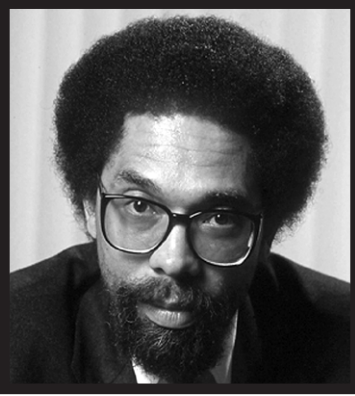




Photo of the protest in Oakland, CA on July 8, 2010, following the announcement that BART officer Johannes Mehserle was only convicted of involuntary manslaughter for the videotaped shooting death of Oscar Grant. Photo by 'dave id' of Indybay.org



Author Cornel West spoke in support of Mumia at Columbia University, April 3, 2010. The event, called "Live from Death Row: Mumia at the Crossroads in the Age of Obama," was organized by Educators for Mumia Abu-Jamal and also featured Vijay Prashad and Black Panther Party alumni Jamal Joseph.

Visiting Mumia From Germany - MOVE 9 Parole - Mumia Legal Update
Linn Washington Jr - Kiilu Nyasha - Safiya Bukhari - Fred Hampton
Educators for Mumia - The Polakoff Photos - Justice on Trial
Mumia writes about Lynne Stewart, Oscar Grant, Marilyn Buck, and more!

ABU-JAMAL NEWS

Published by Journalists for Mumia Abu-Jamal, an independent news organization

Two New Films About Mumia Will Premiere in Philadelphia

A new film, already endorsed by the Fraternal Order of Police, entitled *The Barrel of a Gun*, will be unveiled in Philadelphia on Sept. 21. Based on the two trailers that have been released and public statements by the film-maker, Tigre Hill, that he believes Mumia is guilty, we can safely expect that the film will be extremely biased against Mumia, as is the case with the majority of mainstream media coverage about Mumia. In response, supporters of Mumia are mobilizing to confront this new film that is particularly dangerous because of Mumia's current legal situation, where the death penalty may be reinstated. One such means of challenging it is another new film being shown on the same day in Philadelphia. This film, entitled *Justice On Trial: The Case of Mumia Abu-Jamal*, is produced by Johanna Fernandez, who is a Professor of History at Baruch College/CUNY, and co-coordinator of Educators for Mumia Abu-Jamal. Fernandez told *The Philadelphia Inquirer* that that the film's been in the works for four years and "this moment seems ideal for engaging all sides in an important conversation that has long been muted by hostility and acrimony."

...READ MORE ON PAGE 12

Be In Philadelphia! World Day Against The Death Penalty

October 9, 9am, Fraternal Order of Police HQ (Broad & Spring Garden)

We demand 100% abolition of the death penalty NOW! No Exceptions (including Mumia Abu-Jamal)!

Several key members of US death penalty organizations have recently made a move to exclude Mumia from the movement to abolish the death penalty, arguing that Mumia's inclusion alienated potential law enforcement supporters of the abolition movement. This position cause an international uproar. Oct. 9 will be a reaffirmation of a real and unifying abolition movement.

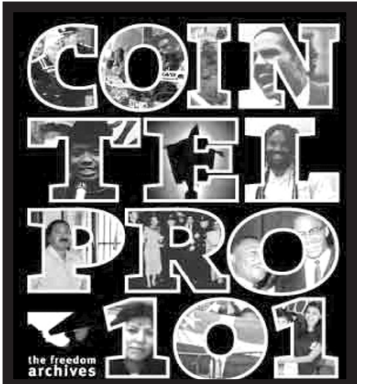
We demonstrate at the Fraternal Order of Police HQ because of their long term vicious commitment to executions, even in cases of innocence, and their terrorist attacks against those who fight for justice.

Featuring Philadelphia journalist Linn Washington, *The Welfare Poets*, international representatives, former death row prisoners, and many others. More information: www.freemumia.com

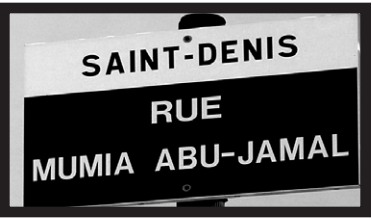
...READ ABOUT THE SECRET MEMO THAT FAILED TO EXCLUDE MUMIA, ON PAGE 4



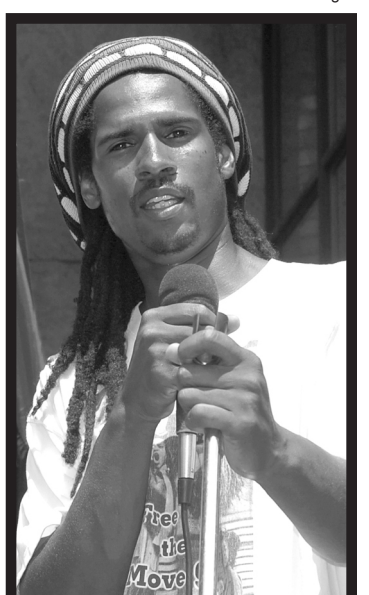
ABOVE: Performance during February, 2010 Free Mumia teach-in, Mexico City.



The new film, "COINTELPRO 101," by Freedom Archives, will debut in San Francisco on Oct. 10, 2010. For more info: www.freedomarchives.org



In April, 2006 the French city, St. Denis, (a Paris suburb) named a street after Mumia, called Rue Mumia Abu-Jamal, leading directly to the largest sports arena in Europe: "Nelson Mandela Stadium."



These 4 photos (2 above by Raptivist Capital-"X" and 2 below by Anne Lamb) are from the protest in support of the MOVE 9 on Aug. 8, 2010 in Philadelphia.



ABOVE: 3 photos by Joe Piette, Workers World. Top: Marching to the US Justice Dept. in Washington, DC to deliver a 20,000 signature petition calling for a civil rights investigation for Mumia on Nov. 12, 2009; Middle: Returning to deliver 20,000 more signatures on April 26, 2010; Directly Above: Poet Sonia Sanchez speaks in support of Mumia in Philadelphia on April 24, 2009;

We Demand a Civil Rights Investigation for Mumia!

In May 2009, immediately following the US Supreme Court's refusal to review the Third Circuit Court of Appeals' denial of a new guilt-phase trial to Mumia, the movement supporting him began a campaign demanding a federal civil rights investigation of the extensive violations of Mumia's constitutional rights from 1968, when the FBI and Philadelphia police started its surveillance of him, to the present. The NAACP joined the call to investigate (see pg. 15), and supporters around the world signed & compiled petitions that were hand delivered to the US Justice Department (DOJ) on Nov. 12, 2009 and April 26, 2010—totaling 40,000 signatures—following press conferences that included Amnesty International, the NAACP, the United Church of Christ, the Riverside Church Prison Ministry, international representatives, and family members of Muslim political prisoners, and numerous activist groups.

Organizers were familiar with the different attempts to get the DOJ to intervene in Mumia's case: the Congressional Black Caucus in 1995, the Free Mumia Abu-Jamal Coalition in 1996, and a group of international labor leaders and US figures in 2000. The DOJ, at that time under the Clinton Admin., consistently refused to take

...CONTINUED ON PAGE 13

When Massacre Is No Crime

By Mumia Abu-Jamal

July 22, 2010

Recently, when members of the MOVE Organization filed a criminal complaint in the Philadelphia trial court, the DA argued against the filing, citing the extraordinary length of time, 25 years, since the May 13, 1985 bombing of the MOVE home by city police, where 11 men, women and children were massacred.

The trial judge, Frank Palumbo, agreed with the prosecutor's arguments, and refused to accept the case for prosecution.

Imagine this: the same office which claimed that 25 years ago was too long ago, tried to convict an elderly man in Philadelphia for a shooting that occurred over 40 years ago.

It's been several months since 74 year old William Barnes was acquitted in a murder trial stemming from the shooting of a cop in 1966. The DA had no problem spending thousands of dollars to try Barnes, 44 years later.

That proves, if anything can, that time wasn't an issue.

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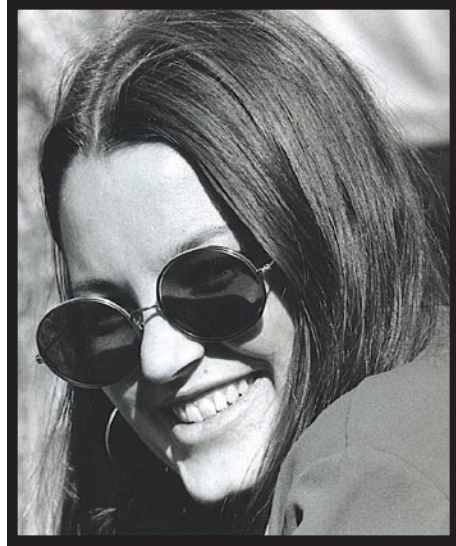


Banner dropped at Berlin Alexanderplatz, with the Fernsehturm in the background, April 24, 2010, Berlin, Germany. Photo by Bjoern Kietzmann



New Radio Essays By Mumia Abu-Jamal

Listen to these and others at www.PrisonRadio.org



Marilyn Buck, 1971. Photo: Jeff Blankfort.

Marilyn Buck: Presente!

By Mumia Abu-Jamal

August 14, 2010

For nearly 30 long, tortuous years, Marilyn Buck was a political prisoner of the state, a captive in the federal prison system for her role in the liberation of former Black Panther, Assata Shakur.

She wrote gripping lines of radical poetry, often about the lives and plights of her fellow imprisoned women, as well as of prisoners who were active in the Black Freedom and Nationalist movements.

For example, back in 2000 she wrote "Black August", an excerpt of which follows:

*Would you hang on a cliff's edge
Sword-sharp, slashing fingers
While jackboot screws stomp heels
on flesh peeled bones
and laugh
"Let go! die, damn you, die!"
could you hold on 20 years, 30 years?
20 years, 30 years and more
brave Black brothers buried
in US concentration camps
they hang on
Black light shining in torture
chambers
Ruchell, Yogi, Sundiata, Sekou
Warren, Chip, Seth, Herman, Jalil
and more and more they resist:
Black August....*

Marilyn wrote that poem in 2000. She was released in July 2010, and recently passed away from the ravages of cancer.

Marilyn Buck was imprisoned so long because of her support of the Black Liberation Movement, which made her a traitor, of sorts, to the White Nation. Like John Brown, she fought to free the unfree.

Her spirit of resistance never left her. Marilyn was 62.

--(c) '10 maj



Marilyn Buck, Dublin Federal Prison, 1998.

Brother Charles (1951-2010)

By Mumia Abu-Jamal
July 25, 2010

His name was Ali Shabazz, but most people called him Bro. Charles.

Born Leslie Charles Beasley, in June, 1951 in Phila, PA, he was drawn, like many boys his age, to gang life.

As anyone knows, gang life is a hard life, and Charles, despite his relatively short stature, was as hard as they come. Few saw his sensitive side, but he had a wonderful sense of humor, a rich belly laugh, was a talented artist with a caring heart for younger people.

In 1980, after a series of

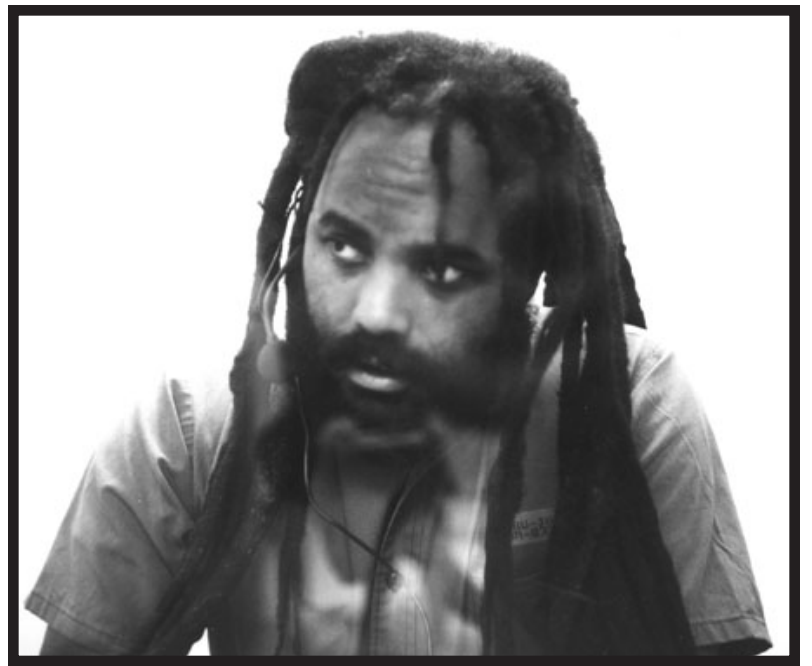
stick-ups that went badly, he was sent to Death Row, and it was there that Bro. Charles died, not by the hangman's noose, but by "natural causes" (as if any death or life on death row could be considered natural).

His health deteriorated seriously in the last few years, and substandard treatment by prison health personnel certainly didn't do much to arrest that deterioration.

He was a longtime member of the Nation of Islam, from whence came his names: Charles X, and Ali Shabazz.

Bro. Charles was 59.

--(c) '10 maj



Mumia Abu-Jamal wears microphone during a recording session at SCI Greene in the mid-1990s. This is one of the last photos taken of Mumia before photo, video, and audio recording equipment was banned in prisons statewide. Photo by Prison Radio.

Punishing Lynne

By Mumia Abu-Jamal

July 18, 2010

Lynne Stewart, the activist lawyer, was recently sentenced to 10 years in prison.

This outstanding lawyer, a 70 year old grandmother, who is facing the serious threat of breast cancer, was originally sentenced to 2 years and 4 months, but the federal appeals court apparently felt that wasn't enough.

The same appeals courts that traditionally reverses the convictions of cops who torture or kill Black citizens, and who traditionally rely on the judgements of the trial courts, reversed Stewart's sentence as not tough enough.

So much for judicial tradition.

For Lynne's tradition wasn't that of the tony tie and tails law firms of downtown Manhattan. She didn't represent the rich, the powerful, the well-heeled.

She represented the poor, the oppressed, the destitute and the dispossessed; the Black, the Latino, the Arab, the damned; those whom

Frantz Fanon famously called 'the wretched of the earth.'

A juxtaposition: Many, many lawyers on the Office of Legal Counsel, in the White House, the CIA, and the Defense Dept. violated criminal laws, the military legal code, the Geneva Conventions, and the Convention Against Torture (CAT) [not to men-

tion the U.S. Constitution!] to aid and abet violations of law -- for years.

Guess how many of them faced trial? Guess how many of them will in future?

How many of them will ever face prison?

None, None -- and none.

For their crimes were on behalf of the powerful; the state; hence their immunity.

Or consider what is known in international law as the 'supreme crime': wars of aggression.

Iraq will be a basket case for generations, thanks to American arrogance and greed.

Will anybody be brought to book for this crime, that shattered a nation, that sent millions into exile, and killed perhaps a million men, women and children?

Don't hold your breath.

There are still black sites, secret prisons, where tortures happen daily. There is still extraordinary renditions - clear violations of the Convention Against Torture (CAT)

But politicians are doing it - not to 'protect' the nation -- but to secure elections. Torture for votes.

And a 70 year old grandmother, a lawyer, is sent to prison for 10 years - for violating a prison rule that is an unconstitutional relic of the so-called war on terror.

This is what an empire in decline looks like.

--(c) '10 maj

Editor's note: Lynne Stewart has since appealed this re-sentencing to the US Second Circuit Court of Appeals. For the latest information, and to learn how you can help support Lynne, please visit: www.lynnestewart.org



The Mehserle Trial

By Mumia Abu-Jamal

July 10, 2010

The manslaughter verdict returned against former BART (Bay Area Rapid Transit) cop, Johannes Mehserle, for the videotaped murder of Oscar Grant, sent hundreds of protesters back into the hot streets of Oakland, California, Grant's hometown.

The corporate media scratched its collective head, essentially asking 'Why protest when the guy was convicted?'

The protesters knew, however, that the court system bent heaven and earth to return the lightest verdict possible; involuntary manslaughter' and that Mehserle faces a possible sentence of probation to a maximum of 4 years in prison.

They knew that Mehserle got a non black jury, hundreds of miles from Oakland.

They knew that each of those hundreds could've been Oscar Grant, unarmed, shot to death on tape and the same thing would've happened.

Of course, the corporate media doesn't get it.

Consider this: If Oscar Grant were the ag-

gressor, and charged with killing Mehserle; would he have been able to leave the state (Mehserle fled to Nevada days after shooting Grant)? Would he have been able to transfer his trial hundreds of miles away? Would he have been able to select an all-black jury - or one from which all whites were purged?

Would he have been convicted of involuntary manslaughter - in the face of videotaped evidence?

Everyone who considers these questions honestly knows the answers.



What does that say about the system? What does this say about the courts?

What does this say about our supposedly 'colorblind' present?

It says, quite loudly, that there's one law for some; another law for others.

It says that life in dark flesh is not equal to life in white flesh- and those hundreds in Oakland's streets knew this in their blood.

--(c) '10 maj

These photos, taken by 'dave id' of indybay.org are from the protest in Oakland on July 8, 2010, after the verdict was announced. For more, please visit: indybay.org/oscargrant

Welcome to the Fall, 2010 issue of **Abu-Jamal News**, published by Journalists for Mumia Abu-Jamal, co-founded in April, 2007 by US journalist Hans Bennett (hbjournalist@gmail.com) and German professor/author Michael Schiffmann (mikschiiff@t-online.de).

On April 6, 2009, the US Supreme Court refused to consider Mumia's bid for a new guilt-phase trial. Then, on Jan. 19, 2010, the same court ruled in favor of the Philadelphia DA, and vacated a previous 2001 decision (affirmed in 2008 by the Third Circuit Court) that had overturned the death penalty and had stated that Mumia must be granted a new sentencing-phase trial (at which evidence of innocence could be presented but the jury could only decide between a sentence of execution or life without parole) if the DA wants to reinstate the death penalty.

The case has now been sent back to the US Third Circuit Court to consider whether or not a recent Supreme Court decision in the *Spisak* case will be grounds for re-imposing the death penalty on Mumia, who has never left death row during the post-2001 appeals.

At this critical time when Mumia is even closer to execution, a new blatantly anti-Mumia film entitled *The Barrel of A Gun*, will show on Sept. 21 in Philadelphia. Mumia's supporters are mobilizing in response, and we hope that our newspaper will be a tool for challenging the film's factual distortions that will be necessary for their arguments that Mumia is guilty, and that he received a fair trial.

All articles are written by Journalists for Mumia, unless noted otherwise.

www.Abu-Jamal-News.com

RESOURCES FOR ACTION!

FreeMumia.com (NYC, Phila.)
FreeMumia.org (SF Bay Area)
Emajonline.com (EMAJ)

The International Concerned Family and Friends of Mumia Abu-Jamal (ICFFMAJ)
PO Box 19709, Phila, PA 19143
215-476-8812, icffmaj@aol.com

Please donate to help ICFFMAJ and the NY Free Mumia Coalition's organizing work at www.freemumia.com or send donations to: Free Mumia Abu-Jamal Coalition (NYC)
P.O. Box 16, College Station
New York, New York 10030

Write Mumia at:

Mumia Abu-Jamal
AM 8335, SCI Greene, 175 Progress Dr.,
Waynesburg, PA 15370

Over 500 people packed out this April 3 event at Barnard College campus at Columbia University featuring Vijay Prashad, Cornel West, Jamal Joseph, Pam Africa and more. This was part of a weekend conference organized by Educators for Mumia Abu-Jamal.

Mumia FAQs, Compiled By Educators For Mumia

Who is Mumia Abu-Jamal?

Mumia Abu-Jamal is an African-American writer and journalist, author of six books and hundreds of columns and articles, who has spent the last 29 years on Pennsylvania's death row. His demand for a new trial and freedom is supported by heads of state from France to South Africa, by Nobel Laureates Nelson Mandela, Toni Morrison, Desmond Tutu, by the European Parliament, by distinguished human rights organizations like Amnesty International, city governments from Detroit to San Francisco to Paris, scholars, religious leaders, artists, scientists, the Congressional Black Caucus and other members of U.S. Congress, the NAACP, labor unions, and by countless thousands who cherish democratic and human rights - and justice - the world over

Why is Mumia on Death Row?

In 1982, during a time still under the influence of the corrupt and violent police regime of Mayor Frank Rizzo, the Philadelphia District Attorney's office headed by Ed Rendell (now, Governor of Pennsylvania) secured a conviction and death sentence in a jury trial, which lasted only three weeks, claiming that Mumia had murdered Philadelphia police officer, Daniel Faulkner, on December 9, 1981.

What Was the Prosecutor's Argument?

Philadelphia prosecutors argued, and still claim, that Mumia, while working as taxi-driver in downtown Philadelphia and who also carried a gun in his taxi due to past robberies he had suffered as cab driver, came across his brother who had been stopped by Officer Faulkner. Prosecutors argue that Mumia ran across a parking lot into the street where Faulkner was, pulled his gun and shot Faulkner in the back, and that, even though Mumia too had been wounded by a shot from Faulkner, he then stood over Faulkner, straddling his body, and shot him several times point blank in the face, as Faulkner lay on the sidewalk.

What do Mumia's Supporters Say About the Crime?

There is no dispute that Mumia was wounded as he approached the crime scene where his brother also was. After Mumia was shot the details are unclear. It is clear that after police apprehended Mumia and while in transit to the hospital, he was beaten severely by the police. Many of those who believe Mumia is innocent claim that it is most likely that the shooter was a fourth person at the crime scene (beyond Mumia, his brother, and Faulkner), who was riding with the brother in his car and about whom jurors heard nothing at trial. Patrick O'Conner's book, *The Framing of Mumia* offers the most reasoned account for that claim. Other supporters have no opinion about Mumia's innocence, but nevertheless unite in viewing Mumia's 1982 trial as a travesty of justice, and affirm, with Amnesty Intl.'s 2000 case study, "that justice would best be served by a new trial."

What do Mumia's Critics Say About Him and the Crime?

Mumia's critics who routinely tag him as "cop killer," and who are led by the Fraternal Order of Police and a web site with a Board of Directors that includes Faulkner family members, former Philly Police Chief, John Timoney, and Mumia's original prosecutor Joe McGill, have charged the following: (a) that the prosecutors' argument mentioned above is an open and shut case which subsequent appeals' rulings have simply confirmed, (b) that supporters of Mumia - whether Amnesty International or others in Philadelphia, the nation or abroad - are simply uninformed about the case against Mumia, (c) that Mumia as a former Black Panther and revolutionary journalist was just waiting for a chance to kill a cop, (d) that

Mumia's writings and notoriety are a mode of torture for the slain officer's widow, Maureen Faulkner, who is being denied "closure," (e) that all the arguments made by Mumia's attorneys and supporters are based on "myths."

What have Mumia's Attorneys Argued?

By 1999, Mumia's attorneys had filed appeals at all levels of state and federal courts, arguing 29 claims showing violations of Mumia's constitutional right to a fair trial. Many of those were discussed and confirmed also in the Amnesty International 2000 study of Mumia's case, *A Life in the Balance: The Case of Mumia Abu-Jamal*. The most prominent of these claims focused on the original trial judge's racial bias, the failure of police to do minimal forensic tests, racial bias in jury selection, providing Mumia with only ineffective and under-resourced defense counsel, rushing trial proceedings, denying Mumia the right to self-defense, giving inadequate instructions to the jury about mitigating circumstances, and the prosecutors making of venomous closing arguments to the jury.

Since 1999, Mumia's attorneys have been allowed by the federal courts to focus largely on only four areas:

(a) in relation to sentencing, whether the jury verdict form along with the judge's instruction to the jury mislead the jury in violation of Supreme Court case law;

(b) in relation to conviction and sentencing, whether racial bias in juror selection existed to such an extent that it tended to produce an inherently biased jury and therefore an unfair trial;

(c) in relation to conviction, whether the prosecutor improperly attempted to reduce jurors' sense of responsibility by telling them that a guilty verdict would be subsequently vetted and subject to repeated appeals, but that a not guilty verdict could not be reviewed; and

(d) in relation to the post-conviction review hearings in 1995-1996, whether the presiding Judge Sabo, who had also presided at the trial, demonstrated unacceptable bias in his conduct.

Also in the years following 1999, Mumia's attorneys have tried to get judicial review of (a) an affidavit by a court stenographer that Judge Sabo said in a court anteroom about his role in the case, "yeah, and I'm going to help them fry the nigger" (b) witnesses who now recant their testimony given at trial who say they were pressured by police into denying the presence of a fourth fleeing person at the scene and into naming Mumia the shooter, (c) a confession by another man who claimed to have been the actual shooter, and (d) the failure of both defense attorneys and prosecutors to present for review to any jury or judge the first photos taken at the crime scene (the Polakoff photos). Only police photos taken slightly later, and with significant differences from the Polakoff photos, were used at trial.

Where Does the Legal Case Stand Now?

