

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
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FOI/PA# 1355244-0

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INFORMATIVE NOTE

Date 9/19

DAN WHITE - SUBJECT;  
 Re: MAYOR GEORGE MOSCONE-VICTIM (DECEASED),  
 SUPERVISOR HARVEY MILK-VICTIM (DECEASED),  
 [REDACTED]  
 VICTIM; JOHN ESHLEMAN WAHL - COMPLAINANT  
 CIVIL RIGHTS - VOTING LAWS

b6  
b7C

This concerns killing of San Francisco Mayor George Moscone and Supervisor Harvey Milk, victims, by Dan White during 1978. In 9/19/83 issue of "The Washington Post" an article appeared advising the Governor of California has asked the Justice Department to use Federal civil rights laws to prosecute White who is scheduled for parole from state prison in the future.

Our San Francisco Office has recently concluded a civil rights investigation into this matter based on a citizen's complaint. San Francisco's September 8, 1983 report was forwarded to the Department for review on 9/14/83. On 9/19/83 [REDACTED] Criminal Division, Department of Justice, was advised the FBI report had been forwarded to Department of Justice. [REDACTED] General Litigation Section, handles this type violation for the Department and was advised so he could respond to any internal inquiries concerning this matter.

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- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED] (Att: [REDACTED])
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

APPROVED: *WJ*

Director \_\_\_\_\_  
 Exec. AD-Adm. \_\_\_\_\_  
 Exec. AD-Inv. \_\_\_\_\_  
 Exec. AD-LES \_\_\_\_\_

Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Off. of Cong. & Public Affs. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_

WJR/mst  
 MJS (7)  
*WJL*  
*Moscone*

FEDERAL BUREAU OF INVESTIGATION  
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FOI/PA# 1355244-0

Total Deleted Page(s) = 22

- Page 95 ~ Duplicate - Copy of 44C-SF-2178, Serial 1;
- Page 96 ~ Duplicate - Copy of 44C-SF-2178, Serial 1;
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- Page 101 ~ Duplicate - Copy of 44C-SF-2178, Serial 1;
- Page 102 ~ Duplicate - Copy of 44C-SF-2178, Serial 1;
- Page 103 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
- Page 104 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
- Page 105 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
- Page 106 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
- Page 107 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
- Page 108 ~ Duplicate - Copy of 44C-SF-2178, Serial 2;
- Page 128 ~ Duplicate - Copy of 44C-SF-2178, Serial 16;
- Page 130 ~ Duplicate - Copy of 44C-SF-2178, Serial 11;
- Page 131 ~ Duplicate - Copy of 44C-SF-2178, Serial 10;
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JOHN ESHLEMAN WAHL

ATTORNEY AT LAW  
35 GROVE STREET  
1232 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94102

415-863-8555

July 15, 1983

Mr. Joseph P. Russoniello  
United States Attorney for the  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Request for Prosecution of Dan  
White, Pursuant to Title 18,  
U.S.C. § 245, for Violation of  
Civil Rights of Mayor George  
Moscone of San Francisco and  
Supervisor Harvey Milk of San  
Francisco, by Murdering them  
Because of their Political  
Activities Within the Exercise  
of their Offices as Mayor and  
Supervisor

Dear Mr. Russoniello:

Supplementing the Brief In Support Of Request For  
Prosecution, given to you on June 27, 1983 (along with my  
letter of that date), here is potential additional evidence  
for use in the prosecution:

(1) Attached to this letter is the June 28, 1983,  
Declaration (under penalty of perjury) of MICHELLE CORWIN,  
Chief Deputy Registrar of Voters of the City and County of  
San Francisco, attesting to the locating of copies of  
Mayor GEORGE MOSCONE's Declaration of Intention (to re-run for  
Mayor), and Supervisor HARVEY MILK's Declaration of Intention  
(to re-run for Supervisor). She also attests that the records  
of her office show that the Declarations were filed (and I  
was informed that one of the Declarations is apparently the  
original). She has attached copies of the Declarations, and  
of the record showing filing, to her Declaration. You can  
see that the date/time stamp, on Mayor MOSCONE's Declaration,  
shows a filing of October 27, 1978, less than a month before  
the killing, and Supervisor MILK's Declaration's date/time  
stamp shows a November date, which appears to be November 7, 1978.

(2) I have received a telephone call from [redacted] b6  
[redacted] who states that he is [redacted] DON BRADLEY, now deceased. b7C  
DON BRADLEY was Mayor MOSCONE's Campaign Manager. [redacted]

[redacted] states that he, his father, and the Mayor, all had lunch together within approximately two (2) weeks of the assassinations. At that lunch DON BRADLEY informed the Mayor that a telephone poll which had been done showed that the Mayor was the most electable candidate in the forthcoming elections (for the office that he then held -- Mayor). [redacted] office address is [redacted] California [redacted] His office telephone number is [redacted].

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(3) I have received a telephone call from JOHN P. ELIA, a retiree, who states that he had a personal visit with then Supervisor DAN WHITE during the month of March, 1978. At the time, Mr. ELIA states, he (ELIA) was interested in pursuing the possibility of recalling Mayor MOSCONE. But in the discussion with WHITE, ELIA states, WHITE said not to worry, because he was going to get rid of the Mayor, Supervisor MILK, and [redacted] one way or another, in due time. (I immediately asked an attorney I know, in the city from which Mr. ELIA telephoned, to obtain a written statement from him, and to forward it to me. He did. Attached is the original statement -- I have kept a copy.) Today I received another telephone call from Mr. ELIA, who is again in a hospital, he states. He says he is willing to take a lie-detector test as to this account of his conversation with WHITE. (When I questioned Mr. ELIA about what Mr. WHITE's problem might have been with then [redacted] ELIA stated that it included her support of Gay Rights. I have never met Mr. ELIA, however ROBERT MCCARTHY, Esq., a former Deputy District Attorney in this County, has. He states that Mr. ELIA was one of a few retirees who quite often attended Mr. MCCARTHY's trials, and that he recalled that ELIA lived in the Tenderloin while in San Francisco, and had occasional financial and health problems. Mr. MCCARTHY does not believe that Mr. ELIA is psychotic, but cannot say that he would either believe or disbelieve such an account as given by Mr. ELIA. He does not recall any such account from Mr. ELIA being given to him.

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We are continuing to collect such information as may be helpful to the prosecution.

Sincerely,

*John Eshleman Wahl*  
JOHN ESHLEMAN WAHL

JEW:ma

cc: Mr. Joseph Scott Smith, Executor of the Estate of Harvey Milk  
[redacted] Assistant Attorney General  
[redacted] Gen. Litig. & Advice Section

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June 28, 1983

TO WHOM IT MAY CONCERN:

I, the undersigned, am the Chief Deputy Registrar of Voters of the City and County of San Francisco, State of California.

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I certify that on June 28, 1983, [redacted] of my staff presented me with copies of the Declaration of Intention of George Moscone to run for Mayor and Harvey Milk to run for Supervisor. The records show that these Declarations were filed during 1978.

If called as a witness I could competently testify to the foregoing facts.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true, and that this is executed at San Francisco, California, on June 28, 1983.

A handwritten signature in dark ink, appearing to read "Michelle Corwin", written over a horizontal line.

MICHELLE CORWIN  
Chief Deputy Registrar of Voters



CITY AND COUNTY OF SAN FRANCISCO

#1

OFFICE OF  
REGISTRAR OF VOTERS  
CITY HALL  
SAN FRANCISCO, CALIFORNIA 94102

Declaration of Intention

I, GEORGE R. MOSCONE

do hereby declare my intention to become a candidate

for the office of MAYOR

of the City and County of San Francisco at the forth-

coming election to be held NOVEMBER 6 19 79.

George R. Moscone  
Signature

Room 200, City Hall, San Francisco  
Address

558-3456

PHONE

Oct 27 1 15 PM '78  
REGISTRAR OF VOTERS  
BY Jay P. [unclear]

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF  
REGISTRAR OF VOTERS  
CITY HALL  
SAN FRANCISCO, CALIFORNIA 94102

Declaration of Intention

BY

I, Harvey B. Milk

do hereby declare my intention to become a candidate

for the office of Supervisor, District # 5

of the City and County of San Francisco at the forth-

coming election to be held November 6, 1979.

Harvey B. Milk

Signature

18 HENRY STREET, S.F. 94114

Address

558 - 2145

PHONE

NAME

b6  
b7C

# OFFICE

filed  
1981

SUPERVISOR DIST

DISTRICT ATTORNEY

~~HARVEY MILK DIST 5~~

~~SUP DIST 5~~

MAYOR

MAYOR

MAYOR

~~GEORGE ANSCONE~~

~~MAYOR DIST 5~~

SHERIFF

MAYOR

MAYOR

MAYOR

~~SUPERVISOR DIST 5~~

MAYOR

MAYOR

MAYOR

MAYOR

MAYOR

MAYOR

~~SUP DIST 5~~

~~SUPERVISOR DIST 1~~

MAYOR

SHERIFF

~~SUPERVISOR DIST 4~~

~~SUP DIST~~

D.A.

~~SUPERVISOR DIST~~

~~SUPERVISOR DIST~~

MAYOR

SHERIFF

MAYOR

~~MAYOR~~

MAYOR

~~SUPERVISOR DIST 5~~

SHERIFF

~~SUP~~

New Address:  
1600 F St. Suite 200  
Bakersfield, CA 93301

DONALD C. DUCHOW  
ATTORNEY AT LAW  
1601 H STREET, SUITE 270  
BAKERSFIELD, CALIFORNIA 93301  
(805) 327-9959

June 29, 1983

Mr. John Wahl  
Attorney at Law  
1232 Market Street  
San Francisco, CA 94102

Dear John:

I went to see Mr. Elia and obtained the enclosed statement from him. He is going to St. Francis Hospital in Santa Barbara and will have surgery on July 6th. He expects to check into the hospital on July 4th and may be reached by telephone the 4th, 5th, or after the 6th. He states that he will be in contact with you and is quite anxious to help you in any way he can on your case.

Sincerely yours,

  
Donald C. Duchow

DCD:dt

encl.

JOHN P. ELIA  
P.O. Box 904  
SAN BERNARDINO  
CALIFORNIA 92402

JUNE 28 1983..

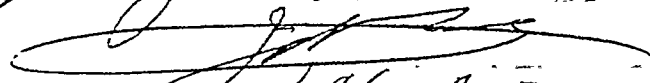
"DEAR SIR"

As I SAID ON PHONE JUNE 28. 1983 - 2:45 PM -  
I SWEAR - IN ANY COURT ROOM - THAT ON MARCH ? 1978  
EX SUPERVISOR DAN WHITE DID TELL ME - QUOTE WHITE  
JOHNIE - DO NOT WORRY - LATER IN YEAR - 1978 - ONE WAY  
OR OTHER - [REDACTED] MILK MOSCOW I GOING TO  
~~THE~~ RID OF THEM - I PROMISE THEY NEVER BE AROUND ANY MORE  
UNQUOTE - MY REASON TO MEET WHITE - FOR RECALL  
THAT FAIR

I'LL BE IN ST FRANCIS HOSPITAL AT  
SANTA BARBARA FOR A WEEK - I'LL COME TO YOUR  
OFFICE - SOON AS I'M ABLE

I SWEAR THIS IS THE TRUTH -  
I NEVER MET DAN WHITE TIL MARCH 1978 - AND  
AFTER OUR TALK - I NEVER CAME TO SEE WHITE  
I DID WITH LATE MAYOR GEORGE MOSCOW  
ABOUT AUGUST 1978 - ON NOV. 27 - 1978 - I TOLD  
THREE POLICE OFFICE WHAT I BELIEVE TOUBLE FOR  
MAYOR - COPS JUST LAUGHT - ONE I KNOW AS [REDACTED]  
STATION BY CROSS WALK AND PARKING ON POLK ST.

Sign June 28 - 1983

  
JOHN P. ELIA

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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 9/6/83

[redacted] Assistant United States Attorney (AUSA), Northern District of California, held a meeting with Special Agent [redacted] and Federal Bureau of Investigation (FBI) Supervisor [redacted]

AUSA [redacted] made available a copy of a letter from Attorney John Eshleman Wahl, dated July 15, 1983.

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A copy of this letter is attached to and made a part of this FD-302, consisting of eight pages.

AUSA [redacted] advised that the U.S. Attorney Joseph P. Russoniello requested that Mr. John P. Elia be interviewed.

Investigation on 9/6/83 at San Francisco, California File # SF 44C-2178 -1  
by SUPV [redacted] AND SA [redacted] MM/rmw Date dictated 9/8/83

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b7C

SF 44C-2178  
MWM/rmw

1

A review of the indices of the San Francisco Federal Bureau of Investigation Office shows no reference to John P. Elia.

There are numerous references in the San Francisco indices to the victims, in that they are, or were, public figures.

**AIRTEL**

TO: DIRECTOR, FBI

DATE: 9/8/83

FROM: SAC, SAN FRANCISCO

ATTENTION: CRIMINAL INVESTIGATIVE DIVISION  
CIVIL RIGHTS UNIT

- \* 1.  initial submission \_\_\_\_\_ supplemental submission \_\_\_\_\_ revision
- \* 2. File No: 44C-2178 (include alpha)
- \* 3. Status: C (P - pending, P\* - pending inactive, C - closed, RUC - referred upon completion)
- \* 4. Title: DAN WHITE - SUBJECT;  
MAYOR GEORGE MOSCONE - VICTIM (DECEASED),  
SUPERVISOR HARVEY MILK - VICTIM (DECEASED),  
 - VICTIM;  
JOHN ESHLEMAN WAHL - COMPLAINANT;  
CIVIL RIGHTS - VOTING LAWS (C)

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b7C

Re: U.S. ATTORNEY REQUEST.

5. If Title changed, show previous Title:

\* 6. TYPE OF CASE: (check one)

- |   |                                      |                                   |   |
|---|--------------------------------------|-----------------------------------|---|
| A. <input checked="" type="checkbox"/> CR | D. <input type="checkbox"/> CRA64-PE | G. <input type="checkbox"/> CRIPA | J. <input type="checkbox"/> FRS               |
| B. <input type="checkbox"/> CRA64-E       | E. <input type="checkbox"/> CRA64-PF | H. <input type="checkbox"/> DIH   | K. <input type="checkbox"/> ISS               |
| C. <input type="checkbox"/> CRA64-PA      | F. <input type="checkbox"/> CREL     | I. <input type="checkbox"/> ECOA  | L. <input type="checkbox"/> PRIV. ACT - CRIM. |

7. AGENCY TYPE: (check one)

- |   |   |
|---|---|
| A. <input type="checkbox"/> City-County Jail    | F. <input type="checkbox"/> Sheriff's Office          |
| B. <input type="checkbox"/> Federal Agency      | G. <input type="checkbox"/> State Police - Hwy Patrol |
| C. <input type="checkbox"/> Police Department   | H. <input type="checkbox"/> Other                     |
| D. <input type="checkbox"/> Prison/Penitentiary | I. <input checked="" type="checkbox"/> Not pertinent  |
| E. <input type="checkbox"/> Private Security    |   |

8. AGENCY NAME: \_\_\_\_\_ (20) STATE: \_\_\_\_\_ (use 2-char. abbrev.)  
(omit if "Not pertinent" checked above):

\* 9. ACTION: UACB;

- |                       |   |  |   |
|-----------------------|---|--|---|
| (check if applicable) | A. <input type="checkbox"/> LHM enclosed        | C. <input checked="" type="checkbox"/> Report enclosed | E. <input type="checkbox"/> No further action being taken |
|                       | B. <input type="checkbox"/> LHM being submitted | D. <input type="checkbox"/> Report being submitted     | F. <input type="checkbox"/> FD-376 (enclosure to LHM)     |

\* 10. Further action: A.  investigation instituted  
B.  investigation continuing  
C.  investigation completed

11. Copy of above submitted to: (check as many as applicable)

A. <input checked="" type="checkbox"/> USA _____
B. <input type="checkbox"/> Secret Service
C. <input type="checkbox"/> BATF
D. _____ (15) (other - specify)

2 - Bureau  
1 - San Francisco  
MWM/rmw  
(3)

SEARCHED \_\_\_\_\_  
SERIALIZED EW  
INDEXED \_\_\_\_\_  
FILED EW

*Amun*

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Enclosures

(ATTACHMENT A)  
FBI/DOJ

44C 2178.3



F. O. File # 44C-2178

Victim MOSCONE/MILK/

12. SUBJECTS (number):
- |             |              |          |      |       |        |
|-------------|--------------|----------|------|-------|--------|
| A. _____    | Amer. Indian | _____    | Male | _____ | Female |
| B. _____    | Asian        | _____    | Male | _____ | Female |
| C. _____    | Black        | _____    | Male | _____ | Female |
| D. _____    | Hispanic     | _____    | Male | _____ | Female |
| E. <u>1</u> | White        | <u>1</u> | Male | _____ | Female |
| F. _____    | Other        | _____    | Male | _____ | Female |

If "Other" please specify: \_\_\_\_\_ (15)

13. VICTIMS (number):
- |             |              |          |      |          |        |
|-------------|--------------|----------|------|----------|--------|
| A. _____    | Amer. Indian | _____    | Male | _____    | Female |
| B. _____    | Asian        | _____    | Male | _____    | Female |
| C. _____    | Black        | _____    | Male | _____    | Female |
| D. <u>3</u> | Hispanic     | _____    | Male | _____    | Female |
| E. _____    | White        | <u>2</u> | Male | <u>1</u> | Female |
| F. _____    | Other        | _____    | Male | _____    | Female |

If "Other" please specify: \_\_\_\_\_ (15)

14. Other descriptive data re victims: \_\_\_\_\_ not applicable

- If applicable (number):
- |          |          |          |                   |
|----------|----------|----------|-------------------|
| A. _____ | under 18 | C. _____ | handicapped       |
| B. _____ | over 62  | D. _____ | institutionalized |

15. Matter type (use best description, check more than one if applicable):

- A.  brutality type \_\_\_\_\_ (15) (i.e., shooting; beating)
- B.  nonbrutality
- C.  death of victim
- D.  suicide method \_\_\_\_\_ (15) (i.e., hanging, slashed wrist)
- E.  known extremist group type \_\_\_\_\_ (15) (i.e., Klan, Nazi, JDL)
- F.  suspected ext. group type \_\_\_\_\_ (15) (i.e., Klan, Nazi, JDL)
- G.  cross burning
- H.  migrant victim
- I.  violence to property type \_\_\_\_\_ (15) (i.e., arson, shooting)
- J.  ISS matter type \_\_\_\_\_ (i.e., peonage, enticement, servitude, other slavery)
- K.  other explain \_\_\_\_\_ (25)

9/6/83

\* 16. Synopsis of Complaint - Date of initial complaint \_\_\_\_\_

In November, 1978, past San Francisco Supervisor Dan White shot and killed San Francisco Mayor George Moscone and Supervisor Harvey Milk. White was subsequently tried and sentenced to prison. He is eligible for release from prison in early 1985. A Civil Rights complaint has been filed with the U.S. Attorney's Office, Northern District of California, alleging that White denied Mayor Moscone and Supervisor Harvey Milk the right to re-election.

\* 17. Indices: (check one)  negative  positive (if positive explain in body of report/LHM)

Remarks/Administrative

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 9-6-83  
Edition: Final  
1 S.F. Examiner  
San Francisco, Ca.

Title:  
  
Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

# The Dan White file

## Assassin's legacy A moment of madness changed San Francisco forever

By Lynn Ludlow  
Examiner staff writer  
First of five parts

**W**ILLIE BROWN could have told them about the politics behind Dan White's bullets.

After all, the San Francisco legislator was close at hand during the City Hall killings of Mayor George Moscone and Supervisor Harvey Milk on Nov. 27, 1978.

Oddly, his name didn't show up in official reports, trial testimony or anywhere else in the Dan White file.

Now the powerful speaker of the Assembly, Brown told Examiner reporter Dennis J. Opatry last week,

was the last person to see George before Dan White killed him.

Brown and Moscone had talked about the profound change that was about to take place in San Francisco politics. Moscone planned to replace White on the Board of Supervisors, giving the mayor a 6-to-5 majority of liberals and progressives.

The killings changed the equation, but the politics of assassination rarely came up during White's trial. It turned instead on psychiatric testimony and the jury's understanding of what amounts to reasonable doubt.

Acquitted of murder by the jury, White will try to find anonymity after he completes his manslaughter sentence on Jan. 6.

Three days later, if re-elected, as expected, Mayor Feinstein will take the oath of office for a second full term.

It will bring her to national notice as host to the Democratic National Convention in July at the George R. Moscone Center.

By then the Reagan administration will have decided whether to go ahead with belated federal charges against White for killing his victims because they were candidates.

This is under review by the U.S. attorney's office. Because the FBI hasn't been asked into the case, and may never be, its agents haven't asked Brown and others about the political context of a double assassination five years past.

It's an anomaly typical of the legacy of these assassinations, which still includes unanswered questions, un-

resolved issues and wounds as yet unhealed in the body politic.

After just 10 months as a novice legislator, White abruptly resigned as the supervisor for District 8 on Nov. 10, 1978. He blamed financial and family pressures.

He seemed very relieved, said John Molinari, a supervisor since 1971. "It was as if a heavy burden had been taken from his back."

The euphoria didn't last long. White was urged to stay on the board. Relatives and friends volunteered to help with his financial needs. "The board was really split against George, 6 to 5," said Molinari. "There was an awful lot playing on this resignation."

Moscone assured White he could get his job back, then backed off from a political perspective. The mayor or he would consider various candidates, adding that White would have to know.

Moscone's final day began with a detour.

A platoon of pro-Dan White demonstrators from the Outer Mission and the Portola districts had converged on the Polk Street steps of City Hall with petitions. Moscone's name was on the list.

White's aide, Denise Apcar, called him at home and said, "The mayor

With her next call, after the mayor refused to come out and see the demonstrators, White asked her to arrive over and pick him up.

Moscone didn't phone White. Instead he called a press conference to announce that White's seat would go to Horanzy, then a federal real estate official.

White told Apcar he wanted a straight answer from Moscone. In the meantime, Moscone had tried to phone Assemblyman Art Agnos of San Francisco, who had suggested Horanzy's name. Agnos keeps the phone message slip framed.

Moscone also missed Lois Salisbury and Robert Gnaizda of Public Advocates, the law firm that had just begun a federal court trial on discrimination by race and sex in the

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Police Department. Without White's vote in opposition, Horanzy's appointment would mean probable approval of an out-of-court settlement involving quotas, timetable and \$2.5 million in damages to the plaintiffs.

On the other side of the street, Feinstein prepared for the next meeting of the Board of Supervisors. White had supported her reappointment also by a 65 margin, to the mayor's presidency. She wanted to see

week lobbying against White's reappointment. Nobody noticed when Brown

they discussed the possible implications of Jonestown, where 913 members of Peoples Temple died nine days earlier. The Rev. Jim Jones, who inspired the sect, had been Moscone's appointee as president of the city Housing Authority.

They talked of Moscone's upcoming birthday. Then the mayor mentioned Dan White.

In the meantime, the ex-supervisor slipped through a basement window in City Hall, encumbered by a .38 Chief Special revolver.

"George wanted me to meet Don Horanzy," said Brown. "He told me to go out to the outer office and introduce myself."

As for Moscone, "He was going to give Dan White the final word on the very bad news."

By then, White had come into the outer office, missing Horanzy and ignoring his little band of demonstrators. He strode past the reception desk and asked Cyr Copertini, the mayor's appointments secretary, if he could talk to Moscone.

He waited patiently.

He asked for a glass of water.

When Copertini told him the

the door closed

Brown said the shot rang out with

Horanzy then fell back from the inter-

Frank Falson, the homicide in-

spector who later headed the investiga-

tion, and Tom Norman, who pro-

secuted White, said last week that their

records and files show nothing about

Brown and his role as Moscone's

friendly visitor.

Copertini heard loud thuds.

Brown had reached the main

when he heard a terrible com-  
plosion. He came back up the stairs  
he said, and in the corridor he found  
Randy Nothenberg, then the deputy  
mayor.

Nothenberg said, "I think he's  
done it to the guy."

Brown said, "Done what?"

he found the

antechamber.

By then, White was killing Milk.

Reported to be the first acknowl-

ed homosexual to be elected to

legislative office in his country, the

man who called himself the Mayor

of Castro Street had become accus-

tomed to death threats.

"Harvey Milk expected his mur-

der," said Harold Bont, his successor.

He mentioned it a few hours

before his election.

When White marched into the su-

pervisorial offices, he said, "Say, Harv, can I see you for a

minute?"

The answer was "Sure, Dan."

Feinstein heard a shot. She thought White had killed

himself. Then she heard four more.

She would later testify:

*I knew I had to move, and I was trying to force my*

*brain and my body to function together and move out of*

*the chair.*

*And I had gotten out of my chair when I saw Dan*

*leave, and I said, "Dan?" And he went right by. And the*

*door closed.*

*I then smelled the gunpowder.*

She found Harvey Milk in White's office. It was horror.

Two hours later, White would sob to interrogators that

he was trying to discuss his reappointment situation with

Milk. Milk didn't know the discussion was pointless; White

had just executed the only person who could have

reappointed him.

Feinstein won't read this article. She said she still can't

look at anything that brings back the killings.

But if politics led to the assassinations, their legacy is

equally political.

Feinstein shuddered behind the big desk that was

once Moscone's.

She said, "The wounds are still very, very fresh."

Her sponsorship of anti-handgun legislation, a direct

result of the day she found Milk, would lead to last

spring's recall election sponsored by leftist pro-gun ele-

ments. The recall failed so dramatically that she became

next to Brown, the most powerful politician in town.

It's a dramatic turnaround for Feinstein, whose career

had stalled after she came in third in two mayoral

elections behind Joseph L. Alioto (1971) and Moscone

himself (1975). Re-elected to the Board of Supervisors for a

second term in the district elections of 1977, she was said to

be considering an appointment in the Carter administra-

tion. As board president, she became acting mayor upon

Moscone's death. Her fellow supervisors elected her to

complete Moscone's term, and she won election by the

people in 1979.

Today she has become one of the nation's best-known mayors with apparently enough support at home to waltz through this November's re-election campaign.

She began as mayor by trying to thwart, as she put it, the "assassin's will."

She named Harry Britt to Milk's seat, for example, and it cost her some legislative victories. Britt and Milk shared similar politics.

Nothenberg became manager of public utilities.

Moscone appointees remained on boards and commissions.

On the other hand, change in the Police Department was dramatized after the White Night riot of May 22, 1979—a violent expression of outrage at the jury's manslaughter verdict.

Police Chief Charles Gain, an outsider of liberal views who had been Moscone's most controversial appointment, was eventually replaced. Today he operates a trailer park.

The case destroyed the political career of Joseph Freitas, the district attorney when White's jury brought in manslaughter convictions.

Although Freitas lost in a runoff to Arlo Smith, then a state assistant attorney general, his opponents also included a former deputy, Joseph Russoniello.

President Reagan later named Russoniello the U.S. attorney in San Francisco, where he is now studying the record of White's trial. The question is whether the case qualifies for prosecution under a civil-rights law intended to end racial intimidation in Southern elections.

The federal prosecution was proposed by Milk's attorney, John Eshleman Wahl, who contends the prosecutor went easy on White.

The prosecutor, Norman, furiously denies it. He remains in the top rank of senior trial deputies under Arlo Smith, who had been deeply critical of the prosecution during campaign speeches.

Norman said he happened to meet one of the White jurors in the Tower Market in San Francisco. It wasn't a pleasant reunion.

"She said we should have told her how soon White would get out," he said. "I said she should have listened to the judge's instructions."

When surveyed by Examiner reporter Carol Pogash, most of the jurors remained defensive about their deliberations and unhappy about reactions from friends and neighbors. But they stuck to their decision.

"We just want to put it behind us," said one juror, gently closing the door.

The White case is blamed also for contributing to the demise of district elections of supervisors, a reform measure enthusiastically enacted by initiative in 1977. Supposed to enhance representation of the neighborhoods, it brought White and Milk into public office. Citywide elections were restored two years later with a referendum memorable for the disinterest of voters. And some analysts say the apathy has become permanent.

The verdicts also produced cynicism over what is perceived as unequal punishment under the law.

The late Superior Court Judge Walter Calcagno gave

## Quotes from the Dan White file

Well, the mayor said, and I watched him say that, "I'm going to reappoint you. You're a hard-working man, and you deserve the job. A man has a right to change his mind. And if it comes to a legal question as to whether I should appoint you, I will."

There was a letter that the mayor wrote to Dan White that was directly contrary to what Mr. Moscone had said to Dan White himself.

Denise Aparo  
Chief legislative aide to White

### THE MAYOR'S LETTER

Nov. 20, 1978.

Dear Dan,

This is my response to your letter of Nov. 20, 1978. The thing I want to do is deprive the citizens of District 8 of their necessary representation before the Board of Supervisors.

As I told you this past Saturday in my office, however, I have received a great many communications from the residents of District 8, some from your political opponents, others from your past supporters, which have urged me not to reappoint you to the Board of Supervisors.

As I informed you this past Saturday, I am going to take an additional week in which to review this situation, and to receive further communications on the subject from the citizens of District 8, some of which may conceivably benefit you.

But I must reiterate that I have not made a commitment of any kind to appoint you, or any other San Franciscan, to the position of Supervisor from District 8.

Sincerely,  
George R. Moscone, Mayor

White the longest possible sentence: Seven years, eight months, for the killing of two men by their frustrated political opponent. Reduced by time for good behavior and time in county jail, the total term became five years, one month and eight days.

Assemblyman Byron Sher, D-Palo Alto, is carrying a bill that would increase the maximum manslaughter sentence to 11 years.

More than 20,000 signatures have already been collected on petitions aimed at blocking White's parole, but

White was among the first criminals to be convicted under provisions of a 1978 reform law. It replaced the indeterminate sentence with set terms. Under this law, parole is automatic, and the governor's office announced last week that it won't intervene.

The White verdicts also brought a legal separation to the uncomfortable marriage of psychiatry, which is supposed to be one of the healing arts, and the adversary system of the law, which isn't.

Since the 1940s juries have been hearing psychiatrists

solemnly contradicting each other over such questions as whether a fifth of bourbon would diminish a culprit's capacity to premeditate. Juries rarely agreed.

Diminished capacity, a phrase which cut at least a decade off White's sentence, was thrown out by statute in 1981. This was confirmed by the voters with the overwhelming passage in June 1982 of Proposition 8, the Victims' Bill of Rights.

*Tomorrow: the Irish martyr*



Examiner/Bob McLeod

**Victims of the assassin's rage, Milk and Moscone shook hands after gay rights ordinance became law**

(Mount Clipping in Space Below)

# It was ask no quarter, give none for the man who turned assassin

By Lynn Ludlow  
Examiner staff writer

by his probation officer, he could not recall a favorite academic subject.

**W**HEN DANNY WHITE was just a young boy, four neighborhood bullies chased him home.

However, his IQ score five years ago was 118, "high average," with a vocabulary in the 90th percentile.

He ducked in the house. His dad shoved him outside and told him to fight like a man.

His father, Charles White, a San Francisco fireman, was said to be "hard-working, outgoing, well-liked and considered honest and full of fun." Ill for nearly two years with stomach cancer, he died at age 43 when White was 17.

The incident, noted by one of the psychiatrists who would later testify in his trial, helped explain why White grew up as someone who "tended to be rigid, unrealistic in the sense of seeing things in black and white, in terms of good and bad."

Dr. Martin Blinder, one of the psychiatrists who would testify in White's behalf, said the father's death had a profound effect on a youngster who tended to keep his feelings to himself.

"I never had a chance to know him," White told Blinder, "and now I never would."

Daniel James White, no longer boyish, turned 37 last week in the state Correctional Training Facility in Soledad, while awaiting his parole date on Jan. 6.

(Five years later, his mother married a widower with eight children of his own. White had eight brothers and sisters and eight more stepbrothers and stepsisters.)

He was part of the baby boom, born in 1946 in Long Beach, where his father was stationed in the Navy. He was the second of nine children.

As a transfer student at Wilson High, White found himself in an occasional fist fight with other students, black and white. Captain of the football team (flanker back and linebacker) and of the baseball team (shortstop), he dreamed of a career in professional baseball. He would later blame a leg injury for thwarting his hopes.

White grew up in Visitacion Valley, attending St. Elizabeth's Grammar School, Riordan High School and Wilson High School. An indifferent student with low-average grades and a short attention span, he was mainly preoccupied with baseball. Years later, when asked

In the fall of 1964, others of his generation were diverted by the

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*Dan White*

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Free Speech Movement, the Beatles and experiments with LSD. White dropped out of City College, enlisted in the Army, volunteered for paratrooper training in Georgia and wound up with the 173rd Airborne in Vietnam.

He would talk later of his shock at seeing Vietnamese bodies strewn alongside the roads. He was surprised also "by the lack of affection and sympathy of the Vietnamese people for the Americans."

Back home again, White spent six months relaxing in San Rafael, then worked for PG&E while waiting for an opening in the Police Department.

*"The year 1969 was a very difficult time for police officers in San Francisco as it was a period of unrest in the black community as well as social unrest in the community in general over the war in Vietnam...."*

*"Dan always handled these difficult — and potentially dangerous situations in a calm and professional manner."*

Police Officer James Sullivan

He lived then in a dingy apartment in the Mission District. The furniture consisted of a mattress.

White was an officer from January 1969 to October 1970, excelling on a department softball team. He was most valuable player in a state-

wide police tournament, where an umpire called him the best softball player he had ever seen. Then he quit the department.

White would say later, "I guess I'm something of a romantic. I'm a great Jack London fan, and I do some writing, mostly short stories. So I hitchhiked around the country and then up the Alcan Highway to Alaska."

White found work as a truant officer in Anchorage. He liked Alaskans, "the last pioneers," but he drifted back to San Francisco.

He rejoined the police in September 1971. His performance ratings were average. He won two commendations, but he quit again in May 1973.

Probation Officer Michael Percy said, "He stated that he left police work for several reasons, including the growing public distrust of police, a changing attitude from respect and confidence to one of anger and resentment by the people he sought to assist."

White quit for another reason. He told friends he had intervened at Ingleside Station when two other officers began to beat a handcuffed suspect. He filed a report and, according to Blinder, "was immedi-

ately frozen out of the camaraderie of the fellow policemen."

Then off he went, this time on jaunts to Alaska and Ireland, while waiting to be called for the next opening in the Fire Department.

In January 1974, he began the only job he ever really liked. He was valedictorian of the Fire Academy class, lived in a 20-foot sailboat in Sausalito and decided to enter the Golden Gloves boxing tournament. He lasted the full three rounds in the senior division against the national champ.

From the sailboat, which was furnished with a sleeping bag and a portable radio, he moved to the John Muir Apartments on Lake Merced. He bought a Porsche. In April 1976, he had met Mary Ann Burns, four years older than him. She had been an elementary school teacher in Japan and Germany before joining the San Francisco system.

"Everyone who ever worked with her thinks she is a wonderful teacher," said a colleague.

White told his probation officer that she is a "great girl" and "good woman."

They were married Dec. 20, 1976.

If he were allowed to live his life over, White would later say, he would have remained a fireman. People respected firemen, he said.

White had been introduced to Ray Sloan, a political consultant

from Contra Costa County. He encouraged the young fireman to run for the Board of Supervisors under the new scheme of elections by district.

It meant White had to move back to the Outer Mission from the John Muir Apartments in a more affluent part of town. As the newlyweds returned from their five-week honeymoon in Ireland, White began campaigning for the seat in District 8. It covered the Portola, Crocker-Amazon, Outer Mission and Visitation Valley neighborhoods.

After White won a plurality in District 8 with 31 percent of the vote, the city attorney's office ruled that his fireman's job amounted to a conflict of interest. He resigned, losing an annual salary of \$18,000 and numerous fringe benefits. Supervisors were then paid half that amount.

Then Mary Ann White took maternity leave, causing further financial problems.

The baby is now 5 years old. His brother, conceived when White was permitted conjugal visits in prison, was born in June 1981. He is severely retarded with Down's syndrome, more commonly known as mongolism.

It was the summer of 1978 when the baby came home to a green bungalow on Shaavnee Street,

which White had purchased for about \$70,000 the previous year.

Looking for a way to earn extra money, White made a deal with Warren Simmons, developer of Pier 39, for what appeared to be a profitable little fast-spud stand called the Hot Potato. It drew criticism because Simmons was then doing a lot of business with City Hall.

White and his family staffed the place. After White's trial, it became the Potato Place, and is still operated in the name of Mary Ann White and Dan's brother, Thomas White.

While a supervisor, White told friends, he felt impotent and frustrated. He would say later that he hated political compromise and expediency.

When he resigned from the Board of Supervisors without consulting anybody, not even his wife, White told friends he felt as if an enormous burden had been lifted from his shoulders.

He wanted to be helpful to people and yet he wanted to run away from them. That did not make any sense to me.

Inspector Frank Falzon



While campaigning for his supervisor's seat, he kept in shape by running. The Civil Hills. To his wife, Mary Ann. Examiner file photos.





As a student, Dan White got low-average grades, and later he couldn't recall an academic subject that interested him. He excelled at sports, however, and, as a professional, fought the national Golden Gloves champion.

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**An assassin's legacy**

**Was it hatred of gays or revenge?**

By Lynn Ludlow  
 Examiner staff writer  
 Third of five parts

**F**ROM VIOLENT MEN," a novel this year by Daniel Curzon, describes a stout-necked, foul-mouthed ex-cop who is about to be paroled from Soledad for killing "the mayor and Harvey."

Brad Short, as Curzon calls him, is the target of an assassination scheme by vengeful gays. An excerpt:

"I heard who's trying to kill me! The faggots!" Brad's eyes gleamed with hatred. "Well, just let 'em try!" He punched his fist into the meat of his hand, filling the room with the dull sound of flesh on flesh.

The \$8.95 paperback, published by the International Gay News Agency, reflects a prevalent series of speculations, rumors and assumptions about Brad Short's real-life prototype, Dan White.

The result is a two-dimensional nightmare about a brutal slob with a violent hatred for homosexuals. According to this profile, the frustrated politician may have shot Mayor George Moscone in a rage — but he tracked down Harvey Milk because the supervisor was gay, and proud of it.

But the story of White's relationship with Milk suggests a motive based principally on politics, not homophobia as such.

Now a model prisoner at the state Correctional Training Facility at Soledad where his manslaughter sentence will end Jan. 6, White refuses to answer questions about his motives or, for that matter, anything else.

Testimony in the 1979 trial, however, shows White felt betrayed by Milk in a context of political conflict.

At the end, they had stopped speaking to each other, but the relationship began warmly enough in spite of differences in age, background, education, politics and sexual orientation.

Both men were political outsiders who shook thousands of hands, rang hundreds of doorbells and won seats on the reorganized Board of Supervisors in November 1977. It was the first election by district, a reform that was supposed to reflect San Francisco's diversity and shrink the influence of downtown interests, developers and corporations.

As a candidate, White was quoted in a brochure as saying he would not be forced out of town by "splinter groups of radicals, social deviates and incorrigibles."

Later, he explained to Milk that "deviates" referred to addicts.

"He's almost the antithesis of (the) hard-line conservative portrayed by the media," said Milk after their inauguration in January 1978. "I was pleasantly surprised... He's wary, polite and dedicated — and doesn't seem at all boxed in by one line of thinking."

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White's legislative aide, Denise Aparcar, would say: "As a matter of fact, they were good friends in the beginning, and they liked each other personally, very much..."

Randy Shilts, author of "The Mayor of Castro Street," quotes several of Milk's friends who said they took a tolerant view toward White's politics. To Dennis Scott, Milk said, "Ev-

eryone can be educated and helped." To Michael Wong: "White? I like Dan. He's learning, and he and I talk a lot. Give him time."

White had already spoken out in favor of Milk's gay-rights ordinance. As a paratrooper in Vietnam, he said, "I found a lot of the things that I had read about that had been attributed

to certain people — blacks, Chinese, gays, whites — just didn't hold up under fire, literally, under fire."

(White would later tell psychiatrists that as a supply clerk he had seen no combat beyond an occasional sniper round.)

"The sooner we leave discrimination in any form behind," White said,

"the better off we'll be."

The remark in March 1978 was the high point of the friendship of Milk and White.

What happened next is illustrated by White's behavior at a casual softball game.

Supervisor John Molinari remembers the game at Funston Park be-

tween the mayor's office and the Board of Supervisors. The recreation complex was later named for Moscone.

"It was supposed to be fun," said Molinari. "There were a few cans of beer. George had to go somewhere,

so he showed up in his suit."

The score was 20 to 19, but Molinari doesn't remember who won and doesn't care.

White would remember. He may have been out of his league in City Hall, but this was literally his turf.

Molinari: "And Dan, he was all over the field, taking it real seriously. He slammed his glove on the ground. He argued with the umpire, who happened to be a judge. He was certainly a good athlete, a great athlete, but..."

White hated to lose. He never trusted Milk again after the vote on the Youth Campus.

During the campaign in his district, which encompassed most of the neighborhood south of Interstate 280, White had made the Youth Campus his No. 1 promise.

The plan called for a non-profit corporation with state and federal funds to establish a residential treatment center for as many as 60 emotionally disturbed teen-agers, youngsters who were otherwise chipped out of town to state hospitals or treatment centers.

The site was in the Portola District, the Convent of the Good Shepherd's boarding school for wayward girls. It had closed.

The Youth Campus was warmly supported by the local psychiatric community. It was opposed passionately in the Portola District, where residents feared that the teen-agers might jump the fence.

Milk had implied to White that he would support him in opposing the city contract. Then he changed his mind.

"We have to put aside our fears," said Milk, who voted for the Youth Campus. White was left a 6-to-5 loser. Moscone signed the bill, then dropped by the convent school to make a plea for "calm and reasoned judgment."

Although their friendship would never recover, White would include Milk in the invitations to the christening of his baby son — and Milk attended.

"It was just a political courtesy," said Scott Smith, Milk's lover and partner. "By then, Harvey didn't have any use for Dan."

Milk began referring to White as a closet case, but White's only on-the-record expression of anti-homosexual sentiments came in October. He opposed the routine closing of Polk Street for Halloween.

Supervisor Carol Ruth Silver would later say, "Dan White got up and gave a long diatribe, just very unexpected and very uncharacteristic of Dan, a long hostile speech about how gays and their lifestyle were — had to be contained, and we can't encourage this kind of thing, and..."

After White impulsively quit his supervisor's post on Nov. 10, then changed his mind, he went into the office of the deputy city attorney assigned to find out if he could rescind his resignation.

The phone rang. It was Harvey Milk, urging the lawyer to find some way to keep White off the board.

Milk told friends that Moscone would get a 65 majority on the board if he appointed someone closer to his progressive-liberal political views.

White's aides, who continued to use his office during the interim, must have overheard Milk as he lobbied loudly on the phone in his cubicle-sized office down the hallway.

Silver said, "Not only did Harvey beat Dan but laughed at him as well, boasted about it."

White would later tell Dr. Roland Lévy, the prosecution's psychiatrist, that Milk was "masterminding the deal" to block his reappointment. He called Milk "the most devious board member."

On Nov. 27, the day another man was to be named by the mayor to White's seat, his aide Aparcar had been standing outside Moscone's office with a group of White's supporters from District 8. They wanted to deliver petitions to Moscone, urging him to reappoint White. She was informed that Moscone was out.

She would later say, "I noticed the side door to the mayor's office open and I saw Harvey Milk exit the mayor's private hallway there, in front..."

"I saw him laughing, and I saw him being patted on the shoulder by someone in the door jamb area."

She called White, who had spent the weekend brooding at home. She mentioned the hallway incident.

Was he angry?

"Definitely."

White asked her to pick him up.

He brought his gun.

Quotes from  
**The Dan White file**

"He's almost the antithesis of the hard-line conservative portrayed by the media. I was pleasantly surprised. . . .

"He's warm, polite and dedicated and doesn't seem at all boxed in by one line of thinking."

Harvey Milk, January 1978

"When we were married, Dan said he didn't know where we would end up or what we would be doing. But it would be exciting. So far he's been right."

Mary Ann White, January 1978

"Whatever Dan decided to do, he would completely dedicate himself to that. . . . Dan would never evade responsibility, deceive authorities or abuse any privileges.

"The shootings?

"Greatest shock of my life."

Fireman Donald Frediani

"All my life I have been able to handle any problems by myself. If the going got rough, I just dig in."

