

US: Jena Six defendant Mychal Bell sent back to prison

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On October 11, 17-year-old Mychal Bell, whose prosecution in Jena, Louisiana as part of the Jena Six has provoked widespread outrage throughout the country, was sent back to prison for violation of his probation, stemming from charges in an unrelated prior case.

LaSalle Parish District Judge J.P. Mauffray revoked Bell's probation and sentenced him to 18 months in jail on two counts of simple battery and two counts of criminal destruction of property. His family expressed shock and surprise.

"He's locked up again," decried Marcus Jones, Bell's father. Bell spent nine months in jail after excessive bail was set in the Jena Six case. It was the decision of Judge Mauffray to set the high bail for Bell, who was then only 16.

Bell was convicted by an all-white jury in June of second-degree battery and conspiracy, but the convictions were overturned by higher courts on the grounds that Bell should not have been tried as an adult.

Bell and the other five members of the Jena Six—Jesse Ray Beard, Robert Bailey, Jr., Carwin Jones, Bryant Purvis and Theo Shaw—were charged with beating a white student, Justin Barker, last December. All six of the students are black. The fight occurred after months of racial tensions that began when several black students sat under a tree at school normally occupied only by white students. Three nooses were found hanging on the tree the next day—a clear racist warning recalling the era of lynchings and terror during the Jim Crow period in the South.

Four of the six defendants still await trial in adult court for the incident, while Bell and Beard will be tried in juvenile court. After Bell's conviction in adult court was overturned, Mauffray refused to release him, again setting a high bail that was eventually met. Bell was free for only a few weeks before Mauffray's recent decision sending him back to jail.

"No bail has been set or nothing," Bell's father said, protesting the judge's decision. "He's a young man who's been thrown in jail again and again, and he just has to take it."

These current charges had been pending prior to the December 4 fight for which Bell went to trial. Because the proceedings were in juvenile court, where all proceedings are closed, very little is known of the details of the case and the judge's decision.

Lawyers for Bell have vowed to fight the ruling. "We are definitely going to appeal this," stated Carol Powell Lexing, one of Bell's attorneys.

"I don't know the motivation for this judge and the district attorney, but what they did goes against the grain of our own juvenile code, which holds that the home and the community is the best place to treat juveniles," said David Utter, an attorney for Beard, the youngest of the Jean Six.

"An arrest in a subsequent delinquent act is not a sufficient basis to revoke probation," continued Utter to the media. Utter is also a founder of the Juvenile Justice Project of Louisiana, an advocacy group for children in the juvenile court system.

Mauffray is the only judge in the small parish and presides over all cases, juvenile and adult. A clerk to the court told this reporter that the only time another judge is brought in is for a special reason requested by the court—that is, by Mauffray himself.

In the Jena Six case, Mauffray, in collaboration with the District Attorney Reed Walters, placed bail at between \$70,000 and \$138,000 for each of the students, knowing that some of the poor black families would not be able to get their children out of jail. The students have also had to rely on public attorneys. Bell's parents have said that his court-appointed lawyer did absolutely nothing for his defense.

On September 20, a massive demonstration took place

in Jena, attracting as many as 50,000 workers and students to this small town of 3,000.

On September 21, Bell's lawyers petitioned to have Mauffray removed as Bell's juvenile court judge. Ninth District Court Judge Tom Yeager turned them down, however.

In a discussion with the WWSWS, David Utter, the attorney for Beard, said that while it is possible that Bell will eventually be released, it is not likely because the juvenile code leaves many of the decisions at the discretion of the judge. "Our big fear is that whatever happens to Mychal will be the benchmark for the other young men," Utter said.

Utter also said there is no reason Bell's court case should have been secret. Utter said he was involved in a case in 2004 that went to the state Supreme Court under similar conditions. In that case a teenager was incarcerated in a facility and was being abused by the guards. Community members, concerned for the child, wanted to be able to come and watch the hearing.

"The judge said no, you can't," said Utter. "We litigated that issue and won in the Supreme Court."

Utter said he did not believe the decision to send Bell to jail was required by the case, but probably was the result of specific action from Mauffray or Walters. "I don't think this could have been done without the DA or the judge moving for it," continued Utter. "I wasn't there, so I don't know exactly what happened. But either way, the judge or the DA would have to have made formal steps for the hearing."

Utter said that trials for all of the black students will be coming up within the next few months, with Bell's hearing in juvenile court expected take place in December.

In contrast to the treatment of the Jena Six, the three students involved in the noose hanging were given a slap on the wrist. The school board, under the legal advice of Walters, overturned the principal's proposal for the expulsion of the three white students and sentenced them instead to in-school suspensions.

In a September 26 opinion piece published in the *New York Times*, Walters defended his treatment of the Jena Six, stating he could understand the concerns of the demonstrators but that his sole interest was to uphold the law. Walters also said he found the placing of nooses to be "abhorrent and stupid" but argued that no law was broken.

Walters, a conservative Democrat steeped in southern rural ways, did not mention his hostility and indifference

to the protests of black students when he addressed the school assembly following the noose incident. At the assembly he told the student body, particularly the black students, "See this pen? I could take away your lives with the stroke of my pen."

After the court decisions overturning Bell's adult convictions, Walters initially vowed to appeal the case to the state Supreme Court. However, following the demonstration in Jena, black Democratic Party politicians appealed to Louisiana governor Kathleen Blanco to pressure Walters not to file an appeal. Walters eventually acquiesced.

While this decision was hailed by Democrats as a major victory, the continued plight of Bell and the rest of the Jena Six defendants highlights the pernicious role played by official leaders of the black political elite—including Jesse Jackson, Al Sharpton, and Democratic Congressman John Conyers.

During the lead up to demonstration in September they quickly co-opted a campaign that began among students and have sought to redirect it back into the safe channels of the Democratic Party. In doing so, they have sought to obscure the social and political issues highlighted by the case.

The racism evident in the prosecution of the Jena Six is part of the attempt by sections of the ruling elite to promote racism and other forms of ideological backwardness as a basis for their right-wing policies. As defenders of the capitalist system, the Democratic Party is entirely complicit in defending the social conditions that underlie the prosecution of the Jena Six.

The WWSWS 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 crime should be brought to justice.



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