LARRY GOSSETT & LEM HOWELL

Longtime civil rights sentinels Lem Howell and Larry Gossett attended the 50th anniversary of a March 29, 1968 sit-in at Seattle's Franklin High School. John Hughes photo ne was a militant anti-capitalist who grew an Afro, discarded his given name and doubted the value of elections. The other was Jamaica-born, active in Young Democrats and a successful attorney. Each in their own way were radicals who agreed with Martin Luther King Jr.'s conclusion that "wait" has almost always meant "never."*

Fifty years after they moved into the vortex of the civil rights movement they stood in the packed gymnasium at Seattle's Franklin High School to remember a landmark event in the region's history. Sixteen black teenagers, students at Franklin wearing "Black Power" T-shirts, lined the basketball court as another student sang what is often called the Black National Anthem, *Lift Every Voice and Sing*.

Larry Gossett nodded and murmured "Yes! Yes!" while Lem Howell beamed as the soaring lyrics rang out. Gossett and Howell were there to commemorate a day in 1968 that spurred local blacks to action. In the five decades since each has immersed himself in civil rights causes.

Gossett helped found the Black Student Union at the University of Washington, ran a community-service agency in Seattle's predominantly black Central Area and was elected in 1993 to the King County Council, from which he pushed to change the county emblem from an imperial crown to an image of the slain civil rights leader, and to keep county policy faithful to its namesake's principles.

Lem Howell, emulating his hero Thurgood Marshall, saw lawyering as a kind of architecture upon which to build a more just society. He represented black contractors in a watershed federal court decision, persuaded a jury that police were not justified in fatally shooting a young black man planting a bomb, and has continued fighting for minorities facing discrimination and police misconduct.

Twyla Carter, a senior staff attorney at the ACLU national office in New York, considers Gossett and Howell mentors, going back to her time as a law student and public defender in Seattle. She recently told a new class of ACLU interns she didn't care what law school they attended because courage and conviction were more important. "That's what people are

^{*} In his 1963 "Letter from a Birmingham Jail," Dr. King wrote, "For years now I have heard the word 'Wait!' It rings in the ear of every Negro with piercing familiarity. This 'Wait' has almost always meant 'Never.' We must come to see, with one of our distinguished jurists, that 'justice too long delayed is justice denied.'"

lacking and that's what stands out way more than how smart you are. You have to have the courage to speak up and do what's right. And that is what both Lem and Larry have."

ON THE MORNING of March 29, 1968, Gossett was in the UW office of the Black Student Union when a distraught Franklin High student, Trolice Flavors, called. Two black female students had been sent home for wearing Afro hairstyles. The day before, Flavors and another black student had been suspended after scuffling in the hallway with a white boy who was not disciplined. Black students were ready to burn Franklin down, Flavors said.

Gossett, a Franklin graduate, wanted to meet with students before they did anything rash. He and fellow Black Student Union members Aaron Dixon and Carl Miller "zoomed down" to Franklin. They met a group of students outside a campus hangout, The Beanery. Gossett didn't want to tell them what to do. That should be their decision. But he suggested they channel their anger into practical demands. The angry teens said they wanted the suspended students reinstated. And they wanted an Afro-American history class, recognition of their Black Student Union chapter and the hiring of a black principal or vice principal.

At about 12:30, around a hundred students and supporters marched toward the school chanting, "Beep, beep. Bang, bang. Ungawa. Black Power!" Many crammed into the small office of Principal Loren Ralph. It was the first sit-in by black students in Washington state history, Gossett says. They wouldn't leave, they said, until the superintendent of Seattle public schools agreed to their demands. The principal canceled classes and sent students home. (The only teacher who stayed on campus was Roberto Maestas, a young Spanish instructor who would go on to become Gossett's best man at his wedding and lifelong friend.) Police were alerted and a "sizable contingent" mustered in the parking lot of nearby Sick's Stadium, awaiting orders to storm the school and put down the uprising.

School officials called mediators, including representatives of the city's Human Rights Commission. The mediators convinced the demonstrating students to move to the auditorium to discuss their demands. They left the principal's office after a three-hour sitin on Friday afternoon. They agreed their grievances would be aired at a Monday morning meeting of the Human Rights Commission.

After that five-hour hearing, the commission ruled that the suspended students should be reinstated. "A fight which led to the suspension did not, in fact, occur," said commission Chairman Ben Woo. A disappointed Superintendent Forbes Bottomly said he'd follow the commission's decision. He also urged the prosecutor's office to take action.

Early on April 4, the county prosecutor, Charles O. Carroll, filed charges of unlawful assembly against five young men: Larry Gossett, Aaron Dixon, Carl Miller, Trolice Flavors and Larry's brother, Richard Gossett, a recent Franklin graduate.^{*} Two others were

^{*} Richard "Ricki" Gossett didn't participate in the Franklin sit-in. His bail was reduced to \$750 and he was released from jail the night of April 4th. Charges against him were later dropped.



Aaron Dixon (left), Larry Gossett and Carl Miller (right) talked to news reporters after they were arrested for unlawful assembly at Franklin High School. They received the maximum sentence—six months in jail. But their convictions were later overturned on appeal. *MOHAI*, *Seattle Post-Intelligencer Collection*

charged in Juvenile Court. At the same time, the school suspended nine students who participated in the sit-in. Unlawful assembly, a gross misdemeanor, carried a penalty of up to six months imprisonment. Bail was set at \$1,500 for each of the five charged as adults.

The five were locked in the King County Jail when they heard the news that the apostle of nonviolence, Martin Luther King Jr., had been assassinated in Memphis.

"NO, man, no man, this can't be real," Gossett said.

Tears welled up in Miller's eyes.