Mumia's requests for a new trial have been denied by each reviewing court. Only claim (a) of the four post-1999 claims has been a fruitful ground for relief for Mumia, so that a district federal judge, William Yohn, set aside Mumia's death sentence in 2000. Yohn's decision was appealed by prosecutors to the federal appeals circuit court which affirmed it. Unfortunately, the US Supreme Court vacated that grant of relief and has asked the federal appeals court to reconsider its ruling in light of the highest court's recent ruling on another case, *Smith v. Spisak*. During all of these appeals, Mumia has never left death row.

Last year a petition was filed in Philadelphia's Court of Common Pleas asking for a new trial based upon a newly released report from the National Academies of Science that found flaws in many forms of forensic evidence.

That petition was denied and an appeal of that denial is currently pending in the Pennsylvania Supreme Court.

Nevertheless, amid all these ongoing processes, Mumia remains on death row, with prosecutors and politicians in Pennsylvania ready to dispatch him to death as soon as a way is made clear. Even if execution is avoided, Mumia faces the sinister prospect of life in prison for a crime he did not commit.

What Grounds Do Supporters Cite When Claiming Mumia's Innocence?

Supporters draw from, and usually combine, four kinds of argument:

(1) Procedurally and legally, no one should be denied innocence until a constitutional and fair trial has been provided. With the long list of distinguished jurists and human rights analyses that decry the many violations at trial, Mumia's guilt remains unestablished.

(2) Those who know Mumia, his personal history, character, beliefs, principles, career development and convictions, argue that it is inconceivable that Mumia could be guilty of the cold-blooded murder of Officer Faulkner.

(3) The fourth person at the crime scene, Kenneth Freeman, who was riding in the car with Mumia's brother and who fled the crime scene (a fact never heard or considered by the jury) was also known by his acquaintances to be harboring rancor, grievances and a temper under conditions of widespread and frequent police violence suffered by him and other citizens in 1970s and 1980s Philadelphia. Freeman as shooter has not been even considered by the courts, but that he was the shooter is more plausible than believing Mumia to be. (In 1985, Freeman was found dead in a Northeast Philly lot, reportedly hand-cuffed, naked and gagged, with a drug needle jabbed in his arm, the morning after Philadelphia police dropped a military explosive on MOVE headquarters, letting a fire burn out of control destroying over 50 blocks of West Philly.)

(4) During and after the time of Mumia's arrest, trial and conviction, police were often convicted of corrupt procedures and of fabricating the guilt of defendants - all of which also makes plausible that Mumia, too, was "framed," especially since he had so long been routinely singled out by police and authorities for his reporting on police violence in Philadelphia. It is known, for example, that in 1981, police and prosecutors framed four men: the first two of the four were acquitted in trials, one in 1982, and the second after spending 1,375 days on death row; the other two men spent nearly 20 years in prison for murder before released on DNA evidence and confessions by the real killers.

Why Have Mumia's Appeals Failed to Bring Him Relief?

Three factors are often pointed to:

(1) New laws of judicial review, passed during both the Bill Clinton and George W. Bush presidencies, protect state decision-making on death penalty cases from thorough scrutiny by higher courts at the Federal level.

(2) The Philadelphia and Pennsylvania criminal justice systems - from police officers on the street, to District Attorney Seth Williams, Mayor Michael Nutter, and Governor Ed Rendell (the Philadelphia D.A. during Mumia's 1982 trial), to elected justices on the Pennsylvania Supreme Court who are supported by the Fraternal Order of Police - all of these, maintain an intense and unquestioned advocacy and application of the death penalty and routinely convey their beliefs to decision-makers in power.

(3) An exceptional politics of judicial review seems at work in Mumia's case when courts repeatedly rule against Mumia, especially when

those same courts have found in favor of identical appeals by other death row inmates. This has been analyzed in detail as "The Mumia Exception" by award-winning journalist, Linn Washington, Jr. of the Philadelphia Tribune, also Professor of Journalism, Temple University. (Washington's essential article is available at the EMAJ web site.)

Why is Mumia's Case and Struggle So Important? (After all, there are so many others on US death rows - over 3200 - and thousands more have suffered similar violations of due process.)

(1) **Mumia's Humanity.** Mumia is a human being, with a family and a network of friends and family who value his life. His case and struggle is important, first of all, because of the threat to the life and dignity he bears simply as a human being. He is a husband, father and grandfather who, despite his isolation from his own family has maintained an extraordinary sense of humane care and advocacy for them and many others.

(2) **Mumia's Writings are Remarkably Inclusive.** With hundreds of columns, prison radio commentaries, six books, and essays in venues as distinct from one another as the homeless Street News to Forbes Magazine, to the Yale Law Review, Mumia has foregrounded the struggle of many peoples. These have included advocacy, at times, even for prison guards and police officers, but especially for persons who routinely are rendered voiceless - whether they are African-American, Latino/a, Asian-American, Native American, Arab-American, white American, or the often detained from immigrant populations today.

(3) **Mumia's Notoriety.** Mumia's skillful journalistic writings regularly reach both national and worldwide audiences - in Europe and throughout many sites of the global South - and this notoriety has made him a human face and story of US death row and its prisons. In the context of the namelessness and dehumanization suffered by most death row inmates and prisoners and prisoners, the notoriety of his story and struggle is an important way of keeping national and international pressure on US incarceration and execution practices.

(4) **Mumia's Case as "Primer."** Mumia's case is frequently cited as offering a "primer" on the many problems that attend US criminal justice systems in the US: runaway prison construction and mass incarceration, police use of excessive force, prosecutorial and judicial misconduct, inadequate defense counsel for poor defendants, excessively long sentences race, class and gender impacts on imprisonment and execution in the US.

(5) **Mumia's Case Links Issues.** For many, Mumia's political analyses "connect the dots," stimulating valuable reflection on connections between US mass incarceration, the US military industrial complex, and its wars abroad (overt and covert), US economic policies, the so-called "drug war" and "war on terror" - all of which bring to the fore issues of empire and of the coloniality of power at work in US policies. Recently, he has addressed the tragedy in Haiti, the struggle for health care in the U.S., and the war in Afghanistan - all with unusual clarity, acumen and artistic skill.

(6) **Mumia in Pennsylvania.** As confined among the 225 men and women on death row in Pennsylvania (nicknamed "the Texas of the North" for having the largest number on death row among northerly US states), organizing around Mumia's case is a way to challenge a criminal justice and judicial system in Pennsylvania and Philadelphia that has routinely been found corrupted by racialized and adversarial politics. The struggle for Mumia, thus, takes the struggle for political justice in the US to one of the most hotly contested sites in the nation. (from: www.emajonline.com)

The Politics of Death: Throwing Mumia Abu-Jamal Under the Bus

By Dave Lindorff

June 29, 2010

(www.ThisCantBeHappening.net)

"I would unite with anybody to do right and with nobody to do wrong."

--Frederick Douglass

On the evening of February 25, participants at the Fourth World Congress Against the Death Penalty in Geneva, Switzerland had assembled from all over the globe for a dramatic Voices of Victims evening. It got more dramatic than they had anticipated though, when suddenly a cell phone rang and Robert R. Bryan, lead defense attorney for Mumia Abu-Jamal, jumped up on the stage to announce that his client had called him from death row in Pennsylvania.

The audience sat in rapt silence as the emcee held the phone up to the microphone. Abu-Jamal, on death row for 28 years after a widely disputed conviction for the murder of Philadelphia police officer Daniel Faulkner, greeted the delegates and then, as he has done on many occasions before, described to them the horrors of life in prison for the 20,000 people around the world who are awaiting execution.

A small group of American death penalty abolitionist leaders, led by Renny Cushing, executive director of Murder Victims' Families for Human Rights, stalked out of the hall. Two members of MVFHR, however, remained in the hall: Bill Babbitt, whose brother Manny, a Vietnam vet suffering acute post-traumatic stress disorder, was executed in California; and Bill Pelke, whose grandmother was murdered by a girl whom he later befriended and helped to spare from execution. Babbitt even joined Bryan onstage during Abu-Jamal's address.

What neither Babbitt nor Pelke, nor Abu-Jamal and his attorney, Bryan, knew at the time was that way back in December, leaders and individual board members of several of the organizations in the US abolitionist movement had signed--without their full boards' or their memberships' knowledge--a "confidential" memorandum, which they then sent to the French organizers of the World Congress, stating bluntly that, "As international representatives of the US abolition movement, we cannot agree to the involvement of Abu-Jamal or his lawyers in the World Congress beyond attendance."

Purporting to be from "the US members of the Steering Committee" of the World Coalition Against the Death Penalty (though hardly an inclusive list of that committee's membership) and titled, "Involvement of Mumia Abu-Jamal endangers the US coalition for abolition of the death penalty," the memo claimed that the French organizers of the World Congress, Together Against the Death Penalty (ECPM), had arranged to have Abu-Jamal speak "over objection." The memo further asserted that the abolitionist movement in the US is trying to "cultivate" the support of the ultra-conservative and staunchly pro-death penalty Fraternal Order of Police (FOP), an organization representing some 325,000 police officers in the US that advocates the execution of Abu-Jamal and all other prisoners convicted of killing of police officers. The FOP, said the memo, has "announced a boycott of organizations and individuals who support Abu-Jamal," and therefore anything done by the Congress to aid his cause would be

"dangerously counter-productive to the abolition movement in the US."

ThisCantBeHappening! this past week obtained a copy of that secret memorandum (featured in full, at the bottom of the page).

When we showed it to some other members of the boards of the organizations whose officers or individual board members had signed their names to it, responses ranged from consternation to outrage. Babbitt's brother Manny was killed as a direct result of a corrupt law enforcement system in California that pressed for execution, even though it was clear from medical testimony that the elderly grandmother he allegedly killed actually died of shock when she discovered him breaking and entering her apartment. Left in the dark about the memo despite his being on the MVFHR board, Babbitt said, "My brother Manny's last words to me were to always take the high road, and to me that means telling the truth and being open and transparent." He added, regarding the content of the memo, "I think throwing Mumia under the bus is not the way to go in the abolitionist movement. You don't make bargains with a wolf whose motive is to devour."

Robert Meeropol, a son of Ethel and Julius Rosenberg, who were executed as spies in 1953, is also a member of the MVFHR board. Currently traveling on behalf of the organization in Asia, he said through a staffer in the US that he did not know about the memo, and added that he still stands "fully in support of a new trial for Mumia Abu-Jamal."

Several calls seeking a comment from Cushing or Lowenstein remain unanswered, though a staffer at the MVFHR Boston office, Susanna Sheffer, said, "This is a complicated thing. You need to understand the depth and texture of this."

Also surprised at the memo was actor Michael Farrell, president of the California abolitionist group Death Penalty Focus. Farrell, a long-time supporter of the call for a new trial for Abu-Jamal, said he had never seen the memo, though it was signed by a member of the DPF board, attorney Elizabeth Zitrin.

Other signers of the memo were Thomas H. "Speedy" Rice of the National Association of Criminal Defense Lawyers, Kritsin Houle of the Texas Coalition to Abolish the Death Penalty and Juan Matos de Juan of the Puerto Rican Bar Assn.

Bryan, a veteran death penalty defense lawyer who served 10 years on the board of the National Coalition to Abolish the Death Penalty--three of them as the organization's chair--says, "In all my years as an activist opposing the death penalty, I have never heard of any individual or group in that fight singling out anyone as an exception to our campaign to abolish capital punishment. Everyone is treated equally. To single someone out and say they don't count is chilling. Where do you draw the line? At people accused of killing cops? At people accused of killing old ladies? People accused of killing children? Where does it stop? It's appalling!"

Heidi Boghosian, executive director of the National Lawyers Guild, an organization that has long been in the forefront of the campaign to end the death penalty in the US, and which was not advised of the plan to circulate the memo on behalf of the US Steering Committee to the World Coalition, despite the NLG's being a member of the WCADP, roundly condemned the secret effort to silence Abu-Jamal at the March event.

"Mumia Abu-Jamal's case is emblematic of the inherent flaws in the capital punishment system," she said. "That he is castigated by leaders in the abolitionist movement shows precisely what is wrong with the system--it is a system enslaved to the whims and personal biases of police, prosecutor, judge, and jury. While cultivating certain voices of law enforcement may assist in efforts to achieve abolition, it should not be at the expense of exposing a case that embodies some of the most reprehensible actions on the part of the police, the district attorney and the judiciary. The powerful FOP, and their heavy-handed efforts to vilify Abu-Jamal and his supporters, should not be the barometer by which abolitionist leaders gauge their strategic priorities. Members of the abolitionist movement should be working together and not further censor-

ing and ostracizing a death row inmate."

What makes the American abolitionists' petulant and manipulative behavior as expressed in the secret memo and their cynical threat to withdraw from the Congress particularly outrageous is that Abu-Jamal's arrest, trial and appeals process has been, as Boghosian notes, a textbook case of police and prosecutor corruption, malfeasance and abuse. From the beginning, even before his arrest, Abu-Jamal's case was poisoned by a police lust for vengeance. Although he had been shot through the lung and liver by a bullet fired from Officer Faulkner's service revolver, and was in danger of dying of internal bleeding that was filling his lungs with blood, Abu-Jamal was left lying in a police wagon for almost half an hour before he was finally delivered to a hospital emergency room, where hospital staff and at least one police officer on the scene observed him being kicked and punched by the officers delivering him.

During the jury selection process at the beginning of his trial, the presiding judge, Albert Sabo, who as a county sheriff's deputy was a FOP member before he was made a judge, was overheard by a second judge and his court stenographer saying to his own court clerk, as he exited the courtroom through the judge's robing room, "Yeah and I'm gonna help them fry that nigger!"

During the tortuous appeals process, both the state and federal courts have shamelessly bent their rules and violated precedents to deny Abu-Jamal the benefits of precedents that have been routinely accorded other appellants. Third Circuit Appeals Court Judge Thomas Ambro filed a stinging dissent to a decision by his two colleagues, who effectively created new law from the bench in rejecting Abu-Jamal's well-founded Batson claim of racial bias by the prosecution during jury selection at his trial. Scarcely concealing his outrage, Judge Ambro wrote: "Our Court has previously reached the merits of Batson claims on habeas review in cases where the petitioner did not make a timely objection during jury selection--signaling that our Circuit does not have a federal contemporaneous objection rule--and I see no reason why we should not afford Abu-Jamal the courtesy of our precedents." He added, "Why we pick this case to depart from that reasoning I do not know."

Abu-Jamal himself, interviewed by phone last Friday from his cell at the super-max death row facility SCI-Greene in western Pennsylvania, blasted the attempt to silence him at the Congress, and to ostracize him from the American abolitionist movement. "They are really making deals with the devil," he said, of claims that the US abolitionist movement was trying to gain the support of the FOP. "My instinct, being from Philadelphia, is that money was passed, though I have no evidence to prove it." He added, "This secret action is a threat to the entire abolitionist movement. They are saying that because the opposition (to abolition) is so strong, we should not fight. If you have that attitude, why have an abolitionist movement at all?"

Abu-Jamal, whose death penalty was lifted by a federal judge in 2001, only to have the US Supreme Court remand that decision back to the Third Circuit, where it could be reimposed, and who continues, in no small part thanks to pressure from the Pennsylvania FOP, to be held in solitary confinement on death row, where he maintains his innocence, calls the signers of the memo "co-conspirators," and says they are "naive" to believe they can win over the FOP by abandoning him to his fate.

"If the slavery abolitionists had taken this approach back in 1860," he says, "and said okay let's free the slaves, except those uppity ones with prices on their heads like Harriet Tubman and Frederick Douglass, we'd still have slavery today." Abu-Jamal said it appeared that the abolitionist movement appeared to have lost its way, and said that it needed to be broadened to more closely reflect the population of the nation's death rows, where nearly everyone is poor, and where 53% of the doomed inmates are non-white.

--Dave Lindorff is the author of the 2003 book "Killing Time: An Investigation into the Death Row Case of Mumia Abu-Jamal."



The Full Text of the Memo

CONFIDENTIAL MEMORANDUM to ECPM

From the US members of the Steering Committee of the WCADP / Involvement of Mumia Abu-Jamal endangers the US coalition for abolition of the death penalty

ECPM has unilaterally, and over objection, determined to give the Mumia Abu-Jamal case a prominent role in the upcoming 4th World Congress Against the Death Penalty, including the participation of Mr. Abu-Jamal's lawyers and his direct participation by telephone. The US members of the Steering Committee of the World Coalition Against the Death Penalty do not agree to this, because it will be counter-productive to our effort to achieve abolition in our country.

The Abu-Jamal case, regardless of its merits, acts as a lightning rod that galvanizes opponents of abolition and neutralizes key constituencies in the cause of abolition. Continuing to give Abu-Jamal focused attention unnecessarily attracts our strongest opponents and alienates coalition partners at a time when we need to build alliances, not foster hatred and enmity.

While Abu-Jamal still attracts some positive attention outside of the United States, it is at a real cost to the US abolition effort. In 1999, the world's largest association of professional law enforcement officers, the Fraternal Order of Police, announced a boycott of organizations and individuals who support Abu-Jamal. Bills have been introduced in both houses of the US federal legislature condemning the naming of streets for Abu-Jamal. The result is that Abu-Jamal, rather than abolition of the death penalty, becomes the issue and the focus of attention. That is dangerously counter-productive to the abolition movement in the US.

The voices of the Innocent, the voices of Victims and the voices of Law Enforcement are the most persuasive factors in changing public opinion and the views of decision-makers (politicians) and opinion leaders (media). Continuing to shine a spotlight on Abu-Jamal, who has had so much public exposure for so many years, threatens to alienate these three most important partnership groups.

The support of law enforcement officials is essential to achieving abolition in the United States. It is essential to the national abolition strategy of US abolition activists and attorneys, that we cultivate the voices of police, prosecutors and law enforcement experts, to support our call for an end to the death penalty. It was key in New Jersey and in New Mexico, it is fundamental to abolition throughout the US, and it will be a primary focus for 2010 and beyond. We have begun to make real progress with police officers and prosecutors speaking out against the death penalty as a failed policy.

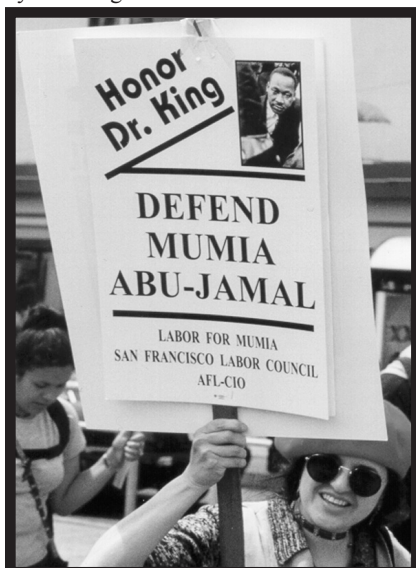
In a national poll released in 2009, the nation's police chiefs ranked the death penalty last in their priorities for effective crime reduction. The officers did not believe the death penalty acted as a deterrent to murder, and they rated it as one of most inefficient uses of taxpayer dollars in fighting crime

Death Penalty Information Center, The Death Penalty in 2009: Year End Report, December 18, 2009. If the 4th World Congress gives Abu-Jamal and his lawyers the focus and attention proposed by ECPM, the US movement for abolition will be exposed to a serious backlash that will directly damage the delicate alliances we are building with essential groups. As international representatives of the US abolition movement, we cannot agree to the involvement of Abu-Jamal or his lawyers in the World Congress beyond attendance.

For these reasons, providing Abu-Jamal the World Congress stage will require us to consider how to distance our programs in order to protect our vital alliances with our key partners and constituencies. To be effective advocates within the US we must and will continue our strategic approach to abolition with our core allies and our evolving partners. Featuring Mr. Abu-Jamal's case as ECPM has proposed presents an unacceptably high risk of fracturing a developing but still fragile alliance with vitally important constituencies - constituencies that can either help our movement reach the goal of abolition or severely hinder our progress.

[signed]

Elizabeth Zitrin (DPF), Renny Cushing and Kate Lowenstein (MVFHR), Speedy Rice (NACDL), Kristin Houle (TCADP), Juan Matos de Juan (PRBA) 21 December 2009



3 Responses To The Confidential Memo

Educators For Mumia Abu-Jamal

Reports have leaked of a secret memo in which some US anti-death penalty activists showed reluctance to advocate on behalf of Pennsylvania's death row journalist, Mumia Abu-Jamal. The memo was entitled, "Involvement of Mumia Abu-Jamal Endangers the US Coalition for Abolition of the Death Penalty." It reveals what has been called the "throw Mumia under the bus" tendency of the larger effort to abolish the death penalty. We have seen this before.

Every once in awhile someone on the allegedly liberal left tries to drive a wedge between abolitionists of the death penalty generally, and those struggling for Abu-Jamal. One of the more memorable instances was in 1998 when Marc Cooper, a Nation magazine writer, wrote in The New York Press about how the movement for Mumia Abu-Jamal is "a bane" on the more solid committed folk trying to end the US death penalty.

This year's memo is a special affront, presuming that there is some virtue in abolitionist movements "cultivating" relations with the Fraternal Order of Police [FOP], which long has been a vigorous advocate for Mumia's execution and which keeps a "list" of individuals and organizations that support Mumia's struggle. EMAJ condemns any such planning between abolitionist movements and the FOP. For anti-death penalty movements to cultivate relations to a police union like the FOP, which is unabashedly lobbying for Mumia's execution, is at best ineffective, at worst a collusion with the forces that keep state-sanctioned killing in place in this country. Moreover, it overlooks the long history of egregious violence and violation, which law enforcement in the U.S. has visited upon communities of color in the U.S.

To be sure, police, prosecutors and others of the criminal justice establishment have spoken out for Mumia and against the death penalty. Ronald Hampton's advocacy for Mumia, as Executive Director of the National Black Police Association (NBPA), is a clear example. As an organization the NBPA protests the death penalty in all circumstances, even when a police officer has been murdered. These are the only kinds of voices from members of law enforcement that a truly anti-death penalty movement should welcome. State-sanctioned murder of anyone is an affront to an authentic abolitionist movement. Abolitionist movements must resist the temptations of big money and stand strong against the powerful pressures by which law enforcement officials today try to co-opt elements of the abolitionist movement, seeking to preserve the death penalty for its purposes.

Generally, Educators for Mumia Abu-Jamal (EMAJ) opposes any division that is created between the Mumia movement and the broader effort to abolish capital punishment. The struggle for Mumia is one with the struggle of the broader abolitionist movement. EMAJ published in 1998 an essay by Mark Taylor, one of the signers of this statement, under the title, "Mumia and the 3400: Why Stopping Mumia's Execution Helps End all Executions in the US." In this new 2010 statement, EMAJ vigorously reaffirms the unity of the movement for Mumia and of the broader abolitionist movement.

1. Every one of the some 3200 men and women presently on US death row, whatever we think of their guilt or innocence, or of the nature of their alleged crimes, warrants advocacy and our best efforts to prevent their execution. Even though various ones of us may need to concentrate our advocacy in ways that highlight different figures (say, Mumia, or Troy Davis, or Reggie Clemons, or any of the many others), this concentration of effort on one should not be seen as a disparagement of any other death row prisoner's struggle for life and justice.

2. Mumia's struggle and his writings (rarely about his own case and usually about broader political issues) have dramatically personalized the issue of the death penalty for especially youth in urban communities of color, but also in other regions of the U.S. and internationally. His story of resistance and political struggle has caught the imagination of many and so brought new voices into the struggle against the death penalty. This was dramatically evident in the April 2010 gathering at the EMAJ event at Barnard College (Columbia University), where a lecture hall was packed out with more than 500 people, mostly young people of all backgrounds, to hear not only a "phone-in" from Mumia, but also discussions by Cornel West, Vijay Prashad, and film-maker Jamal Joseph about the importance of Mumia's case and struggle.

3. Mumia's arrest, conviction, and continual denial of appeals crystallizes and distills – thus

makes more readily apparent – the plagues at work in maintaining our broken death penalty system: racial bias in judges and juror selection, inadequate legal counsel, lack of funds for investigations for defendants, police corruption and prosecutorial misconduct. Thus, Mumia's case can be seen as a kind of primer of how the death penalty fails to work justice, and on how the larger systems of U.S. mass incarceration, policing and prosecutorial procedures are broken, dysfunctional, and unjust.

4. Mumia's struggle dramatically exhibits the agency of death row prisoners themselves in waging their struggle. Mumia's death row cell in the prison system is an organizing site within the system. However necessary our efforts are from "the outside," Mumia's trenchant voice inside death row confirms that the abolitionist movement is not just a condescending or paternalistic act of concern of outsiders "for," or "for the sake of," those on death row. Recognizing Mumia is one way to recognize the agency of those in struggle on death row. His voice, as a voice within, is crucial to our abolitionist movement's authenticity.

