

EXCLUSIVE
MUMIA WRITES
FROM JAIL

THE BLACK REGENT WHO OPPOSES AFFIRMATIVE ACTION

BLACK AMERICA'S NEWSMAGAZINE

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DEATH ROW

**Mumia Abu-Jamal:
Cop Killer or
Political Prisoner?**

**The Rap on
Rappers**

Football's Bottom 50

NOVEMBER 1995 \$2.50



DEATH

Controversy rages as grass-roots support and the spotlight from celebrities focuses on the case of

ON DEATH ROW, in a 6-foot-by-10-foot cell of a maximum security prison nearly lost in southwest Pennsylvania, sits Mumia Abu-Jamal, a 41-year-old journalist and convicted cop killer. Incarcerated since the 1981 shooting of Daniel Faulkner, a Philadelphia police officer, Abu-Jamal has become an international *cause célèbre*. Thousands of grass-roots folks from New York to London and from England to South Africa have staged spirited rallies and passed out literature in his defense. Among his marquee supporters are Maya Angelou, Paul Newman, Johnnie Cochran, Danny Glover, Jesse Jackson, Alec Baldwin, Cornel West, Oliver Stone, Ed Asner, Norman Mailer, E.L. Doctorow, Ossie Davis, Naomi Campbell, Gloria Steinem, Henry Louis Gates

Jr., Norman Lear, bell hooks, Spike Lee and Salman Rushdie.

Nelson Mandela wrote Pennsylvania Gov. Thomas Ridge asking that Abu-Jamal's life be spared "on humanitarian grounds." The president of France and the foreign minister of Germany have made public appeals on his behalf. Even the National Black Police Association has called the celebrated prisoner "a victim of the criminal justice system."

Abu-Jamal has become the first self-described "political prisoner" to be launched into cyberspace on a slick \$29.95 CD-ROM produced by Voyager Co. His book, *Live from Death Row*, has gone through four printings for a total of 65,000 copies, according to a spokesman for his publishing company, Addison-Wesley. And it's hard to visit any major city in the United States without seeing his smiling face and waist-length dreadlocks adorning posters.

A full page *New York Times* advertisement — which ran on standby for \$19,800 (but normally would run for \$62,000) and was paid for by his sup-

porters — said the trial "was full of gross procedural errors and judicial misconduct. There is strong reason to believe...," the ad continues, "Mumia Abu-Jamal has been sentenced to death because of his political beliefs."

Abu-Jamal is a former Black Panther who came under FBI surveillance before

he was old enough to drive. His lawyers credit the international political pressure with a major role in winning a stay of the original execution date, Aug. 17, 1995, as they seek a new trial.

Those lawyers, led by Leonard I. Weinglass, whose many famous cases include the Chicago Seven and the Pentagon Papers defense, have raised a series of serious issues concerning the first trial. Taken together, they raise significant problems with the adequacy and fairness of his trial.

Many of the issues that have fueled the swell of support for Abu-Jamal involve witnesses, specifically the exclusion from his trial in 1982 of testimony from an eyewitness who fingered another man as Faulkner's killer. There also are questions about the credibility of and conflicts of interest among three star witnesses for the prosecution. Also, much has been made of the fact that one of the first police officers on the scene,



Supporters protested as Abu-Jamal, next page, was taken back and forth to court.

WATCH

Abu-Jamal, who has been sentenced to death for the 1981 killing of a Philadelphia police officer

BY JOE DAVIDSON



who gave contradictory statements to officials, was conveniently “on vacation” during the trial. Discrepancies in reports about the weapon used in the killing and the failure of police to conduct routine tests immediately afterward, have also given some pause.

If fully explored in the original trial by a skilled and sufficiently funded defense, these concerns could have produced reasonable doubt about Abu-Jamal’s guilt in the mind of at least one juror —

enough to have avoided a conviction.

As it was, jurors in a Philadelphia courtroom apparently had little doubt to overcome. They returned a guilty verdict in five hours.

Those who believe Abu-Jamal was fairly tried, convicted and should be executed have not been silent during the incredible public debate about his case. Maureen Faulkner, the officer’s widow, hired a plane to fly over the Massachusetts headquarters of the company that

published a book of Abu-Jamal commentaries, pulling a banner that said the firm supports convicted cop killers.

