

*"Conventional wisdom would have one believe that it is insane to resist this, the mightiest of empires.... But what history really shows is that today's empire is tomorrow's ashes, that nothing lasts forever, and that to not resist is to acquiesce in your own oppression. The greatest form of sanity that anyone can exercise is to resist that force that is trying to repress, oppress, and fight down the human spirit. -MUMIA ABU-JAMAL*



**FREE  
MUMIA**



**MUMIA'S LIFE IS IN EXTREME DANGER! HIS LAST APPEAL IS CURRENTLY IN THE FEDERAL COURTS. IF THIS IS DENIED A DEATH WARRANT AND EXECUTION DATE WOULD BE INEVITABLE. THE STRUGGLE FOR MUMIA'S LIFE IS PART OF A WAR FOR ALL OF OUR LIVES, FOR FREEDOM. THIS BOOK IS A WEAPON. RESEARCH, LEARN, TEACH, ORGANIZE. NOW IS THE TIME, THE TOOL IS IN YOUR HAND, ALL OF OUR FREEDOM IS AT STAKE!**

**International Concerned Family and Friends of Mumia Abu-Jamal**

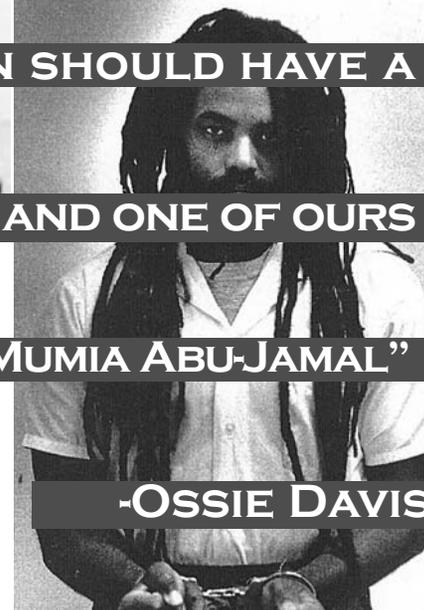
**(215)476-8812    [www.Mumia.org](http://www.Mumia.org)    [ICFFMAJ@aol.com](mailto:ICFFMAJ@aol.com)**

## **THE CASE OF MUMIA ABU-JAMAL INFORMATION BOOKLET**    *JANUARY 2006*



**"EVERY GENERATION SHOULD HAVE A  
MORAL ASSIGNMENT, AND ONE OF OURS**

**MUST BE JUSTICE FOR MUMIA ABU-JAMAL"**



**-OSSIE DAVIS**

**THE WORLD NEEDS  
MUMIA ABU-JAMAL'S RELEASE!  
THE TIME FOR ACTION IS NOW!**

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"WHEN A CAUSE COMES ALONG AND YOU KNOW IN YOUR BONES THAT IT IS JUST, YET REFUSE TO DEFEND IT, AT THAT MOMENT YOU BEGIN TO DIE. AND I HAVE NEVER SEEN SO MANY CORPSES WALKING AROUND TALKING ABOUT JUSTICE."

-MUMIA ABU-JAMAL

# BOOKS BY MUMIA ABU-JAMAL

**LIVE FROM DEATH ROW** - a powerful collection of essays many of which speak of what life is like on death row

**DEATH BLOSSOMS**-A beautiful collection of thoughts, poems and essays from death row

**ALL THINGS CENSORED** - A collection of commentaries which were originally to be aired on NPR before NPR crumbled under police pressure

**FAITH OF OUR FATHERS** - An examination of the religious faith of African people and those of African descent before and after slavery

**WE WANT FREEDOM** - A gripping history of the Black Panther Party which contextualizes its place in the history of African resistance

## READ AND LISTEN TO MUMIA'S REGULAR COMMENTARIES!

To listen go to [www.prisonradio.org](http://www.prisonradio.org) To subscribe to receive new commentaries via email write too: [LiteStar01@aol.com](mailto:LiteStar01@aol.com)

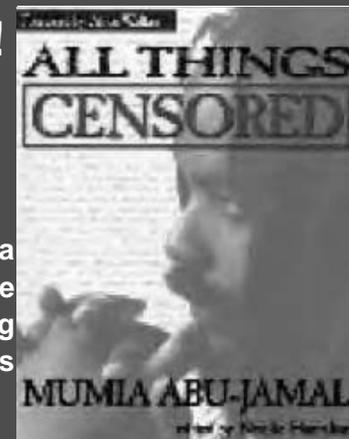
## Donate to the Movement!

Send funds to:

The National Black United Fund  
40 Clinton St.

Newark, NJ 07102

Checks must be earmarked "Mumia Organizing" and will go to the "ICFFMAJ" to continue organizing and educating the public of Mumia's legal and political battle.



Live  
from  
Death  
Row



International Concerned Family  
and Friends of Mumia Abu-Jamal

P O B o x 1 9 7 0 9

Philadelphia, PA 19143

( 2 1 5 ) 4 7 6 - 8 8 1 2

[ICFFMAJ@aol.com](mailto:ICFFMAJ@aol.com)

[www.Mumia.org](http://www.Mumia.org)

- 1) **Educate** - Contact the International Concerned Family and Friends of Mumia Abu-Jamal and receive copies of flyers and information books to distribute
- 2) **Stay Updated** by checking the listed websites or calling our info number regularly. Be ready to come to Philadelphia or set up demonstrations in your area at a moments notice.
- 3) Encourage your local **bookstores to order and stock Mumia's books**. Organize book readings or have Mumia's regular **commentaries** read or published.
- 4) Go to open mic's, poetry readings, political events and **speak out** about Mumia, the death penalty and political prisoners.
- 5) **Donate** funds to the movement or the legal struggle (details follow)
- 6) **Start your own local coalition** for justice for Mumia and let us know.



**WRITE TO MUMIA**

**Mumia Abu-Jamal #AM8335**  
**SCI-Greene 175 Progress Dr.**  
**Waynesburg, PA 15370**  
Mumia receives large amounts of mail and can't always respond. However, an encouraging note always helps.

**WEBSITES WITH INFORMATION ON MUMIA'S STRUGGLE**

- 1) **www.Mumia.org** - *The site of the International Concerned Family and Friends of Mumia Abu-Jamal*
- 2) **www.FreeMumia.com**- *site of the Free Mumia Coalition, NYC*
- 3) **www.FreeMumia.org** - *The site of the Mobilization to Free Mumia based in the Bay area of California*
- 4) **www.Mumia2000.org** - *The site of the "Millions for Mumia" branch of the International Action Center*
- 5) **www.PrisonRadio.org** - *home of Mumia's radio commentaries which are still recorded, from death row, on a weekly basis*
- 6) **www.FreeMumia.net** - *Latin@s for Mumia*
- 7) **www.emajonline.com** - *Educators for Mumia*

**T H E S C E N E**

Mumia Abu-Jamal is a renowned journalist from Philadelphia who has been on deathrow since 1981 for allegedly shooting police officer Daniel Faulkner. He is known as "The Voice of the Voiceless" for his award winning reporting on police brutality and other social and racial epidemics that plague communities around the world. Mumia has received international support in his effort to overturn his unjust conviction.

Mumia Abu-Jamal was serving as the President of the Association of Black Journalists at the time of his arrest. He had been a founding member of the Philadelphia chapter of the Black Panther Party as a teenager. Years later he began reporting professionally on radio stations such as NPR, and was news director of the Philadelphia station, WHAT. Much of his journalism called attention to the blatant injustice and brutality that he watched happen on a daily basis to MOVE, a revolutionary organization that works to protect all forms of life-human, animal, plant-and the Earth as a whole. Mumia is a committed supporter of the MOVE Organization.

In 1981, Mumia worked as a cab driver at night to supplement his income. On December 9 he was driving his cab through the red light district of downtown Philadelphia around 4am. Mumia testifies that he let off a fare and parked near the corner of 13th and Locust streets. Upon hearing gunshots he turned and saw his brother, William Cook, staggering in the street. Mumia exited the cab and ran to the scene, where he was shot by a uniformed police officer and fell to the ground, fading in and out of consciousness. Within minutes, police arrived at the scene to find Officer Faulkner and Mumia shot; Faulkner died. Mumia was arrested, savagely beaten, thrown into a paddy wagon and driven to a hospital a few blocks away (suspiciously it took over 30 minutes to arrive at the hospital). Mumia somehow survived.



**T H E T R I A L**

The trial began in 1982 with Judge Sabo (who had sent more people to deathrow than any other judge) presiding. Mumia wished to represent himself, but before jury selection had finished, this right was

THE WITNESSES

revoked and an attorney was forcibly appointed for him. Throughout the trial Mumia was accused of disrupting court proceedings and was not allowed to attend most of his own trial. Sabo lived up to his nicknames as "the hanging judge" and "the prosecution's friend."

THE EVIDENCE

The prosecution claimed that the shot that killed Faulkner came from Mumia's legally registered .38 caliber weapon. However they could not link Mumia's gun to the murder. A ballistics expert found it incredible that police at the scene failed to test Mumia's gun to see if it had been recently fired, or to test his hands for powder residue. One of the most damning prosecution claims was that

Mumia confessed at the hospital. However, this confession was not released until nearly 2 months after December 9th, immediately after Mumia filed a brutality suit against the police. One of the officers who claimed to have heard the confession was Gary Wakshul.



However, in his police report on that day he stated "the negro male made no comments." Also, Dr. Coletta, the attending physician who was with Mumia the whole time, says that he never heard Mumia speak.

The star prosecution witness, a prostitute named Cynthia White, was not seen at the crime scene by any other witness. During the trial of Billy Cook (Mumia's brother) just weeks before Mumia's trial, White gave testimony completely contradictory to what she stated at Mumia's trial. Her testimony at Cook's trial placed someone at the scene who was not there when police arrived. This corroborates the other five witness accounts that someone fled the scene. In a 1997 hearing, another former prostitute, Pamela Jenkins, testified that White was acting as a police informant.

Other sworn testimony revealed that witness coercion was routinely practiced by the police. In 1995, eyewitness William Singletary testified that police repeatedly tore up his initial statement-that the shooter fled the scene -until he finally signed something acceptable to them. The following year, witness Veronica Jones came forward to testify that she had been coerced into changing her initial statement that two men fled the scene. Witness Billy Cook, who was present the whole time, has stated very clearly that Mumia is absolutely innocent.

that he lied and stated that he had not supported Mumia and did not know how his name appeared on the lists. He was out of the race because of the bully tactics of the FOP.

These are only a few examples of over 23 years of police terrorism. Over the years people have been beaten as happened on December 8th, 2001 when police attacked a Philadelphia march for Mumia, beat and mistreated some demonstrators, arrested 8 and one cop even held a gun to the head of a teenager attending the demonstration. The police have broken into the office of the International Concerned Family and Friends of Mumia Abu-Jamal and stolen files and sabotaged computers so many



times that it is hard to keep track. Each time a police report was filed, each time they claimed to have no leads. When a young, new activist arrived to Philly in 2001 to work at the Mumia office they stopped he and another activist, threw them in the car, threatened them, drove them around some of the worst neighborhoods in Philadelphia and dropped them off in the middle of one of

them in order to "teach them a lesson." In the early 90's the abandoned house, which was connected to Pam Africa's home (head of ICFFMAJ) was set on fire. When police and fire fighters arrived, instead of putting out the fire, they went into Pam's basement where all of the Mumia files and organizing tools were stored and flooded everything with fire hoses, ruining all materials.

They continued to let the fire burn and would have likely let it consume Pam's home had there not been so many witnesses.

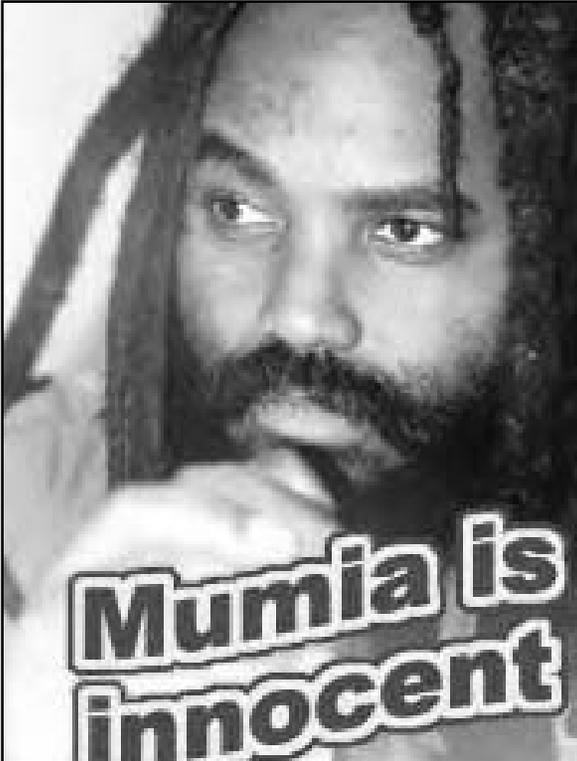
The most crystallized example of this government's terrorism to stop this movement came on May 13th, 1985 when the police along with the State and Federal government dropped a bomb on MOVE's home killing 6 adults and 5 children. They have done and are doing everything to try to stop this movement but what they can't understand is that we have the truth and to quote MOVE's founder, **JOHN AFRICA**:

"THE POWER OF TRUTH IS FINAL!"

**LONG LIVE JOHN AFRICA!**

Similar tactics were used earlier in that same year when in January of 1999 Rage Against the Machine, the Beastie Boys, Bad Religion, Chuck D and Black Star did a massive benefit concert for Mumia in New Jersey. The concert sold all 20,000 seats available. Days before the concert the FOP went to the media and told

parents that they should not allow their children to attend because it would be "violent" and "promoted the murder of police". They also threatened that police would refuse to do security for the concert and chaos would ensue. Despite this, very few tickets were returned and they were repurchased immediately.



The concert went very well, educated thousands on Mumia's struggle and raised funds. Soon after the concert the Fraternal Order of Police took the matter to court claiming that this concert was profiting from a murder when in fact it was a concert to raise legal funds for an innocent man. They continued to push the issue in court, which exhausted much of the funds

that were raised. The Fraternal Order of Police harassed and targeted Rage Against the Machine extensively for their outspoken support of Mumia. Police beat rage fans wearing Mumia shirts at concerts on many occasions.

The FOP's harassment of anyone who speaks out for Mumia is notorious. Philadelphia area Attorney Angus

Love had been a Mumia supporter for years. He was a well-respected attorney who had signed many petitions for Mumia's release. In December of 2003 Angus Love withdrew from the running of a position in the Narberth, PA Borough Council because the FOP began a smear campaign against him based on his support of

Mumia. Love had been a likely winner in the election until the FOP had a press conference stating that Love supported the murder of police officers. The media, being fed misinformation by the FOP continued to slander Love's name. Everything that this man had worked for was being taken from him and he backed down. He felt so much pressure

**THE SENTENCE**

Due to police manipulation of witnesses, fabrication of evidence and the rights of the defense severely denied, Mumia was found guilty. He was sentenced to death during the penalty phase based on his political beliefs (the prosecution actually used his teenage years in the Black Panther Party to argue premeditation). Mumia has been unjustly separated from his family for over 24 years with the threat of death looming over his head.

