

PDC Partisan Defense Committee

Defense of Cases and Causes in the Interest of the Whole of the Working People

The PDC is a class-struggle, non-sectarian legal and social defense organization which champions cases and causes in the interest of the whole of the working people. This purpose is in accordance with the political views of the Spartacist League. Our heritage is the working-class defense policies of the International Labor Defense (ILD), under its founder and first secretary from 1925-1928, James P. Cannon. The PDC was initiated by the Spartacist League in 1974, and stands on the record of principled defense work conducted by the Spartacist League.

The PDC is partisan: we stand unconditionally on the side of working people and their allies in struggle against their exploiters and oppressors. We place all our faith in the power of the masses and no faith whatever in the "justice" of the court. While favoring all possible legal proceedings for the cases we support, we recognize that the courts, prisons and police exist to maintain through organized violence and terror, the rule of one class over others. In its partisanship, the PDC is also anti-sectarian. We champion causes and defend cases whose victorious outcomes are in the interest of working people, irrespective of particular political views. We defend, in the words of James P. Cannon, "any member of the workers movement, regardless of his views, who suffered persecution by the capitalist courts because of his activities or his opinion" (*The First Ten Years of American Communism*).

Stipends to Class-War Prisoners—Revival of the ILD Tradition

We must not forget the class-war prisoners of today—those in prison for standing up to racist capitalist oppression—whose freedom is in the interest of the whole of the working people. "The victory of the class-war prisoners is possible only when they are inseparably united with the living labor movement and when that movement claims them for its own, takes up their battle cry and carries on their work" (James P. Cannon, "The Cause that Passes Through a Prison," *Labor Defender*, September 1926, reprinted in *Notebook of an Agitator*).

As an expression of our class solidarity, the PDC has revived the tradition of the ILD by sending monthly stipends of \$25 to class-war prisoners. This support for class-war prisoners is not an act of charity but the duty of those on the outside toward those inside prison walls.

Class-Struggle Defense Notes—Build the PDC

Name _____ Telephone (_____) _____

Address _____

- I want to pledge \$ _____ per month. Increase my monthly pledge to \$ _____
- I want to receive *CSDN*. Enclosed is my contribution of \$ _____
- I want _____ copies of *CSDN* back issues No. _____ at \$1.00 each. Enclosed find \$ _____
- I want _____ bundles (25 each) of the Jamal Campaign Issue, *CSDN* No. 22, at \$10 per bundle and _____ copies of the PDC's video *From Death Row, This is Mumia Abu-Jamal* at \$30 each. Enclosed find \$ _____

CLASS-STRUGGLE DEFENSE NOTES is published by the PDC, P.O. Box 99, Canal Street Station, New York, NY 10013, (212) 406-4252. Contributions to the PDC of \$5.00 or more include a year's subscription to *CSDN*.

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CLASS-STRUGGLE DEFENSE NOTES

Number 22 50¢



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Summer 1995

Death Warrant Signed

Mobilize Now— Mumia Abu-Jamal Must Not Die!



Jennifer Beach

SPECIAL CAMPAIGN ISSUE



Philadelphia, June 5: Hundreds turn out for press conference and rally to save Jamal.

Workers Vanguard Photo

Mumia Abu-Jamal: The FBI COINTELPRO Files	14
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MUMIA ABU-JAMAL NEEDS YOU—NOW! STOP THIS RACIST “LEGAL” LYNCHING

On June 1, Pennsylvania Governor Tom Ridge signed Jamal's death warrant and set the execution for 10 p.m. on August 17. The pure vindictiveness of this act is demonstrated by the fact that Ridge *knew* Jamal's attorneys planned to file papers for a new trial on June 5. The government escalated their bloody vendetta against Jamal when his book, *Live from Death Row*, was published in May by Addison-Wesley. Known as the “voice of the voiceless,” Jamal's eloquence, courage and militancy are perceived as a threat by those whose system rests on the brutal repression of minorities and working people. Jamal is an innocent man who was framed up and sentenced to die for his political beliefs. The government can't lock up Jamal's ideas and **we can't let them kill Mumia Abu-Jamal!**

While using every legal avenue open to us, we place no faith in the “justice” of the capitalist courts and all faith in the strength of the organized power of the working class and oppressed masses. The battle is joined, it is time to *act*.

This special campaign issue of *CSDN* is a tool for you to organize for Jamal's case among your friends and co-workers. To win this fight requires publicity, mass demonstrations against the state's designs to kill Jamal, and lots of money to pay legal costs. Beginning on page 25 we reproduce an excerpt of the legal papers prepared by Jamal's attorneys which power-

fully documents the government's vendetta against Jamal and the suppressed evidence of his innocence.

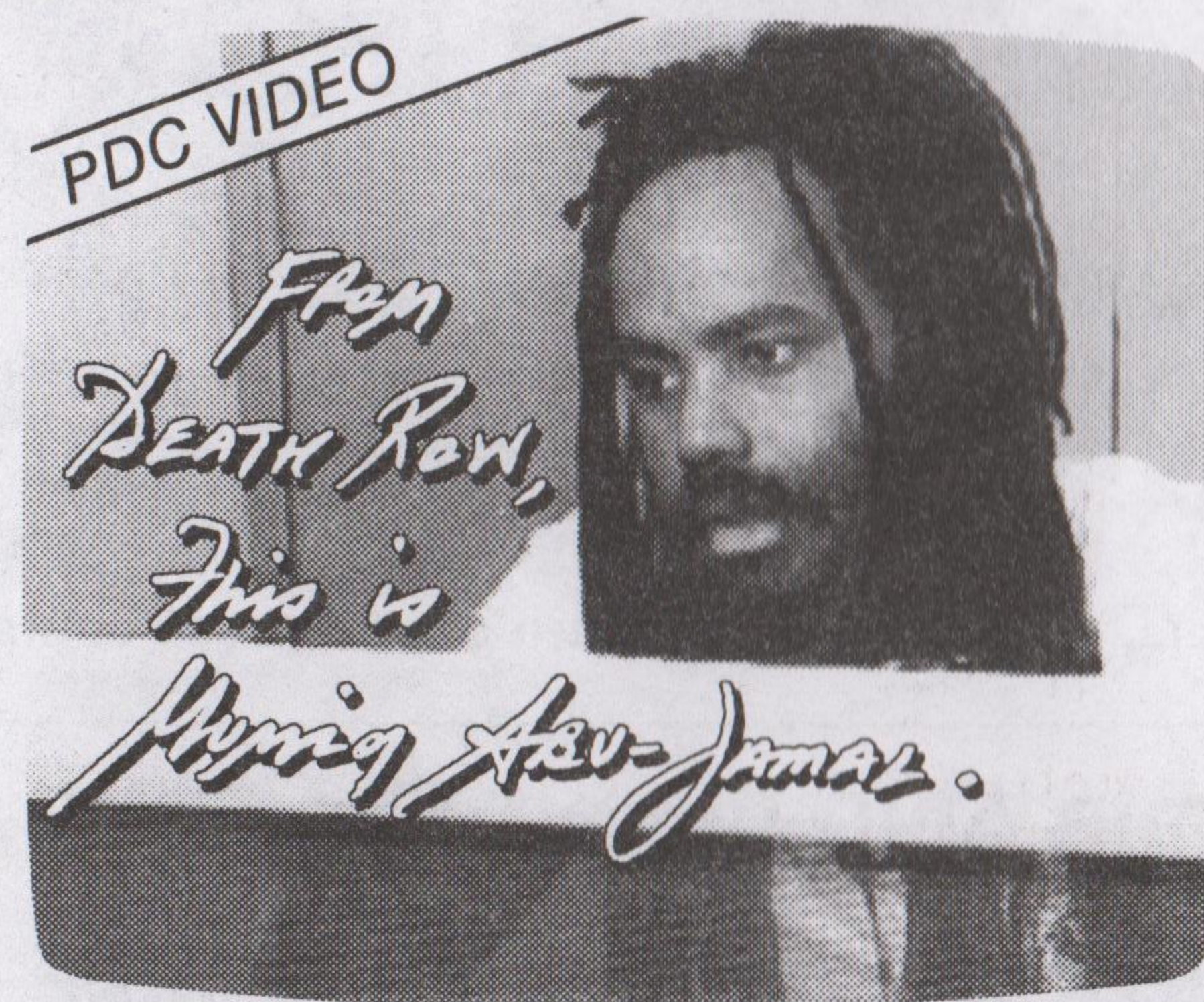
The PDC initiated and joined others in protests around the world beginning on June 4. In the U.S., these were the biggest demonstrations against the death penalty in *decades*. As we took to the streets for Jamal in cities across the country, South Africa's Supreme Court abolished the racist death penalty. Support for Jamal continues to roll in from the powerful South African trade union movement who see in the struggle against “legal” lynching a reflection of their own battles against apartheid terror. Coverage of these events begins on page 3.

Tens of thousands of individuals—and unions representing the organized strength of millions more—have lent their names to the campaign to free Jamal. A partial list of supporters for this former Black Panther, MOVE supporter and award-winning journalist is on page 12 of this issue.

To save Mumia's life, we must organize a campaign the likes of which has not been seen in this country since the effort which saved the Scottsboro Boys from the electric chair in the 1930s. Mumia has been in the cross-hairs of the feds since he was *15 years old* as shown in the 700 pages of FBI files recently obtained under the Freedom of Information Act. A summary of the COINTELPRO persecution of Jamal begins on page 14.

dollars. **Make a contribution today** to the Bill of Rights Foundation (earmarked “Mumia Abu-Jamal Legal Defense”) and mail it to: Committee to Save Mumia Abu-Jamal, 163 Amsterdam Ave., No. 115, New York, NY 10023-5001.

5 Write to Jamal to express your solidarity:
Mumia Abu-Jamal, AM8335, SCI Greene, 1040 E. Roy Furman Highway, Waynesburg, PA 15370-8090.



Join the Campaign!

1 Organize protest! Pass motions in your unions, campus, community and church organizations. Get your union or organization to make a contribution and join rallies and protests for Jamal. Publicize Jamal's case in your union or organization's newsletter. Prepare for emergency demonstrations—**get on the Partisan Defense Committee phone tree to organize in your area.**

2 Spread the word! Order bundles of this special campaign issue of *CSDN* from the Partisan Defense Committee! Get your local bookstore to stock Jamal's powerful *Live from Death Row*. Contact the PDC for speakers, to arrange showings of the PDC's video, *From Death Row, This is Mumia Abu-Jamal*. See coupon on back page to order video and *CSDN*.

3 Send protests to: Governor Tom Ridge, Main Capitol Building, Room 225, Harrisburg, PA 17120. In the first week after he signed Jamal's death warrant, Ridge received over 20,000 letters of protest. Now he's changing his phone and fax number daily to try and stay ahead of the growing movement for Jamal! As we go to press, the numbers are: phone (800) 932-0784; fax (717) 883-1396.

4 Funds are urgently needed! To get a new trial and overturn the death sentence could cost over a million

For more information: Partisan Defense Committee, P.O. Box 99, Canal Street Station, New York, NY 10013 • (212) 406-4252

Save Mumia Abu-Jamal! Abolish the Racist Death Penalty! Thousands Protest Execution Threat

“Today we begin the process of undoing an unjust conviction that was rendered in this building 13 years ago.”

— Leonard Weinglass at Philadelphia press conference, June 5

On June 1, Pennsylvania Governor Tom Ridge signed a death warrant for Mumia Abu-Jamal and set Thursday August 17 at 10:00 p.m. as the execution date. Jamal is to be executed for his political activities and beliefs. A former Black Panther Party spokesman, an award-winning journalist known as the “voice of the voiceless” and supporter of the MOVE organization, Jamal was the victim of a racist frame-up. Human rights groups, labor unions, and other organizations representing millions of people from all over the world are fighting for Jamal's life.

Four days later, on June 5, Jamal's attorneys filed a petition for a new trial in the Pennsylvania Court of Common Pleas in Philadelphia. Based on months of investigation, research and review, these papers demonstrate unequivocally that Mumia, a man who has proclaimed his innocence from the very beginning, was the victim of a politically motivated, racially biased prosecution in which evidence of his innocence was suppressed.

The Partisan Defense Committee and other organizations, among them Refuse And Resist!, the Concerned Family and Friends of Mumia Abu-Jamal and the Coalition to Free Mumia Abu-Jamal, spread the word about Mumia's case and organized months in advance for emergency protests following the signing of a death warrant. When the warrant was signed, thousands of unionists, students, leftists, civil rights and community activists took to the streets in cities across the United States and around the world to demand Mumia's freedom. *The New York Beacon*, one of New York's black newspapers, appropriately headlined its June 8-14 issue, “The World Screams, ‘Save Mumia’.” Most importantly, in Mumia's home-

town of Philadelphia, an integrated crowd of some 600 Jamal supporters turned out *en masse* to support Jamal's attorneys at a press conference and rally on June 5 after legal papers were filed demanding a new trial, a stay of execution, and the removal of “hanging judge” Sabo from Jamal's case.

In the first five days after Governor Ridge condemned Mumia to death with a stroke of his pen, Ridge's office was inundated with over 20,000 protest letters, faxes and postcards from around the world. In a futile attempt to elude the tidal wave of protest on behalf of Mumia hitting his office, the governor shut down his toll-free “800” phone number and changes his fax and phone numbers every day. These desperate antics by “Governor Death” can hardly deter the powerful and growing movement to save the life of Mumia Abu-Jamal, an internationally renowned writer whose ideas inspire struggles against injustice everywhere.

The threatened execution of Jamal is not only inherently racist and barbaric, it is also the first explicitly political execution attempted in this country since the government murdered Julius and Ethel Rosenberg in 1953. Just as the Rosenbergs were murdered in the McCarthyite climate of Cold War anti-Communism, the persecution of Jamal takes place in the context of President Clinton's drive to bring back COINTELPRO and abridge fundamental freedoms for the entire population and of a bipartisan assault on every social program from welfare to Medicare, particularly targeting the black ghetto population.

The death penalty is the centerpiece of the right-wing backlash for racist “law and order.” Clinton's new crime bill, passed just before last year's elections, mandates the death penalty for 60 more federal offenses, effectively making the death penalty the law of the land even in states that abolished it. By mid-May, 24 people were executed in the U.S.

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Founding Member: Toni Randell (1943-1982)
Executive Director: Deborah Mackson
Chairmen: Charles Brover, Reuben Shiffman
Secretary: Paul Cooperstein
Treasurer: Jake Braun
Labor Coordinator: Gene Herson

Staff Counsel: Valerie West, Rachel Wolkenstein
New York Representative: Richard Dundy, M.D.
Bay Area Representative: Barbara Franck
Midwest Representative: Mark Kelly
CSDN Production Manager: Jake Braun

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Workers Vanguard Photo

**New York, June 5:
Over 1,000
demonstrate to
protest signing of
death warrant.**

this year—a pace that will nearly double the highest yearly total of executions since the reinstatement of the death penalty in 1976. On June 7, just one day after South Africa abolished the death penalty, the U.S. Senate passed Clinton's anti-terrorism package, which limits inmates to one federal court challenge to their death sentence within one year of conviction. This measure is a virtual death sentence for the centuries-old right of *habeas corpus* by which 40 percent of death sentences are overturned. The American ruling class wants a compliant and "disciplined" populace. Mumia stands as a symbol of defiance against this racist oppression. That is why they want him dead.

Jamal's case has become a rallying point for all those who want to fight against this whole racist onslaught. In February and March the PDC and its fraternal organizations across the seas organized demonstrations and rallies which drew support from increasing numbers of minority, immigrant and labor organizations. Since February nearly \$20,000 has been raised for legal defense. More recently, support has rolled in from the powerful black trade union movement in South Africa. These workers see in our fight against the legacy of slavery represented by the "legal" lynching of Jamal a reflection of their own struggles against apartheid state terror and the criminalization of political dissent.

Across Europe, where capitalist counterrevolution in the former deformed workers states has brought poverty, disease and fratricidal war in the East, accompanied by emboldened fascist activity and anti-immigrant witchhunts in the West, Jamal's case has been embraced by trade unionists, Holocaust survi-

vor groups and immigrant youth who see in the fight for this imprisoned former Black Panther Party leader the struggle against the forces exploiting and oppressing them as well. The mushrooming support from the organized workers movement is particularly important in linking the fight for Mumia's life with living struggle outside the prison walls (see page 12 for a partial list of Jamal campaign supporters).

A Lynch Mob Is on the Rampage

In a moving statement to his supporters massed outside Philadelphia City Hall for the June 5 press conference and rally, Jamal pointed out that Ridge signed the death warrant knowing that Mumia's attorneys were filing a petition for a new trial on June 5. "Everyone in the state of Pennsylvania knew we were coming Monday" to file. Ridge's action "was clearly political. He is at the call of those who are calling for my blood."

If Albert Sabo, the judge who sentenced Mumia to die, is the King of Death Row, Governor Ridge clearly aspires to be the Crown Prince. In office for just four months, Ridge has already signed a staggering 15 death warrants and presided over the first Pennsylvania execution in 33 years. In response to inquiries why he signed Mumia's warrant, Ridge's office replied, "to fulfill a campaign promise." That promise was made to the racist thugs in blue, the Philly cops who tried to kill Jamal in the street 14 years ago and who have been trying to silence him ever since.

The Philadelphia Fraternal Order of Police (FOP) has been on a rampage to force Jamal's execution. They have seized on the publication of Jamal's new book, *Live from Death Row*—a collection of his in-

tensely compassionate writings about the horrors of racism, injustice and prison life—to rev up their frenzied drive for the legal lynching of this powerful spokesman for the oppressed and to intimidate the countless thousands who have raised their voices to save him. Addison-Wesley, the publisher of *Live from Death Row*, has been the target of FOP harassment, including a plane flying over their publishing house trailing a 30-foot streamer reading, "Addison-Wesley Supports Convicted Cop Killer."

In May, when *Live from Death Row* hit the bookstores, the capitalist media launched an orchestrated campaign and deafening drumbeat for Mumia's death. In a lead editorial worthy of witchhunter Joe McCarthy, the *New York Post* railed that "The Left Fetes a Cop-Killer," denouncing Jamal's defenders and in particular those who would be participating in public readings from *Live from Death Row* on May 20. One, featuring Giancarlo Esposito, was picketed by 50 screaming white racists from the Philly, New York and New Jersey Fraternal Orders of Police. The May 18 "Eye on America" segment of Dan Rather's CBS-TV national evening news featured an equally vile smear job, preceded the day before by a lengthy article in the *Washington Post* and earlier pieces in the *Boston Globe* and the *Philadelphia Daily News*. The crusade to kill Jamal moved into high gear last year in a successful attempt by the FOP and others to cow National Public Radio into canceling a series of commentaries by Jamal.

The press announcement that Mumia's book was about to be published upped the ante against Jamal. The prison authorities cut off all paralegal and press visits in retaliation for increased support for Jamal and publication of the book. In the latest atrocity, Jamal has been placed in disciplinary custody on charges of "conspiring" with his attorneys and supporters to publish the book.

The attempted book-banning by jack-booted FOP thugs in uniform underscores the essential truth: *they want to lock up Mumia's ideas and kill the writer*. Like the writers Salman Rushdie and Taslima Nasrin, whose liberating views threaten those who benefit from a repressive society, Mumia Abu-Jamal has been sentenced to die because his ideas, his courage and his humanity threaten the rulers of this whole system of injustice. Jamal has become the focal point of the broader fight against the racist death penalty, and that is why the forces of death seek to vilify him. They want the public to fear and loathe the nearly 3,000 prisoners on death row as nameless, faceless "brutes"—and Mumia's eloquent, compassionate writings expose this lie.

The macabre race to the slaughterhouse reaches beyond the Philadelphia cops and Governor Ridge to the highest levels of government. In mid-May President Clinton attended the national FOP's annual gathering in Washington, and later met with FOP

leaders where he grotesquely equated leftist protesters of the '60s with fascist terrorists reveling in the slaughter of innocent people in Oklahoma City. Emboldened by the "law and order" drive, the racist cops act as if they stand above the law, as demonstrated by the rampage by drunken New York City cops in Washington, D.C. The Philly cops showed their idea of "justice" ten years ago when they bombed the MOVE commune, with explosives provided by the FBI, setting off a firestorm that killed eleven black people, including five children, and consuming an entire city block. Mark Goldberg, a Jewish ex-cop, is suing the police department for half a million dollars, charging he was driven out of the department by the open anti-Semitism of his superior officers. And now Pennsylvania's top cop, Attorney General Ernest Preate, Jr., has pleaded guilty to mail fraud and agreed to resign over a scandal involving illegal gambling operations. John Shaw, the former head of the Philly FOP, now resides in a federal penitentiary, convicted of corruption.