Dixon kicked and banged a steel table in the day cell, wishing he was out on the streets with protesters rampaging through the city.

Other black prisoners wanted to take their anger out on white inmates. But Gossett and his comrades urged restraint, reminding the black brothers that King preached

non-violence and had been building a Poor People's Campaign across racial lines. "These cats are disadvantaged too," Gossett recalls saying about the white prisoners. "Let's start a dialogue. This is how we'll pay respect to Dr. King."

The next day, the shackled Franklin sit-in prisoners were led to court for a bail hearing. Superior Court Judge Frank D. James began the hearing in the packed courtroom by calling for a moment of silence out of respect for the loss of a great American. He then denied the prosecutor's stiff bail request and released the young men on personal recognizance.* The two juveniles appeared before Judge Robert Utter, later a Washington Supreme Court justice, who dismissed the charges against one and found the other only violated the vagrancy law. Outside Judge James' courtroom, Gossett's parents pleaded with him to stop his activism. He said he couldn't. He had a calling. And roots that reached to the Jim Crow South.

WORLD WAR II gave Seattle's economy an enormous boost, which brought an influx of blacks. Johnnie and Nelmon Gossett came north in 1944 to escape blatant discrimination in Texas. The next year Lawrence Edward Gossett was born in a segregated wing of Seattle's Broadway Hospital. The Gossetts lived in West Seattle housing projects until 1955. Nelmon had worked in a shipyard and as a janitor until he passed the test to become a



Gossett was born in a segregated wing of Seattle's Broadway Hospital. *Larry Gossett collection*

letter carrier, his dream job. He wanted to buy a house in West Seattle but was told by real estate agents that "negroes" couldn't. Racially restrictive covenants and bias in the housing industry steered most blacks to the city's Beacon Hill or the Central Area, where the Gossetts settled. In 8th grade, Larry joined a street gang, the Junior Cobras, thinking it was cool. The Cobras soon had a rumble with a rival gang, the Cats, who brought knives and razors to the fight. Larry ended up with stitches on his chin and a scar still visible today. His father put an end to Larry's days as a gang member.

In 1961, Larry entered predominantly white Franklin High. By his senior year he was a starter on the school's basketball team. The other four starters were also black. A 5-foot-8-inch point guard, Gossett made news in his second starting assignment, scoring 21 points against Cleveland High. Against

Franklin's rivals, the bigger, better Garfield Bulldogs, Gossett knocked down a long jump shot to tie the game as the clock ran out. He hit another big basket in overtime but Garfield won it with two free throws.

Gossett wanted to keep playing ball. But major colleges didn't recruit the under-

^{*}The news of their release made the front page of *The Seattle Times* on April 5, 1968, along with four stories about King's assassination and one about the Vietnam War.

sized pass-first guard. He aimed to shine in junior college games, then transfer to a bigger school for his last two years. His father had other dreams. He wanted Larry to go to the University of Washington and focus on earning a degree. He set up an appointment for his son with the admissions office. Larry was short one semester of math. So he took geometry at night school and became a Husky in the winter of 1964.

By the summer of 1966, the Vietnam War was heating up. Gossett, just striving to graduate and get a good job, explored alternatives to the draft. "I didn't want to have to go to jail or Canada," he recalls. He applied to Volunteers in Service to America—VISTA—the domestic version of the Peace Corps. It would prove to be the "signature experience" of his life.

GOSSETT WAS dispatched to New York City to work for Harlem Youth Opportunities Inc., charged with providing tutoring and recreational activities to children.^{*} When he got off the subway at 125th Street his senses were flooded with sights, sounds and ideas that announced a profound difference between Seattle's Central Area and central Harlem. Stokely Carmichael, leader of the Student Nonviolent Coordinating Committee, and his rallying cry of "Black Power" caught fire in the country's most highly concentrated black community. In Harlem Gossett soon found "older brothers pointing out what to read." Then they'd discuss it with him—Black Power lessons he wasn't getting at the UW.

Gossett lived on 117th Street between 7th Avenue and the storied Lenox Avenue (now called Malcolm X Boulevard), memorialized in the writings of James Baldwin, Langston Hughes and Toni Morrison. Gossett and his fellow VISTA volunteers surveyed one block and found 9,000 people living in tenements, including 1,300 kids. "It was a

horrific concentration of black people, mostly poor and working class," Gossett says in a raspy cadence that seems to rumble up from his broad chest. "I had never seen anything like it. The poverty. It was easy for me to see what the cats on 125th were saying, 'We don't need reform. We need revolutionary change. We need complete empowerment for black people to take over their own community and control the economy." "

When Gossett left for Harlem he characterized himself as a Negro, as somebody who wanted to do well in

^{*} A former director of the group was Cyril deGrasse Tyson, father of the astrophysicist Neil deGrasse Tyson.



Gossett called working in Harlem the "signature experience" of his life. Above, a group of black teens on a Harlem street in 1970. *Jack Garofalo photo*

college and get a good job, maybe teaching, so he could live comfortably. Nothing else really mattered at that time. When he returned to Seattle 15 months later he was a Black man steeped in racial identity. His philosophy changed from integrationism to Black Nationalism, from capitalism to democratic socialism. He did not believe black people or any oppressed people could gain their freedom other than by transforming the capitalist economic system. Karl Marx suddenly had an appealing logic. "It made sense to me when I read that the people who do the work should be the ones who determine how the fruits of their labor is used. That made so much sense to me as a descendant of slaves," Gossett says. He came to see elections as a bourgeoisie plan to keep black people in their place.

