

8/8/95

Judge Stays Execution in Police Killing

■ **Courts:** He cites lack of time to complete an ongoing hearing into whether journalist should get a new trial for the 1981 slaying in Philadelphia.

By SAM FULWOOD III
TIMES STAFF WRITER

WASHINGTON—Ten days before he was scheduled to die, journalist and Death Row inmate Mumia Abu-Jamal on Monday was granted an indefinite delay of his execution for the 1981 murder of a Philadelphia police officer.

Judge Albert F. Sabo, who presided over the 1982 trial that sent Abu-Jamal to Pennsylvania's Death Row, said there is not enough time to complete an ongoing hearing into whether the journalist deserves a new trial before the Aug. 17 execution date. Additionally, Sabo said, defense attorneys would need time to exhaust all possible appeals before Abu-Jamal can be put to death by lethal injection.

The judge, who did not set a new execution date, made clear that his decision is not a permanent reprieve for the condemned man. Rather, he said, it is an opportunity to provide due process.

"He has an absolute right to be heard by the highest court in the land—the United States Supreme Court," said Sabo, who had declined as recently as last Thursday to stay the execution.

Leonard Weinglass, a noted civil rights attorney representing Abu-Jamal, said that appeals are in the works and that the stay is "a very heartening victory for the many thousands of people who have come out around the world in support of Mumia."

However, officials representing the Fraternal Order of Police in Philadelphia said that the judge's order was expected and does nothing to change the facts in the case.

"Judge Sabo is being absolutely fair," said James McDevitt, a vice president with the police fraternity. "We have no problems with his decision because it's only fair that Mr. Abu-Jamal go through the federal appeals process before he is executed."

Abu-Jamal, 41, has been on Pennsylvania's Death Row since a jury convicted him in 1982 of murdering Officer Daniel Faulkner.

According to court records, the shooting occurred before dawn Dec. 9, 1981. Abu-Jamal, a radio journalist, was moonlighting as a cab driver when he happened by and witnessed Faulkner arresting his brother, William Cook, and



Associated Press

Mumia Abu-Jamal walks into Philadelphia City Hall where a judge stayed his execution on his conviction of murdering a police officer.

beating him with a flashlight.

When police arrived at the scene, Faulkner was mortally wounded, Abu-Jamal had been shot with Faulkner's pistol and Cook was standing nearby unharmed.

Although neither Cook nor Abu-Jamal ever described what happened that morning, Abu-Jamal's supporters have argued that another man shot Faulkner and ran from the crime scene. They also have maintained that police and other law enforcement officials suppressed evidence that would have cleared Abu-Jamal.

Authorities have said that no conspiracy occurred and have argued that Abu-Jamal received a fair trial.

Dozens of activists who claim that Abu-Jamal received an unfair trial cheered Sabo's decision.

"A lot of pressure has built up around this case," said Jane Henderson, a member of Equal Justice

USA, a grass-roots advocacy group that has been lobbying Pennsylvania officials since 1990 to grant Abu-Jamal a new trial. "I think Sabo has gotten pressure to put off the execution."

Henderson noted that in recent months demonstrations across the United States and in several foreign countries have focused on Abu-Jamal's situation.

Additionally, an expanding network of social activists—including writers, entertainers, politicians, academics and journalists—has campaigned on Abu-Jamal's behalf by sending letters, faxes and statements denouncing his planned execution.

"We know that tens of thousands of letters have come into Judge Sabo's office every day," Henderson said. "We're pleased that it's having some impact but we know we have to remain vigilant that Mumia gets a fair trial this time."

Pa. judge gives reprieve to inmate facing execution

BOSTON GLOBE, Aug. 8, 1998

By Ted Duncombe
ASSOCIATED PRESS

PHILADELPHIA - Ten days before he was to be put to death for the murder of a police officer, black activist and radio reporter Mumia Abu-Jamal won a reprieve yesterday while he pursues an appeal that could take years.

Dozens of supporters, joined by the Rev. Jesse Jackson, cheered and applauded the ruling by Judge Albert F. Sabo, who presided over the trial in which Abu-Jamal was convicted.

The surprise decision came on the ninth day of a hearing on Abu-Jamal's request for a new trial. He had been scheduled to die by injec-

tion on Aug. 17.

"There's reasonable doubt so there should be a new trial," Jackson said outside the courtroom.

The case has generated international attention, especially since publication this year of "Live from Death Row," a collection of prison essays by Abu-Jamal.

Supporters have rallied behind him in South Africa, Paris, Rome and Berlin.

In his ruling, Sabo said that even if he eventually rejects the request for a new trial, Abu-Jamal will need time for further appeals.

Both sides have said they expect appeals to take years, and Tim Reeves, a spokesman for Gov. Tom Ridge, said no new death warrant

will be issued until Abu-Jamal exhausts his appeals.

Abu-Jamal contends he was the victim of a racist criminal-justice system.

He is charged in the 1981 fatal shooting of 25-year-old Officer Daniel Faulkner, an attack that left Abu-Jamal wounded.

Prosecutor's say overwhelming ballistics evidence and eyewitness testimony prove that Abu-Jamal shot Faulkner after finding his brother, William Cook, in a struggle with the officer on a street.

Defense lawyers contend prosecutors and police stacked the trial against the defendant, with Sabo's approval.

THE NATION



By Nanine Hartsenbusch, AP

IN PHILADELPHIA: Mumia Abu-Jamal is taken to court, where a judge indefinitely halted his Aug. 17 execution for the 1981 murder of a police officer.

Judge stays execution of journalist-activist

By Haya El Nasser
USA TODAY

Death row inmate Mumia Abu-Jamal, the former Philadelphia radio reporter whose plight sparked cries of racial injustice from Europe to Africa, will not be executed Aug. 17.

Philadelphia Judge Albert Sabo, dubbed the "hangman" by Abu-Jamal supporters, Monday granted an indefinite stay to the activist convicted of killing a white police officer. The ruling sets the stage for lengthy court hearings for years to come.

Abu-Jamal's supporters — from writers and Hollywood celebrities to human rights and anti-death penalty activists — applauded the decision. Dozens of supporters who have been crowding Sabo's courtroom since a hearing for a new trial began last month broke out in cheers and were joined by Jesse Jackson.

"I am now not under an active death warrant, although I remain under an active death sentence, thus I still sojourn in hell," Abu-Jamal said in a note to Jackson.

In a statement, the district attorney's office said that if not for efforts to portray Abu-Jamal "as a political prisoner and turn this case into a media circus, this matter would be like dozens of other attempts by convicted murderers to avoid their well-deserved sentences."

Abu-Jamal, 41, insists he did not shoot and kill police officer Daniel Faulkner in 1981 and says he fell vic-

tim to a racist criminal justice system bent on punishing him for his political views, including membership in the Black Panthers as a teen-ager.

Abu-Jamal captured attention of the world's intellectuals, from author William Styron to Chinese poet Bei Dao, with his prison memoirs, *Life from Death Row*.

Sabo said he wanted to allow Abu-Jamal time for appeals if he rules against a new trial. "He has an absolute right to be heard by the highest court," Sabo said.

"It's always harder to carry out an abuse of justice in the spotlight," says Gara LaMarche of Human Rights Watch, among the groups pushing for a retrial.

Actor Ed Asner, who joined the call for a new trial in 1989, says the stay will give Sabo time to think about the "shoddiness" of the trial.

Prosecutors say the evidence — Abu-Jamal's gun was found with five empty bullet casings — and eyewitness testimony prove Abu-Jamal shot Faulkner after seeing his brother, William Cook, being handcuffed for a traffic violation.

But defense lawyers argue the court allocated only \$150 for the pre-trial investigation, and witnesses who could have helped Abu-Jamal were forced to testify against him. He was convicted by a mostly white jury.

"In this case, we know there is some relationship between wealth and freedom and between poverty and execution," Jackson says.

Black Journalist Granted Stay of Execution by the Judge Who Sentenced Him

Ny Times 8/8/95
By DON TERRY

PHILADELPHIA, Aug. 7 — Ten days before he was to be put to death for the murder of a police officer here, Mumia Abu-Jamal, a black journalist active in politics, was granted an indefinite stay of execution today by the same judge who sent him to death row 13 years ago.

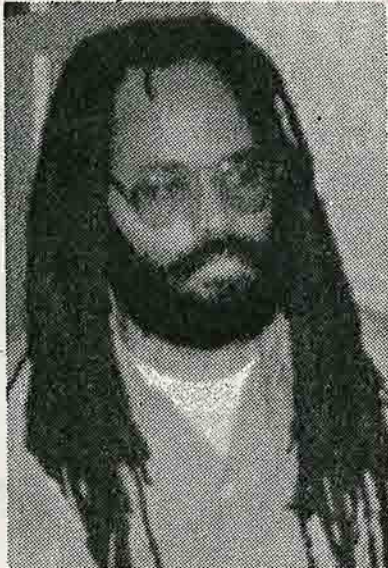
The judge, Albert F. Sabo of Common Pleas Court here, has sent 31 people to death row, more than any judge in the state, and his aides said they could not remember another time that he had granted a stay of execution.

His ruling came during the second week of a politically charged hearing to determine whether Mr. Abu-Jamal, 41, whose appeal has attracted international support, should have a new trial. In 1982, he was convicted of killing a white police officer, Daniel Faulkner, a few blocks from City Hall.

The ruling today surprised almost everyone in the courtroom because Judge Sabo had been openly contemptuous of the defense and its client since the hearing began on July 26. The Rev. Jesse Jackson, who had come to Philadelphia to support Mr. Abu-Jamal and to express opposition to the death penalty, was giving interviews when the judge announced the stay.

The hearing, like the trial, has been haunted by the unresolved political and cultural conflicts of the 1960's and 1970's, pitting two sharply different views of the truth, from two sharply different patches of the United States.

Mr. Abu-Jamal's supporters, who represent a cross-section of races, said he was railroaded at his first trial because he was an outspoken critic of police brutality, because of his teen-age membership in the Black Panther Party and because of his support of the radical black



Reuters

Mumia Abu-Jamal, convicted of killing a policeman, entered a hearing yesterday, where he received a stay of execution.

group MOVE, which had several bitter run-ins with the police, including a 1985 standoff that ended with a bombing of the group's Philadelphia row house by the authorities.

Officer Faulkner's family and colleagues say Mr. Abu-Jamal is simply a "cop killer" whose fate was decided far more deliberately and fairly than that of Officer Faulkner, who was shot in the back and the head early on Dec. 9, 1981.

"It makes you wonder," Officer James Green said of today's stay. "Maybe we should have executed him at 13th and Locust where he executed Danny Faulkner."

It is that kind of anger that tempered the joy of Mr. Abu-Jamal's family and supporters as they hugged each other in the hallway

while police officers looked on.

"This is a long way from over," said Pam Africa, a supporter of Mr. Abu-Jamal who is working with his defense team. "Mumia goes back to a cell. These people don't like him. They want to kill him. We are still working in the shadow of death."

In his two-paragraph ruling, Judge Sabo said the stay was granted not as "an expression of an opinion on the merits of the defendant's motion" for a new trial, but because higher courts would not have enough time to review the case before the execution.

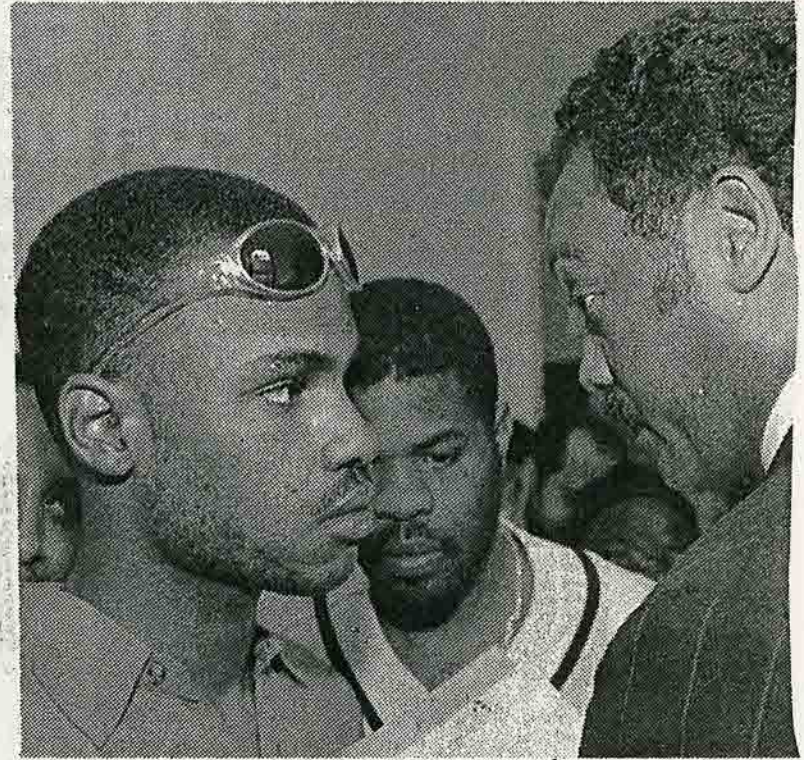
The hearing will continue on Wednesday with Judge Sabo presiding. The stay does not move Mr. Abu-Jamal off death row, as the defendant pointed out in a note delivered to Mr. Jackson at the end of the hearing.

"I am now not under an active death warrant," Mr. Abu-Jamal wrote, "although I remain under an active death sentence, thus I still sojourn in hell."

Many experts had expected Mr. Abu-Jamal to be granted a stay by a higher court; few thought Judge Sabo would grant it. Mr. Jackson, who spoke with Mr. Abu-Jamal today as a designated spiritual adviser, said Mr. Abu-Jamal was "delightfully surprised."

Mr. Abu-Jamal's lead lawyer, Leonard I. Weinglass, said the judge was "compelled to yield" to the pressure put on by "the tens of thousands of people around the world who supported Mumia."

In a short statement to the media, the Philadelphia District Attorney's office said the stay was granted because the defense had delayed the proceedings whenever possible and had engaged in a "disingenuous effort" to portray Mr. Abu-Jamal "as a political prisoner and turn this case into a media circus."



Associated Press

Jamal Abu-Jamal, son of Mumia Abu-Jamal, a journalist facing death for the murder of a Philadelphia police officer, talked to the Rev. Jesse Jackson yesterday. They were attending a hearing to decide whether his father would get a new trial. The judge granted a stay of execution for Mr. Abu-Jamal, who was to have been put to death on Aug. 17.

Mr. Abu-Jamal's supporters assert that what happened the morning Officer Faulkner was killed is shrouded in doubt. About all the two sides agree on is that Officer Faulkner stopped Mr. Abu-Jamal's brother for driving the wrong way on a one-way street shortly before 4 A.M. on Dec. 9, 1981, and the two men struggled.

Mr. Abu-Jamal, who was working as a cab driver, happened to be

driving past and pulled over to help his brother, who he said was being beaten. Mr. Abu-Jamal was also illegally carrying a lawfully bought pistol, which he had gotten after being robbed twice on the job.

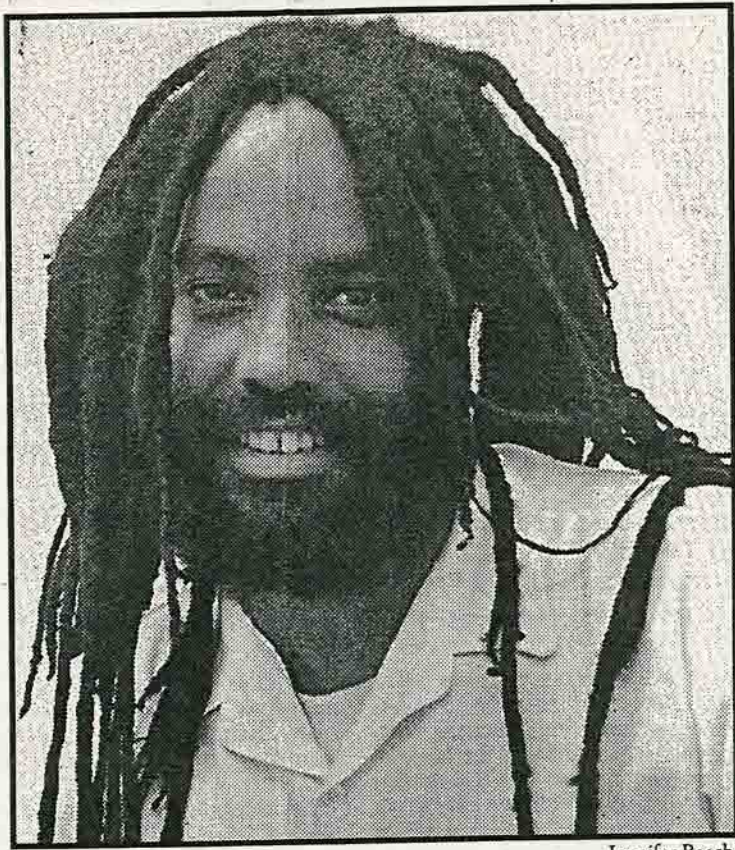
Officer Faulkner's widow, Maureen, was in court today and said she was not discouraged by the stay, adding: "I will be here in court on Wednesday. I do believe justice will prevail."

MUMIA ABU- JAMAL MUST HAVE A NEW TRIAL.

(pub)

Award-winning journalist, talk-show host, former Black Panther, and MOVE supporter Mumia Abu-Jamal was convicted in 1982 of killing a Philadelphia police officer, and sentenced to death. As E. L. Doctorow details below, Jamal's trial was full of gross procedural errors and judicial misconduct.

There is strong reason to believe that as an outspoken critic of the Philadelphia police and the judicial and prison systems, Mumia Abu-Jamal has been sentenced to death because of his political beliefs.



Jennifer Beach

Human Rights Watch gave him one of its 1995 awards for authors under political

persecution, and Amnesty International has stated that the government “appears to have overtly used Mumia Abu-Jamal’s past political beliefs and affiliations . . . to impose the death penalty.” Seven days after his death warrant was signed and two months before his scheduled execution, Jamal’s access to family, legal counsel, and reading and writing materials was restricted in punishment for the publication of his book *Live from Death Row*. As Jamal, known as the “voice of the voiceless,” put it, “They don’t just want my death, they want my silence.”

UNLESS MUMIA ABU-JAMAL GETS A FAIR TRIAL, JUSTICE WILL NOT BE DONE. INSTEAD, AMERICA WILL WITNESS A POLITICAL EXECUTION. WE REFUSE TO STAND BY SILENTLY AND LET THIS HAPPEN.

ADJOA A. AIYETORO
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of Black Lawyers

SHANA ALEXANDER
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Laurie Anderson
Artist

MAYA ANGELOU
Poet

PAUL AUSTER
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SUSAN FALUDI
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SPIKE LEE
Director, Producer, Actor

EDWARD LEWIS
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MAYA LIN
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NORMAN MAILER
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PETER SELLARS
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NANCY SPERO
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ART SPIEGELMAN
Comix Artist

BOB STEIN
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Ms. Magazine

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MICHAEL STIPE
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Filmmaker

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- ROBBIE CONAL**
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National Radio Host
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- JUNE JORDAN**
Poet, Professor,
African American Studies,
University of California, Berkeley
- MITCHELL KAPOR**
- CASEY KASEM**
Broadcaster
- C. CLARK KISSINGER**
Refuse and Resist!
- HERBERT KOHL**
Educator, Author
- JONATHAN KOZOL**
Author
- TONY KUSHNER**
Playwright
- JOHN LANDIS**
Filmmaker
- JARON LANIER**
Computer Scientist
- JAMES PARKS
MORTON**
Dean, Cathedral of
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- PAUL NEWMAN**
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NANCY MEYER**
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For more information contact International Concerned Friends & Family of Mumia Abu-Jamal: Phone & Fax (215) 476-8812
The Center for Constitutional Rights 666 Broadway NY NY 10012

Death row writer inspires supporters

Here is some career advice for anyone who plans on becoming a murderer: Develop your writing skills.

This could prove to be far more significant than your choice of weapons or lawyers, especially if you land on Death Row.

That's because big names in literary, intellectual and show business circles tend to be far more sympathetic to an articulate killer than some lowbrow fiend who drools and grunts.

We're seeing a classic example of that in the case of a convict named Mumia Abu-Jamal, 41, who awaits execution in Pennsylvania for the murder of a Philadelphia cop.

Abu-Jamal has won the loyalty and affection of prominent authors, actors, academics and other deep thinkers not only in this country but across Europe.

Obviously, he did not win their affection by being some slack-jawed street thug who caves in a skull for a watch and a wallet.

No, Abu-Jamal wears dreadlocks and is a former Black Panther who became a radio reporter and writer. He is also described as an "activist," whatever that means these days.

The crime occurred back in 1981.

According to the evidence presented at Abu-Jamal's trial, at about 4 o'clock one morning, Abu-Jamal's brother was being questioned about a traffic violation by Police Officer Daniel Faulkner.

Abu-Jamal appeared, and there was an argument, a fight, then gunfire.

The cop was shot dead. Abu-Jamal was wounded, and a .38 was at his side.

Witnesses said they saw Abu-Jamal shoot the cop. The defense said somebody else did it and ran away.

But Abu-Jamal and his brother didn't testify, so the jury never got a firsthand account of how he happened to get shot by the cop, or how the cop was shot with the gun found at his side.

And the defense didn't identify the somebody else who did it and ran away.

So the jury was kind of stuck with Abu-Jamal.

In the years that have passed, Abu-Jamal has written essays from his cell about his life and the injustice he has suffered. His fame has spread across borders and oceans.

And lately his fame as a victim of injustice, a political prisoner and a heroic underdog in an oppressive society has just exploded.

To give you an idea how popular Abu-Jamal is, in Rome more than 100,000 people signed free-Mumia petitions that were given to the U.S. Embassy.

It's hard to imagine that there are 100,000 people in Rome who took that keen an interest in the details of a 1981 cop-shooting in Philly. Maybe they confused Abu-Jamal with Rocky Balboa.

More than 1,000 protesters



**MIKE
ROYKO**

marched in Berlin and chanted "Free Mumia." Ah, those sentimental Germans — they have such a soft spot for minorities.

At a big literary gathering in Paris, a famous Chinese poet read a poem about the case. The news reports didn't say if he read it in Chinese, French, English, rap or if it rhymed.

And the prominent writer who organized the Paris literary gathering flatly declared that Abu-Jamal was a political prisoner and had been framed.

Unfortunately, he didn't offer evidence as to how the frameup occurred. Maybe he is suffering from writer's block and will tell us when the malady clears up.

In New York, big-name authors got together with members of the Committee to Save Mumia and held a press conference. William Styron, who wrote "Sophie's Choice," said Abu-Jamal's death sentence is considered "an evil and barbaric act not only in the United States but by vast numbers of people throughout the world."

Styron didn't say how these vast numbers of people throughout the world feel about the children and widows of dead cops. But, then, everybody has problems.

All of this just shows how important it is to pay attention to your English teachers and learn how to write a good essay.

Throughout America's prison systems, there are hundreds of thousands of convicted killers, many of whom could tell true-life stories as interesting as Abu-Jamal's.

Why don't we hear about them? Because most of them can't even write a postcard. And if they could, they'd probably scribble something like: "The reason I shot that old short-order cook and the fat waitress was that I was drunk up and got mad and I needed cash moneys and I don't remember much else so tell my old mom goodbye to sell my pick-up truck."

Well, you can't expect people like Whoopi Goldberg, E.L. Doctorow, Ed Asner, Jesse Jackson and all those other famous authors and deep thinkers to be inspired by the third-grade scratchings of some ordinary cut-throat. They expect literary style.

Which might explain why almost nothing has been said or written about Daniel Faulkner, the cop whom Abu-Jamal was convicted of murdering.

Whether the cop could write anything more than traffic tickets isn't known. And it's too late to ask.

MIKE ROYKO is a columnist for *The Chicago Tribune*.

Pour Mumia Abu Jamal par Jacques Derrida

Il y a près de vingt-cinq ans – ce souvenir m'angoisse et me désespère encore –, nous nous étions ainsi mis en mouvement, hélas en vain, pour tenter d'arracher à une infernale machination juridico-carcérale quelqu'un qui représentait alors, aux Etats-Unis, dans ces années-là, l'une des figures exemplaires pour le jeune Mumia Abu Jamal. Celui-ci militait déjà depuis quelques années, depuis 1968 : il avait alors à peine quatorze ans à l'époque où venaient de se déchaîner les supporters et la police du sinistre Wallace, ce gouverneur ségrégationniste de l'Alabama qui tenait une réunion électorale à Philadelphie, la ville de Mumia, qui fut alors comme tant d'autres tabassé par les forces de l'ordre. La figure exemplaire, exemplaire aussi pour Mumia, de celui que nous n'avions pas pu sauver en 1971, c'était George Jackson. Avec Jean Genet et d'autres amis, nous avions décidé d'écrire et de parler pour Jackson. Certains d'entre nous, ce fut mon cas, venaient à

peine d'écrire et de crier leur révolte, ils venaient à peine de dénoncer le crime imminent, quand nous apprîmes qu'il était déjà trop tard : George Jackson venait d'être assassiné en prison dans des conditions ignobles.

Est-il temps d'interrompre l'immonde processus en cours ? En aurons-nous les moyens ? Sera-t-il assez puissant, l'immense mouvement qui a soulevé, à travers le monde, tant d'hommes et de femmes, tant d'organisations décidées à ne pas laisser se faire une injustice aussi barbare ?

Nous ne devons pas nous laisser décourager, bien sûr, jamais, même si nous savons d'expérience, hélas ! que de celui qui a signé et daté (le 17 août prochain) l'ordre d'exécution par injection mortelle, le gouverneur Tom Ridge, comme des électeurs avec lesquels il a ainsi conclu un marché (car il a dit vouloir ainsi « fulfill a campaign promise » : « tenir une promesse électorale »), de cette brutalité politico-policière nous ne pouvons attendre que peu d'attention et de

sensibilité, peu d'intelligence aussi pour les témoignages, les arguments, les protestations de justice et d'humanité que nous pouvons leur adresser. Tous nos cris leur parviennent assourdis de très loin, presque d'un autre monde. Ils troublent peu ces durs d'oreille et de cœur, ceux dont on sait maintenant, par mille témoignages, qu'ils se marrent en prononçant entre eux, comme une bonne et grasse plaisanterie, l'expression « présomption d'innocence ». Dans ces conditions, le seul « calcul » sur lequel il est peut-être « raisonnable » de compter encore, ce serait celui que pourraient inspirer au gouverneur – et à ceux qui peuvent exercer quelque pression sur lui – le souvenir et la crainte des explosions qui suivraient la mise à mort d'Abu Jamal, comme à Los Angeles il y a peu, mais cette fois dans tant d'autres villes.

Mais nous ne devons pas pour autant désarmer. Nous devons au contraire accélérer et intensifier notre action. Ce devoir nous est dicté sans doute et d'abord par la

singularité d'une histoire, celle de Mumia Abu Jamal lui-même. Son destin reste unique, ne l'oublions pas, comme le serait sa mort, comme l'aura été une souffrance indescriptible. Et pourtant, cette injustice révèle exemplairement, dans sa généralité massive, un certain état du droit et de la politique pénale ou carcérale dont sont victimes, aux Etats-Unis, tant et tant de prisonniers, en grande majorité afro-américains.

Nous savons tous, le monde sait aujourd'hui ce qu'aura été, depuis treize ans, l'enfer du *death row*, du « couloir de la mort » « super max » et high tech dans lequel on a isolé, en vérité torturé jour et nuit, Mumia Abu Jamal, après un procès notoirement indigne.

Lire la suite page 8
et nos informations page 20

Jacques Derrida est philosophe et l'un des vice-présidents du Parlement international des écrivains.

Pour *Le Monde* 09.08.95 Mumia Abu Jamal

Suite de la première page

En effet, la plupart des Noirs ont été récusés, les moyens d'enquête en fait refusés, un avocat a été commis d'office et choisi pour son incompétence, un policier qui aurait pu témoigner en faveur de l'accusé a été mis à l'écart, sans oublier, les contradictions sans nombre des témoins de l'accusation...

On passerait des heures à énumérer toutes les irrégularités qui ont entaché cette mascarade judiciaire dont tous les éléments sont maintenant rassemblés et bien connus du monde entier. Tout démontre au contraire qu'on s'acharne sur celui qui fut un temps membre des Black Panthers, avant de devenir un journaliste courageux et indépendant, populaire aussi, et vite surnommé « la Voix des sans-voix » (*The Voice of the voiceless*). Cette voix est devenue intolérable, c'est elle qu'on veut non seulement faire taire, ne pas même avoir entendue, non seulement empêcher de s'élever mais empêcher de lever dans d'autres voix vivantes qui viendraient protester contre la même oppression, la même répression raciste.

Comme le rappelle Mumia Abu Jamal dans sa déclaration du 12 juillet dernier, au moment où l'Afrique du Sud jette la peine de mort aux poubelles de l'histoire, voilà que, comme d'autres Etats américains qui tendent de plus en plus, aujourd'hui, à rétablir la peine de mort ou à revenir sur la suspension provisoire des exécutions, la Pennsylvanie veut offrir plus de « sang noir » à son ivresse raciste, et ceci dans un Etat qui ose se vanter d'être l'Etat où fut écrite la Constitution des Etats-Unis dont il viole pourtant chaque jour et la lettre et l'esprit, détruisant les preuves de l'innocence d'Abu Jamal et confiant

l'instruction du procès à un membre retraité du lugubre et désormais célèbre Ordre fraternel de la police, qui hurle à la mort et au lynchage.

Sans jamais oublier la terrible histoire d'Abu Jamal, sans effacer sa singularité sous prétexte qu'elle représente aussi exemplairement, en sa figure, la condition de tant d'Afro-Américains, il convient toutefois de rappeler, je le fais d'un mot trop bref, que non seulement le système carcéral se développe aux Etats-Unis à un rythme incomparablement supérieur à celui de tous les autres pays du monde, que près de 3 000 personnes y attendent la mort par pendaison, électrocution, chambre à gaz, injection létale ou peloton d'exécution mais que, Amnesty International nous le rappelle, certaines prisons américaines, par exemple au Colorado, sont parmi les plus inhumaines du monde (automatisées, robotisées, soustraites à tout contact humain, jour et nuit sous surveillance électronique, et d'abord, ne l'oublions surtout pas, réservées aux prisonniers politiques; de vrais camps de la mort parfois tenus par des entreprises privées dans la plus tranquille bonne conscience et la meilleure gestion possible sur le marché du droit).

