



Legislation Text

File #: Res 1081-2007, **Version:** *

Res. No. 1081

Resolution calling upon the Governor of Louisiana to intervene and direct the district attorney to cease prosecution of the Jena 6, and the Civil Rights Division of the United States Department of Justice to launch a full investigation into the events that took place in Jena, Louisiana, to determine whether the civil rights of the Jena 6 were violated.

By Council Members Comrie, Vann, de Blasio, Brewer, Dickens, Dilan, Fidler, Gerson, Gonzalez, Jackson, James, Koppell, Mark-Viverito, Nelson, Palma, Recchia Jr., Sanders Jr., Stewart, Weprin and White Jr.

Whereas, In September 2006, a group of African-American students at Jena High School in Jena, Louisiana, sat under a campus tree known for its popularity among the school's Caucasian students, who make up 85 percent of the student body; and

Whereas, The morning after the African-American students sat under the tree, three hangman's nooses were found dangling from its branches; and

Whereas, The three Caucasian students responsible for hanging the nooses on the tree were punished with just an in-school suspension and the noose incident was dismissed as a childish prank; and

Whereas, The following day, African-American students staged a protest rally under the tree where the nooses had been discovered; and

Whereas, Shortly after that rally, local District Attorney Reed Walters addressed an emergency school assembly and reportedly warned protestors that he could take their lives away with a stroke of his pen; and

Whereas, After a series of verbal and physical altercations between African-American and Caucasian students, which included one incident where African-American students were forced to disarm a Caucasian student in possession of a shotgun, six African-American students were arrested and charged with assaulting one Caucasian student, Justin Barker, during a fight in the school gymnasium; and

Whereas, After two hours of treatment and observation for a concussion and an eye that had swollen shut, Barker was discharged in time to go to the school Ring Ceremony taking place that evening, during which time the six African-American students - Robert Bailey, Carwin Jones, Mychal Bell, Theodore Shaw, Jesse Beard and Bryant Ray Purvis - now known as the "Jena Six," were arrested; and

Whereas, Though the Jena Six were initially charged with aggravated assault <<http://en.wikipedia.org/wiki/Assault>>, District Attorney Walters increased the charges to attempted second-degree murder <http://en.wikipedia.org/wiki/Attempted_murder>, provoking protests from African-American residents that the charges were disproportionate to the crime; and

Whereas, On June 26 <http://en.wikipedia.org/wiki/June_26>, 2007 <<http://en.wikipedia.org/wiki/2007>>, the first day of trial for defendant Mychal Bell <http://en.wikipedia.org/w/index.php?title=Mychal_Bell&action=edit>, District Attorney Walters agreed to reduce the charges for Bell to aggravated second-degree battery and conspiracy to commit aggravated second-degree battery. Since a charge of aggravated battery requires the use of a deadly weapon, District Attorney Walters argued that the tennis shoes that Bell was wearing and used to kick Barker were deadly weapons, an argument with which the all-Caucasian jury agreed; and

Whereas, Despite conflicting witness accounts on whether he was even involved in the attack, Bell was charged as an adult and found guilty, facing the possibility of up to 22 years in prison. Following the trial, Bell acquired new defense attorneys, who argued for a new trial on the grounds that their client should not have been tried as an adult and that the trial should have been held in another parish; and

Whereas, On September 4, 2007, a judge dismissed the conspiracy charge on the grounds that Bell should have been charged as a minor. Ten days later, Louisiana's Third Circuit Court of Appeals overturned the battery conviction on the same basis, thereby sending the case to juvenile court; and

Whereas, On September 26, 2007, Louisiana Governor Kathleen Blanco announced that the prosecution

would not appeal the appellate ruling, and Bell was released the next day on \$45,000 bond; and

Whereas, The wrongful conviction of Mychal Bell for aggravated battery and conspiracy has provoked outrage and objection throughout our nation; and

Whereas, The Council of the City of New York, as a government body dedicated to protection of civil rights and due process under the law for all Americans, proudly joins the nation in expressing outrage over the facts surrounding the Jena 6 case; now therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor of Louisiana to intervene and direct the district attorney to cease prosecution of the Jena 6, and the Civil Rights Division of the United States Department of Justice to launch a full investigation into the events that took place in Jena, Louisiana, to determine whether the civil rights of the Jena 6 were violated.

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