He changed his name to Oba Yoruba. He changed his regular glasses to prescription shades. He changed his hairstyle to a towering "natural." He traded his collared shirts for dashikis. His appearance changed so much his mother walked right by him when she came to meet him at Sea-Tac Airport. And when he got home his Momma and Daddy and brothers and sisters kept mispronouncing his name. His friends couldn't seem to get "Oba" or "Yoruba" right either. He got tired of explaining and went back to being Larry Gossett. But the mission of revolutionary change for black people remained.

IN JANUARY 1968, Gossett and others formed the Black Student Union at the UW, with the aim of organizing chapters at junior high schools, high schools and colleges throughout Washington and Oregon. Their research found that among UW's estimated 30,000

students there were about 200 blacks, 20 Native Americans, and 10 Latinos. Of the 600 counselors who advised students, none were minorities until the first black counselor came on board in early 1968. They looked at 1,100 classes and could not find one that used a book authored by a minority, Gossett said. Their demands to UW President Charles Odegaard called for establishing a black studies program, recruiting more black administrators and faculty and recruiting minority and poor white students under a more flexible admissions policy. Gossett became a local spokesman for "black power," telling the Seattle Post-Intelligencer it meant "self-determination, self-respect, self-defense and power by any means necessary." He and others started attending history classes at the UW, challenging professors to talk about colonialism and include a black people's per-



MOHAI, Seattle Post-Intelligencer Collection

spective in their lessons. This was the backdrop for the Franklin sit-in. A few days after Gossett and other defendants were released from jail they drove to San Francisco for a Black Student Union conference.

At the conference the young activists saw a flyer about a funeral in Oakland for a young Black Panther, Bobby Hutton, who was killed by police just two days after MLK's death. On their way across the bay they bought some black berets and donned them as they approached the funeral. "I don't think any of us had ever experienced anything as somber and as sad as the funeral of Little Bobby Hutton," Aaron Dixon later wrote in his memoir My People Are Rising. That night they heard a fiery speech by Panther leader Bobby Seale, who soon came to Seattle. And with Seale's visit, a Seattle chapter of the Black Panthers was created at Dixon's house. Gossett was there, imbued with solidarity. It was the first sign that the punitive charges against the Franklin protesters had backfired.



Gossett (standing left) was arrested three times for protesting with Tyree Scott (pointing) and black contractors shut out of government construction jobs. MOHAI, Seattle Post-Intelligencer Collection

On May 20, 1968, about 150 students and

activists, including Gossett, marched in on a meeting of President Odegaard and the Faculty Senate. They reiterated their demands. After four hours, Odegaard agreed to meet all of them. Gossett was again in the news, his Afro rising steeply above his shades. More attention came with the June trial of the Franklin protesters. The trial lasted five days. The jury took less than an hour to find Gossett, Aaron Dixon and Carl Miller guilty. The judge sentenced them to the maximum sentence for unlawful assembly, six months behind bars and a \$1,500 fine. "I thought I was in Jackson, Mississippi, rather than Seattle, Washington," Gossett says. The conviction was later overturned on appeal.^{*} His activism began to connect with an increasingly larger community.

IN 1969 a black labor leader, Tyree Scott, began organizing minority contractors who found themselves shut out of jobs, even on public works projects funded by the anti-poverty Model Cities program. Scott, an ex-Marine and journeyman electrician, brought dem-

^{*} Superior Court Judge Solie Ringold had declared the unlawful assembly law unconstitutional; the state Supreme Court reinstated the charges against Gossett, Dixon and Miller. However, prosecutors declined to press charges again.

onstrators to shut down work on the new Medgar Evans Pool near Garfield High School. Gossett was appalled that a public construction site in the Central Area, never mind one named for a civil rights martyr, was manned by an all-white crew. A young lawyer named Lem Howell was also drawn to the cause. Howell would go on to represent Scott and his Central Area Contractors Association.

The next year was even more eventful. Gossett and Black Panthers scaled fences to join the Indians occupying Seattle's Fort Lawton. That introduced Gossett to Native American activist Bernie Whitebear. Gossett participated in massive protests against the Vietnam War and the shooting of Kent State students by National Guardsmen in 1970. He joined United Farm Worker picket lines to boycott non-union grapes and lettuce. He was arrested three times while demonstrating with Scott's contractors. Gossett connected with like-minded others, including local Latino leader Roberto Maestas and Bob Santos, a champion of Seattle's Pan-Asian International District. Along with Whitebear and Gossett, the quartet became known as the Four Amigos and the Gang of Four. Even Gossett's marriage to Rhonda Oden in 1975 was dedicated to the cause. "To us the law of life is struggle," said their wedding invitation, which warranted a story in *The Seattle Times*. A television newsman quipped about Gossett's celebrity, "If I see him at one more demonstration I'm going to tell him to join AFTRA," the union for on-air media professionals.

Along the way, Gossett had been hired by the UW to oversee the Black Student Division of the new Office of Minority Affairs. He began recruiting minority students in Yakima Valley farm fields, on the Muckleshoot Reservation, in black pool halls and barbershops. "Anybody got a high school diploma?" he'd ask. He was looking for interest, not grade-point averages.



Gossett became lifelong friends with Latino activist Roberto Maestas (right) who was a young Spanish instructor at Franklin High School in 1968. *El Centro de la Raza*

In time, though, Gossett wanted to get down from the ivory tower and back to the grassroots. He quit his \$1,250 a month UW job and began to moderate his radicalism, realizing that local elections could make a difference. In 1977 he founded a multi-ethnic group called MOVE (Making Our Votes Effective) with Maestas, Santos and Whitebear. Their doorto-door campaigning helped elect Mayor Charles Royer in a close election. As Gossett and other MOVE members went to work for Royer, the mayor was persuaded to make more money available to



Gossett's marriage to Rhonda Oden was dedicated to the cause. "To us the law of life is struggle," said their wedding invitation. *Larry Gossett photo*

minority communities. Gossett then became executive director of the Central Area Motivation Program (CAMP), which helped the disadvantaged with a food bank, heating assistance, job-training and youth programs. He would spend 14 years heading the agency, helping hundreds of families a month. Everyone in the community knew Larry and CAMP, says Alexes Harris, a UW sociology professor who grew up in the Central Area. "CAMP was always a place you could go for support, for getting your lights turned back on, for getting food. They had an annual Christmas party where Larry was Santa Claus."

