

TRANSCRIPT FROM 20/20, DECEMBER 9, 1998

Note: This transcript has been altered to delete material not pertinent to the Mumia Abu-Jamal story.

December 9, 1998

ABC Transcript # 1879

WEDNESDAY

DIANE SAWYER.....Host

SAM DONALDSON.....Host

Hollywood's Unlikely Hero

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This document may contain phonetic spellings; accuracy is not guaranteed.

20/20 Wednesday

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ANNOUNCER: From ABC News, around the world and into your home, the stories that touch your life, this is 20/20 Wednesday -- with Barbara Walters, Diane Sawyer, Sam Donaldson, Connie Chung, Charles Gibson and Hugh Downs.

Tonight -- he's on death row for murder, but Hollywood celebrities and world leaders say he shouldn't die.

JOSEPH MCGILL, Prosecutor: People are making something of a hero of somebody who runs over and shoots a cop in the back.

ANNOUNCER: Rallies take place around the world for a man convicted of killing a police officer, and the officer's partner says the convict even confessed to the crime.

GARRY BELL, Police Officer: He just shouted out that "I shot the MFer. I hope he dies."

ANNOUNCER: So why have some of the most recognized names in entertainment and politics taken up his cause?

MAUREEN FAULKNER, Victim's Wife: Mumia is nothing but a cold-blooded murderer. And they have been duped.

ANNOUNCER: And why is the slain cop's widow still haunted by the voice of her husband's killer?

MUMIA ABU-JAMAL: From death row, this is Mumia Abu-Jamal.

ANNOUNCER: Tonight, Sam Donaldson returns to the scene of the crime and examines the evidence. Is this man a cold blooded killer or America's last political prisoner? The compelling story of "Hollywood's Unlikely Hero."

Hollywood's Unlikely Hero

ANNOUNCER: From ABC News in New York, Diane Sawyer and Sam Donaldson.

DIANE SAWYER, ABC News: Hello, and welcome to 20/20 Wednesday. We begin tonight with the story of a man who is sitting on death row for the murder of a police officer on this day in 1981. But what is it about this case? He has generated international fervor, support from all kinds of celebrities and politicians. Do they know the whole story? Are they in for a surprise?

SAM DONALDSON, ABC News: Well, Diane, they could be because passions have run high on all sides of this case almost from the moment a rising young black journalist named Mumia Abu-Jamal was arrested on the scene of a vicious murder.

With time finally running out for Jamal, the struggle by his supporters to save him from execution has reached a critical stage. 20/20 investigated the facts and the passions to see why this case has generated such worldwide interest.

MUMIA ABU-JAMAL: Welcome to hell. A hell erected and maintained by human governments and blessed by black-robed judges.

SAM DONALDSON (voice-over): He is known as the "voice of the voiceless" -- writer, radio journalist, social commentator. And the state of Pennsylvania wants him dead.

MUMIA ABU-JAMAL: From death row, this is Mumia Abu-Jamal.

MUMIA SUPPORTERS: Mumia! Mumia! Mumia!

MUMIA ABU-JAMAL: I'm fighting every day, not just for my freedom, not just for my liberation, but for all of our liberation.

SAM DONALDSON (voice-over): His message, sold in videos like this one, in CDs and in books, inspires fund raisers, demonstrations and marches from Philadelphia to San Francisco and around the world. His campaign is endorsed by a who's who of the celebrity left -- from Woody Harrelson to Ed Asner. The city of San Francisco proclaimed a day in his honor. Venice, Italy, awarded him the key to the city.

MUMIA SUPPORTERS: Free Mumia! Free Mumia!

SAM DONALDSON (voice-over): His supporters are a kind of radical left for the '90s -- campus rebels, African-American activists, social leftists and opponents of the death penalty. They see the establishment as warped, and the establishment returns the feeling.

JOSEPH MCGILL, Prosecutor: People are making something of a hero of somebody who runs over and shoots a cop in the back.

ED RENDELL, Mayor of Philadelphia: And then, going up to the officer lying defenseless and prone, putting a gun 18 inches from his head and blowing him away.

