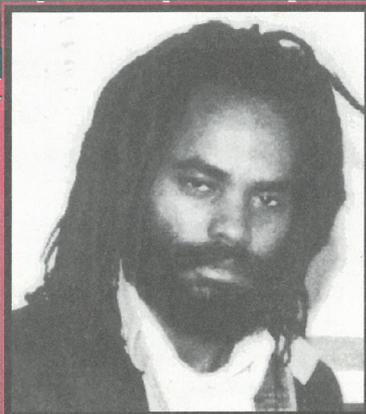


COP KILLER



HOW
MUMIA ABU-JAMAL
CONNED
MILLIONS INTO
BELIEVING
HE WAS FRAMED

by Dan Flynn

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About the Author

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About Accuracy in Academia

Founded in 1985 by Reed Irvine, Accuracy in Academia is an educational organization dedicated to returning higher education to its original mission: the search for truth. AIA contends that academic freedom is threatened by a progressive ideological orthodoxy, pervasive in the intellectual community, which degrades professional standards in teaching and scholarship and inhibits speech and research that contradict “politically correct” views. Through conferences, campus lectures, media outlets, and our publication, *Campus Report*, AIA exposes instances of classroom indoctrination, free speech violations, and rigged admissions programs.



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HOW MUMIA ABU-JAMAL CONNED MILLIONS INTO BELIEVING HE WAS FRAMED

For Mumia Abu-Jamal, murder was a career boost. At the dawn of 1981, *Philadelphia* magazine somewhat prophetically named him a “man to watch” in the coming year.¹ Yet within months things would fall apart. He was fired from his job at a local public radio station. His marriage was breaking up and he had already taken on a new wife. With five children to feed and their two mothers to support, he found work as a cab driver—a job that had earlier made him a robbery victim. As he looked over the flat tire on his cab in a seedy section of Philadelphia in early morning hours of December 9, 1981, he probably asked himself how it got so bad so quickly. Things were about to get worse. That morning he would, as predicted, make headlines—but not via the radio reporting that had once made him a noteworthy local figure.

A PHILADELPHIA POLICEMAN IS KILLED

A quarter to four in the morning on December 9, 1981, Philadelphia Police Officer Daniel Faulkner pulled over a 1963 blue Volkswagen traveling the wrong way down a one-way street. A scuffle broke out between Faulkner and the car’s driver, William Cook, a younger brother of Abu-Jamal. Soon gunshots rang out. The 25-year-old, recently married policeman was shot in the back and then in the face. Before being hit by the fatal bullet between

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his eyes, Faulkner was able to expend one round that hit Mumia Abu-Jamal in the chest. Within minutes, police reinforcements arrived at the scene and arrested Abu-Jamal.

Five eyewitnesses implicated Abu-Jamal in the murder. Others reported that the suspect gleefully admitted to murdering a cop. Abu-Jamal was found at the scene wearing a holster, with a bullet from Faulkner's service revolver embedded in the chest. Abu-Jamal's .38 caliber gun containing five spent shell casings was found at the scene. Five bullets were fired at the officer. The shell casings and the fatal round retrieved from the officer's brain matched; all were .38 caliber "Plus P" ammunition.²

Six months after the shooting, the former radio reporter was put on trial, found guilty of murder, and sentenced to death. For a decade, interest in the case laid dormant. Then in the 1990s, Abu-Jamal found himself with a new, media-savvy defense team and embroiled in controversies surrounding commentaries he made for National Public Radio and the profits from a book he wrote. Although this defense team would exhaust all of their client's state appeals -clemency or intervention from the Supreme Court is now their only hope-they would make him a campus icon and a would-be martyr for the radical cause. Next to a few serial killers and mass murderers, he would become America's most famous inhabitant of death row.

DEATH ROW TO INTERNATIONAL FAME

Now, nearly two decades after his last night as a free man, Mumia Abu-Jamal is an international celebrity. Instead of merely

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having a small following among Philadelphia, he is a multimedia machine that is seen as a hero by rock stars, actors, college professors, and even world leaders.

Abu-Jamal's books are sold at Barnes & Noble, Borders, and other large chains. His 1995 offering, *Live From Death Row*, is required reading in scores of college courses and can be read in at least eight languages.³ Readers of the book learn that America is "the most violent nation on earth," where drugs are "carried into the U.S. by government-hired pilots to pay fledgling contra bills" and "cocaine comes to Chocolate City, U.S.A."⁴ The poetry and prose of his book *Death Blossoms* are hailed by renowned literary figures. "A brilliant, powerful book by prophetic writer," proclaims author Jonathan Kozol.⁵

Unique among prison inmates, Abu-Jamal's ideas on the Pope's visit to Cuba or America's bombing campaign against Yugoslavia can found in any number of African-American newspapers or radical internet sites. Articles emanating from the state penitentiary in Waynesboro, Pennsylvania have found their way into *The Nation*, *The Yale Law Journal*, and a book published by *George* magazine, with the latter publication identifying the writer as "author/journalist."⁶

Fired in 1981 from Philadelphia public radio affiliate for lacking "objectivity," Abu-Jamal must have viewed it as quite a coup when NPR initially agreed to run a series of jailhouse commentaries by him in the mid-1990s. When NPR pulled the plug on his planned broadcasts, Pacifica Radio capitalized on the opportunity and aired his monologues. Those who aren't satiated

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by just hearing his thoughts over the airwaves can purchase his compact disc, which feature his ideas on an array of subjects.