LA « VOIX DES SANS-VOIX »

Dans le seul Etat de Pennsylvanie, où près de 150 hommes et femmes attendent leur exécution, 60 % de ces condamnés sont des Afro-Américains alors qu'ils représentent entre 6 % et 9 % de la population (symptôme qui traduit évidemment un état général, social, économique, politique et symbolique du pays qu'on ne saurait traiter sans abstraction, au seul plan de la statistique démographique, policière ou judiciaire).

Ces condamnés passent de vingt-deux à vingt-trois heures par jour en cellule dans des conditions cruelles et humiliantes, privés de tout ce à quoi ils devraient avoir droit, et de plus en plus durement depuis 1992: plus de livres, plus de radio, presque plus

de communication avec le dehors. Ce que je rappelle ici un peu vite et trop sèchement, personne ne peut certes y être insensible et y assister en silence ou passivement. Mais au-delà de l'indignation ou de la révolte dont nous devons tous témoigner, je voudrais dire aussi quelques-unes des raisons pour lesquelles le Parlement international des écrivains, en tant que tel, a immédiatement jugé nécessaire de prendre sa part d'initiative dans ce grand mouvement.

OPPOSITION DE PRINCIPE

Même si nous n'étions pas persuadés par mille indices que la justice a été violée dans le cas d'Abu Jamal pendant plus de treize ans et que son procès appelle au moins une révision, le Parlement international des écrivains s'oppose par principe, par ce qui est son principe même, et aux tortures policières et carcérales et à la peine de mort, ce qui va de soi dès lors que nous nous élevons contre toutes les violations de la liberté de parler et d'écrire, toutes les violences et toutes les entraves à la liberté que des forces, gouvernementales ou non, imposent à des intellectuels, écrivains, savants, journalistes.

A cet égard, la menace de mort qui pèse sur Abu Jamal est analogue à celle qui, un peu partout dans le monde aujourd'hui, tente de réduire au silence (par le meurtre, la prison, l'exil, la censure sous toutes ses formes) tant d'intellectuels ou d'écrivains, tant de journalistes, tant d'hommes et de femmes qui revendiquent leur droit à la parole libre et publique.

Sans cesser d'être lui-même, Abu Jamal, la « Voix des sans-voix », est d'abord un prisonnier politique. Parce qu'il risque la mort, il représente ainsi pour nous aujourd'hui toutes ces voix, la voix, une voix de toutes ces voix. Et nous ne cesserons plus de l'entendre.

Avant même qu'il nous le rappelle lui-même, dans la lettre bouleversante qu'il vient de nous adresser, nous savions que ce

qu'on voudrait faire disparaître, outre le témoin et le militant lucide, c'est un homme de parole et un écrivain.

Abu Jamal n'est pas seulement celui qui a rappelé aux Etats-Unis ce premier amendement, cette liberté de la presse et cette liberté de parole dont ils ont la bouche pleine alors qu'ils bâillonnent à mort celle de tant d'autres.

Abu Jamal n'est pas seulement un journaliste populaire mais aussi quelqu'un qui a déjà été puni et soumis à un traitement spécialement rigoureux pour avoir été l'auteur de *Live from the Death Row*.

Cet écrivain aura décrit à la face du monde la condition des couloirs de la mort. Il nous le rappelle avec un ironie terrible et impeccable: en Pennsylvanie, lieu de naissance du premier amendement de la Constitution, « *writing is a crime* », « *écrire est un crime* ».

Quand il nous exhorte, depuis son couloir de la mort, à « *write on* », à continuer d'écrire, en allant droit, juste où il faut, cet appel et cette injonction nous dictent notre loi. Cet impératif nous rappelle notre charte et notre vérité. L'enjeu de cette persévérance inconditionnelle dans l'écriture porte bien au-delà des intérêts d'une corporation d'écrivains ou de la protection d'une société de gens de lettres. Cela ne fut jamais le cas, mais aujourd'hui moins que jamais, on le sait trop.

« TACTIQUES D'INTIMIDATION »

Et quand lesdites « *grandes démocraties occidentales* » se flattent de donner sur ce terrain des leçons au monde, à tous les Etats, à toutes les nations qui violent en effet des droits imprescriptibles, et le font de plus en plus un peu partout, avec de plus en plus d'arrogance, eh bien, les donneurs de leçons devraient commencer par respecter chez eux, oui, d'abord chez eux, les principes dont ils sont si prompts à exporter la rhétorique. Sans quoi cette éloquence de la « *bonne conscience* » ne sera que l'une de ces « *tactiques d'intimidation* » dont parle Mumia Abu Jamal - à qui je laisse le dernier mot pour ce qui restera, espérons-le, un trait ineffaçable et la signature du vivant que nous saluons:

« *That I write at all reveals the utter failure of their intimidation tactics - as does the fact that you read* »:

« *Le simple fait que j'écris révèle l'échec total de leur tactique d'intimidation, comme le révèle aussi le simple fait que vous lisez.* »

Jacques Derrida

★ Transcription de propos tenus lors de la conférence de presse donnée à l'Unesco, le 1^{er} août 1995, par le Parlement international des écrivains.

Mumia Abu Jamal obtient un « sursis indéfini »

L'exécution du militant noir américain est reportée

WASHINGTON

de notre correspondante

C'est sans doute le condamné à mort le plus célèbre des Etats-Unis, et pourtant ils sont nombreux : plus de trois mille. Mumia Abu Jamal n'a pas seulement mobilisé Amnesty International, le Pen Club, le MRAP (Mouvement contre le racisme et pour l'amitié entre les peuples), le chancelier Kohl et quelques milliers de manifestants à travers le monde pour appuyer la demande de révision de son procès.

Il a aussi depuis peu son CD-ROM, grâce auquel les fous de l'ordinateur peuvent tout à la

L'intervention de Jacques Chirac

En réponse à Georges Marchais, qui, en sa qualité de président du Comité de défense des libertés et des droits de l'homme en France et dans le monde, lui avait écrit, le 3 août, pour lui demander d'intervenir en faveur de l'ancien Black Panther, Jacques Chirac a fait savoir, dans une lettre datée du 4 août, que l'ambassadeur de France à Washington était « autorisé à effectuer, à titre strictement humanitaire et dans le respect du droit américain, toute démarche susceptible de contribuer à épargner la vie de M. Mumia Abu Jamal ».

Dans sa lettre, rendue publique lundi 7 août, Jacques Chirac précise que, « sans se prononcer sur le fond du dossier, et tout en soulignant que les Etats-Unis sont, comme la France, un pays de stricte séparation des pouvoirs », il a demandé à l'ambassadeur de France aux Etats-Unis « de se tenir informé de l'évolution des audiences du tribunal de Philadelphie ».

fois, sur leur écran, lire son livre, écouter sa voix et regarder ses dernières interviews avant d'organiser, sur Internet, des pétitions en sa faveur.

Mumia Abu Jamal ne mourra pas, comme prévu, jeudi 17 août, par injection, à quarante et un ans, pour le meurtre d'un policier blanc, tué par balles dans une rue de Philadelphie, une nuit de 1981 (*Le Monde* daté du 27 juillet). Il était à l'époque militant de deux organisations radicales, les Black Panthers et MOVE. Ses avocats affirment que plusieurs irrégularités ont entaché son procès, en 1982. Ils avaient demandé un sursis, la semaine dernière, pour lui permettre de mener à bien la procédure d'appel en cours au

tamée le 25 juillet, risquait d'être interrompue par l'exécution de l'intéressé.

Lundi 7 août, à dix jours de la date fatidique, le juge Albert Sabo, le même magistrat qui présida son procès, il y a treize ans, a accordé à Mumia Abu Jamal un « sursis indéfini » : aucune nouvelle date d'exécution n'a été fixée, car, a souligné le juge, même si sa requête en révision est repoussée, il lui faudra encore du temps pour formuler d'autres appels.

De son côté, le gouverneur de Pennsylvanie, Tom Ridge (républicain), a fait savoir qu'il ne demanderait pas la mise en œuvre de la condamnation à mort tant que toutes les procédures d'appel n'auraient pas été épuisées. De l'avis de la défense comme du parquet, ces procédures peuvent prendre plusieurs années.

« VICTOIRE ENCOURAGEANTE »

Le principal avocat de Mumia Abu Jamal, Leonard Weinglass, a salué ce sursis comme « une victoire très encourageante pour les milliers de gens qui se sont mobilisés à travers le monde en sa faveur ».

Même si, il y a une semaine encore, le procureur promettait de ne pas se laisser impressionner par une campagne internationale « politique », il est probable que cette mobilisation a pesé dans la décision du juge.

C'est d'ailleurs la deuxième fois cette année qu'une campagne de presse se solde par un sursis pour un condamné à mort américain : le 16 juin, en Floride (l'Etat qui arrive en tête des exécutions après le Texas), Joe Spaziano, un homme condamné à la chaise électrique, il y a dix-neuf ans, pour le meurtre d'une infirmière, a finalement eu la vie sauve, à onze jours de la date prévue pour son exécution, après que le principal témoin à charge se fût rétracté.

A un moment où le Congrès, la Cour suprême et la Maison Blanche sont en faveur d'une mise en œuvre plus rapide des peines capitales afin d'éviter que les condamnés ne passent douze, quinze ou vingt ans dans le « couloir de la mort », l'affaire Mumia Abu Jamal n'a pas réussi à soulever aux Etats-Unis de débat sur la peine de mort.

Un récent procès, très différent, mais fiévreusement suivi par l'opinion, a, en revanche, été salué par plusieurs opposants à la peine de mort comme exemplaire : celui de Susan Smith, une jeune femme de Caroline du Sud coupable du meurtre de ses deux petits garçons, qui a été condamnée, le mois dernier, à la prison à vie, sans possibilité de libération anticipée avant trente ans.

En refusant de lui infliger la mort, a estimé le *New York Times*, les jurés « ont fourni à leurs concitoyens une occasion de réfléchir sur une pratique barbare qui retarde et complique la recherche de la justice ».

The eloquent Abu-Jamal ought to speak up now

People who want to see Mumia Abu-Jamal executed aren't concerned about the fine legal points, such as proof of premeditation to justify the death penalty.

Abu-Jamal was definitely not just an innocent bystander. If he doesn't want to die, he should tell what he knows instead of grandstanding all over the place.

Jamal's 12-year-old smiling-face poster is everywhere. His book, "Live from Death Row," is hopelessly obsolete social analysis full of 12-year-out-of-date abstractions such as: "Students are the hope for the future." So anyone who wants peace and quiet will have to wait until the death penalty is no longer an issue.

RICHARD KANEGIS
Philadelphia

We are constantly reminded that Jamal is a "journalist" and an eloquent speaker, a gifted writer who has penned a book which is a rallying cry for the oppressed everywhere. That is the reason, we are reminded, worldwide efforts are dedicated to his cause.

How strange then that one so eloquent and so prolific in his writings is unable to step forward (nor is his loving brother) to describe in the simplest of language the newly discovered "stranger" whom his equally eloquent attorneys say came upon the scene to take up Mumia's cause that fateful morning.

The "stranger" left without even stopping to receive Mumia's thanks. In his hour of need when he most needs his silver tongue, Mumia is suddenly struck dumb. What an inopportune time for his golden tongue to fail him.

Instead, his sudden muteness forces him to rely on shadowy figures distant from the crime scene to describe the mysterious "stranger." Indeed, at the original trial and the evidentiary hearing preceding the trial, they were so traumatized they could not even remember seeing or hearing the stranger. Only when their extraordinarily creative attorneys brought it to Mumia's attention, did he apparently remember the "stranger."

JERRY BORIS
Philadelphia

"If Mumia burns, Philly will burn!"

"Sabo has to know we're coming for him."

These are direct quotes from two of Mumia Abu-Jamal's closest supporters. I'm not sure, but they sound very much like terroristic threats against the United States and an official of

our justice system. It seems, since Abu-Jamal and his supporters were unable to successfully defend his innocence, they are attempting to secure his freedom through intimidation and cowardly acts of threatened violence.

STEPHEN J. HALL
Philadelphia

I am totally sickened by the Abu-Jamal story. Why don't we just ket him go? Maybe he can kill another human being. Maybe write another book. And if he is executed, we can always loot stores and hurt innocent people.

My heart goes out to Maureen Faulkner, the whole Faulkner family and Gary Bell for having to relive this nightmare. Where were Faulkner's rights? What about the life the Faulkners will never have together? The children they will never have? I guess Abu-Jamal thought it was OK to execute Faulkner. Did he get a fair trial or even a fair chance?

MARY BECKER
Philadelphia

If Mumia Abu-Jamal burns, the city of Philadelphia burns? That's just the kind of mentality that caused Mumia to be on death row, convicted of murdering a policeman.

The threat to burn Philadelphia will not change Gov. Ridge's mind. The death warrant has been signed. Will burning the city or threatening to do so help Mumia's cause? That's prehistoric thinking. We refuse to be held captive by threats of violence! Carry out the sentence... one less person on death row to support.

PATRISHA McMICHAEL
Philadelphia

It really PO's me to see what is happening downtown, and all over the U.S. and abroad — all these know-it-alls who know nothing. Mumia Abu-Jamal was found guilty. No ifs or buts. He killed Officer Faulkner, and bragged about it. Now it's getting close for his turn, he turned yellow.

All his supposed supporters are reaping the glory on TV and news.

I know he won't die on Aug. 17, but I'll pray to God that some day soon he might just drop dead.

JOHN J. FITZGERALD
Philadelphia

In just one sharp, incisive cartoon on Mumia Abu-Jamal (Aug. 4) Signe Wilkinson put the correct aspect on the Abu-Jamal uproar.

This cartoon is a gem.
ED GALING
Hatboro

Celeb struck

Big names sign for Mumia

At the Very Moment yesterday I am making myself heard on "AM/Philadelphia" — my topic being the ill-informed New York and Hollywood celebrity jackasses who have jumped aboard Mumia Abu-Jamal's bandwagon — a pal is getting me an ad from the New York Times signed by, yes, a herd of New York



and Hollywood celebrity jackasses united by two things — their heartfelt feelings for the convicted cop-killer, and their limitless ignorance of the case.

I'll provide some of those names in a moment, but two leaped off the page: Pugnacious novelist Norman Mailer, and Random House editor Jason Epstein.

Rushing to defend a murderous con is nothing new for Mailer/Epstein, the literary Batman & Robin. Along with some of their amusing radical chic pals, they helped free career criminal Jack Henry Abbott, who had writing ability. (Abbott had some other ability, at 21 having killed a fellow con. Mailer may sympathize as he was once arrested for stabbing one of his five wives.)

Ignoring prison officials who termed Abbott "incorrigible," the too-smart New Yorkers got him sprung, moved him to New York, where shortly thereafter he murdered a waiter in 1982.

You think Mailer/Epstein would've learned a lesson. Apparently not. The waiter could not be reached for comment.

Missing from the Times ad was William Buckley's name, which means Bill did learn a lesson. He crusaded to free Edgar Smith, who had been convicted of murdering a 15-year-old girl. Like Abbott, Smith also had some writing ability and was freed in 1971 after 14 years on Death Row.

He spent several years giving lectures for cash about being a wrongly convicted man. He would have kept that up except for an accident — a woman he abducted and stabbed in San Diego didn't die and was able to identify him. During that trial, Smith confessed that, yes, he actually had killed the 15-year-old girl.

Currently, some of the luminaries who demand a "fair trial" for Mumia seem incapable of digesting the fact that some people in jail actually are guilty and that murder is not a "political belief," at least not an acceptable one.

(I believe I can get Ed Asner to sign a petition saying that Gary Heidnik is a political prisoner.)

On the Times autograph list we have Ph.D. candidate and model Naomi Campbell, best known for

tossing both great fits and assets that rhyme with fits; Ben Cohen, whose involvement with the criminal-justice system is limited to naming ice cream flavors for Ben & Jerry; actor Mike Farrell, who last worked during Ronald Reagan's (first) term; tiresome columnist Molly Ivins, who seems to have come up

short of matters of justice to write about in her Texas home; scholarly Casey Kasem, who might think about a Top 20 Countdown of Mumia alibis; "filmmakers" Terry Gilliam, John Landis, Spike Lee and Oliver Stone, who will probably have a fistfight to control the rights to Mumia's story; and the usual collection of poets, authors, academics and actors with limited access to reality — such as Alec Baldwin (but, mysteriously, not wife Kim Basinger, who's obviously the brains in that marriage), Danny Glover, Paul Newman, Tim Robbins, Susan Sarandon, Joanne Woodward.

By definition, Abu-Jamal is not a political prisoner

Counterproductive protests

Why are so many of the supporters of Mumia Abu-Jamal so selective in their criticism of the death penalty?
 Where was their outrage at the first execution in Pennsylvania earlier this year? Where was their outrage at the execution of more than 40 individuals on theft charges in Nigeria in July? Does the execution of a white man in America or the execution of Africans by an African government make capital punishment any less offensive?
 Making a convicted cop-killer like Mumia

8/10/95

Phila. Daily News 8-10-95

WHERE TO WRITE:

Letters
 Philadelphia Inquirer
 P.O. Box 8263
 Philadelphia, Pa. 19101
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 e-mail: EditPage@AOL.com
 or 75051.3030@compuserve.com

The Inquirer welcomes letters from its readers. For verification purposes, include home address and phone number (day and evening). The more concise a letter, the more likely it will be chosen and the less likely it will need to be condensed.

Mumia Abu-Jamal the poster child for opposition to the death penalty is counterproductive enough. The hypocrisy of many of his supporters only undermines the moral high ground of the argument against capital punishment.

Peter A. Watko
 Philadelphia

I have been reading news accounts and listening and talking to some black nationalists and leftists about their views on Mumia Abu-Jamal's case. Some believe that Mumia Abu-Jamal is a political prisoner and have been drumming up support for him throughout the nation based on this perspective.

The Left has exploited the legal misfortunes of other African-Americans, like the Scottsboro brothers and Angela Davis, in order to attract supporters and rally their troops against the capitalist system. The dormant Left has found another black savior.

Old and young leftists are out on the protest line throughout the nation. However, I disagree with their view of Abu-Jamal as political prisoner.

As a college student, I raised money for and solicited support for political prisoners. These were generally individuals who were part of some radical organization and were incarcerated for their political beliefs on some kind of trumped-up charges.

I'm talking about people like the Rev. Ben Chavis, who was locked up along with other activists in the early 1970s in Wilmington, N.C.

Another was Geronimo Pratt, a member of the Black Panther Party still incarcerated in California. A third was Imari Obadele of the Republic of New Africa, who was incarcerated in Jackson, Miss., in 1971.

While I was not out getting support for them, I would have to add that Ramona Africa and the MOVE members who were

incarcerated as a result of the 1978 shoot-out with police are political prisoners.

There are many others who would fit the profile of political prisoners. What all these people have in common is that, as a result of their beliefs, political work and affiliations, they were attacked and incarcerated.

Abu-Jamal, on the other hand, although a former member of the Panther Party, was caught in a situation on the street that from all indications was not a set-up.

Did Mumia get a fair trial?

Probably not, from my perspective.

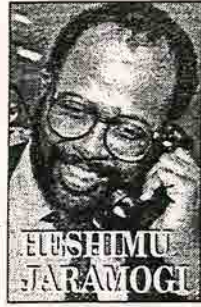
Did he do all that he should have done to get himself a fair trial?

Probably not, either.

I don't believe his clenched fist salutes, his decision to represent himself and the outfits he wore to court during the trial helped his case with the jurors.

I recall meeting Mumia Abu-Jamal at WDAS Radio, when he was having some problems with station management there. He was a reporter for WHYY public radiodio when I was doing a public affairs program called the Uhuru Sound. He used to contribute some news stories to my program.

I covered Mumia's trial for WDAS radio and remember the first day, when MOVE supporters castigated the racist press. I remember thinking that they hadn't done themselves or



Mumia any good and had ensured that the media attention he would get generally would not place him in a favorable light.

I also remember Mumia's attorney, Anthony Jackson, telling me at the time that MOVE sup-

porters had been bothering him and that he didn't need any more obstacles besides not having adequate resources to defend his client.

His brother's trial was markedly different. He had his dreadlocks covered, wore a suit and tie, let his lawyer do all the talking and was out on the street in no time.

I see many out-of-town radicals jumping on this case to help show their rather late concern for the fate of Mumia Abu-Jamal. While he definitely needs all the support he can get, I wonder if it's not just another case of radicals needing a symbol and maybe a martyr.

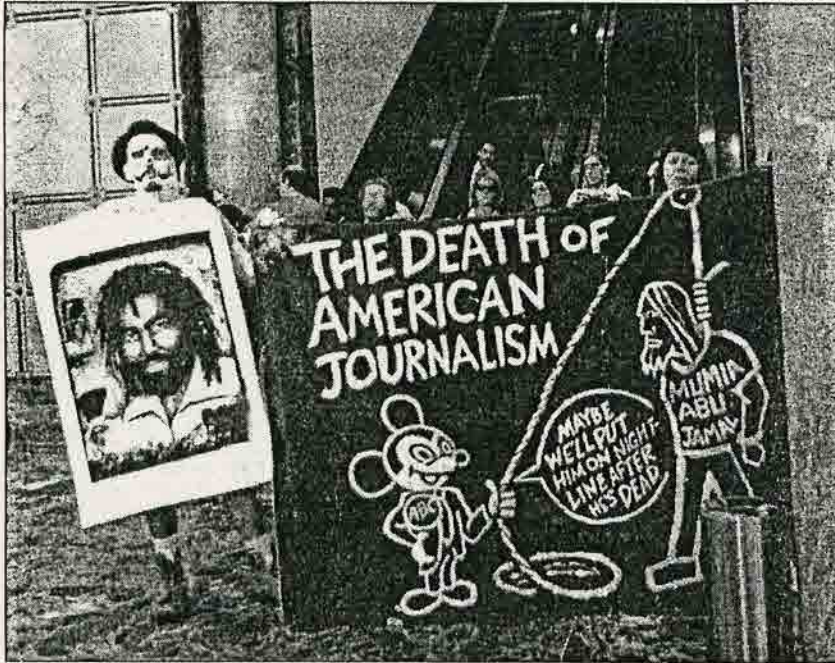
This is not to demean those who truly want to support their brother nor those who oppose the death penalty.

But for some, it's just another chance to throw some stones at the system, get more followers for their group and try to light a spark to help resurrect their movement. ■

Heshimu Jaramogi, president of Jaramogi Communications, a public relations firm, is a former president of the Philadelphia Association of Black Journalists.

Another man in the car?

Mumia Watch



Demonstrators want a network job and a "Nightline" appearance for Abu-Jamal

8 arrested in ABC protest

Victim's widow on morning show

Associated Press

NEW YORK — Eight people were arrested this week after they stormed ABC television studios in Manhattan to protest coverage of the Mumia Abu-Jamal case. Abu-Jamal is on Pennsylvania's death row after being convicted of killing a Philadelphia police officer.

The demonstrators were charged Tuesday with trespassing, said Sgt. Edward Orski, a police spokesman. Two also

were charged with resisting arrest.

Abu-Jamal's supporters demanded that ABC interview Abu-Jamal on "Nightline," offer him the position of "official prison reporter" and give extensive coverage to his appeal.

The network presented an in-



Faulkner

terview yesterday with Maureen Faulkner, widow of slain policeman Daniel Faulkner. Maureen Faulkner, interviewed on the program "Good Morning America," argued that Abu-Jamal did receive a fair trial in 1982.

"A lot of these celebrities and people that are speaking out for Mr. Jamal, I'd like to know why they are not in the courtroom during the hearings now to listen to the facts..." she said.

"I do believe that a lot of the people that are against the death penalty are using Jamal as their vehicle — their poster child," she said. ■

Defense suggests mystery driver

by Valerie M. Russ

Daily News Staff Writer

William Cook, Mumia Abu-Jamal's brother, was not the only person in the Volkswagen stopped by Police Officer Daniel Faulkner the morning the officer was killed, defense lawyers for Abu-Jamal suggested yesterday.

Leonard I. Weinglass, Abu-Jamal's lead attorney, asked defense witness Arnold Howard if another man, Kenneth Freeman, had been driving the car on Dec. 9, 1981.

Howard, a childhood friend of Abu-Jamal and his brother, had previously told Weinglass that Freeman had said he was driving, the lawyer said. But in court yesterday, Assistant District Attorney Arlene Fisk objected to allowing Howard to answer, calling the statement hearsay.

Howard did testify that police had detained and questioned him for three days after they told him his driver's license had been found in the slain officer's hand. Howard said he had told police that he had given his license to Freeman. And he said Freeman was found dead a few years later "in handcuffs and shot up with drugs."

He said that during the time he was detained, both he and Freeman were part of a police lineup. Howard also said police had tested his hands for powder burns to see if he had fired a weapon.

Fisk said outside the courtroom that Howard's testimony was not credible. She had brought out through cross-examination that Howard is a convicted burglar and forger. "There is no evidence that I have been able to find that can support almost anything that he said in court this morning," Fisk said.

Abu-Jamal, 41, is seeking a new trial partially on grounds of police bias in the investigation, which the defense says was racially and politically motivated because of Abu-Jamal's past affiliation with the Black Panther Party and his criticism of police in his work as a radio news reporter.

Howard also said that official

had left his driver's license in the back of the car when William Cook had given him a ride several days before the shooting were not true.

Also yesterday, a woman who was living in a hotel near the murder scene testified she heard gunshots the morning Faulkner was killed.

Sharon Ganey Smith said she looked out the window and saw several police officers beating and kicking a black man with dreadlocks. The officers were yelling, "Kill the black mother —!" she testified.

Smith said she didn't come forward before yesterday because she had been afraid.

Fisk said Abu-Jamal's hospital records reflect no significant injuries other than a gunshot wound in the chest, which the prosecution contends came from Faulkner. Abu-Jamal had filed a police brutality complaint following the incident.

As the session began yesterday, Judge Albert F. Sabo denied statements made in news interviews by Weinglass that international pressure or a Monday courtroom visit by the Rev. Jesse Jackson had anything to do with his granting a stay of execution.

"I did it because the law required it to be done," Sabo said.

"Mr. Weinglass," he added, "this little old judge in this little old court will not buckle under any pressure — national or international."

In an interview later, Weinglass said testimony by Howard suggested that police statements were falsified and were part of the "prosecution's script."

He said Howard's testimony reveals information that never came out in the trial 14 years ago: that there were three or four other suspects police questioned about killing Faulkner, including Howard, Freeman and a man called "Sweet Sam," who was supposedly the pimp for Cynthia White. She was the prostitute who testified she had seen Abu-Jamal shoot Faulkner. ■

The Associated Press contributed to this report.



Leonard Weinglass, an Abu-Jamal lawyer, implied a witness might have been harassed.

Fourth man put at scene of slaying

Abu-Jamal's lawyers suggested that his brother's partner might have been the killer.

By Julia Cass and Marc Kaufman
INQUIRER STAFF WRITER

Mumia Abu-Jamal's lawyers yesterday presented testimony to support their theory that another man in addition to Abu-Jamal and his brother might have been present at 13th and Locust Streets when Police Officer Daniel Faulkner was killed 13 years ago.

The defense implied that the other man, a partner with Abu-Jamal's brother in a street vending business, could have been the man who killed Faulkner. The partner, Kenneth Freeman, is deceased.

The prosecution attacked the testimony as unreliable, saying that the witness gave a different statement to police in 1981.

The testimony came on a day when support for Abu-Jamal continued to grow, with a full-page ad in the New York Times demanding a new trial and signed by such prominent people as actor Paul Newman and former New York City Mayor David Dinkins.

It was also a day when Common Pleas Court Senior Judge Albert F. Sabo once again sparred with the defense, telling them this "little old judge" wouldn't bend to international pressure.

Arnold Howard, a neighborhood friend of both brothers, testified that police went to his home before day-break shortly after the shooting on Dec. 9, 1981, and took him — handcuffed and still in his "drawers" — to the Police Administration Building to question him about the murder.

They told him, he said, that his driver's license had been found on Faulkner at the murder scene. Howard said he told police he had lent his license to Freeman, who owned a vending stand with Abu-Jamal's brother, William Cook. Police then brought Freeman to the police roundhouse, and Freeman and Howard were put in a lineup together, Howard said.

See ABU-JAMAL on B4

4th man may have been at scene

ABU-JAMAL from B1
"Did Ken Freeman indicate to you he was driving [Cook's] Volkswagen?" Abu-Jamal's lead attorney, Leonard Weinglass, asked.

Assistant District Attorney Arlene Fisk objected to that question as hearsay, and Sabo agreed. Howard did not answer the question. However, outside the courtroom, Weinglass said that Howard stated in an affidavit signed Tuesday that Freeman had told him that morning that he was driving the Volkswagen. If that is true, four people would have been at the scene of the crime — Faulkner, Cook, Abu-Jamal and Freeman.

When Sabo learned that Freeman was deceased, he remarked to the defense: "Oh, so you can't bring him in now, can you?"

According to the prosecution's case at Abu-Jamal's trial in 1982, Faulkner stopped Cook's Volkswagen on Locust Street near 13th Street for a traffic violation. Faulkner and Cook then scuffled and Abu-Jamal, who was working as a cabdriver, happened to witness the altercation as he drove nearby.

Three prosecution witnesses testified that a man in dreadlocks, identified by two as Abu-Jamal, ran up and shot the officer. When other police arrived within 45 seconds, Abu-Jamal was sitting on a curb, with a bullet from the policeman's gun in his abdomen. Cook was standing by a wall nearby. No one testified to seeing another man driving or riding in Cook's car.

Howard said police told him they thought he could be the "fourth person" at the murder scene. He said he was not at 13th and Locust when Faulkner was killed and that he was able to prove it with a grocery store receipt

that recorded the time and date.

Fisk questioned Howard about his criminal record — forgery, burglary and criminal trespass. She then read from the five-page statement Howard gave police after the shooting.

According to the 1981 statement, police showed Howard a copy of an application for a duplicate driver's license. He said, "It's mine."

The police asked what happened to it, and he said he'd lost it a week or so earlier. He wasn't sure where he lost it, but said he must have dropped it in the back seat of Cook's Volkswagen when Cook gave him a ride a week earlier. It was unclear from the statement where police found the license application.

Howard did not mention Freeman in the 1981 statement, and Fisk said outside the courtroom yesterday that there was no record that Freeman was in the custody of homicide police at that time.

"Well, I told them I gave it him," Howard insisted yesterday.

In a heated moment in the courtroom, Weinglass asked whether Howard's family had been harassed by police recently. Howard answered yes. Fisk objected, saying that prosecutors had just got Howard's affidavit at 5:30 Tuesday evening. Besides, she said, his testimony was irrelevant.

"This man knows nothing about the murder and nothing about the guilt or innocence" of Abu-Jamal, she said.

