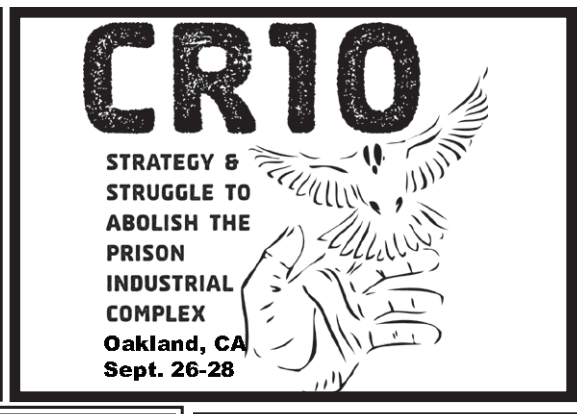
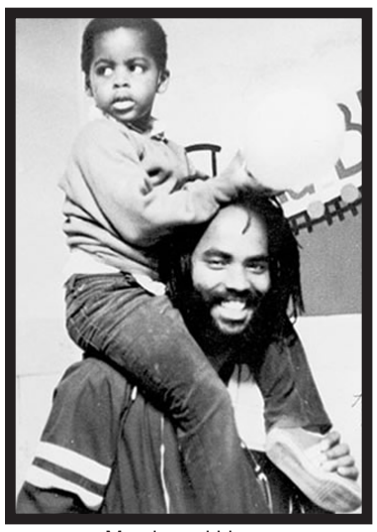



Mumia and his son.


Ramona Africa and Julia Wright, 2002.

Puppet of Haymarket anarchist martyr August Spies, at San Francisco Mumia demonstration, 2001.


Philadelphia City Hall, July 4, 2002.

ABU-JAMAL NEWS

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

Political Prisoners in the United States

SF8 - Leonard Peltier - Hugo Pinell - Ruchell Magee - Omaha 2

Critical Moment for Mumia Abu-Jamal

While Black Leadership Is Silent

by Sundiata Sadiq

On March 29, 2008, hundreds of Black, white, and Latino folk gathered at the Adam Clayton Powell Office Building on 125th Street in Harlem to protest the Third Circuit Court of Appeals decision denying Mumia Abu-Jamal a new trial, or even a hearing detailing his trumped-up murder conviction of Police Officer Daniel Faulkner in Philadelphia 26 years ago.

This building was chosen because Congressman Charles Rangel, senior member of the Congressional Black Caucus (CBC), has his office there. Numerous calls have been made on the CBC to reaffirm their 1995 and 1999 support for Mumia. At this crucial time, Mumia needs that support once again.

The executive director of the CBC, Dr. Joe Leonard, directed us to stop calling because the CBC has a procedure to follow. He said he would relay these issues to the proper individuals, and they would get back to us. The chairwoman of the CBC is Carolyn Kilpatrick, but given the attitude Leonard displayed, she probably never even received our request to meet with her. Regardless, no one ever contacted us. She must now hear from all of Mumia's supporters.

...CONTINUED ON PAGE 2

The Framing of Billy Cook

And What It Meant For Mumia

Hans Bennett Interviews Michael Schiffmann

Schiffmann argues that there was never any credible evidence that Cook ever struck Faulkner, and also that the prosecution's two alleged eyewitnesses gave unbelievable accounts of how Mumia approached Faulkner and allegedly shot him in the back. In the new British documentary, ***In Prison My Whole Life***, Cook is interviewed for the first time ever on camera, and states that he never struck Faulkner, and that right before he was beaten bloody with the police flashlight, Faulkner "was kind of vulgar and nasty. And if I remember correctly he threw a slur in.... Nigger get back in the car."

HB: ***The events of December 9, 1981 were triggered by the traffic stop Mumia's brother Billy Cook was subjected to by Officer Daniel Faulkner. Later on, Cook was also charged, not for murder, but for aggravated assault. You are the first author who has written an extensive analysis of Billy Cook's trial, and you did that in the context of its meaning for Mumia's murder trial. Why is Cook's case important to Mumia's?***

MS: In my view, the importance of the evidence – or rather "evidence," since it is obviously false, contrived

...CONTINUED ON PAGE 10

Pam Africa leads march on July 4, 2002 with Philly City Hall in the background.

May 17, 2007, Philadelphia, outside Federal Court Building, Photo by Joe Piette, Workers World.

April 19, 2008 demonstration for Mumia in Philadelphia, on left at City Hall, on right at the Liberty Bell

Philly's Keystone Kop Follies

Police Brutality and Cover-Up

By Linn Washington Jr.

The savage beating of three suspects by Philadelphia police recently that captured news headlines internationally exposed big problems within the scandal plagued department involving core functions of cops.

The beating incident forced Philadelphia Police Commissioner Charles Ramsey to institute new procedures for retraining all police officers on permissible use of force.

Ramsey, in an unprecedented move for a Philadelphia Police Commissioner, quickly disciplined officers involved in that 5/5/08 beating, including firing four officers who Ramsey determined engaged in impermissible brutality.

However, internal Police Department documents about this beating incident expose problems far more pervasive than excessive use of force against unarmed persons – brutality that routinely occurs outside the glare of television news cameras.

Police documents in this beating case and several others show that police fail to follow supposedly standard operating procedures.**...CONTINUED ON PAGE 9**

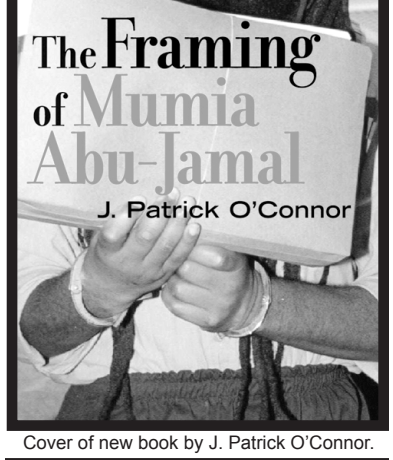
The Mainstream Media Ignores

"The Framing of Mumia Abu-Jamal"

By Hans Bennett

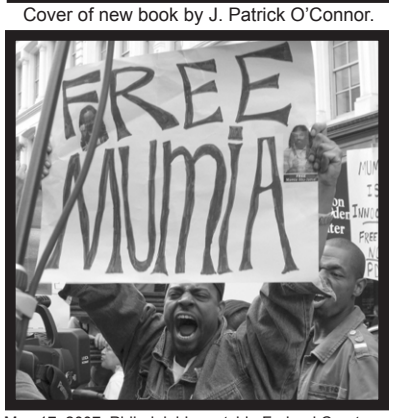
Despite an important NY Times article written on the day of ***The Framing of Mumia Abu-Jamal's*** release in May, the mainstream media has virtually ignored this powerful new book which argues in painstaking detail that Abu-Jamal is innocent and that the actual shooter of Philadelphia police officer Daniel Faulkner was a man named Kenneth Freeman. The one exception to this media blackout was an article in the ***Pittsburgh Post-Gazette***, by Milan Simonich. Instead of ignoring it like the rest of the mainstream media, Simonich chose to dishonestly present the book, contending that author, J. Patrick O'Connor "is guilty of writing the sloppiest, most one-sided crime book of the year," by mixing "recycled conspiracy theories with his own sweeping pronouncements, most devoid of fact."

For irrefutable evidence of mainstream media bias against the world famous death-row journalist considered by many to be a political prisoner, just compare this coverage of ***Framing*** to last December's release of ***Murdered By Mumia***, written by Michael Smerconish and Maureen Faulkner. **...CONTINUED ON PAGE 4**



Cover of new book by J. Patrick O'Connor.


Masked indigenous youth and Philadelphia PD Civil Affairs Captain William Fisher at Rally for Mumia, August 17, 2001.



May 17, 2007, Philadelphia, outside Federal Court Building. Photo by Joe Piette, Workers World.

...SADIQ continued...

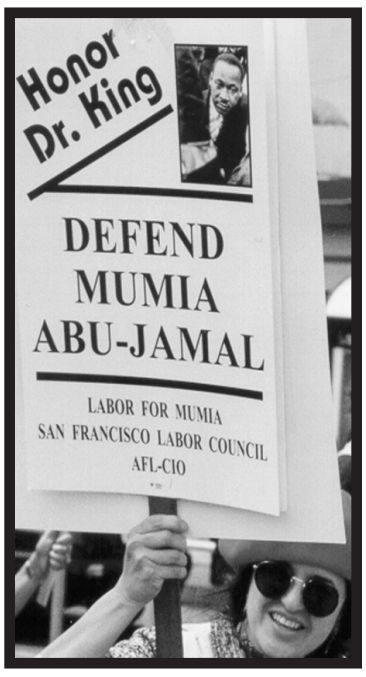
Ten months ago, when we contacted Dr. Joe Leonard, his response was a familiar one. We were given the same run-around over two years ago by the national NAACP's Dennis Hayes, their national legal counsel and now interim CEO. He wrote us saying the NAACP was too busy to meet with us, but instead met with Governor Ed Rendell to discuss Mumia's case. That struck us as odd since Rendell promised to sign the death warrant for Mumia as soon as it came across his desk. This was his campaign promise when he ran for governor. When Tookie Williams was facing execution at the hands of the California authorities, the NAACP visited him in jail and even offered him a job with the national organization. We applaud that move even though it was not part of their national call, as Mumia was and is.

Some of us feel that this was a move by the NAACP to drum up membership and donations since there were no serious demonstrations by the organization or a national call to stop the execution. We also wonder why they have not offered a similar offer to Mumia at a time when such pressure could make a difference. Funny, the NAACP could turn out 10,000 folk in South Carolina to demonstrate about the Confederate flag flying over the South Carolina capitol building, but not one demo to stop the execution of Tookie.

The NAACP also turned out thousands in Detroit to bury the word "nigger," but not one demo to support Mumia.

Maybe we should have buried some of our Black leadership with the n-word.

Mumia has strong support among the rank and file of working-class people and also such notables as former mayor of New York City David Dinkins. He is a lawyer and after studiously reviewing the case of Mumia, declared his support for Mumia's freedom. Support also came from other notables in the Afrikan community such as Ossie Davis, Ruby Dee, Dick Gregory, Danny Glover, and many others in that same vein.



At the national convention of the NAACP in Philadelphia in 2004, after great pressure from Mumia supporters outside and inside the convention hall, the NAACP passed a resolution urging all chapters of the NAACP at home and abroad to study the case of Mumia and demand a new and fair trial for our brother. What transpired after the 2004 convention was that the only chapter in America (the Ossining NAACP) that brought the resolution to the national convention, was suspended by Hazel Dukes, president of the New York State NAACP chapter. Dukes was earlier convicted of stealing money from a dying friend who had entrusted Duke to handle her estate. Strangely enough, after the controversy of her conviction subsided, Dukes was re-elected in 1999 to her former post. Her re-election has long since been thought of by many members to have been rigged.

In 2005, after we made the NAACP nervous at the national convention in Washington, DC, with our demonstration and speaking to the membership, Hilary Shelton, lobbyist for the national NAACP, promised to meet with us. During a visit to his office in Washington, DC, Shelton told us that he would get us an audience with at least a couple of brothers or sisters in the CBC who would listen to what we have to say. Shelton "played us" like his namesake, who "came under fire" during a landing in Bosnia, because we never got a hearing.

We have seen our legislators and lawmakers become frightened by the attacks of the Fraternal Order of Police (FOP) lobbyist in Washington, DC, whose only purpose is to see that Mumia and other Black people are executed. Congressman Chaka Fattah from Pennsylvania, a Mumia supporter, fell victim to the FOP, as did John Street, former mayor of Philadelphia.

If it were not for the working people of these United States and the world, Mumia would be dead by now. Those Black leaders in office that pretend to advocate for justice when we fall in the hands of the injustice system have failed to step up to the plate. The rank and file people must step up the struggle for Mumia's freedom. We must expose these Black leaders for their cowardice and hypocrisy.

Mumia has spoken about this subject, and they want him silenced. His national radio comments never talk about his case but about the oppressed around America. His comments have been diametrically opposed to some Black leaders' positions. One such contradiction is in New York and cities where our people are suffering. In New York, we are facing the loss of Harlem to avaricious developers and the Columbia University plan to gentrify what we call our beloved Mecca (Harlem) for Afrikan folk around the world.

When we look at who is leading this land grab, we find Hazel Dukes and certain NAACP chapters in support of this ethnic cleansing of Harlem under the guise of redevelopment. When we pull back the covers, we see Congressman Charles Rangel and David Dinkins, along with various clergy, supporting this process that threatens "the village of Harlem as we know it."

The 2004 resolution in Philadelphia by the NAACP was a move to silence the Mumia movement because they merely meant to throw us a few bones. They had no intention of dealing with the Mumia issue in any meaningful way. This was evident in Dukes's statement shortly thereafter, that the case of Mumia Abu-Jamal was not a priority of the NAACP.

The Black leadership took a chapter right out of the counterintelligence program (COINTELPRO), whose predecessor (COM-FIL) carried out infiltration of suspected Communist organizations and individuals. One such person was radical Black leader W.E.B. DuBois, one of the founders of the NAACP who created the Crisis magazine. He exposed the lynching of hundreds of Black men and women around America. Finally, the NAACP succumbed to the federal government's demands and kicked DuBois to the curb.

In spite of the courts that violate their own decisions and our rights every day, these same Black leaders have not stood up as the NAACP and CBC and said, hell no, we ain't lettin' this brother Mumia go down like this!

This is even after Judge Ambro of the US Third Circuit Court of Appeals in his dissent on a 2-1 decision said that the decision not to hear Mumia's appeal around "Batson" was part of a double standard not to hear Mumia out.

Ambro's minority opinion states further that every other "Batson appeal" that was a reasonable appeal (prima facie) before that court was granted. When looking at Mumia's appeal, it was more than reasonable but still it was rejected.

DA Lynne Abraham has stated her intent to execute Mumia. Surprisingly, even after this outrageous decision by the appellate court, we have not heard a "mumblin" word from the NAACP, Black elected officials, or the CBC.

Brothers and sisters, it is time for us to act. First, let us all call and write these folk ASAP and tell them this decision is too outrageous for their organizations or individual political affiliations to stand by in silence while this lynching of an innocent man is playing out before the world.

Rep. Charles Rangel, 212 862 4490

Dennis Hayes, Interim CEO and President, NAACP (National), 410 580 5777

Rep. Carolyn Kilpatrick, Chair of the Congressional Black Caucus, 202 225 2261

Richard Macintyre, Communication and Media, NAACP, 410 580 5787

Dr. Joe Leonard, Congressional Black Caucus Executive Director, 202 226 9776

National Caucus of Black Legislators, 202 624 5457

congressionalblackcaucus@mail.house.gov

Sundiata Sadiq is the former President of the Ossining NAACP (in suspension 4yrs) and a member of the NYC Free Mumia Coalition.

Media Activism For Mumia

Essay and Cartoon by John Jonik

It's useless to scream out the window or heave a brick at the TV when you hear or see some of the outrageous, proudly-biased news spins, slurs, and outright lies about the Mumia case. …Or when you find zero coverage of important events.

So, the media must be confronted and informed. I've done this for years, on my own, for several reasons:

* It's good for us to know that reporters and editors have been duly informed so they can't say, "No one told us", and so we will know that stories have been arbitrarily and intentionally killed.

* Reporters and editors seem to often be honestly ignorant. At some college papers, staff may not even know about the case at all. I've heard "what's a 'Mumia'?" more than a few times. I think that the more they learn about things, the better the chance that they may one day realize and resent the lies they have been fed by the FOP and the DA and the rest. Reporters may, at least, become less zealous in defending the prosecution's positions, and may get just a bit embarrassed for being part of a lie...a racist, politically-motivated frame up.

* Writing to the media forces you to get the story straight. You don't want to offer any Easy Targets for the Other Side to use against "mumidiots". Also, having sent many things to media outlets, one learns more about the case and how to word things accurately. Writing is a learning experience.

* Media have to be reminded, constantly, that this case is far from over, and that every day Mumia and all political prisoners remain in jail increases the crime, outrage and urgency.

I do not send anything to Michael Smerconish or to the other hate-jocks on radio (they are impenetrable), preferring to send material instead to those who are pretending to be objective, or who may have deluded themselves into thinking they are...like NPR? I send things to the reporters, news desks, letters editors, and sometimes columnists. Replies, when they happen, are generally just "thank you for writing", period…but it's hard to imagine anyone admitting they've been wrong and that they will mend their ways. Others, such as when confronted with the list of distinguished and learned Mumia supporters around the world, simply harrumph...and discontinue the discussion about their use of the term "mumidiots". They will not enter debates they know they can't win. This is why the media do not offer forums to those distinguished and learned supporters…or to Mumia. If Mumia sounded like a raving nut, he'd be on the air every week.

Interestingly, over 18 or 20 years of letters to editors, I've only gotten maybe two angry, obscene (of course), anonymous (of course) phone calls. Neither cared to discuss details (of course). Can it be that the public, even in Philly, is not as accepting of the FOP spin as we think?

Welcome to the third issue of ***Abu-Jamal News***, published by Journalists for Mumia Abu-Jamal, co-founded by Philadelphia journalist Hans Bennett (hbjournalist@gmail.com) and German author Michael Schiffmann (mikschiff@t-online.de).

Because of all the generous support we have recieved, we are able to print four extra pages this issue, and are focusing on several other political prisoners, as well as the US prison system itself. Part of this is about spotlighting the CR10 conference in September, and the Jericho march in October.

This 4th of July issue introduces two new authors that will be featured at our website: Kiilu Nyasha and Todd S. Burroughs who both have pieces in this issue.

Thanks for reading out paper and we hope that you enjoy it!

Please visit our new website:

Abu-Jamal-News.com

Journalists for Mumia Abu-Jamal
po box 30770
Philadelphia, PA, 19104

RESOURCES FOR ACTION!

FreeMumia.com (NYC, Phila.)
FreeMumia.org (SF Bay Area)
Emajonline.com (EMAJ)
Millions4Mumia.org

To make a donation to ICFFMAJ's organizing efforts, make your check payable to "National Black United Fund," specifying for "Mumia Abu-Jamal Account" and mail to:

ICFFMAJ, po box 19709,
Phila, PA 19143
215-476-8812, icffmaj@aol.com

To contribute to the legal defense of Mumia, please make your check payable to the "National Lawyers Guild Foundation," and mail to:

Committee To Save Mumia Abu-Jamal
P.O. Box 2012, New York, NY 10159

Write Mumia at:

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

Support Prison Radio!

Visit **www.prisonradio.org** for all of Mumia's radio-essays, along with work by prisoners Dortell Williams, Lori Berenson, Siddique Abdullah Hasan, Herman Wallace, and Albert Woodfox.

**Prison Radio's mission is to challenge mass incarceration and racism by airing the voices of men and women in prison by bringing their voices into the public dialogue on crime and punishment.

Rainbow Flags for Mumia

Statement of support for April 19 Rally

Rainbow Flags for Mumia is a coalition of lesbian, gay, bi and trans people and organizations that came together in 1999 to demand a new trial for Mumia Abu-Jamal. The following are excerpts from a call issued by RF4M organizers Imani Henry and LeiLani Dowell to help raise awareness and solidarity with the Free Mumia rally in Philadelphia on April 19. To endorse this call, e-mail RF4Mumia@gmail.com.

In 2008, we as LGBT peoples are outraged that we continue to face racist, anti-LGBT violence in the streets, in our homes, at the hands of police and the Immigration and Customs Enforcement agency (ICE). In 2008, it is a crime that there is still not a cure for AIDS, while we face devastating cuts in services, health care and research.

It is an injustice that the economic rights afforded heterosexual couples are still denied us and our families. And just like the majority of workers in the U.S., we are incensed by the deepening economic crisis—with increasing rates of unemployment, the lack of affordable housing and an exponential increase in foreclosures and evictions, while the Bush administration continues to spend billions on the occupation of Iraq and Afghanistan.

Moreover, even our most human right to defend ourselves from anti-gay violence is denied, sending more of us to jail, like the Jersey 4, young African-American lesbians who were sentenced up to 11 years in prison. We see the Jersey 4 as a politically motivated case, centered on the racist gentrification of the birthplace of the 1969 Stonewall Rebellion, the West Village of New York City.