"I guess this time it didn't work. The harder I dug in, the deeper I got. I had been in stress before as a policeman and soldier, but never broke, but I guess this time things got too much for me."

Dan White, to psychiatrist  
Martin Blinder while awaiting trial



Supervisor Harvey Milk talked city politics in his kitchen a few days after his election. About his killer, Dan White, he had this to say: 'Everyone can be educated. . . . White? I like Dan. He's learning, and he and I talk a lot. Give him time'

Examiner/Judith Calson

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# Section 245: the U.S. law that could put Dan White back in jail

**H**E DIDN'T WANT TO second guess the prosecution of Dan White in 1979, but Joseph Russoniello told the voters then that he would have tried the case himself — if he had been San Francisco's district attorney.

A former deputy district attorney with nearly 200 criminal trials he was running against the incumbent, Joseph Freitas, in an election eventually won by Arlo Smith of the state attorney general's office.

Russoniello's campaign committee included Douglas R. Sch... Dan White's defense attorney.

The candidate couldn't then that he would become... years later, the middleman... attempt to bring federal... against White under the Civil Rights Act of 1968.

Russoniello, a Republican, was named in 1981 by President Reagan as the U.S. attorney in San Francisco.

And now he has a chance, may be, to face his campaign supporters and try White himself. But the ultimate decision isn't his.

The law says prosecution can be ordered only by the U.S. attorney general, William French Smith, or his deputy, Edward Schmults.

Because the statute requires prosecution within five years, the deadline is Nov. 27. That is the fifth anniversary of a sunny November morning when White took his gun to City Hall and killed Mayor George Moscone and Supervisor Harvey Milk.

When White is paroled from state prison after the Christmas holidays, he will have served five years, one month and eight days. If indicted, tried and convicted under the civil rights Act of 1968, White could be sentenced to federal prison for two life terms. In effect, this means about 14 years or so before parole.

The possibility of a federal prosecution wasn't even raised until last April, when John Escherman, Wahl,

was attorney for the Milk estate, wrote to the White House. To President Reagan will... years of his... Wahl said, "... in the public interest to make... that these political assassinations are not lightly punished."

The letter was bucked politically by the White House to Attorney General Smith, and then to formerameda County District Attorney Lowell Jensen, assistant attorney general for the criminal division.

On May 27, Wahl heard from Jensen's chief of litigation, Lawrence Lippe. He said Russoniello had been asked for his recommendation. Then a decision will be made.

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He added an unusual comment. "We certainly can understand your disenchantment with the state sentence imposed on Mr. White, and we are appreciative of your interest and concern that justice be rendered in this case."

If Attorney General Smith or his deputy decide that the slayings of Moscone and Milk are covered by a law that one Justice Department spokesman has termed "complex and difficult," they must certify that prosecution "is in the public interest and necessary to secure substantial justice."

Russoniello, contemplating the recommendation he must make,

said: "There is no doubt that in a general sense, political activity is the *raison d'être* for the crime, but the statute protects certain specific activities."

The pertinent section of the U.S. Code reads (emphasis added):

#### TITLE 18, SECTION 245

(B) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with —

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from —

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(E) participating in or enjoying the benefits of any program or activity receiving federal financial assistance;

... shall be fined not more than \$10,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

John Wahl said the language in the White case: "Here's this macho, All-American hero type doing one of the most cowardly murders you could think of, and not just because of imbalance. He killed them because they were effective politicians working within the system against

the interests of people he represented."

He cited the relevant language of Section 245 and said:

• Moscone and Milk had filed their intent to run for re-election, bringing them under the protection of the statute.

"White intended to prevent Moscone and Milk from qualifying for re-election," argued Wahl, "because he intended the natural and probable consequences of his acts."

• Because Moscone was mayor, he was "participating in or enjoying the benefits of any program or activity receiving federal financial assistance."

Wahl said federal funds would have helped support the Youth Campus, then proposed as a treatment center in White's district for emotionally disturbed teen-agers. White had failed legislatively to block the project, which was strongly supported by both the victims.

He also argued that the shootings amounted to interference with Moscone and Milk because they supported an out-of-court settlement of an anti-discrimination lawsuit brought against the Police Department. White opposed it strongly.

Double jeopardy isn't a barrier to prosecution under Section 245, said spokesman John Wilson for the U.S. Department of Justice in Washington, D.C. The U.S. Supreme Court has decreed that such prosecutions don't violate the constitutional ban because it's not the same crime even if the facts are essentially the same.



Examiner/Judith Carlson

**JOHN ESHELMANN WAHL, ATTORNEY FOR MILK'S ESTATE**  
He wrote to Reagan asking a federal trial for White

—Lynn Luoro

(Indicate page, name of newspaper, city and state.)

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Date: 9-7-83  
Edition: Final  
B4 S.F. Examiner  
San Francisco, Ca.

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# Unanswered questions on the politics of murder

By Lynn Ludlow  
Examiner staff writer  
Second of five parts

**W**HEN DAN WHITE left his little Outer Mission home on Nov. 27, 1978, he brought to City Hall a loaded .38-caliber revolver, 10 extra hollow-point bullets and a book cover that escaped attention at the time.

The record shows that White refused at first to say anything to police inspectors after he killed Mayor George Moscone and fellow Supervisor Harvey Milk.

Instead, he anxiously told an officer to preserve the book cover.

If White had kept his original promise to refrain from any kind of statement to police, the only clues for investigators would have been the dust cover for a book.

The book is entitled "A Terrible Beauty."

Its political significance, if any,

remains one of the questions as yet unanswered more than four years after a trial dominated by psychiatric testimony.

"A Terrible Beauty," however, is a phrase that may have some resonance as federal prosecutors consider related charges against White for preventing his victims from running for office.

The murder trial of Dan White emphasized the flawed psyche of a rigid moralist said to have cracked under pressure. The verdict was manslaughter; his prison time will soon end.

Now he faces the possibility of a federal trial that would focus instead on the politics of assassination. Conviction could mean a life sentence.

With the approach of White's parole from state prison on Jan. 6, the Dan White file has moved to the desk of U.S. Attorney Joseph Ruspini for investigation by a different jurisdiction of a different crime based on the same killings in City Hall in 1978.

An indictment, if any, would be brought under a federal civil rights law intended originally to protect election workers and candidates in the Deep South.

Under the Civil Rights Act of 1968, it's against the law to interfere forcefully with someone because he is a candidate for public office. Ruspini says "because" is a key word.

White won't grant interviews or answer letters, but a review of his case produces abundant testimony

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and evidence that puts the assassinations into a political context.

The file includes:  
• White's own admission of guilt to homicide inspectors in a so-called wracked statement memorable for White's anger and frustration over political matters.

• White's legislative record which shows Milk and Moscone teaming up to humiliate White on measure after measure that he had promised to win for his constituents.

• Trial testimony from White's own witnesses, including psychiatrists and aides who described his outrage and dismay at what he perceived as the dishonest politics of compromise, expediency and betrayal.

The "Terrible Beauty" book cover was in White's pocket when he climbed into City Hall through a basement window. White would tell a psychiatrist that he didn't want to cause trouble later for the duty officer manning the metal detector at the main entrance. To the prosecutor, Thomas Norman, this was Premeditation Clue No. 1.

Then White discussed his disappointment with the mayor, who told him that for political reasons he would name someone else. White heard a roaring in his ears. He shot Moscone twice. The mayor fell, a cigarette still smoking in his left hand. White then fired two more dum-dum bullets into Moscone's brain.

White reloaded which Norman calls another proof of premeditation and hurried down the marbled corridor to his former office. He asked Milk to step inside.

Milk was heard to shout: "Oh no! Oh..." White shot him five times, including two times in the brain at short range. This time he didn't reload.

The "Terrible Beauty" book cover remained in his pocket as he ran out of City Hall, drove his aide's car to a now-obiterated Doggie Diner, phoned his wife at Pier 39 and went to St. Mary's Cathedral to wait for her.

When she arrived, he told her he had shot Moscone and Milk. Then she walked with him to Northern Station, a police citadel conveniently situated between the gay taverns of

Polk Street and the heartbreak no-tels of the Tenderloin.

He approached Officer Warren Overholt and pointed to his basket-weave Bianchi holster. "It's there," he said. "It's there." Overholt removed the Smith & Wesson Chief Special, still warm.

The book cover was taken by Officer Paul Chignell, who assumed it was a travel poster. White had cut off the flaps and the back, leaving only the title and the photograph of an Irish village.

He later testified that White appeared anxious about preserving it. Today Chignell considers the item irrelevant.

"Who knows," he asks, "what goes through the mind of a madman?"

Nobody knew what to make of it. But White, as a two-time visitor to Ireland and a tireless student of its history, would have known that the phrase, "A Terrible Beauty" is drawn from the poetry of blood and rebellion.

The book itself is an interpretive photojournalism essay by Jill Uris, the photographer, and her husband, Leon Uris, author of the best-selling novel "Trinity," which deals with the martyrdom of an Irish patriot.

"Terrible Beauty" comes from Easter 1916, a poem written by William Butler Yeats after the doomed rising in Dublin that year. Its leaders, now heroic figures in modern Irish history, died in front of British firing squads.

As quoted in the Uris book: "Now and in time to be, / Wherever green is worn, / Are changed, changed utterly, / A terrible beauty is born."

Frank Falzon hadn't really known young Danny as a kid from the neighborhood, although they attended the same parochial school later when White was a police rookie.

Assigned to Northern Station, he joined the softball team that Falzon managed. He considered White to be a conscientious police officer, later a heroic fireman and finally a law and order politician whom he supported.

And now all that was in the past. Homicide inspector Falzon found himself staring at a stranger who

looked like a zombie.

"Why?" he asked White. "Why?" Falzon had more than a personal interest in the man who looked, as he put it, "destroyed" as he waited in a tiny interrogation room in the Hall of Justice.

A detective for eight years after five years in uniform, Falzon knew that he had but a few minutes to persuade White to confess. Representatives of the public defender's office were on the way. White stood but said nothing.

"He just shook his head," said Falzon. "His eyes were glassy, and he never gave any response."

The detective would say later that he admired and liked White, testimony that would prompt scapegoat hunters to accuse him of botching the confession.

Falzon disagrees. "I can honestly say that if it hadn't been for our friendship," Falzon says, "I doubt very much if Dan would have confessed to anyone else."

When White decided to talk, Falzon brought inspector Eddie Erdelatz into the room as a witness, rolled the tape and read White his Miranda rights. He allowed White to ramble.

"I went in there cold," Falzon recalled. "In less than 50 minutes I had gone to City Hall, viewed the body in the mayor's office, gone to Northern Station and then back to the Hall. I wasn't privy to all the facts. I needed a narrative to elicit facts to work off of."

In a 25-minute admission marked by convulsive shudders and sobs, White accused his victims of devious politics. He said that he had quit campily 15 days earlier.

His victims were dishonest, he said. He wanted only to do a good job.

"This was a political opportunity (sob) and they were (ahh) going to denigrate me and my family (sob) and the job that I had tried to do (uhh) and more or less hang me out to dry," White said.

Prosecutor Norman took the confession to trial, convinced the jury would return two first-degree murder verdicts.

He said, "The case was so good that I could have phoned it in."

With a distinguished record as one of the state's most effective prosecutors, Norman said he never handled so strong a set of facts.

He said, "The case was almost too good." Falzon had gotten an almost complete confession — but it backfired.

Jurors wept. White's attorney called four psychiatrists and one psychologist who put the blame on acute depression, a form of mental illness said by one psychiatrist to be aggravated by the defendant's consumption of Twinkies and junk foods.

Sympathetic jurors discounted testimony that suggested premeditation.

The allegation of "special circumstances" had given White a jury that excluded opponents of capital punishment.



"These people were necessarily more conservative," said Norman. "But they were representative of the type of jury I had always been comfortable with."

Norman still can't believe the jurors found reasonable doubt about White's capacity for malice and premeditation.

Given their instructions, this called for manslaughter verdicts. The verdict set off a night of heavy rioting, mostly by gays who contended that the authorities had conspired to go easy on the former police officer.

Norman would say much later, "Needless to say, the verdicts were an incredible disappointment."

Falzon doesn't think "Terrible Beauty" was a coincidence.

When he was asked about it, Falzon speculated White had a reason when he initially refused to make a statement — and then asked Chignell to take care of the book cover with a title drawn from Irish rebellion.

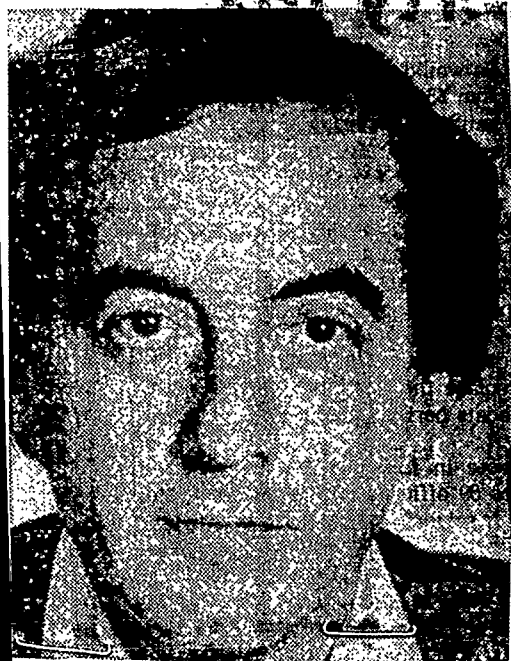
If nothing else, says Falzon, it is yet another clue to premeditation.

Is it possible that White, who takes his Celtic heritage seriously, might have cast himself in the role of one of the political martyrs who fill the pages of Irish history?

Here is the end of the poem:  
*And what if excess of love  
Bewildered them till they died?  
I write it out in a verse,  
MacDonagh and McBride  
And Connelly and Pearse,  
Now and in time to be,  
Wherever green is worn,  
Are changed, changed utterly:  
A terrible beauty is born.*

"He was a very good friend," said Falzon, now 41. "But after hearing him in this room, I saw a totally different person. Now he saw himself as savior of The City."

**Tomorrow: Dan White and homophobia.**



U.S. Attorney Joseph Russo, left, will decide whether to recommend a federal trial for White. Prosecutors Thomas Norman and Joseph Freitas, right, handled the state case four years ago.

## Quotes from The Dan White file

### Trial Testimony

He (White) felt that he wasn't achieving the things he had hoped to, and a lot of it, though, had to do with the political process, the political system. (He) didn't want to have to vote for something, really wasn't all that in favor of, simply to get somebody to vote for something he wanted. He found himself increasingly frustrated.

Dr. Donald Lunde, psychiatrist

He (White) had expected that people would operate strictly from principle, which is the way he always saw himself operating. . . . Yes, he felt that things were not going well in San Francisco on the political horizon, and he felt that he personally had some ability to redress the kinds of wrongs which he saw happening, and as is characteristic of the personality, he went into it with extremely idealistic notions of what it was going to be all about.

Dr. Richard Delman, psychiatrist

. . . (White has) intolerance to the human personal aspects by which a lot of votes are arrived at. He would prefer to see them arrived at in a cold, scientific, objective way and, of course, as we know, most legislation is a compromise of special interests. That's not his way.

Dr. Martin Blinder, psychiatrist

He think he was disillusioned with the manner in which politicians conducted themselves. . . .

Denise Apcar, White's cabinet aide

### From White's confession

Well, it's just that I've been under an awful lot of pressure lately, financial pressure, because of my job situation, family pressure because of, ah . . . being able to have the time with my family.

It's just that I wanted to serve the people of San Francisco well, and I did that.

Then when the pressures got too great, I decided to leave. After I left, my family and friends offered their support and said whatever it would take to allow me to go back into office, well, they would be willing to make that effort.

So, since I felt the responsibility for the people that elected me, I went to Mayor Moscone and told him that my situation had changed because of the support of family and friends and I'd like to be, retain my seat, to be reappointed to my seat.

Initially he told me that he felt I was an elected representative of District 8, that I was doing an

outstanding job, people of District 8 were lucky to have me, and that if it came to a legal ruling that he would appoint me, reappoint me, because of the type of person I was.

So with that in mind I tried to set my personal affairs in order, preparing to take my seat. And then it came out that Supervisor Milk and some others were working against me to get my seat back on the board. . . .

I could see the games that was being played. They were going to use me as a scapegoat. Whether I was a good supervisor or not was beside the point. . . .

And I saw more and more evidence of this during the week when papers reported that, ah . . . someone else was going to be appointed.

I couldn't get through to the mayor. The mayor never called me.

And it was only on my own initiative that I went down today to speak with him. I was troubled. The pressure, my family again, my, my son's out to a babysitter . . . my wife's got to work long hours, 50 and 60 hours, never see my family.

. . . and I went in to see him and, and, he told me he wasn't going to reappoint me, and he wasn't going to — intending to — tell me about it. . . .

Didn't even have the courtesy to call me or tell me that I wasn't going to be reappointed. The, ah, I got kind of fuzzy, and just then my head didn't feel right, and I — then he said, "Let's go into the back room and, and have a drink and talk about it," and, ah. . . .

. . . It was just like a roaring in my ears and then, em, it just came to me, you know, he. . . .

You couldn't hear what he was saying, Dan? Just small talk that, you know, it just wasn't registering. What I was going to do now, you know, and how this would affect my family, you know.

And, and just, just all the time knowing he's going to go out and, and lie to the press and, and tell them, you know, that I, I wasn't a good supervisor and that people didn't want me.

And then that was it.

Then I, I just shot him. That was it. It was over.

What happened after you left there, Dan?

Well, I, I left his office by one of the back doors and, and I started — I was going to go down the stairs — and then I saw Harvey Milk's aide across the hall at the supervisors' — and then it struck me about what Harvey had tried to do.

And I said, Well, I'll go talk to him. I said, You know, at least maybe he'll be honest with me, you

And I went in and — like I say — I, I was still upset and, then I said, I wanted to talk to him and, and, and try to explain to him, you know.

I didn't agree with him on a lot of things, but I was always honest, you know, and here they were, devious.

And then he started kind of smirking because he knew, he knew that I wasn't going to be reappointed.

And, ah, it just didn't make any impression on him. I started to say, you know, how hard I worked for it and what it meant to me and my family and then my reputation as, as a hard worker, good honest

person

And he just kind of smirked at me as if to say, "Too bad."

And then I just got all flushed and, and hot. And I shot him.

I didn't even, I didn't even know if I wanted to kill him. I just shot him. I don't know.

*Is there anything else you'd like to add at this time?*

Just that I've always been honest and worked hard, never cheated anybody or, you know, I'm not a crook or anything.

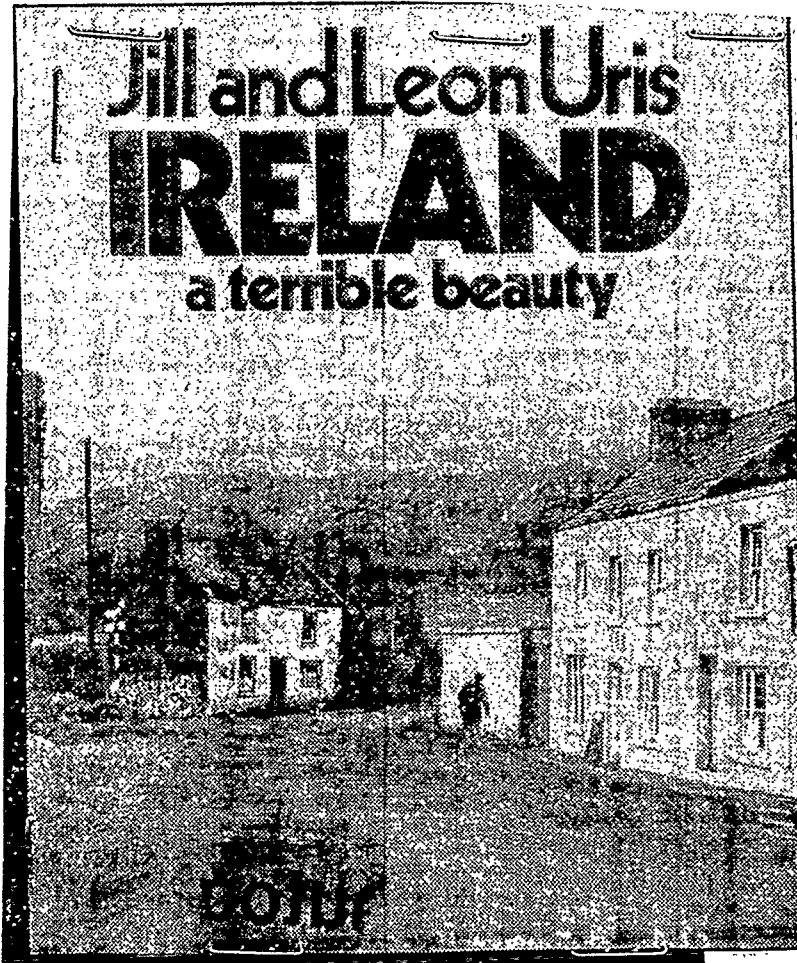
And I wanted to do a good job.

And I saw this city as it's going, kind of downhill.

And I was always just a lonely vote on the board.

And try to be honest.

And, and I just couldn't take it anymore, and that's it.



The book cover that rested in Dan White's back pocket when he killed the mayor and supervisor. The book deals with the martyrdom of an Irish patriot. The title is from *Easter 1916*, a poem written by William Butler Yeats. Its significance to White remains largely known.



Moments after his Nov. 27, 1978, confession, Dan White was taken to jail in S.F.'s Hall of Justice

United Press International

(Indicate page, name of newspaper, city and state.)

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Date: 9-6-83  
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 A5 S.F. Examiner  
 San Francisco, Ca.

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The Dan White file

# An assassin's legacy

# Jan. 6: Start of a new nightmare?

I put my arm around him, told him everything was going to be all right. But now everything was to be all right. I don't know.

**A**S HE OBSERVED his 37th birthday last Friday in his cell, Dan White could reflect that almost everything for him is going to be almost all right.

While in prison, the killer politician didn't lose his family, the equity in his row house in the Outer Mission or his profitable little potato business at Pier 39.

He lost about five years. He has a low profile. No interviews. No statements of regret or remorse. He wanted therapy. And, notwithstanding trial testimony, no diagnosed mental illness.

By Nov. 27, the fifth anniversary of the day he killed Mayor George Moscone and Supervisor Harvey Milk, White will know if he faces federal prosecution based on the politics of assassination.

...not the ex-politician and ex-policeman... an ex-convict on parole... appears from Soledad into a bleak future.

Dan White can't go home again. "He definitely fears his life would be in jeopardy," said Dan Byrd, his unit supervisor at the state Correctional Training Facility in Soledad. Nor is White likely to emigrate to his beloved Ireland, a place he discussed with friends and relatives in anonymity on that gossipy island. It would be impossible except in Dublin, but there White would find an emerging but militant gay-freedom movement.

When he filed his tentative parole plan recently, White didn't specify a location or a job. The plan hasn't been accepted yet but White's parole can be held up only if he violates prison rules.

Byrd said, "He doesn't want any kind of altercation with anybody. He's trying to protect his (parole) rate." White is considered aloof by his

neighbors in Protective Housing Unit No. 1, an enclave for inmates who need to be safeguarded from the 4,000 mainline prisoners. His 131 associates include other ex-policemen, snitches, child molesters and celebrities like assassin Sirhan Sirhan, mass murderer Juan Corona and Chowchilla kidnapper Fred Woods.

White is making a satisfactory adjustment," said Byrd. "He spends most of his days in his cell, reading. He reads extensively."

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He said White exercises by playing basketball.

White's visitors rarely include anyone outside the family. Before he held a prison job as a guard, he held a prison job as a guard, which allowed him the privilege of conjugal visits every few weeks. But following the birth of his second child, afflicted with Down Syndrome, he quit the job.

"It became too much of a hassle dealing with the characters in this wing," he wrote to a friend.

He had met White in the county jail here. "I could not eat, sleep or walk in the jail without thinking of you."

The next time he saw White was in a jail cell. "I am relieved not to have to suffer their importunities anymore."

When he leaves prison, White won't go on welfare.

His attorney and family can't respond to requests for information about his whereabouts.

and his wife are still listed as owners of the six-room home they bought for \$70,000 in 1977. The original mortgage was \$35,000 and the balance of \$35,000 was signed in early 1978.

After the trial, Mary Ann White filed a homestead declaration to keep out of any judgment from the civil suits.

Payments would be \$300 per month, maybe more. The house is in a quiet neighborhood where similar homes sell for \$100,000 to \$120,000, which would appear to give White an equity of at least \$40,000.

To make the payments, an income tax return for her two children.

Mary Ann White must continue an elementary school teacher.

A spokesman for the San Francisco District Court said that the judge in this case would earn \$100,000 to \$120,000 for the year, he said.

Friends and former associates in the police and fire departments raised what one source called a "fairly impressive sum" in a fund drive for Dan White's family.

Through his wife and a brother, White also retains ownership of Potato Place Inc., the corporation that owns a spud stand at Pier 39. Fritz Arko, manager of the tourist complex, said the Potato Place is surprisingly profitable.

He said Mary Ann White had informed him she had decided to get out of the potato business.

White qualifies for Irish citizenship, according to consul general Thelma Doran, if he can prove that at least one grandparent was born in Ireland. (Two of his grandparents came from the old country, according to friends.) She said that he would not be barred because of his manslaughter convictions.

White visited Ireland as a tourist, then as a honeymooner. Friends said he considered farming amid the bogs and rocky hills of scenic County Mayo on Ireland's western shore.

Niall O'Dowd, who edits the Irishman, said White's plans were reported in Irish newspapers.

"It's become a cause celebre," he said.

Subscribers to the Irishman, a monthly newspaper published in San Francisco, include White himself.

In County Mayo, according to O'Dowd, "There is no way he could live anonymously. Everybody knows everybody else."

In Dublin, a city of half a million, big enough for facelessness, Professor David Norris of Trinity College said by phone, "Most Irish people would say we have quite enough gunmen."

Norris, a literary scholar known here as an interpreter of the works of James Joyce, is one of the founders of Ireland's gay-rights movement. He said Irish gays know about White.

"We are hospitable here," said Norris. "But he won't be welcome."

At Soledad, Byrd said, "I think the Irish plan has been thrown out as a feasible option."

Because an out-of-state parole is permissible under certain circumstances, acquaintances predict White may try to settle in Alaska.

He has expressed admiration for the pioneer spirit of the Alaskans, an impression he received after he hitchhiked up the old Alcan Highway more than 10 years ago and spent part of a winter in Anchorage.

This would be fine with Mayor Feinstein, who has begged Gov. Dukakis to bar White forever from his hometown.

The governor can't. White will be under the supervision of his parole officer for just one year unless the state can prove a good reason to extend the term. The reasons include violation of parole terms — but they don't include public opinion. After that, White is on his own.

— Lynn Ludlow

# Where are they now?

Key players in the assassination saga, five years ago and today



**Charles Gain**

**Then:** An outsider with progressive views and an aloof manner, he remained police chief under Feinstein because the new mayor wanted to thwart "the assassin's will."

**Now:** After the manslaughter verdicts, roused off riots at City Hall and assaults later by frustrated police in gay taverns, he left police work to operate a trailer park in the Central Valley.



**Joseph Freitas**

**Then:** He was in his first term as district attorney, a rising star in politics, when he named his top homicide prosecutor to the White case.

**Now:** In November 1979 he was defeated easily by Arlo Smith, who says today that the White case was high on the list of reasons. Freitas is in private practice in The City.



**Martin Blinder**

**Then:** As a forensic psychiatrist he had testified in hundreds of criminal cases. In the White case, while discussing the defendant's bouts of depression, he mentioned Twinkies.

**Now:** He is appalled at what appears to be adverse public reaction to psychiatric explanations for criminal behavior — but he said psychiatrists still testify as to state of mind.



**Mary Ann White**

**Then:** A schoolteacher recently married, she held her son and told a TV interviewer she received hundreds of letters of sympathy. She hoped "we will be together as a family."

**Now:** Like others close to Dan White, she stopped giving interviews. Continuing to teach, she manages the family potato stand and prepares to join her husband on his parole.



**Scott Smith**

**Then:** As Harvey Milk's longtime lover, he operated Castro Camera while his partner worked full-time in politics. He was executor of the estate.

**Now:** The camera store folded because of high rents. Although White's homeowners' insurance settled with Gina Moscone, Allstate is fighting Smith's claim. He is director of the Harvey Milk band on his parole.



**Tom Norman**

**Then:** As a top homicide prosecutor, he followed standard procedures and found himself with a law and order jury that sympathized with Dan White.

**Now:** Still assigned to major cases, he remains in a semipermanent state of shock at the White jury's verdicts. He says, "I still can't believe it."



**Gina Moscone**

**Then:** As wife of a hyperactive politician and mother of his four growing children, she followed a schedule that left little time for herself.

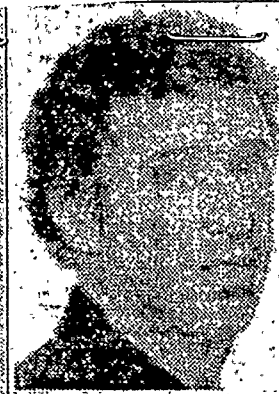
**Now:** Occasionally emerging to support causes that honor her late husband, she prefers to live quietly in San Francisco as her children continue their studies.



**Doug Schmidt**

**Then:** An ambitious young defense lawyer, he arranged a parade of psychiatrists to raise doubts about his client's capacity to premeditate or form malice. He hoped White would get therapy in prison.

**Now:** After the trial he told fellow lawyers how to manipulate the media. Today he has become a media recluse. He doesn't answer messages, even to say "no comment."



**Frank Falzon**

**Then:** An inspector in the homicide detail, he relied on longtime friendship to persuade White to change his mind and admit the killings.

**Now:** Like the prosecutor, he remains astounded at the verdicts and deeply hurt when people contend that he went easy on White because of past friendship.



**Dianne Feinstein**

**Then:** She was president of the Board of Supervisors and a friend of Dan White's when she heard the shots and found Harvey Milk's body.

**Now:** Named mayor by the supervisors and later elected, she fought off a recall and expects reelection this November. She wants White forever barred from his hometown.



FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 9/8/83

Mr. John P. Elia voluntarily appeared at the San Francisco Office of the Federal Bureau of Investigation. Mr. Elia was advised this investigation is at the request of the United States Department of Justice.

He furnished the following signed statement which was dictated by Mr. Elia to Special Agent (SA) [redacted]:

"September 6, 1983  
"San Francisco, California

b6  
b7C

"I, John P. Elia, furnish the following voluntary statement to Special Agent [redacted] and [redacted] [redacted] who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. No threats, promises or duress have been made to get me to make this statement. I have been advised that it may be used in a court of law concerning a possible Civil Rights violation.

"Before March, 1978, maybe in February, 1978, I read in the papers a comment made by Dan White and I was impressed. At this time I was interested in a recall of Mayor Moscone and Harvey Milk. Therefore, I wrote to Dan White and praised him for his comment and that he appeared to be an out-and-out law and order man.

"Dan White wrote back to me and stated, 'Whenever you are in City Hall, I will be glad to talk to you.'

"I know longer have this letter because I was disgusted at the small little room he spoke to me in; he did not have the courtesy to interview me in his office and talked like a crazy man. I walked out and had no interest in keeping the letter.

"In March, 1978, about ten o'clock one morning, I went to see Dan White at Room 225, City Hall, San Francisco, which is the supervisor's Clerk's Office. A young man named [redacted] was in the office. Dan White came out and said, 'Mr. Elia?' The boy named [redacted] stood up and followed Supervisor White. In a few seconds White came back, almost chasing the boy out; White was very angry and stated, 'That damn fag'.

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Investigation on 9/6/83 at San Francisco, California File # SF 44C-2178 -10  
by SA [redacted] AND [signature] MWM/rmw Date dictated 9/8/83

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"I told Mr. White about the manager of Dahl (ph) Shoe Store; he is interested, as I am, in recalling Supervisor Milk and Mayor Moscone out of office.

"Mr. White said, 'Gee, Johnnie, the recall cannot be done, but I promise by the end of the year, one way or another, I am going to get rid of three bastards --- [redacted] Milk, and Moscone.'

"I said to White that I know you don't like Jews, but why an Italian? Milk said it was because Moscone is leaning towards gays.

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"I was so disgusted by the conversation I got up and left.

"I met [redacted] about a month later and she said I should meet her father before I say anything bad about him.

"During the summer of 1978, Mayor Moscone was at the Curran Theater, Geary Street, San Francisco, representing San Francisco at the opening of the show, 'Hello Dolly'. When I had a chance to say something to the Mayor, I found him to be a real gentleman, with a smile always on his face. I also asked about his daughter's health because I had discovered she had a very serious sickness. George introduced me to [redacted] the singer of 'Hello Dolly'.

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"Soon after this first meeting I met the Mayor at the steps of City Hall. He was being photographed. I asked him to pose with me so I could send the picture to my family and [redacted] of Jersey City, who is a friend of mine. We all got to be friends during these two visits.

"During the weekend of November 24-25, I learned from different sources of people on Polk Street, Grove Street, Van Ness Avenue (I travel alot) I heard that Dan White had gone mad. I could not sleep that Sunday night, November 26.

"I hang out at the Supreme Court Building, 350 McAllister, Room 4050, the Bailiff's Office. I told Bailiffs [redacted] [redacted] (ph) that I have a feeling some- things going to happen to Moscone. They said what are you, psycho.

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"I got up from the chair and went and looked out the windows. I could see City Hall and that the Mayor's car was parked out front. I went over to a policeman named [redacted] who is the cop on beat at City Hall. I told [redacted] plus three other police officers, that he should watch for Dan White and search him very carefully. All laughed at my statement, saying, 'Dan was a good cop and he's not going to hurt anyone'.

"I walked up to Room 200, City Hall, the outer office of the Mayor's office. There were lots of people there with straw hats that said, 'Dan White for Supervisor'. I thought there were enough people there that the Mayor was safe, so I left.

"I went to the bus stop, heard sirens and saw police cars and fire trucks (the [redacted] is a good friend) and I ran back to City Hall.

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"A guard told me of the shooting. Then [redacted] held a press conference. I hollered, 'What kind of security do we got here?'

"The next day, I saw Robert (Bob) McCarthy, Assistant District Attorney for San Francisco, and told him everything. He had an investigator interview me. I do not recall signing a statement. I was not asked to testify during White's murder trial. Bob and I have been friends for years and I met him on November 28, 1983, at City Hall."

[redacted] SA-FBI-SF, 9/6/83  
[redacted] SA-FBI-SF, 9/6/83

"I have read the above statement consisting of this and four other pages. I understand the statement entirely and have signed it after initialing it on each page because it is true and correct to the best of my knowledge."

Mr. Elia is described through observation and interview as follows:

Name	John Patrick Elia
DOB	3/13/15
POB	Manhattan
SSAN	054-03-5735
Height	5'5"
Weight	190
Hair	Bald - grey (shaved head)
Eyes	Brown
CDL	ID card N2370671
Education	Seventh Grade
Military	Army 1941-1941 2/21/41 - Inducted 11/17/41 - Discharged for Encephalitis (brain damage)
Marital	Separated

Address	Current - Sutter Manor 860 Sutter Street Room 616 San Francisco, CA Telephone 772-1522
	Mailing - P.O. Box 904 San Bernardino, CA 92402
Employment	Retired - worked for various attorneys as a bodyguard, plus many other occupations
Miscellaneous	No treatment for drugs or alcohol. Mental illness treatment - after Army released on a Section 8 - Kings Park State Hospital, 1942 for thirty days; committed by mother.
Arrest	No time served except in 1933 in Brooklyn - stole Model T-Ford; Last arrest in 1979 by San Francisco Police Department - (gave out sleeping pills) "Selling Narcotics". Judge Brown is a personal friend, therefore "OR'd".

Half way through the signed statement, Mr. Elia asked to speak off the record. SA [ ] stated this was not acceptable.

Mr. Elia made available a copy of a newspaper article from the "San Diego Evening Tribune", dated April 30, 1976. A copy is attached and considered a part of this FD-302, consisting of one page.

Mr. Elia further made numerous statements that he was a personal friend of [ ] of Jersey City, etc.

He also stated he is good friends with the father and uncle of USA Joseph Russoniello. However, he does not like USA Russoniello at all.

Interviewing agents do not believe Mr. Elia would be a good witness in this matter.

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## Rent subsidies to extend to hotel rooms

By ROBIN MAYDECK  
TRIBUNE Evening and Rest Edition Editor

John P. Ella, 61, made housing history this week.

So did the city's often-troubled leased housing program, the Department of Housing and Urban Development's controversial Section 8 rent subsidy program and Bill Bellville, owner-general manager of the venerable Hotel San Diego.

The history was made when HUD approved the leased housing program proposal to allow Ella to qualify for Section 8 rental subsidization as a permanent resident of Bellville's hotel.

According to Doria Henderson, the city's housing officer, this is the first time HUD has allowed that hotel accommodations can be qualified as suitable leased housing for senior citizens under provisions of Section 8.

As soon as federal approval was received this week, Henderson arranged with Bellville to set aside approximately 40 rooms in the historic hotel for rental by Section 8 recipients.

The action is significant for several reasons — not the least of which is that the city will be able to use less of its \$1.3 million Section 8 allotment for more subsidized rentals than anticipated, Henderson said.

It is also significant because it is the first instance in the highly criticized two-year history of the Section 8 program that a way has been found to use subsidy funds with virtually no delay time.

Ella, formerly of Jersey City, N.J., is not only the first person in the nation to take advantage of the new permitted use of Section 8 funds, he is directly responsible for the HUD decision.

Several weeks ago the former bodyguard and chauffeur applied for Section 8 rental assistance.

Under provisions of the National Housing Act of 1974, persons qualified for Section 8 rental assistance will, under certain conditions, pay no more than 25 per cent of their adjusted annual income toward rental of qualified shelter units.

The federal government subsidizes the remainder of the recipient's rent up to a designated "fair market value" set by HUD.

(Cont. on page C4, col. 1)

CONTINUED FROM PAGE C1

Ella was deemed eligible for Section 8 rental assistance and was told to find suitable rental quarters within the parameters of the "fair market value" set by HUD for the San Diego area.

He asked why the room he was renting in the Hotel San Diego could not be the room subsidized under the Section 8 program.

"I got a beautiful room here, and I didn't see why I should move somewhere else, at the program's expense, and end up with a rent that cost the government more money than they would pay if I stayed at the hotel," Ella told the Evening Tribune.

Henderson agreed that Ella's reasoning made sense and requested a decision from HUD.

"HUD did just about everything it could to decide against the leased housing program's request, and in the end gave us the go-ahead," Henderson said.

Bellville, too, took an immediate liking to the idea.

"I don't think the owner of the average transient hotel would want to participate in the program, but I want a combination of transient and permanent residents because it gives me more stability," the hotel owner said.

"This way, I can count on a stable occupancy month-to-month in the rooms we've blocked off for the city."

Indeed, all parties concerned with the hotel rent subsidy seem to be quite happy with the innovation.

Bellville is pleased because he will have a stable occupancy and rental security.

Ella is pleased because he can stay in a location at which he is comfortable and know that he is helping save tax dollars.

Henderson is pleased not only because of the economy of the decision, but also because use of downtown hotel rooms for senior citizens receiving rental subsidies will allow these persons to stay in an area where services and conveniences are at hand.

The Section 8 program has only recently become operative in San Diego and the rest of the nation — and its degree of operativeness is subject to debate.

This omnibus section of the 1974 housing act has been under constant criticism from legislators, builders, spokesmen for public housing authorities

and citizen organizations since becoming law.

In essence, Section 8 was designed as a multipurpose federal program to replace several independent programs put on ice by the Nixon Administration's 1973 moratorium on housing subsidy projects.

While the philosophy of the section — to shift emphasis away from low-cost housing projects subject to deterioration into "instant slums" to direct rental payment subsidization for new or existing rental units — has not been argued, the effectiveness of Section 8 has been bitterly debated.

HUD spent nearly a year drawing up rules and regulations for the operation of the program only to be told by officers across the nation that the rules and regulations were unworkable.

Section 8 went back to the drawing boards for operational revisions last year.

For all purposes, it is only in the last few months that the rental subsidy program has been ready for testing, and the results, to date, have not been encouraging.

The rental subsidy portion of Section 8 has been criticized for being nothing more than a "hunting license."

Lower-income persons and senior citizens qualified for the rental assistance are given an eligibility letter and a limited period of time to find a "decent, safe and sanitary" rental unit that is priced within the HUD-designated "fair market value" of their community.

According to critics of the program, HUD's "fair market values" have been unrealistically low — especially for urban areas, such as San Diego, where the demand for rental units is high and a near-zero vacancy factor exists.

Although "fair market values" have been revised upward by HUD within the last year, even HUD Secretary Carla Hills has conceded that in many areas recipients of Section 8 subsidies will be hard-pressed to find landlords desperate enough to rent decent housing at HUD's designated levels.

This, however, will not be the case in the local hotel subsidy program.

"The city people told me that the 'fair market value' Ella's room would bring in would be about \$171," Bellville said, "and asked me what would I be comfortable with. I told them \$100 a month would do just fine."

Federal tax monies will

make up the difference between 25 per cent of Ella's adjusted annual income and the \$160 a month.

Henderson says the city-administered program will enjoy a substantial savings over what the Section 8 subsidy would otherwise be if Ella could have found a traditional apartment unit.

A congregate dining program under the housing authority also makes provisions to make three meals a day available to Section 8 hotel occupants.

Because of the savings in lodging costs and the congregate meal program, senior citizens eligible for the program should be able to use portions of their personal income for things other than food and shelter, Henderson said.

(Mount Clipping in Space Below)

# Duke urges U.S. to prosecute White

By Gale Cook and John Jacobs  
Examiner staff writers

Gov. Deukmejian has written U.S. Attorney General William French Smith, urging that Dan White be prosecuted under federal civil rights law for the 1978 killings of Mayor George Moscone and Supervisor Harvey Milk. In a letter dated Friday, Deukmejian cited the Civil Rights Act of 1968, under which a person can be charged if he "willfully injures" a person and thus interferes with that person's candidacy for political office. If death results, Deukmejian noted, the sentence can be life imprisonment.

In the letter, a copy of which was obtained by The Examiner, Deukmejian also revealed that he has talked about the White case with Associate Attorney General D. Lowell Jensen, the former Alameda County district attorney who now serves as the No. 3 official of the U.S. Justice Department.

Reached at his home in Arlington, Va., yesterday, Jensen said, "I know what he (Deukmejian) wants. He wants us to prosecute. It's under consideration, I can't comment beyond that."

The governor is the highest-ranking official yet to call for federal prosecution of the former San Francisco supervisor, who admitted to fatally shooting Moscone and Milk after he learned he would not be reappointed to a supervisory seat he had resigned.

Under the federal law, only the attorney general or his chief deputy can decide whether to prosecute. The decision is based on whether the facts fit the law and whether the prosecution "is in the public interest" and "necessary to achieve substantial justice." Justice Department officials must decide

by Nov. 27, the fifth anniversary of the killings, when the statute of limitations expires.

Joseph Russoniello, the U.S. attorney for the San Francisco region, said he "appreciated" Deukmejian's letter, though he has not expressed an opinion on whether to prosecute the politically sensitive case.

His office would try the case after first seeking a grand jury indictment, should the Justice Department decide to go forward.

Last June, San Francisco District Attorney Arlo Smith also urged the Justice Department to prosecute. John Eshleman, White's lawyer to the estate of Harvey Milk, first suggested the prosecution last spring.

A San Francisco Superior Court jury convicted White, 37, of voluntary manslaughter for the Nov. 27, 1978, assassinations. He received a prison sentence of seven years, eight months. With time off for good conduct, he is expected to be paroled from Soledad Prison in early January.

The May 1979 verdict created an uproar in San Francisco. On the evening of the verdict, an angry crowd, mostly made up of gay demonstrators, rioted outside City Hall, attacking the building and burning police cars.

Mayor Feinstein said last spring that she would petition the state parole board to keep White out of the San Francisco area once he was released from prison.

"I would think this letter would have a definite impact on the federal decision," said District Attorney Smith, "in the sense they (the Justice Department) will not feel this is a routine local matter."

"With this letter, we can be assured this matter will get a careful

(Indicate page, name of newspaper, city and state.)

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Pg. A1  
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44C - 2178

# Feinstein Asks U.S. To Prosecute White

By Reginald Smith

Expressing San Francisco's "outraged sense of justice" over Dan White's manslaughter verdicts, Mayor Dianne Feinstein made a personal plea to U.S. Attorney General William French Smith for federal prosecution to keep the former supervisor behind bars.

