

NAACP Legal Defense Fund Files Brief in Supreme Court in Mumia Abu-Jamal Case

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March (New York, NY)- Today the NAACP Legal Defense and Educational Fund (LDF) filed a friend of the court brief in support of Mumia Abu-Jamal's claim of racial discrimination in the selection of the jury for his 1981 death penalty trial. LDF's brief supports Mr. Abu-Jamal's request for United States Supreme Court review of his appeal urging enforcement of the laws that require courts to promptly investigate evidence of discrimination against African American prospective jurors.

Specifically, LDF objects to the United States Court of Appeals for the Third Circuit's use of a restrictive interpretation of *Batson v. Kentucky*, a Supreme Court decision prohibiting prosecutors from excluding prospective jurors on the basis of race, to conclude that Mr. Abu-Jamal failed to present sufficient evidence to support his claim of racial discrimination in jury selection. LDF's brief explains that the Third Circuit's conclusion that the only way to prove that racial discrimination infected the jury selection process is to document the race of all members from the panel of prospective jurors and the race of all stricken jurors ignores other significant indicators of discrimination in jury selection and contradicts the Supreme Court's command that courts examine a wide array of evidence to properly ferret out discrimination in jury selection.

As applied to Mr. Abu-Jamal's case, the Third Circuit decision means that the trial prosecutor's pattern of strikes against African-American prospective jurors, a culture of discrimination in the prosecutor's office (including a videotaped training advocating the exclusion of prospective jurors of color), a comprehensive statistical study documenting a pattern of exclusion of prospective jurors of color by the prosecutor's office and other such evidence is insufficient to suggest discrimination. LDF's brief explains that turning a blind eye to such credible evidence of discrimination not only conflicts with the law but also undermines public confidence in integrity of the courts.

"We believe that the Third Circuit's interpretation of the law will have the effect of shielding discrimination and undermining the rights of criminal and capital defendants to a fair trial. It is our hope that the Supreme Court will accept and review Mr. Abu-Jamal's case to make sure that courts respond promptly and appropriately when confronted with real questions about the existence of racial discrimination in jury selection ," said John Payton, LDF President and Director-Counsel.

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