5. Mumia's mode of struggle enables those in the abolitionist movement to keep the struggle against the US death penalty as part of a larger political struggle, in which other issues are always at play in our struggle to end capital punishment. We will not abolish the death penalty, and keep it abolished, if we cannot articulate the broader issues of power - class domination, environmental destruction, white racism, transnational globalization, torture at home and abroad, militarist imperialism, and neocolonialism – all being issues that Abu-Jamal has addressed in relation to capital punishment and mass incarceration.

6. Although there is a temptation in some quarters to make of Mumia an icon, just a "cool guy" mentioned in the Boondocks cartoon strip, Hip Hop magazines, rock concerts, and in films of different sorts – the lifting of Mumia's struggle to the level of a media spectacle can be an advantage to the abolitionist movement. It enables us to engage the media, not only with Mumia's struggle but also with broader efforts to end the death penalty, block police brutality, and expose the corruptions of racialized power at every level. One of the reasons political officials of the establishment are so keenly opposed to Mumia is precisely because he has this capacity to ignite media attention, nationally and internationally. We should welcome this and use it.

7. Finally, the Mumia movement positions resistance to the death penalty around the U.S. national shrine center in Philadelphia. This places debate about capital punishment (the state-sanctioned murder of citizens) in a city that is the very symbolic heart of Americans' self-understanding of their nation and its history. The Mumia movement – those of us in it as well as Mumia's recordings and writings – is not silent about the general problem of state-sanctioned killing as part of the very meaning of "America" and its history. The persistence of the death penalty is, at least in part, due to the nation's dependence on policies of war and killing, policies that date from the devastation of Indian peoples and slave populations, to the colonization of, and war against, Asian, Arab, African and Latin American countries, up to the often deadly and disheartening discrimination meted out against immigrants from these lands in our midst today.

The focus of Mumia's struggle in Philadelphia, then, dramatizes how central the commitment to state-sanctioned killing is to the forging and maintenance of this nation. It has always been appropriate, then, that the festivals of July 4th celebration in Philadelphia are routinely matched by a smaller and fledgling, but vigorous, counter-march for Mumia and as critique of every death-dealing policy of the U.S. - whether applied in the killing fields of indigenous peoples lands, in the deserts of Iraq, or the mountainous ravines of the Afghan/Pakistani border.

Let there be no more division between the advocates of a general abolition of the death penalty, and the advocates in the movement for Abu-Jamal. As Educators, in Pennsylvania, across the U.S. and the world, we reassert our firm opposition to the death penalty in the U.S., and thus especially to the execution of Mumia Abu-Jamal.

Signed: Coordinators of Educators for Mumia Abu-Jamal:

**Tameka Cage
Johanna Fernandez
Mark Lewis Taylor**

The Campaign to End the Death Penalty

The Campaign to End the Death Penalty (CEDP) is appalled by the news that several individuals of leading anti-death penalty organizations have signed a confidential memorandum stating that the "involvement of Mumia Abu-Jamal endangers the U.S. coalition for abolition of the death penalty." The memo further argues that the World Coalition Against the Death Penalty should not highlight Mumia's case because doing so "unnecessarily attracts our strongest opponents and alienates coalition partners at a time when we need to build alliances, not foster hatred and enmity."

This memo was drafted on December 21, 2009, yet it only recently came to light following the 4th World Congress Against the Death Penalty, held on March 4 in Geneva, Switzerland. At this meeting, a telephone call came in from Mumia Abu-Jamal, and he addressed the audience. At this point, several members of U.S. abolitionist groups got up and walked out in protest.

The Campaign to End the Death Penalty strongly condemns this action and completely disagrees with the approach to the anti-death penalty struggle that this memo puts forth.

First of all, we unequivocally support and endorse Mumia Abu-Jamal in his struggle for justice. We believe in his innocence and see Mumia's case as fraught with many of the same injustices as other death penalty cases--racial bias, police misconduct and brutality, and prosecutorial and judicial prejudice.

Mumia Abu-Jamal has been on Pennsylvania's death row for the past 28 years and remains there because the courts, under pressure from the Fraternal Order of Police, have thwarted his efforts to win his freedom. From his prison cell, Mumia has galvanized an international movement of support towards his efforts to win justice. He has written numerous books and articles shedding light on our prison-industrial complex as well as other historical and current political issues. He is widely read, known and respected. His commentaries on prison radio are nothing short of brilliant. He has helped to educate millions of people about the true workings of the criminal justice system. But most importantly, he has been an inspiration to all those fighting to win abolition, lending his voice of hope, his encouragement and his unfaltering determination to our movement.

So why would a delegation of U.S. abolitionists would get up and walk out of a meeting when Mumia addresses the audience? Shouldn't they have stood and applauded?

The explanation for this reprehensible action is explained in the secret memo, which basically puts forth the argument that to have anything to do with Mumia's case ruins the chances of winning abolition of the death penalty.

Why? Here is what the memo states, in part: "The support of law enforcement officials is essential to achieving abolition in the United States. It is essential to the national abolition strategy of U.S. abolition activists and attorneys that we cultivate the voices of police, prosecutors and law enforcement experts to support our call for an end to the death penalty."

This statement points to a very disturbing direction that we have observed in recent years among some organizations in the abolition movement--of compromising our message in order to win the support of conservatives. This has led leading death penalty organizations to downplay the impact of race in the criminal justice system and to advocate reaching out to law enforcement as a means of winning abolition of the death penalty.

Those who espouse this strategy ignore or downplay the role that police play in railroad-ing many poor people and African Americans onto death row. They ignore the role that police, prosecutors and judges play as guard-

ians of an unjust legal system that disproportionately targets the poor and people of color. The outcome of this strategy has led to the marginalization of prisoners like Mumia, whose voices from behind prison walls are so important in this fight.

The individuals who drafted the memo go on to identify the voices that they seek to include: "The voices of the Innocent, the voices of Victims and the voices of Law Enforcement are the most persuasive factors in changing public opinion and the views of decision-makers (politicians) and opinion leaders (the media). Continuing to shine a spotlight on Abu-Jamal, who has had so much public exposure for so many years, threatens to alienate these three most important partnership groups."

We in the CEDP couldn't disagree more with this strategy. We believe the most "persuasive factor" in changing public opinion is to build a vocal, visible movement that forthrightly puts forward its demands-- instead of working to make our message palatable to the opposition.

Consider the analogies to past struggles. What if Martin Luther King compromised the goals of integration in order to reach out and try to win over segregationists? No, he reached out to organize and uplift progressive forces into fighting for change. That is the kind of strategy we need.

The men and women on death row across the country--including the guilty--are not our enemy. The enemy is the system of punitive thought that portrays them as monsters so that the public can feel okay about killing them. It is part of the punitive philosophy upon which the legal system is based--the same system that breeds crime in the first place, that gives so little support to victims of abuse, that says it believes in rehabilitation but then won't fund it, that says it believes in education but then takes money away to build prisons instead.

We reject the logic of having the Fraternal Order of Police as a partner or ally. The FOP has organized against our efforts to win justice for Mumia, for Troy Davis, for the Burge torture victims in Chicago and countless others.

Our approach is based on an anti-racist perspective. We know that the history of aggressive policing, sentencing and the death penalty has its roots in slavery--that the touch on crime rhetoric of lock-em-up-and-throw-away-the-key is racially coded language.

The Campaign stands completely and unequivocally with Mumia Abu-Jamal. We also stand by a different strategy to win abolition.

Instead of marginalizing voices like Mumia, we should be developing more innovative and creative ways to put them forward--and not just Mumia's, but others, including Troy Davis, Rodney Reed and Kevin Cooper, to name a few. We need to put the human face on this issue. We need to build a movement that challenges the racism and class bias nature of the death penalty--and to point out that these injustices exist in the broader criminal justice system as well.

In order to build a fight that can win real justice, we cannot marginalize "divisive" issues like racism. Instead, we have to take them on frontally. And instead of reaching out to the conservative elements in society, we should be reaching out to progressive elements and building bridges there. Let's not forget that the lowest level of support for the death penalty (42 percent) was in 1966, at the height of the civil rights movement. Let's work to place the fight for abolition squarely in the progressive camp, where it most surely belongs.

**FREE MUMIA!
ONWARDS TO ABOLITION!**

The Puerto Rican Coalition Against the Death Penalty

During the last weeks, some abolitionist organizations and activists have approached us to ask for our position in the matter of Mumia Abu Jamal and the communication issued by some abolitionist organizations in the United States regarding the role of his campaign in the Fourth World Congress celebrated last February in Geneva.

The Puerto Rican Coalition Against the Death Penalty (PRCADP), as decided in a meeting of its Steering Committee held on August 2, 2010, states as follows:

1. PRCADP endorses the campaign for Mumia Abu Jamal and recognizes the important role of Mumia in the abolition-

ist struggle;

2. PRCADP had no participation, neither was consulted, in the petition issued by US abolitionist organizations members of the Steering Committee of the World Coalition Against the Death Penalty (including the Puerto Rico Bar Association) about this concern; and

3. PRCADP strongly calls for unity, respect and solidarity between abolitionist organizations in the United States, as well as internationally.

Please direct any communication regarding this subject to Carmelo Campos Cruz, carmelocampos@yahoo.com.

"This Is a Mean Place Where Bad Things Are Happening"

German activists Anton Reiner and Michael Schiffmann visit Mumia Abu-Jamal

On April 29, 2010, two Mumia activists Anton Reiner (Berlin) and Michael Schiffmann (Heidelberg) had the opportunity to visit Mumia Abu-Jamal on death row in the prison SCI Greene in Waynesburg, PA. They were accompanied by Linn Washington, a journalist and friend of Mumia for many years. After long and intense preparations, the three could converse with Mumia for almost six hours on his everyday life, his work as a journalist, his political interests, his assessments of the coming court decisions in his case, and on the worldwide Free Mumia movement.

Entering SCI Greene

Shortly before 9am we arrive at a traffic sign with a highly ironic name, signaling that we have reached State Correctional Institution Greene: Progress Drive 169-175.

Situated in a valley, the prison extends over a large area. Bright tiled roofs on low buildings without windows visible from the outside, two fences with sharp barbed wire glaring in the sun, a parking lot surrounded by cameras.

The lobby strikes us as quite unspectacular and somehow reminds us of a hospital, but the procedures that follow tell all the difference.

At the desk we hand in our passports, sign the visitor list, empty our pockets of all metal. A sign reminds us that no cameras, no taping devices, no notepads or pens are allowed.

Now we can move forward "into the belly of the beast": First X-ray gate, then a sensor for drugs, more waiting, then the next X-ray gate.

A steel door slides open almost inaudibly and closes behind us. A long corridor leads us through a steel door into a room with three officers behind bullet-proof glass, checking our passes. No easy-going atmosphere here like before, mood and tone are now pronouncedly tenser. Finally we are allowed to pass yet another steel door, and then we walk through a long gloomy passageway with armored glass walls: straight towards death row.

The next door leads to the cabin-lined visitors' hall, and suddenly we're standing right in front of the man of whom we talked so often, about whom we wrote so much, for whom we tried to elicit commitment from so many others – and who we'd never met in person.

Mumia the Human Being

After our anxiety had increased with every door, Mumia now welcomes us. Dressed in an orange Guantanamo-like prison overall, he pounds against the armored glass that separates the small visitor cell into two tiny areas of 1.5 square meters each. His joyful, loud reception makes the glass swing and move – which is one of the few possibilities of a prisoner to initiate any physical contact to the "outside" at all. After initial shock, Mumia's warmth as a host actually makes us feel welcome here.

Linn has been here before, but we two "new-comers" are very surprised by Mumia's appearance. The latest photos of Mumia are almost 15 years old and we had expected to meet a man who looks his 56 or rather older, scarred by half of his lifetime in prison.

But now we meet a versatile, vibrant, vivid man, who looks about mid-forty. His skin is relaxed and fresh, his expression alert and cheerful, his posture healthy – he gives the impression of a much younger man. He vividly moves up and down in his tiny space and we can see his dreadlocks with only a very little gray almost touching the floor.

Many people know Mumia's serious voice from his columns regularly published by Prison Radio. But in reality, Mumia has a lot of humor, he laughs often, and loudly, and he smiles a lot. Even though our conversations about daily prison life and the judiciary system often concern unpleasant things, Mumia still seems to possess an internal joy that has nothing cynical or macabre to it.

Equally impressive is his extremely keen perception. He asks us many questions, and

returns back to them and their answers effortlessly hours later, almost always mentioning the exact details. Especially in his conversation with his friend Linn Washington concerning legal details and file references, it was obvious how precise and well-trained his memory is.

Mumia's posture is very confident; his mode of expression is clear and to the point. He speaks to us with both official academic speech and very ordinary street slang.

Prison Conditions & Daily Life

Mumia's cell is locked by a steel door with a hatch for food, two narrow bulletproof glass windows to the hallway, but no door handle. The cell is six feet wide and ten feet long. At the wall opposite the door is a small window of about 60 to 80 cm in size. Wall and ceiling are painted white. No color anywhere. Pictures on the walls are forbidden.

His bed begins to the right of the door after about one meter and stretches right to the outer wall. To the left is a stainless steel unit with a sink, a toilet, and a cloudy mirror, also made of steel, where you can hardly see anything.

On the same side is a metal cabinet where he must store all his personal belongings. The only other piece of furniture is a chair. There's no table, so he eats & writes sitting on his bed.

The ceiling light is on 24 hours per day and is completely controlled from the outside. At night, it is dimmed down a little bit.

Mumia has a TV set and a radio in his cell that allow him to receive two channels of the institution itself that broadcast announcements from the administration as well as very bad movies. With cable reception, TV has become an important source of information to him. This, however, costs \$16/month, and the institutional minimum support for prisoners without support from the outside is no more than \$17 – causing Mumia to joke that the ordinary prisoner can twice a month afford the luxury to sit in front of the TV with a 50 Cent candy bar bought at the prison store.

In 2005, Mumia eventually got an electric typewriter after ten years of trying. Unfortunately, earlier this year it broke down and is still "in repair." Since then, he again writes everything by hand, using a ball point refill.

Having no colors in his cell is a big problem for Mumia. He recounts how at the beginning of Spring during the first days of April he was lost for eternities in watching the few square meters of grass beneath the window of his cell, as he was so delighted by the strong green and the yellow of the daffodils.

There is no chance for colors in prisoners' clothes either. They're only allowed orange overalls, brown tracksuit pants and pullovers that Mumia finds too ugly to wear, and white thermo underwear. Here Mumia mentions the many vividly colored post cards from Germany he has been getting in great numbers the last two years, and how much he likes them.

And he regularly gets a lot of mail. On his birthday, he got more than a hundred cards – about 50 from Germany.

We ask if the mountains of mail and his worldwide fame cause envy or problems with other prisoners. "Well, sometimes yes," he answers. But he tries to treat each prisoner with respect and feels that this is acknowledged by all, even though there are certainly some prisoners who don't like him.

But he also feels he has many friends who probably like him in part because of his capacity to cheer people up. "I suspect I have the image of the upbeat and funny guy," he says, and that proves right when we see other prisoners pass by and loudly bang at Mumia's door from the outside and shout greetings through door, to which he responds in the same way.

Everyday Life on Death Row

The day begins with breakfast at 6 AM with tea or coffee and a muffin. From seven to nine, Mumia has "yard exercise," where two guards shackle his hands and feet and lead him out.

The other prisoners' cells are a locked when he passes, and he has never seen their interior.

The yard is segmented in small cages, 3-4 meters in size, with

two prisoners maximum locked into them. Previously the yard was open for all prisoners, but after an occasion where several prisoners refused to return to their cells in protest against an order of the prison administration, the yard was divided up to ensure that the guards can handle prisoners individually, preventing prisoners from acting collectively.

Mornings are usually rather cold, so Mumia spends a lot of his time outside with exercises, one of them handball. "What? In that tiny space?" we ask. Dry smile: "well, yes." This time is also the only opportunity for serious conversations with other prisoners, and serves as an exchange platform for all vital legal and personal information, so Mumia uses it a lot.

At 10 AM, lunch is served through the hatch in the cell door. One of the favorite chicaneries for the guards is to immediately pull back the food should the prisoner not succeed in being at the door "in time" and then to taunt him by saying: "Ah, I see, you're not hungry today." This happens frequently to prisoners who are too sick to be quick or who were beaten up before by the guards.

The plastic food set practically never contains anything fresh. Stuff heated by microwave, rice and potatoes, overcooked chopped vegetables, some meat. Mumia and other prisoners have been trying for years to get fresh fruit at least every now and then. The Bruderhof Community near the prison has repeatedly offered fresh fruit and vegetables for all prisoners from their ecological farm, but SCI Greene turned the offer down time and again.

Dinner is served at around 4 pm, but Mumia doesn't even bother to describe it to us. After this, the day on death row is finished; a few hours later, the light is dimmed down.

Death Row and Its Turnkeys

Mumia patiently answers our questions on the design of the place he's forced to live in. Death Row in Greene consists of four units with a supervisory terminal in the middle from which four hallways lead to the units. And steel doors, steel doors, steel doors.

Each unit has two floors with a few solitary cells on each side. And then the "hole," where prisoners are kept isolated 24 hours a day without daylight. Mumia has repeatedly been there, but we don't address that during our visit.

When we mention the almost manic hospital-like cleanliness in this prison, Mumia answers that yes, you could possibly eat from the floor, but then you couldn't see who is behind your back. "This is a mean place where bad things are happening." We get a feel for the "bright, shining hell" Mumia so often refers to.

He thinks that working on death row must be attractive for many guards – they have almost nothing to do and are never confronted with more than two prisoners at any time. But that doesn't mean that they are humane to inmates.

Mumia guesses that 2/3 of the death row guards are racist and brutal, and most know how to work in a formally "correct" way because they know prisoners are here for a long time and thus know how to write a complaint and pursue it against all odds.

Nevertheless, guards often resort to violence against the prisoners. At these times, the guards will always try to make sure that they are not caught and avoid committing their abuses in the presence of witnesses.

Charles Graner was one of the torturers convicted during the prison scandal of Abu-Ghraib. Before his stint in Iraq, he had been a guard at SCI Greene. Mumia doesn't know him personally, but he knows that after Graner was formally indicted in 2005, the prison administration put out a statement that Graner could resume work at SCI Greene anytime should he lose his job with the army.

Talking About World Politics

Mumia is always informed about political developments all over the world – but now he is full of questions about Germany. He is particularly interested in the war against the former Yugoslavia in 1999, the current participation of the German army in the war in Afghanistan and the reactions of the German population.

He also asks a lot about the transition of the former German Democratic Republic (GDR) from a state socialist to a capitalist society.

Quite independently of any political theory,

Unterstützt den Kampf für das Leben von Mumia Abu-Jamal
Legales Morden abschaffen



This flyer from Germany reads in English, on top: "Support the struggle for Mumia Abu-Jamal's life! Abolish legal lynching!" and below is a 2008 quote from Mumia: "We have a history in which the courts are on the side of oppression and slavery."

during our conversation Mumia repeatedly insists that the really important thing is to organize. "Nobody should underestimate what even a small number of organized people can achieve. My own survival is concrete proof for what organized action is capable of."

And of course, we also talk extensively about president Obama. Mumia takes it for granted that Obama is well informed about the continuing discrimination and the grave social problems of African Americans. The only error, says Mumia, is the assumption that Obama really wants to achieve fundamental social change. In reality, he was simply the one who was best able to capitalize on the great dissatisfaction with Bush and his clique.

"The nice brown face of imperialism," and "a black man with a white mind," says Mumia.

Mumia's Own Case

While we talk about the criminal justice system in Philadelphia, Mumia finds it remarkable that prosecutors and judges apparently have an increasingly hard time in finding juries ready to pass death sentences – but he reminds us that there's still the will to sentence people to inhumanely long prison terms.

Our last hour in prison is devoted to Mumia's own case and what support he's hoping for.

He agrees with our view that neither the prosecution nor the 3rd Circuit Court of Appeals are interested in giving him any opportunity to present his case in front of a jury. But this is exactly what Mumia is still striving for.

Even though, in legal terms, a sentencing trial with a jury can "only" be about the sentence, i.e., life in prison or death, Mumia is still doing everything in his powers to be able to present his version of the story in a court of law.

He thinks the 3rd Circuit has at least two options. Either it can decide the open question of whether the District Court Judge William Yohn was right in throwing out the death sentence against Mumia in 2001 on account of misleading instructions to the jury itself, or it can send the case back to the District Court.

Before deciding, the 3rd Circuit can hold an evidentiary hearing, but Mumia feels this is entirely dependant on the discretion of the judges, not actual legalities. He adds that legal precedents were on his side before, but he's never had his rights respected by the courts.

Finally, Mumia emphasizes the importance of (1) the fight against the death penalty, (2) the extremely unfair character of his trial in 1982, and (3) the fact that he is innocent and that the prosecution never had any real evidence against him.

He is well aware that his supporters have been stressing those points for many years, and he dearly hopes that they will go on doing so.

He never tires in stressing that this solidarity work forms the core that potentially enables any positive court decisions in the first place.

Mumia stresses that a movement such as the one organized around his own case, and even more generally all movements have to seek out their own paths and form their own judgments.

The legal struggle and the political struggle for his life and his freedom constitute two different levels. Lawyers, as important as they are, can never lead movements, and that is also not their task. To the best of his knowledge, this has never led to success. His advice to the movement is to always first work out its own analysis and then act accordingly.

Saying Farewell

Almost six hours later, we finally have to go. It hurts. We join our palms across the separating glass and Mumia bids us farewell with a smile an "ona move" and a raised fist. We literally have to wrench ourselves away, and as we leave the visiting area, we see Mumia putting his fist to his heart. We do likewise.

It seems inconceivable, that this very lively human being is now being brought back into the "bright, shining hell," while the three of us, after having passed the numerous locks during our way back, walk out into the spring sun of this early afternoon.



In english, this 4 ft. x 12 ft. banner, carried at marches, reads: "For the life and the freedom of Mumia Abu-Jamal! Freedom for all political prisoners!"

Mumia Is In Great Danger

An interview with lead attorney Robert R. Bryan
By Anton Reiner

Mumia Abu-Jamal's lead attorney, Robert R. Bryan, was interviewed from San Francisco via Skype on Aug. 19, 2010, at a rally in Neukölln, Berlin, Germany, where Michael Schiffmann translated.

Anton Reiner: Where does Mumia's case stand right now? Please update us.

Robert R. Bryan: We initially won on the issue of the death penalty in the U.S. Appeals Court for the 3rd Circuit; they ordered a new sentencing trial in March, 2008; then the prosecution, the government, took the case to the US Supreme Court, and in January, 2010, the Supreme Court has now sent it back to the United States Court of Appeals for the 3rd Circuit with directions to reevaluate its decision. The original ruling was vacated.

On July 28, I filed on behalf of Mumia in the 3rd Circuit a new brief, strictly on the issue of the death penalty and whether he will be granted a new jury trial on the question of life or death.

However, if granted, the government will take the case again back to the Supreme Court.

If the court rules against us, then Mumia is facing execution. In that event, I will go back to the United States Supreme Court and petition for a review. However, the Supreme Court grants review in only one to two percent of all cases. So, this is a life and death situation that could not be more serious. Mumia could not be in greater danger.

The full truth has never come out in this case, and if we have an opportunity before a new jury to bring it out, I would expect the outcome would be remarkably different from what Mumia experienced in 1982 at the trial level in this case.

AR: What role does international support for Mumia play?

RRB: International support is of crucial importance, particularly in Berlin and Paris.

We need the voice of international concern for human rights to be heard by the courts here in the U.S. So your activism is not lost. Europe is ground zero for human rights, and what you are doing there is important, not just for Mumia, but for the whole cause of human rights and abolishing the death penalty globally.

We need supporters to sign a petition that was created by Mumia and me together, and is

about Mumia and the death penalty, the fight against the death penalty worldwide. Please go to www.mumialegal.org, and sign it.

Also, when people march, demonstrate, and make their voices heard, we feel it eventually here in the U.S., and that is very important.

AR: What else is the legal team doing?

RRB: We are conducting a new investigation in this case. I had not said anything before about it because we did not want to be giving information to the prosecution. An enormous amount of money is needed, not only for a new investigation, but also for experts in fields such as DNA, ballistics, pathology. We're talking about \$100,000 at least, in addition to legal fees. This would open up the case entirely, not only regarding the death penalty, but also getting a totally new trial.

I have already secured the services of the best investigation firm in the United States, Public Interest Investigations in Los Angeles. The chief investigator there, Keith Rohman, who has successfully worked with me on other murder cases, met with Mumia and me a year ago, so we've been trying to do something about this for a year without a lot of success. We also have the best experts in various areas who are willing to help. But, even though they are willing to work for lower fees, I still have to pay them. To donate, just go to the website, www.mumialegal.org.

The previous case lawyers through the years did not investigate certain crucial areas of the case, and that is tragic. What I am working on could be the key to the prison door for Mumia's freedom. And I was not going to say anything about this because I felt that our efforts should be more private, but we need to win this case, and get Mumia out. Time is running out.