GOSSETT, who once dismissed elections as traps set by the ruling class, was elected to the King County Council in 1993. How to explain his conversion? Gossett says political experience, change in the nature of the struggle and

maturity all were contributing factors. But the main reason was his joining Jesse Jackson's Rainbow Coalition and his surprise that Jackson's 1984 presidential campaign won Democratic caucuses in some Seattle precincts and contributed to record turnout. Four years later, lackson finished second in the lily white states of Maine and Vermont and fought eventual nominee Michael Dukakis to a near draw in Washington's Democratic caucus, despite no television spending and no visits to the state by the candidate. Although Washington's black population was just over 3 percent, Jackson's 38-percent share of the vote gave Gossett hope for multi-colored meaningful political change.

Upon his swearing in Gossett moved into a council office on the top floor of the King County Courthouse, which the jail occupied in 1968. He believes he is the only elected official in the



A TV newsman said about Gossett's celebrity, "If I see him at one more demonstration I'm going to tell him to join AFTRA," the union for on-air media professionals. MOHAI, Seattle Post-Intelligencer Collection

U.S. whose office is located where his jail cell was. For the last 20 years Gossett has been the only person of color on the King County Council, which represents more than 2 million people. He's often acted as the council's social-justice conscience. Representing a swath of Seattle that stretches from Laurelhurst and the UW south to the Renton line, his work has ranged from creating a low-income fare for bus riders to protecting the civil rights of immigrants and refugees. In his last four elections he's not faced an opponent and has received more than 98 percent of the vote in each.

Surveying the last half-century, Gossett sees progress. The UW student body has become more diverse. Enrollment has gone from 96 percent white in 1968 to 44 percent white in 2018. (Black, Latino and American Indian enrollment in those 50 years has increased from I percent to almost 13 percent.) On the economic side, Gossett notes similar improvements. Since 1968 the percentage of Seattle blacks living below the poverty line has been cut in half. The share of Seattle's black population with middle-class incomes has tripled. He's also heartened by the Black Lives Matter movement.

But problems persist. In Seattle, black youth are concentrated in low-income families, with about 55 percent of blacks under the age of 18 living below the poverty line. Progress has also meant that some in a new generation of young blacks see Gossett as "The Man." Citing the disproportionate number of young black people locked up in the county's youth detention center, protesters have rallied and railed against plans to build a new juvenile facility in Seattle. The King County Council, including Gossett, unanimously voted to build new cells, courtrooms and offices. Voters then approved the \$210 million plan. In the winter of 2018 Gossett encountered two young blacks near Garfield High School.

"Hey, you the n^{*****} that works downtown and made that decision to build that f^{******} new jail?" one asked.

"Yeah, my name is Larry Gossett and I'm on the King County Council and I am a politician," he replied.

"Yeah, mother" we thought it was you."

Then they just walked away.

Slamming Gossett for supporting a new juvenile detention center isn't fair, says Alexes Harris, a UW professor and author whose expertise is juvenile and criminal



A 1969 mug shot of Gossett following one of his arrests.

justice. She points to the breadth of his career fighting for civil rights, "how he's empowered youth" and his legacy of "being principled, fighting for justice and giving a voice to the often marginalized."

Harris met Gossett when she was a Garfield High student, upset by the Rodney King verdict and local violence. Gossett came to a PTSA meeting, as a community member, and became an adviser to a student group that included Harris. "He seemed like he really understood the frustrations and sadness of young people," she says. Harris went on to volunteer for Gossett's first King County Council campaign and then interned in his office during her undergraduate years at UW.

Given her research, Harris also supports a new juvenile facility—which critics call a jail—because it's needed to house violent youth so they're not consigned to adult prisons where they're more likely to become victims. "And yes, we can do it in a more humane way and a culturally sensitive way, and provide rehabilitative skills. But we still need a space," she says.

LEM HOWELL's roots are far different than Gossett's. But they are brothers in more ways than one.

"I'm in the justice business!" says Howell, explaining why he's spent a half-century taking on one difficult civil rights case after another. He's been that way since he

was a child, he says. At the age of 9 he called the King of England, then still the sovereign ruler of Howell's native Jamaica, a "bad man." His uncle told him he could land in jail for uttering those words."I thought, 'No, no, no, that's wrong. You should be able to say what you want.' " That free-speaking spirit led him to only one logical career."I will always be my own person. I became a lawyer to have independence."

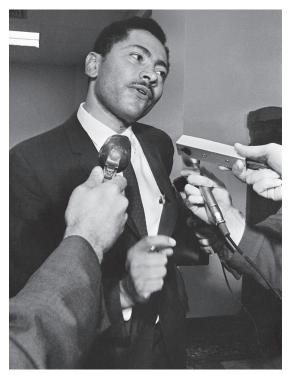
Lembhard Goldstone Howell was born in the rural St. Catherine parish, about 15 miles north-



Gossett and friends in solidarity at Franklin High in March 2018. From left, Elmer Dixon, unidentified, Gossett, George Noble, Stacia Hawkinson, Clifton Wyatt, Charles Oliver, Umeme Dinish. John Hughes photo

west of Kingston, on May 2, 1936, to Daisy Iona and Cleveland Alexander Howell. Lem was delivered by a midwife who turned out to be the great-grandmother of the woman he would marry. Lem's father drove a truck; his mother was a shopkeeper. Howell remembers walking to school barefoot. But his family lived comfortably by local standards, in a cement house with a big yard with an almond tree in the middle. When he was 10 his family moved to New York, settling at the edge of central Harlem, which by the next census in 1950 was 98 percent black. His mother died six months later, leaving young Lem with "the worst pain in the world." A high school teacher steered him toward classes such as advanced algebra and typing that would serve him well later. He was accepted at City College of New York. His father, a Merchant Marine seaman, had always stressed the importance of education. He'd point to his head and tell his son, "What you have up here no one can take away."

