

The Jena Six in Louisiana: Convictions overturned in Mychal Bell case

Hiram Lee**17 September 2007**

On September 14, the 3rd Circuit Court Of Appeals in Louisiana threw out a conviction for aggravated second-degree battery against Mychal Bell, one of a group of black students who have come to be known as the Jena Six.

Bell, who was scheduled to be sentenced on September 20, was convicted June 28 of battery and conspiracy to commit aggravated second-degree battery in connection with the December 2006 beating of Justin Barker, a white schoolmate. Bell, along with five other black students involved in the fight, had initially been charged with attempted murder following his arrest.

Charges against the six students in Louisiana came following a series of racist incidents set into motion by black students' decision on August 31, 2006, to sit under a "whites-only" tree at Jena High School. Three nooses were found hanging from the tree the following day, a racist retribution for their actions.

On September 5, prior to the overturning of the battery verdict, Judge J.P. Mauffray of Louisiana's 28th Judicial District threw out Bell's conviction for conspiracy to commit battery, saying Bell, age 17, who was 16 at the time of his arrest, should not have been tried as an adult. During that proceeding, the judge chose to uphold the conviction for battery.

Louisiana District Attorney Reed Walters has stated his intention to appeal the new decision to the Louisiana Supreme Court. In the meantime, Bell's attorneys will return to Judge Mauffray in an attempt to have the young man released. If they cannot, Mychal Bell, with both his convictions now overturned, will have to remain in a LaSalle Parish jail until the two-week window the DA has to file an appeal has passed without an appeal. In the event of an appeal, Bell would still have to wait until the Supreme Court makes a ruling in favor of releasing him. Even if Bell is

released, there is nothing preventing the DA from trying him again in the juvenile court system.

The case of the Jena Six has attracted attention internationally, drawing outrage from around the world at the unjust and racist treatment of these young men. Hundreds of thousands of people have signed petitions protesting the charges against the teenagers. Numerous organizations such as the NAACP and the American Civil Liberties Union (ACLU), as well as students groups, had announced plans to sponsor, organize or lead protest marches on the day of Mychal Bell's sentencing. Jesse Jackson, Al Sharpton and others have also called attention to the case. The protests are expected to go on in spite of the recent developments, with thousands expected to attend.

In the face of such public pressure, charges against several of the Jena Six students have been reduced in recent weeks. Robert Bailey Jr. was the most recent to have his charges reduced from attempted murder to aggravated battery and conspiracy to commit aggravated battery. He pled not guilty on September 11. Prior to the reduction in Bailey's charges, Carwin Jones and Theo Shaw also had their charges reduced from attempted murder to aggravated battery. Bryant Purvis, yet to be arraigned, is still facing attempted second-degree murder charges at the time of this writing.

The beating of Justin Barker at Jena High School came after months of brewing racial tensions in the small town of Jena, Louisiana. The series of disturbing events began when the three nooses were discovered hanging from a "whites-only" tree in the yard of Jena High School one day after black students chose to sit under it. Three white students found responsible for the racist display were first recommended for expulsion by the school principal, but were given only three days of

suspension when the school superintendent ignored the recommendation.

Reacting to the light punishment of the white students, the black student body of Jena High School held a protest under the “whites-only” tree. This prompted the school to hold an assembly at which District Attorney Walters attended, uttering his now-infamous threat to the black students: “I can take away your lives with a stroke of my pen.”

On November 30, the school building was set on fire in an unsolved case of arson. On December 1, 17-year-old black student Robert Bailey Jr. was assaulted by a white man while at a party. Police arriving at the scene reportedly told the black teenagers to go back to their side of the town. On December 2, Bailey and two friends were attacked again when another white man pulled a gun on them. Bailey and his friends took the gun from the man after a struggle. No one was charged in the second attack.

Two days later, on December 4, Justin Barker was beaten up at the high school. He was taken to a local hospital and released a few hours later. Barker was well enough to attend a school ceremony later that day. Mychal Bell, Robert Bailey, Carwin Jones, Theo Shaw, Bryant Purvis and another unnamed minor—the Jena Six—were all arrested and charged with attempted second-degree murder.

In addition to the shocking charges, the six teenagers were slapped with large bail amounts: \$138,000 for Bailey; \$130,000 for Shaw; \$100,000 for Jones; \$90,000 for Bell and \$70,000 for Purvis. In some cases, it took several months for the families to bail out their loved ones. Bell’s family was unable to do so, and he has remained in jail since his arrest in December.

Amy Goodman of *Democracy Now!* interviewed Shaw and Bailey after their release. Shaw, who suffers from asthma, described being maced several times while in his cell, having to be taken to a hospital on one occasion. Bailey described trying to alert the guards to his friend’s condition during the incident: “It took forever for them to come back there. I had to holler like thirty times.... So I’m banging on walls. ‘He can’t breathe! He can’t breathe!’ So I’m like kicking ‘em, kicking ‘em. I’m kicking the wall and jumping in front of the camera ... They weren’t going to believe us at first.”

Marcus Jones, Mychal Bell’s father, told *Democracy*

Now! in another interview, “This is just a 2007 modern-day court lynching here.”

In an attempt to investigate further into accusations of racial discrimination in Jena, the ACLU recently made an “open records request” for arrest reports for the town of Jena, focusing in particular on statistics of race and incidents involving Jena High School. Rather than comply with the request, District Attorney Walters sued the ACLU in Louisiana state court. The case is now in federal court, another twist in the legal knot surrounding the teenagers.

With Mychal Bell still in jail awaiting further challenges, the struggles of these young men will continue through this year and into the next. Robert Bailey’s trial is scheduled to begin November 26. Carwin Jones’s trial is set for January 28, 2008. If convicted, any one of these young men could face decades behind bars.



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