

Court: Give Abu-Jamal new hearing

PHILADELPHIA (AP) — An appeals court recently upheld Mumia Abu-Jamal's conviction for murdering a police officer 27 years ago but rejected prosecutors' request to reinstate the death penalty for the former Black Panther.

A three-judge panel of the 3rd U.S. Circuit Court of Appeals said that because the jury that sentenced Abu-Jamal to die was given flawed instructions in the penalty phase, he must either get a new sentencing hearing or be sentenced to life in prison.

Abu-Jamal's lead attorney, Robert R. Bryan of San Francisco, said he was glad the judges did not reinstate the death sentence, but added that he will continue fighting to get his client a new trial.

"I've never seen a case as permeated and riddled with racism as this one," Bryan said.

"I want a new trial and I want him free. His conviction was a travesty of justice."

Prosecutors are weighing their options, but said they were expecting Abu-Jamal to request a hearing before the full appeals court.

A Philadelphia jury convicted Abu-Jamal, who is



Mumia Abu-Jamal could get a new sentencing hearing.

Black, of killing White Philadelphia police Officer Daniel Faulkner in 1981 after the patrolman pulled over Abu-Jamal's brother in an overnight traffic stop.

Prosecutors say Faulkner, 25, managed to shoot Abu-Jamal during the confrontation. A wounded Abu-Jamal, his own gun lying nearby, was still at the scene when police arrived, and authorities consider the evidence against him overwhelming.

Since Abu-Jamal's 1982 conviction, activists in the United States and Europe have rallied in support of his claims that he was the victim of a racist justice system. Abu-Jamal, 53, has kept his case in the spotlight through

books and radio broadcasts.

District Attorney Lynne Abraham said she was pleased Abu-Jamal's conviction had been upheld and believes the ruling should dispel some myths about him.

"For all those here who believe that the system might have went awry, the 3rd Circuit has finally decided that Mr. Jamal is guilty when he was convicted and he's still guilty today," she said. "So don't shed any tears for Mr. Jamal; he's where he ought to be, at least in prison for the rest of his life."

Abu-Jamal, born Wesley Cook, has argued in numerous appeals that racism by the judge and prosecutors corrupted his conviction at

the hands of a mostly White jury. Prosecutors, meanwhile, had appealed a federal judge's 2001 decision to grant Abu-Jamal a new sentencing hearing because of the jury instructions.

The issue over the instructions relates to whether jurors understood how to weigh mitigating circumstances that might have kept Abu-Jamal, 53, off death row. Under the law, jurors did not have to unanimously agree on a mitigating circumstance.

"The verdict form together with the jury instructions were misleading as to whether unanimity was required in consideration of mitigating circumstances," the appeals court wrote.

Faulkner's widow, Maureen Faulkner, said she was gratified that the court upheld Abu-Jamal's conviction, but noted that the case's long odyssey is still not over.

"In a way I do feel a victory," she said. "In another way ... it's like a thorn in my side that is still there that cannot be pulled out."

Faulkner has kept her husband's memory alive through public appearances, a foundation and a recent book, "Murdered by Mumia: (See Abu-Jamal, Page 10)

Poll: 1 in 10 get Obama wrong

WASHINGTON (AP) — One in 10 voters believes Barack Obama is Muslim, a mistaken impression that lingers across party lines, a poll showed Wednesday.

Fourteen percent of Republicans, 10 percent of Democrats and 8 percent of independents mistakenly think he is Muslim, according to a survey by the non-partisan Pew Research Center.

Just over half of each group correctly identified him as Christian, while about a third said they don't know his religion.

The false rumor that the Democratic presidential candidate and Illinois senator is Muslim has been fanned on the Internet and conservative talk radio.

It has persisted despite the recent controversy over divisive remarks by his longtime pastor at the Trinity United Church of Christ, the Rev. Jeremiah Wright. Those saying they have heard a lot about Wright's comments are about as likely as others to say they think Obama is Muslim, the poll showed.

Conservatives, less educated voters and White evangelical Protestants are likelier to believe Obama is Muslim, as are people from the South, the Midwest and rural areas, the poll showed.

Nearly a quarter of White Democrats with unfavorable views of Obama say he is Muslim though overall, Blacks are about as likely as Whites to hold the misconception.

In an Associated Press-Yahoo News poll in January, 4 percent offered the word "Muslim" when asked to describe Obama.