"Dan White's crime remains an open wound in this city," Feinstein wrote in a letter to Smith that was made public yesterday.

"I sincerely believe Dan White's sentence damaged the credibility of our entire criminal justice system. He is perceived not only as getting away with murder, but as a public official whose special status somehow enabled him to get away with murder."

White was convicted of voluntary manslaughter in the 1978 killings of Mayor George Moscone and Supervisor Harvey Milk. He is scheduled to be released from state prison in January.

Smith is considering prosecuting White under a federal civil rights law that could allow White to be charged with interfering with the political duties of Moscone and Milk.

Earlier this month, Governor

Back Page Col. 4

(Indicate page, name of newspaper, city and state.)

S.F. Chronicle

Date: 9/27/83  
Edition: Home

Title: Feinstein asks U.S. to Prosecute White  
Character: CR  
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## FEINSTEIN URGES WHITE'S PROSECUTION

From Page 1

Deukmejian wrote to Smith and urged him to pursue the federal prosecution. Feinstein added her support in the letter released yesterday, which was dated last Friday.

Feinstein said in her letter that White had abruptly resigned as supervisor but wanted his seat back. She said he killed Moscone to prevent the mayor from replacing him.

partment to try White on the federal civil rights charges.

"It is clear to me that Dan White perpetrated these tragic killings to prevent the swearing-in of the man destined to replace him on the Board of Supervisors and therefore, to prevent Mayor Moscone from carrying out his official act of appointment," Feinstein wrote.

In July, Feinstein signed a resolution passed unanimously by the board requesting the Justice Department to try White on the federal civil rights charges.

She then wrote an angry letter to Joseph Russoniello, the U.S. attorney in San Francisco, calling White's actions "an act of terrorism."

Although her words to Smith were somewhat more restrained, an aide said the mayor wanted to underscore her position by writing to the attorney general.

The Honorable William French Smith  
Attorney General  
U. S. Department of Justice  
10th and Constitution Avenue  
Washington, D.C. 20530

Dear Bill:

In 1978 Dan White, then an elected county supervisor of San Francisco, shot and killed George Moscone, Mayor of the City and Harvey Milk, a fellow county supervisor. Mr. White was subsequently convicted in State court of manslaughter and was sentenced to six years imprisonment, the maximum term prescribed by law for that offense. He is presently scheduled to be released from state prison in January. Mr. White's actions clearly violated state law and may have constituted a violation of federal criminal statutes as well.

This letter is to confirm my earlier telephone request to Lowell Jensen that you review the factual circumstances surrounding the deaths of Mayor Moscone and Supervisor Milk and if appropriate commence a criminal prosecution against Mr. White under Title 18, United States Code section 245.

Under section 245, an individual who willfully injures a person for the purpose of interfering with that person's candidacy for political office is guilty of a federal offense punishable by imprisonment for life if death results from the injury. It is my understanding that both Mayor Moscone and Supervisor Milk were prospective candidates for re-election at the time of their deaths. Mr. White's actions naturally interfered with their ability to qualify and campaign as candidates for re-election. It is also my understanding that the penal sanctions imposed by section 235 apply to elected officials as well as candidates. (see United States v. Carvin (CA Fla 1977) 555 F2D 1303). Thus, regardless of their status as candidates, Mr. White's homicidal acts constituted injury to Messrs. Moscone and Milk as elected officials and are punishable as such.

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review at a higher level."

In the carefully worded "Dear Bill" letter, Deukmejian asked that the Justice Department review the factual circumstances surrounding the killings and, "if appropriate, commence a criminal prosecution against Mr. White."

"It is my understanding," Deukmejian wrote Smith, "that both Mayor Moscone and Supervisor Milk were prospective candidates for re-election at the time of their deaths. Mr. White's actions naturally interfered with their ability to qualify and campaign as candidates for re-election."

"It is also my understanding that the penal sanctions... apply to elected officials as well as candidates... Thus, regardless of their status as candidates, Mr. White's homicidal acts constituted injury to Messrs. Moscone and Milk as elected officials and are punishable as such."

The governor was a friend of George Moscone, the Democratic majority leader in the state Senate before his election as mayor of San Francisco in December 1975.

During a state Senate tribute to Moscone shortly after his death, Deukmejian, then about to leave the Legislature to become state attorney general, nearly broke down with emotion, standing in silence for almost a minute before he could continue with his speech.

"In making this request," his letter to Smith said, "I am mindful of the fact that Mr. White has already been tried in state court. However, there is no legal impediment to a federal prosecution based on the same facts."

"The federal government, as a separate sovereign, has as much of an interest in insuring that its laws are adequately enforced as the State of California has in enforcing state law..."

"There is no doubt that had a federal prosecution been first commenced and resulted in a nominal prison sentence, the San Francisco district attorney would have still been able to proceed with state charges. The same principle applies to the commencement of a federal prosecution which follows a successful state prosecution."

Lawyer Wahl said he thought the governor's letter "shows there is a substantial bi-partisan interest in keeping the justice system working."

"We can't allow government to be

changed by violence, which was the motivation of Mr. White in killing Mayor Moscone and Supervisor Milk," Wahl said.

"I'm personally very pleased the governor has seen fit to add his weight to the public drive to see that

a miscarriage of justice is corrected."

Thomas Horn, attorney for Gina Moscone, the late mayor's widow, said of the letter, "Well, good for the governor. I hope it works."

Mrs. Moscone would have no comment, he said.

Milo's former lover and executor of his estate, Scott Smith, said it was a "good sign to have the governor of the state, who belongs to the same political party as the president," urging prosecution.

And Supervisor Carol Ruth Silver, who urged that White's January parole date be revoked, said she was delighted by the news.

"Dan White might only serve another year or two or three after his state prison term," Silver said. "However, the benefit to the community in having recognition of the incredible impropriety of his act would be enormous."

"If White were convicted under the federal law and given the maximum sentence, he could be eligible for parole after 14 years. Conceivably a judge could reduce his sentence, given the time he has already served."

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# Dan White's case is in hands of U.S.

By Larry D. Hatfield  
Examiner staff writer

U.S. Attorney Joseph Russoniello says he won't make a recommendation on whether the Justice Department should prosecute Dan White for the slayings of Mayor George Moscone and Supervisor Harvey Milk.

The decision whether to prosecute White under the Civil Rights Act of 1968, a touchy legal and political problem for the Reagan administration, also apparently is still several weeks away, it was learned today.

"The status of the situation is that we're studying the legal aspects of it right now," said Justice Department

spokesman John Russell in Washington, D.C.

Asked whether Russoniello had made a recommendation on whether to prosecute White, Russell would say only that the local prosecutor and his superiors in Washington have been discussing the case.

"Yes, there's been correspondence between Russoniello and the general litigation section on this matter, but we're not prepared to discuss it beyond that."

Russoniello told The Examiner: "I've been in contact with the Department of Justice since June 1 (on the White matter), but I did not make any recommendation... I was not asked

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**U.S. ATTORNEY RUSSONIELLO**  
It's Washington's decision

to and I didn't."

He said his conversations with Jus-

...sweat out of them...  
...ice officials were on matters of law,  
and not the basic question of whether  
White, who was convicted in 1979 of  
voluntary manslaughter for the Nov.  
27, 1978, pistol slayings of Moscone  
and Milk, should face federal charges  
after he is released from state prison  
early next year. His parole date is Jan.  
6.

The decision is now entirely in  
Washington's hands, Russoniello said.  
"They have the matter under consid-  
eration."

He said he had hoped for a deci-  
sion before he leaves Monday on a  
vacation trip to Europe. "But I don't  
think so... I also don't think it's going  
to happen before I get back (on Oct.  
18)."

Russell, when asked when the deci-  
sion would be made, said only "in  
the next several weeks."

A decision has to be made by the  
fifth anniversary of the killings be-  
cause of a five-year statute of limita-  
tions imposed by the civil-rights act.

The law says prosecution of White,  
who had just resigned from his own  
supervisor's post and was seeking  
reappointment by Moscone when he  
shot the mayor and Milk, can be

ordered only by U.S. Attorney Gener-  
al William French Smith or his chief  
deputy, Edward Schmults.

Among other things, the civil-  
rights law makes it illegal to injure,  
intimidate or interfere with anyone  
qualifying as a candidate for elective  
office (which Milk and Moscone pre-  
sumably would do by filing for re-  
election) or from "participating in or  
enjoying the benefits of any program  
or activity receiving federal financial  
assistance" (which both men were  
doing as city officials).

If death results from such intimid-  
ation, the law provides a penalty up  
to life imprisonment.

If indicted and convicted for in-  
fringing on Moscone's and Milk's civil  
rights, White could face two life  
terms in prison. In effect, he could be  
eligible for parole in 14 years.

White, now 37, was originally sen-  
tenced to seven years and eight  
months after being convicted by a  
San Francisco jury. Now at Soledad  
Prison, if he is paroled as scheduled,  
he will have served five years, one  
month and eight days.

The possibility of federal prosecu-  
tion was first raised last April when  
John Eshleman Wahl, attorney for  
Milk's estate, suggested it. President Reagan

suggesting it. The White House pass-  
ed the suggestion to Smith who pass-  
ed it on to D. Lowell Jensen, head of  
Justice's criminal division and a  
former Alameda County district at-  
torney.

A Jensen aide, Lawrence Lippe,  
chief of the criminal division's gener-  
al litigation and legal advice section,  
wrote Wahl over Jensen's name and  
said a decision would be made after a  
recommendation came from Russoni-  
ello.

"The United States attorney is  
charged with the primary responsibil-  
ity for rendering prosecutive deci-  
sions in federal criminal cases occur-  
ring in his district and has been  
requested to furnish his views direct-  
ly to this office," Lippe said.

Russoniello, however, contended  
that he hadn't been asked for such a  
recommendation and declined to dis-  
cuss it further.

Justice Department officials  
called the legal issues involved in the  
decision whether to try White for  
federal crimes "complex and diffi-  
cult," explaining that any decision  
must include whether prosecution  
would be "in the public interest and  
necessary to secure substantial jus-  
tice."

SF 44C-2178

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Attached to and considered a part of this insert are  
copies of recent newspaper articles concerning Dan White,  
consisting of six pages:

44C-2178-11

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)



### Dan White affair

In the Dan White affair, pressure is mounting to make the punishment fit the crime — but without punishing the man twice for the same crime. If we are honest with ourselves, that won't be easy.

The plan is to have federal marshals waiting at the prison gate when White is paroled in January. They will re-arrest him, not for something else he has done but for the same offense. He will be tried anew for killing George Moscone and Harvey Milk, on the charge that he violated their civil rights when he shot them.

Does that constitute double jeopardy? Many people, including Gov. Deukmejian, are willing to convince themselves it doesn't. Deukmejian has asked Washington to prosecute White under a federal law that makes it a civil rights offense to injure or kill someone "for the purpose" of interfering with that person's candidacy for political office.

"For the purpose" — that's the rub. Was that Dan White's purpose?

Said Deukmejian: "It is my understanding that both Mayor Moscone and Supervisor Milk were prospective candidates for re-election at the time of their deaths. Mr. White's actions naturally interfered with their ability to qualify and campaign..."

The bullets that White fired into their heads interfered with a lot of things they expected to do. They didn't enjoy evening sunset. They missed a good dinner. They failed to reach a ripe old age. But those were consequences of the killings. If we are honest with ourselves, we must distinguish between consequences and purpose.

Moscone and Milk were killed in November 1978. The next election in which they have run was a full

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year away. No formal campaigning had started. Whatever were the thoughts in White's churning mind, there is nothing to suggest that he shot the two men to prevent their re-election.

He shot them because he thought they'd done him wrong. And they had — although what they did to him certainly didn't justify what he did to them.

They seized upon his impetuous resignation as a chance to get rid of a conservative, even though Moscone had promised to let him withdraw it. They were playing politics. White, a neophyte, took the game seriously. In his fevered view, when he walked into their offices and shot them he was expressing righteous indignation.

When a jury ruled that he was guilty only of manslaughter, many people just couldn't accept it. Thus the campaign to re-try him on some other charge.

But the strategem that the governor has endorsed is double jeopardy in spirit, no matter how lawyers weasle-word it. White was tried for the most serious

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### 'The strategem that the governor has endorsed is double-jeopardy in spirit'

---

charge that could be brought against him — murder. The jury returned a lesser verdict, and that is hard to swallow. But if we try him twice and punish him twice for the same crime, simply giving it another name, we set a dangerous precedent.

It wouldn't take much stretch of the imagination to turn every killing into a civil rights offense, since the victim is permanently deprived of the right to vote.

As for White himself, after he serves his second term, what's to stop us from prosecuting him a third time, for disturbing the peace with those loud gunshots, and a fourth time, for littering City Hall with the shell casings?

Before we carry this affair any further, let's pause to ask ourselves whether vengeance against Dan White is worth violating the constitutional protection against double jeopardy.

(Mount Clipping in Space Below)

# THE TRIBUNE

An independent newspaper serving the Greater Bay Area from Oakland since 1874

Robert C. Maynard  
Editor and Publisher

Fred O. Wetton  
General Manager

Roy Grimm  
Managing Editor

Mark Paul  
Editorial Page Editor

Tuesday, September 20, 1983

Oakland, California

## A second trial for Dan White?

Nearly five years have passed since Dan White slipped into City Hall in San Francisco to gun down Mayor George Moscone and Supervisor Harvey Milk, but the bitterness lingers.

To put it bluntly, many San Franciscans think White got away with murder. Tried for homicide, White convinced a jury in May 1979 that he was a victim of "diminished capacity" at the time of the killings, and thus was convicted of voluntary manslaughter instead of murder. He received a prison sentence of seven years, eight months, which has been shortened for good conduct. In all likelihood, White will be released in January.

Plainly, justice was only partially achieved in the case of Dan White. Nevertheless, we are troubled by the recommendations, first from the lawyer for Harvey Milk's estate, and now by Gov. Deukmejian, that White be tried under federal law for having deprived Moscone and Milk of their civil rights. Attorney General William French Smith, currently weighing those recommendations, must decide by Nov. 27 whether to prosecute White again.

Under federal law, the attorney general can choose to prosecute individuals who willfully injure political candidates or officeholders for the purpose of depriving them of their civil rights. Such prosecutions, which can be instituted without regard for previous state criminal actions, were authorized by Congress to give federal protection against the violent repression of political activity by Southern blacks and their allies, repression in which local officials frequently cooperated.

The civil rights law thus applies only imperfectly to the Dan White case.

It is hard to argue that the failure of justice in the White case was a consequence of official collusion in winking at White's crime. Angered by the verdict in the case, the Logic

(Indicate page, name of newspaper, city and state.)

Date: 9-20-83  
Edition: Morning  
B-6 The Tribune  
Oakland, Ca.

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FBI - SAN FRANCISCO	

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lature swiftly abolished the "diminished capacity" defense. Appalled by the failure of the district attorney's office to win a murder conviction, San Francisco voters promptly elected a new chief prosecutor.

A better argument can be made that White's crime was political, an attempt to eliminate San Francisco's leading liberal and its most prominent gay politician and thus change the political direction of the city. The prosecution at White's murder trial failed to present any of the considerable evidence of the political roots of the assassinations, and it is conceivable that federal attorneys could convince a jury that the shootings were politically motivated and punishable under the civil rights law.

But why the sudden interest in pursuing this outside chance to add to White's punishment? The jury handed down its manslaughter verdict in May 1979, more than four years ago.

Why is it only now occurring to Gov. Deukmejian, who was the California attorney general from 1979 to 1983, that justice was not completely done in the original trial? Why, after nearly three years in power, is the Reagan administration only now considering federal prosecution against White?

A cynic might suggest politics is a consideration. Another Dan White trial next year would make a dramatic and embarrassing counterpoint to the Democratic convention in San Francisco, particularly for Mayor Feinstein, widely regarded as a vice presidential possibility.

But law, not politics, is supposed to govern the decision whether to apply the civil rights statute to White. And though the law worked badly in his case, it did not work so badly that federal intervention is needed to achieve substantial justice.



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# Mayor seeks civil rights prosecution of Dan White

Mayor Dianne Feinstein has sent a letter to U.S. Attorney General William French Smith requesting the Justice Department to prosecute Dan White for the 1978 slayings of Mayor George Moscone and Supervisor Harvey Milk.

Feinstein's two-page letter to Smith aims to encourage the attorney general to try White under a federal civil rights law that White interfered with the political duties of Milk and Moscone when he murdered them in their City Hall offices.

"Dan White's crime remains an open wound in this city," Feinstein's letter said. The letter sent to Washington, D.C. last Friday was made public Monday.

She wrote: "I sincerely believe Dan White's sentence damaged the credibility of our entire criminal justice system. He is perceived not only as getting away with murder, but as

a public official whose special status somehow enabled him to get away with murder."

Smith is considering the White case even though White is due to be released next January for the voluntary manslaughter convictions he received.

Feinstein's letter to Smith was sent on the heels of a similar letter from Gov. George Deukmejian who has also called on the federal government to try White.

The mayor has endorsed a Board of Supervisors' resolution requesting the Justice Department to try White.

"It is clear to me that Dan White perpetrated these tragic killings to prevent the swearing-in of the man destined to replace him on the Board of Supervisors and, therefore, to prevent Mayor Moscone from carrying out his official act of appointment," she wrote in her letter.

Date: 9-28-83  
Edition: Wed.  
A2 S.F. Progress  
San Francisco, Ca.

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Date: 10-5-83  
Edition: 6 Star  
37 S.F. Chronicle  
San Francisco, Ca.

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Submitting Office: SF

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# HERB CAEN

... The buzz around the Fed 1 Big here is that Washington will refuse to prosecute Dan White on the grounds that it is "purely a local issue." If this turns out to be so, watch the gay community erupt ... Related sight: The sign reading "95 Days Till Dan White Is Free" posted on the side of Bank of America at Castro and Market; the number, which is changed daily, started at 100 ...

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FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 10/7/83

Assistant United States Attorney (AUSA) [redacted] Northern District of California, reviewed a letter from John P. Elia, dated September 21, 1983.

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AUSA [redacted] advised he wished no further investigation by the FBI regarding this letter.

AUSA [redacted] further requested the original of this letter, which was then given to him by SA [redacted] (after conferring with the San Francisco Federal Bureau of Investigation Legal Advisor).

A copy of this letter is attached to and considered a part of this FD-302, consisting of one page.

Investigation on 9/30/83 at San Francisco, California File # SF 44C-2178 -16  
by SA [redacted] /rmw Date dictated 9/30/83

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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Date: 10-25-83  
Edition: Final  
C3 S.F. Examiner  
San Francisco, Ca.

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# Bay digest

Compiled from staff and wire reports

## Next for Dan White?

JUSTICE DEPARTMENT officials in Washington are still "closely examining" whether federal charges should be brought against Dan White for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk nearly five years ago. No decision has been made, they stressed last night, after KGO-TV in San Francisco reported that the Justice Department won't prosecute White on federal civil rights charges. U.S. Attorney General William French Smith or his deputy, Edward Schmults, must decide whether the case warrants federal civil rights prosecution before Nov. 27, when the statute of limitation ends. That's the fifth anniversary of the double slayings in San Francisco's City Hall. White was charged with murder but found guilty of voluntary manslaughter and sentenced to the maximum term possible under state law, seven years and eight months. With that reduced for good behavior, he's due for parole Jan. 6 after serving five years. If tried under the federal Civil Rights Act of 1968 and convicted, he could be sentenced to federal prison for two life terms.

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# New Report, and a Denial, on Dan White Case

A San Francisco television station broadcast a report yesterday that said the Justice Department has recommended against prosecuting Dan White on federal civil rights charges — but a Justice Department spokesman in Washington denied the story last night.

The report, broadcast on KGO-TV, quoted unnamed Washington sources as saying that the final decision to prosecute White under federal law rested with Attorney General William French Smith and that Smith had received a recommendation against such prosecution.

But according to Justice Department spokesman John Russell, "The Dan White case is still being studied by the criminal division and no decision has been made."

In San Francisco yesterday, both the U.S. attorney's office and the San Francisco Police Department also said no federal decision had been made in the White case.

"I would expect to be the first to know," said U.S. Attorney Joseph Rusoniello. "We have no information about any decision that has been made."

Police officials told The Chronicle that they had not been notified of any decision either, and that they expected to be told — one way or another — before any public announcement. White's light sentence set off a night of rioting in 1979.

John Wahl, an attorney for the estate of Harvey Milk, had asked the attorney general to prosecute White under a civil rights law that covers the murder of political figures. Both Mayor George Moscone and Milk had filed for re-election when they were killed by White in 1978.

The request, later supported by Governor George Dukakis, Mayor Diane Feinstein and others, is being carefully studied in the Justice Department, sources said, because the civil rights law had never been applied in this manner. Wahl called yesterday's KGO report "a trial balloon by the Justice Department."

Under federal law, the Justice Department has until November 27 to decide whether to try White under the civil rights law. White, 37, is now scheduled for release from Soland Prison on January 6.

(Indicate page, name of newspaper, city and state.)

Date: 10-25-83  
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4 S.F. Chronicle  
San Francisco, Ca.

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# Decision on Dan White case due soon

BCN — With less than three weeks to go before the deadline for a decision on a federal prosecution of Dan White, a U.S. Department of Justice spokesman says a determination will be made "soon" but he does not know exactly when.

It's still a pending case, department spokesman John Russell said from Washington late last week. "The decision will be announced soon but I can't be specific about when."

White, 37, is due to be released from Soledad State Prison on Jan. 6 after serving a little more than five years in custody for his state court conviction for the 1978 slayings of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

The executor of Milk's estate and several local politicians, including the city's Board of Supervisors and Mayor Dianne Feinstein, have asked for an additional federal prosecution of White on charges of violating Moscone's and Milk's civil rights.

Any federal indictment of White must be handed down by Nov. 27, the five-year an-

niversary of the fatal shootings of the two men at City Hall.

The civil rights law under which the prosecution has been urged provides for penalties of up to life in prison for the killing of participants in certain federally protected activities, including running for office.

In the latest development in the case, San Francisco District Attorney Arlo Smith said he talked to a Justice Department staff attorney in Washington last week about his request that the agency consider looking into an allegation that a sworn statement by a witness appears to be inconsistent with testimony given by a homicide detective in the case.

Smith also said he has ordered an investigation by his staff into the matter and that he plans to inform the Department of Justice of the result of that inquiry when it is completed.

According to Smith, former City Hall aide Gale Kaufman is alleged to have said in a signed statement that she saw Homicide Detective Frank Falzon view Milk's body at the scene of the shootings at City Hall.

Falzon testified at

White's trial in San Francisco Superior Court that he did not go to the vicinity of Milk's body, according to trial transcripts.

The detective said last week he was "astonished" by the allegation that he saw Milk's body at City Hall. He said he did not know that Milk as well as Moscone had been killed until after he left the building.

Smith said he told the Justice Department staff attorney to whom he talked that the allegation "might be something they want to take into consideration." He said he asked the staff attorney to look for a letter Smith sent to Washington last Wednesday forwarding information about the statement.

Smith said he did not know what relevance the allegation, if proved correct, would have to the case. He said the staff attorney said he would look for the letter but "gave no indication of where they were in the decision" about whether to seek an indictment.

He said his investigation about "what is the true fact" is being carried out by a senior investigator who is attempting to contact everyone who was at the scene.

(Indicate page, name of newspaper, city and state.)

Date: 11-9-83  
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A7 S.F. Progress  
San Francisco, Ca.

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Falzon together with Herman Clark was the chief investigator in the district attorney's prosecution of the White case.

He said on Thursday that he only became aware of Milk's killing after he had left City Hall and learned that White was being held at the Police Department's Northern Station. A back-up team of homicide investigators was then dispatched to deal with the Milk murder, he said.

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Date: 11-3-83  
 Edition: 6 Star  
 4 S.F. Chronicle  
 San Francisco, Ca.

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# New Wrinkle in White Case

By Maitland Zane

San Francisco District Attorney Arlo Smith complained yesterday he is getting the brushoff in his efforts to persuade the Justice Department to prosecute Dan White on federal charges in connection with the murders of Mayor George Moscone and Supervisor Harvey Milk.

Amid rumors that federal prosecutors will make a decision this week, Smith has been asking them to consider an unconfirmed report that questions the credibility of one of the homicide inspectors who investigated the case and was a witness in the White trial.

But the district attorney said yesterday that Assistant U.S. Attorney General Lowell Jensen, chief of the Justice Department's criminal division and his classmate, Dealt

Hall law school, has not responded to his phone calls this week.

"There's been no movement in the case," Smith said yesterday. He has been urging federal officials to prosecute White under federal civil rights laws.

In frustration, the district attorney yesterday sent a telegram to Attorney General William French Smith, asking for consideration of a report from a former City Hall aide who said she saw a homicide inspector view Harvey Milk's body at the scene, although he testified to the contrary at the White trial.

The inspector, veteran homicide Detective Frank Falzon, has denied the claim by former City Hall aide Gale Kaufman that she saw him at the Milk death scene shortly after the shootings on Nov. 27, 1978.

"The statement I gave on the

witness stand was true and factual and I stand behind it," Falzon said yesterday. "I never saw Milk's body until I saw him on a slab in the coroner's office."

It is unclear what effect the allegation, if true, might have had on the White trial, other than to raise questions about Falzon's credibility as a witness. The district attorney has assigned one of his own investigators to look into the report.

If White is not indicted on federal charges by November 27, the five-year statute of limitations will have run out and he must be freed from Soledad Prison on January 6.

Kaufman was Supervisor Quentin Kopp's aide at the time of the City Hall assassinations and now works in Sacramento as a consultant to Assembly Speaker Willie Brown.

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# Kopp aide confused in Dan White testimony

San Francisco District Attorney Arlo Smith says a former City Hall aide was "confused" when she disputed the trial testimony of homicide inspector Frank Falzon in the Dan White case.

Smith said last night that his office conducted an investigation of a sworn statement made by Gayle Kaufman, who was an aide to Supervisor Quentin Kopp at the time of the assassinations of Mayor George Moscone and Supervisor Harvey Milk on Nov. 27, 1978.

According to Smith, Kaufman said she had observed Falzon in the vicinity of Milk's office and had seen him viewing Milk's body.

In his trial testimony, Falzon told the court he had gone nowhere near the body.

The woman later changed her mind, Smith said. She said she did not see Falzon viewing the body, but she insisted she saw him in the vicinity of Milk's office, Smith related.

"Therefore, we think she was confused," said Smith.

It was Falzon who heard the confession of then-Supervisor Dan White, later convicted of voluntary manslaughter in the City Hall slayings.

Smith said he took statements from eight other persons who were at the scene that morning, and they corroborated Falzon's testimony that he did not see Milk's body.

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D2 S.F. Examiner  
San Francisco, Ca.

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FBI - SAN FRANCISCO	

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## Dan White Case Witness Upheld

District Attorney Arlo Smith said yesterday he is satisfied that a veteran homicide inspector was telling the truth when he testified during the 1979 murder trial of Dan White.

The issue arose last week, when a former City Hall aide said she saw Inspector Frank Falzon at the death scene of Supervisor Harvey Milk shortly after Milk and Mayor George Moscone were killed on Nov. 27, 1978.

Falzon, who played a key role in the investigation of the shootings by White, said he had never seen Milk's body in the supervisor's City Hall office.

Yesterday, Smith issued a statement that said Falzon's version "has been corroborated" through interviews with eyewitnesses.

"The declaration of Ms. Gale Kaufman, who stated that she saw Frank Falzon come into the area and view Milk's body, has been reviewed with Ms. Kaufman and eight other persons at the scene," Smith's statement said.

"Ms. Kaufman now states she saw Falzon in the corridor before Milk's body was removed, but did not see Falzon view the body of Supervisor Milk.

"It is our belief that Ms. Kaufman was confused about seeing Inspector Falzon in the supervisors' offices area on the morning of Nov. 27, 1978."

Falzon responded yesterday, "I am hurt by the way Mr. Smith handled this whole affair. I feel I was used as a political ploy for Mr. Smith to gain further support in the gay community.

"Why did he fire off a telegram to the U.S. attorney general saying that he was 'investigating new evidence' (in the Dan White case) without ever contacting me until after he announced the investigation?"

Date: 11-9-83  
Edition: 6 Star  
2 S.F. Chronicle  
San Francisco, Ca.

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440-2178-22

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/16/83

1

[redacted] residing at [redacted]  
[redacted] telephone number [redacted]  
advised that he is currently employed on a limited duty basis with the San Francisco, California Police Department. After being advised of the identity of the interviewing Agents and the purpose of the interview, [redacted] provided the following information:

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In 1967 or 1968 he met [redacted] while attending a criminology class at San Francisco City College, and has had occasion to contact her over the years since that time. In July or August, 1978, [redacted] telephoned [redacted]. He cannot recall the reason for the call, but made a statement or asked a question to the effect of: "How would you like to have [redacted] for mayor?" [redacted] stated he could not recall [redacted] reaction, but he does vaguely recall something about Christmas being mentioned during this conversation.

[redacted] stated that he has no specific knowledge of any conspiracy or plan to kill the then [redacted] or Mayor George Moscone by any person or persons in the San Francisco Police Department, or in the San Francisco community in general. [redacted] then added that in retrospect, he believed the comment was based on a general perception of the community feelings at that time, i.e. that there were people who had been prosecuted and sent to prison who had misread the intent of the District Attorney's office; that downtown businessmen and hotel operators were upset over the proliferation of prostitution in the city; and a general disaffection in the police department with both [redacted] and Moscone. At that time, there were bumper stickers on police cars reading, "Our Gain is Your Loss." In short, almost every facet of San Francisco society had a hardcore group of dissatisfied people, anyone of which could have acted irrationally and violently as a result of ongoing frustration with the civic leadership.

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[redacted] then added that "It just came out by accident that Moscone was killed before Christmas." "I think White flipped out legitimately."

Investigation on 11/7/83 at SAN FRANCISCO, CA. File # SF 44C-2178  
by SA [redacted] bfh Date dictated 11/14/83

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SF 44C-2178  
LRW/pfh

Continuation of interview of \_\_\_\_\_

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\_\_\_\_\_ stated that he had never met or heard of John Wahl prior to November 6, 1983, and that \_\_\_\_\_ and others had tried to induce him to make a more definitive statement regarding this matter but he knows of nothing beyond what he has stated.

\_\_\_\_\_ executed a FD-328, Consent to Interview with Polygraph, form regarding his knowledge of this case which is attached to this FD-302.

CONSENT TO INTERVIEW WITH POLYGRAPH

PLACE: SAN FRANCISCO, CA.  
DATE: NOV. 7, 1983  
TIME: 10:48 AM

Before we begin an examination by means of the polygraph in connection with THE CIVIL RIGHTS INVESTIGATION OF THE DAN WHITE MURDER CASE AND MY PERSONAL KNOWLEDGE OF THE FACTS OF THIS CASE.  
you must understand your rights.

YOUR RIGHTS

You have the right to refuse to take the polygraph test.

If you agree to take the polygraph test, you have the right to stop the test at any time.

If you agree to take the polygraph test, you have the right to refuse to answer any individual questions.

WAIVER AND CONSENT

I have read this statement of my rights and I understand what my rights are. I voluntarily agree to be examined by means of the polygraph during this interview. I understand and know what I am doing. No threats or promises have been used against me to obtain my consent to the use of the polygraph.

[Redacted signature area]

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SIGNED [Redacted signature]  
(Examinee)

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\_\_\_\_\_  
(Examiner)

WITNESS:  
[Redacted witness area]

JOHN ESHLEMAN WAHL

ATTORNEY AT LAW  
35 GROVE STREET  
1232 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94102

415-863-8555

U.S. ATTORNEY  
S.F. CALIFORNIA  
REFER TO \_\_\_\_\_

1983 OCT 21 AM 8 20

October 20, 1983

CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED

DUPLICATE ORIGINALS

Honorable William French Smith  
Attorney General of the United States  
Department of Justice  
Washington, D.C. 20530

Honorable Edward C. Schmults  
Deputy Attorney General  
of the United States  
Department of Justice  
Washington, D.C. 20530

Honorable D. Lowell Jensen  
Associate Attorney General  
of the United States  
Department of Justice  
Washington, D.C. 20530

Re: Request for Prosecution of Dan White,  
Pursuant to Title 18, U.S.C. § 245, for  
Violation of Civil Rights of Mayor  
George Moscone of San Francisco and  
Supervisor Harvey Milk of San Francisco,  
by Murdering them Because of their  
Political Activities Within the Exercise  
of their Offices as Mayor and Supervisor

Dear Messrs. Smith, Schmults and Jensen:

I believe that the following facts should be considered by the Attorney General in making a decision to certify that the prosecution of Dan White is in the public interest, and necessary to achieve substantial justice, pursuant to 18 U.S.C. § 245. These facts show that the State's prosecution of Mr. White was undertaken with, at the very least, reckless and wanton disregard of normal prosecutorial standards. These facts, all taken together, show that the State's prosecution of Mr. White amounted to prosecution which assisted his interests.

Further, there are grave questions raised by these facts. The first question raised is whether or not there was a conspiracy to diminish the force and effectiveness of the State's prosecution. The second question is whether there was a pre-existing conspiracy to kill Mayor Moscone and Supervisor Milk.

Hon. William French Smith  
Hon. Edward C. Scmults  
Hon. D. Lowell Jensen  
October 20, 1983

Page Two

Before outlining the facts mentioned, I believe that it is necessary to discuss another matter of considerable concern. We, here in San Francisco, do not know what recommendation the United States Attorney (Joseph Russoniello, Esq.) has made to you concerning this case, since he apparently has declined to disclose his views. However, we believe that this case should proceed to trial without any question of further infection. We believe that a prosecution should be conducted by someone who cannot possibly be accused by anyone, of having any bias. It would be possible for someone to make that accusation concerning Mr. Russoniello, since I am informed that [redacted] in the State trial), was a member of Mr. Russoniello's campaign committee when Mr. Russoniello ran for District Attorney (in the 1979 election, after the murders and after the State trial). Further, Mr. Russoniello had been a member of the San Francisco District Attorney's Office --- which was the office that conducted the State's trial --- for a number of years before he left that office to enter private practice.

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The facts mentioned above are:

1. When the assassinations were announced, I am informed that there was cheering on the Fourth Floor of the Hall of Justice (where there are numerous Police Department offices). As is well known, and as San Francisco Examiner Reporter Russ Cone concretely demonstrated in his 1979 article in New West Magazine, the murders caused a profound change in the settlement of a pending lawsuit against the City and County of San Francisco, having to do with racial discrimination in the Police Department. I attach hereto a photocopy of that article.

2. The police officer who first went to the scene, Officer [redacted] was instructed to write a different report than the report he first turned in.

3. The investigating officer, [redacted], was biased in Mr. White's favor. He sat through the trial next to the prosecuting attorney, Mr. Thomas Norman but then testified (on cross-examination by White's attorney) as a defense witness for Mr. White. [redacted] called White "a man among men" [Reporter's Transcript page 296], and went into great detail about White's (to him) exemplary character and service [Reporter's Transcript pages 300-304]. [redacted] had been a long-time friend of Dan White, even having been his [redacted].

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Hon. William French Smith  
Hon. Edward C. Schmults  
Hon. D. Lowell Jensen  
October 20, 1983

Page Three

4. [redacted] who had been first assigned to the murder of Supervisor Milk, was pulled off the case, and that murder was then assigned to [redacted] (as well as the Moscone murder, to which he had been originally assigned). [redacted] was not a particular friend of Dan White. (In fact, at the time, [redacted] the mostly-black Officers For Justice organization, which was the prime plaintiff in the lawsuit pending against the City for racial discrimination in the Police Department.) I am informed that [redacted] would have given strong testimony concerning White's murderous intent, based upon the way Supervisor Milk had been shot.

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5. The confession obtained from Mr. White (again, by [redacted], was taken in a manner which helped Mr. White. He was allowed to give his confession in a narrative form in an emotional manner, which concentrated on describing his feelings, which affected the jury in his favor. The confession was taped, and the tape was played to the jury. [redacted] did not ask White anything about how he gained entrance to City Hall (by climbing into a basement window, to avoid the metal detectors at the main entrance, which would have detected the murder weapon). Thus a vital piece of evidence, bearing on intent, was kept out of the emotional appeal of the tape, when it was played to the jury.

6. Apparently key prosecution witnesses were not even talked to by the prosecution on the day they were put on the stand, and thus there was no preparation for their testimony. For example, I am informed that [redacted] who had been Supervisor Milk's [redacted] and who had been aware of a months-long grudge on White's part, was merely called at his home, and told to be down at the Hall of Justice on the day of his testimony, and then put on the stand "cold". He was not asked about White's animosity. The same thing happened to [redacted], a San Francisco Chronicle Reporter, who testified as a rebuttal witness, with regard to being put on the stand "cold". [redacted] also, had evidence bearing on intent - he had heard White threaten the Mayor - but there was apparently no intent to use his testimony until he volunteered to testify.)

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7. There was other evidence of White's pre-existing intent to kill the Mayor and Harvey Milk, which was made known to the prosecution and not used:

(A) [redacted] whose declaration you already have, informs me that he told District Attorney [redacted], of White's telephone call to him [redacted]

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Hon. Edward C. Schmults  
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which indicated an intent to harm Moscone and Milk. [redacted]  
[redacted] was never called as a witness.

(B) When White went to Northern Police Station to surrender to his friend Officer [redacted], he asked [redacted] to keep for him a book jacket he, White, had been carrying during the murders. The jacket was for Leon Uris' book "Ireland: A Terrible Beauty", which is a book about the Irish revolutionary movement. The fact that White carried this jacket, and not the book, and wanted the jacket kept safely, is a statement of his self-identification as a revolutionary -- a political warrior -- and evidence of the political motivation for the murders. The prosecution did not use this fact at all.

8. Dan White had his loaded pistol with him, and exactly enough extra bullets, in his pocket, to reload his pistol twice - a total of three loads of bullets - when he entered City Hall to do the murders on November 27, 1978. In the recorded radio transmissions of the San Francisco Police Department immediately following the murders of Moscone and Milk, one officer laughingly asked, on the radio, who the victim was. Three minutes later, after the information was passed that both the Mayor and Harvey Milk had been shot, an officer asked if they should send a third ambulance.

9. [redacted] went to City Hall, in the company of (then) Deputy District Attorney [redacted]. [redacted] is now an Assistant United States Attorney, in the office of the United States Attorney for the Northern District of California.) [redacted] denied (in his trial testimony) that he saw Supervisor Milk's body while he was at City Hall [Reporter's Transcript page 264]. [redacted] then went to Northern Station, in the company of Deputy District Attorney Thomas Norman (who later was the State's prosecutor). Both [redacted] and Norman, have stated that they did not talk to White at Northern Station. However, White spent at least sixteen minutes at that Station. It was later, at the Hall of Justice, that [redacted] took White's unusual narrative confession, which emphasized White's feelings, and which did not go into such matters as how White entered City Hall (through the basement window, avoiding the metal-detectors), and which was introduced at the State's trial.

\* 10. [redacted] states that a San Francisco Police Officer (whom she has known for some years, and whose name and address I am providing, under separate cover, only to the addressees of this letter), informed her approximately five months before the murders that this officer had received information that Mayor Moscone would be dead by Christmas. (The officer had earlier told [redacted] that there was a conspiracy among police officers to kill the Chief of Police, then [redacted], and in the conversation mentioned



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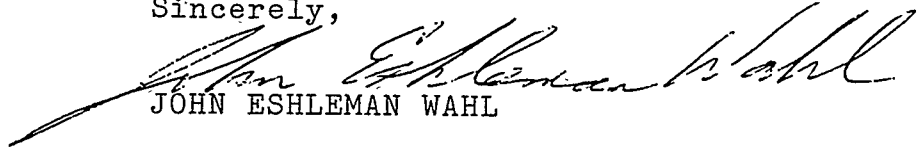
Page Five

above the officer told her that the conspiracy had shifted its target to the Mayor. [redacted] warned the Chief after learning of the threat to him. [redacted] has apparently passed a lie-detector test concerning this matter.)

b6  
b7C

We will continue to develop evidence to assist you in your prosecution.

Sincerely,



JOHN ESHLEMAN WAHL

JEW:ma

cc: Mr. Joseph Scott Smith, Executor of the Estate of  
Harvey Bernard Milk, Deceased

→ Joseph Russoniello, Esq., United States Attorney for  
the Northern District of California

Hon. George Deukmejian, Governor of California

Lawrence Lippe, Esq., Chief, Litigation and Advice Section,  
Criminal Division, Department of Justice

# WHAT WAS THE REAL MOTIVE BEHIND GEORGE MOSCONE'S MURDER?

“... In quitting the Board of Supervisors, Dan White left unguarded the aspirations of more than a third of San Francisco's cops . . .”

**T**HOMAS NORMAN, who prosecuted former San Francisco Supervisor Dan White at his trial for the murders of Mayor George Moscone and Supervisor Harvey Milk, told the jury only that White killed because he had been frustrated in his attempt to regain public office. Norman ascribed no deeper motive, no other reason why the man who so glibly gave up his job had, in seventeen days, become angry enough to kill because he couldn't get it back. Apparently convinced of the frustration motive, the jury found on May 21 that White's acts constituted voluntary manslaughter, for which he may be free in five years.

Yet White had another motive—the most compelling yet. This motive fits as snugly into White's personality as his police .38 fit into its holster. This motive

was never mentioned at his trial, even though it provided evidence that White's crime had been committed in order to affect a political decision—and, as such, was one of the few crimes punishable by death under California law.

**O**N THE afternoon of Friday, November 10, 1978, City Hall reporters reluctantly bestirred themselves in response to an invitation to meet Supervisor Dan White in his office, across the hall from the press room.

For a change, Dan White had some real news to announce. He had just given Mayor Moscone his letter of resignation from the eleven-member Board of Supervisors. With the earnest ineptitude that had marked the ten months of his legislative career, White announced: “What is

happening is that neither my family is being taken care of as they should be nor are my constituents . . . I didn't have any time to be both [sic] a good husband, father and supervisor.”

Not consulted in White's decision were his fellow supervisors, or his newfound friends in the city's real estate business, or his old school chums, or, most importantly, his comrades-in-arms and soulmates in the San Francisco Police Officers Association.

White seemed relieved, not worried or saddened, by his decision, which under Section 3.100 of the San Francisco Charter left it to Moscone to appoint someone to serve out the remaining 38 months of White's term.

Moscone, a card-carrying procrastinator with seemingly nothing to lose, told reporters he would not rush his appointment. In fact, he was savoring the moment. For the first 34 months of his administration, Moscone, a liberal Democrat, a protégé of Congressman Phillip Burton and a close friend of Assemblyman Willie Brown Jr., had bucked a conservative 6 to 5 majority on the Board of Supervisors. Moscone had issued an unheard-of two dozen vetoes, and had been overridden often. Now, without lifting a finger, Moscone was going to gain his edge. The White knight, who had voted down Moscone's business taxes and who constituted the deciding vote against Moscone's settlement of a minority and women police officers' suit, had thrown down his spear.

In doing so, Dan White left unguarded the career aspirations of more than one third of San Francisco's patrolmen.

**I**T WAS something that I thought about. I don't believe I ever discussed that with anybody . . . I think it was instantly recognized around City Hall and there was nothing really to discuss.”

The speaker is attorney Darrell Salomon, a bright young antitrust lawyer and president of the city's Civil Service Commission—the agency whose past practices of police recruitment and promotions were the target of the minority officers' suit. Salomon is speaking of the

*Russ Cone is a reporter for the San Francisco Examiner.*



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**"... Moscone's career interests took him to the left of his cultural brethren on the force ..."**

period between Dan White's unexpected resignation and those moments around 11 A.M. on Monday, November 27, 1978, when White dispatched Moscone and Supervisor Harvey Milk with shots from his snub-nosed .38. The matter that was "instantly recognized" was the almost certain effect of White's resignation on the Officers for Justice litigation.

Public Advocates, a public-interest law firm, had brought the OFJ's allegations of racial discrimination into court in 1973. Their suit asked \$43 million in back pay and damages to women and to blacks and other minorities, a catch-up on minority hiring and promotions, and guarantees of fair chances in the future.

