

June 5, 2006

**Mumia Abu-Jamal:
One legal decision away from execution!
One legal decision from new trial and
freedom!**

BY JEFF MACKLER

Mumia Abu-Jamal, the world's most well-known, and innocent, political prisoner, has been on Pennsylvania's death row for 25 years. An award-winning journalist, author of nine books, a social commentator and advocate for the rights of the oppressed and exploited everywhere, his fight for a new trial and freedom has won the support of millions across the globe.

Mumia's legal team, headed by Robert R. Bryan, is currently preparing critical briefs for the final stages of the court battle to win Mumia's freedom. The stakes are high. Mumia's very life is being sought by Pennsylvania prosecutors, who have petitioned the U.S. Court of Appeals for the Third Circuit to void a lower court decision and reinstate the death penalty.

Mumia was a victim of an infamous 1982 racist Philadelphia frame-up trial replete with prosecution-intimidated and lying "eyewitnesses," falsified and manufactured "evidence," exclusion of all evidence of innocence and the racist exclusion of Black jurors. He was convicted of the Dec. 9 murder of Philadelphia Police Officer Daniel Faulkner in a trial presided over by "hanging judge" Albert Sabo, who has sent more people to their death (the vast majority Black) than any other sitting U.S. judge.

If prosecution efforts are successful, and if Mumia's appeals are denied, Pennsylvania's Governor Ed Rendell, Philadelphia District Attorney at the time of Mumia's trial, has pledged to sign a third warrant for Mumia's execution. Barring the unlikely intervention of the U.S. Supreme Court and after 90 days, Mumia will likely be executed by lethal injection.

Robert R. Bryan has until July 13, 2006 to challenge Pennsylvania's brief seeking Mumia execution. His legal brief will simultaneously demand that the court grant Mumia a new trial based on the three major issues that presently constitute Mumia's appeal.

- a) The racist and illegal exclusion of 11 of 14 Black jurors by Pennsylvania state prosecutors during Mumia's 1982 trial
- b) The constitutionally flawed trial summation of Pennsylvania state prosecutor, Joseph McGill, who essentially told the jury that they need not concern themselves with critical standards like reasonable doubt because Mumia would have "appeal after appeal" if mistakes were made, and,
- c) Judicial bias evidenced during Mumia's 1995 Post Conviction Relief Act hearing conducted by the original 1982 trial Judge Albert Sabo. This is the Judge Sabo who prior to en-



tering the courtroom to judge the case in 1982 stated to another judge, in the presence of court reporter Terri Maurer Carter, "Yeah, and I'm going to help 'em fry the nigg-r."



Pennsylvania prosecutors will then reply to Bryan's brief. This will be followed by a final response from the defense, after which the court will announce a three-judge panel to hear oral arguments. The entire process is expected to end with a decision within a year.

Bryan has expressed confidence that Mumia's appeal on one or more of the three central issues before the court will be successful and that Pennsylvania prosecutors' efforts to reverse the Federal District Court, reinstate the death penalty and execute Mumia will fail.

Bryan warns, however, that nothing is certain in these matters. "In the present climate," Bryan told The Mobilization to Free Mumia, "a decision to reinstate and act on the death penalty cannot be excluded."

If Mumia prevails with his appeal there are several possible options the court can consider, ranging from sending the case back to the previous court for further deliberation based on the upholding of Mumia's central contentions, to the granting of a new trial where all the evidence of innocence previously excluded from the 1982 trial will be presented for the first time before a new jury.

Such a trial will undoubtedly take place in full public view. The wide range of organizations that have supported Mumia's decades long struggle will likely be represented in the courtroom as observers. These include Amnesty International, the European Parliament major U.S. and world trade union organizations, the NAACP and many more. Indeed, Pennsylvania prosecutors have themselves stated that a new trial is not likely to result in a conviction.

Mumia's would-be executioners are well aware that the case is now on the fast track and that a victory for Mumia would represent a major blow to the racist and classist U.S. criminal "justice" system. In recent weeks they have gone to great lengths to poison the public debate and make clear that support for Mumia will be met with threats and more.

Two Pennsylvania members of the U.S. Congress, Democrat Allyson Schwartz and Republican Michael Fitzpatrick, appeared at a Fraternal Order of Police (FOP) press conference on May 22 to announce their introduction of Congressional Resolution #407 demanding that the government of a Paris, France suburb of some 95,000 mostly Arab and Black people, the City of Saint-Denis, reverse a decision made several months ago to name a street leading to Europe's largest sports arena, the Nelson Mandela Stadium, Rue Mumia Abu-Jamal or Mumia Abu-Jamal Street.

