

WHITTEWASH!



Judith Calson/Examiner

Dan White Gets Away With Murder— GAYS FIGHT BACK

by Justin Raimondo

On the morning of May 21st, an all-heterosexual jury let Dan White get away with murder.

On the night of May 21st, San Francisco gays, over 5000 strong, laid siege to City Hall and fought the police in the streets well into the early hours of the morning.

That morning, the sun rose over a liberated city.

It had been building for a long time. The brutal murder of Harvey Milk, an upfront gay member of San Francisco's Board of Supervisors, had sent an unmistakable message to gay people all around the country: life in straight society is chancey, and even a little short, if you're out of the closet and in the public eye. This was more than verified by the subsequent actions of the new Feinstein administration. The San Francisco *Bay Guardian* summed up the situation neatly: "By going to City Hall and killing both Moscone and Milk, Dan White set back his liberal enemies as effectively as if he had just staged a full-blown military coup." (5/24) When Diane Feinstein

was elected Mayor by a Board of Supervisors who were obviously operating in a state of "diminished capacity," the City's relationship to the gay community changed drastically. "The new city administration of Mayor Diane Feinstein seemed colder to gays," writes Randy Shilts in the June 1st *Village Voice*. "Police harassment increased dramatically; the state liquor commission suddenly started closing gay bars." Not coincidentally, there had been a spate of physical assaults on gay residents of the Castro street gay "ghetto" by roving gangs of straights.

The verdict in the Dan White case—voluntary manslaughter, involving a maximum of seven years and eight months in prison, with one-third off for good behavior—was nothing less than official state sanction for one of the most shocking political assassinations in this decade. Dan White—the stone-faced ex-cop and ex-Supervisor who murdered gay leader Harvey Milk and Mayor George Moscone in November of last year—was never really put on trial. Instead, a com-

pletely symbolic figure, a fiction consisting entirely of adjectives like "decent," "hard-working," "dedicated," "family-oriented" was constructed by the defense . . . and ultimately vindicated by the jury. The defense, without any significant opposition from the DA's office, held up Dan White's life and values like a mirror thrust in the face of the jury. As the San Francisco *Examiner* put it: "The [defense] attorneys, working ahead of time, developed a profile of the jury they wanted: conservatives, working class, family people, sharing the traditional values that had meant so much to Dan White."

The case for the defense rested entirely on the jury's evaluation of White's values—it had to be proved that White was *morally incapable* of premeditation, in spite of the fact that he re-loaded his gun after killing Moscone, in spite of the fact that he hadn't carried a weapon for three months before that fateful November day, in spite of the obvious political motivation, in spite of the glaring facts

WHERE IS JUSTICE?

In order to pull off a proper whitewash—now that gays, blacks, and individuals even slightly sympathetic to gaylib had been excluded from the jury—defense attorney Douglas Schmidt had three tasks to complete.

First: establish the fiction of White as the all-American “boy-next-door,” the healthy young star athlete, the heroic fireman, the dedicated cop, the altruistic, public-spirited paragon of all the middle-class values the jury so faithfully reflected. This accomplished two things: it built up sympathy for the defendant, and it established the very foundations of the defense firmly in the mind of the jury—the assertion that White was morally incapable of malice, that the act of murdering Milk and Moscone was an event completely disconnected from his life and his values.

Second, the defense had to drag out the oldest, bitterest enemies of the homosexual community, the psychiatric “experts,” in order to prove that “White acted out of rage,” in the words of defense counsel Schmidt, not malice; “out of hot blood—and there was provocation.” Or, as a certain person was heard to remark in the courtroom: “‘Oh I get it,’ said Paul Krassner

community, his violence-ridden political past, his role as the voice of the San Francisco Police Department on the SF Board of Supervisors, homophobia in the SFPD—the raising of these issues by any of the witnesses could not be permitted so long as the powers-that-be wanted White to stay alive . . .