Despite the racist, anti-LGBT oppression we face, it is because of our movement's rich history of resistance, from the Stonewall Inn to the Compton Cafeteria in California, that we continue to fight for equality and social justice today. It is with that same righteous rage against injustice that we as LGBT peoples demand the immediate freedom of the Jersey 4 and continue to fight for the freedom of Mumia Abu-Jamal.

On March 27, the Third Circuit Court of Appeals denied a new trial for Mumia Abu-Jamal. Although there is overwhelming evidence proving Mumia's innocence, this ruling has left Mumia's only legal options as life in prison without parole or execution by the state of Pennsylvania.

But just like the case of South African freedom fighter Nelson Mandela, who was sentenced to life in prison, we believe we can and will continue to build an international movement to free Mumia Abu-Jamal.

Mumia Abu-Jamal was a founding member of the Philadelphia chapter of the Black Panther Party as a teenager. Years later he began reporting professionally on radio stations, such as NPR. Known as "the Voice of the Voiceless," Mumia won awards for his reporting on police brutality and other social and racial epidemics that plagued communities of color in Philadelphia and throughout the world. In 1981 he was arrested and sent to death row for allegedly shooting Philadelphia police officer Daniel Faulkner.

We know that Mumia remains in jail because he is a political leader.

Through his writings, behind the walls of death row, Mumia has shown solidarity with oppressed peoples all over the world. In a 1999 statement denouncing recent anti-gay murders, including the killing of Matthew Shepard in Laramie, Wyo.; Billy Jack Gaither in Sylacauga, Ala.; and Henry Edward Northington in Richmond, Va., Mumia Abu-Jamal wrote: "Is it a coincidence that Richmond, the city where a Black man was burned to death and decapitated, follows several months later with the decapitation and torture of a gay man? I think not."

Rainbow Flags for Mumia calls on all LGBT organizations and activists to endorse and mobilize for April 19 and beyond. With legal options exhausted, it is up to us, by any means necessary, to ensure that Mumia no longer languishes in jail under the threat of execution.

Article copyright Workers World

The Distortion of Statistics for Political Goals

Analyzing the March 27 rejection of the Batson issue

By Michael Schiffmann

Much has been said in recent months, and rightly so, about how the 3rd Circuit Court of Appeals in its March 27 decision to deny Mumia Abu-Jamal a new trial or at least a hearing on the so-called Batson issue – prosecutorial racism in jury selection – once more created a new "Mumia law" in demanding that the defense objects to such racism already at the time of the trial.

In the following remarks, which I hope to expand into a fuller study in the weeks to come, I want to concentrate on the second part of the court's ruling on Batson – the one where the court claims to deal with the issue "on the merits," i.e., not in a formal but in a substantive fashion.

In a nutshell, what the court majority claims in its 77-page part of the whole 118-page decision of the 3rd Circuit is that the defense lacks the data to lay the prima facie case for its claim that prosecutor Joseph McGill used his peremptory challenges in a systematic fashion to strike blacks.

The majority concedes that the defense did supply data on the so-called "strike rate," which is "computed by comparing the number of peremptory strikes the prosecutor used to remove black potential jurors with the prosecutor's total number of peremptory strikes exercised."

There is no question here that the prosecutor's strike rate – he undisputedly used at least 10 out of the 15 peremptories he used altogether to strike blacks, which yields a strike rate of 66.7 percent – is in stark contradiction to what one would expect from the racial composition of the city at the time, whose population according to the official 1980 census was 37.8 percent black.

But according to the court majority, in order to properly evaluate this strike rate in the Abu-Jamal case, data have to be supplied on another statistical rate, the so-called "exclusion rate," "which is calculated by comparing the percentage of exercised challenges used against black potential jurors with the percentage of black potential jurors known to be in the venire [jury pool]."

That means that the defense is supposed to supply data on the race of all the jurors that were questioned during the so-called voir dire, i.e., the process of the jury selection, which in the case of Abu-Jamal lasted seven days and according to the Philadelphia Inquirer, June 17, 1982, involved the examination of 157 jurors (in my own files, the transcripts for the next to last day of the jury selection are missing, but that number squares well with the rest of the data that I do have).

In demanding these data, the court majority cites alleged legal precedent which will certainly be ably dealt with by Abu-Jamal's defense, but which time and space doesn't allow to go into here. The substantive question, however, is: Why should these data even matter?

The large majority of the jurors in question, 107, were struck, not peremptorily, i.e., without giving a reason, but "for cause," and therefore their race shouldn't matter whatsoever: The final arbiter of who gets struck for cause and who is left for the parties to either accept or strike peremptorily is the judge, not the prosecutor, and the whole Batson issue is not about the judge, but the prosecutor, and not about strikes for cause, but about peremptory strikes.

The Two Elephants in the Room

Since I'm talking of "elephants" now, some of the following is marked in bold.

Of course we know that court rules and precedent often defy logic, rationality and mere common sense. But in an utterly astounding move, the March 27 court ruling goes even further and proceeds to distort the record, in ignoring or even expressly claiming the absence of data that the defense did supply both in its October 15, 1999 habeas corpus petition and in filings preceding the May 2007 Abu-Jamal hearing in Philadelphia.

As noted above, 107 of the 157 jurors questioned during the seven-day pre-trial empanelling of Abu-Jamal's jury were struck for cause, the overwhelming majority for either (1) personal hardship involved in serving two to three weeks on a sequestered jury, (2) doubts whether they could be fair (in my data on six days of jury selection, not one juror said he had a fixed opinion that Abu-Jamal was innocent, but many had already concluded he was guilty), or (3) opposition against the death penalty, which was by no means only constrained to blacks.

5 persons were either seated as one of the 4 alternate jurors or – in the case of 1 person – peremptorily struck as alternate juror, a matter which I will come back to in a moment.

This leaves us with 45 persons who were either accepted into the jury or struck peremptorily by either the defense or the prosecution. 12 of these were seated as jurors, 19 were peremptorily struck by the defense, and 15 were peremptorily struck by the prosecution. As the defense states in a July 19, 2006 filing, 6 of these "were struck by the defense before the prosecutor had an opportunity to either strike or accept them."

These 45 alone already constitute a sizable 28.7 percent of the whole pool of potential jurors questioned during the voir dire process – the so-called "venire." This is certainly a statistically significant number whose racial composition, if known, should allow for reasonable conclusions about the probable racial composition of the whole venire of 157 persons.

Subtracting from these 45 the 6 persons struck by the defense before the prosecutor could strike or accept them, we are left with 39 persons (24.8 percent of the whole venire) where the prosecutor had an opportunity to display either racial neutrality or racial bias via the number of black versus white persons he struck peremptorily. The racial composition of this set of 39 persons, and it alone, should logically be the basis to put the prosecutor's "strike rate" of 66.7 percent against black persons into perspective, since they, and they alone, were the persons against whom he could use peremptory strikes.

What about these 39 persons who together formed almost a quarter of the whole venire? In connection with them I could barely trust my eyes when I read the March 27 court decision. Buried in footnote 18 on page 47, it says:

Abu-Jamal contends the prosecutor had the opportunity to strike thirty-nine venirepersons, of which fourteen were allegedly black, but he does not cite any record support for these numbers. We see no record support for these numbers.

This is stunning. Both the 39 persons who the prosecutor had an opportunity to accept or peremptorily strike and the additional 6 persons struck first by the defense are given by name, race and voir dire day and transcript page numbers on p. 18-20 of the July 19, 2006 defense filing quoted above. Even if the court were to insist to cast doubt on one or another step in the data collection in this defense filing, which it doesn't even try – the contention that the defense "does not cite any record support for these numbers" is simply absurd.

In fact, the defense presents solid data showing that indeed of these 39 persons, 14 were black – and that the rest, 25, were white, that is, the composition was 35.9 percent black versus 65.1 percent white. This percentage of African Americans is already slightly smaller than their 1980 share in the racial composition of the city, but the prosecutor still used the vast majority, 66.7 percent, of his peremptories to remove even more of them.

Actually, if one wants to talk about "exclusion rates" in the sense defined by the court, the only thing that rationally makes sense is a comparison between these two numbers – 35, 9 percent blacks among the set of person where the prosecutor could strike peremptorily and 66.7 percent blacks among the set of persons where he did strike peremptorily.

Pushing this a little further and factoring in the 6 persons, all white, struck by the defense before the prosecutor could accept or strike them, we arrive at still 14 black but now 31 white persons, and the black/white relation is now 31.1 versus 68,9. These 45, all given by name and race in the July 19, 2006 defense filing, were the persons considered for service in the jury itself.

As mentioned above, there were also 5 persons who were considered as alternate jurors, one of whom was peremptorily struck (by the defense). Abu-Jamal's 1999 habeas corpus petition[1] identifies all of them as white, which is not in doubt or even contested in the case of the 4 that were seated, and easily verified in the case of the juror peremptorily struck, who identified himself as "Italian" when he was questioned.

This raises the number of jurors whose race is either given in the July 19, 2006 defense filing (45) or identified in the 1999 habeas petition and easily checkable from the record (another 5) to 50, or 31.8 percent of the entire venire, certainly a not insubstantial percentage. Looking at the racial composition of these 50 persons, we find 28 percent blacks and 72 percent whites.

None of these data are mentioned anywhere in the March 27, 2008 ruling, not even in Judge Ambro's 41-page dissent on the Batson question, even though, to his credit, it must be said that he argues for a new hearing for Abu-Jamal even without considering these data.

Also, very strikingly, the whole 118-page court decision fails to even mention any of the statistical data supplied by the defense on a systematic pattern of discrimination by the Philadelphia District Attorney's Office in general or by Abu-Jamal prosecutor Joseph McGill in particular, data that went far beyond and supplied background to McGill's 66.7 percent strike rate of blacks in Abu-Jamal's June 1982 trial.

But that doesn't mean that these data are not there and were not supplied by the defense. They were just ignored by the court, apparently being to inconvenient.

In its centrally important July 19, 2006 filing the defense clearly argues, from the known number and from the record that considering the 39 really relevant venirepersons:

the prosecutor struck 71% (10/14 [10 of 14]) of the blacks he had an opportunity to strike, but struck just 20% (5/25 [5 of 25]) of the whites he had an opportunity to strike – i.e., he struck blacks at 3.6 times the rate than he struck whites. The odds of being struck if you were black were 2.5-to-1 (10/4 [10 to 4]), but the odds of being struck if you were white were just 0.25-to-1 (5/20 [5 to 20]) – i.e., a black person's odds of being struck were 10 times higher than someone who is white. [Emphasis in original.]

Can anyone regard this as a statistical "warp" or accident? To pose the question is to answer it. If we factor in the 4 white alternate jurors that the prosecutor could have struck peremptorily but did not, the picture gets even starker.

These two facts – that the defense has supplied statistically significant hard data on the race of approximately one third (50 out of 157) potential jurors, and that if one compares the rates with which the prosecutor struck blacks when he could with the rates with which he struck whites when he could, the result one finds an almost grotesque disparity where a black person was at least ten times as likely to be struck as a white one – these two facts are the two big, big elephants in the courtroom in this case which won't go away and are there for everyone to see but which none of the judges of the 3rd Circuit wanted to talk about.

This Isn't Rocket Science

As we have just seen, even if one were to insist, against logic and common sense, that the composition of the whole venire, as opposed to the set of those jurors whom the prosecutor had an opportunity to strike or accept, is of tremendous importance, the defense has already supplied significant data that very much indicate that composition. In fact, the numbers supplied above, taken from defense filings which in turn took them – contra page 47, footnote 18 of the recent court decision – right from the record, are hardly surprising.

Actually at the May 17, 2007 Abu-Jamal court hearing two questions were brought up for the first time: (1) Should the composition of the whole venire be regarded as a decisively important question, and (2) Could it not be that there was such a heavy black overrepresentation of blacks in Abu-Jamal's venire that could possibly justify the prosecutor's 66.7 percent anti-black strike rate?

As for the first question, I have already argued above that a positive answer simply makes no sense. If the anti-black peremptory "strike rate" of a prosecutor is to be evaluated by context, that context should be the racial composition of the set of persons he had an opportunity to peremptorily strike at all, not to the composition of the entire venire, the vast majority he could not strike peremptorily in the first place.

Court precedent on Batson clearly – and rightly – says that statistical data to evaluate a claim of discrimination should not be applied "mechanically," but rather, in a meaningful way. So it should be here.

As for the second question, journalist and author Dave Lindorff pointed out right after the May 17, 2007 court hearing that the argument is not only highly speculative but, given the concrete conditions in the case at hand, also bordering on the absurd.

Since in 1982 prospective jury pools were (theoretically randomly) drawn from voter lists, the likelihood of a heavy black overrepresentation – say, 50 percent, or 67 percent (the approximate "break-even" point), or 80 percent in a city like Philadelphia with a black population of around 38 percent in 1980 – is very small, since black people nationwide, and in Philadelphia in particular, tended, if anything, to be underrepresented in the voter registration lists.

One does not need to be a rocket scientist to understand Lindorff's point, and, thinking of the language of Batson, one could even call it a prima facie case.

Some Additional Data

If one tries to go beyond the obvious and combs through the data, as I have done in at least a preliminary fashion with the transcripts of six of the seven Abu-Jamal jury selection days including data on 134 of the altogether 157 venirepersons, the picture is very much the same.

70 (or 52%) of the questioned jurors indicated where they lived by larger section, such as South Philadelphia, Germantown etc.; sometimes they also indicated the neighborhood, such as Roxborough, Nicetown etc., but I have not included these data here. 28 additional jurors (or 21%) only indicated the neighborhood. That is, there are residential data on 73% of the 85% (134 of 157) of the venirepersons for which I have the voir dire transcripts.

Philadelphia being the racially divided city it was at the time (and still is), the data once again very strongly suggest what one would have assumed from the start. 25 (or 36%) of the 70 persons who identified themselves by larger area came from Northeast Philadelphia, which in 1980 was almost lilywhite. 15 (or 21%) came from heavily black North Philadelphia. Another 12 (or 17%) came from racially mixed South Philadelphia – but most of these were Italian, i.e., white.

It is similar with the finer grained data for the neighborhoods – they reflect exactly the same picture of a strong statistical likelihood of a racial composition of the venire similar to the racial composition of the city as a whole in 1980, with a tendency, if any, of black underrepresentation – exactly what one would expect from the "prima facie" case made by Lindorff already in May 2007.

This is what the record whose alleged absence in the defense filings the 3rd Circuit judges deplore reflects when subjected to an even closer scrutiny than the one the defense has presented over the years. I will subject this conclusion to further, more exact research and present the results on the 4th of July when this paper hits the streets (check out our website), but one can say already now that the picture will hardly be very different.

Even at this preliminary stage, there is overwhelming evidence that the court's speculation that prosecutor McGill's 66.7 percent "strike rate" against blacks and the fact that a black juror was at least ten times as likely to not be accepted by him as a white one might be explained by some purported massive black overrepresentation in the jury pool is not only logically, but also factually wrong.

The whole argument claiming that racial data about all 157 venirepersons in the Abu-Jamal case are even relevant to evaluate his Batson claim about racial discrimination in jury selection is transparently illogical and absurd, but everything indicates that once all indisputable facts about the venire composition are in, even this last ditch argument to deny Abu-Jamal "on the merits" relief in the Batson issue will lie in shambles. It will then have turned out as no more than a pseudo-statistical sham to justify a ruling that the court wanted to reach.

Readers in Philadelphia in particular, stay posted. Your help might be needed to find out still more and establish these facts even more conclusively. You can contact Abu-Jamal News via hbjournalist@gmail.com or my own e-mail address mikschiff@t-online.de.

The Kansas City Firefighters Case: The Framing of Five Innocent People

Written by J. Patrick O'Connor

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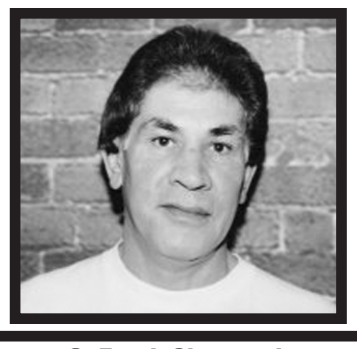

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The investigation into the explosion that killed six Kansas City firefighters on November 29, 1988, had the federal government running for more than six years in one direction – toward organized labor – while local police were chasing down rumors that implicated a wide array of ne'er-do-wells from Marlborough, the impoverished southeast Kansas City neighborhood adjacent to the construction site where the explosions occurred. For reasons the police or the ATF have ever explained, they chose to ignore the mountain of evidence that pointed directly to the involvement of Deborah and Robert Riggs – the two security guards on duty at the construction site the night of the explosion – in the crime.

By 1994 both teams of investigators had come to such dead ends that, for all intents and purposes, the investigation was over. The killers had escaped the wide net; the most horrific unsolved crime in Kansas City history would remain unsolved.

At this juncture, the local ATF office and the KCPD decided to join forces and conduct one investigation. To accommodate the ATF, the KCPD agreed to replace its Crime Against Persons investigative team with detectives from its Bombs and Arson unit. This switch would put ATF Special Agent Dave True in firm, out-of-control control.

True, nearing retirement but not wanting to retire with the biggest case of his career still unsolved, had steadfastly maintained that organized labor was responsible for the explosions. As late as February of 1995 he said on the TV program "Unsolved Mysteries" that the fire and explosion were consistent with previous acts by organized labor in the year preceding the explosions.

Toward the end of 1994, the investigation got the jump start it had been seeking after True announced a $50,000 reward for information leading to the arrest and conviction of those responsible for causing the explosion that killed the firefighters. The reward was posted in all Missouri and Kansas prisons and jails, on a number of overpasses, and was widely reported in the news media. Between 60 and 70 convicts in Missouri and Kansas contacted the ATF in response to the award offer. One of the neighborhood callers told True that Richard Brown had admitted being involved in the explosions. True testified at trial that this call "was a starting point for investigating the Marlborough area."

Although no two of the informants who surfaced would ever tell the same story, much less name the same cast of perpetrators, True eventually focused the investigation on five Marlborough neighborhood residents with shady pasts – four Native Americans: Richard Brown, Bryan Sheppard, Frank and Skip Sheppard, and Frank Sheppard's girlfriend, Darlene Edwards. True then used entrapment, deception and intimidation in an effort to turn each of the suspects against one or more of the others.

In early 1995, True also orchestrated coverage of the Firefighters Case on the TV series "Unsolved Mysteries." Two days before the segment aired, The Kansas City Star ran a front-page story that quoted Richard Cook, the ATF agent in charge of the Kansas City office, as saying, "We've identified some individuals we believe are at least connected to the fire."

The day after the "Unsolved Mysteries" segment ran, police arrested Bryan Sheppard on drug charges (selling drugs to an uncover officer). When Bryan appeared in court, True was there to argue that a high bond should be set because Bryan had been threatening witnesses in the Firefighters Case. No such witnesses were ever identified, but the allegation was publicized. (Bryan had been arrested and charged by the State of Missouri with this crime in 1989 based on the false statements of two jailhouse snitches. He was released nine months later when his attorney was able to prove that the snitches had lied.)

Eight days later, in January of 1995, True orchestrated the arrest of Darlene Edwards on drug charges. True had gotten her stepson, Ronnie Edwards, to set her up for the bust in a school zone.

In February of 1995, when Skip Sheppard had a court appearance on a charge of transporting guns across a state line, True appeared in court to request a high bond, alleging that Skip had been threatening Firefighter Case witnesses. U.S. Magistrate John Maughmer released Skip on standard bond when True was unable to identify any such witnesses.

On March 14, 1995, The Star ran a front-page story saying the government's investigation was focusing on the Sheppards and Darlene Edwards. The story cited possible physical evidence, "including a two-way radio that may have been stolen shortly before the explosion…Some witnesses said the suspects were stealing construction equipment, while others said they intended to steal dynamite. Some said the fire was a diversion. Others said it was done for spite."