The formal French ceremonies to name the street and commemorate Mumia's fight for justice took place in late April 2006. An international delegation was assembled including U.S. civil rights activist, author, educator and former political prisoner, Angela Davis, Mumia's lead attorney Robert R. Bryan and Pam Africa, the chief spokesperson for The International Concerned Family and Friends of Mumia Abu-Jamal (ICFFMAJ) and the central leader of Mumia's defense.

Fitzpatrick's bill demands that Mumia Abu-Jamal Street be renamed. If Saint Denis refuses, the U.S. Congress, assuming the resolution is approved, would be empowered to demand that the government of France intervene to change the name. The Philadelphia City Council has approved a measure supporting this effort.

The well-attended FOP press conference evoked a blaze of hate from Philadelphia corporate media, which had totally ignored a call to a May 18 press conference issued by the ICFFMAJ to announce the decision of the Saint Denis city government. Hate-mongering articles and/or editorials appeared in the Philadelphia Inquirer, the Philadelphia Tribune and the Daily News as well as in a USA Newswire piece entitled "Honor for Cop-Killer."

The ICFFMAJ boldly responded by calling a Noon press conference on May 25 in front of the Fraternal Order of Police headquarters, where Pam Africa presented a statement by the Saint Denis mayor explaining his city's decision. The mayor initiated a simultaneous press conference in Saint Denis.

Africa told the media on May 25, "When the Fraternal Order of Police held a press conference on May 22nd, there was a media frenzy. Why is that? Where is the objectivity, the fairness that the media boasts so much about? Are you interested in obtaining information or only spewing hate?"

Today, Mumia's case is on the fast track. The end of a long and grueling legal and political struggle is in sight. The next several months will decide Mumia's fate. He will either join us as a free man and leading participant in the struggle for human freedom or he will be executed. In large part the decision resides in the collective capacity of Mumia's supporters and all those who cherish justice and freedom to mobilize in unprecedented numbers to make the frame-up execution of Mumia impossible and his freedom immediate.

[...] For further information, call the ICFFMAJ, 215-476-8812 in Philadelphia or The Mobilization to Free Mumia Abu-Jamal in San Francisco, 415-255-1085.



O n t h e f a s t t r a c k ...



Report on May 11, 2006 Forum, San Francisco:

**Pam Africa, Robert R. Bryan, Michael Schiffmann
hosted by The Mobilization to Free Mumia**

International Concerned Family and Friends of Mumia Abu-Jamal coordinator, Pam Africa joined Mumia Abu-Jamal's lead attorney Robert R. Bryan and Heidelberg, Germany Mumia solidarity coordinator Michael Schiffmann in a well-attended May 11 public forum to defend Mumia Abu-Jamal. The meeting, held in the Socialist Action Bookstore, was sponsored by the Northern California-based Mobilization to Free Mumia Abu-Jamal.

Africa stressed the need for a broad unity and massive action as the defense effort entered its 25th and likely final year. Bryan reviewed the critical nature of the final appeals process and the dangers facing Mumia as the State of Pennsylvania seeks to reinstate an order for Mumia's execution.

Schiffmann, who wrote his Ph.D. thesis on Mumia's case, now a book published in German, detailed the case for Mumia's innocence and reviewed the fundamental flaws in Mumia's trial. Schiffmann is perhaps the leading expert on the 1981 crime scene, where Mumia was framed for the murder of Philadelphia Police Officer Daniel Faulkner. His research demonstrates that the State of Pennsylvania's case against Mumia was manufactured and stood in opposition to the established facts. Schiffmann stated that, "Based on the crime scene evidence, it was impossible for Mumia to have shot Faulkner."

Jeff Mackler, the co-coordinator of the Mobilization to Free Mumia Abu-Jamal, outlined the history of the State of Pennsylvania's frame-up effort. The meeting was chaired by Mobilization to Free Mumia Abu-Jamal leader and Peace and Freedom Party Northern California State Chair, Tom Lacey. \$2,333 was raised for the ICFFMAJ.

Stay informed! Information is on:

www.mumia.org

www.freemumia.org

www.mumia.com

www.againstthecrimeofsilence.de

and a variety of other websites.

Contact for this flyer: mikschiff@t-online.de