**NEW WITNESSES**

In 2001, a court stenographer, Terri Maurer-Carter, came forward and stated that in 1982, before Mumia's trial began, she heard Judge Sabo say "Yeah, and I'm going to help them fry the nigger." He was referring to Mumia. This backs up evidence of judicial bias and racism in Mumia's case.

Many other witnesses have come forward backing Mumia's claim of innocence. Among them are Kenneth Pate whose affidavit again discredits the alleged confession of Mumia and Yvette



Williams whose affidavit further discredits key prosecution witness Cynthia White.

**THE CONFESSION**

In 1999, Arnold Beverly confessed to killing police officer Daniel Faulkner. This confession is validated by two lie detector tests administered by eminent polygraph expert Charles Honts. Despite evidence supporting this confession, the Philadelphia DA has refused to investigate and the courts have thrown it out. The injustice continues...

**THE DECISIONS**

On December 18th, 2001 Judge Yohn issued a decision on the Habeas Corpus petition in the Federal District Court. He upheld Mumia's unjust conviction, but challenged the sentencing phase (the death sentence). He gave both sides 90 days to appeal and if neither appealed then Mumia would be given life in prison with no possibility of parole. Of course both sides appealed so the case went back into the third circuit court of appeals. Furthermore, life in prison would never be acceptable for an innocent man.

Yohn's decision resulted in confusion because the media made it appear as if Mumia

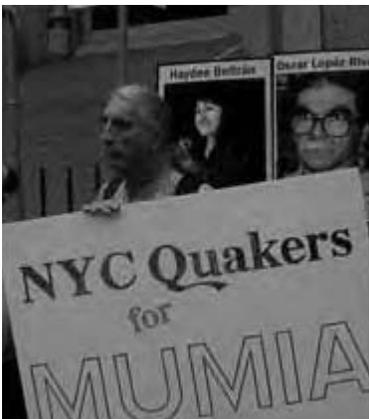
had been released from death row. In actuality he never left his death row cell.

The case was also on appeal in the State courts. Judge Pamela Dembe threw out much evidence of Mumia's innocence setting very dangerous legal precedents. Dembe threw out the Beverly confession because of timeliness and threw out the testimony of Maurer-Carter that Sabo stated "Yeah, and I'm going to help them fry the nigger!" stating that even if the judge had said this that does not mean that racism effected his rulings. Recently, in June of 2005 Dembe threw out the appeal all together. This means that Mumia's life is in extreme danger. His current Federal appeal is the last appeal he has.

On December 6, 2005 a ruling was made by the U.S. Third Circuit Court of Appeals reversing two critical Federal Court decisions in Mumia's case. They granted "certificates of appealability" to Mumia to challenge defense alleged race and judicial bias in the 1995 PCRA proceedings and allowed Mumia to challenge the 1982 trial summation remarks of the state's lead prosecutor, Joseph McGill, who told the jury, "If you find the Defendant guilty of course, there would be appeal after appeal and perhaps there could be a reversal of the case, or whatever, so that may not be final."

The case is now on the legal fast track. On January 17 the State of Pennsylvania has to present its opening brief, thirty days later the defense must respond, followed by a series of rebuttals. The 10-person court will then

issue a decision or set a date for a hearing and oral arguments. The Third Circuit could either order a new trial on all issues, send the case back to the Federal District Court to re-hear the issues, have a new PCRA hearing, give Mumia life in prison without parole or totally deny the appeal and a death warrant could then be signed. Now is a very critical time and action must be taken!



### THE MOVEMENT

A broad international movement has formed in support of Mumia. Celebrities such as Danny Glover, Ossie Davis and Susan Sarandon, world leaders like Nelson Mandela, Danielle Miterand (former First Lady of France) and Fidel

Castro, governing bodies such as the Japanese Diet, 22 members of the British Parliament, and the European Parliament have all recognized the blatant injustice in this case and have called for a new trial at the very least. Millions of people around the world have taken to the streets to protest his unjust imprisonment.

Mumia's case has been a unifying point for many struggles because it concentrates issues vitally important to our future, such as the rise in prison population, police brutality, the death penalty, persecution of political dissent, and the continuation of racism in the US. From death row, Mumia has continued to speak out for all who are oppressed through his journalism. He has published many books, and his weekly columns are heard on radios and are published throughout the world. His case is one of the most important social justice fights of our time!

## GOVERNMENTAL TERRORISM AGAINST THE MOVEMENT

Mumia Abu-Jamal has been on death row for over 23 years now as a result of governmental terrorism. Immediately after Mumia was arrested a cohesive movement formed for his release and this movement has constantly been under attack. The injustices in the case of Mumia Abu-Jamal expose this system on every level: the police, the courts and the media. Those who do not want these injustices to be exposed will go to any lengths to silence those who are telling the truth. The police have intimidated witnesses, beaten demonstrators, falsified evidence, falsely imprisoned, and murdered. The courts have turned down every appeal and sided with the prosecution on every occasion to the extent that they denied hearing Arnold Beverly confess to killing Officer Faulkner (the crime Mumia is incarcerated for) on the grounds that it wasn't "timely." The media have spread blatant lies with obvious bias in order to turn people away from the movement.

Immediately after Mumia's arrest this government began a campaign of intimidation and terror. Witnesses such as Veronica Jones and Dessie Hightower were threatened and coerced by police. On December 13th, 1981, the newsstand owned by Mumia's brother, William Cook, was burned to the ground in Center City Philadelphia. On May 13th, 1985 the city of Philadelphia, along with the State and Federal government, dropped a bomb on the MOVE Organization killing 6 adults and 5 MOVE children and burning over 60 homes to the ground. (MOVE is the catalyst behind the movement to free Mumia and MOVE's founder **JOHN AFRICA**, who was in the house, founded the first coalition for Mumia).

This harassment and governmental

terrorism continues to this day. The Fraternal Order of Police have worked to intimidate celebrity supporter's of Mumia, disrupted and beaten people demonstrating for his release and have worked with the national media (remember 20/20) to misinform the public about Mumia's case. They have also made strong efforts to stop the funding of the movement for justice for Mumia. In 1999, the day after the immensely successful April 24th "Millions for Mumia" demonstration, the Philadelphia Inquirer ran a front-page article questioning the relationship between the Black United Fund and the International Concerned Family and Friends of Mumia Abu-Jamal. This was the opener in a series of attacks and dirty politics to try to stop the funding of the movement. The Black United Fund is a non-profit organization, which works to support the African-American community. Since 1991 they had provided the service to the International Concerned Family and Friends of Mumia (that they provided to many organizations) of allowing checks for Mumia's legal and organizing funds to be sent through the BUF using the BUF as an umbrella group to collect donations.

The campaign to stop funds from being collected continued and Mayor Rendell (now Governor and at the time of Mumia's arrest DA) stated that unless the BUF backed down and cut ties with Mumia they would be dropped from the "Combined Campaign"(a group of charities that city workers donate too). The city continued to attack the Black United fund putting them through financial hell. The group remained strong and refused to drop their service to the Mumia movement.

**NAACP RESOLUTION FOR NEW TRIAL FOR MUMIA AND A NATIONAL DEATH PENALTY MORATORIUM**

*Adopted at NAACP National Convention, Philadelphia, PA, 7/15/2004*

WHEREAS, the NAACP adopted a resolution in 2001 re-affirming our opposition to the death penalty due to its racially disparate application; and

WHEREAS, the NAACP has re-affirmed its 1975 resolution opposing the death penalty on the grounds that it constitutes cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution; and

WHEREAS, many people, including Mumia Abu-Jamal, are incarcerated on death row and face possible execution; and

WHEREAS, more than 320 people on death row have been exonerated; and



WHEREAS, though African Americans make up only 12.4% of the U.S. population, we make up 38% of all the Americans that were sentenced to death and later freed after being found innocent; and

WHEREAS, African Americans make up 35% of those being found innocent after being executed; and

WHEREAS, African Americans make up over 80% of those awaiting execution on federal death row; and

WHEREAS, 145 people have been exonerated based upon DNA evidence; and

WHEREAS, there is no possible way of restoring the life of an innocent person killed by the death penalty;

and WHEREAS, the implementation of the death penalty raises concerns regarding bias identification, police and prosecutorial misconduct, judicial apathy in protecting the rights of the accused, faulty evidence, inadequate defense representation, coerced confessions, and fabricated testimony, and,

THEREFORE BE IT RESOLVED that the National Association for the Advancement of Colored People reiterates its strong opposition to the death penalty; and

BE IT FURTHER RESOLVED that the NAACP calls on its units throughout the United States and the world to support the international call for Mumia Abu-Jamal to be released from death row; and

BE IT FURTHER RESOLVED that the NAACP reiterate its support of the international movement for a new and fair trial for Mumia Abu-Jamal; and

BE IT FINALLY RESOLVED that the NAACP renew its call for new nationwide studies on racial discrimination, the adequacy of counsel, access to modern research technology such as DNA analysis, the sentencing of children and women to the death penalty and that the NAACP reiterate its call for a national moratorium on all executions.

ss: Kweisi Mfume, President and CEO; Julian Bond, Chairman of the Board of Directors

**THE AFFIDAVIT OF MUMIA ABU-JAMAL**

Many people who are pushing to execute Mumia claim that he has never stated that he is innocent and that he has never spoken about the early morning hours of December 9th. Mumia plead innocent in 1982 and has always clearly stated that he is innocent. The following statement by Mumia clearly proves the falsehood of their claim.

I, Mumia Abu-Jamal, declare:

1. I am the Petitioner in this action. If called as a witness I could and would testify to the following from my own personal knowledge:

2. I did not shoot Police Officer Daniel Faulkner. I had nothing to do with the killing of Officer Faulkner. I am innocent.

3. At my trial I was denied the right to defend myself. I had no confidence in my court-appointed attorney, who never even asked me what happened the night I was shot and the police officer was killed; and I was excluded from at least half of the trial.

4. Since I was denied all my rights at my trial I did not testify. I would not be used to make it look like I had a fair trial.

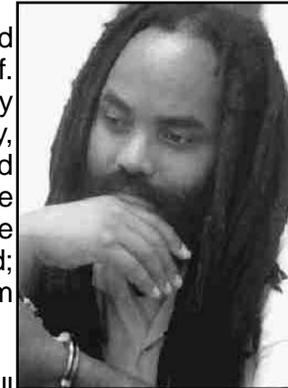
5. I did not testify in the post-conviction proceedings in 1995 on the advice of my attorney, Leonard Weinglass, who specifically told me not to testify.

6. Now for the first time I have been given an opportunity to tell what happened to me in the early morning hours of December 9, 1981. This is what happened:

7. As a cabbie I often chose 13th and Locust Street because it was a popular club area with a lot of foot traffic.

8. I worked out of United Cab on the night of 12/9/81.

9. I believe I had recently returned from dropping off a fare in West Philly.



10. I was filling out my log when I heard someone shouting.

11. I glanced over in my rear view mirror and saw a flashing dome light of a police cruiser. This was not unusual.

12. I continued to fill out my log/trip sheet when I heard what sounded like gun shots.

13. I looked again into my rear view mirror and saw people running up and down Locust.

14. As I scanned I recognized my brother standing in the street staggering and dizzy.

15. I immediately exited the cab and ran to his scream.

16. As I came across the street I saw a uniformed cop turn toward me with a gun in his hand, saw a flash and went down to my knees.

17. I closed my eyes and sat still trying to breathe.

18. The next thing that I remember I felt myself being kicked, hit and being brought out of a stupor.

19. When I opened my eyes, I saw cops all around me.

20. They were hollering and cursing, grabbing and pulling on me. I felt faint and was finding it hard to breath.

21. As I looked through this cop crowd all around me, I saw my brother, blood running down his neck and a cop lying on his back on the pavement.

22. I was pulled to my feet and then rammed into a telephone pole, was beaten where I fell, and thrown into a paddy wagon.

23. I think I slept until I heard the door open and a white cop in a white shirt came in cursing and hit me in the forehead.

24. I don't remember what he said much except a lot of words like black mother-fucker and what not.

25. I awoke to hear the driver speaking over the radio about his prisoner.

26. I was informed by the anonymous crackle on the radio that I was en route to the police administration building a few blocks away.

27. Then, it sounded like someone came on the radio band telling the driver to go to Jefferson Hospital.

28. Upon arrival I was thrown from the wagon to the ground and beaten.

29. I was beaten again at the doors of Jefferson.

30. Because of the blood in my lungs it was difficult to speak, and impossible to holler.

31. I never confessed to anything because I had nothing to confess to.

32. I never said I shot the policeman. I did not shoot the policeman.

33. I never said I hoped he died. I would never say something like that.

The above statement is true and correct and was executed by me on 2001, at Waynesburg, Pennsylvania. -(Signature)  
M u m i a A b u - J a m a l



Adopted 12/3/04

WHEREAS Mumia Abu-Jamal's 1982 trial in Philadelphia was characterized by illegal suppression of evidence, police coercion, illegal exclusion of Black jurors, and grotesquely unfair and unconstitutional rulings by the judge; and

WHEREAS the trial judge, Albert Sabo, has been quoted in a sworn statement to have vowed at the time of the trial to help the prosecution 'fry the nigger; and

WHEREAS subsequent appellate rulings have bent the law out of shape to sustain the guilty verdict of that trial; and

WHEREAS the appellate courts have also refused to consider strong evidence of Mumia Abu-Jamal's innocence, most notably a confession by Arnold Beverly to the crime; and

WHEREAS Mumia Abu-Jamal still is incarcerated on Death Row and still faces a death sentence; and

WHEREAS Mumia Abu-Jamal's case is now on appeal before the federal Third Circuit and the state court system; and

WHEREAS Mumia Abu-Jamal has for decades as a journalist fought courage ously against racism and for the human rights of all people; and

WHEREAS the continued unjust

incarceration of Mumia Abu-Jamal represents a threat to the civil rights of all people,

THEREFORE BE IT RESOLVED that the National Caucus of Black State Legislators demands that the courts consider the evidence of innocence of Mumia Abu-Jamal and that he be released from prison; and

THEREFORE BE IT FURTHER RESOLVED that the NCBSL demands that Pennsylvania Gov. Edward Rendell instruct his Attorney General to take over the case of Mumia Abu-Jamal from the Philadelphia County District Attorney's office and actually pursue justice; namely, go to court, make a legal confession of error, and stipulate that the conviction be vacated;



THEREFORE BE IT FURTHER RESOLVED that the NCBSL will communicate its views on this matter to Gov. Rendell, 225 Main Capitol Bldg., Harrisburg, PA 17120, and to the appropriate courts in consultation with the legal defense team of Mumia Abu-Jamal; and

THEREFORE BE IT FURTHER RESOLVED that the NCBSL will work with the legal defense team of Mumia Abu-Jamal to petition the courts to file any necessary friend of the court brief on behalf of Mumia Abu-Jamal.

