



Struggle-La-Lucha.org

To: Philadelphia District Attorney Larry Krasner: Stop defending Mumia Abu-Jamal's unjust conviction

written by Struggle - La Lucha
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This is one segment of the [original artwork created by Seth Tobocman](https://www.struggle-la-lucha.org/2021/03/17/to-philadelphia-district-attorney-larry-krasner-stop-defending-mumia-abu-jamals-unjust-conviction/) to support the petition campaign.

Please sign the Color of Change petition to Philadelphia District Attorney Larry Krasner: [Stop Defending Mumia Abu-Jamal's Unjust Conviction](https://www.struggle-la-lucha.org/2021/03/17/to-philadelphia-district-attorney-larry-krasner-stop-defending-mumia-abu-jamals-unjust-conviction/)

Dear Philadelphia District Attorney Larry Krasner,

We, the signers of this petition, declare:

Mumia Abu-Jamal is currently suffering from COVID-19, congestive heart disease, liver cirrhosis, and a worsening of the severe debilitating chronic skin condition. The cirrhosis of the liver and his skin condition resulted from a near-fatal bout with

Hepatitis C in early 2015, which went unattended for nearly two years until attorneys sued the Pennsylvania Department of Corrections for failure to meet basic treatment guidelines. At that same time Mumia was repeatedly treated with steroids courses for his skin condition while medical staff neglected to follow up and monitor a severely high glucose level. Because steroids cause an increase in sugar levels, they effectively induced a diabetic ketoacidosis, which required Mumia to be rushed to the ICU. Abu-Jamal now relies upon that very same prison healthcare system for treatment during his current health crisis, and while the higher level of vigilance that occurs with advocacy will surely prompt more responsible monitoring, the very conditions of prison medicine will never suffice for the care of our elders in prisons. Our collective call for Abu-Jamal's release could not be more urgent. As Abu-Jamal's physician consultant, Dr. Ricardo Alvarez says: The Only Treatment is Freedom.

Even without the current health emergency, Mumia Abu-Jamal's 1982 conviction was already a travesty of justice, obtained through a combination of police, prosecutorial, and judicial misconduct, as documented by Amnesty International. Abu-Jamal has suffered from extreme injustice at all levels of the criminal justice system. These numerous improprieties have tainted Abu-Jamal's conviction beyond repair.

Mumia Abu-Jamal is currently represented by the NAACP Legal Defense Fund. We the petitioners are not his lawyers and do not speak for them. Instead, we are the grassroots movement of people united by the fact that we care about the fate of Mumia Abu-Jamal.

We are outraged by the many different ways that racism and institutionalized white supremacy have irreparably harmed Mumia Abu-Jamal's civil and human rights, and his rights to the fair adjudication of his case. The District Attorney's continued defense of the 1982 conviction & subsequent appeals process only affirms the longstanding racial injustice that has marred this case.

DA Krasner, you have the authority to secure the release of Mumia Abu-Jamal. You have secured release of over a dozen persons whose unjust convictions were based on evidence of innocence deliberately ignored through improprieties by police and prosecutors. Abu-Jamal deserves the same level of fairness. If law has plain letter meaning, then please adhere to the 1889 directive from the Supreme Court of Pennsylvania that the District Attorney's Office "...seeks justice only..." Also remember that same Court's 1959 reminder that regardless of a DA's belief in guilt, all defendants are "...entitled to all safeguards of a fair trial as announced in the Constitution..."

Therefore, we respectfully urge you, in the strongest possible terms, to stop defending Mumia Abu-Jamal's conviction. Please secure the release of Mumia Abu-Jamal as soon as you possibly can.