Philadelphia Mayor Ed Rendell, who was district attorney when Abu-Jamal was prosecuted, told *CBS Evening News*, “If I were picking a poster child for the death penalty, I wouldn’t pick someone who the evidence says overwhelmingly came up behind another human being who happens to be a police officer, shot him in the back and then

Wakshul, who had Abu-Jamal in custody immediately after the shooting until doctors began working on him at the hospital, filed a report that said, "during this time, the negro male made no statements," according to documents filed by Abu-Jamal's lawyers. The trial lawyer wanted to call Wakshul but was told he was on vacation and unavailable. Trial Judge Albert Sabo refused to delay the trial until Wakshul could testify.

trial because "there were always two (2) plainclothes men near where she worked her corner on Locust. I waited in vain for them to leave, but they never did."

Joey Grant, former chief of the district attorney's homicide unit, said White "wasn't protected by the police while she was prostituting herself." Furthermore, he added, Greer testified that the two people in the car never prevented him from talking to White and he

gletary testified at the hearing that he saw someone else shoot Faulkner. The shooter, according to Singletary, was a passenger with dreadlocks in the car driven by Cook, Abu-Jamal's brother. Singletary told his story to police after the shooting, but his statements were repeatedly discarded until he signed one dictated by a detective. This one denied that he had seen the shooting.

After Singletary's testimony this sum-



Large rallies, like this one in Philadelphia, were held across the nation, as well as in England, Italy, South Africa and Brazil.

In addition to their attack on the alleged confession, Abu-Jamal's new defense lawyers have sought to discredit other prosecution witnesses. One witness, Cynthia White, was a prostitute with three open cases when she testified that Abu-Jamal was the killer. "Without explanation, bench warrants against her were not prosecuted," says Abu-Jamal's petition for a new trial. "Police told another prostitute, Veronica Jones, that Ms. Jones would be allowed to work the street with impunity like Ms. White if Ms. Jones would testify against" Abu-Jamal.

Robert Greer, a private investigator who worked for the defense in 1982, said in an affidavit this year, that he was unable to interview White before the

never saw them talking to her.

Another witness who said Abu-Jamal shot Faulkner was cabdriver Robert Chobert. Chobert, argues the defense petition, "was clearly susceptible to police pressure" because he was on probation after being convicted of throwing a molotov cocktail at a school for pay. At a recent hearing, however, Chobert again fingered Abu-Jamal. Sabo did not allow the 1982 jury to hear about Chobert's firebomb conviction, nor Jones' full description of the deal she said had been offered by the police.

At a hearing this past August, the defense produced a witness who said he was so intimidated by police after Faulkner's murder that he left town before Abu-Jamal's trial. William Sin-

mer, an assistant district attorney was quoted as saying the cabdriver "has created a fantasy version" of the truth. The 1982 jury, however, never had an opportunity to evaluate Singletary's testimony — testimony that might have led to a reasonable doubt about Abu-Jamal's guilt.

His chances of acquittal also were heavily damaged by an impoverished, deficient and chaotic defense effort. Abu-Jamal acted as his own lawyer during some of his trial, which he regarded as a political tool of an oppressor state. He lashed out at jurors, only two of whom were Black — a low number that was a result of what his current defense team calls "the prosecution's use of racially biased preemptory challenges." As is his constitutional right, Abu-Jamal never

told what occurred when Faulkner was killed. He has proclaimed his innocence, but still refuses to tell interviewers what happened. Also strangely silent is Abu-Jamal's brother, who had dropped out of sight until recently.

But no matter how strictly Abu-Jamal might have conformed to standard courtroom procedures, he still faced a judge with a clear bent for the prosecution. Sabo has been dubbed "the king of death row" by the *Philadelphia Inquirer*. Though he hasn't presided over a capital case since 1991, "Sabo still has sentenced more than twice as many people to death than any other judge in the country," according to the NAACP Legal Defense and Educational Fund. Juries presided over by Sabo have "sentenced 32 people to death — all but two of whom are people of color."

