

Mychal Bell pleads guilty to reduced charge

## Jena Six defendant sentenced to 18 months in prison

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On Monday, December 3, Mychal Bell, one of the group of Louisiana students known as the Jena Six, entered a guilty plea under the direction of his attorneys. Bell and five other black high school students were charged with the beating of a white student after a series of provocations at the school, including nooses being displayed as a racial taunt.

The case came to national and international attention because of the vindictive and blatant racism of the authorities toward the black students at Jena High School. The widespread support for the students and the outcome in Bell's case appear completely at odds. However, more than anything else, the guilty plea signifies the abandonment of the Jena Six by the civil rights establishment.

Under the agreement, Bell entered a guilty plea to a charge of second-degree battery as a juvenile. The court sentenced him to 18 months in prison but agreed to give him credit for the 10 months he has already served, meaning he could be eligible for release in June 2008. In return, the notorious prosecuting attorney for the District of LaSalle Parish, Reed Walters, agreed to throw out the charge of conspiracy.

In addition, the agreement stipulates that Bell and his family pay the family of Justin Barker, the white student he was charged with hitting during the school fight, restitution for medical costs not covered by their insurance; court costs to the Barkers totaling \$935; and Bell agreed not to take the Fifth Amendment if he is called to testify against his co-defendants should their cases go to trial.

In the courtroom Bell was reported to have admitted that he struck Justin Barker, knocking him unconscious. His lawyer was reported to have agreed there would be no appeal, making the case's outcome final.

David Utter, the attorney for Jesse Ray Beard, the youngest defendant, told the *Chicago Tribune* that an agreement with the other five defendants may soon follow, admitting that he was also seeking an agreement with the prosecuting attorney for his client.

Assuming that Utter is correct, lawyers for the remaining five defendants—Robert Bailey, Jr., Carwin Jones, Bryant Purvis, Theo Shaw and Jesse Ray Beard—are bargaining from a position of weakness with the hope that they can reach a deal that will keep their clients from going to jail.

Lawyers for Bell were divided over whether to enter the guilty plea. Robert Nowell, one of Bell's attorneys, told the media he advised Bell to accept the plea bargain because the district attorney's office had "overwhelming evidence to convict him."

Louis Scott, Bell's lead attorney, said he told Bell he was prepared

to take the case "all the way through." However, he thought the judge would probably convict Bell and sentence him to more than 18 months. Even if they had won an appeal of the conviction, Scott said, Bell would have already served more than the 18 months in the plea bargain.

"This was in Mychal's best interest," Carol Powell Lexing, another of Bell's attorneys, told the media. "He can put all of this behind him."

"It's over," said Bill Farrow, a spokesman for Reed Walters and the LaSalle District Attorney's office.

Walters, who originally charged the six youth with second-degree attempted murder as adults, a charge that would have landed all of them in jail for decades, issued a statement that was unremitting in its defense of his conduct in the case.

"I am pleased to have reached a resolution of this case that is fair to the victim, fair to the state and fair to the defendant," stated Walters. "I hope Mychal Bell's admission resolves some of the ongoing questions about the case. My goal and intention has always been to find appropriate justice for Justin Barker, and I believe this plea accomplishes that."

Walters told the *Wilmington Journal*, a black syndicated newspaper, that Bell's lawyers had contacted him for a settlement a week earlier. The *Journal* also reported Bell's parents agreed to continue paying the state child support for Bell until he reaches 18, under a draconian law passed in several states as a part of the law-and-order campaign to make the families of children caught up in the criminal justice system pay for their incarceration.

Shortly after the hearing that consummated the agreement, the Barker family filed a civil lawsuit against all of the Jena Six defendants, their families and the administrators for Jena High School. The suit alleges the school failed to provide adequate supervision of students or to maintain discipline.

In an interview with the WSWWS, Alan Bean, executive director of Friends for Justice, one of the organizations playing a role in making the public aware of the Jena Six case, was ambivalent about the outcome of Bell's case, but supported the decision of his lawyers.

"On my part, as with any civil rights organization, I would like to see it dragged on. But for the families, they need to move on with their lives. It is like having a loved one that is in bad health. It eats away at you. Having closure helps people."

"As you know," continued Bean, "pleading guilty is not the same as being guilty. Often people take guilty pleas because they feel that they cannot get justice. Taking a guilty plea can be a tactical maneuver."

Bean, based in Arlington, Texas, said it was not clear if Bell could have received a fair trial, given the racism in rural areas of Louisiana. “Since the juries in rural areas of Louisiana tend to be either mostly white or all white, there is a tendency of white people in Louisiana to say people of color are guilty.”

“However,” stated Bean, “you should understand that all of the defendants have very skilled lawyers. They could make this case drag on for years. They are first-rank attorneys, and that was a development in this case” from Bell’s first trial.