In other testimony yesterday, former Assistant Medical Examiner Paul Hoyer said that a notation he made during the autopsy on Faulkner that the fatal bullet was a .44-caliber was an inconclusive finding on an "intermediate work document." He said that he was not a

ballistics expert and that the later police ballistics report concluding that the bullet was a .38 was the only important finding.

Abu-Jamal's supporters have contended that he could not have shot Faulkner, since his gun found at the scene was a .38-caliber and the initial report said the fatal bullet was a .44.

Another defense witness, Sharon Smith, testified that she heard gunfire from her third-floor apartment the night of the slaying and minutes later saw five or six policemen beating and kicking a man in dreadlocks. She said the beating was so severe that she vomited in disgust.

Fisk questioned why Smith had never reported what she saw until speaking with defense lawyers this week. Smith said her husband discouraged her.

Two other witnesses told police that night that they saw Abu-Jamal being beaten. Police testified that they did not harm him but had to struggle with him to get him into a police van.

Before testimony began yesterday, Sabo said he wanted to correct remarks Weinglass made on the *Larry King Live* show Tuesday night about why he issued a stay of execution Monday.

"I did not issue the stay because Jesse Jackson had anything to do with it. Nor did I issue it because of national or international pressure," he said. Sabo said he issued the stay because Abu-Jamal has appeals remaining and because the law "dictated" a stay.

"I told you at the outset, Mr. Weinglass, that this little old judge in this little old courtroom will not buckle under pressure, national or international," Sabo declared.

Phila. Inquirer 5/10/95

QUINCY PATRIOT LEADER - Aug. 9, 1995

Killer's eloquence doesn't change guilt to innocence

Noah Baum

Once again, we on the political left are confusing eloquence with innocence — and have chosen a vicious murderer as the object of our sympathy and praise.

It is one thing to speak out against the death penalty, or in opposition to policies that abandon blacks and other disadvantaged people. But this does not require that we lionize a murderer just because he is on our side.

Are we no better than those on the right who support and defend their murderous allies in Central America?

Are we willing only to apply objectively the most basic moral standards to those with whom we disagree?

Or is it too unbelievable to us that a radical activist who proclaims that "political power grows out of the barrel of a gun" might actually shoot someone? The facts belie this disbelief.

A jury decided that Abu-Jamal shot Officer Daniel Faulkner in the back while Faulkner was arresting Abu-Jamal's brother. The officer returned fire, seriously wounding Abu-Jamal, then fell to the ground.

Prosecutors said Abu-Jamal approached the fallen officer and shot him four times at close range, once through the center of the face. Backup officers, responding to Faulkner's radio request, arrived within 30 to 45 seconds. They were flagged down by a cab driver who

testified later that he had witnessed the incident and identified Abu-Jamal, who had collapsed at the scene, as the assailant. Two other pedestrians testified that Abu-Jamal was the perpetrator.

These facts are taken from the published record of the Pennsylvania Supreme Court's extensive review of Abu-Jamal's case. Doubtless, few of those who proclaim Abu-Jamal's innocence have bothered to read the decision.

(Supporters of Jamal, including Hollywood actors Ed Asner and Mike Farrell, have characterized him as a political prisoner. On Monday, a judge granted a delay in Jamal's execution, which had been scheduled for Aug. 17.)

The court goes on to examine in detail Abu-Jamal's numerous procedural claims, giving detailed explanations why each is groundless. The U.S. Supreme Court chose not to review Abu-Jamal's case, but such a decision is made only after careful review of the issues.

Despite the heinous nature of his crime and the overwhelming evidence of his guilt, Abu-Jamal received the full protection of due process guaranteed us all.

It may be immoral for the state to take a life, but this should not depend on whether the person sentenced is eloquent enough to publish in elite journals, or whether he shares our political views. Such factors certainly don't make him innocent.

Noah Baum, a graduate student at the University of California at Berkeley in the field of jurisprudence and social policy, wrote this article for the San Francisco Examiner.

Manifestations à Paris et en province pour un nouveau procès en faveur d'Abu-Jamal



Rendez-vous ce soir à 18 heures place de la Concorde à Paris pour obtenir la grâce et un procès équitable en faveur de Mumia Abu-Jamal.
L'ajournement de son exécution ne veut pas dire qu'elle n'aura pas lieu plus tard.
Depuis Philadelphie, les réactions des avocats et de Jesse Jackson. Une interview de l'écrivain sud-africain Dennis Brutus, ancien compagnon de baigne de Nelson Mandela.

Ce soir, pour sauver Mumia

CEUX qui veulent la mort de Mumia Abu-Jamal ont été contraints de reculer, lundi, en annonçant un report, sans fixation de nouvelle date, de l'exécution du journaliste noir injustement condamné à mort. Ils n'ont, en revanche, pas abandonné leur projet meurtrier. « Le report de l'exécution n'est pas une grâce. Mumia est toujours sous la menace de la peine capitale. Dans trois ou six mois, le « juge » Sabo, le gouverneur Tom Ridge, de Pennsylvanie, peuvent très bien, dans la « discrétion », si la mobilisation retombe, décider d'exécuter Abu-Jamal », nous a déclaré Joan Mitchell, du Comité de défense basé à New York. « Ne vous laissez pas tromper par certains médias qui affirment maintenant que Mumia a obtenu « des années de sursis ». Il reste en enfer, comme il l'a déclaré à Jesse Jackson, lundi, lors d'une courte rencontre dans l'antichambre du tribunal de Philadelphie », a-t-elle souligné en ajoutant : « Ce n'est pas un hasard si le procureur a laissé éclater sa vindicte contre ce qu'il a qualifié de cirque médiatique. »

Une première victoire

« That nigger is overgrowing. We have to get him » — « Ce nègre-là prend trop d'importance. Il faut le liquider. » Ces paroles d'un policier philadelphe, présent l'autre jour dans la salle du tribunal, hors service mais le pistolet enfoncé dans la ceinture, demeurent d'actualité. Les tueurs de Noirs de la capitale de la Pennsylvanie n'ont pas désarmé.

L'ajournement de l'exécution de Mumia est une première victoire



Les progressistes américains ont manifesté à de nombreuses reprises en faveur de Mumia Abu-Jamal.

de défenseurs des droits de l'homme, aux Etats-Unis, et à travers le monde. Maintenant, et sans attendre, il faut obtenir que Mumia Abu-Jamal soit gracié et

que son procès soit révisé, dans le respect intégral de ses droits. Ce soir, à 18 heures, un rassemblement est organisé à Paris, à proximité de l'ambassade

des Etats-Unis; métro Concorde, angle rue Royale. Le PCF, le MJCF, le Comité de défense des libertés, présidé par Georges Marchais, le MRAP, la CGT, le

Comité de défense sociale (CDDS) et de nombreuses autres organisations appellent à cette manifestation.

Ce sera l'occasion pour toutes celles et tous ceux qui luttent pour la justice, de crier haut et fort — suffisamment fort pour que les plus hautes instances des Etats-Unis l'entendent — que Mumia Abu-Jamal ne doit pas être victime d'un supplice d'un autre âge, l'empoisonnement qualifié de « légal ». La « loi » de la peine de mort, contre laquelle Mumia continue à se battre, du fond de sa cellule dans l'antichambre de la mort, doit être abolie.

En province, le même jour, des délégations se rendront auprès des consulats des Etats-Unis pour faire entendre la voix de la raison, celle de l'équité.

Adressez des motions, des pétitions, des télégrammes à l'ambassadrice des Etats-Unis en France : M^{me} Pamela Harriman, ambassade des Etats-Unis, 2, avenue Gabriel, 75382 Paris CEDEX. Tél. : (1) 43.12.22.22. Fax : (1) 42.66.97.83.

MICHEL MULLER

Première victoire contre l'ombre de la mort

LE « juge » Sabo a été contraint, lundi, de prononcer la suspension de l'arrêt d'exécution de Mumia Abu-Jamal — signé le 2 juin dernier par le gouverneur républicain de Pennsylvanie, Tom Ridge —, initialement programmée pour le 17 août à 22 heures heure locale et reportée sans qu'une nouvelle date soit fixée. L'arrivée dans la salle du tribunal du pasteur Jesse Jackson, l'ancien candidat à l'investiture démocrate pour l'élection présidentielle, n'a pas été pour plaire à M. Sabo. Face à un tel visiteur, M. Sabo a cédé. Mais il a refusé de prendre en considération le dossier déposé par les avocats, Rachel Wolkenstein et Leonard Weinglass. Cette pièce maîtresse de la défense est constituée de 700 pages de fiches et de rapports sur Mumia, élaborées par le FBI en relation avec la police

de Philadelphie et montrant que ces officines ont surveillé et tenté de « faire tomber » Mumia dès l'âge de quinze ans.

Les défenseurs de Mumia et Jesse Jackson ont souligné que le report de l'exécution était une première victoire du combat pour sauver Mumia de la mort.

Leonard Weinglass

Cela est le début du renversement de la marée. Maintenant nous sommes en mesure de nous engager dans une procédure méthodique. Nous n'agirons plus sous l'ombre de la mort, mais avec du temps à notre disposition pour préparer nos dossiers, avec du temps disponible pour les cours habilités à réexaminer le

procès. Et, espérons-le, nous pourrions obtenir ce que nous avons toujours recherché, un nouveau procès.

Rachel Wolkenstein

Il y a une divergence d'opinion parmi les pouvoirs (qui président à cette affaire — NDT) portant sur ce que devraient être le déroulement et l'issue de ce procès. La presse, et même des conservateurs comme le sénateur Arlen Specter, a clairement fait comprendre que ce qui se passait dans ce tribunal était une mauvaise affaire, même pour ceux qui soutiennent la peine de mort. Nous sommes grandement soulagés d'avoir la

possibilité de poursuivre la voie en direction d'un nouveau procès, de présenter de nouvelles preuves, de pouvoir aller en appel sans la menace immédiate de la peine capitale pesant sur Mumia Abu-Jamal.

Pour moi, il est clair que sans le soutien international venant de tous les secteurs, il n'aurait pas été possible d'obtenir la suspension de l'arrêt d'exécution.

Jesse Jackson

C'est une bonne nouvelle. Dans une affaire où il y a des questions sans réponse et un doute raisonnable, le pouvoir ne devrait pas se précipiter et tuer quelqu'un...

Voici le texte de la préface du livre du journaliste noir américain condamné à mort

« En direct du couloir de la mort, ici Mumia Abu-Jamal... »

MUMIA ABU-JAMAL, le journaliste noir américain dont l'exécution programmée pour le 17 août prochain a été suspendue, a rassemblé dans un livre qui vient de paraître aux Etats-Unis, « Live from Death Row » (« En direct du couloir de la mort », éditions Addison Wesley), ses réflexions sur la condition des Noirs américains, des récits sur l'effroyable sort des condamnés à mort et sur la vie quotidienne des Noirs de Philadelphie, victimes du racisme ordinaire. Voici la traduction de la préface de ce livre.

« Ne me parlez pas de la vallée des ténèbres et de la mort. C'est là que je vis. Dans le comté de Huntington, au centre méridional de la Pennsylvanie, se dresse une prison centenaire. Ses tours gothiques projettent un sentiment de mauvais présage, évoquant l'atmosphère sinistre des temps obscurs. En ces lieux, moi et quelque quatre-vingt-sept autres hommes, nous passons vingt-deux heures par jour dans des cellules de deux mètres sur trois.

Les deux heures restantes peuvent se dérouler à l'extérieur, dans une cage fermée avec des chaînes, entourée de fil de fer barbelé tissé en accordéon et sous le guet des miradors.

Bienvenue dans le couloir de la mort de Pennsylvanie.

Je suis un peu surpris. Il y a quelques années la Cour suprême de Pennsylvanie a confirmé le jugement et ma condamnation à mort, par un vote de quatre juges (trois autres n'ont pas pris part au vote). En tant que journaliste noir, Panthère noire dans ma première adolescence, j'avais étudié la longue histoire américaine de lynchage légal des Africains. Je me souviens de la une du journal « Black Panther » portant la citation suivante : « Un homme noir n'a pas de droit que l'homme blanc soit contraint de respecter », attribuée au président de la Cour suprême US, Roger Traynor, à l'occasion de la fameuse affaire Dred Scott (1857). La cour la plus élevée des Etats-Unis avait alors établi que ni les Africains ni leurs « libres » descendants ne pouvaient préten-

dre aux droits de la Constitution. Profond, hein? C'est vrai.

Peut-être suis-je naïf, peut-être suis-je idiot, mais je croyais que la loi serait observée dans mon procès et que le jugement serait inversé. Vraiment.

Même face au massacre brutal de MOVE (1), le 13 mai 1985 à Philadelphie (où onze personnes, parmi lesquelles des enfants, furent brûlées vives dans un assaut policier — NDLR), qui a conduit au coup monté contre Romana Africa, Eleanor Bumpers, Michael Steward, Clement Lloyd, Allan Blanchard et aux nombreux massacres policiers impunis de Noirs de New York à Miami, ma confiance demeura. Je continuais à entretenir une foi dans la loi US, et la prise de conscience que mon appel avait été rejeté fut un choc. Je pouvais comprendre intellectuellement que des tribunaux américains sont des réservoirs de sentiments racistes et qu'ils ont été historiquement hostiles aux accusés noirs, mais toute une vie de propagande sur la « justice »

américaine est difficile à rejeter d'un haussement d'épaule.

Pourtant, je n'ai qu'à considérer ce pays, dans lequel, en ce mois de décembre 1994, les Noirs constituent 40 % des hommes placés dans le couloir de la mort; je n'ai qu'à observer la Pennsylvanie, où, en décembre 1994, 111 des 184 condamnés à mort — plus de 60 % — sont noirs, pour voir la vérité. Une vérité cachée sous des robes noires et sous des promesses d'égalité de droits. Les Noirs ne constituent que 9 % de la population de Pennsylvanie, et moins de 11 % de celle des Etats-Unis.

Comme je l'ai dit, il est difficile de s'en débarrasser, mais, peut-être, pouvons-nous le faire ensemble. Comment? Examinez cette citation que j'ai lue dans un livre de droit datant de 1982. Elle est d'un éminent juriste de Philadelphie, David Kairys, qui

a écrit : « La loi, c'est simplement la politique par d'autres moyens. » Une telle conception va loin dans l'explication sur la manière dont les tribunaux fonctionnent réellement, que ce soit aujourd'hui ou il y a cent trente-huit ans dans l'affaire Scott. Il n'est pas question de « loi », il est question de « politique » par « d'autres moyens ». N'est-ce pas ça, la vérité?

Je continue à me battre contre une sentence et une condamnation injustes. Peut-être pouvons-nous nous débarrasser de certains mythes dangereux incrustés dans nos esprits comme une seconde peau, comme le « droit » à un jury équitable et impartial choisi parmi vos pairs; comme le « droit » à sa propre représentation; comme, même, le « droit » à un procès juste. Ce ne sont pas des droits, ce sont les privilèges des puissants et des riches. Pour

les faibles et les pauvres, ce sont des chimères qui s'évanouissent lorsqu'on tend la main pour les revendiquer comme quelque chose de réel ou de consistant.

N'espérez pas que les médias vous le disent, car ils ne le peuvent, à cause de la relation incestueuse entre eux et le gouvernement et le monde des affaires, que tous deux servent.

Mais moi, je peux le dire. Même si je dois le faire depuis la vallée des ténèbres de la mort, je le ferai.

Depuis le couloir de la mort, Mumia Abu-Jamal vous parle. »

Traduction : MICHEL MULLER

(1) Cette organisation est née au début des années soixante-dix. Ses membres avaient décidé de porter comme patronyme le nom Africa, expression de leurs convictions.

Dennis Brutus : le droit à l'équité

DENNIS BRUTUS, Sud-Africain d'origine, est actuellement professeur au département de recherche et de développement pour l'éducation de la communauté noire, à l'université de Pittsburgh, en Pennsylvanie.

A l'issue de la conférence de presse du Pen American Center pour un nouveau procès en faveur de Mumia Abu-Jamal, tenue récemment à New York, Dennis Brutus a répondu aux questions de « l'Humanité ».

Comment avez-vous été conduit à soutenir la cause de Mumia Abu-Jamal?

Je suis convaincu que cet homme est innocent. Cela est une opinion, je le concède. Mais ce qui est très clair, c'est qu'il n'a pas eu de procès équitable. Des fausses preuves ont été présentées. On a, à tort, fait état de ses activités politiques alors qu'il était adolescent, pour le faire condamner. Mais, plus important, des preuves manifestes qui auraient pu prouver son innocence ont été supprimées ou refusées. Le moins que cet homme puisse obtenir, c'est le droit à un juste procès.

Ce n'est pas la première fois que vous vous engagez en faveur des droits de l'homme.

J'ai toujours lutté pour les droits civiques, d'abord en Afrique du Sud, lorsque tout le système politique et juridique de l'apartheid était une flagrante violation des droits de l'homme. J'ai mis ceci en cause systématiquement, dans tous les domaines. Ecrivant des articles contre l'apartheid, je fus d'abord interdit d'écrire, puis, refusant de m'y soumettre, je fus arrêté, j'ai pu me réfugier à l'étranger où la police portugaise m'arrêta pour me remettre entre les mains des policiers sud-africains. Ayant une fois de plus tenté de m'échapper à Johannesburg, je fus blessé d'une balle dans le dos tirée par un agent de la police secrète. Je fus condamné à casser des cailloux à Robben Island avec Nelson Mandela. Une fois libéré, j'ai été condamné à l'exil.

C'est donc tout à fait naturellement que je me suis engagé dans la bataille pour sauver Mumia. En Afrique du Sud, les Noirs sont majoritaires. Ici, ils sont minoritaires, mais ils souffrent d'injustices de même nature, notamment économiques, sociales et politiques.

Propos recueillis par M. M.



« Mumia wanted alive. » Nous voulons Mumia vivant! Cette inscription, sur le T-shirt que porte cette jeune femme de Philadelphie, retourne le sens de l'expression habituelle de la police américaine, « recherché mort ou vif »...

L'appel de Derrida

Le philosophe et vice-président du Parlement international des écrivains, Jacques Derrida, a publié dans « le Monde » daté de mardi un plaidoyer « Pour Mumia Abu-Jamal ». Evoquant le surris à l'exécution du journaliste américain, Jacques Derrida écrit notamment : « Mais nous ne devons pas pour autant désarmer. Nous devons au contraire accélérer et intensifier notre action. Ce devoir nous est dicté

sans doute et d'abord par la singularité d'une histoire, celle de Mumia Abu-Jamal lui-même. Son destin reste unique, ne l'oublions pas, comme le serait sa mort (...). Cet écrivain aura décrit à la face du monde la condition des couloirs de la mort. Il nous le rappelle (...): en Pennsylvanie, lieu de la naissance du premier amendement de la Constitution, « writing is a crime », « écrire est un crime ».

Le journaliste noir américain
devait être exécuté

Figaro
09.08.95

Mumia Abu Jamal sauve sa tête

*L'ancien « Panthère noire » a bénéficié
d'une forte mobilisation de l'opinion.*

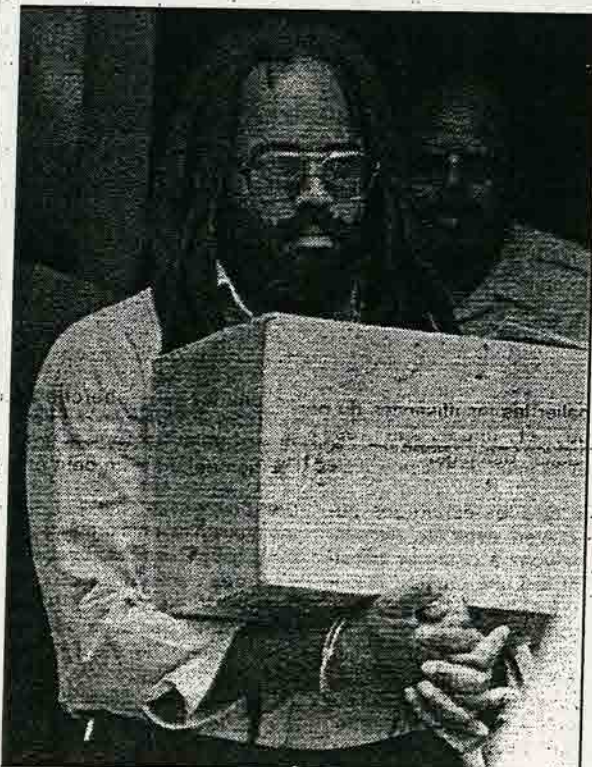
NEW YORK :
Jean-Louis TURLIN

Ancien membre du groupe des Panthères noires qui, vers la fin des années 60, prônait la résistance armée contre la répression policière aux Etats-Unis, Mumia Abu Jamal, un journaliste de 41 ans, avait été condamné à mort pour le meurtre d'un policier blanc en 1981. Il devait être exécuté le 17 août. L'application du jugement prononcé en 1982 à l'issue d'un procès douteux a mobilisé la communauté intellectuelle internationale en sa faveur, et le président Chirac a autorisé l'ambassadeur de France aux Etats-Unis « à effectuer, à titre strictement humanitaire (...) toute démarche susceptible d'épargner la vie de Mumia Abu Jamal ».

Les appels ont-ils été entendus ? Toujours est-il que la surprise a été grande,

peine capitale et le racisme. Trois mille condamnés attendent dans les couloirs de la mort, et 33 ont déjà été exécutés cette année dans un pays où 38 Etats sur 50 ont réinstauré le châtiment suprême. Or comme l'écrit l'écrivain William Styron dans le *New Yorker*, « plusieurs douzaines d'Américains exécutés ont été reconnus innocents après leur mort ». Et le plus souvent, les condamnés à mort sont noirs.

Personne, pourtant, n'ose affirmer qu'Abu Jamal est innocent. Wesley Cook de son vrai nom, ce militant noir et journaliste de radio était aussi chauffeur de taxi à mi-temps. Victime de deux tentatives de vol, il s'était légalement procuré une arme. Tôt, un matin de décembre 1981, il stoppa son taxi dans une rue de Philadelphie où il reconnut son frère qui venait d'être arrêté par un policier blanc pour avoir roulé en sens interdit. A partir de là, l'interprétation des faits qui suivirent diverge.



La suspension de l'exécution de Mumia Abu Jamal semble indiquer que l'affaire a pris une tournure politique.
(Photo Chris Gardner/AP.)

lundi après-midi au tribunal de Philadelphie, lorsque le juge Albert Sabo, qui avait ordonné treize ans plus tôt la mort par injection du condamné, annonça sa décision de surseoir à l'exécution. On n'attendait pas une telle magnanimité de la part d'un magistrat qui a prononcé 31 peines capitales au cours de sa carrière, et dont ses collaborateurs ne se souviennent pas qu'il ait jamais accordé une mesure suspensive.

Les « couloirs de la mort »

Officiellement, le motif invoqué est strictement juridique : même s'il n'autorise pas l'ouverture d'un nouveau procès, dont la demande fait l'objet de l'audience en cours, le juge estime que le condamné ne disposerait pas d'un délai suffisant pour faire appel. Or jusqu'à présent, toutes les demandes de recours avaient été rejetées. La suspension de l'exécution semble donc indiquer que l'affaire a pris une tournure politique, comme l'affirme le bureau du procureur dans un communiqué dénonçant les tactiques de la défense qui a, selon lui, voulu « faire de l'accusé un prisonnier politique, et transformer ce procès en cirque médiatique ». Il est vrai qu'Abu Jamal a publié un témoignage qui a fait grand bruit sur les conditions de « vie » dans les couloirs de la mort.

Tant en Europe et en Afrique du Sud qu'aux Etats-Unis, les intellectuels, de Harold Pinter à William Styron et Paul Auster en passant par Gunter Grass, Jacques Derrida et Marie-Agnès Combesque, se sont efforcés de mettre aussi en accusation la

Une prostituée présentée par l'accusation affirma qu'Abu Jamal se porta avec son arme au secours de son frère qui, selon lui, était brutalisé ; une étude balistique montra que le policier, Daniel Faulkner, 25 ans, avait reçu une balle dans le dos, avant d'être abattu par plusieurs coups reçus de face, non sans avoir eu la force de tirer sur Abu Jamal et de le blesser à la poitrine. Mais la défense fait état d'un troisième homme qui se serait enfui, et d'intimidation de témoins en mesure de corroborer cette version. La poursuite de l'audience pour la demande de réouverture du procès doit permettre, demain, la présentation d'un témoin, qui purge actuellement une peine de prison, mais qui, selon les avocats, aurait assisté au meurtre et serait en mesure de blanchir l'accusé.

Le cas d'Abu Jamal illustre le sort typique des condamnés à mort qui, à l'opposé du footballeur O. J. Simpson, ne sont ni riches ni célèbres. L'avocat qui lui fut assigné d'office était inexpérimenté. Le verdict n'a pas eu les conséquences du procès qui mit Los Angeles en flammes en 1992 après l'acquiescement de policiers blancs, par un jury de Blancs, dans une affaire de brutalités contre un Noir filmée par un témoin.

Mais l'exécution d'Abu Jamal, dont la culpabilité n'a pas été établie au-delà du « doute raisonnable », portait elle aussi en germe un risque d'émeutes auquel le juge Sabo n'a peut-être pas été insensible. L'accusé est toujours condamné à mort, mais désormais, des années s'écouleront avant qu'il ait épuisé tous ses recours.

J.-L. T.

Figaro suite.

Lawyer only defends causes

His latest mission is Abu-Jamal

by Joseph R. Daughen
Daily News Staff Writer

Leonard I. Weinglass walks into courtroom looking grandfarily and exhibiting a self-deprecating sense of humor, as when refers to himself as "Len Weinbag."

It is behind that amiable demeanor is a pit bull of a lawyer who is passionately — some would say fanatically — determined to do whatever is necessary to reverse Mumia Abu-Jamal's first-degree murder conviction for the slaying of Police Officer Daniel Faulkner.

"I do political cases," said Weinglass, a 63-year-old Yale Law School graduate who is single and lives in Manhattan. "I do not handle drug cases or white-collar crime or cases involving mindless violence."

His paternal Order of Police President Richard Costello took issue with Weinglass' use of the phrase "political cases."

"Murder is not a political act, a criminal act," said Costello. "It's attempting to inject politics instead of evidence because he has no evidence. Instead of denying that Jamal killed Faulkner, he's attempting to justify it."

In 36 years of practice, mostly handling radical leftists accused of murder, armed robbery, bombing and kidnappings, Weinglass built a circle of celebrities to lend their names to his cases. Some of them have ended his campaign to paint Abu-Jamal as a political victim who has been railroaded because he is a Black Panther as a teenager and supported the MOVE organization.

They have accepted his arguments that civilian eyewitnesses testified to seeing Abu-Jamal and Faulkner were coerced into a confession by white racist police, who Weinglass says conspired to let his client while letting the unidentified killer get away.

Among them are actors Mike Farrell and Ed Asner and former Attorney General Ramsey Clark. Others include members of Congressional Black Caucus, Sen. E.L. Doctorow and William Styron, and left-wing political groups around the world.

He worked with Mike Farrell on cases going back 15 years," Weinglass. "He is a recognized authority on capital punishment. The same with Ed Asner. He been involved with Ed Asner going back 20 years."

When Weinglass sued to stop the United States from supplying



Leonard I. Weinglass: "There must be a certain kinship before I agree to represent someone"

STEVEN M. FALK/DAILY NEWS

“
I do political cases.
I do not handle
drug cases or white-
collar crime or cases
involving mindless
violence.
”

Leonard Weinglass,
Mumia Abu-Jamal attorney



Judge Alfred Sabo is called "injudicious" by Weinglass

military aid to El Salvador in 1982, Asner and Farrell supported him.

While 53 Americans were being held hostage in Iran in 1980, Weinglass and Clark flew to that country to attend an Iranian-sponsored conference attacking "United States Intervention in Iran." The Rev. Paul Washington, a Philadelphia minister and Abu-Jamal supporter, went to the Iran conference with Weinglass and Clark.

In addition to celebrity endorsements, Weinglass has developed a repertoire of tactics, inside and outside the courtroom. Chief among them is to attack the government — prosecutors and judges — for supposedly persecuting his clients because of their political views.

He has been doing this throughout the hearing, which resumes today before Judge Albert J. Sabo, on his motion for a new trial for Abu-Jamal, who was convicted by a jury in 1982 and sentenced to death. Sabo on Monday stayed the

execution of Abu-Jamal indefinitely, which had been scheduled for Aug. 17.

In court, Weinglass accuses Sabo of being pro-prosecution and "injudicious," bringing a threat

of contempt; in front of the television cameras, he says Sabo's court is the "nastiest, most vindictive" he has ever seen, and accuses the prosecution and police of framing his journalist-turned-cabdriver

client.

And Weinglass encourages street demonstrations by Abu-Jamal supporters, including a July 16 march on Sabo's house, saying such actions call attention to his cause.

Weinglass credits those demonstrations with helping him win a week's delay in the current hearing to give him time to prepare his case. Sabo refused the delay but three days after the protest outside Sabo's Mount Airy house, state Supreme Court Justice Frank Montemuro gave Weinglass his stay.

"It has an impact in this limited sense: It helps get the attention of the court," Weinglass said of the demonstrations. "It's not going to affect the ruling, but it could help you get a hearing. We got a stay of a PCRA [Post-Conviction Relief Act] hearing from the state Supreme Court, which was unprecedented, and I think the demonstration of support for Mumia helped us get it."

Street protests are not unusual in cases Weinglass handles. They took place in 1987, when he successfully defended former President Jimmy Carter's daughter, Amy, on trespassing charges for demonstrating against the CIA.

They also occurred during the Pentagon Papers case, in which Weinglass defended Daniel Ellsberg's co-defendant, Anthony Russo, and in the Chicago 7 trial. The charges against Weinglass' clients ultimately were dismissed, and Ellsberg subsequently testified as an expert witness at Amy Carter's trial.

Weinglass, grandson of a rabbi, said his mother was "an Adlai Stevenson Democrat," and his late father was a pharmacist and a Republican.

He never wanted to be anything other than a lawyer fighting for those who share his admittedly left-wing views, Weinglass said. He added that he would never represent suspected Oklahoma City bomber Timothy McVeigh, although he acknowledged McVeigh's right to counsel.

"There must be a certain kinship before I agree to represent someone," he said.