Abu-Jamal's strongest supporters call college campuses home. Academics for Mumia Abu-Jamal boasts 600 members, including such luminaries as Alice Walker, Jacques Derrida, Toni Morrison, Cornel West, and Ramsey Clark.⁷ Many students are enthusiastic about him as well. "He speaks for our generation," Earlham College student Liv Leader explained at a Liberty Bell rally, one of many such protests that occur every year.⁸ Evergreen State College in the state of Washington even hosted Abu-Jamal as a commencement speaker via a 13-minute videotaped address. The speech, which condemned America's "staggering state repression" and "capitalist excess," caused a small walkout and protests by U.S. Congressman Tom DeLay and Washington Governor Gary Locke, who cancelled plans to speak at the ceremony.⁹

Susan Sarandon, Woody Harrelson, Whoopi Goldberg, Ed Asner, and numerous other Hollywood stars have lent their support to Mumia's cause. His case even surfaces in the scripts of popular television programs. A recent episode of the NBC television program *Law & Order* contained a segment intimating that Abu-Jamal was set-up. A female district attorney explains to the character "Briscoe" that she can't talk because she has to attend a fundraising dinner for Mumia Abu-Jamal. "You mean the Philadelphia cop-killer," Detective Briscoe responds. "I mean the Philadelphia journalist," she defiantly retorts. "He was framed for the murder, you know." A web site sympathetic to Abu-Jamal

enthusiastically reports that “the woman’s viewpoint is shown by the whole drift of episode to be right.”¹⁰

Popular musicians Michael Stipe, Chumbawumba, and Public Enemy speak out for a new trial. On January 28, 1999, sixteen thousand people packed New Jersey’s Continental Airlines Arena for a fundraising concert headlined by Rage Against the Machine and The Beastie Boys. The event generated headlines for weeks and check for \$80,826.29 to Abu-Jamal’s defense fund.¹¹

U.S. political leaders such as Jesse Jackson and those within the Congressional Black Caucus champion his cause. Mayor Willie Brown named August 16, 1997 “Justice for Mumia Abu-Jamal Day” in San Francisco.¹² Earlier that year the City Council of Santa Cruz, California passed a resolution that called for new trial, declaring “widespread evidence” of “illegal suppression of evidence and pressure on witnesses to falsely testify.”¹³ Similar resolutions have been passed in Detroit, Michigan, Cambridge, Massachusetts, and Madison, Wisconsin.¹⁴

Abroad Abu-Jamal is thought by many to be a political prisoner. A resolution passed overwhelmingly by the European Parliament condemned capital punishment “in such countries as China, Iran, Saudi Arabia and the United States.” It specifically cited the “unfair trial” of Abu-Jamal and called for the commutation of his sentence.¹⁵ In Norway, more than 30 members of Parliament signed a letter to Pennsylvania Governor Tom Ridge blasting Mumia’s trial as “politically motivated and contaminated by racism.”¹⁶ In 1996, a small group of activists took over an office in the Danish Parliament demanding the release of Abu-Jamal.¹⁷

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French Prime Minister Jacques Chirac, as well as South Africans Nelson Mandela and Bishop Desmond Tutu, call for a new trial for Abu-Jamal. Following “Millions for Mumia” demonstrations in San Francisco and Philadelphia—which were joined by smaller events in Rome, Oslo, London, Sydney, and Amsterdam—Danielle Mitterrand, former first lady of France, made a highly-publicized pilgrimage to Abu-Jamal in prison. “All of the reports that were given to me were reports by legal experts who have studied the trial,” Madame Mitterrand announced. “They all agree that he is innocent, and I agree, especially now that I have seen him.”¹⁸

Could it be that Madame Mitterrand is right? Is it possible that the wrong man has been sitting on death row for more than 17 years? A remote chance of this, it seems, would compel even the most hardened proponents of the death penalty to pause and review the facts. While those passionately attached to Mumia Abu-Jamal or policeman he was convicted of killing may never be able to weigh the evidence impartially, others can. It is for such open-minded people that the following pages undertake this much-deserved investigation.

FIVE EYEWITNESSES IMPLICATE ABU-JAMAL

The sworn statements of five people who witnessed portions, or the entirety, of the chain of events leading to the death of Officer Faulkner point to Abu-Jamal as the killer. Each description of the crime is consistent with the statements from the others on the salient matters surrounding the murder. All told of what they saw almost immediately after the shooting.

Witness # 1

Cabdriver Robert Chobert identified Mumia Abu-Jamal as Daniel Faulkner’s murderer at the scene of the crime, in his police statements, and during his testimony. “Well, I let my fare out and I’m marking down on my pad how much it was, and then I heard a shot,” Chobert disclosed in court. “I looked up, I saw a cop fall to the ground, and then I saw Jamal standing over him and firing some more shots into him.”¹⁹ He says that Abu-Jamal then attempted to flee but soon collapsed near the curbside.²⁰ During a pretrial hearing, when the defendant was acting as his own attorney, Chobert was questioned by the very man he had identified as the Killer of Daniel Faulkner.

Abu-Jamal: What did you say to the policeman when he opened the back of the wagon?

Chobert: What did I say to him?

Abu-Jamal: Yes

Chobert: I told him that you’re the guy that shot the cop.²¹

Abu-Jamal continued questioning the witness, illustrating why it is often unwise for defendant to act as his own attorney.

Abu-Jamal: You did see the cop being shot—the man shoot the cop?

Chobert: Yeah. I said I did, didn’t I?

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Abu-Jamal: Well you sure did. And you saw me in the back of the wagon, didn't you?

Chobert: Yes, I did.

Abu-Jamal: What made you certain it was the same man?

