

Mumia Is an Innocent Man Free Mumia Abu-Jamal!

Abolish the Racist Death Penalty!

Mumia Abu-Jamal has been on death row for nearly 24 years, falsely convicted of killing Philadelphia police officer Daniel Faulkner. All the elements of the capitalist “justice” system colluded in framing up this former Black Panther and MOVE supporter because he was an eloquent and defiant spokesman for the oppressed. His conviction was based on lying testimony extorted by the cops without a shred of physical evidence. The judge at his trial, Albert Sabo—known as the “King of Death Row”—was overheard by a court stenographer saying, “I’m going to help ’em fry the n---r.” Rigging the jury to exclude black people, the prosecution inflamed jurors with the grotesque lie that Mumia’s membership in the Panthers as a teenager proved he was committed to kill a cop “all the way back then.” The conviction was secured with arguments that the jury could disregard any doubts about Mumia’s guilt because he would have “appeal after appeal.”

The state is as determined as ever to execute Mumia, an innocent man. In nearly two decades of appeals, each and every court has rejected the reams of documented evidence of the blatant frame-up of Mumia. *For over four years, Pennsylvania state as well as federal courts have refused to even consider the sworn confession of Arnold Beverly that he, not Mumia, shot and killed Faulkner.*

The fight to free Mumia has now reached a critical juncture. In December, the federal appeals court put Mumia’s case on a “fast track” for decision. Both Mumia and prosecutors are appealing decisions made in 2001 by U.S. District Court judge William Yohn, who overturned the death sentence but upheld every aspect of Mumia’s frame-up conviction. In a short time, even as soon as six months, the court could decide what is next for Mumia: death, life in prison or more legal proceedings.

The execution of Stanley Tookie Williams by the state of California in December casts an ominous shadow. The legal lynching of Williams, which provoked an outcry nation-



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ally and internationally, signaled the determination of the U.S. capitalist rulers to fortify their machinery of death in the face of growing reticence in the population over how the death penalty is applied. Mumia Abu-Jamal, America’s foremost political prisoner, is the executioners’ number one target. California governor Arnold Schwarzenegger made this clear when, in denying clemency for Williams, he cited the fact that Williams’ 1998 book, *Life in Prison*, was dedicated to—among others—Mumia Abu-Jamal.

Mumia’s case demonstrates what the racist death penalty is all about. It is the lynch rope made legal, the ultimate weapon in the government’s arsenal of repression aimed at the working class and oppressed. A legacy of chattel slavery, the death penalty is maintained in a society where the seg-

regation of the majority of the black population is used as a wedge to divide the laboring masses and perpetuate the rapacious rule of capital. The murderous brutality of the racist capitalist system was displayed for all to see when thousands of people, overwhelmingly black and poor, were left to die in New Orleans after Hurricane Katrina.

Mumia’s appeal takes place in the context of the government’s assertion of its “right” to disappear, torture or even assassinate its perceived opponents, and to wiretap and spy on anyone and everyone. In the name of the “war on terror,” rights won through tumultuous class and social battles are being put through the shredder by the Bush administration with the support of the Democratic Party. The purpose is to terrorize and silence any who would stand in the way of the capitalist rulers’ relentless drive for profits and their imperialist adventures, like the colonial occupation of Iraq.

As Mumia’s case moves through the final stages of legal proceedings, the fight for his freedom is urgently posed. The Partisan Defense Committee—a class-struggle legal and social defense organization associated with the Spartacist League/U.S.—stands for pursuing every legal

The **Partisan Defense Committee** is a class-struggle, non-sectarian legal and social defense organization which champions cases and causes in the interest of the whole of the working people. This purpose is in accordance with the political views of the Spartacist League.

avenue in Mumia's behalf while putting no faith in the "justice" of the capitalist courts. Through publicity and action, we have struggled to mobilize the broadest social forces, centered on the labor movement, to demand Mumia's freedom and the abolition of the racist death penalty. As Mumia faced execution in August 1995, a mass outpouring of protest nationally and internationally—from civil liberties organizations and such heads of state as South Africa's Nelson Mandela to trade unions representing millions of workers—succeeded in staying the executioner's hand.

Today we face greater odds. But if undertaken through a mobilization based on the social power of the working class, the fight for Mumia's freedom would be a giant step forward in the defense of all of us against the increasingly depraved and vicious rulers of this country.