Meanwhile, in a crude attempt at intimidation, the Philadelphia District Attorney's office sent out an official letter on June 2 to prominent supporters of Jamal including the actors Ed Asner, Mike Farrell, Ossie Davis and Whoopi Goldberg, denouncing their support for Jamal as "misguided, misinformed" and repulsive. The D.A.'s office stated ominously that Addison-Wesley's "decision to publish Mr. Abu-Jamal's book and reward him with a profit for his deed, looks to be the only true miscarriage of justice here." So much for the "balanced" scales of "blind" justice. From the governor's mansion to the D.A.'s office to the FOP, the entire legal system in Pennsylvania, as regards the Jamal case, recalls the stench of Alabama in the days of Jim Crow when the powers that be similarly railed against "New York lawyers" and "outside agitators." Mike Farrell, co-chair of the Committee to Save Mumia Abu-Jamal, publicly responded to the attack with a letter printed in the *Philadelphia Daily News*:

"Given the retrograde tone of the campaign being waged—and signed onto by too many normally responsible journals—one understands why so many of the disfranchised find themselves willing to believe the powers-that-be are once again conspiring to remove from their midst an articulate and passionate voice who offers an alternative vision."

In their campaign to assassinate Mumia Abu-Jamal, the media have cynically trotted out the dead police officer's widow, Maureen Faulkner, claiming that this innocent man must die so that she will again be able to get a peaceful night's sleep. Do any of them inquire how the wife and children of Mumia Abu-Jamal sleep, knowing that their husband, father and grandfather is targeted for death? One of the demagogic lies pushed by the FOP's

friends in the press was that Jamal turned and smiled at Maureen Faulkner when the ballistics expert held up her husband's bloody shirt in evidence at Jamal's June 1982 trial. Trial transcripts show that Jamal was not even in the courtroom when this happened, because the judge excluded him from much of his own trial!

From Oakland to Sydney: Mumia Must Not Die!

While availing ourselves of every legal resource at our disposal to save Jamal's life, death penalty abolitionists cannot expect justice through the capitalist courts. We must rely on and organize the tremendous power of social protest to save Mumia. Were it not for the mass mobilizations against Jim Crow "justice," the Scottsboro Boys would have been executed for a crime they did not commit.

In the largest death penalty protests in this country in decades, thousands across the country and in some 35 cities around the world poured into the streets to demand that Jamal not be executed.

- **Philadelphia:** Some 600 Jamal supporters filled the plaza outside Philadelphia's City Hall for a press conference organized by the Concerned Family and Friends of Mumia Abu-Jamal in conjunction with the filing of Jamal's legal papers on June 5. For the first time the Philly press corps, who have been echoing the Fraternal Order of Police calls for Jamal's head, got to hear the anatomy of Jamal's frame-up and proof of his innocence from lead attorney Len Weinglass and PDC counsel Rachel Wolkenstein. Speakers included Pam Africa of the Concerned Family and Friends, Ed Jarvis of the PDC, Clark Kissinger of Refuse and Resist! and former political prisoner Dhoruba bin Wahad. Ray Martinez, an SEIU organizer in Puerto Rico and adviser of the Committee to Save Mumia Abu-Jamal flew in to express his support.
- **New York:** Four hours later over 1,000 protesters marching to a beating drum ringed New York's Madison Square Garden. Although a phalanx of cops prevented protesters from using bullhorns, chants of Free Mumia! Free Mumia! could be heard for blocks. A truck driver passing by who blew his horn in solidarity was pulled over and arrested.
- **Oakland:** Over 500 angry protesters rallied in downtown Oakland to demand "Save the Life of Mumia Abu-Jamal!" Kiilu Nyasha, a former Panther who remains active in the fight to free political prisoners despite being confined to a wheel chair, told the crowd, "I wrote Mumia and I told him I will not go through losing you like I went through losing George Jackson." ILWU International President Brian McWilliams sent out a notice urging ILWU members to attend the rally, and addressed the rally himself as the union ban-

ner waved from the speakers platform. Owen Marron, Executive Secretary of the Alameda Central Labor Council linked the rollback of union rights with attacks on the black community and pledged labor support for the fight for Jamal's life:

"We're all taught in school that the Constitution and the Bill of Rights protects us, and gives us justice, but it does not. The only way people get justice is to exercise their rights, and that's what we're doing here today.... We in organized labor know that the law is not just. For too many years the courts and the police were owned by the employers; they exploited the workers. Every time that we had a good strike, they would go to court, get injunctions and break our strikes.... [W]e know the history of Philadelphia: the bombing of the row houses, the destruction and the terrible loss of life, women and children. The only way we're going to stop that is to keep demonstrating like this and to try and convince the people who run the government in Pennsylvania not to execute an innocent man. Give him a fair and just trial and we in the labor movement will be with you, and all the other organizations. And if we keep at it, we will get justice for our brother."

Hundreds more demonstrated in **Los Angeles, Chicago, Boston and Washington, D.C.** An evening rally in **Minneapolis** on June 3 was disrupted when police on horseback charged in to the peaceful crowd of 200, spraying mace and arresting eleven people. The **Boston** rally at the memorial to the courageous black Civil War soldiers of the Massachusetts 54th Regiment heard a statement from Julius and Ethel Rosenberg's children, Robert and Michael Meeropol.

"Make no mistake about it, the answer to the question of whether something like our parents' case could happen again is a snarling YES pronounced by the Supreme Court and new Governor of the Commonwealth of Pennsylvania. Our parents were almost saved by the mobilization of thousands of Americans. Mumia can yet be saved if we devote ourselves wholeheartedly to spreading the word about his specific case and also about the awful way the Death Penalty is used as the ultimate weapon against political opponents of the status quo—both to kill the most dangerous and to frighten the rest. We must not be frightened. We must not shy away from the defense of Mumia. We must make sure that NO AMERICAN POLITICAL PRISONER suffers the fate of Ethel and Julius Rosenberg."

The death penalty shackles the ancient tradition of torture to the ruthless machinery of the modern capitalist state. With the recent abolition of the

death penalty in South Africa, today the United States is the only Western power to engage in the state-sanctioned slaughter of its own people. Echoing earlier movements in Europe against chattel slavery in America, today the demand, "Save Mumia Abu-Jamal! Abolish the racist death penalty!" rings out in many languages on the streets of Berlin, Paris, London, Rome, Amsterdam, Tokyo, and elsewhere.

In **London** on June 8 about 150 people protested outside the U.S. Embassy. Jesse Jackson was informed of the death warrant for Jamal while he was on tour in England. At a public meeting on June 4, Jackson told his audience, "We are all in prayer that Mumia Abu-Jamal must not die by capital punishment. We must stop this killing. It does not make sense."

Mumia's colleagues in the National Union of Journalists are actively involved in the fight for the "voice of the voiceless" and the NUJ National Secretary addressed the June 8 protest in London as did representatives from other unions and a very broad spectrum of socialist groups. Jeremy Corbyn, a Labour Party Member of Parliament, told the crowd,

"This proposed legal murder of someone who is not even guilty of the crime for which he has been charged is yet another example of the brutality of the law and order lobby in the United States and indeed exactly the same law and order lobby that is at work in this country as well."

In **Germany** some 300 people protested on June 8 at the U.S. Consulate in Berlin to demand Save Mumia Abu-Jamal. The IG Medien journalists union, which elected Mumia to an honorary position on their Berlin executive committee earlier this year, issued our demo call under their union's signature. A mixed Turkish/Kurdish/German youth group, D259, unfurled a huge banner bearing a black panther and reading "Freedom for Mumia Abu-Jamal." Speakers included PDS members of parliament, student leaders, and a statement was read by the international Auschwitz (survivors) committee.

Markus Wolf, a Jewish survivor of Hitler's Third Reich, former head of East German intelligence and victim of a vicious witchhunting campaign by the German Fourth Reich, issued a statement:

"Even before the establishment of Hitler's dictatorship in Germany and the persecution of our family, my parents declared the significance of solidarity exemplified by the injustice imposed in the USA on the Italians Sacco and Vanzetti. During Nazi rule and the Holocaust we owed our lives to international solidarity.... I therefore ask every individual who has met with injustice or who is fighting for his rights to join the demand to save the life of Mumia Abu-Jamal."

A June 6 protest outside the U.S. Consulate in **Vancouver, British Columbia** was heavily built by the Canadian Union of Postal Workers, which also



Workers Vanguard Photo

ILWU International President Brian McWilliams speaks to Oakland Demonstration for Jamal.

participated in the **Toronto** rally. Demonstrations took place in **Sydney, Australia** on June 7 and in **Melbourne** the following day. About 100 people demonstrated in **Paris, France** outside the American Consulate on June 8. A statement from the CGT dockers union in Marseilles was read, saying, "The dockers of the port of Marseilles love liberty and life too much to remain silent in the face of racist injustice and the heavy silence of the death penalty!" Demonstrations and pickets in Amsterdam were held on June 7 and 8 and are also scheduled for June 15 and 16. Cities around **Italy** are plastered with posters calling for Mumia's freedom and a national demonstration is planned on June 24 in **Rome**.

Stop Racist Legal Lynchings

To the brutal reality of rampant joblessness, impoverishment and the epidemic of homelessness, the rulers of American society have no solution but increased repression. With 1.5 million people behind bars, the U.S. is the world's biggest jailer, imprisoning blacks at a rate far higher than South Africa's apartheid rulers ever dreamed of. Over 25 percent of young black men are under the "supervision" of the very criminal injustice system.

Capital punishment is institutionalized racist murder. It represents the legacy of slavery—legal lynching—a continuation of the ideology that proclaims that black people are not human and can be killed with impunity. As Jamal wrote in the prestigious *Yale Law Journal*, "You will find a blacker world on Death Row. African Americans, a mere twelve percent of the national population, compose about forty percent of the Death Row population." Over 80 percent of those sent to death row from Jamal's Philadelphia are black, some *one third of those on the row from Philadelphia sent there by...Judge Sabo*, a former under-sheriff for 16 years and member of the Fraternal Order of Police.

In the 1987 case of *McCleskey v. Kemp*, the U.S. Supreme Court acknowledged the overwhelmingly racial bias in the application of the death penalty but argued that *this didn't matter* because, "taken to its logical conclusion [this] throws into serious question the principles that underlie our criminal justice system." Thus Chief Justice Rehnquist & Co. reaffirm the principle set forth by Justice Roger Taney in the infamous 1857 Dred Scott case, that blacks "had no rights which the white man was bound to respect."

State executions are a social act meant to intimidate and brutalize a whole people. The racist death penalty goes hand in hand with the extralegal terror of the KKK and summary executions by cops on the street to keep black people "in their place." The fight to abolish the death penalty is part of the historic struggle for black equality in America.

In any struggle for social justice it is essential to have a crystal clear view of who your friends and who your enemies are. The Partisan Defense Committee has led the way in organizing broad-based **united-front** defense efforts. We abhor the suppression of any political views for lowest common denominator "unity." Within the framework of fighting for Jamal there can and must be open political discussion and debate. However, **there is no place for cops, who are the front line of this whole system of racist terror, in a struggle for justice.** Unfortunately, one of the speakers at the June 5 press conference was Ron Hampton of the National Black Police Officer's Association, which recently sent a letter opposing Jamal's execution.

Whatever their personal feelings about the death penalty may be, these black cops are no less a part of the capitalists' bloody terror machine than the white racist thugs—their brothers in blue. Speaking for the PDC Ed Jarvis protested this cop's presence, noting:

"This legal lynching is one side of the legal lynchings that go on every day against black people, against working-class people by both black as well as white cops on the streets of every major city of this country....

"Reagan's feds in collusion with black Democratic Mayor Goode bombed the MOVE household in 1985, killing eleven people including young children, babies. Clinton's feds caused the fiery death of almost a hundred people in Waco, including children. And after the fascists bombed and killed in Oklahoma the Clinton administration seized this opportunity as a chance to push anti-Arab racism, as a chance to step up the campaign to eliminate the democratic rights of the majority of the American people....

"It is time to respond to the legal lynch mobs. It's time to respond to the strikebreakers. It's time to stop the Democrat and Republican party regimes which have been using these means to suppress working-class people and poor people. It's time to build a working-class party. It's time to save Mumia Abu-Jamal. Abolish the Death Penalty. Finish the Civil War!"

The campaign to save Jamal is at a critical point. As Ossie Davis, co-chairman of the Committee to Save Mumia Abu-Jamal said, "The warrant is an

outrage! Mumia is somebody we desperately need alive. We cannot let them take such a voice from us."

Funds are urgently needed! To get a new trial and overturn the death sentence could cost over a million dollars. Send contributions

South African Unions Join Campaign to Save Jamal

The campaign to save Mumia Abu-Jamal has touched a deep chord in South Africa, where thousands of black unionists and anti-apartheid fighters have vivid experience of the racist prisons and the threat of the gallows which sent hundreds of political prisoners to their deaths. In recent weeks, a number of South African unions, as well as the Congress of South African Trade Unions (COSATU), the predominantly black union federation, have made urgent appeals to save Jamal's life.

African National Congress (ANC) secretary general M. C. Ramaphosa, fired off a protest letter to Pennsylvania governor Ridge on June 2, urging Jamal's death sentence be commuted and demanding a retrial of his case. COSATU noted in its letter that the union federation,

"representing one and a half million members, would like to express grave concern at the death sentence imposed on journalist, Mumia Abu-Jamal.... Our organisation has struggled against all forms of racism, oppression and the use of the death sentence to silence political activists. We are therefore vehemently opposed to the death penalty on both ideological and humanitarian grounds."

On June 6, in its first major decision, the Constitutional Court in Cape Town abolished the death penalty, ruling that capital punishment was unconstitutional. As *New York Times* Johannesburg correspondent Harold French noted, for decades, execution was used "as a means of terror in enforcing the system of racial separation known as apartheid." Both in the United States and South Africa, the barbarous death penalty is the legacy of racial subjugation which denied fundamental rights to whole peoples, reducing man to a beast of burden. The U.S. is the sole Western industrialized country to maintain this vicious racist practice.

For years, Pretoria held the title of "hanging capital of the world." According to the Johannesburg *New Nation* (17 February), during the decade between 1979 and 1989, at least 1,212 people were hanged in South Africa. In the early '80s, railway strikers of the SARHWU union were executed. The executions reached a crescendo during the township revolts of 1983-87. But when the white-supremacist regime decided to open negotiations with the African National Congress, "unbanning" it along with other anti-apartheid groups in February 1990, a moratorium on the death penalty was simultaneously declared.

Taking their place among a growing number of

made payable to the Bill of Rights Foundation (earmarked "Mumia Abu-Jamal Legal Defense") and mail it to: Committee to Save Mumia Abu-Jamal, 163 Amsterdam Ave., No. 115, New York, NY 10023-5001.

labor organizations around the world, several key South African unions have joined the fight to save the life of America's only death row political prisoner. These include the South African Commercial Catering and Allied Workers Union (SACCAWU), the Food Farming Beverage and Allied Workers Union (FFBAWU), Turning Wheel Workers' Union, the Steel Mining and Commercial Workers Union (STEMCWU), the Transport and General Workers Union (TGWU), and the National Union of Metalworkers (NUMSA).

The May 26 protest letter from NUMSA noted:

"On behalf of our 187,000 members of National Union of Metalworkers of South Africa, we wish to express our grave concern at the death sentence which has been imposed on journalist Mumia Abu-Jamal."

This union, which organizes the combative auto workers from Port Elizabeth to Durban and Johannesburg, is at the very heart of the power of the South African black proletariat. Former union president, now Member of Parliament, Moses Mayekiso faced the death penalty when he was jailed as part of the "Alexandra Five." Mayekiso and his comrades were released in part through an international campaign on their behalf.

The struggle to save Mumia has particular resonance in South Africa, where the fight against the death penalty has been a key part of the struggle against apartheid rule. Just as black Americans saw in apartheid rule a mirror of their own oppression, South African leftists and workers organizations are

Fraternal Defense Organizations

Australia:

Partisan Defence Committee
P.O. Box Q217, QVB
117 York Street
Sydney NSW 2000

Britain:

Partisan Defence Committee
BCM Box 4986
London WC1N 3XX

Canada:

Partisan Defense Committee
P.O. Box 314, Station B
Toronto, Ontario M5T 2W1

France:

Comité de défense sociale
BP - 202
75822 PARIS Cedex 17

Germany:

Komitee für soziale
Verteidigung
c/o Werner Brand
Postfach 21 07 50
10507 Berlin

Italy:

Codispro (Comitato di difesa
sociale e Proletaria)
MBE 291

Via della Moscova, 13
20121 Milano

Japan:

Partisan Defense Committee
c/o SGJ,
P.O. Box 49
Akabane Yubinkyoku
Kita-ku Tokyo 115

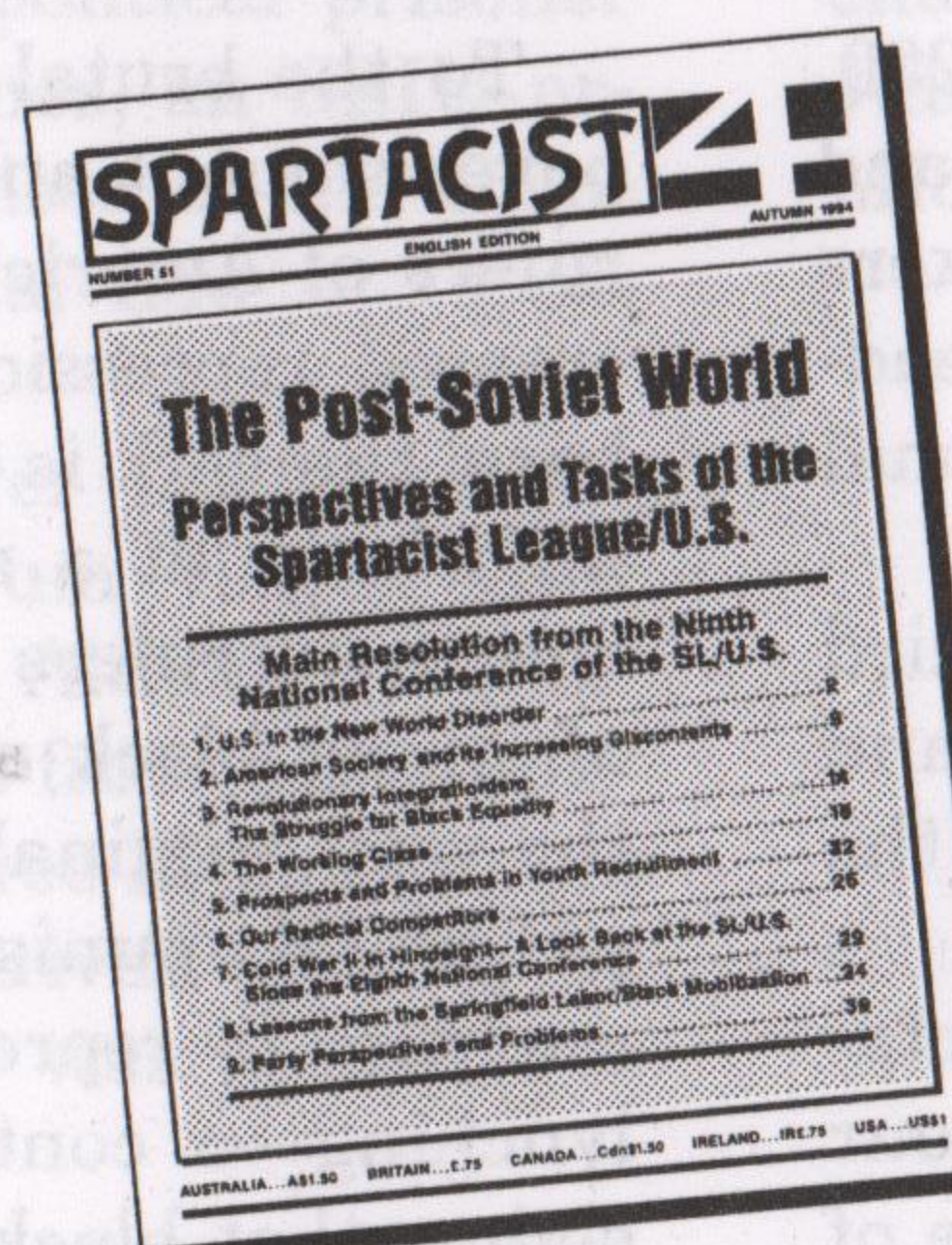
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taking up the case of Mumia Abu-Jamal. The SACCAWU supermarket workers, which waged a hard-fought struggle last year against the Pick 'n Pay grocery chain, wrote in a letter to Governor Ridge:

"In South Africa we have long struggled against racism and oppression and the use of jails and death sentences to silence political protest.... We know from bitter experience how a state criminalises the activities of political activists in order to silence them. The case of our first democratically-elected President is but one such example.