In addition to the possible outcomes discussed above the Third Circuit could either order a new trial on all issues or send the case back to the Federal District Court to re-hear the issues where it had previously ruled without regard to Mumia's constitutional rights.

Close observers, including former Pennsylvania state prosecutors believe that a new trial for Mumia, where for the first time in 24 years he would be allowed to present the full range of evidence proving his innocence, could only result in his acquittal and freedom.

While Mumia has won a critical victory on this road, Pennsylvania officials are far from conceding any error. They remain focused on securing a third order for Mumia's execution. Mumia's freedom will be a product of both his legal efforts and a mass political movement exerting its will

and making the price of his execution and continued incarceration to high to pay.

Friend of the court or amicus curiae briefs are in preparation for Mumia by the NAACP's Legal Defense Fund on the Batson/jury selection issue and by the National Lawyers Guild on the issue of the constitutionally-flawed trial summation by state prosecutor, Joseph McGill.



On December 13, 2005, the state of CA murdered Stanley Tookie Williams

**12/6/05 Ruling - Keep your head up and Keep fighting!**

The December 6th decision by the 3rd Circuit Court of Appeals shows the power of this movement. For 24 years they have been trying to murder Mumia but have been stopped each time. People must not fall into their trap by thinking that the fight is over though. This decision must give us all encouragement and energy to keep fighting. This is ammunition to show people that clearly the courts have made mistakes. We cannot be lulled into believing that they intend to give Mumia justice. Just as Yohn's decision was used to divert people's attention and make people believe that Mumia was not in danger anymore, this

decision could be used in the same way.

Not long ago this government executed Frances Newton despite evidence of innocence. Just one week after the 3rd Circuit ruling Tookie Williams was executed in California despite evidence of innocence and a massive movement to save his life. The reality is that they can still throw the appeal out and set an execution date. The case is on the fast track which means that things will happen very quickly. Now more than ever is the time to fight, the time to organize. Mumia's life, our freedom depends on it!

**THE AFFIDAVIT OF BILLY COOK**

Billy Cook is Mumia Abu-Jamal's brother. He was at the scene before Mumia arrived and is the only witness who was inarguably there throughout the whole event. Police and the media often state that "Mumia's brother won't even say that he is innocent". This is completely untrue. Billy attended Mumia's trial, after seeing the blatant injustice in Sabo's courtroom he stood up and stated that the trial was a railroad. He was given contempt of court and thrown in jail.

I, William Cook, declare:

1. If called to testify as a witness in this matter I would competently testify to the following from my own personal knowledge:
2. On the night of December 9, 1981 I was with my partner Kenneth Freeman, my friend from childhood.
3. Mumia had stopped by at my stand that night. He would do that periodically. Mumia had been robbed about a week before.
4. I left my gun locked up at my stand that night, but Poppi always carried his gun. It was a 38.
5. I probably was wearing a black knit cap, I had dreds and always tucked them in.
6. We had closed up late at night.
7. Kenny (Poppi) and I had hit a few bars. We were just unwinding. We used to do that all the time after we closed up the vending stand for the night.
8. We were headed along Locust.
9. Poppi had got some beer and gotten back in the car.



10. At Locust at about Juniper I saw flashing lights of a police car. He followed me for about a half a block and I pulled over behind another car in the first empty spot on the south side of Locust.

11. I had wooden bumpers on my car and they were supposed to be metal. I had been stopped for that but he never said anything about that or gave any reason to have stopped me. I never hit him.

12. I had never seen him before. I knew the cops that worked in the district where my stand

was. Locust and 13th is an adjacent district but I didn't ever see him before.

13. I got out my car. Poppi stayed in the car in the passenger seat. I let him (the cop) know I was not happy. 14. After that we went back and forth verbal confrontation. He pulls out a stick or some kind of object and slaps me in the head three times. By that time he had me on the side of the car, I started bleeding profusely. So I go back to my car to get my paperwork.

15. I never raised my hand to the policeman. I may have gone to block him when he was hitting me. That's all. I am not that stupid. I never hit a cop. He hit me with a flashlight and I was bleeding but then he let me go back in my car.

16. After that I got in the car. I was in the front seat looking in the back seat.

17. There were people on the street, There always were in that area. The bars were supposed to close by two o'clock but the clubs stayed open later. Some until 5 o'clock, They served drinks anyway.

18. I can't say I recall where other people were and I can't describe where anyone was, but there were people milling about. I never saw a taxi that they later claimed was there. I don't really know how many people were on the street. But there were always people out there it didn't matter what time. It could be five in the morning and there would be people.

19. When I heard the first shot I was in the drivers seat facing toward the back of the car looking for something in the back seat to give to the cop like an owners card. I am not the organized type and I didn't keep papers in the glove compartment. The back seat had a lot papers and things from the stand, teddy bears, stuffed animals. We sold all that kind of stuff. Like special stuff for the holidays like on Valentine's day we'd have Valentines and we sold novelty items and artificial flowers.

20. When I had gotten in my car Faulkner was in front of the car by the hood where he had stopped me and frisked me. When I was in the car looking in the back, I heard gun shots and saw sparks but I didn't see him shot. I saw flashes of a gun out of the side of my eye. He was standing in front of the car but I didn't see him

shot. I was facing the back of the car.

21. Out of my peripheral vision I knew, I could feel other people around but I can't say where they were. His car was behind mine and the policeman was standing on the street between my car and whatever car was parked in front of me.

22. When I first saw my brother, he was running. He was feet away from me. We hadn't made any plans to meet that night or anything like that and I didn't even realize that he came around that area there to pick up fares. He had nothing in his hands. I heard a shot and I saw him stumble. I didn't see who shot him. He was stumbling forward.

23. It is strange people told me later everything happened in a few seconds but I could never see it that way. It seemed like everything was happening at once, but it took a long time. I have tried over the years but I can't see it as a few seconds. It seems to me as if it was 45 seconds not three.

24. When I was looking in the back seat Poppi was still there and then I looked and Poppi's door was open. He had been in the passenger seat and I don't know which way he had gone. He left the area right after this happened.

25. Later Poppi talked about a plan to kill Faulkner. He told me that he was armed on that night and participated in the shooting. He was connected and knew all kinds of people. I used to ask him about it but he talked but never said much. He wasn't a talker. I didn't see Poppi for a while after that.

26. Poppi had been in Germany in the army, That night he was wearing his green army jacket. You know just a regulation army jacket. The jacket he always wore, He had been discharged. I don't know for what.

of the court proceedings in his own trial and the racist exclusion of an already selected Black juror from the jury panel.

The Third Circuit also allowed the State of Pennsylvania to challenge a Federal District Court decision that had previously ordered the State to hold a new sentencing hearing based on the constitutionally flawed jury instructions issued by Judge Sabo. Sabo improperly told the jurors, during the sentencing phase of Mumia's 1982 trial, that if they were to decide to find mitigating circumstances sufficient to impose a life sentence rather than execution, they would have to be unanimous.

The Federal District Court ruled that unanimity had never been required. It ordered the State of Pennsylvania to hold a new sentencing hearing, in effect a new trial, within 180 days and with the proper jury instructions.

If the state failed to do so Yohn asserted that he would impose a life sentence on Mumia in place of the jury's execution verdict.

The Dec. 6 Third Circuit granted the State of Pennsylvania a certificate of appealability on this matter, an ominous ruling to say the least.

While legal analysts doubt that Pennsylvania prosecutors will be successful in pursuing this "victory" for reaction, if they are, and if Mumia loses on the remaining three issues where he was granted review, he will once again be subject to an order for his execution by lethal injection. But Robert R. Bryan, backed by several precedents on this point, seriously doubts that Pennsylvania prosecutors can succeed in their effort to uphold Judge Sabo's flawed jury instructions.

Assuming Bryan is correct and the State of Pennsylvania fails in this matter, the result must be either a decision by state prosecutors to drop the matter of Mumia's execution entirely and abide by Yohn's decision to change the verdict from execution to life imprisonment, or, in the alternative, the state can impanel an entirely new jury and retry the entire case. In this eventuality, however, the jury's verdict would be restricted to two options only, execution or life imprisonment. A verdict of innocence would be excluded from consideration.

Even here, however, the defense's ability to bring in evidence of innocence during a potential second trial might well result, according to Bryan, in new proceedings that could lead to Mumia's freedom.

From the realm of speculation in regard to the State of Pennsylvania's slim chance of prevailing in their effort to uphold Judge Sabo's flawed instructions to the jury, we now proceed to consideration of more probably outcomes. Bryan asserts with confidence that "The Third Circuit decision opens the door to a new trial and freedom for my client."

The case is now on the legal fast track. The next several months will see defense and prosecution attorneys meeting stringent deadlines for a series of briefs and counter briefs. The first deadline, January 17, has been imposed on the State of Pennsylvania to present its opening brief.

Barring the granting of extensions, thirty days later the opening brief for the defense is to follow. These will be followed by a series of rebuttals. The 10-person court will then issue a decision or first set a date for a hearing and oral arguments.

appealability," the prerequisite for having one's appeal issues heard by the next level of the federal judiciary - in this case, the U.S. Court of Appeals of the Third Circuit.

With the AEDPA the presumption of innocence standard was replaced by a requirement that federal judges were henceforth required to grant a "presumption of correctness" to the findings of state courts. This reversal of the burden of proof has now been itself reversed, or at least in part.

The AEDPA was passed by Congress in the aftermath of the Oklahoma City bombing, when Democrats sought to grant law enforcement agencies greater leeway to circumvent constitutional or due process protection in the name of fighting terrorism. This goal dovetailed with the Republican's effort to make state court convictions in capital cases "effective." The result was the AEDPA, two laws combined, both reactionary.

The "effective death penalty" portion of the Act was incorporated to essentially eliminate the right to appeal to higher courts. This was because prior to the AEDPA some 40 percent of state court convictions in capital cases were reversed on appeal to the federal courts, largely, according to studies on the subject, because of police misconduct, racism, intimidation of witnesses, falsification of evidence and ineffective assistance of counsel.

In essence, the AEDPA junked the presumptions of reasonable doubt and innocence and essentially required defendants to virtually prove their innocence rather than simply presenting evidence of reasonable doubt in order to qualify for the right to appeal.

Judge Yohn gave Mumia a certificate of appealability with regard to just one of the 29 points argued in his habeas brief -- the Batson issue, or the application of the U.S. Supreme Court's decision in the case of *Batson v. Kentucky* that banned preemptive exclusions of Blacks from juries without stating a specific non-race-based reason for each exclusion.

Judge Yohn did not agree with and in fact rejected the defense's arguments with regard to Mumia's Batson claim. But he did grant Mumia the right to appeal his view. Citing the AEDPA, he denied this right with regard to the remaining 27 claims presented in Mumia's habeas corpus, or appeal brief.

Since Yohn decided Mumia's case, however, the U.S. Supreme Court has at least in part overturned the near-insurmountable "presumption of correctness" standard established by the AEDPA. The court essentially substituted something more akin to the previous standard. This important modification of the AEDPA was a product of the court's decision in the case of *Miller El v. Cockrell*, decided in 2003.

While the Third Circuit's rationale for its reversal of Yohn and the resulting granting of the two new certificates of appealability have yet to be published, it is likely that the court relied on *Miller El*. Mumia's appeal to the Third Circuit, authored by Robert R. Bryan, indeed cited *Miller El* several times.

The Third Circuit's decision was not entirely positive. It denied Mumia certificates of appealability with regard to four other important points raised by the defense, including the right to self-representation, the exclusion of Mumia from a majority

27. I got out. I wanted to run maybe I could have gotten away. I even started to run. I did. But I couldn't run because of my brother. Not after I saw my brother down on the ground.

28. I spoke to him. I told him, "I'm here for you." I don't remember his answering, but I remember his groan.

29. I saw a gun on the street. It was in the gutter. I kicked it under my car. Before the cops came.

30. If they asked me something, I don't remember. I didn't answer them anything. I sure don't remember them reading me my rights. I knew Shoemaker. He used to stop by my stand and sit there and smoke weed. His wife used to come to my stand with him.

31. I think they took me away before they took Mumia or the cop. I remember them pushing me. But I can't remember whether I was in a paddy wagon or a squad car or whether I was sitting up or not. My mind was just not to talk.

32. When they had me in the police station they threatened to kill me and throw me in the river.

33. I have been afraid for my life since that night. I have been afraid to tell anything about what happened. Wouldn't you be?

34. They took me in a room. There were two officers black and white. I was saying things to give them something to chew on.

35. I finally came to my senses. I didn't like the whole idea of making a statement. They wanted me to sign a statement but I just wouldn't do it, I told them I wanted to see my lawyer. I didn't like it. So I just wouldn't sign.

36. I think I was in jail a day or two then they let me out on bail.

37. I had been living in center city, but I couldn't stay there after it happened, I got help and moved out of my

apartment in the middle of the night. And moved back in with my Mother.

38. I remember Jackson coming to my house several times. My Mother and sister were there. I don't remember him ever interviewing me. I just remember him trying to calm us.

39. I don't remember meeting with him anywhere else except at my Mother's house. He never asked me to testify. Alva advised me not to testify. My lawyer implied to me that if I came to court I would also be charged with murder. I had to pay him \$1,000.

40. Alva was Freeman's lawyer too  
41. If they (Jackson) had said they wanted me to testify I would have done it but they never did.

42. At PCRA, I was expecting to testify. Leonard and Rachel were giving me cross signals, Rachel wanted me to testify but Leonard didn't. So I didn't testify. In 1999 I was asked to testify again and I said I would.

43. I will testify now.

44. Mumia was not holding a gun. Mumia never intervned in anything between me and the cop.

45. I had nothing to do with the shooting or killing of the police officer. My brother Mumia Abu-Jamal, had nothing do with shooting or killing the policeman.

I declare under penalty of perjury, under the laws of the State of Pennsylvania and the laws of the United States of America, that the above is true and correct and was executed by me on 4-29-01 at Philadelphia, Pennsylvania.

W I L L I A M C O O K

“Based on its review of the trial transcript and other original documents, Amnesty International has determined that numerous aspects of this case clearly failed to meet minimum standards safeguarding the fairness of legal proceedings. Amnesty International therefore believes that the interests of justice would best be served by the granting of a new trial to Mumia Abu-Jamal. The trial should fully comply with international standards of justice and should not allow for reimposition of the death penalty. The organization is also recommending that the retrial take place in a neutral venue, where the case has not polarized the public as it has in Philadelphia. Finally, the authorities should permit prominent jurists from outside the USA to observe the proceedings, to insure that the retrial complies in all respects with universally-recognized human rights safeguards.”