Howell won a scholarship from his father's Seafarers' International Union. He transferred to Lafayette College in Easton, Pennsylvania, a liberal arts school 75 miles from New York City. Fraternities weren't integrated but otherwise Howell says he and the other 18 black students were treated well. His proud father dragged a union photogra-



"I became a lawyer to have independence," says Howell, who clerked for the Washington Supreme Court and was a state assistant attorney general before going into private practice. *MOHAI*, *Seattle Post-Intelligencer Collection*

pher to Lafayette to document Howell's graduation day.

Howell, who had joined the Naval Reserves to avoid getting drafted by the Army, then went on active duty for four years. ("I wanted to sleep in a clean bed not a mud hole in the Army.") The young ensign served on the USS General George M. Randall, a ship that transported troops to Europe, including Army Private Elvis Presley to his first assignment in Germany. "He went across the gangplank three or four times as movie cameras recorded it," Howell remembers.

WHILE BACK in the U.S. he met his wife Pat on a blind date. The young couple discovered their linked Jamaica roots and were married in 1960. Lem went on to graduate from New York University Law School. Howell revered Mahatma Gandhi and Martin Luther King Jr. But he believed lasting and widespread change would only come by changing the law.

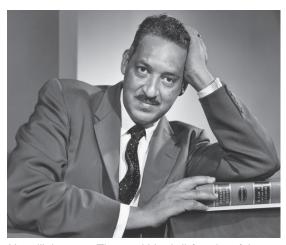
His greatest hero was Thurgood Marshall, the son of a Baltimore railroad porter who took his young son to courtrooms to learn how to argue. Founder of the NAACP's Legal Defense Fund, Marshall won his first U.S. Supreme Court case at 32. He amassed a record of 29 victories in 32 cases before the nation's highest court. In 1954, when MLK was just being recognized as a civil rights leader, Marshall won a monumental decision in *Brown v. Board of Education of Topeka*. Marshall argued that segregation and "separate but equal" schools could never truly be equal. "He affected the statutory law in 17 states and practices in 22 states with *Brown*," Howell says of the man he calls "the general who led a judicial civil-rights revolution." Marshall became the first African-American U.S. Supreme Court justice in 1967.

One of his greatest thrills, Howell says, was when he played the part of Marshall in a 50th anniversary re-enactment of the U.S. Supreme Court oral arguments in *Brown*. Howell dyed his gray hair dark for the performance at the University of Washington, with state Supreme Court justices playing the parts of their federal counterparts.

After law school Howell received a Ford Foundation fellowship that would attach him to a governor's office to study politics and government. His choices boiled down to California or Washington. He figured his rewards were likely richer in a small pond and he came to Olympia. He volunteered for LBJ's 1964 presidential campaign and spoke at high schools around the state. He clerked for state Supreme Court justices the next year and was hired as an assistant attorney general. In 1966 he took a leave to head one of the more interesting alliances in Washington political history. In a ploy to increase voter turnout that November, Howell and the Young Democrats joined with Cam Hall, head of the Young Republicans, in what seemed a surefire cause.^{*} They wanted to repeal Washington's "blue law"

prohibiting alcohol sales and other business on Sundays. This was a time when drinks were swept off tables at midnight Saturday and patrons shooed away from lounges. State law, which had expanded an 1881 ban on fighting, horse-racing and dancing, made all kinds of Sunday commerce illegal. "You couldn't buy a Bible on Sunday!" Howell says, his voice rising in outrage. A Mount Vernon car dealer was arrested in 1965 for selling vehicles on Sunday. Buckley police cited journalists for breaking the law the next year when they reported on a publicity stunt

^{*} Howell didn't belong to Young Democrats until the day they elected him president.



Howell's hero was Thurgood Marshall, founder of the NAACP's Legal Defense Fund and the first African American U.S. Supreme Court justice. Yousuf Karsh photo

involving unlawful Sunday shopping.

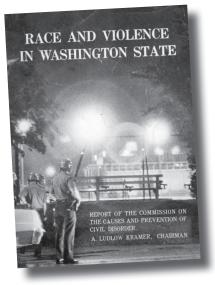
Victory was not assured. Some labor unions liked the day off. Many church groups favored the ban as well. The Young Democrats didn't appear to have the troops or resources to collect the necessary 100,000 signatures to place their repeal question on the ballot. *Seattle Magazine* said the effort looked "dubious" four months before Election Day. But Howell managed to sell the initiative to a religious constituency. He met with Seventh-day Adventists, who already argued that the Sunday blue law discriminated against faiths like theirs that held another day holy. Religious freedom was the main issue, Howell argued. Booze was a separate matter and the state Liquor Control Board would still have sway over alcohol regulations, he insisted. "Initiative 229 does not change Washington's prohibition of Sunday liquor sales," said the Voters Pamphlet statement in support of I-229, even though Howell's wink-wink campaign mailed signature-petitions to taverns. The Adventists bought his rationale and church members helped collect signatures, along with the statewide Restaurant Association. The campaign submitted a record-number of signatures.

