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When a Jury with No Black People on It Puts a Black Man Away for the Rest of His Life

King County Has a Diversity Problem in Its Jury Selection Process, and Lovett Chambers Believes It's the Reason He'll Die in Prison

by Lael Henterly



"He told me he was going to kill me," Chambers said under oath. "I believed him."

JAMES YAMASAKI

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Lovett Chambers says he was walking down California Avenue Southwest on January 21, 2012, when he noticed two men walking behind him. Even though Chambers had been living in West Seattle for nearly 20 years, he did not recognize the men. Chambers had enjoyed some cocktails and chatted with friends at the Beveridge Place Pub and the neighboring Feedback Lounge, a popular watering hole with an even more popular happy hour, and now he was going back to his car. He was heading home to see his wife.

But the two men were gaining on him, he says.

"They said, 'Look at that nigger there, look at the way he's walking, his mammy must have taught him how to walk like that,'" Chambers would later testify under oath. Chambers looked around. He was the only black man on the sidewalk. He quickened his step and made it back to his car, an old BMW. He got in and began to fasten his seat belt.

One of the two men who'd been following him yanked open the passenger-side door, Chambers says. A knife glistened in his hand. Then Chambers heard someone banging on the trunk.

Chambers's mind raced. Why were these guys after him? What had he done? This wasn't the first time he had been harassed because of his race. He had dealt with this stuff all his life. By ignoring it. By doing whatever he had to do to not let other people's bigotry destroy him. But these were some particularly insistent harassers.

The man with the knife stepped back, away from the car door, Chambers remembers, and Chambers pulled the door shut. He reached under the seat for a gun. The .45 caliber handgun was a gift from his wife. Even though he'd had it for years, he wasn't legally permitted to have it. As a much younger man, Chambers had been convicted of several felonies in Indiana and California, most recently bank robbery in 1982, for which he served nine years in prison. In Washington State, where he moved after his release from California prison, sometimes felons can get their firearm rights reinstated after a conviction, but Chambers had never tried. Shortly after he moved here, he met his wife of 22 years, Sara Chambers, at Pike Place Market where she sold jewelry.

"I tried to lock the doors and tried to start the car... I was panicking, twisted the ignition too hard and it just wouldn't start," Chambers testified, according to an account of the trial on West Seattle Blog. The doors wouldn't lock even though he "kept hitting the button." He felt "like a sitting duck."

"My car was parked in a unlit section of the street, so I exited my car and started walking away from that which I felt was a threat, towards the nearest lighted area. As I walked north on California [Avenue], the man who had been at the rear of my car walked parallel with me on the curb. I was watching him very closely, and simultaneously looking around searching for his accomplice."

From there things escalated quickly.

"What is this about? Do I know you?" Chambers says he asked the man stalking him from the sidewalk.

The man responded by shouting more racial slurs, Chambers testified, and then the man leapt forward and grabbed a shovel from the bed of his pickup truck.

"He spun around, lifted the shovel like a baseball bat, and said, 'Now I'm gonna knock your nigger head off,'" Chambers told the court.

"He told me he was going to kill me. I believed him."

Chambers had stashed his gun in the waistband of his pants. He pulled it out and shot the man with the shovel three times. That man's name was Michael "Travis" Hood. He had just moved to Seattle from Jacksonville, Florida. He died the next day at Harborview Medical Center. As for Chambers, he was arrested within hours of the shooting. Originally he was charged with first-degree murder, but that charge was revised to second-degree murder before the January 2014 trial began. Chambers pled not guilty by reason of self-defense.

The events of the night of January 21, 2012, were hashed out before a jury. It wasn't a clear-cut case. The prosecution presented evidence that the defendant had a blood alcohol level of .20 percent, "over twice the legal limit," reported the *Seattle Times*. And whereas the defense claimed that the two men on the street had initiated the interaction, the prosecution claimed the opposite—that Chambers had followed the two men out of the Feedback Lounge and essentially picked a fight with them "for no apparent reason," as the *Seattle Times* put it. Complicating matters, Hood's surviving friend and the main witness, Jamie Vause, had a checkered past himself.

In any case, now a jury of Chambers's peers would weigh the evidence and decide whether he would spend the rest of his life behind bars.

"It was a very racially charged case," says one of Chambers's defense attorneys, Ben Goldsmith. "We went through 200 potential jurors, and 199 were not African American." The one person who was African American was excused from jury duty for reasons of hardship. "So we had 11 white people and one man from Bangladesh who worked for Microsoft," Goldsmith says. "It was not a jury of Mr. Chambers's peers."

Those 12 jurors had a lot to ponder. And a lot of static to tune out. Race wasn't just evident in the nuances of this case. The case was about race. And people who are not African American have not experienced the racial discrimination and verbal abuse that are par for the course for African Americans. A single black juror could have provided a frame of reference that would plausibly have made a difference in this case.

The judge presiding over the proceedings, King County Superior Court judge Theresa Doyle, received what she described as an unprecedented number of letters advocating on behalf of the 69-year-old Chambers. By all accounts, he was a family man, a business owner, and an active member of the community. Supporters showed up in the courtroom carrying signs with slogans like "No jail for self-defense."

"This is a case about a drunk guy with a gun," said prosecutor Maggie Nave in her closing argument, noting that even if Chambers was defending himself, he acted recklessly, shooting Hood three times with a gun he wasn't supposed to

have.