- *"The Case of Mumia Abu Jamal - A Life in the Balance" a report by Amnesty International*

**THE CONFESSION OF ARNOLD BEVERLY**

The following is another man's confession to the murder of police officer Daniel Faulkner, which is backed by two lie detector tests administered by Dr. Charles Hontz, one of the leading polygraph experts in the country. Beverly's testimony also corroborates with much evidence previously presented as well as some that at the time was in closed court files. The affidavit of Mumia's former Attorney Rachel Wolkenstein goes into amazing detail in backing up Beverly's testimony and documents how the police assassinations like Beverly speaks of were not uncommon. (to read go to <http://www.icl-fi.org/english/csdn/oldsite/aff.htm>)

Both the Federal and State courts have thrown out Beverly's confession without even allowing him to come in to court and testify. No matter whether you believe what this man is saying or not when you are dealing with a capital murder case all evidence must be reviewed. The courts decision to not allow this evidence shows how unfairly Mumia has been treated. These are the same courts that allowed the prosecution to present a blatantly falsified "confession" of Mumia in 1982 but will not allow a man to testify who has passed two lie detector tests.

I, ARNOLD R. BEVERLY, state that the following facts are true and correct:

I was present when police officer Daniel Faulkner was shot and killed in the early morning hours of December 9, 1981 near the corner of Locust and 13th Streets. I have personal knowledge that Mumia Abu-Jamal did not shoot police officer Faulkner.

I was hired, along with another guy, and paid to shoot and kill Faulkner. I had heard that Faulkner was a problem for the mob and corrupt policemen because he interfered with the graft and payoffs made to allow illegal activity including prostitution, gambling, drugs without prosecution in the center city area.

**"They just don't want my death, they want my silence."**

**- M u m i a A b u - J a m a l**

**MUMIA ABU-JAMAL WINS IMPORTANT COURT VICTORY**

**12/05 LEGAL UPDATE**

By Jeff Mackler

The Dec. 6 ruling of the U.S. Court of Appeals of the Third Circuit reversing two critical Federal District Court decisions in the case of innocent death row political prisoner and award-winning journalist Mumia Abu-Jamal opens the door wider than ever for a new trial and Mumia's eventual freedom.

Joseph McGill, who told the jury, "If you find the Defendant guilty of course, there would be appeal after appeal and perhaps there could be a reversal of the case, or whatever, so that may not be final."

Mumia's lead attorney, Robert R. Bryan of San Francisco, told this writer that McGill's summation had

The court's ruling was a major blow to the Pennsylvania legal establishment, which has sought to publicly minimize the political damage it has suffered. The decision also registers a blow to reactionary provisions of the 1996 Anti-terrorism and Effective Penalty Act that was designed to eliminate constitutional protections in the name of efficiency in implementing state court death penalty decisions.



Thomas Miller-EI, an innocent man on death row in Texas

the effect of qualitatively lowering the historic burden of proof regarding reasonable doubt and presumption of innocence. Virtually the same remarks by Pennsylvania prosecutors in other cases have resulted in new trials.

The Third Circuit's decision is especially remarkable since, under

the provisions of the reactionary 1996 Anti-terrorism and Effective Death Penalty Act (AEDPA), the court had no obligation to even consider defense challenges to the Federal District Court's denial of certificates of appealability.

The Third Circuit granted "certificates of appealability" to Jamal to challenge defense alleged race and judicial bias in the 1995 Post Conviction Relief Action proceedings that were overseen by Mumia's original 1982 trial court "hanging" judge, Albert Sabo. Sabo went to extreme lengths to keep evidence of innocence out of the court record.

When Federal District Court Judge William H. Yohn Jr. ruled against Mumia four years ago with regard to some 27 of the 29 points that the defense raised in its original habeas brief he cited in almost every instance the strict provisions of the AEDPA. This Clinton-signed law qualitatively raised the standard required to secure a "certificate of

The court also allowed Mumia to challenge the 1982 trial summation remarks of the state's lead prosecutor,

Daily News, based on information obtained from Maureen Faulkner.

When Street served as a Philadelphia city councilman he often stated that Mumia had not received a fair trial. During last summer's NAACP national convention in Philadelphia, Street's administrative assistant, Connie Little, helped draft a strong resolution supporting Mumia's fight for a new trial. The resolution was approved by a near-unanimous vote of the delegates. Street's reversal came following the Feb. 10 visit to Philadelphia of a French delegation representing the cities of Paris and St. Denis.

The Paris city government had previously granted Mumia honorary citizenship. Neighboring St. Denis announced that the street leading to France's largest sports stadium, named after Nelson Mandela and set to host the 2008 Olympics, was to be renamed Mumia Abu-Jamal Street. The joint delegation had come to Philadelphia to protest the cancellation of a hearing ordered by Judge Dembe, where the Terri Maurer Carter evidence was to be considered.

Philadelphia officials welcomed the French delegation and presented them with a miniature replica of the Liberty Bell. Their effort evoked rage from the city's dailies, which attacked the delegation as "communists" and

demanding that the mayor repudiate the gift. Street ran for cover, apparently capitulating to the media pressure, while the media played up Faulkner's report that Street had said Mumia was justly sentenced.

Street, a preeminent equivocator and political opportunist, may well shift again with the prevailing winds. In the meantime, Mumia's defenders have held his feet to the fire, demanding that he make good on his original pledge to support a new trial.

While Mumia's appeals, in various stages, slowly move through the state and federal courts, the state of Pennsylvania continues to seek his execution.

Should the U.S. Court of Appeals rule in favor of the state appeal of an earlier decision ordering Mumia to be sentenced to life imprisonment as opposed to execution, Mumia's life will again

be in immediate danger, as a third order for his execution will likely be drawn up by Gov. Ed Rendell.

While all legal avenues are being exhausted to win Mumia's freedom, his supporters have always believed that his life rests in the movement's capacity to make the political price of his execution and continued incarceration too high to pay. Mumia has remained alive only due to the international movement that has stayed the hand of his would-be executioners.



Former BPP political prisoner, Geronimo Ji-Jaga Pratt released on innocence in '97 after 27 yrs!

**The odds of receiving a death sentence in Philadelphia are 38% higher in cases in which the defendant is black.**

-"The Death Penalty in Black and White," Death Penalty Information Center, 1998

**In a Philadelphia study, the fact that a defendant was black was considered to be the third strongest aggravating factor when determining a death sentence**

Faulkner was shot in the back and then in the face before Jamal came on the scene. Jamal had nothing to do with the shooting.

Before the shooting, I was shown a picture of Faulkner and told that Faulkner was supposed to check something at Johnny D's (at 13th and Locust) sometime in the early morning hours of December 9.

Two of us were hired for the shooting so that either of us could take the opportunity to make the hit, get the job done, and leave. The other guy gave me a .38 caliber policeman's special and I was also carrying my own .22 caliber revolver.

I waited at the speedline entrance at the north east of corner of Locust and 13th at the parking lot, I was wearing a green (camouflage) army jacket. The other guy waited on the south side of Locust Street east of 13th Street towards Camac Street.

While I was waiting at the speedline entrance for Faulkner to arrive at the location, I saw police officers in the area. Two undercover policemen were standing on the west side of 13th north of Locust. Also a uniformed police officer was sitting in a car in the corner of the parking lot. They were there while the shooting of Faulkner took place. I was not worried about the police being there since I believed that since I was hired by the mob to shoot and kill

Faulkner, any police Officers on the scene would be there to help me.

After a while I saw Faulkner get out of a small police car parked behind a VW parked on Locust Street, east of 13th St. Faulkner was alone. He got out of the police car and went up to the VW.

I heard a shot ring out coming from east on Locust Street, Faulkner fell on his knee on the sidewalk next to the VW. I heard another shot and it must have grazed my left shoulder. I felt



Arnold Beverly

something hard on my left shoulder. I grabbed at my shoulder and got blood on my hand.

I ran across Locust Street and stood over Faulkner, who had fallen backwards on the sidewalk, I shot Faulkner in the face at close range. Jamal was shot shortly after that by a uniformed police officer who arrived on the scene.

Cop cars came from all directions. Foot patrol also arrived. I saw a white shirt getting out of a car in the middle of the 13th & Locust intersection just as I was going down to the speedline steps.

I left the area underground through the speedline system and by pre-arrangement met a police officer who assisted me when I exited the speedline underground about three blocks away. A car was waiting for me and I left the center city area.

ARNOLD BEVERLY

**THE AFFIDAVIT OF YVETTE WILLIAMS**

The following affidavit by Yvette Williams even further discredits the lead prosecution witness against Mumia, a prostitute named Cynthia White. White is the only "witness" who claims to have seen Mumia run across the street with a gun. However not one other witness even saw her at the scene. White gave a completely contradictory account of the same events from December 9th at Mumia's brothers trial which proves that she lied under oath. Another former prostitute named Veronica Jones came forward and testified that she had been threatened and coerced by police to lie against Mumia and that she knew that they had done the same to Cynthia White. Without White's falsified testimony against Mumia it is highly unlikely he would have been convicted.

1. If called as a witness in this case I would truthfully and accurately testify to the following from my own personal knowledge.

2. 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. She said she knew Mumia from seeing him drive a cab.

3. I was in jail with Cynthia White and knew she was a prostitute in Center City Philadelphia around 13th Street. She used a lot of different names besides "Cynthia White" one of them was "Lucky" which is what I called her. She liked to wear a lot of different wigs. The word on the street was that she was a snitch for the police. Cynthia and I met due to being in jail for not wanting to testify in homicides.

4. In December of 1981, Lucky (Cynthia White) was locked up in "PC" (protective custody) in the "hole" for women, "G" Rear. I was in jail because the cops thought that I knew something about a homicide - I didn't - but they wanted to get information out of me.

5. Our cells were directly across from each other. Sometimes the inmates would use me as a "runner" passing contraband between inmates in the

hole and inmates in population, and I would stop and talk with Lucky when I went to her cell. I had been involved in violent crime and was interested in what prostitution was all about so I was asking Lucky about it, considering it as an occupation. She was nervous and frightened and glad to have someone to talk to. She was always crying and sad. She told me she was scared for her life. I asked her, "Scared of who?" she stated, "The guards and vice."

6. When Lucky told me she didn't even see who shot Officer Faulkner, I asked her why she was "lying on that man" (Mumia Abu-Jamal). She told me it was because the police and vice threatened her life. Additionally, the police were giving her money for tricks. The way she talked, we were talking "G's" (\$1,000.00). She also said she was terrified of what the police would do to her if she didn't say that Mumia shot Officer Faulkner. According to Lucky, the police told her they would consolidate all her cases and send her "up" (Muncy), a women's prison, for a long time if she didn't testify to what they told her to say. Lucky told me she had a lot of open cases and out-of-state warrants and was scared of going to Muncy. She was scared that her pimp "would get pissed off" at all the money he was losing when she was locked up, and off the street. She was afraid that when she got out he would beat her up or kill her.

appeal rights or habeas corpus by applying a standard of proof of innocence that was virtually impossible to meet. This Clinton-era legislation was designed to limit federal appeals in capital cases.

The AEDPA was employed by Judge William H. Yohn Jr. in Mumia's Federal District Court appeal to deny virtually all of the 29 constitutional and factual issues that Mumia raised in his defense.

The two Miller-El decisions bode well for Mumia's current appeal, currently pending before the U.S. Court of Appeals, Third Circuit. Mumia's 1982 Philadelphia trial, conducted by the "hanging judge" Albert Sabo, included the prosecution's use of preemptive challenges to eliminate 11 of 14 potential black jurors.

As with Thomas Miller-El's trial in Texas, the state of Pennsylvania had employed an overtly racist training manual, in video form, instructing prosecutors on how to remove black jurors. The U.S. Supreme Court overturned Miller-El's death sentence and ordered the state of Texas to either immediately release him or to conduct a new trial.

Mumia's lead counsel, Robert R. Bryan, told Socialist Action that the Supreme Court's June 13 decision applied directly to Mumia.

Also, the Miller-El v. Cockrell decision may lead to the reversal of Judge Yohn's refusal to grant "certificates of appealability" to Mumia in regard to several of the 29 points in Mumia's original federal appeal, where the impossible AEDPA standards, now defunct, were applied with impunity.

**City judge rules against Mumia**

In a separate development, Philadelphia Court of Common Pleas Judge Pamela Dembe on June 16 finalized her decision to exclude evidence of Mumia's innocence from the record. Dembe refused to consider

the affidavits submitted on behalf of Mumia by Yvette William and Kenneth Pate.

Williams had affirmed that the prosecution's chief eyewitness against Mumia, Cynthia White, lied on the witness stand. While both were incarcerated in the same prison, White admitted to Williams that Philadelphia police had forced her to testify that she saw Mumia shoot and kill Police Officer Daniel Faulkner, when in fact White had not been on the murder scene.

White, who had some 26 outstanding charges of prostitution and check fraud against her, was threatened with indefinite imprisonment unless she cooperated with the prosecution.

Kenneth Pate's step-sister, Priscilla Durham, a hospital security guard, testified at Mumia's trial that she had heard Mumia confess to Faulkner's murder while Mumia was in Jefferson Hospital. Pate states that Durham told him that she lied under police pressure. Judge Dembe, appointed as Sabo's successor upon his death in 2001, has consistently rejected defense evidence exposing Mumia's frame-up.

**Mayor Street reverses himself again**

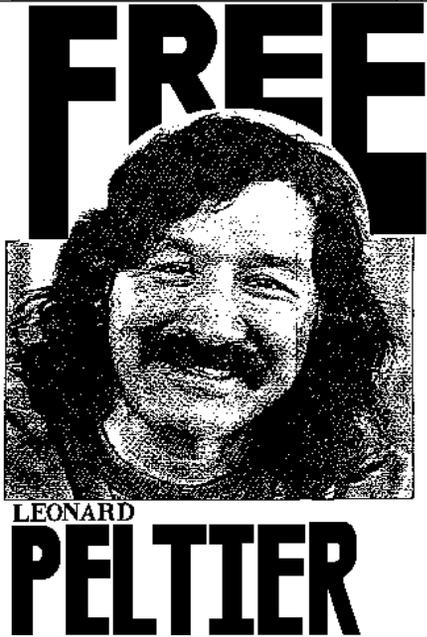
In a June 20 meeting with Pam Africa, leader of the International Concerned Family and Friends of Mumia Abu-Jamal, Philadelphia Mayor John Street denied having stated on Feb. 16 in a phone conversation with the slain policeman's wife, Maureen Faulkner, that "Mumia murdered Daniel Faulkner and he was in prison where he belonged."

Several Mumia supporters accompanied Africa at this meeting, including MOVE leader Ramona Africa and Ossining, N.Y., NAACP leader Sadiq Sundiata. Despite Street's denial, however, he rejected Africa's request to publicly reaffirm his position supporting a new trial for Mumia.