This article would become a script for perjury by many of the government witnesses at both the grand jury and at trial. Over and over again the jailhouse informants would claim the Sheppards were up there stealing construction equipment, or dynamite, or walkie-talkies, and that the fire was a diversion for these thefts. At trial the general manager of the construction site would testify that nothing was ever stolen from the site.

Using perjured testimony and the alleged thefts of construction site materials such as explosives, batteries, and walki-talkies, U.S. Assistant Attorney Paul Becker got a grand jury to indict Bryan Sheppard, Richard Brown, Frank Sheppard, Skip Sheppard and Darlene Edwards in June of 1996 for causing the blast that killed the firefighters.

In early 1997, a federal jury found all five defendants guilty of causing the deaths of the firefighters. Judge Joseph Stevens sentenced each of them to life in prison without the possibility of parole. All subsequent appeals have been denied.

Not one of the convicted had a single thing to do with the explosion. Their crime was that they were poor and expendable. Three of the convicted passed police-administered polygraph tests; Darlene Edwards's request to be polygraphed was denied by True, and Skip Sheppard was never asked to take a polygraph. None of the convicted ever admitted to any personal involvement in the crime, nor did any ever take the Fifth Amendment. None ever requested an attorney be present while being interviewed by the police or ATF. Each of the defendants turned down numerous government offers to turn state's evidence and receive a significantly reduced sentence.

No trial in U.S. history used more convicts and ex-convicts as government witnesses. Few trials in U.S. history represent a more concerted effort by the U.S. government to frame innocent people.

More info: http://zinelibrary.net/kc5/

...FRAMING continued... The attention was massive and almost uniformly absent of any serious questioning of the book's assertion that Abu-Jamal received a fair trial and that the evidence of his guilt is clear-cut. The ***Philadelphia Inquirer*** actually featured three days worth of excerpts from ***Murdered***, but would not write a word presenting any of the criticism of the book from Abu-Jamal's supporters.

Reuters & The Today Show

On Dec. 4, two days before ***Murdered's*** release, ***Journalists for Mumia*** organized a press conference to present our criticism of the book, arguing that Abu-Jamal did not receive a fair trial, and that there is evidence of his innocence that the court needs to consider. Along with a presentation of the newly discovered crime scene photos, our event featured Pam Africa (of ***The International Concerned Family and Friends of Mumia Abu-Jamal***) and local journalists Linn Washington Jr, David Love, and David Lindorff who passionately argued for the legitimacy of the new photos as an important story deserving of media coverage, which they argued was just one more reason that Abu-Jamal needs a new trial.

Despite my personal invitation to every Philadelphia media outlet I could find, not one single reporter from the local mainstream media covered our event. The exception was British journalist Jon Hurdle of ***Reuters***.

Hurdle's article was the very first mainstream report of the new crime scene photos, and his article was cited the following week on Philadelphia's NPR show ***Radio Times***, and in an uncharacteristic ***Philadelphia Weekly*** article, which challenged Smerconish and Faulkner's argument that the Abu-Jamal/Faulkner case is clear-cut. While not cited directly on the controversial Dec. 6 ***Today Show***, by co-host Matt Lauer, Hurdle's article almost certainly helped persuade ***The Today Show*** to air the photos and therefore become the first television show to even acknowledge them.

By asking Faulkner and Smerconish challenging questions and accurately presenting what Abu-Jamal supporters were saying about the photos, Lauer and ***The Today Show*** became the clear exception to the rule. As a result, right-wing media critics went crazy with outrage, and both Faulkner and Smerconish publicly vented their anger at Lauer, particularly for his last question to Faulkner: "Do you ever allow yourself to consider the fact that perhaps he [Mumia] didn't do this?"

Following ***The Today Show***, I quickly sent individual emails to all of the same mainstream media folks (both local and national) that I invited to our Dec.4 press conference, and said: "Hey, this story of the crime scene photos is getting even more credibility! Isn't this news now? Isn't it only fair to present the opinions of Abu-Jamal's supporters alongside those of Faulkner and Smerconish?"

I then told the media about the slideshow presentation of the photos I would be giving on Dec. 8, for which I had contracted the use of the photos so that the media could film the event and therefore feature the photos on their news program.

Not one reporter showed up!

The Framing of Mumia

If these December events are not proof enough of the media's inexcusable bias, just compare this to the abhorrent treatment of ***The Framing of Mumia Abu-Jamal***. Faulkner, Smerconish, and other advocates of Abu-Jamal's execution constantly say to "read the transcripts" for clear evidence of a fair trial and his guilt. Now, here is a book that is based almost entirely on the court transcripts, but the author argues that these transcripts reveal a frame-up of a factually innocent man! This is not published by a leftist Abu-Jamal support group, but rather by an established publishing house: ***Chicago Review Press***. The most basic notions of journalistic fairness demand that ***Framing*** be given equal coverage, so that the public can hear both side of the debate and decide for themselves.

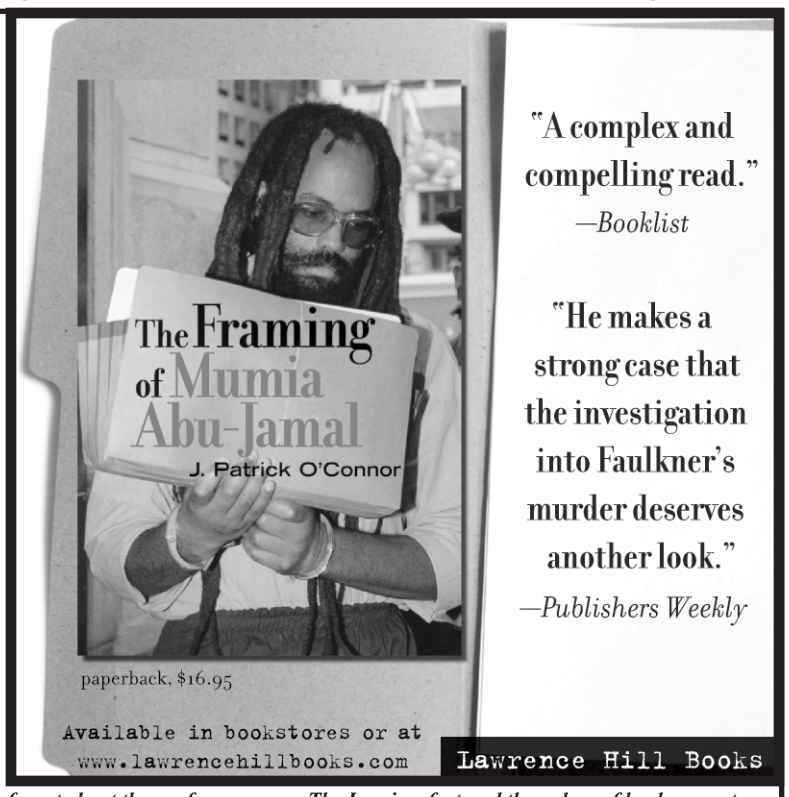
This media blackout of ***Framing*** is even more scandalous following the May 2nd ***NY Times*** article by Jon Hurdle, who also wrote the Dec.4 ***Reuters*** article. Being recognized in ***The NY Times*** should have been an impetus for more coverage by other media outlets, but instead, the mainstream media was uniformly silent until the dishonest May 18 article in the ***Pittsburgh Post-Gazette***, by Milan Simonich. That day, I submitted a "letter to the editor," but it was not published. I wrote:

Simonich writes that O'Connor ignores/downplays Abu-Jamal's alleged "hospital confession." Actually, this alleged confession is central to the book's "frame-up" thesis, because he (like Amnesty International) sees it as an obvious fraud. The "witnesses" allegedly forgot about the confession for over 2 months! While a hospital security guard did testify at the 82 trial that she immediately reported it to her supervisor, the trial was the very first time she mentioned this report, and she actually disavowed the alleged written (and unsigned) report that the prosecution presented in court. Further, her supervisor was never called to testify!

I then submitted a letter to the ***Philadelphia Inquirer***, which was also not published:

Advocates of Abu-Jamal's execution always say to 'read the transcripts' for proof of a fair 1982 trial and Abu-Jamal's guilt. However, O'Connor cites the trial transcripts to argue that police framed Abu-Jamal, and that the actual shooter of Officer Faulkner was a man named Kenneth Freeman, who was mysteriously found dead in a Northeast lot (reportedly naked, gagged, hand-cuffed, and with a drug needle in his arm) the day after the infamous May 13, 1985 police bombing of MOVE.

When Maureen Faulkner and Michael Smerconish released 'Murdered by Mumia' in December, The Inquirer featured three days of book excerpts, and more. In the interest of fairness and balance shouldn't 'Framing' be featured in at least one substantive article?



O'Connor's East Coast Tour

J. Patrick O'Connor appeared in NYC on June 23rd and 24th, and in Philadelphia on the 25th. He will tour the SF Bay Area in the Fall.

Can the mainstream media continue their shameful behavior in reporting of Mumia?

A century ago, Frederick Douglass said that "power concedes nothing". We must confront the media and demand that they stop ignoring this important new book. When we flexed our power last December, and wrote ***NBC's Today Show*** to ensure fairness, we were rewarded with a stunning victory.

Please help today by urging the national media, as well as our local media outlets, to report on this important book.

Critical Resistance 10 Year Anniversary Conference, Oakland, CA, Sept.26-28

An interview with Rose Braz of the CR10 Media Committee

The prison abolitionist group, *Crtical Resistance* (CR) is organizing a conference to mark the tenth anniversary of their groundbreaking 1998 conference at UC-Berkeley. Fore more info: www.criticalresistance.org

Abu-Jamal News: ***What does "prison abolitionist" mean?***

Rose Braz: CR seeks to abolish the prison industrial complex: the use of prisons, policing and the larger system of the prison industrial complex as an "answer" to what are social, political and economic problems, not just prisons.

Abolition defines both the goal we seek and the way we do our work today. Abolition means a world where we do not use prisons, policing and the larger system of the prison industrial complex as an "answer" to what are social, political and economic problems. Abolition means that instead we put in place the things that would reduce incidents of harm at the front end and address harm in a non-punitive manner when harm does occur. Abolition means that harm will occur far less often and, that when harm does occur, we address the causes of that harm rather than rely on the failed solutions of punishment. Thus, abolition is taking a harm reductionist approach to our society's problems.

Abolition means creating sustainable, healthy communities empowered to create safety and rooted in accountability, instead of relying on policing, courts, and imprisonment which are not creating safe communities.

AJN: ***How has prison changed in 10 years?***

RB: One recent shift is that our denunciation of conditions inside has been twisted into justifications for expanding the system, particularly through what are sometimes called "boutique prisons".

For example, there is fairly uniform agreement that California's now $10 billion-per-year prison system holds too many people, provides horrendous health and mental health care, underfunds and cuts programming and services, and consistently fails to deliver on its promise of public safety. Nonetheless, California's answer to this disaster has been to make it even bigger, building more prisons and in particular specialized prisons – for women, for elderly prisoners, for the sick, etc.

What's new and more insidious about this expansion is that it has not been couched in 'tough on crime' rhetoric that politicians usually employ to justify expansion. Rather, in response to growing anti-prison public sentiment, these plans have been grounded on the rhetoric of "prison reform" and in regard to people in women's prisons: "gender responsiveness."

One current challenge is to continue to debunk the myth that bricks and mortar are an answer to these problems and to make common sense that the only real answer to California's prison crisis is to reduce the number of people in prison and number of prisons toward the goal of abolition.

AJN: ***How has the anti-prison movement evolved in the last 10 years?***

RB: In the last decade, I think the movement has become more coordinated, is growing and has shifted the debate from one about reform to one that includes abolition.

In 1998, while there were numerous people and organizations working around conditions of confinement, the death penalty, etc., and in particular using litigation and research strategies; grassroots organizing challenging the PIC was at a low following the crackdown on the movement in the 1970's and 80's. We believe that a grassroots movement is a necessary prerequisite to change. CR is bringing people together through our conferences, campaigns, and projects toward the goal of helping to build that movement.

I also believe the debate has shifted and unlike a decade ago, abolition is on the table. A prerequisite to seeking any social change is the naming of it. In other words, even though the goal we seek may be far away, unless we name it and fight for it today, it will never come.

AJN: ***What distinctions do you make between "political prisoners," and others, including non-violent and violent offenders?***

RB: CR focuses on how the PIC is used as a purported "answer" to social, economic and political challenges, and clearly a big part of the build up of the PIC followed directly on the political uprisings of the '60s and '70's. CR seeks to abolish the PIC in its entirety, for us that means fundamentally challenging the PIC as an institution. This means that just as we fight for Mumia to not be locked in a cage, we also fight for people convicted of offenses classified as "violent" or "nonviolent" by the state to also not be locked in cages. While acknowledging that people are put in prison for different reasons, we do not make the distinction between people in for "violent" or "nonviolent" offenses because the PIC is not an answer to either.

AJN: ***Anything else to add?***

RB: One day, I believe those who fought for abolition will be seen as visionaries. Historian Adam Hochschild notes that there are numerous institutions in history that appeared unchangeable and moreover, small numbers of people have sparked extraordinary change.

Until the late 18th century, when the British slavery abolitionist movement began, the idea of eliminating one of the fundamental aspects of the British Empire's economy was unimaginable. Yet, 12 individuals who first met in a London printing shop in 1787 managed to create enough social turbulence that 51 years later, the slave ships stopped sailing in Britain.

In the US, the first slavery abolitionists were represented as extremists and it took almost a century to abolish slavery. Similarly, many who lived under Jim Crow could not envision a legal system without segregation.

As Hochschild wrote, "The fact that the battle against slavery was won must give us pause when considering great modern injustices, such as the gap between rich and poor, nuclear proliferation and war" and I would add the Prison Industrial Complex. "None of these problems will be solved overnight, or perhaps even in the fifty years it took to end British slavery, but they will not be solved at all unless people see them as both outrageous and solvable."

Jericho 10 Year Anniversary March to the U.N., NYC, Oct. 10

Marking the tenth anniversary of the National Jericho Movement's important 1998 demonstration, the NYC march to the United Nations is demanding the release of all political prisoners and prisoners of war in the US. Their website **www.thejerichomovement.com** explains the '98 Jericho campaign:

The organizers who made up the Jericho Organizing Committees were/are just as diverse as the demonstrators who came from all across the United States, crossing the spectrum. The Jericho Movement was clear that we had to build a movement that left no political prisoner out there on his or her own again if we were to succeed in winning this struggle against racism, classism, and all forms of oppression.

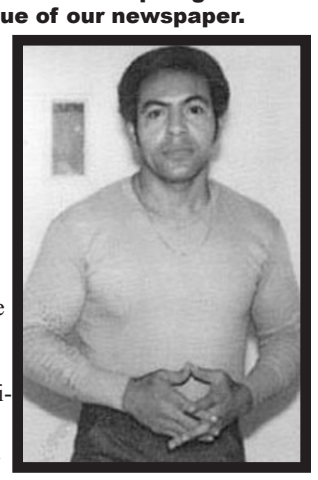
The March 27, 1998 demonstration was just the beginning of a whole new commitment to supporting these political prisoners and demanding recognition and amnesty for them. There are hundreds of people who went to prison as a result of their work on the streets against oppressive conditions like indecent housing and inadequate or complete lack of medical care, lack of quality education, police brutality and the murder of people organizing for independence and liberation. These people belonged to organizations like the Black Panther Party, La Raza Unida, FALN, Los Macheteros, North American Anti-Imperialist Movement, May 19th, AIM, the Black Liberation Army, etc., and were incarcerated because of their political beliefs and acts in support of and/or in defense of freedom.

Go to Jericho's website for more about the many important cases which we did not have room to spotlight in this issue of our newspaper.

Yogi's Time

by Mumia Abu-Jamal

[Col. Writ. 7/30/06]



Hugo Pinell, 1982

Few of us know the name, Hugo Pinell.

That's because the last time it was in the newspapers was probably in 1971, or 1976, when he was tried as a member of the famous San Quentin Six, six young Black prisoners facing assault charges stemming from battles with prison guards at the notoriously repressive California prison.

Yet that wasn't the beginning, nor the end of things.

Hugo Pinell (known as 'Yogi' by his friends) came to the US as a 12-year old, from a small town on Nicaragua's east coast. If he knew then the hell he would face in America, would he have left the land of his birth?

We'll never know.

He came. And he spent the last *42* years in prison -- 34 of them in solitary! He hasn't had a write-up in 24 years.

Now, his family and lawyer are seeking his parole after a lifetime in some of the most repressive joints in America.

Why so long? Why so many years? The answer, not surprisingly, is politics. Hugo was a student and comrade of the legendary Black Panther Field Marshall, the late George Jackson, with whom he worked to organize other Black prisoners against the racist violence and prison conditions of the '60s and '70s.

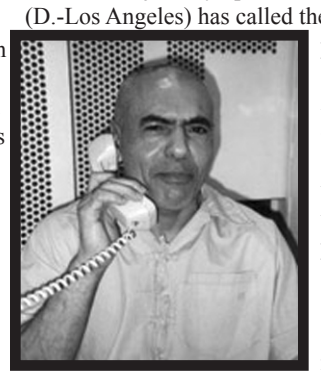
Consider this: when Hugo was sent to prison, Lyndon Baines Johnson was president, bombing in the Vietnam War was intensifying, and Martin Luther King, Jr. was still alive!

Of his introduction to the prison system, Yogi would later write:

"In 1964, a white woman accused me of rape, assault and kidnap. I was 19 years old. I turned myself into the authorities to clarify the charges against me which I knew to be falsified. The deputies beat me several times because the alleged victim was white, and the Public Defender and the Judge influenced my mother into believing that I would be sentenced to death unless I pled guilty. At their insistence and despite my innocence, I pled guilty to the charge of rape, with the understanding that I would be eligible for parole after 6 months. When I arrived at the California Department of Corrections, I was informed that I had been sentenced to three years to *life*."

California's notoriously unjust indeterminate sentencing has led, in part, to the present prison overcrowding that now threatens to bankrupt the system. California's prisons are roughly 172% over capacity, and parole is a broken, nonfunctional agency.

That's not just my opinion, but California's state senator, Gloria Romero (D.-Los Angeles) has called the present regime a "failure," particularly the parole system.



Hugo Pinell, 2001

Despite California Gov. Arnold Schwartzeneggar's 2004 promises of major reforms of the parole system, which would lead to significant prisoner population reductions, the incarceration rate has soared. Today, there are a record 168,000 people in 33 state prisons, nearly double the rated capacity.

As Hugo Pinell seeks parole, California is spending $7.9 billion -- (yeah--with a 'b'!) in the next fiscal year, an increase of $600 million a year for a prison system that has one of the worst recidivism rates in the nation (60%!).

Clearly, the so-called "Correctional and Rehabilitation" Department has failed in its mission to do both.

Support parole for Hugo Pinell. 42 years is more than enough.

Copyright Mumia Abu-Jamal

AJN editors note: Since this essay, Pinell was denied parole, but is eligible again soon. For more, see www. hugopinell.org

Write him at:

Hugo L.A. Pinell, A88401 SHU D3-221
PO Box 7500, Crescent City, CA 95531-7500

Ruchell Cinque Magee

and the August 7th Courthouse Slave Rebellion

By Kiilu Nyasha

***"Slavery 400 years ago, slavery today, it's the same but with a new name".*-- Ruchell Cinque Magee**

I first met Ruchell Cinque Magee in the holding cell of the Marin County courthouse in the Summer of 1971. I found him to be soft-spoken, warm and a gentleman in typically Southern tradition. We've been in correspondence pretty much ever since.

I had just returned to California from New Haven, Connecticut, where I had worked as an organizer and a member of the legal defense team of three Black Panthers, including Party Chairman Bobby Seale, on trial for murder and conspiracy. The second trial resulted in a true people's victory, May 24, 1971. We had kept the New Haven courtroom jam-packed throughout the joint trial of Seale and Ericka Huggins that resulted in a hung jury. But the obviously racist judge had to dismiss it due to the enormous publicity and state expense incurred due to huge crowds and tight security.

In my correspondence with George Jackson, author of the bestseller, ***Soledad Brother: The Prison Letters of George Jackson***, he had advised me to seek a press card in order to visit him at San Quentin. In so doing, I wound up working for The Sun Reporter, a local Black newspaper (byline Pat Gallyot), and covering the pretrial hearings of Angela Davis and Magee.

