

## The Case of Mumia Abu-Jamal

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The argument against the death penalty — that state-sanctioned killing is barbarous, arbitrary and morally repugnant — applies with equal weight to both the innocent and the guilty. The imperative against taking a life is just as compelling with a cold-blooded killer as with someone unscrupulous prosecutors have railroaded onto death row.

The case of Mumia Abu-Jamal places that point in sharp relief. His supporters are right to fight his execution for the 1981 killing of a Philadelphia policeman. They should be careful, however, in portraying him as the hapless victim of vindictive prosecutors and shoddy defense attorneys. The case for his innocence is not unimpeachable.

Mr. Abu-Jamal, awaiting execution in Pennsylvania, came to prominence last year when National Public Radio announced plans to broadcast his commentaries from death row, then reversed itself because of protests from police organizations. The N.P.R. controversy, together with a book of Mr. Abu-Jamal's jailhouse writings, has precipitated an international movement on his behalf, making him the most visible of the 3,000 people awaiting execution on America's death rows. Celebrities have leapt to his defense, some describing his pending death by lethal injection as "a political execution."

The trial record tells a different story. Shortly after 4 A.M. on Dec. 9, 1981, Mr. Abu-Jamal came upon Officer Daniel Faulkner trying to arrest and

subdue Mr. Abu-Jamal's brother, William Cook. Three witnesses say they saw Mr. Abu-Jamal shoot Officer Faulkner once in the back. Then, as the officer lay face up on the ground, he was shot four more times, once between the eyes. The bullet that killed him, the one that was removed from his head, had markings consistent with Mr. Abu-Jamal's gun. The four other bullets were of the same caliber and type.

A witness who remained inexplicably silent for 14 years has suddenly come forward, claiming to have seen someone other than Mr. Abu-Jamal shoot Officer Faulkner. At the original trial, however, each of the three witnesses testified that Officer Faulkner, Mr. Abu-Jamal and Mr. Cook were the only people present.

Mr. Abu-Jamal devoted his time in court to delivering indictments of the criminal justice system. A racially mixed jury voted unanimously for conviction of first-degree murder. He was sentenced to death based on the viciousness of the shooting. The Pennsylvania Supreme Court upheld the sentence on appeal in 1989.

Given the utter finality of capital punishment, Mr. Abu-Jamal's lawyers have no choice but to fight hard for a new trial. But opponents of the death penalty who have jumped to his defense should recognize the possibility that Mr. Abu-Jamal is not the innocent man they depict.