

Take a Walk at the Crime Scene



Why Mumia Abu-Jamal Should Be Free

Updated Edition January 2023

– **Michael Schiffmann** –

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On the January 2023 Edition

This is a revised and expanded edition of my article series *Take a Walk at the Crime Scene*, which I first published on my website <https://www.dropthecaseagainstmumiaabujamal.com/> in June 2022. In response to feed-back, in the second edition I tried to answer questions left open in the first version as well as to improve the flow and to be less polemical. My particular thanks go to an attentive reader in California whose help in these three endeavors was invaluable, even though I alone remain responsible for the result. The third edition has a slight revision in chapter four and a new introduction.

On the Author:

I am a linguist, editor, author, and translator and works both freelance and at the English Department of the University of Heidelberg. For my CV and part of my work, see my academic website, <https://uni-mannheim.academia.edu/MichaelSchiffmann>.

For my detailed discussion of the position of Larry Krasner's District Attorney's Office's position on Mumia Abu-Jamal, see <https://www.dropthecaseagainstmumiaabujamal.com/>

I can be reached via mikschiff@t-online.de and mikschiff@gmx.de.

Why Mumia Abu-Jamal Should Be Free

– Introduction to “Take a Walk at the Crime Scene” –

What you are about to read are five essays on the case of Mumia Abu-Jamal who was convicted for the murder of Police Officer Daniel Faulker and sentenced to death in 1982.

They argue that Abu-Jamal’s conviction was so contaminated by police and prosecutorial misconduct as to shroud the events of December 9, 1981, when Officer Faulkner was killed, with clouds of doubt, and lead reasonable observers to conclude that Abu-Jamal’s 1982 conviction for this crime cannot stand, and that it should be voided and Abu-Jamal set free.

The current Philadelphia DA Larry Krasner has expressed the underlying legal-ethical quandary remarkably well in his book *For the People*:

But what if a reasonable doubt or maybe a whole lot more than a reasonable doubt shows up long after a seemingly accurate conviction at trial, even if there is no scientific certainty of innocence? What if, due to new developments – new evidence, old evidence that was hidden at the trial, new scientific methods that were unavailable before, or new information that undermines witnesses – the conviction cannot stand because it now lacks integrity and always will? The answer must be that the conviction is reversed and the person who was convicted goes home. Integrity and a just system require it.

The great irony is that this very same DA, who came to office in January 2018, and his District Attorney’s Office (DAO) are now adamantly opposed to freeing Abu-Jamal and even to granting him a new trial or at least an evidentiary hearing. The DAO expressed its opposition very extensively in a court brief on February 3, 2021. The erroneous assumptions in that brief about the facts of the case were depicted in a lengthy analysis of mine of that brief, *Facts Matter*,¹ which was sent to the DAO both in print and electronically already in autumn 2021. But unfortunately, the position of Krasner’s office has remained unchanged.

It has also uncompromisingly opposed Abu-Jamal’s (by now sixth) petition under the so-called Post-Conviction Relief Act (PCRA), which he filed on December 23, 2021. This petition is based on explosive newly found records in December 2018 which brought new evidence to the light of the day, namely: **1)** a letter of one of the main witnesses for the prosecution, Robert Chobert, from

¹ *Facts Matter* can be downloaded from my website <https://www.dropthecaseagainstmumiaabujamal.com/>, along with other material on this case I have written over the years which might help answer residual questions still left open by “Take a Walk at the Crime Scene.” This includes my 2006 book *Race Against Death. The Struggle for the Life and Freedom of Mumia Abu-Jamal*, which appeared in German in the same year and tries to put the Abu-Jamal case in a larger context.

August 1982 in which he basically asks the prosecutor, “Where is my money?”; 2) a correspondence between prosecutorial offices in Philadelphia and Massachusetts that indicates favors for another main prosecution witness, Cynthia White; and 3) notes by the prosecutor during jury selection that strongly suggest racist motives on the part of prosecutor Joseph McGill.

In the following pages, will encounter the three persons just mentioned again and again.

Here, too, the prosecutorial office in Philadelphia unwaveringly stuck to its course to oppose any possibility of a new trial for Abu-Jamal. On October 26, Judge Lucretia Clemons of the trial court in Philadelphia, the Court of Common Pleas, issued a 31-page document in which she declared her intent to side with the DAO and to dismiss Abu-Jamal’s PCRA petition, but she also allowed both sides to file final briefs in between October 26 and a new hearing scheduled for December 16, 2022.

On this target date, when Abu-Jamal’s supporter were already expecting the final dismissal of his PCRA petition, the judge surprised everyone by stating that she needed another 60 to 90 days (until February 14 and March 16, 2023, respectively) to reach her decision. One factor that certainly played a role in this development was the fact that in the meantime, the **Working Group of Experts on People of African Descent (WGEPAD) of the United Nations Office of the United Nations High Commissioner for Human Rights** had voiced its concern and filed a so-called “Friend of the Court” brief in which it explained that under international law, the court was obliged to investigate each and every trace of racism in Abu-Jamal’s trial and in which it concluded that there was an abundance of such traces in his case.

In addition, the judge had received a great number of respectful letters which stressed the great importance of this case as well as evidence that she might not have yet taken into consideration up to this point. Now – that is, until February 14 to March 16 – it will be all-important to create conditions that allow the judge to reach the decision which in my view at least would be the only appropriate one: To order a new trial for Abu-Jamal, or at the very least an evidentiary hearing.

The best means to do so is the creation of an enlightened public sphere in which this case is extensively discussed and illuminated, because such a broad and free discussion can only lead to the conclusion that the conviction and sentence of Abu-Jamal cannot and must not be allowed to stand. Independence of the judiciary does not mean imperviousness to what goes on in public debate. This goal is what this brochure, which has already been circulated in previous version and whose current version is simultaneously published in German, is all about.

Heidelberg, January 6, 2023

Michael Schiffmann

Take a Walk at the Crime Scene

Michael Schiffmann

If you happen to live in Philadelphia, I'd like to suggest that you take a walk at one of the most famous crime scenes of our times, where African American journalist Mumia Abu-Jamal supposedly killed Officer Daniel Faulkner, a member of the Philadelphia Police Department, at 4 AM on December 9, 1981, an act for which Abu-Jamal was convicted of murder.

Why take that walk?

Because the walk will open up serious questions about how this murder could be declared an open and shut case at Abu-Jamal's 1982 trial. In fact, it took a jury only 15 days to listen to the case, find the defendant guilty AND sentence him to death, but on closer inspection, some of the evidence heard by the jurors turns out not to have been what it then seemed. Looking even closer, almost none of the evidence turns out to be genuine.

The Official Murder Scenario

At the trial, the scenario of the prosecution was roughly this: for some reason, Faulkner had stopped Abu-Jamal's brother Billy Cook's VW. Billy pulled over to the curb in front of 1234 Locust Street, with Faulkner pulling up behind him. Both got out of their cars, and proceeded towards the sidewalk between the VW and the police car when a quarrel arose.

Faulkner spreadeagled Cook on the hood of the police car and was about to handcuff him, but when Cook struck at the officer, Faulkner began to beat him with a flashlight. At this point Abu-Jamal, who was moonlighting as a cabbie and happened to be nearby, ran across the street from the parking lot across from 1234 Locust, and supposedly shot Faulkner once in the back.