The measure won 64 percent of the vote. And as Howell contended, repeal did not automatically bring more alcohol sales. The Liquor Control Board rules remained in place. But eight months later, the board—appointed by elected officials who understood what 64 percent meant—allowed Sunday sales of packaged beer and by-the-drink liquor.

IN 1968 Howell was ready to go into private practice. Racism was alive and well, according to Race and Violence in Washington State, also known as the Kramer Commission report. Secretary of State Lud Kramer, a former activist Seattle councilman, oversaw the study. Riots and disorder were primarily rooted, the report concluded, in "long-term pervasive exclusion of those who are different from white middle-class America." This exclusion, "founded in both racial and cultural discrimination," permeated American life, the report said. Biased policing was also a factor in violence and disorder. The 61-page report was dedicated to the recently murdered Edwin Pratt. On a snowy January night in 1969, Pratt, a black community leader and director of the Urban League of Metropolitan Seattle, heard what sounded like snowballs pelting his Shoreline home. He stepped out to investigate. The last thing he saw was a muzzle flash. A shotgun blast hit Pratt's face, severed his spine and killed him. The crime remained officially unsolved a half-century later, although the Seattle Post-Intelligencer reported in 1994 that the killers were a couple of white thugs, Tommy Kirk, the shooter, and Barton Gray, his lookout. By then Kirk had been shot to death by Gray, and Gray had died in prison of a heart attack. Seattle Weekly later reported that Michael Lee Jordan, another criminal, drove the getaway car. Jordan died in 2006. The investigation into Pratt's death remains open.

By September 1969, Tyree Scott had organized frustrated minority contractors. Despite all the federal Great Society money pouring into King County for public works projects, little if any landed in the wallets of black contractors. While their flamboyant

young attorney, Howell, argued that government contractors had a duty to employ minorities under LBJ's Executive Order 11246,^{*} Scott's group had shut down almost every public project in the county. In tense negotiations with King County Executive John Spellman, five influential members of the Associated General Contractors agreed to hire one black trainee for every four journeymen on a job. Each craft union was to have a ratio of its own. But unions remained defiant. "Bright and early on the Monday after the five white contractors endorsed the agreement, we sent black trainees to a construction site, and



Urban riots and disorder were rooted in widespread discrimination against minorities, concluded a 1969 report commissioned by Secretary of State Lud Kramer, a Republican. the unions immediately walked off the job," Howell said. He filed suit in federal court, alleging the unions were violating the black trainee's rights. Spellman, a former labor lawyer, was steadfast in support, noting that unions admitted their minority membership amounted to less than I percent.

Howell's first federal case remains the most far-reaching of his career. U.S. District Court Judge William J. Lindberg ordered the construction unions back to work, ruling his court had jurisdiction because racial-discrimination complaints trumped collective-bargaining agreements. Lindberg ordered four Seattle-area construction unions to halt discrimination against any person "because of his race or color." It marked the first time affirmative action was imposed on local governments and industries. "My wife, who doesn't believe in public displays of affection, kissed me and said, 'I'm proud of you,' " Howell recalls in a blend of New York accent and Jamaican lilt that sounds like jazz.

At a time when Seattle led the nation in bombings per capita, Howell plunged into the drama. He became the attorney for the family of a black veteran, Larry Ward, killed by Seattle police after he was caught trying to light a bomb at the unoccupied office of Hardcastle Real Estate, notorious for his perceived bias against blacks. Ward's death in May 1970 and the subsequent King County inquest into the shooting put Howell in the media spotlight.

Ward had survived a combat wound in Vietnam, but not shotgun blasts by Seattle police. He died a few blocks from his mother's home in the Central Area. Circumstances surrounding the early-morning stakeout and shooting begged questions. And the history

^{*} Issued in September 1965 by President Johnson, the order said: "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." <u>https://www.dol.gov/ofccp/about/50thAnniversaryHistory.html</u>

of police shootings in Seattle inflamed community distrust. Crowds were so large the inquest hearing was moved to Seattle Center's Rainier Room.

Many blacks in Seattle viewed Ward's death through the long shadow of another shooting. In 1965 two off-duty officers, who had been out drinking with their wives, brawled in an International District restaurant with black men who said the white officers uttered racial slurs. After the fistfight, Harold Larsen—who had never identified himself as a police officer—followed some of the black men outside, took a pistol out of his shoulder holster and fired at their car as they were driving away. Robert Reese was struck in the head and killed.

Whenever a person dies at the hands of police, an inquest occurs, intended as a public hearing of the facts. A jury then decides whether the use of lethal force was justified. Reese's case led to a verdict of "excusable homicide" by an all-white jury. Prosecutor Charles O. Carroll charged Larsen's companion with provoking assault, but not Larsen for fatally shooting Reese. Carroll also charged four black men with third-degree assault. All were convicted. "Carroll may have felt he was being fair in deferring to the inquest" on Larsen, former county prosecutor Christopher T. Bayley wrote in *Seattle Justice*, a memoir of his days as a young reformer.^{*} But a local civil-rights leader, Rev. John Adams, decried the "Alabama-style" justice.

Howell appealed Reese's unsuccessful wrongful death lawsuit to the state Supreme Court. He argued that Officer Larsen was negligent in shooting at the vehicle carrying Reese. In a 5-4 decision, the court disagreed. The majority ruled the officer was justified in firing, allegedly at the car's tires, because he had reason to believe he had been the victim of a felony assault—although his assailants were only charged with a misdemeanor. "What a one-sided set of facts," Howell says reading the majority opinion five decades later. "Give me a break!"