Anatomy of a Frame-Up

In the eyes of the capitalist state, from the time Mumia was a 15-year-old spokesman for the Black Panther Party in Philadelphia in 1969, he was a dead man on leave. Then-FBI Director J. Edgar Hoover pronounced: "The Negro youth and moderate[s] must be made to understand that if they succumb to revolutionary teachings, they will be dead revolutionaries." This policy was carried out under both the Democratic administration of Lyndon Johnson and his Attorney General, Ramsey Clark, and the Republican Nixon administration. Under the FBI's "counter-intelligence" program known as COINTELPRO, 38 Panthers were murdered and hundreds of others framed up and railroaded to prison.

The 900 pages of FBI files the PDC was able to obtain on Mumia's behalf, even though highly expurgated, make clear that the FBI and cops used any "dirty trick" in their mission to get him. His every move was tracked and his name put on the FBI's Security Index, the 1960s version of a "terrorist" hit list. Even with the demise of the Panthers, the state did not call off its vendetta against Mumia. As a journalist known as the "voice of the voiceless," Mumia's impassioned defense of black rights continued to enrage them. The Philly cops particularly seethed over his sympathetic coverage of the MOVE organization, which was subjected to an onslaught of state terror.

Mumia was targeted for death because of his political beliefs, because of what he wrote, because of what he said. And in the early morning hours of 9 December 1981 at the corner of 13th and Locust Streets in Philadelphia, the cops finally saw their chance. Mumia was driving a cab through the area that night. He heard gunshots. He saw people running, saw his own brother and got out of his cab to help him. Minutes later, Mumia was critically wounded by a bullet through the chest. Nearby lay a wounded police officer, Daniel Faulkner. The cops found their long-awaited opportunity and seized on it to frame up Mumia as a "cop killer."

The prosecution's case rested on three legs, all based on lies: the testimony of "eyewitnesses" coerced through favors and terror; a "confession" purportedly made by Mumia the night of the shooting that was such a blatant hoax that it didn't surface until months later; and nonexistent ballistics "evidence." In 2001, this frame-up was completely blown to pieces with Arnold Beverly's confession

that he was the man who shot Faulkner. In a sworn affidavit printed in the PDC pamphlet "Mumia Abu-Jamal Is an Innocent Man," Beverly stated:

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

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

Beverly further stated that there was a second shooter who also fled the scene. This is supported by a sworn affidavit by Mumia's brother, Billy Cook, who testified that his friend Kenneth Freeman was a passenger in Cook's VW at 13th and Locust that night. Freeman later admitted to Cook that he was part of the plan to kill Faulkner and had participated in the shooting and then fled the scene. This is further corroborated by the testimony of a witness at the scene, William Singletary, who said he saw a passenger get out of Cook's VW, shoot Faulkner and then flee the scene.

At least half a dozen witnesses who were on the scene the night of the shooting saw, from several different vantage points, one or more black men flee. Police radio "flashes" right after the shooting reported that the shooters had fled the scene with Faulkner's gun. Five witnesses, including two cops, said that the shooter wore a green army jacket, which both Beverly and Freeman were wearing that night. Mumia was wearing a red quilted ski jacket with wide vertical blue stripes. There is no green jacket in police evidence.

Beverly said that Mumia was shot by cops at the scene. This is confirmed by no less an authority than the state Medical Examiner's office, whose record written the same morning as the shooting quotes a homicide officer saying that Mumia was shot by "arriving police reinforcements," not by Faulkner. Other witnesses have corroborated Beverly's testimony that undercover and uniformed police were in the vicinity at the time of the shooting, which Beverly assumed meant that they were in on the plan to kill Faulkner. One witness, Marcus Cannon, saw two undercover cops on the street across from the shooting. William Singletary also saw "white shirts" (police supervisors) at the scene right after the shots were fired.

The prosecution dismisses the idea that the cops would kill one of their own as an outlandish invention. Leaving aside that Beverly passed two lie detector tests, his account fits with the fact that at the time of Faulkner's killing in 1981, there were at least *three* ongoing federal investigations into police corruption in Philadelphia, including police connections with the mob. Police working as FBI informants were victims of hits in the early 1980s. A former federal prosecutor acknowledged that the Feds had a police informant whose brother was a cop, just as Faulkner had a brother who was a cop.

A sworn affidavit by Donald Hersing, a former informant in an FBI investigation into police corruption, confirms that at the time of Faulkner's shooting the word was out that the Feds had an informant in the police force. The

commanding officer of the Central Police Division, where the murder of Faulkner took place, the chief of the police Homicide Division and the ranking officer at the scene of Faulkner's killing, Alfonzo Giordano, were all under investigation at the time on federal corruption charges. These cops were literally the chain of command in the frame-up of Mumia Abu-Jamal.

