

LAW & JUSTICE

Probe and Pardon in 'Jena 6' Case Wanted

For separate, unequal justice

The Congressional Black Caucus asked the Justice Department to investigate possible civil-rights violations in the "Jena 6" case that sparked a massive protest in Louisiana.

"This shocking case has focused national and international attention on what appears to be an unbelievable example of the separate and unequal justice that was once commonplace in the Deep South," the group of 43 lawmakers said in a letter last week to Acting Attorney General Peter Keisler.

Justice Department spokesman Brian Roehrkasse said the department has been closely monitoring the case of six black high-school teens arrested for beating a white classmate in Jena, La. He said the department also is investigating allegations of threats against the students and their families.

Top Justice officials were set to discuss the case on Friday with civil rights leaders, including the Rev. Jesse Jackson and National Urban League President Marc



'Jena 6' defendant Mychal Bell is finally released from jail and walks out of the facility with his attorneys on Thursday after several weeks of confinement while his case was considered by a district attorney.

Morial.

The caucus also sent a separate letter asking Louisiana Gov. Kathleen Blanco to pardon 17-year-old Mychal Bell, the black teen convicted in adult court of aggravated second-degree battery after

the charge was reduced from attempted murder.

Bell was one of six Jena High School students arrested after a December attack on a white student, Justin Barker, and the only one to be tried. He was tried as an

adult and convicted of aggravated second-degree battery after the charge was reduced from attempted murder. A state appeals court recently threw out his conviction, saying he could not be tried as an adult.

District Attorney Reed Walters said Thursday that he would not appeal that decision and would let a juvenile court deal with the case.

Late Thursday, Bell was released on \$45,000 bail.

The black lawmakers call the decision to charge Bell and his classmates as adults "an abuse of prosecutorial discretion" and claim no action was taken in a recent similar case involving a white defendant and a black victim.

More than 20,000 people converged on the small town last week to protest the case, accusing local officials of prosecuting blacks more harshly than whites.

The case dates to August 2006, when a black Jena High School student asked the principal whether blacks could sit under a shade tree that was a frequent gathering place for whites. He was told yes, but nooses appeared in the tree the next day.

Rights Violated by Feds in Mayfield Case

Court sides with falsely accused Muslim convert

(AP -- Two provisions of the USA Patriot Act are unconstitutional because they allow search warrants to be issued without a showing of probable cause, a federal judge in Portland ruled in a lawsuit filed by a Portland attorney who was falsely accused with terrorism.

U.S. District Judge Ann Aiken ruled Sept. 26 that the Foreign Intelligence Surveillance Act, as amended by the Patriot Act, "now permits the executive branch of government to conduct surveillance



Brandon Mayfield

and searches of American citizens without satisfying the probable cause requirements of the Fourth Amendment."

Brandon Mayfield, a Muslim convert, was taken into custody on May 6, 2004, because of a fingerprint found on a detonator at the scene of the Madrid train bombing that killed

191 people. The FBI said the print matched Mayfield's. He was released about two weeks later when the FBI admitted it had erred in saying the fingerprints were his.

Before his arrest, the FBI put Mayfield under 24-hour surveillance, listened to his phone calls and surreptitiously searched his home and law office.

The federal government later apologized and settled part of the lawsuit for \$2 million. But as part of the settlement, Mayfield retained the right to challenge parts of the Patriot Act, which greatly expanded the authority of law enforcers to investigate suspected acts of terrorism.

Mayfield claimed that secret searches of his house and office

under the Foreign Intelligence Surveillance Act violated the Fourth Amendment's guarantee against unreasonable search and seizure. Aiken agreed with Mayfield, repeatedly criticizing the government.

"For over 200 years, this Nation has adhered to the rule of law — with unparalleled success. A shift to a Nation based on extra-constitutional authority is prohibited, as well as ill-advised," she wrote.