AR: In terms of Mumia's case, what will be the next steps?

RRB: I filed on July 28 our main brief on behalf of Mumia in the U.S. Court of Appeals. The issue is the death penalty. On August 11, the government filed its response. So the government has filed an opening brief, I filed an opening brief, now, they've filed a response. The next step will be for the court to set oral argument, in which we would actually go into court, before a three-judge panel as we did a couple of years ago, on May 17, 2007, and argue the case.

That is where we are, and I hope this happens



"Freiheit For Mumia Abu-Jamal" mural in Weimar, Germany. Photo by Edith Ploethner.

in the next three or four months, but I cannot speak for the court, because they decide in their own good time. Then, either we or the prosecution will go to the Supreme Court.

If this case is lost in the Supreme Court, an execution could happen pretty quickly. The procedure in Pennsylvania, unlike most other states, is that once a case is decided, an execution can occur fast. I am not talking about months, but rather weeks, it could move very fast. And the pressure to execute Mumia in this country, particularly in Philadelphia, is unlike anything I have seen in any other of hundreds of death penalty cases I have handled in the past three decades. It is unbelievable, the pressure to kill him.

AR: How does your new investigation relate to this?

RRB: If we wait until the courts decide, we are not going to have time to investigate! Mumia and I have discussed this at length. This investigation is crucial! We need help! We just need to brainstorm on how we can do this. This case can be won!

AR: Is there anything else that you would like to add for the interview?

RRB: First, there have been some great events, meetings like this. A year or so ago there was a great event on a Sunday morning at the Akademie der Künste, that had some of the top writers in Germany; the German PEN had a program at the Brehmhaus the year before that was great. A lot of you were there. There was the big event in January, the Rosa

Luxemburg Conference in Berlin which was fabulous – you were there! You in Europe are at ground zero for human rights work. This is especially true in Germany - I have seen you in action. We need to have more big events like the Akademie der Künste, like the Rosa Luxemburg Conference. We need to do more to ensure that people get the message!

Secondly, the online petition campaign to President Barack Obama (Mumia Abu-Jamal and the Global Abolition of the Death Penalty), is vital to my legal effort to save Mumia. Many signatures have come out of Germany, but we need many more for this to be effective.

Thirdly, we need financial support.

Fourthly, as I said, the voices of you the people must be heard. Continue the activism that you have been doing so effectively.

Finally, a lot of people in Germany have sent cards and letters to Mumia. I asked him a few months ago: Does that make any difference? Because, he cannot possibly answer every post card, every letter he receives, on death row. He told me that it does make a tremendous difference because he said the guards copy all his mail, they have to copy everything, and he said for him to receive bags of mail makes a statement that gets heard not only on death row but also in Philadelphia and Washington! The word goes out from guard to higher officials. So, I would like the campaign for writing him, along with the petition and other things you may do to continue – it's very important.

On behalf of Mumia, I thank you all for caring.

A Life Hanging by a Thread

Actions for Mumia in Germany
December 2009

Photoessay by Annette Schiffmann

All Photos from Heidelberg, Dec. 12, 2009

Around the sad and outrageous anniversary marking 28 years behind steelglass and concrete people all over Germany to the streets for Mumia. The encouraging news is that hundreds and thousands of people are showing up for Mumia's support now after years of a low activities.

Demonstrations with huge banners took place in Stuttgart, Oldenburg, Kiel, Muenchen, Nuernberg, Hamburg, Heidelberg and Berlin.

During the weeks and months before new and old groups against the death penalty and for Mumia's freedom in many towns had organized evening events with speakers who know the case well, most of them with screenings of "In Prison My Whole Life" the 2007 British documentary.

People discussed the planned actions for Mumia in case the death penalty should be re-installed. Three days after the announcement there will be a national day of action in many towns – mobilizing to a national demonstration in Berlin.

The action in Heidelberg on December 12th was a little dif-



ferent from all other demonstrations. We had planned to stage a scene for a photo with our town's most famous brands – the castle and the old bridge. Millions of tourists, most of them Americans, are visiting and photographing it every year.

The theme was "A Life Hanging by a Thread – Against the Execution of Mumia Abu-Jamal" – and so we covered the bridge towers and the handrail with crime scene tape, decorated a big part of the balustrade with our huge banner, and hung a life size doll in an orange jumpsuit down the bridge – by a thread.

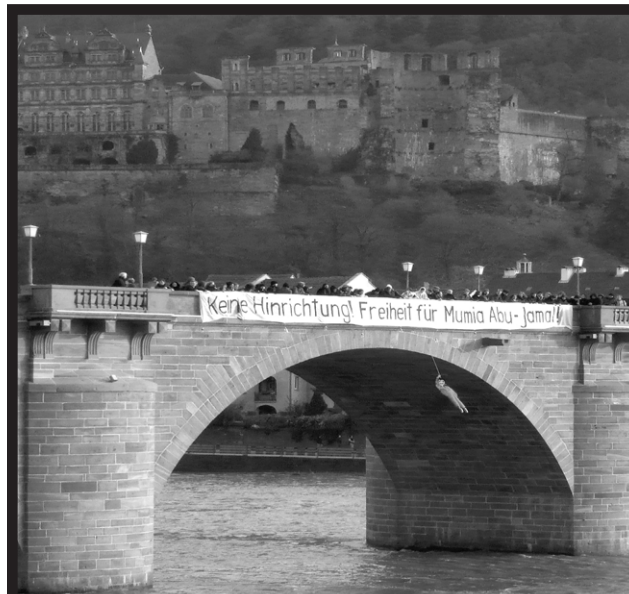
After a while we saved the death row candidate by pulling him up again – and then took the 20 meter long banner to a

spontaneous demonstration through Europe's longest pedestrian mile, Heidelberg's main road, 2 kilometers long and full of shoppers and visitors.

Although just about 85 people, we made it into a spectacular photo – not only for all tourists and other passengers on Saturday but into our daily paper on Monday!

We are especially proud of the fact that a lot of different groups took part in the action – from Amnesty International Students to the Red Help.

We have kept working together and are now going for a city council statement in Heidelberg.

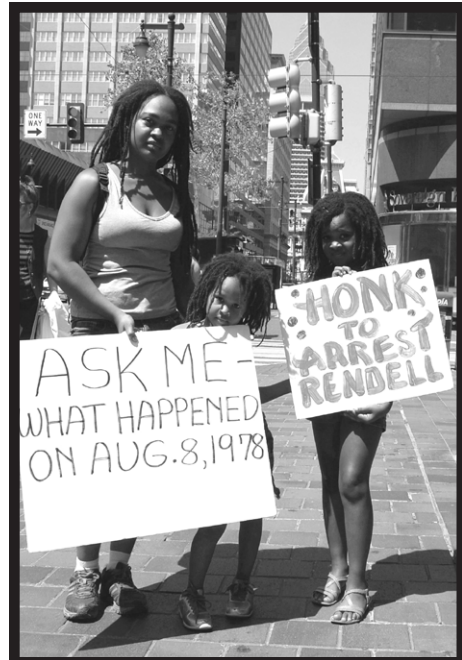


On the MOVE!

Photoessay on the August 8 MOVE Nine Demonstration By Raptivist Capital-"X" Anti Injustice Movement/ Guerrilla Republik

On August 7, 2010 I embarked on a mission with a few comrades of mine. We drove 10 hours from Raleigh, North Carolina up to Philadelphia, Pennsylvania to support fellow revolutionaries and activists that were meeting on behalf of the MOVE 9.

I have dedicated my life to fighting for prisoners rights and against all injustices, and the case of the MOVE 9 is clearly an injustice. This injustice really strikes a chord with me because I clearly remember watching the injustices on the MOVE Organization on television when I was coming up. When I was 14 years old I remember seeing the news talking about the shoot out that took place in Powelton Village where MOVE was located at the time in Philadelphia. In 1985 I re-



member watching the Philadelphia Police drop that bomb on MOVE's house live on the news.

It was a long drive through the night arriving in Philly at the home of yet another comrade at about 4am. We slept for a couple of hours and then set out for the rally which was led by Ramona Africa, the lone survivor of the MOVE bombing in 1985. Ramona alone made the trip worth while. She was strong and MOVED all in attendance with her speeches which were very heart felt by all those that were there to support her and the MOVE 9 and also by many passerby. Everyone that stopped to listen were touched by Ramona and the many other speakers.

People not only stopped to listen, they read the information being handed out by all the protesters. Hearing Ramona speak was indeed powerful and inspiring. One could not ignore the truth that she spoke. Her words were undeniable and one could not help but to see the reality of the injustices inflicted on the MOVE organiza-



tion. Scars covered Ramona's arms and legs from the bombing she survived, an act that was condemned by many, and that resulted in the deaths of 11 men, women and children. Ramona Africa, after all she has withstood still till this very day remains on the front lines of the struggle. She is an inspiration and a true revolutionary that we all should support.

I viewed the rally as a huge success. Every speaker from elders to poets, rappers, activists, revolutionaries to the MOVE children who were so strong and courageous made a big impact. The only thing that would have made this rally a bigger success is if people turned out like they have been in Arizona fighting the immigration laws. If thousands of people would have turned out on behalf of MOVE, our outrage would not so easily fall on deaf ears.

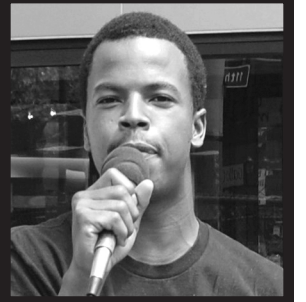
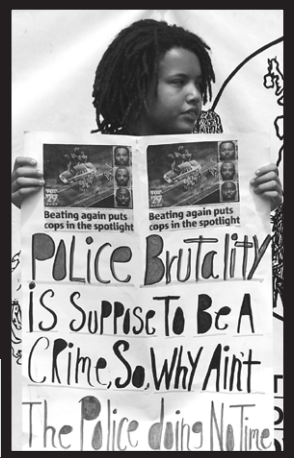
If 3 of us can come out of pocket and drive over 20 hours in blazing heat in a car with no air condition there just is not any excuse for anyone within

a 100 mile radius for not attending a rally, conference, festival or concert that is put together by the people for the people.

Though we may have not been a million strong those in attendance showed the heart of a million. We spoke for the voiceless in mighty roars right in the heart of downtown Philadelphia. We let it be known that the fight is not near over. Parole hearings for MOVE members now occur yearly so pressure must be kept up.

I hope many that read this feel compelled to MOVE and do something for as was spoken by one of the speakers at the rally, "if you don't MOVE then your dead", "you have to MOVE in life in order to be alive".

Both the Anti Injustice movement and The Guerrilla Republik will continue to fight for the release of the MOVE 9 as we proceed to support all those that active in the struggle for true justice. Uhuru...



MOVE Communique: MOVE 9 Parole Denials

ONA MOVE AND LONG LIVE JOHN AFRICA'S REVOLUTION!

August 8, 2010 marks thirty-two years of unjust imprisonment for the MOVE 9. Each of the MOVE 9 was sentenced to 30 to 100 years for a murder they did not commit. After serving their 30 year minimum sentence in 2008, our family members were interviewed by the parole board, denied parole and each given a 1 year setback. This means that they would not see the parole board again for 1 year.

Our family saw the parole board again in 2009 and they each got another 1 year setback except Eddie, who received a 2 years for no apparent reason.

This year, 2010, five MOVE family members have had their parole board interviews and have again been denied parole. Debbie Africa got a 1 year setback; Janine Africa got a 2 year setback; Janet Africa got a 3 year setback; Mike Africa got an 18 month setback and Delbert Africa got a 1 year setback (Chuck and Phil see the parole board later this year and Eddie doesn't see the parole board until next year).

Before speaking to the issue of parole, it should be clearly understood that our MOVE family is innocent and have spent 32 years in prison when they should never have gone to prison in the first place.

What the parole board needs to explain is how they can increase these setbacks (for example, from 1 year to three years) with no legitimate cause. Absolutely nothing changed between the first setback and this third one. There have been no misconducts, no fights, no withdrawal of prison recommendations for parole, nothing. The parole board cannot explain these setbacks,

the parole board also cannot explain giving Janet Africa a 3 year setback when there was never any evidence that Janet or any of the MOVE women did anything on Aug. 8th, except hold babies, while giving Delbert Africa a 1 year setback when cops beat Delbert almost to death on Aug. 8th, implying that he was threatening. This is a clear example of the parole board carrying on the railroad of our family that started back in 1978.

The parole board denied The MOVE 9 parole three times because they won't lie and say they're guilty, they call it "taking responsibility". In the mid eighties through the early nineties, the parole board refused to parole MOVE people if we wouldn't agree to their "special condition" that we sever all ties with our MOVE family and have no contact with them at all. We would not agree, we stood firm and it is the parole board that had to give ground.

That "special condition" was an illegal attempt to break MOVE, the same applies to this demand that MOVE "take responsibility" for something we didn't do and say we're guilty. It is crystal clear that parole board officials have absolutely no interest in justice or their own legality, particularly when it comes to people like MOVE that refuse to accept injustice and confront these officials on their wrong-doing.

What they're doing to MOVE, and countless other prisoners, is contrary to their legality and the principle of justice. We will never stop fighting against wrong and confronting this rotten system, whether it's on a prison block or a street block.

Contact us: 215 387-4107, www.onamove.com or onomovellja@aol.com

Please Contact The Parole Board For The MOVE 9

PA. Board Of Probation And Parole/ Central Office; Riverfront Office Center; 1101 South Front Street; Harrisburg, PA. 17104; Phone # (717) 787-5699

RE: Debbie Sims Africa #006307, Janet Holloway Africa #006308, Janine Phillips Africa #006309, Michael Davis Africa #AM-4973, Charles Sims Africa #AM-4975, William Phillips Africa #AM-4984, Delbert Orr Africa #AM-4985, and Edward Goodman Africa #AM-4974

Dear [Parole Board Member],

Please parole Chuck, Debbie, Delbert, Eddie, Janet, Janine, Mike, and Phil Africa. They have not caused any major disciplinary problems during the past three decades. They have spent most of their lives in prison; please allow them to be a part of, and contribute to, society as free citizens.

There are many around the world, who have different reasons for supporting parole for these eight prisoners. Among these reasons are that:

--The sentencing judge stated publicly that he did not have the faintest idea who shot the one bullet that killed Officer Ramp. Nine people cannot fire one bullet.

--Many supporters of parole feel that Officer Ramp was actually shot by police "friendly fire," because it would have been ballistically impossible for MOVE to have shot Ramp, who was across the street from MOVE's house. These supporters believe that because of MOVE's position in the basement, bullets coming from there would have had an upward trajectory, yet the medical examiner testified that the bullet entered Ramp's "chest from in front and coursed horizontally without deviation up or down." Even the authenticity of official ballistics are in dispute. At a pre-trial hearing, in open court, the Judge allowed the prosecutor to literally use a pencil and eraser to change the medical examiner's report to conform with the medical examiner's testimony about the bullet's trajectory.

This theory about the bullet's trajectory could have been tested, but MOVE's house was illegally demolished that very day, and police did nothing to preserve the crime scene, inscribe chalk marks, or measure ballistics angles. A few days before, a Philadelphia judge had signed

an order barring the city from destroying the house, but this order was violated.

In a preliminary hearing on a Motion to Dismiss, MOVE unsuccessfully argued that destroying their home had prevented them from proving that it was physically impossible for MOVE to have shot Ramp.

--Yet, other supporters of parole cite the average 10-15 year sentence given for third-degree murder. MOVE prisoners have now served 2-3 times this sentence. Isn't 33 years enough? They've already paid a terrible price for what happened on that day.

Lastly, We are concerned about optional stipulations that the Parole Board may require, which we feel are unfair, and which many legal scholars argue are a violation of First-Amendment rights. In the past, as a condition for parole, MOVE prisoners have unfairly been required to renounce MOVE and their deeply held religious beliefs.

We are also concerned about two other possible stipulations.

First is the "taking responsibility" stipulation, which basically asks a prisoner to admit guilt in order to be granted parole. These eight MOVE prisoners have always maintained their innocence, so it is unfair to require this of them.

Second is the "serious nature of offense" stipulation. MOVE spokesperson Ramona Africa feels that this is illegal "because the judge took this into consideration and when the sentence was issued, it meant that barring any misconduct, problems, new charges, etc. this prisoner was to be released on their minimum. To deny that is basically a re-sentence."

Please do not require these optional stipulations.

We do ask that you please grant parole to these eight prisoners so that, after 33 years, they can go home to their families.

Deafening Silence

By Chuck Africa

Don't ya'll hear cries of anguish?

In the climate of pain come joining voices?

But voices become unheard and strained by inactions

Of dead brains

How long will thou Philly soul remain in the pit of agonizing apathy?

Indifference seems to greet you like the morning mirror

Look closely in the mirror and realize it's a period of mourning....

My Sistas, mothers, daughters, wives and warriors

Languish in prisons obscurity like a distant star in the galaxies as does their brothers

We need to be free....

How loud can you stay silence?

Have the courage to stand up and have a say.

Choose resistance and let go of your fears.

The history of injustice to MOVE; we all know so well

But your deafening silence could be my DEATH KNELL.

CONTINUED FROM FRONT PAGE...

What made the case "un-prosecutable" to the judge and DA was who the killers were, as well as the identity of the killed.

For the killers were cops (who donate thousands of dollars to their campaigns); and the killed were mostly Black, all money-poor, and members of the MOVE Organization.

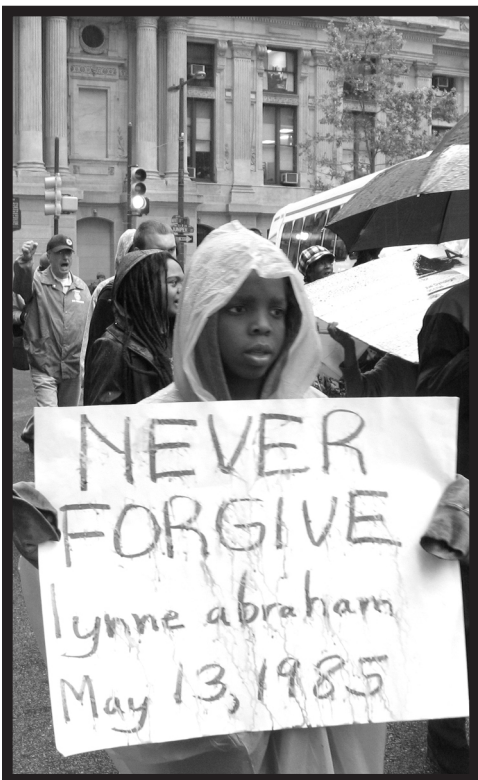
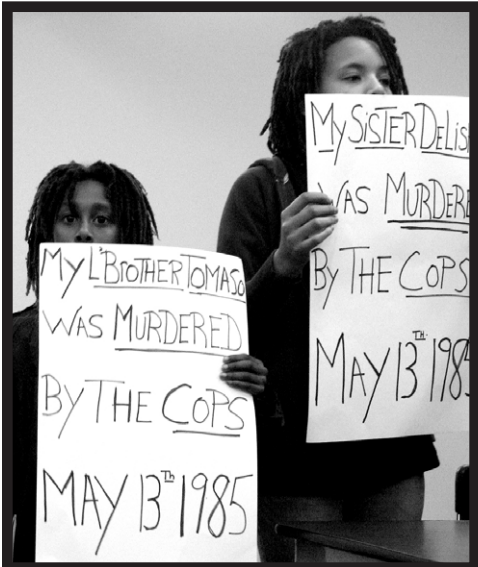
So much for "equal justice under the law"! Ramona Africa, the sole adult survivor of the Mother's Day Massacre (May 13, 1985), spent 7 years in prison for surviving the bombing; and when she argued to her jury that police and the politicians that commanded them should be on trial for bombing MOVE people, the prosecutor told jurors not to worry about that, for other judges and juries would determine their fates, on other dates, in other courtrooms.

It's been 25 years, and except for Ramona Africa, no one even remotely connected with this carnage, has ever seen the inside of a prison cell.

And now this new, offensive 'ruling': "Sorry, too late."

As ever, MOVE will rumble on.

(c) '10 maj



3 Photos from the Philadelphia events organized by MOVE and supporters in May, 2010, commemorating the 1985 massacre. Photo by Joe Piette, WW.

Why May 13, 1985 Was An Act of Murder

On May 13, 1985, a State Police helicopter dropped a C-4 bomb, illegally supplied by the FBI, on the roof of the MOVE Organization's house at 6221 Osage Ave. in West Philadelphia. The bomb started a fire that was allowed to burn, and eventually destroyed 61 homes, leaving 250 people homeless: the entire block of a middle-class black community.

When the occupants of the house tried to escape the fire, police shot at them. At the end of the day, six MOVE adults and five children died. Ramona Africa and 13 year-old Birdie Africa were the only survivors, after successfully dodging police gunfire.

The Philadelphia Special Investigation Commission (The MOVE Commission) appointed by Mayor Wilson Goode recognized the racial implications of the massacre, writing that the day's many horrifying decisions, such as "the use of high explosives, and in a 90 minute period, the firing of at least 10,000 rounds of ammunition at the house; to sanction the dropping of a bomb on an occupied row house; and to let a fire burn in a row house occupied by children, would not likely have been made had the MOVE house and its occupants been situated in a comparable white neighborhood."

The Commission concluded that the deaths of the five MOVE children "appeared to be unjustified homicides which should be investigated by a grand jury" (outrageously, the Commission did not similarly criticize the murder of the MOVE adults). However, two subsequent grand juries refused to press charges against any city or police official for murder or any other wrongdoing. In contrast, Ramona Africa spent seven years in prison.

As Mumia writes in our cover story, MOVE continues to seek murder charges against police and city officials for the May 13 massacre. We present the following points that together make an undeniable case for why murder charges are needed: *The arrest warrants; The morning assault; Refusing to negotiate; Dropping the C-4 bomb; "Fire as a tactical weapon"; Police shoot at fleeing occupants.*

The Legalization of Murder

Following the Aug. 8, 1978 police assault that resulted in the shooting death of Officer James Ramp and the imprisonment of the MOVE 9, MOVE headquarters shifted to 6221 Osage Avenue, in a middle-class black neighborhood. MOVE continually demanded an official investigation into the 1978 confrontation and the convictions of the MOVE 9.

Many of MOVE's neighbors complained to the city about MOVE's use of a loudspeaker to air their own grievances with the city. Along with sanitation complaints, the neighbors also expressed concern about a bunker built above the house, which MOVE had built to defend themselves from another military-style police assault on their home similar to Aug. 8, 1978.

Officially in response to these sanitation and noise complaints from neighbors, Philadelphia mayor, Wilson Goode, held a meeting with Managing Director Leo A. Brooks and Police Commissioner Gregore Sambor, District Attorney Ed Rendell, and others, where he first authorized Sambor to prepare and execute a tactical plan under the supervision of Brooks, allegedly to solve the neighborhood dispute.

On May 11, Judge Lynn Abraham approved DA Rendell's requested emergency arrest and search warrants for four MOVE members on charges of disorderly conduct and terroristic threats, based upon statements MOVE made on their loudspeaker two weeks earlier, where, among other things, they stated that they'd defend themselves from a police attack.

The legitimacy of these arrest warrants was revealed during Ramona Africa's later trial, when all charges listed on her arrest warrant were dismissed by the judge. Ramona says that "this means that they had no valid reason to even be out there, but they did not dismiss the charges placed on me as a result of what happened after they came out."

Charged with conspiracy, riot, and multiple counts of simple and aggravated assault, Ramona Africa served the entirety of her 16-month to 7-year sentence after she was repeatedly denied parole for not renouncing MOVE.

Concluding Ramona's 1986 trial, presiding judge Michael R. Stiles told the jurors not to consider any wrongdoing by police and city officials, because they would be held accountable in "other" proceedings. However, no official has ever faced criminal charges.

In 1996, Ramona successfully sued the City of Philadelphia and was awarded \$500,000 for pain, suffering, and injuries. Relatives of John Africa and his nephew Frank James Africa,

who died in the incident, were awarded a total of \$1 million. Another \$1.7 million was paid to Birdie Africa, now Michael Moses Ward.

The jury ordered that Ramona also receive \$1 per week for 11 years directly from Sambor and Richmond, but this was overruled by Judge Louis Pollack on grounds that the two had not shown "willful misconduct," and were therefore immune from financial liability.

The Morning Assault

At 5:35 AM, on May 13, after evacuating the neighbors, Police Commissioner Sambor declared on the bullhorn: "Attention, MOVE! This is America! You have to abide by the laws of the United States," and gave them fifteen minutes to surrender.

After the fifteen-minute deadline passed, several "squirt gun" fire-hoses were directed at the bunker on MOVE's roof, in an attempt to dislodge it. At 5:53, police tear-gassed the front and rear of the house, creating a smoke-screen. Police then sent bomb squads to enter the row houses on either side of the building.

