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The late, but not lamented

Judge Sabo's legacy: racist repression, death row prisoners

By Imani Henry

On May 8, Judge Albert F. Sabo, who helped railroad African American journalist and political prisoner Mumia Abu-Jamal to Pennsylvania's death row, died of heart failure at age 81. Abu-Jamal, a former Black Panther framed for the murder of white police officer Daniel Faulkner, has spent the last 20 years in prison for a crime he did not commit.

Sabo, a notoriously racist judge, leaves behind the legacy of having sentenced more people to death row than any other judge in the history of the United States. According to the Philadelphia Inquirer, one in every six people sentenced to die in Pennsylvania was condemned in Sabo's courtroom.

Statistics gathered for 2000 show that 225 prisoners, including 221 men and four women, reside on Pennsylvania's death row, the fourth-largest number of any state in the U.S. Ninety percent of them were unable to afford a private attorney at their original trial. One hundred fifty-five are people of color.

For the anti-death-penalty movement Sabo symbolized the racist character of the U.S. "injustice" system. Sabo's racist record helped expose the terror that the cops, courts and the prison-industrial complex wield against people of color and the poor across the country. His home was the target of anti-death-penalty demonstrations on several occasions.

Sabo's record of racism

Sabo was a card-carrying member of the racist Fraternal Order of Police. He also made securing a death-penalty conviction against Mumia Abu-Jamal his personal vendetta.

During the original sham of a trial in 1982, ballistics evidence proved that the gun used to kill Faulkner shot a different caliber bullet than the gun Abu-Jamal owned. Sabo dismissed this crucial ballistics evidence.

In 1995 and 1996, Sabo was illegally brought out of retirement in order to preside over--and and ultimately throw out all the new evidence and

testimony presented at--Abu-Jamal's Post Conviction Relief Act Hearing.

In August 2000, when Federal Court Judge William Yohn denied four amicus curiae briefs, the world learned to what lengths Sabo had gone during the 1982 trial to seek the death-penalty conviction against Mumia Abu-Jamal, and how the capitalist court system had given him the green light to do so and get away with it.

A Chicana/Chicano Studies Foundation brief exposed the conspiracy among Abu-Jamal's court-appointed defense attorney Anthony Jackson, Sabo and prosecutor Joseph McGill to convict him. The brief outlined their strategies for getting a conviction that would be protected from appeal; this showed how Abu-Jamal was a victim of the breach of attorney-client confidentiality.

These legal violations, among many others, were all grounds on which the original trial should have been thrown out and Abu-Jamal freed.

And then there is the taped confession of Arnold Beverly, who in 1999 admitted to being hired by the police-run mob to kill Faulkner.

On Aug. 28, 2001, another bombshell was dropped, exposing Sabo's racist venom. An affidavit was submitted to the state appeals court by Terri Maurer-Carter, a court stenographer. She said that in 1982 she overheard Judge Sabo say in reference to Abu-Jamal, "Yeah, and I'm going to help them fry the n---r."

Neither Sabo's racist and devious actions nor any single agent of state-sanctioned terror has stopped the rising momentum of the anti-death penalty movement in the United States. With more and more people questioning the racist, anti-poor death penalty, coupled with international pressure, there have been significant breakthroughs in the struggle to abolish the death penalty within the bourgeois political arena.

Just last month, Ray Krone, originally from Pennsylvania, was exonerated and released from Arizona's death row after DNA tests revealed that he was innocent of a 1991 murder. On May 3, death-row prisoner Thomas H. Kimbell Jr., who spent four years on Pennsylvania's death row, became the 101st exonerated death-row prisoner in the United States and the fourth person to walk free from Pennsylvania's death row.

According to the anti-death-penalty group Pennsylvania Abolitionists, in the past 26 months eight Pennsylvania municipalities have called on the state government to impose a moratorium on executions.

On May 9, one day after Sabo died, Maryland Gov. Parris Glendening declared a moratorium on all executions in his state pending the

release of a study documenting the racist nature of the death penalty. Glendening joins Illinois Gov. George Ryan in instituting a moratorium on executions.

While there are no tears to shed for this racist bigot who rained terror on the oppressed, as one Philadelphia activist put it, "The people have been robbed of our opportunity to put Sabo on trial and bring him to justice."

The writer is a co-founder of Rainbow Flags for Mumia.

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