

Senate Democrats Reject Justice Department Nominee Over Abu-Jamal Case

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Photo: Debo Adegbile (left) Mumia Abu-Jamal (right).

Seven Senate Democrats voted against the nomination of Debo Adegbile to lead the civil rights division of the Department of Justice on Wednesday, defeating his appointment.

The seven Democrats rejected the nomination because Adegbile served as the litigation director of the NAACP Legal Defense and Education Fund when the organization legally represented political prisoner Mumia Abu-Jamal in a 2011 appeal from the death penalty.

The move is a clear signal that admission into the highest echelons of the American government is available only to those who have no connection whatsoever to any effort to defend the democratic rights of the population of the United States.

Abu-Jamal, a former leader of the Black Panther Party in Philadelphia and an advocate against widespread police brutality, was convicted over 30 years ago for the 1982 killing of police officer Daniel Faulkner. Abu-Jamal was kept on death row for decades despite significant evidence of his innocence.

Since the trial, prosecution witnesses have admitted that they were coerced by police under threat of death into testifying against the defendant. Moreover, a man named Arnold Beverly signed an affidavit admitting that he himself had been ordered by crooked police officers to kill Faulkner. In a blatantly illegal move, the prosecution also withheld exculpatory evidence, including the results of Faulkner's autopsy, which showed that the policeman was shot by a .44 caliber weapon. Abu-Jamal's .38 could therefore not have been the murder weapon.

In 2011, the Third US Circuit Court of Appeals ordered that state prosecutors conduct a new sentencing hearing for Abu-Jamal on the grounds that the manner in which the death sentencing instructions were given to jury members was unconstitutional. According to the Third Circuit, the judge in Abu-Jamal's trial unconstitutionally rammed through the death penalty sentence without properly considering whether there were any mitigating circumstances that should have been considered.

State prosecutors ultimately backed away from their threats to defend the death penalty in renewed sentencing hearings, ending the threat of Abu-Jamal's execution. He remains in prison, serving life without parole.

It was the NAACP Legal Defense and Education Fund, led at the time by Adegbile, which

argued the case before the Third Circuit. Even then, Adegbile's involvement in the case was attenuated at best. The NAACP only became involved in Abu-Jamal's legal defense in 2006, when it challenged efforts by the prosecution to remove black members of the jury. Even after filing "friend of the court" briefs periodically, the NAACP only became directly involved in 2011. At no point was Adegbile part of the legal team that prepared the case on appeal.

Yet simply for belonging to an organization that attempted to reduce a political prisoner's sentence from death to life imprisonment on clear constitutional grounds, Adegbile has been barred from heading the Department of Justice's civil rights division.

It should go without saying that, given he was selected for the position by President Obama, the former NAACP lawyer is far from a political radical. And if the Senate had approved his nomination, Adegbile would simply have become another cog in the machinery of the capitalist state, working under the direction of Attorney General Eric Holder, the defender of a presidential "right" to assassinate any American citizen, using drone-fired missiles, without trial or any other form of judicial review.

This makes the Senate action all the more extraordinary. This vote to punish a lawyer for his legal representation of political prisoners underscores the deeply anti-democratic character of the American ruling elite. By the logic of this action, those accused of offenses against the state should be denied legal representation, or even trials of any kind, and railroaded straight to prison.

In other words, the type of "justice" being meted out to detainees at Guantanamo Bay should become the norm for all those who run afoul of the American police apparatus.

The contempt with which the American political establishment view democratic rights is expressed in the comments of those senators who voted against Adegbile's nomination. They are particularly incensed because of Abu-Jamal's unwavering stance that he is innocent and the victim of a frame-up.

Democratic Senator Chris Coons of Delaware defended his "no" vote with the statement that "the decades-long public campaign by others to elevate a heinous, coldblooded killer to the status of a political prisoner and folk hero has caused tremendous pain to the widow of Philadelphia Police Officer Daniel Faulkner and shown great disrespect for law enforcement officers and families throughout our region."

Senator Mitch McConnell, a Kentucky Republican, said that Adegbile had "inserted his office in an effort to turn reality on its head, impugn honorable and selfless law enforcement officers, and glorify an unrepentant cop-killer. This is not required by our legal system. On the contrary, it is noxious to it."

Contrary to the proclamations of McConnell (himself a lawyer), the protection of criminal defendants from being put to death by the state when there are serious questions as to their innocence is unquestionably required by the Fifth and Fourteenth amendments of the Constitution. That the government's highest ranking political figures can state point-blank that such a right does not exist underscores the reality that the Constitution is a dead letter to the political representatives of the financial aristocracy.

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