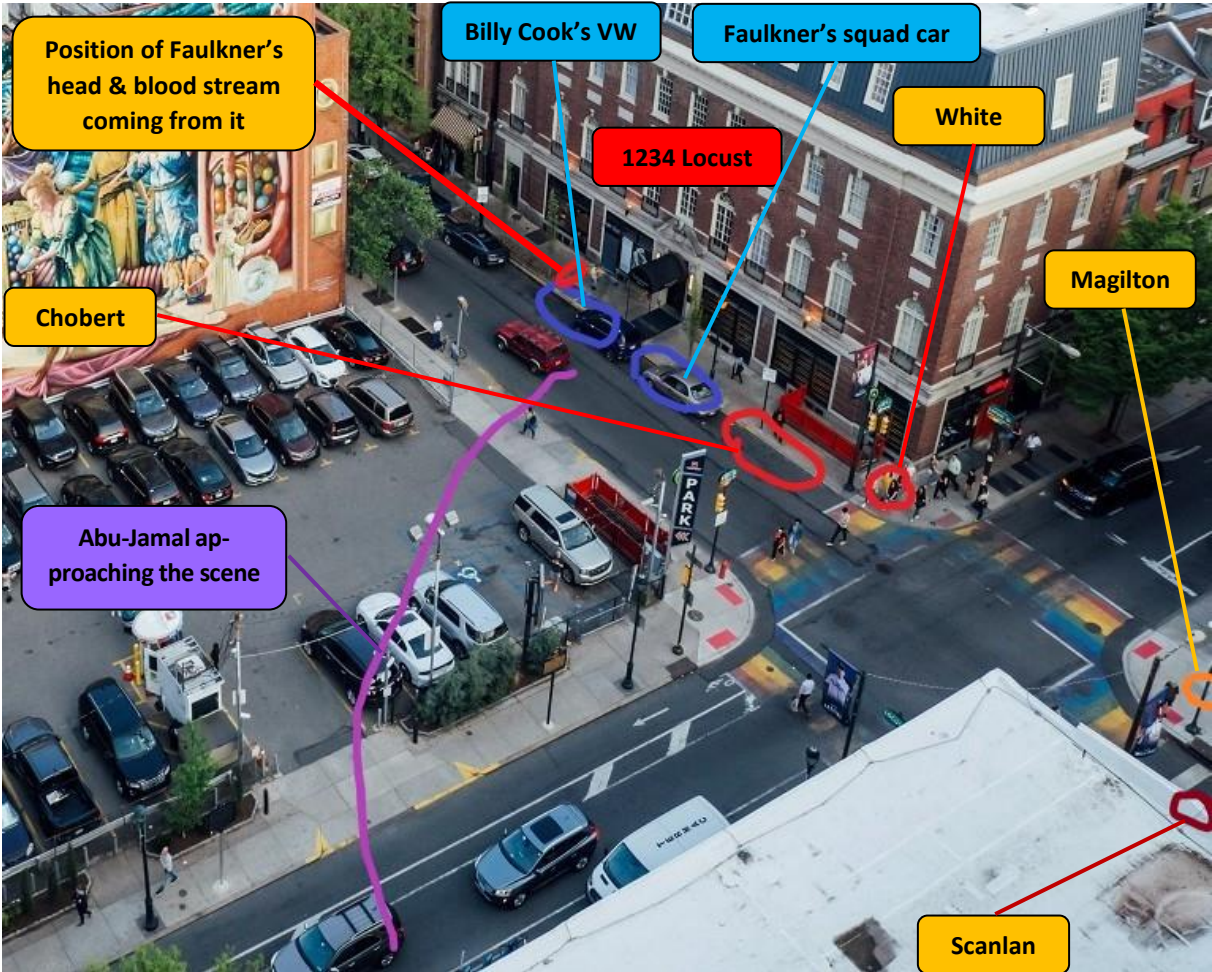
Faulkner then turned around, stumbled on the sidewalk and, falling on his back, managed to draw his gun and to shoot Abu-Jamal in the chest. As Faulkner, who had dropped his revolver in the process, lay prone on the pavement, Abu-Jamal allegedly stepped over him and fired several shots at point blank range, one of which hit the officer in the head and killed him instantaneously.

Two Very Serious Difficulties

How did the prosecution arrive at the above version of events? There were four witnesses at the trial who claimed to have been at or near the scene and to have seen the whole event or parts of it:

1) The prostitute Cynthia White who testified that she stood at the southeastern corner of the intersection 13th Street and Locust and saw Abu-Jamal do the things described above; 2) Mo-

torist Michael Scanlan, who said he was in the middle lane of Locust west of the intersection when he saw a man who he could not identify do the things to Faulkner described above;



3) Cab driver Robert Chobert, who claimed he had pulled up behind P.O. Faulkner's squad car when he heard shots and saw Abu-Jamal firing away at the prone officer; and 4) A pedestrian, Albert Magilton, who said he was crossing Locust from south to north right in front of Scanlan when he saw Abu-Jamal run towards 1234 Locust, but who said he did not see the shooting.

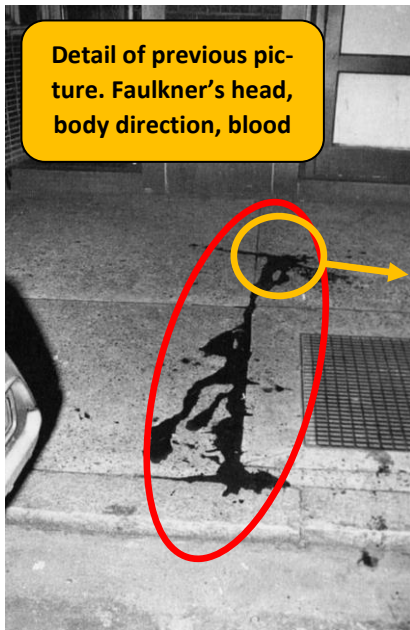
At the crime scene, we see that White's and Scanlan's claim that Abu-Jamal shot Faulkner in the back while running from the parking lot is very difficult to sustain. The bullet that did indeed hit Faulkner in the back exited in one piece right above his throat and if the bullet did come from the direction of the parking lot, it should have been found in one piece in or on Locust 1234.

Per all the police and forensic reports, it was not.

There has never been an explanation for this simple fact. With bullets, a lot of things can happen, but in this case, any attempted explanation is just unlikely in the extreme.

The second difficulty with the prosecution's scenario is even worse, because it is beyond any possible repair. In order to understand this, all you have to do is go to the place a bit east of 1234 Locust where the dying Officer Faulkner was found by his arriving fellow officers, which today is marked by a plaque for the officer.

Not only White and Scanlan, who claimed to have seen the whole sequence of events, but also Robert Chobert, who said he only saw the killing, claimed that the perpetrator shot Faulkner by firing several shots, execution-style, while standing over him.



But in this part of the shooting, Faulkner was hit only one additional time, by a bullet that entered beneath his left eye and essentially blew his brains out. If that shot was part of a series of shots fired at point blank range, in which all the other shots must have missed him – where are the traces of those other shots? There would have had to have been either the bullets themselves, or visible traces of them, in the sidewalk.

There were neither. Nor do any photos (for one, see left) show any evidence of these bullets or their impact in the sidewalk.

There exist other immediate post-shooting photos of the sidewalk area where Officer Faulkner came to lie, some of which were even inspected by a NASA photo specialist – but again, no trace of the other bullets that were allegedly shot at Faulkner.

A False Scenario that Is Virtual Proof of a Frame-Up

While there may be a tiny theoretical possibility that the man coming from the parking lot, i.e., Abu-Jamal, might have shot Faulkner in the back, there is simply no evidence to support White's, Scanlan's, or Chobert's description of how Officer Faulkner was ultimately killed, i.e., by an individual standing over him and firing multiple bullets at him.

The almost identical narratives of these three witnesses are all unsupported by the evidence as the only bullet that was ever found was the one that came to rest in Officer Faulkner's brain. There were no traces of any others in this area of the crime scene. Since these witnesses all told the almost identical story of multiple shots to the head, but did not – as far as we are aware of – know each other, the inference is near at hand that someone must have coordinated their testimony, i.e., told them what to say. In colloquial terms, this was a frame-up.

Two Star Witnesses That No One Saw

The near-identical testimony by White, Scanlan, and Chobert thus suggests they were coached to converge on the desired image of Abu-Jamal as a merciless killer who fired away at a defenseless cop.

But it gets worse. Strong evidence shows that two of these three witnesses, Cynthia White and Robert Chobert, were all but certainly not at the locations from which they claimed to have observed the death of P.O. Faulkner.

Indeed, the presence of Cynthia White, the only witness who claimed to have both seen the entire event *and* been able to identify the perpetrator, was unequivocally denied by ALL three other core prosecution witnesses – not only by Robert Chobert, who might not have seen her because she was behind him, but also by Michael Scanlan and Albert Magilton, who should have seen her because she was right in front of them. None of them placed her at the scene.

No other witness for either the prosecution or the defense saw Cynthia White at the southeastern corner of 13th and Locust where she claimed to have been.

And Robert Chobert and his cab? There was one witness who claimed to have seen his cab behind P.O. Faulkner’s police car. That witness was none other than Cynthia White! At trial, Albert Magilton testified there was no cab behind Officer Faulkner’s car. Michael Scanlan said the same thing, no cab behind Faulkner. No one else said they saw the cab. Moreover, there’s documentary proof that the cab was absent, namely, several photos by press photographer Pedro P. Polakoff who arrived at the scene ten minutes after the shooting. His photos show an empty space behind Faulkner’s police car where Chobert’s taxi should have been.

Polakoff himself has consistently said that the cab was not behind Faulkner’s squad car even when he arrived and before he was able to take photos. And finally, there is an officer witness interviewed by Philadelphia journalist Dave Lindorff, who was one of the first to arrive at the scene after Faulkner was killed. That officer has over the years insisted that Cynthia White was not at the shooting because she was a half block away, and that Robert Chobert could not have seen it either because he was NOT parked on Locust behind Officer Faulkner. This officer’s and other evidence uncovered by Lindorff indicates Chobert was parked north of the intersection on 13th Street, facing away from the crime scene.

So Why Not Take the Walk?