Already familiar with courtroom injustice, racism and bias against Black defendants witnessed in two capital trials, it didn't come as a surprise that Ruchell was getting a raw deal in the Marin Courtroom where he was frequently removed for outbursts of sheer frustration.

By 1971, Ruchell was an astute jailhouse lawyer. He was responsible for the release and protection of a myriad of prisoners benefiting from his extensive knowledge of law, which he used to prepare writs, appeals and lawsuits for himself and many others behind walls.

Now Ruchell was fighting for all he was worth for the right to represent himself against charges of murder, conspiracy to murder, kidnap, and conspiracy to aid the escape of state prisoners.

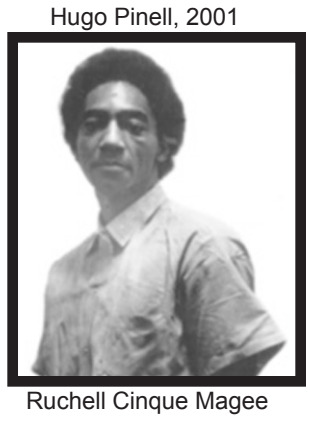
Although critically wounded on August 7, 1970, Magee was the sole survivor among the four brave Black men who conducted the courthouse slave rebellion, leaving him to be charged with everything they could throw at him.

"All right gentlemen, hold it right there.we're taking over!" Armed to the teeth, Jonathan Jackson, 17, George's, younger brother, had raided the Marin Courtroom and tossed guns to prisoners William Christmas and James McClain, who in turn invited Ruchell to join them. Ru seized the hour spontaneously as they attempted to escape by taking a judge, assistant district attorney and three jurors as hostages in that audacious move to expose to the public the brutally racist prison conditions and free the Soledad Brothers (John Clutchette, Fleeta Drumgo, and George Jackson).

McClain was on trial for assaulting a guard in the wake of Black prisoner Fred Billingsley's murder by prison officials in San Quentin in February, 1970. With only four months before a parole hearing, Magee had appeared in the courtroom to testify for McClain.

The four revolutionaries successfully commandeered the group to the waiting van and were about to pull out of the parking lot when Marin County Police and San Quentin guards opened fire. When the shooting stopped, Judge Harold Haley, Jackson, Christmas, and McClain lay dead; Magee was unconscious (See photo)and seriously wounded as was the prosecutor. A juror suffered a minor injury.

In a chain of events leading to August 7, on January 13, 1970, a month before the Billingsley slaughter, a tower guard at Soledad State Prison had shot and killed three Black captives on the yard, leaving them unattended to bleed to death: Cleveland Edwards, "Sweet Jugs" Miller, and the venerable revolutionary leader, W. L. Nolen, all active resisters in the Black Liberation Movement behind the **...cont. on pg. 9**



Ruchell Cinque Magee

Leonard Peltier

COINTELPRO prisoner for 32 years

By Carolina Saldaña

Native American artist, writer, and activist Leonard Peltier is one of the most widely recognized political prisoners in the world. He has spent more than 32 years in some of the cruelest prisons in the US, unjustly condemned to a double life sentence for the shooting death of two FBI agents in 1975. His situation is now aggravated by health problems.

At the age of 63, he keeps right on struggling for the rights of indigenous people from his cell in the federal prison at Lewisburg, Pennsylvania. He's contributed to the establishment of libraries, schools, scholarships, and battered women's shelters among many other projects. In Feb. 2008, he was nominated for the Nobel Peace Prize for the fifth consecutive year.

I am an Indian who dared

In his autobiography *My Life Is My Sun Dance*, Leonard explains that his bloodline is mainly Ojibway and Dakota Sioux and that he was adopted by the Lakota Sioux and raised on their reservations "in the land known to you as America....but I don't consider myself an American."

I know what I am. I am an Indian--an Indian who dared to stand up to defend his people. I am an innocent man who never murdered anyone nor wanted to. And, yes, I am a Sun Dancer. That, too, is my identity. If I am to suffer as a symbol of my people, then I suffer proudly. I will never yield."

Leonard tells us that when he was nine years old a big black government car drove up to his house to take him and the other kids away to the Bureau of Indian Affairs (BIA) boarding school in Wahpeton, Dakota del Norte. When they got there, they cut off their long hair, stripped them, and doused them with DDT powder.

"I thought I was going to die...that place... was more like a reformatory than a school... I consider my years at Wahpenton my first imprisonment, and it was for the same crime as all the others: being an Indian."

He goes on to say that "We had to speak English. We were beaten if we were caught speaking our own language. Still, we did....I guess that's where I became a "hardened criminal," as the FBI calls me. And you could say that the first infraction in my criminal career was speaking my own language. There's an act of violence for you....The second was practicing our traditional religion."

When Leonard was a teen-ager, President Eisenhower launched a program to eliminate the reservations and move the people off, giving them a small payment. Leonard remembers that the words "termination" and "dislocation" became the most feared words in the people's vocabulary. The process of fighting against dislocation was his first experience as an activist.

During the 60s, Leonard worked as a farm worker and, later, in an auto body shop in Seattle. At that time he got his first taste of community organizing. At the beginning of the 70s, he joined up with the American Indian Movement (AIM), initially inspired by the Black Panthers.

In 1972, he participated in the Trail of Broken Treaties, a march / caravan from Alcatraz in California to Washington D.C., and also in the occupation of the BIA in the nation's capital. He became a target of the FBI program to "neutralize" AIM leaders and was set up and jailed at the end of the year.

The Occupation of Wounded Knee

One of AIM's boldest actions was the occupation of the village of Wounded Knee on the Pine Ridge Reservation, the same place where the US Army carried out its cowardly, infamous massacre of 300 Lakota people in 1890.

Early in the 70s, AIM was getting together with the Lakota Indians who were true to their ancient traditions and wanted to hold on to their culture and their lands.

The BIA, worried about AIM's growing influence in the area, imposed Dick Wilson as tribal chairman on the reservation, running roughshod over the will of the traditional elders and chiefs.

The puppet Wilson hated the AIM militants and allied himself with the FBI to destroy the movement that the agency saw as a threat to the American way of life. His paramilitary group known as the "GOONS" (Guardians of the Oglala Nation) had committed a long chain of abuses against the people.

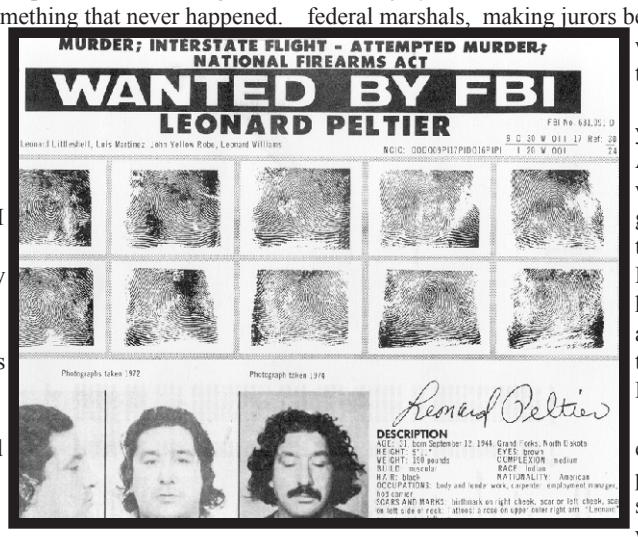
On the night of February 27, around 300 Lakota and 25 AIM members occupied the town of Wounded Knee, joined by several Chicanos, Black, and white supporters. They opposed the murders of Native Americans on the reservation, the extreme poverty that the people lived in, and the corrupt tribal government. They demanded that the government respect the ancient treaties signed with native peoples to protect their territory and autonomy.

The next day, General Alexander Haig ordered an invasion. According to Ward Churchill and Jim Vanderwall in their book Agents of Repression, "In the first instance since the Civil War that the U.S. Army had been dispatched in a domestic operation, the Pentagon invaded Wounded Knee with 17 armored personnel carriers, 130,000 rounds of M-16 ammunition, 41,000 rounds of M-1 ammunition, 24,000 flares, 12 M-79 grenade launchers, 600 cases of C-S gas, 100 rounds of M-40 explosives, helicopters, phantom jets, and personnel, all under the direction of General Alexander Haig."

The operation also relied on 500 heavily armed policemen, federal marshals, and BIA and FBI agents. They surrounded Wounded Knee and set up barricades all along the road.

The occupation lasted 71 days and ended only after the government promised to investigate the complaints, something that never happened.

The next three years were known as the "reign of terror" on Pine Ridge. More than 300 people associated with AIM were violently attacked and many of their homes were burned. During these years more than 60 Native American people were killed by paramilitaries armed and trained by the FBI. There was also an increase of FBI SWAT team agents on the reservation.



It's now known, as a result of a suit based on the Freedom of Information Act, that AIM activities on and off the reservation were under FBI surveillance and that the FBI was preparing the paramilitary operations on Pine Ridge a month before the shootout at Oglala.

Oglala: The fatal shootout

In a situation that was getting worse all the time, the Council of Elders on the Jumping Bull ranch near the town of Oglala asked AIM to come back to the reservation to protect them. Leonard Peltier, along with many other AIM members and non-members responded to the call and set up camp on the ranch.

On June 26, 1975, two FBI agents, Jack Coler and Ron Williams, followed a red pick-up truck onto the Jumping Bull ranch. They were supposedly looking for young Jimmy Eagle, who was said to have stolen a pair of cowboy boots.

A shootout began between the FBI agents and the people in the pick-up, trapping a family in the crossfire. Several mothers fled the area with their children while other people fired in self-defense. More than150 FBI SWAT team members, BIA police, and GOONS surrounded approximately 30 AIM men, women, and children and opened fire. Leonard Peltier helped a group of young people to escape from the rain of bullets.

When the shootout ended, AIM member Joseph Killsright Stuntz was found dead, shot in the head. His death has never been investigated.

Coler and Williams were wounded during the shootout and then killed at point blank range. The two agents had in their possession a map with the Jumping Bull ranch marked on it.

According to FBI documents, more than forty Native Americans participated in the shootout, but only four were charged with killing the two agents: three AIM leaders—Dino Butler, Bob Robideau, and Leonard Peltier— and Jimmy Eagle.

Butler and Robideau were the first to be arrested, and at their trial they stated that they had fired in self-defense. The jury believed the act was justified due to the atmosphere of terror that prevailed at Pine Ridge at the time. They were both found innocent.

The FBI was furious about the verdict and dropped the charges against Jimmy Eagle, according to their memos, "...in order to direct the full weight of the prosecution on Peltier.

Meanwhile, Leonard Peltier went to Canada, believing that he would never have a fair trial.

On February 6, he was arrested and then extradited to the United States due to the statement of a woman named Myrtle Poor Bear, who said she had been his girlfriend and had seen him fire at the agents. As a matter of fact, she had never known him and was not present at the time of the shootout. In a later statement, she said that she had been coerced into giving false testimony as a result of being terrorized by FBI agents.

Two life sentences!?

The only evidence against Leonard Peltier was the fact that he was present at the Jumping Bull ranch during the fatal shoot-out. These are just a few examples of the injustice of the trial:

1. The case wasn't brought before the judge who had presided over the trial of Robideau and Butler, but instead before another judge with a reputation for making decisions favorable to the prosecution.

2. Myrtle Poor Bear and other important witnesses were forbidden to testify about FBI misconduct.

3. Testimony about the "reign of terror" on the Pine Ridge Reservation was severely limited. -Important evidence, such as conflicting ballistic reports, was deemed inadmissible.

4. The red pick-up that had been followed onto the ranch was suddenly described as Peltier's "red and white van."

5. The jury was isolated and surrounded by federal marshals, making jurors believe that AIM was a security threat to them.

6. Three young Native Americans were forced to give false testimony against Peltier after having been arrested and terrorized by FBI agents.

7. The prosecutor couldn't produce a single witness who could identify Peltier as the shooter.

8. The government said that a cartridge found near the bodies was fired from the presumed murder weapon, and alleged that this was the only pistol of its kind used during the shootout and that it belonged to Peltier.

As a result of the Freedom of Information Act suit, FBI documents turned over to the defense showed that:

1. More than one weapon of the type attributed to Peltier had been present at the scene.

2. The FBI intentionally hid the ballistics report showing that the cartridge could not have come from the presumed murder weapon.

3. There was no doubt whatsoever that the agents followed a red pick-up onto the territory, and not the red and white van driven by Peltier.

4. Strong evidence against several other suspects existed and was withheld.

None of this evidence was presented to the jury that found Leonard Peltier guilty. He was given two consecutive life sentences.

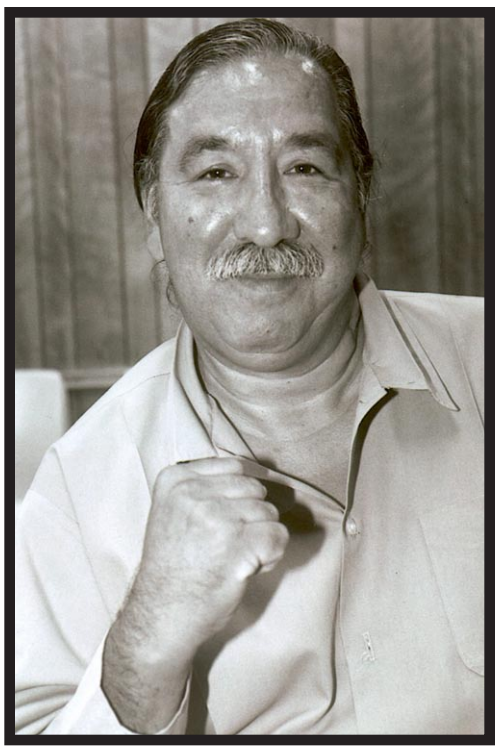
Two consecutive life sentences?! How do they plan to implement that? Doesn't the sentence reflect a deep fear of the spirit of Crazy Horse?

Bill Clinton helps the FBI

A new trial was sought after several of these abuses came to light. During one hearing, the federal prosecutor admitted that "...we can't prove who shot the agents". The court realized that Peltier could have been found innocent if the evidence hadn't been unduly withheld by the FBI, but a new trial was denied on the basis of technical errors.

The former Leonard Peltier Defense Committee stated:

"In 1993, Peltier requested Executive Clemency from President Bill Clinton. An intensive campaign was launched and supported by Native



and human rights organizations, members of Congress, community and church groups, labor organizations, luminaries, and celebrities. Even Judge Heaney, who authored the court decision [denying a new trial], expressed firm support for Peltier's release. The Peltier case had become a national issue.

On November 7, 2000, during a live radio interview, Clinton stated that he would seriously consider Peltier's request for clemency and make a decision before leaving office on January 20, 2001.

In response, the FBI launched a major disinformation campaign in both the media and among key government officials. Over 500 FBI agents marched in front of the White House to oppose clemency. On January 20, the list of clemencies granted by Clinton was released to the media. Without explanation, Peltier's name had been excluded."

Current defense efforts

The recent efforts of the defense team have been focused on obtaining thousands of documents that are still being retained by the FBI, around 142,579 pages according to Peltier's legal team which brought a new suit against the FBI in Minnesota in March of this year. Of particular interest are documents dealing with the extent to which the Federal Bureau of Investigation paid informants to infiltrate Leonard Peltier's defense team. Alleging that the information would reveal confidential sources, harm national security and impede the transnational "war on terrorism", the FBI has refused to release the documents that would reveal their illegal activities on Pine Ridge and the continued violations of Leonard Peltier's basic human rights.

Petitions are also being circulated urging George W. Bush to grant clemency for Leonard Peltier and urging Congress to investigate FBI misconduct on Pine Ridge and the "reign of terror" that existed between 1973 and 1976.

Furthermore, preparations are now underway for an important Parole Hearing scheduled for December of 2008, which should be a focus of an international campaign in the coming months. There is absolutely no legitimate reason to continue to hold Leonard Peltier in prison. If he is not granted clemency or does not win parole this year, he will not have another Parole Hearing until 1917.

On the cultural front, sponsors, donations, and spaces are being sought for a series of stage productions of My Life is My Sundance. Co-author Harvey Arden describes the play starring Lakota actor and singer Doug Good Feather, as a "soul-transforming theatrical experience that is a living expression of his own words, his own pain, his own dreams --as well as the suffering and dreams of his People." To help organize a performance, see http://www.mylifeismysundance.com.

In a recent letter Leonard said: "If my case stands as it is, no common person has real freedom. Only the illusion until you have something the oppressors want....In the spirit of Crazy Horse, who never gave up."

Let's not let it stand as it is.

What will you do?

Write a letter to Leonard:

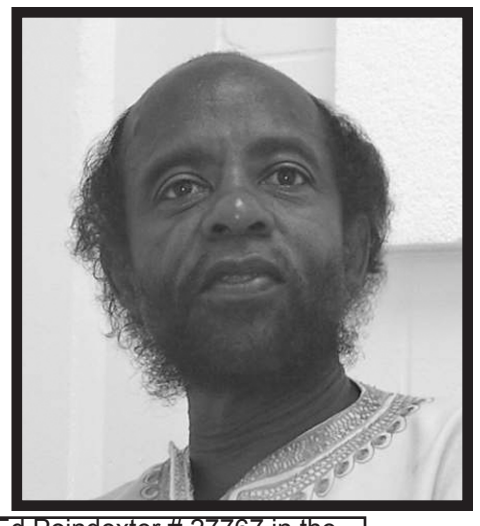
Leonard Peltier # 89637-132
USP Lewisburg, PO BOX 1000
Lewisburg, Pennsylvania 17837

For further information, consult the page of the new Leonard Peltier Defense Offense Committee: www.whoisleonardpeltier.info or contact@whoisleonardpeltier.info

The Omaha Two

3 days of deceit by the FBI and Omaha PD ended search for killers of policeman to instead convict Black Panthers Ed Poindexter and Mondo we Langa

By Michael Richardson



Write a letter to BPP prisoners Ed Poindexter # 27767 in the left photo, and to Mondo we Langa #27768 in the right photo: Nebraska State Penitentiary, P.O. Box 2500, Lincoln, NE 68542

On August 17, 1970, an anonymous caller to the Omaha, Nebraska police emergency hotline reported a woman screaming at a vacant house. Eight police officers responded only to find a booby-trapped suitcase instead of a crime victim. Officer Larry Minard, the father of five young children, was killed instantly when the suitcase bomb exploded in his face. The other seven police officers were all injured in the blast. Minard was buried three days later on what would have been his thirtieth birthday.

The Federal Bureau of Investigation (FBI) immediately responded to assist the Omaha Police track down the killers. However, what wasn't known at the time was a secret directive from FBI director J. Edgar Hoover to "disrupt" the Black Panther Party by any means possible called Operation COINTELPRO. The joint investigation, with a tainted agenda under the COINTELPRO mandate, targeted Omaha's Black Panther chapter called the National Committee to Combat Fascism instead of a real search for Minard's killers.

William Sullivan, Assistant Director of the FBI under Hoover, was the point person and chief architect of the covert COINTELPRO operation. Sullivan served as Hoover's screener and selected Hoover's daily reading list out of the thousands of COINTELPRO memoranda and field communications that flowed into FBI headquarters each year. Sullivan described COINTELPRO to a Congressional Committee on Nov. 1, 1975, as an operation where, "No holds were barred."

Sullivan's "no holds barred" policy was in effect when a decision was made and jointly-implemented by Omaha Police and the FBI Special Agent-in-Charge to let the unidentified caller who had lured Larry Minard to his death go free rather than endanger a plan to convict two Panther leaders, Ed Poindexter and Mondo we Langa (then known as David Rice). The two leaders had been COINTELPRO targets for two years before the bombing.

The story lay hidden for years behind a secrecy stamp at FBI headquarters in a COINTELPRO file and buried in little-known and long-forgotten testimony to the U.S. House Committee on Internal Security. Three days of deception in October 1970 that led to one of Minard's killer's going free are documented in records now available to the public.

