



City of Cambridge

59.

IN CITY COUNCIL

July 31, 1995

MAYOR REEVES

WHEREAS: The City of Cambridge is angered and pained whenever justice is not carried out in this nation, particularly when people have their civil liberties violated, are denied their due process; and

WHEREAS: The City of Cambridge is alarmed by the disproportional number of Africa-American males currently sitting on death row throughout our nation; and

WHEREAS: August 17 has been set as the date in which Mr. Mumia Abu-Jamal, former president of the Philadelphia chapter of the National Association of Black Journalists, and often called "the voice of the voiceless," will be executed for the December 9, 1981 murder of a Philadelphia police officer; and

WHEREAS: Mr. Mumia Abu-Jamal was convicted of killing a Philadelphia police officer, despite substantial evidence of his innocence, including the fact that the bullet fragments from the body are not traceable to Mr. Mumia Abu-Jamal's legally registered gun; and

WHEREAS: The trial judge, the Honorable Albert Sabo, allowed a juror to be seated who previously admitted his bias against Mr. Mumia Abu-Jamal; and

WHEREAS: The judge and the prosecution systematically excluded African Americans from the jury, a practice forbidden by *Batson v. Kentucky*; and

WHEREAS: These are only a few of the many occurrences that demonstrate that at the very least, Mr. Mumia Abu-Jamal deserves a new trial; now therefore be it

RESOLVED: That this City Council opposes the execution of Mr. Mumia Abu-Jamal and calls for a stay of execution; and be it further

RESOLVED: That this City Council demands that a new and fair trial be held for Mr. Mumia Abu-Jamal.

In City Council July 31, 1995

Adopted by a ye and nay vote:-

Yeas 5; Nays 3; Absent 0; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury, City Clerk

Nation

Governors get lecture on budget cuts

Domenici decries faintheartedness

By Peter Gosselin
GLOBE STAFF

BURLINGTON, Vt. — The Senate's leading budget hawk sternly lectured the nation's governors yesterday on the danger of sliding from the goals of balancing the budget and returning power to the states.

Setting the stage for back-to-back appearances today by President Clinton and Sen. Bob Dole of Kansas, Sen. Pete V. Domenici, a New Mexico Republican, flashed with anger at times over what he characterized as gubernatorial faintheartedness over the budget.

Weld backs compromise on electric cars. Page 13.

"Every now and then in the course of political history, you've just got to do some important things, and this balancing the budget is for adult politicians, for grown-up men and women," Domenici, the chairman of the Senate Budget Committee, told governors here for their annual summer meeting.

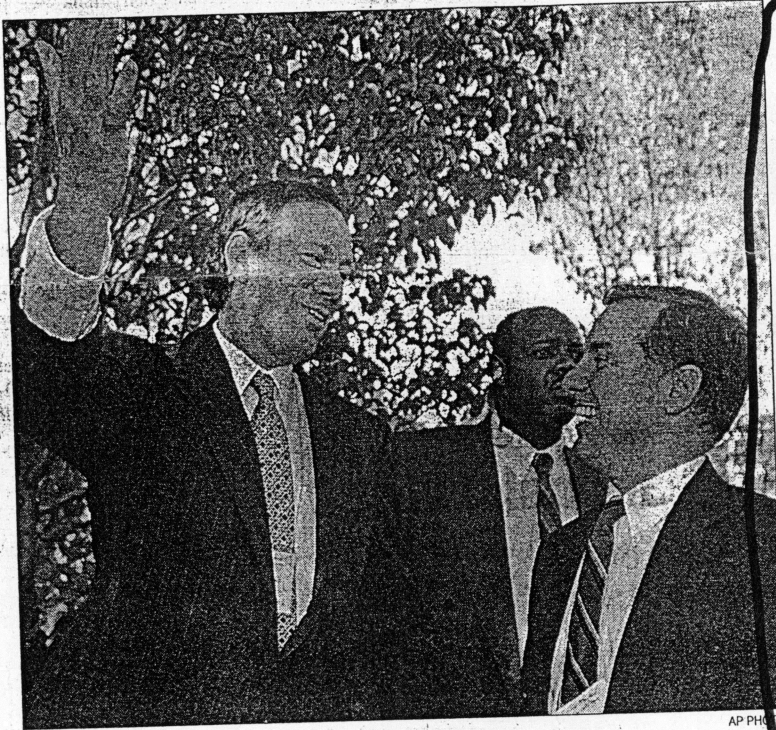
As Congress has come closer to acting on the budget, some governors have begun to quail, he complained. "We get answers from governors that are sort of jumbled, perhaps not lucid and clear."

"Some governors are saying, 'We'll produce a balanced budget, but you've got to do it my way.' Or 'Gee, if you could just change this and that, and perhaps not even address Medicare... and maybe Medicaid. Or, 'Don't put too much burden on us on Medicaid, but we sure would like less strings,'" he said.