If you’re in Philadelphia, examine the intersection of 13th and Locust Street for yourself. There is a plaque now where Officer Faulkner died and where the Fraternal Order of Police regularly commemorates his death, claiming that it is clear that Abu-Jamal “did it.”

But did he? Is he “guilty”?

Not if we take seriously the supposed first principle of criminal procedure in the USA, “innocent until proven guilty.” There is no competent eyewitness testimony showing that Abu-Jamal was the shooter. Rather, and inadvertently, this testimony strongly suggests that there was a frame-up to falsely portray him, not only as the shooter, but as a particularly cold-blooded one at that.



So why don't you go to 13th and Locust with the facts presented here in mind and draw your own conclusions?

The Confession That Never Happened

Michael Schiffmann

The current essay is the second in a five-part series on the famous murder case in which the African American journalist Mumia Abu-Jamal was convicted for the December 9, 1981 killing of Officer Daniel Faulkner, a member of the Philadelphia Police Department. It happened shortly before 4 AM close to the intersection of 13th and Locust in Philadelphia's Center City.

In the first article, I demonstrated

- why the official murder scenario that had Abu-Jamal first shoot an unsuspecting Faulkner in the back and then kill the defenseless officer execution-style does not fit the evidence; and that two crucial prosecution witnesses who claimed to have observed this killing were not in fact at the scene when it happened. These two facts alone strongly suggest that Abu-Jamal was the victim of a police frame-up.

In the following, I will show that the frame-up did not stop there. It was supplemented by the bogus claim that Abu-Jamal, who had himself been shot in the chest by Officer Faulkner, had shouted a loud and obscene confession when he was brought to Jefferson Hospital after the shooting.

The Official Confession Story

After Abu-Jamal had allegedly brutally murdered Faulkner, he was picked up by arriving police and brought to Jefferson Hospital. According to the prosecution, four witnesses (only two of whom testified at Abu-Jamal's trial) said that when the officers brought the struggling Abu-Jamal in, right after having passed the electronic door to the reception area of the Emergency Room (ER), he loudly shouted: "I shot the motherfucker, and I hope the motherfucker dies!"

For Abu-Jamal, hospital security guard Patricia Durham's and P.O. Garry Bell's testimony to this effect was probably the worst moment of his whole June/July 1982 trial.

Some Very Big Question Marks

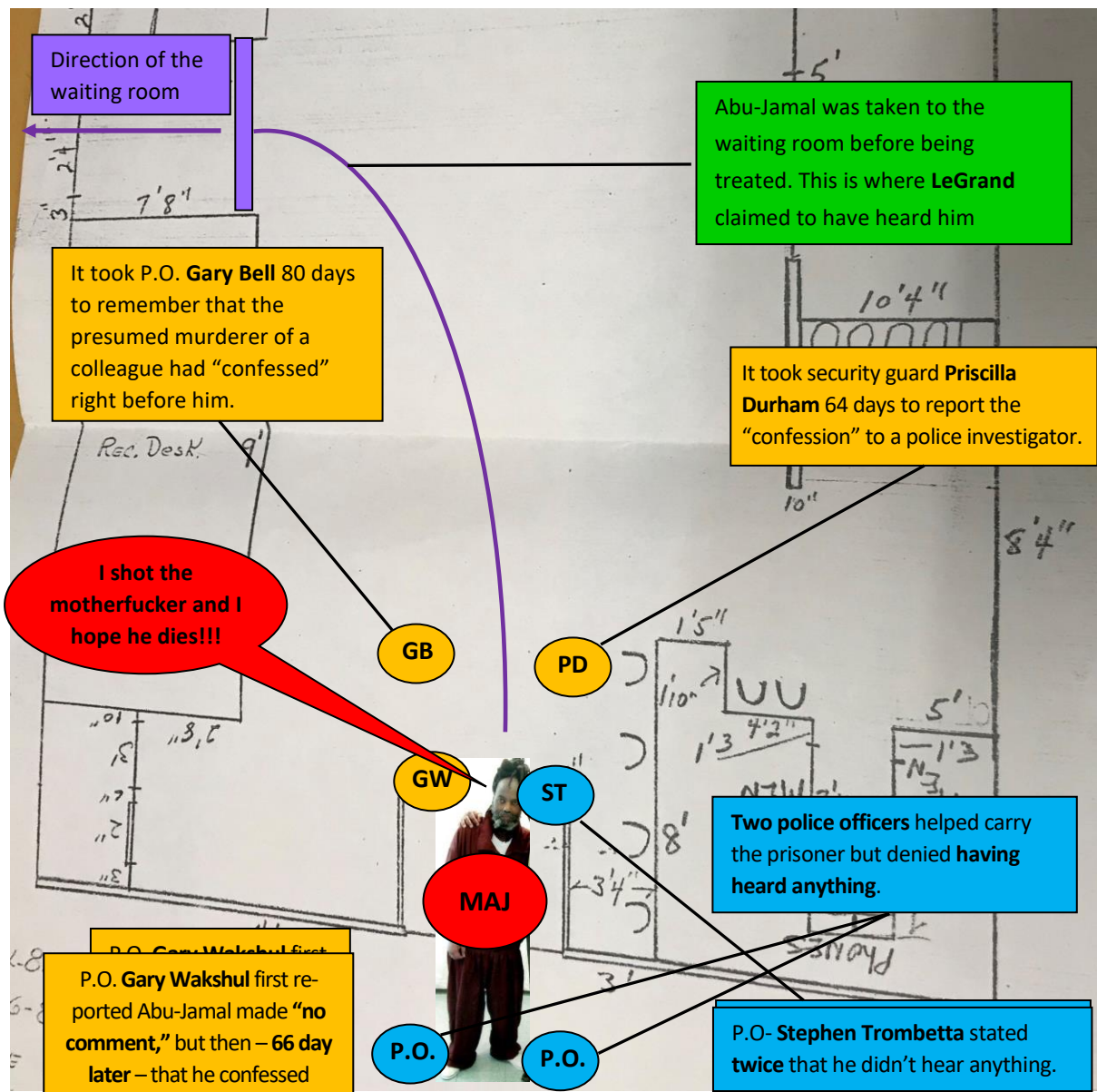
There were, however, right from the start some very serious questions as to whether the "motherfucker" event ever happened. There was no mention of it in the press coverage the day after the murder. In police files it first popped up only almost two months later, in a separate investigation into a brutality complaint by Abu-Jamal against the Philadelphia police filed in early January.

Nothing ever came of Abu-Jamal's brutality complaint – except the entirely new allegation that Abu-Jamal had made the depraved remark when brought to the hospital. On February 2 and 9, 1982, it was reported by security guards James LeGrand and Priscilla Durham; then on February 11 and 25, 1982, police officers Gary Wakshul and Gary Bell reported the same thing.

Why didn't these people report such a crucial event to the authorities immediately? Apparently, LeGrand was never even asked that question. Durham evaded it when interrogated by Abu-Jamal (who then still acted as his own counsel) at a pre-trial hearing. Wakshul said he didn't realize Abu-Jamal's statement was important, and Bell claimed he had been too emotionally distressed to remember it before. The next question is why numerous other people present at the hospital either reported nothing, or worse, specifically denied hearing the obscene confession.

Four People "Hear" What No One Else Heard

Below, there is a police sketch of the ER reception area where Abu-Jamal was brought some 30 minutes after he had been shot. As you can see, that area is very small. The measurements are not in yards, but in feet (like 9') and inches (like 8"). According to a number of witnesses, not least the crucial trial witness Priscilla Durham herself, **more than two dozen** people were milling about the reception when Abu-Jamal was brought in. But apart from the two security guards and the two police



officers mentioned above, not a single one of them reported having heard Abu-Jamal's confession.

A focus on the where and how of the alleged event throws this into an even sharper relief. When Abu-Jamal was brought into the ER, he was carried by Officers Gary Wakshul and Stephen Trombetta and two other officers. The two officers were questioned in the context of the Abu-Jamal brutality investigation and said they didn't hear Abu-Jamal say anything. Officer Trombetta stated the same thing, twice, when debriefed in the days after the killing of Faulkner.

Moreover, his colleague Gary Wakshul, with whom Trombetta had been assigned to guard Abu-Jamal and bring him from 13th and Locust to the Jefferson Hospital, had said the very same thing in his report right after the December 9, 1981 shooting and subsequent transport to the hospital: "During this time, the Negro male made no comment." It was only 66 days later that, all of a sudden, he remembered the alleged motherfucker comment.

In sum, none of the four people closest to Abu-Jamal heard him say anything, until one of them *did* "remember" two months later. LeGrand claimed to have heard Abu-Jamal swear next to the reception desk of the ER. Here again, all people staffing that desk – as well as everyone else in the room (except for Durham, who went so far as to say Abu-Jamal might have shouted the obscenity both at the entrance and the reception desk) denied having heard Abu-Jamal say anything of the sort.