The first task of the defense was accomplished with a minimum of effort. Mrs. White, devoted wife and mother, was a star witness for the defense, on and off the witness stand. According to the SF *Examiner*: “Freitas pointed out that Moscone’s family or Milk’s family could not appear daily at the trial the way Mary Anne White did. Yet her appearance reflected the defense strategy of showing all it could about Dan White, his background and his life.” The timing of Mrs. White’s testimony—“Seeing Mrs. White, hearing her on the stand,” said the *Examiner*, “it was impossible for the jury not to believe that White came from the decent, hard-working background that the jury shared and admired”—right before the introduction of the taped “confession” was the key to the stunning verdict. “Repeatedly, Schmidt used the word ‘background’ and the phrase ‘hardworking,’ ” according to the *Examiner* . . . and then the *prosecution* introduced a tape of Dan White sobbing out a confession to a police officer who just happened to have been an old friend. Sobbing into the microphone, White apparently was

The second task of the defense—the psychiatric mystification of the events surrounding the murders and White’s life in the months preceding the assassinations—was accomplished by the almost religious awe in which psychiatrists and psychologists are held, both by juries and by the laws they are charged with enforcing. White, of course, was never called to testify; he just sat there, impassive, while five defense psychiatrists described, with apparent omniscience, what went through Dan White’s mind as he pumped bullets into the already prone bodies of his victims. “It was necessary,” according to the *Examiner* article, “to give the jury White’s version of what happened another way. The psychiatrists, in explaining how they reached their decisions, would have to explain in authoritative detail just what happened to White. And White himself would not be cross-examined.”

Like theologians explaining just how one falls from a state of grace, the assembled psychiatrists were charged with explaining just how one falls into a state-of-mind, a state of “manic-depression,” a state of “diminished capacity.” The ludicrous assertions of Dr. Jerry Jones, who testified for the defense that White’s consumption of junk food was directly connected to his deteriorating mental state, is a particularly grotesque example of psychiatry’s phoney claim to the mantle of medicine and real scientific inquiry. As Dr. Thomas Szasz, the great libertar-



Gordon Stone/Examiner

at the end of the defense remarks, ‘the defense is that they deserved it.’ ” (Cited by the *Village Voice*.)

These high priests of psychiatric mumbo-jumbo—the same psychoanalytic character assassins who backed by State power, have been locking up “social deviants” and slandering the gay community for years—had as much moral authority as the ecclesiastical variety, at least in the eyes of such a jury. Only an overwhelming moral authority could have pulled off the “Twinkie defense;” only the mystic pronouncements of state-sanctioned “experts,” their oracular assertions uttered in jargon-masquerading-asscience, could have hypnotized the jury into actually believing that Dan White’s junk food “binges” were “bio-chemical proof” of White’s mental “disease.”

Thirdly—and most essentially—Schmidt had to make a deal with District Attorney Joe Freitas: *no politics in the courtroom*. Assistant DA Tom Norman had this to say about one of the most dramatic political assassinations in recent memory: “He assassinated George Moscone to retaliate for George’s not reappointing him like he promised. But, I mean, it’s not a political assassination like a guy that has certain political ideals and beliefs that he’s clinging to.” Apparently, the murder of Harvey Milk is not even significant enough to mention. White’s long-standing political opposition to the gay

allowed a straight narrative: no questions about why he had chosen to carry a gun that day, no questions about how he had entered the building without having to go through the metal detectors at each door, no questions other than: “Can you relate these pressures you’ve been under, Dan, at this time?”

The complicity of the DA’s office with Schmidt’s strategy is most evident at this point in the trial. It is clear, from Schmidt’s public statements, that the defense would have introduced the confession as evidence even if the prosecution had neglected to do so. Why is it, then, that Tom Norman chose *not* to reveal the long-standing friendship between White and Frank Falzon (SFPD chief homicide investigator, White’s friend since high school, and his interrogator less than an hour after the brutal murders)? For anyone who realizes just how much this case means to the police department *politically*—officers were seen wearing “Free Dan White” t-shirts during the course of the trial—and for anyone who realizes that the DA’s job is entirely dependent on his relationship to the police department, the answer to that question is obvious.

ian psychologist said in his interview with the *Advocate*:

As you know, psychiatry, or mad-doctoring as it used to be called, has always been a state-sponsored activity. That’s how it all began. First there were insane asylums and laws authorizing doctors and the courts to lock people up in them. Then came the justification for that practice—the idea of mental illness and psychosis and so forth. The result is that people now believe that there exist diseases called “mental illnesses” or psychoses or whatever . . . Yes, it’s a simple point, but its important for the present controversy over gay rights cannot be exaggerated. People may consider their own behaviour or other people’s behaviour as incongruous or immoral or incorrect. But that does not make them diseases. Still, the history of psychiatry is full of such “diseases” and psychiatrists continue to fabricate new ones on precisely such a basis. [Emphasis added.]