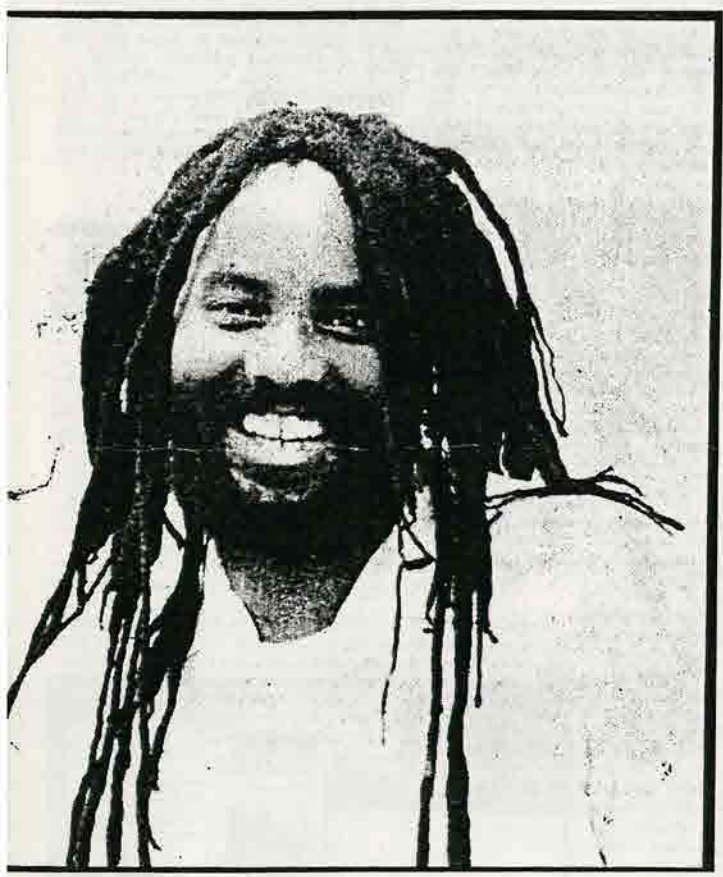
Weinglass said his pay for defending Abu-Jamal was "in the very low two figures" per hour, more than \$10 but less than \$20, a fraction of what mainstream criminal lawyers charge. The funds to pay him, he said, are raised by groups supporting his client.

He is staying at the Holiday Inn at 1305 Walnut St., which charges \$105 a night for a single room.

"I can't overlook the economics of law practice," said Weinglass. "I've got to have my expenses covered. On some of these cases, I lose money. Then I hope to make it up on the next case. I stay at the Holiday Inn and I eat at IHOP." ■

Many supporters are convinced of Jamal's innocence; others, not knowing what to make of the mountain of conflicting evidence, just believe he should get the fair trial he never had.

Mumia Abu-Jamal: Up Against the Death



Mumia Abu-Jamal.

In Pittsburgh Newsweekly / August 10-August 16, 1995

The lines are drawn in the case of Mumia Abu-Jamal. Now comes the battle.

Jamal's opponents dismiss him as a vicious cop killer who on Dec. 9, 1981, shot Philadelphia policeman Daniel Faulkner five times and later that night blurted out a confession, "I shot the motherfucker and I hope he dies." Philadelphia Police have appeared in public with T-shirts reading "The jury said death — Do it," and they would have been well-represented at SCI-Rockview next Thurs., Aug. 17, if Jamal had not been granted a stay of execution on Monday.

Jamal's supporters regard the confession as fabricated, and they share a belief that he should receive a new trial. Otherwise, they have different perspectives on the case. They see him as a political prisoner, or as a victim of racism, or as a man framed and railroaded by a corrupt criminal justice system, or as a pawn of politicians eager to appear tough on crime. Many supporters are convinced of Jamal's innocence; others, not knowing what to make of the mountain of conflicting evidence, just believe he should get the fair trial he never had.

On July 26, three weeks and a day before his scheduled execution, Jamal went back to the same Philadelphia courtroom and the same trial judge to begin an unusual round of hearings on his petition for post-conviction relief. Jamal and his attorneys have three basic requests: a stay of execution,

The incident began at about 3:50 a.m. on Dec. 9, 1981 near the corner of 13th and Locust in Center City. Faulkner, working alone, stopped a Volkswagen driven by Jamal's younger brother, William Cook, and almost immediately called for backup. Police arrived at the scene to find Faulkner shot and near death in the street and Jamal, also shot, sitting four feet away on a curb. Both men were taken to the hospital. Faulkner died an hour later and Jamal was charged with the killing.

Six months afterwards, the case went before Judge Albert F. Sabo, who carried a reputation as the toughest judge in the special homicide unit of the Court of Common Pleas. Jamal began by defending himself, with his court-appointed attorney, Anthony E. Jackson, designated as "backup." During jury selection, however, Sabo ordered Jamal to stop questioning potential jurors. Jackson, with little preparation, wound up conducting most of the case.

The trial record is full of quirks and discrepancies. There are witnesses who testified and witnesses who for some reason were never called by either side. There are witnesses who stuck to their stories and witnesses who had memory lapses or changed their minds. The cast of characters includes two prostitutes, a man who had been hired to lob a Molotov cocktail into a schoolyard, and at least two witnesses — including William Cook — whose where-

a new sentencing hearing and a new trial.

The whole world is watching to see how it plays out. A campaign called Freedom Summer is underway in Philadelphia. Jamal's new book, *Live from Death Row*, is selling briskly. (Europeans are comparing the case to the Dreyfus case a century ago.) And resolutions calling for a new trial have come from Amnesty International, the Congressional Black Caucus, Detroit City Council, and the International Writers Parliament, among others. Computer users all over the world are reading daily news updates via an Amsterdam-based homepage on the World Wide Web (see sidebar). This prompted current prosecutor Joey Grant to complain in the courtroom about interference from Denmark.

"Allowing Jamal to speak publicly sends a message that you can literally get away with murder and other crimes of violence without just punishment," Michael Lutz, then-Philadelphia F.O.P. president, editorialized in *The Peace Officer* magazine last year. "What we are witnessing is the entire judicial system crumbling before our eyes. Punishment should have been swift and sure for Jamal or any other convicted criminal."

What is on trial here is not only Jamal, but a criminal justice system and a court that Jamal's attorney, Leonard Weinglass, two weeks ago told reporters was: "the meanest, the nastiest, most small-minded and biased court I've ever seen."

In 1981 the killing of Daniel Faulkner attracted little notice outside Philadelphia, although it was closely watched in law enforcement and radical political circles. But even in that crime-weary city it was front-page news because of who was involved: a 25-year-old white police officer and a 27-year-old cab driver and former Black Panther whose extensive work as a radio reporter had made him one of *Philadelphia* magazine's "81 People to Watch in '81."

abouts are currently unknown. Jamal's brother witnessed the shootings, yet at the trial neither side chose to call him to testify. The prosecution assumed he would be a hostile witness; Jamal did not testify himself and, for whatever reasons, chose not to put his brother on the stand.

This is only one of the unexplained elements in the case. There is no grassy knoll overlooking 13th and Locust, but in the absence of a clear statement from Jamal about what happened that night, a variety of other pro-Jamal scenarios have developed around questions about who shot whom and the sequence of the shots. The defense has advanced the possibility of a mystery gunman, based on initial eyewitness reports of a man seen fleeing the scene. The man wore dreadlocks like Jamal, but according to at least one witness was significantly heavier than the 6-foot-1, 170-pound Jamal.

At the trial, however, that witness — on probation for the Molotov cocktail — identified Jamal as the shooter, confirming the testimony of other witnesses.

Also, there are questions about the ballistics evidence. Initial tests — later called inconclusive — said Faulkner was killed by .44 caliber bullets. Jamal's revolver, found at the scene, was a .38. The defense has also faulted the initial investigation for not performing two tests that could have exonerated Jamal if they had proved negative. No one smelled the barrel of the Jamal's gun to see if it had been fired, and no one checked his hands for nitrates that are also present after firing.

After dinner on Fri., July 2, 1982, after a short deliberation, the jury returned a verdict of first-degree murder. Working on the holiday weekend, the jury came back to the courtroom the next morning for the penalty phase of the trial. It didn't take long. After listening to an unsworn and ill-advised statement by Jamal — followed by cross-examination about his days as a Black Panther and an assurance by the prosecutor that the defendant would have the opportu-

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USA-ABUJAMAL

Abujamal a une impression de "déjà vu" au procès

PHILADELPHIE, ~~10 août, Reuters~~ - L'ancien militant des Black Panther condamné à mort, Mumia Abu-Jamal, a déclaré jeudi avoir l'impression, aux audiences de révision, de revivre son procès de 1982, dont ses avocats ont dénoncé les irrégularités.

"C'est, comme je l'ai dit, du déjà vu", a-t-il dit dans une interview à la radio de New York WBAI/Pacifica.

Mais il a ajouté avoir maintenant confiance dans ses avocats. "S'ils m'avaient représenté alors, les résultats auraient été étonnamment différents", a-t-il dit.

La défense a par ailleurs pris ses distances jeudi avec un témoin à décharge.

Abu-Jamal a été condamné à mort en 1982 pour avoir, en décembre 1981, abattu un policier de Philadelphie, Daniel Faulkner. Il se déclare innocent. Mais lors du premier procès, il avait refusé de coopérer avec son avocat commis d'office et avait été à différentes reprises expulsé de la salle d'audience.

Le témoin, un ancien souteneur du nom de William "Bippy" Harmon, a déclaré jeudi au tribunal qu'il avait vu un inconnu abattre Faulkner alors qu'Abu-Jamal gisait par terre, blessé par le policier, lequel avait été blessé auparavant par un autre tireur inconnu.

Mais le procureur Arlene Fisk a mis en cause la crédibilité du témoin en raison de contradictions dans son témoignage et de son casier judiciaire chargé.

"Ce n'était pas notre témoin, c'était un témoin du tribunal", a dit Me Weinglass.

Abu-Jamal a obtenu lundi un report de son exécution, fixée initialement au 17 août, pour lui permettre de poursuivre les audiences de sa demande de révision du procès et les appels qui pourraient suivre. /NCD

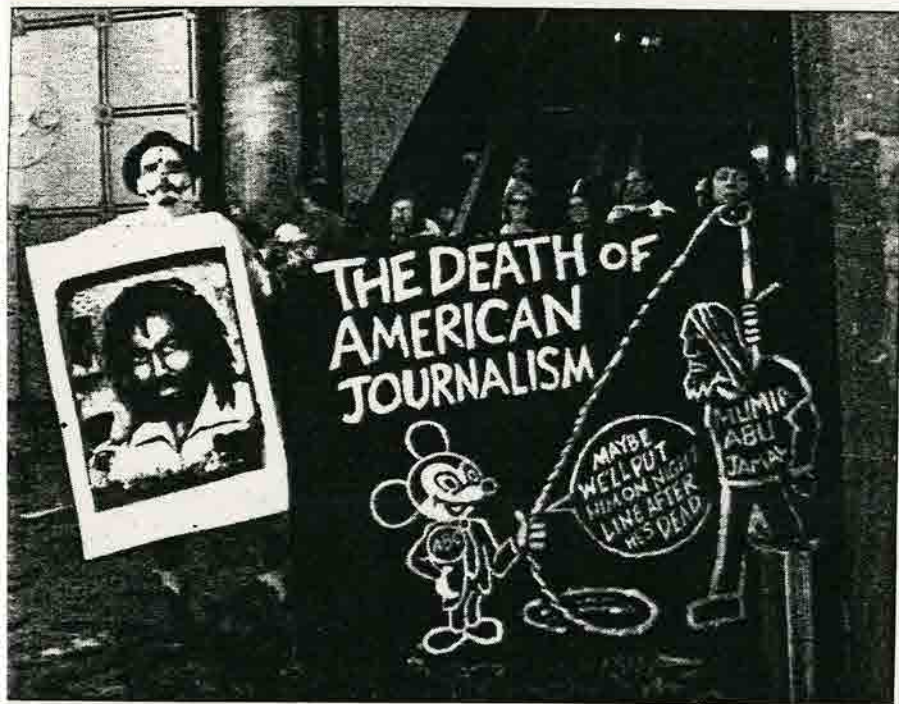
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Another man in the car?

Mumia Watch



Demonstrators want a network job and a "Nightline" appearance for Abu-Jamal

8 arrested in ABC protest

Victim's widow on morning show

Associated Press

NEW YORK — Eight people were arrested this week after they stormed ABC television studios in Manhattan to protest coverage of the Mumia Abu-Jamal case. Abu-Jamal is on Pennsylvania's death row after being convicted of killing a Philadelphia police officer.

The demonstrators were charged Tuesday with trespassing, said Sgt. Edward Orski, a police spokesman. Two also

were charged with resisting arrest.

Abu-Jamal's supporters demanded that ABC interview Abu-Jamal on "Nightline," offer him the position of "official prison reporter" and give extensive coverage to his appeal.

The network presented an in-



Faulkner

terview yesterday with Maureen Faulkner, widow of slain policeman Daniel Faulkner. Maureen Faulkner, interviewed on the program "Good Morning America," argued that Abu-Jamal did receive a fair trial in 1982.

"A lot of these celebrities and people that are speaking out for Mr. Jamal, I'd like to know why they are not in the courtroom during the hearings now to listen to the facts..." she said.

"I do believe that a lot of the people that are against the death penalty are using Jamal as their vehicle — their poster child," she said.

Defense suggests mystery driver

by Valerie M. Russ

Daily News Staff Writer

William Cook, Mumia Abu-Jamal's brother, was not the only person in the Volkswagen stopped by Police Officer Daniel Faulkner the morning the officer was killed, defense lawyers for Abu-Jamal suggested yesterday.

Leonard I. Weinglass, Abu-Jamal's lead attorney, asked defense witness Arnold Howard if another man, Kenneth Freeman, had been driving the car on Dec. 9, 1981.

Howard, a childhood friend of Abu-Jamal and his brother, had previously told Weinglass that Freeman had said he was driving, the lawyer said. But in court yesterday, Assistant District Attorney Arlene Fisk objected to allowing Howard to answer, calling the statement hearsay.

Howard did testify that police had detained and questioned him for three days after they told him his driver's license had been found in the slain officer's hand.

Howard said he had told police that he had given his license to Freeman. And he said Freeman was found dead a few years later "in handcuffs and shot up with drugs."

He said that during the time he was detained, both he and Freeman were part of a police lineup. Howard also said police had tested his hands for powder burns to see if he had fired a weapon.

Fisk said outside the courtroom that Howard's testimony was not credible. She had brought out through cross-examination that Howard is a convicted burglar and forger. "There is no evidence that I have been able to find that can support almost anything that he said in court this morning," Fisk said.

Abu-Jamal, 41, is seeking a new trial partially on grounds of police bias in the investigation, which the defense says was racially and politically motivated because of Abu-Jamal's past affiliation with the Black Panther Party and his criticism of police in his work as a radio news reporter.

Howard also said that official police statements that Howard

had left his driver's license in the back of the car when William Cook had given him a ride several days before the shooting were not true.

Also yesterday, a woman who was living in a hotel near the murder scene testified she heard gunshots the morning Faulkner was killed.

Sharon Ganey Smith said she looked out the window and saw several police officers beating and kicking a black man with dreadlocks. The officers were yelling "Kill the black mother —!" she testified.

Smith said she didn't come forward before yesterday because she had been afraid.

Fisk said Abu-Jamal's hospital records reflect no significant injuries other than a gunshot wound in the chest, which the prosecution contends came from Faulkner. Abu-Jamal had filed police brutality complaint following the incident.

As the session began yesterday Judge Albert F. Sabo denied statements made in news interview by Weinglass that international pressure or a Monday courtroom visit by the Rev. Jesse Jackson had anything to do with his granting a stay of execution.

"I did it because the law required it to be done," Sabo said. "Mr. Weinglass," he added, "this little old judge in this little old court will not buckle under any pressure — national or international."

In an interview later, Weinglass said testimony by Howard suggested that police statements were falsified and were part of the "prosecution's script."

He said Howard's testimony reveals information that never came out in the trial 14 years ago: that there were three or four other suspects police questioned about killing Faulkner, including Howard, Freeman and a man called "Sweet Sam," who was supposedly the pimp for Cynthia White. She was the prostitute who testified she had seen Abu-Jamal shoot Faulkner.

The Associated Press contributed to this report.

STU BYKOFSKY: Page 34

State hearing hinges on narrow issues

by Ted Duncombe

Associated Press

Narrow guidelines govern the hearing in which Mumia Abu-Jamal's attorneys are seeking the reversal of his conviction and a sentence in the slaying of Police Officer Daniel Faulkner.

The Pennsylvania Post-Conviction Relief Act opens the most significant stage of appeals in death-penalty cases, but limits the issues that can be raised to such as effectiveness of attorney, prosecutive evidence display

ered since trial and misconduct by police or prosecutors.

Those guidelines have set the stage for some of the acrimonious exchanges between Abu-Jamal's attorneys and Common Pleas Court Senior Judge Albert F. Sabo since testimony began July 26.

One defense attorney was even briefly jailed when she tried to say, after Sabo told her to be quiet, that two witnesses were needed to illustrate that Pennsylvania's death penalty is unfairly applied depending on race and where the case occurs.

But if Abu-Jamal loses in Common Pleas Court and the state Supreme Court, the appeal can move to federal courts where such broad constitutional issues can be raised.

The prosecution has argued that the claims presented in the petition being heard by Sabo all "could have been raised at trial, or on post-verdict motions, or on direct appeal," but were not. Thus, Abu-Jamal has waived his right to argue those claims and his conviction should be upheld, the prosecution claims.

The difficulty with a petition under the post-conviction law "is that in order to raise a claim under the act, the claim has to either have not been waived or not been litigated," said Michael J. Salmanson, who teaches a law course on the death penalty at the University of Pennsylvania.

That leaves a "narrow band of issues," Salmanson said, including ineffective assistance of counsel and the previous unavailability of evidence that could clear the defendant. Eddie Delbana, a Temple law

professor who also is not associated with the case, said, "The standards that a defense lawyer or a defendant must satisfy — the burden of proof, if you will — are outrageously restrictive."

"Not only must the defense prove the defense lawyer was ineffective — that is, what he did had no grounding in strategy or tactic — but he must also prove that but for the error, the ineffectiveness, he would have been acquitted. That is a tremendously difficult standard to reach."

Opinion • Letters

The eloquent Abu-Jamal ought to speak up now

People who want to see Mumia Abu-Jamal executed aren't concerned about the fine legal points, such as proof of premeditation to justify the death penalty.

Abu-Jamal was definitely not just an innocent bystander. If he doesn't want to die, he should tell what he knows instead of grandstanding all over the place.

Jamal's 12-year-old smiling-face poster is everywhere. His book, "Live from Death Row," is hopelessly obsolete social analysis full of 12-year-out-of-date abstractions such as: "Students are the hope for the future." So anyone who wants peace and quiet will have to wait until the death penalty is no longer an issue.

RICHARD KANEGIS
Philadelphia

We are constantly reminded that Jamal is a "journalist" and an eloquent speaker, a gifted writer who has penned a book which is a rallying cry for the oppressed everywhere. That is the reason, we are reminded, worldwide efforts are dedicated to his cause.

How strange then that one so eloquent and so prolific in his writings is unable to step forward (nor is his loving brother) to describe in the simplest of language the newly discovered "stranger" whom his equally eloquent attorneys say came upon the scene to take up Mumia's cause that fateful morning.

The "stranger" left without even stopping to receive Mumia's thanks. In his hour of need when he most needs his silver tongue, Mumia is suddenly struck dumb. What an inopportune time for his golden tongue to fail him.

Instead, his sudden muteness forces him to rely on shadowy figures distant from the crime scene to describe the mysterious "stranger." Indeed, at the original trial and the evidentiary hearing preceding the trial, they were so traumatized they could not even remember seeing or hearing the stranger. Only when their extraordinarily creative attorneys brought it to Mumia's attention, did he apparently remember the "stranger."

JERRY BORIS
Philadelphia

"If Mumia burns, Philly will burn!"

"Sabo has to know we're coming for him."

These are direct quotes from two of Mumia Abu-Jamal's closest supporters. I'm not sure, but they sound very much like terroristic threats against the United States and an official of

our justice system. It seems, since Abu-Jamal and his supporters were unable to successfully defend his innocence, they are attempting to secure his freedom through intimidation and cowardly acts of threatened violence.

STEPHEN J. HALL
Philadelphia

I am totally sickened by the Abu-Jamal story. Why don't we just ket him go? Maybe he can kill another human being. Maybe write another book. And if he is executed, we can always loot stores and hurt innocent people.

My heart goes out to Maureen Faulkner, the whole Faulkner family and Gary Bell for having to relive this nightmare. Where were Faulkner's rights? What about the life the Faulknors will never have together? The children they will never have? I guess Abu-Jamal thought it was OK to execute Faulkner. Did he get a fair trial or even a fair chance?

MARY BECKER
Philadelphia

If Mumia Abu-Jamal burns, the city of Philadelphia burns? That's just the kind of mentality that caused Mumia to be on death row, convicted of murdering a policeman.

The threat to burn Philadelphia will not change Gov. Ridge's mind. The death warrant has been signed. Will burning the city or threatening to do so help Mumia's cause? That's prehistoric thinking. We refuse to be held captive by threats of violence! Carry out the sentence... one less person on death row to support.

PATRISHA McMICHAEL
Philadelphia

It really PO's me to see what is happening downtown, and all over the U.S. and abroad — all these know-it-alls who know nothing. Mumia Abu-Jamal was found guilty. No ifs or buts. He killed Officer Faulkner, and bragged about it. Now it's getting close for his turn, he turned yellow.

All his supposed supporters are reaping the glory on TV and news.

I know he won't die on Aug. 17, but I'll pray to God that some day soon he might just drop dead.

JOHN J. FITZGERALD
Philadelphia

In just one sharp, incisive cartoon on Mumia Abu-Jamal (Aug. 4) Signe Wilkinson put the correct aspect on the Abu-Jamal uproar.

This cartoon is a gem.
ED GALLING
Hatboro

Second-guessing Hiroshima is useless

Re your articles (Aug. 4) inspired by the 50th anniversary of the bombing of Hiroshima:

So many Americans take what freedom they have for granted. Instead of looking at this as one of two events primarily responsible for the final defeat of the Japanese in 1945, we have those who believe the bombing was wrong.

They should try to find those who would have had to participate in Operation Olympic and say to them they should have thrown down their lives so the pampered and spoiled baby boom generations can live easier with their political correctness and their guilt, allowing the country to deteriorate. Bull! I have relatives who fought in the Pacific who might not be alive today if President Truman had not dropped the bombs.

We were at war and we didn't start it. The Japanese got exactly what they deserved.

As one born well after the end of the dropping of the bombs, I say thank you to all those brave and honorable armed forces personnel who fought in World War II. At least this American has not forgotten what gratitude is. I also don't taint the honor of those who fought and made the ultimate sacrifice by this useless second-guessing.

WILLIAM S. HASSIEPEN
Milltown, Del.

It is amazing that people in 1995 are protesting the use of atomic weapons during World War II. Most of the critics weren't even old enough actually appreciate the situation this nation was forced into.

It was the Japanese who attacked us. Today we look back and ask why unconditional surrender was necessary, that they were beaten and it was only a matter of time before they surrendered. The atomic bomb was a way to end the war. At that time, our leaders did not understand the long term ramifications or the actual horror of such a weapon. The need to end a war we never wanted was paramount. This country did not ask for war but we fought it and won.

Those who criticize should turn their attention to the wrongs of the present.

When you put the bombing of Japan in perspective, perhaps it was better it happened then: when the force of such a weapon was not as great as the ones today. Considering that we live in an age when all of humanity could be destroyed, if it took the bombing of 1945 for the world to see the horror of nuclear weapons, it was a small price to pay.

OMAR HARVEY
Philadelphia



STEVE BENSON/ ARIZONA REPUBLICAN

Pro and con on fugitive's arrest at wedding

Some human beings are trying to get around the words "respect" and "disrespect."

Phyllis Patterson and Patricia M. Walsh (letters, July 27): This is not about Rufus Lawsen.

The bottom line is that the officers are supposed to be professionals, and that day they were not. There should have been a stakeout, but they rushed to judgment. The officers disrespected God and the church and all it

stands for, as well as all attending the wedding.

An apology and an acknowledgment of their mistake may have made a difference as far as their suspensions are concerned. But the officers chose the wrong path, just as Rufus Lawsen did. That's why they had to be penalized.

ANTHONY D. JONES
Mahanoy State Prison
Frackville, Pa.

Police storm-trooping Zion Baptist Church did the right thing. These days, with officers killed in the line of duty, the element of surprise is important.

A church is a consecrated place, a refuge, an asylum, a sanctuary against tyranny and injustice. This is true for people fleeing persecution, not for a

convicted felon.

As far as shoving people around, the officers did not do anyone until some of the wedding party intervened.

ELLIOTT L. WEISS
Somers Point, N.J.

Deer readers . . .

Thanks to the people who commented on my letter (July 1) concerning a deer killed on R. Sevelt Boulevard, I am proud that other people out there, like me, care and respect other species life besides our own.

BONNY SUTTON
Philadelphia

WRITE US
To be considered for publication, a letter must be signed and include the writer's address and telephone number. It should be concise, legible and written for this newspaper only. You can mail it or fax it to 215-854-5691 or e-mail to: dncedit@aol.com
All letters are subject to editing.



Leonard Weinglass, an Abu-Jamal lawyer, implied a witness might have been harassed.

Fourth man put at scene of slaying

Abu-Jamal's lawyers suggested that his brother's partner might have been the killer.

By Julia Cass
and Marc Kaufman
INQUIRER STAFF WRITERS

Mumia Abu-Jamal's lawyers yesterday presented testimony to support their theory that another man in addition to Abu-Jamal and his brother might have been present at 13th and Locust Streets when Police Officer Daniel Faulkner was killed 13 years ago.

The defense implied that the other man, a partner with Abu-Jamal's brother in a street vending business, could have been the man who killed Faulkner. The partner, Kenneth Freeman, is deceased.

The prosecution attacked the testimony as unreliable, saying that the witness gave a different statement to police in 1981.

The testimony came on a day when support for Abu-Jamal continued to grow, with a full-page ad in the New York Times demanding a new trial and signed by such prominent people as actor Paul Newman and former New York City Mayor David Dinkins.

It was also a day when Common Pleas Court Senior Judge Albert F. Sabo once again sparred with the defense, telling them this "little old judge" wouldn't bend to international pressure.

Arnold Howard, a neighborhood friend of both brothers, testified that police went to his home before daybreak shortly after the shooting on Dec. 9, 1981, and took him — handcuffed and still in his "drawers" — to the Police Administration Building to question him about the murder.

They told him, he said, that his driver's license had been found on Faulkner at the murder scene. Howard said he told police he had lent his license to Freeman, who owned a vending stand with Abu-Jamal's brother, William Cook. Police then brought Freeman to the police roundhouse, and Freeman and Howard were put in a lineup together, Howard said.

See **ABU-JAMAL** on B4

4th man may have been at scene

ABU-JAMAL from B1

"Did Ken Freeman indicate to you he was driving [Cook's] Volkswagen?" Abu-Jamal's lead attorney, Leonard I. Weinglass, asked.

Assistant District Attorney Arlene Fisk objected to that question as hearsay, and Sabo agreed. Howard did not answer the question. However, outside the courtroom, Weinglass said that Howard stated in an affidavit signed Tuesday that Freeman had told him that morning that he was driving the Volkswagen. If that is true, four people would have been at the scene of the crime — Faulkner, Cook, Abu-Jamal and Freeman.

When Sabo learned that Freeman was deceased, he remarked to the defense: "Oh, so you can't bring him in now, can you?"

According to the prosecution's case at Abu-Jamal's trial in 1982, Faulkner stopped Cook's Volkswagen on Locust Street near 13th Street for a traffic violation. Faulkner and Cook then scuffled and Abu-Jamal, who was working as a cabdriver, happened to witness the altercation as he drove nearby.

Three prosecution witnesses testified that a man in dreadlocks, identified by two as Abu-Jamal, ran up and shot the officer. When other police arrived within 45 seconds, Abu-Jamal was sitting on a curb, with a bullet from the policeman's gun in his abdomen. Cook was standing by a wall nearby. No one testified to seeing another man driving or riding in Cook's car.

Howard said police told him they thought he could be the "fourth person" at the murder scene. He said he was not at 13th and Locust when Faulkner was killed and that he was able to prove it with a grocery store receipt

that recorded the time and date.

Fisk questioned Howard about his criminal record — forgery, burglary and criminal trespass. She then read from the five-page statement Howard gave police after the shooting.

According to the 1981 statement, police showed Howard a copy of an application for a duplicate driver's license. He said, "It's mine."

The police asked what happened to it, and he said he'd lost it a week or so earlier. He wasn't sure where he lost it, but said he must have dropped it in the back seat of Cook's Volkswagen when Cook gave him a ride a week earlier. It was unclear from the statement where police found the license application.

Howard did not mention Freeman in the 1981 statement, and Fisk said outside the courtroom yesterday that there was no record that Freeman was in the custody of homicide police at that time.

"Well, I told them I gave it to him," Howard insisted yesterday.

In a heated moment in the courtroom, Weinglass asked whether Howard's family had been harassed by police recently. Howard answered yes. Fisk objected, saying that prosecutors had just got Howard's affidavit at 5:30 Tuesday evening. Besides, she said, his testimony was irrelevant.

"This man knows nothing about the murder and nothing about the guilt or innocence" of Abu-Jamal, she said.

In other testimony yesterday, former Assistant Medical Examiner Paul Hoyer said that a notation he made during the autopsy on Faulkner that the fatal bullet was a .44-caliber was an inconclusive finding on an "intermediate work document." He said that he was not a

ballistics expert and that the later police ballistics report concluding that the bullet was a .38 was the only important finding.

Abu-Jamal's supporters have contended that he could not have shot Faulkner, since his gun found at the scene was a .38-caliber and the initial report said the fatal bullet was a .44.

Another defense witness, Sharon Smith, testified that she heard gunfire from her third-floor apartment the night of the slaying and minutes later saw five or six policemen beating and kicking a man in dreadlocks. She said the beating was so severe that she vomited in disgust.

Fisk questioned why Smith had never reported what she saw until speaking with defense lawyers this week. Smith said her husband had discouraged her.

Two other witnesses told police that night that they saw Abu-Jamal being beaten. Police testified that they did not harm him but had to struggle with him to get him into a police van.

Before testimony began yesterday, Sabo said he wanted to correct remarks Weinglass made on the *Larry King Live* show Tuesday night about why he issued a stay of execution Monday.

"I did not issue the stay because Jesse Jackson had anything to do with it. Nor did I issue it because of national or international pressure," he said. Sabo said he issued the stay because Abu-Jamal has appeals remaining and because the law "dictated" a stay.