While the bomb squads entered, gunfire erupted, and in the next 90 minutes, police used over 10,000 rounds of ammunition, including 4,500 rounds from M-16s; 1,500 from Uzis; and 2,240 from M-60 machine guns. Simultaneously, the two bomb squads repeatedly detonated explosives in the side walls, and then blew off the front of the house.

Sambor later attempted to justify police gunfire by saying that police had responded to automatic gunfire from MOVE. However, the only weapons found in MOVE's house were two pistols, a shotgun, and a .22 caliber rifle: no automatic weapons. Sambor was unable to explain this contradiction when challenged by the MOVE Commission.

The MOVE Commission wrote that "the firing of over 10,000 rounds of ammunition in under 90 minutes at a row house containing children was clearly excessive and unreasonable. The failure of those responsible for the firing to control or stop such an excessive amount of force was unconscionable."

Goode Refuses to Negotiate

After 90 minutes, the police ran out of ammunition and had to get more from the armory, and a quiet afternoon standstill began.

According to Philadelphia Tribune columnist and Temple University Professor Linn Washington, Jr., MOVE member Jerry Africa, who wasn't in the house, attempted to negotiate with Mayor Goode during the afternoon standstill. He wanted to tell Goode that MOVE would disengage from the confrontation if Goode would agree to an investigation of the Aug. 8, 1978-related MOVE convictions.

Jerry Africa was supported and accompanied by civil rights activist Randolph Means and former Common Pleas Court Judge Robert Williams, who at the time was the Democratic Party's nominee for Phila. District Attorney. According to Washington, the three of them repeatedly tried to call Goode on the telephone, but he would not take their call. Instead, Goode declared at a press conference that afternoon that he was now ready "to seize control of the house...by any means necessary."

Notably, Washington filed this story with the The Philadelphia Daily News, who he worked for at the time, but it was not published.

Dropping the C-4 Bomb

At 5:00 pm, Managing Director Brooks telephoned Mayor Goode and said that Sambor, in Goode's words, wanted to "blow the bunker off and to blow a hole in the roof and to put tear-gas and water in through that process." Goode's response: "Okay. Keep me posted."

At 5:27 pm, a State Police helicopter dropped a C-4 bomb on MOVE's roof, which exploded and started a fire on the roof.

Challenged at a press conference later that week, Goode was unable to offer a straight answer: "If...someone called on the telephone and said to me 'We're going to drop a bomb on a house,' would I approve that? The answer is no. What was said to me was that they were going to use an explosive device to blow the bunker off the top of the house."

Afterwards, Sambor continued to defend the decision to drop the bomb, telling the MOVE Commission that he thought the bombing was



Photo: May 13, 1985. The fire would burn down the city block.

"a conservative and safe approach to what I perceived as a tactical necessity."

In 1986, The MOVE Commission concluded that "dropping a bomb on an occupied row house was unconscionable and should have been rejected out of hand by the mayor, the managing director, the police commissioner and the fire commissioner."

The Commission also reported that "in Jan., 1985, an agent of the FBI delivered nearly 38 pounds of C-4, a powerful military plastic explosive, to the Phila. Police bomb squad. Delivery of this amount of C-4 to any police force without restrictions as to its use is inappropriate. Neither agency kept any records of the transaction. The FBI agent told the Commission that he 'never had to keep any kind of records or anything' regarding C-4. Nor did the bomb squad keep any delivery, inventory or use of the C-4, or any other explosives under their control...Because of the absence of record keeping by the FBI and the Phila. Police Department, all the facts of the use of C-4 on May 13 may never be known."

"Fire As A Tactical Weapon"

The fire was initially relatively small, but it was deliberately allowed to grow until it was eventually so large and powerful that it burned down the entire city block.

According to Mayor Goode, he first learned of the fire "at about ten minutes of six," at which point he contacted Managing Director Brooks, and ordered that the fire be stopped. On behalf of Goode, Brooks told Police Commissioner Sambor over the phone to extinguish the fire, but upon discussing it, Sambor and Fire Commissioner William Richmond decided to continue to let it burn. Richmond would later claim that Sambor did not tell Richmond about Goode's order. However, Sambor denied this and said that he did indeed tell Richmond.

In defense of his decision, Richmond said that he let the fire burn because of danger from alleged MOVE gunfire, stating: "we regret what happened, but we are not going home with any firefighters with bullet wounds tonight, and I thank God for that."

Challenging Richmond's argument, the MOVE Commission cited the use of the water cannons for hours earlier in the day, at times alongside police gunfire. Even later in the day, the Commission notes that "from 5:20 to 5:25 P.M. the 'squirts' [water cannons] were turned on to protect the helicopter which was preparing to drop the bomb [at 5:27]," and since firefighters were safe at that time, the fire could have been extinguished "without exposing police or firefighters to any possible danger."

The Commission concluded that the decision "to let the fire burn constituted the use of fire as a tactical weapon" that "should have been rejected out-of-hand. That it was not rejected cannot be justified under any circumstances."

Police Shoot at Occupants

Today, Ramona Africa recalls escaping from the fire on May 13: "We opened the door and started to yell that we were coming out with the kids. The kids were hollering too. We know they heard us but the instant we were visible in the doorway, they opened fire. You could hear the bullets hitting all around the garage area. They deliberately took aim and shot at us. Anybody can see that their aim, very simply, was to kill MOVE people—not to arrest anybody."

Birdie later supported Ramona's account of police gunfire when he testified that the children and remaining adults tried several times to escape the burning house, but were driven back by police gunfire, before he and Ramona successfully dodged gunfire and escaped.

Despite official police statements denying the shooting, The MOVE Commission confirmed Ramona and Birdie's accounts, concluding that "police gunfire prevented some occupants of 6221 Osage Ave. from escaping from the burning house to the rear alley."

COINTELPRO and the Assassination of Fred Hampton

Reviewed: *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*, by Jeffrey Haas, Lawrence Hill Books, 2010.

On the morning of Dec. 4, 1969, lawyer Jeffrey Haas received a call from his partner at the People's Law Office, informing him that early that morning Chicago police raided the apartment of Illinois Black Panther Party Chairman Fred Hampton at 2337 West Monroe Street in Chicago. Tragically, Hampton and fellow Panther Mark Clark had both been shot dead, and four other Panthers in the apartment had critical gunshot wounds. Police were uninjured and had fired their guns 90-99 times. In sharp contrast, the Panthers had shot once, from the shotgun held by Clark, which had most likely been fired after Clark had been fatally shot in the heart and was falling to the ground.

Haas went straight to the police station to speak with Hampton's fiancée, Deborah Johnson, who was then eight months pregnant with Hampton's son. She had been sleeping in bed next to Hampton when the police attacked and began shooting into the apartment and towards the bedroom where they were sleeping. Miraculously, Johnson had not been shot, but her account given to Haas was chilling.

Throughout the assault Hampton had remained unconscious (strong evidence emerged later that a paid FBI informant had given Hampton a sedative that prevented him from waking up) and after police forced Johnson out of the bedroom, two officers entered the room where Hampton still lay unconscious. Johnson heard one officer ask, "Is he still alive?" After two gunshots were fired inside the room, the other officer said, "He's good and dead now."

Jeffrey Haas' account of this conversation with Johnson jumps right out from the inside cover of his new book entitled *The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther*.

In this new book, Haas gives his personal account of defending the Panther survivors of the Dec. 4 police assault against the criminal charges that were later dropped, and of filing a civil rights lawsuit, *Hampton v. Hanrahan*, on behalf of the survivors and the families of Mark Clark and Fred Hampton. The civil rights lawsuit lasted for almost 13 years, but ended with a \$1.85 million settlement paid equally by the city, county, and federal governments.

The Assassination of Fred Hampton

An autopsy conducted on Hampton by a doctor hired by Haas and the People's Law Office (PLO) confirmed Deborah Johnson's account about Hampton being shot twice after she was forced out of the bedroom. Haas reports that autopsy "found that both head wounds came from the top right side of the head in a downward direction... They were consistent with two shots to the head at point blank range. The downward angles of the bullets were inconsistent with the horizontal shots that came through the wall from the front." Other than these fatal bullet holes, the only physical marks on Fred were a bullet found embedded in the exterior of his shoulder and a graze wound in his leg. In two separate tests that were part of this same autopsy a high dosage of the barbiturate Seconal was found--enough to make Hampton unconscious or very drowsy.

On Dec. 4, Cook County prosecutor Edward Hanrahan and 14 Chicago police officers assigned to Hanrahan had been armed with shotguns, handguns, and a .45 caliber machine gun. The raiders were officially carrying out

a search warrant, looking for weapons, but suspiciously did not arrive at 8pm the night before when they knew the apartment was empty. Following the attack, Hanrahan and police publicly claimed to have been under heavy fire from the Panthers, and that Panthers had first fired on them through the front door. The actual evidence at the crime scene proved otherwise, so Panthers and supporters immediately mobilized to expose the police lies.

Hampton's apartment had been left unguarded, so the Panthers went inside to examine the scene alongside videographers who later released their footage in the 1971 documentary film entitled *The Murder of Fred Hampton*. The apartment was opened to the public, and the media was urged to come and see for themselves that there was only one bullet in the wall (from Mark Clark's shotgun) that could have been fired from the direction the Panthers were facing towards the front door. In contrast, there were 90-99 bullets in the walls that had been shot inward from the direction of the front door where police entered.

A county grand jury indicted each of the seven Panther survivors for attempted murder, armed violence, and other weapons charges, but all these charges would later be dropped. Hanrahan and police were first exonerated from any misconduct by the police Internal Investigations Division. Next, a coroner's inquest found Hampton and Clark's deaths were "justifiable homicide." A federal grand jury, led by deputy attorney general Jerris Leonard investigated whether Hanrahan and police had violated the civil rights of the Panthers inside 2337 West Monroe Street. However, in May 1970, the federal grand jury issued a 132-page report, but no indictments. Furthermore, Haas writes that the report "never sought to determine who fired the fatal shots, where they were from, or whether they were fired deliberately to murder Fred." Following public pressure, in June 1970 a special prosecutor, Barnabas Sears, was appointed by Cook County's Chief Criminal Court Judge Joseph Power. In July 1972, this criminal trial for conspiracy to obstruct justice began before Judge Philip Romiti. In November that year, all defendants were found not guilty.

After the federal grand jury's ruling in May 1970 that exonerated Hanrahan and others, they decided to file the civil rights lawsuit. At the meeting where the lawyers, December 4 survivors, and family members of Hampton and Clark made their decision, Clark's mother Fannie expressed how they all were feeling, saying "We can't just do nothing. Mark and Fred should still be alive. I want to bring their killers to trial." Reflecting back, Haas explains why the lawsuit was an important legal strategy as well. "In civil cases, extensive discovery is allowed. We could get to cross-examine all the defendants under oath at depositions, with court reporters recording what they said. The contradictions between Hanrahan's and the raiders' account, and the physical evidence made the prospect of confronting the defendants a trial lawyer's dream. We needed to write the complaint to combine the claims of the survivors and the deceased into one lawsuit against all the perpetrators. The legal construct we had found was to charge all the actors in a conspiracy to act together. That way we combined Hanrahan, [Hanrahan's assistant, Richard] Jalovec, the fourteen raiders, the crime lab people, and those who falsified the investigation. In May of 1970 we filed our complaint. We had no idea we were embarking on a 13-year battle," writes Haas.



Fred Hampton Jr., the Chairman of the Prisoners of Conscience Committee and an active supporter of Mumia Abu-Jamal, speaks in Philadelphia on April 24, 2009. Photo by Joe Piette, WW.

The joint-civil suit was assigned to a right-wing judge named Joseph Sam Parry, who threw out their entire complaint on February 3, 1972. They appealed to the Seventh Circuit Court and on August 4, 1973, the Court overturned Parry, and sent it back for a new trial. Unfortunately, they were unable to get a new judge, and throughout the subsequent 18-month trial, Parry was extremely biased and blocked all kinds of testimony and evidence from being entered into the record. The jury was deadlocked, but instead of declaring a mistrial, Parry himself ruled to dismiss the case entirely. Haas and PLO's subsequent appeal of Parry's ruling to the Seventh Circuit was successful, and the case was sent back down to the district court for a new trial. Fortunately, this time they got a new judge, who urged the defendants to make a settlement before starting a new trial. Finally, on February 28, 1983, the settlement was made, and Hampton et al. received \$1.85 million from the city, county, and federal governments.

COINTELPRO and Fred Hampton

The FBI's top-secret and illegal counterintelligence program dubbed "COINTELPRO" became public after a 1971 break-in to the FBI office in Media, Pennsylvania by unknown antiwar activists. These activists discovered these explosive documents that revealed an FBI war on the civil rights and later Black liberation movements, and quickly made them public. Among these liberated files was a March 3, 1968 COINTELPRO memo discussing the urgent need to prevent "the beginning of a true black revolution." Among several of the program's goals was to "prevent the rise of a 'messiah' who could unify, and electrify, the militant black nationalist movement". This "Black Nationalist-Hate Groups" memo refers to Martin Luther King (long a target of the FBI) as a potential "messiah" of the supposedly hateful and "violent" Black liberation movement.

This same document stated: "Through counterintelligence it should be possible to pinpoint potential troublemakers and neutralize them." Another stated goal was "to prevent the long-range growth of militant black nationalist organizations, especially among youth. Specific tactics to prevent these groups from converting young people must be developed." One specific tactical approach was expressed in an April 3, 1968 communique arguing that "The Negro youth and moderates must be made to understand that if they succumb to revolutionary teaching, they will be dead revolutionaries."

In terms of scale, the FBI's war of repression against the Black liberation movement of the 1960s and 1970s was greatest against the Panthers. In addressing why the Panthers were targeted so intensely by COINTELPRO, Noam Chomsky wrote in 1973: "A top secret Special Report for the president in June 1970 gives some insight into the motivations for the actions undertaken by the government to destroy the Black Panther Party. The report describes the party as 'the most active and dangerous black extremist group in the United States.' Its 'hard core members' were estimated at 800, but 'a recent poll indicates that approximately 25 percent of the black population has a great respect for the BPP, including 43 percent of blacks under 21 years of age.' On the basis of such estimates of the potential of the party, the repressive apparatus of the state proceeded against it to ensure that it did not succeed in organizing as a substantial social or political force."

When these liberated COINTELPRO files became public, Haas, PLO, and his Panther clients immediately suspected that the Dec. 4 police raid had been part of this program, and that the FBI had viewed Hampton as a potential "messiah," who needed to be "neutralized."

The Assassination of Fred Hampton



How the FBI and the Chicago Police Murdered a Black Panther



Jeffrey Haas

As part of their civil rights lawsuit, they filed numerous motions requesting all FBI files relating to the Illinois Panthers and COINTELPRO. After repeated attempts by the defendants and Judge Parry to cover up the FBI role, eventually a few explosive documents were made available.

One document showed a drawing made by the FBI's paid informant, William O'Neal, which provided the floor plan of Hampton's apartment. The FBI had supplied this diagram to prosecutor Edward Hanrahan before he led the raid several days later. Following the raid, the FBI paid O'Neal a special bonus to thank him for providing the diagram.

Another document surfaced showing that the FBI had made a deal with deputy attorney general Jerris Leonard, who led the 1970 federal grand jury investigation. In an effort to conceal the FBI's role and the still-secret COINTELPRO, they decided that the criminal charges would be dropped against the seven Panther survivors, and in exchange the federal grand jury would rule in favor of Hanrahan and the police raiders.

A third explosive document showed a fake letter sent to Jeff Fort, the leader of the Blackstone Rangers, which accused the Panthers of planning a "hit" on Fort. The FBI hoped that the fake letter would incite Fort and the Rangers to "take retaliatory action" against Hampton and the Panthers.

As this new documentation emerged, the FBI was added to the list of defendants for the civil rights lawsuit, and making the FBI pay 1/3 of the \$1.85 million was a key part of the settlement.

They Got Away With Murder

Certainly, the \$1.85 million lawsuit was only a partial victory. Money can't replace the lives of Hampton and Clark, or heal the gunshot injuries that several of the survivors still suffer from today. Furthermore, it is painful to accept that none of the conspirators were ever convicted of any criminal charges, nor were they forced to pay for the settlement out of their own pockets. However, the scale of victory should not be judged by the money alone. On the last page of the book, Haas describes a 2008 visit with Iberia Hampton shortly after her husband Francis had passed away. He asked her "after all these years, what do you think our lawsuit proved?" Without hesitation Iberia replied, "They got away with murder."

Indeed, they did get away with murder. In this context, the victorious civil rights lawsuit has been used to further expose and document this stark injustice. Many COINTELPRO files were made public because of the lawsuit, and the numerous conspirators were put under some scrutiny for the public to see.

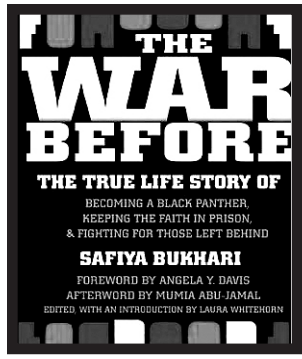
Today, if we learn anything from this story, it's that we should have no illusions about how far the government is willing to go in repressing dissent and then covering it up. Also, the courtroom victory that was fought against all odds should inspire activists today who are working around issues of state repression and political prisoners. We can win, and we should never give up the fight.

—This is a shortened version of an article first published by www.TowardFreedom.com



With satisfied grins reminiscent of those on the faces of white mobs in historic photos of US lynchings, the Chicago police carry away Fred Hampton's body.

Honoring Safiya Bukhari



Reviewed:
The War Before: The True Life Story of Becoming a Black Panther, Keeping the Faith in Prison, & Fighting for Those Left Behind, by Safiya Bukhari, edited by

Laura Whitehorn; *The Feminist Press*, 2010.

The late Safiya Bukhari (1950-2003) is not the most famous veteran of the Black Panther Party (BPP), but the compilation of her writings, *The War Before*, edited by former political prisoner Laura Whitehorn at the request of Bukhari's daughter, Wonda Jones, should be required reading alongside the memoirs of BPP cofounders Bobby Seale and Huey P. Newton.

The War Before makes many significant contributions to scholarship, including its examination of women in the BPP. Bukhari recognizes serious problems of sexism and misogyny, but argues that this was symptomatic of the Left in general and, relative to other leftist groups, the Panthers had gone much further to address the problem. Women were involved in the party at every level and, in 1970, Huey Newton issued an important public statement of support for the women's and gay liberation movements. Bukhari writes that the Panthers "may not have completed the task of eradicating sexist attitudes within the Party and in the community. But we did bring the problem out in the open and put the question on the floor."

Bukhari was a 19-year-old pre-med student

in New York City when she was first introduced to BPP as a volunteer for their free breakfast program for children. Later, Bukhari and a friend witnessed police harassing a Panther for selling their newspaper on a Harlem street corner. "Without a thought, I told the police that the brother had a constitutional right to disseminate political literature anywhere," writes Bukhari.

Police responded by arresting her and her friend, along with the Panther. Bukhari reflects: "I had never been arrested before and I was naive enough to believe that all you had to do was be honest and everything would work out all right. I was wrong again. As soon as the police got us into the back seat of their car and pulled away from the crowd, the bestiality began to show. My friend went to say something and one of the police officers threatened to ram his nightstick up her if she opened her mouth again and then ran on in a monologue about Black people. I listened and got angry."

After her release, Bukhari joined the Panthers and was a full-time member by 1970. Following the Party's East Coast/West Coast split in 1971, she became the communications and information officer of the East Coast Panthers. As the FBI and NYPD's infamous COINTEL-PRO repression escalated, many Panthers were forced underground into the newly-formed Black Liberation Army (BLA). In 1973, Bukhari fled to the BLA as well.

On January 25, 1975, Bukhari was arrested and later convicted of armed robbery and sentenced to 40 years. She recounts how she and two other members of the BLA's Amistad Collective entered a delicatessen in Virginia without intending to rob it, but that the store manager initiated a gunfight (that Bukhari did not participate in). Her co-defendant, Masai

Ehehosi, was shot in the face. Her bodyguard had not drawn his weapon, but was shot and then stomped to death by the store manager and his son. Bukhari tried to press countercharges against them, but the Commonwealth attorney said that it was "justifiable" homicide.

Following her arrest, Bukhari suffered from fibroid tumors, but was denied medical treatment at the city jail.

On entering the state prison in Goochland, Bukhari writes: "During my initial examination upon arrival, a doctor told me the tumors were the size of oranges and asked me how long my sentence was. I told him 40 years; he told me to come back to see him in 10.... So I followed the prison rules. I filed a grievance. In response, I was told that the lack of medical treatment constituted a difference of opinion between myself and the doctor on whether treatment was needed at this point."

Following the prison rules did nothing to get her the treatment needed, so she made an important decision: "I knew then that the only way I would get the medical care I needed was to go out and get it for myself." After two years at Goochland, Bukhari escaped. She was able to see two doctors before being recaptured two months later and they both told her that she could endure the pain or get surgery.

After being recaptured, she writes: "I decided to use the lack of medical care as my defense for the escape to accomplish two things: (1) expose the level of medical care at the prison and (2) put pressure on them to give me the care I needed." As punishment for her escape, she was put in solitary confinement from March 1978 to November 1980. In June 1978, she was taken to the hospital for medical care.

In August 1983, after eight years and eight months in prison, Bukhari was granted parole and released. She jumped headfirst into organizing support networks for U.S. political prisoners. Laura Whitehorn, one of the prisoners who had been supported by Bukhari, writes that, "She found out what we thought and what



Photo of Safiya Bukhari speaking at a Free Mumia protest.

we needed, then met with activists outside, encouraging them to support us and all the political prisoners she encountered."

Bukhari joined political prisoner Jalil Muntaqim and former political prisoner Herman Ferguson in creating the Jericho Movement, which organized a large demonstration in front of the White House in 1998, calling for the release of all political prisoners. Bukhari also created the New York Free Mumia Abu-Jamal Coalition (NYFMAJC) in support of her former comrade, now on death row, whom she'd worked with at the New York City Panther office.

Since Bukhari's tragic death in 2003, the Jericho Movement and NYFMAJC have continued to grow. Mumia Abu-Jamal writes in *The War Before's* afterword that "her passing wasn't the only tragedy; the tragedy was that more people didn't know her, learn from her, or grow from her fund of hard-won wisdom." In the foreword, former political prisoner Angela Y. Davis writes that Bukhari's "words compel us to recognize how much unacknowledged labor dwells inside and behind social justice movements.... Hopefully it will teach us respect and reverence for the organizer, who so often remain the unknown and unacknowledged figures behind progressive mass movements."

Jailhouse Lawyers: Prisoners Defending Prisoners v. The USA

A book review by Kiilu Nyasha

The first of its kind, Mumia has written a book that is, paradoxically, both revolutionary and conservative.

It's revolutionary because it breaks new ground enlightening us about the courageous, unorthodox resistance to the system (and its inherent injustices) posed by jailhouse lawyers.

It's conservative because, as Mumia points out, "...jailhouse lawyers often unwittingly serve the interests of the state by propagating the illusion of 'justice' and 'equity' in a system devoted to neither." They create "illusions of legal options as pathways to both individual and collective liberation."

Citing the famed attorney, Clarence Darrow, Mumia quotes from his 1902 address: "The laws are really organized for the protection of the men who rule the world. They were never organized or enforced to do justice. We have no system for doing justice, not the slightest in the world."



In this 1970 photo, Kiilu Nyasha is embraced by Black Panther Party co-founder Huey P. Newton and lawyer Charles Garry. --Kiilu Nyasha is a San Francisco-based journalist and former member of the Black Panther Party. She writes for several publications, including the SF Bay View Newspaper and BlackCommentator.com. Through the end of 2009, Kiilu hosted a weekly TV program, "Freedom Is A Constant Struggle," on SF Live, and many of her shows are archived on her website: www.kiilunyasha.blogspot.com

Quoting Mumia, "There is an ancient Latin saying...Rex no potest peccare - 'The King can do no wrong.'...[S]ubstitute 'the state' for 'the King' and it fits perfectly."

Elaborating on the law's inherent conservatism, Mumia discusses the "penchant for precedence, which ties today's legal reasoning irrevocably to the past." In *Toward an American Revolution*, he notes, Jerry Fresia provides a portrait of three founding fathers, one of whom was a lawyer, that details their enormous wealth derived largely from the ownership of hundreds of African slaves. They were the first three presidents of the U.S.A., George Washington, John Adams, and Thomas Jefferson.

The first chapters of the book discuss "Learning the Law" and "What 'the Law' Is."

Jailhouse lawyers, like Mumia himself, make use of prison law libraries, correspondence courses, and books ordered or borrowed. But their main source of instruction comes from other jailhouse lawyers with more experience and knowledge. However, recounting a pre-prison conversation, Mumia notes how some of these jailhouse lawyers "go crazy" because "they really believe in the System, and this System always betray those that believe in it!" (Mike Africa) Indeed he later witnessed a fellow prisoner who insisted the Pennsylvania Supreme Court "gotta grant me relief!...." It's in black and white! When relief was NOT granted, he snapped.