Chobert: Because I saw you, buddy. I saw you shoot him.²²

At the time of the trial Robert Chobert was finishing the final months of a five-year probation term for being paid to throw a Molotov Cocktail into empty school that he had attended. The defense unsuccessfully argued for his testimony to be dismissed because of this criminal act. A second defense contention is that Chobert testified against their client in exchange for a deal surrounding his suspended driver's license. One theory posits that he conjured up a story to regain a license so that he could work as a school bus driver. Yet, more than a decade later, he had no driver's license.²³ Another allegation is that he traded his testimony for an agreement that enabled him to drive his cab without fear of police interference. Since the killing, however, Chobert has been cited for driving without a license.²⁴ Chobert's story, partisans of Abu-Jamal say, has changed over time. A review of his statements does show that he initially describes the killer as in his "mid-thirties" when Abu-Jamal was in his late twenties; he labels a portion of the gunman's multicolored shirt "tan," and then says it was more likely "grayish"; he describes Abu-Jamal as a heavy man and then concedes he got his weight wrong; at first he states that the killer fled about thirty feet before collapsing, but later he says it

was closer to ten.²⁵ At no point do Chobert's statements contradict each other on significant matters of the case. As he stated, "I know who shot the cop and I ain't going to forget it."²⁶

Witness #2

Cynthia White, a prostitute who worked the streets in the Center City area of Philadelphia, told a story almost identical to Robert Chobert's version of events. Abu-Jamal "came running out of the parking lot on Locust Street. He had a handgun in his hand. He fired the gun at the police officer about four or five times. The police officer fell to the ground. I started screaming. The guy who shot the police officer was sitting on the curb."²⁷ Then, White explained, "The police handcuffed the man who was sitting on the curb, the man who shot the officer."²⁸ White identified Abu-Jamal as the shooter on several occasions. "There's no doubt: it's him," she said as she started at Abu-Jamal in a packed courtroom.²⁹

Like Chobert's testimony, the veracity of White's statements has been challenged because of her background. Cynthia White's testimony, Abu-Jamal supporters speculate, was traded for a deal that assured that pending prostitution charges didn't get fully prosecuted. Yet White had never been fully prosecuted for prostitution in Philadelphia prior to the murder, nor would she after it—no prostitute needed a deal in Philadelphia at that time. The city's courts simply did not view it as a serious offense. Supporters of Abu-Jamal suggestively point out that although White had numerous arrests prior to witnessing the murder, she mysteriously had no arrests in the months preceding her testimony. This is not

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indicative of a deal as they insinuate. It is the result of the witness being in prison in Massachusetts, where, unlike Philadelphia, it was common to prosecute charges of prostitution.

Witness #3

Michael Scanlan told police, “I noticed another black guy come running across the street towards the Officer and the guy he was hitting. Then the guy running across the street pulled out a pistol and started shooting at the Officer. He had the gun pointed at the Officer. He fired while he was running at the Officer once, and the Officer fell down. Then he stood over the Officer and fired three or four more shots point blank at the Officer on the ground.”³⁰ “I could see that one hit [Faulkner] in the face,” Scanlan testified, “Because his body jerked. His whole body jerked.”³¹ Scanlan described the gunman as a black man with a beard, standing about 5’10” tall, and weighing “160” or “170” pounds. The killer wore a black hat, dark pants, and bright colored sweater.³² This is nearly an exact description of Mumia Abu-Jamal and his clothing on the night of the murder.

Witness #4

Prosecution witness Albert Magilton saw Mumia Abu-Jamal “moving across the street fast, and he had his hands behind his back,” proceeding “towards where the officer had stopped the Volkswagen.”³³ Magilton then heard a number of shots and moved cautiously towards the crime scene. “Well, I proceeded back across the street to see what had happened to the officer. And then as I

was moving across the street, you know, I was moving slowly across the street, I looked. When I got to the pavement, I had looked down and I had seen the officer laying there, and I didn't see the other gentleman. Until I—until I moved up closer and he was like sitting on the curb.”³⁴ The police then “handcuffed him and put him in the wagon.”³⁵ Magilton then explained, “The officer took me over to the wagon and asked me if this was the gentleman I seen coming across the street.” He replied, “Yes, that's the man,” identifying Mumia Abu-Jamal.³⁶

Witness #5

More than a decade after the shooting, the new defense team called to the stand Robert Harkins, a witness of the crime who had never testified at the original trial. To their horror, Harkins testified to a version of events mirroring the previous statements of the prosecution witnesses. “Well, [the shooter] leaned over and two, two to three flashes from the gun. But then [the shooter] walked, and sat down on the curb.”³⁷

In addition to these five individuals, two people witnessed the crime but curiously decline the opportunity to say what happened. The two who have exercised their “right to remain silent” are Mumia Abu-Jamal and his brother, William Cook.

‘I WILL KILL ALL OF YOU COPS’

At least a half dozen people who did not witness the shooting do claim to have witnessed Abu-Jamal incriminate himself. Inspector Alphonso Giordano pointed out that when he asked Abu-

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Jamal at the crime scene what he did with his gun, the taxi driver told him that he dropped it after shooting the officer.³⁸ Later at the hospital, a witness heard Abu-Jamal defiantly yell out, “I’m glad. If you let me go, I will kill all you cops.”³⁹ At another point, three people state that he bragged, “I shot the mother-fucker and I hope the mother-fucker dies.” Abu-Jamal’s supporters make a big deal—as they should—out of the fact that two policemen didn’t report this confession until months later. They choose to ignore, however, that a hospital security guard reported it within 24-hours to two supervisors.⁴⁰

Perhaps most damning is not the suspect’s words, but his actions. When police arrived at the scene, the former radio reporter foolishly lunged for his empty gun. “I ordered the male to freeze,” explains Officer Robert Shoemaker, but “his arm started to move to the left.” The seven-year police veteran was first at the scene. He explains, “I couldn’t see what he was reaching for...so I adjusted my stance.” Shoemaker then “saw a two inch revolver approximately eight inches from [Abu-Jamal’s] hand. I again ordered the male to freeze, so before he grabbed the gun I kicked the male away from the gun.” As Abu-Jamal fell backward, Shoemaker reports, he screamed, “I’m shot, I’m shot.”⁴¹

Years later a sympathizer of the death row inmate would come forward and report a jailhouse confession. In the summer of 1999, Phillip Bloch, an anti-death penalty activist who befriended Abu-Jamal while working with a prison outreach group, revealed a startling conversation he had had with celebrated inmate. Bloch contends that he had asked Abu-Jamal several years earlier if he

regretted killing Danny Faulkner. Abu-Jamal had responded by simply saying, “Yes.” “There was a long pause,” Bloch told *Vanity Fair*. “I think we probably realized what he had just done.”⁴²

DID MUMIA’S GUN FIRE THE BULLETS?