Thus, the profession most responsible for the stigmatization of millions of lesbians and gay men has come to the aid of Harvey Milk’s murderer—an act entirely consistent with their anti-gay history and orientation. Dr. Szasz, further on in the *Advocate* interview, identified the clear connection between the *priestly* aspect of the psychiatrist’s role and psychiatry’s view of homosexuality. [Interviewer’s questions are in italics.]

. . . Your comments remind me of the fact that

THE TWINKIE DEFENSE

Freud used the concept of unconscious homosexuality to describe some of the things you are talking about.

Yes, Freud loved that idea. The devout psychoanalytic character assassins still love it . . . You mean psychoanalysts still haven't given up that idea?

Of course not. Why should they? It means that psychoanalysts know better what people are "really" like than do the people themselves. That's an immensely flattering idea. I think psychoanalysts are not likely to give it up until they are shamed into giving it up.

The third task of the defense—to keep the political facts of reality out of the courtroom—was accomplished before the trial had even begun. The political decision had already been made by the DA's office; certain witnesses, such as Under-sheriff James Denman, were simply not called. Since White's state of mind on the day of the murders was such a key link in the case for the defense, it seems obvious that the prosecution ought to have been interested in any witnesses who could contradict the psychiatric testimony and the staged "confession" tape. As Denman said to the *Chronicle*: "He [White] was polite, purposeful and deliberate. There were no tears. There was no shame. Even when he was strip-searched and dressed in a jail jump suit he didn't show any emotion . . . he was perfunctory and business-like, very controlled." But the prosecution did not call Denman to the stand,

SFPD, the DA's office, the entire legal system which sacrifices justice to the "scientific" pretensions of the psychiatric profession.

That is why a crowd of over 5000 occupied San Francisco's Civic Center plaza and nearly took City Hall itself. A more appropriate target for their fury could not have been found anywhere: City Hall, symbol of the legal system which let Dan White get away with murder, symbol of the State and of its guardians—the police.

Sixty-five police officers and 75 demonstrators were reported injured—not too bad a score for an unarmed, spontaneous action. Thirteen police cars were put to the torch, before the night ended; City Hall and municipal environs suffered over \$1,000,000 in damages. The line of demarcation between the State and the people—drawn clearly and indelibly by the events of the trial and the incredible verdict—was etched in fire on the night of May 21st.

What began as yet another "candlelight vigil," initiated by a group calling itself "Lesbians and Gay Men Against the Death Penalty (believe it or not!) turned into a massive spontaneous demonstration called by no one and everyone. A number of speakers attempted to divert the crowd from storming City Hall. The organizers of the march, Leonard Matlovich, a gay minister, even the popular Sally Gearhart—one by one the crowd booed them down, drowned their pleas for nonviolence with chants of "Dan White was

vey Milk would not be here tearing down the walls of this building"—a voice was heard to cry out from the very heart of the crowd: "But Harvey Milk is dead!"

