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PRESS RELEASE – 27 March 2008

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Third Circuit Court Upholds Frame-Up Conviction of Mumia Abu-Jamal, Orders Hearing to Reinstate Death Penalty or Entomb Him for Life

Free Mumia Now!

Emergency Protests, March 28 in cities across the U.S., internationally on March 28 and 29: Freedom Now for Mumia Abu-Jamal! Contact the PDC for local information or go to www.partisandefense.org

The federal Third Circuit Court of Appeals ruled today to uphold the frame-up conviction of Mumia Abu-Jamal for the 1981 killing of Philadelphia police officer Daniel Faulkner. ***The court's ruling means that Mumia faces either execution or the living death of life in prison.*** In upholding federal district court Judge William Yohn's 2001 decision reversing Mumia's death sentence, the court has ruled that either a new sentencing hearing take place, where the death sentence could be reinstated, or that Mumia automatically be sentenced to life imprisonment. Both sides are likely to appeal the ruling.

Rachel Wolkenstein, counsel for the Partisan Defense Committee, stated today: "The court's decision is an outrage, a slap in the face to all opponents of racist injustice. This ruling shows that no justice can be expected from the capitalist courts. It shows yet again that the cops, prosecutors and courts--with the support of capitalist politicians, Democrats as well as Republicans--are determined to carry out Mumia's legal lynching or bury him for life in prison. We must not let this happen! Mumia must be freed now!"

Wolkenstein added: "After barring evidence of Mumia's innocence, today's court decision retailed as fact the prosecution's long-discredited lie that Mumia killed Officer Faulkner. Every leg of the prosecution's case against Mumia has been proven time and again to be a fabrication, from Mumia's alleged 'confession' on the night of the killing to the prosecution witnesses who were coerced into false testimony to the supposed murder weapon that was not even tested to see if it was fired.

"There is a mountain of evidence proving that Mumia is the victim of a racist political frame-up. Every piece of evidence in the case, from the forensics to the ballistics to the eyewitnesses, proves that Mumia is innocent. This includes the sworn confession of Arnold Beverly that he, not Mumia, shot and killed Officer Faulkner. The Beverly evidence was submitted to federal and state courts in 2001, but they have refused to consider it. The Partisan Defense Committee recently put out a Fact Sheet pamphlet--Murdered by Mumia: *Big Lies in the Service of Legal Lynching*--that details the evidence of Mumia's innocence." The pamphlet is available at: www.partisandefense.org.

Wolkenstein underlined: "The real reason Mumia was convicted and sentenced to death was his lifelong commitment to the fight for black freedom from the age of 14. The racist rulers see in Mumia the spectre of black revolt. The Philly cops and FBI carried out a vendetta against him from the time he was a 15-year-old spokesman for the Black Panther Party. That vendetta continued when he became an outspoken journalist known as the 'voice of the voiceless' and a supporter of the MOVE organization, which was also in the cross hairs of the Philly police. In repeatedly ruling to uphold Mumia's conviction, the courts have flouted precedent after precedent, including the 1986 Supreme Court *Batson* decision, which stated that prosecutors could not exclude jurors based on race.

"Mumia should never have been arrested, tried or spent a minute in prison. In the infamous 1857 Dred Scott case that sanctified slavery, the Supreme Court said that a black man has no rights that the white man is bound to respect. The capitalist state and its courts have made clear that Mumia has no rights that the courts are bound to respect."

Pam Africa, head of the International Concerned Family and Friends of Mumia Abu-Jamal, told the PDC: “Speaking on behalf of the movement and Mumia, it should be evident to people that there is no way Mumia can have a fair hearing in the courts. From day one, we have called to release Mumia now! This is based on the evidence that keeps mounting of Mumia’s innocence, and that the whole world knows. Mumia wants to be released from prison, he does not want to spend the rest of his life in prison. Do for Mumia what he has done for us. Stand up!”

Referring to today’s decision, Wolkenstein noted: “The court dismissed the overwhelming proof of racist jury-rigging that marked Mumia’s 1982 trial, where the prosecution used eleven of its 15 peremptory challenges to get rid of black jurors. Purging blacks from juries was so ingrained in the Philadelphia District Attorney’s office, that they even produced an instructional video in 1987 to train prosecutors in the practice.”

Responding to the majority’s argument that the D.A.’s “instructional video” was irrelevant because it was made five years after Mumia’s trial, Judge Thomas L. Ambro, the one dissenting judge, stated, “I find it difficult to believe that the culture in the Philadelphia D.A.’s Office was any better five years before the training video was made.” Ambro argued that Mumia should receive a new hearing in federal district court where the prosecution would be required to justify its exclusion of black jurors, noting that “this was a racially charged case.”

More than 900 individuals and organizations, including unions representing hundreds of thousands of workers, have signed a PDC statement titled, “We Demand the Immediate Freedom of Mumia Abu-Jamal, an Innocent Man,” that also calls for the abolition of the death penalty. Signatories include the Maritime Union of Australia, the National Union of Mineworkers in Johannesburg, South Africa, 1199 SEIU in New York City and International Longshoremen’s Association Local 1422 in Charleston, South Carolina. Responding to today’s ruling, Sadie Sanders, Political Action Chair of the New York chapter of the Coalition of Black Trade Unionists, said, “We should all be outraged about this decision” and noted that her organization “will do whatever we can” to free Mumia.

