

National Report

The New York Times

'81 Gunshots Still Reverberate in Philadelphia

By FRANCIS X. CLINES

PHILADELPHIA, Dec. 19 — The door to the mayor's office remained firmly shut. But Pam Africa, a partisan in a death row cause that has flared divisively in this city for 20 years and counting, blocked the executive threshold in the glare of television lights today and boomed forth her message: "We have built a worldwide movement out of Mumia!"

No one could dispute the claim in the corridor scrum of news workers, watchful police and supporters of the cause of Mumia Abu-Jamal, an African-American radio journalist and former Black Panther. His conviction on charges of murdering a white policeman in 1981 has become the best known and possibly most polarizing death penalty case on the agenda of audiences here and abroad. A federal judge's ruling on Tuesday throwing out his death sentence has put fresh energy into the cause.

The dreadlocked convict's artful writings from death row have drawn international attention to this city from critics of American justice and capital punishment. Celebrities including Norman Mailer and Nelson Mandela contend that Mr. Abu-Jamal's trial and conviction was a miscarriage of justice.

"This thing just tugs at the city and I think it will continue for some time more," said David Kairys, a law professor at Temple University. "It's a very Philadelphia story. One side says he's an innocent hero and the other side says he's the worst kind of cop killer."

Much of Philadelphia seems exhausted by the deep passions and accusations of racist injustice that have engulfed the City of Brotherly Love for two decades over Mr. Abu-Jamal's case. But abroad, the Paris city council, in a moralizing proclamation earlier this month, named Mr. Abu-Jamal an honorary citizen of the French capital, an honor last extended in 1971 to Pablo Picasso.

And this morning there were fresh plaudits from leftist European politicians for Judge William H. Yohn Jr.'s long-awaited ruling that lifted the death sentence from Mr. Abu-Jamal while upholding his first-degree murder conviction.

This touched off the morning protest outside Mayor John Street's office as Mr. Abu-Jamal's partisans tried once more to argue the complex case point by point before a clutch of television cameras. The latest ruling upheld the prosecution's case on 28 of 29 challenges with only the manner of sentencing called into question.

Still, the gathering produced incontrovertible evidence that the court ruling, with its promise of another



Associated Press

Pam Africa in front of the Philadelphia mayor's door yesterday.

An 'innocent hero' or the 'worst kind of cop killer'?

detailed re-airing of the 20-year-old street shootout, has added momentum in the cause of the 47-year-old felon.

"People are going to have to come to the forefront for Mumia now," said Ms. Africa, the head of International Concerned Family and Friends of Mumia Abu-Jamal. This is one of thousands of Web sites devoted to his cause on domestic campuses and around the world now being hurriedly updated in anticipation of fresh debate and traction.

"You know, I've tried to follow the case all these years and I cannot intelligently discuss it with you," admitted Josephine Hyder, an elderly black woman taking in the sun on Locust Street. "But I do think it's become not so much about him as about a cause."

A few blocks away, a new memorial plaque for the murdered police officer, Daniel J. Faulkner, went largely unnoticed by hurrying pedestrians as it rested flush with the pavement. It was dedicated on Dec. 9, the 20th anniversary of the officer's death. Bagpipers had played "Danny Boy" and his widow, Maureen, asked when the case would ever end, saying, "When are we going to be able to live a normal life?"

The crime shocked and polarized the city. Officer Faulkner, in the course of arresting Mr. Abu-Jamal's brother, was shot in the back and then the chest as he lay on the pave-

ment, with a coup de grâce delivered between the eyes.

Mr. Abu-Jamal, who had no criminal record, was found nearby, wounded by the officer. His own legally registered revolver held five spent cartridges, but his lawyers insisted that the murder was committed by a fugitive third man, never located.

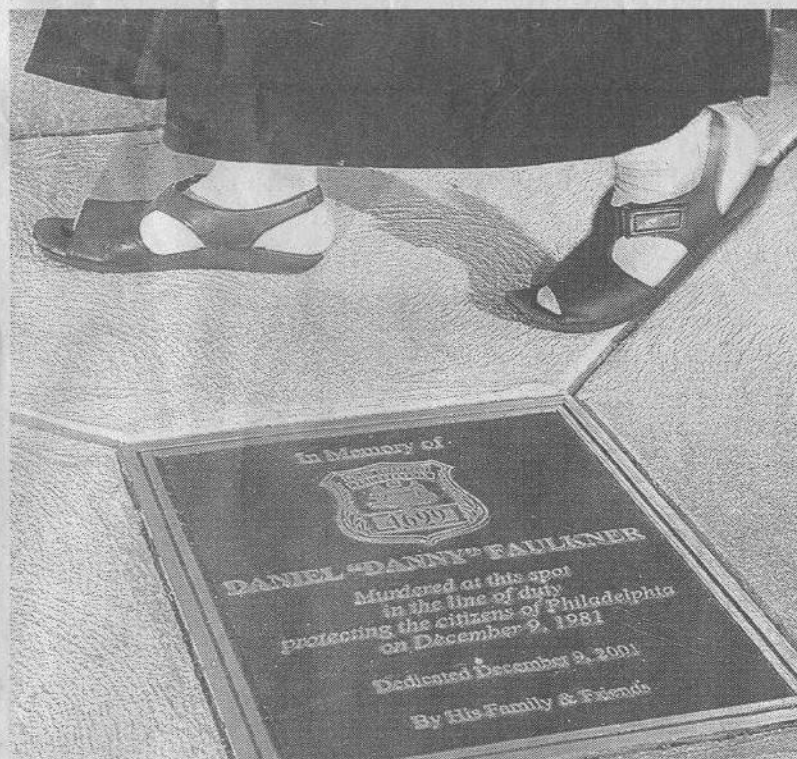
For years, doubters of Mr. Abu-Jamal's guilt cited shoddy police work, questionable witnesses, a judge openly contemptuous of the defense and the accused's own controversial history. He was a teenage black militant and later a journalist who spoke out against police brutality. He also became a supporter of the radical black group MOVE.