"I told you at the outset, Mr. Weinglass, that this little old judge in this little old courtroom will not buckle under pressure, national or international," Sabo declared.

Mumia Abu-Jamal

Mumia Abu-Jamal, convicted of the 1981 slaying of a Philadelphia police officer, won a stay of execution this week. It is temporary, but activists across the world who have taken up his case are heartened by the postponement of the execution. It is reasonable to wonder what about this case has attracted the attention of such disparate groups as the Italian Parliament and a smattering of Hollywood stars.

Mr. Abu-Jamal has become something of a celebrity. A former free-lance radio journalist, he is articulate and media-savvy. Last year he reached an agreement with National Public Radio to air a series of commentaries about prison life (they were later canceled after public protest), and he has published a book since he has been on death row.

The case is one that pits a white policeman against a black man in waist-length dreadlocks. Unfortunately, there are people in the world who are quick to assume that such a case in the United States invariably involves some kind of government misconduct.

Death penalty opponents who want to halt all executions have used this already famous case to call attention to their more general cause. Since South Africa abol-

ished the death penalty earlier this year, the United States is one of a handful of countries in the industrialized world that executes killers.

Some critics who have no firsthand knowledge of the case argue that Mr. Abu-Jamal is entirely innocent and should be freed immediately. But the prosecution was persuasive. Three eyewitnesses identified him as the murderer. He was shot by the policeman during the confrontation, and his own gun, found at the scene, had fired five bullets of the same kind as the five bullets that killed the policeman.

After 13 years in prison he has lost a series of appeals on various grounds. He is now beginning the Pennsylvania habeas corpus reviews to which he is entitled, and presumably will take a similar course through the federal courts if necessary. That is why the stay of execution was warranted.

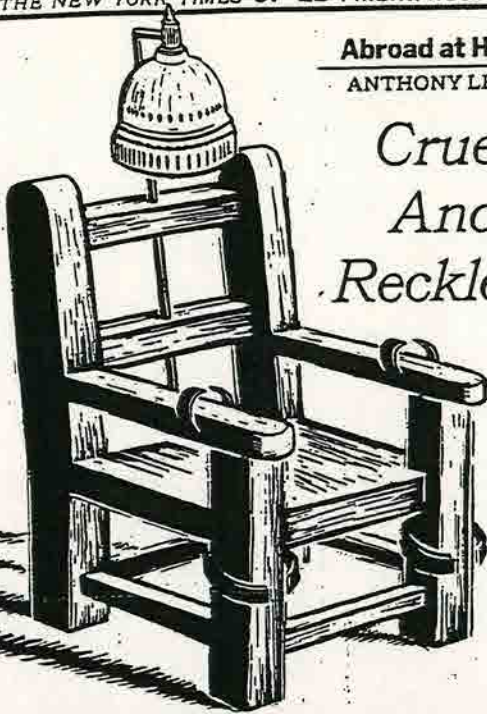
Those who oppose capital punishment in principle work to abolish the penalty for Mr. Abu-Jamal as well as for any other convicted murderer. But it is not necessary to believe that he is an innocent, framed by a corrupt system, or some kind of political prisoner, to argue that he should not be put to death.

— THE WASHINGTON POST.

Herald Tribune 10/8/85

Abroad at Home
ANTHONY LEWIS

Cruel And Reckless



By DON TERRY

PHILADELPHIA, Aug. 10 — Thirteen years after Mumia Abu-Jamal was condemned to die for the killing of a police officer here, defense lawyers seeking a new trial today questioned a petty criminal who said he had witnessed the shooting and did not see Mr. Abu-Jamal fire a shot.

At a court hearing, prosecutors attacked the witness, William Harmon, for not coming forward until today and because of his long criminal record, dating to the early 1960's.

His testimony today conflicted with that of two prosecution witnesses who helped convict Mr. Abu-Jamal, a black radio reporter, at his trial in 1982: a cab driver who was on probation for an arson-for-pay conviction and a prostitute with nearly 40 arrests. They said at his trial that they saw Mr. Abu-Jamal gun down the officer, Daniel Faulkner, in a seedy patch of the city's center, during a confrontation with Mr. Abu-Jamal's brother.

Today, at Mr. Jamal's politically charged hearing, Mr. Harmon, a pimp with a long history of jail time and arrests for forgery and fraud, said he had witnessed the confrontation and said it was another man, whom he could not identify, who had stood over Officer Faulkner and shot him in the face execution-style before fleeing in a car in the early morning darkness of Dec. 9, 1981.

Before today, Mr. Harmon, who is 52 and serving a prison sentence for a drug conviction, did not come forward to tell his story, a fact that the prosecutor, Arlene Flsk, sought to capitalize on. For several minutes in court, she also read aloud from Mr. Harmon's criminal record; afterward, she said outside the courtroom that that she had heard "nothing that was credible on the witness stand."

Mr. Harmon said he had not come forward before because he had promised his mother he would not get involved. But after his mother died last year, he said, he felt free to follow his conscience.

"I can sleep better at night," he said, "knowing I came forward."

Though listed as a defense witness, Mr. Harmon was called to the stand by the judge over the strenuous objections of Mr. Abu-Jamal's lead lawyer, Leonard I. Weinglass, who said the defense team had not had enough time to talk with Mr. Harmon or to investigate his story or his background.

The defense did not know of Mr. Harmon until late last month, when

he wrote a letter to his lawyer, saying he had information that might shed light on the 14-year-old case.

Mr. Weinglass said he had only met Mr. Harmon for the first time today for about 90 minutes, a couple of hours before the start of the hearing. He also said an associate had talked with Mr. Harmon for less than three hours in the prison near Pittsburgh where Mr. Harmon is serving a 33-month sentence.

"This is utterly, grossly unfair to Mr. Jamal," Mr. Weinglass told the Common Pleas Court judge, Albert F. Sabo.

Saying that he wanted the witness to testify anyway, Judge Sabo said to Mr. Weinglass, "You're stalling."

Recalling the night that Officer Faulkner was killed, Mr. Harmon

A man says he can now break a promise to his late mother.

said that at about 3:30 A.M., as he and two prostitutes were eating in a restaurant, he saw Mr. Abu-Jamal on the sidewalk out front. He said he went outside to tell him how much his female friends, and even his mother, enjoyed Mr. Abu-Jamal's voice on the radio. He said they were talking on the sidewalk when they heard angry voices coming from a nearby intersection.

He said Mr. Abu-Jamal began walking toward the voices and he followed a few feet behind. He said he never saw Mr. Abu-Jamal with a gun and that he was walking across the parking lot when he heard a shot. He said saw Officer Faulkner fall. "Then I heard another shot and then I seen Mumia fall," he said, referring to the chest wound that Mr. Abu-Jamal received that night.

He said he saw someone he could not identify running away and then a car pulled up next to the fallen officer and a black man stepped out of the passenger side and shot Officer Faulkner in the face. The man got back into the car and it drove off.

Shaking her head, Ms. Flsk asked Mr. Harmon, "You chose to tell no one what you knew?"

"But my mother," Mr. Harmon corrected her.

of a gripping new book, "Circumstantial Evidence," by Pete Early. Mr. Early finished his book before the final bitter twist in the story: the twist that makes the case politically relevant today.

The radical Republicans in the House of Representatives, before recessing last week, voted to eliminate Bryan Stevenson's office and his job. If they have their way, a future Walter McMillian — an innocent man railroaded to death row because of his race — will probably be executed.

Mr. Stevenson's office is one of 20 federally funded Post-Conviction Defender Organizations, as they are called, in states with numbers of

year, a fraction of what he would get elsewhere. His center costs the Federal Government \$470,000.

A subcommittee of the Judicial Conference of the United States reported just two months ago that the Post-Conviction Defender Organizations played "a vital role" and were "a cost-effective, efficient means of providing representation in death penalty cases." The committee was headed by Judge Emmett R. Cox, who was appointed to the 11th Circuit Court of Appeals from Alabama by President Reagan.

Disbanding the centers will in fact be costly, because private lawyers will have to be appointed at greater expense to represent the prisoners. Federal law requires counsel for death row prisoners seeking habeas corpus in Federal courts.

A real motivation for killing the centers must be political: to look tough on the death penalty. And no doubt some Congressmen do not want prisoners on death row to have experienced lawyers who might argue their appeals successfully.

The right to a competent lawyer is the mark of a civilized society. I know of no action by the radical Republicans as uncivilized, as indecent as this one. It reminds me of what Joseph N. Welch said to Senator Joseph McCarthy:

"Until this moment, Senator, I think I never really gauged your cruelty or your recklessness." □

The House eliminates death-penalty lawyers.

prisoners under sentence of death. All would be closed by the Republican bill.

The primary purpose of these modest law centers has been to assure that there are effective lawyers for prisoners when they seek their freedom by writs of habeas corpus in Federal courts. The lawyers also help to some extent in state proceedings, as in the McMillian case.

Why would House Republicans want to close the centers down? The nominal reason is budget-cutting, but that cannot be serious. The total appropriation for the 20 centers this year is \$19.8 million.

Bryan Stevenson is paid \$27,000 a

© Drucker

WASHINGTON
Monroeville, Alabama, the birthplace of Harper Lee, was the thinly disguised setting of her novel "To Kill a Mockingbird." There, in 1987 she imitated her grim story of justice interrupted by racism.

Walter McMillian was charged in 1957 with killing a young white woman. The white community assumed his guilt. Even before he was tried, he was held in a cell on death row.

His trial lasted a day and a half. The main witness against him, Ralph Myers, had a long criminal record. A dozen witnesses for Mr. McMillian said he was elsewhere at the time of the crime.

The jury convicted. It recommended a sentence of life without parole. But the judge, Robert E. Lee Key Jr., rejected the recommendation and sentenced Mr. McMillian to death.

Walter McMillian was not executed. The reason is that, a year after his conviction, a lawyer of rare dedication and skill took up his case. That was Bryan Stevenson, who had just begun work in a nonprofit law center set up in Alabama with a small amount of Federal funds to handle appeals for people under sentence of death.

In 1991 the Alabama Court of Criminal Appeals rejected Mr. McMillian's appeal. But Bryan Stevenson kept trying. Ralph Myers reneged his testimony, saying he was rescued by the police in a week of interrogation before accusing Mr. McMillian. Mr. Stevenson showed that prosecutors had hidden crucial documents from the defense.

On Feb. 23, 1993, the Court of Criminal Appeals reversed Mr. McMillian's conviction. A week later prosecutors said they would not try him again. Walter McMillian was free.

The McMillian case is the subject

8/13/95

Mumia Abu-Jamal, Celebrity Cop Killer

By Lynne Abraham

The truth has taken it on the chin from a well-oiled, well-financed propaganda machine bent on perverting justice as it subverts the facts of the trial of a convicted cop killer, Mumia Abu-Jamal. The effort has been aided by lawyers who will say anything, no matter how false, to attract publicity, and by attention-seeking celebrities and spin doctors who attract it all too easily.

This we know from the trial record: In the early hours of Dec. 9, 1981, Danny Faulkner, a 26-year-old police officer in uniform, stopped a car driven by Mr. Abu-Jamal's brother, William Cook, in downtown Philadelphia. Mr. Cook began to struggle with Mr. Faulkner when the officer tried to handcuff him. Mr. Abu-Jamal, driving a cab in the area, arrived and, running up behind the officer, put a bullet in his back.

Before collapsing, Officer Faulkner shot Mr. Abu-Jamal in the chest. Mr. Abu-Jamal went up to the supine

Lynne Abraham is the District Attorney of Philadelphia.

officer and shot him between his eyes, killing him. Then he sat down on the curb, dropping his gun as the police arrived. The gun, registered in his own name, was loaded with .38-caliber high-velocity bullets.

Virtually all of the small group of true believers who have turned the case into a crusade have never read the trial record; this makes it easy to justify siding with a convicted killer. No one, certainly not I, would quarrel with sincere opponents of the death penalty. Where the shrill chorus and I part company is when it tries to turn a murderer into a martyr.

Why haven't the media pressed the defense to explain how and why he was shot? How is it that his gun contained five spent cartridge cases of the very caliber and brand of bullet that killed Officer Faulkner? Why did Mr. Abu-Jamal refuse to allow his brother, an eyewitness, to testify at the trial? Why didn't Mr. Abu-Jamal ever deny shooting Officer Faulkner? The answers are obvious. He murdered him.

But truth would interfere with the orchestrated image that the killer, a self-styled prison journalist, is really a victim. Consider some of the falsehoods.

• **The Fleeing Stranger Theory.** The Abu-Jamal coterie claims that several witnesses saw the "real"

shooter escape. The reality is that after years of empty assertions, the defense only recently presented testimony from these "witnesses." Not one confirms the version put out by Mr. Abu-Jamal's publicists. Essential parts of their stories contradict one another and don't square with the physical vestiges of the crime.

Four bogus theories ignore the hard evidence.

The only witnesses whose testimony agrees with the known facts came forward immediately after the crime. They saw Mr. Abu-Jamal kill the policeman.

• **The .44-Caliber Bullet Theory.** Abu-Jamal supporters contend he couldn't be guilty because Officer Faulkner was killed with a .44-caliber bullet, not the .38-caliber bullet from Mr. Abu-Jamal's gun. This assertion is based on a handwritten note on a medical examiner's pre-autopsy worksheet. But the examin-

er who made the notation testified that he was no weapons expert and could not precisely measure the bullet. The real expert who examined the bullet determined conclusively that it was a .38 caliber. That bullet still exists. It has been made available to the defense, whose expert refuses to look at it but concedes that all the documentation supports the prosecution's evidence that the bullet is a .38. If the Abu-Jamal legal team could have disproved the expert assessment and shown that the .38 was a .44, it would have done so.

• **The Incompetent Counsel and Unfair Jury Theory.** Mr. Abu-Jamal's supporters say he was forced to accept a novice lawyer, was given no money for preparations and was subjected to the whims of a racist jury. In fact, he was represented by an experienced former prosecutor who was not foisted on him but took the case at the request of one of Mr. Abu-Jamal's friends. The record shows that the court paid the lawyer, that the defense received additional public and private funds and that the lawyer hired an investigator who worked on the case for months before and during the trial. The jury was composed of blacks and whites chosen with Mr. Abu-Jamal's personal participation. They voted unanimously to convict him of first-de-

gree murder and imposed the death sentence because he executed an officer in cold blood.

• **The Conspiracy Theory.** The Abu-Jamal sympathizers theorize that any facts that disprove his claims must be lies cooked up by a conspiratorial band. They claim he was a famous journalist whom the police framed to silence his unpopular political views. In fact, at the time of the murder he was a high school dropout who had been fired from his radio job and was moonlighting as a cab driver. The notion that the police knew who he was — that they conspired to let the "real" killer escape so that they could blame Mr. Abu-Jamal — is ludicrous.

This crime was committed at a well-lighted intersection in full view of numerous people. When the police arrived at the scene almost immediately after the murder, the evidence of guilt, both physical and eyewitness, was there along with the perpetrator. There was no reason or opportunity to fabricate the pieces of evidence, all of which corroborated one another.

There is no question of guilt. Yes, this is a troubling case, but not because the "system" convicted an innocent man. It is troubling because it shows how easily the truth can be lost. □

The Case That Brought Back Radical Chic



Mumia Abu-Jamal

By FRANCIS X. CLINES

THE hard fact that criminal justice is grossly relative is never clearer than when a felon gifted with articulateness approaches the gallows, rallying celebrities to his side. Tongue-tied peers — 3,009 and growing at last count of America's burgeoning death rows — can only wonder in silence, perchance grunting of their own innocence, but well ignored.

So it goes with the condemned among us lately as a throng from the arts, academic and entertainment worlds singles out the cause of Mumia Abu-Jamal, a finely expressive, dramatically dreadlocked, suddenly celebrated 41-year-old man on Pennsylvania's death row whose execution, scheduled for this week, has just been postponed amid an outcry for a new trial.

Full-page newspaper ads signed by the well-known passionately question his guilt as a convicted cop-killer, hailing Mr. Abu-Jamal as an "award-winning journalist, talk-show host, former Black Panther" and author of the newly published "Live From Death Row."

His patrons, warning that Mr. Abu-Jamal's death would be "a political execution," want a new trial for the 1981 street killing in Philadelphia in which a policeman lying wounded received his coup de grace between the eyes. Mr. Abu-Jamal was found nearby, wounded by the officer. His own revolver held five spent shells, but his lawyers insisted the murder was committed by a fugitive third man, never located.

For years, doubters of Mr. Abu-Jamal's guilt cited shoddy police work, questionable witnesses, a judge openly contemptuous of the defense and the accused's own contro-

versial history. He was a teen-aged Black Panther and later a journalist who spoke out against police brutality and supported MOVE, the radical black group that suffered deadly disaster in 1985 when the police bombed its compound to end a standoff with city authorities.

This is the stuff of what Tom Wolfe labeled "radical chic" 25 years ago, the championing of an underclass cause by an overclass gathering. In Mr. Wolfe's book, the gathering, which he skewered hilariously, was a late-night party at which the liberally soulful conductor Leonard Bernstein was host to several Black Panthers. (Some of the Panthers were acquitted of criminal charges after the gathering raised consciousness and defense funds.)

"Literary sensitivity seems to expunge moral failings," Mr. Wolfe said of this latest symbiosis of Muse and miscreant. "This isn't a liberal or conservative thing," he said of the signatories, a gathering ranging from Susan Sarandon to Garry Wills, Maya Angelou to Stephen Jay Gould.

It's a Tradition

The putdown is not at all intimidating to these cultural figures who have come forward for Mr. Abu-Jamal, carrying on the celebrity-cause tradition in America that extends back beyond Sacco and Vanzetti. Least intimidated of all is Norman Mailer, a prominent signatory in the Abu-Jamal protest. Mr. Mailer successfully led a group of literary figures 15 years ago in winning the early release from prison of Jack Henry Abbott, a writing criminal who soon afterward stabbed a waiter to death in an angry

Continued on page 4



Paul Newman



Alice Walker



Oliver Stone



Norman Mailer

The Return of Radical Chic

Continued from page 1



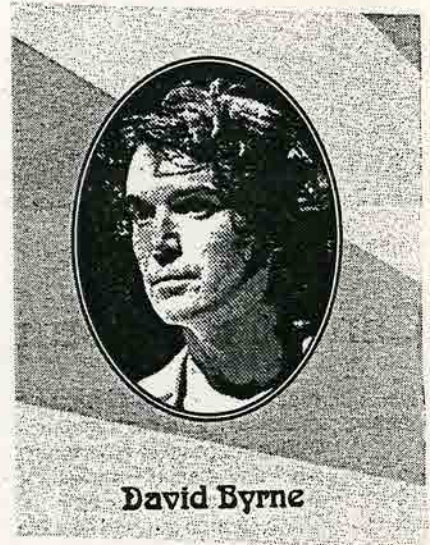
Susan Sarandon



Raomi Campbell



Maya Angelou



David Byrne

moment of freedom.

Celebrity publicity can be powerful, as in the Philadelphia cause, but also wayward, as in the case of Wilbert Rideau, pound for pound the best working journalist in America's prisons. He was a teen-aged murderer who became a respected muckraker across 35 years in Louisiana's Angola prison, so celebrated that a counter-clemency campaign took root that annually denies freedom to him, long after less rehabilitated felons were freed.

The best possible defense arguments for Mr. Abu-Jamal have been woven most cogently in a sympathetic essay by the novelist E. L. Doctorow — an essay that was published on The New York Times' Op-Ed page and has been reprinted and featured prominently in the advertising campaign for a new trial. This sort of extra literary thumb on the pop scales of justice in the festering case led The Philadelphia Inquirer early this month to express exasperation at the "worldwide, high-tech 'Free Mumia' movement" and to question whether it signaled "a quest for justice or a cult of personality."

Foreign journalists have been feasting on the case, reminding that the United States is the last industrial power to retain capital punishment and is, in fact, extending it to record proportions.

The Inquirer editorializes against the death penalty, too, but questions whether champions of the Abu-Jamal cause are "unable to countenance the very real probability that — regardless of possible defects in the judicial system and real excesses by Philadelphia police — Mumia Abu-Jamal shot and killed the officer."

Suddenly, a New Story

Mr. Abu-Jamal can only be thankful for the agitation of famous people. Just as the outcry was cresting and his execution was being indefinitely postponed by the same controversial judge who put him on death row, a new figure came forward professing to have been an eyewitness. He is a career petty criminal, a pimp who testified last week that he saw someone other than Mr. Abu-Jamal shoot Officer Daniel Faulkner.

Partisans of the prosecution, wary of the inviting publicity wallow that high-profile criminal cases have become in America, suspect the man came forward now for the tempting flare of attention generated by the Abu-Jamal cause. The man said he did not come forward earlier because he had promised his mother, who he said died last year, that he would not get involved.

So goes the case. Whatever new light may be shed on the police officer's murder in fresh hearings, the case is now firmly a cause. But there's little likelihood there would be a cause had Mumia Abu-Jamal not proved such a creative writer and gripping reporter behind bars, an attractive exception to the lumpen felons of death row.

"I'm glad they're doing what they're doing and I hope they save his life, but I just wish they'd pay the same attention to some of the rest of the condemned," said Watt Espy, a respected scholar of capital punishment who can point to moron-level intellectuals and other suspected innocents smoldering inarticulately among the 38 state death rows that he culls.

"Of course I don't want him executed," said Mr. Espy, who has spent 25 years in his Alabama office tracking America's 18,866 executions, and the mix of hurried justice, vengeance and racism that historically decreed them, back to the first in 1608 in the Virginia colony. "I just think it's a shame that the media and the more articulate members of society don't get involved in the other cases."

"There's nothing fair about the death penalty, and this just shows how very, very unfair it can be," Mr. Espy said, speaking of relative justice and the latest cause, wishing Mr. Abu-Jamal long life along with all



Roger Ebert



Spike Lee

Inmate: two gunmen shot Faulkner

Mumia Abu-Jamal didn't kill the officer, the ex-pimp stated. He said he had promised his late mother not to testify.

By Julia Cass
INQUIRER STAFF WRITER

A convict and former pimp nicknamed "Bippy" yesterday gave an elaborate account of not one, but two, mystery shooters — and of a red car containing the man who fired the final, fatal shot.

It was another wild day at the appeals hearing for Mumia Abu-Jamal.

William Harmon told the court he was working 13th and Locust Streets as a pimp 13 years ago when he saw Police Officer Daniel Faulkner shot by two different men — one in dreadlocks who ran away and another with "Johnny Mathis-style hair" — who jumped out of a red two-door Chevy Malibu and fired the fatal round. In between the two shots, an innocent Abu-Jamal approached the officer and was shot.

This heretofore unheard testimony was not the only thing that made Harmon an unusual witness for the defense. The other was that defense attorneys themselves didn't want him on the stand. Not yesterday, anyway.

They told Common Pleas Court Senior Judge Albert F. Sabo that they needed time to verify Harmon's story. But Sabo said to put him on anyway so the hearing could proceed swiftly.

"We do not want to put on an unprepared, unconfirmed witness," protested lead defense attorney Leonard I. Weinglass.

Harmon came to the defense attorney's attention 10 days ago when they received a letter from him, and defense attorney Rachel Wolkenstein interviewed him at Mercer County Prison in Western Pennsylvania one day last week. Weinglass asked for more time to interview

See ABU-JAMAL on A12

*Phila. Inquirer
8-11-95*

Inmate: Abu-Jamal didn't shoot officer

ABU-JAMAL from A1
him and people he mentioned.
"Well, let's just see what he has to say," Sabo said.

An incredulous prosecutor Arlene Fisk called Harmon's account "a great bedtime story." She said that it contradicted much of the physical evidence and testimony at the trial and even one of the defense witnesses in the current hearing.

According to the prosecution's case at Abu-Jamal's 1982 trial, Faulkner stopped William Cook, Abu-Jamal's brother, for a traffic violation as he drove his Volkswagen down Locust Street shortly before 4 a.m. on Dec. 9, 1981. Faulkner and Cook then scuffled and Abu-Jamal, who was working as a cabdriver, witnessed the altercation as he drove up 13th Street.

Three prosecution witnesses testified that a man in dreadlocks, identified by two as Abu-Jamal, ran across a parking lot and shot the officer. When other police officers arrived, Abu-Jamal was sitting on the curb with a bullet from the policeman's gun in his abdomen. Abu-Jamal's gun lay nearby with five spent shell casings. Cook was standing near a wall.

This is Harmon's account:

Harmon was having an early breakfast with his girlfriend Tina at a restaurant on 13th Street. He saw Abu-Jamal outside the restaurant and went out to tell him how much Tina — and all women he knew — loved his radio voice.

"You know, 'This is Mumia Abu-Jamal,'" Harmon demonstrated for the courtroom audience, repeating Abu-Jamal's trademark signoff and mimicking his deep voice.

Harmon knew Abu-Jamal because he had once worked for a disc jockey at radio station WHAT, where Abu-Jamal worked for a while. He also knew Cook.

As Harmon and Abu-Jamal talked that night, they heard a loud argument coming from Locust Street, half a block south and east of the restaurant on 13th Street. He looked and saw two men, one a policeman and another a man in dreadlocks he didn't recognize, facing each other on the south side of Locust. A police car, a United Cab, and a Volkswagen were parked on that side of the street, Harmon said.

Abu-Jamal started walking diagonally across a parking lot, toward the two men. "I followed him a few steps behind," Harmon said.

While both men were still in the parking lot, Harmon said, he heard a shot, then saw the police officer fall back against a wall, facing forward in a sitting position with his gun out. The dreadlocked man who had been arguing with him ran east on Locust Street.

Abu-Jamal continued moving toward the officer and when he crossed Locust Street, Harmon said, "I heard another shot and I saw Mumia fall."

"Did you see Jamal shoot the officer?" Weinglass asked Harmon.

"No," Harmon responded.

"Did you see Jamal get shot?"

"Yes, I did."

At this point, Harmon, still in the parking lot on the north side of Lo-

cust, stopped in his tracks and began backing up, he said.

He went on: Seconds later, a red two-door Malibu with two different men inside suddenly came up and parked behind the police car. The passenger, who had "Johnny Mathis-style hair" and wore a black leather jacket, jumped out and shot the fallen officer in the face from a distance of about 10 feet. The shooter jumped back in the car, the driver backed up, then sped off the wrong way down 13th Street.

Harmon quickly retreated to the restaurant and picked up Tina. They drove away just as dozens of police cars arrived from every direction, Harmon said.

Asked by Assistant District Attorney Fisk whether he learned the next day that the police officer had died and that Abu-Jamal, a man he admired, had been charged with killing him, Harmon said he had.

"Didn't it occur to you that a terrible mistake had been made? Surely you called Jamal or his family and said, 'I can clear you,'" Fisk said in a voice dripping with sarcasm.

Harmon said he had promised his mother he would not get involved. But she died last year and "still it didn't occur to me because there was nothing in the news. When I got to Mercer County, I read about Abu-Jamal's execution on Aug. 17 and I thought, 'Uh-oh, this can't be done.'"

His fellow inmates advised him, he said, that since his mother now was dead, "if you can help the brother, help him."

Fisk read from Harmon's rap sheet, which begins in 1964 and continues through 1994, with more than 10 convictions for fraud, forging checks, mail fraud and burglary. He served time in prison in the 1960s but got sentences of probation for most charges since then, except for his current 33-month prison sentence for drug dealing.

"Isn't it true that you are something of a scam artist?" she asked. She asked if Harmon knew that a recent presentence report stated that he was "so notorious for dropping bad checks" in the 1970s that "your picture was sent to every bank in the Philadelphia area."

Under questioning, Harmon said he had worked on occasion as a police informant.

Two of the three key prosecution witnesses at the 1982 trial also had criminal records.

Fisk expressed amazement yesterday that Harmon would say nothing for 13 years in order not to upset his mother.

"Would it have anything to do with the fact that you are making this up today?" she asked.

"No," Harmon said.

Fisk asked if Harmon was testifying "for a good buck."

"They didn't offer me anything," Harmon replied.

Weinglass said Harmon had nothing to gain by his testimony.

In fact, authorities could "make the rest of your stay in prison miserable," he said.

Abu-Jamal's defense rests, with clashes

The inmate didn't testify but refused to say it was his choice. A witness said he was coerced into lying.

By Julia Cass
and Linda Loyd
INQUIRER STAFF WRITERS

Mumia Abu-Jamal's defense rested yesterday without the internationally known death-row inmate testifying — but with demands from Common Pleas Court Senior Judge Albert F. Sabo that Abu-Jamal explain his decision.

Abu-Jamal's lawyers are seeking a new trial for the former radio reporter convicted in 1982 of killing Philadelphia police officer Daniel Faulkner in 1981.

The prosecution will proceed with its case Monday and, in the meantime, thousands of Abu-Jamal's supporters are expected to attend a 2 p.m. rally at City Hall today.

They are expected to arrive by the busload from Baltimore, Chicago, Jersey City, N.J., Milwaukee, Providence, R.I., Washington, Boston, Detroit and Pittsburgh. Estimates range from 2,000 to 7,000 protesters.

In court yesterday, Sabo tried to avoid grounds for another future appeal by getting Abu-Jamal to state whether the decision not to testify was his own or that of his lawyers.

Abu-Jamal would not comply.

"I want him to say he doesn't want to take the stand," Sabo told Abu-Jamal's lead attorney, Leonard I. Weinglass. Weinglass told the judge that Abu-Jamal would not "make a statement"

But Sabo demanded that Abu-Jamal approach the bench.

See **ABU-JAMAL** on A8

Death-row inmate's attorneys rest case

ABU-JAMAL from A1
Sabo insisted, "Would you please get up here, Mr. Mumia Abu-Jamal."

Abu-Jamal, who has not spoken a word in the hearings, then approached. Still, all he said was that he was "following the advice of counsel." Eventually, Sabo accepted this as an answer, and Abu-Jamal returned to the defense table.

That left the door open for Abu-Jamal to perhaps launch a future appeal, arguing that the advice of his counsel was not good.

Abu-Jamal has never spoken publicly about what happened at 4 a.m. on Dec. 9, 1981 — the morning Faulkner was killed. The hearing on his appeal for a new trial is now in its 11th day.

The defense's final witness took the stand yesterday. William Singletary testified that an unidentified gunman shot Faulkner in the face just before Faulkner's own weapon went off and hit Abu-Jamal.

Singletary testified that in December 1981 he was barred by a detective from giving his account. Instead, Singletary said, he had been forced to sign a false statement.

According to Singletary's testimony yesterday, Abu-Jamal did not arrive at the murder scene until after Faulkner had been shot and the unidentified gunman had run away.