The Evidence of Police, Prosecutorial, and Judicial Misconduct:

The racism throughout Abu-Jamal's case is stark and unmistakable. Please remember that Albert Sabo, the 1982 trial judge, declared his intent to help prosecutors "fry the ni**er," according to an 2001 affidavit by a court stenographer that was rejected by the Court. This and other egregious examples of overt racism thus form a key reason why he has attracted such wide-ranging support. This support includes the most prominent Black intellectuals of our generation, including Nobel Prize winner Toni Morrison, Alice Walker, Angela Davis, Cornel West, Henry Louis Gates, Jr, Michael Eric Dyson, and Marc Lamont Hill. In November, the blacklisted football player and anti-racist activist Colin Kaepernick declared his support for Abu-Jamal. Outside the US, support for Abu-Jamal has come from such luminaries as Nelson Mandela and Bishop Desmond Tutu, as well as the European Parliament, Japanese Diet and the country of France. The widely-respected human rights organization Amnesty International determined in its 2000 investigation that "numerous aspects of this case clearly failed to meet minimum international

standards safeguarding the fairness of legal proceedings.”

One example of the injustice is the Batson issue regarding racial discrimination in the jury selection process. Even before your office’s discovery of the six previously undisclosed file boxes, we already knew that the trial prosecutor, Assistant DA Joseph McGill used 10-11 of his 15 peremptory challenges to strike otherwise qualified black potential jurors. In his 2008 dissenting opinion, federal Third Circuit Judge Thomas Ambro argued that this one fact alone was sufficient evidence for granting Abu-Jamal a Batson hearing. Therefore, he argued that the Third Circuit Court’s 2-1 ruling against Abu-Jamal’s Batson claim was unfair, and he wrote that the ruling went “against the grain of our prior actions...I see no reason why we should not afford Abu-Jamal the courtesy of our precedents.”

When, in 2009, the US Supreme Court then ruled against considering Abu-Jamal’s appeal of the 2008 Third Circuit Court ruling, it effectively ended Abu-Jamal’s Batson claim. However, upon inspecting the contents of the six file boxes that you thankfully handed over to the defense as the law required, Abu-Jamal’s defense team found two major pieces of evidence. The first, a handwritten letter to assistant district attorney Joe McGill penned by Robert Chobert, a key prosecution’s witness. In the letter, Mr. Chobert asks for his money—which suggests Mr. Chobert’s testimony against Abu-Jamal may have been bribed. The boxes also reveal other handwritten notes on original files, closely tracking the race of jurors. These notes are new evidence of racial discrimination in Joseph McGill’s selection of the 1982 trial jury. And, as a result, the Batson issue is now up for reassessment and review.

When the Third Circuit majority ruled against Abu-Jamal’s Batson claim in 2008, it ignored irrefutable evidence that Abu-Jamal’s defense had been blocked from introducing the very evidence that the Third Circuit majority faulted the defense for not introducing. During the 1995 PCRA proceedings, Judge Albert F. Sabo (the original 1982 trial judge) literally had Abu-Jamal’s lawyer arrested for trying to

subpoena clerks from the Pennsylvania and Philadelphia court systems as part of the defense's PCRA petition argument that jury pools were not drawn "from a fair cross section of the community." Outrageously, in 2008, when the Third Circuit Court ruled against Abu-Jamal's Batson claim, the Court actually justified the denial by citing the absence of this very data that his lawyer had been arrested in court for trying to obtain.

Entire books have meticulously detailed the injustice throughout Abu-Jamal's case, such as those by authors Dave Lindorff (*Killing Time*, 2003), Michael Schiffmann (*Race Against Death*, 2006), and J. Patrick O'Connor (*The Framing of Mumia Abu-Jamal*, 2008). Veteran journalist Linn Washington, Jr. has been writing newspaper columns and articles about the Abu-Jamal case since it began on December 9, 1981 with the shooting death of Philadelphia Police Officer Daniel Faulkner and the near-fatal shooting of Abu-Jamal. Hence, the evidence of Abu-Jamal's unfair trial is abundant and quite accessible to anyone who reads the work by any of these four writers.