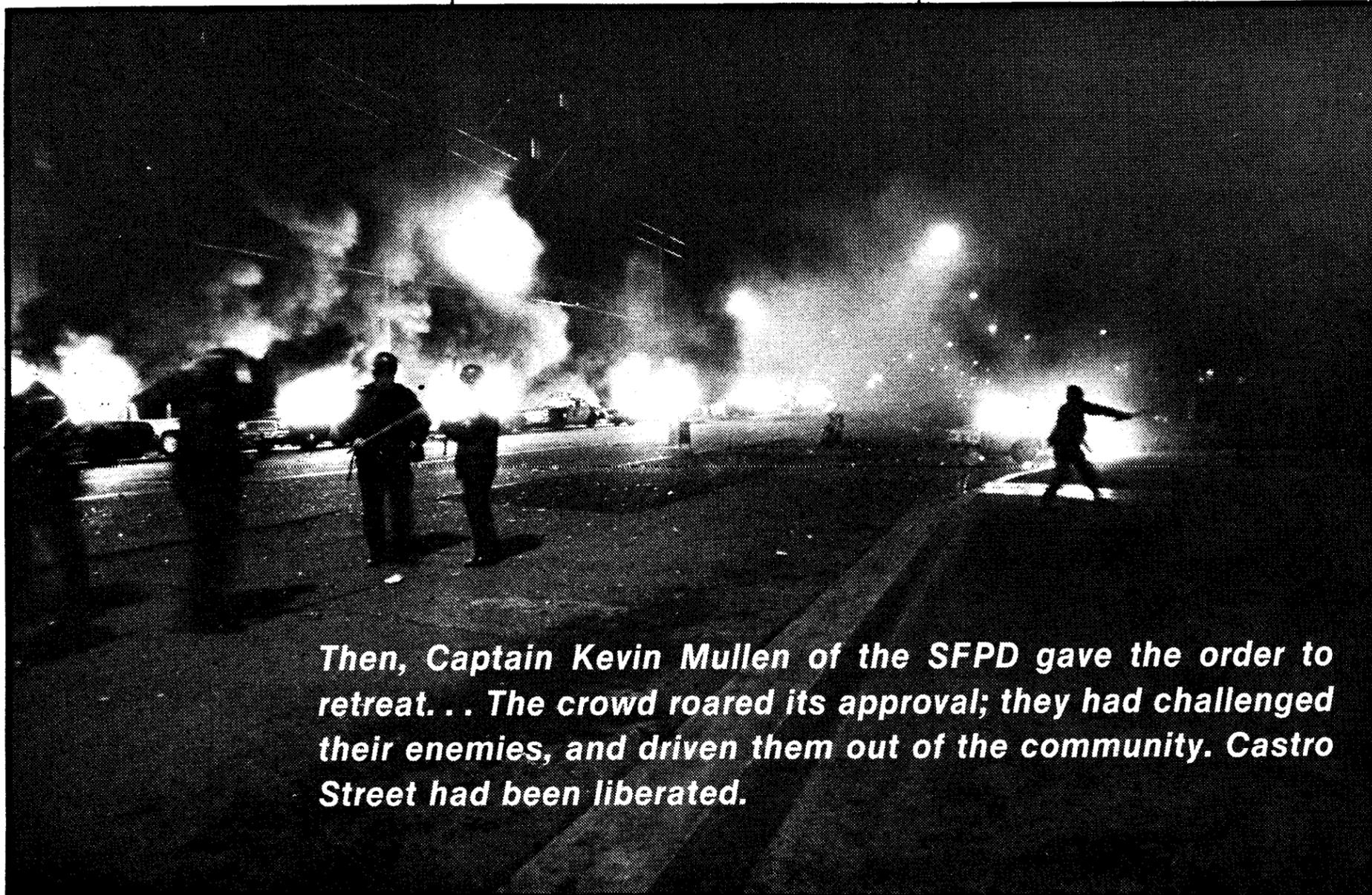
A young lesbian spoke quite eloquently, her radical rhetoric building up to a crescendo which culminated in a call for a general strike. This was met with scattered applause and general ennui. As the police loomed closer, reinforcing the cops already inside City Hall and itching to bash heads, a general strike made no more sense than a tea party, and everybody but the most stylized leftists in the crowd knew it.

It was young gays, from the Castro and Polk street gay "ghettos," who led the first assault on City Hall. Every time a rock broke a window, the sound of breaking glass was drowned out by thunderous cheers.

The police, who had been snarling at the bit by this time, were given the order to charge into the crowd and defend City Hall, the symbol and source of their power. Gays carried burning torches made from looted newspapers took up the cry: "BURN DOWN CITY HALL!" The crowd responded immediately to the police action, met them head on, and sent them running around the corner onto Grove Street where, as the SF Examiner put it, "they took up a defensive position."