Street's alleged Feb. 16 statement was originally reported in the Philadelphia Inquirer and the Philadelphia

Minister Farrakhan, Mos Def, John Street, Chaka Fattah, Julian Bond and the NAACP leadership, Danny Glover, Ed Asner---we need you here! You who are sitting down reading this on your computer, hearing this on the radio---we need you! There is only one thing that can stop them from murdering Mumia and that is you! The death warrant is about to be signed; they are putting the poison in the needle. Not only are they trying to kill Mumia, they are murdering your freedom. What will you do?

TO QUOTE **JOHN AFRICA**, QUOTE:  
 "A JUST PERSON WILL IGNORE HIS PRIDE WHEN HE HEARS WHAT IS RIGHT, AN UNJUST PERSON WILL IGNORE WHAT IS RIGHT AND HOLD FAST TO HIS GODDAMN PRIDE."  
 - END QUOTE  
LONG LIVE JOHN AFRICA!!!



**"A rare and courageous voice speaking from a place we fear to know"**  
**"He is innocent!"**  
**- Alice Walker,**  
**author of "the Color Purple" referring to Mumia**

**MUMIA WINS & LOSES IN THE COURTS**  
*by Jeff Mackler / July 2005 issue of Socialist Action newspaper*

The June 13 decision of the U.S. Supreme Court in the case of Thomas Miller-El v. Dretke, Director, Texas Department of Criminal Justice opens the door wide for a new trial for journalist, and innocent political prisoner Mumia Abu-Jamal. Jamal has been on Pennsylvania's death row for 23 years as a result of a 1982 Philadelphia racist frame-up trial.

The Supreme Court ruled that the preemptive striking by Texas prosecutors of 10 of 11 black jurors violated Miller-

El's constitutional right of equal protection. Miller-El was convicted of murder in a 1985 Dallas County, Texas, trial. At the time Texas prosecutors used state - produced training manuals with explicit instructions as to how to exclude blacks and Jews from capital juries.

In an earlier and related case, Miller-El v. Cockrell, the U.S. Supreme Court overturned a provision of the reactionary 1996 Anti-terrorism and Effective Death Penalty Act (AEDPA) that essentially eliminate

7. Lucky was worried the police would kill her if she didn't say what they wanted. She was scared of what the MOVE people would do to her after she testified against Mumia, but MOVE never threatened Lucky while incarcerated. She was scared when she told me all of this plus she was crying and shaking. 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.

8. Lucky told me that what really happened that night was that she was "on the stroll" (looking for and serving customers) in the area of 13th and Locust when Officer Faulkner got shot, but she definitely did not see who did it. She also told me that she had a drug habit and was high on drugs when it happened. She tried to run away after the shooting, but the cops grabbed her and wouldn't let her go. They took her in the car first and told her that she saw Mumia shoot Officer Faulkner.

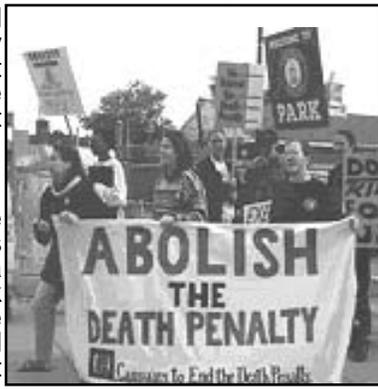
9. While Lucky and I were locked up in the "hole", the detectives would come to the jail a lot and get her out to talk to her. When she came back she always had things they wouldn't let us have in there, like El's cigarettes and candy and even hoagies, syringes and white powders. They would let her out for two (2) hours recreation time during times the women's jail was on lock down for count.

10. 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. They can hurt you and get away with it. I know, I've been trouble with the law

and they know me. I'm still afraid of what they could do, but when Mr. Jamal's case was on TV and in "The Daily News," in the middle of December of last year, I couldn't get it out of my mind, I kept thinking that man could die because of all the lies that Lucky told on that witness stand and Mrs. Faulkner would never know the truth.

11. I read in the papers that Mr. Jamal's lawyer was in California, but I didn't have long distance service. When I saw that Mr. Jamal had a lawyer in Philadelphia named J. Michael Farrell, I looked him up in the phone book yellow pages and called his office on December 18 or 19, 2001. I talked to one of Mr. Farrell's assistants and told him I had information about how Cynthia White lied at Mumia's trial. He took my number and told me someone would call me back.

12. Two or three days later, I got a call from Mr. Mike Newman, who told me he was a private investigator for Mumia Abu-Jamal's attorneys. I gave him the same basic information that is in this declaration. He called me back a couple of times with more questions, asking for more details.



13. Before calling attorney Farrell's office on December 18 or 19, 2001, I never had any contact of any kind with any of Mumia Abu-Jamal's attorneys, past or present. Before talking to Mr. Newman, as explained above, I never had any contact with any of the investigators, assistants or other agents of Mumia Abu-Jamal's attorneys. I do not know Mr. Mumia Abu-Jamal. I never met him, spoke to him, or had any contact with him.

14. I have carefully read this declaration before signing it to be sure that it is truthful and accurate.

YVETTE WILLIAMS

**"We must come together as a family in the spirit of my father, who said 'the arc of the universe is long, but it is bent towards justice' and never give up until we save the life of our brother Mumia Abu-Jamal."**

**- Martin Luther King III**

**THE AFFIDAVIT OF KENNETH PATE**

Kenneth Pate's affidavit further discredits the prosecutions bogus tale of Mumia confessing. Pate is the half-brother of a security guard who was pulled into the "confession" hoax. Officers did not come forward with this "confession" until nearly two months after it supposedly occurred after stating on that night that "the negro male made no comments." It is hard to believe that such poorly fabricated "evidence" was allowed in court. It was one of the key pieces used to convict Mumia.

1. I am related to Priscilla Durham, now known as Priscilla Ahmed, through marriage: My father, Perry Abner, married Priscilla's mother, Dolores Durham, about 20-25 years ago.

2. Sometime around the end of 1983 or the beginning of 1984 I had a telephone conversation with Priscilla Durham in which the subject of Mumia Abu-Jamal came up.

3. I asked Priscilla how she was and she asked me how I was. I was kind of teasing her about her job as a security guard at the hospital, saying "why would a woman need to carry a big old gun like that?"

4. Priscilla began to complain about the way she was treated on the job, about her back hurting, and them "treating her like that" after all she did for them they laid her off.

5. Then Priscilla started talking about Mumia Abu-Jamal. She said that when the police brought him in that night she was working at the hospital. Mumia

was all bloody and the police were interfering with his treatment, saying "let him die."

6. Priscilla said that the police told her that she was part of the "brotherhood" of police since she was a security guard and that she had to stick with them and say that she heard Mumia say that he killed the police officer, when they brought Mumia in on a stretcher.

7. I asked Priscilla: "Did you hear him say that?" Priscilla said: "All I heard him say was: 'Get off me, get off me, they're trying to kill me.'"

8. Priscilla also said there was a lot of chaos and confusion going on when the police brought Mumia in and when they were talking to her.

9. I am presently imprisoned at SCI Greene where I have been for about 3 years. At the time of my telephone conversation with Priscilla Durham, described above, I was imprisoned at SCI Graterford.



Actually, he had affidavits from Arnold Beverly, Billy Cook, Mumia Abu-Jamal, Linn Washington, and FBI confidential source, Donald Hersing, before him which all pointed strongly towards innocence.) He said that he was overturning the sentencing so that Mumia would have life in prison with no possibility of parole. If either side appealed within 90 days then that matter would have to be settled in the third circuit court of appeals. Mumia appealed because he is innocent, and life in prison is still a death sentence. The prosecution appealed because they are bloodthirsty.

The media blew up this decision and misled millions into believing that Mumia was off death row and even out of prison. In reality, Mumia never, at any point, left his death row cell at SCI-

Greene. This trick was used in order to mislead and confuse people; to try to take the urgency out of the fight to free Mumia Abu-Jamal, end the death penalty, and get all of our political prisoners out of these hell holes.

While people were confused by Yohn's ruling, Judge Dembe continued to hammer nails into Mumia's coffin and her most recent denial of evidence of innocence is the last one that she needs to put in. All the while this government has continued to terrorize those who support Mumia. Look at the examples of Narberth, PA, politician, Angus Love, being intimidated into backing away from his position. The Ossining chapter of the NAACP, who pushed for the national NAACP resolution for justice for Mumia, is now being singled out and harassed. At one point Philadelphia Mayor John Street

publicly stated that Mumia had not received justice and even suggested that the matter be taken to the NAACP. This past year, one of his representatives met (due to his orders) with a French delegation for Mumia and gave them awards. Street was attacked in the media. Maureen Faulkner said that Mayor Street had apologized to her and said that Mumia is guilty. Street refused to stand up and correct this statement. He was intimidated and poli-tricked into shutting up. That is how serious this is. But we will never back down. This is life or death here.

Dembe just threw out Mumia's last opportunity to have evidence of innocence heard in court EVER (other than winning that opportunity in Federal Appeal)! She handed down her decision on Friday the 27th of May but kept it a secret. It was not



put out in the papers, as it always has been when a decision is made, and no one in the Movement found out about it until June 2nd. With this decision the path towards death is set and the Judges can just keep rubber-stamping it all the way until that murderer Ed Rendell happily stamps his signature on the death warrant. Even before Rendell got into office he said that he was looking forward to killing Mumia.

All of those who have stood for Mumia in the past, you are needed now! The late, great Ossie Davis never turned his back on Mumia and always stated that our generation's moral obligation is to ensure justice for Mumia Abu-Jamal. Martin Luther King III stated that "all those with the power to intervene do so now in the name of justice" ---we need you now! Jesse Jackson, Dick Gregory, Chuck D,

Word spread across the globe and hundreds were organizing to be in Philadelphia for the hearing. Only days before the 17th, Judge Dembe barred Mumia from being present at his own hearing, but this did not stop the support; it intensified it. On August 17th the streets around the Criminal Justice Center were packed with those standing up for Mumia. The late great Ossie Davis, Sonia Sanchez, Dick Gregory, Jesse Jackson, a prestigious delegation

of French officials, students and activists and hundreds from around the world were present. Judge Dembe refused to make a ruling on that day stating that she did not want to make a ruling with so many Mumia supporters there without having more police (even though there had been no problems) but that she would reschedule another hearing. No other hearing was scheduled. On

November 21st, 2001, Judge Dembe denied Mumia's appeal. It was at this point, and no sooner, that the International Concerned Family and Friends of Mumia Abu-Jamal began to target and expose her for the unjust Judge that she is. Judge Dembe was given plenty of opportunities to do justice but only proved how unjust she is. It has always been our position to expose that injustice. We of the International Concerned Family and Friends of Mumia Abu-Jamal will never betray Mumia by neglecting to expose those who deny him justice.

Judge Dembe threw out the videotaped confession of Arnold Beverly, a man who swears that he, not Mumia,

killed Officer Faulkner. She threw this out not because it was not credible but because she claims that it was not filed in a timely manner. She threw out the affidavit of Mumia's former attorney, Rachel Wolkenstein, which backed up Beverly's confession and showed that the murder of Faulkner was part of a much bigger conspiracy to cover up the murders of many other police officers due to mob related activities. The affidavit of court stenographer Terri -



Ramona Africa, Minister of Communication of MOVE. Sole adult survivor of the May 13, 1985 police bombing of MOVE.

Maurer Carter who heard Judge Sabo say "Yeah, and I'm gonna help 'em fry the nigger" was thrown out. Dembe stated that even if Sabo did make such a racist remark in the middle of the trial that it does not prove that he acted as a racist or prejudiced towards Mumia during the trial. This argument is an insult to anyone's intelligence. Even conservative Senator Specter stated in 1995 that Sabo's courtroom conduct towards Mumia was so bad that it would sabotage Sabo's credibility.

That December 8th there was a demonstration for Mumia's freedom that ended with the police attacking and arresting innocent activists. A picture of a Philly cop holding a gun to the head of one young Mumia supporter went out internationally and shocked the world. Nine days later Judge Yohn issued his decision. Yohn stated that there was no evidence of innocence before him but that there was a problem with Sabo's instruction to the jury about sentencing. (There was no evidence because Yohn threw it out.

10. Back in 1982-1984 Priscilla and I had many telephone conversations when I was at SCI Graterford. I would call her house to talk to her or her daughter Sharon. Since then Priscilla and I have written each other many times.

11. Sometime in 1984, after I was transferred to SCI Huntington, I read a newspaper article about the Mumia Abu-Jamal case. It said Priscilla Durham had testified at Mumia's trial that when she was working as a security guard at the hospital she heard Mumia say that he had killed the police officer. When I read this I realized it was a different story from what she had told me.

12. Mumia was also imprisoned at SCI Huntington at that time. I wrote a note to him about Priscilla and gave it to another inmate who was a "tier worker" to pass it on to him.

13. Sometime between December of last year (2002) and February of this year (2003) I was out in the prison yard at the same time Mumia was. I remember that the weather was still cold. We were a couple of cages away from each other. I mentioned to him about the telephone conversation I had with Priscilla back in 1983 or 1984 and that she said she did --not-- hear Mumia say anything about killing the police officer. I told him that I thought she was still scared about telling the truth about what happened but maybe she would.

14. My nickname or street name is "Kenny Stax." That is how I am known by Mumia and other inmates.

15. I am willing to take a lie detector test to prove I am telling the truth about my conversation with Priscilla Durham.

K E N N E T H P A T E



To quote **JOHN AFRICA**, quote:  
 "WHEN YOU ARE GUILTY AND IN PRISON YOU NEGOTIATE FOR YOUR RELEASE, WHEN YOU ARE INNOCENT AND IN PRISON YOU DEMAND IT AND IF THAT AIN'T ENOUGH YOU TAKE IT, THE GUILTY HAVE GOT TO JUSTIFY THEIR POSITION BECAUSE THEIR POSITION IS UNJUST, BUT THE INNOCENT IS JUSTIFIED BY THE INNOCENCE OF THEIR SELF BEING THROUGH THE NECESSITY OF THEIR SALVATION..."  
 -End quote **LONG LIVE JOHN AFRICA!**

**THE AFFIDAVIT OF TERRI MAURER-CARTER**

The affidavit of Terri Maurer-Carter further exposes the racism of Judge Sabo that he made obvious through-out the trial. In 2001, in a blatantly unjust ruling, State Court Judge Dembe stated that even if Sabo said what Carter claims that he did that this does not mean that his trial decisions were racist.

From approximately February 1982 through September 1986 and in 1998 I was employed as an official court stenographer in the Court of Common Pleas in and for the County of Philadelphia, First Judicial District of Pennsylvania. In April 1997 I first became a Registered Professional Reporter. Thereafter I obtained a Certificate of Merit. In approximately 1978 I became a Federally Certified Court Reporter. I have "grand jury clearance." I have received Awards of Excellence from the States of Virginia and Maryland.