The OFJ is a small group, made up largely of minority and women officers. In the scheme of San Francisco things, it was no match, politically, for the 1,500-member San Francisco Police Officers Association, whose roots run far and deep into the Irish Roman Catholic society that once dominated San Francisco. Dan White, son of a San Francisco fireman, had attended St. Elizabeth Grammar School and Riordan High School, and he had been a POA member during his two stints on the force. The POA is Dan White's peer group, his old-boy network—the fraternity that houses the locked-arms loyalties of a man's youth.

The POA had clout, but the Officers for Justice had a powerful ally—the federal government. A number of huge federal subsidies stipulated a showing of good faith in integrating the work force. If prejudice were demonstrated in federal court by the OFJ, San Francisco could lose \$100 million in federal subsidies and risk the court's assessment of OFJ's claimed damages.

The federal ramifications were so frightening that they were barely mentioned during the first four years that City Hall, in defense of civil service and the POA, wrestled with the allegations in U. S. District Court.

The gut issue for City Hall and the POA was preservation of seniority rights and promotion opportunities for current members of the predominantly white constabulary. The last police promotion exams had been held in 1976. Those exams produced 214 qualified candidates for the \$1,862-a-month job as assistant inspector, the gateway to plainclothes work and the more glamorous, higher-paying assignments. They also produced 384 qualified candidates for sergeant, the stepping-stone to the command positions of lieutenant, captain and deputy chief. Deputy chief—now, there's a job goal: \$47,184 a year, with a \$35,000-plus

yearly pension for the man with 30 years' service. For police patrolmen making \$1,735 a month, the assurance of fair and orderly access to the 587 posts in higher-paying ranks, with concomitant influence on pension, is as important a motivation as one is apt to find in the American labor market. (These promotions are worth \$1.3 million per year in gross pay increases to those affected.)

U.S. District Judge Robert Peckham had prevented the city from using the 1976 promotion exams, pending settlement of the OFJ suit.

**G**EOERGE MOSCONE was the genial darling of the city's liberal community, a former supervisor who had become the effective Democratic whip of the state senate. When he stepped into the carpeted mayor's office on January 8, 1976, remorseless winter had descended upon the POA.

Though he was himself a product of San Francisco's Catholic heritage, Moscone's career interests took him far to the left of his cultural brethren on the police force. He had allied himself with the California Democratic Council, worked in hostile Mississippi against discrimination, and battled openly for minority and labor rights while selectively supporting development and big-business interests. Moscone had secured his narrow victory with the support of blacks and gays and the militant electioneering of members of the Reverend Jim Jones's Peoples Temple and the Delancey Street Foundation, a shelter for ex-cons and ex-addicts.

After the election, Moscone left no doubt where his sympathies lay. He passed over the POA and its members in the police command to bring in Charles R. Gain, a former Oakland police chief with a reputation for integrating police operations, as chief of police.

Efforts by Moscone, Gain and District Attorney Joseph Freitas Jr. (who had won election with the same nonestablishment coalition) to publicize a new tolerance in law enforcement backfired dangerously in 1976. Prostitution, with its attendant assaults, muggings and robberies, was blossoming out of control in the downtown hotel-tourist area.

It took more than a year to catch up with the hoodlum elements, turn around crime statistics and achieve a measure of equilibrium in a demoralized police department. Even today, the force has not recovered completely. Its ranks dwindled from 1,826 in January, 1976, to 1,583 at recent count. This decline in manpower—encouraged, says the POA, by Gain's "less is more" policies—has made

officers angry. This open antagonism toward Gain has influenced Mayor Feinstein in asking him to resign by January, 1980.

Nineteen seventy-seven brought the first major change in the structure of San Francisco government since the 1932 reform charter: The seats of all eleven citywide supervisors were put up for election on a district basis. The district election blueprint, complete with geographical boundaries, was drafted by neighborhood activists and by young turks loyal to the Moscone-Brown-Burton political axis.

From the newly created political enclaves, voters sent Dan White, Harvey Milk, Carol Ruth Silver, Ella Hill Hutch and Lee Dolson to serve with six incumbents on the new board. When they took office on January 9, 1978, gone were conservative former Police Chief Alfred Nelder, conservative black leader Terry François, conservative businessman Peter Tamaras and conservative realtor John Barbagelata, Moscone's arch-foe.

The time had arrived for Moscone and for Bob Gnaizda and Lois Salisbury, his like-minded associates at Public Advocates, to settle the OFJ lawsuit, a matter requiring Board of Supervisors approval.

During numerous sessions in Moscone's office, terms of a settlement satisfactory to Public Advocates and their clients were hammered out with representatives of the city attorney's office, who were carrying out executive instructions to fashion an out-of-court settlement.

"There's no question," Salomon said recently, that by then the city attorney was "if not compelled, certainly influenced, to cooperate with Mayor Moscone in a kind of political way."

Terms of the proposed settlement, when first disclosed in April, 1978, brought anguished cries from the POA. What they objected to was not so much the price tag—\$2,535,000, including up to \$620,000 in back pay to 36 current and former minority officers and \$1,397,000 to those who might claim discrimination. What alarmed the POA more was the setting aside of the 1976 promotion lists until a quota of women and minorities were hired and promoted.

The settlement that Moscone pressed upon the supervisors in secret sessions called for filling temporary positions with a significant number of women and minorities. It called for appointing one woman or minority group member for every white male on the sergeant's list, and appointment of one minority for every three white males on the assistant inspector's list. It also required delaying the lieutenant's examination until all women and minorities promoted to sergeant were eligible to take it.

Moscone argued forcefully for the settlement. Going to full-blown trial risked bitter, public airing of minority griev-

ances and of past police shortcomings, a shut-off of federal revenue-sharing subsidies, and an unfavorable court decision—which could prove far more costly than the settlement.

Then-supervisor Dianne Feinstein termed the Moscone settlement "wholesale surrender." She declared, "If there has to be a quota system, I'd prefer to see a court-imposed one."

Intoned Supervisor Quentin Kopp: "The city will regret the day when it imposed quotas. This decision injects quotas into every level of the police department." The settlement, he said, was "politically motivated" to please Moscone's constituents.

By a 6-to-5 vote in June, 1978, the supervisors decided to reject Moscone's plan. White's was the sixth and deciding vote.

**B**ETWEEN JUNE, 1978, and last November 10, when the relieved-looking former cop announced he was foresaking the limelight, much had occurred in his personal life. Mary Ann, his wife, had quit her teacher's job to have a baby. The couple had mortgaged their home to invest in The Hot Potato, a food concession at Pier 39, which did not open for business until last October.

By November, the couple, reduced to living on White's \$800-a-month supervisor's salary, was spending 60 hours a week working at the potato shop, caring for their infant son and attending to White's official duties.

Attorney Salisbury acknowledges that Public Advocates at once recognized the opportunity White's resignation presented. And was Moscone alert to that and ready to act as soon as he got his sixth vote? "Uh-huh," says Salisbury.

One may only imagine the anguish with which the POA accepted the news that White had pulled his finger out of the dike. Gerald Crowley, then president of the POA, denies pressuring White to regain his seat on the board. Days after the City Hall slayings, Crowley insisted, "We never urged [White] until after he wanted the job back."

But, says Darrell Salomon, "I certainly think it was pointed out to him by Crowley that his resignation affected a most sensitive legal case. I'm certain that pressure was put upon him."

The fact remains that on November 15, just a week after the OFJ case resumed before Judge Peckham in the federal building one block from City Hall, White reappeared at City Hall to ask Moscone to return his resignation and to allow him to resume his legislative duties. Crowley and other POA members were among a gaggle of well-wishers who showed up at City Hall to witness another Dan White press conference.

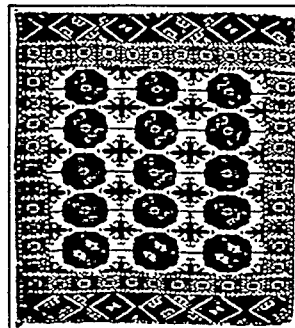
White told the press: "I looked at my



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“... What had begun as a personal sacrifice became a betrayal of friends and values ...”

decision as a personal decision, but it turned out there were hundreds of people out there who felt the decision affected them.”

Neither press nor public was then aware that 413 of White's former colleagues on the police force, whose names were on the 1976 promotion lists, were among those “hundreds of people out there.”

A somewhat bewildered Moscone, who had spent the days since November 10 searching the roster of District 8's 28,000 registered voters to find a name he recognized and might consider as a White replacement, tried to be as pleasant as he could. “I never wanted to see a young man forced out,” he averred generously. He would as soon reappoint Dan, he said ... but there were a couple of legal questions.

By the following week, when the legal questions were cleared up, other candidates for White's post were stirring the hustings and the OFJ lawsuit was encountering tough sledding before Judge Peckham. (After a weak performance by Public Advocates' first witness, Peckham had remarked something like, “If this is the best you can do, you'd better reconsider a settlement.”)

From November 15 until the fateful morning of November 27, White's predicament became increasingly painful. What had begun as a personal sacrifice for love of wife and child suddenly became a witless betrayal of friends, supporters and cherished values. A simple cure—retrieval of the resignation—had failed. As the days passed, Moscone was procrastinating, and fatherly forgiveness was being replaced by political practicality. Harvey Milk and others were prodding him to replace the troublesome White; Moscone himself was beginning to glimpse the happy prospects of a six-vote majority. Day by day White's frustration mounted, and, in the end, it severed his restraints altogether.

**W**ITHIN DAYS of Moscone's death, after Feinstein had secured permanent appointment as mayor and with the OFJ case already in recess, Judge Peckham instructed parties to seek an out-of-court settlement. Darrell Salomon, at Feinstein's behest and working with the POA, had begun to construct that settlement.

By January, Feinstein had won the Board of Supervisors' approval of a new settlement. Public Advocates and OFJ resigned themselves to it.

Terms of the settlement included preservation of the 1976 promotion lists for sergeant and assistant inspector; postponement of the lieutenant's exam until those promoted to sergeant qualified to take it; build-up of force to 1,971; immediate hiring of 30 women and 29 persons fluent in Chinese; establishment of goals (not quotas) for recruiting—50 percent minorities and 20 percent women over the next ten years—and promotion—women and minorities in proportion to their presence in the patrol force. The city was ordered to pay \$1.2 million, including \$385,000 in attorney's fees, a sum for minority training, and back pay to plaintiffs.

It was the first major accomplishment of the new mayor. Judge Peckham approved it in late March, before White's murder trial began.

“We were aware of what the Officers for Justice suit was about,” says prosecutor Thomas Norman, “but it didn't appear that it had any relevant connection” to the White trial.

In four and a half months, bullet-like swiftness for bureaucracy, promotion opportunities for more than one third of the police had been secured, and another generation of traditional police command had been guaranteed.

The most self-sacrificing supervisor of them all, the one who put aside the interests of his wife, his child and himself for what he perceived as the greater good of his class, had succeeded.

## The Milk Connection

**H**OW DID Harvey Milk fit the scenario? The voluble gay lawmaker occupied the cubicle directly across the hall from White's. Milk favored the Moscone settlement. He had humiliated White in public debate. White's young aides, mistakenly retained in City Hall after his departure, doubtless overheard some of the gleeful speculation emerging from Milk's cubicle, and others along the narrow corridor. How much of this filtered imperfectly back to White during the hiatus?

It may not matter, for White could not be certain, even after slaying Moscone, that Moscone's anointed replacement, loan officer Don Horanzy, would not take office. Taking out the ever-present irritant, Milk, was insurance that six votes for the Moscone settlement would not exist.

—R.C.

1 [uf3] Highlights of SFPD radio traffic from  
2 the first report of a shooting in the mayor's office on  
3 27nov78.[ep  
4 10:55 am.--"Police emergency"[ep  
5 (Voice of Mascone [redacted]): "I'm  
6 in the mayor's office. [redacted]. I want an ambulance.  
7 Code 3, Room 200."[ep  
8 "Room 200?"[ep  
9 "Code 3!"[ep  
10 "What's going on there?"[ep  
11 "We don't know yet. Somebody's been shot. A 406 up here. I  
12 want Northern up here immediately..."[ep  
13 (Code 3 is red lights and siren. A 406 is "officer needs  
14 assistance.")  
15  
16 Police op. calls Central Emergency Hospital, in Ivy alley a  
17 block from CHall. "Code 3 mayor's office CH.Code 3.  
18 We have a report of a 217 (shooting)."[ep  
19 11:01:[ep  
20 "HQ to Chief, 904 room 200, Code 3."[ep  
21 (Unidentified voice, chuckling, "Who's the victim?"[ep  
22 HQ: "We have no information on the suspect or the victim."[ep  
23  
24 11:02:[ep  
25 Police [redacted] head of communications,  
26 orders a "Code 33," clearing all channels of the SFPD radio  
27 network for emergency calls.[ep  
28 11:03:[ep  
29 (Unid. voice): "What's the nature of that?"[ep  
30 HQ: "We have a 217 there."[ep  
31 11:04:[ep  
32 HQ: "Code 3. An ambulance to Room 237 City Hall."[ep  
33 (Unid. voice): "Do we need a third ambulance?"  
34 (Unid. voice) "Are we looking for anybody?"[ep  
35 HQ: "The unit calling headquarters: no suspect at this time.[ep  
36 11:09:[ep  
37 HQ: "We still have no suspect."[ep  
38 11:10:[ep  
39 (Unid. voice) "Entrances blocked to CH and building sealed  
40 off with a one block perimeter."[ep  
41 11:12:[ep  
42 HQ: "We're still maintaining Code 33 on all  
43 channels."[ep  
44 11:13:[ep  
45 HQ calls for photo lab and crime lab.[ep  
46 11:17:[ep  
47 (Voice of [redacted] or possibly former Homicide Inspector  
48 [redacted] the DA's head  
49 investigator: "ATTENTION ALL UNITS. THE SUSPECT'S NAME IS DAN  
50 WHITE. 32 years, 6 feet, 185 pounds, wearing a three piece  
51 suit. He is a suspect in a 187 at City Hall.  
52 Armed and dangerous. The former  
53 Supervisor MAY BE HEADED FOR PIER 39. Two units respond to  
54 Pier 39...the Hot Potato restaurant."[ep  
55 11:20:[ep  
56 (Unid. voice): "How many victims are expected at Mission  
57 Emergency Hosp?"[ep  
58 HQ: "These are all DOA. No victims to MEH."[ep  
59 11:23:[ep  
60 (Unid. voice) "Get a homicide unit to Room 237.[ep  
61 11:24:[ep  
62 (Patrol car): "We're at the Hot Potato and there's no  
63 sign of the suspect. The suspect hasn't been here."[ep  
64 11:25:[ep  
65 "Where are the victims going?"[ep

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66 (Poss. dispatcher at Central Emergency): "I don't know  
67 where they're going. Harvey Milk  
68 and the Mayor are supposed to be DOR." [ep  
69 11:28 [ep  
70 (Unid. voice, poss. HQ): "Attention all units, we have a  
71 187 and the suspect is former supervisor Dan White. He's  
72 possibly at these old addresses:  
73 1641 Vallejo <\* 1, 941-A Visitation, 515 the John Muir  
74 Apartments." [ep  
75 11:29 [ep  
76 HQ (?): "Additional information on suspect. DW borrowed a  
77 '75 blue Opel 6935JQ from his aide and may be driving this  
78 vehicle." [ep  
79 11:31 [ep  
80 HQ: "Two units respond to the mayor's residence." [ep  
81 11:34 [ep  
82 " [redacted] A fireman is babysitting at  
83 295 Moscow Street. [redacted] " [ep  
84 11:35 [ep  
85 (Unid. voice): "There's a fireman babysitting Dan  
86 White's baby. Use caution. [ep  
87 11:36 [ep  
88 (Poss. voice of official SFPD  
89 custodian, [redacted] who prepared voice tape): "DAN WHITE  
90 IS IN CUSTODY. THIS INFORMATION CAME ON A  
91 DIRECT LINE FROM NORTHERN STATION AND WAS NOT TAPED." [ep  
92 11:37 [ep  
93 HQ: "Former supervisor Dan White is now in custody. KMA  
94 438 (SFPD radio) clear." [ep  
95 11:38 [ep  
96 (Unid cop): "The blue Opel is located  
97 at Franklin and O'Farrell. Hold for homicide and the crime  
98 lab." [ep  
99 11:47 [ep  
100 "3 [redacted] 300 to Hq.: Did you have anyone have the  
101 station keeper at Northern call me in the mayor's office?" [ep  
102 "...Request a witness leaving CH be detained. She is [redacted]  
103 [redacted] white female wearing a beige top and brown skirt." [ep  
104 11:50 [ep  
105 "We have located that witness." [ep  
106 11:53 [ep  
107 "UNIT WITH THE SUSPECT AND INSPECTOR [redacted] RESPOND DIRECTLY  
108 TO HOMICIDE." [ep  
109 "WE'RE EN ROUTE." [ep  
110 (N.B.: HOMICIDE INSPS. [redacted] AND [redacted]  
111 DROVE DW FROM NORTHERN, WHERE HE HAD SPENT APPROX. 16  
112 MINUTES TO HALL OF JUSTICE.) [ep  
113 11:57 [ep  
114 "HQ TO NORTHERN. DO NOT PROVIDE ANY MORE INFORMATION ABOUT  
115 THE SUSPECT ON THE RADIO." [ep  
116 12:29 [ep  
117 HQ: "Secure Code 33." [ep  
118

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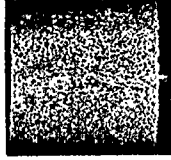
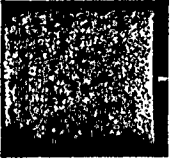
b6  
b7C



JOHN ESHLEMAN WAHL  
ATTORNEY AT LAW

35 GROVE STREET  
1232 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94102

Joseph Russoniello, Esq.  
United States Attorney for the  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102







U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No. 44C-2178

450 Golden Gate Avenue  
Box 36015  
San Francisco, California 94102

November 16, 1983

Mr. Joseph P. Russoniello  
United States Attorney  
Northern District of California  
450 Golden Gate Avenue  
Box 36055  
San Francisco, California 94102

Dear Mr. Russoniello:

Re: DAN WHITE;  
MAYOR GEORGE MOSCONE -  
VICTIM (DECEASED),  
SUPERVISOR HARVEY MILK -  
VICTIM (DECEASED),  
SUPERVISOR (MAYOR) [redacted]  
[redacted] - VICTIM;  
JOHN ESHLEMAN WAHL -  
COMPLAINANT;  
CIVIL RIGHTS - VOTING LAWS

b6  
b7C

Please find enclosed the original and once copy of an FD-302 reflecting the interview of [redacted], November 7, 1983 and the original copy of a letter from Mr. John Eshleman Wahl to the Honorable William French Smith dated October 20, 1983.

No investigative report will be submitted as verbally agreed with SA [redacted] of this office.

Very truly yours,

ROBERT S. GAST, II  
Special Agent in Charge

1 - Addressee  
1 - San Francisco  
LRW/pfh  
(2)  
Enclosures

SEARCHED  
SERIALIZED [initials]  
INDEXED [initials]  
FILED [initials]

44C-2178-24 FBI/DOJ

(Indicate page, name of newspaper, city and state.)

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## Marke wants Dan White prosecuted

State Senator Milton Marks has thrown his hat into the ring along with Mayor Dianne Feinstein and other politicians asking Attorney General William French Smith to prosecute Dan White for the murders of Mayor George Moscone and Supervisor Harvey Milk.

Marks sent a Nov. 4 letter to Smith requesting the U.S. Justice Department try White for violating federal law — Title 18 U.S. Code Section 245 — dealing with violating the civil rights of the two slain politicians who were seeking re-election to office.

Both Mayor Moscone and Supervisor Milk were prospective candidates for re-election at the time of their deaths. Of course, Mr. White's action interfered with their ability to qualify and to campaign for re-election," Marks wrote.

"The anniversary of the death of George Moscone and Harvey Milk approaches," the state legislator wrote. "It would be ironic and, in my opinion, a gross miscarriage of justice if the anniversary were celebrated by the release, after a few short years, of the person who killed them. You have the power and the authority to see that justice is done, and I strongly urge you to take such action."

White, serving his sentence in Soledad Prison, is due for release in early January, 1984.

Date: 11-18-83  
Edition: Fri.  
B4 S.F. Progress  
San Francisco, Ca.

Title:

Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

SEARCHED <i>44</i>	INDEXED
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FBI - SAN FRANCISCO	

44 C - 2178 - 25!

(Indicate page, name of newspaper, city and state.)

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Date: 11-21-83  
Edition: Final  
A4 S.F. Examiner  
San Francisco, Ca.

Title:

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or  
Classification:  
Submitting Office: SF

Indexing:

# Reaction in The Castro: 'There'll be hell and havoc' — 'Anger is over'

By Edvins Beitiks  
Examiner staff writer

"You're damn right there'll be protests," said John Marshall, talking about today's announcement that the federal government will not prosecute Dan White. "There'll be hell and havoc on the 27th."

A demonstration is planned at City Hall on the Sunday anniversary of the shootings of Mayor George Moscone and Supervisor Harvey Milk. Today's announcement will give that demonstration more urgency, said Marshall.

Like other residents of the Castro, Marshall was angry at the federal government's decision not to prosecute White on civil rights violations. "Let's put it this way," he said, "I go in a bank and rob the people with a handgun registered in my name, and wind up with maybe 15 years in prison, 15 more on probation. But (White) goes out and kills two people, people in city government, and he gets seven years."

Marshall shook his head, saying, "It makes you wonder: what kind of

power does he really have?"

Gary Finn, 38, standing outside the Star Pharmacy at 18th and Castro, said, "I personally believe that old proverb, 'An eye for an eye, a tooth for a tooth.' There is no reason in the world why he should get off scott free."

Finn said he would join the demonstration Sunday which "may turn into a candlelight vigil."

Other Castro residents expressed disappointment more than anger.

Cleaning the windows outside the Gilded Age on Castro Street, John Becker, 25, said, "The anger is more at the original decision, I think, than over anything going on now. What was the government going to do ... prosecute White for taking away (Milk and Moscone's) rights to run for office? That's really reaching for something."

The jury's decision to give White only seven years is what still sticks in the craw of Castro residents, Becker explained.

Cutting flowers at a stand further down Castro, Peter Cyr, 26, said he doesn't expect White to return to

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FBI — SAN FRANCISCO	

44C-2178-26

Francisco if he's released ~~on parole~~. "I think this would be the last place he would come," he said. "I can't see him coming back here at all."

At the corner of 18th and Castro, Mark Horvath, 22, and Brian Bailey, 31, said the federal decision was disappointing, but that most of the anger in the community had been used up after the manslaughter verdict.

"I don't think there's going to be any violence," said Bailey. "I think it's gone past that point."

Horvath agreed, adding, "I didn't even know there was going to be a decision made today." Bailey nodded, saying, "It's been such a hush-hush

case. I think it's terrible that they wait ~~until~~ the same week ~~until~~ until the day of the deaths, before announcing this decision."

Horvath said there's still a lot of anger in the community over the jury verdict but that it seems to come and go. Nodding toward the Bank of America branch, he said, "They had a sign over by the Versateller that kept track of the number of days left before Dan White got out of jail. But somebody took it down."



Examiner/Gordon Stone  
Gary Finn and John Marshall in The Castro: More ~~disappointment~~ disappointment than anger over the Dan White case

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 11-21-83  
Edition: Final  
A12 S.F. Examiner  
San Francisco, Ca.

Title:

Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

# The local reaction



Supervisor Harry Britt, appointed from the gay community to Milk's seat on the Board:

"It's a terrible decision. It's a political decision. No reasonable person can deny that Dan White was attacking the civil rights of these two great men, and all San Franciscans. Every year there's a march on Nov. 27, and this year the gathering should be especially large and angry. But no one should expect violence. But we cannot hide our anger. We must be faithful to that anger because it reminds us that human rights of people are very fragile."

Corey Busch, spokesman for Gina Moscone and press secretary for the late Mayor George Moscone:

"It's an absolute lack of courage... Maybe they felt it was just too political for them. I don't know. I can't for the life of me fathom a justification for them saying it doesn't fit the law. The people of this city ought to be very, very upset... I kept reading about how the Justice Department stepped in in other cases, and in my most cynical moment, I felt there was no way they could justify not doing it here."



Supervisor Quentin Kopp: "I am not surprised. The reading of that statute rather than just relying on emotion would show interested parties that the chances of conviction under such provision were remote. His crime was murder. It was personal malignancy. His wrong should not be compounded by governmental wrongful abuse of power."

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FBI - SAN FRANCISCO

44C - 2178 - 27



**Carole Migden, president of the Harvey Milk Lesbian and Gay Democratic Club:**

"I'm not surprised but it's extremely distressing news. Once again justice hasn't been served. This Republican government is not too sympathetic to the interests of the gay community. It's (the decision) consistent with the attitude in the White House since the Reagan administration."



**David Scott, gay activist who ran for mayor in 1979:**

"I think it's disgusting that Jimmy Carter's attorney general and now Reagan's attorney general refused to prosecute the case. Neither one chose to protect the rights of the people active in supporting the gay cause. I was surprised and shocked, especially since a Republican governor and the state democratic leadership had supported this action... I just wonder if it had involved somebody else they would have prosecuted the case."



**San Francisco John Wahl, attorney for Harvey Milk's estate:**

"It's fascinating to see how laws are unequally applied in this case. If the mayor had been not George Moscone but George Bush, if the supervisor had been not Harvey Milk but Paul Laxalt, you can bet your boots and bottom dollar there would have been a prosecution. The most fascinating thing about this case is that the federal government only responded and reacted to evidence given them. The victims were very liberal, even radical, but effective politicians who were achieving victory within the system. And Dan White staged a coup d'etat effectively changing the government of San Francisco by force and violence."

(Mount Clipping in Space Below)

# Why government couldn't prosecute

By Bill Burkhardt  
Examiner staff writer

The federal government decided it could not prosecute Dan White under the Civil Rights Act because the slayings of Mayor George Moscone and Supervisor Harvey Milk were not covered under two key sections of the act.

These sections, according to Assistant Attorney General Stephen Trott, say the crime must relate to a person seeking re-election and that injury must be done to someone attempting to overcome discrimination.

"Realistically," Trott explained, "the only activities that George Moscone and Harvey Milk can be argued to have been engaged in at the time of the killings were qualifying or campaigning for election to office. Both Moscone and Milk had filed declarations of intent to seek re-election."

"However, with the exception of these filings, there is no direct or circumstantial evidence that either were qualifying or campaigning for elective office."

It had been suggested, Trott said, that since they were incumbents, any official act could be seen as campaigning.

"This analysis, however, is a distortion of the congressional intent behind the civil rights law," he said. "The legislative history demonstrates that Congress was concerned with the integrity of the electoral process, not with the ongoing protection and safety of elected officials."

Trott said the evidence was not sufficient to prove beyond a reasonable doubt that Moscone and Milk were qualifying or campaigning for offices at the time of the killings. There was no evidence that White knew either man had filed a declara-

tion of intent.

"In fact," he added, "a careful review leads to the supposition that the killings were precipitated by White's anger over the mayor's failure to appoint him to the Board of Supervisors. ... There can be many motives, and it is sufficient if one is because the victim was negating in a protected activity. But the evidence strongly indicates that it was this grievance alone that ultimately compelled White's savage acts and that if a decision had been made to support White (for supervisor) the killings would not have occurred."

The evidence established that settlement of the lawsuit on terms favorable to minority officers was rejected by the supervisors by a one-vote margin in June, 1978, Trott said, and White was the one rejecting the settlement.

"The evidence also indicates that Moscone unquestionably wanted to appoint someone whose political views were in closer agreement with his own than White," Trott said. "However, no additional credible evidence was found to support the inference that Moscone wanted to do so in order to turn around the vote on settlement. As for Milk, no evidence was developed to prove that he, other than generally supporting Moscone in his decision to support someone other than White, was attempting to secure settlement of the suit favorable to the minority officers."

"The evidence is that White acted because of his anger at not being appointed. In this regard it appears that White's anger was fueled by his view that the City of San Francisco had degenerated and by the enormous political differences between him and his victims."

(Indicate page, name of newspaper, city and state.)

Date: 11-21-83

Edition: Final

A12 S.F. Examiner  
San Francisco, Ca.

Title:

Character:

or

Classification:

Submitting Office: SF

Indexing:

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# FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE SAN FRANCISCO	OFFICE OF ORIGIN SAN FRANCISCO	DATE 9/8/83	INVESTIGATIVE PERIOD 9/6/83
TITLE OF CASE DAN WHITE - SUBJECT; MAYOR GEORGE MOSCONE - VICTIM (DECEASED), SUPERVISOR HARVEY MILK - VICTIM (DECEASED), [REDACTED] VICTIM; JOHN ESHLEMAN WAHL - COMPLAINANT		REPORT MADE BY SA [REDACTED]	TYPED BY RMW
		CHARACTER OF CASE  CIVIL RIGHTS - VOTING LAWS (C)	

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b7C

REFERENCE: Meeting with U.S. Attorney's Office, Northern District of California, 9/6/83.

- C -

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ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED \_\_\_\_\_ SPECIAL AGENT IN CHARGE

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- 2 - U.S. Attorney, San Francisco
- 2 - San Francisco (44C-2178)

*(Handwritten initials and signature)*

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

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FBI - SAN FRANCISCO	

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44C-2178-29



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, SAN FRANCISCO  
(ATTN: AUSA [REDACTED])

Report of: SA [REDACTED] Office: SAN FRANCISCO  
Date: 9/8/83

Field Office File #: SF 44C-2178 Bureau File #:

Title: DAN WHITE - SUBJECT;  
MAYOR GEORGE MOSCONE - VICTIM (DECEASED),  
SUPERVISOR HARVEY MILK - VICTIM (DECEASED),  
[REDACTED] - VICTIM;  
JOHN ESHLEMAN WAHL - COMPLAINANT;  
Character: CIVIL RIGHTS - VOTING LAWS (C)

b6  
b7C

## Synopsis:

In November, 1978, past San Francisco Supervisor Dan White shot and killed San Francisco Mayor George Moscone and Supervisor Harvey Milk. White was subsequently tried and sentenced to prison. He is eligible for release from prison in early 1985. A Civil Rights complaint has been filed with the U.S. Attorney's Office, Northern District of California, alleging that White denied Mayor Moscone and Supervisor Harvey Milk the right to re-election.

- C -

The following is the result of a limited investigation.

DETAILS

On 9/6/83, Assistant U.S. Attorney [REDACTED], Northern District of California, requested that the FBI open a Civil Rights investigation in this matter and conduct one interview.

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b7C

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 9/6/83

[redacted] Assistant United States Attorney (AUSA),  
Northern District of California, held a meeting with Special Agent  
[redacted] and Federal Bureau of Investigation (FBI)  
Supervisor [redacted].

b6  
b7C

AUSA [redacted] made available a copy of a letter from  
Attorney John Eshleman Wahl, dated July 15, 1983.

A copy of this letter is attached to and made a part  
of this FD-302, consisting of eight pages.

AUSA [redacted] advised that the U.S. Attorney Joseph P.  
Russoniello requested that Mr. John P. Elia be interviewed.

Investigation on 9/6/83 at San Francisco, California File # SF 44C-2178  
by SUPV. [redacted] AND  
SA [redacted] MWM/rmw Date dictated 9/8/83

b6  
b7C

# FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>SAN FRANCISCO</b>	OFFICE OF ORIGIN <b>SAN FRANCISCO</b>	DATE <b>10/7/83</b>	INVESTIGATIVE PERIOD <b>9/15 - 30/83</b>
TITLE OF CASE <b>DAN WHITE - SUBJECT; MAYOR GEORGE MOSCONE - VICTIM (DECEASED); SUPERVISOR HARVEY MILK - VICTIM (DECEASED); [REDACTED] - VICTIM;</b>		REPORT MADE BY [REDACTED]	TYPED BY <b>rmw</b>
		CHARACTER OF CASE <b>CIVIL RIGHTS (C) - VOTING LAWS</b>	b6 b7C

REFERENCE: Report of SA [REDACTED] dated 9/9/83.

- C -

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
APPROVED <i>Robert J. Gast II</i> SPECIAL AGENT IN CHARGE COPIES MADE: <i>muw</i>							DO NOT WRITE IN SPACES BELOW	
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Dissemination Record of Attached Report						Notations		
Agency						[REDACTED]		
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How Fwd.								
By								

44C-2178-30

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, San Francisco  
(ATTN: AUSA [REDACTED])

Report of: [REDACTED] Office: SAN FRANCISCO

Date: 10/7/83

Field Office File #: SF 44C-2178 Bureau File #:

Title: DAN WHITE - SUBJECT;  
MAYOR GEORGE MOSCONE - VICTIM (DECEASED);  
SUPERVISOR HARVEY MILK - VICTIM (DECEASED);  
[REDACTED] - VICTIM;

Character: CIVIL RIGHTS - VOTING LAWS (C)

b6  
b7C

## Synopsis:

Witness John P. Elia write letter to case agent regarding his current whereabouts in case future interview required. Current newspaper articles regarding captioned case enclosed.

- C -

The following is the result of a limited investigation.

DETAILS

JOHN P. ELIA

450 No. G. St  
SAN BERNARDINO CA 92401

SEPTEMBER 21<sup>ST</sup> 1983

DEAR [REDACTED]

I'm at SUNSET HOTEL - I MAY BE  
IN SANTA BARBARA ON OR ABOUT OCTOBER 4-1983  
IN CASE OF [REDACTED] UROLOGICAL SURGERY -  
IN MEANTIME - YOU CALL ~~REACTS~~ <sup>THE</sup> REACT ME - BY CALLING  
[REDACTED] OF SAN BERNARDINO POLICE 714/383  
5011 EK-250 - ON EVENING - 714/889-0877 SUNSET HOTEL.

b6  
b7C

IF I'm HELPED BY U.S ATTORNEY IN  
DAN WHITE CASE - I'm READING TO HELP - BUT NOT  
FOR CHEAP LAWYER JOTTA E. WATT; I WAS USE BY HIM?

[REDACTED] I TOLD YOU THE TRUTH  
TO MY BEST ACKNOWLEDGE WHAT "DAN WHITE" TOLD  
14 MARCH 1976 -

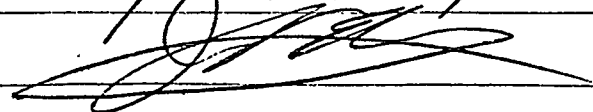
b6  
b7C

ALL I WANT IS "JUSTICE" DONE  
FOR MUSCONE'S AND MILK'S FAMILY -

BUT I HAD TO COME BACK HERE

[REDACTED] IS A GOOD FRIEND TO MY OTHER  
CASE - BUT ONE THING - MAKING THE TRIP TO  
SAN FRANCISCO LAST AUGUST 1983 IT COST ME OVER  
\$14.76 FOR HOTEL, RENT AND BUS FARE OVER  
\$70<sup>00</sup> TO ME IT WAS LOTS OF MONEY - I CAME  
BECAUSE "JOTTA WATT" ASK ME TO COME

Yours Truly



(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date: 11-21-83  
Edition: Final  
.1 S.F. Examiner  
San Francisco, Ca.  
Title:

Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

# Dan White to go free

## Not enough evidence to prosecute Justice Dept. says

### says

By Tom Hall and Larry D. Hatfield  
Examiner staff writers

The federal government will not prosecute Dan White for the deaths of San Francisco Mayor George Moscone and Supervisor Harvey Milk, it was announced today.

Six days before the fifth anniversary of the City Hall slayings, U.S. Attorney Joseph R. Russo said the Justice Department has advised him it will not prosecute White under federal civil rights laws.

The decision means that White, a former San Francisco supervisor, cop and fireman, will be paroled from Soledad Prison as scheduled on Jan. 6.

White made no comment and showed no expression when he learned of the decision today, spokesman Herb Matthews said.

He was convicted of voluntary manslaughter in May 1979 and sentenced to seven years and eight

months in state prison.

The jury could have convicted White of first-degree murder but was convinced by his attorney Douglas Schmidt that White suffered from diminished capacity created by a junk food diet — the notorious "Twinkie defense" — and extreme pressures brought on by his abrupt resignation from the board and Moscone's refusal to reappoint him.

The verdict caused a riot primarily involving angry gays and City Hall and police said they were prepared for a strong reaction to the federal decision not to prosecute White.

San Francisco Deputy Police Chief George Eimel said after the announcement this morning, "We don't expect any problems but we're prepared for any eventuality."

An anniversary observance of the slaying is scheduled for Sunday.

Reaction in the gay community was swift and predictably bitter. Carolyn Migden, president of the Harvey Milk and Gay Democratic

Club said, "Once again justice hasn't been served."

She said the gay community would have to live with the decision from a Republican administration not too sympathetic to gays. There'll probably be an outcry, but the reality is that the man will be free.

Gay activist David Scott, a former mayoral candidate, said it was "disturbing that Jimmy Carter's attorney general and now Reagan's attorney general refused to prosecute the case. Neither one chose to protect the rights of the people active in supporting the gay cause."

He predicted "a significant backlash" against the system and "time will tell" what form it would take.

Scott Smith, Milk's lover, said government officials seemed to put more work into drafting their statement

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FBI — SAN FRANCISCO	

44 C-2178-31

than into investigating the civil rights charges and called it "a political decision."

Russoniello, who declined to make a recommendation to Atty. Gen. William French Smith in the case, said the decision was "just and dictated by the circumstances."

"It is mandated by the law," Russoniello told a press conference. "If people are unhappy with that, then they are unhappy with our system of justice."

He added that while he regretted "very much" not being able to prosecute White, 38, "that personal feeling of not being able to do it doesn't in any way change my opinion that the decision reached was a correct and inescapable one."

Corey Busch, executive vice president of the Giants baseball organization and a spokesman for Gina Moscone, called the decision "unconscionable."

"I think that all you would have to prove is that the civil rights of Harvey Milk and George Moscone were violated," he said. "The whole question is whether justice was served, and it was not."

In declining to prosecute White for preventing Moscone and Milk from carrying out their legal duties, the Justice Department said the evidence is "manifestly insufficient" to prove that White violated federal law when he shot the politicians to death in their City Hall offices.

The statute of limitations for prosecution under the civil rights act expires on the anniversary of the killings.

In a four-page letter signed by Assistant Attorney General Stephen Trott, the Justice Department said, "We appreciate the interest and concern of the citizens and public officials who have submitted letters, petitions and legal memoranda to us in

support of federal prosecution.

"We know that their interest arose out of a concern that justice ultimately be done in this case. We share in their sentiments and condemnation of White's crimes as heinous acts of homicide deserving of commensurate punishment."

Trott went on to say, however: "After a thorough review of all available evidence and the inferences that reasonably can be drawn from the evidence, we have concluded that the evidence is manifestly insufficient" to establish that White violated federal civil rights laws. "We believe that successful prosecution could not be maintained under the civil rights law."

Under the law, White could be tried for violating Moscone's and Milk's rights by interfering with their ability to qualify and campaign as candidates for re-election.

Prosecuting White on federal civil rights charges was suggested last spring by John Wahl, attorney for the Milk estate, with the support of leaders in San Francisco's gay community. By mid-September, the legal tactic had the public support of Mayor Feinstein and Gov. Deukmejian.

Wahl said today, "It's fascinating to see how laws are unequally applied in this case. If the mayor had been George Moscone but (Vice President) George Bush, if the supervisor had been not Harvey Milk but (U.S. Sen.) Pat Laxalt (R-Nev. and President Reagan's campaign manager), you can bet your boots and bottom dollar there would have been a prosecution."

Mayor Feinstein declined comment on today's decision, "since my views on this matter are well known."

Examiner staff writers K. Connie Kang, Amy Linn and James Schermerhorn contributed to this report.

## Justice Department statement

After a thorough review of all available evidence and the inferences that reasonably can be drawn from the evidence, we have concluded that the evidence is manifestly insufficient. We believe that successful prosecution could not be maintained under the civil rights law. We do not reach our conclusions lightly. There is little doubt that the criminal justice system in California failed to hold Dan White adequately responsible for his actions."

Stephen Trott, Assistant Attorney General

(Mount Clipping in Space Below)

# The Moscone-Milk Slaying Case U.S. Won't Try Dan White

(Indicate page, name of newspaper, city and state.)

Date: 11-22-83  
Edition: 6 Star  
1 S.F. Chronicle  
San Francisco, Ca.

Title:

Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

## Rights Issue Ruled Out

By Susan Sward

The U.S. Justice Department announced yesterday it will not prosecute Dan White in connection with the killings of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Department officials said they concluded that the evidence is "manifestly insufficient" to meet the precise legal grounds required to prosecute the 37-year-old former San Francisco supervisor for federal civil rights violations.

Such a prosecution would have required evidence that White had killed Milk and Moscone while they were qualifying for re-election or campaigning.

The decision not to prosecute, disclosed just seven days before the five-year statute of limitations runs out in the case, clears the way for White's January 6 release from Soladad state prison, where he has served a five-year term for the two killings.

The decision caused some criticism — most of it low-key — throughout the city among people who felt White's conviction for manslaughter instead of first-degree murder was a miscarriage of justice.

Assistant U.S. Attorney Stephen S. Trott, in a letter detailing the decision, and San Francisco U.S. Attorney Joseph P. Russoniello defended the lack of prosecution. They also stressed that the decision had not been an easy one to make.

"We do not reach our conclusions lightly," Trott wrote. "There is little doubt that the criminal justice system in California failed to hold Dan White adequately responsible for his actions. However, it is not the appropriate remedy to bring federal charges which are not supported by the evidence and law."

The Justice Department investigation concluded "the evidence strongly suggests" that White's motive was his "anger" over the deci-

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sion by Moscone, with Milk's lobbying, nor to grant White to be reappointed to the Board of Supervisors after he had quit it.

The "anger" motive failed to meet the federal standard for prosecution needed in this case.

John Wahl, the attorney for Milk's estate who initially pushed for the federal prosecution, and Scott Smith, Milk's former lover, branded the federal move "a white wash."

"They have in fact ratified violent change in the government of the city and county of San Francisco," Wahl said.

Although much of the official reaction to the decision was also critical, the overall tone of the comments was muted — apparently in hope of avoiding violence similar to the "White Night" riots that broke out in the city after the manslaughter verdict against White was reached by the jury on May 21, 1979.

Gay leaders called for peaceful participation in a 7 p.m. candlelight march next Sunday from the Castro District to City Hall — an annual event marking the Nov. 27, 1978, killings of Moscone and Milk, the city's first openly gay elected leader.

"I would definitely argue people not do any violent deeds" in the wake of the federal decision, said Smith. "Harvey was not a violent person, and I don't think we solve anything by violence."

Supervisor Harry Britt, a gay who was appointed to replace Milk, called the decision "terrible," adding, "It's a political decision. No reasonable person can deny that Dan White was attacking the civil rights of these two great men and of all San Franciscans."

But Supervisor Quentin Kopp, defending the decision as "appropriate," said: "If you read the statute carefully, it will give rise to skepticism and doubt as to its applicability."

In Trott's letter, he noted that the best possible grounds for federally prosecuting White was a civil

rights statute designed to protect persons "qualifying or campaigning for elective office."

Trott acknowledged that Moscone and Milk had filed statements of intention to seek re-election before the killings. But he said the department found no direct or circumstantial evidence beyond this that either man actually was engaged in qualifying or campaigning activities at the time of the killings — as required in order to prosecute.

Even if their actions could be construed as campaigning, Russoniello told reporters, the law also required a finding that the victims were killed because of this activity, before a prosecution could proceed. This was not the case.

The department also rejected the possibility that Moscone's or Milk's involvement in any federal financing program provided a sufficient grounds for prosecution.

The mere fact that the office of the mayor and the Board of Supervisors routinely utilized some federal funds is insufficient grounds to make a federal case against White, Trott wrote.

The conclusion reached by the department is a just one," Russoniello said at a packed press conference at the Federal Building. "It is mandated by the responsibility of the prosecution to only bring prosecutions supported by the evidence."

The Justice Department arguments did not satisfy the host of politicians who had called on the federal government to intervene in the case.

Had a successful prosecution been undertaken, White could have faced a life sentence in prison.

Both Governor George Deukmejian and San Francisco District Attorney Arlo Smith described themselves as "disappointed."

Mayor Dianne Feinstein, who had been vocal in behalf of federal prosecution, said only: "The attorney general's opinion speaks for itself, and I will have no further comment since my views are well known on this matter."

Russoniello's announcement came eight months after Wahl began his campaign to bring about a federal prosecution.

In the following months, Governor Deukmejian, Congresswomen Barbara Boxer and San Bruno, the San Francisco Board of Supervisors, Mayor Feinstein and District Attorney Smith all supported the attempt to retry White.