No Holds Barred: A Reckless Prosecutor Crosses the Line



How did this come about? The person who directed both the investigation in the Faulkner murder case and the investigation into the Abu-Jamal brutality complaint were one and the same: prosecutor Joseph McGill. It was in the context of the latter investigation that James LeGrand, Priscilla Durham, Gary Wakshul, and Gary Bell gave the same almost identical but, we can pretty safely assume, false testimony.

It cannot be proven that McGill was the mastermind behind this, but after Priscilla Durham, asked at Abu-Jamal's trial why she had waited so long with reporting the alleged confession, all of a sudden "remembered" she HAD reported it to her hospital superiors on the day following the shooting, it was none other than McGill who offered to get "documentation" of her alleged previous report which had lain dormant until then.

Strangely, rather than issuing a subpoena for Durham's superiors to testify, McGill purportedly sent a subordinate to the hospital who came back with a typed and unsigned statement allegedly produced by Durham's supervisors confirming that she had told them about the incident. But even Durham herself now said that she had never seen this report before.

These are the facts we know. They very strongly suggest that that there was never a confession by Abu-Jamal, that Durham never reported it to her hospital superiors, and that the unsigned statement had been created by, or at the order of, prosecutor McGill.

If this latter suspicion is true, which it plainly seems to be, the prosecutor in the Abu-Jamal case would have knowingly deceived both the jury and the court.

How much can we trust a conviction surrounded by such doubts, if not criminal misconduct?

The Third Man

Michael Schiffmann

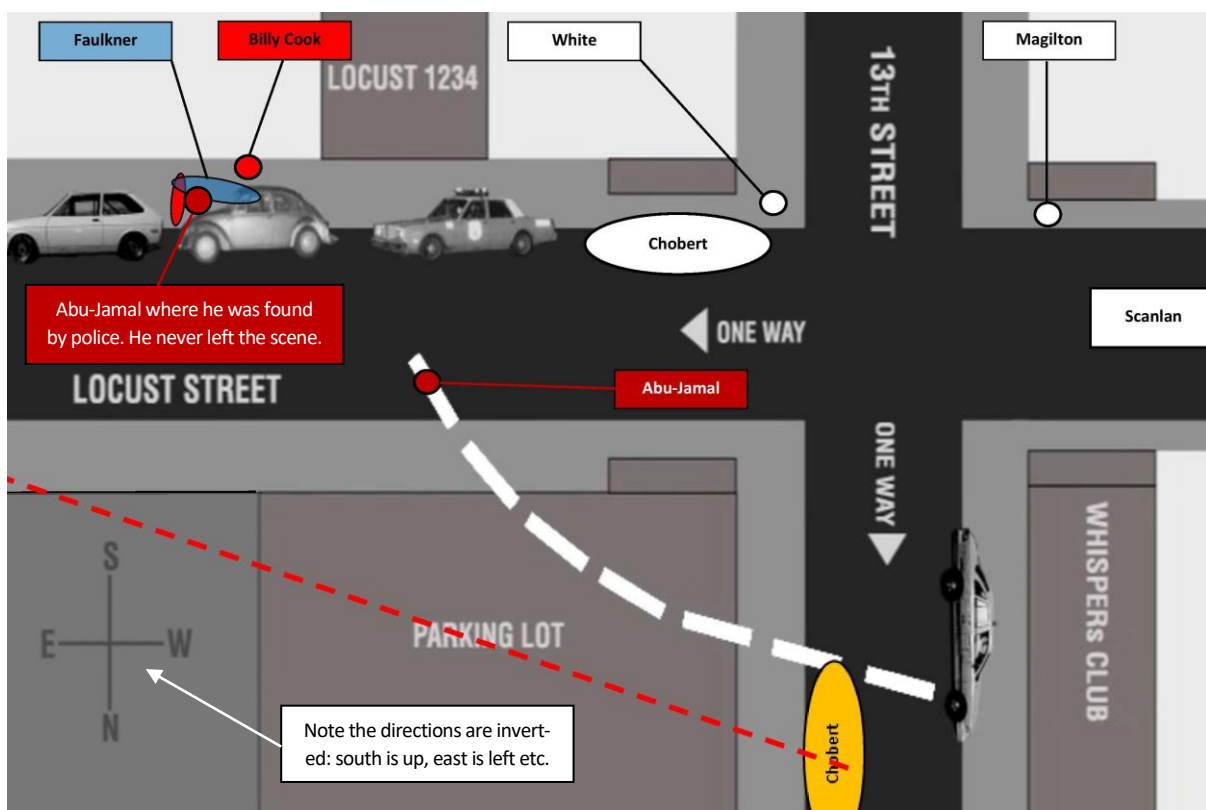
In the previous two articles of this five-part series dealing with the Abu-Jamal/Faulkner murder case, I have tried to show that the crucial eye- and ear witness testimony on which Mumia Abu-Jamal was false and concocted. With that, the core charge against him already collapses as there is no evidence as to *how* Faulkner came to be killed and whether this was indeed murder.

All that remains is the insistence that it must have been Abu-Jamal who killed the officer because (1) apart from Faulkner, Abu-Jamal and his brother Billy Cook (who was never charged with anything beyond violently resisting arrest) were supposedly the only persons at the scene, and (2) because Abu-Jamal was allegedly found him with his gun next to him. In this essay, I will deal with the first claim while my next to last article will discuss the second.

Contrary to the claims of the prosecution at the trial, there is strong evidence that a third person was at the scene, a person who ran away before the police arrived at the crime scene. This person may well have been the one who was responsible for Faulkner's death.

The Prosecution Witness Who Should Have Been a Defense Witness

One potentially very important witness for the presence of a third possible suspect for the killing of Officer Faulkner was none other than the key prosecution witness Robert Chobert, a



cab driver who claimed to have been able to see the shooting death of the officer from his taxi parked right behind Faulkner's squad car.

In the first part of this series, I have shown this to be untrue. Crucially, the evidence indicates that Chobert was NOT parked there, but very probably on 13th Street, facing away from the crime scene. Thus, he likely only **heard** the shooting, and then turned around and got out of his car.

But intriguingly, after the police arrived, Chobert told the ranking officer at the scene, Inspector Alfonzo Giordano, **that the shooter "ran away."** Thereafter, Chobert was taken to the wagon into which the police had dropped Abu-Jamal and identified him as the perpetrator, notwithstanding his statement moments previously that the shooter had run away.

In his first statement at the police precinct, he tried to reconcile these contradictory claims by saying that the running man was arrested by arriving police because he fell after 30 to 35 steps. **This was almost exactly as far as he could see into Locust St from a vantage point on 13th.**

But since Abu-Jamal had been found next to the dying Faulkner and **never ran anywhere**, Chobert's new account still didn't scan – and so a few days he changed the distance again to one car length, and by the time of Abu-Jamal's trial, it had shrunk even more, to three feet!

There is little reason to doubt that Chobert did see a person (perhaps the shooter) run away, but we know that it was not Abu-Jamal, who never left the scene and whose thin, reedy stature was radically different from Chobert's description of the fleeing man as "heavy, about 220, 225 [pounds]."

It is one of the many ironies in all this that what Chobert likely DID see was exculpatory for Abu-Jamal but ended up being ignored, while what he falsely claimed to have observed but most likely did NOT see – Abu-Jamal literally executing the officer – became one of the pillars of the case.