SAM DONALDSON (voice-over): To understand the passion that now surrounds this man, you have to go way back to the beginning.

(on camera) It began here on Locust Street in downtown Philadelphia on a cold December night 17 years ago. Officers responding to a call for backup found a squad car, its lights still flashing, behind a blue Volkswagen parked right here.

And on the sidewalk, they found one of their own lying face up in a pool of blood. Officer Daniel Faulkner was dead, shot once in the back and then right between the eyes. And a few feet away, sitting on the curb, they found Mumia Abu-Jamal beside his gun.

Witnesses said Officer Faulkner had been trying to arrest the driver of the blue Volkswagen, William Cook, who happens to be Jamal's brother. Three eyewitnesses -- one stopped in that intersection, one standing on a corner there and one sitting in a cab

here right behind the squad car -- all say they saw Jamal run from across the street and shoot the officer in the back.

As the officer spun around, he grabbed his revolver and, as he fell to the sidewalk, fired a shot that wounded Jamal in the chest. It was then that Jamal, according to the witnesses, executed Officer Faulkner. The back-up officers arrived within 45 seconds, too late to save Officer Faulkner's life, but not too late to arrest Mumia Abu-Jamal.

REPORTER: The 27-year-old dreaded radio newsman...

SAM DONALDSON (voice-over): Jamal was a teenage founder of the local chapter of the Black Panthers. While protesting at this 1968 George Wallace presidential rally, he claims he was beaten by police. By 1981, as a reporter of social issues, he was marked for success by a local magazine.

Now, suddenly, he found himself here, on trial for his life and facing a prosecutor armed with a spectacular array of evidence -- Joe McGill.

JOSEPH MCGILL: What you have is eyewitness testimony, not one but three. You have a weapon, clear. And later at a hospital, he blurts out what he did in an arrogant way.

SAM DONALDSON (voice-over): Yes, Jamal had even confessed at the hospital, according to the slain officer's partner, Garry Bell.

GARRY BELL, Police Officer: We made eye contact, and he just shouted out that, "I shot the Mfer. I hope he dies."

SAM DONALDSON (voice-over): In court, the confession played like a nail in Jamal's coffin. The jury quickly rendered a guilty verdict. And in spite of having no prior criminal record, he was sentenced to death and has been on death row ever since.

Seen here two years ago in a sympathetic British documentary, he repeats the only thing he has ever said about the murder.

MUMIA ABU-JAMAL: I am absolutely innocent of the charge I was charged on.

LEONARD WEINGLASS, Jamal's Attorney: It is our contention he didn't shoot Officer Faulkner, and I think a reading of the evidence indicates that to be so.

SAM DONALDSON (voice-over): Leonard Weinglass has been Jamal's attorney since 1992. He's a veteran human rights advocate, dating back to the explosive Chicago Seven trial 30 years ago.

LEONARD WEINGLASS: Justice for Mumia Abu-Jamal.

SAM DONALDSON (voice-over): His passion for Jamal's case has caused many celebrities to accept his version of events.

ED ASNER, Actor: I just know that the trial stunk. And the police malfeasance is sufficient. Witness flip-flopping all over the place is sufficient.

SAM DONALDSON (voice-over): Ed Asner and Mike Farrell are just two of many Hollywood actors who believe the police, the prosecution and the judge, Albert Sabo, stacked the trial against Jamal.

MIKE FARRELL, Actor: The president of the criminal justice bar, for example, was quoted as saying, "When Judge Sabo walks into the courtroom, the Constitution dies a little."

SAM DONALDSON (voice-over): But at this trial, judicial decorum also died, thanks to the defendant. Just listen to how one trial reporter described it.

(on camera) "For four angry weeks, Abu-Jamal disrupted the courtroom, humiliated his own chosen attorney, insulted the jury and threatened the judge with violence."

Is that a fair characterization of what happened?

LEONARD WEINGLASS: That isn't the way the trial began.

SAM DONALDSON (voice-over): Weinglass says Jamal was provoked by the court's refusal to grant him access to witnesses and evidence and for removing him during jury selection.