"Your system of justice is on trial. MUMIA ABU-Jamal must not die."

A number of socialist organizations have also joined the fight. Last September, the Workers Organisation for Socialist Action wrote that WOSA and the Workers' List Party "call for the immediate abolition of the racist and barbaric death penalty, and add our voices to all brothers and sisters in the United States and elsewhere who are demanding a retrial, at the very least, for Comrade Abu-Jamal." The Workers International To Rebuild the Fourth International sent a protest telegram stating:

"Mumia Abu-Jamal was framed. The racist police force will try together with the state to use this case and 'trial' of Abu-Jamal to intimidate other radicals. We take courage from the prin-

Victims of Racist Frame-ups Speak Out for Jamal

Rubin "Hurricane" Carter, one-time contender for the middleweight boxing championship, had nearly two decades of his life stolen when he was framed in 1966 for a triple murder. Today he is executive director of the Association in Defense of the Wrongly Convicted and was the featured speaker at the Toronto PDC rally on March 11. Darby Tillis spent nine years in an Illinois prison, over four of them on death row until he was finally able to prove his innocence. He addressed the Chicago PDC rally March 4. We print below excerpts from their remarks.

Rubin "Hurricane" Carter

I often begin speaking by telling people how pleased I am to be anywhere, given my history, a history that is not unlike Jamal's history. But I won't say that tonight. I'm gonna be rude. I'm not pleased to have to be here tonight. There's a man on death row facing execution for something that he didn't do, and there's nothing pleasing about that. In fact, it is absolutely obscene.

On the other hand, this gathering here tonight is absolutely vital and necessary. I can't tell you how much it means, when you are wrongly imprisoned, to know that there are people out here like you attending events like this. It gives us hope. And in a place as hopeless and as desperate as prison, there's nothing more precious than hope. Hope that some-

thing can happen, that wrongs can be righted. And wrongs can be righted. My presence here tonight is living proof of that.

On June 12 the South Africa Communist Party sent a protest. And the New Unity Movement wrote to the PDC that their comrades are "angered and appalled" by the signing of the death warrant, and noted that:

"Governor Ridge and his followers have chosen to ignore the long and dedicated efforts of an international constituency to secure the release of Mumia Abu-Jamal. They now wish to claim the life of Mumia to provide a blood-sacrifice on the altar of mounting fascist war on liberty and justice. We join the PDC in its campaign both to save the life of Mumia Abu-Jamal and to secure the complete restoration of his liberty."

Powerhouse of Black Labor

In the huge class battles to forge the South African black unions, the black proletariat came to the fore of the anti-apartheid struggle. It was their social weight which rocked the white supremacist regime. The black workers of South Africa are still fighting to obtain their freedom from racist oppression and capitalist exploitation. From South Africa to the U.S., the campaign against the racist death penalty is part of the fight to smash the whole chain of repression of the capitalist state in the struggle for international workers revolution.

thing can happen, that wrongs can be righted. And wrongs can be righted. My presence here tonight is living proof of that.

In 1966, I narrowly escaped the electric chair for a crime I did not commit. I was sentenced instead to three life terms, and spent almost 20 years in prison before being exonerated. And I would still be in prison today had it not been for the care, efforts and concern of a few people, of a few people who gave meaning to the words, "True justice will never be achieved until those who have not been injured become as outraged as those who have."

When I was first asked to speak out on behalf of Mumia Abu-Jamal, I have to admit that I was not familiar with his case. So I requested written materials from Peter, which soon arrived, and I proceeded to immediately review them. And it wasn't long in my review that I detected a foul but familiar odor emanating from the documents. And the more I read, the stronger the odor got. It was a stench that at one time I had hoped was limited to New Jersey, but which I soon discovered is associated with cases of wrongful conviction everywhere.

The classic legal presumption is that the accused is presumed to be innocent until proven guilty. Well, as the lifers in the halls of Trenton State Prison are wont to say, "poppycock." The reality is that when the state is the accuser, the presumption of

innocence is not accorded to the accused, but to the accuser: "You must have done *something* to get arrested," "Where there's smoke, there's fire." Right? It is presumed that police officers are scrupulously aboveboard. They don't plant or falsify or suppress evidence. They don't lie. And the same presumption applies to the prosecution. My case, among others like Jamal's, has shown that this blind trust in law enforcement is not always warranted.

In my case, the federal courts ruled that the county prosecutors had resorted to deception and appeals to racism to get their convictions, and that that was the only way they got their convictions. But it didn't matter what the federal court said. These guys are immune from the consequences of their actions. In fact, they've all been promoted! Hmmm. Crime *does* pay.

If we are interested in fighting crime, let's not overlook the obvious. There's a certain class of criminal that's going undetected in our midst. I'm talking about those who are sworn to uphold the law, and who knowingly send innocent people to prison. What are they, if not criminal? Sending an innocent person to prison is what else if not kidnapping, forcible confinement and torture? And in capital cases such as Jamal's, conspiracy to commit murder.

In the past 20 years, according to a recent Congressional study, no less than 48 people have been released from prison after serving time on death row for crimes they did not commit. We don't know how many innocent people have been executed in North America. Because the United States, alone among Western industrialized nations, insists upon maintaining the anachronism of the death penalty. I mean, hell, they even kill children and retarded adults.

In 1966 I was at the peak of my career, a professional prizefighter about to fight for the middleweight crown, for the championship of the world. And the next thing I knew, I was fighting for my very life, on trial in criminal court. I was accused of murdering three people in a New Jersey bar.

The state sought the death penalty. The odds of my being alive today were not exactly in my favor. There were three murder victims; all of them were white. The jury was all white. The judge, the police, the state's witnesses and the prosecutors were all white. I heard the jury foreman pronounce me guilty. I thought to myself, "My god, the electric chair." But here I am, free and alive. Able to lend my voice to yours and demand justice for another.

So don't tell me that we can't do it. Don't tell me that juggernauts can't be stopped. Don't tell me Jamal won't be walking out that prison door, rather than being carried out. Don't tell me the truth can't set you free. I know better. I know better, and you better know better too.

Darby Tillis

Death row is hell.... I want to say to CIA, FBI, Chicago police, sheriff, anybody else—when nine years of my life was taken I was given a legal license to say anything, anywhere, anytime about this unfair, unjust, racist, sick system.

I spent many of my early years in Philadelphia—my family lived there. I grew up in Florida. I am the victim of two of the most heinous aspects of the death penalty. I am one of almost 450 persons in this country who was convicted of a capital crime and later found to be innocent. I spent nine years, one month, and seventeen days incarcerated for a crime that I did not commit. More than four years was spent on death row waiting to die. I was tried five times—more times than any man in the history of the United States.

My sentence, along with my black co-defendant, was the death penalty and two 30- to 60-year sentences. They wanted to make sure I didn't come home.

One third of black defendants sent to death row since the death penalty was reinstated in 1976 have gone before all-white juries. For instance my case. Prosecutors excluded 36 of 38 blacks from three juries.

Death row is a terrible shock to man. You are killed all day long. Pain, loneliness and the help of a racist administration—a place where inmates become the pleasure of racist guards that feel their jobs are politically prestigious. Capital punishment violates the respect due to human beings. I was used and abused to get a message to the public at the expense of my life. Innocent—put up to ridicule and killed. Powerless, desperate and frustrated I sat helpless while my mother suffered in pain and in filth in a convalescent home, and my daughter was neglected, assaulted and sexually abused. Today I travel a nightmarish road filled with pain, horror and poverty—being set free at 44 years of age with no money, no therapeutic treatment. Men acquitted need a decompression period—a rest between time of trauma and outside life because the torture is gone but the feeling of pain lingers on. Being liberated in a racist society that rejects you brings about new fears and stress. The forces of five trials, of cruel and unusual punishment leaves me psychologically in pain.

When I think of what has happened and what is lost I see the cruelest forms of racism. Nine years of prolonged loneliness. Nine years of pain, hurt and agony. Nine years of restricted movement. Nine years without physical touch. Nine years without parental closeness. Nine years of unwanted celibacy. Nine years changes one's environment into an unwanted hell. Almost ten years of my life was taken from me and the state will not compensate me. They say I have nothing coming. I was set free with no bus fare. Talk about repeat offenders—I was set up to return to jail.

The following is a very partial list of individuals, unions representing millions of workers, and other organizations around the world who have joined the effort to save the life of Mumia Abu-Jamal. In organizational resolutions, letters to the Pennsylvania governor and/or at public rallies, they have demanded:

Save Mumia Abu-Jamal!

TRADE UNION—U.S. and International

AFSCME Local 444, Oakland, CA
 Amalgamated Transit Union (ATU) Local 241, Chicago, IL
 Amalgamated Transit Union (ATU) Local 308, Chicago, IL
 Amalgamated Transit Union (ATU) Local 732, Atlanta, GA
 Asociación Mundial de Mujeres Periodistas y Escritores, Mexico
 Australian Telecommunications Employees Assn./Australian Telephone & Phonogram Officers Assn., Victoria Branch, Collingwood, Australia
 Jackie B. Breckenridge, International Vice President, Amalgamated Transit Union,* Chicago, IL
 Canadian Union of Postal Workers, Vancouver Local, Vancouver, BC, Canada
 Canadian Union of Public Employees Local 391, Vancouver Public Library Staff Association, Vancouver, BC, Canada
 Canadian Union of Public Employees--Metropolitan Vancouver District Council, Burnaby, BC, Canada
 Robert L. Clark, General Secretary-Treasurer, United Electrical Workers (UE),* Pittsburgh, PA
 Coalition of Black Trade Unionists Region VI, Milwaukee, WI
 Coalition of Labor Union Women, Chicago Chapter, Chicago, IL
 Confédération Générale du Travail (CGT), Montreuil, France
 Congress of South African Trade Unions (COSATU), Johannesburg, South Africa
 Fire Brigades Union, Scottish Regional Committee, Glasgow, Scotland
 Firemen & Deckhands' Union of New South Wales, Sydney, NSW, Australia
 Food Farming Beverage and Allied Workers Union of South Africa, Johannesburg, South Africa
 Graphical, Paper & Media Union (Great Britain and Republic of Ireland)
 IG Medien, Berlin, Germany
 Inlandboatmen's Union of the Pacific, Marine Division of the ILWU, Seattle, WA
 International Longshoremen's & Warehousemen's Union (ILWU), San Francisco, CA
 ILWU Local 10, San Francisco, CA
 ILWU Warehouse Union Local 6, San Francisco, CA
 Raymond Martinez, Jr., former Philadelphia Chapter President, SEIU Local 668,* Philadelphia, PA
 National Association of Letter Carriers, Branch 2200, Pasadena, CA
 National Union of Journalists, London, England
 National Union of Journalists, Dublin, Ireland
 National Union of Metalworkers of South Africa, Johannesburg, South Africa
 National Union of Railwaymen, Finsbury Park Branch, London, England
 Northern California Newspaper Guild, San Francisco, CA
 Jan D. Pierce, Vice President, Communications Workers of America, District One,* New York, NY
 Public Transport Union, Melbourne, Australia
 SEIU Local 1877, San Jose, CA
 SEIU Local 535, Social Services Union, American Federation of Nurses, Oakland, CA
 SEIU United Public Employees Local 790, San Francisco, CA
 South African Commercial Catering and Allied Workers Union, Johannesburg, South Africa
 Trades Union Congress, Southern and Eastern Regional Council, London, England
 Transport & General Workers Union, London, England
 United Transportation Union, Local 483, Toronto, ON, Canada

PROMINENT INDIVIDUALS AND ORGANIZATIONS—U.S. and International

51 British Members of Parliament

Robert Allen, Senior Editor, *The Black Scholar*,* Oakland, CA
 Amnesty International, Catalonia, Spain

* Organizational affiliation for identification purposes only

Edward Asner
 Harry Belafonte
 Tony Benn, Member of Parliament, London, England
 Dennis Brutus, poet
 Rubin "Hurricane" Carter, Executive Director, Association in Defense of the Wrongly Convicted,* Scarborough, ON, Canada
 Ossie Davis, Co-Chair, Committee To Save Mumia Abu-Jamal
 Congressman Ronald V. Dellums, 8th District California, U.S. House of Representatives,* Berkeley, CA
 Leigh Dingerson, Executive Director, National Coalition to Abolish the Death Penalty,* Washington, DC
 E. L. Doctorow, author
 Mike Farrell, Co-Chair, Committee To Save Mumia Abu-Jamal
 Howard Fast, author
 Rabbi Allen I. Freehling, Ph.D., University Synagogue,* Los Angeles, CA
 Frente Nacional de Abogados Democraticos, Mexico City, Mexico
 Fundação Cultural Palmares, Brasília, Brazil
 Whoopi Goldberg
 Stephen J. Gould, Professor of Geology, Harvard University,* Cambridge, MA
 State Assemblyman Roger L. Green, NY State Legislature,* Brooklyn, NY
 State Senator Roxanne Jones, Pennsylvania State Legislature,* Philadelphia, PA
 Justice & Peace Commission of the Roman Catholic Diocese of Norwich, Uncasville, CT
 Serge Klarsfeld, President, Les Fils et Filles des Déportés Juifs de France,* Paris, France
 William M. Kunstler, Attorney, New York, NY
 La Ligue des Droits de l'Homme, Paris, France
 Congressman John Lewis, 5th District Georgia, U.S. House of Representatives,* Atlanta, GA
 Reverend Joseph Lowery, President, Southern Christian Leadership Conference (SCLC),* Atlanta, GA
 Manning Marable, Professor, Columbia University,* New York, NY
 Michael Meeropol, son of Ethel and Julius Rosenberg
 Robert Meeropol, son of Ethel and Julius Rosenberg
 Senator Carol Moseley-Braun, U.S. Senate,* Chicago, IL
 NAACP, Norfolk Branch, Norfolk, Virginia
 Operation PUSH, Inc., Chicago, IL
 Hotsuki Ozaki, President, Japan PEN,* Japan
 PDS (Party of Democratic Socialism), 4th Party Congress, Berlin, Germany
 PEN American Center, New York, NY
 Sister Helen Prejean, CSJ, Director, Pilgrimage For Life,* New Orleans, LA
 Québec Civil Liberties Union, Montreal, QC, Canada
 M. C. Ramaphosa, Secretary General, African National Congress, Johannesburg, South Africa
 State Representative David P. Richardson, Jr., Pennsylvania State Legislature,* Philadelphia, PA
 Sonia Sanchez, poet, Philadelphia, PA
 Henry Schwarzschild, Director, NY Office, National Coalition to Abolish the Death Penalty, New York, NY
 Ntozake Shange, writer, PEN,* Philadelphia, PA
 Percy Sutton, former Manhattan Borough President, New York, NY
 Alice Walker, author, San Francisco, CA
 Rev. Paul M. Washington, Associate Minister, St. Simon the Cyrenian,* Philadelphia, PA
 Representative Maxine Waters, 35th District California, U.S. House of Representatives,* Los Angeles, CA
 John Edgar Wideman, Amherst, MA
 Bruce Wright, author of *Black Robes, White Justice*, New York, NY
 Howard Zinn, Professor of Political Science, Boston University,* Boston, MA

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Mumia Abu-Jamal:

The FBI COINTELPRO Files

As death row political prisoner Mumia Abu-Jamal fights for his life in the Greene "supermax" isolation facility in Pennsylvania, the Philadelphia Fraternal Order of Police (FOP) and its allies in government and the media are accelerating their bloodthirsty campaign to execute this powerful spokesman for the oppressed. Governor Tom Ridge has been signing death warrants at a feverish pace since his inauguration in January, and the cops and their mouthpieces clamored for Jamal to be placed at the top of the list. Ridge honored his bloody campaign promise with the signing of Jamal's death warrant on June 1. They want to drown out the many thousands of voices around the world who demand, "Mumia Abu-Jamal must not die!" To do so, they have orchestrated a cynical propaganda barrage in recent weeks aimed at painting this compassionate and articulate black man as a vicious "cop killer." Never mind that Jamal is innocent of the crime for which he was sentenced to die, the killing of a Philadelphia cop in December 1981. *This lynch*

mob wants to see Jamal dead for what he stands for: the cause of black emancipation.

The sentence of death was passed on Mumia Abu-Jamal long before he ever appeared in a courtroom. At the age of 14, he was brutally beaten by racist thugs, including cops—and then arrested—for daring to protest at a Philadelphia election campaign appearance by Dixiecrat segregationist George Wallace in 1968. That same year, fanatical FBI chief J. Edgar Hoover declared, "The Negro youth and moderate[s] must be made to understand that if they succumb to revolutionary teachings, they will be dead revolutionaries." From the moment the young Mumia Abu-Jamal (then named Wesley Cook) joined the Black Panther Party, the chief target of Hoover's notorious "Counter-Intelligence Program" (COINTELPRO), he became, in the eyes of the FBI and Philly cops, a dead man on leave. As the Partisan Defense Committee wrote in a special Jamal campaign issue of *Class Struggle Defense Notes* (No. 10, April 1989):

"The death sentence for Mumia is the long arm of COINTELPRO terror reaching into the courtroom. This time they got him. Mumia has been sentenced to death because of his political beliefs, because of what he wrote, because of what he said, because of who he 'associated' with—and because of who he is."

The racist state vendetta against Jamal has now been confirmed by 700 pages of FBI files he recently obtained after almost three years of fighting for them. Even with much of the text blacked out and many documents withheld outright, these files make it clear that the FBI and cops were on a mission to use any "dirty trick" in their arsenal of extra-legal terror to silence the man who would become known as the "voice of the voiceless" for his journalistic exposure of racist cop terror and oppression. From the moment Jamal

UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF INVESTIGATION	
Copy to:	1 - Military Intelligence, Philadelphia 1 - Naval Investigative Service Office, Philadelphia 1 - Office of Special Investigation, Philadelphia 1 - Secret Service, Philadelphia
Report of:	[REDACTED] b7C
Date:	OCTOBER 24, 1969
Field Office File #:	157-3937
Bureau File #:	
Title:	WESLEY COOK
Character:	RACIAL MATTER - BLACK PANTHER PARTY
Synopsis:	WESLEY COOK, Negro male, age 15, has been affiliated with the BPP in Philadelphia since 5/1/69. Between June and October, 1969, COOK functioned as Branch Secretary or Minister of Communications for the Philadelphia Branch of the BPP. On two occasions in August, 1969, COOK spoke at anti-war rallies in Philadelphia. Articles written by COOK for the official BPP newspaper, "The Black Panther" are set forth as are background and descriptive data.
- P -	
DETAILS:	I BACKGROUND
A. BIRTH	On October 30, 1968, WESLEY COOK, also known as WES, WEST, and MUMIA X, claimed that he was born in Philadelphia, Pa., on April 24, 1954.
	May 6, 1969

FBI's murderous COINTELPRO targeted 15-year-old Black Panther Party Leader, Mumia Abu-Jamal.

appeared on the Philadelphia political scene as a 15-year-old spokesman for the Black Panther Party, the cops, FBI and who knows which other government agencies had him in their gun sights. These files prove, beyond the shadow of a doubt, wide-ranging collusion between the FBI and the Philadelphia Police Department—particularly its Civil Disobedience Unit (CDU) and Intelligence Division "red squads"—extending to at least four other security agencies, including the Naval Investigative Service Office, Military Intelligence, Office of Special Investigation and the Secret Service.