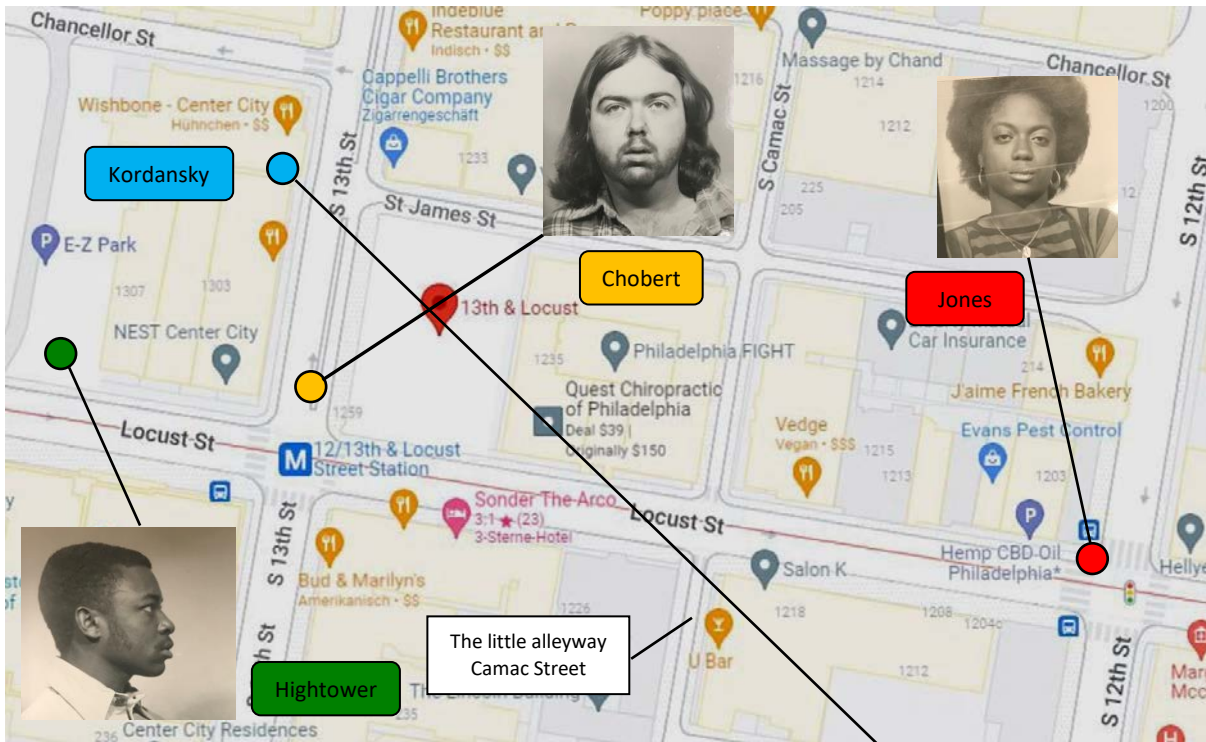
Unwelcome Exculpatory Testimony

It is hard to believe that the evolution of Chobert's testimony about the man running away was uninfluenced by the police and the prosecution. Further support for the presence of a third man at the scene comes in the testimony of Veronica Jones.

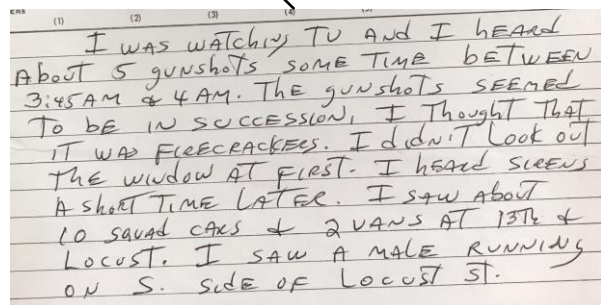
A few days after the shooting, Jones gave a statement that she saw **two men** jogging away from the scene. In his original police statement Chobert had also spoken of a second man apart from the shooter who had run away "half a block," which converged with Jones' statement! (But by the time of the trial, Chobert had scaled that distance, just as with the "shooter," down to ten feet.)

Abu-Jamal's attorney Anthony Jackson had received virtually no resources from the court, and thus had not been able to personally contact Jones. At the trial, she surprised the defense by suddenly denying that she had seen anything – but also blurted out that the police "were getting on me telling me [...] I seen Mumia, you know, do it. [...] They were trying to get me to say something that the other girl said. I couldn't do that." As that "other girl" was clearly its star witness Cynthia White, this was a very embarrassing moment for the prosecution, but trial judge Albert F. Sabo prevented Jackson from delving deeper and asking Jones any further questions on this point.

A third witness was Dessie Hightower, who testified that he had seen a person run away from the scene very quickly. Had Jackson been able to talk to him before the trial, he could have brought out that Hightower, too, had been subject to intense police efforts to get him to change his testimony.



Hightower was excellently placed to see someone run away eastwards on the southern sidewalk of Locust, the logical escape route for a shooter because there is a narrow alleyway (Camac St.) nearby into which he could disappear. But as the lone witness still testifying to a third man running away, the jury didn't believe him.



Finally, one hour after the shooting, a fourth witness, St. James Hotel resident Debbie Kordansky, said she saw a man run on the south side of Locust Street, but the police officer interviewing her **did not ask her** exactly when the man ran, nor in which direction he ran.

Attorney Jackson was again unable to contact her personally (in part because the prosecution wouldn't provide him with the witnesses' addresses), and when he was allowed to call her during the trial, she had just had an accident and refused to attend. In the end, she testified only more than 13 years later at a post-trial hearing, but by that time, she had forgotten all the crucial details.

A Pattern of Evidence Suppression

After the police arrived at the crime scene, they must have settled for Abu-Jamal as the "perpetrator" almost at once, as the suspicious "eyewitness" statements against him were taken very quickly. In accord with this, exculpatory evidence like the presence third man, then also had to be suppressed. As the trial outcome shows, the whole endeavor was in the end quite effective.

The Question of Abu-Jamal's Gun

Michael Schiffmann

This is the pre-final article in a five-part series dealing with the Philadelphia murder case in which the policeman Daniel Faulkner was allegedly killed by the Black journalist Mumia Abu-Jamal on December 9, 1981. At the 1982 trial of the case, Abu-Jamal was found guilty of murder based on alleged eyewitness testimony, a supposed confession, the claim that only he could have done it, and testimony that his gun was found lying next to him.

In the previous essays, I have shown (a) that the so-called eyewitness testimony is utterly inconsistent with known facts and likely the result of a frame-up; (b) that Abu-Jamal's alleged "confession" also very much looks like a concoction, and that it appears that prosecutor Joe McGill deliberately deceived the court and the jury by producing a "document" purportedly confirming the confession; and (c) that a person who fled from the crime scene is a good candidate for having been the actual killer – a possibility that neither the police nor the DA actively considered.

With that, the alleged mountains of evidence – "eyewitnesses," "earwitnesses," "no other suspect" – against Abu-Jamal looks more like a molehill. That molehill now essentially consists of two claims: (1) that Officer Faulkner was shot with Abu-Jamal's gun; and (2) that Abu-Jamal's gun was found next to him, indicating that he had taken it out of its holster to shoot the officer.

The first claim can be dispensed with with surprising ease. None of the bullets or bullet parts found at the scene, including the one that came to rest in Officer Faulkner's brain, could be specifically matched to Abu-Jamal's gun. At the trial the prosecution made much of the fact that the bullet found in Faulkner's head had eight "lands and grooves" on it, but here is what the prosecution's own firearms expert said on this question when asked by defense attorney Anthony Jackson:

- Q. Tell us how many, approximately, how many millions of guns have eight lands and grooves and how many would provide this bullet? A. Multiples of millions. Q. Multiples of millions? A. Yes.

Faulkner could thus have been killed with any of these multiples of millions of guns apart from Abu-Jamal's. What needs to be looked at is thus claim (2), that is, whether there is credible evidence that Abu-Jamal even took his gun out of his shoulder holster. To provide context, I will again briefly recap the prosecution scenario of events.

The Prosecution Scenario, Again

According to the scenario presented by the prosecution, Officer Faulkner stopped Abu-Jamal's brother Billy Cook's Volkswagen on Locust after Cook had crossed 13th Street, driving eastward. Faulkner tried to arrest Cook and when he violently resisted, hit him with his flashlight.

Abu-Jamal, moonlighting as a cab driver, saw this from across the street, ran over and shot Faulkner in the back. While falling backwards on the pavement, the officer managed to shoot Abu-Jamal in the chest, who then stood over the prone officer and finished him off execution-style. After this Abu-Jamal himself slumped down on the curb right next to the fallen officer where he was found in a crouched position (see picture) by arriving police.