"The officer was laying on the ground against the wall and Mumia was coming toward him," Singletary said. "He said to him, 'Get Maureen ... get the children.'"

Maureen Faulkner, the officer's widow, put her hand to her mouth, covering it, as Singletary gave his account of her husband's last words. The Faulknors, who were married slightly more than a year, never had children.

Singletary also said that Cynthia White, a prostitute who testified for the prosecution at Abu-Jamal's 1982 trial, was on a side street and could not see the shooting.

The prosecution sharply disputed Singletary's testimony. Assistant District Attorney Arlene Fisk said outside the courtroom that a forensic pathologist called earlier by the defense had determined that the point-blank shot to Faulkner's face would have killed him instantly, making it impossible for the officer to talk or shoot Abu-Jamal afterwards.

The prosecution plans to call to the stand on Monday the detective who took Singletary's statement.

In addition to the tense exchange involving Abu-Jamal's decision not to testify, tempers flared at other points during the court session.

Weinglass was fined \$1,000 for contempt of court for not passing back autopsy photos as quickly as Sabo wanted. In another episode, Fisk accused another defense attorney of lying.

Two officers and a forensic pathologist also testified for the prosecution to counter earlier defense testimony.

Abu-Jamal, 41, is seeking a new trial, contending that his trial attorney did not present important witnesses and that police suppressed evidence favorable to his case in his first trial. Sabo on Monday granted Abu-Jamal an indefinite delay of his execution, which had been scheduled for Thursday.

Weinglass said in an interview that he believed the defense had made a strong case for a new trial.

"We're only trying to show that the first case was defective," he said.

Fisk disagreed. "I don't believe the defense has offered any credible testimony that can account for any verdict other than the proper verdict — murder and a death sentence," she said.

Abu-Jamal was convicted of shooting Faulkner after the officer stopped Abu-Jamal's brother, William Cook, for a traffic violation at 13th and Locust Streets. According to the prosecution's case, Cook and Faulkner scuffled and Abu-Jamal, who was driving a cab, witnessed the altercation as he drove by. He then ran up and shot the officer, witnesses said at his trial.

The defense contends that Abu-Jamal was framed because of his past affiliation with the Black Panthers and his criticism of police while he was a radio reporter.

Phila. Inquirer
8-12-95

Abu-Jamal's long climb to a world stage

By Marc Kaufman,
Julia Cass
and Carol Morello
INQUIRER STAFF WRITERS

They jump to their feet when he enters the courtroom, smiling broadly and shouting his name.

"Mumia," they shout. "We love you."

Black and white, young and old, they watch with rapt attention as the man with waist-length dreadlocks and prison clothes strides to his seat. Some clap loudly; some raise their arms and make a fist. Some blow kisses.

Four thousand miles away, in a Parisian Left Bank cafe, an avid Abu-Jamal supporter explains how she visited the death-row inmate three times in his Pennsylvania prison. She knows all about MOVE, about Powelton Village, even about the police scandals in the 39th District.

**Celebrity
status for a
convicted
killer is hard
to take for
many.**

"Mumia Abu-Jamal is a symbol," said the woman, Marie Agnes Comesque, a writer and organizer of the burgeoning Mumia movement in France. "He represents the opposition to the system. He is a Panther. It's unbelievable."

And last Thursday in Greece, two bombs went off in American-owned banks. A group called to take responsibility for the blasts, saying they were in protest of Abu-Jamal's death sentence.

Mumia Abu-Jamal, the man convicted 13 years ago of killing Philadelphia Police Officer Daniel Faulkner, is not simply an innocent man in the eyes of thousands of people around the world.

Now, he is a hero.

How did this all happen? How did this Philadelphia radio journalist and cab driver become such a figure of international renown?

Much of the energy behind the Abu-Jamal movement comes from opponents to the death penalty who have sought an appealing symbol. Some of it comes from groups drifting on the political left in need of a cause.

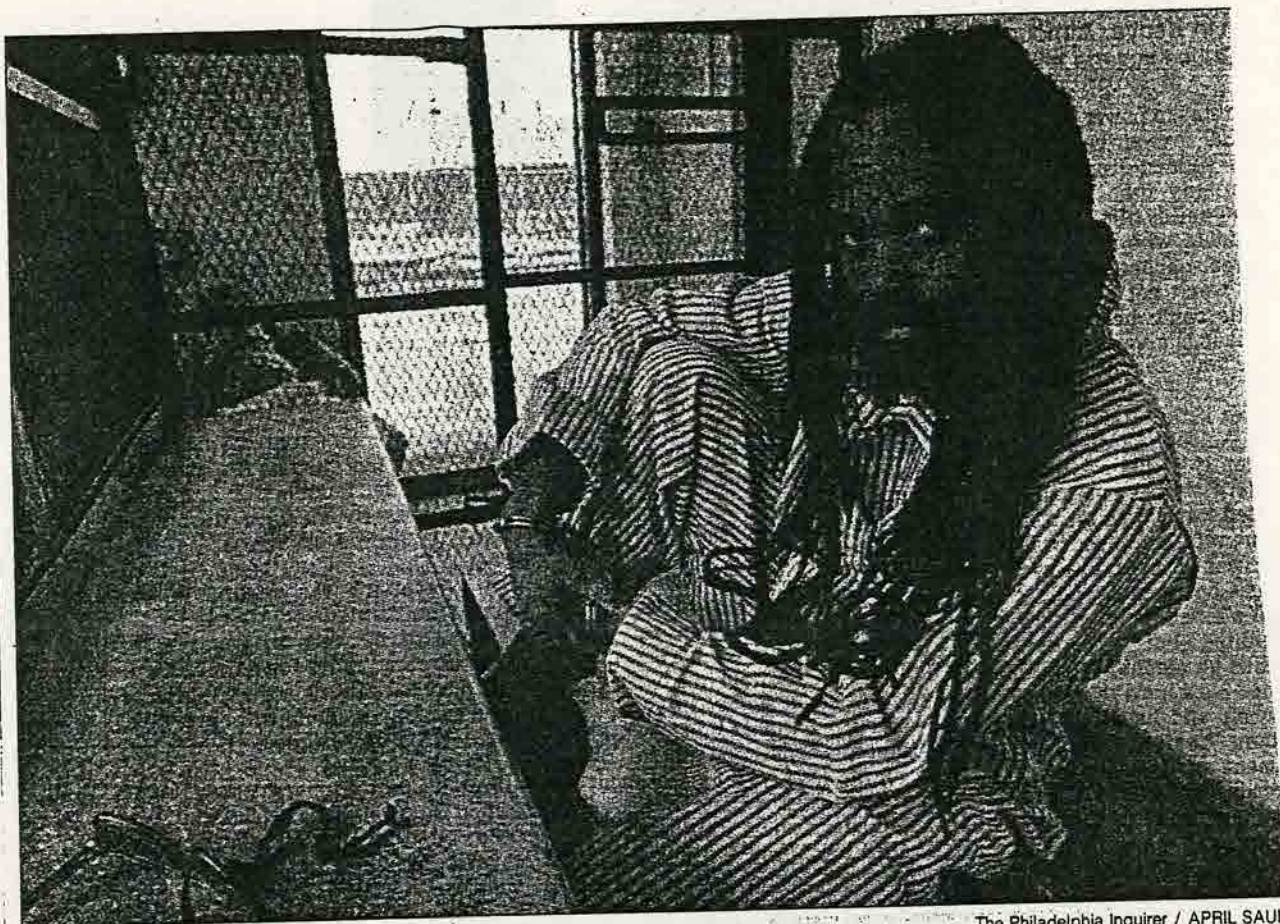
Then there is the near-fanatical drive shown by the radicals of MOVE — and especially their now-deceased

See **ABU-JAMAL** on A12

PHILADELPHIA INQUIRER

SUN. AUGUST 13,
1995

(OVER)



The Philadelphia Inquirer / APRIL SAUL

"I'm a man," said Mumia Abu-Jamal, shown yesterday at Graterford Prison. "To call me a symbol is to dehumanize me." Asked to explain how he had become a cause celebre, he said, "I wish I knew."

An enduring disdain for the system

By Julia Cass
INQUIRER STAFF WRITER

He says that he is baffled by the tide of support behind him, that he thinks the judge hearing his appeal is biased against defendants, and that America's death rows are filled with men unjustly convicted.

Even the convicted child-killer a few doors down from him is "better than the system that is trying to kill him."

So said Mumia Abu-Jamal in a rare hour-long interview yesterday, staring from behind wire mesh on Graterford's death row, handcuffed and

speaking softly and gently with little hint of the rage he displayed 13 years ago when he was convicted of killing a Philadelphia police officer.

Thirty-five miles away, 3,000 people rallied around Philadelphia's City Hall while other rallies took place in numerous cities in the United States and Europe. These were the latest displays in a mounting campaign supporting his quest for a new trial.

Abu-Jamal, 41, said he could not explain his cause celebre status.

"I wish I knew," he said. "If I told you I could have predicted the contro-

versy and support that has exploded around my trial, I would be lying to you. I don't know. If I did, I'd write the formula down myself. All I can say is, I write, people read."

Abu-Jamal was referring to his many essays, and his book and radio commentaries.

He does not see himself as a symbol, though — of opposition to the death penalty or anything else.

"I'm a man," he said. "To call me a symbol is to dehumanize me."

Although the tone was muted, Abu-
See **INTERVIEW** on A13

PHILADELPHIA INQUIRER
SUN. 8-13-95 (OVER)

INTERVIEW from A1
Jamal spoke sharply on some subjects.

He had much to say about Senior Judge Albert Sabo of Common Pleas Court, the man who presided over his trial 13 years ago and is hearing his request for a new trial. At the trial, Abu-Jamal was a rowdy, tempestuous, cursing adversary of the judge. At the hearing these last two weeks, he has barely spoken.

"I've been criticized for my performance at my first trial," he said. "People say, 'Well, you didn't listen to your lawyer. If you just sat down and shut up, things would have been different.' Well, I've sat down and shut up through this hearing, and two of my lawyers have been held in contempt for doing what lawyers do — trying to defend their client.

"One has been fined \$1,000. One has been put in jail for a half hour. These things have been happening while I'm sitting silently, which should tell anyone that had I sat silently at my original trial, his attitude wouldn't have been very different."

Asked what he believed to be the source of the antagonism, Abu-Jamal noted that Sabo used to be an undersheriff and was a member of the Fraternal Order of Police for several years. "I think it's his bent" to favor law enforcement over defendants, he said.

Abu-Jamal decided to represent himself in 1982, a move he still defended.

"You heard that old saying about the person who represents himself has a fool for a client," he said. "That may be so, but at last count there are 1.1 million people incarcerated in the U.S. Did they have fools for lawyers?"

As he had for 13 years, Abu-Jamal maintained his silence on what happened in the early morning of Dec. 9, 1981, when Officer Daniel Faulkner was shot to death at 13th and Locust Streets. Abu-Jamal, wounded by a shot from Faulkner's gun, sat nearby, his own gun a short distance away with five spent shell casings.

"I'm not saying anything on advice of counsel," he responded to all questions about the murder, about why he had never spoken about that night — and even about guilt or innocence.

At his sentencing hearing in 1982, he told the jury, "I am innocent, despite what you 12 people think." Yesterday, he said simply: "That statement speaks for itself."

Although Abu-Jamal now has many supporters, he also has many outraged opponents who say the evidence that he killed the officer was very strong. They point to the fact that the jury took only four hours to bring in a conviction.

"This is not a political case; this is the case of the cold-blooded killing of a police officer doing his job. . . . It's well past time for the jury's sentence to be fulfilled," Richard Costello, president of the Philadelphia Fraternal Order of Police, has said.

Abu-Jamal was at his most eloquent — and startling — when he described his life on death row, where he occupies a 6-foot-by-8-foot cell for 22 and in some cases 23 hours a day, with the other hours spent in an exercise cage.

Despite the regimentation, he said, he sees his fellow death row inmates as humans deserving of compassion, no matter how horrifying their crimes.

"They are as varied and as common as your next door neighbors," he said.

Men who have active death warrants are even more isolated. Abu-Jamal said this extra isolation and the "solidarity of having a date with death" meant that the men, who could hear but not see one another, "talked into the night, all night long," about "little things, big things, loves of our lives, great books, joys, human things that most men, not just on death row or in prison but in life, don't talk to other men about."

One such friend is Henry Fahy, a



Death row inmates are "as varied and as common as your next door neighbors," he said.

Philadelphia man convicted of raping and stabbing to death a 12-year-old girl.

Asked how he felt about Fahy's having committed a brutal murder, Abu-Jamal told a lengthy story about Fahy and the man accused of killing Fahy's daughter, Jamie, earlier this year. Abu-Jamal said Fahy told him that when Fahy was confined briefly in a county prison while awaiting a hearing at City Hall, he learned that he was on the same block as his daughter's alleged killer.

"He told me when he came back that he wanted to kill the man," Abu-Jamal said. "Hank met him and told me, 'I saw this 18-year-old kid, and my heart went out to him. I recognized right then he had nothing but hell in his future.'"

"So I think there's a profound goodness in this man. I think he's better than the system that is trying to kill him."

Abu-Jamal said he had also tried to communicate with a fellow inmate, Leon Moser, a Montgomery County man who shot his wife and two daughters to death in 1985 and, unlike Abu-Jamal, is not appealing. Moser is scheduled to die Tuesday night.

Abu-Jamal said he sent Moser a note and told him to fight. He said Moser sent a note back that said, "The man they'll kill died years ago. All they're doing now is taking care of the body."

In his essays and commentaries, now published in the book *Live From Death Row*, Abu-Jamal expresses his belief that America's justice system is an injustice system — biased against the black man and against people who don't have the money to pay for good representation.

In Abu-Jamal's view, "There are hundreds of Jamals on every death row in every state, whose cases are more egregious in terms of constitutional violations than mine."

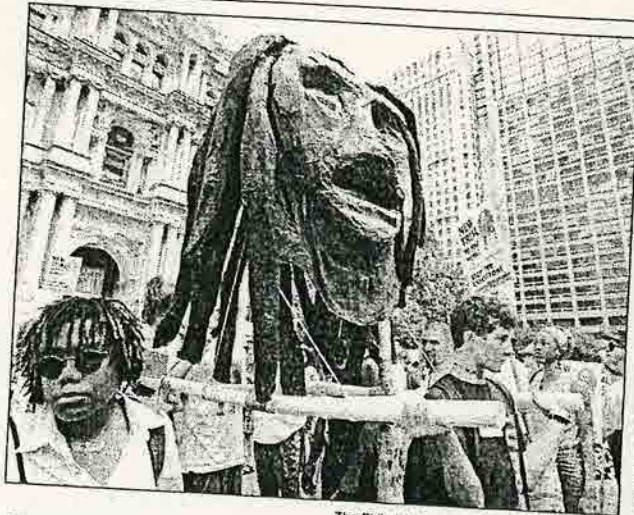
Fifteen years ago, Abu-Jamal lost a promising career in journalism when he was fired from the public radio station WHYY-FM because of his partisan support of the radical group MOVE.

To this day, he remains an intensely loyal MOVE follower.

"I must confess, when I first met them, I was far from attracted," he said. "But the old saying, 'You live and learn.' I found them to be deeply and totally committed to revolution. I share their view of the injustices, racial and otherwise, in America. They are extremely loyal, loving to a fault. They are people. I love them. They are my family. That's it."

Asked what he would do if he were set free, Abu-Jamal said he would work as journalist. He said he had spent "dream time" thinking about visiting Africa and Europe.

Would he live in Philadelphia?
"That's difficult to answer," he said.



The Philadelphia Inquirer / REBECCA BARGER

A likeness of Mumia Abu-Jamal is carried through a rally by supporters on the west side of City Hall. Police estimated the crowd yesterday at 3,000; organizers claimed 10,000 participants.

Abu-Jamal rally draws a peaceful, diverse contingent

Thousands came to City Hall. There were socialists, foreign reporters, even a mild-mannered New Yorker.

By Richard Jones and Dianna Marder
INQUIRER STAFF WRITERS

Peaceful, orderly, contained — that's the kind of rally supporters of Mumia Abu-Jamal wanted and that's what they carried off yesterday as thousands of people from a host of cities gathered on the west side of City Hall to chant their cause.

The rally drew reporters from the Netherlands, Norway, Germany, Japan and Mexico, and special-interest supporters from unions, the socialists and academia.

And, from New York City, it drew Dick Berliner.

There he stood in the meager shade of a spindly tree, dressed in brown cotton chinos and a blue plaid, permanent-press, short-sleeved shirt. What's left of his hair was white and combed neatly across the top. He peered out from behind

bifocals and the only thing that differentiated this guy from any old man waiting for a bus on a street corner was the "Free Mumia" sign clutched in his right hand.

"I got up my usual time, about 8 a.m.," Berliner said. "I took the train and I'm going back tonight. I'm here for one simple reason: I'm not commenting on his guilt or innocence, I'd just like to see him get a fair trial. My wife thinks I'm crazy."

Crazy, he's not. An activist, he is. He's a liberal from way back who's been demonstrating as long as he can remember. In the course of standing under this tree, Berliner struck up a conversation with a Philadelphia, an older man "of Italian extraction," he called himself, who shares Berliner's passion for politics and plaid sport shirts, but not his tendency to speak out. He was just there to watch and listen.



The Philadelphia Inquirer / RON CORTES

A march on Market Street takes Mumia Abu-Jamal's supporters from one rally at City Hall to another gathering at Independence Hall.

They both arrived well before the scheduled 2 p.m. starting time and had to wait for the speeches.

"In the meantime, you know what we're talking about?" said Berliner's new friend. "We're talking about the best place to get a pastrami sandwich."

In between, they argued politely. "I want to lay this issue to rest," Berliner said of the Abu-Jamal case. "Give this man a fair trial and let the chips fall where they may."

He scanned the crowd. There were simultaneous demonstrations in cities across the country, and here, handmade signs spoke of the geographic and cultural diversity of Abu-Jamal supporters.

"Un Nouveau Proces Judique Pour Mumia!" read one sign. "Lesbians, Gays, Bis, Transgenders demand a new trial for Mumia," read another. "Stern, Mass. demands a new fair trial for Mumia," read one that also featured a drawing of a raised fist. And: "Detroit says stop the death penalty."

"The death penalty does not stop murder," Berliner said.

and it never will. So why have it? Now, I'm not saying punishment isn't justified. Life without parole is a much more logical type of punishment."

His new friend came back with, "How about Hitler — you think he deserved the death penalty?"

"He deserved to be tried by his own people," Berliner replied. "The only way people can learn is by having a trial — it's an educational process."

And so it went. Julius and Ethel Rosenberg, Sacco and Vanzetti — they discussed them all.

The speakers started and they were eloquent, too. Poet Sonia Sanchez was among them. Some speakers expressed relief that Abu-Jamal was granted a stay of his slated Aug. 17 execution. Still, they said, the specter will remain until the death penalty itself is abolished. One speaker reminded the crowd that Aug. 17 was the birth date of "Back to Africa" movement founder Marcus Garvey. "We'll have a rally at 7 p.m. that night at St. Phillip's Baptist Church,"

speaker shouted.

By that point, Berliner and his friend were too wrapped up in their own debate to listen.

"I worry about people getting put to death by mistake," Berliner said, explaining his anti-death-penalty stance. "What are you going to do then?" he asked rhetorically.

It was as if he were passing the torch to a new generation.

Lisa Vine and Adam Gordon, from McGill University in Quebec, were standing nearby with a bilingual protest sign.

"There are a lot of support groups for Mumia in Canada," said Vine, 28, who has followed the case for five years. "It's a travesty of justice."

Meanwhile, on 15th Street, a police officer pointed to the phalanx of police cars that accompanied more incoming demonstrators.

"These guys are demonstrating for the person that killed one of us and we have four police vans protecting them," he said. This was a time for

and do your job," said another officer. "You realize people have freedom of speech and you try not to take it personally," said a third.

Finally, the crowd, estimated by police at 3,000 and by organizers at 10,000, mobilized for a march to Independence Hall. Berliner and his friend would not be following along.

Berliner's new friend didn't want to be quoted. "Whatever he says, I agree with him, he's my spokesman," the friend said, pointing to Berliner.

And Berliner, ever the activist, offered this retort: "How 'bout a little independent thinking?"

"But I'm in total agreement," the friend protested. "What do you want me to do — chew the tobacco twice?"

Then the friend flashed a smile and his eyes twinkled. Clearly he's tickled that guys like Berliner are still around.

"Here's a man sticks up for his beliefs — I give him credit for that."

The Abu-Jamal Case

THE only thing everyone can agree on in the case of Mumia Abu-Jamal — a former freelance radio journalist and black activist convicted of killing a Philadelphia police officer in 1981 — is that his case has become a cause célèbre. Last week, Judge Albert Sabo, who presided over the original trial, granted Mr. Abu-Jamal a stay of execution. The decision came as a surprise: From the start, the judge has been openly contemptuous of the defense. He also has sentenced more people to death than any other judge in Pennsylvania.

In his ruling, Judge Sabo said he granted the stay “not on the merits of the defendant’s motion,” but because higher courts would not have had enough time to review the case before the execution.

Whatever his reason for the decision, it was the right one. Abu-Jamal’s innocence is far from proven: The prosecution made a strong case at the original trial. But enough legitimate questions have been raised about that trial to cast doubts on its fairness.

Diverse groups of people around the world have taken an interest in this case. Many of them have raised money for Abu-Jamal’s defense. Protests have been held in the United States, South Africa, Rome, and Berlin.

The Pennsylvania district attorney’s office said: “But for the disingenuous effort by the defense to por-

tray this defendant as a political prisoner and turn this case into a media circus, this matter would be like dozens of other attempts by convicted murderers to avoid their well-deserved sentences.”

The fact is, this matter is not like “dozens of others.” True, the defense has skillfully gotten its message out to the public. But the questions regarding court bias, unreliable prosecution witnesses, a false confession, and shoddy work by Abu-Jamal’s original lawyer are not without substance. There are sound legal reasons for giving this case a fresh hearing.

Regarding Abu-Jamal himself, he was long known as an advocate for Philadelphia’s black communities. As a student, he helped found a chapter of the Black Panther Party. Later, he supported MOVE, a black separatist group in Philadelphia. Some supporters call him “the voice of the voiceless.” Others think he has served as a readily identifiable villain. It is, they say, a case of black radical versus white cop.

Not least, Abu-Jamal’s case raises, yet again, longstanding concerns about the capriciousness and morality of the death penalty. It’s a punishment that allows no margin for courtroom error or individual redemption. Putting aside for a moment questions of justice in this case, the death penalty itself is always unjust.



**Melissa
Dribben**

Abu-Jamal is only cool head

He yawns. A lot.

He pouts. He fumes. Strokes his eyebrows. Chews his tongue. Glares. Huffs. And loses his composure.

Mr. Magoo with an attitude.

This is the Judge Albert Sabo you see on the bench in Courtroom 653 of Philadelphia City Hall, presiding over a death-penalty case of international concern, if not importance.

It's not the kind of behavior that inspires confidence in the court's impartiality. Which only helps to reinforce the Mumia camp's conviction that a radical black man can't get justice in America.

Especially not in Philadelphia.

In a case that has become a career for social-injustice groupies of all kinds, a judge like Sabo only feeds the frenzy.

He is easily provoked. The defense team knows it. And they're using it to their client's advantage — at least in the public image department.

Abu-Jamal's attorneys protest his rulings. He snaps, "I don't care."

They make a point. He shrugs, "So what?" They complain. He tells them, "I know, I know, I know, take it up with the Supreme Court."

Or: "Don't give me that stuff."

Or: "I don't know how you handle matters in New York, but here in Pennsylvania, we have certain ways of doing things."

They tell him this is no way to conduct a hearing. He lashes back, "This court is not operating in the dark, maybe you are, but I'm not."

The spitting match

And while the spitting match goes on day after day, the defendant sits there, taking notes and keeping his famous mouth shut.

The same defendant who, during his initial trial, got himself evicted from the courtroom for throwing tantrums. When it was over, jurors said Abu-Jamal's arrogance helped convince them he was guilty.

This time he's letting his attorneys do battle for him, while Judge Sabo still spars with the shadow of the man who riled him 13 years ago.

During the current hearing, their only exchange was pricklier than a hedgehog wrestling a porcupine.

Sabo insisted that Abu-Jamal tell him if it was his decision not to testify. He began by asking, with treacherous solicitude, how Abu-Jamal had slept. If he'd enjoyed his breakfast. Was he feeling well?

If the idea was to yank the defendant's chain, it failed. Abu-Jamal answered yes, each time. Barely audible, but polite.

So Sabo got to the point. "Do you wish to take the stand?"

Over and over, he asked the question, his voice rising in pitch with each repetition.

Abu-Jamal stood, hands clasped behind his back, repeating his answer: "I am following the advice of my attorney."

Exasperated, Sabo concluded, "You're mincing words with me, but that's OK."

It wasn't OK, really.

The judge, annoyed, rocked back and forth in his high-backed, black leather chair. He threatened the defense with \$1,000 in fines. And announced that he had better things to do than sit around listening to their impertinent requests.

It was the jury

In 1982, Abu-Jamal was a 28-year-old belligerent, with no criminal record. A young man so angry about life's injustices he spat on his own defense.

He called no one to testify on his behalf against the death penalty — although there were honorable men and women who would have been glad to do it. He didn't mention that he had young children. He didn't even claim his own innocence until after the jury convicted him.

For all the criticism of Sabo's demeanor, it was the jury who reached the verdict, and decided on the sentence. Decisions that the state Supreme Court has upheld.

Today, Mumia is a cause celebre. And cool enough to not show his contempt for the judicial system in court. It must take considerable self-control. Because during this hearing, there has been plenty to disdain.

Between the lawyers and the judge, there is ample evidence of mutual disrespect.

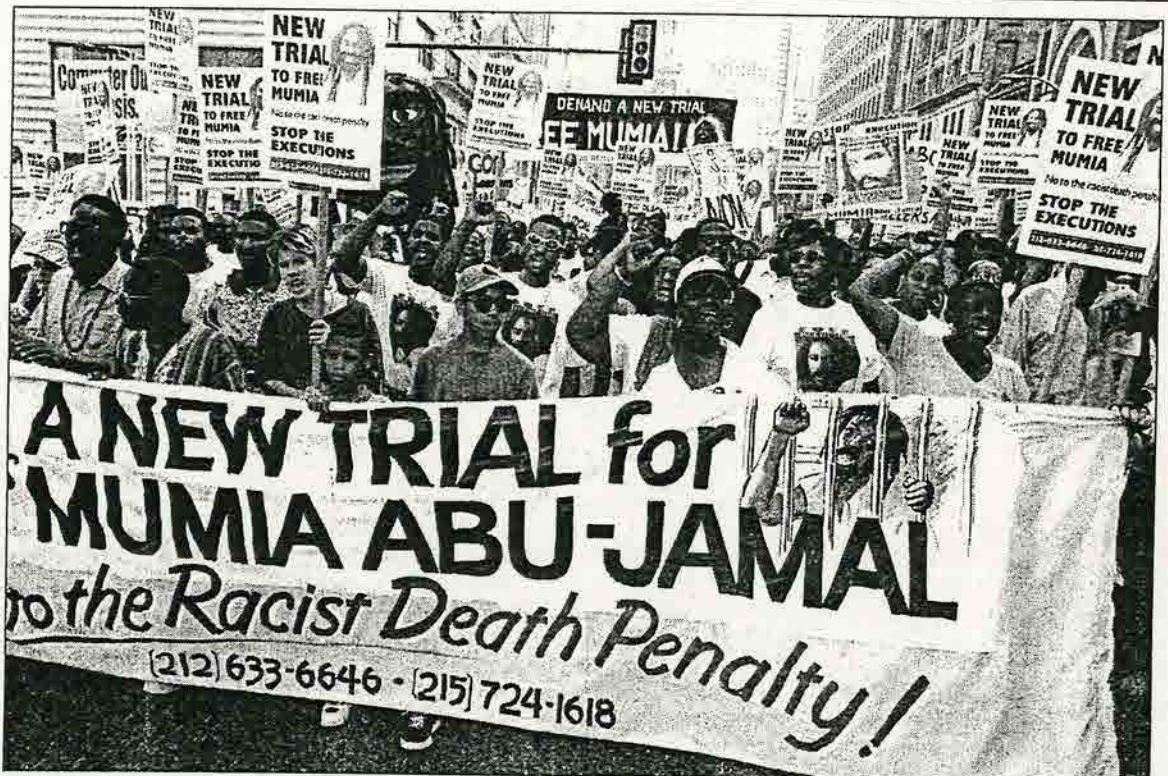
You see them hiss and roll their eyes at one another, while Abu-Jamal takes the high ground. Spectators doze, while the prosecution rebuilds its case. Police officers snicker at witnesses, while the murder victim's widow, Maureen Faulkner, tries to sit through it all with dignity.

But nowhere in this circus will you see a martyr tied to the stake.

Or conduct becoming justice, on either side of the bench.

Protesting for Mumia

Some 2,500 supporters of convicted cop-killer Mumia Abu-Jamal demonstrated at City Hall Saturday, then marched through Center City to the Liberty Bell, where they rallied to protest his death sentence and to demand a new trial. Originally some 7,000 were expected to demonstrate in a bid to block Abu-Jamal's scheduled Aug. 17 execution. But the focus changed after Judge Albert Sabo granted a stay.



RAYMOND HOLMAN JR./SPECIAL TO THE DAILY NEWS

Fund-raisers mum on Mumia money

by Dinah Wisenberg Brin
Associated Press Writer

From the East Coast to the West, from Germany to South Africa, celebrities and other supporters have spent months pleading for donations to help attorneys win freedom for death-row inmate Mumia Abu-Jamal.

Most of the contributions — many funneled through tax-exempt organizations — have gone to groups that decline to say how much has been raised or how, specifically, it is being spent.

"I simply don't want to trigger any big dispute in the press right now regarding finances," said Red Horstmann, administrator of the New-York-based Committee to Save Mumia Abu-Jamal, the group that sponsors many celebrity rallies for the convicted killer.

Leaders of another major Abu-Jamal fund-raising group, the tax-exempt Equal Justice USA in Hyattsville, Md., declined to respond

to repeated requests for information, and a Philadelphia group provided figures for only June, the month Gov. Ridge signed an execution warrant for Abu-Jamal. A judge last week delayed Abu-Jamal's Aug. 17 execution.

The other side is just as circumspect: Mark Weinstein, a spokesman for Philadelphia District Attorney Lynne Abraham, said the office has not kept track of how much has been spent.