By asking her to dismiss Mayfield's lawsuit, the judge said, the U.S. attorney general's office was "asking this court to, in essence, amend the Bill of Rights, by giving it an interpretation that would deprive it of any real meaning. This court declines to do so."

Prison Population Disparities Documented

More minorities in prison than college dorms

(AP) -- More than three times as many black people live in prison cells as in college dorms, the government said in new report.

"It's one of the great social and economic tragedies of our time," said Marc Morial, president and CEO of the Urban League. "It points to the signature failure in our education system and how we've been raising our children."

There are a lot of reasons why black students do not reach college at the same rate as whites, said Amy Stuart Wells, a professor of sociology and education at Columbia University's Teachers College.

Black students are more likely to attend segregated schools with high concentrations of poverty, less qualified teachers, lower expectations and a less demanding curriculum, she said.

"And they are perceived by so-

ciety as terrible schools, so it is hard to get accepted into college," Wells said. "Even if you are a high-achieving kid who beats the odds, you are less likely to have access to the kinds of courses that colleges are looking for."

Students who don't graduate high school are much more likely to go to prison, said Gary Orfield, co-director of the Civil Rights Project at UCLA.

Nearly 40 percent of inmates lack a high-school diploma or the equivalent, according to the census data.

"The criminal economy is one of the only alternatives in some of these places," Orfield said. "You basically have the criminalization of a whole community, particularly in some inner cities."

Blacks made up 41 percent of the nation's 2 million prison and jail inmates in 2006. Non-Hispanic whites made up 37 percent and Hispanics made up 19 percent.

Morial, who is a former mayor of New Orleans, said the political debate over high incarceration rates

for minorities hasn't yielded results. He said conservatives blame a lack of family values while liberals blame a lack of government programs, with neither side seeing the whole picture.

"We do, in the African-American community, need to instill a stronger value on education,"

Morial said.

But, he added, minority students also need more early childhood education, longer school days, longer school years and more meaningful summer-job opportunities.

"We need to get serious about true investment on the front end," Morial said.

Local Attorney Honored

A local attorney with a record of commitment to civil rights was recently honored by the Multnomah Bar Association for his lifetime work in the legal profession.

Carl R. Neil received the group's highest honor for professionalism during an awards luncheon at the Governor Hotel.

In 1966, Neil traveled to Mississippi to serve as volunteer counsel to victims of civil-rights violations.



Carl R. Neil

He has handled civil liberty cases for the American Civil Liberties Union and currently serves on the board of directors for the Urban League of Portland. He also volunteers with Legal Aid Services of Oregon's Senior and Neighborhood Law

Projects.

Neil received his law degree from Columbia Law School in 1958 and was in the top 10 percent of his graduating class.

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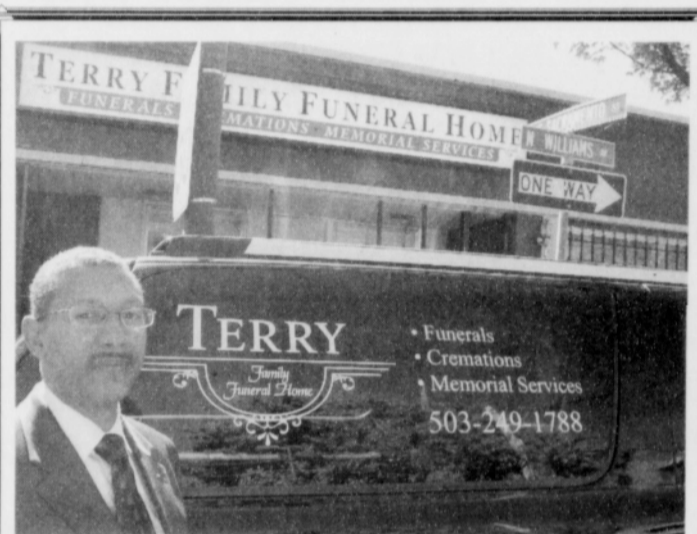
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