result of this illegally-obtained covert knowledge, Governor Tom Ridge issued a death warrant for Mumia in 1995, just prior to the planned appeal--a sneak attack on the ability of the defense to prepare.

Meanwhile, Albert Sabo was brought out of virtual retirement to preside over the appeal, where he continued his own earlier hatchet job on Mumia's case! Despite widespread condemnation for rampant unfair practices, including by Philadelphia's usually conservative press, Sabo got away with denying Jamal a new trial.

Massive International Support

Over the years, Mumia Abu-Jamal has gained massive international support. The European Parliament and the city of Paris, France have joined politicians such as Nelson Mandela and the US Congressional Black Caucus, as well as numerous individuals, unions and Hollywood actors to denounce the blatant unfairness of the case against him. And for a time, Mumia was represented in court by famed civil rights attorney, Leonard Weinglass.

But Weinglass was reluctant to take the police frame-up head-on, and assert Mumia's innocence. He kept under wraps the confession of Arnold Beverly, a former hit-man who said that he "and another guy" (possibly Kenneth Freeman) were hired by corrupt cops to kill Faulkner, because Faulkner "interfered" with their payoffs in Philadelphia's red light district.

The Beverly Confession--A Big Clue

Faulkner was found to have a long FBI file, mostly redacted, which means he was probably snitching on his

brethren. Jamal later fired Weinglass, but his subsequent legal team was unable to get Beverly into court, partly because of "timeliness." The courts refused to even take Beverly's deposition!

The Beverly confession pointed to a much-needed explanation of what really happened in the Faulkner killing, but almost no one wanted to hear it. Celebrities, notables and most of the Mumia movement were willing to call for a new trial for Mumia, but most of them weren't ready to face the dirty reality of police, courts and

politicians framing an innocent person in order to cover up their own crimes. When Weinglass was fired, and the Beverly confession was brought into the public domain, many of these supporters took a hike.

Although a mass mobilization was instrumental in halting Jamal's execution in 1995, most of his

defense movement has looked to the courts, by focussing on a new trial. In recent years, as demonstrations dwindled, hopes for a new trial rose, but with the flat rejection from the Supreme Court in April 2009, the Mumia movement seemed discouraged and for a time, inactive.

The current campaign by the Concerned Family and Friends of Mumia Abu-Jamal and others to get Obama's Attorney General, Eric Holder, to open an investigation into the denial of Mumia's civil rights, seems to us a poor substitute for a mass movement. Of course there are innumerable civil rights violations throughout this case, but the Justice Department, itself complicit in Mumia's COINTELPRO targeting, and in the police murders of Black Panthers around the country, cannot be trusted to find and expose these violations, any more than the courts. In the unlikely event that Holder does investigate, another cover-up could be the result.

Labor's Fight - Free Mumia!

Mumia is a class-war prisoner, and it will take a class struggle to free him: that was position of longshore workers in the International Longshore and Warehouse Union (ILWU) when they shut down all the ports on the West Coast in 1999, and headed the march of 25,000 in San Francisco, to free Mumia. Oakland teachers, and teachers in Rio de Janeiro Brazil also took work actions to support Mumia. Only this kind of working-class action, combined with mass mobilizations, can defeat a determined frame-up by cops, courts and politicians. Mumia Abu-Jamal is now in imminent danger of a new execution order, so the need for action is urgent. For workers action to free Mumia!

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Mumia's Commentaries

Mumia comments regularly on political issues. His commentaries can be heard on Pacifica radio, and found at Prisonradio.org. If you would like to receive the commentaries by email, send a request to: howardkeylor@comcast.net

Funds for Mumia's Legal Defense

Although Mumia's legal appeals are essentially at an end, funds are still needed, as the State is still appealing to reinstate his death sentence.

Please give generously!

Pay to: National Lawyers Guild Foundation
Earmark your check: Mumia Abu-Jamal
Send to: Committee To Save Mumia Abu-Jamal
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