In 2010, investigative journalists Dave Lindorff and Linn Washington performed [a test to see whether bullets fired into the sidewalk at close range would leave visible markings](#). The test was designed to replicate the shooting scenario presented at Abu-Jamal's 1982 trial by ADA Joseph McGill, alleging that Abu-Jamal stood directly over Officer Faulkner and fired downwards at him, execution style. According to McGill's theory, Abu-Jamal missed several times because Faulkner actively dodged the shots by rolling side-to-side, until the final shot entered Faulkner's forehead and killed him.

Lindorff and Washington sought to test a central argument of German author Michael Schiffmann's 2006 book *Race Against Death*, written as his PhD dissertation at the University of Heidelberg. Dr. Schiffmann examined the crime scene photos, including those taken by freelance photographer Pedro Polakoff, and concluded that

there were no visible divots or markings in the pavement, which Schiffmann asserted should have been visible if the testimonies of key prosecution eyewitnesses Robert Chobert and Cynthia White had been accurate.

In 2010, Lindorff and Washington tested Schiffmann's assertion by firing a .38 caliber revolver several times into a concrete slab. They then closely analyzed the bullet marks left in the concrete slab. They concluded, without any ambiguity, that the bullets had indeed left visible markings. Therefore, if ADA McGill's theory (supported by Robert Chobert and Cynthia White's trial testimony) was truthful, there must have been similar bullet markings in the pavement next to where Officer Daniel Faulkner's body was found.

For their 2010 test, Lindorff and Washington also examined the 1981 Abu-Jamal / Faulkner crime scene photos taken by Pedro Polakoff, scrutinizing the exact area of the sidewalk pavement where Faulkner's body was found. Lindorff and Washington had one of Polakoff's 1981 photos and a 2010 gun test photo compared & analyzed by a NASA photo analyst named Robert Nelson. They concluded definitively that the 1981 photo did not show any markings similar to what was visible in the 2010 photo, meaning that "the whole prosecution story of an execution-style slaying of the officer by Abu-Jamal would appear to be a prosecution fabrication, complete with coached, perjured witnesses, undermining the integrity and fairness of the entire trial."

Before publishing their findings, Dave Lindorff and Linn Washington informed the Philadelphia DA's office about the results of their test, and specifically asked the DA for a quote to explain the lack of photographic evidence or testimony about bullet impact marks in the sidewalk around Faulkner's body. The DA's office responded to their questions with what Lindorff and Washington considered to be "a non-response." All the DA's office told them was: "The murderer has been represented over the past twenty plus years by a multitude of lawyers, many of whom have closely reviewed the evidence for the sole purpose of finding some basis to overturn

the conviction. As you know, none has succeeded, and Mr. Abu-Jamal remains what the evidence proved – a murderer.”

Unfortunately, there is even more in this story that reflects poorly upon the Philadelphia District Attorney’s office. Freelance photographer Pedro Polakoff told Dr. Michael Schiffmann in *Race Against Death*, that he approached the DA’s office with his photos in 1981, 1982 and 1995 but that the DA completely ignored him. Polakoff also told Schiffmann that because he had believed Abu-Jamal was guilty, he had no interest in approaching the defense, and never did. Furthermore, the DA never informed Abu-Jamal’s defense team about the existence of Polakoff’s photos, as they are required by law to do.

Consequently, neither the 1982 jury nor Abu-Jamal’s defense ever saw Pedro Polakoff’s photos. “The DA deliberately kept evidence out,” declared Pam Africa, representing The International Concerned Family and Friends of Mumia Abu-Jamal at a Dec. 6, 2008 protest outside the Philadelphia DA’s office. “Someone should be arrested for withholding evidence in a murder trial,” said Africa

Mr. Krasner, we have presented sufficient evidence to explain why we believe that police, prosecutorial, and judicial misconduct has forever destroyed the legitimacy of Mumia Abu-Jamal’s 1982 conviction. We urge you in the strongest possible terms to stop defending Abu-Jamal’s conviction. Please secure his release as soon as you possibly can.

Ending the persecution of Abu-Jamal upholds the sworn duty of the District Attorney to obey the Constitution, that document that is supposed to ensure justice for all.

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