“It’s a new ballgame,” said Bean, adding that the lawyers were prepared to file several motions in each trial calling for a recusal of Walters.

“Reed Walters will look bad because of the recusal motions,” he added. “A trial will highlight the extrajudicial prejudiced remarks he made. A trial would make it clear that his involvement helped create the climate. So, he doesn’t want his reputation placed under more scrutiny.”

“Reed Walters knows that. But why Bell’s lawyers negotiated? I am not sure. Some say he got a raw deal. But I am not criticizing the agreement.”

On September 20, as many as 50,000 people demonstrated in Jena in support of the six black students. “Jena,” like the word “Katrina,” came to symbolize a malady in America born of class and racial bigotry. The movement to defend the Jena Six that began as a grassroots phenomenon, primarily organized by students on the Internet and by black radio stations, was co-opted by the likes of Al Sharpton and Jesse Jackson with the promise that they would win Bell’s freedom primarily through their influence in the Democratic Party.

“Just like the civil rights struggles of the 1960s, ’70s, ’80s,” stated the Rev. Sharpton to a church congregation in Jena, “in 2007 we will come here and keep on coming until we get justice in Louisiana.”

So, what happened to the campaign for the freedom of Bell and the other defendants as promised? Sharpton in particular pitched his appeal to Louisiana’s conservative Democratic governor, Kathleen Blanco, urging her to intervene in the case. Sharpton urged Blanco, also culpable in the disaster in New Orleans following Hurricane Katrina, to convince prosecuting attorney Walters not to appeal the overturned adult conviction of Mychal Bell so that he could be released.

Walters, also a Democrat, conceded, allowing Bell to be temporarily freed. But within two weeks the youth was placed back in prison when the presiding judge in the case sentenced him to 18 months in jail for violating parole in a prior case. Reed Walters had no intention of backing down in making an example of the six black teenagers.

The biggest weapon in the arsenal of the black Democratic Party elite was the holding of congressional hearings by US Representative John Conyers. The hearings took on the air of farce, with Sharpton and Texas Rep. Sheila Jackson-Lee challenging the black US Attorney for Louisiana, Donald Washington, a Bush appointee, to launch a federal investigation into the case. Washington did nothing and that was the end of the matter. Given the role of Sharpton *et al*, it is not surprising that the lawyers for the six teenagers are scrambling now to make the best of a bad situation.

The purpose of the congressional hearings was to give the appearance that something of substance would take place. In reality—despite the mass public support the young defendants and their families received—the campaign revealed that no big-business politician is either capable or seriously interested in a genuine struggle

against racism or attacks on the democratic rights of working people. In fact such a struggle would require the exposure of the political role of both the Democratic and Republican parties in supporting a legal system in the South and throughout the US that is saturated with class and racial bias.

A campaign that turns for support to the Democratic Party cannot defend the Jena Six, or fight the system that perpetuates such injustices. A large layer of the Democratic officialdom, including black congressional leaders and the civil rights establishment, have enriched themselves while the conditions of the broad mass of the population deteriorate. These forces defend the profit system and the inequality and racism that it breeds.

As in the US as a whole, conditions facing working people in Louisiana continue to decline. According to the US Census, the official poverty rate in Louisiana is the highest in the South, at 19.8 percent, and the second highest in the country. In rural areas, the average is 24.2 percent. In Jena, more than 18 percent of the population lives in poverty, with 20 percent of the town’s children in the same category.

For the black population the situation is even more dire. As of the 2000 US Census, the poverty rate for African Americans in Louisiana stood at 36.7 percent. According to most reports the conditions for blacks in rural areas such as Jena are even worse than that figure would suggest.

The US prison population continues to explode, presently standing at more than 2 million, one of the highest per capita rates in the world. African-Americans are disproportionately represented among the incarcerated, especially in the South. According to pre-Katrina statistics, in Louisiana blacks comprise 33 percent of the state’s population, but make up 76 percent of its prisoners.

The current situation confronting the Jena Six defendants, and the guilty plea and sentencing in Mychal Bell’s case, are indicative of this explosion of social inequality. Their prosecution demonstrates how the ruling elite is resurrecting racist methods in its victimizations of the more oppressed sections of society, in an attempt to divide the working class. The role of the civil rights establishment in the Jena Six case—seeking to channel the outrage to their plight into the Democratic Party—is thoroughly bankrupt and reactionary.

The only way such struggles can be won is on the basis of the independent mobilization of the working class—black, white and immigrant—in a break with the two big-business parties and relying on its own strength and program to fight all forms of injustice.

The WSWS renews its demand that the charges against the Jena Six be dropped, any sentences be thrown out, and that a full investigation be conducted into the case by a committee of working people, independent of the control of both political parties. Such an inquiry should probe the conditions of social inequality that lie behind the racist prosecution of the six black teenagers.



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