

# The Jena Six: Mychal Bell's case to be opened to the public

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Judge Thomas Yeager of Louisiana's 9th District Court ruled November 21 that all proceedings in the juvenile court case of Mychal Bell are to be made public. Bell is one of six black teenagers from Jena, Louisiana to have been arrested and charged in connection with the beating of a white student, Justin Barker, in December 2006, following the hanging of nooses at the local high school and months of racial tensions in the small Louisiana town.

The November 21 ruling came as the result of a lawsuit filed by more than 20 media groups including CNN, the Associated Press and the *New York Times*. In most juvenile cases media are barred, lawyers are banned from making public comments and the defendant's identity is protected. According to Louisiana law, however, cases involving children charged with violent crimes are public. Judge Yeager apparently relied on this law to open up the case.

Given the repeated violations of democratic rights by authorities acting behind closed doors, defense attorneys for the Jena Six have supported opening proceedings to public scrutiny. "In this case the more light in the proceedings, the more justice," David Utter, the lawyer for Jesse Ray Beard, the youngest of the Jena Six defendants, told the WSWS.

Don Wilson, an attorney representing J.P. Mauffray, the judge who has presided over both the adult and juvenile cases of Mychal Bell and has kept the juvenile case closed to the public, sought to keep Bell's proceedings in secrecy, arguing that Judge Yeager did not have the authority to overrule a judge of "equal standing." Yeager nevertheless did rule to open future proceedings in Bell's case and allowed for the examination by the media of court transcripts from prior hearings in the case. Gag orders preventing attorneys involved with Bell's case from speaking to

the media will also now be lifted. Mauffray's attorney has made clear his intentions to appeal the decision.

This is just the latest hurdle to be crossed in the case of Mychal Bell, who has been caught up in a legal nightmare since his arrest almost one year ago. The teenager was initially charged with attempted murder in 2006 in connection with the beating of a white classmate, Justin Barker, who was briefly knocked unconscious in the melee but remained well enough to attend a school function the very same evening. Bell's charges were later reduced to aggravated second-degree battery and conspiracy to commit the same. Though he was only 16 years old at the time of his arrest, Bell was tried in adult court and convicted by an all-white jury. While awaiting sentencing in September, Bell's convictions were overturned by the 3rd Circuit Court of Appeals, which ruled the teenager should not have been tried as an adult. The decision to throw out Bell's convictions did not, however, set the young man free.

Left with the option to appeal to the Louisiana Supreme Court or retry Bell as a juvenile, LaSalle Parish District Attorney Reed Walters chose to take the case into the juvenile court system, charging Bell once again with battery and conspiracy. Bell, who had spent 9 months in jail awaiting his first trial due to his family's inability to meet his \$90,000 bail, was forced to remain behind bars while Walters came to his decision.

Once the new charges were filed, another bail amount was set at \$45,000. This time Bell was released. Just two weeks after this long-awaited release, however, came another shocking turn in which Bell was suddenly ordered by Judge Mauffray to spend 18 months in a juvenile detention center. Bell was said to have violated his probation for previous juvenile convictions unrelated to the present case against him.

On November 8, Bell's attorneys made yet another effort to free their young client when they filed a motion for dismissal of all charges on the grounds that Bell, already tried and convicted in the adult court system, could not now be tried again for the same crimes due to the double jeopardy clause. Mauffray denied the motion and Bell remains in custody awaiting his new trial scheduled to begin December 6.

The struggles of Mychal Bell and the other Jena Six students—Bryant Purvis, Robert Bailey Jr., Carwin Jones, Theo Shaw, and Jesse Ray Beard—have exposed to the entire world the inequality in the criminal justice system in Louisiana and the rest of the US. In the months leading up to the December 2006 incident at Jena High School, the small town of Jena was plagued by a number of incidents involving racially motivated threats and assaults against black youths in which their white assailants faced no significant consequences for their actions. This stands in sharp contrast to the hostile and vindictive treatment of the Jena Six students, all of whom are black.

In August 2006, black students chose to sit under a tree at Jena High School known to be a spot where only white students congregated. The following day, nooses were found hanging from the tree. The white students found responsible for the racist threat were given light punishments. Protests by black students against this inadequate response brought more threats, this time from LaSalle Parish DA Reed Walters who reportedly warned the teenagers that with one stroke of his pen he could destroy their lives. In the months that followed, there were further racially motivated incidents including one in which a white man pulled a gun on Robert Bailey Jr., one of the current Jena Six defendants. No such attackers, however, faced the kind of severe treatment from the DA's office that the Jena Six are faced with now.

The racist nature of the Jena Six prosecution has provoked outrage across the country and the world. A number of protests have taken place including a large September 20 rally in Jena, Louisiana in which tens of thousands came to register their outrage. Most recently, on November 16, roughly 5,000 protestors marched to the Justice Department in Washington, DC. On hand at both of these protests was Al Sharpton who, along with Jesse Jackson and Democratic Congressman John Conyers, has worked to keep the anger of the protesters

within the confines of the Democratic Party and to restore their faith in the federal government as a means of addressing the social ills which plague them. But such appeals to the Democratic Party for the defense of the Jena Six are ultimately a political dead end and serve to obscure the social roots underlying the prosecution against which these six teenagers and their families struggle.



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