The Pew poll was conducted March 19-22. It involved telephone interviews with 1,503 adults, including 618 Democratic and Democratic-leaning registered voters. The margin of sampling error was plus or minus 3 percentage points for all adults and 4.5 percentage points for Democratic voters.

Voter

(Continued from Page 1)

Democratic Party leadership overall as some voters have threatened not to go to the polls or to vote for Republican John McCain if unfairness is perceived in the Democratic process.

Democratic National Committee Chairman Howard Dean said his greatest concern is that the party is united before the August convention in Denver.

"I hope that the super delegates will make their views publicly known some time between now and the first of July because we don't want to take this convention into Denver divided because if we go in divided, we'll come out divided," he said.

Super delegates, including Clyburn, are party leaders who can vote any way that they perceive is best. Technically, they could throw their vote to Clinton even if Obama has won the most pledged delegates based on primaries and caucuses. He leads by 157 pledged delegates.

The next primary is April 22 in Pennsylvania, where 158 delegates are up for grabs. North Carolina, which

votes May 6, offers 115 delegates. The final contests are in Montana and South Dakota on June 3. But, it is mathematically impossible for either candidate to win the 2,024 pledged delegates before the August 25-28 convention.

Meanwhile, normally apathetic constituents have attended debate parties, hastened to watch post-primary "election-bowl" reports, and attended rallies from city to city. Political observers and issue advocates are now wrestling with ways to maintain the record enthusiasm, voter registration and overwhelming turnouts with hopes to impact local and state elections as well as issues beyond the November 4 election.

"You've got people registering to vote without even encouragement. You've got people going on their own registering to vote. People want to participate. So, you've got an upsurge in registration and upsurge in turnout," stated Melanie Campbell, president and CEO of the National Coalition on Black Civic Participation. "I don't have a crys-

tal ball or the historical perspective to say I know exactly what's going to happen in the fall because we've never seen anything like this; especially for African-Americans, who've only had unfettered access to the ballot for a little more than 40 years."

The mission of Campbell's Coalition is to keep the Black electorate engaged, particularly at the grassroots level. The bottom line is that the battle between Democratic contenders Sens. Barack Obama, Hillary Clinton and Republican John McCain have sensitized people to issues that they know realistically impact them, she says.

Political scientists speculate that the number of youth voters make up the largest turnout at the polls.

"Something has happened that more people are attuned and seeing this thing as something viable and impactful for their lives," said Campbell. "In Alabama, we've got 200 young people who've asked, 'How do I stay involved?' So, what we're doing is going back into Alabama and trying to

get people involved in Black Youth Vote," the youth activism arm of the coalition.

Campbell says the coalition is building a database of young Black activists who want to be involved in civic engagement.

"It allows for us to communicate with people beyond just the election cycle to get them involved. Wherever we have an affiliate, we're sharing this with our membership. Young people are blogging and utilizing the technology. We also encourage people to volunteer for other organizations."

Fueling the interest is the possibility of Clinton, the first woman, or Obama, becoming the first African-American to receive the Democratic nomination for president. But, issues such as healthcare, education, the war in Iraq and the economy are also causing people of all ages to be anxious about the future.

Gary Flowers, executive director of the Black Leadership Forum says civics must be reincorporated into mandatory school curricula in order to maintain educated engagement from elementary

school to college.

"In other words, we must make civic education cool again. And the candidates this year have given us a good head start on that journey," Flowers said. "If we are to continue the excitement around election 2008, we must do so with an informed citizenry."

Ron Daniels, president of the Institute of the Black World - 21st Century, a New York-based organization, says the real challenge will be maintaining the momentum of excitement through the election. Daniels echoed Clyburn's sentiments.

"If in fact somehow there's a sense that Barack Obama has been treated unfairly by these super delegates, then there's going to be a lot of these young people

who are going to be discouraged and they're just going to drop out," said Daniels. "But, beyond the election, we don't have many structures in place to capture that excitement into order to maintain the pressure. My view is that no matter who is elected, we can't just sort of relax. We have to say, there is still an agenda here and a progressive agenda that we need to continue to push forward."

Clyburn concludes that maintaining the groundswell of voters will be contingent upon much more than just enthusiasm. "It all depends on the degree of success that we have between now and November," he said. "I would hate to say what the strategy should be at this point because we just don't know what the results are going to be."

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