In 1982, a few months after I started working at the Court of Common Pleas, I was sent to a courtroom different than that I usually worked in because the judge I was assigned to was going to be doing "VOP" (Violation

of Probation) and post-verdict motion hearings there that day. I went through the anteroom on my way to that courtroom where Judge Sabo and another person were engaged in conversation.

Judge Sabo was discussing the case of Mumia Abu-Jamal. During the course of that conversation, I heard Judge Sabo say, "**Yeah, and I'm going to help them fry the nigger.**"

There were three people present when Judge Sabo made that remark, including myself.

The foregoing is stated subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities and is executed by me on August 21, 2001 at Philadelphia, Pennsylvania.

(signature)



Shaka Sankofa aka Gary Graham - executed despite innocence in Texas in 2000

**"Mumia Abu-Jamal is a person who has values and who speaks out. So, the politics enters into this of how they have tried to censor him in prison, silence his voice, and keep people away from him. And they are hell bent on killing him and I do not know if the courts are going to save him. So we had this great out-pouring of people on April 24. Will it save Mumia in the end? I don't know. He has got politics against him. `Cause to have an outspoken, articulate, intelligent person of color who calls the system for what it is and exposes the racism in the system-he is really an easy target for death."**

**- Sister Helen Prejean author of "Dead Man Walking"**

**"Therefore, Be It Resolved that the San Francisco Board of Supervisors affirm its support for justice and a new trial for Mumia Abu-Jamal, and, Be It Further Resolved that this resolution be communicated to the Governor's office of the State of Pennsylvania for his information."**

**- a resolution passed by the San Francisco Board of Supervisors in January, 2005**

**ICFFMAJ STATEMENT ON THE 2005 DECISION BY JUDGE DEMBE**

This statement was written by the International Concerned Family and Friends of Mumia Abu-Jamal after Judge Dembe denied Mumia's appeal on June 16th, 2005

People must understand the severity of what is currently happening in the case of Mumia Abu-Jamal. This is one of the last steps in the groundwork being laid to execute Mumia or keep him in prison for the rest of his life. Both are death sentences and are totally unacceptable. It is no coincidence that within this short span of time, the MOVE 9 appeal was denied, then the bounty was raised on our sister Assata's head, and now Mumia's last appeal to have evidence of innocence allowed in the Courts (other than winning that opportunity in Federal Appeal) has been denied. These are all full-on assaults on our freedom fighters and acts of war against the freedom of all. People should look at these examples and realize this. The Patriot Act has expanded, a worldwide war is raging, and Lynne Stewart has been convicted. It should be clear to all that it is time to fight! If a child is in a house that is on fire, a good mother will stop at nothing to protect her child. Whether she has to tear down walls or jump from that building she will do what ever it takes to protect her child's life. We must understand that our brother Mumia is our innocent life to

protect; he is in the same danger as one trapped in a burning building---as this prison system is suffocating the lives of millions. Our survival as a people is dependent on his survival and we must stop at nothing to achieve his release.

For over 23 years the judicial system has exhibited blatant racism and political prejudice towards Mumia. On December 17th, 2001, when Judge Yohn stated that there was no evidence of innocence before him, this was simply because he had thrown it out the same way as Judge Pamela Dembe. Both of these judges had irrefutable evidence of innocence, prosecutorial and judicial misconduct before them, and threw it out. The rulings that were made on this evidence were so ridiculous, racist, and insulting that most will not believe what they said unless they read it themselves. People must understand the history here, the plot that is being acted out, in order to understand the seriousness of it. In July of 2001 a hearing was scheduled for August 17th before Judge Pamela Dembe in which Mumia was supposed to be present.

were innocent or had their rights trampled would remain on death row. Under the "Effective Death Penalty Act," for a defendant to get a federal court to even look at case evidence they must have "clear and convincing evidence" that except for the errors in the state trial "no reasonable fact finder would have found the applicant guilty." The defendant has to literally prove their innocence in order to even get a hearing in the Federal Courts, which is usually impossible because the evidence of innocence is inadmissible due to the State court's ruling.

On issues of law the EDPA instructs the Federal Courts to accept errors by the state courts on constitutional rights of the defendant, so long as the errors are not "unreasonable." It is nearly impossible to get more than one review by federal courts and requires that the lower level courts grant a certificate of appeal ability to appeal to a higher-level court.

Even more dangerous to death row petitioners is the Herrera decision that preceded the EDPA. In 1993 the US Supreme court mandated the Herrera decision stating that it is constitutional for a state to execute an innocent person, so long as his trial had no legal errors! Here are the courts own words:

"Herrera's constitutional claim for relief based upon his newly discovered evidence of innocence must be evaluated in light of the previous 10 years of

proceedings in this case. In criminal cases, the trial is the paramount event for determining the defendant's guilt or innocence. Where, as here, a defendant has been afforded a fair trial and convicted of the offense for which he was charged, the constitutional presumption of innocence disappears. Federal Courts do not sit to correct errors of fact, but to ensure that individuals are not imprisoned in violation of the Constitution.... Thus, claims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief absent an independent constitutional violation occurring in the course of the underlying state criminal proceedings."

The defendant in this case, Leonel Herrera, after presenting evidence of innocence, was executed by the state of Texas on May 12, 1993. Courts have cited the Herrera decision in Mumia's case to deny the Arnold Beverly confession from being heard as well as other evidence of innocence.

This is the blatantly unjust court system that Mumia and all people in prison are dealing with. A system that rules that it is constitutional to execute the innocent. If we are going to get justice for all of those in prison we cannot depend on the courts. We must organize, educate, put pressure on these courts and depend on ourselves.

**"Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner, but also in some cases upon defendants who are actually innocent."**

**- Supreme Court Justice William J. Brennan Jr., 1994**

**The system of capital punishment is flawed at both the state and federal level. On the federal level, 3.5% of persons whom the Attorney General has attempted to execute have been innocent. In one example of state-level problems, Illinois (prior to Governor Ryan's blanket commutation) had an error rate of at least 4.5%. (American Civil Liberties Union)**

**WHY MUMIA WAS TARGETED****Black Panther Youth to Comitted MOVE Supporter**

To contextualize Mumia's incarceration, it's necessary to illuminate Mumia's own political commitment and Philadelphia's brutal history. In 1969, Mumia, only 15 years old, was the Lieutenant of Information for the Philadelphia Black Panther Party. His socially critical journalism was blossoming and read by hundreds of thousands in the Black Panther newspaper. Mumia's journalistic skill and revolutionary spirit stood out and many took notice, including the police.

At that time Frank Rizzo was the Philadelphia Police Commissioner. Rizzo was known for his racism (one of his electoral campaigns directed voters to "vote White" and encouraged whites to fight blacks for jobs) and was proud to have one of the most racist police forces in America. One of the many



examples of Rizzo's attitude towards the BPP was in September of 1970 when Rizzo ordered his police force to raid the Philly BPP headquarters only days before their planned "Revolutionary People's Constitutional Convention." At 5 am police threw tear gas into one of the Panther headquarters, which was filled with sleeping men, women and children. When overwhelmed by the gas they fled the building to be greeted by cops who put guns to the back of their heads and forced them to walk down the

street backwards. They were all lined up against a brick wall and one of the police fired a submachine gun over their heads so that pieces of bricks would fall on them. At this point they were stripped down to their underwear so that the media could take embarrassing photos of them and then they were hauled away in paddy wagons and beaten.

From early ages Mumia was monitored not only by the Philadelphia police force but also by the Federal government.

In 1991 over 700 pages of documents were released through the Freedom of Information act showing that the FBI through the Counter-Intelligence program (COINTELPRO) watched Mumia, documenting every speech he made, political events he attended, phone calls, etc. COIN-

TELPRO was a covert wing of the FBI under J. Edgar Hoover with the express mission of disrupting and ending political liberation movements. Documentation proves their favorite methods were assassinations, snitches, frame-ups and long prison sentences, establishing false communications for misinformation within movements, and other forms of treachery. Even past the dissolution of the Black Panther Party the FBI continued monitoring Mumia (according to COINTELPRO documents) as his revolutionary journalism flourished.

By the late 70's Mumia was a noted journalist. He reported for Philadelphia radio stations WHAT, WKDU, WRTI, WPEN and was the President of the Philadelphia Association of Black Journalists. Through his reporting he came across the biggest news story in Philadelphia at that time: MOVE. The MOVE Organization is a revolutionary organization, founded by **JOHN AFRICA**, committed to the protection of all life. MOVE fights against all injustice without category; animal enslavement in zoo's, police brutality, the pollution of the air, land and water, the prison system, etc. MOVE consistently demonstrates against any institution that enslaves life. There were demonstrations in front of pet stores for abusing animals, at the Board of Education for mis-educating people, the water reservoir for the pollution of the water, and many more. These strong stands against the system brought MOVE into conflict with the protectors of the system, the police. MOVE people were beaten and arrested regularly for their uncompromising stand.

Then Mayor Frank Rizzo, escalated his police forces' brutality. On March 28th, 1976 some MOVE political prisoners were released. When they arrived home late that night they were greeted by their wives, children, brothers and sisters. The police were also waiting and began beating MOVE people. The cops used the excuse that MOVE had been disturbing the peace and during the beating knocked 3 week old Life Africa from his mother's arms. As she dropped to the ground to protect her son she was kicked and stepped on and her baby was crushed, murdered by the Philadelphia police. Mumia was the primary reporter educating the public on the police's terrorism of MOVE. As



Mumia saw the horrors committed against MOVE people and came to know what committed and loving people they are, he lost his skepticism and gained respect for the organization. Mumia was the only journalist in Philadelphia who uncompromisingly reported the truth about what was happening with MOVE and was subsequently targeted.

After a prolonged city-issued standoff and hunger blockade against MOVE, Philadelphia authorities escalated their campaign to exterminate MOVE. The city used illegal warrants, fabricated by Judge G. Fred Dibona, as an excuse to storm MOVE's home. On August 8th, 1978 600 cops surrounded MOVE's West Philadelphia home. Teargas was fired in and high-powered water cannons were shot into the basement where MOVE members had barricaded themselves in defense. Soon water levels were head high and the women had to hold the children over their heads so they would not drown. A gunshot rang out

(evidence proves the first shot came from up the street). Police began to fire into MOVE's headquarters. MOVE members Delbert and Chuck Africa were shot, some firemen and police were shot and Police Officer James Ramp was killed. MOVE maintains absolute innocence, stating that they never even fired a shot that day. Furthermore,

ballistics evidence proves that James Ramp could not have been shot from the MOVE house but that he was most likely killed in the frenzied police shooting by "friendly fire." As they exited the house MOVE members were severely beaten. The videotaped beating of Delbert Africa by the PPD was so severe that international audiences were shocked.

**C O N C L U S I O N :**

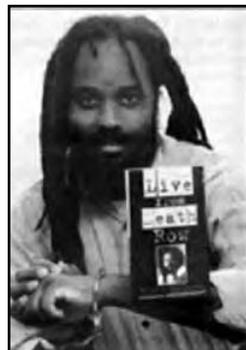
In conclusion, the prosecution's case against Mumia Abu-Jamal is not open and shut. Someone, likely Kenneth Freeman, fled the scene running east of the south side of Locust Street. Prosecutor Joseph McGill exhibited lethal ambition and malice as he callously hid evidence and adjusted the details of events to fit that his theory and mandate a conviction, no matter who's life is at stake: Cook's, Mumia's, or O'Connor's. The statements taken just after the shooting are drastically different from those testimonies given at trial. Also, these witnesses were

highly susceptible to blatant harassment from Philadelphia's police department; the only city sued by the Justice Department for brutality, tampering with evidence, poor handling of crime scenes, and corruption.

Mumia Abu-Jamal is innocent and the prosecution knows it, but no jury ever was made aware of the real evidence.

Officials claim that the trial transcripts prove Mumia's guilt. Why don't they claim the same thing about their own witnesses' original statements?

ANSWER: Because they know the trial was a LIE... through and through.



Long as the rope is tight around Mumia's neck, let there be no rich white life we bound to respect, Cause and effect, Can't you smell the smoke in the breeze, my Panther, my brother we are at war until you're free  
-Zack de la Rocha  
of Rage Against the Machine

**THE REALITY OF THE FEDERAL COURTS**

The Federal Courts are commonly misperceived as more just than State courts. However, if you look at the Federal precedents along with the notorious 1996 "Effective Death Penalty Act" it is clear that it is very unlikely and nearly impossible for them to do anything but rubberstamp State Court decisions.

Congress passed the "Effective Death Penalty Act" in 1996 to end the ability of federal courts to overturn death sentences handed down in State courts. As a result the Federal courts are required to assume that findings

of fact by the State courts are true. Prior to 1996 the Federal courts were supposed to look into all findings by the state courts. Now the Federal courts can only question the "presumed correctness" of a state court if the defendant can "rebut the presumption of correctness by clear and convincing evidence." Between 1986 and 1996 35% of all death penalty cases appealed to the Federal Courts were overturned due to a denial of rights or innocence proven, which, under the Effective Death Penalty Act would no longer be feasible. Now those 35% who

7) **Officer Gary Bell:** Police Officer Gary Bell was Daniel Faulkner's best friend and partner. Bell contrived the very flawed and obviously fictitious "confession." He also made statements seemingly irrelevant to Abu-Jamal's trial, but that shed some light onto what they were investigating. Here is a statement Bell made December 16, 1981:

**Q:** Officer, will you go on in your own words and tell me any information that you may have regarding this incident?

**Bell-A:** About eight months or so ago, Danny Faulkner told me that he was walking a court beat in the area of 11th and Market Streets (roughly 4 to 5 blocks from 13th and Locust) when a passerby came up to him and told him that a vender on 11th street, south of Market Street and on the west side of the street was selling dope. Danny then said he went into the bank, Germantown bank, at 11th and Market and watched the vendor for a while. Then he said that he saw a sale take place, the vender kept the stuff under the table in a cigar box. Then he came out of the back and approached the vendor and placed him under arrest and the guy bolted on him, he chased the guy and the guy went down Market and into the subway. He said that he lost him in the subway, but he had got a good look at the guy and he would know him if he saw him again. He then said that he returned to 11th and Market Streets and confiscated the vendor's stand and had it taken into the district in a wagon. He also confiscated some marijuana and took it to narcotics. Later on either that night or the next day a guy came into the district to claim the vending stand, but Danny said that it was not the guy that he chased. We

had to release the stand to the guy because he had proper identification, a license or something. The guy took the stand out and as far as I know Danny never saw the guy that he chased again, but he had been told by someone in narcotics that if he ever saw the guy that he chased to pick him up and bring him in.

