

**JOINT STATEMENT OF**  
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**AND**  
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**DEPARTMENT OF JUSTICE**

**BEFORE**  
**THE COMMITTEE ON THE JUDICIARY**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

**CONCERNING**  
**THE JENA 6 AND THE ROLE OF FEDERAL INTERVENTION IN HATE CRIMES**  
**AND RACE-RELATED VIOLENCE IN PUBLIC SCHOOLS**

**PRESENTED**  
**OCTOBER 16, 2007**

Mr. Chairman, thank you for this opportunity to describe the Justice Department's efforts in addressing recent events in Jena, Louisiana. Like many members of this Committee, the Department is concerned about the recent racial tension in Jena. We are aware that civil rights leaders and others throughout the nation are looking to the Justice Department for assistance in resolving the legal issues underlying the current tensions in the Jena community. The Department has been using, and will continue to use, all the tools at our disposal to attempt to ease racial tensions, ensure that students can attend school free from a racially-hostile environment, and address violations of federal criminal law consistent with the principles of federal prosecution.

To accomplish these goals, the Department has marshaled the resources of the Civil Rights Division's Educational Opportunities Section and Criminal Section, the Community

Relations Service, the Federal Bureau of Investigation, and the United States Attorney's Office for the Western District of Louisiana. Together, these components have been working and will continue to work with local LaSalle Parish officials in resolving the current racial tensions.

The Department's Community Relations Service ("CRS") has devoted significant resources and time to restoring community stability in Jena. As a separate agency of the Department of Justice established by the Civil Rights Act of 1964, the function of CRS is to address community conflicts arising from issues of race, color, or national origin. Because of the agency's statutory mandate that demands impartiality and neutrality, as well as strict confidentiality in the provision of services to various communities, much of the Jena community has accepted and utilized CRS services in the past year.

Known throughout its history as the Federal Government's "peacemaker," CRS' expertise in conciliation and mediation has allowed the agency to address community-wide tensions in Jena. CRS has remained involved in ongoing discussions and conflict resolution activities with Jena community leaders, clergy, civil rights leaders, school officials, law enforcement, and government officials. As just one example, in the days leading up to the September 20th civil rights march, CRS employees were deeply involved in coordinating with march and rally leaders and with local, state and federal law enforcement to ensure that the events in Jena proceeded peacefully. More recently, CRS has met with community leaders and school officials to help the community resolve any enduring racial tensions, and to begin the process of healing. On this front, the City Council in Jena recently voted to form a "Community Relations Committee" to gauge race relations and identify possible remedies, an action which indicates a willingness to examine all options for diffusing remaining tension in the community.

The work of CRS is a critical piece of the leadership that the Department of Justice will

continue to provide to the Jena community. The Jena community, itself, has expended a great deal of energy in coming together to develop ways to mend the wounds of the past. Toward this same goal, the Community Relations Service will continue to provide services as long as necessary and/or requested by the Jena community and surrounding region.

In addition to the work of CRS, the Civil Rights Division's Educational Opportunities Section (EOS) has been actively engaged in addressing concerns regarding racial tension in the LaSalle Parish School District, including Jena High School. The school district currently is under a federal desegregation order. Department Attorneys have interviewed officials at the high school, have reviewed discipline information for the school district, and have initiated a comprehensive review of the LaSalle Parish School District with respect to its desegregation obligations. This review will include an examination of school assignments, student transfers, extracurricular activities, discipline, faculty and administrators, facilities, and transportation.

Moreover, the Civil Rights Division's Criminal Section is aggressively investigating numerous allegations of racially-motivated criminal activity related to Jena. Shortly after the September 20th civil rights march, the FBI, the Civil Rights Division, and the United States Attorney's Office opened investigations into allegations that threats have been directed at individuals involved in the "Jena Six" case and their families. If those threats constitute prosecutable violations of federal criminal law, the Department will take appropriate action.

In addition, the Department has opened an investigation based on a report that a white man and a juvenile, with nooses tied on the back of their truck, attempted to intimidate African-American marchers who had gathered in Alexandria, Louisiana, following the September 20th civil rights rally in Jena. The FBI, the Criminal Section of the Civil Rights Division, and the United States Attorney's Office are actively investigating this allegation.

A noose is a powerful symbol of hate and racially-motivated violence, and it can, in certain circumstances, constitute the basis for a prosecution under federal criminal civil rights law. The Department is taking very seriously reports it has received of other noose hangings across the country, including in Maryland, New York, North Carolina, and Pennsylvania. In each of these cases, federal authorities have opened cases and are investigating whether the conduct constituted a prosecutable violation of federal law.