Sabo refused defense requests during the trial for funding to hire experts. He approved just \$150 each for an investigator, a photographer, a pathologist and a ballisticsian. In an affidavit published along with other defense documents in *Race for Justice*, a Common Courage Press book compiled by Leonard I. Weinglass, Anthony Jackson, his 1982 court-appointed lawyer, said Abu-Jamal's case "could not be defended with the limited resources that were available. I presented no expert testimony on ballistics or pathology since no funds were available to retain such experts."

Abu-Jamal's current lawyers argue his trial defense was inadequate for reasons beyond the lack of resources. Sternly, the petition for a new trial says he "received the death penalty as a direct result of defense counsel's wholesale failure to prepare for the penalty phase."

Another area the defense has attacked is the lack of conclusive physical evidence directly linking Abu-Jamal's gun to Faulkner's murder. A report by Paul Hoyer, the assistant medical examiner who did the autopsy on the officer, indicated the murder weapon was a .44-caliber handgun, not a .38. He later said that notation is not something he would defend. Nonetheless, his report, done within hours of the incident, could have produced significant doubt in Abu-Jamal's jurors had they known about it, but the document was not produced during the trial.



A prosecution ballistics expert did testify that the fatal bullet was a "Plus-P" .38 caliber consistent with those fired from Abu-Jamal's gun. Because the bullet's condition prevented a direct match, no connection between Abu-Jamal's gun and the fatal bullet ever was established. Also, no test was done to determine if Abu-Jamal had recently fired a gun. Even the simple test of smelling Abu-Jamal's gun barrel to determine the presence of spent gunpowder was not done.

Through his work as a radio journalist, Abu-Jamal has demonstrated a clear bent for those ignored by the powerful and well-heeled. His writing is vivid. He carries the listener/reader to the scene to

after her tiring duties as a housekeeper in a West Mount Airy home. On arrival, she was stopped by police, who told her she could not enter her home of twenty-three years, and that it would be torn down as part of a city program against drug dens. "My house ain't no drug den!" the fifty-nine-year-old-grandmother argued. "This is my home!" The cops, strangers to this part of town, could care less.

Mrs. Helen Anthony left the scene, to contact her grown children. Two hours later, she returned to an eerie scene straight out of *The Twilight Zone*. Her home was no more.

A pile of bricks stood amid hills of red dust and twisted debris; a lone wall was standing jagged, a man's suit flapping on a hook, flapping like a flag of

BECAUSE OF THE BULLET'S CONDITION, NO CONNECTION BETWEEN ABU-JAMAL'S GUN AND THE FATAL BULLET EVER WAS ESTABLISHED.

feel the joy or pain of the occasion:

She sits in utter stillness. Her coffee-brown features as if set in obsidian; as if a mask. Barely perceptible, the tears threaten to overflow that dark, proud, maternal face, a face held still by rage.

A warm spring day in North Philadelphia saw her on her way home,

surrender, after a war waged by bulldozers and ambitious politicians. Mrs. Anthony received no warning before the jaws of the baleful backhoe bit into the bricks of her life, tearing asunder the gatherings and memories of a life well lived. She was served no notice that the City of Brotherly Love intended to grind



Attorney Leonard I. Weinglass, no stranger to controversy, leads the new defense team.

her home of twenty-three years into dust because they didn't like her neighbors... Another chapter in the tragicomedy called "The Drug War."

This April 1992 commentary, entitled "A house is not a home," by Abu-Jamal, is among those in *Live from Death Row*. National Public Radio (NPR) had planned to broadcast a series of his commentaries until, Abu-Jamal supporters contend, political pressure organized by the Fraternal Order of Police forced NPR to change its plans. NPR says the decision was not influenced by outsiders.

Publishing the book did get Abu-Jamal in trouble with prison authorities. They said he violated prison regulations by conducting a business while incarcerated. He was put in disciplinary custody and suffered a loss of privileges because he practiced journalism. The book, however, apparently has helped its author provide for his new defense effort. The *Sunday Patriot-News* in Harrisburg, Pa., estimated Abu-Jamal netted at least \$425,000 from the book. Overall, the newspaper said, more than \$800,000 has been raised since 1990. Mumia supporters dispute that amount.