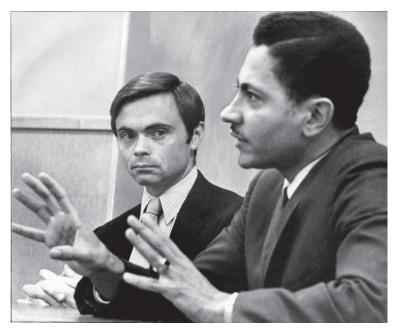
It was this backdrop that led to daily crowds of up to 600 people attending the Larry Ward inquest. During a typical inquest, a deputy prosecutor questioned witnesses but the victim was not represented, nor did anyone cross-examine witnesses, who tended to be police officers. The jury was selected by the inquest officer, in this case Leo Sowers, "who, it was rumored, kept a list of jurors in a drawer and simply reused them from one inquest to another." A former deputy sheriff, Sowers "made no secret of his partiality to law enforcement officers."

For Ward's inquest, the five-person jury included two black members. Jurors heard four days of testimony by 19 witnesses, 17 of them police officers. The event turned raucous at times. John Caughlan, a famous Seattle civil rights lawyer, interrupted on one day with a table-thumping condemnation of the inquest system as a "mockery of justice." His outburst drew cheers from the crowd of mostly blacks. Howell was allowed to question

^{*} Bayley was only 31 in 1970 when he unseated Charles O. Carroll, viewed as the most powerful man in King County for decades.

witnesses, but not directly. He had to submit written questions to Sowers. He focused on why police, already tipped off and staked out, shot Ward instead of capturing him to learn more about a rash of 30 bombings over 15 months in the Central Area.

John Hannah, the officer who fired the fatal slugs into Ward as he ran down 24th Avenue, testified that he feared Ward was going to shoot at him. But it was determined Ward was unarmed.



Howell ran to be King County's top prosecutor in 1970 but another young reformer, Christopher T. Bayley (left), won the election. *MOHAI, Seattle Post-Intelligencer Collection*

In a 3-2 verdict the jury sided with Howell. One white juror, Rachael Hart joined the two black ones, Edward Russell Jr. and James Jackson Jr., in finding that Ward's shooting was not justified and he died by "criminal means." A crowd of about of 150 was still on hand when the verdict was handed down at 12:40 a.m. after four hours of jury deliberation. It was the first inquest decision to go against a law enforcement officer in King County in at least 20 years. Angry letters and telegrams flooded Mayor Wes Uhlman's office. One father, Leif Johnson, said he was discouraging his son from becoming a police officer in light of the inquest finding. Mr. and Mrs. S.M. Watson insisted Officer Hannah's actions "were normal and in the line of duty." Mr. and Mrs.W.L. Shoemaker wrote that the mayor kowtowed to the "demands of every radical group," but as law-abiding citizens, "We have demands too." A police spokesman said the inquest audience was allowed to sit on the floor, stand on chairs, walk around during proceedings and pass out revolutionary literature, "which obviously was intended to incite prejudice against police." Some 5,000 people gathered in front of police headquarters to show support for "law and order."

The verdict "divided this city and led to an attack on the inquest method of investigating such occurrences," reported *The NewYork Times*. Ross Cunningham, the thoroughly establishment editorial writer for *The Seattle Times*, offered a more critical analysis. "Why is it," Cunningham asked, "that the white establishment did not rouse itself to the necessities for reform of the inquest system until a verdict came forth which in effect represented 'justice' for a black man? Isn't this further and conclusive proof of 'institutional racism?' Who can argue otherwise?"

Prosecutor Carroll declined to charge Hannah with a crime. Howell filed a wrongful death lawsuit on behalf of Ward's son, but the jury in that trial sided with Hannah.

Although rumors quickly spread through the black community about how Ward had been set up, key facts weren't known until after the inquest when Howell interviewed a petty crook. Alfie Burnett had driven Ward to the real estate office and given him a bomb made of three sticks of dynamite. During a sworn statement in the presence of a court reporter, Burnett told Howell he had been arrested months earlier for robbing a Seattle jewelry store. But he was released on bail after telling police he knew all about bombings in the Central Area and could help them catch the bomber.

It was Burnett who then hatched a scheme to bomb the real estate office. He had enlisted another man to help—and unwittingly act as the fall guy. When the appointed night came Burnett called the FBI to say the bombing was on. The FBI relayed the tip to Seattle police. But Burnett couldn't find his accomplice. The informant then turned to Larry Ward, a friend of his accomplice, to plant the bomb.

Ward was not political, nor disgruntled about Vietnam, according to friends and family. His mother said he was looking forward to taking a Civil Service exam scheduled for the day after he was killed. Howell believes Ward went along with Burnett as a way of helping his absent friend. As it turns out, several police cars were staked out near the real estate office. Ward was virtually surrounded when he tried to light the bomb. It was then that Officer Hannah opened fire with a shotgun.

Howell gave a transcript of Burnett's revealing deposition to a reporter named Ardie Ivie, who wrote an in-depth account of Ward's shooting for Seattle Magazine. Ivie got Captain John Williams, head of police intelligence, to confirm details of Burnett's role as an informant. "Somebody set this whole thing up. It wasn't the police department," Williams said, adding the stake-out lacked "proper supervision."

AFTER THE Ward case, Howell became even more resolute in his personal injury and civil rights practice. In 1978 he won a \$720,000 judgment, then the largest such award in King County history, for a construction worker brain-damaged when he fell from a job site that lacked required safeguards, such as a safety net. The next year Howell triumphed in a state Supreme Court case that upheld affirmative action policies for Seattle firefighters.