Pointing out that what is law depends on who you ask, Mumia quotes Rousseau and Marx, respectively: "Law is an invention of the strong to chain and rule the weak." It's "the will of [one] class made into a law for all." He goes on to remind us of the pro-slavery rulings of a Supreme Court justice, Thomas Ruffin, who wrote, "The power of the master must be absolute, to render the submission of the slave perfect." He notes the reemergence of the Slave Codes as Black Codes, that (as pointed out in the infamous Dred Scott case) determined that citizens were categorically white and that [Blacks] "had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit."

"The law is a tool of class domination and... racial domination as well....But the law...can be readily and quickly changed," writes Mumia. For example, in the wake of a flood of media

stories about frivolous prisoner lawsuits (later proved to be falsehoods or exaggerations), in 1996, then President Clinton obtained passage of the Prison Litigation Reform Act, which like his welfare reform legislation subverted the rights of the poor and strengthened state power.

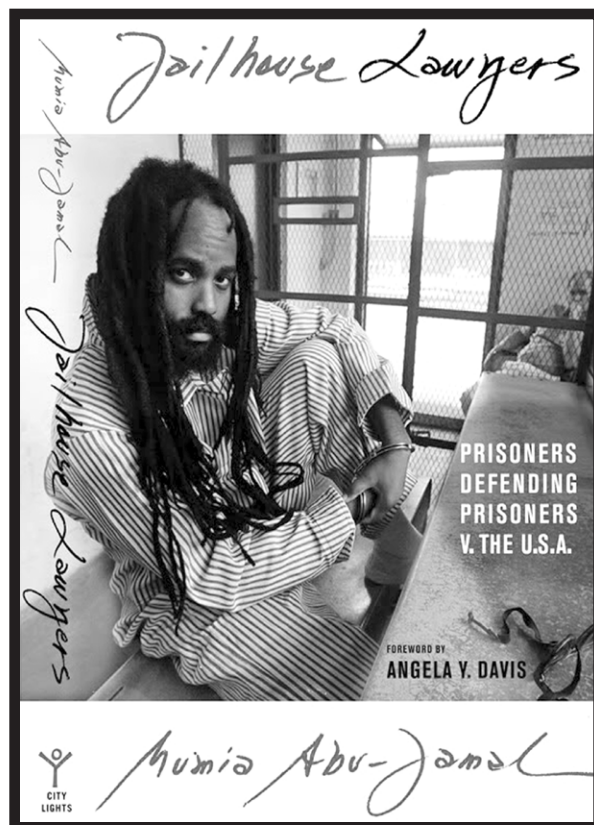
The importance, indeed the urgency in many cases, of jailhouse lawyering cannot be overstated. Take, e.g., the experience of jailhouse lawyer Running Bear: "His most important achievements... Helping three people to get their death sentences overturned...He describes 'hearing a kid yell up to me that the Pa. Supreme Court has just overturned his capital case based on a brief I wrote....Saving someone's life via pen and paper is a rewarding and unforgettable experience."

The first jailhouse lawyer I met personally in 1971 was Ruchell Cinque Magee. He had won for himself a second trial in 1965 of his original 1963 conviction which he summed up as the state "using fraud to hide fraud."

Under nearly constant persecution, Magee was known to have helped a myriad of prisoners win their release through writs and petitions. He also initiated a wrongful death civil suit in the case of Fred Billingsley, a California prisoner murdered by guards in 1970. After the case was taken up by outside attorneys, a large settlement was won for the Billingsley family.

While illuminating the achievements of jailhouse lawyers - "During the 1960s and 1970s, jailhouse lawyers were primarily responsible for the recognition and enforcement of prisoners' civil rights" - Mumia also exposes the "hustlers in hell" and the "snitches." He describes them as "the worst of the worst."

Also criticized are "street lawyers," (professional licensed attorneys) who are often derelict in their duties to defend the indigent, but are nevertheless protected by the Courts. "A lawyer may be drunk, inattentive, stoned on coke or scag, absent from the trial, or crazy as a loon - but s/he aint legally 'ineffective.' Such are the bitter fruits of Strickland's 'presumption of effectiveness.'" Cases of such



malevolent behavior are detailed, as well as those of sheer incompetence. "Most criminal lawyers are lost when taken out of their limited field of 'criminal law.' I had to explain the Anti-Terrorist and Effective Death Penalty law [Clinton: 1996] to at least ten lawyers who viewed themselves as 'experts' in their fields."

In summary, as Mumia states in his Preface, "This is the story of law learned not in the ivory towers....It is law learned...in the hidden dungeons of America - the Prisonhouse of Nations....It is law learned in a stew of bitterness, under the constant threat of violence...written with stubs of pencils...with grit, glimmerings of brilliance, and with clear knowledge that retaliation is right outside the cell door. It is a different perspective on the law, written from the bottom, with a faint hope that a right may be wronged, an injustice redressed. It is Hard Law."

The most fun I had reading this book involved the trial of John and Mo Africa who represented themselves while in the Philadelphia County Jail - and won!

I recommend this book to all who are interested in justice and its denial, prisoners and their loved ones, courage and consciousness, equality and freedom.

Confronting The New Anti-Mumia Film "The Barrel of A Gun"

When covering Mumia's case, the mainstream media has almost always presented it as "open and shut," with overwhelming evidence of Mumia's guilt. Accordingly, this narrative says there is zero evidence of an unfair trial and Mumia's worldwide supporters (including Amnesty International, Nelson Mandela, Desmond Tutu, the European Parliament, Japanese Diet, and many more) are ignorant fanatics. Or, in the words of Sam Donaldson of ABC's news show, 20/20, who in 1999 produced an infamous anti-Mumia hit piece, "The people who support his release don't do so from a position of knowledge... They either oppose the death penalty, or they're campus rebels, or they're African-American activists who believe that a black man was railroaded, and will continue to believe it,

The Fantasies of Prosecutor Joseph McGill

The first trailer released strongly implies that the killing of Officer Faulkner was the direct result of a long-harbored hatred of the police on Mumia's part and maybe even a pre-planned hit engineered by Mumia and his brother Billy Cook.

This argument was first presented by prosecutor Joseph McGill as a guest on Michael Smerconish's radio show, when the book *Murdered by Mumia. A Life Sentence of Loss, Pain, and Injustice* by Smerconish and Maureen Faulkner was released in December 2007.

The "new" film seems largely based on this argument presented in that show, and many of the facts presented by McGill and Smerconish to support this are plainly false.

For example, McGill argues that Billy Cook may have deliberately gotten pulled over by Faulkner by driving the wrong direction on 13th Street, so as to create a situation where Mumia could then sneak up from behind and shoot a distracted police officer in the back. McGill said: "it was awfully coincidental, that his brother is stopped going the wrong way on 13th Street... and then he stops and he's getting out. And again, Mr. Jamal, the coward he was, would wait until his back was to him, and then he ran across, and it almost happened simultaneously, and it just seemed to me, although I couldn't prove it, that it was AWFULLY coincidental."

In reality, there is no evidence at all that Billy Cook was driving the wrong way on 13th street, and McGill never introduced any evidence suggesting this at the 1982 trial. To this day, nobody knows why Officer Faulkner stopped Cook, but McGill dishonestly presents this as the first part of a sinister scheme to lure a police officer into a situation where his back is unprotected.

"The Barrel of a Gun"

At the sentencing phase of the 1982 trial, McGill cited a statement that Mumia made as the 15 year-old Lieutenant of Information of the Philadelphia chapter of the Black Panther Party (BPP), where Mumia quoted the works of Mao Zedong in order to characterize the rule-by-force approach of police in the US, following the infamous assassination of BPP leaders Fred Hampton and Mark Clark by the FBI and Chicago police. (Read more about the murders of Hampton and Clark on page 10.)

In an interview, Mumia told *The Philadelphia Inquirer* that "political power grows out of the barrel of a gun," in reference to how the police acted in service power by violently repressing the BPP and the general black community.

Mumia's statement has been repeatedly taken out of context by Mumia's detractors in an effort to depict him as a fanatical cop-hater that wanted to make a political statement by killing Officer Faulkner.

By choosing "the barrel of a gun" for the title of his film, Tigre Hill appears to be following this same path of distortion, and it is very unlikely that his film will fairly contextualize Mumia's statement.

In this vein, it is important to understand the climate of police repression at the time. On Dec. 8, 1969 (just days after the Dec. 4, 1969 murders of Hampton and

no matter what's presented to them."

While certainly disgusting, the overt racism in Donaldson's comment about black activists is not unusual for big media coverage of Mumia.

The new film about Mumia's case, entitled "The Barrel of a Gun," made by Tigre Hill, will premiere in Philadelphia on Sept. 21. Based on the two trailers that have already been released, we can safely assume that this film will not be departing from the traditional mainstream narrative.

Indeed, it appears to take the anti-Mumia bias to an even more fanatical level with the argument, first presented in the 2007 book "Murdered By Mumia" by Michael Smerconish and Maureen Faulkner, that the shooting of Faulkner was a pre-

Clark), the Los Angeles Police Department mounted an eerily similar early morning attack on the LA offices of the BPP, including the party's main office on Central Ave.

In Los Angeles, the Panthers were able to fight back against the police, until they finally surrendered, with six occupants of their headquarters wounded and thirteen arrested.

A similar attack on Panther premises in Seattle, WA, planned for January, 1970 by federal agencies was canceled only after Seattle's Democratic Mayor Wes Uhlman blocked it, expressing concern over "Gestapo-type tactics" that could lead to a time when every citizen would have to fear "the knock on the door at 2 o'clock in the morning."

This was the situation when a young Mumia Abu-Jamal was assigned to report on the state terror directed against the BPP. In this function, he flew to Chicago, personally inspected Fred Hampton's blood-soaked bed, reported on it for the BPP newspaper, and gave the keynote speech at Hampton's memorial service in Philadelphia. It was in this function that he talked to the Philadelphia Inquirer's reporter, Acel Moore, for a front page article published on January 4, 1970.

Moore wrote: "'Since the murders,' says West [for Wesley] Cook, Chapter Communication Secretary, 'Black brothers and sisters and organizations which wouldn't commit themselves before are relating to us. Black people are facing the reality that the Black Panther Party has been facing: Political power grows out of the barrel of a gun.' Murders, a calculated design of genocide, and a national plot to destroy the party leadership is what the Panthers and their supporters call a bloody two year history of police raids and shootouts."

Notably, McGill's reference to Mumia's prior membership in the BPP was blatantly unconstitutional. Journalist Linn Washington writes that in the early 1990s, the U.S. Supreme Court twice refused "to consider Abu-Jamal's claim that prosecutors violated his First Amendment association rights with inflammatory references to his teenaged membership in the Black Panther Party."

"The U.S. Supreme Court, months after rejecting Abu-Jamal's first appeal, granted a new hearing to a murderer who challenged prosecutorial reference to his current membership in a violent white racist prison gang. Following the favorable ruling for the racist, Abu-Jamal unsuccessfully sought Supreme Court reconsideration of his association right claim citing that Court's ruling in the white racist's case."

"Months after spurning Abu-Jamal a second time, the Supreme Court granted a new hearing to a white murderer challenging prosecutorial reference of his membership in a devil worshipping cult. When giving relief to the devil worshipper, the Supreme Court cited the precedence of its ruling in the racist's case."

Washington concludes by arguing that "equal protection of laws seemingly should have provided an ex-Black Panther with the same protection of laws as a white racist and white devil worshipper given the similarities of their appeal circumstances."

planned hit, with Mumia and his brother William Cook out that night seeking to shoot and kill a police officer simply for the sake of killing a cop.

While it has already been lauded by the local Philadelphia media as a fair film seeking to investigate Mumia's case like never before, we know that this is very far from the truth. Indeed, for the movie to conclude that Mumia is guilty and that his trial was fair, as the filmmakers have publicly stated that they believe, they will have to distort the facts of the case, because the unfair trial is undeniable and there truly is strong evidence of innocence.

Granted, we have not yet seen the full-feature film. However, the two trailers already released tell us a great deal about the film's perspectives.

Revenge Means "Finding Peace" and "Closure"

The second trailer focuses on Officer Faulkner's widow, Maureen Faulkner, and carries a purely emotional message: Neither Danny Faulkner nor his widow Maureen will ever find peace unless Mumia is executed.

Superior Knowledge?

The first premise of this trailer's message is that, for some reason, Mrs. Faulkner has more knowledge of the events that led to the death of her husband than other people, even though she, too, was not present at the scene. Thus, in her book *Murdered by Mumia*, co-authored with the Philadelphia talk show host Michael Smerconish, Mrs. Faulkner claims to know the exact facts of the case and how Mumia allegedly killed Officer Faulkner.

Maureen Faulkner's claim to superior knowledge of the facts collapses on even the most superficial inspection of her book, a telling fact given the enormous resources in terms of access to the files of the DA's office that she and her co-author Smerconish could rely on while writing it.

Illustrative of the book's overall quality, are two factual inaccuracies from the chapter entitled "The Facts."

One is the assertion that key prosecution witnesses Cynthia White and Robert Chobert both "testified that they saw Abu-Jamal run across the street and fire at Danny." This is untrue in the case of Chobert, who actually only claimed to have seen the final, deadly shots at Faulkner. He never testified to having seen the beginning of the events, much less the alleged first shot from Mumia. This is an important distinction: If Mumia had indeed fired first and then fired the deadly shots, this would indicate first degree murder and thus eligibility for the death penalty. (See page 14 for more about Chobert)

Their second inaccuracy is writing that Officer Faulkner shot Mumia in the stomach. He was actually shot in the upper chest, and this an important distortion because a shot in the stomach corresponds better with the prosecution's theory that Faulkner fired at Mumia from below, as he fell, after being shot in the back. Since the bullet entered Mumia's upper chest at a downward trajectory, it means that he was actually shot from above—a shot from below being impossible. This contradiction is a major hole in the prosecution's theory, and Mumia's detractors have long sought to conceal this fact from the public.

Statements made by Maureen Faulkner since she appeared on the public scene to campaign for Mumia's execution, make clear that she is not interested in the truth about the horrible event that the death of her husband certainly was. Rather, she wants revenge—a revenge takes precedence over truth.

Faulkner's indifference towards the facts of the case was again demonstrated during the Dec. 6, 2007 Today Show segment on the day of her book's release. When she was confronted with the newly discovered photos by press photographer Pedro P. Polakoff that show mishandling, manipulation, and misinterpretation of the crime scene, she quickly dismissed

their significance, even though the authenticity of Polakoff's photos is not in doubt.

At the show's end, host Matt Lauer asked her "Maureen, when you're alone with your thoughts at night, when you even see pictures of the protests like the one we have across the street, does it ever cross your mind that perhaps they're right? Do you ever allow yourself to consider the fact that perhaps he didn't do it?" Faulkner's response? "No. He murdered my husband in cold blood and there is no doubt in my mind."

The Grieving Victim

The second premise is that as a crime victim, Maureen Faulkner is in a privileged position to demand punishment, "closure," and even the death of the purported perpetrator since only such measures can get her the "peace" she is entitled to.

In this vein, she has come to subscribe to a cult of revenge and death. This is based largely on assuming for herself and her family a monopoly of suffering.

It's as if Mumia's years on death row have been one big party, and as if Mumia did not have family and friends who are being put through hell together with him—a fact that Faulkner, the FOP, and big media outlets rarely, if ever, mention.

Since nobody else apart from her family and friends deserves empathy or sympathy, this becomes the singular cause of "A Life Sentence of Loss, Pain, and Injustice," the subtitle of her book, and as a result of this now decade-long stance of Maureen Faulkner (and of the artistic and moral decisions of filmmaker Tigre Hill), the entirely widow-focused second trailer for *Barrel of a Gun* can be reduced to one sentence: "On account of my unique suffering, I need and deserve to have Mumia Abu-Jamal executed."

This premise is at the root of the long-held assertion by Mumia's detractors that when the movement supporting Mumia seeks a new trial and rightfully argues that Mumia was framed, this is somehow the ultimate insult to the grieving widow, Maureen Faulkner. This logic is similar to the common assertion that if you support Mumia's right to a fair trial, you must also support the killing of police officers. Accordingly, Mumia supporters are somehow opposed to "justice for Officer Faulkner," when, in fact, most supporters think Mumia is innocent.

While patently absurd to any open-minded person, this narrative has been a powerful tool for Mumia's detractors in seeking to obscure the irrefutable evidence of an unfair trial and a frame-up of Mumia. Out of respect and a fear of offending to the "grieving widow," most journalists are afraid to ask Mrs. Faulkner challenging questions about the facts of the case, even though she is presenting herself as an authority on the case.

When The Today Show's Matt Lauer asked her challenging but fair questions, both Smerconish and Faulkner would later publicly express outrage, arguing that it was an insult to both the memory of Officer Faulkner and to Mrs. Faulkner.

Justice On Trial

Now for the good news: another documentary film about Mumia will also be premiering in Philadelphia on September 21, and this one *will* be fairly presenting the arguments made by Mumia's supporters.

Justice on Trial: The Case of Mumia Abu-Jamal, will show at the Ritz East Cinema at 8pm. That day, at 2pm, there will be a preliminary event at the Constitution Center.

The film's website states: "Mumia Abu-Jamal is the most recognized death row inmate in the world today. In 1982, he was was tried and convicted for the murder of Police Officer Daniel Faulkner. Since then, the Abu-Jamal trial proceedings have come under scrutiny and today his case is one of the most contested legal cases in modern American history. A former Black Panther and now renowned author, his books and writings in venues as diverse as the Yale Law Review, Forbes, Nation and street-papers for the homeless, have led many to hail him 'the voice of the voiceless.'"

"*Justice on Trial* navigates the tempest of the Abu-Jamal trial by reviewing the known facts of the case. It demonstrates that the major violations in the Abu-Jamal case -- judicial bias, prosecutorial misconduct, racial discrimination in jury selection, police corruption and tampering with evidence to obtain a conviction-- are not special to this case. Instead, they are commonly practiced within the criminal justice system and account for the disproportionate incarceration of African Americans and Latinos in the United States. The case of Mumia Abu-Jamal is a microcosm of greater problems in the criminal justice system in the United States today. The attention that its many violations have received make the Abu-Jamal case one of the most important civil rights cases of our time."

Watch the five minute trailer here: <http://bignoisefilms.org/films/tactical-media/114-justice-on-trial>

Questions for Tigre Hill About the Polakoff Photos

Filmmaker Tigre Hill filmed the Journalists for Mumia press conference on Dec. 4, 2007, which focused on the newly discovered crime scene photos taken by press photographer Pedro Polakoff (see photos on page 13 and at www.abu-jamal-news.com), as well as our Dec. 8 slideshow presentation of the photos later that week. Therefore, we know, at minimum, that he is aware of the information we presented. If he chooses to not even acknowledge the Polakoff photos (as the mainstream media has almost uniformly done) this will be a deliberate choice on his part.

The first trailer shows many of the official photos of the crime scene, but there is no mention of the Polakoff photos in the trailer or any other statements released by Tigre Hill. In light of this, we have some questions for Hill:

--You feature the close-up police photo of Officer Faulkner's hat lying on the sidewalk. In your film, will you at least acknowledge that the newly discovered Polakoff crime scene photos show that the hat began on the top of William Cook's VW and was later moved to the ground for the police photos? Does this evidence tampering concern you?

--None of the featured police photos show prosecution witness Robert Chobert's taxi parked behind Officer Faulkner's car, where Chobert testified that he was parked when he allegedly witnessed Mumia shoot Officer Faulkner. Polakoff's photos also reveal that Chobert's taxi is missing, and this has been a key point we've made about Polakoff's photos. And, as detailed on page 14, there are many other problems with Chobert's trial testimony, like his contradictory initial statement to police that the shooter of Officer Faulkner had simply "ran away?" Will you fairly present this point we've made? What importance do you think it has when evaluating Chobert's integrity as a witness?

--Lastly, do you think the jury should have seen Polakoff's photos? Do you believe Polakoff when he says that he approached the DA with the photos but was completely ignored?

CONTINUED FROM FRONT PAGE...

the issue up, stating such reasons as the statute of limitations, the question of jurisdiction, and that the case had still not been litigated in Federal Court.

While the DOJ is once again raising the issues of the statute of limitations and jurisdiction to justify their refusal to open up an investigation, they can no longer say that the case has not been litigated in Federal Court.

The case has gone through the entire legal system, with each level rubberstamping the previous court's ruling of Mumia's guilt, willing to convict and even execute a person for whom there is ample evidence of innocence and unquestionable evidence of an outrageously unfair trial and appeals process all the way all the way through the Third Circuit Court of Appeals and the US Supreme Court.

There is legal debate on whether or not the statute of limitations applies in Mumia's case. But, even if it does, the DOJ itself stated in 1995 and numerous times since, that the statute of limitations can be ignored "where there is significant evidence of an ongoing conspiracy". That, of course, is at the heart of the campaign for a civil rights investigation: that there has been a conspiracy on the part of various police and governmental bodies to "neutralize" and hopefully execute Mumia.

Here is the significance of the FBI having monitored Mumia since he was 15 years old.

In the words of *Amnesty International (AI)*, "Mr. Jamal was subjected to surveillance, harassment, disruption, politically motivated arrests and attempted frame-ups by the FBI, who worked in conjunction with the Philadelphia Police Department." AI also notes that while the FBI initially categorized Mumia as "armed and dangerous," he had no such history of violence and to that point had never been convicted of a crime. In fact, a later 1974 FBI memo conceded that Mumia "has not displayed a propensity for violence."

Yes, DOJ, the evidence of a conspiracy to deny Mumia of his civil rights (let alone his human rights) is overwhelming. Further, there is very extensive evidence of a conspiracy to deny Mumia supporters of their civil rights!

Dr. Suzanne Ross, one of the key organizers of the Campaign for A Civil Rights Investigation, says that the group "is now consulting with numerous legal experts on how to respond to the DOJ's misleading responses in their repeated rejection of our requests for an investigation." Dr. Ross has been invited to address the World Conference Against War And Exploitation in Algeria this coming November, where she will speak about the campaign. She will also be traveling to London where she and Sundiata Sadiq will address some Pan African and other activist groups in London. As the international pressure on the DOJ escalates, activists expect to escalate the grassroots work here as well.

Sign The Petition!

Join the NAACP, the Center for Constitutional Rights, Cornel West, Ruby Dee, Angela Davis, Dick Gregory, Congressman Charles Rangel, Cynthia McKinney, Noam Chomsky, Julian Bond, & 40,000 others!

To: U.S. Attorney General Eric Holder, U.S. Department of Justice

I write to you with a sense of grave concern and outrage about the U.S. Supreme Court's denial of a hearing to Mumia Abu-Jamal on the issue of racial bias in jury selection, that is, the "Batson issue". Inasmuch as there is no other court to which Abu-Jamal can appeal for justice, I turn to you for remedy of a 27-year history of gross violations of U.S. constitutional law and international standards of justice as documented by Amnesty International and many other legal groups around the world....

(More at: www.freemumia.com)

Because of Police / Prosecutorial / Judicial Misconduct, The Jury Never Saw 5 Key Pieces Of Evidence

#1: DA Suppresses Evidence About Kenneth Freeman

In their recent books, Michael Schiffmann (*Race Against Death: The Struggle for the Life and Freedom of Mumia Abu-Jamal*, 2006) and J. Patrick O'Connor (*The Framing of Mumia Abu-Jamal*, 2008) argue that the actual shooter of Officer Faulkner was a man named Kenneth Freeman. Schiffmann and O'Connor argue that Freeman was an occupant of Billy Cook's car, who shot Faulkner in response to Faulkner having shot Abu-Jamal first, and then fled the scene before police arrived.

Central to Schiffmann and O'Connor's argument was the presence of a driver's license application for one Arnold Howard, which was found in the front pocket of Officer Faulkner's shirt. Abu-Jamal's defense would not learn about this until 13 years later, because the Police and DA's office had failed to notify them about the application's crucial location.

Veteran Philadelphia journalist Linn Washington Jr. argues that this failure was "a critical and deliberate omission," and "a major violation of fair trial rights and procedures. If the appeals process had any semblance of fairness, this misconduct alone should have won a new trial for Abu-Jamal." More importantly, Washington says "this evidence provides strong proof of a third person at the scene along with Faulkner and Billy Cook. The prosecution case against Abu-Jamal rests on the assertion that Faulkner encountered a lone Cook minutes before Abu-Jamal's arrival on the scene, but Faulkner got that application from somebody other than Cook, who had his own license."

At the 1995 PCRA hearing, Arnold Howard testified that he had loaned his temporary, non-photo license to Kenneth Freeman, who was Billy Cook's business partner and close friend. Further, Howard stated that police came to his house early in the morning on Dec. 9, 1981, and brought him to the police station for questioning because he was suspected of being "the person who had run away" from the scene, but he was released after producing a 4:00 a.m. receipt from a drugstore across town (which provided an alibi) and telling them that he had loaned the application to Freeman (who Howard reports was also at the police station that morning).