"There is a sense the case appears to be never ending," said Joseph J. McGill, the original prosecutor who is now a lawyer here with Greitzer & Locks. "The wear and tear on the family is onerous, to say the least," Mr. McGill added, even as Ms. Africa made the same point about Mr. Abu-Jamal.

An end may finally be in sight, the lawyer estimated, but only after several more years of appeals and the likelihood of a new sentence hearing to decide once more whether Mr. Abu-Jamal deserves execution.

In the ruling this week, Judge Yohn, of Federal District Court, found that the jury had been improperly instructed in the sentencing phase. He ruled that the state must either rehear that issue within six months or leave Mr. Abu-Jamal to life imprisonment without parole.

The city's emotional investment in the case could be heard both in Ms. Africa's furious tone at the mayor's



Timothy M. Shaffer for The New York Times

A new memorial plaque for Officer Daniel J. Faulkner, a Philadelphia policeman, at the spot where he was shot and killed 20 years ago.

door, and in the deep sighs of pessimism later from Richard B. Costello, president of the city's Fraternal Order of Police.

"The ruling to resentence is an entire abortion of justice," Mr. Costello declared. "This case now becomes one of jury shopping."

He predicted that a new jury would be needed along with a re-presentation of the facts of conviction and then, he maintained, a circuslike effort by the defense to retry the entire case.

"That will open a new wave of

appeals," said the union chief, envisioning more of the street demonstrations and arrests of years past when busloads of protesters flooded the city. "If you're a policeman and murdered, your chances of justice are slim and none."

But Mr. Kairys and other critics of the trial contend that even hypothetically accepting all the prosecution's facts, the case should have been one of third-degree murder because the deadly confrontation involved no premeditation and therefore, by law, should not merit capital punishment.

Sale of Burned Timber Is Delayed to Hear Appeals

By The New York Times

HELENA, Mont., Dec. 19 — Responding to a lawsuit filed by environmentalists, a federal judge today prohibited the United States Forest Service from moving ahead with the sale of more than 44,000 acres of burned timber until a hearing can be held on Jan. 3.

Environmentalists were concerned that the sale of trees charred last year by fires in the Bitterroot National Forest in Montana and Idaho, equal to the amount of timber the forest produces in 10 years, would cause widespread erosion and damage to streams that are home to the federally protected bull trout.

But the crux of their complaint, said Robert Ekey, executive director of the Wilderness Society in Boze-

man, Mont., is that the Forest Service eliminated a 45-day period in which the decision to log can be appealed.

"This is precedent setting," Mr. Ekey said. "It moves the decision out of the hands of local forest officials and up to the political level in Washington, D.C. Anytime there is a controversial position that they want to push through, they'll use this process to do it."

Mark Rey, under secretary for natural resources and environment in the Agriculture Department and a former timber industry lobbyist, signed off on the salvage sale on Sunday and eliminated the appeals process.

The administration said it intended to use the proceeds from the sale

to restore some of the forest's watershed areas. Officials said quick removal of the timber would help prevent fires next year.

The challenge to the sale, which was to begin today, was filed in United States District Court in Missoula, Mont., by the Wilderness Society and American Wildlands.

The federal judge, Donald Molloy, said in his decision to grant the groups' request for a restraining order that the Forest Service had erred in not allowing appeals, which are mandated by law.

The wood products industry has said that time is crucial in the sale of the timber, because the longer the burned trees are exposed to the elements, the more likely they will rot or crack and lose their value.

Senator Richard G. Lugar, Republican of Indiana and ranking minority member of the Agriculture Committee, rejected the accusation that Republicans were blocking the bill and hurting farmers.

Instead, Mr. Lugar argued, there was ample time to replace the current law, which will not expire until next October, with a bill that he said should cast the safety net of subsidies far wider to help all farmers.

"This bill was crafted to benefit a fairly small number of farmers in America," Mr. Lugar said. "It is not in the best interest of a large majority of farmers."

During the debate, lawmakers from both parties argued for payment limitations, spurred by growing complaints from smaller farmers. Farmers can now learn which of their neighbors are receiving subsidy money, and how much, on a Web site opened last month.

Republican and Democratic senators also disputed whether the measure provided enough money for the food stamp program.

With unemployment rising and welfare benefits running out for many families over the coming year, food stamps will become critical, lawmakers said.

The Senate bill would increase financing for food stamps by \$6.2 billion. The House measure would add about half that amount, or \$3.6 billion, to a program that suffered deep cuts in the effort to overhaul welfare in the Clinton administration.

Senator Tom Harkin, Democrat of Iowa, who is chairman of the Agriculture Committee and sponsor of the bill, said these differences paled in comparison to problems in rural America that he said needed to be addressed urgently by the passage of a new farm bill.

"This is a really sad day for farmers and ranchers," Mr. Harkin said. "We've essentially said to them, Go take a hike — we'll deal with you later."

But Democrats are as divided as Republicans over subsidies. Midwestern lawmakers like Senator Byron L. Dorgan of North Dakota were pushing for a ceiling on payments that would allow more farmers to receive smaller payments. But Southern Democrats opposed limitations because they would hurt large rice and cotton farmers who are among the biggest beneficiaries of the current system.

The administration has criticized both Senate and House measures, saying many of the price supports under consideration would encourage overproduction, which keeps prices low and pushes up land rents.

Those subsidies, in turn, could be in violation of international trade agreements and undercut American farm exports. Agriculture Secretary Ann M. Veneman has said the best hope for farmers is to increase their exports overseas.