The Committee to Save Mumia, which Horstmann said was the main fund-raising group for Abu-Jamal's defense, has collected only a "drop in the bucket," said Horstmann. The group also receives grants from human-rights groups and some proceeds from "Live From Death Row," a book of Abu-Jamal commentaries published in the spring.

Horstmann estimated that fighting a death conviction cost \$750,000 to \$1.5 million, and he said Abu-Jamal still needed \$1

million.

Philadelphia Fraternal Order of Police President Rich Costello, who wants to see Abu-Jamal executed for the death of Officer Daniel Faulkner 13 years ago, is concerned about the money being raised for the defense.

"There's a lot of cash flow in this case. We're hoping that the proper forms are being filed, and we're very curious as to the financing," he said. "This guy's got

more lawyers than Snow White had dwarves, and it appears increasingly evident that the financing arrangements here may eclipse even the Simpson trial."

Abu-Jamal's lead lawyer, Leonard I. Weinglass, is nationally known for work on civil-rights cases that have included the Chicago 7 and the Pentagon Papers. He told the Philadelphia Daily News last week he was receiving less than \$20 an hour.

Horstmann said Weinglass draws committee money for Abu-Jamal's legal expenses.

Although groups decline to spell out how funds are being raised and spent, their spokesmen have been quick to say the money was being handled properly.

Actor Mike Farrell, the "M*A*S*H" star who serves as co-chairman of the Committee to Save Mumia Abu-Jamal, said he

Abu-Jamal's defense theories

I was most interested to learn of the latest version of the murder of Police Officer Daniel Faulkner, for which, as we all know by now, Mumia Abu-Jamal has been framed.

Last week, a thief-pimp-convict named William Harmon came forward after 13 years to testify that he saw two people — not one — murder Faulkner at the corner of 13th and Locust streets in 1981, neither of whom was, of course, Abu-Jamal.

Harmon, who has a criminal rap sheet that stretches over 30 years, said he was working as a pimp on the corner that night and saw a man in dreads shoot Faulkner and run away and then a second man with "Johnny Mathis-style hair" pull up in a red two-door Chevy Malibu, jump out, shoot Faulkner at point-blank range, get back in his car and speed away.

Harmon said he kept his eyewitness testimony to

himself until now because he promised his mother he wouldn't get involved. But she died last year and fellow inmates urged him to come forward to save Abu-Jamal from execution.

This is as plausible as most of the other defense theories of the case. And Harmon is a fine citizen who should be praised for coming forward, however belatedly.

It was obviously sour grapes when Assistant District Attorney Arlene Fisk brought up Harmon's record for fraud, check forgery, mail fraud and burglary, pointing out that a presentence report said he was once "so notorious for dropping bad checks" that his photograph was "sent to every bank in the Philadelphia area."

In any case, Harmon's testimony ought to satisfy the many celebrities lobbying to free Abu-Jamal, whose commitment to justice in this case is exceeded only by their total ignorance.

And while defense attorney Leonard Weinglass wasn't ready to call Harmon because he wasn't yet completely convinced of Harmon's credibility — when the defense balked, Harmon was put on the witness stand by Common Pleas Judge Albert Sabo — Weinglass didn't find the theory of two assassins ludicrous at all.



Mumia Watch

7 busted at London demonstration

Associated Press

LONDON — Police arrested seven people here Saturday as they demonstrated in support of Mumia Abu-Jamal.

A spokesman for the organizers, Anarchist Black Cross, a prisoner-support group, said they had chosen the Disney

Store in London's fashionable Regent Street for the protest because the company represented U.S. corporate interests.

Demonstrators dressed in Mickey Mouse masks and Grim Reaper outfits paraded outside, the store and handed out leaflets. ■

New evidence hard to swallow

Cop's widow haunted by voice of his killer

Maureen Faulkner, the 38-year-old widow of murdered Police Officer Daniel Faulkner, says she is haunted by the voice of her husband's convicted killer, Mumia Abu-Jamal. She says she will not find peace until the death-row convict's voice is permanently silenced by his execution.

She says this softly, fervently, as if it is a prayer. While the largest and loudest "Free Mumia" demonstration to date was taking place outside City Hall, Maureen Faulkner chain-smoked Salems at the Fraternal Order of Police and said the 1981 murder of her husband continues to haunt her because the convicted murderer has been made into a media darling by celebrities unburdened by facts.

Unlike Maureen Faulkner, who attends every session, these celebrities have been conspicuously absent from Judge Albert F. Sabo's City Hall courtroom, where Abu-Jamal's chief defense attorney, Leonard I. Weinglass, has just finished presenting the alleged "new evidence" that Paul Newman, Susan Sarandon and Spike Lee apparently think was "suppressed" at the 1982 trial. Thursday's "new evidence" came from William "Bippy" Har-

mon, a career con artist who was briefly sprung from a western Pennsylvania jail, where he is doing time for a drug conviction, so he could sing in Philadelphia. Although he was a defense witness, the defense desperately tried to avoid putting Harmon on the stand until it could check out his sieve-like story about a mystery killer with Johnny Mathis-style hair and a red getaway Malibu that no one else saw.

The judge insisted that the former pimp talk. So Harmon said he saw Faulkner shot in the head at a distance of 10 feet, although the physical evidence showed it was point-blank, stuff like that.

Friday's "new evidence" came from one William Singletary, who said he saw a helicopter hovering over the murder scene and heard Daniel Faulkner's last words — "Get Maureen" and something about getting "the children."

There was no helicopter at the murder scene.

Maureen and Daniel Faulkner, who had been married just over a year, had no children.

And according to the defense's own forensic expert, Daniel Faulkner died immediately after being shot between the eyes at point-blank range.

There were no last words. Maureen Faulkner recoiled as if she had been punched when Singletary fabricated her husband's last words.

"I knew Danny couldn't have spoken," she said. "He was dead instantly. What that man said was a lie and it was cruel and it hurt."

She finds Weinglass' behavior



Maureen Faulkner says she'll find no peace until Abu-Jamal dies

equally repulsive.

"The day Danny was buried, I promised him in my heart that I would stand behind him until justice was carried out," Maureen Faulkner said. "That is why I attended the trial in 1982. And that is why I came here from California, where I have tried to live a new life and be a private person, to see this hearing. Mr. Weinglass has been spreading lies. I wanted to see the evidence that he said would change the 1982 conviction. What I have seen is that Mr. Weinglass is making it up as he goes along by bringing these people in 14 years later who may or may not have been there when Danny was murdered."

She saw Weinglass rest his case just short of calling in the

any of these celebrities and go through the transcript of the 1982 trial," she said. "And after we do that, I want them to look me in the face and tell me this man is not guilty and that this man did not receive a fair trial. I want them to look me in the face and tell me that."

Maureen Faulkner felt the unbearable mixture of anger and pain inside her suddenly becoming too public.

She took a moment to compose herself.

"Here is a man," she said, "who shot Danny in the back, then stood over him and shot him at point-blank range between the eyes. This man now has a little cottage industry going — a book, magazine essays, a CD-ROM. Why do I have to hear this man's voice when Daniel Faulkner's voice has been silenced forever?"

"I believe I will always be haunted by Mr. Jamal's voice until he is put to death," she said. "And maybe, years after he is put to death, his voice will fade and I will finally be at peace."

Maureen Faulkner remembers accompanying her husband to visit two injured police officers and telling him afterwards, "Danny, I never want to see you laying in a hospital bed."

She remembers her husband saying, "Maureen, I love being a police officer. If anything ever happens to me, remember that I died doing what I love most."

Maureen Faulkner remembers. Now, she wants Abu-Jamal's execution to be part of that memory.

She knows it is the only thing that will bring her peace. ■

psychics.

She saw that there were holes in his loudly hyped "new evidence" big enough to fly Singletary's imaginary helicopter through.

And having seen all that, Maureen Faulkner has a personal message for all the celebrity Mumia groupies that have been fueling the Abu-Jamal hysteria from the get-go and continue to canonize the convicted killer.

"I am willing to sit down with



DAN FAULKNER

The Philadelphia Inquirer

City & Region

Tuesday, August 15, 1995

Abu-Jamal hearing to recess until Sept.

Two final defense witnesses may testify today. Supporters of the inmate protested in Harrisburg.

By Marc Kaufman
and Julia Cass
INQUIRER STAFF WRITERS

The Mumia Abu-Jamal case is about to take a vacation.

Testimony on whether the death-row inmate got a fair trial could end today, and the case won't come back for final legal arguments until Sept. 11.

Common Pleas Court Senior Judge Albert F. Sabo set the September date for a final clash between lawyers from the two sides. The defense team has been arguing that Abu-Jamal, whose case has become a worldwide cause celebre, was framed by police and prosecutors in the 1981 shooting death of Philadelphia Police Officer Daniel Faulkner, and was denied a

fair trial.

The prosecution has argued that the evidence against Abu-Jamal remains strong and unchallenged and that highly publicized defense claims of new information and witnesses have proven to be more hyperbole than reality.

In yesterday's session, for instance, two prosecution witnesses — a highway patrolman and a detective — testified that in 1981 they had taken statements from a star defense witness that directly contradict testimony given by the man Friday.

The witness, William Singletary, testified Friday that he saw someone other than Abu-Jamal shoot Faulkner. He said that his attempts to tell police what he saw — within hours of the shooting — were rebuffed by a detective, who allegedly tore up Singletary's written version of events. Singletary said that police forced him to sign a false statement instead.

Yesterday, the statement that Singletary said was false was introduced by prosecutors. In it, Singletary said that he had not witnessed the shoot-

See **ABU-JAMAL** on B2

Opinion

Mumia Abu-Jamal's supporters are ignoring the truth

From the New York Times

The truth has taken it on the chin from a well-oiled, well-financed propaganda machine bent on perverting justice as it subverts the facts of the trial of a convicted cop killer, Mumia Abu-Jamal, who has just been given a stay of execution.

The effort has been aided by lawyers who will say anything, no matter how false, to attract publicity, and by attention-seeking celebrities and spin doctors who get it all too easily.

This we know from the trial record: In the early hours of Dec. 9, 1981, Danny Faulkner, a 26-year-old police officer in uniform, stopped a car driven by Abu-Jamal's brother, William Cook, in downtown Philadelphia.

Cook began to struggle with Faulkner when the officer tried to handcuff him. Abu-Jamal, driving a cab in the area, arrived and, running up behind the officer, put a bullet in his back.

Before collapsing, Faulkner shot Abu-Jamal in the chest. Abu-Jamal went up to the supine officer and shot him between his eyes, killing him. Then he sat down on the curb, dropping his gun as the police arrived. The gun, registered in his own name, was loaded with .38-caliber high-velocity bullets.



LYNNE ABRAHAM

Virtually all of the small group of true believers who have turned the case into a crusade have never read the trial record. This makes it easy to justify siding with a convicted killer.

No one, certainly not I, would quarrel with sincere opponents of the death penalty. Where the shrill chorus and I part company is when it attempts to martyrize a murderer.

Why haven't the media pressed the defense to explain how and why he was shot? How come his gun contained five spent cartridge cases of the very caliber and brand as those that killed Faulkner? Why did Abu-Jamal refuse to allow his brother, an eyewitness, to testify at the trial? Why didn't Abu-Jamal ever deny shooting Officer Faulkner?

The answers are obvious. He murdered him.

But truth would interfere with the orchestrated image that the killer is really a victim. Consider some of the falsehoods.

■ The Fleeing Stranger Theory.

The Abu-Jamal coterie claims that several witnesses saw the "real" shooter escape. The reality is that after years of empty assertions, the defense only recently presented testimony from these "witnesses."

Not one confirms the version put out by Abu-Jamal's publicists. Essential parts of their stories contradict each other and the physical vestiges of the crime. The only witnesses whose testimony agrees with the known facts came forward immediately after the crime. They saw Abu-Jamal kill the policeman.

■ The .44-Caliber Bullet Theory.

Abu-Jamal supporters contend that he couldn't be guilty because Faulkner was killed with a .44-caliber bullet, not the .38-caliber bullet from Abu-Jamal's gun. This assertion is based on a handwritten note on a medical examiner's pre-autopsy worksheet.

But the examiner who made the notation testified that he was no expert on weapons and could not precisely measure the bullet. The real expert who examined the bullet determined conclusively that it was a .38-caliber.

That bullet still exists. It has been made available to the defense, whose expert refuses — without explanation — to look at it but concedes that all the documentation supports the prosecution's evidence that the bullet is a .38.

If the Abu-Jamal legal team could have disproved the expert assessment and shown that the .38 was a .44, it would have done so.

■ The Incompetent Counsel and Unfair Jury Theory.

Abu-Jamal's supporters say he was forced to accept a novice lawyer, was given no money for preparations and was subjected to the whims of a racist jury. In fact, he was represented by an experienced former prosecutor who was not foisted on him but took the case at the request of one of Abu-Jamal's friends.

The record shows that the court paid the lawyer, that the defense received additional public and private funds and that the lawyer had hired an investigator who worked on the case for months before and during the trial.

The jury was composed of blacks and whites chosen with Abu-Jamal's personal participation. They voted unanimously to convict him of first-degree murder and imposed the death sentence because he executed an officer in cold blood.

■ The Conspiracy Theory.

The Abu-Jamal sympathizers theorize that any facts that disprove his claims must be lies cooked up by a conspiratorial band. After all, they say, he was a famous journalist whom the police framed to silence his unpopular political views.

In fact, at the time of the murder he was a high school dropout who had been fired from his radio job and was moonlighting as a cab driver. The notion that the police knew who he was — that they conspired to let the "real" killer escape so that they could blame Abu-Jamal — is ludicrous.

This crime was committed at a well-lit intersection in full view of numerous people. When the police happened on the murder, almost immediately after it occurred, the evidence of guilt — both eyewitness and physical — was at the scene along with the perpetrator.

There was no reason or opportunity to fabricate these pieces of evidence, all of which corroborated each other.

There is no question of guilt. Yes, this is a troubling case, but not because the "system" convicted an innocent man.

It is troubling because it shows how easily the truth can be lost. ■

Lynne Abraham is district attorney of Philadelphia.

A subtle anti-gay element surfaces in the Mumia case

The controversial case of Mumia Abu-Jamal, the black journalist and political radical sentenced to die for the 1981 murder of white police officer Daniel Faulkner, has raised a lot of questions, not just about the specifics of this particular case, but about the issue of fairness in our criminal justice system.

Mostly, those questions circle around the issue of racial equity. Sadly, however, I have discovered a subtle anti-gay element in this disturbing case.

Recently, I was speaking with former assistant district attorney Joseph McGill, who prosecuted the case in 1982. We were going over some contested points brought up by Abu-Jamal's new defense team.

One of these points — which Abu-Jamal's current lawyers are playing up — is that several witnesses supposedly saw a heavysset, as-yet-unidentified man fleeing the scene. This person, the defense is now claiming, may be the real perpetrator of the crime, not Abu-Jamal.

Abu-Jamal's defense claims several new witnesses can testify to this — people ei-

ther never interviewed in the first place, or whose remarks were allegedly disregarded by the police.

And there is one previous witness whose testimony the defense believes supports this argument — Dessie Hightower, who, according to court documents, testified to seeing someone "going in the opposite direction" soon after shots were fired.

Here, I must confess my own ignorance. Being unfamiliar with the name "Dessie," I assumed it was a woman's name. In my conversation with McGill, I referred to Dessie Hightower as "she."

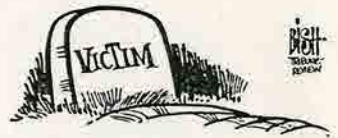
McGill was kind enough to correct me. Sort of.

"By the way," McGill said, "Dessie Hightower is a man." Then he paused, and I could hear the sneer in his voice when he continued: "But if you were to see or hear him, you might not know it."

McGill's insinuation was clear: Dessie Hightower, he was suggesting, was an effeminate gay man. It was also clear to me that McGill was not-so-subtly insinuating that Hightower's testimony was not plausible because of McGill's perception that Hightower was probably gay.

I do not believe the defense's theory that some unidentified third person — a heavysset man fleeing the scene of the crime — is responsible for shooting Officer Faulkner. After reviewing the evidence so far presented, I am convinced

THE ABU-JAMAL JUROR WORKSHEET



- BLACK
 - WHITE
 - GUILTY
- (CHECK ONE)

- DEAD
- (CHECK ONE)

RANDY LEE BISH/GREENSBURG TRIBUNE-REVIEW

Abu-Jamal did shoot Faulkner that night. I do have to question, however, whether this was really first degree murder.

But this case is not simply about Abu-Jamal's guilt or innocence.

Many questions have been raised — and left unanswered — about the fairness of Abu-Jamal's trial. McGill's snide comments about Dessie Hightower raise yet another question in my mind about the fairness accorded to the different players in this messy drama.

I would agree with McGill that Dessie Hightower's testimony seems weak.

Hightower said he saw "someone" fleeing the scene, and it is not at all clear whether that person was a man or a woman, much less if that person did the shooting.

But in evaluating Hightower's testimony, we should focus on the strength of his account, not on what we perceive his sexual orientation to be.

I also can't help but wonder how Hightower was treated at the time by the police if indeed he was perceived to be gay.

Unfortunately, Hightower has an unlisted phone number, and I was unable to reach him. So I don't know whether he is gay or straight; I don't know whether he is credible or not; I don't know whether he was treated well or poorly by police.

But I do know it raises further questions — questions about fairness that already nag this troubling case. ■

Mubarak S. Dahir's column appears on this page every other Tuesday. A free-lance journalist, he has been a correspondent covering the Abu-Jamal case for Time magazine.



MUBARAK S. DAHIR



ASSOCIATED PRESS

Jeffrey Owens of Philadelphia reads a letter to the governor during a Harrisburg demonstration

Cabbie to testify for Mumia

He'll say DA made promises

by Valerie M. Russ

Daily News Staff Writer

Mumia Abu-Jamal's lawyers are expected today to call a cab driver — a key prosecution witness in Abu-Jamal's 1982 murder trial — to testify that the former prosecutor made promises to help him get back his chauffeur's license.

Chief defense attorney Leonard I. Weinglass had to get permission from Judge Albert F. Sabo to subpoena the witness, Robert Chobert, who Weinglass said was driving a cab without a license during the early morning hours of Dec. 9, 1981, when Police Officer Daniel Faulkner was slain.

He said Chobert, who also was on probation at the time for throwing a Molotov cocktail into a school, had a number of drunken-driving violations and wanted his chauffeur's license returned so he could go back to driving a school bus.

"He's furious that the DA renege on the promise," Weinglass said.

Weinglass contended that had Abu-Jamal's defense lawyer known in 1982 that a prosecution witness had made a deal in exchange for testimony, then his lawyer could have made that known to the jury that convicted Abu-Jamal.

The assistant district attorney who prosecuted Abu-Jamal in 1982 was Joseph McGill. After court yesterday, Assistant DA Arlene Fisk said she has talked to McGill and was assured that he made no such promises to Chobert.

Abu-Jamal, 41, a former radio journalist, was convicted of Faulkner's murder and until last week when a stay was granted, was scheduled to be put to death on Thursday.

The hearing, held over the past three weeks, is aimed at persuading Sabo to grant a new trial on the basis of claims by the defense that the prosecution and police withheld evidence or intimidated witnesses during Abu-Jamal's first trial.

At yesterday's session, Fisk called two Philadelphia police officers to refute defense witness William Dale Singletary, who testified last Friday.

Highway Patrol Officer Vernon Jones was asked about a statement he gave about a week after Faulkner was slain. In that statement, he said that he ran into Singletary at the scene and that

Outsiders, fringe types in his corner

by Jim Nolan

Daily News Staff Writer

They come from everywhere. Everywhere it seems, but here.

Paris. Greece. New Zealand. South Africa. Dayton, Ohio. And that other country, New York City.

Globally it's Mumia-mania.

But in Philadelphia — the stage for the convicted cop killer's cause celebre — mainstream leaders have avoided playing an active role in the radical chic-inspired street theater surrounding the death row inmate's bid for a new trial.

"Different groups have come in looking for a black and white thing to fight and that's bad," said the Rev. Joseph Patterson, of the Black Clergy of Philadelphia.

"We are not about to let ourselves be used. We don't mind fighting but at least give us a good cause," he said. "This is not a good cause."

See **SUPPORTERS** Page 26

Singletary asked, "What's going on?" He said that Singletary didn't know what happened.

And Detective Edward Quinn testified that he took Singletary's statement without making any changes in it.

Singletary said last week that an African-American detective, a "Detective Green," had torn up one of his handwritten statements of what happened and threw away two other statements in which Singletary said that another man — a passenger in the Volkswagen with William Cook — had shot the police officer and run away.

Weinglass tried to imply that Singletary was questioned by another detective before he was taken to Quinn, who typed up the formal statement. ■

Doomed Moser has fans

Mumia's allies on his side too

by Joseph R. Daughen and John Baer

Daily News Staff Writers

Supporters of Mumia Abu-Jamal say they have a little place in their hearts for another condemned killer, family slayer Leon Moser.

Moser, convicted of murdering his wife and two daughters in a church parking lot in 1985, has asked to die, but he was given an unwanted stay of execution by a federal judge yesterday, on the eve of his date with death.

"We are not concerned only with Mumia," said Rachel Wolkenstein, one of Abu-Jamal's lawyers. "We're fighting for Mumia and against the death penalty across the board, and that goes for Leon Moser."

Moser, 52, has rejected a request from Abu-Jamal, who also has won a stay of execution, that he fight to save himself.

MOVE leader Pam Africa, who sometimes sits at the defense lawyers' table with Abu-Jamal, said executing Moser would be "wrong."

"We put out a lot of information on him," said Africa. "We passed it out at the demonstration on Saturday."

Africa said all members of MOVE are opposed to the death penalty.

"We are opposed to killing any form of life, from cops on down," said Africa.

"From cops on up," commented an Africa associate who said his name was Abdul Jon.

"Cops on up! That's good," said Africa, laughing.

Amy Young, a member of the

Moser execution stayed pending mental report

by Marianne Costantinou

Daily News Staff Writer

While death-penalty opponents around the world have rallied to save the life of convicted cop-killer Mumia Abu-Jamal, his fellow inmate on Pennsylvania's death row has had but a lone supporter: a little-known Episcopalian minister.



Moser

Leon Jerome Moser, who shot and killed his wife and two daughters outside a Mont-

gomery County church on Palm Sunday, 1985, has quietly been inching closer and closer to the dubious distinction of becoming the second inmate in Pennsylvania to receive the death penalty after a moratorium of 33 years.

His execution, originally scheduled for tonight at 10, has gotten scant attention in the press, among death penalty foes or in the usual legal circles.

Yesterday, with little fanfare, after a one-hour court hearing witnessed by only a dozen or so reporters and lawyers, a federal judge stayed Moser's execution pending a psychiatric report on his mental competence.

The decision by U.S. District See **MOSER** Page 26

radical group Refuse and Resist, said she came here from Detroit to demonstrate specifically against the execution of Abu-Jamal, which has been postponed indefinitely. She said she doesn't know enough about the Moser case to take a position.

"Capital punishment is racist," said Young. "It is disproportionately applied to members of minority groups."

Meanwhile, three dozen death penalty protesters stood in blazing afternoon sunshine outside the state capitol in Harrisburg yesterday.

They condemned the death penalty and called for a new trial for Abu-Jamal.

They carried signs: "Stop the

Racist Death Penalty," and "Life is a Right, Revenge is Not, No Death Penalty."

They called on Gov. Ridge to abolish capital punishment.

But speakers, signs and T-shirts emphasized Abu-Jamal.

Moser doesn't get a T-shirt.

Asked about focusing on Abu-Jamal, spokesman Jeffrey Owens, of Philadelphia's Nonviolent Leadership Academy, said protesters intended to be at the governor's mansion tonight for a prayer vigil for Moser.

"He should not die," Owens said. "It's incorrect for the state to murder him. The state needs to render him clinical therapy so he can learn the value of his life." ■

Moser executed after high court ruling

By Amy Westfeldt

The Associated Press

BELLEFONTE — The state, wasting no time late last night after a confusing U.S. Supreme Court ruling, executed a triple murderer who refused to help lawyers try to save his life.

The execution started just 27

minutes after the court voted 5-4 to lift a 24-hour stay that U.S. District Judge Thomas N. O'Neill Jr. had issued to give lawyers time for a competency hearing this morning.

Leon Moser, who murdered his former wife and two daughters on Palm Sunday a decade ago, was declared dead at 11:47 p.m., 11

minutes after poison began dripping into his body. Moser's eyes stayed shut from beginning to end.

"He was very calm," said Dennis Buterbaugh, spokesman for the Department of Corrections. "He did not say anything as they were preparing."

Assistant Montgomery County District Attorney Mary MacNeil Killinger said she spoke with Moser's former mother-in-law, Doris Shramm, and a sister-in-law.

"They are very relieved that this tragedy has come, in a sense, to an end," Killinger said. "The past couple of days have been very, very stressful for them. Maybe they can begin to put this behind them now."

The Supreme Court ruling appeared to contradict a decision the justices made just hours earlier when they declined to intervene in the District Court order requiring a competency hearing at 9:30 a.m. today.

Although the stay ruling came more than an hour after the execution was scheduled, the state never

stopped preparing. Ten minutes before the court's decision, state officials herded witnesses into a bus for the trip to the execution chamber at Rockview State Prison.

Throughout the appeals yesterday, Moser, 52, remained at Rockview, consulting with a Catholic priest and reading in bed. He also ate dinner: a cheese pizza, salad, cupcake and soda.

The hearing today would have determined whether Moser, who had spent time in psychiatric hospitals since his imprisonment, was mentally competent to decide his fate for killing his former wife and two daughters outside their suburban Philadelphia church. Moser has said he wanted to die and refused to appeal his case.

The 5-4 vote mirrored the decision the Supreme Court issued Tuesday night in its first refusal to uphold a stay in the case.

The Pennsylvania Post-Conviction Defender Organization then made an emergency appeal to O'Neill for a mental competency hearing.

At 1:55 a.m. yesterday, O'Neill refused to schedule the hearing, but he was overruled by the 3rd U.S. Circuit Court of Appeals in the afternoon.

O'Neill then issued a 24-hour stay to give the state time to transfer Moser from the central Pennsylvania prison to Philadelphia. Montgomery County prosecutors immediately appealed the stay to

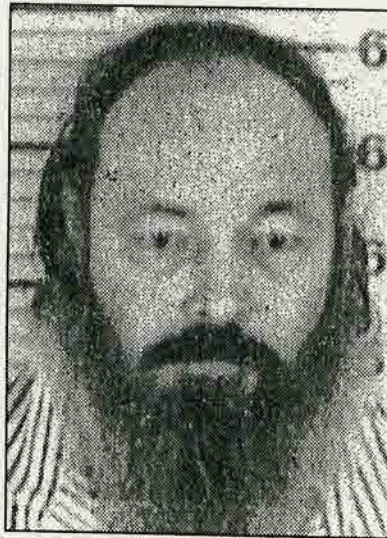
the 3rd Circuit, which voted 2-1 to uphold it.

Moser, a former Army lieutenant and seminary student, was only the second person executed in Pennsylvania in 33 years. Keith Zettle-moyer, who also wanted to die, was put to death May 2.

Moser has said he wanted to die for killing his former wife Linda, 35, and daughters Donna, 14, and Joanne, 10, outside the St. James Episcopal Church in Lower Providence.

But the former minister of that church, the Rev. Melford Holland, issued an appeal on Moser's behalf Monday and was joined yesterday by Moser's brother, Theodore.

A three-judge panel sentenced Moser to death on Jan. 24, 1986, agreeing he was emotionally disturbed but saying he was mentally competent to stand trial.



Leon Moser

L'espoir au bout du couloir de la mort

Condamné en 1982 après un procès bâclé, Abou-Jamal se bat

pour être rejugé.

Principale,
envoyé spécial

«**C**omprenez, ce n'est pas facile. Tout ça remonte à quatorze ans», s'excuse le témoin, Dessie Hightower, avant de fouiller, une nouvelle fois, dans ses souvenirs. Le juge Albert Sabo se balance sur son fauteuil et avale un bâillement furtif. Face à lui, un homme de 41 ans, Mumia Abou-Jamal, une barbe et de longues tresses, assiste silencieux à la scène: le 3 juillet 1982, ce même juge avait prononcé sa condamnation à mort. Il avait alors 28 ans. Son exécution par injection devait avoir lieu aujourd'hui, mais Mumia Abou-Jamal se bat encore pour obtenir la révision de son procès de 1982.

Aujourd'hui retraité, avec à son actif 32 condamnations à mort, le juge Albert Sabo a 74 ans. Mais, comme le permet le code pénal de Pennsylvanie, il a repris, depuis le début du mois, le chemin de son ancien tribunal pour examiner la demande de révision déposée par les avocats d'Abou-Jamal. Des auditions clairement partiales: ce juge ultraconservateur, ancien membre d'une association locale de défense des policiers qui milite activement pour l'exécution d'Abou-Jamal, un ancien militant du mouvement des Panthères noires, ne dissimule guère de quel côté il penche. Illustration des tensions dans le tribunal: l'éviction, il y a deux semaines, d'une avocate pour «outrage à la cour» et la condamnation, vendredi, pour le même motif, du principal avocat de la défense, Leonard Weinglass, à 1.000 dollars d'amende. Les auditions de Philadelphie se sont achevées mardi, et reprendront le 11 septembre, lorsque la défense et l'accusation présenteront leurs arguments. Une décision du juge sur la révision du procès est attendue dans les jours suivants.

«Défendre Abou-Jamal, c'est plus que se battre pour un homme: il est la communauté.»
Le révérend

Si les faits sont connus, chaque témoignage rappelle la zone d'ombre qu'ils comportent. Celui de Dessie Hightower, par exemple. Le 9 décembre 1981, aux alentours de 4 h du matin, il se trou-

vait près de Locust Street, au centre de Philadelphie, quand il entendit une série de coups de feu. Caché derrière un mur, il n'a vu ni le tireur ni la victime, mais, dit-il, quelques secondes après, «un grand homme noir de six pieds environ» s'enfuir. Quand les policiers arrivèrent sur les lieux, deux hommes gisaient dans leur sang. Le premier, Daniel Faulkner, un policier blanc de 25 ans, une balle dans le dos et une autre en plein visage, allait mourir. Le second, Mumia Abou-Jamal, journaliste sans emploi et chauffeur de taxi à mi-temps, retrouvé avec une balle dans la poitrine. Un troisième homme, William Cook, frère d'Abou-Jamal, était debout, menottes aux mains. Il ne témoignera jamais devant le tribunal.