Abu-Jamal got his start as a journalist

PUBLISHING A BOOK GOT ABU-JAMAL IN TROUBLE. AUTHORITIES SAID HE VIOLATED REGULATIONS BY CONDUCTING A BUSINESS WHILE INCARCERATED.

as co-founder and minister of information of the Philadelphia chapter of the Black Panther Party (BPP) when he was 15. It was then that the FBI began collecting data on him. An October 1969 report in his FBI file says: "In spite of the subject's age (15 years), Philadelphia feels that his continued participation in BPP activists [sic] in the Philadelphia Division, his position in the Philadelphia Branch of BPP, and his past inclination to appear and speak at public gatherings, the subject should be included on the Security Index."

During the phase of the trial when the jury decided Abu-Jamal's sentence, the prosecution used his former member-



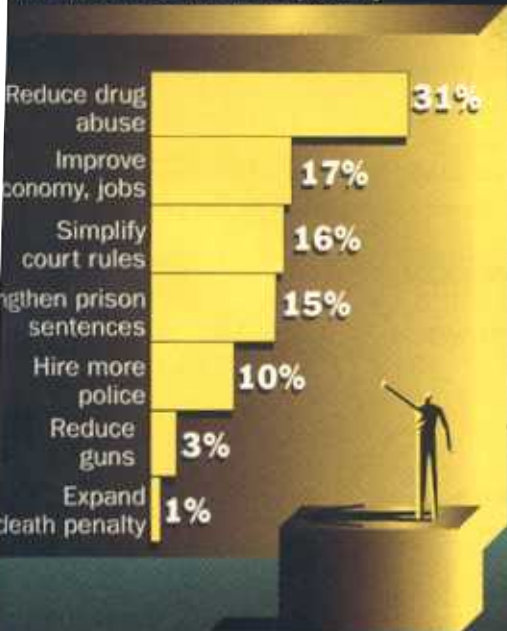
Judge Albert Sabo

ship in the Black Panther Party in a way the defense says violated Abu-Jamal's constitutional rights. Prosecutor Joseph McGill asked Abu-Jamal about an article he wrote as a Panther which used the Mao Tse-tung quote: "Political power grows out of the barrel of a gun." The Pennsylvania Supreme Court, however, ruled the Panther evidence admissible.

Whatever the impact of the Panther disclosure on the jury's decision to execute Abu-Jamal, his Panther membership had a significant impact on his craft. Writing for the party's newspaper, he later recalled, "charged my pen with a distinctive anti-authoritarian, and anti-establishment character that survives to this day." ■

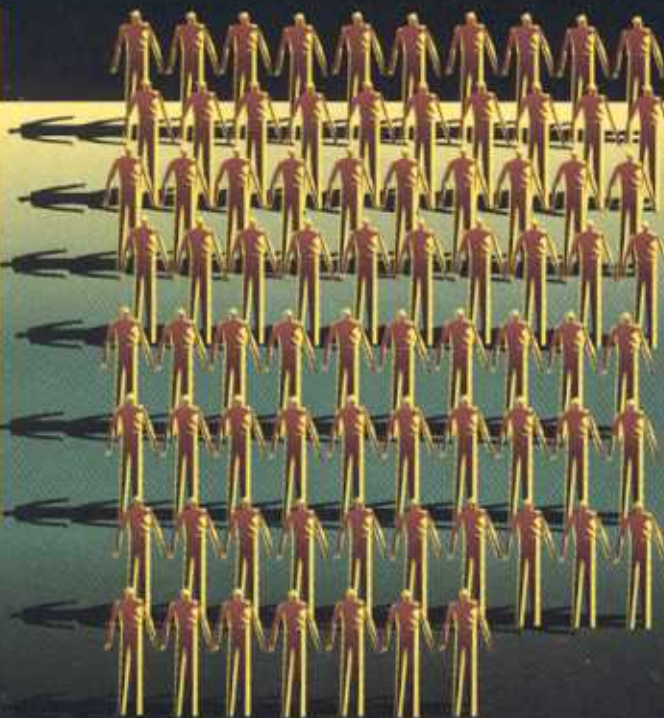
Reducing Crime*

Only 1 percent of police say focus should be on death penalty



Race, Victims and Executions

Persons executed for interracial murders:



3

Whites executed for killing Blacks

77 Blacks executed for killing Whites