

## Justice served?

### Assassin Dan White sprung

c 1983 Michael Helquist

In a year that promises to be full of political debate, 1984 starts right off in the very first week with a major political and emotional event in San Francisco. It is an event that ripples with significance beyond the Bay Area, especially to the lesbian and gay population across the country. On January 6th convicted assassin Dan White will be released from prison after serving less than five years for killing San Francisco Mayor George Moscone and gay Supervisor Harvey Milk. White's sentence and his eventual release, widely considered a "travesty of justice," has hung over this city for the last five years. Now as the date of release nears, many gay men and lesbians find that painful memories stir their sense of outrage that has always been just below the surface.

City-wide protests are planned, and individuals promise to let out their anger. And amid the expected rallies, vigils, and disruptions there is a growing awareness of the damage done five years ago not only to the political process in San Francisco but also to the well-being of its citizens, especially its gay and lesbian population.

The five years have passed quickly since the former policeman and city supervisor shot and killed Moscone and Milk in their City Hall offices on November 27, 1978. The assassinations were followed by the trial in which White's attorney portrayed him as being of "diminished capacity" due to stress and eating too much junk food (the "Twinkie defense"). When the verdict of voluntary manslaughter was delivered on May 21, 1979, an enraged gay community took to the streets to protest the injustice they perceived. Confrontations with the police led to a major disturbance, later dubbed the "White Night Riots." Protestors smashed City Hall windows and torched a number of police cars. Later in the evening the police retaliated with an incursion into the gay Castro district, threatening gays on the streets and trashing a popular corner bar. There were injuries on both sides, although most damage occurred to buildings and other property.

In comparison, the four and a half years since the White Night Riots have been relatively calm in San Francisco. Many observers express dismay over the more conservative, more downtown business-oriented turn the city has taken under Moscone's successor, Mayor Dianne Feinstein. The lesbian and gay population has received some support from

the city government (i.e. funding for AIDS-related services) and some political setbacks (i.e. Feinstein's veto of legislation to grant city benefits to the live-in lovers of city employees). Despite the political calm, several members of the gay community have expressed their ongoing anger over the Dan White affair.

Every year since 1978 gay and nongay San Franciscans have observed the anniversary of the assassinations with a candlelight march from Castro Street to City Hall. This year's march was just as calm as those preceding it, but there was an energy bristling through the thousands of marchers. The federal government had announced several days earlier that it would not prosecute Dan White on charges of having obstructed the political civil rights of Moscone and Milk. The last hope for many that justice would be served had been lost.

Conversations with a variety of gay men and lesbians revealed that the same sense of outrage that fueled the fiery White Night Riots also infuses the more orderly annual march. Participants acknowledge that the marches are simply expressions of intense feelings ever-close to the surface. One member among this year's marchers was a 34 year old gay man named Tom. He has lived in San Francisco these last five years and was witness to the events surrounding the assassinations. White's manslaughter verdict and his upcoming release from prison have provoked an ongoing intense response for Tom. He explains, "I don't like to have these feelings in me, but when I think about it — the murders and White's release — I can imagine

that point that the anger erupted. Osmon remembers, "There weren't riots when Milk was shot; it was after the judicial system began to send signals to the gay community about the permissibility of killing a gay, that tensions increased."

Noted gay historian Allan Berube still gets upset when he remembers hearing the verdict. He states, "It took me off-guard. I was trying to determine my response to his getting a life sentence or the death penalty. I didn't even imagine his getting off with only five years. I was furious. I was shaking. I couldn't go in to work; I was too upset."

Video consultant Bill Bradley recalls, "The assassinations devastated me. I felt a deep sense of personal loss. We had a member of our family killed, and then the murderer was almost rewarded for his actions." Health worker Laurie Hauer expresses similar feelings. She states, "I'm furious. I've done prison work for years. I've seen the kind of sentences received by those charged with petty forgery and the like. They get years for their crimes. It makes me furious to see White serve only five years for the murder of two people."

A great number of lesbians and gay men, especially those who lived in San Francisco during the late '70s, express over and over again in very personal terms their shock and pain and anger over the Dan White incidents. These are the emotions that are stirred now that the next act, the release of the assassin, is about to be played out on January 6th.

"We want there to be a full day of protests; we don't want business as usual," states Jim Manus. Manus joined with a dozen friends

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killing him myself. And that's not at all like me." Tom's voice catches a bit as he says that; it's clear that his feelings are so powerful that he's somewhat hesitant to express them.