At this point, the organizers of the original "candlelight vigil," local Democratic Party ward-

Judith Calson/Examiner



Then, Captain Kevin Mullen of the SFPD gave the order to retreat. . . The crowd roared its approval; they had challenged their enemies, and driven them out of the community. Castro Street had been liberated.

according to a story by Warren Hinckle in the San Francisco *Chronicle*, because the prosecution did not want to make "the connection between police attitudes towards gays and liberals and Dan White's state of mind."

White knew that his friends in the police department—and in the DA's office—would never desert him. Hinckle quotes Denman as follows, "It all seemed very fraternal . . . Some of the officers and deputies were standing around with half-smiles on their faces. Some were actually laughing . . . The attitude of most of the cops I witnessed seemed to be that Dan White had done something they were not unhappy about."

GAYS FIGHT BACK

From White's so-called "interrogation" by officer Frank Falzon, to the prosecution's puzzling decision not to call Undersheriff Denman to the stand, Dan White was protected by his friends in City Hall and the police department. From beginning to end, the trial of Dan White was a show, a fraud, a grotesque parody of the most ludicrous soap opera tragicomedy imaginable. All involved stand accused: the

a cop!" and "Take City Hall!" Supervisor Harry Britt—Diane Feinstein's hand-picked "successor" to Harvey Milk—was booed right off the platform when he said "Let the pigs be pigs, not us. Listen to our own people, don't act like a bunch of heterosexuals."

But that night the crowd knew that righteous indignation and physical action are not the prerogative of heterosexual men—they knew it for the first time since the Stonewall rebellion, over a decade ago, when gays battled police for three days on New York City's Christopher Street.

As speaker after speaker rose to berate violence, a battle was going on between police on one side of City Hall's shattered glass doors and demonstrators on the other. There was an odd note of unreality, as the familiar line-up of Democratic Party hacks took the bullhorn, only to lose heart and lose the audience within minutes; it has been said, in the press, and by alleged gay "leaders," that if only there had been an adequate sound system the whole thing might never have happened. But given such a sound system, one wonders what these people planned on saying to "control" a crowd that was tired of being controlled.

What, indeed, could anyone have said?

When Supervisor Carol Ruth Silver bravely did what Diane Feinstein dared not to do; when she got up there and said: "There's nobody in the City angrier than I am tonight . . . but Har-

vey Milk would not be here tearing down the walls of this building"—a voice was heard to cry out from the very heart of the crowd: "But Harvey Milk is dead!"

A young lesbian spoke quite eloquently, her radical rhetoric building up to a crescendo which culminated in a call for a general strike. This was met with scattered applause and general ennui. As the police loomed closer, reinforcing the cops already inside City Hall and itching to bash heads, a general strike made no more sense than a tea party, and everybody but the most stylized leftists in the crowd knew it.

It was after 11 pm, and some gays were still trying to cool off the mob. A line of non-violent gays formed in front of City Hall, backs to the building. However, a double file of police trotted in, clubs swinging, and those who were serving as buffers complained they were beaten without provocation.

"We were sitting there trying to bring some sort of order, singing 'We Shall Overcome,' just sitting there on the steps, and then the cops started to hit us, that's what started it," said Bob Marmostein, 20."

These were the same "pacifists" who were so intent on protecting the fragile bodies of the

SFPD from the demonstrators less than an hour earlier; these self-styled "leaders" were so busy trying to "bring some sort of order" that they had the stupidity to turn their backs on the real enemy, the police (who they were actually trying to protect!)—and then they had the unmitigated gall to go whining to the press about "police brutality." Since when are the police capable of anything other than brutality when it comes to the gay community? Gay "pacifism" in the face of police repression is an unfortunate holdover from the days when the tragic, defeated strains of old Judy Garland records were a veritable gay national anthem, the stuff of gay culture and gay consciousness. The night of May 21st has banished that somber spirit forever.