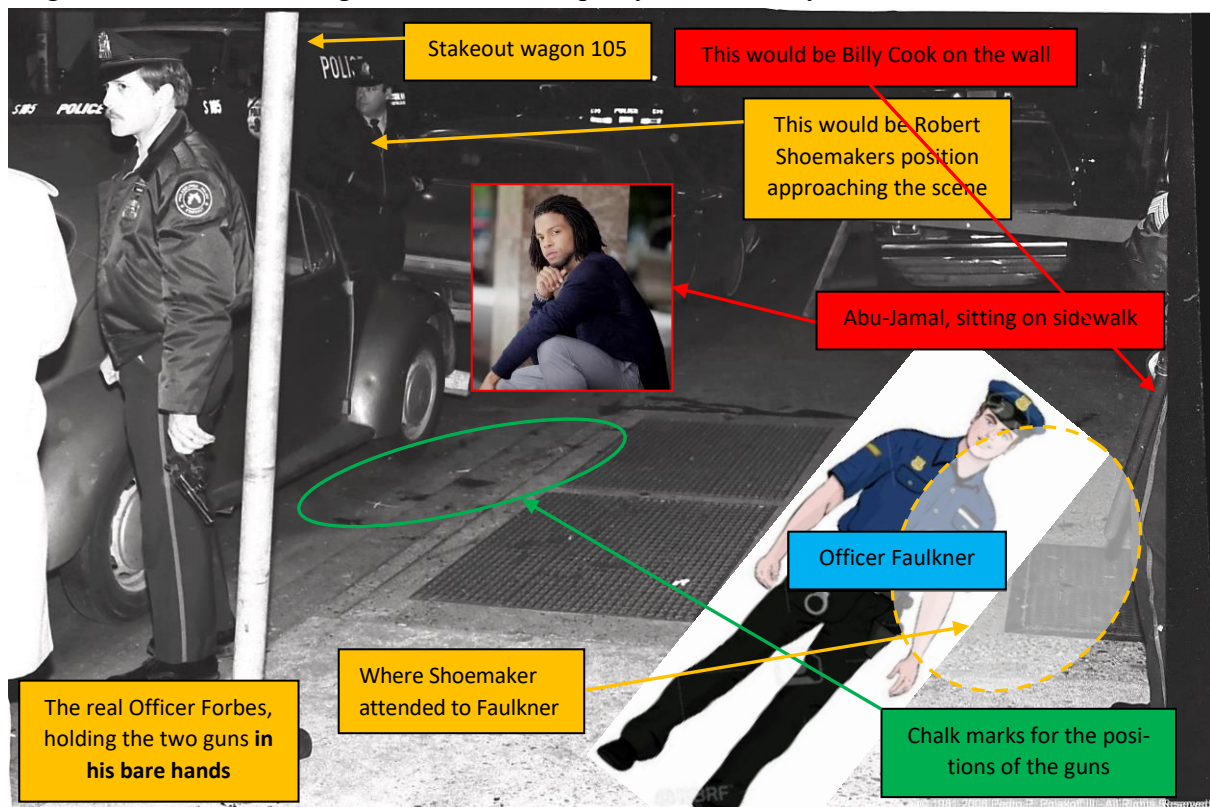
The First Two Officers at the Scene

Only two policemen, Officers Robert Shoemaker and James Forbes, claimed to have seen Abu-Jamal's gun next to him on the sidewalk where the shooting took place. They were the first to arrive at the scene after Faulkner had radioed for support when he stopped Billy Cook's VW.

En route, they had been told by a cab driver at 12th and Locust that a policeman had been shot. The officers stated that Shoemaker stopped their stakeout wagon S 105 between Cook's VW and a car in front of it and that they then both exited. Shoemaker hastened towards the sidewalk between the two cars, while Forbes followed him and then, once he saw Faulkner lying in his blood, ran back to the wagon in order to radio that the officer had indeed been shot.

Two Very Strange Stories

Up to that point, the officers' accounts confirm each other and make sense, but then they diverge, each of them telling a different but equally bizarre story. The first is from Shoemaker,



who I will call RS in the following condensed accounts, the second from Forbes (JF).

RS's account: Trying to get to Faulkner on the sidewalk, RS encountered Abu-Jamal (MAJ) sitting on the curb and trying to reach for his gun with his left hand. RS kicked MAJ in the throat, sending him to the sidewalk, and then kicked the gun “**six inches to a foot**” away from MAJ. He moved on in the direction of Billy Cook (BC) and yelled to his partner JF to watch MAJ. BC was standing at the wall, saying he had nothing to do with this. RS then turned away from both MAJ and BC without frisking them to attend to the dying Faulkner.

JF's account: After JF arrived, gun drawn, at the scene, he first ordered BC to take his hands out of his pockets but did not frisk him. Neither did he frisk Abu-Jamal, who was now lying on the ground. Noticing MAJ's gun on the sidewalk, he turned his back to BC, holstered his own gun in order to free his right hand to pick up MAJ's revolver and put it into his left hand. He did the same with Faulkner's gun. When a drunk man approaching the scene dropped a bag with beer, JF picked it up and handed it to him before sending him away, adding an almost comical touch to the narrative.

In statements to the police and testimony at the trial, Shoemaker said that he then helped arriving colleagues carry Faulkner to a police car while Forbes claimed he remained at the scene and kept the guns with him all the time (even after the arrival of the Mobile Crime Unit). Forbes clearly stated that he *did not see* Shoemaker kick Abu-Jamal and then kick the gun away. For his part, Shoemaker stated that he *did not know* what Forbes did and did not see him collect the guns.

There was no other witness to corroborate either Forbes' or Shoemaker's account.

Here, a number of serious questions arise. First, how likely is it that Shoemaker would kick Abu-Jamal's gun just a few inches away, and after going to this effort (presumably to protect the integrity of the crime scene) that he didn't bother to check whether Forbes picked the gun up? And that he would not look at Abu-Jamal's *right* hand, or that he would frisk neither Abu-Jamal nor Billy Cook, even though for a number of seconds he was the sole officer at the scene as Forbes was back in the stakeout wagon radioing? Wasn't he afraid that either or both might have other weapons?

Forbes' account is even more bizarre; we are supposed to believe that it was more important to him to pick up the guns in some version of an orderly fashion AND to hand a sixpack to a drunk person, than checking whether the two suspects at the scene might be armed and dangerous!

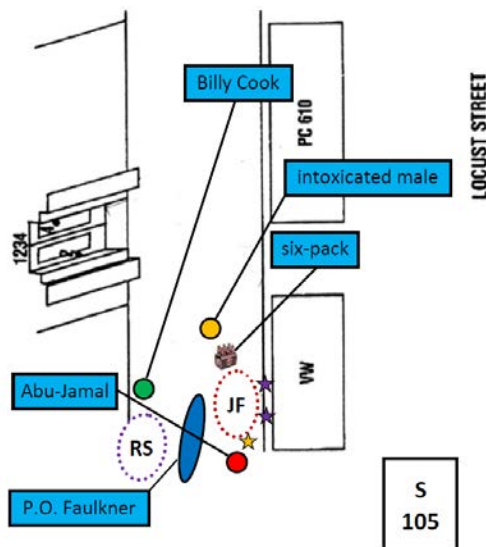
In Shoemaker's and Forbes' Shoes

Ask yourself what you would do if you were those officers. Wouldn't you kick a gun next to a suspect as far away as possible and then frisk him to see whether he has more on him? And do the same with the second suspect at the scene? As the second officer to arrive, wouldn't you keep your gun in your hand and participate in frisking the suspects before you do any “forensic” work?

Shoemaker's absurd claim to have kicked Abu-Jamal's gun six inches to a foot away may best be explained by the assumption that there wasn't any gun to kick at all because Abu-Jamal's gun was still in its holster when the two officers arrived, and that they were the ones who took it out, later putting a chalk mark on the sidewalk to indicate an event that never happened.

There is very interesting ballistic evidence, or rather, absence of evidence that would suggest just this. The normal procedure at the time to check whether a gun was recently fired is the so-called “sniff test” in which an experienced officer sniffs the gun for burnt gun-powder. Another test is to just touch the barrel of the gun to see whether it is still warm. Incredibly, the officers at the scene testified that they did neither.

Another task of the police at the scene of a crime involving guns would have been to check the hands of the suspect for gun powder residues, but this, the police at the scene also did not do, or claimed not to have done, even though we now know from the Polakoff photos (see essay 1) that the police’s Mobile Crime Unit had arrived at the scene before Abu-Jamal was brought to the hospital.



Returning to Shoemaker and Forbes, that neither of them checked Abu-Jamal and Cook for weapons though they were alone at the scene, one of them attending to Faulkner and the other holstering his gun to pick up the weapons, is very hard to believe. It seems at least as likely that they DID do the frisking, found Abu-Jamal’s gun still in his holster, removed it, and then concocted the story of having found it on the sidewalk.

The story about the drunk male also smacks invented: In his initial police statement, Forbes cited *the drunk male* as the reason why it was so urgent to collect the guns despite the presence of suspects; it

was only at trial that he claimed the urgency was in preventing *Abu-Jamal* from reaching after the weapon(s), which he may have deemed as a little more credible.

Even the Molehill Crumbles into Virtual Nothingness

As for Officer Forbes, this would not be the only time he did not tell the truth: At Abu-Jamal’s trial, he claimed to have held the weapons uninterruptedly in his left hand for 90 minutes in a way designed not “to ruin any potential fingerprints.” But the photos mentioned above, one of which serves as the template for the sketch on p. 14, clearly show him holding the weapons **in his bare hand**, and they even show that over time, they switch position in that hand!

Given the other apparent police falsehoods in this case, there is not much reason to put trust in the stories told by Shoemaker and Forbes. We must add to this the fact that there is no proof that (a) any of the bullets that hit and killed Officer Faulkner came from Abu-Jamals gun; (b) that that gun had even been fired that night; and (c) that it was Abu-Jamal who had used it for any purpose.

If Shoemaker and Forbes also, as it seems that others had, lied, Abu-Jamal may be completely innocent of anything in this saga. And even if they didn’t, we still would not know for what ultimate use Abu-Jamal took out his gun that night and whether that use amounted to murder, manslaughter, or self-defense (and whether he acted alone or together with a third man).