Le revolver d'Abou-Jamal sera retrouvé sur place, avec cinq cartouches manquantes. Pour l'accusation, ces faits suffisaient à incriminer le jeune homme. A cette «*preuve accablante*» pour l'accusation s'ajouteront les dépositions de plusieurs témoins décrivant l'interpellation par le détective Faulkner de William Cook, engagé en sens interdit dans Locust Street et un début de bagarre entre les deux hommes, puis l'arrivée sur les lieux de Mumia Abou-Jamal au moment où Faulkner passait les menottes à son frère, et, enfin, les coups de feu.

Le jury — composé de dix Blancs et seulement deux Noirs, la plupart des jurés noirs ayant été récusés par l'accusation — n'eut guère, à l'époque, l'occasion d'entendre une version différente: Abou-Jamal se battra moins pour affirmer sa propre innocence que pour exprimer ses idées sur l'oppression de la communauté noire. Pour les jurés blancs, il restera donc un jeune homme étrange: quand le juge ne lui interdisait pas l'accès à la

salle d'audience, il hurlait à la cantonade le slogan «*On the move (Longue vie à John Africa)*», en référence au fondateur d'un groupuscule anarchiste noir de Philadelphie, The Move. Créé par John Africa, grand prêtre du retour à la nature et de l'autodéfense armée face à la force publique, The Move était, à l'époque, dans le collimateur du FBI, et Abou-Jamal en avait épousé les idées. **Le juge Sabo lui ayant refusé le droit** d'être défendu par John Africa puis d'assurer sa propre défense, Abou-Jamal hérita d'un avocat commis d'office avec qui il refusa largement de communiquer. Celui-ci tenta, vaine-

ENQUÊTE

ment, de plaider les circonstances atténuantes, affirmant que si Abou-Jamal avait tué le policier, c'est parce qu'il l'avait vu tabasser son frère. A ses côtés, l'accusé refusa d'acquiescer. La police a «*tenté de m'exécuter en pleine rue. (...) Je suis innocent malgré ce que vous douze pouvez penser*», affirma-t-il aux jurés.

Mais, pour ceux-ci, il était trop tard. «*Nous sommes à*

L'affaire Mumia Abou-Jamal

9 décembre 1981. Daniel Faulkner, un policier de 25 ans, est tué en pleine nuit à Philadelphie.

3 juillet 1982. Mumia Abou-Jamal est déclaré coupable de meurtre et condamné à mort.

11 mars 1989. La Cour suprême de Pennsylvanie confirme le jugement du premier tribunal.

1^{er} octobre 1990. La Cour suprême rejette un pourvoi en appel.

Mai 1995. Abou-Jamal publie *Live from Death Row (En direct du couloir de la mort)*, chroniques d'un condamné à mort.

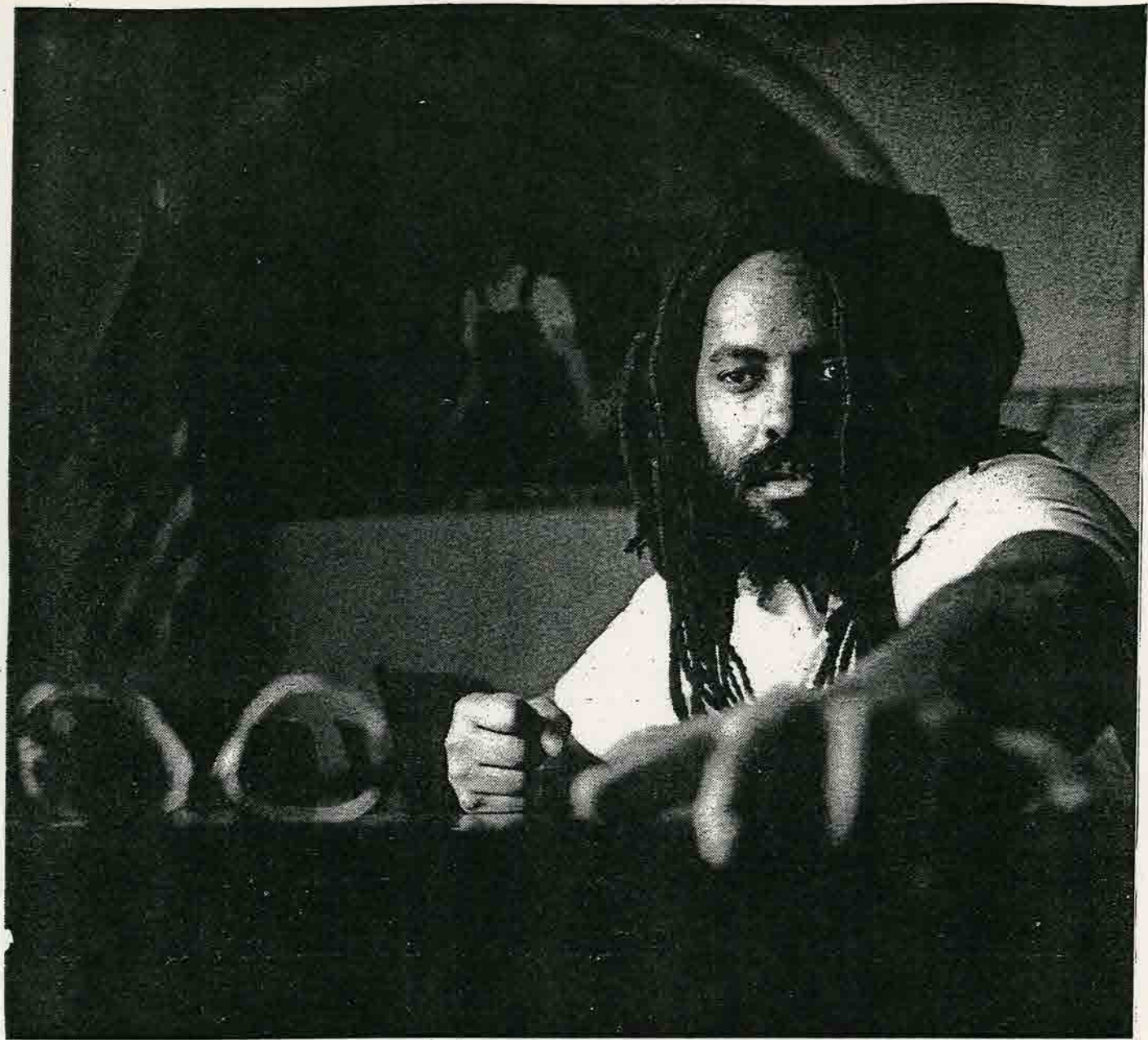
1^{er} juin. Le gouverneur de

Pennsylvanie signe l'arrêt d'exécution pour la date du 17 août.

5 juin. Le nouvel avocat d'Abou-Jamal, Leonard Weinglass, engage un recours en révision du procès de 1982. Les auditions ont commencé le 18 juillet.

7 août. Le juge reporte la date de l'exécution jusqu'à l'expiration des recours légaux.

12 août. Les comités de soutien, aux États-Unis et en Europe, organisent une journée de mobilisation internationale. Une marche est prévue à Philadelphie.



Abou-Jamal, dans sa prison l'an dernier. Il devait être exécuté aujourd'hui, mais le juge a décidé d'attendre l'expiration des recours légaux.

deux doigts de la jungle, ici. Et si vous pouvez tuer un flic, alors c'en est fini de la loi et de l'ordre», avait affirmé le procureur tandis qu'en face, Abou-Jamal n'était pas parvenu à sortir de son image de révolutionnaire marginal. Coupé du reste de sa communauté, il ne put compter, lors de son procès, que sur peu de soutien. «A l'époque, je n'avais jamais entendu parler de lui», reconnaît le révérend James Bevel, un ancien compagnon de Martin Luther King qui, aujourd'hui, mène campagne pour sa libération.



Depuis, les choses ont radicalement changé. «Le défendre, c'est plus que se battre pour un homme: il est la communauté», affirme aujourd'hui le révérend Bevel, non loin d'une grande fresque colorée représentant l'ex-journaliste le visage auréolé. Ailleurs, dans la ville, des graffitis affichent une menace qu'ici on prend au sérieux: «Si Mumia meurt, Philadelphie brûle...» L'ex-journaliste, auteur, en mai, d'un livre consacré au sort des condamnés à mort américains, *Live from Death Row*, est devenu un symbole de la lutte contre la peine capitale. Depuis juin, reprenant à zéro le dossier, Leonard Weinglass, ténor du barreau dont la célébrité remonte aux grands procès des opposants à la guerre du Viêt-nam, a mis en place une stratégie de défense qui contraste avec l'activisme brouillon de 1982. Sa méthode consiste à démonter, pièce après pièce, le dossier de l'accusation. But de la démonstration: prouver qu'Abou-Jamal, traqué par la police et le FBI depuis son engagement au sein des Black Panthers, a été la victime innocente d'une machination policière. Leonard Weinglass affirme ainsi déceler un acharnement de la police contre les témoins, comme Dessie Hightower qui affirme qu'un autre homme se serait trouvé sur les lieux et pourrait bien être l'assassin du policier. Pour lui encore, les deux principaux témoins à charge —une prostituée et un chauffeur de taxi ayant eu, peu avant le procès, des démêlés avec la police— ont simplement dit ce que l'accusation a voulu leur faire dire. Il estime que les erreurs de procédure accumulées lors de l'audience sont telles qu'elles suffisent à justifier un nouveau procès. Lors des récentes auditions, l'ancien avocat d'Abou-Jamal a pour sa part reconnu que les moyens dont il disposait, en 1982, pour assurer la défense de son client étaient notoirement insuffisants. Cette fois, face au juge Albert Sabo, le rapport de forces est différent ●

20/17

Marseille rentre dans le combat



Marseille a su se mobiliser pour un mois d'août, à l'appel de toutes les organisations signataires de Vie Sauve pour Mumia Abu-Jamal (Photo Patrick Di DOMENICO)

l'appel d'une quinzaine d'association, la manifestation d'hier soir pour la ouverture du procès de Mumia Abu-Jamal et la grâce par le gouverneur de Pennsylvanie de sa condamnation à la peine de mort a rassemblé plus de deux cents personnes devant le Consulat américain, qui n'a pas daigné recevoir ses représentants de ce collectif.

HIER soir, à 18 h 30, le parvis du Consulat était rempli, malgré la saison estivale, de toutes les associations signataires de "Vie Sauve pour Mumia Abu-Jamal", la pétition qui aura permis de le retirer de sa condamnation à mort hier même.

Monsieur Jurquet, du MRAP, représentant également toutes les autres organisations, a lu aux person-

nes présentes le communiqué qui devait être remis à madame la Consul des Etats-Unis, Anne Korky :

"Madame, sur ordre de Tom Ridge, gouverneur de Pennsylvanie, en date du 2 juin dernier, Mumia Abu-Jamal devait être exécuté ce jour.

Depuis treize ans, cet homme crie son innocence dans les couloirs de la mort. [...] Déclaré coupable, sans preuve, du meurtre d'un policier, après une parodie de procès, il a été condamné à mort. En fait, son seul crime est qu'il se soit engagé depuis l'âge de 14 ans dans la défense du droit des noirs et de tous les opprimés des Etats-Unis. Surnommé "la voix des sans voix", il est devenu la cible de la police américaine pour son appartenance dans sa jeunesse au mouvement "Black Panther".

Les autorités américaines ne pourront recommencer avec Mumia Abu-Jamal, ce qui a été fait avec Sacco et Vanzetti en 1927, et avec les Rosenberg pendant la guerre froide.

[...] Au nom de toutes les personnes rassemblées ce soir devant votre consulat à Marseille, à l'appel d'une quinzaine d'organisations, nous

vous demandons de transmettre à Monsieur Tom Ridge, notre exigence de voir annuler définitivement l'ordre d'exécuter Mumia Abu-Jamal, à monsieur Bill Clinton, président des Etats-Unis, d'user de tous les pouvoirs que lui confère sa charge pour que Mumia ait le droit à un procès équitable.

La délégation qui devait être reçue par le Consul, a été reçue "sur le pas de la porte, comme des pestiférés" a annoncé madame Baya Jurquet, du MRAP, et Robert Abad, du PCF a renchérit "la réputation de l'hospitalité américaine fait cruellement défaut ici ce soir." Il a également souligné le rôle primordial qu'a tenu Georges Marchais à la tête de son Comité des Droits de l'Homme et des Libertés, qui fut le premier à écrire à Tom Ridge, et lancer la pétition "Sauvez Mumia Abu-Jamal".

Même les touristes se mobilisent

Alain, sa femme et leur petite fille sont de Montreuil, en vacances à Martigues. Ils ont suivi toutes les manifestations à Paris, et l'évolution de l'affaire par la

presse, surtout l'Humanité, qui a été le premier à suivre l'affaire. "Aujourd'hui, on est venu de Martigues exprès pour ce rassemblement. On l'a lu dans La Marseillaise, et on était contents de voir qu'ici aussi on manifeste pour Abu-Jamal. Mais vraiment on est déçu, il n'y a pas de jeunes, de rappers, enfin des gens qui soit disant se battent contre la ségrégation et l'injustice sociale dans le monde."

Amina, elle, de Marseille, a ce même sentiment : "Je suis extrêmement déçue de voir si peu de jeunes, de jeunes africains ou d'origine, je ne sais pas où ils sont. Moi, j'ai eu du mal à savoir qu'il y avait une manif, je n'ai pas vu d'affiche, je l'ai lu dans La Marseillaise."

Malgré effectivement la présence de nombreuses associations, et la conjoncture de vacances, les porte-paroles de la communauté dite rebelle, telle tous les rappers ou défenseurs des droits de l'homme "par oral" faisait cruellement défaut.

Les sursis toujours et encore

Le gouverneur de Pennsylvanie a annoncé le 11 septembre comme date de décision d'une réouverture de procès, ou de rejet des nouvelles piste amenées par de nouveaux témoignages. Mumia risquerait donc d'être exécuté sur le champs. D'autre part, le Partisan Defense Committee, qui finance les avocats de Mumia, se trouve à court d'argent. L'affaire se resserre donc, et chacun doit être présent pour que l'issue en soit heureuse.

Hélène TAAM Etalent présents l'Alliance des Femmes, l'ARASFA, les Cadets de la Résistance, Cap 250, le Comité Départemental du Mouvement de la Paix, la LCR, le MJCF, le MRAP, le PCF, Sud FTT, l'UD CGT, l'UFF, l'UDCFDT, ainsi que les représentants sur Marseille du CDD, qui soutient Mumia depuis 10 ans.



Un représentant du Consul des Etats-Unis reçoit la délégation devant la porte, sans invitation aucune à y entrer (Photo Patrick Di DOMENICO)

AFFAIRE AMIRI : MISE AU POINT DU M.R.A.P.

Dans un premier communiqué, le M.R.A.P. a fait savoir qu'il effectuait une enquête approfondie au sujet de l'agression, par trois fonctionnaires de police, de M. Mohamed Amiri, citoyen français d'origine algérienne.

Un passage de ce communiqué, volontairement évasif pour des raisons de sécurité, a pu être interprété comme mettant en cause une pression éventuelle des autorités algériennes pour un retrait de la plainte déposée par la victime.

Le M.R.A.P. précise qu'il n'a absolument pas mis en cause les dites autorités : "L'allusion contenue dans notre communiqué visait exclusivement la présence de quatre hommes dans la chambre de M. Amiri le 14 août, l'un d'entre-eux tenant des propos excessifs se référant aux principes de l'intégrisme musulman".

"Plusieurs témoins en apporteront, si besoin, confirmation aux autorités judiciaires", poursuit le M.R.A.P. qui indique n'avoir en aucune manière cité une organisation algérienne légale, et dément avoir mentionné le sigle d'un mouvement algérien illégal, quel qu'il soit.

Après une nouvelle visite à la victime, le 17 août, le M.R.A.P. a décidé de charger M^e Alain Lhote - Avocat au barreau de Marseille - de se porter partie civile, en cette affaire, au nom de la loi contre le racisme.

FÊTE DE L'HUMANITE

La Fédération des Bouches-du-Rhône du PCF organise un départ pour la Fête de l'Humanité le 16 et 17 septembre à la Courneuve.

En avion : pour 1.900 francs aller et retour avec transfert en autocar (aéroport/fête/aéroport), hébergement en hôtel (2 étoiles), petit déjeuner, repas gastronomique sur la fête au stand des Bouches-du-Rhône : la Bouillabaisse.

En TGV : pour 1.090 francs aller et retour avec transfert en autocar (gare/fête/gare), hébergement en hôtel (2 étoiles), petit déjeuner et repas gastronomique : la Bouillabaisse.

Formule simple : pour 680 francs aller et retour en TGV. Départ samedi 16 septembre au matin et retour le dimanche 17 septembre en soirée.

Renseignements et informations : LVJ voyages, 8, boulevard Notre Dame 13006 Marseille. Tél : 91.33.12.52.

23 AOÛT 1995

L'HUMANITE
Rue Jean Jaurès
93200 SAINT DENIS

Les défenseurs de Mumia Abu-Jamal ne démordent pas

20/17

S'ILS comptaient sur le déclin de la mobilisation internationale, les détracteurs de Mumia Abu-Jamal doivent s'en mordre les doigts. Une semaine après le report de l'audience au 11 septembre, des messages de solidarité affluent du monde entier. Des organisations diverses manifestent et exigent le droit à un procès équitable pour le journaliste de Philadelphie. Le sort inhumain que lui réserve l'Etat de Pennsylvanie, la mort par injection, indigne et révolte.

Les présidents Jacques Chirac et Nelson Mandela hier, l'ancien premier ministre australien Robert Hawke aujourd'hui, des hommes politiques de tous les pays en appellent au gouverneur de Pennsylvanie Thomas Ridge, qui avait signé le 1^{er} juin l'ordre d'exécution.

Le combat de Mumia pour le droit à la justice et à la vie est devenu un symbole pour tous ceux qui se battent à travers le monde contre la peine de mort.

Aux Etats-Unis, les membres du Pen Club sont mobilisés en

faveur de Mumia Abu-Jamal. Le syndicat national des écrivains américains l'a consacré membre honoraire « en reconnaissance de sa vie consacrée à devenir un journaliste et un écrivain ». En France, la manifestation, qui avait réuni des centaines de personnes devant l'ambassade américaine à Paris, le 9 août, n'est que la partie émergée de l'iceberg. Le MRAP, la CGT, le Parti communiste continuent de faire circuler la pétition exigeant l'ouverture d'un nouveau procès. La campagne en faveur de Mumia Abu-Jamal figurera en bonne place dans le stand de la Jeunesse communiste à la prochaine Fête de l'Humanité, sur le thème « construire un monde meilleur ».

Manifestations d'employés postaux canadiens ou d'ouvriers métallurgistes brésiliens, lettres des prisonniers républicains d'Irlande du Nord au gouverneur de Pennsylvanie, réunions de soutien de syndicats à travers les Etats-Unis, les actions n'ont pas

de frontière. La pétition des mineurs turcs porte les mots justes : « Peu importe mes convictions politiques, je suis contre la peine de mort que je considère comme un crime d'Etat. Je demande vie sauve pour Mumia Abu-Jamal. »

L'ampleur du mouvement a fait reculer une première fois les partisans de la solution finale. Le juge Albert Sabo a été contraint de reporter indéfiniment la date d'exécution. Il n'a cependant jamais cessé d'afficher son mépris pour le journaliste noir qu'il avait condamné treize ans plus tôt. Les tentatives d'intimidation des policiers, qui rappellent celles décrites par les témoins du procès, se multiplient. A New York, à Los Angeles et dans plusieurs autres villes des Etats-Unis, la police a interpellé des manifestants qui demandaient la libération de Mumia. Une « contre-offensive » qui prouve combien la mobilisation contre la peine de mort les effraie.

GAEL CHOLLET

16 AOÛT 95

CHARLIE HEBDO

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HEBDOMADAIRE

étrangers sans frontières

Etats-Unis

Bouchon des aôùtiens dans le couloir de la mort

Un sursis pour Mumia Abu Jamal 25/17

LE M.R.A.P., le P.E.N. Club, Amnesty, le Parlement international des écrivains et les autres ne se sont pas démenés pour rien. Mumia Abu Jamal, un journaliste noir américain, condamné à mort pour le meurtre d'un policier blanc après un procès plus que douteux, vient d'obtenir un sursis *sine die* (indéterminé).

Un sursis, c'est l'assurance que Mumia ne sera pas exécuté le 17 août, par injection létale. Qu'il pourra demander la révision du procès. Organiser sa défense.

Mais un sursis n'est pas une grâce, ni un acquittement. Un sursis, c'est quelques jours, quelques mois, quelques années à tourner et à virer dans les recoins des couloirs de la mort, avec dans la tête l'image du bourreau en train de remplir sa seringue ou de vérifier les sangles de la chaise électrique.

Aussi la campagne « Sauvons Mumia » ne s'arrête pas. Les piquets devant le consulat des Etats-Unis ont toujours lieu à Paris, le mercredi soir et la campagne de cartes postales continuera tant que la demande de révision du procès, étudiée par le tribunal de Philadelphie depuis le 12 juillet, ne sera pas acceptée. On peut douter du pire, quand on sait que le juge qui prendra la décision est le fameux Sabo. Sabo est le magistrat qui a condamné Mumia il y a treize ans. Sabo a soixante-quatorze ans et une robe noire pleine de caillots puisque c'est lui qui a prononcé le plus de condamnations à mort aux Etats-Unis. Et puis Mumia, ancien Black Panther et défenseur de la cause noire, commence

sérieusement à casser les cacahuètes de l'Amérique blanche. Alors que les détenus des prisons « Super Maxi » (haute sécurité) se laissent abattre ou deviennent fous, Mumia résiste aux vingt-trois heures de cellule, à l'heure de « promenade » dans une cage grillagée, à l'interdiction d'avoir des livres, d'écouter la radio ou de regarder la télévision, à la vitre de Plexiglas du parloir qui l'empêche d'embrasser sa fille. Mieux, il écrit un bouquin, *Live from the Death Row*, dans lequel il raconte ses conditions de détention.

Douce Amérique... Alors que l'île Maurice est devenue récemment le 57^e Etat à abolir la peine capitale, et que la mort légale régresse un peu partout dans le monde, les Etats-Unis zigouillent à tout va, même des mineurs et des handicapés mentaux. Quand il était gouverneur de l'Arkansas, Bill Clinton a envoyé 79 personnes à l'abattoir. Sur une population carcérale de 1,5 million, environ 3 000 détenus sont condamnés à mort. 33 ont été exécutés cette année. 290 depuis 1976, date à laquelle les Etats se sont remis à la justice nécrophile. Avant de mourir, les condamnés ont grillé, tressauté, cogné leur tête contre le pilier auxquels ils étaient attachés. Leur bouche, qui voulait aspirer de l'air, s'est remplie de gaz mortels. Leurs bras ont été piqués, repiqués, transformés en broderie anglaise, faute de trouver la bonne veine.

L'Amérique a toujours voulu être le gendarme du monde. Maintenant, elle en est le bourreau.

ANNE KERLOC'H

Campagne « Sauvons Mumia », M.R.A.P., 89, rue Oberkampf, 75011 Paris. Tél. : 43 14 83 53. Fax : 43 14 83 50.

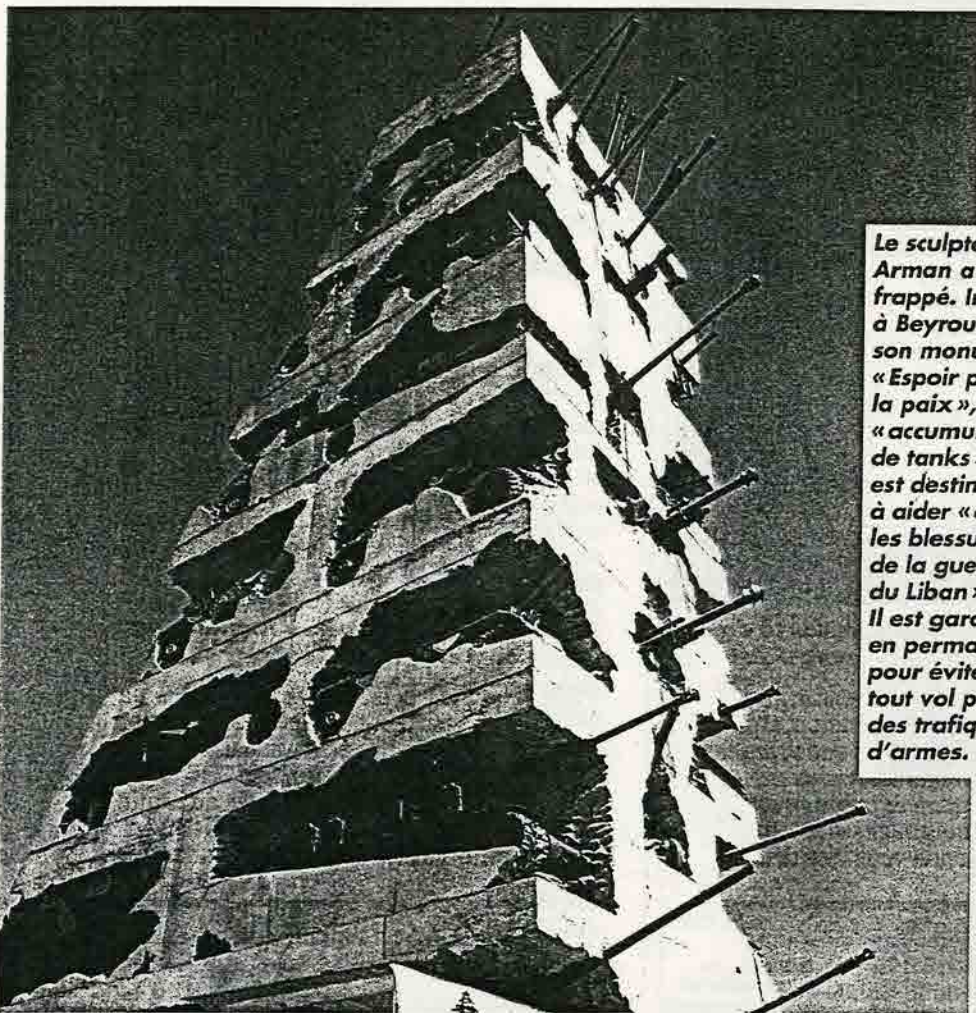
EDITORIAL

Dans le couloir de la mort

Mumia Abu-Jamal, dont l'exécution, prévue pour le 17 août, vient d'être repoussée afin d'entendre les derniers arguments de ses avocats, est innocent de ce côté-ci de l'Atlantique, mais coupable de l'autre. Pour la majorité des Américains, la cause est entendue: Mumia Abu-Jamal, né Wesley Cook, ancien militant des Panthères noires devenu journaliste engagé, a été reconnu coupable du meurtre d'un policier, une nuit de décembre 1981 à Philadelphie. Il est donc parfaitement légal et normal qu'il soit exécuté. Dans les 38 Etats américains sur 50 qui appliquent la peine de mort, plus de 3 000 condamnés sont en attente de la chaise électrique, de la pendaison, de la chambre à gaz ou de l'injection mortelle. Cette année, 33 condamnés ont été exécutés aux Etats-Unis.

En Europe, où la dernière exécution a eu lieu en 1988 en Hongrie, une coalition d'intellectuels et d'opposants à la peine de mort s'est mobilisée pour arracher la grâce d'Abu-Jamal. Des manifestations ont eu lieu devant nombre d'ambassades américaines. Les ministres des Affaires étrangères allemand et belge ont publiquement épousé sa cause. En France, un rassemblement international d'écrivains a élevé Abu-Jamal au rang de victime expiatoire du racisme américain. Le Mrap affirme même que les Etats-Unis sont « un pays construit historiquement sur l'esclavage et le génocide » et compare Abu-Jamal au capitaine Dreyfus.

Abu-Jamal a-t-il été victime, comme l'affirment ses défenseurs, d'une instruction bâclée et d'un procès à sens unique? Une société civilisée a-t-elle le droit de tuer un criminel? Autant la première question est actuellement examinée par la justice de la Pennsylvanie, autant la seconde ne semble pas effleurer la conscience de l'Amérique. Ph.C.



Le sculpteur Arman a encore frappé. Inauguré à Beyrouth, son monument « Espoir pour la paix », de style « accumulation de tanks », est destiné à aider « à panser les blessures de la guerre du Liban ». Il est gardé en permanence pour éviter tout vol par des trafiquants d'armes.

RUSSIE BISTRO CONTRE McDO

De notre correspondante

Le fast-food russe est né. Cinq ans après l'implantation du premier McDonald's place Pouchkine, les Russes sont passés à l'offensive. Moscou a inauguré la semaine dernière le Russkoe Bistro (le « Bistro russe »). Une grande pancarte à l'entrée rappelle que les Cosaques du tsar, occupant Paris après la défaite de Napoléon, criaient « bistro, bistro » (« vite, vite ») quand ils demandaient à manger. D'où l'origine du mot « bistro » en français, « lieu où l'on peut s'asseoir pour manger rapidement ». « Aujourd'hui, après deux cents ans, précise la pancarte, cette légende revient à notre culture nationale. » Au Russkoe Bistro, on peut déguster, à des prix défiant toute concurrence et sur un rythme assez « bistro », un échantillon représentatif de la cuisine nationale russe. Le burger et le milk-shake sont désormais concurrencés par les pirojki (petits pâtes fourrés aux champignons, à la viande ou aux légumes) et le kvas (équivalent russe du cidre). On trouve aussi des soupes Romanov (aux pois)

ou bourgeoises (aux champignons) et des tartes cosaques à l'abricot. Sans oublier... la vodka. Après avoir beaucoup hésité, la direction a opté pour des rations de 50 grammes.

Tout est fait pour souligner l'identité russe du lieu, salières en forme de poupées russes, samovar sur le comptoir, paysages russes nostalgiques sur les murs, jusqu'aux serveurs qui portent l'uniforme cosaque. Le maire de Moscou, Iouri Loujkov, qui a l'embonpoint jovial, a déploré le manque de « goût » du Big Mac avant d'évoquer, la larme à l'œil, l'art de la véritable cuisine russe.

Ouvert depuis le 1^{er} août, le Russkoe Bistro attire quotidiennement près de 2 000 personnes. Le jour de l'ouverture, des tracts distribués comparaient le prix d'un repas chez le grand marchand voisin américain (« trois fois plus cher ») et insistaient sur la pureté écologique des aliments russes. De l'avis du directeur de l'Institut de nutrition, l'ouverture du Russkoe Bistro est avant tout une question de fierté nationale. Et les clients s'accordent pour penser que rien ne vaut « la nourriture russe pour les Russes » et que seul le retour aux traditions permettra de retrouver... l'âme slave. Manon LOIZEAU