LEONARD WEINGLASS: And at that point, he did the right thing -- he spoke on his own behalf. It was the judge who silenced him and, I believe, silenced him wrongfully.

SAM DONALDSON (voice-over): Weinglass contends the prosecution case was full of holes. He disputes the ballistics testimony. He disputes the confession. He disputes the eyewitnesses.

LEONARD WEINGLASS: I don't think, as we close out the 1990s, that we can execute a man of international renown on the basis of this record.

SAM DONALDSON (voice-over): So, over the years, support for Jamal has increased, even as successive court rulings have repeatedly confirmed his guilt.

MUMIA ABU-JAMAL: The campaign is building. It's growing by leaps and bounds in Europe.

Prof. CLAUDE PUJOL (ph), Jamal Supporter: When his book was translated into French 18 months ago, it went three times out of print, OK? Which was so unexpected.

SAM DONALDSON (voice-over): Like French professor Claude Pujol, Jamal's followers come to Philadelphia convinced of his innocence and taken by his charisma.

CLAUDE PUJOL: I feel so little compared to him.

SAM DONALDSON (voice-over): Still, a policeman was shot to death on this street back in 1981. And if Mumia Abu-Jamal didn't do it, is there an alternate version of what happened? Leonard Weinglass has one.

LEONARD WEINGLASS: Mumia ran to a scene where his brother was being beaten. That is true. As he got there, gunfire erupted. That is also true. But it was Mumia who was shot. Then the officer was shot, it is our contention, and the person who shot the officer fled the scene, as reported to the police that night.

MAUREEN FAULKNER, Victim's Wife: Leonard Weinglass is a liar.

SAM DONALDSON (voice-over): Maureen Faulkner is the slain officer's widow.

(on camera) Have you looked over the evidence that Leonard Weinglass says would prove that Jamal was innocent?

MAUREEN FAULKNER: Yes, I have.

SAM DONALDSON: There's no substance to it?

MAUREEN FAULKNER: No. He has duped the world into believing that this man is a political prisoner and is innocent of the crime charged, when that is not the case.

SAM DONALDSON: Strong words, but which side does the evidence really support? When we come back, the results of our 20/20 investigation into what actually happened the night Officer Faulkner was murdered.

ANNOUNCER: Could a police officer forget a murder confession? Could a coroner mistake a .38 caliber bullet? Could an innocent man be doing time on death row? Sam Donaldson goes to the heart of the evidence, when 20/20 Wednesday continues.

(Commercial Break)

SAM DONALDSON: From the moment word got out that 20/20 was investigating the case of Mumia Abu-Jamal, we began to hear from his supporters. Hundreds have contacted us. Some protested his innocence. Some simply urged us to be fair. A few

threatened us. But all clearly thought they knew the facts. But do they? We conducted a four-month investigation, and here is what we found.

(voice-over) On a cold December day in 1981, Maureen Faulkner buried her husband, Officer Daniel Faulkner. But for 17 years, there has been no closure because of the voice that won't go away.

MAUREEN FAULKNER: I was driving to work one day, and all of a sudden, I heard this voice, this haunting voice.

MUMIA ABU-JAMAL: Promise death. The...

MAUREEN FAULKNER: And I could not believe that it was Jamal on the radio, doing this commentary. I began to shake because I was so upset.

SAM DONALDSON (voice-over): Since that day a few years ago, Maureen Faulkner has waged a crusade against the "free Mumia" campaign. She has written a 100-page document attempting to debunk their claims.

20/20 has looked at the arguments both she and the free Mumia movement make on the key points. First, ballistics. Jamal's supporters say the bullet that killed Officer Faulkner was .44-caliber, not a .38, like the gun found at the scene.

CLAUDE PUJOL: The bullet is not the size of the gun, first thing. They never did any tests.

ED ASNER: The fact that no ballistics tests were done, which is pretty stupid.