Using its wiretaps, its informants and police spies, the government tracked the teenage Jamal's every move, relentlessly pursuing him at demonstrations, newspaper sales, political meetings and fund-raisers—even at picnics. They knew when he was to leave town and when he was to return, intercepting him as he boarded a flight and engaging in "physical observation" of returning flights. They interrogated school officials, contacted employers, harassed Jamal's mother. And the FBI records are only the tip of the iceberg. During the 1960s and '70s, the Philly cops kept their own voluminous files—none of which have been made available—on some 18,000 people. What story do they tell?

Even these expurgated FBI files show that Jamal was targeted for far more than surveillance. His name was placed on two government hit lists: the FBI's Security Index (SI) of those deemed a "threat" to "national security" and the Administrative Index (ADEX) of those to be rounded up and thrown into concentration camps in case of a "national emergency." Many of the documents bear the file notation "Smith Act," the notorious "thought crime" legislation under which first Trotskyists and then Communist Party members were sent to prison for "advocating" revolution.

The files prove that, years before he was framed in the death of a Philadelphia cop, the feds repeatedly tried to set Jamal up on serious felony charges—including murder—without any basis. This was S.O.P. (standard operating procedure) in the government's COINTELPRO war on black militants, as the FBI instructed its agents that since the "purpose...is to disrupt...it is immaterial whether facts exist to substantiate the charge" (Brian Glick, *War at Home* [1989]). The lies range from the absurd—the photo appended to the files is not of Jamal—to the outlandishly sinister. When the governor of Bermuda was assassinated in 1973, the feds tried to link the killing to Jamal, who had never been anywhere near Bermuda. They also falsely sought to paint him as an "urban guerrilla" associated with the Black Liberation Army, marking him to be assassinated by the cops the way BLA leader Zayd Shakur was.

Jamal came of age politically as 38 of his Panther



Ligato/Philadelphia Bulletin

Philadelphia Panthers were dragged out on the street, forced to strip and searched at gunpoint by Rizzo's racist cops in 1970 raid.

comrades were gunned down and hundreds of others jailed on frame-up charges in the FBI's deadly vendetta. He himself was clearly a major target in this murderous crusade. The files repeatedly noted that Mumia was an effective and articulate spokesman and writer for the *Black Panther* newspaper, who "made the BPP look good because his approach was very positive." Indeed, not one among the steady stream of reports to FBI headquarters on Jamal's Panther activities, which were compiled at the rate of virtually one a week, indicated that he was ever engaged in anything other than public speaking and writing. Yet despite the FBI's acknowledgement that Jamal "has not displayed a propensity for violence" and was not once found with a gun throughout this period of intense surveillance, the files regularly labeled him "Armed and Dangerous"—a license for the cops and G-men to shoot first and ask questions later.

And they finally did shoot him, on the night of 9 December 1981. The subsequent trial, conviction and death sentence was a political frame-up pure and simple—like the Haymarket martyrs, Sacco and Vanzetti, the Rosenbergs—the culmination of years of efforts to "neutralize" Jamal. To send Jamal to death row, prosecutor Joseph McGill told the nearly all-white jury that Jamal's Panther past showed that he had been planning to kill a cop "all the way back then." Even in their skeleton form, these documents reveal that since "all the way back then" the state has been out to get Jamal. In them you can see the threads leading to the 1982 frame-up which sent Jamal to death row.

FBI's Racist Vendetta

Of 293 COINTELPRO operations against black groups, 233 were against the Panthers. Vast resources, at every level of government, were expended in a ruthless effort to smash this group which adamantly proclaimed the right of armed self-defense against racist terror and attracted young militants with its revolutionary rhetoric against the racist capitalist system. Even with all their deletions and omissions, the files on Jamal offer a glimpse of the overwhelming arsenal of state repression which was deployed against the Panther Party and its members.

The feds decided to open a dossier on the young Jamal when he participated in a 1 May 1969 demonstration at the Pennsylvania State Office Building demanding freedom for imprisoned BPP leader Huey Newton. From that day on a steady stream of "airtels," "nitels," memoranda and letters between FBI headquarters and its field agents tracked Mumia's every political move. For example, in one typical four-week period in the summer of 1969, the FBI files include: a memorandum dated August 11 reporting that Jamal spoke at a Hiroshima Day rally in Philadelphia; a CDU report on the same rally, also dated August 11; two "Airtels" to the FBI director, dated August 14; an August 14 "FBI Notice"; an August 19 "Government Memorandum," again on the Hiroshima Day rally; and a September 4 FBI report on a Socialist Workers Party campaign rally where Mumia "spoke against the 'pigs'" followed by a cover note dated September 5 specifically identifying "Wesley Cook, aka Wes Mumia."

The files are replete with clippings of *Black Panther* articles written by Jamal and reports of his public speeches. It was Jamal's noticeable talent as a young revolutionary journalist and propagandist which attracted so much FBI attention. Such skills made him particularly dangerous in the eyes of the capitalist authorities. From the days of the slavocracy, the racist rulers have always feared literate and articulate black people as a challenge to their power. A 24 October 1969 FBI report on Jamal urged that he be placed under high-level surveillance because:

"In spite of the subject's age (15 years), Philadelphia feels that his continued participation in BPP activities in the Philadelphia Division, his position in the Philadelphia Branch of the BPP, and his past inclination to appear and speak at public gatherings, the subject should be included on the Security Index."

Already by then, the young Panther activist knew firsthand what it meant to be on the receiving end of the state's murderous "counterintelligence" operations. A 6 October 1969 "airtel" reported on "simultaneous hits" several weeks earlier by FBI and Philadelphia CDU and "Intelligence Squad" agents

on the Philly Panther offices and the nearby Webb's Bar, which was frequented by BPP members. In an autobiographical memoir included in his new book, *Live from Death Row*, Jamal recalls how he found himself at the time facing "a .38 special close enough to touch," while a cop screamed: "If you fuckin' blink, I'll blow your black goddamn head off your shoulders!"

Seven months later, Jamal was set up for another attempted "hit," as he boarded a flight for San Francisco in March 1970 to work at the Bay Area BPP headquarters. According to a 2 April 1970 report, Assistant U.S. Attorney Tony Lombardio "advised he would authorize the arrest of Cook for violation of the Crime Aboard Aircraft statute." More than one Panther activist was shot dead by the cops with the subsequent claim that they had been armed and "resisted arrest." But in this instance, the FBI was frustrated in its attempt to get Jamal, as the report concluded: "Cook was searched by Special Agents of the Federal Bureau of Investigation prior to boarding Trans World Airlines, Flight 15; however, no weapon was located."

By 1970 the BPP was being torn apart through a combination of government terror and internal factionalism between the Huey Newton wing and Eldridge Cleaver, who espoused a militant-sounding guerrillaist strategy from his exile in Algeria. Jamal left the Panthers shortly after the Revolutionary Peoples Constitutional Convention held at Philadelphia's Temple University in September 1970, but he remained in the government's cross hairs. That fall, Mumia was arrested along with seven other high-school students for demonstrating and distributing literature calling for "black revolutionary student power." Hearing that Jamal had started a publication called *National Black Liberation News*, FBI headquarters instructed its field agents to determine "if the paper is to be published in Philadelphia" and to submit "complete details concerning its staff, printing, distribution, financing and other pertinent details" ("Airtel," 19 November 1970).

An FBI report of 24 October 1969 recommended Jamal be placed on the Security Index and a memorandum of 21 January 1970 bears the stamp, "Three copies of approved Security Index card attached...." A 9 December 1971 memorandum from FBI headquarters confirms Mumia's placement on the ADEX list: "Subject is being placed in Category II since he has now actively aligned himself with the Cleaver Faction of the Black Panther Party." Again it was Jamal's writing that particularly irked the feds, as they noted that he was Philadelphia correspondent for the pro-Cleaver newspaper *Babylon* and "that Cook in the past has made public speeches and has written ultramilitant articles on the BPP." The following year, the cops tried to put Jamal away on a weapons charge, as the CDU reported to the FBI

that he "was arrested while in the possession of a six inch bladed Exacto knife." The charges were dropped. Jamal was working as an artist at the time, and had carried the Exacto knife with him from work to attend the trial of another black militant.

Among the most spectacular revelations in Jamal's FBI files is a clumsy plot—foreshadowing the later frame-up in 1981—to stick him with the double murder of Bermuda governor Sir Richard Sharples and his aide. This was based solely on Jamal's presence in 1972 at Vermont's Goddard College—where he was taking courses in the Third World Studies Department—while it had supposedly been visited by "a leading black extremist in Bermuda." A 13 March 1973 letter from the FBI Acting Director sought to link Jamal to the murders:

"Because of Cook's black extremist background, his possible involvement in the urban guerrilla activities of the Black Liberation Army, and his attendance at Goddard College which attracts black extremists from Bermuda, the investigation to locate him should be intensified and efforts should be made to determine if he had been out of the country over the weekend of March 9-11, 1973."

This report was a tissue of lies and innuendos from beginning to end. The feds well knew that Jamal was a journalist and public speaker, not an "urban guerrilla." He had no connection to the BLA. Yet were it not that his employer at Bell Telephone in Philadelphia confirmed that Jamal had been at work during that time, the state might have sent him up for murder long before he was framed for the 1981 killing of Philly cop Daniel Faulkner.

Paper Trail of a Frame-Up

Mumia Abu-Jamal survived the rulers' onslaught against the Black Panther Party in the late '60s and early '70s. He was not assassinated in his sleep in the dead of night like Chicago Panthers Fred Hampton and Mark Clark. He was not then railroaded into a prison hellhole like Los Angeles Panther leader Geronimo ji Jaga (Pratt), who has spent the last 25 years of his life buried alive for a crime that the government knows he did not commit—because they had wiretaps proving his innocence. But the feds and the Philly cops did not call off their vendetta against Jamal with the demise of the Panther Party. They continued to hate him for his eloquent and impassioned defense of black rights, and particularly because he remained defiant and unbowed in the face of state repression and racist oppression. The FBI files indicate time and again that they could entertain no hopes that Jamal would turn informant and desert the cause for which he fought. As one such report remarked: "Although he is only 16 years old and has no informant potential, he possesses much intelligence and evidentiary informa-



James/Philadelphia Inquirer

15-year-old Mumia Abu-Jamal, Minister of Information for the Philadelphia Black Panther Party.

tion if he will talk."

There was clearly extensive collusion between the FBI and Frank Rizzo's Philadelphia Police Department. One notable entry in the FBI files is a reference to Jamal's arrest at the age of 14 at the 1968 Wallace protest. The FBI report noted that "Cook was 14 years of age and, therefore, not criminally charged." Indeed, because Jamal was a minor at the time and the charges were dismissed, any record of his arrest was supposed to have been destroyed. Clearly Rizzo's thugs were keeping tabs on the young, articulate opponent of racist and cop terror even before he joined the Black Panthers and were sharing that information with the feds. Without doubt Jamal, identified in the FBI files as one of the top three leaders in the Philadelphia BPP, was a prime target of Frank Rizzo's racist thugs in blue. Document after document in the FBI files lists as its source unidentified cops from the CDU or Intelligence Division. According to S.A. Paolantonio, biographer of Philly police commissioner and, later, mayor Frank Rizzo, the Philadelphia CDU led by George Fencil:

"had a steady stream of informers paid by the Federal Bureau of Investigation. In fact, when the FBI began its counterintelligence program (COINTELPRO), the agency used Fencil's CD squad as a model. Before Rizzo was sworn in as police commissioner, the Philadelphia Police Department was working closely with his hero, J. Edgar Hoover. Rizzo accelerated that relationship."

And Rizzo and his cops had it in for Jamal. The FBI files are replete with references to Jamal's de-

nunciations in speeches and articles of the notoriously racist Philly cops and Rizzo in particular. Jamal incurred their wrath yet again in 1978, when as a prominent black radio journalist he came to the defense of the MOVE organization after a mammoth police siege of their Powelton Village home, in which one of the cops ended up being killed by a bullet from another cop's gun. At a press conference, then-mayor Rizzo ominously looked at Jamal as he blamed the officer's death on the "new breed of journalism," warning:

"They believe what you write, what you say. And it's got to stop. And one day, and I hope it's in my career, that you're going to have to be held responsible and accountable for what you do."

Four years later, on 9 December 1981, Jamal was shot in the chest by the cops on a Philly street and left nearly bleeding to death. An officer found wounded nearby died an hour later. The police, having failed to get Jamal so many times before, concocted a frame-up and railroaded him onto death row. Jamal's FBI files are filled with references to the BPP's use of Mao Zedong's *Little Red Book* and especially of the quote "political power grows out of the barrel of a gun." This citation, uttered by Mumia in a 4 January 1970 interview in the *Philadelphia Inquirer* (which is conspicuously missing from the 700 pages of FBI files, despite the inclusion of numerous other newspaper clippings), was the prosecutor's key argument a dozen years later in demanding that Jamal be sentenced to die on the basis of his political beliefs.

Another notorious travesty in Jamal's trial was the cross-examination of character witness Sonia Sanchez, a renowned poet. Pointing to an introduction Sanchez had written for a book about BLA activist Assata Shakur, who narrowly escaped an execution attempt by New Jersey state troopers only to be framed for the killing of one of her would-be assassins, the prosecution labeled Sanchez a "friend of

cop killers"—suggesting that Jamal must be a "cop killer" as well. What led the prosecution to make a connection between Jamal and Shakur? A 26 September 1973 FBI report said that Jamal's name and phone number had been "located among names and telephone numbers found in notebook number 1 which was obtained from BLA member (deleted) at the time of her (deleted) arrest by NJ State Police."

These files tell only a small part of the story of the government's vendetta against Mumia Abu-Jamal. We do know that despite FBI protestations that COINTELPRO ended in the mid '70s, state harassment of leftist political activists has continued unabated, not to mention the deadly workings of the Philadelphia police. (In fact, the FBI continued to spy on Jamal even on death row: a 1991 entry absurdly sought to link a prison visit to Jamal by a German human rights activist with a "machine gun attack of American Embassy" in Bonn!) In the 1970s, when Jamal was active as a journalist, Rizzo's cops were gunning down unarmed "suspects" at a rate 37 times higher than even New York's cops. And the collusion between the FBI and the racist Philly cops did not stop with Jamal and the Panthers. When the Philadelphia police dropped a bomb on the MOVE home in 1985—killing eleven men, women and children and destroying an entire city block—it was the FBI which supplied the explosives.

The fight to save Jamal and to abolish the racist death penalty is part of the struggle for black equality in America. It will take a workers revolution to put the capitalist state's machinery of death out of business once and for all and bring to justice the hired thugs who have committed untold crimes against the working class and minorities in the name of "law and order." Only then will the records of the government's secret police agencies be opened for all to see. Free Mumia Abu-Jamal! Abolish the racist death penalty! *Adapted from Workers Vanguard No. 624, 2 June 1995.*

Here are the addresses for you to write directly to the 17 class-war prisoners in the PDC's stipend program. For biographical and case information see especially *CSDN No. 12, November 1989.*

Delbert Orr Africa, AM 4985 Drawer K Dallas, PA 18612	Michael Davis Africa, AM 4973 Drawer R Huntingdon, PA 16652	Raymond Luc Levasseur, 10376-016 U.S. Penitentiary, P.O. Box 8500 Florence, CO 81226-8500
Debbie Sims Africa, 6307 Janet Holloway Africa, 6308 Janine Phillips Africa, 6309	William Phillips Africa, AM 4984 Box A Bellefonte, PA 16823	Hugo Pinell, A-88401 SHU D8-215, P.O. Box 7500 Crescent City, CA 95531-7500
Merle Austin Africa, 6306 451 Fullerton Avenue Cambridge Springs, PA 16403-1238	Mumia Abu-Jamal, AM 8335 SCI Greene, 1040 E. Roy Furman Highway Waynesburg, PA 15370-8090	Ed Poindexter Lino Lake Facility, 7525 4th Ave. Lino Lake, MN 55017
Charles Sims Africa, AM 4975 P.O. Box 244 Graterford, PA 19426-0244	Jaan K. Laaman, 10372-016 P.O. Box 1000 Leavenworth, KS 66048	Geronimo ji Jaga (Pratt) B#40319 (A-3-224L), P.O. Box 409099 Ione, CA 95640
Edward Goodman Africa, AM 4974 P.O. Box 200 Camp Hill, PA 17001	W.M.E. we Langa Nebraska State Penitentiary, P.O. 2500 Lincoln, NE 68542-2500	Jerry Dale Lowe 1001 Centre Way, So. Central Regional Jail Charleston, WV 25309-1001

PDC ACCOUNT RECEIPTS NOS. 9299—9997
8 AUGUST 1994 THROUGH 20 MAY 1995

Rect #	Date	City	Amount	Note	Rect #	Date	City	Amount	Note
9299	08-Aug-94	Oakland, CA	40.00	(1)	9353	27-Aug-94	Oakland, CA	22.00	
9300	08-Aug-94	Plantation, FL	200.00		9354	03-Sep-94	San Francisco, CA	100.00	
9301	08-Aug-94	Chicago, IL	25.00		9355	03-Sep-94	Berkeley, CA	100.00	
9302	08-Aug-94	Dunedin, FL	30.00		9356	03-Sep-94	Chicago, IL	25.00	
9303	08-Aug-94	Charleston, IL	35.00		9357	03-Sep-94	Plantation, FL	200.00	
9304	08-Aug-94	Oakland, CA	30.00		9358	03-Sep-94	Oakland, CA	39.00	
9305	08-Aug-94	Carpinteria, CA	25.00		9359	10-Sep-94	West Haven, CT	100.00	
9306	08-Aug-94	San Francisco, CA	10.00		9360	10-Sep-94	Alameda, CA	1151.34	
9307	08-Aug-94	Minneapolis, MN	25.00		9361	10-Sep-94	San Francisco, CA	10.00	
9308	08-Aug-94	Oakland, CA	1013.76		9362	10-Sep-94	San Francisco, CA	100.00	
9309	08-Aug-94	Corte Madera, CA	20.00		9363	10-Sep-94	Oakland, CA	30.00	
9310	08-Aug-94	Oakland, CA	30.00		9364	10-Sep-94	Dunedin, FL	30.00	
9311	08-Aug-94	San Francisco, CA	20.00		9365	10-Sep-94	Okayama, Japan	20.00	
9312	08-Aug-94	Oakland, CA	10.00		9366	19-Sep-94	Brooklyn, NY	15.00	
9313	08-Aug-94	Hayward, CA	10.00		9367	19-Sep-94	East Brunswick, NJ	15.00	
9314	08-Aug-94	San Francisco, CA	20.00		9368	19-Sep-94	Los Angeles, CA	20.00	
9315	08-Aug-94	San Francisco, CA	10.00		9369	19-Sep-94	Charleston, IL	35.00	
9316	08-Aug-94	San Francisco, CA	20.00		9370	19-Sep-94	Glendale, CA	15.00	
9317	08-Aug-94	Alameda, CA	20.00		9371	19-Sep-94	Norfolk, VA	5.00	
9318	08-Aug-94	San Francisco, CA	10.00		9372	19-Sep-94	Virginia Beach, VA	10.00	
9319	08-Aug-94	San Francisco, CA	30.00		9373	19-Sep-94	Norfolk, VA	5.00	
9320	08-Aug-94	Glendale, CA	15.00		9374	19-Sep-94	Chesapeake, VA	5.00	
9321	16-Aug-94	Oakland, CA	1063.35		9375	19-Sep-94	Portsmouth, VA	5.00	
9322	16-Aug-94	Oakland, CA	10.00		9376	19-Sep-94	Norfolk, VA	5.00	
9323	16-Aug-94	Davis, CA	10.00		9377	19-Sep-94	New York, NY	1.00	
9324	16-Aug-94	San Pablo, CA	10.00		9378	24-Sep-94	Leominster, MA	5.00	
9325	16-Aug-94	Pacifica, CA	20.00		9379	24-Sep-94	Chicago, IL	20.00	(3)
9326	16-Aug-94	Hayward, CA	25.00		9380	24-Sep-94	London, England	1296.34	(4)
9327	16-Aug-94	Oakland, CA	10.00		9381	24-Sep-94	Brooklyn, NY	25.00	(2)
9328	16-Aug-94	Oakland, CA	10.00		9382	24-Sep-94	New York, NY	22.00	(4)
9329	16-Aug-94	Berkeley, CA	10.00		9383	04-Oct-94	Oakland, CA	44.28	(5)
9330	16-Aug-94	Berkeley, CA	20.00		9384	04-Oct-94	Oakland, CA	126.00	
9331	16-Aug-94	San Francisco, CA	20.00		9385	04-Oct-94	Oakland, CA	10.00	
9332	16-Aug-94	Oakland, CA	20.00		9386	04-Oct-94	San Francisco, CA	30.00	
9333	16-Aug-94	San Francisco, CA	20.00		9387	04-Oct-94	San Francisco, CA	10.00	
9334	16-Aug-94	Alameda, CA	20.00		9388	04-Oct-94	Richmond, CA	10.00	
9335	16-Aug-94	El Cerrito, CA	10.00		9389	04-Oct-94	Berkeley, CA	20.00	
9336	16-Aug-94	San Francisco, CA	100.00		9390	04-Oct-94	San Pablo, CA	40.00	
9337	16-Aug-94	Fremont, CA	20.00		9391	04-Oct-94	Chicago, IL	25.00	
9338	16-Aug-94	Oakland, CA	10.00		9392	04-Oct-94	Northampton, MA	30.00	(2)
9339	16-Aug-94	Brooklyn, NY	15.00		9393	15-Oct-94	Oakland, CA	103.25	
9340	16-Aug-94	Oakland, CA	35.00		9394	15-Oct-94	Berkeley, CA	100.00	
9341	16-Aug-94	East Brunswick, NJ	15.00		9395	15-Oct-94	Ridgefield Park, NJ	225.00	
9342	16-Aug-94	Gardena, CA	30.00		9396	15-Oct-94	Dunedin, FL	10.00	
9343	16-Aug-94	Merrimack, NH	5.00		9397	15-Oct-94	San Francisco, CA	100.00	
9344	16-Aug-94	Brooklyn, NY	10.00	(2)	9398	15-Oct-94	Oakland, CA	35.00	
9345	17-Aug-94	Fremont, CA	20.00		9399	15-Oct-94	Oakland, CA	35.00	
9346	27-Aug-94	Woodside, NY	50.00		9400	15-Oct-94	El Paso, TX	50.00	
9347	27-Aug-94	Arlington, MA	20.00		9401	15-Oct-94	Charleston, IL	35.00	
9348	27-Aug-94	Oakland, CA	60.00		9402	15-Oct-94	Oakland, CA	30.00	
9349	27-Aug-94	El Paso, TX	100.00		9403	15-Oct-94	San Francisco, CA	10.00	
9350	27-Aug-94	Toronto, Ontario	3000.00		9404	15-Oct-94	San Diego, CA	60.00	
9351	27-Aug-94	Chicago, IL	20.00		9405	15-Oct-94	Glendale, CA	15.00	
9352	27-Aug-94	Pacific Grove, CA	20.00		9406	15-Oct-94	Brooklyn, NY	15.00	