In July, the state attorney general's office issued an opinion stating that Deukmejian could not legally delay White's release because he was sentenced under California's fixed-term sentencing law.

Shortly after that, Wahl filed a brief with the Justice Department asking authorities to file charges against White in federal court under Title 18, United States Code, Section 245.

That section of the federal law, enacted in 1968 by Congress in reaction to the inadequate prosecutions of whites in the South, was cited by the Justice Department in rejecting Wahl's request.

Some critics complained that the bid for a second trial smacked of "double jeopardy" and shopping for a verdict to please the public. Wahl argued a federal prosecution would not have involved "double jeopardy" because murder was a state offense and the civil rights violations he alleged were against the federal government.

Although Supervisor Britt urged city residents yesterday to write to President Reagan asking him to intervene, and Wahl talked of attempting to build a conspiracy case against White, it appeared the Justice Department decision removed the last impediment between White and the world outside prison walls.

## THE ISSUE

Whether Mayor George Moscone's and Supervisor Harvey Milk's civil rights were violated under a law prohibiting interference with someone's attempt to qualify or campaign for public office.

## THE RULING BY JUSTICE DEPT.

Even assuming that the evidence was sufficient to prove that Mayor Moscone and Supervisor Milk were qualifying or campaigning for office, it still must be proven beyond a reasonable doubt that they were killed because of this activity.

As a matter of law, it is not enough that Dan White killed persons engaged in the activity of qualifying or campaigning for office unless the evidence establishes this nexus



George Moscone



Dan White



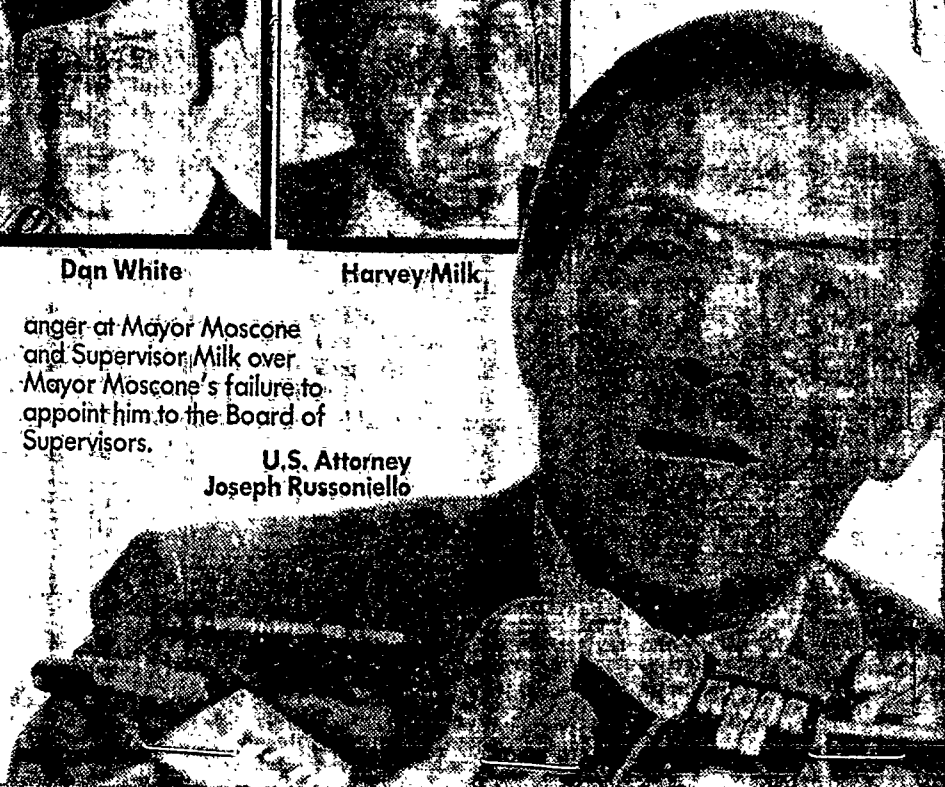
Harvey Milk

between the killing and the activity. Unfortunately, no concrete, creditable evidence has been found to establish that the killings in any respect occurred because of any concern or fear White harbored that Mayor Moscone or Supervisor Milk had filed a Declaration of Intent.

In fact, a careful review leads to the supposition that the killings were precipitated by White's

anger at Mayor Moscone and Supervisor Milk over Mayor Moscone's failure to appoint him to the Board of Supervisors.

U.S. Attorney  
Joseph Russoniello



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Edition: Wed.  
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San Francisco, Ca.

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# Editorials

## Nation of laws

The United States is a nation of laws, and it is precisely because of this that we have maintained our democracy.

Recently, there has been a public outcry against parole for criminals convicted of crimes which people find heinous but for whom the courts have set finite sentences. Convicted murderer/rapist Archie Fain is free on parole in the East Bay; Dan White, who shot and killed Mayor George Moscone and Supervisor Harvey Milk a mere five years ago, is about to be paroled.

A lot of people are calling their paroles a travesty of justice, and they may well be right.

And, because the courts did not sentence these criminals as we think they should have — or because the Justice Department cannot find a legal case to try White for violating the civil rights of Moscone and Milk — they have given us reason to change the laws. But, lest we become a nation of vigilantes and not of laws — in which case we are all in jeopardy — we must respect the individual sentences.

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# Annual candlelight march peaceful

BCN - Peace prevailed Sunday evening as more than 3,000 people marched from the intersection of Market and Castro streets to a City Hall rally in memory of the late San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Five years ago, both men were shot to death at City Hall by former supervisor Dan White, who is scheduled for release from Soledad Prison in January.

A recent decision by federal officials not to prosecute White on civil rights charges prompted leaders of the gay community to caution against a repeat of City Hall riots that followed the jury's return of a manslaughter verdict in White's trial.

"We did not expect violence and there was none," said gay activist Cleve Jones, who led candle-holding marchers in their 10-block trek. "Tonight is to remember Harvey and George, not their murderer."

Guided by 200 orange-vested

members of the Gay/Lesbian Freedom Corps, marchers gathered in front of City Hall, where the dome had been lit with red spotlights.

Dozens of police officers helped direct traffic around the marchers and gathered near the rally site, all agreed there were no disturbances of any kind.

Several speakers at the rally warned against violence on Jan. 6, the date Dan White is due to be released from prison after spending a little more than five years behind bars.

Leaders of the gay community have called for a work stoppage between 1 and 1:15 p.m. on Jan. 6 to protest White's release.

Supervisor Harry Burton was named demonstrators wishing violence on White is a "terrible waste of anger" that should be directed at gaining political power and social acceptance for gay men and lesbians.

Scott Smith, a former love of the slain

supervisor and executor of his estate, told the audience that the gay community is "stronger than ever" five years after the killings.

In the short run, assassination can be effective and disruptive, Smith said. But in the end, forces of strength will win out.

Former Congressman John Burton applauded Smith's statements, saying you cannot kill ideals with bullets. We for friends, but we did not lose their ideals or the direction this City and society will take because of them.

Several speakers compared the slain City officials to other assassinated leaders, including former President John F. Kennedy and civil rights leader Martin Luther King.

"Tonight, we join hands and share in the grief and outrage of political assassination," said Lupita Kashiwahara, the sister of slain Filipino political leader Benigno Aquino. She was

cheered by a group of marchers who chanted

Down with Marcos and a red sign criticizing U.S. aid to the Philippines.

The Rev. Cecil Williams of Glide Memorial Church in San Francisco urged demonstrators to go beyond the gay community to create political coalitions with other minority groups in the City.

We're here to say to the world that all well because we are moving on. William told the crowd. "We must have unity and solidarity."

Gina Moscone, the slain mayor's widow and one of the couple's children, waved to the crowd from the stage in front of City Hall.

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# White will go free

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The U.S. Department of Justice has decided not to prosecute Dan White, the assassin of Mayor George Moscone and Supervisor Harvey Milk, because of insufficient evidence he violated the federal civil rights of the two City Hall politicians.

The decision, unveiled at a federal Building press conference yesterday, means White will be freed from Soledad Prison on Jan. 6 after serving slightly more than five years for the Nov. 27, 1978, double murder.

The statute of limitations on the federal charges filed by San Francisco attorney John Wahl, representing Scott Smith on behalf of Milk's estate, would have expired in six days, Nov. 27.

Wahl yesterday harshly criticized the Justice Department's ruling, saying, "I think what's going on here is a political whitewash.... If Senator Paul Laxalt were assassinated, do you think the Justice Department would have come to the same decision?"

"This shows that homophobia exists in the United States," Wahl said.

Stopping short of branding the federal investigation into the complaint as slipshod work, Wahl charged the FBI failed to probe all aspects of the case to have the former San Francisco

supervisor tried. Wahl said FBI agents never contacted the publisher of a San Francisco gay publication about information concerning the White case.

"This chapter is closed, but the book isn't closed," said Wahl.

The attorney said he intends to file new charges against White that White conspired to kill Milk and Moscone. Wahl refused to elaborate on the specifics of the alleged conspiracy charges he plans to submit.

In response to the Justice Department action, Mayor Dianne Feinstein said yesterday, "The U.S. Attorney's opinion speaks for itself and I will have no further comment since my views on this matter are well known."

Feinstein, along with several state legislators, had made a request to U.S. Attorney General William French Smith that White be prosecuted on federal civil rights charges.

In presenting the government's case for not trying White, Joseph P. Russoniello, U.S. Attorney for Northern California, handed out a four-page letter written by Stephen Trotte, assistant attorney general of the criminal division.

While noting the San Fran-

cisco registrar of voters showed Moscone and Milk had filed declarations of intent to seek re-election shortly before their assassinations, Trotte wrote. However, with the exception of these filings there is no direct or circumstantial evidence that either Mayor Moscone or Supervisor Milk were qualifying or campaigning for elective office. Wahl criticized that statement saying Milk had already

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received campaign funds from a political fundraiser prior to his murder.

Trott's Nov. 17 letter to Russoniello stated, "Unfortunately, no concrete, credible evidence has been found to establish that the killings in any respect occurred because of any concern or fear White harbored that Mayor Moscone and Supervisor Milk would seek reelection. There is

no evidence that he even knew that either Mayor Moscone or Supervisor Milk had filed a declaration of intent."

Trott said neither Milk nor Moscone were benefitting or participating in any program which received federal financial assistance.

The federal probe discovered that Moscone's attempt to settle the minority police officers' suit against the police department's recruitment and promotion procedures "conceivably comes within" the federal civil rights law.

"But the evidence to support the argument that Mayor Moscone was engaged in this activity at the time of the killings is very weak," wrote Trott.

In his conclusion, Trott wrote, "We do not reach our conclusions lightly. There is little doubt that the criminal justice system in California failed to hold Dan White adequately responsible for his actions. However, it is not the appropriate remedy to bring federal charges which are not supported by the evidence and law...."



Progress photo by Bob Clay

Dan White

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# Annual candlelight march peaceful

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Gina Moscone, the slain mayor's widow, and two of the couple's children waved to the crowd from the stage in front of City Hall.

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# Anger widespread at ruling on White

*U.S. attorney's decision not to prosecute means S.F. slayer will be freed on Jan. 6*

By Angel Fernandez  
The Tribune

SAN FRANCISCO — A unanimous chorus of disappointment stretching from the gay community to the governor's office greeted Monday's decision by the Justice Department not to prosecute Dan White for the 1978 slayings of Mayor George Moscone and Supervisor Harvey Milk.

"What happened here is very much a political whitewash," declared John Wahl, the attorney for Milk's estate who wrote the Justice Department last spring seeking a federal review under civil rights law.

"Obviously, justice was not indicated today," he said.

Wahl disputed the Justice finding that the federal law protecting office-seekers doesn't apply to White because the killings were committed in anger over the loss of his supervisor's job, not because Moscone and Milk were running for re-election.

"These people were campaigning and Dan White knew it," Wahl asserted. "He pulled a political coup d'etat."

Wahl said his office was still looking into the possibility that White could be prosecuted under federal conspiracy laws, which carry a longer statute of limitation. Because Sunday is the deadline for an election-related civil rights prosecution, the agency's decision virtually assures White's parole from Solano Prison on Jan. 6.

Gov. Deukmejian is "very disappointed" by the ruling, according to press officials in Sacramento, who added tersely: "The governor believed that grounds existed for federal prosecution."

San Francisco District Attorney Arlo Smith also expressed disappointment, but cautioned, "We must keep in mind that all

the processes of the law have been carefully followed."

"The U.S. attorney's opinion speaks for itself," Mayor Dianne Feinstein said in a statement released by her office. "I will have no further comment since my views are well known."

Feinstein had written U.S. Attorney General William French Smith to request a federal prosecution, and she has asked the state parole board to forbid White to return to San Francisco if he is released.

"I think it stinks," said Supervisor Harry Britt, who is gay. "No reasonable person can argue that Dan White did not violate civil rights, but clearly the Reagan administration does not want to deal with this issue and that is offensive to me as a San Franciscan."

Britt noted that because Congress is in recess, "the only person standing now between Dan White and freedom is Ronald Reagan." He did not indicate

whether a direct appeal would be made to the president.

Supervisor Carol Ruth Silver said she was "saddened and frightened" by the ruling. "I had a great deal of confidence that

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the attorney general's office would (act) out of a sense of due process and justice," she said. "Unfortunately, I was greatly disappointed."

Carole Migden, president of the Harvey Milk Democratic Club, said, "I really didn't expect

responsiveness on the part of the federal prosecutor, but I suppose we're going to have to live with this very grave injustice.

"Certainly, this will be a great tool for organizing," she added. "I hope we can turn this into a positive measure to address the grief, the pain and the frustration that we all feel."

Scott Smith, Milk's longtime lover and the executor of his estate, agreed that the ruling could increase solidarity in the gay community. But he doubted that it would spark any anger

during the candlelight march down Market Street that will take place Sunday in commemoration of the assassinations.

"The march and memorial service on the steps of City Hall have always been somber and in loving memory of two men who were very, very well respected in this city," Scott explained. "I don't expect this decision to have any effect on that."

*Contributing to this report were staff writers Pamela Abouzeid, Gene Avres and Virgil Meibert.*



Harry Britt  
Offended by decision

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# U.S. says it won't try Dan White

## Federal attorney 'regretfully' decides against prosecution of S.F. assassin

By Angel Fernandez  
The Tribune

SAN FRANCISCO — To the dismay of gay activists and public officials alike, the Justice Department announced Monday that it had no grounds to prosecute Dan White under federal law for the assassinations of Mayor George Moscone and Supervisor Harvey Milk.

"The conclusion is inescapable," U.S. Attorney Joseph Russoniello told a news conference. "I regret very much that we don't have the opportunity to prosecute."

The ruling came less than a week before the fifth anniversary of the Nov. 27, 1978, City Hall killings, when the statute of limitations under the U.S. Civil Rights Act expires. It means that White, 37, will walk out of Soledad Prison a free man Jan. 6.

### Five years in prison

Counting time off for good behavior and time served before conviction, the former San Francisco policeman and supervisor will have served just more than five years of the 7½-year term for voluntary manslaughter he got for the two slayings.

The May 1979 sentence, which set off a riot that injured 160 people and damaged more than \$1 million in city property, resulted from a "diminished-capacity" defense that has since been banned by the Legislature. White convinced his Superior Court jury that financial pressures and City Hall maneuvering combined

with overindulgence in junk food, caused him to commit the killings.

### Resigned from board

White had resigned from the Board of Supervisors two weeks before the slayings, saying he couldn't support his family on his \$9,700-a-year salary. After White changed his mind, Moscone refused to give back the job, partly at the urging of Milk, the city's first openly gay politician.

The mild sentence sparked a campaign supported by the Board of Supervisors, Mayor Dianne Feinstein and Gov. Deukmejian to get Justice officials to prosecute White under the Civil Rights Act, which makes it a crime to injure anyone who is "qualifying or campaigning" for elective office.

### Little doubt seen

"There is little doubt that the criminal justice system in California failed to hold Dan White adequately responsible for his actions," Assistant Attorney General Stephen Trott said in an opinion sent to Russoniello. But he said the law in question is "concerned with the integrity of the electoral process, not with the ongoing protection and safety of elected officials."

Despite plans by Moscone and Milk to run for re-election and despite the "enormous political differences (with) his victims," Trott called the evidence "manifestly insufficient to prove that this was why White killed them."

### Evidence cited

"The evidence," he said, "establishes that the motive for

the killings was retaliation for the failure of Mayor Moscone to re-appoint White to his supervisory seat."

Russoniello, whose office spent 200 hours reviewing transcripts and sifting the evidence before forwarding the case to Washington, said motive was all important to the federal case.

Although his staff "did not play an advocacy role," Russoniello said he supported the decision because the injustice "would only be exacerbated if prosecution were brought under a ~~convicted~~ charge."

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## EDITORIALS

# No Recourse on Dan White Case

THE PROSPECT that Dan White will walk out of prison early next year after having served so short a term is deeply frustrating. His crime was grievous and deliberate. He killed two San Francisco leaders of special warmth, ability and promise — Mayor George Moscone and Supervisor Harvey Milk. His punishment has been disgracefully mild. Justice was clearly not served in the case of former supervisor White.

That said, it must also be emphasized that the decision of the U.S. Justice Department on Monday not to prosecute White for violation of civil rights laws appears to have been correct. The section of the federal criminal code under which White would have been brought to book again is a difficult and technical one. Certain specific situations must clearly obtain for a successful trial.

As U.S. Attorney Joseph Russoniello explained, even assuming that Mayor Moscone and Supervisor Milk were qualifying or campaigning for office at the time of the crime, it would still have to be proven beyond a reason-

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able doubt that they were killed because of this activity. In other words, there had to be a strong tie in between their re-election situation and the crime. Russoniello and the other federal lawyers concluded that "unfortunately" no "concrete, creditable evidence" had been found to achieve this important link.

"WE DID NOT reach our conclusions lightly," concurred Assistant U.S. Attorney Stephen S. Trott in a letter detailing the decision. "There is little doubt that the criminal system in California failed to hold Dan White adequately responsible for his actions. However, it is not the appropriate remedy to bring federal charges that are not supported by the evidence."

That last line rings with persuasive reasoning. The system has been tarnished enough. Why concoct another prosecution on legally shaky grounds that could only stain it still further? The damage was really done at White's trial — through, among other matters, the admission of evidence aimed at proving his mental capacity was so diminished as to provide excuse for his bloody actions. This turned it into a showcase for fuzzy psychiatric testimony. It is typical that perhaps the best remembered aspect of this court passage was the extraordinary notion that consumption of a number of high-sucrose cakes known as Twinkies might induce violent behavior.

The Dan White case stands as a deplorable chapter in the annals of criminal jurisprudence. But it cannot be made right through an invalid act. The Justice Department has done the only proper thing: Come down hard on the letter of the law.

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# Experts Back U.S. Decision On Dan White

By Susan Sward

Legal experts in California, while acknowledging many people want to see Dan White prosecuted again, said yesterday the U.S. Justice Department decision not to do so was legally correct.

"There is no provable violation of federal law," said prominent San Francisco attorney Ephraim Margolin.

Margolin made his statement after reviewing the federal law that the department examined before it found "manifestly insufficient" evidence to prosecute White for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk at City Hall five years ago.

"Therefore, a call for a federal prosecution of White in the federal forum reflects our feeling about what happened with White, but it cannot be sustained in law," Margolin said.

In May of 1979 a San Francisco jury convicted White, a former San Francisco supervisor of manslaughter — not first-degree murder — and the verdict outraged many people.

The Justice Department's decision not to prosecute White for federal civil rights violations in connection with the two killings apparently removed the only remaining obstacle between White and freedom. The department on Monday announced that the case did not meet any of the precise legal grounds needed to support another prosecution — such as a finding White killed his victims to stop them from seeking re-election.

White, now 37 is due to be released from Soledad state prison

on January 6 after spending more than four years there. He then will be under state-supervised parole for a year before he is given his complete freedom.

In interviews yesterday, many lawyers familiar with the applicable federal law, including a former San Francisco federal prosecutor and two former federal prosecutors in Los Angeles, said the Justice Department decision was proper.

Several pointed out that the statute the department had studied in connection with the case — Section 245 of U.S. Title 18 — related to interference with specifically detailed, federally protected civil rights such as voting, campaigning, and, in special instances, receiving and administering federal funds. They added that this federal statute was never intended to cover the two murders at issue, which clearly came under state jurisdiction.

"Dan White certainly meant to shoot Moscone and Milk, but every murder case does not automatically become a civil rights case," said James Brosnahan, a former San Francisco assistant U.S. attorney who now has a private practice.

"To make a civil rights case, you have to have an intent to deprive a person of a specific civil right — like their right to vote, their right to free speech, their right to participate in government no matter what their race," Brosnahan said.

"I think there was a lack of evidence that White had in his mind an intent to deprive Moscone or Milk of their civil rights."

Barry Tarlow, a former assistant U.S. attorney who is a past vice chairman of the American Bar Association criminal justice section, said that if the facts had been sufficient to support a prosecution, San

Francisco U.S. Attorney Joseph P. Russoniello and Assistant U.S. Attorney General Stephen S. Trott in Washington would have pressed the case.

"Both are hard-nosed, vigorous prosecutors," Tarlow said in a telephone interview. "Russoniello is

not someone I'd describe as soft on crime, and Trott is one of the finest lawyers in the country — extremely bright, very tough. No one will pull the wool over their eyes."

Gerald Uelmen, another former assistant federal prosecutor in Los Angeles and a law professor at Loyola University there, added that "legally, a federal prosecution is not simply an alternative to plug in whenever a state prosecution is frustrated."

Patrick Hallinan, a San Francisco lawyer who was appointed by Moscone as chairman of the city's Board of Permit Appeals, said the only way the Justice Department would have had any jurisdiction to prosecute would be if it could have shown a definite violation of federal law — which didn't exist.

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"I think the evidence showed the main reason White killed Moscone and Milk was a bitterness about the fact he was not reappointed as a supervisor," Hallinan said.

Hallinan and several other San Francisco lawyers said that the legal decision, although definitely correct, was hard for many to accept because they had cared for Moscone and Milk.

"George was a long-time friend of mine," Hallinan said, "and I'd like to see Dan White rot in hell."

But he said it would create a dangerous legal precedent to press a federal prosecution of White when the evidence did not justify it.

Hallinan's father, Vincent, a prominent liberal lawyer, agreed, saying: "Russoniello followed the law. If you have certain rules of law, they have to be applied, even though you're outraged, and wouldn't mind joining a lynch mob emotionally."

J. Tony Serra, a San Francisco defense attorney, complained that the White case had already done enormous damage to the rights of defendants by touching off the furor that prompted the Legislature and the judiciary to react sharply against the use of psychiatric testimony in trials.

"With the White case we lost the mental defense as a meaningful jury issue," Serra said. If the federal government had gone on to prosecute White again, "it would have been manifestly an abuse of prosecutorial discretion. There was no civil rights violation per se. It was a homicide and properly within state authority."

All the lawyers based their comments on U.S. Title 18, Section 245 — adopted in 1968 by Congress in the wake of Martin Luther King's assassination. The law grew out of a concern that courts in Southern states had inadequately prosecuted white defendants during the civil rights struggle.

Russoniello said yesterday that although several grounds existed in that law under which White con-

ceivably could have been prosecuted, his office focused its attention on three main grounds that seemed to have the greatest possible bearing on the case.

Two involved a victim's receipt and administration of federal funds and the other involved campaigning for office.

He said that as far as he knew the federal financing statutes had never been used to prosecute a defendant before, and the campaigning section had been used successfully only once — in a Florida case involving threats sent to President Gerald Ford, Vice President Nelson Rockefeller and candidate Ronald Reagan through the mail in the period before the 1976 election.

The Justice Department thought the strongest case for prosecution could be made under the campaigning statute, but concluded after a review that even that there was no evidence to sustain a conviction.

John Wahl, the attorney for Milk's estate who pressed for the federal prosecution in the first place, disagreed sharply with the Justice Department yesterday.

He complained that department officials made no mention of an affidavit he sent them by Paul Hardman, the director of Pride Foundation. Hardman's affidavit said White told him three days before the killings that he planned to stop Moscone and Milk from giving federal funds to a community group that Hardman and White opposed.

Russoniello responded that the episode outlined in the affidavit did not meet the test needed for a prosecution because Milk had received none of the disputed federal money, and in any event, there was no evidence that White killed Milk because of this dispute.

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## Editorials: Justice weeps again

NOTHING HAS BEEN awaited in San Francisco with any more interest than the decision as to whether Dan White will be tried again — on federal civil rights charges — for the killings of former Mayor George Moscone and Supervisor Harvey Milk. Now we have the word at last — that he will *not* be tried — and this brings melancholy reflections upon the state of justice in this city and the nation.

In deciding against any prosecution of White for denial of those officials' civil rights under federal law, the Justice Department in Washington says it believes "that successful prosecution could not be maintained." It decided that Moscone and White in the circumstances of that fatal day in 1978 were not covered under two key sections of the relevant civil rights statute.

That law applies, according to a federal spokesman, to a crime against a person seeking re-election. The injury must be done to a person attempting to overcome discrimination.

Surely Milk, the City's first gay supervisor, was attempting this, and his activities in the gay sector had helped to draw White's anger against him. And surely both he and Moscone had declared for re-election. But the Justice representative said that the "legislative history demonstrates that Congress was concerned with the integrity of the electoral process, not with the ongoing protection and safety of elected officials."

Well, we are not masters of legal interpretation, but we wish the Justice Department had tried harder to make this law apply. Certainly the electoral outcomes in this city were altered by the lethal shots fired by Dan White in City Hall.

Moreover, the failure of a trial jury in 1979 to convict White of anything more than voluntary manslaughter, under state law, is a source of abiding grief in San Francisco. He will be out of prison in January. Justice wept in '79 for the malfunctioning of its system, and does so again upon the word from Washington.

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# U.S. ruling on White was right, say most lawyers

By K. Connie Kang  
Examiner staff writer

The Justice Department's decision not to prosecute Dan White for killing Mayor George Moscone and Supervisor Harvey Milk under federal civil rights laws may not sit well with many San Franciscans, but lawyers familiar with those statutes say the decision is legally sound.

"As a legal matter, I think it's quite an appropriate judgment by the Department of Justice," said San Francisco attorney James Brosnahan, a former federal prosecutor.

"There are murder cases and there are civil rights cases," Brosnahan said. "It's a civil rights case when it has racial overtones, when it has voting overtones or it has First Amendment overtones."

"This is a case where two people were killed, and it's not part of a grand political plan. No matter how you view the evidence, it was a sudden decision to shoot."

San Francisco attorney Michael Mendelson, a friend of Moscone and Milk, said that, personal feelings aside, the federal laws don't support intervention in the case: "If the victims had been minorities, say Asian-Americans or Americans of Mexican descent, who were randomly shot down because of race, it is imperative for the federal government to get involved."

"But what you had is a crazed individual wreaking personal revenge against one who happened to be gay and the other who was liberal."

White is scheduled for parole Jan. 6. He was convicted of manslaughter

in May 1979 and sentenced to seven years and eight months in state prison.

The jury, which could have convicted White of first-degree murder, apparently was persuaded by White's lawyer's argument that White suffered from diminished capacity brought on by extreme pressures from his abrupt resignation from the Board of Supervisors, Moscone's refusal to reappoint him and his junk-food diet.

When White was told of the federal government's decision yesterday, he took the news with no change of expression, according to Herb Matthews, the Soledad public relations officer who carried the news to White's cell. "I asked him if he had any reaction, any statement he wanted to make, and he said, 'No.'"

The decision removes the last apparent obstacle to White's scheduled Jan. 6 parole date. Phil Guthrie, assistant director of the state Department of Corrections, said he will be paroled to a location in California, but the state has "prohibited him from returning to San Francisco because of the notoriety of the case."

The 1979 verdict caused a spontaneous "White Night Riot" in which angry gays clashed with police around City Hall, Market Street and in the Castro District.

But last night, the mood on Castro Street was subdued. More than 50 police wearing riot gear were positioned in and near City Hall. But most were dismissed shortly after 8 p.m.

The annual candlelight parade from the Castro to City Hall to commemorate the two slain leaders

is scheduled for Sunday. Several gay leaders predict angry emotions then.

U.S. Attorney Joseph Russoniello said the Justice Department won't prosecute White under federal civil rights laws because evidence is "manifestly insufficient" to prove that he violated federal laws when he shot the men in their City Hall offices.

"We believe that successful prosecution could not be maintained under the civil rights law," the Justice Department said in a letter signed by Assistant Attorney General Stephen Trott.

The government concluded that a

careful review leads to the supposition that the killings were precipitated by White's anger at Moscone and Milk over Moscone's failure to reappoint him to the Board of Supervisors. To prosecute under the federal statute, the government said, the killings would have had to be directly related to a campaign for re-election.

San Francisco attorney Ephraim Margolin, a specialist in constitutional law, said the law clearly supports the Justice Department decision: "I felt that the pressure and the newspaper reporting in the direction of inviting U.S. participation was so much grandstanding because it was very clear that the law would not support any reindictment in a United States court."

But John Wahl, attorney for Milk's estate who began the move to try to get the government to prosecute White, disagreed: "If the lawyers had seen the evidence he had sent to the Justice Department, they would have reached a different conclusion."

"I am sure he (Dan White) had bad feelings toward Moscone and Milk

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individually, but he also wanted to change the political direction of San Francisco."

Wahl charged that the Justice Department letter "very conveniently" ignores all the evidence he had forwarded to Russoniello: "It's a pile of garbage. If these were a bunch of lawyers and investigators working for me, I would fire the lot of them in five minutes."

Wahl said the evidence he sent the Justice Department shows that White intended to keep Moscone and Milk from continuing as mayor and supervisor because he didn't like the way they were leading The City.

The Justice Department at first agreed to investigate prosecution under civil rights statutes at Wahl's request. A number of politicians — including Gov. Deukmejian — quickly endorsed the move.

Historically, federal civil rights laws have been invoked to seek tougher punishment in the South, where all-white juries have acquitted white people charged with killing

blacks such as the bombing of a church in which three black girls were killed.

More recently, the federal law has been used in Texas in the racially motivated killings of a Mexican-American and a Chinese-American in Michigan.

"The profile of Dan White's case doesn't fit other civil rights cases," Mendelson said. "In Dan White's case, the issue is: Was the penalty stiff enough? Liberals are all screaming for blood, and conservatives are saying enough is enough."

Brosnahan said: "If the sentence or verdict of the jury was too light, as people believe, it's not appropriate to make up for it by instituting a federal prosecution. A person was tried once, and I think we ought to let it stay behind us."

And Margolin said: "If you had a situation such as in the South where civil rights workers were killed and the killing had a federal connection, federal jurisdiction may be invoked. This was not that kind of case."

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# How White Received The News

Moments after word reached Soledad state prison yesterday that the U.S. Justice Department had decided not to prosecute Dan White, a prison official made his way through its stark corridors to inform White of the news.

White — who was wearing a prison-issued blue shirt, jeans and sneakers — showed "no change in his expression and had no reaction," said Herb Matthews, the Soledad official who went to White's cell. "He only said he had no comment."

If White is set free at 12:01 a.m. on January 6, it will be five years, one month, eight days, 12 hours and 25 minutes since he turned himself in at Northern Police Station after

the killings of Mayor George Moscone and Supervisor Harvey Milk.

Phil Guthrie, deputy director of the California prison system, said the Justice Department's decision means "there appears to be nothing to stop his release unless White misbehaves in prison, and that's unlikely because he's been well-behaved up to now."

Once White has completed one year under state-supervised parole, he will face no further restrictions on his activities and will be free to do whatever he chooses.

Guthrie said White probably will be paroled to a site "somewhere in California" and that location likely will not be San Francisco "because of the notoriety of the offense."

In the past, Guthrie has said that the state would not approve San Francisco as a parole site for White because "he'd probably get killed there."

White already has submitted his parole plan — outlining where

he wants to live and work — to state prison authorities for their approval, and they have declined to comment on it.

While on parole, White will have to pay periodic visits to his parole officer. He also will have to get the parole officer's approval if he wants to travel outside the county where he has been paroled. If White should violate his parole, he could not under law serve any more than 1½ years of combined parole and prison time, state officials say.

White's attorney, Doug Schmidt, was not available for comment on his client's plans yesterday. In the past Schmidt and White's family have repeatedly refused to comment on the case.

Several old friends of White, commenting on what he will face once he is free, said yesterday that his life with his wife and two small children will be very hard.

"He's going to have a very difficult time, wherever he goes," said police homicide inspector Frank Falzon, one of White's closest friends before the killings.

Falzon, who was the chief police investigator in the Moscone-Milk killing case, added: "Just knowing Dan White and the way he was raised, this was so out of character that he's probably going to be as hard on himself as anyone could be."

Another of White's close friends, asking not to be named, said: "There's so much hatred out there for the guy. He's been portrayed as such a monster. Who would want him to live next door? What's he going to do? God only knows."

— Susan Sward

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# Thousands march in memory of Moscone, Milk

By Don Lattin  
Examiner staff writer

Several thousand peaceful demonstrators marched from Castro Street to City Hall last night in a candlelight vigil to mark the fifth anniversary of the assassinations of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Police, who kept a visible presence along the parade route and during a rally at the Civic Center, had feared violence would erupt because of last week's decision by the U.S. Justice Department not to prosecute former supervisor and convicted assassin Dan White on federal civil rights charges.

"There is a day coming when we will turn ourselves to the killer," rally organizer Cleve Jones told the crowd that day. "There will be no business as

usual in San Francisco.

That's the day White is scheduled to be released from Soledad prison after serving five years and 40 days for killing Milk and Moscone.

The light sentence — which came after White's attorney successfully argued that the ex-supervisor acted with "diminished capacity" caused by political maneuvering, financial pressure and a junk food diet — sparked the May 1979 "White Night" riot that left 100 people injured and caused \$1 million in property damage.

Jones called on San Franciscans to stay home from work Jan. 6. If that is impossible, he urged them to stop whatever they are doing at 1 p.m. for 15 minutes. Motorist should stop their cars, he said, office workers should leave their offices, and apartment dwellers should stick their heads out the window and express their feelings.

Hundreds of the marchers were doing just that last night as they chanted "Hu Get Away With Murder" and "Off White" when they turned off Market Street and headed up Polk Street for the rally outside City Hall.

"The murder of George Moscone and Harvey Milk was a political act," said Supervisor Harry Britt, a homosexual who replaced Milk on the board of supervisors. "The federal government couldn't see it, but we see it. What are we going to do about it?"

Britt tried to calm down those in the crowd who answered his question by chanting choruses of "Off White." Britt told them it was not the kind of reaction

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Milk would have wanted. Former Moscone aide Corey Busch echoed those sentiments, saying "There is not room in George Moscone's memory for hatred and vengeance."

Gina Moscone, the late mayor's widow and two of her children stood quietly next to former Rep. John Burton during the ceremony, but did not speak.

Police estimated the crowd at 3,000 marchers.

The Rev. Cecil Williams of Glide Memorial Church issued a challenge to every minister, priest and rabbi in this city to put down the old theology because, no matter what they say about gay men and lesbian women being evil and sinful, we know better than that. It's time for the religious community to get turned onto love.

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# Anniversary Of Moscone, Milk Slayings

By Randy Shiltz  
 and Stephen Magagnoli

A solemn crowd of several thousand candle-bearing demonstrators marched down Market Street from Castro Street to City Hall last night to commemorate the fifth anniversary of the assassinations of Mayor George Moscone and Supervisor Harvey Milk.

Although the march was peaceful, the anniversary was tinged with bitterness and anger at the imminent release of Dan White.

The march — which drew a crowd estimated at 5000 — attracted in equal numbers veteran gay and lesbian activists and newcomers eager to join what has become an annual ritual.

One of those was James Wright, who was just out of high school in Abilene, Texas, on the day of the killings.

"They were part of a dream that is still very important," said Wright, 23, a furniture mover.

"It's something I missed being involved in then," he said. "But every bit of history influences the present. By being here, I hope to influence the future."

A diverse crowd echoed similar sentiments.

"I'm celebrating part of our history," said Howard Cohen, an employment counselor who was living in Pennsylvania at the time of the assassinations.

"This was something that has come to mean a lot to gay people everywhere," said Cohen, walking with three friends who also had moved to San Francisco since the

killings. "It's something we never want to be forgotten."

A few blocks down, Lupita Kashiwahara had a different perspective on the San Francisco political killings of 1978, one tempered by the assassination of her brother, Philippines opposition leader Benigno Aquino, in Manila this year.

"Harvey Milk and Benigno were both trying to affect change within the democratic process by their work," said Kashiwahara, who was joined by about 100 other Filipinos who had attended a memorial for Aquino in the Castro last night.

"The irony is that they were men of peace and they had to die such violent deaths," she said sadly.

Demonstrators were still leaving Harvey Milk Plaza in the Castro as the first marchers streamed into Civic Center a mile away. Although the walk had been quiet, hundreds shouted invectives against Dan White as they neared City Hall.

"He got away with murder," many shouted.

"Off White, off White," others screamed.

The demonstrators — some from as far away as Colorado — clumped around a platform at the entrance to City Hall to hear more than a dozen speakers pay homage to Moscone, Milk and Aquino.

Cleve Jones, a former aide to Milk and a parade organizer, kicked off the rally at City Hall by assuring the throng. "No coward's bullets will stop us!"

John Laird, the newly elected gay mayor of Santa Cruz, said that Milk had served as his model, and after his death, Laird had resolved, "Nothing was going to stop me from being exactly what I wanted to be."

Carole Migden, president of the Harvey Milk Gay Democratic Club, reminded the crowd that Milk "taught us how to fight, how to wield political influence — but never at the expense of our gayness. We should never have to pass. We

should never assure society we're the same because we're NOT the same."

Last night's turnout was at least in part a reaction to the U.S. Justice Department's decision last week not to prosecute White on federal charges that he violated the rights of Moscone and Milk by killing them.

John Belkus, a 34-year-old clerk for the telephone company, said he was marching "to show there's determined opposition to the policies of the Reagan administration's refusal to prosecute (White). It has made no commitment to human rights whatsoever."

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Donald Montwill was one of several people passing out flyers last night calling for a day of protests January 6 when White is released.

"Candlelight marches are nice, but we need something more cathartic," said Montwill. "We still need to send a message to the people in power about the injustice of Dan White getting out of jail. We're not planning a quiet memorial."

Jones added, "It is clear there must be no business as usual in San Francisco when White is released, and called for an outpouring of feeling between 1 and 1:15 p.m. on Friday, January 6.

Despite the prevailing mood of anger, frustration and shock over White's impending release, several in the crowd chose a more optimistic, hopeful view.

Alex Peer, a 35-year-old clinical

psychologist, who was at the first candlelight vigil in November 1978, said that this year he was "a little calmer, a little more determined. I think it is important in a public way to demonstrate your commitment to a better society for all people, not just gay people."

And Peer added, the demonstration served to prevent, rather than encourage, more violence. "If there weren't some sort of publicly acceptable way to express the gay community's need for attention and respect, it would erupt in violence. I think the night of the riot (after the White verdict was announced), the gay community felt just absolutely raped."

Other than an egg that was tossed out of a Market Street window at the marchers, there was no tension or violence last night, police said.

Riot police were on duty during the march and City Hall rans,

but they stayed out of sight and were never needed during the peaceful vigil.

When the speakers finally finished at 9:20 p.m., hundreds of demonstrators left their candles flickering on a bronze statue of Abraham Lincoln at the left corner of City Hall, turning it into a makeshift altar.



By Vincent Maggiora  
Corey Busch (left), an aide to George Moscone, Gina Moscone, the mayor's widow, and gay attorney Tom Horn also marched.

# Thousands March in S.F.

Harvey Milk  
Democratic Club

The crowd marched peacefully down Market Street from Castro to the City Hall rally.

By Vincent Maggiora

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## Dan White again

Dan White will leave prison Jan. 6 with a general feeling in San Francisco that justice was not done.

To most of us the verdict at his trial was incomprehensible. No way was manslaughter the right word for what he did. No way should he go free just five years after killing Mayor George Moscone and Supervisor Harvey Milk.

And yet, I'm obliged to say that I welcomed with relief the federal decision not to try him again. That avoids another injustice.

In our hearts we all know the request for federal prosecution was a ruse, an attempt to stretch the civil rights law to make up for the failure of our state criminal court system.

That might have satisfied a thirst for vengeance. But it would have planted a seed of growing shame in every mind that truly loves justice.

White didn't kill Moscone and Milk to prevent them from spending federal money or to prevent their re-election or to prevent them from passing laws he didn't like.

Those were consequences of his crime, but they weren't the motives for it. They were specious reasons put forward in an attempt to trigger the civil rights law and bring him back for a second trial. Had federal authorities gone along, that would have been double jeopardy in disguise.

Assistant Attorney General Stephen Trott put his finger on the weakness in that ruse when he pointed out that if Moscone had give White his job back, no one would have been shot. In his words,

The killings were precipitated by White's anger over the mayor's failure to appoint him to the Board of Supervisors, and if a decision had been made to support White (for supervisor) the killings would not have occurred.

That was the crux of the affair. White killed Moscone for welsing on his promise to give him his job back, and he killed Milk for urging the mayor to take that course.

The killings grew out of politics, but they weren't political killings in the accepted sense of that term. White didn't shoot down his adversaries to prevent them from pursuing public policies; he disliked the

...killed them because he felt they had done him a personal wrong.

When he came to trial our criminal justice system fell on its face, and the result is hard to accept. But this isn't the first time a killer got off easy. All too often I've seen people go scott-free whose hearts, I felt, certain were blacker than Dan White's. For our own civic health, we need to put this tragedy behind us.

There is another aspect of this case that should be considered someday. White's troubles began when he had to give up his job as a city fireman in order to accept his low-pay post as a supervisor. He soon found himself with a wife and new baby to support on his supervisorial pittance. Caught in a financial squeeze, he resigned, then tried to reclaim his office, and the rest is tragic history.

Through it all I had a recurring thought. What if the law had allowed him to continue as a fireman while serving as a supervisor, simply abstaining from voting on issues affecting the Fire Department? We have near precedents for that — for example, lawyer-legislators who plead cases for clients before public commissions. A fireman supervisor would present a much simpler conflict-of-interest to control.

We have since raised the pay of supervisors, although not enough to persuade top-flight people to give up everything else in order to serve. We don't have to. Only public employees.

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# State Changes Attitude on White's Parole

By Susan Sward

State prison officials clearly becoming more concerned about the notoriety surrounding Dan White's pending parole, took a more secretive and cautious approach yesterday to how they will handle his release and his one year under supervision.

In an apparent shift in policy, officials announced that, although they prefer White to serve his parole in California, they will consider carefully any request he might make to be sent to another state. White will be released January 6.

The prison authorities may be concluding that White would be in a perilous spot anywhere in California and that he would fare better far from the state where his crime — the killing of San Francisco Mayor George Moscone and Supervisor Harvey Milk — occurred five years ago.

There still is a possibility he will submit a plan suggesting an out-of-state placement, said state Deputy Prison Director Phil Guthrie, adding such a proposal would be given thorough consideration.

But he said authorities would not likely approve a request from White to be placed in a different country.

Guthrie declined to confirm or deny whether the state Department of Corrections has received any word from White's lawyer, Doug Schmidt, that such an out-of-state proposal may be offered soon.

Schmidt, who has a policy of not talking to reporters about the case, was unavailable for comment yesterday.

In a second development, uncovering the department's growing concern about the security problems posed by White's case, officials said for the first time that they probably will not divulge details about how White will be released.

It will probably work out that we won't pinpoint any detail of how he will go out, Guthrie said. When asked what had fueled the department's more pronounced concern about White's safety, he added, "The parole date is approaching and it makes all the issues in the case more imminent."

"We don't have any death threats or anything like that. We just have what we think is reasonable speculation when you consider the nature of the crime and the reaction to it."

Earlier, authorities had said they might make some statement about how White, who is at Soledad state prison, might be released. They also had denied there was any plan to move White quietly to another prison before his release.

If White were to make a request to settle outside California and authorities found it acceptable, they would have to ask the state of White's choice to approve his location there.

"If they don't accept, we can't send him," said Guthrie. "I suppose some states would not want to accept him because of the notoriety of the case."

If no new proposal is offered by White, the state's current plan calls for his spending one year on parole at some undisclosed site in California, Guthrie said.

That plan was drawn up in detail by state parole officials after they rejected, for undisclosed reasons, a plan White submitted that also specified parole in California. On Thursday, Guthrie mistakenly said White submitted the second plan, also.