Mumia Abu-Jamal was found shot a few feet from a policeman whose face was nearly blown off. This same policeman had shot Abu-Jamal just minutes earlier. Abu-Jamal was wearing a holster. A .38 caliber gun purchased by Abu-Jamal and registered in his name was discovered just inches away from him.⁴³ The two-inch, Charter Arms five-shot revolver that the defense acknowledges he had with him contained five fired shells. For even the most hardcore “Mumiac,” this evidence must provoke questions.

For what reason would Officer Faulkner shoot Mumia Abu-Jamal? Why was Mumia wearing a holster? What was Mumia’s gun doing at the scene? Was it just a coincidence that Faulkner’s killer fired five bullets and that a gun registered to Abu-Jamal contained five spent casings?

These troubling matters are explained away by conspiracy theory.

An Article of faith among Mumia supporters is the idea that the bullet that killed Officer Faulkner was not of the same caliber as Abu-Jamal’s gun. “Ballistically there’s nothing to tie Mumia to even firing the gun,” insists Pam Africa of the radical group MOVE.⁴⁴ Foot soldiers lower in the chain of command repeat similar assertions. “The bullet that was found in the dead officer was a .44 caliber,” alleges Derek Seidman of the UCLA student

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paper. “Mumia’s gun was a .38 caliber,” he writes, adding without documentation, “new evidence suggests that the cops switched the bullet and replaced it with a shattered one.”⁴⁵ Speaking at a University of Wisconsin rally, anti-death penalty activist Rebecca Kirkland further confuses matters by proclaiming that the police “didn’t tell the jurors that the caliber of the gun used [to kill Faulkner] was a .38 caliber bullet, and it didn’t fit Mumia’s gun.”⁴⁶ Abu-Jamal’s gun was, of course, a .38 caliber weapon!

A piece of paper with “.44” scribbled on it is proof enough for many activists that the .38 caliber spent shells found in Mumia’s gun do not match the fatal bullet extracted from the slain officer’s brain.⁴⁷ Yet this notation was not penned by a firearms expert or a policeman, but by an assistant medical examiner without any training in ballistics. He later acknowledged that he had made a mistake. The medical examiner testified that his notes on such matters would be “normally discarded,” and based his determination by using a standard ruler.⁴⁸ Just as a weapons expert might seem out of place offering testimony about medical evidence, a doctor’s opinion—one that was later disavowed at that—on matters pertaining to ballistics seems irrelevant. One need not be particularly prescient to figure out how the defense would react if an assistant medical examiner’s “expertise” on ammunition were being employed to *convict*, rather than *exonerate*, their client.

Ballistics tests on the retrieved bullets reported rifling grooves that were consistent with the chamber of the gun found beside the suspect, a gun purchased by and registered to Mumia Abu-Jamal.⁴⁹ Spent shells found in Abu-Jamal’s gun were all .38 Caliber “Plus

P” ammunition, same type of special high-pressure ammunition that blew apart the officer’s face and was discovered in his brain.⁵⁰

Even Abu-Jamal’s own ballistics analyst, George Fassnacht, concedes that the bullets shot into the slain policeman were not .44 caliber.⁵¹ Despite this, the defense team still clings to its theory that a medical doctor’s scribbling of “.44” demonstrates that the spent shells don’t match the bullets that hit the officer.

NIGHT OF THE LIVING DEAD: A DEFENSE WITNESS SPEAKS TO A WOMAN THAT HAD BEEN CREMATED FIVE YEARS EARLIER!

In 1997, the defense team placed Pamela Jenkins on the witness stand, Jenkins claimed that Cynthia White, a key prosecution witness during the 1982 trial, had recanted her entire testimony to her and had confessed that she had been forced to lie by the police 15 years earlier. These private conversations between the two, Jenkins announced, were as recent as two months prior to Jenkins taking the witness stand in 1997.⁵² Jenkins’s testimony seemed to lend itself well to theories about a police conspiracy to frame the African-American journalist. Yet even this side revelation proved to be a hoax, as Cynthia White had been dead for many years during the time that Jenkins said she had talked with her.

“Cynthia White is now dead, because Judge Sabo says she is,” a “Fact Sheet” distributed by the group Refuse & Resist! avows. “Never mind that people have seen her walking around very much alive.⁵³ Death records of the woman the police put forward as

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Cynthia White list her name as “Cynthia Williams.” This continues to fuel conspiracy theories that White’s death had been faked. In addition to the name “Cynthia Williams,” records show that the deceased employed at least 22 other names (including Cynthia White), nine social security numbers, and four dates of birth.⁵⁴ Refuse & Resist! claims that “the DA’s office had to come up with something special to discredit [Jenkins] testimony,” so they developed this “new tactic” of inventing White’s death.⁵⁵

But was this just a tactic?

Cynthia White is dead. She died in an abandoned house in Camden, New Jersey on September 9, 1992. The cause of death was not mysterious or “unknown,” as some claim. She overdosed on drugs. The State of New Jersey confirms that White’s fingerprints were an exact match for the woman who passed away.⁵⁶ White’s mother confirmed her daughter’s death. As if all of this is not enough, depressing photographs of the deceased from the scene of death are an obvious match of mug-shots of Cynthia White when she was alive.⁵⁷

Still today, Abu-Jamal supporters point to this bizarre episode as proof of the massive police conspiracy against their incarcerated hero. According to the Abu-Jamal camp, White’s 1992 death-certificate is a fabrication concocted by New Jersey and Pennsylvania working in collusion. “There is a real danger that the police, having declared Cynthia White dead,” proclaims Refuse & Resist!, “many now seek to make it a reality.”⁵⁸

NIGHT OF THE LIVING DEAD PART II: A DEAD POLICEMAN SHOOTS A GOOD SAMARITAN!

