

October 2007

Virtue In Action

“Jena 6”: A Lesson in Justice and Respect for Others

VIRTUE IN ACTION

FOSTERING CITIZENSHIP THROUGH CHARACTER EDUCATION





Left: Oak tree at Jena High School where nooses were hung.

Top right: Justin Barker in the hospital after he was beaten on Dec. 4, 2006 in Jena, La.



Bottom right: Melissa Bell, mother of Mychal Bell



Associated Press photos

Nooses swinging from the branches of an oak tree. The rope was an unspoken message from three white Jena high school students to their black counterparts, after the latter sought shade under the school's historically "white tree" last August.

Then, in December a group of black Jena High students attacked a white peer, beating him into a state of brief unconsciousness. What connects these sad events is a lack of respect for others, and a lack of prudence.

The subsequent school punishments and legal charges have also raised many issues of justice. Many are asking whether black and white students have been treated equally in respect to the punishments and charges, and, if not, is there justice if standards for punishment aren't equally applied? Secondly, justice demands that the punishments fit the crime, that punishment is fair relative to the harm done. Finally, justice also considers deterrence, in that the punishment should discourage additional criminal acts.

Let's examine the events in Jena relative to these elements of justice as well as from the perspective of how a lack of respect for others and prudence contributed to a chain of regrettable, and quite possibly, avoidable events.

The Genesis of "Jena 6"

It was a steamy August day at the start of the 2006 school year when some black students at Jena High School approached a school official and asked if they could sit under the "white tree." The tree, a simple oak tree on campus, was a place where white students typically congregated.

The fact that the question had to be asked at all showed that Jena High School had a problem with students of different races socializing. A school official, evidently unaware of the severity of segregation at the high school, reportedly told the black pupils "sit wherever you want." They did. The next day, the tree's branches were decorated with three nooses.

"African-American students and their parents were outraged and intimidated by the display, which instantly summoned memories of the mob lynchings that once terrorized blacks across the American South," Tribune correspondent Howard Witt wrote of the incident in "Racial Demons Rear Heads."

The high school principal agreed that hanging the nooses was a serious matter. The act demonstrated a severe lapse in prudence and /or respect for others. Either the noose-hanging students failed to consider how their actions and this symbol would affect others, or they knew the harm it would bring and still did it, disregarding the dignity and value of those it would offend. The principal recommended that the three students be expelled. But Roy Breithaupt, the school's superintendent, saw the nooses as an adolescent prank and overturned the decision, instead suspending the students for three days.

"I talked to one of the parents, who called me and said

their son thought it was a prank and naïve to the fact of what it meant and he was sorry,” said Jonny Fryar, a member of the LaSalle Parish School Board who defended the three-day suspensions.

But many black parents and students in Jena – not to mention a growing, active community of bloggers from all over the nation – have argued that the school board acted unjustly in not enacting a punishment harsh enough relative to the harm displaying the nooses caused. “They are sending a message to the white kids, ‘You have committed this hate crime, you were taunting these black children, and we are going to allow you to continue doing what you are doing,’” said Caseptla Bailey, mother of Jena 6 defendant Robert Bailey Jr., according to the Tribune’s Witt.

Donald Washington, the US Attorney for the Western District of Louisiana, said that though federal officials and FBI agents thought the noose hanging had “all the markings of a hate crime,” they couldn’t charge the white teens because the case didn’t meet federal criteria. “The students were under 18 and had no prior records, and no group such as the Ku Klux Klan was found to be behind their actions,” CNN reported.

Even without a legal case against those youths, the community of Jena may have missed an opportunity to do more to address the underlying tensions between the white and black communities.

Would a more severe punishment, through either a longer suspension, or expulsion, been a more just punishment relative to the harm committed? And would a harsher punishment have helped relations between the black and white communities, as blacks would have seen that the school was committed to affirming respect for others?



Unfortunately, we will never know, but the school board’s decision seemed to set into motion a chain of events of black and white confrontations around town. Off-campus, white youths beat up a black student for attempting to attend an all-white party. A couple of days later, a young white man brandished a shotgun at three black students at a convenience store. The white man was not charged in the shotgun incident, but the three black students were all arrested and accused of aggravated battery and theft for wresting the weapon out of the man’s hands in what the students claimed was self-defense. Again, the black community in Jena was questioning whether blacks were being punished more severely relative to whites.

Then, things worsened. On Dec. 4, some of the students involved in the convenience store-incident, along with others, attacked and beat a white student, Justin Barker, who was leaving the high school’s gym. Barker lost consciousness during the incident in which he was at one point kicked in the head while others stood on him, according to a report from a U.S. Attorney. Barker was discharged from the hospital that same evening and attended a school function that night.

