

“Jena Six” teen still in prison after conviction dismissed

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A judge ruled on Friday that Mychal Bell, whose conviction as one of the Jena Six was thrown out earlier this month, must remain in prison pending an appeal from prosecutors to the Louisiana Supreme Court. Bell, the victim of a racist prosecution that has targeted six high school students, has already spent nine months in jail.

The decision of LaSalle Parish District Judge J.P. Mauffray came one day after an estimated 50,000 demonstrators converged on the small, northern Louisiana town. In a separate decision on Friday, Ninth Judicial District Court Judge Tom Yeager rejected a motion from Bell’s lawyers to have Mauffray removed from the case.

Bell, like the other five black students—Jesse Ray Beard, Robert Bailey, Jr., Carwin Jones, Bryant Purvis and Theo Shaw—was charged with beating a white student, Justin Barker, last December. Only Bell and Beard were under 17 at the time of the arrest. The four others still face adult trials where they could face decades in prison.

The fight between the students followed months of racial tension that began when three nooses were hung over a tree where the white students normally congregate, called the “white tree.” The nooses were found one day after black students, having asked for permission from school authorities, sat under the tree.

Bell was found guilty of aggravated second-degree battery and conspiracy in June by an all-white jury that deliberated for only three hours. He was originally tried as an adult on the grounds that he had a prior criminal record. Mauffray later sent the conspiracy charge to juvenile court, but he upheld the battery conviction. However, the Third Circuit Court of Appeal overturned the battery conviction on September 14, stating it also belonged in juvenile court.

The primary concern of the two hearings was Bell’s release. Bell is the only one of the six who remains in jail, the result of decisions by Mauffray. Before his trial in June, his family was unable to raise the \$90,000 bond set by Mauffray. The bonds for the other defendants were also very high, from \$70,000 to \$138,000—an extraordinary sum for poor, working-class families. The parents of several defendants had to appeal to other family members to assist by using their homes as collateral for the bonds.

Once Bell was convicted, he could no longer be released on bond. However, with the conviction overturned, and the case now before a juvenile court, the judge has the discretion of granting a new bond or releasing Bell pending appeal. Mauffray’s decision to deny bond is another vindictive strike against Bell.

Details of the decision have not been released, and attorneys and relatives of Bell would not confirm the decision because Bell is now in Juvenile Court proceedings, which are secret. However, John Jenkins, the father of another one of the defendants, told the media that Bell’s father said to him that bond had been denied.

“It makes no sense to do this to a child with such great talents as Mychal,” said Bell’s cousin, Shanice Thomas, according to the Baton-Rouge newspaper the *Advocate*. Thomas was referring to Bell’s standing as an honor student and star athlete. “He’ll sit in jail as long as they can legally keep him,” she added, speaking outside of the courtroom.

Another major factor in the continued imprisonment of Mychal Bell is the role of LaSalle Parish District Attorney Reed Walters. Walters is prosecuting the six black youth and said he planned to appeal the Third Circuit Court’s decision overturning Bell’s conviction. He has two weeks to do so.

According to the local Sheriff, Carl Smith, as a result of Mauffray's decision, Bell cannot be released from the LaSalle Parish jail unless Walters drops the appeal or the Louisiana Supreme Court rules in Bell's favor.

Walters played a prominent role in escalating tensions following the hanging of the nooses last September. After protests by black students, Walters was called to address an assembly at the school. According to students at the assembly, Walters, flanked by armed police and while looking at the black students, told the group, "See this pen? I can take away your lives with the stroke of my pen."

After the fight in December, Walters pushed for the maximum punishment possible. Although Barker was well enough to attend a school function that evening, the black students were charged by Walters with attempted second-degree murder. It was only later that the charges were downgraded to battery.

Two sets of justice were being used in the district. The white students on the campus were continuously given light treatment. The school board overturned a recommendation from the principal that the three students involved in the noose incident be expelled.

In the interview with a school board member, *Democracy Now!* revealed that Walters acted as both the legal representative of the school board and the prosecutor in the case. When *Democracy Now!* host Amy Goodman asked the board member, Billy Fowler, if he saw a conflict of interest in the advice from Walters, Fowler said he assumed Walters knew the law.

Goodman interviewed two of the six students charged in the case, Theo Shaw and Robert Bailey, Bailey said many of the kids in the school were angry, including white students. "The whole school was mad, not just black people," Bailey told Goodman. "The whole school was mad. It was some white boys who wanted to fight them boys for hanging the nooses in the school once they came back (from suspension)."

Bailey said he felt the white students should have received the same discipline he received—expulsion from school.

Several incidents last week indicate that threats against the Jena Six continue to escalate. On Thursday it was revealed that two youth drove around the demonstration with nooses hanging out of their truck in an obvious provocation directed at the mostly black demonstrators. And on Saturday, news reports revealed

that a pro-Nazi outfit listed the names and phone numbers of Jena Six families on a web site to encourage its followers to send threatening phone calls.

Racism in Jena and in other parts of the US is consciously promoted by sections of the ruling elite to obscure the real causes of the social ills in American society. However, a cursory investigation into the social conditions in Louisiana reveals that poverty is widespread among all sections of the working class in the state and mirrors the conditions facing workers throughout the country.

According to the US Census, the poverty rate in Louisiana, at 19.2 percent, is the highest in the south and the second highest in the country. More than 26 percent of children under 18 years of age live in poverty, also the highest in the south and the second highest in the nation. In Jena, more than 18 percent of the population lives in poverty, with 20 percent of children in the same category.

The officially-sanctified leaders of the demonstration last week are seeking to channel oppositional sentiment behind the Democratic Party. Democratic Representative John Conyers has pledged to hold hearings on the case this week, following calls from Jesse Jackson and members of the Black Congressional Caucus. His aim is to give the appearance that something will be done, while consciously seeking to obscure the basic social questions that underlie the case of the Jena Six.

The WSWS renews its call for the charges against the Jena Six to be immediately dropped. The students should be allowed back into school and fully reinstated. Those who orchestrated this racially-motivated prosecution should be brought to justice.



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