The smashed police car burst into flames, and the roar of the crowd was exultant, triumphant, unafraid. A pair of fire engines, sirens screaming, were stopped by a human blockade. Slowly, the crowd pushed the police back. A line of nine police cars, left unattended, were put to the torch; a cop was knocked off his motorcycle—he went scuttling back to his buddies, as his cycle exploded in a burst of white fire. The fighting went on for hours. Slowly, the demonstrators retreated up Market Street, toward Castro.

Up on Castro Street, in the middle of San Francisco's largest gay ghetto, 200 police went wild. At about 1:20 am more than a dozen riot police attacked the Elephant Walk bar, a gay bar on the corner of 18th & Castro. Yelling "Sieg Heil!" "Banzai!" and "Get out you goddamn queers!" the pigs smashed furniture, windows, and heads indiscriminately. Onlookers were beaten to the ground; so were members of the press.

After the initial confrontation at City Hall, most people were limping home, nursing wounds both visible and invisible. The police invasion of the Castro area, the armed occupation of the very heart of the San Francisco gay community, signaled the second phase of the evening's activities.

Supervisor Harry Britt reportedly, at this point, muscled his way past the police line and was again "shouted down by the crowd," according to the *Examiner*, after an abortive attempt to address the crowd.

A cordon of angry gays surrounded the police on all sides. Slowly, the residents of Castro pushed the cops up to the corner of Castro and Market. There, the two lines solidified and the police tried to hold their ground, but to no avail.

Then, Captain Kevin Mullen of the SFPD gave the order to retreat. Reluctantly, the cops obeyed. The crowd roared its approval; they had challenged their enemies, and driven them out of the community. Castro Street had been liberated.

The fighting around City Hall continued well into the morning, although at around 3:30 am Diane Feinstein was telling the press that the City was "secured."

to give the apologists as much publicity as possible. The L.A. *Times* quoted somebody by the name of Lester B. Morgan, described by the *Times* as "a local gay leader," as saying:

"I give people credit for intelligence to be able to separate out the fact that a few irresponsible people cannot taint an entire community. Some men beat their wives, but that doesn't mean all men are wife-beaters." Harry Britt blamed the fact that gays had for once stood up and fought on "outside provocateurs," although he did not bother to identify exactly who they were or what they were outside of. Mayor Diane Feinstein herself took a similar line; like Britt, she blamed the events of May 21st on the outside agitators.

And, of course, the *Advocate* joined in the general chorus of bleating. Trembling with fear that straight society will now be more openly disapproving—since the approval of straight society is what the *Advocate* craves above all else—Editor Robert McQueen berates the "small percentage" of the crowd for turning "the intended peaceful protest to destructive, senseless violence." He parrots the Feinstein/Britt line that the whole thing was started by "provocateurs," and says: "Regardless, across America, rioters were perceived as 'predominantly gay,' no matter what their particular political or sexual persuasion." For McQueen, and all the rest of the Uncle Toms and Aunt Marys of the gay movement, condemnation by straight society is the worst thing that can possibly happen to the gay community. Incapable of either political or psychological independence, they are quite willing to march in each and every Gay Freedom Day Parade—but are unwilling to remember the Stonewall rebellion those parades are supposed to commemorate. So narrow and prissy is the attitude of McQueen and others like him, that the *Advocate* article describing the riot carried a notice announcing that: "A fund has been established to help pay for the damage incurred by city hall during the May 21 riots. Make checks payable to the San Francisco City Hall Repair Fund . . ."

What about the damage done to the 75 gay sisters and brothers during the riot?

What about the damage done to the Elephant Walk bar? Why are these "moderates" so worried about the damage done to City Hall when the damage done to their own community is somehow overlooked? Is there *anything* these "leaders" will not do to make themselves look good in the eyes of their straight puppet-masters?

To demonstrate how completely out of touch with reality he is, McQueen goes on to state: "How this Monday of mayhem will affect the special, though delicate, relationship the San Francisco gay community has enjoyed with the City is another question. Certainly its impact on local politics will be significant, possibly making and breaking the political fortunes of key players in the drama." What McQueen doesn't realize, but will soon discover, is that the political fortunes of weak-willed apologists and wishy-washy gay do-gooders will take a well-deserved nose-dive. In spite of his attack on the "small percentage" of radical gays and his dark hints concerning "provocateurs," the crowd that fought the police in the streets acted with nearly unanimous solidarity once things got going. The gay "moderates" found themselves isolated that

night, "leaders" without anything to lead. Their day is over; on the morning of May 22nd, gay liberation was reborn. It was a new day—a day that will go down in gay history as the rebirth of Stonewall Nation.