Within days after the bombing, a 15 year-old dropout, Duane Peak, was identified as the bomber. Peak named a former Panther, Raleigh House, as the supplier of the dynamite and admitted to making the fatal call that lured Minard to his death. Police stretched out the interrogation for days as Peak gave a half-dozen different versions of the crime. Finally, Peak told the investigators what they wanted to hear, that NCCF leaders Ed Poindexter and Mondo we Langa helped him build and store the bomb.

But there were problems with the official version of the case. House, the supplier of the dynamite, was never formally charged or prosecuted for his role in the crime, raising suspicion that he was a COINTELPRO informant. House spent one night in jail and was released on his own signature without posting any bond. The whereabouts of Raleigh House today are unknown.

Further, the voice of the deadly caller was that of a middle-aged man, not that of a 15 year-old, leaving an unidentified accomplice on the loose. Poindexter and Langa, both in their 20's, were never suspected or accused of making the call. Peak's older accomplice was still on the loose because Peak, apparently to protect the older male caller, continued to maintain he made the fatal phone call.

Shortly after the bombing, Omaha detectives rushed a tape of the emergency call to FBI headquarters for vocal analysis. Police also made plans with the FBI to analyze other voice samples in an effort to identify the unknown caller.

At Peak's preliminary hearing in September he persisted in his claim that he made the emergency call and that House supplied the dynamite. However, if the voice on the tape was not that of Peak the case against Poindexter and Langa, built upon the claims of Peak, would unravel. Assistant Chief of Police Glenn Gates conferred with his COINTELPRO liaison, the Special Agent-in-Charge of the Omaha FBI office that led to deceit that would seal the fate of Poindexter and Langa and let the deadly caller walk away from the murder.

October 12, 1970, the first day of deceit, would bring William Sullivan's first public admission that he had knowledge of the Omaha case in a rare public speech to a United Press International conference about the Black Panthers where he falsely denied FBI involvement in a "conspiracy" against the Panthers. About Minard's death, Sullivan would say to the gathered reporters and correspondents, "On August 12, 1970 [sic] an Omaha, Nebraska police officer was literally blasted to death by an explosive device placed in a suitcase in an abandoned residence. The officer had been summoned by an anonymous telephone complaint that a woman was being beated [sic] there. An individual with Panther associations has been charged with this crime."

Sullivan would go on to describe a variety of violent acts for which he blamed the Black Panthers including the deaths of rival group members in California that later would be discovered as COINTELPRO initiated shootings. Dismissing the growing body of evidence that there was some sort of a coordinated national effort against the Black Panthers that used illegal tactics Sullivan complained, "Panther cries of repression at the hands of a government "conspiracy" receive the sympathy not only of adherents to totalitarian ideologies, but also of those willing to close their eyes to even the violent nature of hoodlum "revolutionary" acts."

October 13, 1970, the second day of deceit, would put Omaha Police Captain Murdock Platner in Washington, D.C. in a committee room of the U.S. House Committee on Internal Security investigating the Black Panthers. It would also be the date of a confidential memorandum from the Special Agent-in-Charge of the Omaha FBI office to J. Edgar Hoover stating: "Assistant COP GLENN GATES, Omaha PD, advised that he feels than any uses of this call might be prejudicial to the police murder trial against two accomplices of PEAK and, therefore, has advised that he wishes no use of this tape until after the murder trials of Peak and the two accomplices has been completed."

The COINTELPRO memo continued, "[N]o further efforts are being made at this time to secure additional tape recordings of the original telephone call." No more recordings, no more voice analysis, and no more search for the identity of the anonymous murderous caller.

In May 2007, voice analysis expert witness Tom Owen testified about the sophisticated tests he performed on a recording of the emergency call in a bid by Poindexter for a new trial. Owen testified before Douglas County District Court Judge Russell Bowie that to a "high degree" of probability the voice was not that of Peak.

October 14, 1970, the third day of deceit, would again find Captain Platner in a Congressional committee room but this time under oath and testifying, falsely, about the source of the dynamite that killed his fellow officer. Despite Peak's repeated assertions that Raleigh House, the man with the get-out-of-jail-free card, supplied him with the dynamite and testimony against House several weeks earlier at his preliminary hearing, Platner boldly made a sworn false statement to the committee about the explosives to name Mondo we Langa instead of House.

"Duane Peak, a16-yearold boy who was arrested, testified in a preliminary hearing. It is from this preliminary hearing you are bound over to the district court to stand trial. In the preliminary hearing he testified that David Rice [Mondo we Langa] brought a suitcase filled with dynamite to his house or to somebody's house, I'm not for sure just which place; that they removed all the dynamite from the suitcase except three sticks, made the bomb, the triggering device, and so on, and put it together; and then packed the suitcase with newspapers and that he left with this suitcase."

But Platner was not the only member of the Omaha Police Department that would give false sworn testimony in the case. The questioning of the killer's family and Delia Peak, simultaneous with the police search of Langa's house, led to Lieutenant James Perry's false testimony in court to justify the search. U.S. District Judge Warren Urbom best tells the story of Lt. Perry's false sworn statements.

"Lt. Perry's testimony that Delia Peak told him that Duane Peak, Edward Poindexter and David Rice were constant companions is in no way corroborated by the remainder of the record before me. The police report of her interview reveals nothing about Duane Peak's being a constant companion of David Rice's, and the rights advisory form she signed indicates that only Sgt. R. Alsager and Richard Curd were present for her interview. Moreover, her interview did not begin until the very hour police first approached David Rice's house and was not completed until after the decision has been made to enter his house. The police report of her interview also reveals that she had seen Duane Peak at about 5:00 p.m. the night before. Thus, it simply is not so that Duane Peak's family had not seen him in the two days before they had entered the petitioners house and is persuasive that Delia Peak's family did not make a contrary statement. Finally, there is no indication in the police reports of interviews with Duane Peak's family prior to the entry of Rice's house that they were concerned that he might have been eliminated. On the basis of the entire record before this court and having heard and seen Lt. Perry testify, it is impossible for me to credit his testimony in the respects mentioned."

Sergeant Jack Swanson testified at the murder trial that he went down to the basement and found the dynamite. Sergeant Robert Pheffer backed up Swanson saying he first saw the dynamite when Swanson carried it upstairs. Pheffer testified he never went down in the basement.

At an Omaha court hearing in May 2007 in Poindexter's bid for a new trial, Pheffer testified that his trial testimony was not correct and that he, not Swanson found the dynamite. The dynamite was never seen in the basement by anyone else and only first appears in an evidence photo pictured in the trunk of a police squad car. Robert Bartle, Poindexter's attorney describes the contradictory testimony in an appeal brief to the Nebraska Supreme Court where the case is now pending.

"At Poindexter's trial, Sgt. Swanson testified that he found dynamite in Rice's basement at 2816 Parker and that Sgt. Pheffer was also in the basement when Swanson found it. Contrary to Swanson's trial testimony, Pfeffer testified at trial that he (Pheffer) never went down into Rice's basement and that he (Pheffer) first saw the dynamite found by Swanson when Swanson carried it up from Rice's basement. At Poindexter's post-conviction hearing on may 30, 2007, Pheffer's testimony about finding the dynamite in Rice's basement was significantly different from his sworn trial testimony 36 years earlier. On May 30, 2007, Pheffer testified that he was the one who found the dynamite in Rice's basement at 2816 Parker on August 22 , 1970. Pheffer claimed that Swanson was right behind him and that when Pheffer saw the dynamite, he became scared and told Swanson that they needed to 'get the heck out of here.' When confronted with the discrepancy between Pheffer's sworn trial testimony in 1971 and his recent testimony of actually being the officer who found the dynamite, Pheffer swore that this trial testimony in 1971 was not correct, that 'the court reporter, somebody got it wrong.'"

The unknown man who made the fatal call that lured Larry Minard to his untimely and tragic death was dropped from the case following the three days of deceit in October 1970 because his existence interfered with the story told by killer Duane Peak and further investigation would only undermine the state's case against Ed Poindexter and Mondo we Langa, the COINTELPRO targets. Raleigh House, the supplier of the dynamite did one night in jail before being released on his own recognizance. Peak, the confessed bomber served 33 months of juvenile detention and was released

Ed Poindexter and Mondo we Langa are serving life sentences at the maximum security Nebraska State Penitentiary in Lincoln. Both men deny any involvement in Larry Minard's murder. The Nebraska Supreme Court is reviewing Poindexter's request for a new trial. No date has been set for a decision sometime this fall.

Michael Richardson wrote his first article on the Omaha Two in April 1971 for the Omaha Star newspaper. His recent series of articles on this case is online at OpEdNews.com.

Spacco Il Capo

by Successo Niente

Philadelphians remember Police-Commissioner-turned-Mayor Frank Rizzo's motto: "Spacco il capo," Italian for "Break their heads," a practice enforced in Genoa, July 18-22, 2001: 300,000+ protesters against the Group of Eight summit met a walled, evacuated, and shuttered city under martial law.

In the ensuing police violence, Carlo Giuliani was killed, 329 were arrested (most vaguely charged with "criminal association," hypothesizing an international "black bloc" conspiracy), and hundreds were beaten, many maimed. In the Bolzaneto military barracks, activists were tortured for days. In the Diaz school, 93 unresisting activists were surprised in their beds and beaten bloody, at least 60 hospitalized and at least three critically injured. Military/police attacks on union, media, and legal offices and social centers have continued for years since.

Seven years later, trials continue and some activists may remain in pretrial detention. Results have been mixed. On April 24, 2008, after years of proceedings, charges against 13 activists accused of "subversive association" were dropped. Yet on December 13, 2007, 24 activists were jointly sentenced (now on appeal) to over 110 years on charges of "devastation and sacking" ("psychic co-participation" for those to whom no criminal act could be linked) and collectively fined over 2.6 million euros. The Diaz School survivors were exonerated on May 12, 2003, days after charges against police officer Mario Placanica, who shot Carlo Giuliani, were dropped.

On June 26, 2008 Amnesty International again condemned Italy for its refusal to legally recognize torture as a crime. Newly-returned Prime Minister Silvio Berlusconi of the self-described "Post-Fascist Coalition," has passed a law declaring amnesty for himself, on bribery charges, and, incidentally, also for the 44 police and prison officials expecting judgment on July 21, 2008 for abuses in Bolzaneto and the 29 police officials facing trial on July 3, 2008 for the Diaz School "massacro"; it now awaits only the President's signature.

Military order is the rule of the day, just in time for 2009 G8 summit, once again, in Italy. Financial support, translators and community response are still urgently needed.

More at www.supportolegale.org

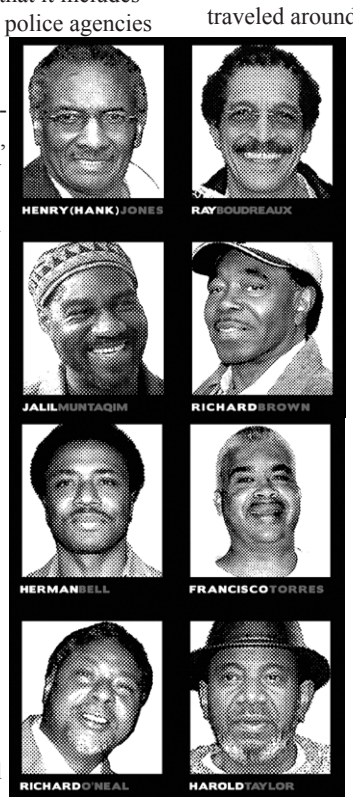
The SF Eight

By The Committee for the Defense of Human Rights

The San Francisco Eight (SF8), former members and associates of the Black Panther Party for Self Defense, were charged in 2007 with murder and conspiracy from 36 years ago! They range in age from 58 to 73 and have been employed in various professions including licensed electrician, building engineer, real estate appraiser and community court judge. They are well respected in their communities and deeply loved by their families. They are husbands, fathers, grandfathers and great-grandfathers. Herman Bell, Jalil Muntaqim (aka Anthony Bottom), Ray Boudreaux, Richard Brown, Hank Jones, Richard O'Neal, Harold Taylor and Francisco Torres, are known as the SF8.

They are staunch supporters of Mumia Abu-Jamal and firmly urge his release from prison. The SF8 realize that Mumia, like so many targets of COINTELPRO, is innocent and could not and did not receive a fair trial.

"The FBI and COINTELPRO are relevant to the SF8 case as COINTELPRO is a continuum through today's Phoenix Task force," argued Jalil Muntaqim's lawyer, Daro Inouye. The Phoenix Task force is a multi-agency force that is difficult to formally define. It is known that it includes the US Attorney, the FBI, local police agencies including the SFPD, and the California Department of Justice. It is the umbrella organization that has reopened this case, empanelled various Grand Jury investigations and is overall responsible for this 36-year old Panther prosecution.



The case against the SF8 is built on tortured confessions obtained over 30 years ago.

"Do you remember me?" Those words, smugly uttered in 2003 by now Homeland Security deputized agents, Frank McCoy and Ed Erdelatz, sent shock waves of pained memories thru John Bowman (now deceased but named in the criminal complaint as a co-conspirator), Ruben Scott and Harold Taylor. Back in 1973 Bowman, Scott and Taylor had encountered McCoy and Erdelatz in New Orleans as they presided over their several day torture ordeal. At the time, the pair were Inspectors with the San Francisco Police Department investigating the death of Sgt. John Young who had been killed in an ambush of the Ingleside police station in 1971. McCoy and Erdelatz always believed that the ambush had been carried out by Black militants, most likely members of the Black Panther Party for Self Defense. When they learned that New Orleans police had arrested 13 alleged members of the BPP they rushed to the scene to join detectives from Los Angeles, New York City and FBI agents. Over the next several days the detectives and agents attempted to extract confessions from the trio. When they refused to give the desired answers, the interrogators exited the room and the goon squad from the New Orleans police department entered, literally determined to beat confessions out of them. After what was deemed to be a sufficient beating the New Orleans "team" exited and the interrogators returned.

Methods used by the New Orleans police were eerily similar to those used in Guantanamo and Abu Ghraib in recent years. Suffocation using plastic bags, wool blankets drenched in boiling water, beatings with blunt instruments, blind folding and the use of electric cattle prods on the genitals and sensitive areas of the body are just some of the torture methods employed by the New Orleans police department. McCoy, Erdelatz and their cohorts took full advantage of the brutality, carefully crafting the story they wanted each man to provide. After the men "confessed" McCoy and Erdelatz returned to San Francisco and provided the District Attorney with the coerced statements. The trio was indicted in 1974 but the District Attorney failed to inform the grand jurors that the confessions upon which he had heavily relied were coerced. Defense motions to dismiss the indictments were granted in 1975 and 1976, and the case was dormant for the next 30 years.

Homeland Security's role in the prosecution of the SF8 is clear. Around 2000 McCoy and Erdelatz retired from the SF police department, but right after 9/11 they were deputized as Homeland Security agents and given a huge federal budget to reopen the dormant investigation.

Emboldened by their new position and empowered by a seemingly endless flow of money, the pair began roaming the country interrogating these eight men, their spouses, relatives, friends, ex-wives, employers (current and former), neighbors and associates. They asked them strange questions like "do you know any white people?" But when they appeared at the homes of Bowman and Taylor the nightmares from 1973 came rushing back. Being re-confronted by their torturers was a harsh reminder of how insidious political repression is in the United States.

When attempts by federal prosecutors failed to yield an indictment McCoy and Erdelatz prevailed upon newly elected California State Attorney General, Jerry Brown, to take up the prosecution. In their efforts they carefully circumvented the San Francisco District Attorney's Office. Still supported with a federal bankroll the prosecution was revived by Brown.

The men were harassed and subpoenaed to federal and state grand juries for the next few years. They were required to give fingerprints, DNA samples and eventually held in civil contempt for their refusal to give testimony before a state grand jury.

Upon their release from jail on the contempt, they founded an organization, The Committee for the Defense of Human Rights (CDHR), to continue their work. As members of CDHR they traveled around the country speaking at various venues and sharing their stories. With the help of supporters they created a DVD entitled "Legacy of Torture" and planned its premier for late January 2007 in San Francisco. Five days before the planned showing, they were arrested, charged and held on $10 million bail.

A team of dedicated and experienced defense lawyers quickly came together and provided representation for the men. Through their efforts, bail was reduced to amounts the men could raise with assistance from their families and supporters. Upon their release they resumed their speaking engagements building awareness about their case, COINTELPRO and political prisoners. They have been invited to speak and show the DVD at forums across the country.

Support for them continues to grow and includes many noteworthy personalities such as Danny Glover, Harvard Law Professor Charles Ogletree, Ron Daniels, former Executive Director of the Center for Constitutional Rights, Bill Fletcher, former President of TransAfrica, Michael Ratner, Board President of the Center for Constitutional Rights, Lois Dauway of the World Council of Churches, former Georgia state representative, Cynthia McKinney, Cindy Sheehan and Noble Prize Laureate Archbishop Desmond Tutu who launched an International Campaign calling for the dismissal of the charges and the release of Bell and Muntaqim.

In the spring of 2008 the conspiracy charges against five of the men were dismissed because they had exceeded the statute of limitations. Similar motions to dismiss on behalf of the remaining three men charged with conspiracy will be reargued this fall. Richard O'Neal was charged only with conspiracy and is no longer a defendant in this case. However, immediately after the dismissal of his conspiracy charges the prosecution served him with a subpoena to testify on its behalf against his former co-defendants at upcoming hearings!

In September 2008 preliminary hearings are expected to commence along with hearings on a number of defense motions including motions to dismiss. Defense motions make clear reference to missing exculpatory evidence including "negative comparisons" of latent prints by FBI fingerprint examiners from 1971 and 1975. No DNA samples match any of these men. "I believe that the FBI has been deeply involved in the investigation of the Ingleside murder," according to defense attorney Chuck Bourdon, who represents Francisco Torres. Bourdon also thinks that all FBI files "have not yet been provided."

The importance of community support for the SF8 has been consistently felt in the courtroom. People of all ages flock to the court proceedings and frequently high school classes can be seen in attendance. What better way to teach them about civil and human rights than to bring them to court to watch "justice" unfold?

For more on the SF8, go to
www.freetheSF8.org
Please donate generously and help spread the word about this important case!

The Freedom Archives

An Interview With Claude Marks

Claude Marks is the director of The Freedom Archives (www.freedomarchives.org), a San Francisco-based organization. Through the website and email listserves it provides a valuable resource documenting revolutionary struggle and police state repression.

Abu-Jamal News: ***You are a former political prisoner. Tell us about your case.***

Claude Marks: My co-defendant, Donna Willmott and I were indicted in an escape conspiracy involving Puerto Rican Independentista, Oscar Lopez, who was serving time in USP Leavenworth on charges of seditious conspiracy. The case was part of an ongoing set-up by the FBI, involved a snitch inside the prison, and clearly targeted the Puerto Rican Independence movement and its supporters. We and a collective of folks were underground until our negotiated surrender in 1994, and the two of us served prison sentences.

AJN: ***Why start the Freedom Archives?***

CM: I have done radio and radical media since 1968 and been part of creating radical news and political radio for many years. Myself and many collaborators secured and maintained our programs which spanned over 30 years. When I was in prison, I re-connected with many of these people and we started discussing how valuable it would be to preserve and re-purpose this radical political history and culture as well as how to make it accessible. We founded the Freedom Archives when I got out and have been building its reach and impact. We try to produce a couple of documentary audio CDs and/or video documentaries every year. We provide materials to others who are interested in this history and culture. We also focus our efforts on working with younger people in order to pass on this legacy. We say: "preserve the past, illuminate the present, shape the future!"

AJN: ***Your recent film "Legacy of Torture" documents the case of the San Francisco 8.***

CM: The prosecution of the SF 8 is about criminalizing the history of the Black Liberation Movement, the Black Panther Party, and delegitimizing resistance to racism and oppression. The government, both state and federal, is keen on legitimizing torture and warning activists today and into the future that the stakes are high if you are committed to fighting for a more just and humane world. The case itself rests on alleged confessions obtained under acknowledged torture and has been thrown out previously on that basis.