**Q:** Do you know the name of the guy that picked the stand up?

**Bell-A:** Not off hand but I am sure that he signed the property receipt for it.

**Q:** Did Danny Faulkner ever tell you what the man looked like that he chased form 11th and Market Streets?

**Bell-A:** No, but he said that if he saw him again he would know him.

**Q:** Prior to the shooting of Officer Faulkner did you know either William Cook or Mumia Abu-Jamal aka Wesley Cook?

**Bell-A:** No, I never remember seeing them.

Initially, this anecdote doesn't seem to relate to Mumia Abu-Jamal and Billy Cook. However, Billy Cook was a street vendor and his partner was Kenneth Freeman. Gary Bell did not discuss a confession by Abu-Jamal. He brought up a situation that related to the same occupation as Cook and Freeman. Freeman was known for drug dealing. Potentially, this statement's relevance to Faulkner's murder was that Cook owned the vendor stand. Freeman sold drugs out of it and was the man Faulkner chased. This anecdote is obscured in the prosecution's theory by a phony confession.

Despite factual innocence, nine MOVE members were railroaded through the courts for murder and were sentenced to 30-100 years (they remain in prison 27 years later). One person deemed by the government a "supporter" and not a "member" was given a lesser sentence and served 15 and a half years. The other two adults in the house said that they were not in MOVE and they were let off, clearly showing that the issue here is not murder but the persecution of MOVE. The trial ended on May 8th, 1980 and Mumia had reported diligently on its entirety. He drove to the prison on an almost daily basis to interview MOVE people. The Philadelphia police along with the State and Federal government were trying to carry out a plan to get rid of MOVE and Mumia's eloquent voice was definitely in the way.

After the 1978 attack and trial of the MOVE 9 had failed to stop MOVE's influence the Federal government tried

to go right to the source. They put MOVE's founder **JOHN AFRICA** and member Alphonso Africa on trial for fabricated bomb-making charges, which could have resulted in hundreds of years in prison.

**JOHN AFRICA** defended himself with his belief, never rebutting individual evidence but rejecting the entirety of the sham of a trial. He testified on his uncompromising commitment to defending life and exposing the governments' lack of concern for it. **JOHN AFRICA** was unanimously found innocent as a result of his amazing strategy of defense. Mumia was so impressed that when he was on trial he requested **JOHN AFRICA** as his legal advisor less than a year later. Judge Sabo repeatedly denied this request



and instead gave Mumia contempt of court and threw him out of his own trial.

Authorities were embarrassed and frustrated about their failed attempt to stop MOVE's founder **JOHN AFRICA** and continued on their campaign by harassing, beating and arresting MOVE supporters that remained on the streets. On November 16th, 1981 MOVE supporters and members were in Philadelphia City Hall in front of Judge Kendall Shoyer's courtroom in support of some of their MOVE family on trial. A plain clothes cop pushed Pam Africa and the police beating began. Pam Africa (now head of the International Concerned Family and Friends of Mumia Abu-Jamal) was severely beaten and had her leg broken. Teresa Africa (murdered by the government on May 13th, 1985) was beaten, and supporter I-Abdul Jon was beaten so badly that no one was allowed to see him for many days. There was hardly any mention of this

event in the media and it was based upon this event that Mumia wrote one of his last articles while on the street, "An Evolution of a Revolution."

In late November of 1981 the MOVE men who were locked down at Holmesburg prison received word that the MOVE women in prison were being harassed and mistreated. In defense of their sisters and wives, the male MOVE members and supporters at Holmesburg barricaded themselves into one cell and told the prison administrators that they would not come out until they were shown that their sisters were in perfect health and were being treated properly. Instead of listening to the request the prison put them on lock down in the cell. Three days later

the men heard a caller on the radio who stated that the MOVE women were now being beaten and mistreated. The MOVE men responded immediately and told prison officials that they would have to kill all MOVE people when they opened up the cell. When the officials saw that MOVE was receiving support from inmates at other prisons they shut down the other three county prisons and sent those guards to Holmesburg. They also surrounded the prison with a majority of Philadelphia's police force. On December 3rd, 1981 (only 6 days before Mumia was shot and arrested)



Police beating of Delbert Africa, 8/8/78

over 100 cops and guards lined up outside of the cell of the MOVE men. They began by firing a high-pressure water cannon at the men with enough force to rip skin from bones. The men continued to resist and stay strong so groups of guards began to enter with knives, pipes and baseball bats. The relatively small number of about 9 men continued to fight off the guards attacking them for some time. The men were seriously beaten but never gave in. They were all hospitalized but the example of loyalty that they set forced the administration to back off of the MOVE women.

This was the atmosphere in Philadelphia when Mumia was shot on December 9th, 1981 and then railroaded to death row. After railroadng the MOVE 9 to 30-100 years in prison, support continued to build for MOVE so next they tried to imprison MOVE's founder for life. That failed miserably so they continued beating and harassing the supporters left on the street. Mumia exposed that and support continued to build so they attacked the example being set in the prisons only to be forced into backing off of the prisoners.

All the while there was a lone voice breaking through the media misinformation letting the people know the truth of the situation. That voice is Mumia Abu-Jamal. It is no accident that Mumia is on death row but despite that he has never stopped speaking, letting the world know the truth of what is happening internationally. Speaking out to an audience that watches, captivated, as he fights for his very life.

Mumia was convicted and sentenced to death in July of 1982. MOVE's founder **JOHN AFRICA** instructed MOVE people to raise the funds, educate

people and organize support to force this government to release Mumia. Pam Africa is at the forefront of this activity and as people learned of Mumia's situation it only made people's struggle against the injustice of this system stronger. In an attempt to finally stop MOVE and end support for Mumia, the Philadelphia police along with the State and Federal government dropped a bomb

on MOVE's home on May 13th of 1985. When MOVE members tried to flee the burning house they were shot by police snipers and were forced back into the burning house. Six adults and five children were murdered on that day. The only adult survivor was Ramona Africa along with 13-year-old Birdie Africa. Ramona served 7 years in prison for surviving (they charged her with riot) and she continues to fight for the MOVE 9 and Mumia. The MOVE Organization continues to thrive despite the governmental terrorism they face. MOVE continues to be the driving force pushing for Mumia's release and Mumia's voice continues to let the world know of MOVE's belief and fight.

**3) Albert Magilton:** Albert Magilton testified that he was crossing Locust Street when he saw Mumia "walking" across Locust Street in the direction of Officer Faulkner. He did not see Mumia brandishing a weapon, nor did he see Mumia reach the other side of the street. Magilton's back was to the incident and he did not see who fired shots (Id at 8.87,8.100). He turned immediately after hearing firing and he didn't see Mumia. Much like Chobert, Magilton's vision was obstructed by Faulkner's squad car. Magilton did not identify Mumia as the shooter.

**4) Robert Harkins:** Robert Harkins claimed that the shooter was heavier and taller than Officer Faulkner. Mumia was lighter and slightly shorter. This testimony of the shooter being heavy matches Chobert's testimony that the shooter was 200-225 pounds. Also, Harkins failed to identify Mumia as the shooter in a photo array.

**5) Cynthia White:** Cynthia White was a prostitute working the area of 13th and Locust Streets. Many of the prosecution's witnesses had weaknesses easily exploited to coercion, but none to the extent of Cynthia White. Veronica Jones faced 10-15 years in prison. Robert Chobert had alcohol related charges, the possibility of losing his ability to drive his cab due to a suspended license, and he already was charged for throwing a Molotov cocktail into a school yard for pay. Cynthia White's life was in jeopardy. She was more vulnerable to the violence of the police than any other "witness".

Dessie Hightower, who was the only witness to maintain his original statement from the night of the shooting at trial,

stated that Cynthia White was at least a half block away from where she claims she was when she testified during the 1982 trial. It was also reported that she ran up after the shooting and asked people what happened.

Cynthia White made many statements, mainly when she was arrested for prostitution charges, and each one increasingly conformed to the prosecution's theory. As previously mentioned, in March of 1982, she testified at Billy Cook's trial that there was a passenger in the Volkswagen. At Mumia's trial, she said that she saw a gun in Mumia's hands as he ran across the street and that there was no passenger. She was conflicted in her statements about which hand the gun was in.

A witness came forward named Pamela Jenkins, who was a friend of Cynthia White's in 1981. She testified in a 1997 PCRA hearing for Mumia that Cynthia was scared for her life about the pressure being put on her in regards to this case.

**6) Officer James Forbes:** James Forbes was one of the police officers who arrived at the scene immediately after Faulkner and Mumia were shot. Forbes worked the crime scene and documented where Faulkner was in relation to Mumia. He was also the officer who reported the intoxicated white male who was contaminating the crime scene.

Roughly a month after the shooting, Forbes arrested Kenneth Freeman under suspicious circumstances. Freeman was passed from precinct to precinct, and was subjected to intense interrogation.

**PROSECUTION'S WITNESSES INCONSISTENT TESTIMONIES:**

There is a great amount of weight put on the testimonies of Cynthia White, Robert Chobert, Michael Scanlan, Officer James Forbes, Officer Gary Bell, Robert Harkins, and Albert Magilton to divert focus from the evidence of a fleeing man from the scene. When their statements are carefully read, however, their accounts actually benefit the defense of Mumia Abu-Jamal.

**1) Robert Chobert:** Originally, Robert Chobert stated that he heard the first shot, but did not see who fired it. He said that after the first shot he looked up and saw everything that happened from that point on. He also stated that he never saw Faulkner shoot Mumia. The prosecution claims that Mumia shot Faulkner and then Faulkner fired back at him. If the testimony of Chobert is true this is impossible.

Chobert was parked in his cab in the driver's seat behind Faulkner's squad car. The lights were flashing on top of the squad car and there was not street light at that corner at the time of the shooting. According to reports on the crime scene by Officer James Forbes, and shown on a map on the Justice for Police Officer Daniel Faulkner website, Mumia was found slumped on the curb in front of Faulkner's squad car on the passenger side. If Mumia was shot and fell, Mumia would have been out of Chobert's vision.

This would explain Chobert's confusion over who the shooter was. In his original statement to the police, Chobert stated that the shooter was 200-225 pounds, wearing a light tan shirt and jeans, and ran 30-35 steps (not exact measurements) and fell. Mumia was a lean 170 pounds, wearing a red and blue ski jacket, and he was found three to four feet from the fallen Officer Faulkner (according to James Forbes' original statement).

An important note to make is that there

is an alleyway roughly 30 steps from the scene (between 13th and Camac Street) that could provide the perfect escape route for the shooter. This alley is located east of the scene on the south side of Locust Street, the same direction those five witnesses claim someone fled.

Robert Chobert testified that after the shooting ceased he exited his cab to see if he could help the fallen officer (6/19/82 Tr 211, 234). Chobert had a driving record of Driving Under the Influence (DUI) convictions. Arriving Officer James Forbes originally stated that an intoxicated man was walking around the crime scene. The intoxicated male was in the same location at the same time as Chobert stated he himself was. Intoxication would be another example of how easily confused Chobert could have been when identifying Mumia as the shooter. Mumia was at the scene when Chobert went to assist Faulkner. If the shooter had not fled the scene, was still armed, and lying 3-4 feet from Faulkner, no one with any concern for their own safety would approach out of fear of being shot themselves.

**2) Michael Scanlan:** Michael Scanlan stated that he could not tell which of the black males at the scene were which, or who shot the officer (Id at 8.12,8.36,8.46,8.50-8.53). He said that the shooter had an Afro hairstyle and he misidentified Mumia as the driver of the Volkswagen. Mumia has dreadlocks. He also stated that he did not see a gun in Mumia's hands as he ran to the scene and that Faulkner didn't fall as a result of the first shot. A diagram that he drew on December 9, 1981 shows Faulkner facing Mumia as Mumia approached the scene. If this is true, it makes it impossible for Mumia to shoot Faulkner in the back as the prosecution claims.

**SUMMARY OF THE CONSTITUTIONAL CLAIMS IN MUMIA'S PETITION FOR A WRIT OF HABEAS CORPUS**

For those who want more information on the Constitutional Violations and on the vindictive and biased nature of Judge Albert Sabo's rulings, write to The Movement for Justice and Peace, PO Box 335, Yonkers, NY 10705 (Please send \$1 dollar for cost)

In his petition, Mumia Abu-Jamal asserts 29 claims of constitutional violations in his trial, sentencing, and post-conviction proceedings. These are grouped into six categories. The citing of Constitutional amendments refers to rights based on these amendments as interpreted by the courts.

**I. Claims regarding the suppression, manipulation, and manufacturing of evidence.**

**Claim One:** The State manipulated two purported eyewitnesses to falsely identify Jamal as the shooter, in violation of his Fifth, Eighth, and Fourteenth Amendment rights. Two witnesses who changed their testimony are Cynthia White and Robert Chobert.

**Claim Two:** The State suppressed evidence that the true shooter fled, in violation of the Fifth, Eighth And Fourteenth Amendments. Witnesses with evidence to someone fleeing the scene included: Robert Chobert, Veronica Jones, William Singletary (an eyewitness to the shooting), Arnold Howard and the physical evidence of the fleeing man, Dessie Hightower (a defense eyewitness to the fleeing man called at trial), Deborah Kordansky (another eyewitness to the fleeing man), and William Cook (Jamal's brother).

**Claim Three:** Jamal was found guilty and sentenced to death through the use of a fabricated confession, in violation of the Fifth, Eighth and Fourteenth Amendments. Two months after the shooting, police officers suddenly "remembered" hearing Jamal confess that night.

**Claim Four:** The State destroyed critical physical evidence, manipulated and misrepresented the ballistics and medical

evidence, and suppressed crime scene test results, in violation of the Fifth, Eighth, And Fourteenth Amendments. This includes a discarded bullet fragment, failure to conduct routine ballistics tests, and the fact that the jury never saw the medical examiners report stating "shot by .44 cal."

**Claim Five:** The Commonwealth failed to disclose government political surveillance files demonstrating long-standing police bias against Jamal, in violation of the Fifth, Eighth and Fourteenth Amendments. This includes 600 pages of FBI files documenting surveillance of Jamal by the Philadelphia police.

**II. Claims regarding the inadequacy of counsel during the guilt phase of the trial.**

**Claim Six:** Jamal was deprived of his Constitutional rights under the Fifth, Sixth, Eighth and Fourteenth Amendments due to defense counsel's prejudicially deficient performance during the guilt phase. Problems with the performance of Anthony Jackson include: **A.** Jackson's lack of experience in capital litigation and recent entry into criminal practice **B.** Jackson's deficient performance during the pretrial phase 1. During the Initial Stages of the Pretrial Phase

2. Counsel's Failure to Obtain the Services of Experts and an Investigator

3. Jackson's Deficient Pretrial Preparation and Jamal's Decision to Proceed Pro Se C. Jackson's failures at trial

4. Counsel's Failure to Obtain Experts Resulted in The Jury

**"The state would rather give me an Uzi than a microphone"  
- Mumia Abu-Jamal**

Having a Distorted View of the Physical Evidence in the Case (the prejudice caused by failing to obtain a Pathologist and a Ballistics Expert)

5. Counsel's Failure to Retain an Investigator Resulted in the Jury Having a Distorted View of the Eyewitness Accounts

6. Counsel's Failure to Prepare for Trial Resulted in the Jury Not Hearing Highly Favorable Evidence to the Defense, but Being Exposed to Evidence That Was Deeply Prejudicial

**Claim Seven:** The prosecution's case was never placed within the crucible of meaningful adversarial testing due to the court-created conflict of interest between counsel and client, thus violating his Fifth, Sixth, Eighth, and Fourteenth Amendment rights. The court stripped Jamal of his right to represent himself, and at the same time forced an ill-prepared counsel to conduct an inadequate defense. The conflict between the defendant and the appointed counsel was court created. As a result the prosecution case was never really tested before the jury.