"The tone of his comments was unnecessarily partisan," said Democratic Gov. Evan Bayh of Indiana. Domenici's message, according to Bayh, was "accept our way or no way."

Domenici's lecture notwithstanding, neither governors nor the national leaders scheduled to address them could agree yesterday on almost any of the important issues dividing them.

Clinton and Dole were expected to use their appearances today to lay out competing plans for breaking a two-month-old impasse



New York Gov. George Pataki (left) points across Lake Champlain to his home state as he talks with Vermont Gov. Howard Dean yesterday.

over welfare.

Clinton aides said he will seek to re-establish his grip on an issue important in the 1992 campaign by urging new flexibility for states to run their welfare programs and to require recipients to work. Dole aides said he will offer states greater flexibility, permit them to impose stricter work and other requirements, and allow them to take money that now goes to individuals as lump sums or "block grants."

Neither proposal is expected to satisfy a third presidential contender, conservative Republican Sen. Phil Gramm of Texas, who is demanding the Senate impose a series of stiff restrictions on the poor such as banning unwed mothers under 18 and their children from receiving benefits before he will back any welfare measure.

Dole has reportedly brokered a compromise that he will unveil today on how to divide up about \$16 billion a year from the

chief federal cash welfare program, Aid to Families with Dependent Children.

Although Gov. Weld emerged from a morning meeting suggesting that a compromise was possible, Utah Gov. Michael O. Leavitt said later that chances for a deal were dimming.

In his speech, Domenici was candid about the changes needed to balance the budget, among other things, predicting the eventual demise of traditional fee-for-service payments used by most Medicare recipients.

The topic has made political waves for the Republicans and GOP pollsters have advised lawmakers against talking too openly about it.

But Domenici said, "The fee for service as an exclusive way of delivering health care to the American people is gone because it is great delivery but it is the most expensive delivery."

Supporters of Pa. inmate stage protest

By Adrian Walker
GLOBE STAFF

BURLINGTON, Vt. — In a series of defiant gestures, about 200 supporters of death row inmate Mumia Abu-Jamal have made their opinion of the justice system known to the nation's governors gathered here for their summer meeting.

They have blocked Main Street, staged demonstrations and attempted to forcibly enter a session of the National Governors' Association, prompting increased security.

Supporters want Pennsylvania Gov. Tom Ridge to spare the life of Abu-Jamal, who is scheduled to die in the state's electric chair on Aug. 17.

Abu-Jamal, a former Philadelphia cab driver and part-time radio personality, faces execution for killing a white Philadelphia police officer in 1981. His supporters have attacked his conviction as racially motivated, arguing that evidence that might exonerate him has been ignored. They say he is a political prisoner. All weekend they carried signs denouncing Ridge, a Republican.

A woman who would not identify herself said of Abu-Jamal: "They are planning to lynch one of our greatest freedom fighters."

"Mumia is a focal point for what we're fighting for, which is freedom," said Ned Judd, a South Carolina man who is traveling the country proclaiming Abu-Jamal's innocence.

The Abu-Jamal protests highlighted a weekend of dissent here, which included a demonstration against the GOP's Contract with America. Yesterday, a helicopter trailed a banner that accused Gov. Christine Todd Whitman of New Jersey of patronage.

With Execution Pending, Clashes in a Courtroom

By DONTERRY

PHILADELPHIA, July 29 — Darkness still gripped the City of Brotherly Love in the early morning hours of Dec. 9, 1981, when Daniel Faulkner, a white police officer, was shot to death after making a routine traffic stop.

A few months later, Mumia Abu-Jamal, a well-known black radio journalist who was also active in political causes here, was convicted of the officer's murder and condemned to die, a sentence that is scheduled to be carried out on Aug.

To the young officer's comrades and widow, it was a just verdict; a brutal cop killer would pay for his sins with his life. To Mr. Abu-Jamal's family and friends, his trial was a racist sham that railroaded an innocent and politically outspoken man straight past justice to Death Row.

In the nearly 14 years since, the case has become an international cause célèbre and, for some, a battleground in the political and cultural wars stretching from the 1960's to the 1990's.

Mr. Abu-Jamal's face, framed in long dread locks, peers out in stores across the country from the front of his book, "Live from Death Row," a collection of sharply written commentaries about life in prison. He had planned on reading them on National Public Radio before the Fraternal Order of Police in Philadelphia successfully lobbied to keep him off the air.

Now that same group is lobbying to make sure he dies. For the last few days, both sides have filled a heavily guarded courtroom here as Mr. Abu-Jamal's lawyers seek a new trial for their client, citing, among other reasons, police intimidation and prosecution witnesses with checkered pasts, including a prostitute with numerous arrests. They also cite a false confession, shoddy work by Mr. Abu-Jamal's original lawyer and suppressed evidence.