The only witness who claims to have seen someone other than Abu-Jamal kill Officer Faulkner has been consistently labeled *by the defense* as “a person whose recollection of what happened on the night in question we believe to be not entirely accurate.”⁵⁹ Mr. William Singletary strangely insist that Abu-Jamal wore a “safari suit like the Arabs wear” at the crime scene. He states that he observed a police helicopter “circling overhead” (Philadelphia’s police department did not own one) that escaped the notice of everyone else in the area.⁶⁰ Important parts of his story have changed several times over the years—like the fact that he originally told police that he didn’t witness the murder.⁶¹ Most incredibly, Singletary maintains that Officer Faulkner shot Mumia Abu-Jamal, whom he terms as an innocent bystander, after the policeman had been shot in the face—a medical impossibility!

In *Mumia: A Case for Reasonable Dooubt?*, a 1996 documentary that appeared on HBO and Court TV, he declared:

A guy in the car, a passenger, he jumped out and hollered some obscenities. And the police officer turned, as if to say to him, ‘Get back into the car.’ or something. And the guy pulled a handgun. And when he reached in his pocket and pulled a handgun, I just went behind the subway to get cover more or less cause I figured it was a gun. And I heard a popping sound. I ducked. Then I saw the guy point the gun directly at the cop’s face and then I saw the fire from the barrel hit the cop directly in the face. The guy turned around, looked at me and then he turned the other way, placed the gun in the Volkswagen, took off running east on Locust Street.⁶²

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“Another person appeared,” he continued. “He asked me who was the guy driving the Volkswagen. I said he took off running down the street. He says, ‘What happened there?’ I said a police officer got shot. He said, ‘Oh my God, we don’t need this!’ He walked over toward the police officer, threw his hands up in the air, and he laid over and asked the cop, ‘Is there anything I can do?’ and the cop’s gun discharged, hitting him in the chest.”⁶³

This version of events contradicts an earlier, even more outlandish story. He told the defense in 1990 that the soon-to-be pronounced dead Faulkner said “get Maureen” and/or “get the children” (Faulkner had no children) after being shot in the face and the actively raised his gun and intentionally shot Abu-Jamal.⁶⁴

IN PURSUIT OF ‘THE REAL KILLERS’

Since Abu-Jamal’s conviction, his defenders have made a number of arguments that they claim implicate the Pennsylvania criminal justice system in a racist plot. Foremost among them is the idea that the real killer or killers fled the scene. “No less than four witnesses to the shooting,” defense attorney Leonard Weinglass told the court on appeal, “situated in four different locations on Locust [Street], including a key prosecution witness, reported seeing a person...flee before police arrived.”⁶⁵

Unfortunately for Abu-Jamal, the witnesses that have come forward, as well as the evidence presented, tends to bring further discredit upon his case. Three of the “witnesses” didn’t witness the crime at all, one says the man who tried to flee was Mumia Abu-

Jamal, and another, William Singletary, is someone whose account even the defense admits should be taken with a grain of salt.

In 1995, the defense hoped to win a new trial by recalling Robert Chobert to the stand. The witness not only failed to vindicate the appellant, he swore that Abu-Jamal, not someone else, was the trigger-man. He also put the rest their theory that a different killer fled the area. Weinglass's client, he said, was the only person he had seen attempting to escape the scene.⁶⁶

Veronica Jones signed an affidavit in 1996 that claimed the police had approached her to lie at the original trial. Jones does not know the names of the policemen who approached her, admits to using drugs and alcohol the entire day before the murder took place, is a convicted felon, and, by her own admission, lied under oath at the original trial. Jones does not claim now, nor has she ever claimed, to be a witness to the murder. She only says that she saw two men jogging away from the scene minutes after the crime took place—not an unusual occurrence considering the fact that at 4:00 a.m. the neighborhood was inhabited by an assortment of drug dealers, prostitutes, and other ne'er-do-wells.⁶⁷ As to the possible motivation for changing her story—even on a matter of little importance to finding out the identify of the murderer—a courthouse supporter of Abu-Jamal shed some light on this when she defiantly proclaimed, “We got money coming in the bucketful's and Veronica is going to be taken care of.”⁶⁸

Dessie Hightower, one of the few non-character defense witnesses at the original trial, notes that he saw in the distance someone jogging from the crime scene about 15 seconds after he

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heard shots around a corner. He had earlier told police. “I saw somebody running past the hotel” after the area “was flooded with police.”⁶⁹ Hightower has never claimed to have witnessed the murder, nor does he know if the runner was a murderer fleeing the scene, someone getting help, or a person leaving the scene for some other reason.⁷⁰ Hightower failed a lie detector test administered by the police shortly after the murder by saying he didn’t see Abu-Jamal with a gun at the crime scene.⁷¹

The testimony of Debra Kordansky—who stated that reporters, police, and on-lookers were rushing about the scene following the crime—has been twisted by Abu-Jamal supporters, like Chobert’s testimony, to convey an impression that the “real” killers were running *from* the crime scene. When asked about her testimony by defense attorney Leonard Weinglass, Kordansky set the record straight: “No, I think the runner was part of the whole flow of the situation. There was a man killed. There’s panic. Someone was running, maybe two people are running, maybe three people are running, you know. There’s police, there’s news crews, etc.”⁷²

WAS THERE A POLICE CONSPIRACY TO SILENCE MUMIA ABU-JAMAL?

If a “mystery man” really did kill Daniel Faulkner, what motive would Faulkner’s closets friends on the police force have in working so feverishly to imprison the wrong person? Even the most flawed individuals generally do not wish to see a man jailed for crime he did not commit. If such a situation occurred with the man convicted of killing Daniel Faulkner, not only would the

police be guilty of incarcerating an innocent man but of letting the real killer get off scot-free as well. Could it be that Danny Faulkner's closest friends on the police force were so hell-bent on silencing a critic that they would allow the real killer of their fallen comrade to escape justice? This is just the idea put forward to explain the motive of a police frame-up.

Peruse the plethora of literature advocating freedom, relief from the death penalty, or a new trial for Mumia Abu-Jamal and one quickly discovers a wild theory explaining why the police, prosecutors, and others conspired to convict the wrong man. Abu-Jamal's scathing reports on the local criminal justice system, the story goes, were too threatening to powerful people. To allow his popularity to grow would be to seal the fate of the many wrongdoers among Philadelphia's establishment.