Also pointing to Freeman's presence in the car with Cook, O'Connor and Schiffmann cite prosecution witness Cynthia White's testimony at Cook's separate trial for charges of assaulting Faulkner, where White describes both a "driver" and a "passenger" in Cook's VW. Also notable, investigative journalist Dave Lindorff's book (*Killing Time: An Investigation into the Death Row Case of Mumia Abu-Jamal*, 2003) features an interview with Cook's lawyer Daniel Alva, in which Alva says that Cook had confided to him within days of the shooting that Freeman had been with him that morning.

Linn Washington argues: "this third person at the crime scene is consistent with eyewitness accounts of the shooter fleeing the scene. Remember that accounts from both prosecution and defense witnesses confirm the existence of a fleeing shooter. Abu-Jamal was arrested at the scene, critically wounded. He did not run away and return in a matter of seconds."

Eyewitnesses Robert Chobert, Dessie Hightower, Veronica Jones, Deborah Kordansky, William Singletary, and Marcus Cannon all reported, at various times, that they saw one or more men run away from the scene.

J Patrick O'Connor writes that "some of the eyewitnesses said this man had an Afro and wore a green army jacket. Freeman did have an Afro and he perpetually wore a green army



MOVE youth at Aug. 8, 2010 protest for the MOVE 9. Photo by *Raptivist Capital-"X"*

jacket. Freeman was tall and burly, weighing about 225 pounds at the time." Then there's eyewitness Robert Harkins, whom prosecutor McGill did not call as a witness. O'Connor postulates that the prosecutor's decision was because Harkins' account of a struggle between Faulkner and the shooter that caused Faulkner to fall on his hands and knees before Faulkner was shot "demolished the version of the shooting that the state's other witnesses rendered at trial." O'Connor writes further that "Harkins described the shooter as a little taller and heavier than the 6-foot, 200-pound Faulkner," which excludes the 6'1", 170-lb Abu-Jamal.

Linn Washington's 2001 affidavit states that he knew Freeman to be a "close friend of Cook's," and that "Cook and Freeman were constantly together." Washington first met Freeman when Freeman reported his experience of police brutality to the Philadelphia Tribune, where Washington worked. Washington says today that "Kenny did not harbor any illusions about police being unquestioned heroes due to his experiences with being beaten a few times by police and police incessantly harassing him for his street vending."

Regarding the police harassment and intimidation of Freeman, which continued after the arrest of Abu-Jamal, Washington adds: "It is significant to note that the night after the Faulkner shooting, the newsstand that Freeman built and operated at 16th and Chestnut Streets in Center City burned to the ground. In news media accounts of this arson, police sources openly boasted to reporters that the arsonist was probably a police officer. Witnesses claimed to see officers fleeing the scene right before the fire was noticed. Needless to say, that arson resulted in no arrests."

Dave Lindorff argues that the police clearly "had their eye on Freeman," because "only two months after Faulkner's shooting, Freeman was arrested in his home, where he was found hiding in his attic armed with a .22 caliber pistol, explosives and a supply of ammunition. At that time, he was not charged with anything." O'Connor and Schiffmann argue that police intimidation ultimately escalated to the point where police themselves murdered Freeman.

The morning of May 14, 1985, Freeman's body was found: naked, bound, and with a drug needle in his arm. His cause of death was officially declared a "heart attack." The date of Freeman's death is significant because the night before his body was found, the police had orchestrated a military-style siege on the MOVE organization's West Philadelphia home. Police had fired over 10,000 rounds of ammunition in 90 minutes and used a State Police helicopter to drop a C-4 bomb (illegally supplied by the FBI) on MOVE's roof, which started a fire that destroyed the entire city block.

The MOVE Commission later documented that police had shot at MOVE family members when they tried to escape the fire: in all, six adults and five children were killed.

As a local journalist, Abu-Jamal had criticized the city government's conflicts with

MOVE, and after his 1981 arrest, MOVE began to publicly support him. Through this mutual advocacy, which continues today, Abu-Jamal and MOVE's contentious relationship with the Philadelphia authorities have always been closely linked.

Seen in this context, Schiffmann argues that "if Freeman was indeed killed by cops, the killing probably was part of a general vendetta of the Philadelphia cops against their 'enemies' and the cops killed him because they knew or suspected he had something to do with the killing of Faulkner." O'Connor concurs, arguing that "the timing and modus operandi of the abduction and killing alone suggest an extreme act of police vengeance."

#2: DA Suppresses Pedro Polakoff's Crime Scene Photos

On Dec. 6, 2008, several hundred protesters gathered outside the Philadelphia District Attorney's office, where Pam Africa, coordinator of the International Concerned Family and Friends of Mumia Abu-Jamal, spoke about the newly discovered crime scene photos taken by press photographer Pedro Polakoff. Africa cited Polakoff's statements today that he approached the DA's office with the photos in 1981, 1982, and 1995, but that the DA had completely ignored him. Polakoff states that because he had believed Abu-Jamal was guilty, he had no interest in approaching the defense, and never did. Consequently, neither the 1982 jury nor the defense ever saw Polakoff's photos. "The DA deliberately kept evidence out," declared Africa: "someone should be arrested for withholding evidence in a murder trial."

Advocacy groups called Educators for Mumia and Journalists for Mumia explain in their fact sheet, "21 FAQs," that Polakoff's photos were first discovered by German author Michael Schiffmann in May 2006, and published that Fall in his book, *Race Against Death*. One of Polakoff's photos was first published in the US by The SF Bay View Newspaper on Oct. 24, 2007. Reuters followed with a Dec. 4, 2007 article, after which the photos made their television debut on NBC's Dec. 6, 2007 Today Show. They have since been spotlighted by National Public Radio, Indymedia.org, Counterpunch, The Philadelphia Weekly. The new British documentary "In Prison My Whole Life," features an interview with Polakoff.

Since 2007, www.Abu-Jamal-News.com has displayed four of Polakoff's photos, making the following points:

Photo 1: Mishandling the Guns - Officer James Forbes holds both Abu-Jamal's and Faulkner's guns in his bare hand and touches the metal parts. This contradicts his later court testimony that he had preserved the ballistics evidence by not touching the metal parts.

Photos 2 & 3: The Moving Hat - Faulkner's hat is moved from the top of Billy Cook's VW, and placed on the sidewalk for the official police photo.

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EVIDENCE SUPPRESSED BY THE DA: The Newly Discovered Polakoff Crime Scene Photos

These photos are from our 2007 slideshow of Polakoff's photos. Lawyer Robert R. Bryan says the photos show "the police were actively manipulating evidence at the homicide scene."



James Forbes holds 2 guns in his bare-hand, destroying possible ballistics evidence. See the 2 triggers in the enlarged circle. Asked about this photo by *National Public Radio* on Dec. 11, 2007, Maureen Faulkner (Daniel Faulkner's widow) stated: "At that time, I'm sure the evidence was somewhat contaminated."



Robert Chobert testified that he was parked behind Faulkner's car, the back end of which is on the right side of the photo. However, the area behind it is clearly empty, showing that Chobert was not parked where he claimed to be. As described above, there are also many other reasons to doubt Chobert.



Officer Faulkner's hat is first on the roof of Billy Cook's VW car, but would later be moved to the ground for the official police photos. Lawyer Robert R. Bryan says that "their moving the police officer's hat from the roof of Billy Cook's vehicle to the sidewalk to make the scene more emotionally dramatic was fraudulent and criminal."

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Photo 4: The Missing Taxi – Prosecution witness Robert Chobert testified that he was parked directly behind Faulkner's car, but the space is empty in the photo.

The Missing Divots – In all of Polakoff's photos of the sidewalk where Faulkner was found, there are no large bullet divots, or destroyed chunks of cement, which should be visible in the pavement if the prosecution scenario was accurate, according to which Abu-Jamal shot down at Faulkner - and allegedly missed several times - while Faulkner was on his back. Also citing the official police photo, Michael Schiffmann writes: "It is thus no question any more whether the scenario presented by the prosecution at Abu-Jamal's trial is true, because it is physically impossible."

Pedro P. Polakoff was a Philadelphia freelance photographer who reports having arrived at the crime scene about 12 minutes after the shooting was first reported on police radio, and at least 10 minutes before the Mobile Crime Detection Unit that handles crime scene forensics and photographs. In Schiffmann's interview with him, Polakoff recounted that "all the officers present expressed the firm conviction that Abu-Jamal had been the passenger in Billy Cook's VW and had fired and killed Faulkner by a single shot fired from the passenger seat of the car." Polakoff bases this on police statements made to him directly, and from his having overheard their conversations.

Polakoff states that this early police opinion was apparently the result of their interviews of three other witnesses who were still present at the crime scene: a parking lot attendant, a drug-addicted woman, and another woman. None of those eyewitnesses, however, have appeared in any report presented to the courts by the police or the prosecution.

It is undisputed that Abu-Jamal approached from across the street, and was not the passenger in Billy Cook's car. Schiffmann argues that Polakoff's personal account strengthens the argument that the actual shooter was Billy Cook's passenger Kenneth Freeman, who Schiffmann postulates, fled the scene before police arrived.

#3: Robert Chobert's Legal Status Withheld From Jury

At prosecutor Joseph McGill's request, Judge Albert Sabo blocked Abu-Jamal's defense from telling the 1982 jury that key prosecution eyewitness, taxi driver Robert Chobert, was on probation for throwing a molotov cocktail into a school yard, for pay. Sabo justified this by ruling that Chobert's offense was not crimen falsi, i.e., a crime of deception. Consequently, the jury never heard about this, nor that on the night of Abu-Jamal's arrest, he had been illegally driving on a suspended license (revoked for a DWI). This probation violation could have given him up to 30 years in prison, so he was extremely vulnerable to pressure from the police. Notably, at the later 1995 PCRA hearing, Chobert testified that his probation had never been revoked, even though he continued to drive his taxi illegally through 1995.

At the 1982 trial, Chobert testified that he was in his taxi, which he had parked directly behind Faulkner's police car, and was writing in his log book when he heard the first gunshot and looked up. Chobert alleged that while he did not see a gun in Abu-Jamal's hand, nor a muzzle flash, he did see Abu-Jamal standing over Faulkner, saw Abu-Jamal's hand "jerk back" several times, and heard shots after each "jerk." After the shooting, Chobert stated that he got out and approached the scene.

Damaging Chobert's credibility, however, is evidence suggesting that Chobert may have lied about his location at the time of Faulkner's death. As noted earlier, the newly discovered Polakoff crime scene photos show that the space where Chobert testified to being parked directly behind Officer Faulkner's car, was actually empty. Yet, even more evidence suggests he lied about his location. While prosecution eyewitness Cynthia White is the only witness to testify seeing Chobert's taxi parked behind Faulkner's police car, no official eyewitness reported seeing White at the scene. Furthermore, Chobert's taxi is missing both from White's first sketch of the crime scene given to police (Defense Exhibit D-12), and from a later one (Prosecution Exhibit C-35).

In a 2001 affidavit, private investigator George Michael Newman says that in a 1995 interview, Chobert told Newman that Chobert was actually parked around the corner, on 13th Street, north of Locust Street, and did not even see the shooting.

Amnesty International documents that both Chobert and White "altered their descriptions of what they saw, in ways that supported the prosecution's version of events." Chobert first told police that the shooter simply "ran away,"

but after he had identified Abu-Jamal at the scene, he said the shooter had run away 30 to 35 "steps" before he was caught. At trial, Chobert changed this distance to 10 "feet," which was closer to the official police account that Abu-Jamal was found just a few feet away from Officer Faulkner.

Nevertheless, Chobert did stick to a few statements in his trial testimony that contradicted the prosecution's scenario. For example, Chobert declared that he did not see the apparently unrelated Ford car that, according to official reports, was parked in front of Billy Cook's VW. Chobert also claimed that the altercation happened behind Cook's VW (it officially happened in front of Cook's VW), that Chobert did not see Abu-Jamal get shot or see Officer Faulkner fire his gun, and that the shooter was "heavyset"—estimating 200-225 lbs (Abu-Jamal weighed 170 lbs).

In his 2003 book *Killing Time*, Dave Lindorff wrote about two other problems with Chobert's account. While being so legally vulnerable, why would Chobert have parked directly behind a police car? Why would he have left his car and approached the scene, if in fact, the shooter were still there? Lindorff suggests that "at the time of the incident, Chobert might not have thought that the man slumped on the curb was the shooter," because "in his initial Dec. 9 statement to police investigators, Chobert had said that he saw 'another man' who 'ran away'... He claimed in his statement that police stopped that man, but that he didn't see him later." Therefore, "if Chobert did think he saw the shooter run away, it might well explain why he would have felt safe walking up to the scene of the shooting as he said he did, before the arrival of police."

#4: The Attempts to Silence Witness Veronica Jones

Veronica Jones was working as a prostitute at the crime scene on December 9, 1981. She first told police on December 15, 1981 that she had seen two men "jogging" away from the scene before police arrived.

As a defense witness at the 1982 trial, Jones denied having made that statement; however, later in her testimony she started to describe a pre-trial visit from police, where "They were getting on me telling me I was in the area and I seen Mumia, you know, do it. They were trying to get me to say something that the other girl [Cynthia White] said. I couldn't do that."

Jones then explicitly testified that police had offered to let her and White "work the area if we tell them" what they wanted to hear regarding Abu-Jamal's guilt.

At this point, Prosecutor McGill interrupted Jones and moved to block her account, calling her testimony "absolutely irrelevant." Judge Sabo agreed to block the line of questioning, strike the testimony, and then ordered the jury to disregard Jones' statement.

The DA and Sabo's efforts to silence Jones continued through to the later PCRA hearings that started in 1995. Having been unable to locate Jones earlier, the defense found Jones in 1996, and (over the DA's protests) obtained permission from the State Supreme Court to extend the PCRA hearings for Jones' testimony. Sabo vehemently resisted—arguing that there was not sufficient proof of her unavailability in 1995. However, in 1995 Sabo had refused to order disclosure of Jones' home address to the defense team.

Over Sabo's objections, the defense returned to the State Supreme Court, which ordered Sabo to conduct a full evidentiary hearing. Sabo's attempts to silence Jones continued as she took the stand. He immediately threatened her with 5-10 years imprisonment if she testified to having perjured herself in 1982. In defiance, Jones persisted with her testimony that she had in fact lied in 1982, when she had denied her original account to police that she had seen two men "leave the scene."

Jones testified that she had changed her version of events after being visited by two detectives in prison, where she was being held on charges of robbery and assault. Urging her to both finger Abu-Jamal as the shooter and to retract her statement about seeing two men "run away," the detectives stressed that she faced up to 10 years in prison and the loss of her children if convicted. Jones testified in 1996 that in 1982, afraid of losing her children, she had decided to meet the police halfway: she did not actually finger Abu-Jamal, but she did lie about not seeing two men running from



Washington, DC, April 26, 2010. Photo by Joe Piette, Workers World

the scene. Accordingly, following the 1982 trial, Jones only received probation and was never imprisoned for the charges against her.

During the 1996 cross-examination, the DA announced that there was an outstanding arrest warrant for Jones on charges of

writing a bad check, and

that she would be arrested after concluding her testimony. With tears pouring down her face, Jones declared: "This is not going to change my testimony!" Despite objections from the defense, Sabo allowed police to handcuff and arrest Jones in the courtroom. While the DA attempted to use this arrest to discredit Jones, her determination in the face of intimidation may, arguably, have made her testimony more credible. Outraged by Jones' treatment, even the Philadelphia Daily News, certainly no fan of Abu-Jamal, reported: "Such heavy-handed tactics can only confirm suspicions that the court is incapable of giving Abu-Jamal a fair hearing. Sabo has long since abandoned any pretense of fairness."

Jones' account was given further credibility a year later. At the 1997 PCRA hearing, former prostitute Pamela Jenkins testified that police had tried pressuring her to falsely testify that she saw Abu-Jamal shoot Faulkner.

In addition, Jenkins testified that in late 1981, Cynthia White (whom Jenkins knew as a fellow police informant) told Jenkins that she was also being pressured to testify against Abu-Jamal, and that she was afraid for her life.

As part of a 1995 federal probe of Philadelphia police corruption, Officers Thomas F. Ryan and John D. Baird were convicted of paying Jenkins to falsely testify that she had bought drugs from a Temple University student. Jenkins' 1995 testimony in this probe, helped to convict Ryan, Baird, and other officers, and also to dismiss several dozen drug convictions. At the 1997 PCRA hearing, Jenkins testified that this same Thomas F. Ryan was one of the officers who attempted to have her lie about Abu-Jamal.

More recently, a 2002 affidavit by former sex worker Yvette Williams described police coercion of Cynthia White. The affidavit reads: "I was in jail with Cynthia White in December of 1981 after Police Officer Daniel Faulkner was shot and killed. Cynthia White told me the police were making her lie and say she saw Mr. Jamal shoot Officer Faulkner when she really did not see who did it... Whenever she talked about testifying against Mumia Abu-Jamal, and how the police were making her lie, she was nervous and very excited and I could tell how scared she was from the way she was talking and crying."

Explaining why she is just now making her affidavit, Williams says "I feel like I've almost had a nervous breakdown over keeping quiet about this all these years. I didn't say anything because I was afraid. I was afraid of the police. They're dangerous." Williams' affidavit was rejected by Philadelphia Judge Pamela Dembe in 2005, the PA Supreme Court in 2008, and later in 2008, by the US Supreme Court.

Further supporting the contention that police had made a deal with White, author J. Patrick O'Connor writes, "Prior to her becoming a prosecution witness in Abu-Jamal's case, White had been arrested 38 times for prostitution... After she gave her third statement to the police, on Dec. 17, 1981, she would not be arrested for prostitution in Philadelphia again, even though she admitted at Billy Cook's trial that she continued to be 'actively working.'"

Amnesty International reports that later, in 1987, White was facing charges of armed robbery, aggravated assault, and possession of illegal weapons. A judge granted White the right to sign her own bail and she was released after a special request was made by Philadelphia Police Officer Douglas Culbreth (where Culbreth cited her involvement in Abu-Jamal's trial). After White's release, she skipped bail and has never, officially, been seen again.

At the 1997 PCRA hearing, the DA announced that Cynthia White was dead, and presented a death certificate for a "Cynthia Williams" who died in New Jersey in 1992. However, Amnesty Intl. reports, "an examination of the fingerprint records of White and Williams showed no match and the evidence that White is dead is far from conclusive."

Journalist C. Clark Kissinger writes that a Philadelphia police detective "testified that the FBI had 'authenticated' that Williams had the same fingerprints as White." However, Kissinger continues, "the DA's office refused to produce the actual fingerprints," and "the body of Williams was cremated so that no one

could ever check the facts! Finally, the Ruth Ray listed on the death certificate as the mother of the deceased Cynthia Williams has given a sworn statement to the defense that she is not the mother of either Cynthia White or Cynthia Williams." Dave Lindorff reports further that the listing of deaths by social security number for 1992 and later years does not include White's number.

#5: Officer Gary Wakshul's Testimony Blocked

On the final day of testimony, Abu-Jamal's lawyer discovered Police Officer Gary Wakshul's official statement in the police report from the morning of Dec. 9, 1981. After riding with Abu-Jamal to the hospital and guarding him until treatment for his gunshot wound, Wakshul reported: "the negro male made no comment." This statement contradicted the trial testimony of prosecution witnesses Gary Bell (a police officer) and Priscilla Durham (a hospital security guard), who testified that they had heard Abu-Jamal confess to the shooting, while Abu-Jamal was awaiting treatment at the hospital.

When the defense immediately sought to call Wakshul as a witness, the DA reported that he was on vacation. Judge Sabo denied the defense request to locate him for testimony, on grounds that it was too late in the trial to even take a short recess so that the defense could attempt to locate Wakshul. Consequently, the jury never heard from Wakshul, nor about his contradictory written report. When an outraged Abu-Jamal protested, Judge Sabo replied: "You and your attorney goofed."

Wakshul's report from December 9, 1981 is just one of the many reasons cited by Amnesty International for their conclusion that Bell's and Durham's trial testimonies were not credible. There are many other problems that merit a closer look if we are to determine how important Wakshul's 1982 trial testimony could have been.

The alleged "hospital confession," in which Abu-Jamal reportedly shouted, "I shot the mother***er and I hope he dies," was first officially reported to police over two months after the shooting, by hospital guards Priscilla Durham and James LeGrand (February 9, 1982), police officer Gary Wakshul (February 11), officer Gary Bell (February 25), and officer Thomas M. Bray (March 1). Of these five, only Bell and Durham were called as prosecution witnesses.

When Durham testified at the trial, she added something new to her story which she had not reported to the police on February 9. She now claimed that she had reported the confession to her supervisor the next day, on December 10, making a hand-written report. Neither her supervisor, nor the alleged handwritten statement were ever presented in court. Instead, the DA sent an officer to the hospital, returning with a suspicious typed version of the alleged December 10 report. Sabo accepted the unsigned and unauthenticated paper despite both Durham's disavowal (because it was typed and not hand-written), and the defense's protest that its authorship and authenticity were unproven.

Gary Bell (Faulkner's partner and self-described "best friend") testified that his two month memory lapse had resulted from his having been so upset over Faulkner's death that he had forgotten to report it to police.

Later, at the 1995 PCRA hearings, Wakshul testified that both his contradictory report made on December 9, 1981 ("the negro male made no comment") and the two month delay were simply bad mistakes. He repeated his earlier statement given to police on February 11, 1982 that he "didn't realize it [Abu-Jamal's alleged confession] had any importance until that day."

Contradicting the DA's assertion of Wakshul's unavailability in 1982, Wakshul also testified in 1995 that he had in fact been home for his 1982 vacation, and available for trial testimony, in accordance with explicit instructions to stay in town for the trial so that he could testify if called.

Just days before his PCRA testimony, undercover police officers savagely beat Wakshul in front of a sitting judge, in the Common Pleas Courtroom where Wakshul worked as a court crier. The two attackers, Kenneth Fleming and Jean Langen, were later suspended without pay, as punishment. With the motive still unexplained, Dave Lindorff and J. Patrick O'Connor speculate that the beating may have been used to intimidate Wakshul into maintaining his "confession" story at the PCRA hearings.

Regarding the alleged confession, Amnesty International concluded: "The likelihood of two police officers and a security guard forgetting or neglecting to report the confession of a suspect in the killing of another police officer for more than two months strains credulity."

Wrongs In Civil Rights Underlying Mumia Abu-Jamal's Conviction

By Linn Washington Jr.

During 1981, Philadelphia, Pa police proudly announced making arrests in four separate hi-profile homicides including the murders of two policemen.

However, investigations later revealed that police and prosecutors engaged in serious misconduct in each of those murder cases.

Two of those arrested in 1981 spent twenty-years in prison before newly discovered evidence exposed flawed confessions obtained by police. Another man spent 1,375-days on death row before his release, an ordeal that one judge described as a "Kafkaesque nightmare" due to illegal conduct mainly by police. A jury acquitted the teen arrested for one of the 1981 police killings citing lack of evidence.

Ironically, the one 1981 homicide arrest generating the most attention internationally is the one arrest authorities in Philadelphia declare contains not a single instance of impropriety by either police or prosecutors.

This is the case of Mumia Abu-Jamal – convicted of fatally shooting a Philadelphia policeman in December 1981.

The conviction of death-row journalist Mumia Abu-Jamal is filled with serious violations of fundamental civil rights. Freedom from discrimination is a civil right, yet discriminatory actions by police, prosecutors and judges mar all aspects of the Abu-Jamal case.

The case against Abu-Jamal, cobbled from circumstantial evidence, constitutes a festering sore on America's justice system. Those demanding Abu-Jamal's execution cavalierly ignore inconclusive forensics, tainted eyewitness testimony and a specious confession.

Violations comprising the injustice of Abu-Jamal's conviction include the kinds of structural deficiencies that drive exonerations and official investigations nationwide: police

fabricating evidence, multiple instances of prosecutorial misconduct, ineffective assistance of defense counsel plus judicial wrongdoing.

One of the most egregious violations is the public pronouncement by the judge presiding at Abu-Jamal's 1982 trial that he was going to help prosecutors "fry the Nigger."

That odious admission by Judge Albert Sabo oozing lack of impartiality and racial bigotry clearly violated Abu-Jamal's constitutionally guaranteed right to a fair trial.

An essential pillar in a constitutionally fair trial, experts agree, is having an "impartial judge" who does not act as "either an assisting prosecutor or a thirteenth juror."

Assertions by Abu-Jamal's opponents that his obvious guilt negates any need for following fair trial procedures contradict long established law.

The Pa Supreme Court declared in a 1959 ruling that defendants are entitled "to all the safeguards of a fair trial...even if the evidence of guilt piles as high as Mt. Everest."

That fair trial right exists irrespective of whether judges or prosecutors are convinced of a defendant's guilt, the Pa Supreme Court stated in that ruling issued when Abu-Jamal was four-years-old.