**Claim Eight:** The trial court denied Jamal the ability to defend himself by denying the funds needed to retain necessary services of experts and an investigator, in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments. This includes the issue of a ballistics expert, a medical expert, and a defense investigator.

**III. Claims regarding the manner in which the trial and direct appeal were conducted.**

**Claim Nine:** The court's denial of a continuance precluded Jamal from presenting critical defense evidence, in violation of the Fifth, Eighth, and Fourteenth Amendments. The court refused to give the defense a day to find Officer Wakshul, who wrote in his report that Mumia had made no statements

at the hospital.

**Claim Ten:** The court impermissibly restricted the elicitation of material evidence favorable to the defense, in violation of the Fifth, Eighth, and Fourteenth Amendments. This pertains to restrictions on the examination of Veronica Jones and Robert Chobert

**Claim Eleven:** The Court unconstitutionally stripped Jamal of his right to self-representation by ruling that Jamal had to let the Court or back-up counsel conduct the jury selection, in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments.

**Claim Twelve:** The Court's forced removal of Jamal from significant portions of his capital trial violated his Fifth, Eighth, and Fourteenth Amendment rights. There were not provisions made for Jamal to follow events in the court as they happened, even though he was on trial for his life.

**Claim Thirteen:** Jamal's absence from two conferences in the judge's chambers violated his Fifth, Sixth, Eighth, and Fourteenth Amendment Rights. The June 18th in-camera conference was regarding the removal of Juror Dawley, who was replaced by an alternate who had previously indicated a bias in the case. The June 28th in-camera conference was regarding the shooting of Jamal. Here the judge would not allow the questioning of police officers in open court on the question of how Jamal was shot.

**Claim Fourteen:** The Prosecutor's improper guilt phase summation violated the Fifth, Eighth and Fourteenth Amendments. The prosecutor misrepresented the "reasonable doubt" standard, implied guilt from Jamal's refusal to testify under the conditions of this trial, and vouched for the veracity of a key witness while knowing the motivation that the witness had to lie.

**MUMIA ABU-JAMAL WAS NOT THE ONLY MURDER SUSPECT:**

The prosecution makes it appear that Mumia was the only suspect in the shooting of Officer Faulkner. In fact, the Philadelphia police department initiated, but did not continue an investigation alleging that another person was at the scene and fled down a nearby alleyway. On December 9, 1981, at least three black males were arrested and questioned intensely about the shooting of Faulkner. Uncontested evidence revealed in the 1995 PCRA hearing establishes that a driver's license belonging to a man named Arnold Howard was found in the clothing of the deceased officer (8/9/95 Tr. 6:8/11/9 Tr. 167) [29]. Edward D'Amato, a retired police captain, confirmed that police suppressed the fact that a driver's license application, belonging to Arnold Howard, was found on the deceased officer's person in testimony at the hearing. At the same hearing, Howard testified that he was transported to different police stations and questioned for 72 hours. He said his hands were tested to see if he had recently fired a gun; but importantly, police claim they never tested Mumia's hands for the same purpose. Howard was eventually released because he produced a receipt from a convenience store providing him with an alibi during the time of the shooting. Howard also testified that two other suspects were in custody.

One of these suspects was Billy Cook's friend and business partner, Kenneth Freeman. Arnold Howard stated that he lent his license (or application) to Kenneth Freeman, presumably to get into a venue with an age requirement. Since the license, or application, had been loaned out and ended up in the clothing of Officer Faulkner, Kenneth

Freeman was linked to the scene of the crime, especially noting that Freeman was a close associate of Billy Cook. In February 1982, two months after the shooting, Detective Richard Ryan arrested Kenneth Freeman under unusual circumstances. Ryan was assisted by Officer James Forbes, one of the first officers on the scene of Faulkner's death and a key prosecution witness in Mumia's trial.

William Singletary testified at the PCRA hearing in 1995 that the shooter emerged from the passenger side of the vehicle. In the trial of The Commonwealth vs. William Cook Cynthia White testified that the driver and the passenger got out of the Volkswagen. Arnold Howard testifies that he loaned out his license to Kenneth Freeman, and that is corroborated by D'Amato's testimony that the driver's license application was found on Faulkner. Clearly, there is a lot of exonerating evidence that was not heard by the jury in regards to another person being present at the scene of the shooting.

Kenneth Freeman died in 1985. On May 13th, 1985, the city of Philadelphia and the Federal government waged a full-scale attack on the headquarters of the MOVE Organization. Mumia is and was a staunch MOVE supporter and adheres to the beliefs of the MOVE Organization. Eleven MOVE members, including children, were killed after police commissioner Gregore Sambor dropped a bomb on the house, igniting a fire that was allowed to burn. Anyone trying to escape the inferno was subject to a barrage of police gunfire. Only one adult and one child survived. The government's murder of MOVE people dominated international news that day. That was the same day that Kenneth Freeman died, under suspicious circumstances.



**FIVE WITNESSES STATE SOME-ONE FLED THE SCENE:**

The prosecution ignored or excluded more evidence at the 1982 trial. In their original statements, taken shortly after the shooting, five witnesses from varying locations all stated that a man (in one case two men) fled the scene heading east down the south side of Locust Street. Only one person, Dessie Hightower, testified to this at the trial, maintaining his original statement. Robert Chobert originally stated that the shooter ran 30-35 steps (strides, not measured feet) and fell. This would have been impossible since Mumia was found merely three to four feet from the fallen officer, as stated by officer James Forbes in his original report on the crime scene.

Veronica Jones stated that she saw a white man falling and two men jogging away in the same direction. She was not close enough to accurately identify anyone, but her testimony does corroborate the accounts of someone fleeing the scene in the same direction as the other witnesses claimed. After the shooting, Jones was arrested and imprisoned. She claims that detectives visited her in jail claiming to be her defense attorneys. They offered her a deal to drop her charges, which potentially could have resulted in 10-15 years imprisonment, in exchange for testifying against Mumia. When she thought she was going to court for her own trial, she was instead brought to Mumia's trial. The detectives who visited her were standing in the back of the courtroom, along with many other police officers. Jones did not say that Mumia was the shooter as Cynthia White did, but

she denied that she saw anyone fleeing the scene. Jones did make a statement in the 1982 trial that implies the deal she was offered: "They were trying to get me to say something the other girl said." The prosecution objected and the judge sustained it and quashed this testimony. Veronica Jones did later testify in a 1996 Post Conviction Relief Act (PCRA) hearing about what she really saw, which was consistent with her original statement from right after the shooting.

The other two witnesses reported to having seen someone flee the scene were William Singletary and Debbie Kordansky. Singletary did not testify at the trial because he claims he suffered continued harassment by law enforcement in regards to this case, which caused him to relocate his family to North Carolina [Id a 216-24]. Kordansky was not at the trial because the prosecution withheld her address and phone number. The defense was not able to reach her in time for trial and she was not subpoenaed.

If the jury had been aware of these five very similar statements, along with Cynthia White's testimony at Billy Cook's trial, this would have exposed the inaccuracy of the prosecution's three-man theory and cast real doubt over the guilt of Mumia Abu-Jamal. Yet, as a result of police intimidation, a malicious prosecution, and incompetent defense council, only one of these five accounts was ever heard in the 1982 trial. It is easily possible to discount one testimony, especially at this trial, but five would have been impossible to ignore.

**Claim Fifteen:** Jamal's Constitutional rights were violated with the deficient performance of appellate counsel. Jamal's court appointed counsel for his direct appeal failed to raise key issues, and did not even have a complete copy of the trial record.

**IV. Claims regarding the selection of the jury and improper jury procedures.**

**Claim Sixteen:** The State's racially discriminatory exercise of peremptory challenges violated the Fifth, Sixth, and Fourteenth Amendments. Jamal has established a prima facie violation of Batson and Swain (the Supreme Court cases barring the use of peremptory challenges to remove jurors on the basis of race). Also the evidence on the systematic exclusion of Black jurors in Philadelphia.

**Claim Seventeen:** The trial court unconstitutionally responded to a juror's request without notifying the defense, and then engineered this juror's removal, in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments. The court refused to allow a black juror to seek treatment for a sick pet after court hours, but then postponed a court session to allow a white juror to take a civil service exam.

**Claim Eighteen:** The court refused to excuse for cause a palpably unfit and biased juror, in violation of the Fifth, Eighth and Fourteenth Amendments. Alternate juror Edward Courchain was seated in place of Jeanie Dawley who was removed, even though Courchain had stated during the jury selection process that he would not be able to judge the facts in an objective manner because of his exposure to news media accounts.

**Claim Nineteen:** Some jurors engaged in secret, premature deliberations during

the course of the trial, in violation of the Fifth, Eighth, and Fourteenth Amendments. This pertains to three white jurors who met together in a hotel room.

**Claim Twenty:** Jamal's jury was drawn from a pool that was composed in violation of the Fifth, Eighth and Fourteenth Amendments. Juries in Philadelphia are drawn from different geographical areas on a rotating basis, which strongly effects their racial composition.

**V. Claims regarding the penalty phase of the trial.**

**Claim Twenty-One:** Jamal was deprived of his Constitutional rights under the Fifth, Sixth, Eighth and Fourteenth Amendments due to trial counsel's prejudicially deficient performance during the penalty phase. The defense counsel made no preparation for the penalty phase and failed to call a single witness in mitigation (witnesses for why Jamal

should not receive the death penalty. Instead, Jackson literally called people from the audience as character witnesses without even talking to them first.

**Claim Twenty-Two:** Jamal's Constitutional rights were violated by the prosecution's use of his affiliation with the Black Panther Party (years earlier) to argue for the death penalty. This type of argument for the death penalty (the citing of political speech and affiliation) was subsequently outlawed by the U.S. Supreme Court.

**Claim Twenty-Three:** Jamal's Constitutional rights were violated by the prosecutor's improper penalty phase closing. The prosecutor tried to convince the jury that the ultimate responsibility for Jamal's fate would lie with appellate courts, and not with them (thus making it seem easier to vote for the death penalty).



**Claim Twenty-Four:** The State unconstitutionally withheld relevant evidence in mitigation in violation of the Fifth, Eighth and Fourteenth Amendments. This refers to the withholding of the police surveillance files that showed no criminal conduct by Jamal during years of surveillance.

**Claim Twenty-Five:** The jury was unconstitutionally led to believe that any findings of mitigating circumstances required unanimous jury action. The jury was given a form on which to list "mitigating" and "aggravating" circumstances for determining whether the death sentence should be applied. The form did not make clear that aggravating circumstances required unanimous agreement, while mitigating circumstances required only a majority.

**Claim Twenty-Six:** Jamal's Constitutional rights were violated by the jury's confusion on whether life imprisonment meant without the possibility of parole. The defense counsel was cut off by the court in his remarks so as to give the impression to the jury that some people who are sentenced to life in prison are out in just a few years.

**Claim Twenty-Seven:** Jamal's death sentence is itself unconstitutional under evolving standards of decency. Here international law is cited in addition to the call by the American Bar Association for a moratorium on executions.

**Claim Twenty-Eight:** Jamal was sentenced to death due to the constitutionally impermissible factor of racial discrimination in violation of the Fifth, Eighth, And Fourteenth Amendments. This deals with Pennsylvania's record of sentencing black people to death in far greater numbers than their percentage of the population.

**VI. Claim regarding the conduct of the post-conviction proceedings.**

**Claim Twenty-Nine:** Jamal was denied due process by an unfair State post-conviction hearing proceeding. The judge (Sabo) who conducted the hearings for a new trial, was the same judge who conducted the original trial. Sabo's display of bias and hostility were dramatic. His deep-rooted biases infected his fact findings and required his recusal (stepping down from the case). The same is true for Justice Ronald D. Castille of the Pennsylvania Supreme Court.



**"If Mumia Abu-Jamal has nothing important to say, why are so many powerful people trying to shut him up?"**  
**- John Edgar Wideman**

**THE UNJUST PROSECUTION OF MUMIA ABU-JAMAL**

In Mumia Abu-Jamal's 1982 murder trial of Philadelphia Police Officer Daniel Faulkner, the prosecution, led by prosecutor Joseph McGill, attempted to present an "open and shut" case. Their theory was that only 3 people were at the scene: Daniel Faulkner, Billy Cook, and Mumia Abu-Jamal. However, there is evidence that was not presented at the trial that there others were there as well.

**ANOTHER PERSON WAS ON THE SCENE**

In Billy Cook's trial for assaulting police officer Daniel Faulkner, McGill questioned a witness who would later be the star witness in Mumia's trial, Cynthia White. White was then a prostitute working the area of 13th and Locust Sts. The trial transcript from the Commonwealth vs. William Cook on March 29, 1982 reads as follows:

**(McGill) Q:** *When the officer went up to the car, which side of the car did the officer go up to?*

**(White) A:** *The driver's side.*

**(McGill) Q:** *The driver's side?*

**(White) A:** *Yes.*

**(McGill) Q:** *What did the passenger do?*

**(White) A:** *He had got out.*

**(McGill) Q:** *He got out of the car?*

**(White) A:** *Yes*

The prosecution clearly states that there was another person in the Volkswagen during the incident, as documented by the trial transcript. Another story was told, however, when the same prosecutor questioned the

same witness in The Commonwealth vs. Mumia Abu-Jamal. Cynthia White collaborated the prosecution's contention that only Billy Cook was in the Volkswagen. This testimony is completely contrary to her testimony in the previous trial. It is important to note here that the person who reportedly was at the scene fled before officers arrived.

**PROSECUTOR MCGILL'S HISTORY OF FALSIFYING EVIDENCE**

It is apparent that prosecutor McGill was aware of the evidence of another person being present, ignored or hid it, and used the "3 people at the scene"

theory. This was not McGill's first time burying evidence. McGill prosecuted the O'Connor case before Abu-Jamal's, where a woman was stabbed to death with an ice pick. McGill claimed at O'Connor's trial that she had been shot to death and McGill proceeded to back this lie by presenting a gun definitely as the murder weapon in open court to the jury. During the appeals process for O'Connor, it came out that McGill knew

all along that the injury to the woman's body was not consistent to a gunshot wound, but prioritized his career advancement at the potential conviction over honesty at trial. Only after Mumia was convicted did his defense learn about McGill's trial history. McGill was no longer allowed to prosecute for the state but was still allowed to have a private practice in Pennsylvania. The state gave no repercussions for this malicious act.

