



Institute for Family & Child Well-Being

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Jena 6: An Overview and Critical Analysis

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Greetings, and thank you for reading this issue of our ongoing analysis and commentary publication.

The Institute for Family and Child Well-Being has as a part of its focus the experiences of children and families caught in the web of both the child welfare and juvenile justice systems in this country. Given my personal and professional connections to child welfare that has been the subject of most of my *Perspectives* essays to-date.

In this essay, and on this day of protest and resistance, I would like to take a critical look at the tragic injustice that has been unfolding in Jena, Louisiana. I will start by providing a general overview of, and critical commentary about, the major events and timelines connected with the Jena, Louisiana controversy. I will also attempt to place these tragic *Jena 6* experiences in a national context, as they exemplify many aspects of this nation's juvenile and criminal justice systems that have been and continue to be racist, oppressive, unjust and hurtful to African American families and communities. I conclude with reflections about what these incidents and the unfolding national response might mean for the ongoing African American struggle against racism and cultural oppression in this country.

Jena 6: An Overview and Timeline

Jena 6 refers to the six African American students (and their families) that are currently wrapped up in the criminal justice system in Jena, Louisiana for their part in a series of racially-charged incidents in Jena, Louisiana. The following is a general description and

timeline of the major events connected with the *Jena 6*.

Pre-September 2006: Tension between whites and Blacks is not new to Jena, Louisiana. According to reports, there are still very clear and historic patterns of explicit racism and segregation still in place in 2007. Some white residents in Jena boast openly about their historic and present-day "whites only" preferences, practices, and policies. While there has always been resistance to these trends, these social patterns have become the norm for many in Jena, Louisiana.

Late August / September 2006: A Black student asked the Jena High School principal for permission to sit under a tree in the school's courtyard that had been historically designated as a "whites only" tree. The principal advised the students that anyone can sit under the tree. Several Black students did. The next day, three nooses were found hanging from the tree.

The school principal identified three white students

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that were responsible for the incident and recommended expulsion. [Police were not called even though this type of incident can reportedly be prosecuted as a federal hate

crime.] The white superintendent of the school system overruled the principal and gave the students a routine in-school suspension. He went on to argue that the whole incident was just a foolish adolescent prank, suggesting that no harm or hurtful message was intended. In protest, it has been reported that a number of students organized a sit-in and continued to sit under the "white" tree. Numerous fights also reportedly followed in the several following days.

On September 6, in an effort to end the protest and in response to the ongoing racial tensions in the school, the LaSalle Parish District Attorney was sum-

moned to the school, accompanied by several police officers. At a school assembly, the DA reportedly threatened the protesting Black students by stating, "I can be your best friend or your worst enemy. I can take away your lives with the stroke of my pen."

On September 10, Black students attempted to address their concerns to the Jena school board. The school board refused to respond to their grievances, stating that the noose incident was just a prank and had already been responded to appropriately. Racial tensions remained high both at Jena High School and in Jena more generally throughout the fall semester.

November 2006: On Thursday, November 30, 2006 the main academic building of Jena High School was burned down. To date no charges have been filed, although the arson is believed to be connected with this racially charged series of events.

That weekend a Black student was repeatedly beaten up by several white males while he and several friends attempted to enter a predominantly white party. The white attackers were reported to have been local adults and not students. One white male was arrested and charged with battery several months after this incident. He received a sentence of probation.

Also that weekend, a white student pulled out a shotgun and threatened several Black students at a local convenience store. Fearing for their lives, the Black students took the gun away from the white student and ran away from the scene. The Black students were later charged with theft for taking the shotgun. No charges were filed against the white student that pulled the gun on the Black students.

The following Monday a white student who many recognized as being one of the most outspoken supporters of the students that hung the noose was reportedly beaten up by six Black students (the *Jena 6*). According to written accounts, a number of witnesses reported that the white student was taunting and harassing the Black student that had been beaten up by the white males during the prior weekend. According to witness accounts he also used the word "nigger" and/or other racial expletives while taunting the Black student. The white student was taken to the local hospital where he was treated for bruises and cuts to his face, and was released after a few hours. He attended a social function later that evening, where he was reportedly bragging to other white students about the incident.