"It is the analyses that he engaged in that made him a threat to this system," explained a speaker at a Temple University conference. "And it emerged that in 1968 or '69, they looked at this young brother and they said, 'If we don't stop him, we're gonna have a problem.' So they waited and waited and waited, just like birds of prey, until the appropriate time."⁷³

A *Covert Action Quarterly* article intimating a set-up suggestively states, "One of the main issues that Abu-Jamal was following in his journalism immediately prior to his arrest was the issue of repressive police action towards the MOVE organization."⁷⁴

Refuse & Resist! Labels the case "a political frame-up engineered by the Philly cops in collaboration with the district

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attorney Ed Rendell, hanging judge Sabo, and other local power brokers eager to silence Mumia.”⁷⁵ They add that “the state wants Mumia dead for political reasons....an articulate revolutionary voice like Mumia’s is considered too dangerous.”⁷⁶

Rank-and-file activists parrot such a conspiracy theory.

“It’s very convenient that he was associated with the Black Panthers, and that he’s voice,” asserts Sarah George, a University of Maine-Orono student who attended Philadelphia’s “Millions for Mumia” rally.⁷⁷ Mumia was a target of the police because he was politically active and spoke out against class oppression and the denial of civil liberty,” declares Frank Vegara, a student at SUNY-Binghamton and a member of Latinos for Mumia.⁷⁸

Partisans seeking to inflate Abu-Jamal’s influence have labeled him a “journalist” who, as they usually mention in passing, was only moonlighting as a cabbie. The reverse is true. At the time of the shooting, Abu-Jamal did freelance work for WDAS, a small Philadelphia radio station, but derived his income almost exclusively through driving a taxi. In the eight years prior to his arrest, Abu-Jamal worked for numerous Philadelphia radio stations including WPEN, WCAU, and WHAT. It was on WUHY, a public radio station, where he gained steady employment from 1979 to 1981 and a local following for his coverage of the trails of various members of MOVE, an Afrocentric, back-to-nature group with which he sympathized, As he worked as a journalist covering the trails, he raised eyebrows by selling MOVE literature right outside of the very courtroom from which he was supposed to be providing even-handed reporting. This proved too much for even the public

radio affiliate that employed him. He was fired, as his boss put it, “because he couldn’t seem to maintain his objectivity.”⁷⁹

The official history of MOVE bizarrely states that Mumia had “thrown away a chance to be a network news anchor” by aggressively covering police brutality and racism.⁸⁰ Yet among Abu-Jamal’s “journalistic” activities in the months leading up to his arrest was calling local talk shows and volunteering his opinion on various events of the day—hardly normal activity for any journalist, let alone a potential “network news anchor.”

The story that Abu-Jamal won a Peabody Award for his journalism—appearing on the jacket of *Live From Death Row* and numerous other places—is also completely without foundation. “It’s not true,” explained the University of Georgia’s Tom Hoover, who works for the group that issues the prestigious award. Hoover disclosed that Abu-Jamal did submit materials for consideration, something that anyone can do, but “he’s not a Peabody winner.”⁸¹

Abu-Jamal’s influence on the public was minor. At the time of his arrest it was virtually non-existent. A computer check of *The Philadelphia Inquirer* and *The Philadelphia News* reveals that Mumia Abu-Jamal’s name appears in only one article within the pages of the city’s two major daily newspapers in the six months prior to his arrest for murder.⁸² While it would be hard to ascertain if the local police did have a consuming interest in the journalistic work of Mumia Abu-Jamal, the public clearly did not.

If the police really did frame Abu-Jamal in hopes of silencing him, they couldn’t have partaken in more ill advised venture. In 1981, Abu-Jamal was a cab-driver whose freelance journalism

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reached a tiny audience. Today, he is a newspaper columnist, writes books read by tens of thousands of people, airs commentaries on national radio, and is the subject of numerous videos, internet sites, and concerts.

BIZARRE COURTROOM BEHAVIOR

Judge Albert Sabo is portrayed as the chief villain by Abu-Jamal's fanatical supporters. Sabo, they say, acted in a manner that transformed the proceedings into a "kangaroo court." "This is God versus Satan," complains Rev. Benjamin Greene. The man of the cloth adds, "If we continue to watch things take place like Abu-Jamal's trial. I believe God will judge us because Sabo only means Satan Annihilating Blacks Openly."⁸³ "The judge's behavior was medieval," Rage Against the Machine's Tom Morello opines.⁸⁴ Most courtroom observers, however, say it was defendant, and not the judge, who exhibited less than normal behavior. Abu-Jamal was unwilling to rise when court was called into session. He would not say whether he wanted to be tried by a jury, or by a judge alone. He even refused to enter a plea. He demanded that an incarcerated MOVE member be let out of prison to serve as his legal runner and that courtroom spectators be allowed to help him ask questions of witnesses.⁸⁵ Abu-Jamal used profanity often and was generally disrespectful. During the two-week trial, he had to be physically ejected on at least five occasions, with one tirade sparking a courtroom brawl involving his followers.⁸⁶

Throughout the trial, Judge Sabo patiently endured abuse. On one occasion, Sabo warned Abu-Jamal to sit-down eight different

times before he was finally forced to have him removed.⁸⁷The defendant called the judge a “black-robed conspirator,” a “hangman,” and an “executioner.”⁸⁸ After disrupting the proceedings and being told by the judge, “It’s not your turn,” the defendant responded in usual fashion by saying, “Regardless, it’s my trial. His turn, my turn, it’s not important to me.”⁸⁹ Another typical exchange has the defendant ordering the judge to grant him luxuries not enjoyed by other participants in the case:

Abu-Jamal: I need the microphone at the table.

The Court: I don’t have one.

