

# Abu-Jamal, brother, offer version 1981 police shooting

By Todd Steven Burroughs  
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WASHINGTON(NNPA) - Friends and enemies of Death Row journalist Mumia Abu-Jamal this week are still reeling from the affidavits his lawyers filed in federal court in Philadelphia claiming his innocence and producing testimony from Arnold Beverly, a self-described hitman who claims he, not Abu-Jamal, shot police officer Daniel Faulkner 20 years ago this December.

Observers see the move last Friday by Abu-Jamal's new legal team, a sharp reversal of nearly 10 years of legal strategy, as a last-ditch effort to push U.S. District Judge William H. Yohn Jr., who has been sitting on the case for more than a year, to grant Abu-Jamal a hearing for a new trial as his number of federal appeals begin to dwindle.

The affidavits from Abu-Jamal and his brother William Cook, the first time either of them has given a version of the night of Faulkner's shooting, both say the Death Row cause celebre did not shoot Faulkner.

Abu-Jamal has always claimed he was not guilty, but had never before described his account of events from that night. Last week's statement was the most clear he has made about the shooting.

Beverly said in his statement that he and an unnamed man were hired to shoot and kill the officer. Beverly, who believes he was hired by the mob to kill Faulkner because he had heard the officer had been attempting to stop mob crime on his beat, said he shot Faulkner in the face.

Published reports quote a spokeswoman for District Attorney Lynne Abraham dismissing Beverly's claims as "so clearly ridiculous that it should be obvious to any fair-minded person that it is a complete fabrication."

All three say Abu-Jamal, running across the street to stop a confrontation between Faulkner and Cook on a Philadelphia city street in the early morning hours of Dec. 9, 1981, was shot by a police officer before reaching the duo.

"I did not shoot police officer Daniel Faulkner," said

Abu-Jamal in his statement. "I had nothing to do with the killing of Officer Faulkner. I am innocent."

He recalled: "As I came across the street, I saw a uniformed cop turn toward me, gun in hand, saw a flash, and went down to my knees. I closed my eyes and sat still, trying to breathe. The next thing that I remember, I felt myself getting kicked, hit and being brought out of a stupor. When I opened my eyes, I saw cops all around me."

Said Cook, who did not testify at his brother's 1982

trial: "I had nothing to do with the shooting or killing of the police officer. My brother, Mumia Abu-Jamal, had nothing to do with shooting or killing the policeman."

Eliot Grossman, one of Abu-Jamal's new lawyers, said at the new legal team's press conference last Friday after filing the papers that the journalist "was in the wrong place at the wrong time when a hit was in progress on a police officer who was causing problems interfering with police corruption."

Grossman was joined at

the press conference by Marlene Kamish, a Chicago lawyer who is also part of Abu-Jamal's new legal team, and MOVE member Pam Africa, a leader in the fight to free the former Black Panther and current MOVE supporter.

Abu-Jamal, a columnist, radio commentator and author of three books, fired his prior legal team early last month after one of his lawyers, Daniel Williams, wrote a book on the case that is critical of his most ardent supporters. Abu-Jamal and

his supporters claimed Williams had violated attorney-client privilege in writing the recently published "Executing Justice."

Abu-Jamal, who has had to fight in court for his First Amendment rights to publish from Death Row, had attempted to legally stop Williams from publishing his book.

In the book, Williams writes he and then-lead Abu-Jamal attorney Leonard Weinglass dismissed the mob-hit theory as too fantastic.

## Shooting

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Baumhammers was the shooter but said he had struggled with delusions for 10 years and did not know his actions were wrong.

Witnesses said Baumhammers appeared utterly calm as he shot victims at an Indian grocery store, a Chinese restaurant and a karate studio.

Psychiatrists testified that Baumhammers was tormented by the belief that the FBI and CIA were on his tail, that the family maid was a spy and that his skin was peeling off.

"The courageous explanation is that the disease affected his ability to tell right from wrong," defense attorney William Diferferer said in closing arguments Wednesday.

Prosecutor Edward Borkowski acknowledged Baumhammers was mentally ill but said he was "controlled, deliberate, calculating and selective" in picking victims, avoiding attention and eluding police.

"After things don't work out, he hides behind, 'I'm not well,'" the prosecutor said. "You can't do that. That is not legal insanity."

Borkowski said Baumhammers started reading racist and anti-immigration literature in 1999 and saw himself becoming as well-known as Unabomber Theodore Kaczynski, Oklahoma City bomber Timothy McVeigh and Nazi leader Adolf Hitler.

Prosecutors said it would have been difficult for someone who was highly delusional to manage Baumhammers' many trips around the world before the killings.

He had traveled to his parents' homeland of Latvia, Japan, Thailand, and France with a monthly allowance from his parents of \$2,000 to \$4,000 a month.

The phone conversation between Baumhammers and his parents was taped, according to jail policy, when Baumhammers made a collect call to them. Defense attorney William Diferferer had objected to jurors hearing the tape, saying it could prejudice the jury.

In the conversation, Baumhammers at first denied to his parents and then minimized the importance of the autographs, which were shown to jurors earlier in the trial.

Excerpts from a court transcript of the conversation were released last week. Judge Jeffrey Manning ruled that taped statements about the death penalty could not be played because they might influence Baumhammers' potential sentence. Prosecutors are seeking the death penalty.



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