

**CITY OF BALTIMORE
COUNCIL BILL 07-0326R
(Resolution)**

Introduced by: Councilmembers Holton, Young, Mitchell, Clarke, Reisinger, Harris, Spector,
Middleton
Introduced and adopted: September 17, 2007

A COUNCIL RESOLUTION CONCERNING

The Case of the Jena 6 – Justice Must Prevail

1
2 FOR the purpose of calling for justice and equity in the adjudication of six black teens from Jena,
3 Louisiana; endorsing the efforts of the NAACP to secure the intervention of the Governor
4 and Attorney General of Louisiana to ensure a fair outcome for the Jena 6; and expressing
5 sorrow that such incidents continue to occur in this country.

Recitals

6
7 In September 2006, black students at Jena High School in Central Louisiana were given
8 permission by a school official to sit under the WHITE TREE in the school yard. The day after
9 the students sat under the tree, 3 hangman’s nooses were found hanging from the tree. The 3
10 white students responsible for what was characterized as a “harmless prank” were sanctioned
11 with a few days of in-school suspension.

12 The day after the nooses were found, black students, led by 6 black male athletes, staged a
13 spontaneous protest rally under the tree. In response to the protest, the District Attorney,
14 accompanied by a dozen fully uniformed police officers, addressed an emergency school
15 assembly and, in words later admitted to under oath, warned the protest leaders that with a stroke
16 of his pen he could take their lives away. His words were aimed at the Jena 6: Robert Bailey,
17 Carwin Jones, Mychal Bell, Theodore Shaw, Jesse Beard, and Bryant Ray Purvis.

18 The series of incidents escalated tensions in the fall, when, in October, members of the Jena
19 6, who were invited guests at an off-campus all-white student party, were physically assaulted by
20 adults, hit with beer bottles, punched, and kicked. Tensions continued to simmer the next day,
21 exacerbated by on-campus verbal altercations during the lunch hour, and escalated later that
22 month, when a white student pulled a gun on 3 of the Jena 6 at a local convenience store, and the
23 3 who had been accosted were later charged with theft for disarming the perpetrator who was not
24 charged. Tensions spiraled in late November, when someone tried to burn down the school, and
25 they tragically culminated 4 days later, when the white student who had brandished the gun was
26 allegedly attacked in a school fight.

27 The “victim” was taken to the hospital and released shortly with a possible concussion. He
28 was well enough to attend a school function that evening. The Jena 6, on the other hand, as
29 warned by the District Attorney, had life as they knew it taken away when they were charged
30 with attempted second-degree murder and conspiracy to commit murder, charges that left them
31 facing between 20 and 100 years in jail. The Jena 6, ranging in age from 15 to 17, had their
32 bonds set at between \$70,000 and \$138,000 and were given an additional promise by the District
33 Attorney that “When you are convicted, I will seek the maximum penalty allowed by law.”

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 The plight of the Jena 6 has inflamed the conscience of a country whose people continue
2 both to suffer from and to perpetuate many acts and thoughts of conscious and unconscious
3 racism. Popular radio stations, black student groups, and media celebrities have brought attention
4 to the unjust treatment of the Jena 6. The NAACP has taken the lead in these effort, asking
5 Americans to sign a petition:

6 “To the Honorable Kathleen Blanco, Governor of the State of Louisiana and
7 Mr.Charles C. Foti, Jr., Louisiana Attorney General:

8 We register our outrage and object to the wrongful conviction of Mychal Bell for
9 aggravated battery and conspiracy for the following reasons. Mychal Bell, who is
10 African American, was convicted by an all white jury in a racially charged case.
11 Mychal Bell's public defender did not put on any evidence and did not call any
12 witnesses. Moreover, the aggravated battery charge was unwarranted since the
13 alleged assailant did not use any dangerous weapon. A tennis shoe is not a deadly
14 weapon. There was conflicting testimony regarding whether Mychal Bell was
15 involved in the incident in question. Mychal Bell's parents were not allowed in the
16 court room during the trial. Mychal Bell faces a potential 22 year sentence in prison.

17 We urge you to investigate and monitor the criminal cases against the Jena Six
18 (Mychal Bell, Bryan Purvis, Theo Shaw, Carwin Jones, Robert Bailey Jr., and “John
19 Doe”). All citizens should be entitled to equal treatment under the law.”

20 No one can argue that violence in our schools can be tolerated, but neither can an unequal
21 response to unacceptable behavior. On the one hand, activity that raises to the level of a hate
22 crime cannot be handled with in-school suspension, while response to that activity invites the
23 interference of outside law enforcement; possession and threatening persons with a gun cannot
24 be ignored, while those who react to the threat by disarming the gun toter are charged with theft
25 of that firearm; and finally, when youths engage in spontaneous mutual ‘hand to hand’ combat,
26 one combatant should not be treated as an innocent victim and receive no punishment, while
27 others are charged with attempted murder and conspiracy.

28 Unfortunately, this is not an isolated incident. In inviting all people who abhor racism and
29 seek justice to join the September 20, 2007, March on Jena, the words of the NAACP Chairman
30 are haunting: *“This is an American outrage that demonstrates the continuing shame of racial
31 division in our country.”*

32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
33 Body calls for justice and equity in the adjudication of six teens from Jena, Louisiana; endorses
34 the efforts of the NAACP to secure the intervention of the Governor and Attorney General of
35 Louisiana to ensure a fair outcome for the Jena 6; and expresses sorrow that such incidents
36 continue to occur in this country.

37 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
38 Governor, the Governor of Louisiana, the Attorney General of Louisiana, the Chairman of the
39 NAACP, and the Mayor’s Legislative Liaison to the City Council.