



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
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### CONSENT CALENDAR

October 9, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmembers Kriss Worthington, Darryl Moore and Max Anderson

Subject: Letter To Louisiana Governor, et al In Support Of The Jena 6

#### RECOMMENDATION:

Direct staff to send a letter to the Governor of Louisiana, the Louisiana State Attorney General, the US Justice Department, Federal Bureau of Investigation and the US Attorney General's office expressing support for the Jena 6 and urging them to ensure that constitutional protections are afforded to the six students and that they receive a just trial.

#### BACKGROUND:

In September 2006 a black student in Jena, Louisiana asked permission from school administrators to sit under a tree that was commonly by white students. The school officials informed the student that they could sit wherever they wanted. The next day however three nooses were hanging from the same tree. The Jena high school principal found that three white students were responsible and recommended expulsion. However the superintendent of schools over-ruled the principal and gave the students a three-day suspension, calling the incident "a youthful stunt". Black students at the high school decided to resist the decision and organized a sit-in under the tree to protest the lenient treatment that the three students received.

Racial tensions continued to elevate and on December 4, 2006 a student who had allegedly been taunting students about the incident got into a fight with black students. Allegedly the student who instigated the fight was taken to the hospital treated, released and reportedly attended a social function later that evening.

As a result of the incident, six black Jena students were arrested and charged with attempted second-degree murder. All six were expelled from school. The six were 17-year-old Robert Bailey Junior; 17-year-old Theo Shaw; 18 year old Carwin Jones; 17 year old Bryant Purvis and 16 year old Mychal Bell who was charged as an adult even though he is a minor under state law.

On the morning of the trial, the District Attorney reduced the charges from attempted second-degree murder to second-degree aggravated battery and conspiracy. When the pool of potential jurors was summoned, fifty people appeared, all white. The jury deliberated for less than three hours and found Mychal Bell guilty on maximum possible charges. The actions of the District Attorney and the way the trial was conducted raise serious issues regarding

whether the constitutional rights of the six students are being protected. Not only was the sentence legally questionable but also Bell's attorney did not call any witnesses or present any evidence. Because of these actions he faces up to a maximum of 22 years in prison. The rest of the Jena 6 await similar trials. The 16-year-old Mychal Bell was scheduled to be sentenced on September 20<sup>th</sup>. If he gets the maximum sentence he will not be out of prison until he is close to 40. The NAACP along with a number of other organizations has been working to arrange new trials and on September 14<sup>th</sup>, the Louisiana Third Court of Appeals reversed the aggravated battery conviction of Mychal Bell ruling that he should not have been tried as an adult.

The case of the Jena 6 shows how racism is still alive and how unjust the criminal justice system is in our country. Many other individuals and organizations have been expressing their support for the Jena 6 and their outrage over the decision and it is important the City of Berkeley stand up for justice and ask Louisiana state officials and federal officials to protect the constitutional rights of the six students and conduct a fair trial.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSONS:

Councilmember Kriss Worthington, 981-7170.

Councilmember Darryl Moore, 981-7120.

Councilmember Max Anderson, 981-7130.

Attachments:

1. Proposed Letter

October 10, 2007

Honorable Charles C. Foti, Jr.  
Attorney General of the State of Louisiana  
1885 North 3<sup>rd</sup> Street  
Baton Rouge, LA 70802

Re: Support for the Jena 6

Dear Attorney General Foti,

At its regular meeting on October 9, 2007, the Berkeley City Council voted to send a letter expressing its outrage over the recent events in Jena, Louisiana. The arrest and conviction of the six African American students illustrates not only the prevalence of racism in our society but also the injustice of our legal system. We ask that you investigate and minor the criminal cases and ensure that they receive a just trial.

The charges against the six students, or the Jena 6, stem from a series of racially charged events at Jena High School starting with a white student hanging three nooses from a tree. Thereafter a number of African American students were verbally and physically threatened because of their race, including a December 2006 incident where a white man brandished a shotgun at three African American students. Even though the Jena 6 were convicted for assaulting a white student, these various violent and racist acts were never responded to by local authorities.

However what is even more troubling than the singling out of the Jena 6 is the unjust way that they were convicted. First of all, the local District Attorney's conviction of Mychal Bell as an adult violated the law. Even though he reduced the charges to aggravated battery and conspiracy, these actions raise serious questions regarding the validity of the charges. Additionally, it has been alleged that the local District Attorney threatened students at Jena High School for protesting the lenient suspensions of the three students who were identified as hanging the nooses from the tree.

Additionally, Mychal Bell did not receive adequate legal representation. During the trial, his attorney did not call any witnesses or present any evidence. All six students face serious consequences for these charges, with Mychal Bell awaiting up to 22 years in prison. If the actions of Bell's attorney are any indication of the kind of trial that they will receive then their lives are in serious jeopardy.

It is undeniably clear that these six men are not being afforded the constitutional protections that they are entitled to and therefore the City of Berkeley strong urges you to use your authority to investigate these matters and ensure that the constitutional rights of the Jena 6 are protected and that they receive a fair trial.

I thank you for your attention and please contact me if you have any questions.

Sincerely,