Howell continued to take inquest cases for free with the condition he'd get first crack at a civil suit. There were very few wins. One involved Robert Baldwin. Police had gone to Seattle's Yesler Terrace housing project in 1984 to evict Baldwin over \$110 in unpaid rent. Baldwin, suffering from mental illness, fatally stabbed Officer Michael Rabun with a sword and retreated to a 17-hour standoff with police. After failing to get Baldwin

to come out, they peppered his apartment with tear gas and stun grenades then stormed it and shot 21 bullets into Baldwin's back. Retired Bellevue Police Chief Don Van Blaricom testified on behalf of Baldwin's estate that Seattle police failed to observe the industry standard by not waiting Baldwin out. But a jury found that Baldwin's negligence was 92.5 percent responsible for his death, with the police contributing the rest. That amounted to an award of \$93.60 in damages to the estate of Baldwin and his four children. Howell called the 1988 verdict a "moral victory."

Most of Howell's inquest hearings were more disappointing, such as the case of Shawn Maxwell, 31, who led police on a chase in the University District after they stopped him for speeding. Emotionally disturbed, homeless and carrying a sword, Maxwell, was cornered in a backyard when he raised the sword and dared officers to shoot him. They did four times—after their tasers failed to stop him. Maxwell was black, the officers white. "Flee-



Howell saw lawyering as a kind of architecture for a more just society. *Lem Howell collection*

ing from a traffic stop isn't justification for taking his life," Howell argued. During the inquest the officers' lawyer called Maxwell's death a tragedy. An officer broke down on the witness stand. While the jury deliberated what some saw as a foregone conclusion, District Court Judge Darcy Goodman invited Maxwell's mother and Howell into her chambers and gave Lisa Maxwell a bouquet of roses and told her she was sorry for the loss of her son. Siding with police, the jury found Maxwell was a threat to officers and they were justified in shooting him.

Howell kept fighting. He represented Romelle Bradford, who had won a "youth of the year" competition by the King County Boys & Girls Club in 2003. Bradford was a 20-year-old volunteer chaperone at a community dance in 2006 when rival groups began to make trouble. Bradford went outside to investigate, wearing a

red "staff" shirt and an ID badge. As Bradford ran toward the altercation, a rookie Seattle police officer knocked him to the ground, handcuffed and arrested him. Charges of resisting arrest were later dropped.

Howell sued the city, claiming Bradford's civil rights were violated. A federal jury found police unlawfully arrested Bradford and used excessive force in detaining him. They awarded Bradford \$269,000. Howell noted that Bradford had suffered an "unseen injury" because for the rest of his life Bradford would have to answer "yes" whenever a potential employer inquired whether he had ever been arrested.



Howell still mentors young lawyers and participates in judicial evaluations for the Loren Miller Bar Association, a group for black lawyers he played a part in founding. *Lem Howell photo*

As for his best courtroom performance, Howell points to a 2006 case in which a young father, Christopher Pratt, and his 5-year old daughter Alexis were killed when their car was torn in half by an exhausted truck driver who cut across freeway lanes and slammed on his brakes. The case haunted Howell because he watched home movies of little Alexis in her Halloween costume that reminded him of his own two daughters. "I don't want you to think it's a lawyer's trick," he told jurors about becoming emotional during the trial. Jurors awarded Alexis' mother and brother \$11.3 million in damages.

He beams about his own daughters. Dr. Elizabeth Howell graduated from Harvard Medical School and is a professor of obstetrics, gynecology and reproductive science at the Icahn School of Medicine at Mt. Sinai Hospital in New York. Her research specialty is

access to health care for minority women, an expertise that has led to frequent appearances on National Public Radio. Helen Howell got a diploma in legal studies at Oxford University and her law degree from Columbia University. She worked for President Clinton

in Washington, D.C., and was Planned Parenthood's vice president of public policy before she returned to Washington state and served as deputy chief of staff and director of the Department of Financial Institutions for Governor Gary Locke. She now heads a Seattle nonprofit that serves homeless families and children. "I'm so proud of the values my kids have," Howell says.

Like Gossett, he sees progress in civil rights over the years. The inquest process has been improved, although more is still needed, Howell says. The legal community has been accepting of minority viewpoints, he says. Police reforms, focused on excessive force, are under way in Seattle thanks to a consent decree with the Obama Administration's U.S. Department of Justice. On top of that, minority lawyers such as Twyla Carter



Howell and his wife Pat (right) visited the state Capitol with his Lafayette College debate-team partner, John Piper Jr., and his wife Margaret. John Hughes photo

are willing to skip lucrative work in corporate law to be public defenders, even though they're staring at staggering piles of student debt. However, Howell says, the state took a "big step backwards" when 58 percent of voters approved Initiative 200 in 1998, prohibiting affirmative action. "Now we have do something about I-200," he says.

Howell suffered cardiac arrest in January 2018 and had a pacemaker implanted. He says he's not taking on any new cases. He spends his time traveling with Pat. (He has a framed photo with Rachel Maddow on a "progressive" cruise they took.) He still mentors young lawyers. And he still participates in judicial evaluations for the Loren Miller Bar Association, a group he was instrumental in founding for black lawyers who were once excluded from the American Bar Association.

"His fire and passion is still present in his grilling of judges," says the ACLU's Twyla Carter. "He's the real deal."

Bob Young Legacy Washington Office of the Secretary of State

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1968:The Year That Rocked Washington looks back at 1968 and its impact on Washington state through the stories of some remarkable people who lived through it. On college campuses, the campaign trail and evergreen peaks, Washingtonians were spurred to action. It was the year when Vietnam, civil rights, women's liberation and conservation coalesced—the year when tragedy led the 6 o'clock news with numbing regularity. 1968 changed us in ways still rippling through our society a half century later. *1968:The Year That Rocked Washington* features a collection of online stories and an exhibit at the Washington State Capitol in the fall of 2018. Legacy Washington documents the activism and aftershocks of a landmark year in world history. www.sos.wa.gov/legacy/sixty-eight/