Abu-Jamal: You get one.⁹⁰

After being told to behave himself, Abu-Jamal then repeatedly remarked, “Judge, your warnings to me are absolutely meaningless.”⁹¹ A year later in a post-trial hearing in which Judge Sabo formally affirmed the jury’s decision, Abu-Jamal issued his own death sentence against the judge.⁹²

Albert Sabo was hardly the only judge on the receiving end of Abu-Jamal’s abusive tirades. The defendant was ejected by Judge Paul Ribner in a pre-trial hearings after an outburst in which he shouted, “You ought to the try goddamned case.” As he was led out of the courtroom Abu-Jamal called the judge a “bastard” and yelled out, “I don’t give a damn what you think. You go to hell.”⁹³ An angry outburst marked Abu-Jamal’s unsuccessful mid-trial appeal in Judge James McDermott’s courtroom as well.⁹⁴

‘THE BEST LAWYER IN THE WORLD’: JOHN AFRICA

Abu-Jamal’s bizarre courtroom behavior is perhaps best exemplified by his almost incessant calls for the court to allow John Africa, a non-lawyer, to act as his attorney. Pennsylvania law forbids non-lawyers from representing anyone but themselves in criminal cases, forcing Judge Sabo to deny this request. Despite the clarity of the law and Judge Sabo’s ruling, Abu-Jamal would persist in demanding Mr. Africa’s presence on more than 100 occasions throughout the trial.⁹⁵ The motive for the requests may have been to wear the judge down and force him to allow the defendant to be represented by an incompetent non-attorney, thereby creating a clever basis on which the case might be overturned in subsequent appeals.

Abu-Jamal initially represented himself, but his constant disruptions and wasting of time forced the court to remove him from that role and replace him with Anthony Jackson. Jackson had defended well over a dozen murder cases. Most of his clients had been cleared of first-degree murder charges and not one had received the death penalty.⁹⁶ Clearly, the judge acted in the best interest of the accused by appointing an experienced lawyer to represent him. Current claims that Judge Sabo sabotaged the case in going with Jackson over Abu-Jamal or Africa are beyond the realm of sane discourse. Yet Jackson was the object of vicious abuse by his client and their supporters—to the point where one physical and verbal assault moved him to tears. At least one

supporter of the defendant—his mom—disagrees with the venom that was thrown at his lawyer. “I think Tony Jackson is an excellent attorney,” she said after the jury announced its verdict.⁹⁷

After he was found guilty Abu-Jamal told the courtroom, “In fact, many will remember that I said this would happen last week when John Africa predicted and prophesied this jury decision.”⁹⁸ In an apparent attempt to downplay his client’s cult member-like behavior, current defense attorney Leonard Weinglass now denies that Abu-Jamal call for John Africa to represent him.⁹⁹ This position betrays reality. One need only read the transcript of the trial’s first day of proceedings before the jury to see that Abu-Jamal invoked John Africa’s name more than 20 times that day in an attempt to have him recognized as his attorney, e.g., “I’m attempting to get the counsel of my choice. I’m attempting to get John Africa.”¹⁰⁰ “I think he is [the best lawyer in the world],” he would later tell incredulous courtroom observers.¹⁰¹

WERE BLACK JURORS CLOSET RACISTS?

“It was a racist situation,” held an attendee of the Meadowlands benefit show. “There were no blacks on the jury.”¹⁰² Despite a widespread perception to the contrary, the jury seated for trial included nine whites and three blacks. Its racial make-up nearly mirrored the city’s demographics at that time. Ultimately, two blacks found the accused guilty and joined in handing down a death sentence. Among the defense allegations at a 1997 appeal was that the dismissal of one of the three original black jurors during the 1982 trial was designed to add more whites to the jury.

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The court pointed out the real reason for the dismissal: “This particular juror openly expressed a dislike for [Abu-Jamal]. Appellant now relies on that discussion to argue that the court actually ‘engineered’ the removal of this juror. His claim is devoid of merit.”¹⁰³

AMERICA’S NELSON MANDELA?

“Mumia is the United States’ Nelson Mandela,” contends Kent State Professor Walter Davis, who believes that this Solzhenitsyn of Philadelphia was “wrongly tried” for his political views.”¹⁰⁴ Another group claims, “The truth is that Mumia Abu-Jamal was sentenced to death for his political beliefs.”¹⁰⁵ These activists are right in saying the case was politicized. It was Abu-Jamal, though, and no one else, who attempted to transform the court proceedings into an ideological forum’

From the very beginning of the trial, the defendant tried to obscure the evidence by politicizing the proceedings. He unsuccessfully petitioned the court to allow him to ask prospective jurors if they were “liberal” or “conservative.”¹⁰⁶ Through his attorney, the former Black Panther demanded that the charges be thrown out because “murder as is previously defined” in the United States was not defined to his “satisfaction.”¹⁰⁷ He tried to turn the case into a trial of the criminal justice system by referring to “my so-called rights,” “your so-called law,” and “a so-called trial.”¹⁰⁸ He quoted John Africa on how “the system,” and not the perpetrator of the crime, is the real criminal.¹⁰⁹ Instead of focusing on material witnesses, the accused directed his court-appointed

attorney to rely almost entirely on the testimony of political activists from local universities who served as character witnesses.¹¹⁰ Throughout the trial he gave the “black-power” sign and yelled to slogan of MOVE, “On a Move!” During the sentencing phase, Abu-Jamal told the courtroom, “This decision today proves neither my guilt nor my innocence. It proves merely that the system is finished. Babylon is falling!! Long live MOVE!! Long live John Africa!”¹¹¹

Not once prior to the jury’s verdict were any of Mumia Abu-Jamal’s political beliefs discussed by anyone but Mumia Abu-Jamal. During the sentencing phase prosecutor Joe McGill did ask the defendant about his fondness for Mao’s quote that “political power grows out of the barrel of a gun.” This simple query has led “Mumiacs” to conclude that the trial was politicized—not by their hero, but by the prosecution! After McGill read the quote, Abu-Jamal even got the court to allow him to read the entire article where the quote appeared—hardly the action of someone wanting to shield such views.¹¹²

Quite clearly, the government didn’t imprison Mumia Abu-Jamal for his political stances. It is equally clear that supporters of Abu-Jamal seek his release, not because of the evidence, but because he harbors left-wing views. In the very same breath that they condemn the supposed jailing of a man for his beliefs, they point to those same beliefs as the reason that he should be released.