PDC Labor Coordinator Gene Herson stated: “It is necessary to turn words into labor actions to fight for Mumia’s freedom. While we support utilizing every legal recourse, we have no illusions in the capitalist court system. It was mass international protest, crucially including trade unionists, that stayed the executioner’s hand in August 1995, after a death warrant for Mumia was signed. The multiracial labor movement must be mobilized independently of the forces of the capitalist state.

“Today’s decision makes it all the more urgent to revitalize mass protest to free Mumia on the basis that he is an innocent man, and to link his fight to the struggle to abolish the racist death penalty.” Herson added, “Mumia’s freedom will not be won through reliance on the rigged ‘justice’ system or on capitalist politicians, including Hillary Clinton and Barack Obama who both support the death penalty. The power that can turn the tide is the power of millions--working people, anti-racist youth, death penalty abolitionists--united in struggle to demand Mumia’s freedom.”

Herson contrasted the PDC’s class-struggle perspective to “those groups who have focused on calling for a new trial for Mumia. That call means relying on the same racist courts that at every level have upheld Mumia’s frame-up conviction. It means illusions that Mumia can get justice from the same state that killed 38 Black Panthers as part of the FBI’s COINTELPRO, and that massacred eleven black people, including women and children, in the 1985 firebombing of MOVE. It is hardly a coincidence that this decision comes just before the parole hearing scheduled for April for the eight surviving members of the MOVE 9, who have spent 30 years in prison.” The MOVE 9 were framed up on conspiracy and murder charges stemming from the killing of Philadelphia officer James Ramp, who was killed in the police’s own cross fire during the vicious police assault on MOVE’s home in the Powelton Village neighborhood of Philadelphia in August 1978. ***Free the MOVE prisoners now!***

Tom Cowperthwaite of the Labor Black League for Social Defense stated, “The racists in black robes have spoken. It’s long past time for the court of the masses to have their say.” Pointing to the December 2005 New York City transit strike, which crippled the financial capital of the world for three days, Cowperthwaite, a member of Transport Workers Union Local 100, added, “That’s the same power we need to mobilize to free Mumia and all class-war prisoners. In every workplace, the words ‘Strike!’ and ‘Free Mumia!’ should ring out in the same breath. Mobilize labor’s power to free Mumia now! Abolish the racist death penalty!”

Demonstrations will take place in the following cities:

U.S.:

Bay Area

Friday, March 28: 4:30-6:30 p.m. 14th and Broadway, Oakland, near the Federal Building
More info: (510) 839-0852 pdcbayarea@sbcglobal.net

Chicago

Friday, March 28: 4:30 p.m. Kluczynski Federal Building, Northwest corner of Jackson and Dearborn
More info: (312) 563-0442 chicagopdc@sbcglobal.net

Los Angeles

Friday, March 28: 5 p.m. U.S. Federal Courthouse, 312 N. Spring St.
More info: (213) 380-8897 pdc-la@sbcglobal.net

New York

Friday, March 28: 5-7 p.m.
Federal Building, Broadway between Worth and Duane Sts.
More info: (212) 406-4252 partisandefense@earthlink.net

Australia:

Sydney

Saturday, March 29: 12 Noon at the U.S. Consulate, corner of Martin Place & Castlereagh Street
More info: (02) 9281 2181 pdc.sydney@exemail.com.au

Canada:

Toronto

Friday, March 28: 6 p.m.
360 University Ave., across the street from the U.S. Consulate between Dundas (St. Patrick station) and Queen (Osgoode station). More info: (416) 593-4138 pdctoronto@bellnet.ca

Vancouver

Friday, March 28: 12 Noon
UBC Student Union Building, South Plaza. More info: (604) 687-0353 trotskyist_vancouver@shawcable.com

England:

London

Friday, March 28: 5 pm
US Embassy, Grosvenor Square, W1, (Nearest Tube: Bond Street). For more information, contact the Partisan Defence Committee: partisandefence@yahoo.co.uk 020 7281 5504
Partisan Defence Committee, BCM Box 4986, London WC1N 3XX

France:

Paris

Samedi 29 mars, 14 heures, face au consulat des Etats-Unis, place de la Concorde.
CDDS Tél. 01 42 08 01 49 e-mail: cdds-France@hotmail.fr

Germany:

Berlin

28. März, 18 Uhr. Nähe US-Botschaft, (Unter den Linden/Neustädtische Kirchstr.)
Kontakt: E-Mail: kfsv@online.de Telefon: (0 30) 4 43 94 01

Hamburg

29. März, 12 Uhr, gegenüber dem US-Generalkonsulat, (Alsterufer 27/28)

Kontakt: E-Mail: kfsv-hamburg@web.de Telefon: (0 40) 32 36 44

Mexico:**Ciudad de México**

Viernes 28 de marzo a las 17:00 hrs., en la entrada principal de la Facultad de Filosofía y Letras

CU, UNAM. Dirigir toda correspondencia a: Román Burgos, Apdo. Postal 302, Admón. Postal 13, CP 03501,

México D.F. je_contacto@yahoo.com.mx

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The PDC is a class-struggle, non-sectarian legal and social defense organization which champions cases and causes in the interest of the whole of the working people. This purpose is in accordance with the political views of the Spartacist League.