Noted donations are earmarked as follows:

(1)	Mumia Abu-Jamal and not earmarked	(14)	Vancouver anti-fascist defense
(2)	Mumia Abu-Jamal	(15)	Mumia Abu-Jamal and recovery of expense
(3)	Springfield anti-Klan demonstration	(16)	Mumia Abu-Jamal, Mumia Abu-Jamal Legal Defense and not earmarked
(4)	Holiday Appeal and not earmarked	(17)	Mumia Abu-Jamal and Mumia Abu-Jamal Legal Defense
(5)	Geronimo ji Jaga (Pratt) and not earmarked	(18)	Mumia Abu-Jamal Legal Defense, not earmarked and recovery of expense
(6)	Holiday Appeal	(19)	Mumia Abu-Jamal Legal Defense and Holiday Appeal
(7)	Mumia Abu-Jamal Legal Defense	(20)	Mumia Abu-Jamal Legal Defense, Holiday Appeal and not earmarked
(8)	Recovery of expense	(21)	Mumia Abu-Jamal, Mumia Abu-Jamal Legal Defense, Holiday Appeal and not earmarked
(9)	Geronimo ji Jaga (Pratt)	(22)	Mumia Abu-Jamal, Mumia Abu-Jamal Legal Defense and not earmarked
(10)	Mumia Abu-Jamal, Holiday Appeal, not earmarked and recovery of expense		
(11)	Holiday Appeal, not earmarked and recovery of expense		
(12)	Mumia Abu-Jamal and Holiday Appeal		
(13)	Mumia Abu-Jamal Legal Defense and not earmarked		

Rect #	Date	City	Amount	Note	Rect #	Date	City	Amount	Note
9407	22-Oct-94	Chicago, IL	47.00		9481	28-Nov-94	San Francisco, CA	10.00	
9408	22-Oct-94	Lincolnwood, IL	200.00	(3)	9482	28-Nov-94	Olympia, WA	10.00	
9409	22-Oct-94	West Haven, CT	125.00		9483	28-Nov-94	San Diego, CA	30.00	
9410	22-Oct-94	Manville, NJ	10.00	(2)	9484	28-Nov-94	Glendale, CA	15.00	
9411	22-Oct-94	Woodside, NY	50.00		9485	28-Nov-94	Cleveland, OH	20.00	
9412	22-Oct-94	Walnut Creek, CA	200.00		9486	05-Dec-94	Noho, MA	5.00	(2)
9413	31-Oct-94	Willow Grove, PA	150.00		9487	05-Dec-94	New York, NY	30.00	(2)
9414	31-Oct-94	Bronx, NY	25.00	(2)	9488	05-Dec-94	Woodside, NY	50.00	
9415	31-Oct-94	Sagaponack, NY	100.00		9489	05-Dec-94	New York, NY	10.00	(6)
9416	31-Oct-94	New Orleans, LA	25.00		9490	05-Dec-94	Carpinteria, CA	100.00	
9417	31-Oct-94	East Brunswick, NJ	30.00		9491	05-Dec-94	San Francisco, CA	100.00	
9418	31-Oct-94	Mill Valley, CA	50.00		9492	05-Dec-94	Oakland, CA	30.00	
9419	05-Nov-94	Oakland, CA	30.00		9493	05-Dec-94	Brooklyn, NY	10.00	(6)
9420	05-Nov-94	Somerville, MA	10.00		9494	05-Dec-94	Sacramento, CA	10.00	
9421	15-Nov-94	Vancouver, Brit. Col.	10.00		9495	05-Dec-94	Lafayette, IN	3.00	
9422	15-Nov-94	Oakland, CA	300.00		9496	05-Dec-94	Clarion, PA	20.00	(2)
9423	15-Nov-94	Dunedin, FL	10.00		9497	05-Dec-94	Oakland, CA	398.20	(4)
9424	15-Nov-94	Capistrano Beach, CA	25.00		9498	05-Dec-94	Oakland, CA	10.00	(6)
9425	15-Nov-94	Brooklyn, NY	20.00		9499	05-Dec-94	Hayward, CA	25.00	(6)
9426	15-Nov-94	West Haven, CT	145.00		9500	05-Dec-94	San Francisco, CA	10.00	(6)
9427	15-Nov-94	El Paso, TX	50.00		9501	05-Dec-94	San Francisco, CA	20.00	(6)
9428	15-Nov-94	Burbank, CA	40.00		9502	05-Dec-94	San Francisco, CA	10.00	(6)
9429	15-Nov-94	Lafayette, IN	20.25	(2)	9503	05-Dec-94	San Francisco, CA	10.00	(6)
9430	15-Nov-94	Lafayette, IN	1.00	(2)	9504	05-Dec-94	Berkeley, CA	10.00	(6)
9431	15-Nov-94	Averill Park, NY	75.00	(6)	9505	05-Dec-94	San Francisco, CA	20.00	(6)
9432	15-Nov-94	San Francisco, CA	100.00		9506	05-Dec-94	San Rafael, CA	10.00	(6)
9433	15-Nov-94	Oakland, CA	35.00		9507	05-Dec-94	San Pablo, CA	20.00	(6)
9434	15-Nov-94	Boston, MA	200.00		9508	05-Dec-94	Oakland, CA	60.00	
9435	15-Nov-94	Salem, NY	60.00		9509	10-Dec-94	Okayama, Japan	40.00	(6)
9436	15-Nov-94	Gardena, CA	30.00		9510	10-Dec-94	Newton Centre, MA	4.00	(6)
9437	15-Nov-94	San Francisco, CA	10.00		9511	10-Dec-94	Washington, DC	1.00	
9438	15-Nov-94	Chicago, IL	25.00		9512	10-Dec-94	Washington, DC	28.00	(4)
9439	15-Nov-94	Chicago, IL	250.00	(6)	9513	10-Dec-94	Accokeek, MD	10.00	(6)
9440	15-Nov-94	Charleston, IL	35.00		9514	10-Dec-94	Bloomsburg, PA	30.00	(2)
9441	15-Nov-94	Los Angeles, CA	20.00		9515	10-Dec-94	San Francisco, CA	10.00	
9442	15-Nov-94	New Hope, PA	1.00		9516	10-Dec-94	Brooklyn, NY	25.00	(7)
9443	15-Nov-94	Newton Centre, MA	3.50	(2)	9517	10-Dec-94	Lemon Grove, CA	30.00	
9444	15-Nov-94	Oakland, CA	90.00	(4)	9518	10-Dec-94	Berkeley, CA	100.00	
9445	15-Nov-94	Oakland, CA	33.20	(4)	9519	10-Dec-94	New York, NY	20.00	
9446	15-Nov-94	Berkeley, CA	10.00	(6)	9520	10-Dec-94	Northampton, MA	20.00	(6)
9447	15-Nov-94	Rockville, MD	25.00		9521	10-Dec-94	Ann Arbor, MI	10.00	
9448	15-Nov-94	Riverside, CT	10.00	(6)	9522	10-Dec-94	New York, NY	100.00	(6)
9449	15-Nov-94	Middletown, CT	30.00	(2)	9523	10-Dec-94	Norwalk, CT	25.00	(6)
9450	15-Nov-94	New York, NY	175.00	(4)	9524	10-Dec-94	New York, NY	20.00	
9451	19-Nov-94	Arlington, MA	20.00		9525	10-Dec-94	Brooklyn, NY	20.00	
9452	19-Nov-94	Berkeley, CA	15.00		9526	10-Dec-94	Lafayette, IN	25.00	(6)
9453	19-Nov-94	Tucson, AZ	25.00		9527	10-Dec-94	New York, NY	1.00	
9454	19-Nov-94	Bronx, NY	10.00		9528	24-Dec-94	Brooklyn, NY	5.00	(6)
9455	19-Nov-94	Vallejo, CA	10.00		9529	24-Dec-94	Bronx, NY	10.00	(6)
9456	19-Nov-94	Boston, MA	10.00	(6)	9530	24-Dec-94	Brooklyn, NY	10.00	(6)
9457	19-Nov-94	Los Angeles, CA	34.00	(1)	9531	24-Dec-94	New York, NY	20.00	(6)
9458	19-Nov-94	Lafayette, IN	3.00		9532	24-Dec-94	Brooklyn, NY	30.00	(2)
9459	28-Nov-94	Washington, DC	60.00	(2)	9533	24-Dec-94	Brooklyn, NY	200.00	
9460	28-Nov-94	Oakland, CA	265.00	(6)	9534	24-Dec-94	Irvington, NJ	50.00	(7)
9461	28-Nov-94	San Francisco, CA	20.00	(6)	9535	24-Dec-94	New York, NY	384.00	(8)
9462	28-Nov-94	Alameda, CA	20.00	(6)	9536	24-Dec-94	New York, NY	1041.42	(6)
9463	28-Nov-94	Oakland, CA	10.00	(6)	9537	24-Dec-94	New York, NY	220.00	(6)
9464	28-Nov-94	Oakland, CA	10.00	(6)	9538	24-Dec-94	New York, NY	516.00	(22)
9465	28-Nov-94	Alameda, CA	10.00	(6)	9539	24-Dec-94	Brooklyn, NY	55.00	(6)
9466	28-Nov-94	San Francisco, CA	10.00	(6)	9540	24-Dec-94	New York, NY	100.00	(6)
9467	28-Nov-94	Berkeley, CA	30.00	(6)	9541	24-Dec-94	New York, NY	20.00	(6)
9468	28-Nov-94	Oakland, CA	10.00	(6)	9542	24-Dec-94	New York, NY	10.00	(6)
9469	28-Nov-94	Alameda, CA	10.00	(6)	9543	24-Dec-94	Queens, NY	50.00	(6)
9470	28-Nov-94	San Francisco, CA	10.00	(6)	9544	24-Dec-94	New York, NY	10.00	(6)
9471	28-Nov-94	Oakland, CA	255.00	(6)	9545	24-Dec-94	Eastchester, NY	10.00	(6)
9472	28-Nov-94	Oakland, CA	10.00	(6)	9546	24-Dec-94	Salt Lake City, UT	10.00	(6)
9473	28-Nov-94	Martinez, CA	10.00	(6)	9547	24-Dec-94	New York, NY	10.00	(6)
9474	28-Nov-94	San Francisco, CA	20.00	(6)	9548	24-Dec-94	Brooklyn, NY	5.00	(6)
9475	28-Nov-94	Richmond, CA	20.00	(6)	9549	24-Dec-94	Merrick, NY	15.00	(6)
9476	28-Nov-94	Alameda, CA	20.00	(6)	9550	24-Dec-94	New York, NY	20.00	
9477	28-Nov-94	Pacific, CA	20.00	(6)	9551	24-Dec-94	Chicago, IL	75.00	
9478	28-Nov-94	Oakland, CA	10.00	(6)	9552	24-Dec-94	Gardena, CA	30.00	
9479	28-Nov-94	Alameda, CA	20.00	(6)	9553	24-Dec-94	Oakland, CA	35.00	
9480	28-Nov-94	Chicago, IL	50.00		9554	24-Dec-94	Dunedin, FL	15.00	(4)

Rect #	Date	City	Amount	Note	Rect #	Date	City	Amount	Note
9555	24-Dec-94	New York, NY	25.00	(9)	9629	31-Dec-94	Chicago, IL	20.00	(6)
9556	24-Dec-94	Santa Monica, CA	25.00	(6)	9630	31-Dec-94	Chicago, IL	10.00	(6)
9557	24-Dec-94	Glendale, CA	15.00		9631	31-Dec-94	Chicago, IL	50.00	(6)
9558	24-Dec-94	Oakland, CA	641.62	(10)	9632	31-Dec-94	Jersey City, NJ	15.00	(6)
9559	24-Dec-94	Oakland, CA	10.00	(6)	9633	31-Dec-94	New York, NY	10.00	(6)
9560	24-Dec-94	Hercules, CA	100.00	(6)	9634	31-Dec-94	West Haven, CT	195.00	(4)
9561	24-Dec-94	New York, NY	30.00	(2)	9635	31-Dec-94	Chicago, IL	500.00	(6)
9562	31-Dec-94	Oakland, CA	505.00	(6)	9636	31-Dec-94	Chicago, IL	500.00	(6)
9563	31-Dec-94	San Francisco, CA	5.00	(6)	9637	31-Dec-94	Chicago, IL	435.66	(11)
9564	31-Dec-94	Berkeley, CA	10.00	(6)	9638	31-Dec-94	Phoenix, IL	25.00	(6)
9565	31-Dec-94	San Francisco, CA	10.00	(6)	9639	31-Dec-94	Oak Park, IL	20.00	(6)
9566	31-Dec-94	Oakland, CA	10.00	(6)	9640	31-Dec-94	Chicago, IL	10.00	(6)
9567	31-Dec-94	San Francisco, CA	25.00	(6)	9641	31-Dec-94	Chicago, IL	10.00	(6)
9568	31-Dec-94	San Francisco, CA	100.00	(6)	9642	31-Dec-94	Chicago, IL	20.00	(6)
9569	31-Dec-94	El Cerrito, CA	10.00	(6)	9643	31-Dec-94	Chicago, IL	5.00	(6)
9570	31-Dec-94	Berkeley, CA	30.00	(6)	9644	31-Dec-94	Oak Park, IL	10.00	(6)
9571	31-Dec-94	San Francisco, CA	10.00	(6)	9645	31-Dec-94	Chicago, IL	25.00	(6)
9572	31-Dec-94	Oakland, CA	10.00	(6)	9646	31-Dec-94	Chicago, IL	55.00	(6)
9573	31-Dec-94	San Leandro, CA	130.00	(4)	9647	31-Dec-94	Champaign, IL	10.00	(6)
9574	31-Dec-94	Pacific Grove, CA	20.00	(6)	9648	31-Dec-94	Urbana, IL	10.00	(6)
9575	31-Dec-94	San Francisco, CA	20.00	(6)	9649	31-Dec-94	Urbana, IL	10.00	(6)
9576	31-Dec-94	San Francisco, CA	10.00	(6)	9650	31-Dec-94	Charleston, IL	35.00	(6)
9577	31-Dec-94	Berkeley, CA	10.00	(6)	9651	31-Dec-94	Berwyn, IL	120.00	(6)
9578	31-Dec-94	Portland, OR	5.00	(6)	9652	31-Dec-94	Crete, IL	100.00	(6)
9579	31-Dec-94	Alameda, CA	10.00	(6)	9653	31-Dec-94	Ann Arbor, MI	5.00	(6)
9580	31-Dec-94	El Cerrito, CA	10.00	(6)	9654	31-Dec-94	Minneapolis, MN	25.00	(6)
9581	31-Dec-94	Oakland, CA	10.00	(6)	9655	31-Dec-94	Richmond Heights, OH	50.00	(6)
9582	31-Dec-94	Walnut Creek, CA	40.00	(6)	9656	31-Dec-94	Austin, TX	50.00	(6)
9583	31-Dec-94	San Francisco, CA	10.00	(6)	9657	31-Dec-94	Chicago, IL	50.00	(6)
9584	31-Dec-94	Berkeley, CA	10.00	(6)	9658	31-Dec-94	Charleston, IL	150.00	
9585	31-Dec-94	Oakland, CA	20.00	(6)	9659	31-Dec-94	Boston, MA	246.50	(4)
9586	31-Dec-94	San Francisco, CA	10.00	(6)	9660	31-Dec-94	Amherst, MA	25.00	(6)
9587	31-Dec-94	Oakland, CA	20.00	(6)	9661	31-Dec-94	Jamaica Plain, MA	5.00	(6)
9588	31-Dec-94	San Francisco, CA	100.00		9662	31-Dec-94	East Boston, MA	50.00	(6)
9589	31-Dec-94	Brighton, MI	25.00	(6)	9663	31-Dec-94	Dorchester, MA	20.00	(6)
9590	31-Dec-94	Philadelphia, PA	5.00		9664	31-Dec-94	Cambridge, MA	50.00	(6)
9591	31-Dec-94	Plainsboro, NJ	20.00	(6)	9665	31-Dec-94	Cambridge, MA	30.00	
9592	31-Dec-94	Boston, MA	20.00		9666	31-Dec-94	Boston, MA	50.00	(6)
9593	31-Dec-94	Boston, MA	100.00		9667	31-Dec-94	Winchester, MA	100.00	(6)
9594	31-Dec-94	Charleston, IL	35.00		9668	31-Dec-94	Oakland, CA	21.00	(4)
9595	31-Dec-94	Brooklyn, NY	25.00		9669	31-Dec-94	Oakland, CA	25.00	(6)
9596	31-Dec-94	Stamford, CT	15.00	(2)	9670	31-Dec-94	Palo Alto, CA	20.00	(6)
9597	31-Dec-94	Brooklyn, NY	125.00	(4)	9671	07-Jan-95	Lafayette, IN	3.00	
9598	31-Dec-94	New York, NY	150.00	(4)	9672	07-Jan-95	San Francisco, CA	100.00	
9599	31-Dec-94	Berkeley, CA	75.00		9673	07-Jan-95	San Francisco, CA	10.00	
9600	31-Dec-94	Jamaica Plain, MA	40.00	(7)	9674	07-Jan-95	Plantation, FL	200.00	
9601	31-Dec-94	Nanaimo, Brit. Col.	72.62	(2)	9675	07-Jan-95	Oakland, CA	30.00	
9602	31-Dec-94	New York, NY	5.00	(6)	9676	07-Jan-95	Burbank, CA	10.00	
9603	31-Dec-94	Riverdale, MD	50.00	(6)	9677	07-Jan-95	Jamaica Plain, MA	10.00	
9604	31-Dec-94	Washington, DC	60.00	(6)	9678	07-Jan-95	Malden, MA	20.00	
9605	31-Dec-94	El Paso, TX	10.00	(6)	9679	07-Jan-95	Boston, MA	0.50	
9606	31-Dec-94	Atlanta, GA	238.11	(11)	9680	07-Jan-95	Oakland, CA	40.00	(9)
9607	31-Dec-94	Atlanta, GA	10.00	(6)	9681	07-Jan-95	Oakland, CA	1.00	
9608	31-Dec-94	Atlanta, GA	10.00	(6)	9682	07-Jan-95	Maywood, IL	5.00	(7)
9609	31-Dec-94	Atlanta, GA	25.00	(6)	9683	07-Jan-95	Chicago, IL	3000.00	