Judge Albert F. Sabo of Common Pleas Court, who conducted Mr. Abu-Jamal's first contentious trial, is presiding over his hearing for a new trial, and defense lawyers contend that not much has changed.

Judge Sabo, a retired member of the Fraternal Order of Police, has sent more people to death row than any judge in the state. In the current hearing he has been openly contemptuous of the defense.

"Objection is over-ruled, whatever it was," the judge told Mr. Jamal's lead lawyer, Leonard F. Weinglass, a veteran of some of the



"Live from Death Row," a collection of commentaries about prison life written by Mumia Abu-Jamal.

most politically charged trials of recent decades, including that of the Chicago Eight after the 1968 Democratic Convention.

Judge Sabo has sustained virtually every prosecution objection while shooting down almost every defense objection. At one point, when Mr. Weinglass asked for a four-minute recess to locate a crucial witness, Judge Sabo, looking at his watch, said, "It's ten-twenty-eight-and-a-half. You have until 10:30."

On Wednesday, the first day of the hearing, Judge Sabo turned his back and walked out of the courtroom as another defense lawyer, Rachel H. Wolkenstein, was addressing him about a legal issue. He came back a few minutes later, saying that he could not hear because of the noise coming from the street, where a large group of Mr. Abu-Jamal's supporters were chanting, "Free Mumia now."

Richard B. Costello, the president of the Philadelphia Fraternal Order of Police, said he did not understand why Mr. Jamal's plight had drawn

so much attention and big-league legal help.

"He has more lawyers than Snow White had dwarfs," Mr. Costello said. "There's nothing special about this guy. He's a cop killer. We've had cop killers before, and unfortunately, we'll have them again."

Although Judge Sabo has frequently urged the defense to hurry, he interrupted the proceedings for several minutes to argue and reminisce with a baffled witness about the location of a swimming pool in his old neighborhood sometime around "1926 or '28."

As he talked about the pool, a woman in the audience jumped to her feet and shouted, "Aren't we here to talk about a man's life?"

She was escorted out of the courtroom. Minutes later, the judge asked another question about the pool. Several of Mr. Abu-Jamal's supporters were removed for refusing to stand when Judge Sabo entered the courtroom and another was taken outside for giving the judge a Nazi-style salute.

Mr. Abu-Jamal, now 41, was a co-founder, at age 15, of the Black Panther Party here, which marked the beginning of years of surveillance by the Federal Bureau of Investigation that eventually filled at least 700 pages in his F.B.I. file.

As an adult, he served as president of the Philadelphia chapter of the National Association of Black Journalists. The N.A.B.J., which is to open its annual national convention here one day before the scheduled execution, has been deeply divided over Mr. Abu-Jamal's case. Despite emotional appeals from some of the group's 2,500 members, its 18-member board has maintained a neutral position on the case, saying Mr. Abu-Jamal's troubles were a criminal matter, not a journalistic issue.

As a radio reporter and commentator, Mr. Abu-Jamal was an outspoken critic of police brutality and became a strong supporter of the MOVE, the radical black group whose standoff with the Philadelphia police ended with a disastrous firebombing by the authorities in 1985. Some called him, "the voice of the voiceless."

By Dec. 9, 1981, Mr. Abu-Jamal was moonlighting as a cab driver. Having been robbed twice on the job, he was carrying a revolver on the morning he and Officer Faulkner crossed paths. Though the gun had been legally purchased, he was not licensed to carry it.

Shortly before 4 A.M., Officer Faulkner stopped a Volkswagen Beetle driving the wrong way on a

A hearing before a judge disinclined to revisit a 14-year-old case.

one-way street a few blocks from City Hall. The officer arrested the driver, William Cook, Mr. Abu-Jamal's younger brother.

The authorities say Mr. Cook hit the officer in the face and the two men struggled. Mr. Abu-Jamal said later that he happened to drive by in his cab and saw the officer beating his brother. He jumped out and ran to his brother's aid.

Minutes later, when more officers arrived, they found Officer Faulkner lying in a pool of blood in the street. He had been shot in the back and the face. A few feet away, with a bullet wound to the chest, lay Mr. Abu-Jamal. His .38-caliber revolver held five spent shells.