Giordano had been the right-hand man for Philadelphia's notoriously racist police chief and later mayor, Frank Rizzo. From 1966 to 1970, Giordano was in charge of the cop "Stakeout" squad, which led the police raid on the Black Panthers' headquarters in 1970. He was also the supervisor of the 15-month police siege of MOVE's Powelton Village house in 1977-78, which resulted in nine MOVE members being sent to prison on frame-up charges of killing a cop. Giordano knew exactly who Mumia was. The senior officer on the scene, he had both motive and opportunity to frame up Mumia for the killing of Faulkner.

Giordano originated the claim that Mumia's gun—the putative murder weapon—was lying beside him on the street. But according to police radio records, the cops were still looking for the gun some 14 minutes after hordes of police had arrived on the scene. Giordano arranged the identification of Mumia by cab driver Robert Chobert, who became a witness for the prosecution. Giordano was the central witness for the prosecution at Mumia's pretrial hearing. But he was never called as a witness at Mumia's trial. Shortly before the trial, he was assigned to a desk job. One working day after Mumia was convicted, Giordano resigned from the force. In 1986, Giordano copped a plea on federal charges based on his receiving tens of thousands of dollars in illegal payoffs from 1979 to 1980. He didn't spend a day in jail.

Prosecution's Web of Lies

The prosecution's story is that two people were on the corner of 13th and Locust where Faulkner was shot: Mumia's brother Billy Cook and Faulkner. They claim that Mumia ran across the street when he saw his brother being beaten by Faulkner. According to police and prosecutors, Mumia shot the cop in the back, the cop shot back at Mumia and then Mumia stood over the fallen cop and shot him "execution style" several times in the head. Even a close examination of the cops' and prosecution's own evidence gives the lie to this scenario. A look at the "three legs" of the prosecution's case provides not only stark confirmation of Mumia's innocence but clear corroboration of Beverly's testimony.

The Prosecution's Witnesses: Even with police and prosecution threats and favors at the time of the 1982 trial, no witness testified to seeing Mumia actually shoot Faulkner. Only one, Cynthia White, the prosecution's star witness, testified that she thought she saw a gun in Mumia's hand when he crossed the street. A prostitute working in the area, White claimed to have witnessed the events from the southeast corner of 13th and Locust. Yet the other two prosecution witnesses, as well as two defense witnesses who knew White, all denied she was at the scene during the shooting! Other prostitutes testified in subsequent court hearings that White alternately got police favors or was

threatened by police in order to extract her testimony.

As for Robert Chobert, at first he told police that the shooter "ran away." After further interrogation, he changed his story, claiming that Mumia stood over Faulkner while the shots were fired and that no one ran away. A cab driver using a suspended license while on probation for felony arson, Chobert was given favors by the prosecution in exchange for his testimony. He later admitted that he never saw the shooting. The third state witness was Michael Scanlan. He initially identified Mumia as the VW driver but then claimed that the shooter ran across Locust Street, which Beverly admits that he did. He also admitted that he did not know if Mumia was the man he saw.

Ballistics and Forensics: The prosecution claimed that ballistics evidence was "consistent" with Mumia's gun being the murder weapon even while admitting that the "consistency" applied to millions of handguns. *There is no evidence that Mumia's gun was even fired that night.* There was every opportunity to test Mumia's hands, or the gun, for evidence that it had been recently fired. But according to police no such tests, which are standard operating procedure, were ever done! The Stakeout officer who claimed he picked up Mumia's gun did not turn it over for more than two hours, providing more than ample time to have it tampered with.

The Medical Examiner's report states that Faulkner was shot with a .44 calibre bullet, yet Mumia's gun was a .38 calibre. Although the crime lab claimed that the main bullet fragment removed from Faulkner's head was too damaged to test, the defense team's ballistics expert denied this. A second bullet fragment removed from the head wound simply disappeared without a trace.

Evidence at the scene—bullet fragments, blood stains, the absence of divots in the sidewalk—refutes the prosecution claim that Faulkner was shot repeatedly while lying on the ground. The bullet patterns are far more consistent with multiple shooters, as Beverly testifies. A copper bullet jacket found at the scene was inconsistent with either Faulkner's or Mumia's guns, suggesting that a different gun was fired. Similarly, type O blood was found at the scene, but Faulkner, Mumia and Cook were all type A, suggesting that another person was present and injured. The angle of Mumia's own wounds is impossible if he was shot while standing over Faulkner as the prosecution claimed. However, Mumia's wounds are consistent with Beverly's testimony that Mumia was shot by a cop at the scene.