Despite his rapid recovery, the six black students were not only immediately expelled from school, they were originally charged with attempted second-degree murder, conspiracy and other crimes with potential sentences of 100-years in prison. Previous to the protest march in Jena, the charges were reduced to aggravated assault and conspiracy.

Many believe the original charges were unjustly harsh relative to the crime of what some say was a schoolyard brawl. “There’s been obvious racial discrimination in this case,” said Joe Cook, executive director of the Louisiana chapter of the American Civil Liberties Union (ACLU). “It appears the black students were singled out and targeted in this case for some unusually harsh treatment.”

The harshest punishment was reserved for Mychal Bell, 16 at the time of the incident, but charged as an adult. Bell, fingered as the alleged instigator of the attack and the only defendant with a prior juvenile record of four battery charges, has been in prison for nine months and was the only teen to stand trial and be convicted.

The conviction has been thrown out because an appeals court ruled it was unlawful to charge him as an adult. The Governor of Louisiana announced on Sep. 26 that the charges of aggravated assault would be reinstated, but this time Bell would be tried as a juvenile.

The other defendants, Robert Bailey Jr., Carwin Jones and Theo Shaw face charges, for assault (fighting) and conspiring to fight. Bryant Purvis, another student, has not yet been arraigned while charges against Jesse Ray Beard, 14 at the time, are sealed since he is a juvenile.

Many believe that justice has been denied in Jena due to black students receiving harsher punishments and charges than whites, relative to the severity of crimes committed. Such unfair actions would defy the Fourteenth Amendment, which guarantees all U.S. citizens due process of law and offers each citizen equal protection under the law.

“There’s no doubt about it – whites and blacks are treated differently here,” commented Melvin Worthington, the only black member of the LaSalle Parish School Board and the sole member who voted against expelling the Jena 6, according to the Tribune’s Witt. “The white kids should have gotten more punishment for hanging those nooses,” Worthington told Witt. “If they had, all the stuff that followed could have been avoided.”

Some, such as Donald Washington, the U.S. Attorney for the Western District of Louisiana, believe it is appropriate that Bell should receive a stronger charge due to his history of assaulting others in four previous instances and the fact that Bell was still on parole when the Barker beating took place. Washington points out it is common for those who have multiple criminal records to be punished more severely as a deterrence to discourage future incidents, but he still did not support murder charges against Bell.

Moving forward, healing old wounds

How do we, as a society, keep another “Jena 6” from happening? By addressing and confronting racial incidents, like the noose hanging, and pushing for respect for others in every place and every aspect of our lives. We can also accomplish it by speaking out, even when injustice does not directly affect us, as did the bloggers and marchers who flew, chartered buses and drove to Jena on Sep. 20 to take a stand against what they view as injustice. .

“The events in Louisiana have saddened me,” President Bush commented when asked about the Jen incidents. “All of us in America want there to be fairness when it comes to justice.”

And although we all should work for justice in terms of equal treatment under the law, justice also cannot be denied in punishing those who attacked Justin Barker. In the face of much worse injustice and even injury, Martin Luther King denounced the use of violence in the struggle to achieve equality and justice. Violence often only leads to more violence. For example, some white supremacist groups have urged for retribution for the alleged attack on Justin Barker

and listed the names and addresses of the “Jena 6” in calling for a real lynching.

Even those who originally saw the nooses as a youthful joke now realize the town’s reputation and safety are in jeopardy. “I hate to see people label us as something we are not,” LaSalle Parish School Board member Jonny Fryar told the Tribune. “This is an unfortunate incident. We hope that the community can heal.”

VOCABULARY

Nooses: loop formed in a rope by means of a slipknot so that it binds tighter as the rope is pulled

Justice: fair treatment, due reward or punishment in accordance with honor, standards, or law

Deterrence: the act or process of discouraging actions or preventing occurrences by instilling fear or doubt or anxiety

Respect for Others: showing full appreciation of the worth and dignity of others; living by the “golden rule”: do unto others as you would want done unto you

Regrettable: causing or deserving regret; unfortunate; deplorable

Congregated: to bring together in a crowd, body, or mass

Lynchings: To execute without due process of law, especially to hang, as by a mob

Prudence: thinking through the implications of our actions and decisions

Bloggers: people who keep Web logs (blog) or publish an online diary

Brandished: to shake or wave, as a weapon

Aggravated Battery: knowing and intentional infliction of injury on a person that creates a substantial risk of death or causes serious impairment, disfigurement, or loss