The protests that are scheduled to occur on January 6th will be fueled by emotions similar to those mentioned by Tom. There appears to be a consensus in the gay population about what the killing of Harvey Milk and the treatment of his assassin signifies. Rick Osmon, a gay man who works with the San Francisco AIDS Foundation, states his belief that "if Mayor Moscone alone had been killed, the assassination could have been considered a political act. The fact that White went in and shot Moscone and then killed Milk as well was a clear sign of his motivation. His only motivation for the second killing was because Milk was gay."

Dan White was angry with the mayor because the latter refused to appoint him to the city supervisor seat from which he had recently resigned. White also had a history of making homophobic statements. For many in the gay population of San Francisco and beyond, there's a clear perception that one man was killed for what he did and the other for *who he was*. Osmon states, "Dan White is only a symbol; he was a directly elected manifestation of those feelings, that hatred of gay people."

The loss of a charismatic, *elected* leader who was openly gay was a severe enough blow to lesbian and gay people. But it was the trial and the verdict that added severe insult to the painful injury felt by so many. And it was at

and activists to form the Ad Hoc Committee to Protest the Injustice. The committee has urged residents of the city to not go to work on January 6th and to join a noontime rally in downtown San Francisco. Those who must be at their jobs have been asked to participate in a work stoppage from 1 pm to 1:15 pm, to make noise, and to express their anger.

Manus continues, "There are a lot of angry people out there who want their voices heard." He mentions that several taxi and bus drivers, among others, have told him they'll observe the 15 minute protest. "Lots of people have contacted me about this," Manus reveals; "I'm sure there will be all kinds of protests that day."

In addition to the noon rally, there will be a vigil that evening on Castro Street. A march to City Hall may follow that gathering. Some individuals intend to form "human billboards" of protest messages along major city streets during the day. Others plan to hang banners from high-rise windows. A new wave band has organized a special "Rock Against White" concert. Already underway is a "Send a Twink-a-Gram" campaign, an effort to send a Twinkie dessert cake — symbolic of the successful defense case — plus a protest message to President Reagan and to presidential candidate John Glenn. Organizer Rick Osmon states, "These two were chosen because of their opposition to gay rights."

With "Off White" graffiti posted in the Castro district, there has been an awareness that White himself may be killed after his release. No one has forecast or publicly

promoted that act nor has anyone suggested a need for a violent demonstration. A number of observers in the gay community believe a riot would not be helpful to anyone. Historian Allan Berube believes however that "there should be lots of opportunities for people to get as angry as they want, to yell and make noise, to disrupt the daily routine." Berube continues, "Dan White got off with the murder of two people on a defense of too much stress. There are gay people who have been under more stress *all their lives* than Dan White has *ever* been under. And he has only added to that stress."

What has proved particularly infuriating to many in San Francisco is White's absolute lack of any expressed remorse for his actions. And it's a common belief that in some sections of the city White is considered a hero. White, himself, however may have a difficult time after his release. As one commentator noted, "He can continue to be Dan White — arrogant and without remorse — while he's protected in prison, but once he leaves prison he'll never be able to be Dan White again. He'll have to give up his public identity."

The release itself has posed problems to the State Parole Board. It's now clear to prison officials that the release of White will have to be secret. There are too many potential security risks for a public release. Where White and his family will live upon his release is still to be worked out. The San Francisco Bay Area has been ruled out as a possible site for White's one-year parole period due mostly to consideration of residents' feelings and to concern for White's safety. Mayor Feinstein has already stated that she didn't want White released in San Francisco. When word got out that San Diego was being considered as a possible parole site, vocal protest from that city's gay population forced Mayor Roger Hedgecock to protest such a possibility to the State Department of Corrections. Hedgecock included in his statement a rather telling analysis. He stated that any major metropolitan area would be unsuitable as a parole site for White. With the political roles lesbians and gay men play in most major American cities, it appears reasonable that there would be strong protests to a release of someone like Dan White to their cities.

Whatever difficulties are encountered during Dan White's release and presuming he survives his one year of parole, he will then be free to continue his life as he chooses. In the minds of many is the fact that George Moscone's and Harvey Milk's rights to do the same were violently terminated by this man. In San Francisco this widely-perceived injustice will not go unnoticed on January 6th. But the focus won't be on Dan White alone. Rick Osmon expresses the sentiment shared by many others. He states, "The marches and protests are vigils; they are reminders to the system, the judicial/political system, that we in the gay community are aware of its inadequacies and its injustices."

Allan Berube adds his thoughts about the upcoming release date, "The violence begun by the assassination and the verdict is still being done to people in the city. White's release is the beginning of a new stage of it." Berube offers a final thought that summarizes the feelings of gay men and lesbians as it also provides the context for the expected events on January 6th. "The assassination of Harvey Milk was an attack on the gay community. And then the justice system completely failed us. There was no recourse then — nor is there now — but to protest."