

Panther cub Jamal Hart serving 15 years for defending his father

On Jan. 18, 1998, Jamal Hart was sentenced to 15 years and eight months in prison without parole. Jamal is the son of Mumia Abu-Jamal, the revolutionary political prisoner on Pennsylvania's death row awaiting a decision on his appeal.

Jamal was well known to police in Philadelphia because he stepped out in a big way and joined the battle to help free his father. He spoke to the media and on college campuses. He went to Goddard College to accept Mumia's college degree, and he spoke out at numerous demonstrations for his father. He was in court all throughout the hearings in summer 1995, and he tried to get young people involved in the battle to free Mumia.

In 1996 Jamal organized a "Rap Against the Death Penalty" concert in North Philadelphia, one of the poorest neighborhoods in the city, where the Black Panthers had their headquarters and where Mumia grew up. Jamal told the Revolutionary Worker about the importance of reaching out to the youth. "They've got to know that they have a stand as much as adults. See, they thinking that it's not our fight. They're like well that Panther stuff and this and that, that's mom's and dad's. That's not our fight. We're young. Our moms and pops did that. But we have to let 'em know that when we stand up and we fight, that is for all of us. Mumia's life is important for us all, Mumia stands for us all, Mumia continues to fight to his death for us all. When you have a man that can touch all these people from different parts of the globe, it's feared by this government."

Because he was Mumia's son, Jamal was much in the public eye, and the police had their eye on him.

Jamal was arrested in Philadelphia on Oct. 11, 1996, after police stopped his car in a North Philadelphia neighborhood. Jamal told the press that the cops threatened to kill him, referred to his father, planted a loaded .357 magnum on him, then arrested him for possession of a weapon.

Jamal's attorney, Elizabeth Ainsle, told the Philadelphia Daily News there were "mind-boggling coincidences" in the cops' story. She said the gun had been stolen three years earlier from a restaurant and that the theft report on the stolen gun was made by the same cop who claims to have found the gun on Jamal.

Because Jamal had more than two previous felony convictions, the federal authorities came in and took over his case. The law under which they did this is used frequently in Philadelphia. After three felony convictions involving violence or the “possibility” of violence, an individual is classified as an “armed career criminal.”

The next felony involving “interstate commerce” triggers the move to federal court. Because the .357 magnum in Jamal’s case came from out of state, the case went to federal court.

Many people, particularly young Black and Latino men, are put in prison for decades because of this federal law. Once classified as an “armed career criminal” and moved to federal court, convictions carry a mandatory sentence of 15 years in prison without parole and a maximum of life in prison. Jamal was convicted on Oct. 17, 1997, of possession of a weapon under this law. He plans to appeal this conviction.

At his sentencing hearing, Rachel Wolkenstein, one of the attorneys for Mumia Abu-Jamal, was a character witness for Jamal. She told the court she had grown to know Jamal while defending his father and cited evidence that Philadelphia police, members of the Fraternal Order of Police, had a history of animosity toward Jamal. Wolkenstein explained that when Jamal went to New York City to attend a major fundraising event for his father’s legal expenses, Philadelphia police also were there and “baited and harassed” Jamal because he was Mumia’s son.

Jamal himself reaffirmed his innocence. He spoke about his earlier convictions. He said he had always been advised by court appointed attorneys to plead guilty because “You will be out before you know it. Don’t worry about it” or “Take the plea, you will be able to watch your boy grow. Otherwise, you’ll go in for five years.” He cited case law that his constitutional rights had been violated because he was not made aware of his appeal rights. He also said he was not aware that these convictions could later be used to label him an “armed career criminal” under the federal law.

But the way the system is set up, the only thing that any of this testimony could influence was whether the judge would give Jamal a higher sentence than 15

years. The judge read through the federal law and “counted” each prior criminal offense for a certain number of “points” in order to determine the sentence. He sentenced Jamal to 188 months (15 years, eight months) to 235 months (19 years, eight months).

In this cold and calculated way, “the law” took 15 years from Jamal’s life. Jamal requested that he be allowed to do his time in a prison close to his family, but the judge said he could not “promise” that. When Jamal left the room, his mother called out, “I love you, son,” and his sisters and brothers called out to him, too.

As the judge counted out the sentence, reading from his law book, Jamal’s brother Chris stood up. Shaken and angry, he yelled, “Why you gonna railroad my brother? You railroaded my father!”

His family quickly gathered around, but he was jumped by two court officers. Within a minute, another eight guards came rushing through the door. Chris was taken into custody and arrested when the police produced an outstanding warrant from New Jersey. Everyone else was ordered out of the courtroom and off the floor. Court officers continued to harass Jamal’s family and supporters in the lobby downstairs.

Outside the courtroom an RW reporter spoke with Francine Hart, Jamal’s mother. She said the family was determined to fight for justice and appeal the decision; she commented, “Mumia’s been in jail all this long time, and now they done finally got to our son, who was out there in the forefront fighting for his father.”

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