SAM DONALDSON (voice-over): But ballistics tests were done and proved the bullet was fired by a .38-caliber revolver. The claim that the bullet was a .44 rests solely on a hasty note scribbled by a pathologist at the autopsy. However, the pathologist later testified that he had no expertise in ballistics, that he had only been guessing. But Weinglass refuses to believe that.

(on camera) You don't think it was a guess?

LEONARD WEINGLASS: I don't think he would guess.

SAM DONALDSON: The police say that that slug has the lands and grooves consistent with being a .38 slug.

LEONARD WEINGLASS: It does.

SAM DONALDSON: But if it's a .38, then your contention that it was a .44 is wrong.

LEONARD WEINGLASS: Well, I think that issue is very much something that should be played out in front of a jury.

SAM DONALDSON (voice-over): But it had already been played out in front of a judge, when, three years ago, Weinglass's own ballistics expert testified the fatal bullet was a .38. Weinglass challenges the report of Jamal's hospital confession.

LEONARD WEINGLASS: And that testimony was produced by the officer's partner, plus a security guard who wanted to be a police officer. More than two months later, they remembered that Mumia said that.

SAM DONALDSON (voice-over): It is a fact that the confession surfaced only after two months. And that one officer present originally reported, "The Negro male made no comments."

But hospital security guard Priscilla Durham (ph) told the jury she reported it to her supervisor the next day. And another security guard, James Legrand (ph), says he, too, heard the confession. The slain officer's partner, Garry Bell, says the shock of the shooting suppressed his memory.

GARRY BELL: I've searched my soul. I've beaten myself up wondering how I could not have gone at a sooner date, immediately even, and report what I had heard.

SAM DONALDSON (voice-over): Finally, if there was a plot to fabricate a confession, then it had to include at least the eight people involved in reporting and investigating it, an idea rejected by two separate appeals courts in the last three years.

Then there are the defense eyewitnesses. Leonard Weinglass says four people saw the real killer running from the scene. But his number-one witness, William Singletary (ph), waited more than a decade before testifying to a story so bizarre even Weinglass has trouble defending it.

(on camera) He said the shooter emerged from the Volkswagen, yelling and screaming, shot Officer Faulkner in the head and ran away. Whereupon, according to Singletary, Abu-Jamal approached the scene and said, "Oh, my God, we don't need this," bent over Faulkner, who'd been shot between the eyes, and asked, "Is there anything I can do to help you?"

Whereupon, according to Singletary, Faulkner's gun, which was in Faulkner's lap, miraculously discharged, hitting Jamal in the chest. Now, that's incredible.

LEONARD WEINGLASS: He might be wrong on some of his timing. There's no doubt about that.

SAM DONALDSON: Timing? He's telling a story here which, clearly from the forensic evidence, couldn't have happened.

LEONARD WEINGLASS: This is my point. The jury should have heard from Singletary.

SAM DONALDSON (voice-over): Witness number two was a cab driver parked here, in plain view of the murder.

LEONARD WEINGLASS: As the police arrive, he told one of the arriving officers -- I believe a captain, "The guy ran away." Those were his first words.

SAM DONALDSON (voice-over): But the report from which Weinglass quotes goes on to say the shooter "didn't get far, and then he fell." And Weinglass's third witness, high up in a hotel room one block away, actually insisted that police were already on the scene when she looked out her window. And...

(on camera) ...she did not testify that she saw someone running away, simply that she saw someone running.

LEONARD WEINGLASS: Yes, which was different slightly than the statement she gave the police.

SAM DONALDSON (voice-over): Defense eyewitness number four was a prostitute standing on this corner two blocks away, who, after 14 years' silence, claimed she saw two men jogging from the scene. She also admits to being, in drug lingo, "half a nickel bag high."

(on camera) Now, where was she?

JOSEPH MCGILL: She was very far. I mean, really, it's actually two streets. I'd say it's beyond a football field.

SAM DONALDSON: You mean she's as far away as our camera?

JOSEPH MCGILL: I can't even see the camera.

SAM DONALDSON (voice-over): In contrast, prosecutor Joe McGill's three key witnesses were all within 50 feet of the shooting, and they gave essentially the same statement to three different police officers within 30 minutes of the murder.