Instigator: one who urges, provokes, or incites to some action

Conspiracy Charges: an agreement by two or more persons to commit a crime, fraud, or other wrongful act

Arraigned: to call (an accused person) before a court to answer the charge made against him or her

Retribution: the act of correcting for your wrongdoing

Jeopardy: hazard or risk of or exposure to loss, harm, death, or injury

Virtue In Action

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Lesson Goals

- Develop understanding of justice, prudence and respect for others
- Inspire students to live out these virtues by sharing the story of a racially tumultuous town where certain steps could have led to a more positive outcome for all
- Help students see why justice is important and what we can do to achieve it
- Inspire students to meet, rather than shrink from, life’s challenges and face challenges, such as intolerance or racism, with understanding and perseverance and to reject violence.

Virtues Highlighted

Justice – fair treatment, due reward or punishment in accordance with honor, standards, or law

Prudence –thinking through the implications of our actions and decisions

Respect for others – to showing full appreciation of the worth and dignity of others; living by the “golden rule” to do unto others as you would want done unto you



Discussion Question Options:

1. How would you define justice, what are the key elements?
2. Why would the hanging of nooses in the trees be offensive to black students? What do nooses symbolize?
3. Do you think the students who hung the nooses received a just punishment, was the punishment fair relative to the harm enacted, and does it act as an appropriate deterrence?
4. Do you think it was just for the students who attacked Barker to originally be charged with murder? Is the reduced charge of aggravated assault just?
5. What was the reaction of the online community to the charges against the Jena 6? Do you think they were right to speak up for the defendants or do you feel it was wrong to provide aid and support to students accused of a brutal attack?
6. Is it ever right to use violence against someone for saying or doing something you don't like? Explain what you would do, as opposed to a violent act, to deal with someone who has said a hurtful thing to you or offended you
7. Why is what happened in a small southern town like Jena important to other Americans?
8. How many protestors came to Jena and what was their purpose? What backlash resulted from their visit to Jena?

Journal Writing Options:

1. Why is racial equality in the justice system important in America? What can be done to achieve this?
2. Read the wording of the 14th Amendment and write about what it means to you:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

3. Write about a time when you witnessed racism or were subject to it. How did it feel? How did you or the person who was directly involved resolve the situation?
4. What does it feel like to be treated differently from your peers because of the way you look or act? Is it fair? Explain what you can do to stop people from judging others on appearance?

Extended Learning Activities:

1. Organize the class into threes or small groups who will take on the roles of members of the LaSalle Parish School Board. Ask them to stage a meeting, vote as a group and decide an appropriate punishment and course of action for the community after the nooses were hung in the tree. Ask them what steps they would have taken to keep the “Jena 6” incident from happening.
2. Take the class to a local museum exhibit or bring in a speaker that can talk to the class about the history of lynching and segregation, and why the nooses would symbolize something heinous to the blacks in Jena. Talk about other symbols that depict hatred— a Nazi swastika for example-- and discuss whether they still hold their original power and why.
3. Have the class come up with an actionable plan for bringing an end to the racial unrest and encouraging tolerance in Jena.
4. Ask the class to research the case of Shaquanda Cotton, a 14-year-old student in Paris, Texas. After they learn the facts of her case, ask them to draw similarities between Cotton’s and the Jena 6’s situation. What are the differences between the two cases?
5. Have the class research how the Internet played a role

Top:
Justin Barker
in the hospital
after he was
beaten on
Dec. 4, 2006 in
Jena, La.



Bottom:
Melissa Bell,
mother of
Mychal Bell

Associated
Press photos



in examining justice in Jena. Ask them to find at least one other recent case of an online community coming together to right a social wrong.

Internet Resources:

Chicago Tribune: “Blogs Help Drive Jena Protest”

http://www.chicagotribune.com/services/newspaper/printedition/tuesday/chi-jena_blog_web19,0,6783961.story?coll=chi_tab01_layout

Chicago Tribune: “Racial Demons Rear Heads”

http://www.chicagotribune.com/services/newspaper/printedition/tuesday/chi-jena1-witt-story,0,197057.story?coll=chi_tab01_layout

CNN: “Thousands ‘March for Justice’ in Jena”

<http://www.cnn.com/2007/US/law/09/20/jena.six/index.html>

“Supremacist Groups Seize on Jena 6 Dispute”: http://www.chicagotribune.com/services/newspaper/printedition/tuesday/chi-jena25_wittsep25,0,4850026.story

CNN: “U.S. Attorney: Nooses, Beating at Jena High Not Related”

<http://www.cnn.com/2007/US/law/09/19/jena.six.link/index.html?iref=mpstoryview>