The concerns that have been expressed about the situation in Jena stem from a number of different incidents, including a noose-hanging at the local high school last year. The FBI investigated the matter in September 2006, and the Criminal Section and the United States Attorney's Office reviewed the FBI's report to determine whether federal criminal charges were appropriate. Although the conduct is deeply disturbing and offensive, the Section declined to pursue charges after learning that the nooses had been hung by juveniles who had been promptly sanctioned by the school. The school Superintendent recently announced publicly that the punishment for the responsible students included: (1) a nine day suspension, during which time they attended an alternative school; (2) an additional two weeks of in-school suspension; (3) several Saturday detentions; (4) an order to attend a discipline court; and (5) a referral to a family counseling program.

The decision to decline the case was in accordance with long-standing Division policy and principles of federal prosecution of juveniles. As a general matter, federal juvenile prosecutions, which are referred to as delinquency proceedings, are pursued infrequently and only when the Attorney General certifies that certain statutory conditions have been met. When they are pursued, the law mandates that the proceedings, including evidentiary hearings, are not to be open to the public or press. A finding of delinquency in such a juvenile proceeding does

not result in a criminal conviction, but rather in an adjudication of delinquency that can not be publicized.

The Civil Rights Division has always been, and remains, deeply committed to the vigorous enforcement of our nation's civil rights laws. In recent years, the Department has brought a number of high-profile hate crime cases. As permitted by federal criminal law, we continue to aggressively prosecute those within our society who attack others because of the victims' race, color, national origin, or religious beliefs.

Some recent examples of cases prosecuted by the Division's Criminal Section include:

- *United States v. Saldana*, in which four members of a violent Latino street gang in Los Angeles were convicted of participating in a conspiracy aimed at threatening, assaulting, and murdering African-Americans in a neighborhood claimed by the defendants' gang. All four defendants received life sentences. In recognition of the success in this case, the prosecution team was awarded the Anti-Defamation League's 2007 Helene and Joseph Sherwood Prize for Combating Hate and the International Association of Chiefs of Police 2007 Civil Rights Award.
- *United States v. Fredericy and Kuzlik*, in which two men were convicted in Cleveland, Ohio, for their roles in pouring mercury, a highly toxic substance, on the front porch and driveway of a bi-racial couple and their young child. This was a racially-motivated act that was done with the intent to force the victims out of their home.
- *United States v. Walker*, in which three members of the National Alliance, a notorious white supremacist organization, were convicted with assaulting a Mexican-American bartender at his place of employment in Salt Lake City, Utah. The same defendants allegedly assaulted an individual of Native-American heritage outside another bar in Salt Lake City. The Anti-Defamation League praised the Division's efforts in successfully prosecuting this important hate crimes case.
- *United States v. Shroyer* and *United States v. Youngblood*, cases in Indianapolis and Detroit, respectively, in which individuals were successfully prosecuted for burning crosses outside the homes of African-American individuals with the intent to interfere with victims' housing rights.
- *United States v. Eye and Sandstrom*, a pending case in Kansas City, Missouri, in which the defendants allegedly shot and killed an African-American man as he walked down the street. The government alleges that the defendants drove past the victim, whom they did not know, and shot at him because of his race. The defendant's initial shots missed the

victim, but the defendants allegedly circled the neighborhood, found the victim again, and shot him in the chest, killing him. Trial is currently set for January 10, 2008. If the defendants are convicted, the Government will seek to have the death penalty imposed against them.

In addition, the Civil Rights Division and the United States Attorney's Office for the Southern District of Mississippi recently secured the conviction in *United States v. Seale*, a case stemming from the 1964 murders of 19-year-old Charles Moore and Henry Dee in Franklin County, Mississippi. In June 2007, former klansman James Seale, 71, was convicted of kidnapping and conspiracy in connection with the murder of Moore and Dee. The defendant received two life sentences for his role in that horrific crime. The Department continues to work with the National Association for the Advancement of Colored People, the National Urban League, and the Southern Poverty Law Center, to identify additional unresolved civil rights era murders.

### Conclusion

Thank you for inviting us here today to talk about the Department's actions in response to the recent events in Jena, Louisiana. While we are deeply concerned about the recent events in Jena, we also are very proud of the response we have seen from the dedicated Justice Department employees who worked so diligently on this matter. It is our sincere hope that, through the process of responding to community concerns, ensuring compliance with a federal desegregation order, and investigating criminal allegations, we will help find ways for the community to address the many important issues raised by the recent events in Jena, Louisiana.