The structures of capitalism and imperialism rest on hundreds of years of land theft and genocide and sexual oppression. They will use any and all means to maintain their hegemony. So this prosecution is designed to discourage active dissent. Stemming from the old COINTELPRO (Counter-intelligence program), this case signals a new form of COINTELPRO.

COINTELPRO was exposed and condemned by congressional investigators in the 1970s and was officially disbanded - but no agent or agency was ever held accountable for the assassinations, false charges and imprisonment of leaders, or the disorganization and neutralization of movements and organizations that they unleashed. This prosecution is part of today's COINTELPRO along with the stepped up "Green Scare" prosecutions, the ongoing political use of grand juries (like the current one targeting the Puerto Rican Independence movement), the condoning of torture and indeterminate imprisonment in Guantanamo, the extraordinary rendition programs and secret prisons, the mass imprisonment of largely Black and Brown people, the ongoing repressive presence of police in communities, and the denial of the release of many political prisoners who have served decades inside cages.

It is our job to re-build a movement that will confront them and make them look bad. They act with perceived impunity when they defy human rights laws, scoff at the Geneva conventions, wage wars throughout the world justified by their own lies, and belittle the violence and human suffering that they are responsible for. The international communities perceive this, but we have a special role to play within these borders - to be part of holding the misrulers and torturers responsible! Their arrogance and criminality and our organizing will bring them down one day!

AJN: ***What film are you working on now?***

CM: A film called "COINTELPRO 101" that introduces people to the history of government counter-intelligence while tying it to today's reality - the world of Homeland Security and the Patriot Act. The film will be an organizing tool, an opening of the door to those that have no knowledge of this history.

We hope that people can use this video as a basis for re-opening hearings on COINTELPRO and for holding people and agencies accountable for state violence directed at people's movements. We hope that we can build a stronger movement to win the release of long-held political prisoners, those targeted by COINTELPRO who remain captives of the government. We also want to give people hope that we can work to transform the world and build a more humane society.

AJN: ***Any film-makers you'd recommend?***

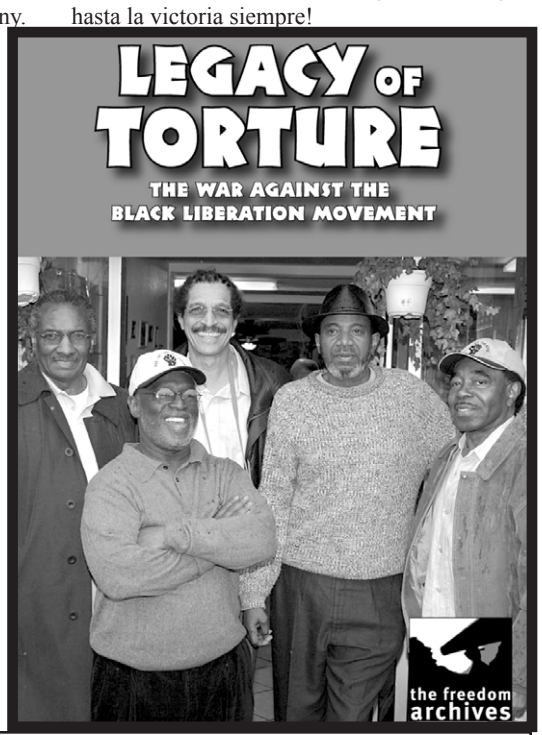
CM: Costa Gavras and Ousmane Sembene.

AJN: ***Any particular books?***

CM: History, History, History! Not the BS in textbooks (see what AK Press is putting out)!

AJN: ***Anything else to add?***

CM: I am optimistic. People, especially younger generations, know that this monster is wrong. Our ability to work across generations is important, but especially for us older folks, we need to give up the reins and support those striving to live and create significant challenges to the monster. We need to connect fighting against racial and sexual oppression to saving the planet and fighting against US hegemony. A brighter future is possible if we are willing to make sacrifices. As Che always used to say: hasta la victoria siempre!



...WASHINGTON continued...

Equally egregious – documents detail how police fail at a core function for cops: being observant.

Police contend the three men shown in the beating video participated in a shooting prior to their frenzied arrest.

Yet, police failed to perform the standard tests to determine if any of the trio had fired a gun following the trio's arrest.

Such tests are routinely performed on shooting suspects.

Further, police never attempted to question the trio despite police officials telling the public that a fourth person involved in this shooting escaped capture.

Official police arrest reports on that pre-beating shooting incident stated "four" men exited a Mercury Grand Marquis and confronted a group standing on a street corner.

"One of these males…began shooting a handgun," the arrest reports for each of the trio stated. "Three of the males from the Gold Marquis got back into the vehicle and the fourth, possibly the shooter fled…eluding capture."

Curiously, police who observed the car "pull up to the corner" and recorded this vehicle's license plate number before the shooting failed to provide the public with any physical description of the fourth person, that gunman who escaped, armed and presumed dangerous.

Police had the corner under surveillance due to a fatal shooting on that same corner the previous night. Police claim rumors circulating about retaliation for that fatal shooting prompted their surveillance.

Even more curious than the failure to perform standard gunfire tests and conduct investigative questioning is the changing stories of the surveillance officer who declared in the arrest reports that he observed the entire shooting, participated in chasing after the allegedly fleeing Mercury and was at the scene of the trio's arrest.

This surveillance officer, after nine days of maintaining that four men were in the Mercury, suddenly changed his story on the eve of a court proceeding for the trio to claim that only three men – not four – conducted the shooting he observed.

The changing stories, failure to follow standard operating procedures and serious irregularities in official documents related to the trio's arrest leads Philadelphia attorney Scott Perrine to one conclusion: authorities are framing his client and the two other beating victims.

"They are asking us to believe that a highly trained narcotics officer skilled in surveillance operations was at the scene, watched the car pull up, saw three people instead of four…and by the way, this officer forgot to tell us about this for nine days," said Perrine, a former Philadelphia prosecutor.

Perrine represents Pete Hopkins, one of the beating victims.

Police now claim the shooter is Hopkins – not the fleeing fourth person listed in arrest reports. Changing stories are seemingly standard procedure for Philadelphia police.

During the last televised, national headline grabbing beating by Philadelphia police, officials initially said the victim in that July 2000 beating had shot a policeman while attempting to escape capture.

Authorities backed off that claim when evidence provided the slightly injured policeman was shot accidentally by his partner.

Additionally, authorities ignored eyewitnesses who said the car-jacking suspect was being beaten by police prior to commandeering a police car used to escape the first beating that ended with that second beating caught by a news helicopter.

Changing stories and stonewalling were the official responses to the 8/78 televised beating of an unarmed suspect surrendering following a shootout where a Philadelphia policeman was fatally shot.

Curious events and/or coincidences continue in the wake of the 5/5/08 beating.

Nearly one month after the beating, police announced they had recovered the gun used in that pre-beating shooting.

Police said they found the weapon – under a blanket – in a field near the arrest/beating site. For days after that shooting/beating police said they found no weapon despite hundreds of officer searching for this weapon.

The police reports make no mention of the trio tossing anything from their vehicle while it was being chased by police much less any one of the trio exiting the vehicle to enter a field.

"The police initially said they found the gun in a sewer and were testing it for DNA. Now they say they found it in a field…under a blanket," said a disbelieving Karen Miller, an anti-police-brutality activist in Philadelphia who lives in the same community as the trio beaten by police and now facing attempted murder charges.

Also, initial police reports make no mention of shell casings at the shooting scene. Days later, police announced recovery of shell casings – a belated discovery that attorney Perrine contends is suspicious.

Police have twice detained the father of Pete Hopkins, also named Pete, on suspicion of intoxication without ever giving him the standard sobriety tests to determine drunkenness.

Mr. Hopkins and his wife have publicly criticized police and prosecutors in addition to participating in protests opposing their son's arrest.

Activist Miller says the detentions of the elder Hopkins is pure police harassment.

Family and supporters of the now incarcerated trio say the beating arose from a case of mistaken identity and authorities filed charges against them to evade responsibility for the beating.

One of the trio, Dwayne Dyches, physically resembled a man police sought for the murder of a policeman days before the trio's beating.

The trio admits being in the area of that 5/5 street corner shooting but say they were visiting with the mother of the man fatally shot the night before their beating.

The Philadelphia Daily News interviewed this mother and relatives of that fatally shot man who confirmed the trio was visiting with them.

The Daily News also interviewed one of the men shot during that 5/5 street corner shooting who said that while he fled the shooting scene – wounded – police tackled him, stomped and shot him with a taser before he convinced them that he was a shooting victim.

This victim told the Daily News he did not see the shooter.

A police report about this shooting victim states "5 B/M's" were in the Mercury.

Philadelphia police and prosecutors deny any improprieties in the proceedings against the trio. Philadelphia's District Attorney Lynne Abraham indicates she might file disciplinary charges against defense lawyer Perrine for his wildly false accusations.

Perrine claims prosecutors failed to lodge assault against police, resisting arrest and attempted escape charges against the trio as asserted in initial police arrest reports because of prosecutor's covert attempts to block the beating video being used in criminal court proceeding against the trio.

"This entire incident…has been so far beyond what anyone would expect or tolerate from law enforcement it cannot be described," Perrine said. "These guys are getting beaten and stomped on all over again and no one is realizing it."

Recently Perrine blasted prosecutors for intentionally delaying court proceedings seeking to get his client released from custody – a charge denied by prosecutors.

Pennsylvania's Rules of Professional Conduct for lawyers states it is not reasonable to delay proceedings "if done for the purpose of frustrating an opposing party's attempt to obtain rightful redress."

Those Rules also states that prosecutors have "specific obligations to see that the defendant is accorded procedural justice…"

Perrine's criticism came when prosecutors sought to postpone proceeding on his Writ of Habeas Corpus for Hopkins contending that failure to provide Hopkins with his preliminary hearing weeks violates Hopkins' constitutional rights.

Delays by prosecutors and judges resulted in Hopkins not receiving his preliminary hearing within the mandated ten-day period following his arrest.

Philadelphia activists are currently gearing-up for a campaign to get local and federal action against the District Attorney Lynne Abraham for her alleged failure to aggressively address police brutality.

Philadelphia, in 1979, became the first American city in history to have its top City Hall officials, including its mayor, sued by the federal government for aiding police brutality.

Nearly two decades later, Amnesty International and Human Rights Watch issued separate reports in 1998 blasting brutality and corruption among Philadelphia police.

--A graduate of the Yale Law Journalism Fellowship Program, Linn Washington Jr. is currently a Professor of Journalism at Temple University and a columnist for the Philadelphia Tribune Newspaper.

Philadelphia Police Critics Illegally Arrested, Home Seized

By Jeff Rousset

On the morning of Friday, June 13, 2008, police entered a home in North Philadelphia without warrant and illegally arrested its four residents, who had been petitioning against police brutality and new police surveillance cameras in their community. The residents were held without charges for and permanently kicked out of their home the next day.

Daniel Moffat, 28, who co-owns the house on the 1600 block of Ridge Avenue, was detained along with his three housemates, who have been living there up to four years, after police entered their home without a warrant.

While handcuffed in the backseat of a police cruiser on one of the hottest days of the year Moffat says when he asked 9th Police District Captain Dennis Wilson what he was accused of, the Captain responded: "You're not being charged, you're being investigated." He says Wilson told him sarcastically to "call it a kidnapping."

According to police, the house was initially targeted because they suspected trespassing. The Dept. of Homeland Security, Housing Authority, Licensing & Inspections, and PA State Police were all called to investigate the scene.

Drumming up Charges?

Capt. Wilson, who led police, told the City Paper: "They're a hate group. We're trying to drum up charges against them, but unfortunately we'll probably have to let them go."

Police on the scene claimed there was anti-government and anti-police literature inside which was a cause for concern.

Police spokesman Lt. Frank Vanore said police suspected a bunker was being built on the roof, "similar to what we saw on Osage Avenue," referring to the home of the MOVE organization, which was bombed by a police helicopter on May 13th, 1985, killing six adults and five children, and started a fire that burned down over 60 homes. The "bunker" on Ridge Avenue is actually a greenhouse which the roommates use to grow produce which they give away to homeless people.

The housemates reported spending hours in the car before Wilson told them, "We're going to do you a favor. It's a very hot day, and we're going to bring you down the district and put you in a cell so you don't overheat."

Gathering Their Belongings

After spending about twelve hours in jail the housemates were released, still without charges. Shortly afterward they were given two hours under police escort to collect whatever belongings they could from their house, before it was boarded up and condemned as unfit to live in.

"When I got to my room, it had been thoroughly searched," Moffat said. "All my photographs on the floor, all my filing cabinets emptied. It was a wreck." He says things were missing like phone number lists and notebooks. His laptop was also confiscated by police for investigation. "This leaves me homeless, without access to things I need. My whole life is disrupted," said Moffat.

The house is near the rapidly gentrifying areas of Fairmount and Spring Garden. Others have been kicked out of their homes nearby here and around Philly to make way for developers and more expensive housing.

Community Activism

Moffat and his housemates are active in their community. They give out free food regularly to people in need, help maintain a local garden, and give away free plants to neighbors.

Edna Williams runs the Mary Jane Home Enrichment Center on the same block as the group and has been serving homeless and needy people in the neighborhood for over thirty years. She has been publicly recognized for her good work and is a well respected, veteran community leader.

Williams strongly defended Moffat and his friends. "You need to get that out there," she said, "these are good kids." They helped her paint the exterior of her community center, and regularly give her food they grow to distribute to the hungry.

Moffat and his roommates had recently been circulating a petition calling for further investigations into the now infamous incident which took place earlier this month, when over a dozen Philadelphia Police officers were filmed by a Fox helicopter brutally beating 3 unarmed men. They were also petitioning against newly installed police surveillance cameras in their neighborhood.

The residents were never contacted regarding the alleged unsafe condition of their building, although Moffat admits he was missing some permits and the house was being fixed up.

Apparently, the house was never a problem until the people inside the house became a problem to the police. Looking at the MOVE bombing, this new incident, and uncounted others, reveals the consistent dedication of the Philadelphia Police Department to squash dissent by any means necessary. As an increasing number of people are kicked out of their homes in Philadelphia and across the United States, an increasing number of police officers patrol the streets and assert the power of the State over individuals.

SOURCES: Daily News, City Paper, and Phawker blog.

--Jeff Rousset is a freelance writer and member of the Philadelphia Students for a Democratic Society.

...MAGEE continued...

walls. Others included George Jackson, Jeffrey Gauldin (Khatari), Hugo L.A. Pinell (Yogi Bear), Steve Simmons (Kumasi), Howard Tole, and the late Warren Wells.

After the common verdict of "justifiable homicide" was returned and the killer guard exonerated at Soledad, another white-racist guard was beaten and thrown from a tier to his death. Three prisoners, Fleeta Drumgo, John Clutchette, and Jackson were charged with his murder precipitating the case of The Soledad Brothers and a campaign to free them led by college professor and avowed Communist, Angela Davis, and Jonathan Jackson.

Magee had already spent at least seven years studying law and deluging the courts with petitions and lawsuits to contest his own illegal conviction in two fraudulent trials. As he put it, the judicial system "used fraud to hide fraud" in his second case after the first conviction was overturned on an appeal based on a falsified transcript. His strategy, therefore, centered on proving that he was a slave, denied his constitutional rights and held involuntarily. Therefore, he had the legal right to escape slavery as established in the case of the African slave, Cinque, who had escaped the slave ship, Armistad, and won freedom in a Connecticut trial. Thus, Magee had to first prove he'd been illegally and unjustly incarcerated for over seven years. He also wanted the case moved to the Federal Courts and the right to represent himself.

Moreover, Magee wanted to conduct a trial that would bring to light the racist and brutal oppression of Black prisoners throughout the State. "My fight is to expose the entire system, judicial and prison system, a system of slavery.. This will cause benefit not just to myself but to all those who at this time are being criminally oppressed or enslaved by this system."

On the other hand, Angela Davis, his co-defendant, charged with buying the guns used in the raid, conspiracy, etc., was innocent of any wrongdoing because the gun purchases were perfectly legal and she was not part of the original plan. Davis' lawyers wanted an expedient trial to prove her innocence on trumped up charges. This conflict in strategy resulted in the trials being separated. Davis was acquitted of all charges and released in June of 1972.

Ruchell fought on alone, losing much of the support attending the Davis trial. After dismissing five attorneys and five judges, he won the right to defend himself. The murder charges had been dropped, and Magee faced two kidnap charges. He was ultimately convicted of PC 207, simple kidnap, but the more serious charge of PC 209, kidnap for purposes of extortion, resulted in a disputed verdict. According to one of the juror's sworn affidavit, the jury voted for acquittal on the PC 209 and Magee continues to this day to challenge the denial and cover-up of that acquittal.

Ruchell is currently on the mainline of Corcoran State Prison doing his 46th year locked up in California gulags - many of those years spent in solitary confinement under tortuous conditions! In spite of having committed no physical assaults or murders. Is that not political?

Write him at: Ruchell Magee # A92051 3A2-131 Box 3471, C.S.P. Corcoran, CA 93212

...BILLY COOK CONTINUED...

evidence – produced against Billy Cook at his trial can hardly be overstated, in particular with regard to Mumia Abu-Jamal.

From the standpoint of the prosecution, Billy Cook's March 29, 1982 trial for allegedly assaulting Officer Faulkner laid the groundwork for the later murder trial against Abu-Jamal in June/July 1982. In fact, the prosecutor was Joseph McGill, the same prosecutor Abu-Jamal had. In the Cook trial, he publicly started to frame to story of Dec. 9 the way the prosecution wanted to have it for the Abu-Jamal trial.

The evidence brought to bear against Cook consisted solely and exclusively of the eyewitness testimony of two of the three most eyewitnesses presented against Abu-Jamal, Cynthia White and Michael Scanlan. These two were the ones who claimed to have seen the whole sequence of events from the traffic stop of Billy Cook by Daniel Faulkner till the deadly shot into the head that killed the officer.

White claimed that a person coming from the parking lot first shot Faulkner in the back and then finished him off as he was lying prone on the sidewalk, and whereas the identity of that person was excluded as irrelevant from the Billy Cook trial, White of course had already identified this person as Abu-Jamal right from the beginning and would do so again at the Abu-Jamal murder trial.

As for Scanlan, even though he said he could not identify the person who had fired the deadly shot, his testimony at both the Cook and the Abu-Jamal trial strongly suggested that Abu-Jamal was, if not the killer, the one who fired the shot that hit Officer Faulkner in the back as he was coming from the parking lot and started the shooting thereby.

But if we look into the testimony of these two witnesses at the Billy Cook trial and compare it to what we know, with regard to the Abu-Jamal murder trial several inescapable conclusions spring to mind. I cannot document them properly here in this interview, but I have done so meticulously in my article on the topic, "Spurious Witnesses, Impossible Events," which is on our website. These conclusions are:

* White's and Scanlan's Cook trial accounts of the killing of Officer Faulkner flatly contradict each other in important respects.

* White's and Scanlan's testimony at the Cook trial flatly contradicts what they would later say at the Abu-Jamal trial.

* Most importantly, quite apart from these internal contradictions, both White and Scanlan describe the shooting of the officer in a way that simply can't be true.

HB: ***What do you think White's and Scanlan's account of the shooting must be false?***

MS: That description must actually be divided into two parts. In our first interview in October 2006, we already discussed how the most crucial part of White's and Scanlan's account of how the officer was killed, the part about how he was shot in the head, couldn't be true.

When they, and an additional prosecution witness, Robert Chobert, claimed that the shooter stood over Faulkner and fired several shots at him at point blank range all of one of which missed, they lied, or on the interpretation most benign to them, personally were manipulated and/or coerced to the hilt by the police. What they testified to demonstrably never happened.

OK, that's the story about how Faulkner was shot in the head and killed, and how White, Chobert, and Scanlan either lied by themselves or were forced to lie about it.

HB: ***What you just said would refer to the second part of the shooting.***

MS: Right. But this second part was of no legal concern in the Billy Cook trial, which was solely about the question of whether Billy Cook had struck and assaulted Faulkner, causing the officer to beat Cook with his flashlight.