Summing Up:
A Conviction that Lacks Integrity and Always Will

Michael Schiffmann

In the first two installments of this series on the 1981 Abu-Jamal/Faulkner murder case, I have shown that:

- the two central alleged eyewitnesses against Abu-Jamal, the taxi driver Robert Chobert and the prostitute Cynthia White, were not where they claimed to be on the night of Faulkner's death, and thus could not have seen the shooting as they described it. There is no coherent account of the incident that resulted in the wounding of Abu-Jamal and the death of Police Officer Daniel Faulkner of which Abu-Jamal was then convicted;
- all three alleged eyewitnesses to the killing itself (Chobert, White, and the motorist Michael Scanlan) described it, almost identically, in a way inconsistent with known evidence, allowing the inference of police coordination and a frame-up;
- Abu-Jamal's alleged confession in the reception area of the emergency area of Philadelphia's Jefferson Hospital was not heard by two dozen people who were also in that relatively confined space, and it is thus virtually certain that it was invented after the fact by police officers and security guards, likely at the instigation of Assistant District Attorney Joseph McGill; and
- McGill, the prosecutor in this case, almost certainly misled the court and the jury by presenting them with an unsigned report allegedly "proving" that hospital security guard Priscilla Durham had reported the non-existing confession to her superiors right after it happened, although there is no evidence of such a report on the night the confession allegedly occurred.

In addition, in parts three and four I have shown that:

- there very likely was a third man at the scene apart from Abu-Jamal and Billy Cook who may have even been the killer of Officer Faulkner, but whose presence was systematically ignored and never adequately investigated by the police, again pointing to a desire on their part to pin the crime on Abu-Jamal; and
- given the inconsistencies of the testimony of the two police officers who were the only ones who claimed to have seen Abu-Jamal's gun next to him on the pavement and the strong likelihood that officers told many other lies in this case, it is not clear that that gun ever left its holster and that Abu-Jamal was involved in the shooting at all.

Dotting Some Is and Crossing Some Ts

While all of this seems incontrovertible there are still some loose ends that need to be tied up in order to present a coherent and credible overall scenario. The first question is why the arriving police officers would want to pin the death of Officer Faulkner on Abu-Jamal when there was next to no authentic evidence; a second is why three eyewitnesses should testify falsely against him; and a third one is who might have plausibly been the third man.

The Motives of the Cops

One key factor that can be assumed here is that the arriving police found two dreadlocked individuals at the scene next to their dying fellow officer, one of whom was obviously also wounded. In 1981, Philadelphia was still at the height of the hysteria about MOVE, a group of dreadlocked radical ecologists whose hairstyle was then still quite unusual and nine members of which had just been sentenced to 30 to 100 years the previous year for allegedly killing a cop.

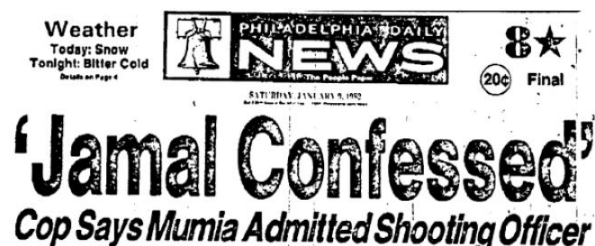
Abu-Jamal was closely associated with that group and as a journalist had often reported the group's complaints of police mistreatment. This may very well have made him a target of police ire and tribal dislike of those who questioned the system. Some of the policemen may have recognized Abu-Jamal at the scene as a journalist known to be sharply critical of the police. And here he was, sitting on the sidewalk next to a dead policeman!



We can indeed be reasonably sure that the ranking police officer at the scene, Inspector Giordano, who arrived at the scene some five minutes after the shooting, knew perfectly well who Abu-Jamal was. He was a veteran anti-radical specialist of the PPD. In that capacity, he had monitored the Black Panther Party in Philadelphia (of which Abu-Jamal had been the press secretary at the age of 15), and the MOVE organization of which Abu-Jamal was one of the very few supporters among the journalists in Philadelphia.

Significantly, Giordano was the one who took cab driver Robert Chobert, who as shown in the first article of this series had all but certainly not seen the shooting, to the police van in which Abu-Jamal lay to identify him as “the shooter.” This was in fact most likely the act that set the whole array of false accusations about Abu-Jamal into motion.

Giordano later personally contributed to these charges by claiming that Abu-Jamal confessed the crime to HIM while still in the police van. As this particular confession claim (according to which Abu-Jamal said to Giordano that he threw his gun “into the *street* [where *Shoemaker*, who said he saw it on the *sidewalk*, said *he* kicked it] after I shot him [Faulkner]” was utterly extravagant as it was contradicted by the other two cops who were present, Giordano was later quietly withdrawn as a witness – but only after his claims had served to keep Abu-Jamal in jail at his first



preliminary hearing on January 8, 1982. The only other witness at that hearing was Cynthia White. Giordano's withdrawal as a witness was all the more striking as he had allegedly heard both Chobert's identification of Abu-Jamal as the shooter and then a confession by Abu-Jamal.

Whatever exactly went on in the minds of Giordano and his officers at the scene, and whatever exactly motivated their behavior, the general mood among the police at the scene some ten minutes after the shooting (which happened around 3:52 AM) is not in doubt. When press photographer Pedro Polakoff arrived at 13th and Locust at around 4:00 to 4:05 AM and asked what had happened, the response was: "A cop was shot and we have the motherfucker who did it!"

At that moment, they had no way of knowing as there was almost no evidence for anything, apart from Chobert's two inconsistent claims that the shooter ran away AND that it was Abu-Jamal who shot the officer. The evidence thus needed to be made to fit the all but foregone conclusion.

The Motives of the "Eyewitnesses"

But why would the central witnesses, Cynthia White, Robert Chobert, and Michael Scanlan lie and falsely accuse Abu-Jamal?

Michael Scanlan was the one witness where there is reason to believe he *did* see the shooting because he left the scene in his car to look for police patrol forces to tell them about it, which he did after he found a patrol of the two officers Gary Wakshul and Stephen Trombetta. But as he admitted at Abu-Jamal's trial, he had had a few cocktails when he arrived at the scene. He was also unable to identify Abu-Jamal as the person who shot and killed Faulkner.

His initial testimony was definitely false with regard to alleged final deadly shots at the officer, and not much more credible than White's with regard to the beginning of the shooting. This may have been the result of the cocktails, or manipulation, or both, as his apparent intoxication made him that much more vulnerable to both coaching and coaxing by the police.

Since Scanlan was the only one among the three later trial witnesses who had seen at least *something*, however distorted his rendition of that something turns out to be, his description of events then probably served as the template for White's and Chobert's. As the three witnesses Scanlan, White, and Chobert were all brought in and interviewed at approximately the same time, an "osmosis" between their testimonies was relatively easy to arrange.



Cynthia White was a prostitute who at the time of the shooting had been arrested 36 times for working the street (as prostitution at that time was illegal) and who had several proceedings pending for the same reason. After her initial statement to the police on December 9, which was quite different from her trial testimony in crucial details, she was arrested twice more within a week, and it was in that context that she gave statements which more and more resembled what she testified at trial.

She was an ideal witness for the police to lure, blackmail and coerce, which is what they must have done as she almost certainly hadn't seen the shooting and had no idea who killed P.O. Faulkner.

The cab driver Robert Chobert had his own problems. Not only was he driving without a license, which he had lost because of repeated DUI, he also was in the final year of his parole because of premeditated arson. Though he, too, hadn't seen the shooting, he *was* close to the scene when the police arrived and was thus treated as a witness.

Being both on parole and driving a cab without a license made him another malleable witness. As indicated in part three of this series, after Chobert first told Giordano that the shooter **ran away**, the inspector led him to the wagon in which the police had placed their suspect and got him to identify Abu-Jamal – who had most definitely **NOT run away** – as the killer, and from

ROBERT E. CHOBERT

WITH THE INTENT OF PROMOTING OR FACILITATING THE COMMISSION OF A CRIME, UNLAWFULLY AND FELONIOUSLY DID AGREE TO AID ANOTHER PERSON OR PERSONS IN THE PLANNING OR COMMISSION OF SUCH CRIME OR OF AN ATTEMPT OR SOLICITATION TO COMMIT SUCH CRIME, AND DID AN OVERT ACT IN PURSUANCE THEREOF.

CO-CONSPIRATOR - OTHER UNKNOWN PERSONS James Meindl

CRIMINAL OBJECTIVE - arson

OVERT ACT - did start a fire

then on, what may have begun as a spontaneous attempt to curry favor with the police put him in a fix from which there was no turning back.

