

# THE VOICE

NEWS, COMMENT & CULTURE FOR THE PHILADELPHIAN

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## FIFTY-THREE YEARS OF HARD TIME

*Can anyone help bring Frederick Burton's father home?*

BY MARY WALTON



Frederick Burton Jr. (left) and his father, Frederick, in an undated photo on a visitor's day at Somerset State Correctional Institution, where the elder Burton remains today.

In his mind's eye, Frederick Burton Jr. sees the police heading up the alleyway. He hears them pounding on the hardwood door of the family's West Philly rowhouse, hunting down his father for the 1970 murder of Fairmount Park Police Sgt. Frank Von Colln.

Now 58, The Philadelphian's weekend doorman can still picture his mother, Connie, who had just given birth to twins at age 23, collapsing when her husband called from prison.

"She would cry and cry and cry."

And he will never forget those years when he and his mother and three younger siblings piled into his paternal grandparents' car for a visit to the prison where his father was serving a life sentence, the man who used to take him everywhere and "was always smiling."

"And every time I would see those bars shut, if I'm six or if I'm 36 or if I'm 46, or I'm 56, I could never leave that prison without crying," he said. The visits always ended with his father saying, "Stay strong, son, I'm coming home."

But he never came home. Says Frederick, "Fifty-three years later, and he's still in jail."

What happened four years after his jailing sealed his father's fate. He was convicted of second-degree murder in an attack on two Holmesburg wardens. Now, he was a three-time killer. No court would dream of freeing him. "Everyone thinks he's just an animal," says Frederick.

His defense attorney, Jonathan Gettleman, didn't stop trying. But just when legal remedies seemed exhausted, a

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Cleaning up after the fire in unit 14B35.  
PHOTO: SALLY DOWNEY

## TRAUMA. LOSS. RECOVERY.

### *The Night of the Fire*

BY SHARON SEXTON AND CAROL THOMSON

Engineer Rasheed Thomas had just minutes left on his shift when the lobby's sleepy, late-night calm was shattered by the screech of the fire alarm. Thomas hustled the few steps from the lobby to the Fire Command Center next to the mailroom. The fire panel, one of 12

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## HARD TIME

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sliver of hope emerged with the publication of a book by Carol Menaker, a member of the jury that convicted Burton in the Holmesburg slaying.

In *The Worst Thing We've Ever Done: One Juror's Reckoning with Racial Injustice*, she explains that, back then, she was a naive 24-year-old "whose sheltered life and white privilege gave her no single tool to fairly decide his fate." In short, she writes now that her vote for conviction was a mistake.

When Frederick Jr. learned Menaker had written an apology, he asked The Philadelphian's Arts and Entertainment Committee to arrange a presentation. On Dec. 6, 2023, she spoke before an overflow crowd in Social Room A.

Menaker knew that her change of heart could not free a convicted prisoner. But perhaps, she told the audience, "Someone has that magic bullet — has a connection — to send Fred home." A governor's pardon? A compassionate release for a 77-year-old prisoner in a wheelchair? Or even transfer to a prison closer to his family than the Somerset State Correctional Institute, 70 miles southeast of Pittsburgh, where Burton Sr. is now housed.

The turnout was a testament to residents' respect for Frederick. Many know his life has been deeply affected by his father's past. Today he works seven days a week, struggling to give his 3-year-old son the stability he never had.

### **GROWING UP SHAMED**

Not long after her husband was jailed, Connie Burton earned a master's degree in social work from Temple and later a Ph.D. Her absence created a void at home. "I was broken," she told her son years later. "I had to do something for myself."

Frederick was angry and rebellious. "I hated my name," he says. "Because my dad's name was always in the paper. You know, back in the day, the school would call you on the loud-

The case against Burton was the weakest of the four defendants. Police could not place him at the Cobbs Creek Park office when Von Colln was shot. His conviction hinged on written testimony from a codefendant's wife that he had attended a meeting where "killing the pigs" was discussed.

speaker. I just knew that the whole world knew that my father was a criminal."

He says he "skated" through school, promoted by sympathetic teachers who knew his situation and were persuaded of his intelligence by high scores on national achievement tests. With their help, he was awarded a high school scholarship to Vermont Academy, a small prep school in a rural setting that valued "ingenuity, independence, community, and love of the land." To Frederick, the move from the inner city brought "fresh air, all white people, sports, food." He left behind a childhood of pot smoking, street fights, petty thefts.

In his freshman year, however, he was expelled for stealing from a corner store. Back home, he fell into old patterns. He pleaded with Vermont Prep to take him back. ("I'm not doing too good out here.") They heeded his plea. But after graduation, he returned to his old neighborhood, this time to hard drugs and crime to support his habit. Not until 1989 did Frederick achieve sobriety.

Today he works at Temple's Office of Student Financial Services. On weekends, his post at the condo entrance is just a stone's throw from the park named for the slain park police officer.

### **THE VON COLLN CASE**

At the time of his first arrest, Frederick's father had a steady job as a splicer for the phone company. A high school graduate, he had no criminal

record. But like so many young blacks, he was influenced by the Black Power movement sweeping America. The Black Panthers had established a beachhead in Philadelphia. Their agenda was part community-building (daycare, free breakfasts for children) and part armed resistance to the police.

The weekend after Von Colln, a 17-year veteran, was killed during an attack on a Cobbs Creek police station on a hot August night in 1970, the Panthers' national convention at Temple University drew 6,000 supporters.

