

Mumia Saved from the Electric Chair

But Still In Danger of Execution

Fifth Estate Collective

1996

When Mumia Abu-Jamal's date with Pennsylvania's executioner was indefinitely postponed Aug. 7, 1995, ten days before scheduled, it came as a surprise to the ex-Black Panther's defense team. Judge Albert Sabo, who displayed gross prejudice at both the original trial and the current hearing, had never before granted a stay in the 32 death sentences he has handed out to Philadelphia murder defendants.

But as expected, Sabo, who presided at Jamal's 1981 trial for killing Philadelphia police officer Daniel Faulkner, denied Mumia's petition for a new trial on Sept. 15. The judge, who holds the national record for death sentences, issued a 154-page ruling rejecting each of Jamal's claims that he was framed and that 19 constitutional violations occurred during the proceeding.

In a note to Jesse Jackson, who was present when the stay was issued, Mumia wrote, "I am not under an active death warrant, although I remain under an active death sentence, thus I still sojourn in hell." He continues to live on death row in a 8X10 foot cell containing a cot, a sink and a toilet. "It is like living in your bathroom all day long, all night long," Mumia said at an earlier date.

None of Jamal's supporters expected Sabo to admit his own conduct constituted the basis for overturning the conviction. But many were stunned that the judge denied every claim so quickly in the face of the widening Philadelphia police corruption scandal.

Sabo's ruling declared-that testimony during the hearing attesting to police intimidation, the silencing of eye-witnesses who would have testified to Jamal's innocence, and the coercion of others to frame him as the killer were "nonexistent events." Noelle Hanrahan, co-coordinator of Equal Justice USA, a Mumia support group, said, "Sabo is seemingly oblivious to the daily revelations about the police framing defendants."

"Rogue Cops" The Rule

Philadelphia was rocked last summer by exposure of a widespread pattern of brutality and perjury by city police in up to a thousand cases involving primarily African-American residents. Although such behavior is standard procedure across the country, particularly in departments with poor, inner-city jurisdictions, it took recent similar revelations in Los Angeles, New Orleans, Chicago, Detroit and Pittsburgh to force even the corporate media, such as Time and Newsweek, to admit the wide-spread existence of "rogue cops." However, the latter phrase disguises the fact that although illegal behavior, corruption and brutality against the poor may be limited to a minority of officers, it is the manner in which big city (and many smaller) police forces operate on a regular basis.

In August, six Philadelphia cops pled guilty to framing defendants, repeatedly lying under oath to obtain warrants, to stealing money, to assault and other civil rights violations. So far, 42 convictions have been overturned including that of a church-going grandmother who spent three years in prison after police planted drugs in her

house. Federal investigators have subpoenaed over 100,000 arrest records from six Philadelphia police districts over the last decade including the one in which Mumia is accused of killing Faulkner.

The first two cops to crack in the scandal had, among other offenses, paid a prostitute in one of their frame-up cases. Equal Justice USA notes that another prostitute, Cynthia White, a key prosecution witness against Mumia altered her initial story of seeing a smaller man shoot the slain officer in order to fit the police version. After the trial, White, who had numerous soliciting convictions, was able to work at her trade without police interference.

Defense Attorney Jailed

Sabo, a former Philadelphia County undersheriff, concluded, however, there was no evidence that Jamal's claims were consistent with "the Philadelphia Police Department's pattern and practice."

During the hearing, Sabo affirmed almost every prosecution objection and routinely denied those from the defense. Leonard Weinglass, Mumia's chief counsel, was fined \$1,000 by Sabo for returning evidence photos too slowly although he was approaching the bench with them. Another defense attorney Was jailed for 45 minutes for arguing too long. Sabo also stunned courtroom observers when he wistfully began a long digression with a witness about the location of a long shut Philadelphia swimming pool.

Although the hearing revolved around the question of fairness, witnesses have come forth to bolster Mumia's claim of innocence. A former Sunoco gas station owner's testimony corroborated defense contentions that a third man shot Faulkner. However, when the witness attempted to file a report in 1981, he testified that he was intimidated into signing a false statement and was eventually harassed by police to the point where he closed his business and left town.

As part of continuing hostility toward Mumia and his defense team, Sabo barred 25 witnesses from testifying at the hearing and restricted questioning of those who did take the stand.

Demonstrations were held in many North American and European cities on Aug. 12 to support Mumia, including 8,000 people who gathered in Philadelphia for a Free Mumia rally. The demonstration was the largest held in Philadelphia since the bicentennial celebrations held there almost twenty years ago.

According to Jane Henderson of Equal Justice, "The stay of execution is a direct result of the groundswell of public protest." She said the Pennsylvania Supreme Court had received almost 100,000 letters demanding that Judge Sabo be removed from ruling on the appeal.

Meanwhile, the Philadelphia chapter of the racist and vindictive Fraternal Order of Police called rallies of its own to demand Mumia's execution in the weeks prior to the stay of execution. On July 19, 300 armed, off-duty cops took to the streets chanting, "Four More Weeks," as they picketed the headquarters of Local 1199 of the National Hospital and Health Care Employees Union in Philadelphia which was the scene of a Jamal fund-raiser.

Then, driven to a frenzy by the temporary stay of execution, several thousand enraged cops, gathered in Philadelphia's Independence Square Sept. 16. and, in an odd twist on the 1960s slogan, shouted, "Burn Baby, Burn." in reference to Mumia's sentence of death in the electric chair.

NPR: A Brief for the Prosecution

Also, the cops continued pressing their boycott of prominent personalities supporting Jamal. These have now multiplied as an Aug. 9 *New York Times* ad asking for a new trial contained 100 names including those of Susan Sarandon, Maya Angelou, Noam Chomsky, Laurie Anderson, Norman Mailer, Spike Lee, Roger Ebert, Salman Rushdie, Sting, Gloria Steinem, and Paul Newman.

This has led to a cynical characterization of Mumia's well known supporters as partaking in a cause celebre. as if their status disabled them from speaking out against an obvious injustice. Actually, there is little to gain for any of the signers, given the current racist climate, by supporting a new trial for an African-American convicted of killing a white cop.

Other liberal sources folded early. National Public Radio, which had canceled Jamal's death row radio commentaries under pressure from Sen. Bob Dole and the Fraternal Order of Police in 1994, deciding the "highly polarized and political controversy" was inappropriate "without providing the context of the controversy" virtually dropped all reporting of the case from May 1994 until Aug. 17, 1995, Jamal's scheduled execution date. Then, NPR's Scott Simon aired a lengthy feature, which the media watchdog group Fairness and Accuracy In Reporting, labeled "a brief for the prosecution."

Mumia now awaits the ruling of the state supreme court on his motion for a new trial. While much of the flurry of activity engendered by the impending execution last summer has subsided, activists urge supporters to remember the determination of the cops and the governor to still the radical voice of Mumia Abu-Jamal.

Help Save Mumia Abu-Jamal

Write Gov. Thomas Ridge, Main Capitol Bldg., Rm. 225, Harrisburg PA 17120: phone 717/783-1198 or fax 717/783-1396 and demand that Mumia be freed.

Contact Equal Justice USA, POB 5206, Hyattsville MD 20782; 301/699-0042.

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