There is, however, one witness who was even closer, the driver of the Volkswagen, Jamal's brother, William Cook.

JOSEPH MCGILL: The only thing that Cook has ever said was, "I didn't have anything to do with it," period.

SAM DONALDSON (on camera): Didn't he say, "Well, my brother didn't do it either"?

JOSEPH MCGILL: No, didn't say, "My brother didn't do it. My brother had a problem. Someone else did it. Get those people down there. They did it." Nothing.

SAM DONALDSON: Why wouldn't he come forward and say, "I can tell the truth now to help save my brother's life"

LEONARD WEINGLASS: He did tell us that.

SAM DONALDSON: Well, where is he?

LEONARD WEINGLASS: And we subpoenaed him.

SAM DONALDSON (voice-over): Weinglass says Cook was afraid to come forward, because he was wanted by police on a minor theft charge. And now, says Weinglass, William Cook is missing.

None of these holes in the defense scenario seems to bother Mumia Abu-Jamal's supporters. But Philadelphia mayor Ed Rendell says they should.

ED RENDELL: It's just plain sad how this has become a cause celebre around the world.

SAM DONALDSON (on camera): Look at this. "Proclamation -- justice for Mumia Abu-Jamal day in San Francisco," signed by Willie Brown, Jr., mayor of San Francisco.

ED RENDELL: Well, they gave him the half-truths, and Willie came up with this proclamation, where he made a mistake, clearly. Willie should have picked up the phone and called me.

SAM DONALDSON (voice-over): Mayor Brown declined our request for an interview. As for actors Ed Asner and Mike Farrell, while they question Jamal's guilt, they also admit to a larger purpose behind their interest in his case.

(on camera) What do you say to people who say, "Well, Ed Asner doesn't know anything about this case. He's just using his Hollywood notoriety to try to upset a verdict that has already been rendered"?

ED ASNER: Well, I begin by saying that I am anti-death penalty. I think it's a farce. I think the economic disadvantaged are always the ones to die from the death penalty.

SAM DONALDSON: Even if he were guilty of shooting Officer Faulkner and even if you thought that was the case, you would say...

ED ASNER: I would not want him to die.

SAM DONALDSON: You're up against a very impressive number of people.

MAUREEN FAULKNER: I know. I am. But I believe that I have the truth on my side. Mumia is nothing but a cold-blooded murderer, and they have been duped.

MIKE FARRELL: You know, Ms. Faulkner, bless her. I really wish for her peace at some point. And if, in fact, a new trial holds that Mumia Abu-Jamal committed this crime, I hope he is punished appropriately.

PROTESTERS: Mumia! Mumia!

MUMIA ABU-JAMAL: No matter what they do to me, they can't stop me. This revolution is my religion.

SAM DONALDSON (voice-over): To his most zealous disciples, Mumia Abu-Jamal is a prophet. To call him a murderer is sacrilege.

MALE SINGER (singing): How long shall they kill our prophets while we stand aside and look?

MUMIA SUPPORTER: People are not just going to sit back and let another Malcolm X be murdered, you know, another Martin Luther King. Just like Jesus Christ, they were all freedom fighters, and they were all killed by this government.

MALE SINGER (singing): Won't you help to sing.

SAM DONALDSON (voice-over): Might this be Mumia Abu-Jamal's song of freedom? Or is it, rather, a lesson in the power of propaganda?

MAUREEN FAULKNER: Tell a lie, tell it big enough, tell it often enough, and it becomes truth. And that's just what happened in this case.

PROTESTERS: Mumia! Mumia!

SAM DONALDSON: We wanted to interview Jamal on camera but were denied access by the Pennsylvania Department of Corrections. Jamal's attorney is appealing that denial in court. And if access is granted, Jamal says he will do the interview, but only after ABC's current labor dispute is settled.

In the meantime, for Mumia Abu-Jamal, there is still a potential for Supreme Court review, and it is impossible to say when his death sentence might be carried out. As for Maureen Faulkner, she says she's been harassed by Jamal's supporters. She fears for her life and has relocated far from Philadelphia.

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