That 1959 ruling arose from a Philadelphia murder case where the defendant had pled guilty. Abu-Jamal has consistently proclaimed his innocence in the shooting death of Officer Daniel Faulkner --- before, during and after his trial.

Even some who feel Abu-Jamal could be guilty as charged also believe Abu-Jamal received an unfair trial.

Respected lawyer/journalist Stuart Taylor, in a 1996 article, asserted that Abu-Jamal "received an unfair trial" despite also contending that a "strong probability" existed that Abu-Jamal killed Officer Daniel Faulkner...when Jamal came to the aid of his brother who was being beaten by Faulkner during a traffic stop.

Echoing conclusions of other investigators, Taylor found unfairness in "grossly inadequate defense lawyering, flagrantly biased judging and, in all probability, police fabrication of evidence and intimidation of witnesses."

Prosecutors contributed to undermining Abu-Jamal's fair trial rights by withholding evidence of innocence from the defense and the jury during the 1982 trial. This suppression included withholding evidence of a third person at the crime scene other than Abu-Jamal and his brother. Abu-Jamal's defense centered on the claim that Faulkner's shooter fled – a contention consistent with eyewitness reports that Faulkner's shooter fled.

Violations of fair trial procedures by prosecutors are a problem in Pa and nationwide. An October 2007 American Bar Association report chided top prosecutorial officials in Pennsylvania for not complying with "all legal, professional and ethical obligations to disclose to the defense information...and tangible documents..."

Incredibly, state and federal courts including the US Supreme Court have repeatedly dismissed the vile violations in Abu-Jamal's case when denying his appeals for a new trial. Dismissals in the Abu-Jamal case contradict those same courts citing chillingly similar violations when voiding over 200 Pa death penalty convictions since 1978.

The federal Third Circuit Court of Appeals, for example, has voided Philadelphia first degree murder convictions upon findings that prosecutors engaged in racially biased jury selection practices.

Yet, in 2008, a 3rd Circuit panel dismissed Abu-Jamal's jury bias claim by creating a new standard for proving that claim.

That new proof standard was far stiffer than that Circuit's existing precedent, exceeding even jury bias proof standards utilized in a US Supreme Court ruling weeks earlier authored by Justice Samuel Alito, a former 3rd Circuit jurist.

The dissenting judge in that 3rd Circuit ruling – the first ever dissent in an Abu-Jamal case ruling – upbraided his panel colleagues for seizing Abu-Jamal's case to change established procedures.

Adherence to precedent is supposedly a fundamental principle of the American legal system. Patterns of failing to follow precedent produces what is dubbed the "Abu-Jamal Exception" – the practice of judges craftily changing precedent to exclude extending Abu-Jamal the legal relief given to other defendants raising the same legal issues.

Documented violations in this closely

watched case convince groups as diverse as Amnesty International and the national NAACP that Abu-Jamal is the victim of double standards of justice. The NAACP approved a resolution at its centennial convention in July 2009 calling on the US Department of Justice to investigate civil rights violations in the Abu-Jamal case.

The enormous attention given to the 'whodunit' aspects underlying Abu-Jamal's contentious conviction easily obscures critical context regarding systemic violations by Philadelphia authorities. Failing to factor in this important context elevates the credibility of fallacious claims about Abu-Jamal's guilt.

One fallacious claim is that police did not frame Abu-Jamal. Evidence from the now proven improprieties in those three other high profile 1981 homicides refutes this claim.

The case of the 1981 arrest producing that wrongful death sentence provides a compelling example of Philadelphia police framing an innocent man.

Philadelphia police had arrested Neil Ferber six months before their December 1981 arrest of Abu-Jamal, charging Ferber with murdering an organized crime figure.

The judge presiding at the trial where Ferber sought compensation for his wrongful incarceration stated in his post-trial opinion that "a variety of Philadelphia police officers" engaged in a litany of illegal conduct "all for the singular purpose of obtaining Ferber's arrest and subsequent conviction..."

Common sense compels consideration of the conclusion that if Philadelphia police would callously frame a man for a mob murder police could frame a man charged with murdering a fellow police officer.

Persons rejecting evidence of police framing Abu-Jamal ignore a disturbing fact uncovered by investigative reporter Dave Lindorff, author of a book on the Abu-Jamal case. Lindorff documented that seventeen of the 35 police officers involved in the MAJ investigation were later indicted and/or disciplined for misconduct that included manufacturing evidence designed to frame suspects.

Federal investigations and findings by courts have repeatedly documented illegal practices by Philadelphia police and prosecutors.

In 1979, two years before Abu-Jamal's arrest, the US Justice Department filed an unprecedented civil rights violation lawsuit against 21 top Philadelphia officials – including the city's then Mayor – charging them with actively backing violent police brutality...abusive misconduct frequently utilizing fabricated evidence to discredit victims and defend their police assailants.

Claims presented at trial about Abu-Jamal's alleged confession first arose during an investigation into his complaint of suffering police beatings on the day of his arrest – at the crime scene and inside a hospital emergency room. During that brutality investigation, two officers suddenly remembered hearing Abu-Jamal confess at the hospital. This pair included the officer who brought Abu-Jamal from the crime scene to the hospital who filed a report three hours after Abu-Jamal's arrest stating Abu-Jamal made "no comments."

Authorities fired that officer, Gary Wakshul, three years after Abu-Jamal's arrest. Police officials fired Wakshul for viciously beating a man, including a near fatal assault inside a hospital emergency room.

In 1978, three years before Abu-Jamal's arrest, the Pa Supreme Court blasted Philadelphia homicide prosecutors for "perpetrating a falsehood and fraud." This misconduct included having the former head of the DA's Homicide Unit provide false testimony against a murder defendant. That Supreme Court ruling specifically criticized the "misleading" testimony of ex-Unit head Ed Rendell, who at the time of Abu-Jamal's trial, served as Philadelphia's District Attorney.

Courts – state and federal – have overturned many murder convictions obtained during Rendell's tenure as District Attorney citing instances of misconduct by homicide prosecutors inclusive of withholding evidence of innocence and engaging in racially discriminatory jury selection practices.

The Pa Supreme Court, in a 1999 ruling involving "extensive and flagrant prosecutorial misconduct" released two reputed Philadelphia mob members convicted of a high-profile murder, ruling this pair was denied a fair trial. That unfair trial took place two years after Abu-Jamal's trial during Rendell's DA tenure.

The Pa Supreme Court released those two mob members directly from prison, one year after its 1998 Abu-Jamal case ruling where that Court rejected voluminous claims of prosecutorial misconduct during Abu-Jamal's trial and his appeal proceedings.

Incidentally, five of the seven Court justices participating in that 1998 ruling against Abu-

Jamal received substantial electoral financing and other support from Philadelphia's police union – the leading proponent of Abu-Jamal's execution.

A February 2000 Amnesty International report on Abu-Jamal's case expressed concern about the "political support" Pa justices receive from police organizations noting the prospect of "severe political backlash" against any justice challenging Abu-Jamal's conviction.

Pa judicial ethics require judges to remove themselves from cases they handled while serving as government lawyers. Yet, a former Philadelphia DA-turned-Pa Supreme Court Justice – who's received extensive police union backing – has repeatedly refused to remove himself from Abu-Jamal appeals.

Equal protection of laws is an essential aspect of civil rights. The Blacks Law Dictionary – cited as authority by judges – defines equal protection of the law in part as: "no person shall be denied the same protection of laws which is enjoyed by other persons in like circumstances..."

Pa Supreme Court rulings in 1988 and 1989 provide glaring evidence of equal protection violations.

In March 1988, the Pa Supreme Court issued a ruling granting a new trial to a Pa State Trooper charged with fatally shooting a woman inside a judge's office. That Trooper shot the woman he accused of burglarizing his home during a court proceeding involving that burglary.

The Court ruled the Trooper did not receive a fair trial because the presiding judge made a single statement questioning the professional credentials of a defense witness. The Court deemed that single statement as offering an improper 'opinion.'

However, one year later, the same Court found no fair trial fault in numerous opinion laden statements by Judge Sabo during Abu-Jamal's trial – including Sabo assailing the professional competency of Abu-Jamal's attorney in front of the jury.

Equal protection violations comprise a consistent thread in the trial and appellate court rejections of Abu-Jamal's legal claims.

These violations include the U.S. Supreme Court in the early 1990s twice refusing to consider Abu-Jamal's claim that prosecutors violated his First Amendment association rights with inflammatory references to his teenaged membership in the Black Panther Party.

Although Abu-Jamal had voluntarily left the BPP 12-years before his 1982 trial, prosecutors speciously argued his former BPP membership spurred his killing a cop.

The U.S. Supreme Court, months after rejecting Abu-Jamal's first appeal, granted a new hearing to a murderer who challenged prosecutorial reference to his current membership in a violent white racist prison gang. Following the favorable ruling for the racist, Abu-Jamal unsuccessfully sought Supreme Court reconsideration of his association right claim citing that Court's ruling in the white racist's case.

Months after spurning Abu-Jamal a second time, the Supreme Court granted a new hearing to a white murderer challenging prosecutorial reference of his membership in a devil worshipping cult. When giving relief to the devil worshipper, the Supreme Court cited the precedence of its ruling in the racist's case.

Equal protection of laws seemingly should have provided an ex-Black Panther with the same protection of laws as a white racist and white devil worshipper given the similarities of their appeal circumstances.

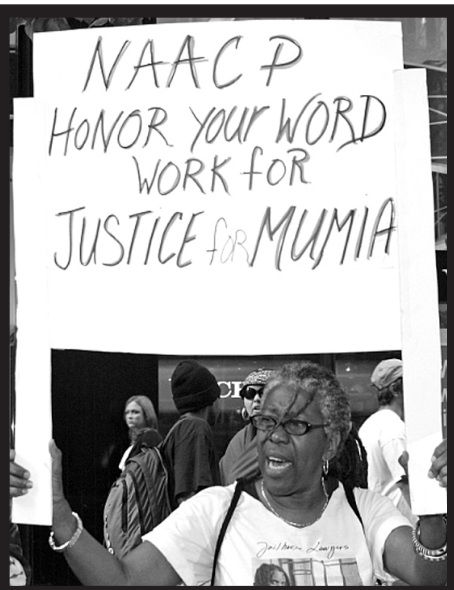
The failures of federal and state courts to correct the gross violations in Abu-Jamal's case, compounding the illegal conduct of police and prosecutors, cries out for an investigation by the U.S. Justice Department requested by organizations and individuals concerned about America's bedrock principal of equal justice under law.

It is true that courts enjoy wide discretion in interpreting law as those courts deemed appropriate.

However, the fact that state and federal courts have rejected every evidentiary issue and all but one procedural error issue presented in the Abu-Jamal case raises real questions about courts acting in accordance with the principle of equal-justice-under-law.

To accept the assertion that the Abu-Jamal case is one of open-&-shut guilt free of any error requires embracing scenarios that defy logic, law and the proven official misconduct in those other 1981 Philadelphia homicide arrests.

–A graduate of the Yale Law Journalism Fellowship, Linn Washington Jr. is a professor of journalism at Temple University and Philadelphia Tribune columnist who has covered Mumia's case since Mumia's arrest on Dec. 9, 1981.



Outside the NAACP National Convention in New York City, July, 2009. Photo from www.freemumia.com

NAACP CALLS FOR CIVIL RIGHTS INVESTIGATION

At the NAACP National Convention in New York City in July, 2009, Mumia supporters demonstrated, gathered petition signatures, and ultimately succeeded in persuading the NAACP to honor their earlier resolutions calling for a new trial by passing an emergency resolution explicitly calling on US Attorney General Eric Holder to investigate Mumia's case for civil rights violations. The resolution also called for investigations into the cases of Troy Davis, Marshall Eddie Conway, and Reggie Clemons.

On July 20, 2009, NAACP leader Julian Bond told *Democracy Now!* that:

"We're going to ask Attorney General Holder to look into this, as anyone who's followed this case for a number of years know that similar doubts have been raised about him as were raised about Troy Davis. And he's had trouble bringing these doubts before a tribunal that can say, you know, these things are true or they're not true. And we think he needs that chance. We think he needs that chance before the state of Pennsylvania decides to snuff his life out. We oppose the death penalty, and particularly so in these cases where innocence seems likely, seems possible... We expect to talk to [Attorney] General Holder and see if he won't put the force of the US government behind them."

Problems With The Ballistics Evidence Used To Convict Mumia

The facts in Mumia's case are highly contested, but all sides agree that:

*Mumia was working as a taxi-driver on Dec. 9, 1981, when, shortly before 4:00 a.m., he saw his brother, William "Billy" Cook, being violently arrested by Officer Faulkner (Cook was bleeding profusely after Faulkner split his head open by striking him with his police flashlight) after Faulkner had pulled over Cook's car on the corner of 13th and Locust Streets.

*Mumia approached the scene by crossing the street from 13th, north of Locust, where his taxi was parked.

*Minutes later when police arrived, Mumia had been near-fatally shot in the chest. Officer Faulkner had been fatally shot in the forehead and also shot through the back with the bullet (officially unrecovered) exiting his throat.

Prosecutor Joseph McGill claimed:

(1) Mumia approached by crossing the street and shot Officer Faulkner in the back.

(2) Faulkner then spun around and shot Mumia in the chest, from below, while Faulkner was falling to the ground.

(3) Mumia then stood over Faulkner and shot down at him until all five rounds were used -- shooting Faulkner once in the head, and missing Faulkner several times.

Officially, police never tested Mumia's hands for gunshot residue, and the fatal bullet was too damaged to be directly matched to Mumia's gun

The arresting officers claimed that when they arrived at the scene, Mumia's legally registered .38 caliber, Charter Arms revolver (which Abu-Jamal says he carried several times on the job) was laying at his side with five spent cartridges.

***Deeply Troubling:** Police never officially performed the standard "wipe test" checking for gunshot residue on Abu-Jamal's hands and clothing, or the "smell test" on his gun, which *Amnesty International* has criticized as "deeply troubling."

J. Patrick O'Connor, author of *The Framing of Mumia Abu-Jamal*, writes that these tests "are so routine at murder scenes that it is almost inconceivable the police did not run them. It is more likely that they did not like the results."

***.44 Or .38 Caliber:** The original medical examiner's report (never seen by the 1982 jury) stated that the deadly bullet was a .44 caliber. Later, police ballistics expert Anthony Paul concluded that the bullet was actually a .38 caliber. Philadelphia Tribune columnist and Temple University journalism professor, Linn Washington Jr, argues that the .44 caliber notation "is significant in showing the shallowness of the case against Abu-

Jamal. A .44-caliber-magnum bullet is more than twice the size of a .38-caliber bullet. This size difference between these two bullets is clear to the naked eye of anyone irrespective of their level of understanding of bullets and/or ballistics. Remember, in Philadelphia, Medical Examiners perform hundreds of gun shot death autopsies annually, constantly seeing various size bullets, thus being easily able to identify bullets."

***Particular Rifling Traits:** Even if one believes that the medical examiner made a legitimate mistake, the evidence presented about the alleged .38 bullet is also contradictory and inconclusive. "Particular rifling traits" identify a bullet as coming from one specific gun. Police experts concluded that the fatal bullet was too damaged to link the particular traits to Abu-Jamal's gun.

***General rifling traits:** General traits can only link a bullet to a particular type of gun. In his report, Anthony Paul first identified the bullet's general traits as "indeterminable." Contradicting himself in the same report, Paul later noted a general trait: a "right-hand direction of twist." Then, Paul's 1982 trial testimony went even further by identifying another general trait never mentioned in his written report: "8 lands

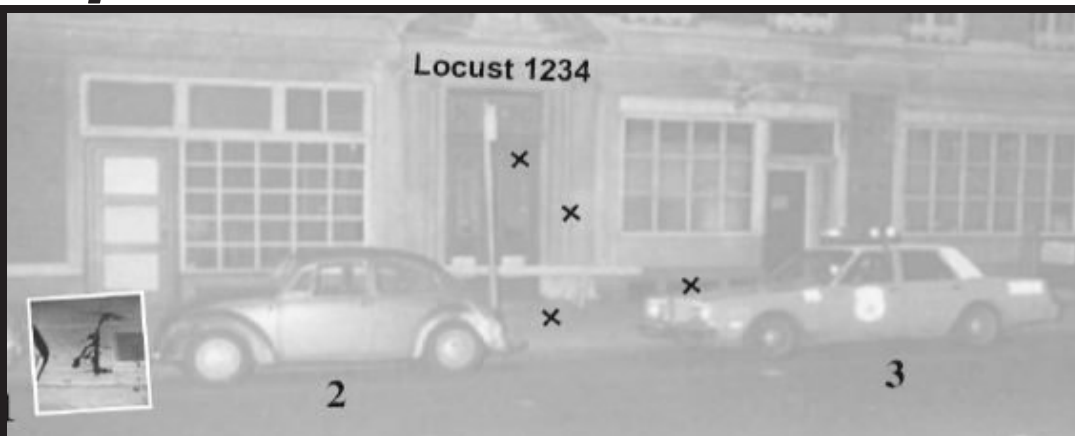
and 8 grooves." Suspiciously, after deeming the general traits "indeterminable," Paul then alleged two general traits that served to further implicate Abu-Jamal's gun type.

***Multiples of Millions:** Even if these general traits cited by Anthony Paul did exist on the bullet, it was still not a reliable link to Abu-Jamal's gun. Paul was asked at the 1982 trial, "approximately, how many millions of guns have eight lands and grooves and how many would provide this bullet?" He acknowledged that it could have come from "multiples of millions," including guns not manufactured by Charter Arms.

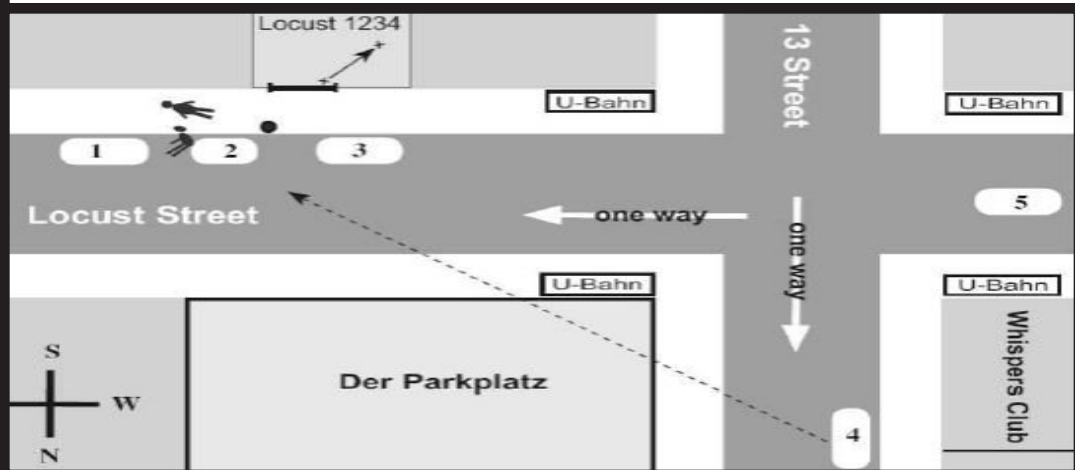
***The Behavior of an Innocent Man:** In 2001, Abu-Jamal's defense filed two affidavits demanding that the fatal bullet be retested by modern methods to determine whether it came from Abu-Jamal's gun. In one affidavit, medical examiner Robert H. Kirschner states: "Newer technology may provide evidence as to the class or individual characteristics of the bullet specimen recovered from Officer Faulkner permitting a determination of whether or not it was fired from the recovered Charter Arms revolver."

Would a guilty man have called for a new ballistics analysis?

Why The Prosecution's Scenario Of The Shooting Is Ballistically Impossible



(1) Inserted police photo at far left of diagram, in front of Billy Cook's VW, designates where Faulkner's body was found (2) Billy Cook's VW (3) Faulkner's police car (The "X"-Marks, From Left to Right) X Entry location of bullet fragment, weighing 39.4 grains, found inside doorway vestibule, 6 ft., 10 in. south of the front door X unexplained copper bullet jacket on sidewalk X .38/.357 whole bullet, weighing 151.3 grains, with officially indeterminable rifling traits, found in the frame of entrance door, 3 ft., 7 in. up from the sidewalk (Schiffmann argues that the bullet is too low and too far away from Faulkner's body, to have exited Faulkner's throat) X 7 small lead fragments, total weight 18.2 grains, found in the lower wall, seven inches up from the sidewalk.



(1) Parked Ford sedan, officially unrelated (2) Billy Cook's VW (3) Faulkner's police car (4) Mumia's taxi (5) Michael Scanlan's car (Short Arrow at 1234 Locust) The trajectory of the bullet fragment, weighing 39.4 grains, inside the vestibule. The trajectory is based upon the alignment of the hole in the glass where the bullet entered and where it stopped in the wall. (Long Arrow From 4) Mumia's most likely direction when he approached from his car. Mumia's direction contradicts the trajectory of the bullet fragment in the wall. Faulkner was more likely shot through the back by someone standing on the curb next to Billy Cook's car, with the bullet traveling North, away from 1234 Locust, after exiting Faulkner's body.

Downward trajectory of the bullet in Mumia

At the 1982 trial, the prosecution argued that Mumia had been shot in the chest from below by a falling Officer Faulkner. However, the bullet (officially linked directly to Faulkner's gun) entered Mumia's upper chest at a downward trajectory, meaning that he was actually shot from above.

Attempting to explain the bullet's downward trajectory, the prosecution claimed that the bullet ricocheted off bone within Mumia's torso and then tumbled downward. Challenging this theory, medical examiner John Hayes testified at the 1995 PCRA hearings, that x-rays proved the bullet traveled without any deflection.

This downward trajectory strongly suggests that Mumia was actually shot while running, bent slightly forward, from across

the street towards Faulkner, who was standing above, on the curb.

Trajectory of bullet shot through Faulkner's back

The bullet shot into Faulkner's back traveled upwards at a 33 degree angle, exiting below his throat.

This bullet has never been definitively recovered.

In fact, neither the bullet, copper bullet jacket, or bullet fragments found at the scene (as shown in the diagrams above) were definitively tied to either Faulkner's gun or Mumia's gun.

Schiffmann argues that only the small bullet fragment found inside the 1234 Locust vestibule (weighing 39.4 grains) could have possibly related to the shot through Faulkner's back. Notably, this fragment

traveled southwest, in sharp contrast to the southeast direction of Mumia's likely approach.

Furthermore, there were no bullets or fragments found east down Locust--where it would have been had Mumia shot Faulkner in the direction he was likely approaching. Thus, Schiffmann writes with "a certainty of almost 100 percent" that Mumia did not fire the shot into Faulkner's back.

Schiffmann concludes that the bullet was actually fired by a third person, who was on the curb, behind Faulkner, as Faulkner faced northwest towards Mumia. Schiffmann argues that this "third person" was Billy Cook's friend and business partner, named Kenneth Freeman, who was in Cook's car when it was pulled over, and who shot Faulkner in response to Faulkner first shooting Mumia.

The 'Missing Divots' in the Sidewalk



German author Michael Schiffmann argues that the newly discovered crime scene photos taken by Pedro Polakoff disprove the prosecution's theory of the shooting. Schiffmann argues that in Polakoff's photos of the sidewalk where Faulkner was found, there are no large bullet divots, or destroyed chunks of cement, which should be visible in the pavement if the prosecution scenario was accurate.

The prosecution argued that Abu-Jamal shot down at Faulkner -- and allegedly missed several times -- while Faulkner was on his back. While also citing the lack of bullet marks in the official police photo (shown directly above), Schiffmann writes that the prosecution's theory must be false

because "it is physically and ballistically impossible."

Schiffmann then takes this conclusion one step further, and argues that the three prosecution witnesses supporting this scenario must have been lying. Even ignoring previous evidence that witnesses Robert Chobert and Cynthia White falsely testified, "the absence of any bullet traces or bullets in the sidewalk in front of 1234 Locust is irrefutable physical evidence that these two, plus witness Michael Scanlan did not tell the truth at Mumia's trial. By that simple observation a central part of the prosecution's theory is simply blown out of the water -- and new evidence is on the table thereby for the coaching, coercion and manipulation of witnesses."

NASA Scientist Examines Photo

To further analyze the pavement for bullet marks, journalist Dave Lindorff hired Robert Nelson, a senior research astronomer at NASA's Jet Propulsion Laboratory in Pasadena, CA, who is an expert in photo analysis and enhancement, currently assigned to enhance and analyze the photos taken by the Cassini space probe that is orbiting Saturn.

Lindorff explains that he sent Nelson one of the photos taken by Pedro Polakoff, showing "the bloody spot where Officer Faulkner had been

lying on the sidewalk," asking Nelson to try and "spot any divots in the area, such as one would certainly see if someone were firing high-velocity bullets from just a few feet above the cement directly into the ground."

Nelson utilized the "same edge enhancement and contrast enhancement work that he does typically with the photos that are sent back from the Cassini probe, and replied to me that the concrete appeared to be 'completely smooth' with no pitting or divots."