Five of the six Black students were later arrested, expelled from school and charged (as adults) with assault. Their charges were later upgraded to second degree attempted murder. The sixth student was charged as a juvenile because he was 14 at the time of the incident.

Summer 2007 — Mychall Bell, the first of the six Black students to be tried in court, was found guilty of second degree battery and conspiracy to commit aggravated second degree battery by an all-white jury. It has been reported that some members of the jury had present and/or prior personal relationships with the white student that was roughed up and members of his family. Mychall Bell's public defender was very ineffective (some might argue negligent).

The charges against the Black students, and the subsequent conviction of Mychall Bell, sparked local and national outrage. A multi-racial coalition of individuals, organizations and radio personalities across the country have decried the overly punitive charges that are seen by many as far disproportional to the actual incident, as well as the fact that five of the six teens have been charged in adult court.

Mychall Bell was initially scheduled to be sentenced today, September 20, in Jena. On September 4, a judge dismissed the conspiracy charge against Mychall, but let stand the second degree attempted battery charge. He agreed, however, that he should never have been charged as an adult. Just last week (on September 14) an appeals court judge dismissed the remaining charge against Mychall, agreeing that Mychall should never have been charged as an adult. The DA vowed to appeal the appeals court ruling, taking the case to the Louisiana State Supreme Court.

Even with this ruling, however, Mychall can still be tried in juvenile court for his alleged role in the roughing-up of the white student. Meanwhile, the adult charges remain for the other four members of the *Jena 6*. Court proceedings are scheduled to begin for those youth in the near future. Meanwhile, bail has been rejected for Mychall Bell, and he remains locked up pending the resolution of the ongoing legal proceedings. He has been in jail for almost 10 months, into what would have been his senior year in high school.

A march and demonstration expected to attract more than 60,000 people from around the country is scheduled to take place today in Jena, Louisiana. Other rallies and protest marches are also being held

today in cities around the country to draw attention to this horrible injustice. Much of the attention this series of incidents is receiving has been credited to national radio personalities, radio and television talk show hosts and other independent media institutions who have dedicated unprecedented air time to this issue.

The Jena 6 Story: A Critical Analysis

When Justice Fails — One of the many unfortunate things about this series of incidents in Jena is that it largely stemmed from a failure of formal leadership structures and legal institutions to respond in a just way to the criminal acts committed by these white youth and adults against the African American students at Jena High School. In the absence of justice, and in the presence of continued threats against their lives, these students appeared to resort to what some might argue was their only remaining option... self-defense. Had the appropriate actions been taken by the “authorities” and the white youths’ parents, the ongoing intimidation and abuse of these African American students would potentially have been stopped much sooner. Interestingly, there has been little critical examination of the negligent role of “official” leadership in the face of these acts of racial terrorism. This is one of the many tragedies of this situation.

Corporate Mass Media — There are at least two ways the media can respond to the kinds of activities that have unfolded in Jena. They can either cover the story, or ignore it. Generally, the corporate media establishment decided to ignore it for almost a year. It wasn’t until public awareness increased (largely as a result of independent media outlets and radio personalities) that the corporate mass media outlets began to cover the story in a more deliberate way.

Ironically, however, instead of providing a critical assessment of the history and context of the unfolding tragedy, the coverage seems to have focused exclusively on the outrage this tragedy has been creating around the world. The “story” for these corporate media institutions has largely been the national and international outcry, but *not* the series of clearly related and troubling incidents that sparked the outrage. To the extent the incidents themselves have been covered, it has frequently occurred as a way of juxtaposing the national outrage against the implied “law and order” rationale offered by the prosecution for their

treatment of the *Jena 6*. There have been few exceptions to this pattern.

Also missing from this national corporate “mainstream” media coverage is a critical examination of the role the white students and adults have played in these incidents. It has largely been covered as a “Black” crime issue, as opposed to an issue also involving the clearly criminal and terrorizing behaviors of white youth and adults in Jena against the Black students.