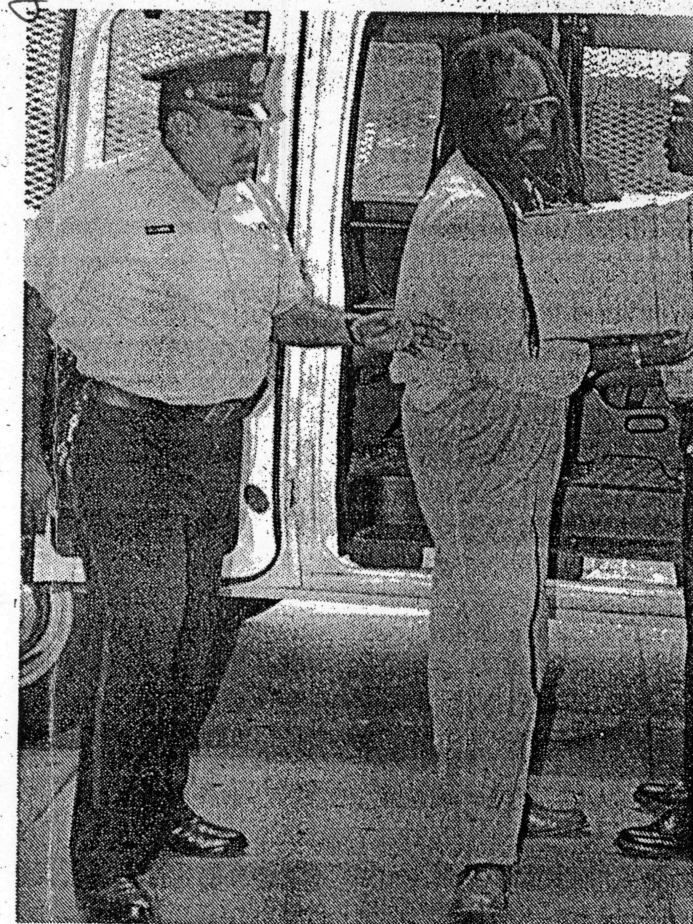
At his 1982 trial, the prosecution said Mr. Abu-Jamal had shot Officer Faulkner in the back and then stood over him and shot him in the face. The officer got off one shot before he died. Officer Faulkner's partner and a security guard said Mr. Abu-Jamal shouted out a confession as he was carried into the hospital.

But defense lawyers say that is a lie, and the officer who was escorting Mr. Abu-Jamal at the time wrote in his report that the "negro male" had said nothing. The officer was on vacation during Mr. Abu-Jamal's first trial and did not testify. The defense plans to call him for Mr. Abu-Jamal's hearing, which could last another week or more.

One of the most important disputes over the truth of that bloody morning involves the caliber of the fatal bullet that was removed from Officer Faulkner's head. A preliminary autopsy report recorded it as a .44-caliber, but police ballistic experts later said it was "consistent" with a .38, the same kind that Mr. Abu-Jamal carried in his gun.

Mr. Weinglass said that the jury was never informed about the autopsy report and that the police also never tested the .38-caliber pistol found at the scene to determine if it had been recently fired.

The defense says Officer Faulkner shot Mr. Abu-Jamal as he approached the scene and that "a third black male then shot Officer Faulkner and fled the scene." Mr. Weinglass said there are at least four witnesses who saw a man run away, and one of them identified the man as the gunman.



Mumia Abu-Jamal, a black radio journalist who was convicted of killing a Philadelphia police officer, is scheduled to be executed on Aug. 17.

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Anthony E. Jackson was Mr. Abu-Jamal's original court-appointed lawyer. And the other day, he testified that he had failed to call important witnesses and had been given too little money by the court to conduct an adequate investigation.

He said he was given less than \$2,000 for an investigator, ballistics expert, a pathologist and a photographer, adding the ballistics expert did no tests on the weapons because, "I did not have enough funds for him to do tests or appear in court."

As he fights for his life, Mr. Abu-Jamal has attracted supporters from around the nation and the world. In this country, his supporters include the actor Ed Asner, the scholar Cornel West, the writer E. L. Doctorow, trade unionists, members

of Congress and a religious group of white Christians, the Bruderhofers.

"We are heavily involved in trying to free Mumia," said Christopher Arnold, the Bruderhofers' elder minister, "because we strongly feel he did not get a fair trial and because we are against all violence, like going to war, abortion and especially the death penalty."

A few yards away, two off-duty police officers waited for the courtroom doors to open for the day.

"There are too many liberal sympathizers," one of the officers said. "I think it's disgusting. For all police officers in general, this is a slap in the face."

But Pam Africa, who is assisting the defense, said of the hearing: "This is not just about Mumia. This is bigger than one person. We can't stand by and let them commit cold-blooded murder. We got to draw a line."

City of Cambridge

MASSACHUSETTS

In City Council

7/31

1995

Order
59

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
			✓	Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves

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Consent Order #59

R-681

Mayor Reeves re: Demand a new and fair
trial for Mr. Mumia Abu-Jamal and call
for a stay of execution.

In City Council July 31, 1995

Order adopted by
a yeand nay vote

5-3-0-1