The "Confession": The frame-up's final leg was the claim that Mumia, lying in a pool of blood at the hospital where he was taken for treatment, shouted out that he had shot the cop. Yet the police officer assigned to guard Mumia there reported that same day that Mumia "made no comments." In reality, he was so badly wounded, with a bullet hole through one lung, and had been so badly beaten by police on the street and at the hospital, that he could not have "shouted" anything. The "confession" was manufactured by the prosecution at a roundtable meeting with cops *two months* after the shooting.

Priscilla Durham, a security guard, was the only hospital employee who backed up the cops' "confession" lie. In

2003 Durham's stepbrother Kenneth Pate swore that Durham said she was pressured by the cops to say Mumia confessed. Pate also said Durham heard Mumia say, "Get off me, get off me, they're trying to kill me."

Mumia Abu-Jamal has always categorically maintained his innocence. As he declared in a 2001 affidavit: "I did not shoot Police Officer Daniel Faulkner. I had nothing to do with the killing of Officer Faulkner. I am innocent.... I never confessed to anything because I had nothing to confess to."

Mobilize Now to Free Mumia!

The case of Mumia Abu-Jamal is an object lesson in the class nature of the capitalist state. Its justice system is class- and race-biased to the core. The cops and courts who framed up this innocent man, the living tomb of the prison system in which he is jailed, the executioner who stands ready to kill—all are instruments of organized violence used to preserve the rule of the capitalist class through the forcible suppression of the working class and oppressed. Demands for a "new trial" which have been raised by liberals, self-proclaimed socialist organizations, black nationalists and others have fed illusions that there can be justice in the capitalist courts. Those illusions demobilized a move-

ment of millions around the world in Mumia's defense.

The time is now to rekindle mass protest—nationally and internationally—on behalf of Mumia. Mumia's freedom will not be won through reliance on the rigged "justice" system or on capitalist politicians, whether Democrat, Republican or Green. The power that can turn the tide is the power of millions—working people, anti-racist youth, death penalty abolitionists—united in struggle to demand the freedom of this innocent man. Crucial to this perspective is the mobilization of the labor movement, whose social power derives from its ability to shut down production. As we have stated since we first took up Mumia's defense in the mid 1980s, what's necessary are labor-centered united-front actions, generating effective protest across a spectrum of political beliefs while assuring all the right to have their own say.

The time is now to make Mumia's case a rallying cry against the racist death penalty, against black oppression, against government repression. Raise your voice and organize now in your union, on your campus, in your community to demand: *Free Mumia Abu-Jamal! Abolish the racist death penalty!*

—25 January 2006

Join the Campaign to Free Mumia Abu-Jamal!

Funds are urgently needed for legal defense!

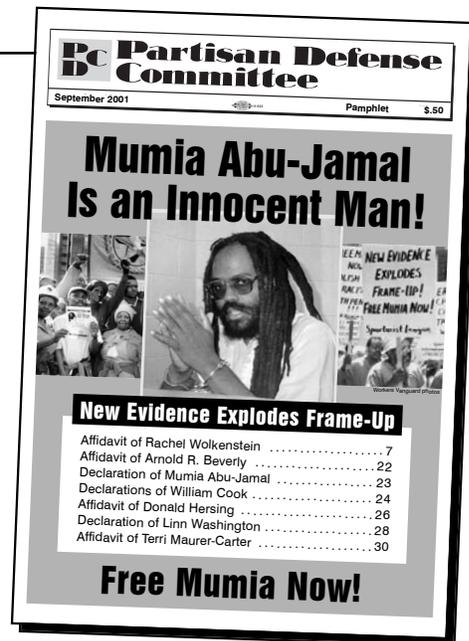
Make a contribution today, payable to "National Lawyers Guild Foundation" (earmarked for "Mumia") and mail to: Committee to Save Mumia Abu-Jamal, 130 Morningside Drive, Suite 6C, New York, NY 10027.

Organize protest! Pass motions in your unions, campus, community and religious organizations demanding Mumia's freedom. Get your union or organization to make a contribution and join rallies and protests for Mumia. Publicize Mumia's case in your union or organization's newsletter.



Spread the word! Contact the PDC for copies of our pamphlet, *Mumia Abu-Jamal Is an Innocent Man!* This pamphlet arms activists in the struggle for Mumia's freedom with the explosive evidence which completely destroys the more than two-decades-long frame-up of this eloquent fighter for black freedom. It is available for 50 cents. Get the PDC button: "Free Mumia Abu-Jamal! Abolish the Racist Death Penalty!"—\$1 each. Order the PDC video, *From Death Row, This Is Mumia Abu-Jamal*—\$15. Bundles of this brochure—\$2 for 25 copies.

Order from, make checks payable to Partisan Defense Committee at our New York City address below.



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