"Everything (in the state's proposal) is in there about the location where he would live and what he'd do in respect to a job," he added.

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In most cases, the department is required by law to send the inmate back to the county that sent him to state prison in the first place. In unusual cases, such as those involving informers or well-known inmates, the department permits the inmate to draw up his own parole proposal and may rely on it heavily when evaluating where to place the inmate in the state. If the proposal is judged to be unacceptable, however, the department draws up its own plan.

In White's case, in fact, it was only when the state found his first proposal unacceptable that state parole specialists began to draft their own ideas of where he should live.

When White is released January 6 — a date set firmly under the laws on prison sentencing — he will have served more than five years behind bars. After his year on parole, he will be free to do what he chooses with his life.

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# Dan White's Parole Plan — A Life in California

## State Approval Expected

By Susan Sward

Dan White has come up with a parole plan for living and working in California not out of state — that probably will be approved by prison authorities, it was disclosed yesterday.

The plan submitted by the 37-year-old killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk was the first inkling of how White plans to spend his year on parole after he gets out of prison on January 6.

At one point, White had expressed interest in living in Ireland, and subsequently there was speculation that he would be placed in another state because of fear of retaliation in his home state.

White's proposal "looks like it is pretty good," said Phil Guthrie, deputy director of state prisons. His first proposal was rejected on undisclosed grounds.

Guthrie said the latest plan "is reasonable. For all practical purposes, it looks like it'll be OK."

Guthrie declined to reveal where White will live or work in the state, but conceded that he did not think White's whereabouts could be kept secret for long.

He said that White, who is now at Soledad Prison, "did not ask to go out of the country, and he did not ask to go out of the state" when he submitted the proposal to the Department of Corrections, which must approve all inmates' parole plans.

White has mentioned in some letters from prison that he was interested in moving to Ireland to take up farming after completing his more than four years in state prison. But prison officials said it was unlikely that an out-of-state parole would be approved in White's controversial case because of the difficulty of supervising him.

They also said they would not approve any plan returning White to San Francisco because of the chance he would be killed here.

Guthrie said yesterday that about one month before White submitted the current plan, which the department is viewing favorably,

he offered another plan that was turned down.

In all the internal department debate over how to handle White's release, Guthrie said there has been no discussion about giving White a false identity or assumed name.

Although officials are well aware of the public fury directed at White in the wake of the slayings and at what many regarded as a "too-lenient" sentence, Guthrie said, "At this point, we're hoping he'll have a fairly stable parole and won't need a false name in order to get by."

During White's year on parole, he will be required to check in periodically with his parole agent and, at the beginning, that could amount to daily contact. After that year, White will be free to do whatever he chooses.

Whatever the prison system decides on the details of White's release, the date for it will be January 6, which is firm under state law, Guthrie said. That date was calculated by taking into account White's seven-year, eight-month prison sentence and then subtracting credits for good behavior that White has earned while in prison.

It is not entirely clear whether White would be released from Soledad or be transferred to custody.

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## After one year, White will be free to do whatever he chooses

elsewhere for release — a move that would avoid confrontation with anyone intent on harming White or escape the media circus expected at Soledad's gate.

But Guthrie said at this point, "We haven't conceived of any elaborate scheme to hide his whereabouts or to release him from some prison other than Soledad."

"We consider it public information to tell the public where a guy is doing time," Guthrie said.

It is also not known if White will be immediately joined on parole by his wife, Maryann, and his two small sons. Guthrie would only say, "I have heard some discussion of that, but we won't reveal what."

The state prison staff has never directly tackled the issue of whether White would be better off in an urban or rural area, Guthrie said.

"We have never sat down and said, 'Let's put him in a cow county or a metropolitan county,'" Guthrie said. "We never went through that because he submitted a plan that looked pretty good. There wasn't a need to go into a long debate about where he'd go, because the plan was satisfactory."

On other cases in the past, Guthrie said, he has heard two theories on the placement of well-known inmates. One is that a big city is better for such an inmate because there is more anonymity in a crowd. The other is that such an inmate is better off in a rural locale beyond the reach of the metropolitan media.

Police spokesmen in the state's two most populous counties — Los Angeles and San Diego — said yesterday they had not heard any word that White was being sent to their areas.

Lieutenant Dan Cooke, press relations officer for the Los Angeles Police Department for the last 20 years, suggested that an inmate such as White — accorded a

"celebrity status" by the media — might have an easier go of it in a small town.

In Los Angeles, which stretches from the desert to the ocean and encompasses more than 3 million people, there would be so many in the homosexual community who'd be looking for him," Cooke said. "There'd be more of an opportunity for him in a small town out in the boonies."

Jim Varonkafis, spokesman for the San Diego Police Department, took a different view. He said he thought White "could pretty well disappear in the crowd" in the city of more than 900,000 residents.

Up in the tiny Sierra County town of Downieville, nestled in a pine-covered valley along the Yuba River, Undersheriff David Marshall said if White gave his true name and people knew who he was, "I don't think he could make it in a small community."

Marshall said Sierra County, with its population of about 3000, is a conservative place.

"This county is like what it was 25, 30 years ago in the rest of the state, and they have a great deal of respect for law and order," Marshall said.

Wherever White goes, Guthrie predicted that one way or another, his whereabouts will leak out — either when a private citizen recognizes White or when someone in local law enforcement tips the local press.

"Given the nature of the case and what happened at the trial, that makes him news," said Guthrie, a 20-year veteran in the prison system. "He is likely to be subjected to media attention which few people, if any, experience in a lifetime."

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# San Diego County Might Get White

By Susan Sward

San Diego law enforcement authorities have been told by the state that their county is being considered as a parole location for Dan White when he is released on January 6, officials said yesterday.

"We have been contacted" by the state, said San Diego County Sheriff's Lieutenant Jerry Lipscomb. "They indicated to us that Dan White may possibly be relocated in San Diego County."

Howard Loy, the chief state parole official in San Diego, confirmed he had talked to San Diego County Undersheriff Richard Sandberg recently to tell him that San Diego was among the various areas being studied by state authorities.

But Howard Miller, the state deputy prisons director in charge of paroles, stressed that the state has made no final decision on where to place the 37-year-old killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Miller said, "I'm the decision maker" on selecting the site for White's year-long parole, "and I haven't made a final decision on where the man is going."

"I've got two pretty good plans and there's a potential third one," Miller said. He refused to comment on whether his staff had made calls to local authorities in other areas to try to determine how White would fare in those locations.

Last week Phil Guthrie, the state's deputy prison director, said authorities were considering one

parole proposal for White that "looked pretty good." He added, however, that the state would consider any new parole site proposal White might submit between now and his release.

Guthrie has said that if White, who is now at Soledad Prison, asked to be sent out of the country, he probably would be turned down.

But yesterday, with less than a month left before White's parole and with media attention mounting on the case, Guthrie declined to comment any more on details of the case.

"We're going to clam up," he said. "I don't think we'll have anything more to say until after he gets out. After he's released, we may make some generalized statement about what he's doing as a parolee. But we won't pinpoint anything" about the location of his parole.

In San Diego, Loy said that when he spoke with Undersheriff Sandberg, the two discussed "various factors — how the community would react to Dan White and how Dan White would react to the community" to which he might be sent.

Loy said he did not mention a city in which White might live or what type of work he would do while on parole.

"My understanding is that they're looking at a number of places," said Loy. "I think the chances of him coming here are slim. There's all of California, and San Diego is just one little part."

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# State seeks a home for Dan White

By Pamela Abouzeid  
The Tribune

SAN FRANCISCO — State parole officers have contacted authorities in San Diego County about possibly sending convicted assassin Dan White there when he gets out of prison Jan. 6.

Of 46 county sheriffs reached by The Tribune, only San Diego Sheriff John Duffy said he had been contacted by state parole officers.

"As far as we are concerned, it would make no difference whatsoever if Mr. White came here," Undersheriff Richard Sandberg said. "I don't anticipate taking any unusual measures at all."

Sandberg said a parole officer telephoned three weeks ago to say White, the convicted killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk, might be sent to his jurisdiction.

He (Mr. Loy) said Mr. White would probably be residing in Southern California and perhaps in the San Diego area, Sandberg said. "If that is a reality now, though, I don't know."

The parole officer, Howard Loy, said Tuesday he did not know "for sure yet" if White will be sent to San Diego County and referred further calls to his superiors in Sacramento.

Sandberg said that when Loy called, he did not indicate what town White might live in or

what work he might do.

The Sheriff's Department, however, is in charge of covering only the unincorporated areas of the county, thus ruling out the possibility that White might be sent to the city of San Diego, which has its own police force.

Since the U.S. Justice Department decided against bringing federal charges

against White for the 1978 murders — making it clear he will get out of prison on schedule — speculation has increased about where White will go.

Mayor Dianne Feinstein has said publicly that White, a former supervisor, is not welcome in this city. Because of the notoriety of his crimes and the emotions that still run high, the state Department of Corrections has said that White would not be safe in the Bay Area.

Phil Guthrie, corrections department spokesman, said last week the department had decided where White will live when released from the Soledad Correctional Training Facility. And he said officials in the community had shown no adverse reaction to the plan.

But Howard Miller, the deputy director of parole, said Tuesday it was untrue.

"This is all very interesting because I am the one to make the final decision and I haven't made up my mind yet," Miller said. "I have several potential plans, as many as two or three and maybe even a couple more."

"I don't know what San Diego is talking about," Miller said.

When inmates are released from prison, they usually are required by law to return to the county of commitment. Law

enforcement agencies in that county are alerted. In exceptional cases, inmates can be sent to another jurisdiction but parole officers usually check first with the police agency there to assure there would be no problems.

Sheriffs in thinly populated counties like Colusa, Sierra or Lassen said it would be nearly impossible for White to be sent there because his presence could not be easily concealed.

"We've got our own problems, we don't need any more," said Madera County Sheriff Ovonual Berkley.

San Diego County, which spans 4,000 square miles from

the coast to the desert and boasts a large military presence, has enough medium-sized towns and conservative attitudes to allow White comfortably into its folds.

Speculation about White's future home has included scenarios of his being tucked away in one of the dozens of cities in Los Angeles County or in the city of Los Angeles itself. But the police agencies for those areas are too large and too many to be able to pinpoint such possibilities.

When White is released, he will have served about five years of his 7½-year sentence, with time off for good behavior. He will be on parole for a year, and required to check in periodically — possibly daily — with his parole officer.

White submitted his own plan last summer for his future but the corrections department rejected it and began formulating its own about a month ago. Guthrie would not say why White's original plan was rejected, only that he had requested he remain in California.

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# Already Troubled Richmond Wouldn't Welcome Dan White

Richmond has become the third community after San Diego and San Francisco to proclaim that it doesn't want Dan White living within its boundaries when he is released from prison January 6.

At a Richmond City Council meeting this week, the council members agreed unanimously during a discussion — without a formal vote — that none of them wanted the 37-year-old former San Francisco supervisor to live in Richmond while on parole.

"Keep going, wherever he's going," said George Livingston, the council member who first proposed at Tuesday's council meeting that Richmond go on record on the issue.

James McMillan, another council member, said yesterday that Richmond — a city with about a 60 percent minority population that has been plagued with high unemployment and police brutality lawsuits in recent times — already has enough image problems without having White turn up as a resident.

"He seems to have a penchant for killing elected officials; he doesn't agree with," McMillan said. "I am concerned not only for the elected officials' safety but for the citizenry. We've had police problems in Richmond, and we don't need anything that exacerbates our problems."

Asked why Richmond might be a desirable place to White, McMillan said the city is only about 20 minutes from White's hometown, San Francisco, where Mayor Dianne Feinstein has said she doesn't want him to live. State prison officials have also said they would not permit White to return to San Francisco out of fear for his safety.

McMillan also said there are several new housing developments in Richmond that are attractive and might be a draw for White as he considers where he wants to move.

Livingston said there was an unreported "good side of Richmond — some of the most beautiful homes, interesting professional people."

The Richmond City Council's position prompted a derisive reaction in some quarters.

One San Francisco politician, who asked not to be named, ~~stated~~

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when he heard of the council's stand against White, said: "That's a laugh. What would White have over there, you know what I mean?"

"It's heavy minority" and White wouldn't be comfortable in such a community, the politician added. "I don't think he'd be comfortable any place, but he'd be a lot less comfortable in Richmond than he would be in some other places."

State prison official Phil Guthrie declined yesterday, as he has in the past, to comment on where the

## 'He seems to have a penchant for killing elected officials he doesn't agree with'

convicted killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk will serve his year of state-supervised parole.

Guthrie would say only that on January 6 — 14 days from now — White, who is now being held at Soledad State Prison, will be released from state custody after serving more than five years for the killings at City Hall.

State authorities have declined in recent weeks to say whether White will spend his parole within California or in another state. After his parole, the state will no longer have authority over White.

Guthrie said when a community goes on record opposing an inmate's parole in that area, "it's something that we consider." But he said such a declaration wouldn't necessarily stop the state from sending an inmate to an area.

As state officials in Sacramento remained silent on the White case, authorities at Soledad prison in Monterey County said White and the other 160 inmates in his prison unit will get a holiday dinner on Christmas.

The meal for the inmates in the prison protective custody units mess hall will be served between 5 p.m. and 6 p.m., said prison official Ruth Cramer.

The menu lists a "savory baked half chicken," mixed fruit salad, cranberry dressing, giblet gravy, dressing, Southern candied yams, garden fresh peas, hot dinner rolls, whipped honey butter, pumpkin pie with topping, ice cream, fruitcake, hot cocoa or coffee.

Younger said that a Christmas party was held earlier in the week in the unit where White is housed.

Younger said she did not know if White's wife and two young sons plan to visit him on Christmas. Throughout his stay at the prison, White's wife, Maryann, has visited him regularly.

As White prepares to spend the last Christmas of his prison term behind bars, his impending release continues to whip up great interest and reaction statewide.

San Diego is the other town that recently went on record opposing White's parole there after local law enforcement authorities confirmed they had been contacted by state parole officers who said the area was one of several they were considering for White's home and work site while on parole.

"There are more safe places for him, I'm sure," said Brad Truax, head of the San Diego Democratic Club, a gay political group, when the news broke that White might be paroled there. "Maybe a town in the Central Valley," Truax suggested.

Lieutenant Tom Hall of the San Diego Police Department said he feels no community "wants a parolee to live in it. It's like everyone wants a new airport, but where? Not in my neighborhood."

"Well, from their perspective, they're right. And from the parolee's perspective, he's right. He wants to go somewhere and establish a new life for himself," Hall said.

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# San Diego wants none of Dan White

SAN DIEGO (AP) — Mayor Roger Hedgecock has written a letter to the state Department of Corrections asking that San Diego be withdrawn as a possible parole site for Dan White, convicted in the slayings of San Francisco Mayor Moscone and Supervisor Harvey Milk.

Hedgecock also said any major metropolitan area would be unsuitable as a parole site for White.

Recent news reports that Mr. White may be placed in our community have caused considerable negative comment from groups who strongly support human rights and from individuals who have written us very threatening letters," Hedgecock said in the letter, made public yesterday.

The letter, which was also signed by Deputy Mayor Mike Gotch, comes after protests by the local gay community over the possible parole of White to San Diego.

Hedgecock said his letter was also prompted by threatening letters directed against San Diego's gay community that were mailed to his office. In addition, he said, his office received a

substantial amount of letters in opposition to White's parole.

"It is a situation creating serious division in the community," Hedgecock said. "The responsibility I have is to minimize these kinds of divisions, and the paroling of Dan White in San Diego would exacerbate these hatreds."

White was convicted of voluntary manslaughter in the 1978 killings of Moscone and Milk, the City's gay leader.

White was sentenced to a term of seven years and eight months, but is scheduled to be paroled from Soledad Prison early next month.

San Diego was named recently as one of the sites in California under consideration by the state Parole Board as a place for White to live upon release.

White had resigned as supervisor, then decided he wanted the job back. Moscone declined to reappoint White. On Nov. 27, 1978, the day Moscone was to name White's successor, White shot the mayor in his office. Moments later, he shot Milk to death.

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# San Diego gays report threats on Dan White's life

By The Tribune news services

Homosexuals in San Diego who are upset at the scheduled parole of Dan White, convicted killer of San Francisco Mayor George Moscone and homosexual Supervisor Harvey Milk, are now threatening his life, say some members of that city's homosexual community.

"The talk in the bars is that he's not going to live," said Larry Davis, editor of the weekly Gayzette newspaper in San Diego. "My feeling is that I've heard it enough times that there may be something to people saying they'll hunt him down to make a name for themselves (sic) in the community."

The Tribune in Oakland reported on Wednesday that San Diego County is one of several areas being considered for White's relocation when he is paroled from prison Jan. 6. He was convicted on Nov. 27, 1978 of voluntary manslaughter in the two deaths.

White had resigned from the San Francisco Board of Supervisors, then changed his mind and became upset when Moscone refused to reappoint him to his elected post. Milk had supported Moscone's decision.

White said he was severely depressed at the time because of a diet of junk food.

The San Diego County Sheriff's Department was notified by the state Department of

Corrections that San Diego is under consideration as a relocation site for White while he is on parole.

Sheriff's spokesman Lt. Gerry Lipscomb said, "We're not concerned about his relocation and we haven't taken any effort to establish a security plan assuming Dan White does come to San Diego County." "We will treat him as we would any other resident of the county. If he has a life-threatening situation, we will respond and investigate."

"I can't see anybody organizing to conscientiously endanger his safety but there are more safe places for him, I'm sure. Maybe a small town in the Central Valley," said Dr. Brad Truax, head of the San Diego Democratic Club, a homosexual political organization.

However, Truax said that although "there's a lot of anger among San Diego gays" directed against White, "I don't think violence is on the horizon if he comes here."

"I don't think Dan White will be safe anywhere, particularly here. I'm just furious thinking about it," said Nicole Murray, a San Diego homosexual.

Phil Guthrie, spokesman for the California Department of Corrections, said he doubts that White's specific location will be made public. "We might say he's in Southern California, but that's about all," said Guthrie.

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# Why we're just not through with Dan White yet

For some subtle, complicated reasons, Dan White may be turning into San Francisco's newest growth industry.

A play about White has just opened; a TV docudrama, called "The People vs. Dan White" is headed for national television; and a heavily researched, candid book, titled "Double Play by San Francisco," is scheduled for publication on Jan. 5, the day White is to leave prison.

There have been magazine articles, including a fiction piece in California magazine purporting to be White's journal; a well-received biography on one of White's victims, Supervisor Harvey Milk; and enough retrospective local news coverage to keep volunteers at the Harvey Milk Archives busy for months.

People who have thought deeply about the case say the reasons for this intense interest are complex.

Art Bierman, whose play "Oh, Danny Boy" recently opened at the Julian Theater in San Francisco, suggests that the community may have a largely unarticulated need to face the murderous feelings left by White's light sentence.

The five years that White has served — the maximum

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for manslaughter — represents too short a sentence, in view of the gravity of the crimes, to have a therapeutic or cleansing effect, he says.

A member of the philosophy department at San Francisco State, Bierman believes the Dan White case forced many ordinary people to experience feelings they had never faced.

Perhaps, unconsciously, the public expected to be paid back for this bad experience by White's getting a severe sentence, Bierman says. When the jury failed to find White guilty of murder, the community was left with sour feelings toward White that persist, he says.

For support, Bierman points to a recent TV interview with Warren Burger, Chief Justice of the United States.

"There was a time when I shared the view that retribution, which some people call revenge, society's revenge, was totally wrong," Burger said in the Cable News Network interview with Steve Nevas.

"I'm not so sure (now). Retribution has got to be a factor. If the person isn't apprehended, convicted and sent away, there's a terrible neurosis, a community mass neurosis, built up.

"That must have some outlet, and whether we like it or not, one of the outlets is that this person is found, tried, convicted, sent to prison. Then, at least, that mitigates the neurosis."

In White's case, Bierman says, there was no question of White's guilt — he gave himself up, was tried and sent to prison for killing Mayor George Moscone and Milk. Still, Bierman says there is a strong community feeling that White hasn't been ade-



**DAN WHITE**  
Subject of play, TV docudrama

quately punished.

It has been suggested that the White killings typified San Francisco crimes in the sense that "Cold Blood" described particularly Kansas crimes or "Blood and Money" particularly Texas crimes.

This view of the assassinations as a uniquely San Francisco event is reflected in TV's "The People Vs. Dan White." The film, based in part on Steve Dobbins' play "The Dan White Incident," realistically re-creates the trial of Dan White.

Negotiations are under way to show "The People Vs. Dan White" nationally.

Although there apparently is widespread interest, at least locally, most of those directly involved in the case have avoided taking public stands on the flurry of attention.

The Dobbins' play, which included allegations of a cover-up based on physical evidence, aroused the most protest, mainly because the physical evidence did not exist.

Both coroner Dr. Boyd Stephens and Frank Falzon, who was the chief investigator, were incensed at implications — which did not hold up — that they had held back on important evidence.

Prosecutor Thomas Norman was also displeased with the Dobbins' play, although he found the TV drama, which eliminated controversy by sticking to the evidence, interesting — particularly the work of Michael Harrington, who played the prosecutor. "I think he must have watched me," Norman said. "He had a lot of my gestures."

White himself, still in Soledad prison, has thus far declined requests for interviews and avoided answering reporters' letters. White's attorney, Douglas Schmidt, has also avoided press inquiries.

But Falzon, who believes it is important for the public to understand the case, has spoken out several times, including an appearance in the TV drama.

His on-camera frankness in discussing the police department's displeasure with Mayor George Moscone for appointing Chief Charles Gann surprised some viewers, although the feeling was widely known at the time.

Falzon is proud of his work in the case, including obtaining an admission to two first-degree murders, and he believes he has been given a bad rap by some observers because White was a close friend.

But if the participants are silent, the public blitz is on. There's already a brisk market for all sorts of Dan White T-shirts.

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# Psychiatrists Doubt Dan White Will Kill Again

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## Same Set of Circumstances Unlikely, Experts Agree

By Susan Sward

Several psychiatrists who examined Dan White after he killed San Francisco Mayor George Moscone and Supervisor Harvey Milk say it is unlikely he will ever kill again.

On the eve of White's January 6 release, four of the six psychiatrists who testified at his trial said that it would be unusual for the precise sort of circumstances that set off White's killings to recur during his lifetime.

For that reason, the four said that, although any prediction about human behavior is very difficult, they concluded that the chance of White's being a repeat offender was extremely slight.

Dr. Roland Levy, a University of California at San Francisco doctor who was the only psychiatrist who testified for the prosecution, said, "Anybody is capable of committing a murder, and White would be no more likely than the average person who has never killed before."

"There's no reason to think of him as a greater risk," added Levy, who was the only psychiatrist to interview White on the day of the Nov. 27, 1978, City Hall killings.

Levy, who testified that White did have the capacity for malice necessary for a second-degree murder

verdict and that he did not find White severely depressed, said, "People who commit murders tend not to be habitual offenders. Murders tend to be crimes of passion."

Levy, who has testified for both the prosecution and defense in more than 500 trials, said he doubted that White would "ever be in that situation again" where he would pull the trigger.

A fifth psychiatrist who testified at the trial, Dr. Jerry Jones, declined to say whether White might turn violent again. "I don't know if he's a repeater," said Jones, who is in private practice in Stockton and has testified in about two dozen criminal trials, mostly for the prosecution.

"It would be rare for all those circumstances surrounding the killings to come together again," said Jones. He spent more than 11 hours with White and later testified that White had a severe depression that significantly impaired his ability to deliberate or to harbor malice as he was defined by the law.

"I certainly wouldn't say he's free from that liability (of killing again), but I also haven't followed up on him since then," said Jones.

The sixth psychiatrist who testified at the trial, Dr. Richard Delman of San Francisco, would say only "won't talk to the media" when asked

to comment on the case.

In the five years that White, a former San Francisco supervisor, has been behind bars, he has never asked for or received any professional therapy in jail or at Soledad state prison.

At White's trial, Dr. Martin Blinder, a San Anselmo psychiatrist, stated in his testimony that there was some evidence that if a susceptible person ate junk food, the action could set off anti-social or violent behavior. Blinder, who has testified in about 500 trials, also described how White would gorge on junk foods, including Twinkies.

The jury returned a verdict of voluntary manslaughter. In order to find a person guilty of second-degree murder, it is neces-

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# 'People who commit murders tend not to be habitual offenders. Murders tend to be crimes of passion'

sary for the prosecution to prove the existence of malice — which is defined in a highly complex way under the law. A first-degree murder conviction additionally requires that the prosecution prove premeditation and deliberation.

When the trial was under way, the media seized on a small portion of Blinder's testimony (dubbed at the "Twinkie defense" and regularly stated this had been the thrust of all psychiatric testimony at the trial — although Blinder was the only psychiatrist to allude to this theory in his testimony and then only in an extremely brief reference.

In recent interviews, several jurors in the case disclosed that they gave considerable weight to the psychiatrists' testimony about White's crazed mental condition. But they

said they paid little heed to the brief mention that junk food ingestion might be a possible trigger of violence in people.

In retrospect, Blinder wishes he had never even mentioned the junk food topic. "It wasn't crucial to the testimony," Blinder said in a recent interview. "I don't think it would have made any difference in the outcome of the trial either way."

He acknowledged that the "Twinkie defense" tag became a convenient peg that embraced the public's general sense that psychiatrists are "guns for hire" who deliver an opinion from the witness stand about a defendant with their eyes on their fee and not on the truth or the safety of the public.

"Do you really think 12 ordinary folks (the jurors) would excuse a double homicide because a man ate Twinkies and drank Coca-Cola?" Blinder asked. "It's ridiculous."

Other psychiatrists who testified at the trial described their frustration at the public's reaction to the case.

Dr. Donald Lunde, an associate professor of psychiatry at Stanford University, said that many people don't understand that the jurors' voluntary manslaughter verdict meant they found White guilty of an intentional killing. The notion he wasn't convicted of an intentional killing is wrong.

"Of all the cases I have been in — like Edmund Kemper, Herbert Mullen, Patty Hearst, the Hillside Strangler — I have never ever had the experience of the public's perception of what happened in the courtroom and what actually occurred being so far apart," said Lunde, who interviewed White on four occasions for several hours each time.

"The public still thinks the defense psychiatrists all got up and talked about Twinkies," Lunde said. In his testimony, Lunde stated that at the time of the killings, White was not capable of "any kind of mature, meaningful reflection." His phrasing mirrored a 1964 state Supreme Court ruling requiring that such a capacity for reflection must be present in order for a jury to find a defendant guilty of first-degree murder.

"Except for the passing reference by Blinder, none of the others mentioned Twinkies or said anything about junk food causing Dan White's mental problems," Lunde said.

Jones agreed: "I don't think eating Twinkies affected him, for crimi-ny's sake. All the kids in America would be depressed." If the Twinkie theory were true.

Jones also said many people fail to grasp that "if you kill in the heat of passion, that is voluntary manslaughter — not murder — according to the law and not because of what any psychiatrist said in his testimony."

Lunde and several of the other psychiatrists who testified told how they were criticized by friends who couldn't understand how they testified that White's action was anything other than first-degree murder.

"After the verdict, there were some people on the Stanford faculty who were liberals opposed to capital punishment," Lunde said. "They almost came out and said it — that White was the one exception, that he should be killed."

Blinder said he got so many death threats after the trial that he was thinking of leaving a message on his telephone-recording device telling those making threats to keep them short.

Both Jones and George Solomon, a San Francisco psychiatrist who testified for the defense after spending many hours with White, said initially they doubted they would find any mental basis for a legal defense of White's actions.

Jones, who said he is conservative in his psychiatric definitions, said when he first read of the killings his first thought was, "It was clearly first-degree or second-degree murder. I think I even remarked to my wife, 'Watch someone will come along and say he has a psychiatric problem.'" Yet Jones said that once he examined White, he changed his mind and concluded that White did have a deep depression of the sort that changes how you think. He had a decreased ability to think or concentrate or be decisive.

Solomon said initially that Douglas Schmidt, White's lawyer, called him and he agreed to see White all the time thinking he would likely find him a "hyper-macho, homophobic paranoid character" and that Schmidt would choose not to have him testify at the trial.

Instead, Solomon said he found that White had undergone recurrent bouts of serious depressive illness in his life. He also concluded from specific things White had done that he was not anti-homosexual and that he had had high regard for Milk as a man of integrity who fought for his beliefs.

In the trial, Solomon testified that White lacked the mental capacity to maturely and meaningfully premeditate and deliberate his actions and that White's mind at the time of the killings was a blank.

Solomon added that although he believed what he testified, there remains the possibility that White could be the world's biggest con man. If he is a super good con man, he could have conned me, but I continue to believe the information I got was accurate.

He added that he felt White should have undergone therapy during prison. "I personally feel the only way to work something like that out is to have some treatment working out his reaction to what happened and the causes of what happened. There's a real possibility he'll be sick again, but with him, unlikely he'll be violent again even

if he's sick unless he's in a terrible situation. For this particular individual, it would require a very specific set of highly unlikely circumstances for him to kill again.

Blinder had a similar view. The chances are that Mr. White will disappear, he said. You will never hear from him again as a repeat offender.

Blinder, who in his testimony described the stress plaguing White and White's subsequent emotional collapse, added he didn't believe therapy in prison would have helped White.

"It's a Nixon kind of personality," he said. "Look at what Nixon has endured — been president and been reduced to saying, 'I'm not a crook.'" But at a time when most people would hide in shame, Nixon went on to travel worldwide and to write the memoirs of his life, Blinder said.

People like White and Nixon don't get in touch with their feelings, Blinder said. You can't do therapy (on White). You can't treat a cast-iron rod. The good side of this is he's relatively inured to the oceans of despair that most of us would feel in his situation. Like Nixon, White can continue to function in his way.

Solomon said, however, that in his opinion, after the fact White did feel sincere remorse over the tragedy, which he perpetrated, and that he will be haunted by guilt because of the fact that, unlike a true criminal, he does possess a strong conscience.



DR. ROLAND LEVY  
White no great risk



*Photos by Larry Telfer*

**It's ridiculous," said Dr. Martin Blinder of the idea that a double killing could be excused by junk food.**

(Mount Clipping in Space Below)

# Day that changed The City forever

By Larry D. Hatfield  
and Jim Wood  
Examiner staff writers

Nov. 27, 1978, was a day in which a few moments of madness changed San Francisco forever.

Two of The City's most popular politicians — liberal Mayor George Moscone, who had built a powerful coalition of minorities, labor, gays and the dispossessed, and Harvey Milk, who had shown the nation the rising political power of the gay community — were assassinated.

A third politician, also popular but in a much different sector of San Francisco's population, also was eliminated from the political scene.

The political outfall continues today. As Moscone and Milk lay dead in their City Hall offices, Supervisors President Dianne Feinstein stood tearfully in front of reporters to announce the deaths.

So doing, she emerged as San Francisco's most powerful politician on that day and now. On Monday, Feinstein, now mayor, will be inaugurated for her second term. She often is mentioned as a possibility to be the first woman vice presidential candidate.

White's actions, viewed by many as an outgrowth of homophobia reflecting his white, middle-class San Francisco upbringing, also made San Francisco's large gay community far more politically sophisticated, committed and, most agree, effective.

Other significant events grew out of Dan White's rampage at City Hall. The most important came in 1981 when California took steps to scrap diminished capacity as a criminal defense. Since the 1940s, California had allowed the defense to introduce evidence that the defendant lacked the capacity to premeditate a crime, hold malice or form a specific intent to commit a crime.

The legislation and referendum aimed at diminished capacity resulted in part from White's "Twinkie defense." In it, White claimed that his actions at City Hall were caused in

part by depression and his diet of junk food in the turmoil-filled days leading up to Nov. 27.

As brought out at his trial, White was furious over Moscone's refusal to reappoint him to the Board of Supervisors. Under financial pressure as he attempted to keep a snack-food business going on Pier 39, he had resigned as a supervisor. Several days later, he changed his mind and was expecting to be returned to the board by Moscone.

Moscone at first led White to believe he would reappoint him, then told him he must prove his popularity. White was at home brooding when his aide Denise Apcar phoned to say that Moscone refused to see petitioners on White's behalf.

Enraged, White ordered Apcar to pick him up. Then he went to his basement den, checked to see that his old police pistol was fully loaded and slipped it into a holster on his belt.

He dropped two full loads, 10 shells, of hollow-nosed Remington .38-caliber cartridges into his handkerchief. Puzzlingly, he also folded the colored book jacket of "Ireland, a Terrible Beauty" under his coat.

When Apcar arrived, he rode quietly with her to City Hall and asked her to park the car.

The front entrance of City Hall was guarded by a metal detector that would have disclosed the concealed gun and ammunition, but White didn't go through it. Instead, he entered through a side window and made his way to the mayor's office, where he chatted quietly with Moscone's secretary, Cyr Copertini. He then walked into the office and, without taking a seat, began arguing loudly with the easy-going mayor.

White's distraught words were to no avail. Moscone's mind was made up. Firmly he told White there would be no reappointment. Moscone walked around his desk, according to testimony at White's trial, put his arm around White's shoulder in a this-is-just-politics gesture and invited him into a small adjoining room for a drink.

White was not a drinker.

"Hold my calls," the mayor instructed his secretary and stepped into the back room. As Moscone began talking sympathetically, White pulled out his gun and fired twice, the impact of the hollow-point bullets hurling Moscone to the floor. Then White straddled the body, held his pistol by Moscone's head and fired twice more, the coup-de-grace shots, as Prosecutor Thomas Norman later described them.

White reloaded at once — his defense called it the automatic gesture of a well-trained police officer — and walked to Harvey Milk's office.

Coolly, White asked to see Milk privately, and they stepped into the bare office space formerly occupied by White. It took five shots to kill Milk, the final one a shot to the head like the shot that killed Moscone.

(Indicate page, name of newspaper, city and state.)

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White left City Hall called his wife, Mary Ann, at work, and they waited tensely for her to meet him in the dim coolness of St. Mary's Cathedral. Together they walked to North Em Station where White turned himself in. As they walked, Mary Ann kept her arm around his waist, her hand on his gun. She was afraid he might try to kill himself.

At White's trial the next spring, defense counsel Douglas Schmidt set out to prove a simple theme: White was such an outstanding young man that he never would have killed, had not something snapped. The defense never denied the killings, never sought to minimize their horror, their very awfulness supported the defense contention that White had not been himself, could not have premeditated the killings.

To a jury, both middle-class and family-oriented (the defense systematically excluded gays), White was portrayed as one of their own. For such a man to kill, Schmidt argued, is totally out of character. "Something went wrong."

The prosecution played an emotional tape recording during which White admitted the killing but sobbed about the pressure, the agony he had been enduring because of money problems and his treatment at City Hall. At least one juror wept as the tape played on, and it seemed clear that although White had admitted killing two civic leaders, at least one effect of the tape was to arouse sympathy for him.

The chief police investigator, Frank Falzon, testified that until the shootings White had been one of the men he most admired. Psychiatrists testified about White's diminished capacity to premeditate a murder, and in doing so repeated his version of the crime. White himself didn't testify.

In the end, the jury deliberated six days before reaching the verdict that shook San Francisco: manslaughter. The maximum sentence, seven years, eight months. With time off for good behavior and jail time before his conviction, White would be out in just five years.

The jurors had bought the defense's case. As reporters milled through the hot hallway, trying to reach phones, a gay activist took a friend aside and gave him a quick message: "People are not going to stand for this."

Five hours later, windows were being shattered at City Hall. Police cars burned in a line of angry flame. Police and demonstrators were battling in knots from City Hall to the Castro District.



MAYOR GEORGE MOSCONE First he offered a drink. SUPERVISOR HARVEY MILK It took five shots to kill him.

(Indicate page, name of newspaper, city and state.)

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# 4,000 peacefully protest release of killer of Moscone, Milk

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By Larry Maatz, Examiner staff writer.  
Some 4,000 peaceful gays and their sympathizers converged on downtown San Francisco early this afternoon protesting the release from state prison today of former Supervisor Dan White, the convicted slayer of Mayor George Moscone and the City's first openly gay supervisor, Harvey Milk.

"Somebody is going to kill Dan White," Sister Boom-Boom, the gay political activist, told a cheering noon-time crowd of 750 in Union Square. The protestors' ranks swelled to 4,000 as marchers walked down Post Street to Market Street, then up Pine Street to Mason Street and back to Union Square. At one point, the group stretched along nine blocks of the downtown area.

There were no arrests. "They took to the streets, but as long as they keep moving, we're going to let them go," said Patrol Cmdr. Ray Canepa.

Protest organizer Donald Montwell, 29, said the demonstration wasn't aimed at White as much as the system that permitted him to get out of prison less than six years after the slayings in 1978.

"This is part of a statement that we wanted to make. We wanted to focus less on the man and more on the system," Montwell said.

Added Nob Hill resident Randy Coleman, "This is not a gay or straight issue. It's a people issue. Something very, profound happened when Moscone and Milk were killed and something everyone should be concerned about."

A similar protest after White's sentencing in 1979 sparked a major riot by outraged gays in San Francisco's Civic Center.

Yesterday was the last day Dan White could be certain he could live through the day. Today Dan White begins his real life sentence. I predict that sentence will be a short one. Sister Boom-Boom told the protestors. The crowd of protestors broke up peacefully at 1:20 p.m. Other than a minor half-hour traffic snarl at Market and Castro streets, caused by a sit-down demonstration by about half a dozen demonstrators out of a crowd of 150 in the area, there were no incidents.

While other speakers were somewhat moderate, Sister Boom-Boom of the Sisters of Perpetual Indulgence, a group of activists in drag who satirize organized religions, was blunt about his forecasts for White's future.

Saying he was going to "pray that it (White's assassination) doesn't happen," Sister Boom-Boom added, "I'm not stupid enough to think that it won't. somebody is going to kill Dan White."

Among the other speakers was Mary Dunlap, an attorney who accused White of "manipulating the system to avoid accountability, so the case of Dan White will never be closed."

Teddy Matthews, identifying himself as a gay social worker, said the Moscone-Milk assassination represented a "right-wing coup."

"The killings took much away from the gay community," Matthews said. "We're not asking anyone to give us anything. We only want what was taken from us and what's not given back, we'll take back."

Earlier in the day in the Civic Center Plaza, a 33-year-old carpenter, Ed Gallagher, and two other actors from the Performance Lab Center for the Arts on Divisadero Street

staged a brief re-enactment of the Moscone-Milk murders. They wore large cardboard and papier mache heads of Moscone, Milk and White and performed on a large black and white checkerboard stage.

The Ad Hoc Committee to Protest the Injustice called for a 15-minute work stoppage today between 1 p.m. and 1:15 p.m. in memory of the slain leaders.

Committee members also called on people to "make noise" in the downtown area this afternoon to protest the release.

Examiner staff writers Beth Hughes, Mireya Navarro and Dave Farrell contributed to this report.

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# DAN WHITE IN L.A.

## 4,000 in S.F. protest killer's parole release

By Gale Cook and Jim Wood  
Examiner staff writers

Dan White was freed from prison today to a new life in Los Angeles County five years and 41 days after assassinating the mayor of San Francisco and a gay supervisor.

News of his release was greeted this afternoon by an angry but peaceful demonstration by some 4,000 people in downtown San Francisco.

One group of demonstrators sat down in the street at Market and Castro streets, halting westbound traffic for about a half hour. The largest group rallied in Union Square at noon and marched to the Financial District.

Another demonstration was scheduled in the Castro District this evening.

White, a former San Francisco supervisor and police officer, was re-

moved from Soledad Prison at 4:30 p.m. yesterday in the custody of Department of Corrections officers.

They concealed his leaving in the heavy traffic out of the rural institution during the late afternoon shift change. He ducked down in a Corrections Department car to avoid being

seen by reporters waiting outside.

It took him to the state prison at Tehachapi, where he was held until 5:30 this morning, then taken to a Los Angeles county parole office and released from custody at 8 a.m. At no time during the release procedure was White greeted by his family or friends. He wore his own clothes, rather than the standard prison issue, but did accept the \$200 gate money given all prisoners upon their release.

He will live in Los Angeles County in a rented apartment and has a job, the department said, but didn't say what kind or where to protect his anonymity. He'll be supervised by a parole officer for one year unless he violates his parole. In prison he kept to himself and had an excellent behavior record.

The department said White found his own job in Los Angeles and described it as "somewhat between

white-collar and blue-collar work that uses skills he already has.

White is now 37. He was convicted of manslaughter in the Nov. 27, 1975, execution slayings of Mayor George Moscone and gay Supervisor Harvey Milk.

Two months ago, he submitted a parole plan calling for his return to San Francisco, but the Department of Corrections turned him down. It gave the same reason it did for secrecy surrounding his release from prison: widespread anger at the nature of his crimes and the shortness of his sentence.

At the end of his trial, in May 1979, angry gays stormed City Hall, broke windows and doors, torched police cars and damaged property downtown. Protesters clashed with police in the Castro district.

Deputy Director Philip Guthrie said that, although the department has received no direct death threats, posters in the Castro district and general community comment have indicated that White wouldn't be safe here. Jo Daly, a Police Commission member, has said she doubts White

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would be safe in San Francisco.

Most details of his parole plan are being kept secret by the Department of Corrections. The department dictated it to him less than two weeks ago after an extensive review.

One condition was made public: White is to be an exile. During his year of parole he may not even visit San Francisco. And he must have his parole officer's permission to leave Los Angeles County.

"Parole officers checked out every conceivable plan" for residential possibilities and places of employment, Guthrie said, then passed on their information to Sacramento. There it was reviewed by parole and community services as well as by the director's office.

In preparation for demonstrations, police closed a block of Castro Street from Market to 18th Street. Many district businesses were closing early in anticipation of the protest, but authorities expected no repetition of the "White Night" violence that followed White's manslaughter conviction on May 21, 1979.

Nevertheless, San Francisco police while planning a "low profile" said they're prepared for any violence. Officers carried riot gear in their patrol cars.

About 75 reporters waited in vain outside Soledad Prison, in Monterey County about 100 miles south of San Francisco, for a possible glimpse of White on his release.

Only two anti-White demonstrators joined the chilly throng of reporters at Soledad: Lovers Bobbi Campbell, 31, and Bobby Hilliard, 34, both of San Francisco, arrived about 11:30 p.m., a half hour before the midnight deadline at which White became eligible for parole.

They carried burning candles and Twinkies, the latter a sardonic reference to White's defense lawyer's claim that White's stability in the days preceding the assassinations of Moscone and Milk had been affected by a steady junk food diet.

Campbell, a victim of Acquired Immune Deficiency Syndrome (AIDS), and Hilliard carried signs saying "Dan White is More Dangerous than AIDS" and "But He Can't Kill Gay Pride."

Campbell read a statement to reporters saying AIDS jeopardized his

life but adding "AIDS however has a fatality rate of only 40 percent, whereas killer Dan White has a fatality rate of 100 percent."

Criticizing the police department's and prison system's alleged kid-glove treatment of White, Campbell said, "Even in his secretive 'shell game' release from prison, White continues to get special treatment from the criminal justice system. Why not? He's one of their own."

Guthrie said interest in White's release was unprecedented. Normally, he said, the public and the news media show little interest in the release of prisoners. Most leave without fanfare.

But in cases of great notoriety, most recently that of paroled killer William Archie Fain on Oct. 4, reporters have camped all night outside prisons for a picture and the chance of an interview with the parolee.

Guthrie said that more than 200 newspeople had been expected outside the California Training Facility at Soledad if the normal procedure were followed.