Unless one believes that murdering a policeman is a political statement, Mumia Abu-Jamal could not be considered a political prisoner.

MUMIA MURDERED A POLICEMAN

There are currently more than 3,000 people on death row in the U.S. Every few days, someone in America is executed in one of the 38 states that have capital punishment laws on the books. Yet few of these executions spark much controversy. The case of Pennsylvania State Correctional Institution-Greene prisoner AM-8335 is clearly different.

For historically conscious observers, Mumia Abu-Jamal invites obvious comparisons to the accused in politically-charged legal battles of the past. The 20's had Sacco and Vanzetti. The 30's witnessed thousands rise up in defense of the Scottsboro Boys. Alger Hiss and the Rosenbergs polarized Americans during the most high-pressure years of the Cold War. During the tumultuous cultural upheaval of the 1960's and '70s, the Chicago Seven, Angela Davis, and "Hurricane" Carter caught the attention of the nation. Activists in the '90s searching for a political cause wrapped around one individual found their man in Mumia Abu-Jamal. Quite obviously, "Mumia" has attained a cult-like status among American radicals that in the past had been reserved for a select few. And like many of the aforementioned accused, the truth about his guilt or innocence will not only be source of contention for some time to come, but ultimately will be irrelevant to closed-minded people immersed in activism on his behalf.

More than two millennia ago, Plato spoke of the sometime necessity of telling "noble lies." Today, the followers of Mumia Abu-Jamal embrace Plato's idea that if a lie serves a good cause, it

should be told. Say a lie over and over again, shout it loud enough, and it becomes true. This is the attitude of the fanatical disciples of America's most famous cop-killer.

Those championing Abu-Jamal's cause believe that the overall truth of their secular faith subordinates any smaller truths that run contrary to their way thinking. Police oppress minorities, their philosophy posits. It's not supposed to be the other way around. So the evidence of the case, to such an ideologue, is largely irrelevant. What really matters is the promulgation of the idea that America is a racist, oppressive society, and anything that supports this view—even lies—should be promoted.

The followers of Mumia Abu-Jamal aggressively prohibit any questioning or debate that casts doubt upon their worldview. Likewise, any activity that is perceived to further their goals, no matter how repugnant, is encouraged. Spitting in the face of the widowed Maureen Faulkner, as at least one activist has done, or proclaiming that "Daniel Faulkner deserved to die," as another cruelly expressed to me, is viewed as admirable.¹¹³ Whites berating black policeman as "race-traitors," or chants of "Brick by brick, wall by wall / We're gonna kill every cop, one and all," are not unusual at rallies held in honor of their jailhouse messiah.¹¹⁴

To objective observes, it is clear that Mumia Abu-Jamal snuffed out existence of a newly wed policeman who had his whole life ahead of him. He is not a Nelson Mandela as his supporters claim, but a wannabe O.J. Simpsons—someone who seeks to avoid punishment for a crime he did commit. It is in some ways to expected that a man who shot another man in the back

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and then in the face would tell lies to obfuscate his crime. What excuse can followers of such a person offer for spreading his falsehoods?

Machiavelli said, “one who deceives will always find those who allow themselves to be deceived.”¹¹⁵ Liars in our time have found an ample following of people who more than allow themselves to be deceived.

To believe the story of innocence crafted by the defense, one has to buy into a conspiracy involving hundreds of people. One has to accept that the states of Pennsylvania and New Jersey acted in collusion to fake the death of a woman to keep her from testifying in favor of Mumia Abu-Jamal. Believing the story of a frame-up is to think that the police planted crucial evidence at the scene, including a murder weapon registered to Mumia Abu-Jamal. Accepting the defense’s version means that Officer Faulkner shot Abu-Jamal for no reason, that numerous eyewitnesses were coerced into lying, that blacks on the jury were tricked by the racist scheme, and that Abu-Jamal’s silence on this case—but apparently on nothing else—is just noble stoicism.

People of good faith might disagree on a great number of matters regarding Mumia Abu-Jamal—Is a man deserving of the death penalty for what amounts to his first serious offense? Could the criminal justice system have handled the case more professionally? Is he a credible journalist or the peddler of semi-literate screeds?

One matter that is settled, however, is that Mumia Abu-Jamal is a murderer.

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- ⁹⁴ "Jamal barred from trying case," *The Philadelphia Daily News*, June 18, 1982, p.6.
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¹¹³ Mar. 1999, phone interview of “Marcos” of the International Concerned Family and Friends of Mumia Abu-Jamal by author. Steve Dunleavy, “May it rain rats on concert for cop killer,” *The New York Post*, January 28, 1999, p. 5.

¹¹⁴ At the July 3, 1999, “Let Freedom Ring for Mumia” rally I witnessed several people, whites and blacks, swearing and screaming at a black policeman because of his profession. At the “Millions for Mumia” rally on April 24, 1999, I witnessed over a dozen people chanting this variation of the more familiar, “Brick by Brick, Wall by Wall / We’re Gonna Free, Mumia Abu-Jamal.”

¹¹⁵ Niccolo Machievelli, *The Prince* (VT: Everyman Publishing, 1998) p. 97

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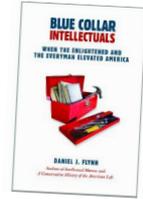
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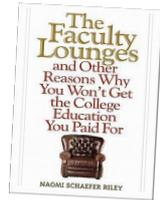
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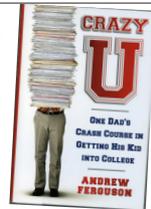


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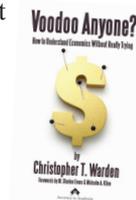


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