The Jena 6 Didn’t Start This Mess! — As tragic as the circumstances are for the *Jena 6* students, it is important to point out that these dynamics started long before they were even born. The kinds of racist and criminal behavior of these white adolescents are not a new phenomenon. Nor have these behaviors only recently re-emerged. Racial tensions have long existed in Jena, as with many other big and small cities and towns around this country. This is the legacy of white racism in the United States since the days of this country’s founding. It may be the case that we don’t hear about these incidents as often as we did in the past, but these incidents still happen all too frequently around the country. It remains a national disgrace and tragedy that the perpetrators of these racial terrorist acts rarely receive punishment comparable to their crimes.

The Big Picture: Racial Disparity in America’s Juvenile Justice System

As I mentioned earlier, the experience of the *Jena 6* is typical in many ways of the kinds of experiences many of our young people have with this nation’s juvenile and criminal justice systems. A brief review of national trends helps to illustrate this larger national tragedy and injustice.

In proportion to their presence in the nation’s youth population, African American youth are far more likely than white youth to come into contact with the juvenile justice system. Generally, racial disparities tend to increase the further African American youth are processed through the system. The following statistics are taken from a January 2007 report entitled, *And Justice For Some: Differential Treatment of Youth of Color in the Justice System*:

From 2002 to 2004, African Americans were: 16% of this nation’s youth population; 28% of juvenile arrests;

30% of referrals to juvenile court; 37% of the detained population; 34% of youth formally processed by the juvenile court; 30% of adjudicated youth (cases resolved without further punitive involvement); 35% of youth judicially waived to criminal court (charged as adults); 38% of youth in residential placement; and 58% of youth admitted to state adult prison.

Our Challenge Moving Forward: Acting Now With a Long-Term Vision

One challenge for the current generation of young people is for us to work tirelessly to ensure that we don't pass these pathological patterns of racism and injustice on to our children and grandchildren. It may be the case that racism will continue to exist. But we do not have to accept these inhumane and unjust societal arrangements. In the words of Frantz Fanon, in his classic work *Wretched of the Earth*, "each generation, out of relative obscurity, must define its mission, fulfill it, or betray it." The kind of injustice we see in Jena today is but one of many challenges that are before us. We can each commit to fighting against this injustice or sit on the sideline while others step up in our place.

We Stand On Solid Ground — Many people complain that we have lost a generation or two of young people that are disengaged from the struggle against racism. Yet there are frequently ebbs and flows to social justice movements. While this is true, it is also worth noting that the struggle for racial justice in this country never ceased. There have always been individuals and organizations working on the front lines of the struggle against racism and cultural hegemony in this country. We owe a debt of appreciation and gratitude for their sacrifices and their ongoing efforts to keep "waving the flag" and "beating the drums" of justice and resistance.

We still know enough about the history of our an-

cestors in this country to know what forms the struggle has taken, and what the struggle has produced. More importantly, we can still study and learn from our elders so that we can be wiser in our efforts. As Malcolm X stated, "of all our studies, *history* is best qualified to reward our research; for the future belongs to those who prepare for it today."

The Way Forward — Our challenge is clear. We hold the power and the potential to change this nation. *Jena 6* highlights just a few of the contours and complexities of the enduring challenges facing African American families and communities trying to make it this country. While there are indeed many "issues" and challenges facing the African American community, it does not mean that we should not focus on this one. We have an obligation to resist, challenge and confront injustice in all of its forms. This is clearly one of those forms.

I appreciate and commend the individuals and organizations that have stepped up to make all of us more aware of the *Jena 6* incidents as they have unfolded for more than a year now. As we can see, when people have clearly articulated information about injustice, they tend to respond. It is up to all of us to continue to shine a light on this and other injustices we come across... and there are many!

It is encouraging to see what appears to be an awakened consciousness of at least one of the ways in which racism and injustice have taken form over the last several decades. While I celebrate what appears to be an increased sense of outrage, energy and activism, I encourage us all to keep our focus sharp and our stamina up, as there is a great deal more injustice that we have to simultaneously turn our attention to. *Aluta Continua! (The struggle continues!) - OAM*

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