It was easy for investigators, fired up by Police Commissioner Frank Rizzo, to depict the Von Colln slaying as a Panther-inspired conspiracy. Indeed, grenades were found at the scene. Rizzo, a cop's son and high school dropout raised in South Philly, 6-foot-2 and 250 pounds of racial animus, personally took charge of the Von Colln manhunt, the largest in the city's history. He labeled black revolutionaries "psychopaths and yellow dogs." At Von Colln's funeral, the future mayor signed autographs.

The case against Burton was the weakest of the four defendants. Police could not place him at the Cobbs Creek Park office when Von Colln was shot. His conviction hinged on written testimony from a codefendant's wife that he had attended a meeting where "killing the pigs" was discussed.

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Frederick Burton, the Philadelphia's popular weekend doorman, at a program proclaiming his father's innocence of murder charges in two different cases for which he has served 53 years in prison. PHOTO: MARY WALTON

## THE HOLMSBURG MURDERS

Doubts surfaced about the wife's testimony, which she maintained was coerced. Those might have been sufficient to overturn a life sentence had not Burton and another inmate, Joseph Bowen, both observant Muslims, met with Holmesburg prison officials to request space for prayers. An angry confrontation erupted. Bowen grabbed a knife from the warden's desk, stabbed two wardens to death and injured a third. In Bowen's confession, he said Burton was not involved. The judge, however, as Menaker remembers it, instructed the jury that Burton's presence was sufficient evidence of guilt under a legal doctrine known as felony murder. Burton, or Muhammed as he now wished to be known, was convicted of second-degree murder, cementing his reputation as a cop killer.

After Burton had served 48 years, hopes for his release flared when Larry Krasner, a long-time public defender, was elected district attorney, pledging to seek justice for innocent prisoners. Had the Von Colln conviction been nullified, Burton would have already served the 20 years mandated for the second-degree murder charge in the wardens' slaying. No charges would be pending. But Krasner did not respond to repeated requests from Burton's lawyer for intervention.

"Mr. Burton's case is just too politically hot for politicians to associate themselves with," Gettleman told the Voice. "It is unfortunate since he has always been and remains innocent."

## A LAST CHANCE

Krasner's office did, however, produce buried evidence proving that the wife's testimony against Burton had, indeed, been coerced. Frederick, Jr., was among those watching a six-day evidentiary hearing over Zoom in 2020. Elated, Frederick was sure this new information would free his father. But the judge ruled the appeal "untimely and meritless." Too little, too late. Case closed.

In introducing author Carol Menaker

on Dec. 6, Frederick faced a mostly white audience. He knew many to be well-intentioned people. Among them were some he felt certain were people with influence and power, perhaps ones with ties to the governor. They were his last hope.

"No court can help him now," he said, leaning into the crowd, his voice passionate as he spoke a bitter truth. "This is what I'm asking. Open up your minds, open up your hearts. He needs to come home now."

## FOR MORE INFORMATION:

*The Worst Thing We've Ever Done*, by Carol Menaker, is available as an e-book, paperback and audiobook at [www.carolmenaker.com](http://www.carolmenaker.com).

"Justice in America – Frederick Burton's Story" - A documentary featuring interviews with defense attorneys Jonathan Gettleman and Elizabeth Caballero, is on YouTube.

Mary Walton, a veteran of the *Philadelphia Inquirer* and its *Sunday* magazine, is the author of five books and a frequent contributor to *The Voice*.



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In May of 1976 at 24 years old, I was sequestered for twenty-one days in the trial of Frederick Burton III. The jury voted unanimously to convict Mr. Burton of the 1973 murder of a white prison warden at Philadelphia's Holmesburg Prison. He was sentenced to life in prison without parole.

In 2018, when so many in our country began recoiling from the deaths of African Americans at the hands of police and others, I decided to revisit my jury experience. I researched the newspaper articles from the trial I served on, as well as the trial in which Mr. Burton was first convicted. And I gathered detailed narratives from Mr. Burton's attorney and others. What I learned was that Mr. Burton may well have been the victim of our country's pervasive and often unseen racism in which people of color have been profiled, victimized, and punished unfairly by law enforcement, criminal prosecution, and the judicial system. Mr. Burton has been incarcerated in Pennsylvania prisons for fifty-four years for crimes I no longer believe he committed. He is seventy-seven years old. In spite of multiple efforts to contest his first conviction due to prosecutorial misconduct, he has seen no relief.

What I also learned was that my decision to convict Mr. Burton was not based on the evidence presented in the courtroom, but instead unknowingly was guided by my own white privilege and the racial bias that accompanied it. My book, *The Worst Thing We've Ever Done: One Juror's Reckoning with Racial Injustice*, published by She Writes Press in 2023, tells that story. In that same year, I met Mr. Burton, now known to me and others as Muhammed, for the first time on Zoom. And in December 2023, I travelled to the East Coast, and with Mr. Burton's son, went to the Somerset Correctional Institution for an in-person visit with his father. Muhammed and I continue regular visits on Zoom.

The Fred Burton whose story is told in the previous pages here is Muhammed's son. The story was published in March of 2024 in *The Voice*, The Philadelphian's quarterly publication. My thanks to the author Mary Walton for crafting such an important story.

— Carol Menaker



*The Worst Thing We've Ever Done: One Juror's Reckoning with Racial Injustice is available for purchase online or at most brick and mortar bookstores.*