Rect #	Date	City	Amount	Note	Rect #	Date	City	Amount	Note
9703	14-Jan-95	Lemon Grove, CA	25.00	(6)	9777	25-Feb-95	New York, NY	300.00	(4)
9704	14-Jan-95	Los Angeles, CA	75.00	(6)	9778	25-Feb-95	Oceanside, CA	25.00	
9705	14-Jan-95	Burbank, CA	15.00	(6)	9779	25-Feb-95	Newton Centre, MA	5.00	(7)
9706	14-Jan-95	Costa Mesa, CA	50.00	(6)	9780	25-Feb-95	White Plains, NY	25.00	
9707	14-Jan-95	Los Angeles, CA	15.20		9781	25-Feb-95	Newton Centre, MA	4.00	(14)
9708	28-Jan-95	New Hope, PA	25.00		9782	25-Feb-95	Williamstown, MA	30.00	(2)
9709	28-Jan-95	Takoma Park, MD	25.00		9783	25-Feb-95	Plainsboro, NJ	10.00	
9710	28-Jan-95	Los Angeles, CA	10.00	(6)	9784	25-Feb-95	Oakland, CA	557.10	(13)
9711	28-Jan-95	Pasadena, CA	50.00	(6)	9785	27-Feb-95	Los Angeles, CA	8.00	
9712	28-Jan-95	Los Angeles, CA	50.00	(6)	9786	27-Feb-95	Los Angeles, CA	100.00	
9713	28-Jan-95	Los Angeles, CA	50.00	(6)	9787	27-Feb-95	Brooklyn, NY	33.00	(15)
9714	28-Jan-95	Honolulu, HI	25.00	(6)	9788	27-Feb-95	Lafayette, IN	3.00	
9715	28-Jan-95	Kennebunkport, ME	50.00	(6)	9789	27-Feb-95	Newport Beach, CA	25.00	(7)
9716	28-Jan-95	Hollywood, CA	50.00	(6)	9790	27-Feb-95	Rockville, MD	10.00	
9717	28-Jan-95	Golden Valley, MN	100.00		9791	27-Feb-95	Chicago, IL	25.00	
9718	28-Jan-95	Charleston, IL	35.00		9792	27-Feb-95	Boston, MA	78.50	(16)
9719	28-Jan-95	Gardena, CA	30.00		9793	11-Mar-95	Boston, MA	541.69	(7)
9720	28-Jan-95	Oakland, CA	35.00		9794	11-Mar-95	Oakland, CA	1552.86	(13)
9721	28-Jan-95	Oakland, CA	35.00		9795	11-Mar-95	Oakland, CA	250.00	
9722	28-Jan-95	Brooklyn, NY	20.00	(7)	9796	11-Mar-95	Tokyo, Japan	200.00	(17)
9723	28-Jan-95	Philadelphia, PA	5.00		9797	11-Mar-95	Tokyo, Japan	30.00	(7)
9724	28-Jan-95	Brooklyn, NY	5.00		9798	11-Mar-95	Oakland, CA	100.00	(7)
9725	28-Jan-95	Lafayette, IN	3.00		9799	11-Mar-95	Malden, MA	15.00	
9726	28-Jan-95	Chicago, IL	150.00		9800	11-Mar-95	New York, NY	30.00	(2)
9727	28-Jan-95	Oakland, CA	31.00		9801	11-Mar-95	Mill Valley, CA	25.00	
9728	28-Jan-95	Oakland, CA	10.00		9802	11-Mar-95	Brooklyn, NY	20.00	
9729	28-Jan-95	Toronto, Ontario	599.57	(12)	9803	11-Mar-95	Brooklyn, NY	10.00	
9730	28-Jan-95	Oakland, CA	25.00		9804	11-Mar-95	Los Angeles, CA	5.00	
9731	28-Jan-95	Oakland, CA	15.00	(7)	9805	11-Mar-95	Baltimore, MD	15.00	(7)
9732	07-Feb-95	New York, NY	10.00		9806	11-Mar-95	Plantation, FL	200.00	
9733	07-Feb-95	Oceanside, CA	50.00	(6)	9807	11-Mar-95	Oakland, CA	30.00	
9734	07-Feb-95	Rockville, MD	15.00	(6)	9808	11-Mar-95	Berkeley, CA	50.00	
9735	07-Feb-95	Boston, MA	10.00		9809	11-Mar-95	Oakland, CA	35.00	
9736	07-Feb-95	Mill Valley, CA	25.00		9810	11-Mar-95	Yonkers, NY	5.00	
9737	07-Feb-95	Plantation, FL	200.00		9811	11-Mar-95	Chicago, IL	20.00	
9738	07-Feb-95	Fort Lee, NJ	250.00		9812	11-Mar-95	Chicago, IL	15.00	
9739	07-Feb-95	West Haven, CT	100.00		9813	11-Mar-95	Chicago, IL	20.00	(7)
9740	07-Feb-95	Hayward, CA	50.00		9814	11-Mar-95	Chicago, IL	5.00	
9741	07-Feb-95	Gardena, CA	30.00		9815	11-Mar-95	Monticello, MN	5.00	(8)
9742	07-Feb-95	Glendale, CA	15.00		9816	11-Mar-95	West Haven, CT	100.00	
9743	07-Feb-95	San Francisco, CA	10.00		9817	11-Mar-95	San Francisco, CA	10.00	
9744	07-Feb-95	Berkeley, CA	100.00		9818	11-Mar-95	Atlanta, GA	20.00	(18)
9745	07-Feb-95	Oakland, CA	35.00	(13)	9819	11-Mar-95	Atlanta, GA	12.00	
9746	07-Feb-95	Oakland, CA	30.00		9820	11-Mar-95	Toronto, Ontario	181.84	(19)
9747	13-Feb-95	New York, NY	31.00	(1)	9821	11-Mar-95	Oakland, CA	59.00	(13)
9748	13-Feb-95	New York, NY	5.00		9822	11-Mar-95	San Francisco, CA	200.00	(7)
9749	13-Feb-95	New York, NY	20.00	(7)	9823	11-Mar-95	New York, NY	30.00	(2)
9750	13-Feb-95	Central Nyack, NY	10.00	(7)	9824	11-Mar-95	Washington, DC	36.25	(20)
9751	13-Feb-95	New York, NY	10.00	(7)	9825	11-Mar-95	Northampton, MA	5.00	
9752	13-Feb-95	New York, NY	10.00	(7)	9826	11-Mar-95	San Francisco, CA	100.00	
9753	13-Feb-95	New York, NY	15.00	(7)	9827	11-Mar-95	East Brunswick, NJ	30.00	
9754	13-Feb-95	Brooklyn, NY	20.00		9828	11-Mar-95	Gardena, CA	30.00	
9755	13-Feb-95	New York, NY	25.00		9829	11-Mar-95	Glendale, CA	25.00	
9756	13-Feb-95	West Haven, CT	20.00	(7)	9830	11-Mar-95	Philadelphia, PA	10.00	
9757	13-Feb-95	West Haven, CT	50.00	(7)	9831	11-Mar-95	Woodside, NY	50.00	
9758	13-Feb-95	West Haven, CT	100.00	(7)	9832	18-Mar-95	New York, NY	12.00	
9759	13-Feb-95	New York, NY	2506.92	(7)	9833	21-Mar-95	Hong Kong	300.00	
9760	13-Feb-95	New York, NY	100.00	(7)	9834	21-Mar-95	Chicago, IL	5.00	(7)
9761	13-Feb-95	New York, NY	25.00	(7)	9835	21-Mar-95	Chicago, IL	10.00	
9762	15-Feb-95	Oakland, CA	30.00		9836	21-Mar-95	Chicago, IL	95.00	
9763	15-Feb-95	San Francisco, CA	100.00		9837	21-Mar-95	Chicago, IL	699.59	(7)
9764	15-Feb-95	Carpinteria, CA	50.00		9838	21-Mar-95	Chicago, IL	389.57	(13)
9765	15-Feb-95	Rockville, MD	10.00		9839	21-Mar-95	Chicago, IL	20.00	(7)
9766	15-Feb-95	Dunedin, FL	10.00		9840	21-Mar-95	Berwyn, IL	200.00	
9767	15-Feb-95	Brooklyn, NY	20.00		9841	21-Mar-95	Chicago, IL	100.00	(7)
9768	15-Feb-95	Oakland, CA	10.00		9842	21-Mar-95	Blue Island, IL	25.00	(7)
9769	21-Feb-95	Baltimore, MD	15.00		9843	21-Mar-95	Chicago, IL	5.00	(7)
9770	21-Feb-95	Capistrano Beach, CA	25.00	(6)	9844	21-Mar-95	Maywood, IL	5.00	(7)
9771	21-Feb-95	Boston, MA	5.00	(7)	9845	21-Mar-95	Crete, IL	50.00	
9772	21-Feb-95	Southington, OH	10.00	(6)	9846	21-Mar-95	Iowa City, IA	70.00	(7)
9773	21-Feb-95	Palo Alto, CA	250.00		9847	21-Mar-95	Iowa City, IA	8.05	(13)
9774	21-Feb-95	Loan	6500.00		9848	21-Mar-95	Los Angeles, CA	30.00	(2)
9775	25-Feb-95	Willow Grove, PA	40.00	(6)	9849	21-Mar-95	Albany, CA	10.00	
9776	25-Feb-95	New York, NY	30.00	(6)	9850	21-Mar-95	Brooklyn, NY	4.00	

Rect #	Date	City	Amount	Note	Rect #	Date	City	Amount	Note
9851	21-Mar-95	San Diego, CA	15.00		9925	25-Apr-95	Dunedin, FL	10.00	
9852	21-Mar-95	Dunedin, FL	15.00		9926	25-Apr-95	Los Angeles, CA	6.00	
9853	21-Mar-95	Champaign, IL	30.00		9927	25-Apr-95	Los Angeles, CA	100.00	
9854	21-Mar-95	Los Angeles, CA	337.00	(7)	9928	25-Apr-95	Oakland, CA	10.00	
9855	21-Mar-95	Los Angeles, CA	14.00		9929	25-Apr-95	Oakland, CA	10.00	
9856	21-Mar-95	Oakland, CA	10.00		9930	25-Apr-95	Oakland, CA	64.00	(13)
9857	21-Mar-95	Oakland, CA	15.00		9931	25-Apr-95	San Jose, CA	10.00	
9858	21-Mar-95	Oakland, CA	10.00	(13)	9932	26-Apr-95	Atlanta, GA	12.00	
9859	21-Mar-95	New York, NY	3.00		9933	26-Apr-95	Atlanta, GA	5.00	
9860	29-Mar-95	El Paso, TX	50.00		9934	26-Apr-95	Atlanta, GA	4.00	
9861	29-Mar-95	Cambridge, MA	50.00		9935	26-Apr-95	Decatur, GA	10.00	
9862	29-Mar-95	Arlington, MA	20.00		9936	29-Apr-95	Oakland, CA	28.00	
9863	29-Mar-95	Oceanside, CA	25.00		9937	29-Apr-95	Brooklyn, NY	15.00	
9864	29-Mar-95	San Francisco, CA	30.00	(2)	9938	29-Apr-95	Lafayette, IN	3.00	
9865	05-Apr-95	Miami, FL	30.00	(2)	9939	29-Apr-95	East Brunswick, NJ	30.00	
9866	06-Apr-95	Brooklyn, NY	10.00		9940	29-Apr-95	Los Angeles, CA	5.00	(7)
9867	06-Apr-95	Brooklyn, NY	20.00		9941	29-Apr-95	Mill Valley, CA	25.00	
9868	06-Apr-95	Lafayette, IN	3.00		9942	29-Apr-95	Berkeley, CA	15.00	
9869	06-Apr-95	Ithaca, NY	5.00	(2)	9943	29-Apr-95	Waipahu, HI	30.00	(2)
9870	06-Apr-95	West Haven, CT	100.00		9944	29-Apr-95	Oceanside, CA	25.00	
9871	06-Apr-95	Plainsboro, NJ	10.00		9945	29-Apr-95	Mamaroneck, NY	25.00	
9872	06-Apr-95	Burbank, CA	30.00		9946	06-May-95	Boulder Creek, CA	30.00	(2)
9873	06-Apr-95	Plantation, FL	200.00		9947	06-May-95	Brooklyn, NY	50.00	
9874	06-Apr-95	Chula Vista, CA	75.00	(7)	9948	06-May-95	New York, NY	20.00	
9875	10-Apr-95	Boston, MA	20.00		9949	06-May-95	Mattapan, MA	20.00	
9876	10-Apr-95	Oakland, CA	37.60		9950	06-May-95	Salem, NY	60.00	(7)
9877	10-Apr-95	Albany, CA	5.00		9951	06-May-95	Boston, MA	120.00	
9878	10-Apr-95	Oakland, CA	120.00		9952	06-May-95	Brooklyn, NY	20.00	
9879	10-Apr-95	Oakland, CA	30.00		9953	06-May-95	Oakland, CA	30.00	
9880	10-Apr-95	Bronx, NY	100.00	(7)	9954	06-May-95	Woodside, NY	25.00	
9881	10-Apr-95	Vista, CA	10.00		9955	06-May-95	Charleston, IL	45.00	
9882	10-Apr-95	Champaign, IL	30.00	(2)	9956	06-May-95	San Francisco, CA	100.00	
9883	10-Apr-95	San Francisco, CA	10.00		9957	06-May-95	Baltimore, MD	15.00	
9884	10-Apr-95	Los Angeles, CA	5.00	(7)	9958	06-May-95	Brooklyn, NY	10.00	
9885	11-Apr-95	Baltimore, MD	20.00		9959	06-May-95	San Francisco, CA	10.00	
9886	11-Apr-95	Brooklyn, NY	20.00		9960	06-May-95	Gardena, CA	30.00	
9887	11-Apr-95	San Francisco, CA	100.00		9961	06-May-95	Plantation, FL	200.00	
9888	11-Apr-95	Oakland, CA	30.00		9962	06-May-95	Chula Vista, CA	25.00	(7)
9889	11-Apr-95	Gardena, CA	30.00		9963	06-May-95	Los Angeles, CA	100.00	
9890	11-Apr-95	Woodside, NY	25.00		9964	13-May-95	New York, NY	15.00	
9891	11-Apr-95	Oakland, CA	60.00		9965	13-May-95	Chicago, IL	5.00	
9892	11-Apr-95	Brooklyn, NY	10.00		9966	13-May-95	Chicago, IL	5.00	
9893	11-Apr-95	Iowa City, IA	15.00		9967	13-May-95	Chicago, IL	12.00	
9894	11-Apr-95	Boston, MA	16.00	(13)	9968	13-May-95	Chicago, IL	20.00	
9895	11-Apr-95	Hercules, CA	100.00	(7)	9969	13-May-95	Urbana, IL	20.00	
9896	11-Apr-95	Oakland, CA	100.00	(7)	9970	13-May-95	San Francisco, CA	25.00	
9897	11-Apr-95	Oakland, CA	56.00	(13)	9971	13-May-95	Fremont, CA	50.00	
9898	18-Apr-95	Jersey City, NJ	10.00		9972	13-May-95	Oakland, CA	16.00	
9899	18-Apr-95	New York, NY	137.39	(21)	9973	13-May-95	Oakland, CA	110.60	(1)
9900	18-Apr-95	Brooklyn, NY	35.00	(6)	9974	13-May-95	Oakland, CA	20.00	
9901	18-Apr-95	Bronxville, NY	30.00	(2)	9975	13-May-95	Arlington, MA	20.00	
9902	18-Apr-95	Brooklyn, NY	30.00	(2)	9976	13-May-95	San Diego, CA	30.00	
9903	18-Apr-95	Palisades Park, NJ	25.00	(7)	9977	13-May-95	El Paso, TX	50.00	
9904	18-Apr-95	Brooklyn, NY	30.00	(2)	9978	13-May-95	Pasadena, CA	10.00	
9905	24-Apr-95	New York, NY	30.00	(2)	9979	13-May-95	Albany, CA	5.00	
9906	24-Apr-95	New York, NY	86.00	(16)	9980	13-May-95	San Francisco, CA	100.00	
9907	24-Apr-95	New York, NY	30.00	(2)	9981				

**Partisan Defense Committee
Financial Statements for Year Ending 31 December 1994**

RECEIPTS

Sustaining Pledges	11,271.00
General Donations	15,471.06
1993 Holiday Appeal	1,970.84
1994 Holiday Appeal	9,511.77
Earmarked Donations	
Springfield Anti-fascist Mobilization	13,578.08
Geronimo ji Jaga (Pratt)	1,199.31
Mumia Abu-Jamal, General	929.50
Mumia Abu-Jamal Legal Defense	55.00
Total Receipts	<u>53,986.56</u>
Total Expenditures	<u>(66,073.73)</u>
Net Receipts	<u>(12,087.17)</u>

FINANCIAL POSITION AT 31 DECEMBER

Cash at 1 January 1994	19,900.22
Net Receipts, 1994	(12,087.17)
Subtotal	7,813.05
Plus repaid loan from PDC Canada	3,000.00
Cash at 31 December 1994	<u>10,813.05</u>
Cash at 31 Dec. is allocated as follows:	
Prisoner Stipend Program	4,977.93
Non-Earmarked	5,835.12
Subtotal	<u>10,813.05</u>

Notes:

Loans outstanding from the Spartacist League at year end were unchanged from last year's total of \$58,601.09.

For a more detailed breakdown of expenses from the Springfield anti-fascist mobilization see the interim financial statements published in CSDN No. 21. Since those statements were prepared an additional \$220 in donations was received and an additional \$3 in expenses was incurred.

EXPENDITURES

Prisoner Stipend Program	
Monthly Stipends	5,350.00
Special Purchases	1,255.85
Money Order Fees	76.50
Holiday Gifts—Family	700.00
Holiday Gifts—Prisoners	900.00
1993 Holiday Appeal—Expenditures	364.64
1994 Holiday Appeal—Expenditures	1,423.47
Subtotal	<u>10,070.46</u>
Cases and Campaigns	
Mumia Abu-Jamal (Printing, Postage, Travel, Video copies, Misc.)	7,359.27
Mumia Abu-Jamal Legal Defense	3,075.00
Geronimo ji Jaga (Printing, Postage, Travel, Legal Expenses, Misc.)	9,804.09
Geronimo ji Jaga Legal Fees	2,500.00
Springfield Anti-fascist Mobilization	17,179.60
Vancouver Anti-fascist Demo	112.30
Other Case Donations	966.50
Subtotal	<u>40,996.76</u>
Class-Struggle Defense Notes	
No. 20 (misc. expense)	8.57
No. 21—32p, 8,000	3,288.57
Subtotal	<u>3,297.14</u>
General Expenditures	
Supplies and Equipment	1,647.10
Printing	315.12
Postage/Courier	1,888.60
Telephone & Telegraph	4,401.42
Rent	2,400.00
Bank Fees	340.63
Books/Lit.	177.90
Fund Raisers	207.67
Membership Fees	170.00
Other	160.93
Subtotal	<u>11,709.37</u>
Total Expenditures	<u>66,073.73</u>

**IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,

Respondent,

v.

MUMIA ABU-JAMAL,
a/k/a Wesley Cook,

Petitioner

CRIMINAL DIVISIONNos. 1357-1358
(January Sessions, 1982)**PETITION FOR POST-CONVICTION RELIEF**

To The HONORABLE JUDGES OF THE CRIMINAL COURT:

Petitioner MUMIA ABU-JAMAL, through undersigned counsel, and upon the Exhibits and the Memorandum of Law submitted herewith, respectfully petitions this Court for relief pursuant to 42 Pa. C.S. section 9541 *et. seq.* ("The Post-Conviction Relief Act" or "PCRA"), on grounds that his restraint and sentence of death results from a conviction and sentence that was obtained in violation of the Constitution of this Commonwealth and of the Constitution of the United States. In support of this petition, Petitioner alleges as follows:

PRELIMINARY STATEMENT

1. Petitioner Mumia Abu-Jamal ("Mr. Jamal") is presently incarcerated at SCI-Greene, and is awaiting execution of a death sentence upon a conviction of murder in the first degree and possession of an instrument of a crime.

