

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 070715)

RESOLUTION

Calling on the U.S. Department of Justice to Monitor the Jena 6 Litigation.

WHEREAS, At Jena High School in Jena, Louisiana, students of different races have little social interaction and seldom sit together during lunch and black students traditionally sat on bleachers near the auditorium, while white students sat under a large tree, referred to as the “white tree,” in the center of the school courtyard; and

WHEREAS, During a school assembly on August 31, 2006, a black student asked permission from the principal to sit under the “white tree” and the principal told students they could “sit wherever they wanted;” and

WHEREAS, The following morning, three nooses were discovered hanging from the “white tree” and the principal learned that three white students were responsible for the nooses and the principal recommended that the three students be expelled; and

WHEREAS, The board of education overruled the expulsion and the punishment was reduced to three days of in-school suspension and in response, a number of black students organized a sit-in under the “white tree,” and the police were called to the school several times over the ensuing days due to a rash of interracial fights between students; and

WHEREAS, During a subsequent high school assembly, LaSalle Parish District Attorney Reed Walters told students to stop focusing on an “innocent prank” and stated, “See this pen? I can end your lives with the stroke of a pen” and following the assembly, the police began patrolling the halls of Jena High School, which resulted in a total school lockdown; and

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WHEREAS, On September 10, 2006, several dozen black students attempted to address the school board concerning the recent events but were refused because the board was of the opinion that “the noose issue” had been adequately resolved, even though racial tensions and fights continued, and on November 30, 2006, the main building of the high school was set on fire and had to be demolished; and

WHEREAS, On December 1, 2006, five black youth, including 16-year old Robert Bailey, Jr. were involved in fights, instigated by a white male, during a private party and Justin Sloan, a white male, was charged with battery for his role in the fight and was ultimately sentenced to probation and Robert Bailey, Jr. stated that one of the white men had broken a beer bottle over his head; and

WHEREAS, On the following day at a local convenience store, Robert Bailey, Jr., Mychal Bell, Carwin Jones, Bryant Purvis, Theo Shaw, and Jesse Ray Beard (the “Jena 6”) encountered Justin Barker, a white student who attended the private party, and an argument ensued, during which, Barker ran to his pickup truck and produced a pistol-grip shotgun and Bailey wrestled Barker for control of the shotgun and Bailey’s friends intervened in the scuffle and took the shotgun away; and

WHEREAS, The Jena 6, among other counts, were initially charged with assault and District Attorney Walters increased the assault charges to attempted second-degree murder, which could result in the Jena 6 being imprisoned past age 50; and

WHEREAS, On June 26, 2007, during Mychal Bell’s trial, District Attorney Walters agreed to reduce the charges to aggravated second-degree battery and conspiracy to commit aggravated second-degree battery based on a legal theory that Mychal Bell’s tennis shoes were deadly weapons and despite conflicting prosecution witnesses, a failure to hear from a single defense witness, and a member of the all-white jury being a high-school friend of Justin Barker’s father, Bell was found guilty and faced the possibility of being sentenced to up 22 years in prison on his September 20th hearing; and

WHEREAS, In response, Mychal Bell retained new defense counsel and on September 4, 2007, a judge dismissed the conspiracy charge and on September 14th, Louisiana’s Third Circuit Court of Appeals overturned the battery conviction, yet District Attorney Walters is appealing this decision to the Louisiana Supreme Court and Bell still remains in jail; and

WHEREAS, In the wake of these events, thousands of individuals and groups have come together to support the Jena 6 and against the way the cases were and are being handled and over 340,000 people have signed a petition regarding this issue, a Jena 6 Legal Defense Fund has been formed, and approximately 60,000 people will travel to Jena to participate in a rally on September 20th, the original date of Mychal Bell’s sentencing hearing; now therefore

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RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby call on the U.S. Department of Justice to monitor the Jena 6 litigation to insure fair and just legal proceedings.

FURTHER RESOLVED, That copies of this Resolution are forwarded to the U.S. Attorney General, the U.S. House and Senate Chairpersons of the Judiciary Committee, and the members of the Louisiana delegation to both houses of the Congress.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twentieth of September, 2007.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Tasco, Goode and Reynolds Brown

Sponsored by: Councilmembers Tasco, Goode, Reynolds Brown, Greenlee, Savage, Krajewski, Council President Verna, Councilmembers Clarke, Miller, DiCicco, Rizzo, Blackwell, Kenney, Campbell, O'Neill and Kelly