The Cook trial thus did not focus on the second part, the stretch in time when Faulkner was killed, but on the first, the time of the alleged assault and the ensuing beating, which caused Abu-Jamal to run to his brother's help, and according to the prosecution, shoot Faulkner in the back. The two prosecution witnesses who claimed to have seen this were Cynthia White and Michael Scanlan.

But when you read what they said at the Cook trial, it really blows your mind. Both of their physical descriptions of how Faulkner was allegedly shot in the back are absolutely lunatic, defying the laws of physics and rationality.

As for White, she stated that Faulkner's attacker (in her version, Abu-Jamal) **(a)** came from the parking lot, **(b)** ran to a scene taking place between Billy Cook's VW and Faulkner's squad car parked about a yard behind it where **(c)** Faulkner was facing Northeast as indicated in the drawing, trying to spread-eagle Cook onto the front hood of his squad car, where **(d)** Abu-Jamal would have to run past P.O. Faulkner, onto the sidewalk as we see it on the photo, and then **(e)** would have to circle him in a U-turn of more than 180 grades to shoot him in the back.

So Faulkner, a trained police officer, had Abu-Jamal clearly in his view as he ran towards the scene but calmly waited for Abu-Jamal to run past him, get behind him, make a U-turn, and shoot him, an idea that one can only say is utterly remarkable!

Of course all of this is downright crazy and doesn't make any sense at all. All the same, the summary points **(a)** to **(c)** I just gave you closely reflect what she said – whereas with regard to **(d)** and **(e)** she insisted Abu-Jamal would NOT have had to have run past and then around Faulkner to shoot him in the back, but was somehow able to manage this feat from the curb! As the record makes pretty clear, Cook's lawyer Daniel Alva refrained from an extended cross examination only because he believed to have already demonstrated that White's testimony was absurd, and later on even the judge indicated that he shared that sentiment.

Michael Scanlan's Account: The straight arrow shows where Faulkner was allegedly standing and the direction he was facing when shot. The curved line shows Mumia's approach before allegedly shooting Faulkner. Accordingly, while Faulkner was standing in front of Billy Cook's VW and facing west up Locust St., Mumia passed by Faulkner's right side and looped around before shooting him in the back.

Cynthia White's Account: The straight arrow shows where Faulkner was allegedly standing and the direction he was facing when shot. The curved line shows Mumia's approach before allegedly shooting Faulkner. Accordingly, while Faulkner was standing in front of his police car and facing east down Locust St., Mumia came in front of Faulkner and looped around before shooting him in the back.

HB: ***What about Michael Scanlan?***

MS: Scanlan's story is hardly any better. Quite strikingly, he places the scene of the alleged assault, the beating, and the shot in Faulkner's back, not on the sidewalk near the hood of Faulkner's squad car, but between Billy Cook's VW and the Ford parked in front of it! Here, too, we have a version where Faulkner would have had the shooter in his field of view, as you can see from the accompanying photo-sketch.

Faulkner stands in front of the VW; right before him and with the back to him is Billy Cook, whom he is just trying to subdue by beating him after Cook had assaulted him. The shooter approaches him, once again circles him to get in his back and, once there, shoots him. Again, Faulkner is totally undisturbed and simply waits for all this to happen. But not only this, Abu-Jamal also has some mysterious qualities: With three people in between Cook's VW and the Ford in front of it, the space there is pretty crowded, but even in this dense chaos, Abu-Jamal still manages to shoot into Faulkner's back.

All the same, trial judge Meyer Rose appeared to find Scanlan believable in this and other matters, most notably Cook being guilty of unprovokedly assaulting Faulkner, and ended up convicting Cook. But the fact remains that Scanlan's story, which as I give it to you here once again closely reflects his own words in the trial transcript, is just as insane and unbelievable as White's.

Therefore, two enormously important prosecution witnesses in the Abu-Jamal case who, just three month before Abu-Jamal's trial, give versions of how the shooting death of Faulkner started that are totally absurd and should have destroyed their credibility then and there.

HB: ***Scanlan's and White's claims are unbelievable, but they also contradict each other?***

MS: Yes, indeed they do. To a certain extent, that is normal with eyewitness testimony, which is notoriously unreliable. Criminologists and psychologists such as Elizabeth Loftus and others have written quite extensively about this. But what we see in this case is quite extreme.

White and Scanlan place the events they describe in entirely different locations, White on the sidewalk in front of the building 1234 Locust near Faulkner's squad car, and Scanlan in the street not near Faulkner's car at all, but rather, between Cook's VW and the car in front of it. White has Faulkner facing in a Northeastern direction, whereas Scanlan has him facing West, a difference of some 135 grades.

And quite significantly, White has Faulkner facing Billy Cook and Cook punching Faulkner directly in the face, but Scanlan has Faulkner standing behind Cook whom he is trying to handcuff, and Cook hits him not with a straight punch but with a backhand slap!

One other important difference was that Scanlan insisted he could neither identify Faulkner's physical attacker nor the person who shot him. That was very bad for the prosecution, since without such identification, it could get no conviction. At the Cook trial, the only other available witness was White, and so the prosecution just had to have her, despite her repeated inability to keep to her story line and her general lack of credibility as a witness, both themes about which a bit more later on.

And indeed, White then identified Cook as the one who hit Faulkner, and in the Abu-Jamal trial she identified the latter as the one who shot him.

HB: ***How do White's and Scanlan's accounts from Billy Cook's trial differ from that presented at Mumia's trial a few months later?***

MS: They both differ very significantly, but as usual in such cases, their earlier accounts were just discarded by the prosecution since they were no longer functional. At the Cook trial, which was only about assault, the presiding judge finally resolved to accept, despite apparent misgivings, what Cook's attorney Daniel Alva called the "Chinese Menu": From each witness, he simply took what was needed for a conviction, just as at the buffet in a Chinese restaurant you'll load your plate with whatever you think will make up a good meal for you. So Judge Meyer Rose took the identification of Billy Cook from White despite his low opinion of her credibility, and the description of the events from Scanlan even though it was totally different from hers.

Of course, the prosecution knew that such a meager performance would not work at a murder trial, where after all much more is at stake. So the testimony of these two had to be synchronized a bit, and it was. White basically reverted to the story she had told the police and the prosecutors from December 17, 1981 onwards, namely, that Abu-Jamal approached the scene from the parking lot and reached the curb while Faulkner and Cook where on the sidewalk and shot Faulkner once or twice in the back (as opposed to once, as she said at the Cook trial), but she deleted the fantastic part from the Cook trial that had Faulkner facing Cook in a Northeastern direction, which would have made it impossible for Abu-Jamal to shoot him in the back unless he had magic bullets or performed the highly unlikely U-turn around Faulkner shown in the sketch above.

Scanlan's testimony also underwent important repair. Right from the start and until the Cook trial, Scanlan had insisted that the shooting had begun between Cook's VW and the Ford parked in front of it. At the Abu-Jamal trial, he said he "believed" it "took all place in front of the Volkswagen," and curiously, Abu-Jamal's lawyer Anthony Jackson chose not to pursue the matter.

So Cynthia White turned the direction in which Officer Faulkner was facing around by 135 grades, Scanlan moved the scene where it all took place by a car length to the space between the VW and Faulkner's squad car, and since Jackson did not pay much attention to these not unimportant changes, they basically went unnoticed. Some of the most glaring contradictions between the Scanlan and White testimonies had now been removed, but all the same, striking discrepancies remained: White still had Cook punch Faulkner squarely in the face while according to Scanlan it was a backhand slap, and Scanlan located the events in the street, whereas White was adamant that the shooting began when Faulkner and Cook were both on the sidewalk.

But for the jury, that was probably already within the range of normal contradictions between eyewitness testimony by different witnesses. The jurors did not know about the Billy Cook trial and what the witnesses had said there – and that Abu-Jamal's attorney did not exploit these contradictions, and the absurdities contained in the earlier testimony, to the hilt is another clear indication of his ineffectiveness.

As a note on Anthony Jackson, let me add here that I believe that was not primarily a personal thing or a matter of personal qualification. The state had denied him necessary resources right from the start and then managed to drive a huge wedge between him and his client. He certainly tried to give his best, but given the overall situation, his best could never be good enough. As Pam Africa, who we all know is one of the most ardent defenders of Abu-Jamal, has often said, in the final analysis Anthony Jackson too was a victim of the terror of the state.

HB: ***So how would you sum up the meaning of the Billy Cook trial for the later murder trial against Mumia Abu-Jamal?***

MS: I would say in one sense, from the perspective of the state and the prosecution, it was like a trial run: The DA's office and prosecutor Joseph McGill in particular, tried to fortify the notion that indeed Mumia Abu-Jamal had murdered Daniel Faulkner, and in the process, they also tested their witnesses and tried to find out what they could get away with. We have just seen some ways how their witnesses changed and synchronized their testimony from one trial to the other to make it more acceptable and credible.

If on the other hand we analyze that in order to find out the truth about the murder indictment against Abu-Jamal and the events of Dec. 9, 1981, we can see from that trial that two main pillars of the prosecution in the Abu-Jamal trial, namely, eyewitnesses Cynthia White and Michael Scanlan, recounted stories about how the shooting began that **(a)** resembled hallucinations, **(b)** were in stark contradiction to each other, and **(c)** contradicted what they said at the Abu-Jamal trial.

These witnesses were not credible. A strong defense team would have had a field day in court with them, but Abu-Jamal had only a lawyer who had been put into an impossible position and was vastly outgunned by the state.

HB: ***Why did the police (and the prosecution) do such a poor job in coaching their witnesses?***

MS: Yes, and those unwilling or unable to believe that the cops would manipulate witnesses often say: "Ha! You talk about manipulation and coercion, and then you talk about contradictions! If the cops manipulated the witnesses, why wouldn't they see to it that any contradictions were erased?"

The answer is that they often have only very poor material to work with, and this answer certainly also applies to the Cook and Abu-Jamal cases. I am firmly convinced that of the three witnesses who claimed to have seen all or part of the shooting of Officer Faulkner, only Michael Scanlan had seen at least something – that's why he turned left with his car into 13th Street and then Walnut to find some other cops to get them to the scene.

Cynthia White wasn't even there. None of the other witnesses saw her where she claimed to have been. There is strong testimony by Veronica Jones, Pamela Jenkins, and Yvette Williams to the effect that Cynthia White was both manipulated and terrorized into testifying what she did in the Mumia case.

So when she first testified in court on March 29, 1982 in the Billy Cook case, she had to reconstruct everything from scratch according to the guidelines the cops gave her, because she had no actual memory of the events to rely on.

Just as in ordinary life, in court, too, those who lie easily entangle themselves in contradictions as they go from one lie to the next. Especially when they do not simply tell their own lies, but lies fed to them by others, and particularly when they testify out of fear. That's why White's testimony backfired so badly once Cook's lawyer Alva wanted to know things a little bit more concretely. By the time of the Abu-Jamal trial, the prosecution had already worked her some more, and what she said there was not as obviously absurd as in the Cook trial.

As for Scanlan, I think the only thing he saw after Faulkner had stopped Cook was that something was going on involving a shooting, a man running to the scene from the parking lot, and people milling around between two cars. The rest, he was told by the police, which explains why his description comports so badly with physical givens at the scene: Even at the Abu-Jamal trial, he still claimed that Faulkner was facing in a Western direction as he tried to subdue Billy Cook, only that now he said this took place in front of Faulkner's police car, not Cook's VW. Most unfortunately, Anthony Jackson failed to nail him on that question.

There is a lot more to say about this, not least

...CONTINUED ON PAGE 11

...BILLY COOK CONTINUED...

about Robert Chobert, who was also not where he claimed to have been (parked on Locust Street behind Faulkner's car) and whose taxi cab is perhaps the civil car on 13th Street to be seen on the left side of the crime scene photo you recently discovered in a horrible right wing "Fry Mumia" video **(see the photo on page 12)**, but for reasons of space I will have to leave it at that here.

HB: ***You say there is no credible physical or witness-based evidence that Cook ever struck Faulkner that night?***

MS: There are many reasons for this. Starting with the Cook trial, both White and Scanlan turned out to be totally incredible witnesses there. We've gone through this at length above. Add to this that Dec. 17, 1981 was the first time White mentioned even to the police that Cook had hit Faulkner. It was also the last and 38th time she was arrested for prostitution – until the Cook trial on March 29, 1981, she was left alone by the police, the first such extended time span since she began working as a prostitute.

Billy Cook, 1981

December 17 was also the first time she told the police that Abu-Jamal first shot Faulkner once or twice in the back and finished him off only later on by firing more shots on the sidewalk. In the beginning, she had simply claimed that Abu-Jamal had fired four to five shots, upon which the officer fell on the sidewalk and started screaming. So on December 17, the police apparently felt they had synchronized White's story with Scanlan's – and with regard to the sequence of shots, first one or two, and then three more, with reality – to such an extent that they could ease the pressure on her a bit. But it was all a bunch of lies. Literally nothing of what she said about the core events is believable.

As for Scanlan, according to his own testimony he would have hardly been in a position to see much. His view was blocked by the police car (the Abu-Jamal trial version) or both the police car and the VW (the Cook trial version). After the events, under police pressure to frame the events in a certain way, he may have changed the sequence in his memory and interpreted protective moves by Cook, who after all was beaten bloody by Faulkner, as the aggression that started the beating.

Another point is that the officer sustained not the slightest injury whatsoever, even though prosecutor Joseph McGill tried very hard to have the record state that he did. On the other hand, it is undisputed that Cook was beaten bloody, and when in 2007 he was interviewed on camera for the first time for the film ***In Prison My Whole Life***, he could even show the interviewers the scars on his head he had suffered from the beating. What is more, another undisputed fact is that Billy Cook was way smaller and slimmer than Officer Faulkner, a muscular man bigger than 6 feet, and it would have been pretty irrational for him to take on a physically much stronger armed police officer, especially from the position he was in according to Scanlan – spread-eagled on the hood of the VW (or police car) with the officer behind him! So what Billy Cook says in the film with regard to this part of the event seems eminently credible to me: "They arrested me for assaulting him, but I never laid a hand on him. I was only trying to protect myself. I never hit him. I never hit him."

An Interview With Todd S. Burroughs

Abu-Jamal News: ***What were you doing during the 1995 PCRA hearings?***

Todd S. Burroughs: Was in Washington, D.C. at the NNPA (see: NNPA.org), pushing the ***National Association of Black Journalists*** behind the scenes to come out for Mumia's First Amendment rights. Incidentally, I was one of the first national Black newspaper columnists to write about Mumia steadily, updating the 200 Black newspapers during that summer of 1995.

AJN: ***Were you surprised by the outraged response to the Dec. 6 Today Show from Faulkner, Smerconish, Media Busters, and others?***

TSB: Oh, absolutely not. The anti-Mumia folks were shocked because they knew the patterns of institutional racism, in the American mainstream news media, and thought the established pattern was going to work for them. As you know, national television news cannot get enough of the White Woman Victim.

So here's the poor anti-Mumia folks, thinking Maureen was going to get to cry on camera, all blond and white and pretty! Here's Smerconish, a regular ***Today*** interviewee, by the way, thinking he was going to get softballs. And what happened? Co-host Matt Lauer decides to apply honest-to-goodness journalistic skepticism, like he was supposed to! Imagine that! What---or who---got to him? The Black reporter who did the set-up piece? Or the legitimacy of that ***Reuters*** article?

AJN: ***Your PhD dissertation was on the history of Black media, How does Mumia fit into this tradition?***

TSB: Mumia's 1970s radio career, and his radio career now, fit well into this tradition. In the 1970s, Mumia used Black radio and print the same way scores of young, politically motivated Black people who finally got access to the airwaves and to newspapers did all around the country during the 1970s. He's not really that special in that regard, and he's not being modest when he says so.

AJN: ***Who are some figures that you would most compare to Mumia?***

TSB: Afrocentric broadcasters Bob Law, Imhotep Gary Byrd and Gil Noble. All three have been very concerned about Mumia's case over the years.

AJN: ***Were you surprised by the March 27 decision denying a new trial?***

TSB: Not really. Too much (bad) legal precedent.

AJN: ***Why do you think they did?***

TSB: Because no one in the US wants to risk being Mumia's Judge Lance Ito or the Mumia equivalent of the O.J. jury!

AJN: ***Anything else to add?***

TSB: THANKS for your organizing.

...21 FAQs continued...

showed no interest. After Polakoff's photographic work had been so obvious to police at the crime scene in 1981, he expected to be contacted by the police or by the D.A. He was not. Polakoff also phoned the DA's office in 1982. Then, in the 1990s, Polakoff says, "when there was this big fuss about a new trial for Abu-Jamal, I contacted them myself and asked them to get back to me. They didn't even answer me."[5] He was offering them the photos and what he had to say about them. The interest that police and the DA's Office should have shown was suspiciously absent.

10. In spite of their failure to respond to Polakoff, is there any evidence that the police and prosecutors did know about his photos?

* As noted above, the police were very much aware that he was shooting these photos during the early moments at the crime scene in 1981. There is no way they would not be aware of that basic fact. Moreover, according to Schiffmann, three of Polakoff's photos did appear in different Philadelphia newspapers during the days just after the shooting. Schiffmann summarizes: "It is a breathtaking lack of investigative zeal that they didn't get back to him all by themselves despite the fact that the cops knew him well and his name was clearly visible on the photos, at least in the editions of them I came across on the internet in May 2006."[6]

11. Were any of the photos used in the trial of 1982?

* No, they were not used at the 1982 trial where Abu-Jamal was convicted, nor at any of his later appellate hearings, nor at the PCRA Hearings of the 1990s.

12. If these photos are potentially helpful to Abu-Jamal's case, why didn't Abu-Jamal's several teams of attorneys make use of them?

* The answer to this query is simple: the Abu-Jamal attorneys did not know then that the Polakoff photos existed. Now that they do know, it's a different story. Present attorney, Robert Bryan, has said he "could have a field day in court with those photos" – provided, of course, that Abu-Jamal gets a new trial.

13. Why didn't Polakoff contact Abu-Jamal's defense team about his photos, after he had not received any responses from the police or prosecutors?

* In the period of the shooting, and right up to the recent present, Polakoff was very supportive of the police view of the case, having, according to Schiffmann, "not the slightest doubt that Mumia was the murderer."[7] Polakoff wanted to help the prosecution and was surprised when they were totally uninterested in his photos. He had no motivation to contact the defense team.

II. Implications

14. Why was Polakoff so sure Mumia was the shooter? After all, even though he was an early arrival to the crime scene, he wasn't early enough to see the shooting.

* Polakoff simply believed the police who told him that a fellow cop had been shot and that they "had the motherfucker who did it."[8] When he offered the photos to them he just wanted to try to help them confirm that argument with the material available to him.

15. Was Polakoff told anything else by the police about the killing of Daniel Faulkner?

* Yes. In fact, Polakoff says, "all the officers present expressed the firm conviction that Abu-Jamal had been the passenger in Billy Cook's VW and had fired and killed Faulkner by a single shot fired from the passenger seat of the car."[9] For all the years after the case, since Polakoff had read almost nothing else about the details and debates about what happened, he "held the firm opinion that this was indeed what had taken place," i.e. that Mumia – contrary to actual fact - had been riding in his brother's VW and emerged from there to shoot Faulkner.[10]

16. At Abu-Jamal's trial, police, prosecutors, and defense were all agreed that Mumia approached the scene from his own cab through a parking lot across the street. So, where did the police get this early version of the crime that the shooter emerged from the passenger seat of Billy Cook's VW?

* Polakoff told Schiffmann that the early police opinion was the result of interviewing three other witnesses who were still present at the crime scene (a parking lot attendant, a drug addicted woman, and another woman) – none of whom, however, seem to have "appeared in any report presented by the police or the prosecution."[11] Polakoff concluded this from statements made by the police to him directly, and from his overhearing of their conversations.

17. Has anyone else ever claimed that there was someone else riding with Abu-Jamal's brother that night in the passenger seat?