2. By this petition, Mr. Jamal moves to vacate the judgment of conviction and sentence entered on May 25, 1983, and requests a new trial on both the guilt and penalty phase. Mr. Jamal was tried by a jury, Judge Albert Sabo presiding, and convicted of murder in the first degree and possession of an instrument of a crime on July 2, 1982. After a sentencing hearing on the following day, the jury voted to impose the penalty of death. (7/3/82, Tr. 98) Post-trial motions were filed and denied. (5/25/83, Tr. 1-157) The court, through Judge Sabo, formally imposed the death sentence on May 25, 1983. (*Id.* at 163-66) Mr. Jamal then pursued a direct appeal, which culminated in a decision by the Pennsylvania Supreme Court affirming his conviction and death sentence. *Com. v. Abu-Jamal*, 521 Pa. 188, 555 A.2d 846 (1989), *reh'g denied*, 524 Pa. 106, 569 A.2d 915 (1990). For unknown reasons, two justices recused themselves from consideration of the appeal.

3. Thereafter, Mr. Jamal submitted an application for certiorari review with the United States Supreme Court, which was denied. *Abu-Jamal v. Pennsylvania*, 498 U.S. 881 (1990). Mr. Jamal then filed a petition for rehearing predicated on the Supreme Court's grant of certiorari review in cases involving similar issues, which was denied. *Abu-Jamal v. Pennsylvania*, 498 U.S. 993 (1990). Mr. Jamal's motion for leave to file a second petition for rehearing was also denied. *Abu-Jamal v. Pennsylvania*, 501 U.S. 1214 (1991).

4. Mr. Jamal was represented at trial by court-appointed counsel, Anthony Jackson. He was represented on appeal, also by appointment, by Marilyn J. Gelb.

5. On June 1, 1995, Governor Thomas Ridge signed a warrant for Mr. Jamal's execution during the week of August 13, 1995.

6. This is Mr. Jamal's first application for collateral relief pursuant to the Post-Conviction Relief Act.

INTRODUCTORY STATEMENT

7. Petitioner Jamal was convicted of a crime he did not commit and sentenced to death based on his political views and history.

8. Through this proceeding, Mr. Jamal will prove that his conviction was the product of widespread police and prosecutorial misconduct, countenanced and advanced by a hostile and biased trial court which stripped him of his ability to raise a defense and then violated his fundamental rights to a fair and impartial trial.

9. Police coerced witnesses to testify against Mr. Jamal, rewarded those who did, concealed exculpatory evidence of his innocence, forcing at least one exculpatory witness to give a false statement and leave the jurisdiction for fear of police harassment. Not satisfied, a false "confession" story was manufactured months later as a result of Mr. Jamal's filing a complaint against the police. The police witness who could have rebutted that false claim went "on vacation" and was thus unavailable for trial. Testimony was adduced from prosecution experts who tailored their scientific tests to preclude the possibility of Mr. Jamal's innocence and offered speculation and hypothesis that, it turns out, was utterly false. None of this was rebutted at trial due to the court's refusal to provide Mr. Jamal with minimal funds to launch an investigation and hire experts in firearms and pathology and due to the gross ineffectiveness of his stand-in counsel.

10. For its part the trial court seated a jury from which blacks were unconstitutionally excluded through the prosecution's use of racially-biased peremptory challenges, then (in Mr. Jamal's absence) removed the only juror selected by Mr. Jamal and replaced her with a white juror who said he was biased against him. The court denied Mr. Jamal the right to represent himself, forced an unprepared, unwilling and incompetent stand-in attorney to serve as Mr. Jamal's counsel, and excluded Mr. Jamal from key portions of the trial. The court refused to grant a continuance to allow a critical defense witness to be called to rebut the false confession claim, barred cross-examination of a prosecution witness on his probationary status for a felony conviction, and refused to permit the defense to show that the key prosecution witnesses had a motive to lie due to police rewards and threats.

11. Then the court allowed the prosecution to make egregiously improper and unfair jury arguments at both the guilt and

penalty phases, and allowed the unconstitutional use of Mr. Jamal's political activities and statements from more than a decade earlier to convince the jury that death was the appropriate sentence.

12. Because of the apparent scope of the Commonwealth's misconduct and suppression of evidence in his case, Mr. Jamal seeks a new trial. He also moves for extensive discovery, the right to amend this Petition, and a protective order. For any factual issues that must be resolved, the court should order an evidentiary hearing.

SUMMARY OF THE EVIDENCE

13. Philadelphia Police Officer Daniel Faulkner was shot at approximately 3:52 a.m. on December 9, 1981, in downtown Philadelphia on Locust Street near the intersection with 13th Street. He died approximately one hour later at Jefferson University Hospital as a result of the gunshot wound. (6/25/82, Tr. 43) Mr. Jamal was also found at the scene. He had been critically wounded by a gunshot and was sitting in a pool of blood on the curb approximately four feet from where Officer Faulkner had fallen. (6/2/82, Tr. 3.5; 6/19/82, Tr. 117) Mr. Jamal was arrested and also taken to Jefferson University Hospital for extensive surgery. (6/28/82, Tr. 74) The prosecution claimed Mr. Jamal shot Officer Faulkner in the back and then stood over him and shot him in the face.

14. At the time, Mr. Jamal was a well-known award-winning journalist and activist in the Philadelphia area. Thirteen years earlier, at 15 years of age, Mr. Jamal had been one of the founding members of the Philadelphia Chapter of the Black Panther Party; and by late 1969 he had become its communications secretary. In the mid-1970's, Mr. Jamal turned to the profession of journalism, and became known throughout Pennsylvania for his journalistic activities, including news broadcasts on National Public Radio, the Mutual Black Network, the National Black Network, and his own talk show on WUHY-FM. In late 1980, at age 26, Mr. Jamal was elected chair of the Philadelphia Chapter of the Association of Black Journalists. The January 1981 issue of *Philadelphia Magazine* named Mr. Jamal "one of the people to watch in 1981." (Exh. 27) Mr. Jamal remains an accomplished and controversial author. His writings have appeared in a number of prestigious publications, including the *Yale Law Journal*. In May 1995 his book, *Live From Death Row*, was published by the Addison-Wesley Publishing Company.

15. Because of his legal and constitutionally-protected political affiliation with the Black Panther Party and his activities as a journalist and activist critical of Mayor Rizzo and the police on issues of race, police brutality and other social issues, Mr. Jamal became a well-known object of police bias and animus. Since his youth, Philadelphia police maintained continuing surveillance of Mr. Jamal as a vocal black activist. (Cooperstein Aff., Exh. 12) Despite their constant scrutiny, police found no basis for linking Mr. Jamal to any criminal activities during those years.

16. At trial, the Commonwealth case had three elements: (i) three eyewitnesses who claimed to identify Mr. Jamal as Officer Faulkner's shooter, (ii) a purported "confession," and (iii) the presence of Mr. Jamal's gun at the scene, allegedly the murder weapon.

17. Examination of the trial record, newly discovered evidence, and new expert analysis of the physical evidence shows that in each of its elements the Commonwealth case was false, having been twisted to falsely implicate Mr. Jamal.

18. Due to Commonwealth misconduct and the court's rulings, the true facts of the case — that Mr. Jamal was shot by Officer Faulkner as Mr. Jamal approached the scene, and that a third black male then shot Officer Faulkner and fled the scene — were suppressed and not established at trial.

19. The Identification: The initial event from which the shooting unfolded was not in dispute. Officer Faulkner pulled a Volkswagen over for a traffic stop. (6/25/82, Tr. 8.83) Although the number of people in the Volkswagen was unclear, one occupant was Billy Cook, Mr. Jamal's brother. One of the Volkswagen's occupants got out of the car, and a struggle with the officer began. Mr. Jamal approached the scene from a parking lot north of Locust Street.

20. The prosecution's witnesses viewed the events at about 4:00 am through the flashing red lights of Officer Faulkner's police car. There were no lights on that side of the street. The prosecution's only black witness was Cynthia White, whom the other witnesses said was not even there. The white witnesses saw two or three black males and were required to make cross-racial identifications under difficult viewing circumstances. Despite all this, the court refused Mr. Jamal's requests for a line-up identification. (D-3; 1/5/82)

21. The only witness who claimed Mr. Jamal had a gun in his hand was the prostitute, Cynthia White. (6/22/82, Tr. 5.102, 5.515) Ms. White's testimony was false. She had not even witnessed the events at issue and gave her testimony in return for undisclosed police favors.

22. Ms. White claimed she was on the southeast corner of 13th and Locust. No other witness saw her there. Dessie Hightower, a defense witness, observed Ms. White a half block west of 13th Street at that time. (Exh. 21)

23. At the time of trial Ms. White was serving a sentence of 18 months for prostitution in Massachusetts. (6/21/82, Tr. 4.79; 4.85) She had 38 previous arrests for prostitution in Philadelphia, and, as readily acknowledged by the prosecution, had three open cases awaiting trial in Philadelphia when she took the stand. (6/21/82; Tr. 4.80-81)

24. Although the prosecution maintained that Ms. White had not been offered a deal for her testimony, the evidence showed otherwise. The Commonwealth did not disclose that Ms. White had been assigned police "protection" and continued to work the streets as a prostitute with plainclothes police guarding her. (Greer Aff. ¶ 4.B, Exh. 2) Ms. White was arrested at least twice in the weeks after the shooting. (6/21/82, Tr. 4.176) Each time she revised her story. Without explanation, bench warrants against her were not prosecuted. Police told another prostitute, Veronica Jones, that Ms. Jones would be allowed to work the street with impunity like Ms. White if Ms. Jones would testify against Mr. Jamal. (6/29/82, Tr. 135-36) The court excluded this testimony.

25. To buttress Ms. White's false story the Commonwealth called Robert Chobert, a cabdriver in his early twenties. Confirming that Mr. Jamal was shot first, Mr. Chobert admitted he did not see Officer Faulkner shoot Mr. Jamal at any time and simply couldn't account for Mr. Jamal being shot. (6/19/82, Tr. 267-69) On the night of the shooting, he had told police the shooter was a totally different individual than Mr. Jamal: a large, heavy man, about 6 feet and weighing 200 to 225 pounds, standing over Officer Faulkner and appearing to be shooting down at him. (6/19/82, Tr. 234-35) On the stand, Mr. Chobert admitted Mr. Jamal, who at the time weighed only 170 pounds, did not look

like someone who weighed 225 pounds and was not "heavy." (6/19/82, Tr. 235)

26. Even more significantly, Mr. Chobert told an arriving police captain that the shooter "ran away." (6/1/82, Tr. 23, 78) Less than an hour later Mr. Chobert repeated that assertion at police headquarters when he told investigators that the person who shot Officer Faulkner ran 30 steps away in the same direction that Hightower reported and on the same side of the street. (6/19/82, Tr. 236; Exh. 15) On the stand, however, Mr. Chobert retracted his initial statement and amended his estimate to just 10 feet, saying that he must have been "mistaken" on the night of the occurrence. (6/19/82, Tr. 237)

27. Mr. Chobert also acknowledged he only heard the shots but never saw a gun or any flashes from a gun barrel. (6/19/82, Tr. 261, 229, 230) Yet Mr. Chobert now insisted Mr. Jamal was the shooter.

28. Mr. Chobert changed his account and his identification to implicate Mr. Jamal. He was clearly susceptible to police pressure because he was on probation for a felony arson conviction because he had agreed to throw a Molotov cocktail at a school for pay. (6/19/82, Tr. 221-22) The trial court determined this evidence of Mr. Chobert's motive to lie could not be presented to the jury. (6/19/82, Tr. 223) Mr. Chobert's two convictions for driving while intoxicated were excluded as well despite his earning his livelihood driving a cab. (6/19/82, Tr. 226)

29. A third prosecution witness, Mark Scanlan, misidentified Mr. Jamal at the scene as the driver of the Volkswagen. (6/25/82, Tr. 8.46, 8.12) Clearly, Mr. Scanlan could not tell which of the black males was which, or who shot the officer. (6/25/82, Tr. 8.8, 8.12) Scanlan also contradicted the prosecution theory that Officer Faulkner fell to the ground as the result of the first shot, testifying that Officer Faulkner didn't fall directly down as the result of the first shot. (6/25/82, Tr. 8.33)

30. Scanlan, who had been drinking, admitted there was "confusion" about what he saw, that his testimony was based on his assumptions about what must have happened, and that he "could have been mistaken" about where the events happened. (Id. 8.33, 37, 65, 68)

31. The "Confession": The prosecution claimed Mr. Jamal confessed as he lay with his arms handcuffed behind him on the emergency room waiting room floor just after he arrived. Yet Doctor Regina Cudemo was present and did not hear the claimed confession. Instead, she saw an officer apparently kick Mr. Jamal and heard Mr. Jamal moan. (6/29/82, Tr. 24) Doctor Anthony V. Coletta, treated Mr. Jamal within five to ten minutes of his arrival. (6/24/82, Tr. 66, 73, 167; Tr. Exh. D-14) He found Mr. Jamal to be "weak...on the verge of fainting...if you tried to stand him up, he would not have been able to stand." (6/28/82, Tr. 28.76)

32. Although Doctor Cudemo did not hear Mr. Jamal say anything, and Doctor Coletta found Mr. Jamal to be barely conscious, two Commonwealth witnesses claimed over two months afterwards that Mr. Jamal was struggling violently and shouted out a confession. These two witnesses were Officer Garry Bell, Officer Faulkner's partner and "best friend," and a hospital security guard, Priscilla Durham, who first denied knowing Officer Faulkner, then admitted talking to him on a number of occasions, sometimes over coffee. (6/24/82, Tr. 44, 38, 156) Ms. Durham acknowledged crying when informed he had died. (6/1/82, Tr. 115)

33. Although Officer Bell made a log report that night and volunteered a statement to homicide detectives the following

week (Exh. 24), and Ms. Durham had continuous contact with police, neither one reported hearing the supposed "confession" until months later when they were interviewed by detectives from Internal Affairs who were investigating a complaint initiated by Mr. Jamal for having been abused by the police in the hospital. Bell's interview occurred on February 25, 1982, and Priscilla Durham's sometime in March, 1982. (6/24/82, Tr. 140, 169, 45)

34. All the witnesses agreed that Mr. Jamal was too feeble and weak to walk into the hospital on his own power. Officers were with him without interruption from the moment he entered the hospital. One of those officers, Gary Wakshul, stayed with Mr. Jamal from the time he was driven from Locust Street until the doctors started treating him in the hospital. Wakshul wrote a police report immediately after the episode in which he described being with Mr. Jamal throughout this period, noting "[d]uring this time the negro male made no statements." (7/1/82, Tr. 51) The jury, however, never heard from Wakshul because the police made him unavailable by sending him "on vacation."

35. The Gun and Physical Evidence: The gun was not shown to have fired the fatal shot. (6/23/82, Tr. 108) In fact, the prosecution either did not perform or did not report sufficient test results to show whether the gun was recently shot or fired the fatal bullet.

36. The Commonwealth's ballistics expert performed tests of the bullet removed from the officer, but these tests were inconclusive as to identification. (6/23/82, Tr. 108) The Commonwealth apparently did not perform certain tests which could have excluded Mr. Jamal's gun. (Fassnacht Aff. ¶ 4.B, Exh. 3)

37. Ballistician George Fassnacht, whom the defense has now retained, has reviewed the police reports and in his opinion the reported police ballistics tests were incomplete, and Mr. Fassnacht would have tried to perform additional tests which might have excluded Mr. Jamal's gun as a possible murder weapon. (Id.) Further, Mr. Fassnacht concludes that based on the existing evidence regarding Officer Faulkner's jacket, he would have expected nitrate residue to be found if Mr. Jamal's gun fired the bullet which hit Officer Faulkner in the back. (Id. ¶ 4.A) There was none.

38. Although Mr. Jamal was taken into custody immediately after the shooting, no test was employed to determine if he had recently fired a weapon — a test ordinarily done in such a case. (Id. 4.D) According to expert Fassnacht, the test for determining if a weapon has been recently fired is a simple one: simply smell the barrel for the unquestionable odor of gunpowder. (Id. ¶ 4.C) Surprisingly, the police, upon recovering Mr. Jamal's gun moments after the shooting, failed to apply this test — or if they did, covered up the result. (See Exh. 23)

39. Furthermore, the Medical Examiner judged the fatal bullet to be a .44 caliber. (Exh. 26) Mr. Jamal's gun was a .38 caliber pistol.

40. The prosecution argued that Mr. Jamal was shot while allegedly standing over a falling Officer Faulkner. That claim is medically impossible because of the downward trajectory of Mr. Jamal's bullet wound. (Hayes Aff. ¶ 4, Exh. 4) Since trial, Mr. Jamal's counsel has retained the services of an expert pathologist, John A. Hayes, Jr., M.D. Dr. Hayes, a highly qualified medical examiner, has reviewed the medical evidence. In Dr. Hayes's opinion, the prosecution's theory of how Mr. Jamal was shot was medically impossible. (Id.)

41. The prosecution attempted to hide this fact by relying on Dr. Coletta's theory that the bullet could have pursued a down-

ward path as the result of a "ricochet" or "tumble." Dr. Coletta's opinion bespeaks his acknowledged lack of expertise. Dr. Hayes unqualifiedly dismisses such a theory as unfounded based on the medical evidence. (*Id.*)

42. Moreover, Dr. Hayes contradicts the Medical Examiner's finding that the gunshot wound to Officer Faulkner's back was a contributing cause of death. (*Id.* ¶ 6)

43. A defense attack on the medical evidence and the competence of the autopsy would have been buttressed by the fact that the Assistant Medical Examiner failed to detect a second wound in Officer Faulkner's throat during the autopsy. (6/25/82, Tr. 170-74) Then, when this wound was discovered, it was not disclosed to the defense. Nor were the autopsy slides which reflected the second wound. (*Id.*)

44. Mr. Jamal, an indigent defendant, lacked the resources necessary to test the evidence and challenge the prosecution's expert testimony. The court denied Mr. Jamal's requests for necessary funds to retain and pay experts. (Jackson Aff. ¶ 4, Exh. 1; 4/29/82, Tr. 10-11; 5/13/82, Tr. 16-18) With expert assistance, Mr. Jamal would have been able to show that the evidence disproved the prosecution's theories, and that the prosecution experts had tailored the scientific tests to preclude the possibility of Mr. Jamal's innocence.

45. The Shooter Flees: No less than four witnesses to the shooting, situated in four different locations on Locust, including a key prosecution witness, reported seeing a person, identified as the gunman who shot Officer Faulkner by one of them, flee before the police arrived. All said he ran east on Locust on the south side of the street in the direction of Camac Street, an alleyway which intersects the street and provides a ready escape route.

46. Dessie Hightower, called by the defense, testified that less than 13-15 seconds after the shooting stopped he saw a person who looked Jamaican (because he wore dreadlocks) running east down the south side of Locust past a residential hotel on the corner where Camac joins Locust. (6/28/82, Tr. 126-127, 149-50, 152) Police demanded that Hightower take a polygraph test on the issue of his seeing the shooter flee. Hightower swears he took the test and passed. (Hightower Aff., Exh. 5) The defense was never apprised of that fact.