If McQueen's apologies are nauseating, then there is no word for Frank Fitch's pro-police article in the June 1st issue of the *Sentinel*, San Francisco's leading gay newspaper. Perhaps despicable is the appropriate term, although "ass-kissing" might be more fitting. Entitled "Police Return to Castro," the article details the various good deeds of two police officers recently assigned to foot patrol in the Castro area. After telling us that Officer "Kippie" Locati is into backpacking, dog-training, and talking to her parrot; and after gushing over Officer Jeff Levin, who just *loves* horses and wants to be transferred to the mounted patrol, he writes: "Both Kippie and Jeff feel that support for Dan White among police officers is a myth that they have seen no evidence to substantiate." (!) To anyone who has followed the trial of Dan White even half-heartedly, this isn't even good for a laugh. But the real reason for Fitch's pro-police propaganda comes out in the following: "Jeff feels that both gay people and police officers need to accept that each have feelings of anger resulting from the events of May 21st. 'We need to take some time and be patient with each other.' He thinks the strong reaction of the police officers to the violence at City Hall is less a macho response to gay strength and more a kind of horror over City Hall, the symbol of civil authority, being under attack."

Of course, Frank Fitch—local Democratic Party hack—doesn't want any harm to come to City Hall—why spoil the nice office he has all picked out for himself?

The ultimate irony of all this is that the local effort to recruit gays into the police force is still scheduled to continue. The blindness of the local gay "leadership" is apparently incurable—not even the forced occupation of Castro Street by 200 out-of-town riot cops was enough to shock them into seeing that *the police are the enemy*. How many bashed-in heads will it take before these traitors stop acting as a free public relations department for the bully-boys-in-blue? If gays had, in fact, been recruited into the SFPD before the night of May 21st—what kind of a position would they have been put into?

Fitch prattles on: "In the first three days on the street, Kippie and Jeff performed a variety of police services. On Friday evening they talked a person out of committing suicide. They introduced themselves to merchants, who have been concerned about a rash of petty thefts. The issuance of parking tickets has been popular with Muni riders . . ." *This* after the gay community left 75 wounded and over 30 arrested; this contemptible Pollyanna-ism is like a cancer rotting out the very vitals of the gay liberation movement. It must be repudiated by the gay community, without hesitation or regret, as the shameful crawling that it is. Any effort to recruit gays into the police force—any effort to recruit gays into the system that let Dan White get away with murder—is an attempt to *co-opt* the gay movement and must be absolutely rejected. Are gays going to be assigned to work on the *Vice Squad*—is *this* what Frank Fitch and his liberal Democratic cronies have in mind?

FEINSTEIN'S LINE

It didn't take the clique of self-proclaimed, self-styled "gay leaders" long to disavow the victory of May 21st—and the straight press rushed

Subscribe!

YES, I want to subscribe to *Libertarian Vanguard* for:

6 months (\$4)

1 year (\$7)

YES, I see the need for a publication like *Libertarian Vanguard*, and would like to join the LP Radical Caucus. Sign me up as a:

Sustaining member (includes 1 year sub to *Libertarian Vanguard*) (\$10)

Supporting member (includes 6 month sub to *Libertarian Vanguard*) (\$5)

NAME _____

STREET _____

CITY _____ STATE _____ ZIP _____

LIBERTARIAN VANGUARD

Libertarian Vanguard is published 9 times a year by the Libertarian Party Radical Caucus. *The views expressed here do not necessarily reflect the views of the Libertarian Party.* Address all correspondence to: 199 Dolores St., #7, SF CA 94114. Contents copyright 1979 by Libertarian Vanguard Press.

Editor, *Justin Raimondo*

Editorial Board; *Bob Costello, Murray Rothbard, Bill Evers, Eric Garris*

Art Director, *Jonnie Gilman*

Produced by *GILMAN GRAPHICS*