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A VERY *RIGHTFUL* CONVICTION

Crying wolf over a well-deserved conviction

By Julius (Jay) Wachtel. During the early morning hours of December 9, 1981, Philadelphia police officer Danny Faulkner, who was white, got into a tussle with a black man named William Cook during a traffic stop. Cook's brother, a taxi driver who had taken on the name Mumia Abu-Jamal, happened to be parked across the street. Shots rang out. Moments later Officer Faulkner lay on the street dying, struck five times, including a fatal shot between the eyes. Abu-Jamal was wounded once, in the chest. Nearby lay a .38 caliber five-shot Charter Arms revolver registered in his name. It held five empty cartridges. William Cook came through it all unscathed.

Abu-Jamal was tried seven months later. Neither he nor his brother testified. The jury, which included two blacks, took three hours to convict him of first-degree murder and two more to impose the death penalty.

Fast-forward twenty years. After losing his State appeals, up to and including the Pennsylvania Supreme Court, Abu-Jamal got a hearing in US District Court. It upheld his conviction but found flaws in how jurors were charged at the sentencing phase. Its decision was upheld by a panel of the [Third Circuit Court of Appeals](#), which ordered Pennsylvania to conduct another sentencing hearing. (It's presently pending.)

The case of Mumia Abu-Jamal may go down as the most bitterly disputed conviction of a black man for killing a white police officer in American history. After more than twenty-five years the tragic episode continues to generate media attention. It's spawned at least three books. In *The Framing of Mumia Abu-Jamal*, the convict is described as "an articulate, compassionate righter of wrongs." *Killing Time: An Investigation into the Death Row Case of Mumia Abu-Jamal*, written by a respected investigative journalist, admits that Abu-Jamal might have done it, but even if he did, it probably wasn't first-degree murder. In contrast, the recently released *Murdered by Mumia*, penned by the officer's widow and a professional writer, declares Abu-Jamal guilty, guilty, guilty.

Of course, there's also a DVD. "[Mumia Abu-Jamal: A Case for Reasonable Doubt?](#)" is an advocacy piece produced for HBO that tries its best to disguise its pro-defendant bias through droll narration and a faux-documentary style.

Just who *is* Mumia Abu-Jamal? Born in 1954 to a hardscrabble Philadelphia family, Abu-Jamal grew up during a time when many blacks, disenchanted with the slow pace of progress, were spurning mainstream civil-rights organizations such as the NAACP in favor of more radically-minded groups. In his teens Abu-Jamal became active in the Black Panther Party. He later worked as an on-air radio commentator, gaining attention for giving voice to MOVE, an oddball collection of anarchists who kept getting into shoot-outs with police. At the time of his arrest Abu-Jamal was married, working in radio part-time and driving a taxi. He had no criminal record.

Abu-Jamal's arrest, imprisonment and death sentence for this most heinous of crimes came during a period of extreme tension between blacks and authorities. Political activists of all shades seized upon his case as an example of the injustices that beset black America. Civil rights organizations in the U.S. and around the world rushed to take up his cause; attorneys lined up to represent him for appeals. It can be said without irony that for Abu-Jamal prison was in a sense a liberating experience. Freed from the need to make a buck, the gifted intellectual became a prolific writer, authoring numerous essays and several books about race relations and the criminal justice system, including *Live From Death Row* (1995) and *We Want Freedom: A Life in the Black Panther Party* (2004). At present Abu-Jamal also does regular podcasts for [Prison Radio](#).

He's a talented person, all right. But did he murder Officer Faulkner? In the eyes of [his supporters](#) he's not a killer but the victim of lying cops, a biased prosecutor, a racist trial judge and indifferent appeals courts.

In the eyes of Officer Faulkner's [former colleagues](#) Abu-Jamal is a cop-killer who needs to die.

Again, what's the evidence? This much is uncontested:

- Abu-Jamal was found leaning against the car that his brother was driving when stopped by Officer Faulkner
- A gun registered to Abu-Jamal was found near him, on the ground. It had five spent rounds. Officer Faulkner had been shot five times
- Officer Faulkner's gun was fired once; Abu-Jamal was hit once

Some might say that all this, together with the fact that neither Abu-Jamal nor his brother chose to testify, leaves painfully little to the imagination. Not according to the defense. It would take volumes to wade through the arguments and counter-

arguments, but the essence of Abu-Jamal's original defense was not that he was innocent (remember, an accused need not prove anything) but that police so botched the investigation that it was impossible to say what actually took place. Hence the DVD's title: reasonable doubt.

For example, at trial the defense argued that a bullet removed from Officer Faulkner was .44 caliber, while Abu-Jamal's revolver was a .38. It turns out that the .44 caliber claim was based on a note made by the medical examiner, who admitted it was a guess and that he didn't really know how to measure caliber. A prosecution [ballistics expert](#) not only confirmed that the bullet was a .38 but that the markings it bore had the same number of lands/grooves and twist as Abu-Jamal's gun. (The bullet was too deformed for further analysis. George Fassnacht, a ballistics expert later brought in by the defense, reportedly refused to examine it.)

Abu-Jamal's appellate team more recently claimed that their client was framed by a cabal of [corrupt cops](#) that conspired to murder Officer Faulkner because they were afraid he would tattle about police misconduct. Abu-Jamal has also offered his [first account](#) of what happened, which omits any mention of his gun. How very convenient.

Yes, we're certain that Abu-Jamal is guilty. But why bother posting it? The ground's been covered by others, and far more exhaustively. Our concern is that if interest and advocacy groups keep recklessly burnishing the reputation of Abu-Jamal, a *rightfully* convicted man if there ever was one, it will work against the cause of correcting the careless policing and incompetent prosecution that have led to so many *real* miscarriages of justice.

Incidentally, as this is written Dallas County, Texas announced its [latest exoneration](#). Its D.A. has now helped clear *eighteen* wrongfully convicted men since 2001. Look for more on this in the near future.