Chambers's lawyer Goldsmith also says that the prosecution made the argument that "when you call black people the n-word, they get crazy, that's why he did this." Goldsmith, who is Jewish, characterized this as "kind of a latent racist argument. You wouldn't be saying that if he were a woman and someone called him a bitch, or if he were Jewish and someone called him a kike."

Numerous friends and witnesses testified that Chambers was a mellow man in general and an even mellower man when drunk. Not prone to violence. Not a hothead. As for the racial epithets, he had dealt with them his whole life. Neither of the prosecutor's arguments lined up with the portrait of Chambers that emerged from the testimony of people who knew him.

Chambers grew up in Indianapolis, Indiana, during the 1950s and '60s and says he experienced overt racism on a constant basis. At the age of 11, he says he was tortured at the hands of the Indianapolis police, whom he equated to "undercover Klansmen." He said that after catching him committing petty theft, they handcuffed him to a radiator, naked, and beat him with phone books. Chambers recounted this to *The Stranger* in a phone call from the Washington State Penitentiary at Walla Walla and it was corroborated at trial by the testimony of forensic clinical psychologist Dr. Mark Cunningham. After that, Chambers was sent to juvenile detention at the Indiana Boys School, where he was subject to more abuse, both by fellow inmates and the staff, he says. Later, at San Quentin State Prison in 1967, Chambers would find himself amid race riots and once again at the mercy of corrupt and abusive prison staff. Somehow, after his release from prison in 1989, Chambers rose above it all. Even though he caught flak for marrying a white woman, Sara Chambers, he didn't let it get to him.

"Hey, the way I look at it, if you get upset about it, you make the matter worse," said Chambers. "I usually try to ignore it, defuse the situation, and most times just walk away."

In the early 1990s, he started a construction business, and then went back to school and entered the technology sector. He was busy building the life he had always dreamed of.

"It is beyond preposterous that he responded to Mr. Hood because of the racist epithets," said Goldsmith. "He responded because he was afraid for his life."

After a day and half of deliberation, the jury returned with a verdict. Guilty of manslaughter. The sentence: 138 months in prison, likely the rest of his life.

It's easy to imagine how a white defendant in the same circumstances might have been treated differently here, might have been given the benefit of the doubt. We don't have to imagine very hard, because real cases of white men claiming to act in self-defense and ending up not guilty happen all the time. Consider George Zimmerman, whose case was helped by Florida's "stand your ground" law, or lesser known cases like that of Spokane's Gail Gerlach, who shot and killed a fleeing car thief and was later acquitted of manslaughter.

Chambers thinks things would have gone differently for him had there been a single black person among his jurors.

"An all-white jury panel is, on the basis of its composition, burdened with implicit racism," said Chambers.

His case is just one example of what many in the legal community believe is a systemic problem with King County juries: They are disproportionately white.

Greg Hurley from the Center for Jury Studies at the National Center for State Courts says King County isn't alone here: Counties across the nation experience trouble seating appropriately diverse juries, with a lot of factors contributing to the problem.

For example, Hurley said, "If someone isn't registered to vote and they don't have a state-issued card, they won't get called, the net won't scoop them up." Lower-income minority people are more likely to fall into this category. Minorities are also more likely to live in highly transient, low-income neighborhoods. Plus, they're more likely to have a felony on their record, though in King County this isn't an issue, as felons can still be summoned for jury duty.

Anita Khandelwal of the Racial Disparity Project said the issue of racially imbalanced juries has been talked about by public defenders in Seattle for years. "But before you can do anything," she said, "you need data."

Enter an innovative and ambitious project currently under way in King County to assess the diversity of the jurors responding to summonses. In King County, jurors are selected by a computer from databases with the names of registered voters, driver's license holders, and ID card holders. If the computer selects a name, a summons goes out to the address on file.

It's likely that the summonses are going out to a diverse group, but for whatever reason, more white people are responding. King County is sending out reminder summonses this month to see if they improve diversity.

Until now, only anecdotal information from public defenders and others on the front lines has been available. No one has even been asking responding jurors their race, and there isn't a system in place to track the information if it were available.

This month, King County Superior Court judge Ronald Kessler agreed to help out by making surveys similar to the 2010 census available to jurors in his courtroom, hoping they'll pin down the diversity of the jurors responding to summonses.

Filling out and handing in the surveys will be voluntary, and if only, say, 66 percent of the surveys are turned in, the resulting demographic information won't be terribly useful. But even making the surveys available is seen by many in the public-defense community as tacit acknowledgment of a serious problem they've been complaining about for years.

Could someone—say, Chambers—perhaps get a new trial because of a lack of juror diversity? "It's not likely that someone will get a new trial," said Judge Kessler. Even if the surveys provide data indicating that the jurors responding

to summonses aren't representative of the general population, Chambers will still be spending the rest of his life in prison.

But looking forward, Kessler said, "It's a question of what we want, which is juries that are representative."

When will we know if juries are officially lacking in diversity in King County? Maybe soon, maybe never.

But when we do, there are models out there to follow for improving our jury makeup.

"One of the jurisdictions that dealt with this issue within the past few years was New York City," Goldsmith, the defense attorney for Chambers, wrote in an e-mail. "The strategies they used include multiple source lists, multiple summonses, and increasing juror pay."

In King County, jurors make only $10 a day for performing their civic duty. The national high is about $50 a day, according to Hurley.

Fixing this problem is time consuming and expensive. But for people like Chambers, the problem—and its consequences—is already clear.

"The vast majority of our clients have been affected by this issue," said Goldsmith. "I've been kicking myself for not trying to do something about it sooner. I think this has been a flaw in our system for a long, long time."

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