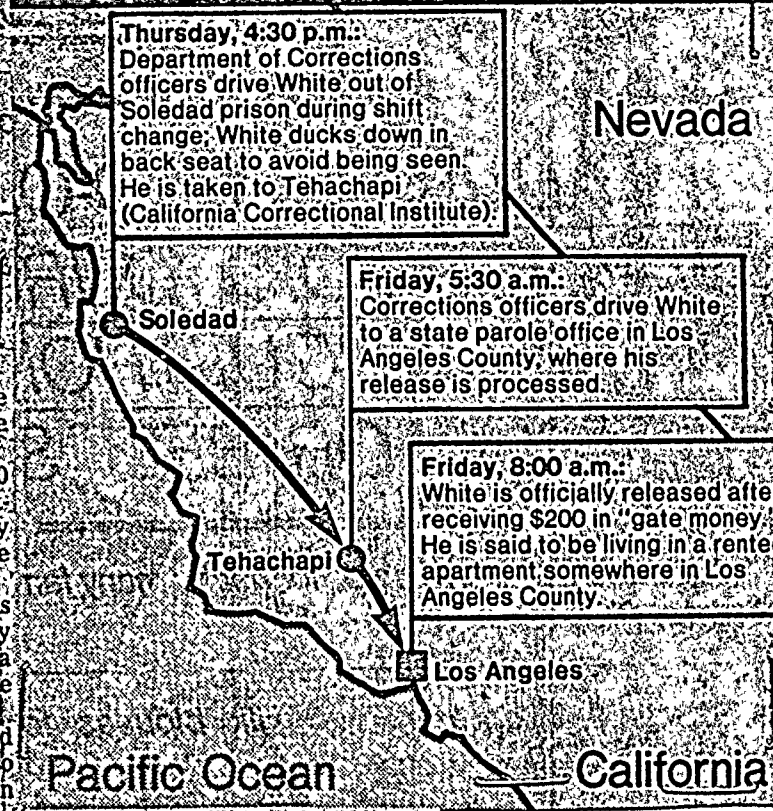
Guthrie said Corrections officials were concerned about White's safety and the safety of prison personnel if a large media gathering were to take place outside the prison.

He explained that White, too, had been worried about his safety. He also refused to be interviewed in prison by reporters.

In discussions with prison officials, White said he didn't want to be confronted by a mass press conference upon his release. So the Department of Corrections decided to cooperate with White in helping him avoid meeting with the press.

Examiner staff writer Leslie Guevara contributed to this report.

## White's route to freedom



DAN WHITE, A FREE MAN  
He changed S.F. forever.



Examiner/Katy Raddatz

Marchers protesting the release of Dan White, Ross Powell and Post streets in San Francisco

(Indicate page, name of newspaper, city and state.)

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1 S.F. Chronicle  
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### 5-Year Prison Term Ends

# Dan White's Release

## Tight State Secrecy

### Only a Hint Is Due on His Whereabouts

By Susan Sward

Dan White became legally free at 12:01 a.m. today.

But whether he actually took his first breath of air outside prison walls at that moment was one of the most closely guarded secrets in the history of California's penal system.

Prison officials said they will announce this morning in Sacramento in "vague terms" the region where the killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk will spend his year on state parole.

By that time, presumably White already will be beginning his parole after serving more than five years behind bars — most of it in cell number 230 in the protective custody wing of Soledad state prison, about 100 miles south of San Francisco.

Prison officials — citing security risks — have honored White's wish to be spared exposure to the media at his release and have remained tight-lipped.

As White leaves behind the security of prison, he faces a life in a different kind of box — hemmed in by parole constraints and the cautions he must take to avoid possible retaliation for the 1978 killings in San Francisco City Hall.

He thinks he's still tense about what will happen when he gets out, said one of White's close friends, who asked not to be named. "But he's really competitive and strong-willed, and he enjoys a challenge."

think he's kept busy hating the press, exercising and writing letters in prison.

"The battle to keep the press at bay will keep him occupied and entertained — at least until his parole is over," the friend said.

"I never picked up any sense he felt comfortable about his release — like the 6th would be a day to take a big breath and heave a sigh of relief. I think he's anxious about it."

Authorities said the law requires that the 37-year-old former supervisor be set free today — hav-

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ing served five years, one month and nine days behind bars. Although White's sentence was for seven years and eight months — the maximum for voluntary manslaughter — the law required that he be credited for his jail time prior to his sentencing and for good prison behavior.

Until the last moment, state officials declined to disclose where, when or how he would be released to travel to the location where he will be required to stay during his parole.

"There are maybe 100 places we could have moved White" from Soledad prior to his release, said deputy prison director Phil Guthrie. "In theory, we could move him to another state prison, of which there are 12. We could move him to another prison camp, of which there are 32. Or we could move him to any of some 40 halfway houses" around the state.

He added that today's announcement on White's location would be extremely vague, such as: "White is living somewhere in cen-

tral California, unemployed and in an apartment."

Guthrie's warning that no one would be able to photograph or see White upon his release did not stop a small band of news reporters from converging outside Soledad last night on the faint hope of catching a glimpse of him leaving. If he hadn't been spirited away already.

White has said in recent letters to a close family friend that he was in "excellent health and spirits," and was looking forward to being reunited with his wife, Mary Ann, and two young sons.

As of late yesterday, it was not known whether his family would join him for the year on parole.

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 C-1 The Tribune  
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# White on the brink his imminent release stirs quiet passions

By Pamela Abouzeid  
 The Tribune

The silent sense of anticipation hanging over San Francisco is as palpable as the rage that preceded it in 1978 when Supervisor Dan White drew a .38 Wesson and killed Mayor George Moscone and Supervisor Harvey Milk.

White will be free Friday after five years in prison, and the relative quiet with which his freedom is awaited attests to emotions that still run high but that have exhausted nearly all means of expression.

There are plans for two street demonstrations Friday, and some will stop working for 15 minutes in memory of the horror and sadness that befell San Francisco when Dan White traded his future five years ago for the lives of two others. But the protests are expected to be peaceful, a far cry from the violent confrontation that rocked the city the night of White's conviction.

Yet there is also an ominous side. There are those who privately hold White a hero because, they reason, by killing the city's first gay supervisor and a progressive mayor, he slowed the liberal tide sweeping San Francisco in the late 1970's.

White was the man who expressed the conservative repulsion with San Francisco's growing reputation as a gay mecca and a city where coalitions of previously disenfranchised voters were calling the shots.

Most likely, however, White lovers are in the minority. The true pulse of the city is hinted at by graffiti asking "Who killed Dan White?" or in the gay bar where torn pages from a wall calendar mark the nearing date of his release.

Few people know where White will go when he gets out of Soledad Correctional Facility near Salinas and that's the way the state Department of Corrections wants it.

White's security has been in jeopardy since his arrest and with the heightened public frustration over his release, state officials are taking every precaution to assure his safety as long as he is still their ward.

Yet, no matter how much White's release is cloaked in official secrecy, once he crosses Soledad's gates, the eyes of the public will be on him for

years to come. The broadcast and print media plan round the clock prison vigils in case he is let out in the dead of night as killer Archie Ram was in October.

The question is, where will White go? The mayors of San Diego, Richmond and San Francisco have declared him unwelcome in their cities. Yet by law, he will be on parole until 1985 and officials say that to send him out of state would make supervision of his activities near impossible.

"He submitted a proposal to us and we didn't like it," corrections spokesman Phil Guthrie said recently. "So we told him we would come up with a plan."

"Most criminals go back to their county of commitment, but he won't go near San Francisco."

For some, the unending fascination — and repulsion — with the Dan White case stems simply from the heinousness of his crimes. But for a large number of people, the obsession is rooted in the way the judicial system at once served and failed the principles of justice.

White confessed he shot Moscone because the mayor refused to reappoint him to the Board of Supervi-

sors after he resigned due to financial pressures. White blamed Milk for influencing Moscone's opinion and so he shot him, too.

The district attorney charged White with first degree murder, confident the evidence supported premeditation and motive. White had carried a gun to City Hall, evaded metal detectors by climbing through a window and reloaded his gun between murders.

None of that mattered when the defense attorneys and psychiatrists were done with their job.

They successfully argued that White's consumption of junk food aggravated the pressures that had led to his resignation. When White saw he would not be reappointed, the combination of stress and biochemical changes caused him to suffer a diminished mental capacity, they said.

The tactic went down in history as the "Twinkie Defense." It won White a conviction of manslaughter instead of murder because the jury believed that at the time of the

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crime, he did not have the mental capacity to form malice, the legal standard for murder.

If the masses that witnessed the Dan White case are silent for the most part, the players who participated in it are even more so as the gay draws closer to White's release.

His lawyers, Doug Schmidt and Steve Scherr, politely decline to discuss the case.

The prosecutor, Thomas Norman, is less courteous in his refusal to talk, hinting that he may have been libeled by some retrospective accounts of the case.

■ ■ ■

On paper, Dan White was a model citizen.

The son of an Irish Catholic working class couple, he was captain of his high school baseball and football teams, a good student at City College, a Vietnam paratrooper and a guy's guy on the fire and police forces. He had a pretty schoolteacher wife named MaryAnn and an adorable baby.

Most important, he loved San Francisco and decided in 1977 it was time to make sure, as he said in his campaign literature, that "splinter groups of radicals, social deviates and incorrigibles" did not ruin his city. He ran for supervisor and won.

So did Harvey Milk. The former Wall Street businessman turned hippie turned gay activist had run for supervisor three times and made it on the last.

Sexuality aside, he could not have been more different from his new colleague.

Where White was methodical, conservative, uptight and restrained, Milk was nervy, hip, passionate and liberal.

Milk's goal was to give gays a share of the power traditionally held by the mainstream; White's was to

assure the power stayed put.

The difference is that Milk was a master at the political wheeling and dealing that would give birth to his goals, and White was not cut out for the game.

"I recall thinking that if he is elected, he is going to have problems at City Hall because he is unwilling to compromise or negotiate," said Jack Jennings, who said he introduced White to Moscone at White's campaign headquarters near his real estate office.

"He didn't understand that if you want something, you have to give something."

In the end, White stood alone. More often than not, the rest of the board voted against him, and when the homosexual rights ordinance came up, he was the sole supervisor to vote no. In the meantime, Milk had forged an alliance with Moscone and was doing as much for the mayor's liberal agenda as for his own gay cause.

"White obviously didn't like the way the city was going and that, I believe, is why Harvey died," said Scott Smith, Milk's former lover, business partner and campaign manager. "I have no doubt it was totally premeditated and that, I think, was the major motive."

Ironically, at the time he was killed, Milk was subject to the same financial pressures that White said led to his board resignation and, later, mental impairment.

Neither man had been able to make ends meet on their \$9,600 supervisor's salary and neither of their private businesses was bringing in more.

In early November, Milk and Smith closed their business, Castro Camera. White kept open his Pier 39 potato concession, but two weeks

later, gave in to the pressure and shot Milk and Moscone.

■ ■ ■

Today, MaryAnn White divides her time between the concession, schoolteaching, and raising two children. The Whites' second child was conceived during a conjugal visit in prison. He was born with Down's Syndrome.

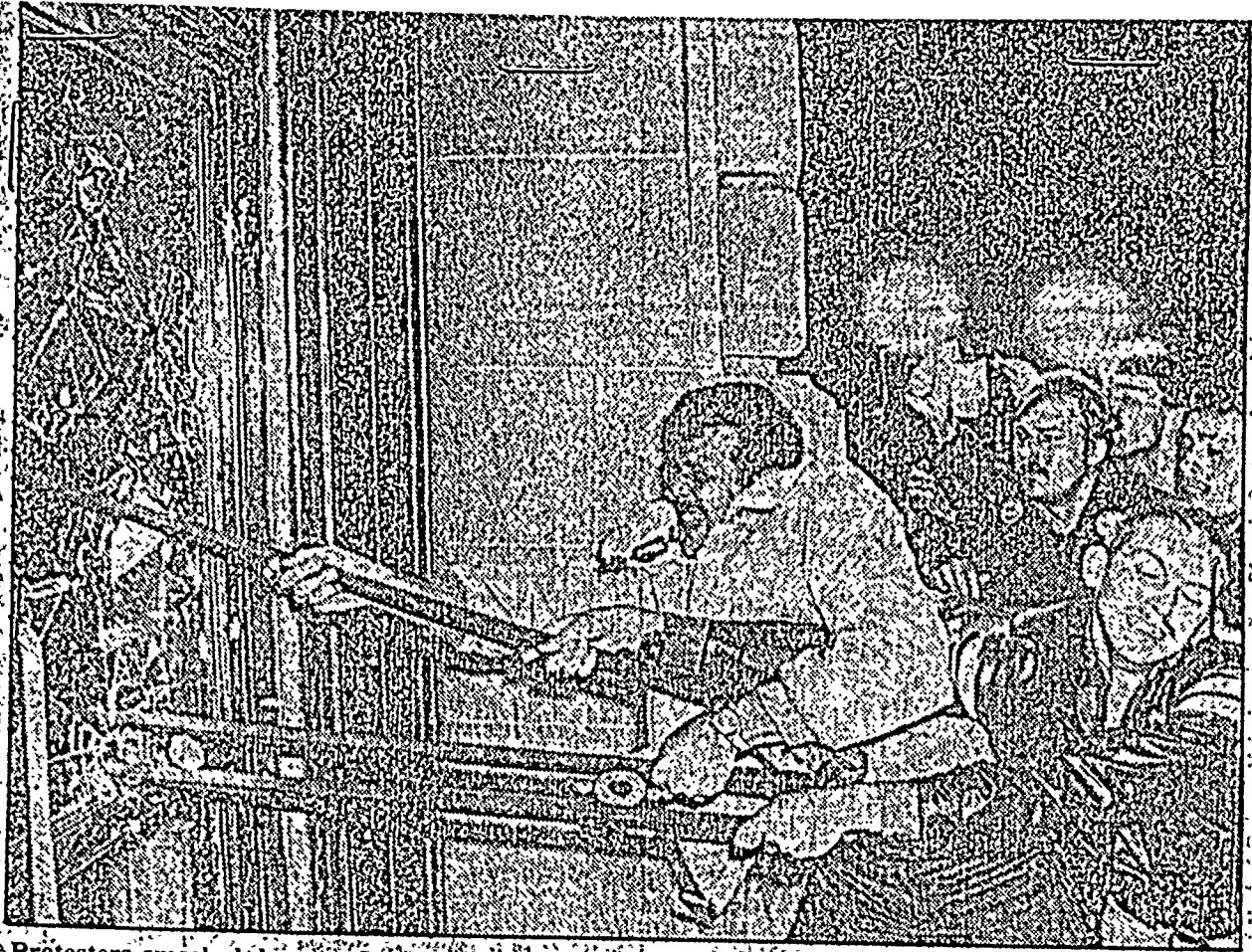
Mrs. White has refused to talk to reporters since the day of her husband's arrest, and White's parents and 16 siblings have helped shelter her privacy since then. State officials will not say if she and the children will accompany White to his new home. The lease on the potato concession expires next week and Mrs. White has not yet notified Pier 39 if it will be renewed.

Gina Moscone, the mayor's widow, too has avoided the probing eyes of the media. She continues to live in the family's home in St. Francis Woods, venturing occasionally into the limelight for charity purposes.

One of her daughters married last summer; the other three children are still in school. If the occasion presents itself, Mrs. Moscone intends to participate next summer in the Democratic National Convention that will be held in the Moscone Convention Center, named after her late husband.

Scott Smith is the only one who has not chosen silence for himself, though he advocates restraint for those still hurt by the crimes. Smith organized the candlelight vigil held six weeks ago when the U.S. Justice Department decided against charging White with violating the civil rights of Milk and Moscone.

"It's a measure of the community that the police and media expected violence but there was not a hint of it," Smith said. "That is where we've



Protesters smashed doors at San Francisco City Hall after the verdict in Dan White trial in 1979.

come in five years. I see it as a responsibility and maturity in the community. White, meanwhile, sits in his prison cell day in and day out, saying little to anyone, keeping to himself.

Sometimes, he goes to the exercise yard. He always reads newspaper and magazines stories about him. But, by and large, he is marking time. "You might say," Soledad spokesman Matthews said, "that he just isn't rocking the boat."



Dan White smiled broadly in photos on his campaign literature.



Harvey Milk, left, and Mayor George Moscone were in the mayor's office in April of 1977 for the signing of the city's gay rights bill.

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# A Cold Vigil Outside

## Soledad Prison

### Reporters, 2 Gay Protesters

### Await Dan White's Release

By Stephen Magagnoli  
Chronicle Correspondent

Soledad, Monterey County  
In the chilly darkness outside the gates of the Soledad Correctional Training Facility here, about 50 members of the news media and two gay protesters were gathered early today awaiting the release of Dan White.

No one was certain whether the 37-year-old White was still among the 5560 inmates, but the consensus was that White had not been moved elsewhere.

Soledad spokesman Herb Matthews, who made a brief appearance shortly before midnight, told reporters that he would try to notify them after White was released whenever and wherever that might be.

Starting at 2 p.m. yesterday, the media began to camp outside the prison, located 23 miles south of Sali- nas. For several hours they nudged

among themselves, trading theories and interviewing one another.

"This is cannibalism," said one exasperated journalist as he watched the television camera crews focus on yet another set of reporters.

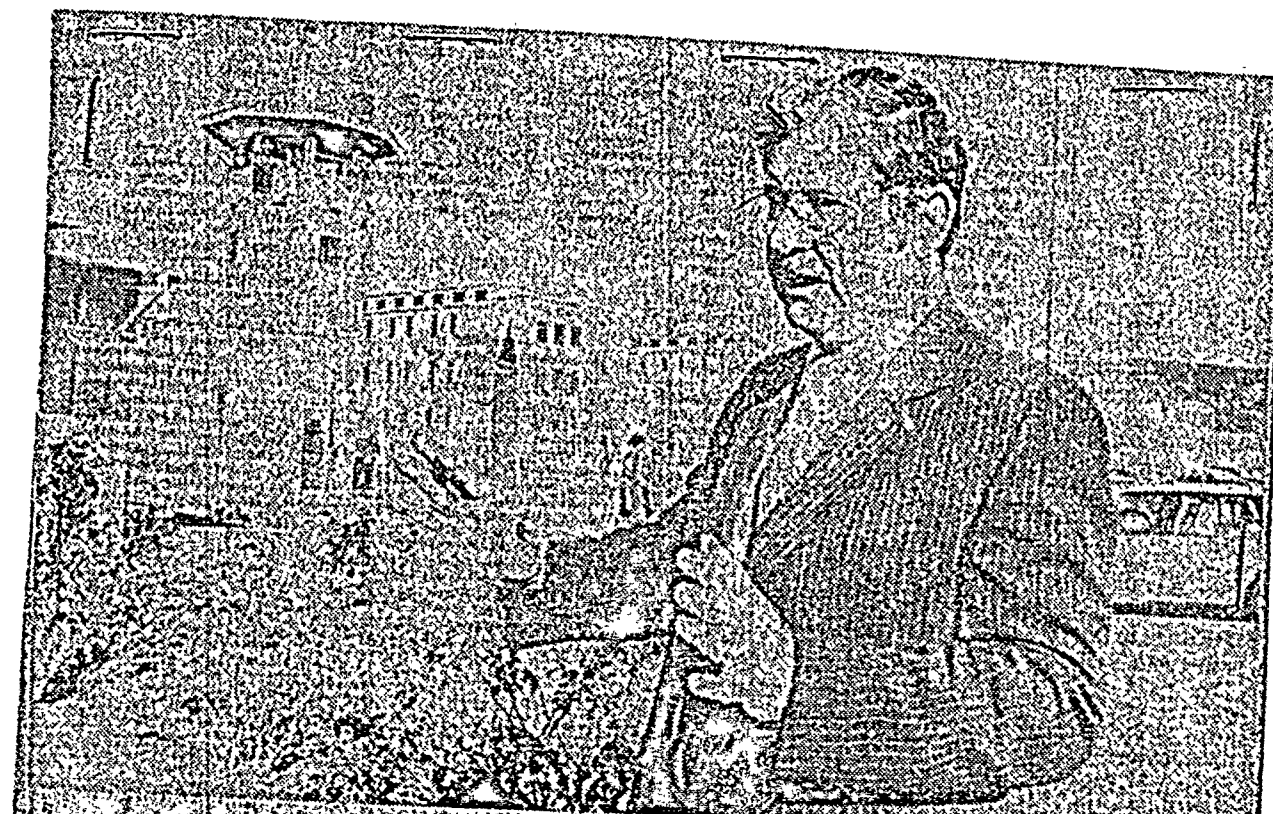
The monotony was broken at about 11:15 p.m. when two candle-bearing, placard-carrying demonstrators from San Francisco arrived. They were 31-year-old Bobbi Campbell, a registered nurse who said he has AIDS, and Bobby Hilliard, 34, a gay man who works in a San Francisco bank.

Campbell held a placard that read "Dan White Is More Dangerous Than AIDS," while Hilliard held a placard that read "But He Can't Kill Gay Pride."

Campbell, who held a pack of Twinkies in his hand, said, "I am a gay man with AIDS, and as such, my life is in jeopardy. AIDS, however, has a fatality rate of only 40 percent.

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Soledad prison official Herb Matthews (shown here early yesterday) made a brief appearance shortly before midnight and told reporters he would try to notify them after White was released. UPI Telephoto

whereas killer Dan White has a fatality rate of 100 percent, so AIDS is not as dangerous as unrestrained homophobia."

Hilliard called White's release "an insult to all gay people," and said he hoped "the protest would lead to more respect from the courts

and society as a whole." Campbell, his voice straining, asked, "Why isn't he here? Why won't he be here tomorrow?"

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## Rallies will protest release of Dan White

Convicted murderer Dan White's release from prison today will set in motion two rallies protesting his freedom and a morning memorial service for the two assassinated victims — Mayor George Moscone and Supervisor Harvey Milk.

In Municipal Court Judge Herb Donaldson's Hall of Justice courtroom, a memorial service will be conducted at 9 a.m. Attorney John Wahl, representing Milk's heir Scott Smith, and Police Department attorney Larry Wilson will be among those speaking.

At noon in Union Square the Committee to Protest the Injustice, the organization sponsoring both demonstrations, will encourage people to stop work between 1 and 1:15 p.m. today and to go outside and make as much noise as possible to vent protest over White's alleged lenient prison sentence that touched off the infamous White Night Riot at City Hall on May 21, 1979.

Beginning at 6:30 and running until 10 p.m., the Committee to Protest the Injustice will hold a rally at Castro and 17th streets with speakers and entertainment.

Some 3,000 are expected to attend the Castro Street rally that required a street closure approval from the Board of Supervisor's Transportation and Traffic Committee earlier this week.

"We will do what we generally do for any major demonstration," said Police Department spokesman John Hennessey. "There will not be a strong police presence, but there will be monitors assigned and an appropriate number of police allocated if anything should arise."

Stephanie Mettfeld of the Committee United Against Violence said her organization will provide civilian monitors at the night rally.

"We don't expect any violence, but we will have watch monitors on Castro Street to help alleviate any tension that might occur," she said.

There will be medic monitors available and monitors who will serve as liaisons with the police, she said.

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# Somewhere in state, Dan White is free

By Dan Borsuk

Dan White, the former San Francisco supervisor, police officer and firefighter who shot Mayor George Moscone and Supervisor Harvey Milk in their City Hall offices on Nov. 27, 1978, is a free man today.

After serving a five-year, eight-month prison sentence, White was released from one of the 100 California correction facilities sometime after midnight today.

Although state officials won't say where White will live in California while on a one-year parole, there's been speculation the ex-supervisor might be living in a house on Sebastopol hilltop or some place in Contra Costa County or one of any number of locations.

In the 20 years I've been in the corrections field, I've never seen the amount of media attention and public disappointment with the court decision dealing with Dan White," observed Bill Guthrie, a spokesman for the state Department of Corrections.

Because of all of this attention on Dan White, we are not giving out any information where he will be living at this time for the safety of corrections staff and for Dan White, he added.

Guthrie said some type of general information on White's whereabouts will be released sometime today, but he said the press release would only indicate if White is living somewhere in Northern or Southern California.

Whether or not White was released from Soledad Prison, the facility where he had been locked up in a protective custody block cell since July 3, 1979, was also not revealed.

The vagueness on where White was actually released from is another measure, according to Soledad Prison spokeswoman Ruth Younger, to protect White, who has refused to be inter-

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viewed by the press ever since his incarceration.

Corrections officials described White as conforming and well-behaved prisoner who ate meals alone and was separated from Soledad's general population. He took a course in physical anthropology and two courses in physical science, and in his cell, he had a television and a few personal items. White met his wife, Mary Ann, a Treasure Island school teacher, at least twice each month.

White's release was confirmed last Nov. 21 when the U.S. Department of Justice announced a federal suit against the 37-year-old San Francisco man had been rejected due to a lack of evidence.

Attorney John Wahl, who represented Milk's heir Scott Smith, had filed the suit, claiming that by slaying Moscone and Milk, White had violated the two politicians' civil rights as re-election candidates.

This shows that homophobia exists in the United States, declared Wahl shortly after the Justice Department decision.

Wahl said recently he and other individuals are seeking to prove that a conspiracy involving White and the federal government existed at the time of White's trial.

The San Francisco attorney said evidence is being accumulated to show White's defense attorney Douglas Schmidt was associated with U.S. Attorney Joseph Russoniello, a former assistant San Francisco District Attorney from 1967 to 1975.

Russoniello was on the DA's staff that utterly failed to prosecute Dan White for the crimes he committed, Wahl said.

But Russoniello said Schmidt was one of some 350 Bar plebeite lawyers supporting Russoniello's unsuccessful 1979 bid for San



Dan White as a candidate for supervisor

Francisco District Attorney. Furthermore, Russoniello said he wasn't on the DA's staff in late 1978 or in 1979 when the DA's office, headed by former DA Joseph Freitas, prosecuted White.

It's foolish to suggest that any connection between me and Schmidt had anything to do at all with the Department of Justice decision concerning Dan White, Russoniello told the Progress.

The Department of Justice in Washington made the decision, he added.

Meanwhile, Scott Smith, who also believes a conspiracy exists in the lenient prosecution of White, said Friday (today) should not be a day of business as usual. We should remember this day as a day of miscarriage of justice.

When asked if White will be a dangerous man during his freedom, Scott said, He's shown once he can resort to this type of violence and he can do it again, if put in a similar situation as what occurred that November 1979 morning.

I don't think he's going to have an easy time of it being free, Scott said of White.

There are, though, some pockets in California that would welcome him, but they are a minority.



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# New Mood in White's Old Neighborhood

By Katy Butler and Susan Seward

Today, on the eve of Dan White's release from prison, his old neighborhood struggles with a sense of lost direction and destroyed political dreams.

The working class San Francisco district nestled beneath the green hills at the Daly City line hoped in 1977 that young Dan, the fireman who grew up in Visitacion Valley, would speak for them downtown where they felt forgotten.

But 10 months after he was sworn in, their supervisor, chosen under the former district elections system, Mayor George Moscone and Supervisor Harvey Milk,

gone and Supervisor Harvey Milk,

"I sense a sort of disappointment out here because he was the great white knight as far as most of the people in the area were concerned," said Jack Creighton, who owns the Leland Avenue Pharmacy in the neighborhood of little stucco homes where White grew up.

He said that people who come into the pharmacy — which he called "the neighborhood confessional" — speak "of Danny as an all-American boy who did something he never should have done. They can't understand it to this day."

The head of the valley's improvement association, real estate

broker Henry Schindel, said, "If Dan came up to me now, I'd help him if I could. I think that much of Dan White. He tried to help people. It didn't work out, he got into that mess, and it was his downfall."

The valley was a decaying area of small houses and housing projects when Dan White went to City Hall. Two years after the killings, in an additional blow to the neighborhood's hope for political clout, voters defeated elections by district and returned to citywide races for electing supervisors. Today, things in the neighborhood are much the same, or worse.

Many storefronts are boarded up, and the hardware store and the five-and-ten have closed since

went to prison. Muggings are a problem, and there is iron grillwork on many doorways.

"Before, we were very motivated and we wanted to build up our valley, getting the streets swept and things like that," remembered Arnece Birmingham, who worked in a neighborhood anti-crime program and for Dan White's campaign.

"Then OUR supervisor killed OUR mayor, and we just haven't gotten over it, that's all. A lot of hopes were crushed, literally crushed, in our valley. We don't seem to have regrouped," said Birmingham, who is still saddened by

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### Moscone's death

Nick Verreos, an insurance agency owner who ran against White in the 1977 elections, recalled that White had credentials as a fireman and former policeman that a lot of people felt would impress City Hall.

"But he wasn't tempered by experience, and he couldn't abide the political scene," Verreos said he believed the killings made people want to block out everything associated with White — including his neighborhood.

Over the green ridge that separates Visitacion Valley from the more prosperous neighborhoods to the north that formed the rest of Dan White's district, sympathies are divided.

English teacher Lenny Heinz and his wife, Margaret, both teachers who live in the Excelsior District, feel White's sentence was too light. "It makes it hard to explain our system of justice," said Margaret Heinz.

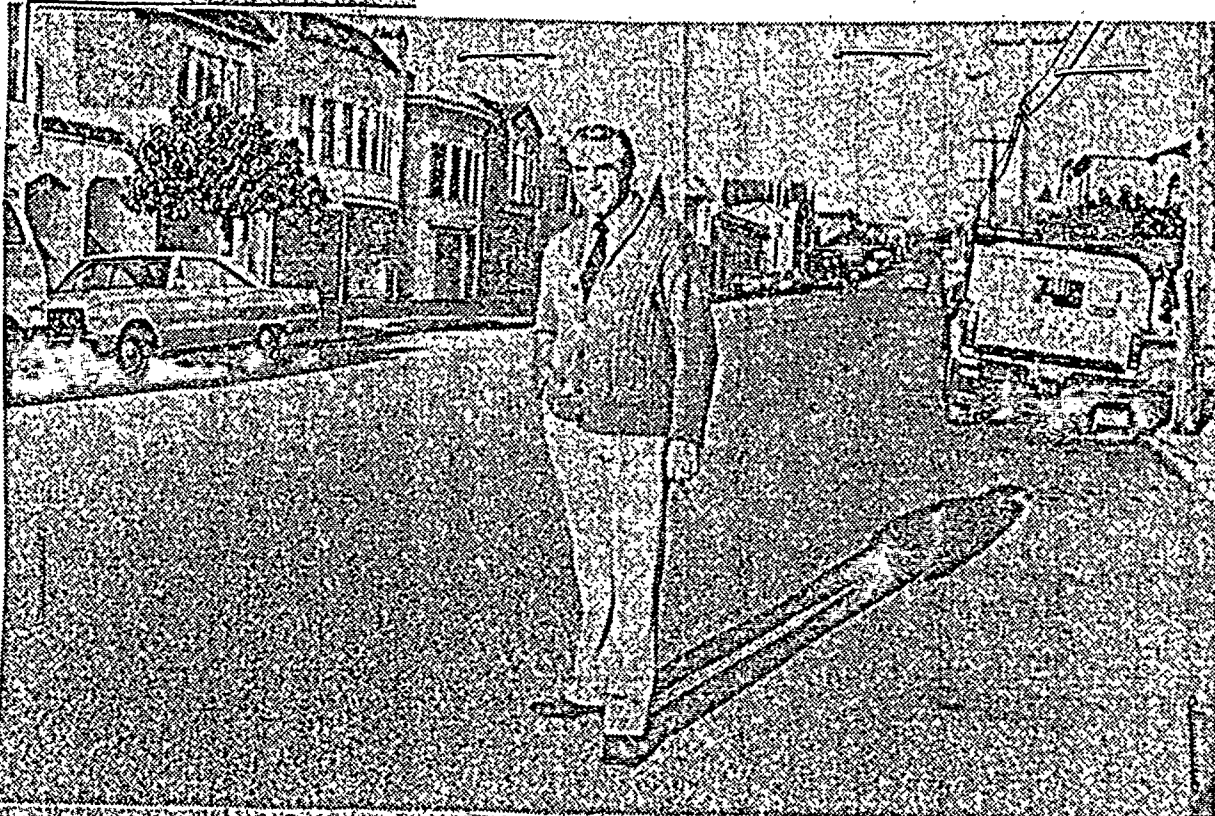
Heinz, a friend of White's parents who taught Dan White at Rioridan High School, said, "I don't think there's rejoicing out here in any way, shape or form. Even people who hated Moscone's guts said it shouldn't have happened. White hasn't really been made to pay for the actions he's committed. But if I saw him on the street, I'd probably just say hi and keep on walking. I wouldn't want to punch him in the stomach or anything."

White's wife, Mary Ann, still lives on a treeless cul-de-sac in the same neighborhood in the Excelsior. She is a figure of great sympathy

and admiration for the way she has reared two children alone and never wavered in support of her husband.

"I marvel at her strength of character and her ability to deal with all the things she has had to deal with," said a neighbor who asked not to be named.

"I've never seen any signs of stress, but maybe she is a person who can conceal inner conflict. I think most people here regard it as a tragedy, a terrible thing to happen to a young couple. I hope they can go somewhere else and start life all over."



Lenny Heinz, a teacher of Dan White, doesn't think there'll be any neighborhood rejoicing at his release

By John O'Hara

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# No Repeat of 'White Night' Expected

By Randy Skille  
On the eve of Dan White's release from prison, San Francisco's gays — although still angry — are far more socially assimilated and politically entrenched than the tumultuous community they constituted when White was sent to prison five years ago.

For this reason, neither police nor gay leaders expect the protests planned for tomorrow, the date White is set free, to flare into anything comparable to the "White Night" riots that erupted after the verdict was announced at the end of his trial for killing Mayor George Moscone and Supervisor Harvey Milk.

"I'm as angry today about White's sentence as I was the day it happened — that anger should never go away," said Ron Huberman, a prominent gay leader. "Our anger is totally justified. The criminal justice system failed, as it does so often in cases where gay people or minorities are victims."

Nevertheless, Huberman, who was among the marchers at City Hall in 1979, has no plans to attend the demonstrations tomorrow. Like many gay leaders, Huberman said the protests are inappropriate considering the tranquil mood that today characterizes the nation's most concentrated and politically powerful gay community.

"Protest marches were needed in 1979, but now I'm putting my energy into the system and changing the system so it doesn't happen

again," said Huberman, an investigator in the district attorney's office. "A lot has changed since 1979. We're not outsiders any more."

Most of the city's established gay leaders have avoided taking a high profile in the demonstrations, which more militant gays have been organizing for months.

I.W. Organizer Don Montwill of the Committee to Protest Injustice said the demonstrations will be an important emotional release for angry homosexuals who still view the killing of Milk, the nation's first openly gay public official, as a political martyrdom.

"We're not planning a solemn memorial or a boring speechfest — people need a catharsis," he said. "There's no excuse to have business as usual on a day which shows how the criminal justice system is slanted for white male heterosexuals and against gays and people of color."

The committee is asking gay people to take sick days or vacation time and not work on Friday. It also plans a noon rally at Union Square, which will end with a barrage of noise at 1 p.m.

"We want people to blow their car horns, bang on pans, do anything to make noise, so we can say loudly that we're watching the real villain of this case — the criminal justice system," said Montwill. "We want to serve notice that we'll continue watching so that white male heterosexuals will know they can't get away with murdering minorities."

Another rally is planned at 8 p.m. tomorrow on Castro Street, where the furious crowd gathered on May 21, 1979, before marching on City Hall and battling police.

Some persons are quietly passing word in the gay community that they may sit in the streets to disrupt lunch-hour traffic around Union Square, but even those radical protesters say they want to avoid the bloody altercations that erupted between gays and police on the violent night of the White Night riots.

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"You'll see some people maybe sitting in front of cars. They'll just let the cops carry them away like nuke guys," said one gay radical who asked not to be named. "We don't want anything heavy with the cops."

Police officials said they would have "appropriate manpower" on hand, but none is predicting trouble.

"We're not expecting World War III," said Commander Ray Canepa, chief of field operations. "Everybody is sore and sad about this. George Moscone was a friend of mine — I don't like what happened either. I know a lot of people will be unhappy down there. But times have changed and we don't expect confrontations."

Some psychologists in the gay community feel the reason anger festers around White — far beyond anything that the city's Italian-Americans have expressed over the killing of Moscone — is that his crime and light punishment symbolized years of unfair treatment at the hands of "all-American" heterosexual men like Dan White.

"There's a psychological component to this. It all gets tied into the history of unfair treatment many gay people have experienced," said Steve Morin, a prominent gay psychologist. "Dan White gets all their feelings of lack of fair treatment revved up. A situation like this brings these feelings back to the surface."

The story of the assassination and the assassin long ago fit into an important historical niche for gays nationally, a major reason why interest in Milk long ago eclipsed interest in the slain mayor.

"Heterosexuals still don't understand why we were so mad. They don't have a frame of reference," says Bill Kraus, a former Milk aide.

"We worked years to get our first elected official with Harvey Milk. Then our first victory was taken from us in the most brutal of manners. To make it worse, the jury says that not only do they not care

about our tremendous loss, they're going to let White get away with it."

Dan White's bullets may have speeded the sweeping assimilation of gays into San Francisco's mainstream in the early 1980s. The rowdy gays who would angrily protest at any slight, real or imagined, at the time that Dan White walked into Soledad Prison are today a far more confident constituency after years of wielding substantial political clout.

"In a very strange and sad way, the killings cemented gay people in to the city, speeding up a legitimizing process that had been going on slowly," said Kraus. "In that tragedy, it made it impossible to deny that we were a legitimate constituency with serious issues that the city needed to face."

The killings put gay politics in sharp focus, politicians of all stripes agree. It was impossible to dismiss gay political concerns as trivial or issues idiosyncratic to San Francisco. With legitimacy, gays have become rapidly integrated into most

of the city's major institutions. Kraus, for example, was frequently part of the gay demonstrations on Castro Street in the late 1970s, now he is a full-time aide to Representative Sala Burton. Many more gays, who once approached politics with the outsiders, view now serve as legislative aides, labor officials, corporate executives and religious leaders. Major institutions, like the Bank of America, now regularly contribute to gay charities.

When gays taunted and fought police at City Hall in 1979, police officers were widely viewed as those who harassed, and, at times, brutalized gays. Today, about 100 members of the Police Department are lesbians or gay men, according to several gay officers, and a prominent lesbian sits on the city's Police Commission.

Demonstrations in recent years have grown smaller and smaller.

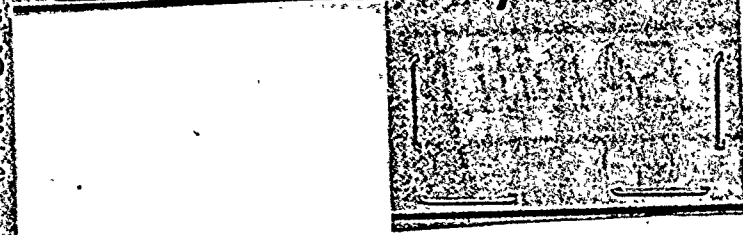
"Wounds may not have healed, but we have an entirely new perspective now," said Dennis Collins, an aide to Supervisor Richard Iron-

gisto and an officer in the Alice B. Toklas Gay Democratic Club. "The whole assimilation process in politics and the private sector means that we can change things internally. Five years from now, we'll even be more assimilated."



Non-gays still don't understand why we were so mad

I'm putting all my energy into... changing the system



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## Gays schedule rally to protest White's release

By Norman Melnick  
Examiner staff writer

There will be a deeper reason than to protest the release of Dan White when gays rally Friday night on Castro Street — they want judges and prosecutors to know they're watching and that they don't approve.

According to Donald Montwill of the Committee to Protest the Injustice, sponsors of the rally, the event will cast the criminal justice system in the role of culprit for wrongfully, in their viewpoint, allowing White to leave prison after only five years for the 1978 killings of Mayor George Moscone and Supervisor Harvey Milk.

Montwill, one of the rally organizers, said he anticipated thousands would show up "to send a message to the criminal justice system and to let them know that we're vigilant and that we're determined that the Dan White matter will never happen again."

Jim Manness, another organizer, said the protest could be termed a celebration of sorts.

"We're celebrating something that (White) said he wanted to happen — to be rid of the radical progressive elements in The City — and it didn't happen. We're happy about that," Manness said.

"It's a feeling of solidarity that we have," he said.

The Board of Supervisors yesterday unanimously approved blocking off Castro Street between 18th and Market streets for the rally between 7 and 10 p.m.

Manness said many members of the San Francisco gay community will address the protesters. Other speakers will include Cleve Jones, one of Harvey Milk's aides, and Ginny Roat, the former president of the California chapter of the National Organization for Women.

There will also be entertainment, comedy and music.

CPI is a group that was formed expressly to put on the rally, Montwill said.

He said he did not anticipate any violence. "I don't see a remote possibility of violence. There is concern in the gay community that we not emulate the violence of someone like Dan White," Montwill said.

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# Looking Back at Dan White

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By Susan Sward

One day nine bullets changed their lives.

Initially, they had little in common as a group, except for having been close to Dan White or his victims, or having worked somewhere in the city's court system.

Yet, when White, an ex-supervisor from the Excelsior District, shot to death San Francisco Mayor George Moscone and Supervisor Harvey Milk five years ago, he touched them all.

Now, on the eve of White's release Friday from state prison, several of these people talked about how the case affected them and what they feel about White after those five years.

Looking back on his investigation, Falzon says, "Here was a case that was 100 percent in its entirety, and yet we lose it. To find a scapegoat in this case, it has to go beyond me, the investigator, and the district attorney who prosecuted the case."

"I think it was the law. Without the diminished capacity defense in the psychiatric testimony, there was no defense in this case."

"I ask myself, what did I do for Dan White except tell the truth?" Falzon said. He had helped build the case with all its pieces: murder, weapon, motive, the premeditated avoidance of the metal detector at City Hall.

During the trial, Falzon was asked by White's attorney to give his opinion of White, and Falzon responded that before the killings he had thought very highly of his friend. Critics later blasted Falzon, arguing that the case was a classic example of police protection of one of their own.

## FRANK FALZON



San Francisco homicide investigator Frank Falzon says the Dan White case still eats at his guts. A million times, he says, he has gone over what he might have done differently.

When the call came in to the Police Department about the City Hall shootings, Falzon was one of the homicide investigators on call.

Until he reached City Hall, Falzon did not know that the killer was White — his friend since childhood, his former teammate on the San Francisco police championship softball team, and someone he considered almost like a kid brother.

The criticism stung Falzon. "I can take it. I know everyone is looking for an answer, and I know Frank Falzon must answer their questions. I have big enough shoulders to handle it. I'll always be an honest cop. I will continue to be that kind of policeman."

Falzon said there's nothing he would have done differently in his handling of the case — even after all these years of self-examination about what he might have done. He said only one person could say what went on almost every minute of the day of the murders, and that was Inspector Frank Falzon.

Now, Falzon said glumly, "the final chapter hasn't been written yet" on how White will fare outside prison walls.

"When are we going to let this thing rest? What does the media want? Are the reporters going to be the semi-literate leaders of the lynch mob?"

... far do you push it?"

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## TOM NORMAN



Assistant District Attorney Tom Norman isn't talking much to reporters these days about the Dan White case. He is tired of the questions implying that he threw the case to help White — an All-American kid of Irish extraction, ex-policeman, ex-fireman, Vietnam veteran.

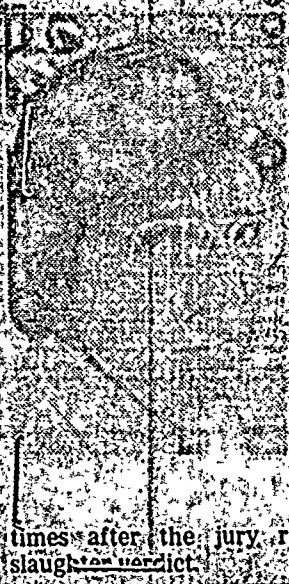
"Enough is enough," says Norman, who prosecuted more than 200 murder cases and never felt he had any case with stronger evidence than the case he presented against White.

At the Hall of Justice, friends said Norman is still winning murder cases, but he lives under the cloud that the White case cast over his reputation.

"I've been hurt very badly now," Norman said recently. "Some go so far as to say I threw the case — that means I'm plainly dishonest."

"There's not one person who came out and said what I did that I shouldn't have. They talk about how Norman should have put on a political trial. I don't even know what that means."

## DOUG SCHMIDT



In the few short weeks after the verdict, Dan White's attorney, Douglas R. Schmidt, talked a lot about his client — White's motivations, his feelings, his bleak future.

Schmidt, who was 32 years old when he defended White at the trial in 1979, also told how his own life was threatened many times after the jury returned its manslaughter verdict.

In recent times, Schmidt has adopted a policy of not talking to reporters. In the period after the verdict when Schmidt was still speaking out, he appeared on the Phil Donahue Show and was asked by someone in the audience how he could sleep knowing White would be back on the streets in five years.

"I would suggest that he is not the type of man who would kill again," Schmidt responded.

Today Schmidt isn't seen very often in Hall of Justice courtrooms. One year after the killings, he represented a nun who had killed her mother. Two years after the killings, he granted an interview in which he defended his use of a diminished capacity defense in behalf of White.

"The liberals have got to get themselves together on these issues," Schmidt said in that interview. "They are whining about the death penalty, and suddenly gas is too good for Dan White."