Deep-Sixed: The Likely Third Man

Apparently, the same was true for the police once they had spontaneously decided that Abu-Jamal had been “the motherfucker who did it.” We have seen in part three of this series that the evidence of a third man at the scene was never pursued and appears to have been systematically suppressed right from the beginning, even though it should have been in the best interest of the investigating police officers to check whether any such person might have been involved in the killing of their fellow officer.



The fact that the police found the copy of a driver's license application (whose real owner turned out to have an alibi) in the shirt of the slain Faulkner may in fact be further evidence for the presence of a third man at the scene who had used this paper to falsely I.D. himself. Moreover, the first pictures of the scene by a press photographer show Faulkner's police hat on top of the right side of Cook's VW, strongly indicating that he had spoken to a passenger.

All this evidence was ignored or suppressed though there were even clear indications who he might have been, namely, a person by the name of Kenneth Freeman who operated a vending stand with Billy Cook at the corner of 16th Street and Chestnut and who, according to people who knew both men, **used to hang out with Billy Cook almost all the time.**

But when Freeman later became a focus of attention during Abu-Jamal's 1995 post-trial hearings, the prosecution denied that he had ever been investigated. This can either be seen as a police/prosecution misrepresentation or evidence of their extreme incompetence or unwillingness to consider any suspect but Abu-Jamal.

Unfortunately, as with Debbie Kordansky (see article four), it is no longer possible to ask Kenneth Freeman about what happened that night, but in this case, the reason is not faded memory but that he is dead: On May 13, 1985, he died an early death at the age of 31, allegedly of heart failure.



Assuming that Billy Cook had nothing to do with the officer's death, Faulkner must have been killed, if not by Abu-Jamal, by yet another person (or by both). The importance of the presence of a third man can thus not be overestimated. In his book *Killing Time*, Dave Lindorff reports that Billy Cook's attorney confirmed to him that "his client told him, within days after the shooting, that Freeman had been with him in the car that fateful night that Officer Faulkner stopped him."

But why would Freeman shoot at Faulkner and even possibly kill him? If the officer panicked in the presence of three presumably hostile Black males and proceeded to shoot Abu-Jamal in the chest to stop him from approaching the scene, Freeman might simply have reacted to prevent the officer from doing further harm – or Abu-Jamal might have done so, or both.

From this perspective, the killing of Officer Faulkner might even be seen as an act of self-defense. Whether or not this *was* the case, we simply do not know, because the police and the prosecution, in their apparent single-minded desire to "nail" Abu-Jamal, mishandled the investigation so thoroughly that an accurate independent reconstruction of the events may no longer be possible.

It Is Time to Drop this Sordid Case

Mumia Abu-Jamal's conviction is now past its 40th anniversary. Given the facts recounted in this series, it is unthinkable that a fair-minded jury would have found him guilty beyond a reasonable doubt of first-degree murder had the jurors known about them.

The well-synchronized trial testimony of the three "eyewitnesses" is inconsistent with the now known facts described in these essays and, in the case of two witnesses, appears to have been made to order. The deadly bullet could not be matched to Abu-Jamal's gun, and the claim that the gun lay next to him on the sidewalk, indicating that he had used it, is highly dubious.

There is abundant evidence for the presence of a third person and there are good indications of his possible identity, all systematically suppressed and sidelined by the police and the prosecution. Abu-Jamal's alleged confession(s) were all but certainly invented after the fact, and the officer who first "heard" such a confession was mysteriously pulled as a witness at trial.

At the trial, the police and the prosecutor appear to have deceived the jury with an invented confession, and the prosecutor even had a document "confirming" the confession presented to the jury and the court, even though his own witness (Priscila Durham) denied its authenticity.

It seems as if the police found a wounded man who some of them might have known as “anti-police” radical next to a dying cop and decided to hold him, to the exclusion of anyone else, responsible.

What may have begun as spontaneous attempt to take *someone* to account for the slaying of a fellow officer may well have turned into the deliberate manipulation of virtually all the evidence. The actions and direction of the tough-on-crime DA Ed Rendell and his team appear to have been “result-driven” (i.e., get convictions!) rather than fact-based. Ironically, like in a criminal enterprise, his office, his conviction-driven prosecutors, and the policemen on the street had the “motive, the means, and the opportunity,” and they seem to have been ready to use them, particularly against an attested Black radical.

It is high time to undo the flawed process that led to an unfair conviction. This conviction is beyond any imaginable repair.



Two months before Abu-Jamal, Neil Ferber was sentenced to death on evidence concocted by the prosecution, and the police officer who then tried to save Ferber’s life was told by his superiors that it was his task to “arrest people, not to unarrest them.” That was under the same DA, Ed Rendell, who oversaw Abu-Jamal’s conviction.

The current DA in Philadelphia, Larry Krasner, has a different agenda, which has already led to “unarresting” a huge number of unjustly convicted people. DA Krasner may, however, be limited in his

thinking and scope of action by a tribal atmosphere probably still prevalent among many of his co-workers in the District Attorney’s Office – an attitude that has turned the assumption that Abu-Jamal must have been guilty of murdering Officer Faulkner into a dogma a long time ago

There is an interesting wrinkle that connects Krasner to the Abu-Jamal case: His former law office happens to be in Camac Street, right around the corner from 13th and Locust and very likely the route that Kenneth Freeman – involved or not – used to escape from the crime scene.

When I wrote my first article “Take a Walk at the Crime Scene,” it was my secret hope that Larry Krasner will feel addressed and take that walk.

Will he?

A Note on Sources

Michael Schiffmann



Most, but not all of what I have said in the five articles in this series is based on my much longer essay *Facts Matter – Why the Philadelphia District Attorney’s Office Should Drop the Case Against Mumia Abu-Jamal*, which can be found on the website dropthecaseagainstmumiaabujamal.com.

My take on the question of the third man at the crime scene can be found in a long article on my academic website, “The Good Old Frame-Up. How Police, Prosecution, and the Courts Turned Mumia Abu-Jamal into a Murderer”; <https://uni-mannheim.academia.edu/MichaelSchiffmann>. It now has also appeared in print in Todd Steven Burroughs’ collection *The Trials of Mumia Abu-Jamal. A Biography on 25 Voices* (New York: Diasporic African Press, 2022).

For my thoughts on what might actually have happened on December 9, 1981, see the same article, and for my take on Abu-Jamal’s “guilt” or “innocence,” see “Frozen Time: The Never-Ending Incarceration of Mumia Abu-Jamal” on dropthecaseagainstmumiaabujamal.com.

The three books *Executing Justice* by Daniel R. Williams (New York: St. Martin’s Press, 2001), *Killing Time* by Dave Lindorff (Monroe, Maine: Common Courage Press, 2003), and *The Framing of Mumia Abu-Jamal* by J. Patrick O’Connor (Chicago: Lawrence Hill Books, 2008) are all good and often excellent overviews of the case. I have also written a book-length account, *Race Against Death. The Struggle for the Life and Freedom of Mumia Abu-Jamal* (2006), which can be found on my academia website mentioned above and which was published in German by a publisher in Vienna in 2006.

Linn Washington’s journalistic work right from the beginning in 1981 has been outstanding, illuminating many aspects of the Abu-Jamal saga in a unique way.

An extremely important source on the Abu-Jamal case is the February 2000 32-page report by Amnesty International, *The Case of Mumia Abu-Jamal. A Life in the Balance* (New York: Seven Stories Press, 2000), based on a thorough review of the trial and post-trial record by the author, Piers Bannister. It is rare that AI devotes such a long report to a single prisoner.

The books *Mumia Abu-Jamal. The Patron Saint of American Cop Killers* by John Hayden (New York: iUniverse, Inc., 2006) and *Murdered by Mumia* by Officer Faulkner’s widow Maureen and her lawyer Michael Smerconish (Guilford, Connecticut: The Lyons Press, 2007) are also worth reading; they represent the perspective opposite to the one I give in my five essays.

Unfortunately, they dismiss out of hand all arguments against Abu-Jamal’s guilt. To give them credit, it should be said that when they appeared, some of this evidence –like the crime

scene pictures by press photographer Pedro P. Polakoff repeatedly mentioned in the essay, or the missing bullet divots in the sidewalk disproving the “eyewitnesses” accounts, which are dealt with at length in the series above – had either not yet been discovered or was still almost unknown.

The reaction of most of the media to most of the discoveries and arguments undermining the case against Abu-Jamal has not been helpful, to say the least. One of the very few exceptions was the NBC's *Today Show* in 2007 (<https://www.youtube.com/watch?v=L7Qu3HQ86lk>) which did raise some crucial questions. Otherwise, in the last 20 years most of the media in the United States have vacillated between indifference or hostility towards Abu-Jamal, apparently not seeing any particular need to report its many inconsistencies and apparent injustices.

It is to be hoped that this series of articles can contribute to changing this picture.