* One person to indicate that a passenger was riding in Billy Cook's car was one of the prosecution's own witnesses, Cynthia White. She testified in the trial of Billy Cook himself, where Abu-Jamal prosecutor Joseph McGill functioned in the same role as in the Abu-Jamal trial. One of her remarks was highly problematic for the prosecution, whose murder case against Abu-Jamal had always been based on the presupposition that only three persons were present at the scene: Faulkner, Abu-Jamal, and Cook:[12]

* ----- White: And the police got out of the police car and walked over to the Volkswagen. And he didn't get all the way to the Volkswagen, and the driver of the Volkswagen was passing some words. He had walked around between the two doors, walked up to the sidewalk.
McGill: Who walked?
White: The passenger – the driver. The driver and the police officer.
McGill: When the officer went up to the car, which side of the car did the officer go up to?
White: A. The driver side.
McGill: The driver side?
White: Yes.
McGill: What did the passenger do?
White: He had got out.
McGill: What did the driver do?
White: He got out of the car.
McGill: He got out of the car?
White: Yes.[13]

* The language of this dialogue seems to point pretty clearly to the presence of another person at the scene, namely, a passenger in Billy Cook's VW. The driver of a car and the passenger of a car are notions that are hard to confuse, but moreover, White also says that the driver "got out of the car," while the passenger "had got out of the car," which once again points to the driver and the passenger as being two distinct persons. The prosecution never clarified this question.

* ----- That other man, who would have been a third man at the crime scene (in addition to Billy Cook and Abu-Jamal), was never acknowledged by prosecutors or police at Abu-Jamal's trial.

* ----- Even though it is almost certain that Cynthia White didn't observe the shooting itself, she may very well have seen the beginning of the events, since in her testimony regarding Abu-Jamal, she mentioned a fact that was both true and inconvenient for the prosecution, namely, the beating of Billy Cook by Officer Faulkner.

18. Why would Abu-Jamal and his brother, Billy Cook, not themselves emphasize the presence of the third man, Kenneth Freeman, at the crime scene and thus a potential suspect?

* Schiffmann argues that the identity of the third man, Kenneth Freeman, means that if Abu-Jamal and his brother fingered him as the killer they would have been pinning blame not only on a friend of theirs, but on a friend of their family. Freeman would then have had to face the same fate that Abu-Jamal did – for an action that might have been considered as legitimate self-defense and the defense of others on the part of Abu-Jamal and Billy Cook.[14]

* The background to this is that according to Schiffmann, all the available evidence points to the conclusion that the December 9, 1981 shootout was triggered by the life-threatening shot that Officer Faulkner fired into Abu-Jamal's chest. With Mumia Abu-Jamal already incapacitated, most likely the third man on the scene, Kenneth Freeman then sprang into action and began firing at the officer, in what he probably conceived as defense of Abu-Jamal, his brother, and not least himself. But of course there was no guarantee, to put it mildly, that the Philadelphia courts would interpret this as self-defense. So Freeman ended up being left out of the picture by the two other men involved, Mumia Abu-Jamal and Billy Cook.

19. Is there any evidence that Kenneth Freeman was the kind of person who could be considered a threat to a police officer?

* In a deposition by Philadelphia journalist Linn Washington, Jr., he stated that Kenneth Freeman frequently reported his experiences of police brutality to the Philadelphia Tribune where Washington worked. Washington knew Freeman as a frequent victim of police abuse.[15] Washington has also stated repeatedly that, on account of this background, Freeman harbored "an enormous anger at the police."[16]

20. Is there any evidence that Officer Faulkner that night had any interchange with a third person such as Kenneth Freeman?

* Yes, in the shirt pocket of Officer Faulkner was a driver's license application in the name of Arnold Howard, which Howard later testified was paperwork he had given to Kenneth Freeman. We don't know quite why Freeman was given the paper work or what Freeman would do with it, but the fact that he was known to have it, and that it ended up in Officer Faulkner's shirt pocket, suggests that Faulkner and Freeman had some interchange on the night of the shooting.

* Six people, Robert Chobert, Dessie Hightower, Veronica Jones, Deborah Kordansky, William Singletary, and Marcus Cannon, reported at various times that they saw one or more men run away from the scene, in the direction of a nearby alleyway which would have been a very suggestive escape route for anyone who would want to avoid being caught by the police.

* ----- One of these people was prosecution witness Robert Chobert. There is every indication – see for this, inter alia, question 8 – that Chobert did not observe the shooting itself and was not where he claimed to have been, behind Police Officer Faulkner's car, but he may very well have observed the person that fled the scene after the shooting. Chobert first simply said that the shooter had run away. Shortly after this, after he had identified Abu-Jamal, he said the shooter had run away but did not get very far – 30 to 35 steps and was then caught. At the trial, Chobert said the shooter made it no further than ten feet. Actually, Abu-Jamal was right next to the dead officer and thus fit neither of the accounts given by Chobert. Interestingly, in his first descriptions after the shooting, Chobert described the shooter as large, stocky, weighing 220 to 225 pounds and wearing dreadlocks – a description that fits Kenneth Freeman as he is remembered by acquaintances almost perfectly.

21. Where is Kenneth Freeman now?

* He was found dead on the night of May 13/14, 1985, the night of the firebombing of the MOVE house. Freeman was found "handcuffed and shot up with drugs and dumped on a Grink's lot on Roosevelt Boulevard, buck naked."[17] Again, no jury ever heard or deliberated on Kenneth Freeman's fate, or on his possible connections to the crime for which Mumia Abu-Jamal was convicted and sentenced to death.

* Given the actual flimsiness of the case against Abu-Jamal – lying eyewitnesses, a phony confession, distorted or non-existent ballistic evidence – the police at the scene had to suspect that someone else was involved and probably the actual shooter. Since they were aware of the Howard license in Faulkner's shirt, an immediate trail led to none other than Kenneth Freeman. Given the revengefulness and propensity of the Philadelphia police for deadly violence, as well as the date and extremely suspicious circumstances under which the dead Freeman was found, the conclusion that he was killed by the police as part of a general vendetta against its perceived "enemies" (remember that 11 MOVE members were killed the same night) doesn't seem far-fetched.

The Newly Discovered Polakoff Crime Scene Photos: 21 FAQs

Co-written by Educators for Mumia and Journalists for Mumia

Mumia Abu-Jamal has been on Pennsylvania 's death row for over a quarter of a century. His 1982 conviction for the shooting death of Philadelphia Police Officer Daniel Faulkner, has been contested by jurists, human rights organizations, and peoples of conscience the world over. Even though he is arguably the most famous political prisoner in the United States, his case and struggle for justice distill many of the issues that racially stigmatized groups and others have faced in the United States for decades: police brutality and violence, racist applications of the death penalty, prosecutorial misconduct, suborning of witnesses, and the use of wealth and political privilege in criminal justice systems to service the ideological interests of groups and classes in power.

Within the last year, some 26 photos have been discovered by researcher Dr. Michael Schiffmann of the University of Heidelberg , showing the crime scene where Officer Faulkner was killed. These photos were offered to police and prosecutors from the beginning, but were never considered at Abu-Jamal's 1982 trial, or in any judicial phase of his struggle for justice thereafter. Indeed, they were unknown even to Abu-Jamal's defense team, until very recently. To widen public knowledge about these photos and to answer many of the basic questions about them, Educators for Mumia Abu-Jamal and Journalists for Mumia Abu-Jamal have collaborated to produce this document of "21 FAQs about the Polakoff Photos." We stress that while it is important for the public to have knowledge about these photos, and to debate them in the media and public forum, the most important and necessary move is for the court system to give Abu-Jamal a new trial and deliberate officially on this evidence and all evidence that is potentially exculpatory for Abu-Jamal.

Four photos can be viewed at Abu-Jamal-News.com, as well as video footage of the Dec.4 press conference addressing the photos and the Dec. 8 slide show presentation of the photos. After a year-long media blackout, the photos have now been spotlighted by Reuters, NBC's Today Show, NPR, Counterpunch, The SF Bay View Newspaper, The Black Commentator, The Philadelphia Weekly, and others.

More extensive information on the case can be found at the following websites: FreeMumia.com (New York City), FreeMumia.org (San Francisco), EmajOnline.com (Educators for Mumia), Abu-Jamal-News.com (Journalists for Mumia), or by contacting: The International Concerned Family & Friends of Mumia Abu-Jamal, P.O. Box 19709, Philadelphia, PA 19143, (215) 476-8812, icffmaj@aol.com .

I. Facts

1. Why are these photos coming out just now, and how were they discovered?

* The photos were discovered by University of Heidelberg linguist and translator, Michael Schiffmann, during an unrelated internet search in late May 2006. Schiffmann first found two photos taken by a freelance photographer, Pedro Polakoff. Later he would have access to over 26 of Polakoff's photos of the crime scene. Previous researchers and those debating the Mumia case, in court or outside of court, seem to have had no knowledge of these photos until this discovery, and until Schiffmann's later discussion of the photos in his 2006 book, Race Against Death: The Struggle for the Life and Freedom of Mumia Abu-Jamal (published only in Germany, with an English manuscript presently available). Educators for Mumia Abu-Jamal (EMAJ) and Journalists for Mumia Abu-Jamal (J4M) have been instrumental in circulating knowledge of Schiffmann's discovery.

2. Is there any chance these Polakoff photos could be fake or doctored?

* Schiffmann has responded to this query directly: "Polakoff has preserved the original negatives, from which the images viewed on the internet were directly scanned, with a negative scanner. As the negatives show, Daniel Faulkner's hat started on the top of the VW, and only later showed up on the sidewalk, where it would then remain for the official police photo. There isn't a scintilla of a doubt about its authenticity, […] and there isn't the slightest doubt about the time sequence of the photographs, a question that I've gone through with photographer Pedro Polakoff again and again and again."[1]

3. Who is this photographer?

* Pedro P. Polakoff was a freelance photographer in Philadelphia who got to the crime scene just 12 minutes after the shooting was first reported on police radio, and apparently at least 10 minutes before the Philadelphia Police Mobile Crime Detection (MCD) Unit that handles crime scene forensics and photographs.

4. How could Polakoff get access to the crime scene for these photos?

* Polakoff was himself surprised about how he could move and photograph freely everywhere at the crime scene, even after the PPD Mobile Crime Unit arrived. Polakoff told Schiffmann that it was the "most messed up crime scene I have ever seen." It was completely unsecured, a fact testified to also by Philadelphia journalist, Linn Washington, Jr.[2]

5. How did Schiffmann get his information from Polakoff?

* After the first contact, first by telephone, and then by email with Polakoff, Schiffmann amassed over 60 pages of email notes from questioning Polakoff. He also had over six weeks of other contacts with Polakoff, "without ever revealing more to him," writes Schiffmann, "than the fact that I was working on a book on the case." Only relatively later in the conversations with Polakoff did Schiffmann reveal his own views and suspicions about the prosecutors' version of the case. Schiffmann also has studied Polakoff's many responses at different points during his contacts, and Schiffmann finds that Polakoff is both detailed and consistent each time.

6. What is most important about the 26 Polakoff photos?

* This question must be approached both as a procedural question and as a substantive question. Procedurally, there is the fact that Polakoff offered the 26 photos to the police and DA's Office, and they showed no interest in them. The photos surely never entered the court record of Abu-Jamal's case to be set before a jury's deliberation. Let us grant that photos can enter as evidence in many ways, and a photo which very clearly shows one thing to one person can show something very different to another person, often depending on context (of other evidence, knowledge, personal experience and ideological interests, and so on). Nevertheless, the key procedural point is that the Polakoff photos, which were available and offered to police and prosecutors in both 1981/1982, and in the 1990s, never even made it into the evidentiary record of this case. They were omitted, left out, of all procedures for investigating Officer Faulkner's death.

* Substantively, the Polakoff photos enable defense attorneys, and by extension the court, to raise significant reasonable doubt about the basic scenario of Officer Faulkner's death – a scenario that prosecutors constructed to argue for Abu-Jamal's guilt. In light of the Polakoff photos, that scenario could be completely destroyed by attorneys. In particular, testimony for the prosecution about that scenario, provided by Cynthia White, Robert Chobert and Michael Scanlon, becomes incredible.[3]

* ----- At the 1982 trial of Abu-Jamal, they all testified that the killer stood over the officer who was lying defenselessly on the sidewalk and fired several .38 caliber bullets down at him, one of which hit him between the eyes and killed him instantaneously, whereas the other shots missed.

* ----- These missing shots would have produced traces in the sidewalk that it would have been impossible to overlook, since bullets of that caliber would have left large divots, or even holes with concrete broken away, in the sidewalk.

* ----- Neither the one police photo of where Faulkner allegedly lay, nor a full nine other Polakoff photos taken of the same area from various angles, show any traces of such shots into the sidewalk.

* ----- Even if we grant that interpreting photographs can at times be a complex endeavor, the apparent absence of any such divots renders the prosecution witnesses' testimony highly problematic, to say the least.

7. Couldn't the other shots have glanced off the sidewalk or hit at such an angle that they might not have left any trace?

* This is highly unlikely. In the first place, the prosecution witnesses and prosecutors' summary of the crime claim that a killer stood directly above Jamal, straddling him even, and fired downward. From that angle any missing shots are most likely discharged in a downward direction that would leave divots. In the second place, a highly qualified ballistics expert who was consulted by Schiffmann has informed him that firing .38 caliber bullets in this way would "inevitably" produce divots in the sidewalk.[4] The same point is made in the specialized literature on the subject. Again, this is a new matter that was never heard, or deliberated on, by a jury.

8. Are there other significant problems for the prosecution case raised by the Polakoff photos?

* Yes, many, but two more should be noted, especially. First, the testimony of taxi driver Robert Chobert is further discredited. He claims to have been parked just behind the slain police officer's squad car, with a direct view of the killing. The Polakoff photos show the space behind the officer's car and there is no sign of Chobert's taxi, giving fuller support to the conjecture that Chobert's probationary status for a past act of throwing a Molotov cocktail into a grammar schoolyard, and the fact that he was driving his cab without a license on account of repeated DUI violations, might have made him vulnerable to police pressure to say he saw what he didn't see.

Second, the photos raise further questions about police contamination or manipulation of evidence at the crime scene. One Polakoff photo shows police officer Faulkner's hat on the top of the VW he had pulled over, whereas the official police photo, taken later and used at the trial has the hat on the sidewalk where prosecutors say Faulkner was slain (and a later Polakoff photo has it moved to the ground also, which corresponds with the official police photo). Several Polakoff photos show police officer Steve Forbes at the crime scene holding the recovered weapon in his bare hand, even changing the guns from one hand to another, whereas at trial Forbes had denied touching the guns metal parts for the full one-and-a-half hours he held them. Again, these matters were not heard by a jury.

9. Wouldn't the police and prosecutors be interested in such early photos of the crime scene?

* One would think so. Polakoff reports, however, that the police

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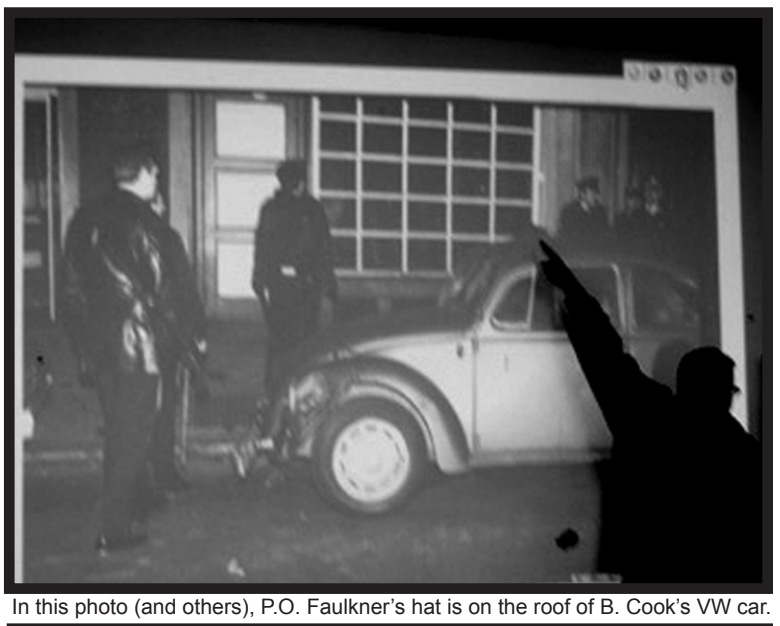
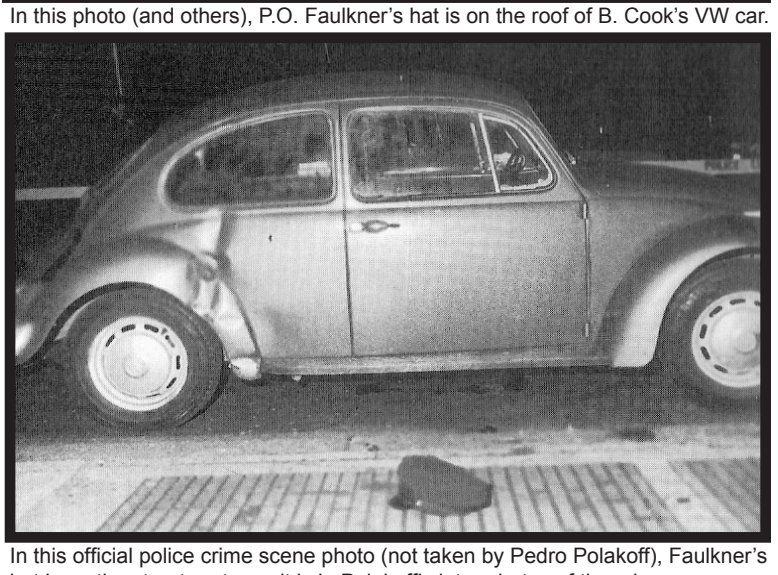
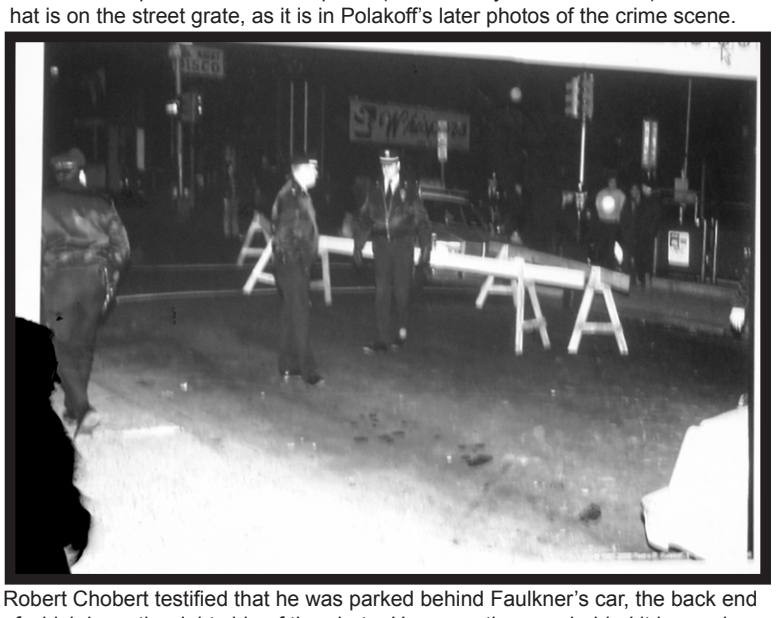
James Forbes holds 2 guns (officially Faulkner's and Abu-Jamal's) in his bare-hand, destroying possible ballistics evidence. See the 2 triggers in enlarged circle.



In this photo (and others), P.O. Faulkner's hat is on the roof of B. Cook's VW car.



In this official police crime scene photo (not taken by Pedro Polakoff), Faulkner's hat is on the street grate, as it is in Polakoff's later photos of the crime scene.



Robert Chobert testified that he was parked behind Faulkner's car, the back end of which is on the right side of the photo. However, the area behind it is suspiciously empty, showing that Chobert was not parked where he claimed to be.

Is the car on the left Chobert's taxi? This photo (not taken by Polakoff) recently appeared on an anti-Mumia You Tube video, and appears to be taken on 13th St., north of Locust, and facing southwest towards the crime scene. Since there is no date our authentication, we can't know for sure, but at minimum, the apparent absence of his taxi on Locust St. is not contradicted by this photo.