47. As described above, witness Robert Chobert initially reported that the shooter ran away, or ran thirty steps (about the distance to Camac Street), but recanted this story under police pressure. (6/1/82, Tr. 23, 78; 6/19/82, Tr. 236-37; Exh. 15)

48. Veronica Jones, called by the defense, also told homicide investigators during her initial interview that one or more people ran from the scene ("sort of jogging"). (Exh. 22) After the gunfire stopped she recalled seeing substantially what Mr. Chobert and Hightower had reported: someone running in an easterly direction on the south side of Locust. However, after being arrested, questioned for five hours, and offered a deal, Ms. Jones denied on the stand ever telling the interviewing detectives anything about anyone fleeing the scene. (6/29/82, Tr. 99, 106) This was after police told her she could work the street with impunity like Cynthia White if she implicated Mr. Jamal. (6/29/82, Tr. 135-36, 129) The trial court excluded this testimony. (6/30/82, Tr. 4)

49. Debbie Kordansky, a resident of the St. James Hotel which overlooked the scene of the shooting, reported hearing gunshots between 3:45 and 4:00 a.m. Shortly thereafter, she looked out her window and "saw a man running on the south side of Locust Street." (Exh. 18)

50. In all, two people to the west and behind the police car, one person to the east and in front of the police car, and one person north and high above the scene, all reported seeing someone flee down the south side of Locust after the shooting. No follow-up investigation of these claims was ever done. On the contrary, police coerced witnesses to recant that testimony.

51. The Suppressed Evidence: Police engaged in widespread efforts to suppress evidence favorable to Mr. Jamal.

52. New evidence reveals that another witness was intimidated by the police so severely that he left Philadelphia prior to trial for fear of police harassment. This witness, William Singletery, reported that Mr. Jamal was not the shooter and that the true shooter was a third black male who fled the scene. He also saw that Cynthia White was not at the scene during the shooting, but arrived later. He was forced by police to sign a false police statement that he did not see anything.

53. Another witness, Robert Harkins, was driving past in his taxicab and saw the shooter, who was "taller" and "heavier" than Officer Faulkner. (Exh. 17) Mr. Harkins was shown a photo array, but that fact was never revealed to the defense. Apparently Mr. Harkins could not identify Mr. Jamal as the shooter, since he was not called as a trial witness by the Commonwealth. Mr. Harkins was also told not to talk to the defense. (Buechler Aff., Exh. 6)

54. As discussed above, police coerced witnesses White, Jones and Chobert, made Officer Wakshul unavailable for trial, and suppressed the Hightower polygraph. Police did not disclose the deal made to protect Ms. White while she worked as a prostitute. Nor did police disclose their five hour interview of Veronica Jones in January 1982, in which they offered her the same deal.

55. Philadelphia police conducted surreptitious surveillance of Mr. Jamal from his youth as a member of the Black Panther Party. Copies of reports were maintained in police files. This evidence of police bias against Mr. Jamal was not turned over to the defense. Further, these files are evidence that despite the constant scrutiny of Mr. Jamal by the police he engaged solely in constitutionally protected speech and not in any criminal activity. (Cooperstein Aff., Exh. 12)

56. Even to this day, as Mr. Jamal has prepared this Petition, the Commonwealth maintains unlawful, intrusive surveillance of Mr. Jamal. The Commonwealth has interfered with and intruded into Mr. Jamal's privileged communications with counsel. The Attorney General has now acknowledged that classic legal privileged correspondence from Mr. Jamal's legal team, including counsel's strategy memos, were copied and maintained in the Commonwealth's files. (Krakoff Aff., Exh. 13)

57. Because of the Commonwealth's pervasive concealment and interference with the evidence in this case, Mr. Jamal seeks a protective order to prevent the Commonwealth from harassing, inducing, intimidating or coercing potential witnesses, experts, or investigators in this matter, or otherwise communicating with such witnesses about this case, without prior notice to and the presence of Mr. Jamal's counsel.

SUMMARY OF THE PROCEEDINGS

58. Officer Faulkner's death and the charges against Mr. Jamal, a prominent black journalist and activist, sparked widespread media coverage and polarized Philadelphia. At the first pre-trial hearing, Judge Ribner commented: "I know there are certain cases that have explosive tendencies in this community, and this is one of them." (1/5/82, Tr. 66) Of approximately 80 jurors in the jury pool, all but seven prospective jurors were

familiar with the media coverage of the case. (6/9/82, Tr. 105; 6/10/82, Tr. 4.19; 6/11/82, Tr. 5.19; 6/15/82, Tr. 19; 6/16/82, Tr. 378)

59. Faced with charges of killing a police officer, Mr. Jamal's efforts to prove his innocence were frustrated. Before trial, Mr. Jamal's counsel charged that the prosecution was hampering the defense by intimidating witnesses. (4/29/82, Tr. 14-15; 34) As discussed above, evidence revealed at trial and since confirms that the Commonwealth deliberately suppressed the true circumstances of shooting by coercing and threatening witnesses and failing to disclose the use or results of polygraph and photo identifications. Although the court had previously granted the prosecution the right to photograph Mr. Jamal in the hospital and thus use the photographs to assist witnesses in their identification (D-1; 12/21/82), the court denied Mr. Jamal the right to a fair and non-suggestive line-up. (D-3; 1/5/82)

60. Mr. Jamal petitioned the court to appoint four experts — an investigator, photographer, pathologist and ballisticsian. (D-4 through D-7; 1/20/82) The court authorized Mr. Jamal to employ these experts, but allowed only \$150 in expenses for each expert, and repeatedly refused to authorize any additional funds. (*Id.*; Jackson Aff. ¶ 4, Exh. 1; 4/29/82, Tr. 10-11; 5/13/82, Tr. 16-18) Although police conducted over 100 witness interviews, the addresses and phone numbers of the witnesses were deleted from the interview reports provided to the defense. The deletion of this critical information made it virtually impossible to locate most of these witnesses. The court denied Mr. Jamal's requests for this additional information. (Jackson Aff. ¶ 4, Exh. 1; *see* 4/29/82, Tr. 14-15)

61. On May 13, after his repeated requests for resources for assistance were denied, Mr. Jamal orally petitioned the court to be permitted to represent himself. (5/13/82, Tr. 53) The court immediately granted the request, and appointed Mr. Jackson as back-up counsel. Prior to the pre-trial hearing on Mr. Jamal's Motions to Suppress, Mr. Jamal restated his desire to represent himself. Mr. Jamal also advised the court that he did not want Mr. Jackson to serve as backup counsel and wanted to be assisted by one John Africa, a non-lawyer. The court permitted Mr. Jamal to represent himself, but denied the request for assistance by Mr. Africa, instead ordering Mr. Jackson to serve as backup counsel over Mr. Jamal's and Mr. Jackson's protest. (6/1/82, Tr. 2-38)

62. Mr. Jamal served as his own counsel in the Motion to Suppress hearing, in which he questioned fifteen witnesses. Mr. Jamal also served as counsel during the first two days of jury selection, without incident. He questioned 23 venire members, successfully challenging two for cause, defeating a government challenge for cause, and also exercising three peremptory challenges. (6/7/82, Tr. 149, 163, 174; 6/8/82, Tr. 46, 56, 69, 136)

63. At the start of the third day of voir dire, the court precipitously ruled that Mr. Jamal had to turn voir dire over to Mr. Jackson, or the court would take it over. (6/9/82 Tr. 18) Mr. Jamal refused to waive his right to self-representation, and the court took over voir dire. (*Id.* 3.19) When Mr. Jamal and Mr. Jackson refused to provide the court with proposed questions, the court held Mr. Jackson in contempt and sentenced Mr. Jackson to 6 months imprisonment. (*Id.* 22) Then, under protest, Mr. Jamal gave in and agreed to have Mr. Jackson conduct voir dire on his behalf. (*Id.* 105-08)

64. During the next several days, Mr. Jamal raised objections to the court's rulings, requesting to have his pro se rights restored and to have John Africa assist him at counsel table. (6/11/82,

Tr. 199; 6/16/82, Tr. 498; 6/17/82, Tr. 48-60) Ultimately, the court suggested that Mr. Jackson make an emergency appeal to the Supreme Court for guidance on the question of his role in the case. (6/17/82, Tr. 116) Mr. Jackson stated he could not appeal because Mr. Jamal was still counsel of record. (*Id.* 118) The court stated: "Well, if you're asking me to remove him, I'll remove him. I'll make it easy for you." (*Id.*) Ultimately the Supreme Court denied Mr. Jackson's appeal to permit Mr. Jamal to represent himself, to remove Mr. Jackson as backup counsel, and to permit John Africa to assist Mr. Jamal.

65. When proceedings next resumed in open court, Mr. Jamal spoke to protest the denial of his right to self representation. The court thereupon ordered that Mr. Jamal be removed from the courtroom. (*Id.* 2.90-91)

66. During the course of jury selection, the prosecution used eleven peremptory challenges to excuse black jurors. The resulting jury included only three black jurors. One of these was removed, outside Mr. Jamal's presence and without his knowledge, to be replaced by a white alternate juror. This black juror, Jeannie Dawley, was the only juror to be selected during the period when Mr. Jamal was allowed to conduct voir dire on his own behalf. (6/7/82, Tr. 187) The white alternate who replaced Ms. Dawley, Robert Courchain, had stated his bias against Mr. Jamal. (6/16/82, Tr. 393-95)

67. Mr. Jamal will prove that at least three white jurors, including the juror ultimately selected as foreman, formed a grouping which met and deliberated throughout the trial, apart from the black jurors. (Hawkins Aff., Exh. 10)

68. Although Mr. Jamal sought to represent himself and had prepared the defense case for trial, he was not even present for large portions of the trial because the court repeatedly ordered his exclusion. (*See* Point VI, *infra*) During these periods of exclusion, the court did not provide Mr. Jamal any means to monitor the proceedings or to consult with Mr. Jackson while court was in session.

69. Because Mr. Jamal was precipitously denied his right to self-representation, his unwanted backup counsel, Mr. Jackson, was thrust into the role of trial counsel against his own wishes, without adequate preparation. He even failed to interview defense witnesses before they took the witness stand. (6/29/82, Tr. 137; Jackson Aff. ¶ 5, Exh. 1)

70. In addition to Mr. Jackson's ineffective performance, the court's rulings precluded Mr. Jamal from presenting a defense. As discussed, *supra*, the officer who was with Mr. Jamal from the time of his arrest until his hospital treatment began stated in a police interview that Mr. Jamal had made no comments. The trial court refused to grant a continuance to permit the witness to be located and testify. (*Id.* 46-48)

71. The court also excluded Veronica Jones' testimony that Sixth District police had offered to allow her to avoid arrest if she would testify that she saw Mr. Jamal shoot the officer intentionally, and that police told her a similar deal had been struck by Cynthia White. (6/29/82, Tr. 129-35) Further, the court refused to allow Mr. Jamal to show that Commonwealth witness Chobert had been convicted of committing arson for hire and was on probation for that offense. (6/19/82, Tr. 216-23)

72. In protest of the court's rulings denying his rights to represent himself, to select a jury of his peers, and to face and examine witnesses, Mr. Jamal refused to take the stand to testify in his defense. (7/1/82, Tr. 41)

73. In closing argument, the prosecutor ridiculed Mr. Jamal's efforts to assert his Sixth Amendment right to self-representation and effective assistance of counsel of his choice. (7/1/82, Tr. 147-48) The prosecutor also made veiled negative references to Mr. Jamal's exercise of his Fifth Amendment right not to testify. (Id. 172) The prosecutor vouched for witness Robert Chobert, and falsely stated that there was no evidence Mr. Chobert had a motive to lie, even though the prosecutor had caused the exclusion of evidence Mr. Chobert was on probation and therefore had such a motive. (Id. 182-83) The prosecution also referred to evidence not in the record to bolster the testimony of Priscilla Durham. (Id. 173) Finally, the prosecutor asked the jury in this high profile case which had polarized the city to convict Mr. Jamal because the people of Philadelphia demanded it. (Id. 172, 187)

74. The jury was charged and began deliberations on July 2, 1982, the Friday of the July 4 weekend. During the day, the jury requested to be re-instructed on the elements of first and third degree murder and voluntary manslaughter. (7/2/82, Tr. 54) The jury returned a verdict of guilty on the first degree murder and possession counts. (Id. 68-69)

75. On the following day, the Saturday of the July 4th weekend, the jury heard evidence regarding the penalty. Mr. Jackson made no attempt to prepare for the penalty phase hearing. (Jackson Aff. ¶ 7, Exh. 1) At the beginning of the defense evidence, the court permitted Mr. Jamal to make a statement to the jury that he was innocent, and to protest the denial of his rights throughout the trial. (7/3/82, Tr. 10-16)

76. Then the court permitted the prosecutor to "cross-examine" Mr. Jamal on his jury statement. The prosecutor, over objection, asked questions regarding Mr. Jamal's courtroom behavior such as: "What is the reason you did not stand when Judge Sabo came into the courtroom?" (7/3/82, Tr. 20) He went on to question Mr. Jamal's teenage political views as a member of the Black Panther Party in the 1960's. (Id. 21-23)

77. In summation, the prosecutor, over numerous objections, exploited this improper line of cross-examination to argue that Mr. Jamal's political history and confrontations with the court justified a death sentence. (Id. 66-70) Over objection, the prosecution falsely suggested that the jury would not be responsible for the sentence because it would ultimately be decided on appeal. (Id. 71-72) The prosecution further violated Mr. Jamal's Fifth Amendment right not to testify. (Id. 59-60)

SUMMARY OF GROUNDS FOR RELIEF

78. The legal grounds upon which relief is requested are as follows:

Trial Errors

I. The Commonwealth withheld materially favorable evidence from the defense, and knowingly used false evidence, all of which rendered the proceedings fundamentally unfair. The evidence withheld and the false evidence used include the following:

(1) statements by an eyewitness indicating that another individual, not Mr. Jamal, was the shooter, that the actual shooter fled the scene, and that a critical prosecution eyewitness was actually not present at the scene;

(2) evidence of the failure of a prosecution eyewitness to identify Mr. Jamal in a photo array;

(3) the favorable results of a polygraph examination administered to an eyewitness called by the defense which corroborated the claim that the actual shooter fled the scene;

(4) extensive police files concerning Mr. Jamal's political activities and affiliations which expose law enforcement's deep-seated bias against him and show that Mr. Jamal engaged in no criminal conduct during the years he was closely surveilled;

(5) evidence of intimidation, special deals and favors, and coercion which was applied to numerous witnesses, causing one eyewitness to flee the jurisdiction, causing Cynthia White to give false testimony, causing two eyewitnesses to retract their claim that they saw the shooter flee, and causing a police officer witness to take an unauthorized vacation in order to prevent his availability at trial; and

(6) evidence of incompetency in the Medical Examiner's autopsy report.

II. The court deprived Mr. Jamal of his fundamental right to present a defense in the following ways:

(1) Mr. Jamal was effectively barred from presenting crucial evidence that he had not made any inculpatory statements. Consequently, the prosecution's claim that Mr. Jamal had confessed to the shooting of Officer Faulkner — a confession that on its own terms is suspect — remained rebutted.

(2) Mr. Jamal was barred from examining Veronica Jones and showing that prosecution witness Cynthia White — perhaps the most critical eyewitness for the prosecution — was coaxed and coerced to testify.

(3) Mr. Jamal was prevented from showing that another prosecution witness was susceptible to police pressure to change his account of events because he was on probation and because of prior drunk driving convictions.

(4) Because of his indigence and the court's unwillingness to authorize funding for investigation and expert witnesses, Mr. Jamal was unable to present expert testimony which would have established that the prosecution's theories were false.

The cumulative effect of the court's actions was to undermine the adversarial process to such an egregious degree that the resulting conviction was stripped of any modicum of reliability.

III. The court impermissibly held two *in camera* conferences outside Mr. Jamal's presence, at a time when Mr. Jamal's *pro se* status was still intact, wherein Mr. Jamal's *pro se* status was discussed, an African-American juror selected by Mr. Jamal was removed, a question of juror taint was explored, and the admissibility of certain police officer testimony was considered.

IV. The conflicts between Mr. Jamal and his court-appointed attorney were so pervasive, divisive, and intense that his right to effective assistance of counsel must be presumed to have been violated; and further, that these conflicts in fact led to a constitutionally inadequate defense.

V. The court prematurely and unjustifiably stripped Mr. Jamal of his right to proceed as his own attorney, and instead imposed upon him a constitutionally ineffective attorney.

VI. The court unjustifiably banished Mr. Jamal on numerous occasions from the trial proceedings, thereby violating his right to self representation, his right to be present at his own trial, his right to assist in his own defense, and his right to confront the prosecution's witnesses.

VII. The prosecutor's guilt-phase closing argument exceeded the bounds of propriety and violated Mr. Jamal's right to due process.

VIII. The court impermissibly responded to a juror's inquiry, which ultimately led to that juror's removal, without

notifying the defense of that inquiry.

IX. New evidence establishes that intentional racial discrimination infected the selection of the jury.

X. The jury pool from which the jury was selected was not a product of a random cross-section of the community.

XI. Certain jurors engaged in discussions of the evidence which were tantamount to deliberations before the conclusion of the case.

Sentencing Errors

XII. The Pennsylvania death penalty is unconstitutional because it is applied disparately, unequally, arbitrarily, and freakishly.

XIII. The sentencing verdict form created a substantial probability that jurors believed that unanimity was required to find a mitigating circumstance.

XIV. The prosecutor's summation in the sentencing phase diminished the jury's responsibility in determining whether death was an appropriate sentence, burdened defendant's right to silence, and exploited defendant's difficulties with the court and his own attorney over his *pro se* status.

XV. Mr. Jamal received the death sentence as a direct result of defense counsel's wholesale failure to prepare for the penalty phase, and his failure to present evidence in mitigation during that phase of the proceedings.

XVI. The prosecutor's use of and argument from evidence of Mr. Jamal's irrelevant political past and abstract ideas violated Mr. Jamal's constitutional rights.

XVII. The jury was not advised that a sentence of life carried with it no possibility of parole, violating Mr. Jamal's Eighth and Fourteenth Amendment rights.

XVIII. The ineffective assistance of Mr. Jamal's appellate counsel prevented appellate review of meritorious issues based on the record.

XIX. The cumulative impact of the above-errors deprived Mr. Jamal of due process.

79. Mr. Jamal raised the following issues on direct appeal:

- i. the exclusion of jurors by race;
- ii. the trial court's refusal to excuse a manifestly biased juror for cause;
- iii. the trial court's abuse of discretion in assuming control over the voir dire;
- iv. the inadequacy of funds to mount a minimally effective defense;
- v. the impermissible cross-examination of a defense character witness;
- vi. the prosecutor's reference in closing argument at both the guilt and penalty phases regarding Mr. Jamal's right to appeal;
- vii. the prosecutor's penalty phase cross-examination of Mr. Jamal regarding his Black Panther affiliation and statements attributed to him in a newspaper publication;
- viii. the imposition of the death penalty as disproportionate to the crime.

80. The issues raised herein as grounds for collateral relief are all of constitutional dimensions and would justify relief under the applicable federal habeas corpus statutes. The issues in part involve exculpatory evidence unavailable at trial that has subsequently become available and that would have affected the outcome of the trial if introduced. The errors at trial raised as

grounds for collateral relief in this Petition so undermine the truth-determination process and the fundamental integrity of the adversarial process, that no reliable adjudication of guilt or innocence or reliable sentencing determination could have taken place.

81. With the exception of issues enumerated above as items IX and XVI, the issues raised herein as grounds for collateral relief were not presented for direct appellate review, but are raised here for the first time. Mr. Jamal did not knowingly and willfully forego presentation of these issues on direct appeal. The failure to raise these issues on direct appeal was the result of *per se* ineffective assistance of appellate counsel inasmuch as appellate counsel did not read the record in this case. (Hawkins Aff., Exh. 11)

82. The allegations of error presented herein have not been waived. To the extent any allegation of error is deemed waived, any such waiver has resulted in the conviction and/or affirmance of sentence of an innocent individual; and, further, any such waiver does not constitute a state procedural default barring federal habeas corpus relief.

[Paras 83-164 of this Petition are not included.]

WHEREFORE, petitioner Jamal requests this Court to:

1. Vacate the conviction and sentence of death;
 2. Order a new trial;
 3. Stay Mr. Jamal's execution;
 4. Permit further investigation into the circumstances of Mr. Jamal's conviction, and if necessary, to permit the filing of an amended petition;
 5. Grant the discovery motion filed herewith;
 6. Grant a protective order to prevent the Commonwealth from harassing, inducing, intimidating or coercing potential witnesses, experts or investigators in this matter, or otherwise communicating with such witnesses about this case, without prior notice to and the presence of Mr. Jamal's counsel.
 7. Direct the Commonwealth to file the complete record of the prior proceedings, including any portions not presently transcribed;
 8. In the alternative, direct that a hearing be held in order that all factual issues raised herein can be fully and fairly litigated.
- Respectfully submitted,

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