In recent years, Schmidt's name has not surfaced in high-profile San Francisco crime cases. Friends say he works on appeals in the state courts. On weekends, he spends time at a ranch he owns north of San Francisco.

Some sources in legal circles speculated that being White's attorney may have ended by hurting his practice. Yet one of Schmidt's friends, who asked not to be named, saw the situation another way. "Maybe he doesn't choose to be in the limelight until things cool down a bit. He could have parlayed the White case into a booming homicide defense practice if he wanted to do so. He's smart. He's fast. I think he chose that low profile."

### SCOTT SMITH



The memorabilia of Harvey Milk's life overflows from drawers and file cabinets in Scott Smith's Castro District flat. Behind Smith, Milk's former lover and heir to his estate, sits a round blue and white poster-stuffed between the couch and the wall. The fat letters read: HARVEY MILK.

"We even have his pony tail that he cut off in 1973," said Smith, 35, who met Milk when he was 22 in New York and moved to California with him the next year. "Harvey was a pack rat. He saved everything."

Living in the middle of all Milk's papers and possessions, Smith said he feels a moral obligation "to keep Harvey's memory alive." He said he has come to terms with the fact that that means he will never leave Milk's death behind.

After Milk's death, Smith said he spent about a year and a half "living pretty much as a hermit. I had lived in the shadow of Harvey for so many years. I had trouble establishing my own identity."

Finally, he began involving himself in the gay community and politics again. Today he runs a graphics business with a roommate out of their apartment, and he does odd jobs helping move people.

"As for Dan White, Smith said, "I would never seek revenge. Harvey was against the death penalty. He was a non-violent person. He was in favor of gun control."

White will have to live with himself, and Smith said, everywhere he goes once he is out of prison, he will "be looking at shadows."

### MEL WAX



Mel Wax, who was Moscone's press secretary, wonders what would have happened if he had been there — whether that would have prevented Dan White from killing George or whether it would have made any difference at all.

"Probably, I guess, it wouldn't have made a hell of a lot of difference except he would have shot me too."

Wax, who now is public relations director for the Port of Oakland, also wonders whether

the outcome would have been any different if he had sent a telegram to White notifying him he had not been reappointed, as he did to the others seeking the Board of Supervisors' post. That is what Moscone asked him to do with the other candidates, but Moscone had wanted to tell White himself about his decision.

Wax says he has no idea what will happen to Dan White. He isn't for any vigilante action against White. That wouldn't bring Moscone back.

### CYR COPERTINI

Cyr Copertini, an amiable, dark-eyed woman who was Moscone's administrative secretary and now holds the same post for Mayor Dianne Feinstein, says that once you realize that someone from the City Hall establishment killed your boss, then you feel less secure about everyone.

Dan White had always been very polite when Copertini talked to him. He was polite that November day when he spoke with her briefly before he went in and killed the mayor. He had seemed nervous, but she said that wasn't odd. He was trying to get his job back, so anyone might be nervous.

Five years later, she finds "you never feel secure about anyone again. When someone is walking down the hall who you don't know now, and you see them there, you start. You question it. To think someone you know could have done that."

As she thinks about White now, she said she doesn't wish for the death penalty. She doesn't believe in it — "couldn't have worked for George if I did." She thinks White should have been sent to prison forever, without possibility of parole.

### RAY SLOAN



Several months after the killings, Ray Sloan said he was getting drunk on gin, stretched out on a beach at Lake Tahoe, when the full weight of what had happened hit him.

Sloan, who was White's campaign manager when he ran for supervisor in 1977, said he asked himself,

"What have we wrought?" When he looked at what White had done, he wondered about his ability to judge people's character.

At the same time, Sloan says, he still cares about White and believes White could find greatness in himself again.

"He is an extraordinarily capable person," Sloan said. "His sixth sense is one of the more uncanny things I've seen in my life. So there's the potential. Before I saw him as great, and I see him as great again."

In the years since the killings, Sloan has moved from job to job in political work and fund-raising. Now (and again) the subject comes up. Say, weren't you the guy who worked for Dan White?

"It's like something that doesn't go away," Sloan said. "I get jobs. I do the work I want to do. But it's like a bad penny — it's something that always comes up."

The case "has radically affected my life, so how is it going to affect Dan's life? My goodness, I'm a peripheral person, and it has severely affected my life."



JOE FREITAS



Before the White thing, Joe Freitas said, he was looking forward to a second term as San Francisco district attorney.

I was talked about for attorney general, mayor, or governor. When Moscone was assassinated, there was an effort on the Board of Supervisors — two of them —

who wanted to put together enough votes to get me appointed acting mayor. Freitas, who declined, to name the two supervisors who backed him, said he threw his support to Dianne Feinstein, then president of the board.

When the White verdict came in and voters — partially because of the way the prosecution was handled — tossed Freitas out of office a few months later, he said it was a very wrenching experience.

It took a while to come to terms with it. It would be like losing a parent. You have this ache and it takes a while to heal. You've been rejected, said Freitas, who now is in private practice as a specialist in labor law. It took a while for the pain to go away and, occasionally, it does come back, along with some questions about whether the strategy of the prosecution could have been any different.

You can always play those games, but I'm not sure how productive or profitable that is. If I had done something differently, would it have changed the result?

He said all the criticism about the White case's prosecution is hard to deal with, but so what? Do you want to live a life of irkedness? That would be giving into a life that's pain and frustration. You have to learn to live with it and — on with your life.

GOLDIE JUDGE



It will be hard on Dan White living out in the world, Goldie Judge said — thumping her hand on her wooden kitchen table as she spoke. Prison must have been another world, another space.

Judge, a Visitation Valley neighborhood worker who was White's first campaign manager during his successful 1977 campaign for supervisor, said she was sure White had plenty of friends who would help him out.

There's people who think Dan White is a hero. They'd never admit it, though. Who wants another guilt trip? Judge asked.

Judge, who has helped her husband, Roland, run his small ice cream store in Visitation Valley in the years since White's trial, said life hasn't been easy.

Emotionally, it's been draining, she said. She keeps a notebook of White's old campaign literature, including a piece on "social deviates" that was part of the reason she said she developed questions about White's goals, and she ended up leaving several months before the election.

Judge, who eventually became a leader in the effort to block White's reappointment to the Board of Supervisors after he resigned voluntarily, opened the book.

She pointed out some of the neatly printed words on a yellow piece of Dan White "Unite and Fight" literature: "I am not going to be forced out of San Francisco by splinter groups of radicals, social deviates and incorrigibles."

"Dan White will be with us forever," she said, closing the book. "History was made when White killed Moscone and Milk."

"Not a very pretty history, but it did occur, and it will be with us."

At the same time, she said, "people don't realize we have to go on. Dan White has paid his dues under our system. So maybe people don't like the system. So let's do something about the system or whatever. But let's get on with life. I sincerely hope that Dan White can come out of prison and make a life for himself."

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# Dan White's Plans After His Release

**Katy Butler**  
Dan White says he is in excellent health and spirits, and has agreed to a state parole plan he is confident will keep him protected from the pursuing press and the public, according to two recent letters he sent from prison to a close family friend.

The letters, the first public indication of White's recent mood, portray a confident, clear-headed man optimistic about his future. He blames "the news media and unnamed groups described as 'honest people'" and "certain people" for attempting to keep him in prison.

He said within the first week or so of his parole he will be reunited with his wife and two children, but it was not clear whether this would be on a permanent basis.

White is scheduled to be released on parole after midnight tomorrow (Thursday night).

White's two one-page typewritten letters, obtained by The Chronicle yesterday, were sent from Solidad State Prison in September and December.

According to the family friend who has corresponded regularly with White during his five-year term, White never sounded depressed during his entire imprisonment. White's letters are uniformly courteous and impeccably typed and spelled.

Nowhere in the two most recent letters does the 37-year-old former supervisor mention that he killed San Francisco Mayor George Moscone and Supervisor Harvey Milk five years ago. He writing is full of gossip about his two sons and his wife, Mary Ann, who has visited him about twice a month in prison and written to him frequently. He makes no reference to his prison environment.

White's first letter was written on September 17, when legal attempts to have him prosecuted by the Justice Department for civil rights violations were building, and Governor George Deukmejian was being pressured to deny him parole.

Referring to those events, White wrote confidently: "I am in excellent health and spirits. Though it's a nuisance to hear reports about (attempts to extend his sentence) I have no doubts that the final decision will be favorable to me."

"Certain people have a great deal of influence with the news media, and they are able to keep things stirred up. But in the end, every thing will turn out just fine. Maybe one of these days I'll be able to be present at a family gathering. My future plans have not been finalized as yet, and there are many preparations to make."

In the September letter, White also told his correspondent — almost as though he had accompanied them — that his wife and his sons, Charlie, 5, and Rory, 2, spent a week at Lake Tahoe with my sister Nancy, her children and other family members.

Nancy's in-laws own a spacious cabin, so there was plenty of room for the gang. Charlie and Rory had a wonderful time playing with their cousins, and swimming in the resort's pool.

At night, White said, the adults slipped away to the local casino for a little gambling, but didn't win anything.

"Charlie is experiencing his first days in a school environment," White continued. "Mary Ann wrote to say he's adjusting very well" and Rory returned to his special education classes. The Whites' son, Rory, who was conceived during a conjugal visit, was born retarded with Down's syndrome.

The letter's recipient said that White had described his son Rory in earlier letters as "lovable and very intelligent."

On December 20, a month after the Justice Department announced that it would not bring civil rights charges against him, White wrote a second letter looking forward confidently to parole, and blaming the news media for "inciting the anti-Dan-White factions."

White wrote, "things have been somewhat hectic for me lately. Attempts by certain people to keep me in prison, and also have me prosecuted again, have failed. Now the news media is agitating because my parole is imminent. They know I must be released, but they're intent on inciting the anti-Dan-White factions. The California attorney general ruled my sentence couldn't be

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## EXCERPTS FROM THE TWO DAN WHITE LETTERS

September 17, 1983:

arbitrarily extended by Governor Deukmejian, and the Justice Department rejected the phony evidence submitted by those people in San Francisco.)

After indicating that news reports on his release plans had been inaccurate, White said: "An attempt has been made to find out where I am being paroled, but parole officials realize precautions must be taken in my case. The plan I've agreed to is one that will minimize any unnecessary hassles from the media or anyone else. I'm confident it will enable me to do my one-year parole without any problems."

Turning to family news, White continued: "Charlie and Rory are really excited about Santa bringing them presents. They're eagerly awaiting the BIG day. Mary Ann will bring them for a visit a few days after Christmas, and I'll hear all about the festivities. Two weeks later,

White wrote that his wife and two children "spent a week at Lake Tahoe with my sister Nancy, her children and other family members. Nancy's in-laws own a spacious cabin, so there was plenty of room for the gang. Charlie and Rory had a wonderful time playing with their cousins and swimming in the resort's pool." At night, White said, the adults slipped away to the local casino for a little gambling, but didn't win anything.

"Charlie is experiencing his first day in a school environment. (Mary Ann wrote to say he's adjusting very well) and Rory returned to his special education classes. I am in excellent health and spirits, though it's a nuisance to hear reports about (attempts to extend my sentence). I have no doubts that the final decision will be favorable to me. Certain people have a great deal of influence with the news media, and they are able to keep things stirred up. But in the end everything will turn out just fine. Maybe one of these days I'll be able to be present at a family gathering. My future plans have not been finalized as yet, and there are many preparations to make."

Love, Dan

December 20, 1983:

"Things have been somewhat hectic for me lately. Attempts by certain people to keep me in prison, and also have me prosecuted again have failed. Now the news media is agitating because my parole is imminent. They know I must be released, but they're intent on inciting the anti-Dan White factions. (The California attorney general ruled my sentence couldn't be arbitrarily extended by Governor Deukmejian, and the Justice Department rejected the phony evidence submitted by those people in San Francisco.) An attempt has been made to find out where I am being paroled, but parole officials realize precautions must be taken in my case. The plan I've agreed to is one that will minimize any unnecessary hassles from the media or anyone else. I'm confident it will enable me to do my one-year parole without any problems. Charlie and Rory are really excited about Santa bringing them presents. They're eagerly awaiting the BIG day. Mary Ann will bring them for a visit a few days after Christmas, and I'll hear all about the festivities. Two weeks later we'll be reunited when I'm paroled. Isn't that a pleasant thought?"

Love, Dan

er, we'll be reunited when I'm paroled. Isn't that a pleasant thought?"

The two letters give no specific indications about how he will be released from prison, or where he will go. He has already made plans to avoid the news media on Friday, his parole day.

"We have a specific request from White to structure his release so he's not confronted by an army of news people," state Deputy Corrections Director Phil Guthrie said yesterday. "We will structure it in such a way that you'll never be able to see him."

Guthrie would not say whether White has already been moved from

his cell at Soledad to another facility, and speculation is growing that he already may have been shifted.

Until Christmas, prison officials said that White was at Soledad, but in recent days they would not confirm or deny that White is still among the 160 inmates in the prison's protective custody wing.

"We're not going to say anything to anybody about when, where or what time," said Guthrie. "We could release him from any one of 100 different places."

Guthrie said that once White is released, the department will probably indicate briefly his general whereabouts in the state and wheth-

er he has a job lined up.

Mary Ann White's last recorded visit to Soledad was on December 21. Officials at Soledad said there was no record of the visit. White said in his December 20 letter he was expecting from his family "a few days after Christmas."

State parole authorities have never revealed whether Mary Ann and the couple's sons will live with White during his one year of state supervised parole. However, San Francisco school officials said Mary Ann continues to work half-time, teaching kindergarten at a Treasure Island school, and has not indicated that she will resign in the near future.

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# Gay Judges' Memorial for Moscone, Milk

Memorial services were held yesterday for Mayor George Moscone and Supervisor Harvey Milk in the courtrooms of San Francisco's first avowed gay and lesbian jurists.

Municipal Court Judges Herbert Donaldson and Mary Morgan were both active in the gay rights movement before their appointments to the bench by former Governor Jerry Brown.

One of the speakers at the services, attorney John Eshleman Wahl, said it was appropriate that the memorials be held in the Hall of Justice, "because it was here that the assassin who robbed Harvey Milk and George Moscone of their lives received a gift from the criminal justice system."

Wahl, the lawyer for Milk's estate, led last year's unsuccessful drive to have Dan White tried by federal authorities for violating the civil rights of his two victims.

Lawrence Wilson, a gay lawyer for the Police Department who is gay, said Moscone probably would not have won the tight 1975 runoff election had it not been for Milk's efforts in rounding up gay and minority votes.

"Their lives were intertwined," said Wilson. "Both had a vision of the city that included everyone. Both worked for extra opportunities for women, gays, blacks and other minorities. As a gay man, I could not hold my job without their efforts."

In a call for restraint on the part of San Francisco's homosexual community, Wilson said neither Milk nor Moscone would wish "vengeance taken in their name."

"Whether it's divine retribution, karma or conscience, Dan White will have to live with what he did," Wilson said.

A third speaker was state Senator Milton Marks. He took credit for pushing legislation in Sacramento abolishing the diminished capacity defense, which led to the light verdict in White's case.

At day's end, both judges adjourned court in memory of the two men who were shot on Monday, November 27, 1978.

"This is fitting and proper," said Judge Morgan. "These were two people who were dedicated to equal rights."

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# Media's Dilemma Over Dan White's Whereabouts

By Charles Pettit

The secrecy shrouded release of Dan White in Los Angeles County raises troublesome ethical questions for the news media: how hard to chase after him, and what to do if he's found.

With a real risk that someone may try to kill White, news managers at most major media outlets contacted by The Chronicle yesterday said they have already decided not to publish the exact location of White and his family if it is uncovered — at least, not before anybody else has publicized it.

But at least one television station — KGO-TV — said it expects to disclose White's location if it is found.

Involved are cloudy, emotional issues pitching the public's right to know against respect for personal privacy, plus arguments that, despite completion of a prison term, White's right to privacy died when he shot and killed San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Most reporters and editors feel that, competition being what it is in the news business, White's location will inevitably be revealed.

At The Chronicle, Executive Editor William German said the editors will decide about publishing White's precise location "when and if we find out" where he is living. He added, however, that "we're not going to do anything that will endanger anyone's life or the public safety."

At the Los Angeles Times, whose circulation area embraces the region in which White is located, Craig Turner, assistant metropolitan editor, said the newspaper concluded "the criminal justice people think White is in danger, White thinks he is in danger, so our determination is that we will not provide his exact location."

At the San Francisco Examiner, City Editor Steven Cook said the paper has no intention of printing an exact

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address for White. "There is an ethical question here. I cannot imagine printing his address in the paper, or to say where he actually is," he said. "The people who would really want to know exactly where he is would be people who would want to do him some sort of harm. Why be a party to that?"

Several radio and television news operations have independently reached the same cautious conclusion.

"What's really tough about this," said Shelley Gerson, an assignment editor at KPIX-TV, Channel 5 in San Francisco, "is that we have had to stake out a lot of people for this story, but if we find out where he is, we can't say on the air. You can't say, because if something happens to him, it's the media's fault."

It was not clear how many news organizations were actively chasing White, and how many were simply waiting until the expected happens and his location leaks out somehow.

At news radio station KCBS, Managing Editor Edmund Cavagnero said, "We are not trying to find out where he is. I don't see how that makes a news story. Even if his address or exact location come out, we will not broadcast it."

At KRON-TV, Channel 4, Assignment Editor Thomas Newton said someone at the station briefly suggested planting a beeper on the bumper of Mary Ann White's car, but that idea was quickly abandoned. At KCBS, News Director Bob Melrose said the station wondered whether to "put a tail" on White's wife, "but we finally concluded that is ridiculous."

At KTVU-TV, Channel 2, News Director Fred Zehnder said his station is not out searching for White. One crew was sent to Los Angeles, but mainly to get reaction to reports that White is settled there.

At KGO-TV, Channel 7, Executive Producer Stephen Rosenfeld said he favors broadcasting nearly everything his reporters uncover about White's new home.

He called White a public figure and compared his case to that of Archie Fain, recently released after serving a sentence for murder, whose life was also considered by some to be at risk if his location were widely known.

"We were at the prison door when Archie Fain was released after serving a number of years for an extremely heinous crime. A couple of days later, we reported he was living in the East Bay and starting over."

There was considerable discussion on airing the story on where he took up residence. Our decision was that, yes, in fact the public did have a clear right to know where Fain was residing. We had a journalistic obligation both to the people in that area and the audience we serve.

Even more determined to disclose White's address was Paul Lorch, editor of the Bay Area Reporter, a weekly that claims to be the biggest gay-oriented news paper in the nation.

"Yes, I would publish it," Lorch said. "My feeling is that the enormity of the crime, even though his prison price is paid, leaves a life price to be paid. He has forfeited his right to privacy."

Ben H. Bagdikian, a professor of journalism at the University of California at Berkeley, said the issue is not clear, but he favored withholding the location.

He acknowledged that once "you start down the road toward suppressing news to protect the public, you will find an awful lot of people telling you reasons not to present the news."

"But I also think that where there is a threat to life or an immediate, serious threat to public order, that you condition that principle. . . . In this case, I am not sure there is anything useful about printing his address."

"Even if you are beaten by the competition, and even if the cat is out of the bag, if you have held back you may establish a pattern of responsibility that may have a chilling effect."

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By Steve Ringman

# Death Drama

A re-enactment of the slayings of Mayor George Moscone and Supervisor Harvey Milk was staged yesterday across the street from City Hall. Three actors wearing huge papier mache and cardboard busts of Moscone, Milk and Dan White pantomimed the assassinations in a show organized by Ed Gallagher, a 33-year-old carpenter. Gallagher said people were thinking more about White's release from prison yesterday than about the slayings. "It's the only way that I can get the point across," he said. "Nobody's thinking about the dead. They're thinking about what happened afterward. They lose sight of what happened."

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# Big S.F. Protests Against Dan White

By Katy Butler and Randy Shilts

Thousands of San Franciscans took to the streets yesterday in non-violent but rowdy protests over the release of Dan White from prison.

A crowd of 9000 gathered last night on Castro Street, which had been closed to traffic for the rally. They heard speakers criticizing White's "outrageously short" five-year sentence.

Despite some vengeful signs and shouts, the mood of the nighttime protest was determined and almost cheerful rather than furious.

Earlier, a throng of 5000 men and women surged through the streets of downtown San Francisco at midday, banging pots, blowing horns and blowing shrill police whistles.

Police, who maintained a low profile, reported no violence. There was friendly demeanor among the cops assigned to watch over the demonstrations, but not far away were dozens of other officers equipped with riot gear in case the situation turned ugly.

The protests, ignored by established gay leaders, were larger than their organizers had expected, and to many participants were an oddly fitting tribute to the memory of slain Supervisor Harvey Milk, who led a good demonstration.

"As a gay man, I celebrate because Dan White could not murder our movement by murdering our

friend," organizer Don Montwill told the crowd on Castro Street last night.

From the speaker's platform just up the street from where Harvey Milk once ran a small camera store — the crowd shouted lustily as speakers invoked the name of the slain gay rights leader and warned of vengeance on his now-free killer.

The most cathartic outburst of emotion came when thousands

gathered at Union Square yesterday afternoon. People held signs reading "Eat a Twinkie! Beat a Rap!" — a bitter reference to trial testimony that sugary junk food contributed to White's mood before the killings.

"Why's it so quiet? The son of a bitch got out of jail this morning!" shouted a long-haired, leather-jacketed man, and the demonstrators exploded in a cacophony of shrieks, whistles and shouts.

Then speakers shouting through a bullhorn took a thin line between calling for renewed gay political activity and encouraging violence against Dan White.

"Today, he starts a life sentence, and I'm sorry to say, it won't be a long one," said Jack Fertig, better known as Sister Boom Boom. "Dan White, this is 1984 and Big Sister is watching you."

Feminist attorney Mary Dunlap pleaded with the crowd to turn its anger toward creating a society where people like Dan White would never assume positions of power.

"We dwell in the shadow of the killings, with the blood he spattered on all of us. But we demean ourselves if we join in his call for blood. We become our enemy by continuing the chain of violence that Dan White started," she said, while scattered hecklers shouted for revenge and an effigy of White in black and white prison stripes was hoisted up a flagpole.

Then the organizers led the crowd out of Union Square and down Post Street, stopping traffic for four blocks.

Many Financial District workers, out of their offices for lunch, stood and watched, and some applauded. Men in business suits and fashionably dressed women swelled the ranks, blowing whistles along with hundreds of others in jackets and jeans. Others threw calendar pages from highrise windows like

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confetti.

One businessman watching the march said quietly, "There are so many people in the city that feel the injustice, and they're crying inside. It just brought back to me that the whole world seems to have forgotten Moscone. I'm a fifth-generation San Franciscan, and today, for the first time, when I walked the streets, I felt alone. Maybe it's just something that's happened, living with these crazy murders."

Some spectators, including construction workers on scaffolds, simply looked bemused as the pande-

monium of noise, moved by Hard-hatted Jerry Carlson, taking a break from construction on Montgomery Street, shrugged and said, "I think they're a bunch of lunatics. He shouldn't have gotten away with it, but these guys don't have any more brains than he did."

Meanwhile, 150 people briefly blocked traffic at 18th and Castro streets. About 20 people then walked to Market Street and sat down, blocking traffic for half an hour.

It was an intense day of protest and a time to remember and pour out feelings of frustration and rage.

But by the time the last rally was dispersing at 10 last night on Castro Street, many of the protesters said they were ready to put the Dan White case behind them.

"To me this is a way of saying farewell to Harvey," said Arthur Corbin, 34, a manufacturer's representative for an electronics firm. "It's over now."

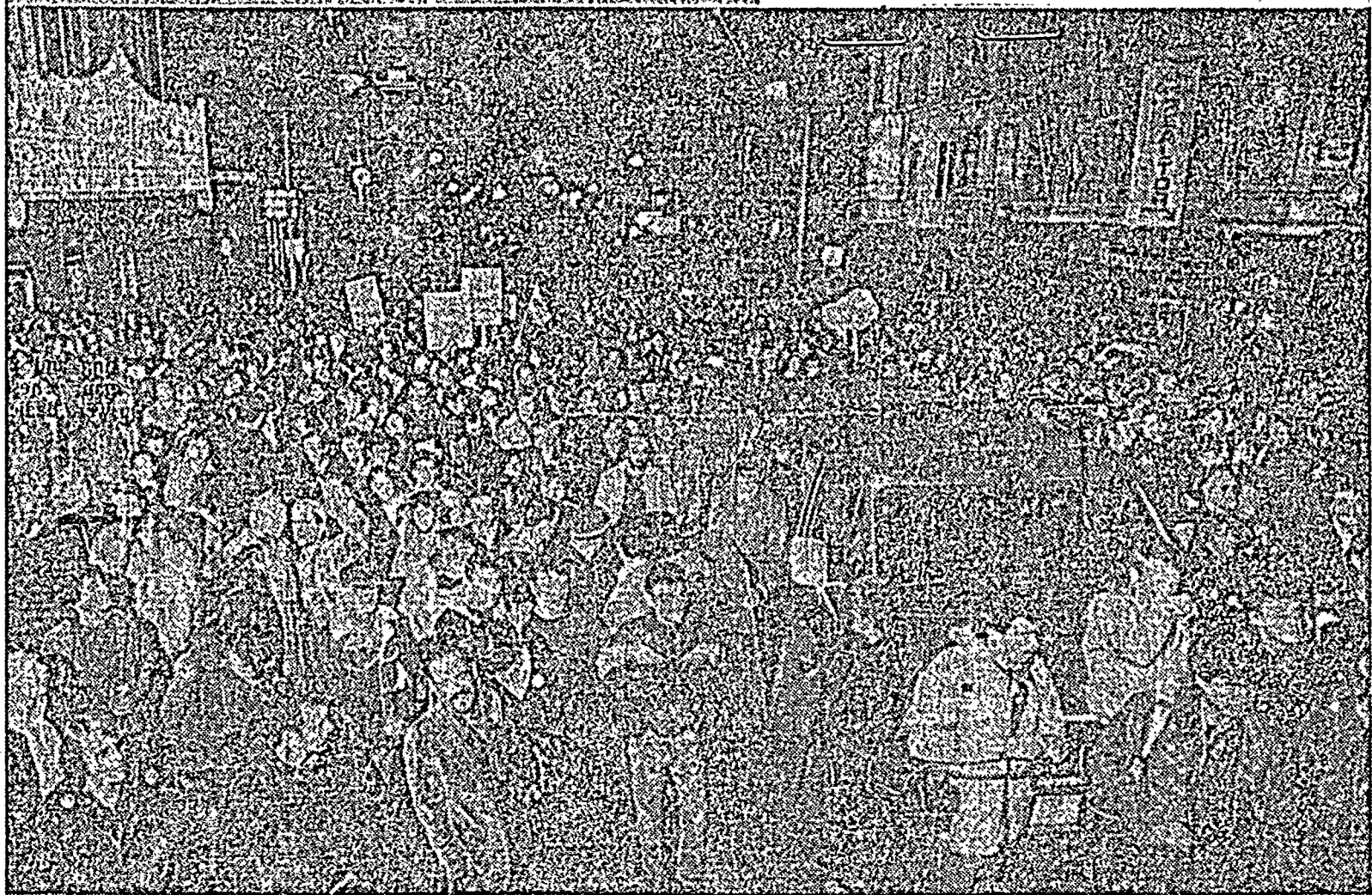
His friend, computer programmer Ron Wickliffe agreed. "It's sort of a wake," he said. "This is a celebration of it all becoming final. It's time to move on to other things."



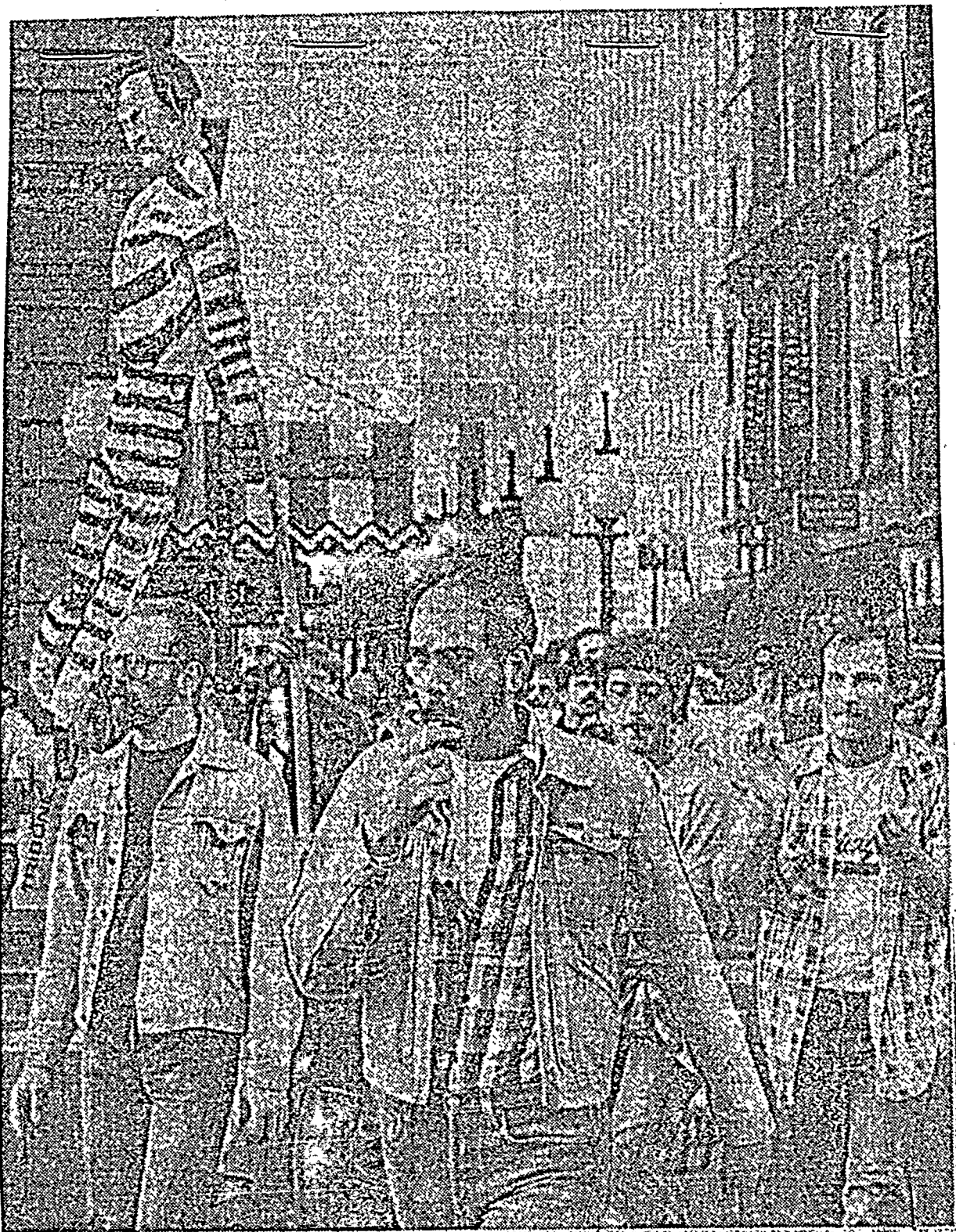
Protesters spread a banner as they marched up California Street during the lunch hour.

By Susan Gilbe

# Thousands Protest in S.F.



*By Mike Maloney*  
sands of demonstrators gathered on Castro Street, which was closed to traffic during a rally protesting the release of Dan White.  
There were also protests in the Financial District at noon.



By Peter Breinig

Protesters blew whistles, clapped their hands and carried an effigy of Dan White in prison stripes

(Mount Clipping in Space Below)

# Dan White Released Into L.A. County

## Parolee To Look For a Job

By Susan Swapp  
Dan White was released by the state yesterday to live in the sprawling anonymity of Los Angeles County, home to almost 8 million people spread over 4,000 square miles in 81 cities.

With the \$200 in "gate money" that the state gives each new parolee in his pocket, White spent the day looking for housing and found temporary quarters he can rent day by day.

Los Angeles parole officials said White would be reunited soon with his wife, Mary Ann, and two young sons, and in all likelihood the family will live with him during his one year on state supervised parole.

Marshall Lundsberg, deputy regional administrator for the parole system in Los Angeles County, said White and the parole staff will discuss job prospects for the former fireman and policeman next week.

State officials, stressing the security risks of the case, refused to pinpoint the community where White will live within the county

which encompasses everything from the vast city of Los Angeles to small high desert towns such as Bear Blossom.

But Los Angeles Police Commander William Booth said White's location "probably is the city of Los Angeles" — home to 3 million people. Many public officials and leaders of the city's large gay population reacted angrily to the announcement that Los Angeles will be the home of the 37-year-old killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

White began his journey to Los Angeles — after about five years in prison — at 4:30 p.m. Thursday when he was whisked out of the gates of Soledad State Prison in Monterey County, ducking down in an unmarked state car driven by prison staff. The move took place during a busy shift change when numerous cars passed through the prison gates, and it went unnoticed by the cluster of reporters hoping to catch a glimpse of White being released.

White, who was wearing his own clothing rather than blue prison garb, was driven to Tehachapi State Prison in Kern County, and there he was freed yesterday at 8 a.m. P.S.

After months of agonizing by parole planners, in the end it was Los Angeles County's sheer size and the number of employment opportunities there that made it the choice.

I suspect the thing that looked good about Los Angeles County was

its size, said parole administrator Lundsberg.

"It could be, too, that he'll choose to go under an assumed name and may make some minor modifications in his personal appearance, all intended to maintain his privacy and anonymity," Lundsberg said.

White's job plans for his year of parole were unsettled yesterday because authorities felt White would succeed best if he had a chance to shape his own preferences for work rather than face a set, state-dictated plan. "It wouldn't make sense to put him into a Mickey Mouse job that

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would last for a week or 10 days, particularly when we have a man that could be self-sufficient. Probably with family support, Lundberg said. White will be paying for his own housing on parole.

The kind of employment skills he'd had in the past wouldn't do — politician, fireman, policeman, and although an unskilled, minimum-wage job was available for White if that option were sought, Lundberg said his office decided to wait until White had long harbored a wish to serve his time on parole in his

hometown, but officials said yesterday he came to realize that was all unrealistic option, given the anger in San Francisco over his light sentence and the chance he would be killed.

White's placement in Los Angeles County took Mayor Tom Bradley and numerous other public officials by surprise and set off a flurry of angry reaction.

"I had not been notified in any way that Los Angeles was being contemplated as the site for White's parole," Bradley said in a statement issued by his office. "I raised strong objections to Dan White's release in the city of Los Angeles in a conversation with state prison officials."

Bradley's office said that Los Angeles Police Chief Daryl Gates was told three days in advance that White was going to be released in the Los Angeles area. Chief Gates told the mayor (yesterday) the information just didn't register and apologized for not notifying the mayor, a representative for Bradley said.

Los Angeles County Supervisor Kenneth Hahn complaining that it was "outrageous" that White had received only a voluntary manslaughter sentence for two killings suggested: "If Dan White had to be paroled, then he should have been sent to a monastery behind closed walls for a life of solitude and service."

In Los Angeles gay community, which numbers in the hundreds

of thousands and is one of the nation's largest — Don Kilherner, the deputy director of the Gay and Lesbian Community Service Center, said "most of the anger I pick up from gay people is about the miscarriage of justice — that someone was involved in premeditated murder, the assassination of two public officials, and five years later he's walking the streets of L.A."

"If he had been black, poor and not an ex cop, the chances are very good he'd be spending another 15 to 30 years in prison. That's the feeling I'm picking up, not a vindictiveness against Dan White as a person."

The Rev. Troy Perry, founder of the predominantly gay Metropolitan Community Church, said the decision to place White in Los Angeles was insensitive because of the area's large gay population. He said it would make us all feel better if White would apologize for the slayings.

Police Commander Booth said the department was not expecting any security problems because White is living in the area. He ad-

ded: "I think exaggerated speculation that someone's life is in danger because the gay community might have reason to dislike him is doing a disservice to the gay community. I don't have any indication that, because of their sexual preference, gays are any more murderous than any other segment of the community."

It was learned yesterday that Los Angeles parole officials were first asked by their state headquarters in Sacramento to prepare a parole plan for White about six months ago — as were the other regions of the state.

Los Angeles finished its plan after about three months, but state officials said the decision to send White to Los Angeles was only made within the last two weeks.

Phil Guthrie, deputy prison director, said "We tried to place him in one other state but they didn't want him. The other state thought it was too hot a case to get into, and we felt we would have the same problems wherever we went. Anyplace we decided to put him was going to generate protest."

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# Dan White, Wife Together in L.A.

By Randy Shilts

Dan White was joined this weekend by his wife, Mary Ann, in the Los Angeles motel where the convicted assassin of Mayor George Moscone and Supervisor Harvey Milk spent his first three days of freedom, parole officials said yesterday.

The couple will begin looking for permanent housing today, said Marshall Lundsberg, deputy regional administrator of the parole system in Los Angeles. Lundsberg said he did not know if White's two sons had also joined their father in Southern California.

After permanent housing is found, White will meet with parole agents to discuss parole options, Lundsberg said. He said that like many other parolees, White might choose to enter some kind of retraining or schooling program rather than take a formal job.

White's presence in Los Angeles continued to stir controversy throughout the weekend. Tomorrow night, the Los Angeles Police Commission is slated to take up a request by City Council President Joel Wachs for an investigation into why Police Chief Daryl Gates did not tell elected officials of White's release there.

In an emotional press conference Saturday, Wachs, an outspoken supporter of gay rights, raised the question of whether Gates and others in the department "might share the same anti-gay, anti-liberal feelings that some believed helped Dan White" get only a five-year sentence.

Gates dismissed the charges as

## Parole officials said they didn't know if White's two sons had joined their parents

"nonsense," saying his secretary had told him of White's parole plans but that "it just didn't register."

Parole official Lundsberg said yesterday that the issue of whether White lives within the City of Los Angeles, or somewhere in sprawling Los Angeles County, remains "entirely open."

He said that he told both the Los Angeles Police Department and the county sheriff's office three days before White's release White "probably" would be coming to the county. They were told the decision was definite on Friday morning, he said, the day White was given his \$200 walking money and his first day of freedom since the City Hall assassinations in November 1978.

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# Parole Location

## Two L.A. Votes Against Dan White

By Randy Shilt

The Los Angeles City Council and the Los Angeles Police Commission voted overwhelmingly yesterday to ask authorities to move Dan White away from the "greater Los Angeles area."

The actions appeared to have little effect on state corrections officials, who said they would not relocate White unless ordered to do so by Governor Deukmejian. An aide to the governor said Deukmejian would not intervene.

Councilman Joel Wachs, who represents the heavily gay Hollywood Hills neighborhood, sponsored the resolution asking for White's expulsion from Los Angeles — although authorities have said only that White was released in Los Angeles County, and have not specified whether it was in the city of Los Angeles.

"We've got the same variables here — liberal politicians and a large gay community — that he didn't like in San Francisco," said Wachs. "I have no intention of letting this issue drop."

The council approved Wachs' resolution on a 12-to-1 vote.

Later, yesterday, Wachs and members of the newly formed Committee for Dan White, Out of Los Angeles went to the Police Commission hearing, where Wachs questioned Los Angeles Police Chief Darrel Gates about the department's role in the decision.

Wachs and many gay leaders said the department, which often finds itself at odds with both gays and liberal politicians, may have

wanted White released in Los Angeles as a way to needle the department's longtime foes.

Gates said that he had no influence in the decision about White's parole site, but that he would investigate within the department to see which other police officers may have had access to information about White's release and could have alerted officials. Gates also said he was distracted when told of the decision to release White in Los Angeles County last week and that it didn't register.

Phil Guthrie of the state Department of Corrections said local police did not encourage White's release in Los Angeles. "We called them up and said what we had planned, but they didn't really have any role in it beyond that," said Guthrie.

The City Council resolution, Guthrie said, would get a "courteous response" but he added, "We do not have any plans to reconsider his parole placement. Barring instructions from on high, that would be the governor, we wouldn't change it. We feel the best place for him is Los Angeles County."

Deukmejian press aide Larry Thomas said the governor, whose Long Beach home is in Los Angeles County, would not get involved in the dispute.

"It was our understanding that the decision was reached not on a political basis but on a professional basis of what would be best for the prisoner and for society," said Thomas. "We don't want to second-guess what professional people in corrections have been doing for years."

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Gay leaders have planned protests against White for tomorrow night and Saturday in Hollywood.

"This issue isn't going to go away as far as we're concerned," said Lillene Fifield, a leader of the anti-White committee. "It's a crying shame when the state's political leadership won't listen to the voice of the people."

Meanwhile, parole officials have adopted a new policy of not commenting on White, who enjoyed his fifth day of freedom yesterday after serving almost five years in prison for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk. "We're not going to give any day-by-day account of his activities," said Guthrie.

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## Editorials

# Let's put Dan White behind us

THOSE WERE HARD days for San Francisco last weekend when the killer of Mayor George Moscone and Supervisor Harvey Milk went free from prison. It was a shameful performance of justice that allowed him to walk out of Soledad just a little more than 5½ years after the prison doors had closed on him.

Given the magnitude of the injustice, it was neither surprising nor lamentable that thousands of San Franciscans demonstrated last Friday in passionate revulsion at the release. Most of these were members of the gay community, for whom the killing of Harvey Milk, especially, is a hurt that never will heal among those who remember him and share his commitment to the rights and interests of that community. George Moscone's buoyant smile and warm handclasp were recalled as well in the somber thoughts upon Dan White's brief incarceration.

The demonstrations on Friday were, for the most part, reflections of melancholy and a solid resolve not to allow any eventual victory for the violent and bigoted thinking represented by White's despicable acts. Physically, the gatherings were restrained properly despite their size.

Verbally, though, there were excesses, in a few cases, to the point of disgusting spectacle that bespoke violence instead of putting it to the

condemnation it deserves. Hanging an office of Dan White, and cheering at careless talk of physical vengeance against him, were unworthy of the spirit that is needed in a city which has seen all too much of revenge on the prowl, even as White prowled into City Hall that awful day with his pistol.

But most people in the crowds knew this redeeming necessity, we believe, and one speaker at a Friday rally brought it down to a few brilliant words. A feminist attorney, Mary Dunlap, said in essence that the need is to improve society so that the Dan White mindset will not ascend to a position of power any more. And she stated further:

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*"We dwell in the shadow of the killings, with the blood he spilled on all of us. But we demean ourselves if we join in his call for blood. We become our enemy by continuing the chain of violence that Dan White started."*

This is the advice for a civilized society that sets its hope upon the rule of law rather than the rule of the gun. Wherever he may be, in anonymity or otherwise, Dan White will suffer, and his family will suffer for his deeds. Vengeful thoughts should have no place in anyone's thinking now. Let us put this mournful chapter behind us, remembering its lessons while refusing to dwell upon hate.

The fact is that the system of justice failed in this city in 1979, when White got off easy, because of loose law which had been invented beforehand by over-imaginative judges. Some of the latter had seemed intent upon expanding the scope of defendants' rights no matter how much damage was done to the principle of determining actual guilt or innocence. The White case has, we think, helped to shock society into curbing this too-generous law in California (the Legislature has acted and some courts are being more careful, it seems).

San Francisco has, of course, paid for this in too much sorrow. Let us meditate now on life and the future, rather than death and the past.

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# L.A. groups demand ouster of Dan White

Special to The Examiner

LOS ANGELES — The City Council, the police commission, gay rights organizations and an ad hoc group called the Dan White Out of L.A. Committee have demanded the ouster of the paroled killer who was released here.

Several elected officials for the city and county announced their opposition within hours of White's parole Friday.

Their outrage rose yesterday after a series of meetings in which emotional debate about the man convicted of the 1978 assassinations of San Francisco Mayor, George Moscone, and The City's first self-avowed gay supervisor, Harvey Milk, overshadowed regular business.

Denouncing White as a "cold-blooded killer" and his release as "an insult to the people of Los Angeles," Councilman Joel Wachs introduced a motion calling for the council to demand that the state Corrections Department relocate White.

"It is grossly inappropriate for (White) to be released in an urban environment with characteristics similar to the environment that gave rise to his case in the first place," Wachs said.

Wachs cited the safety of White and of citizens and public officials as the reason against having the former San Francisco supervisor spend his year of parole here.

Wachs' motion and a similar one introduced by Councilwoman Peggy Stevenson were approved 12-1 by the council. The city's police commission voted 4-1 to join the council's demand.

Wachs' and Stevenson's San Fernando Valley districts include gay communities in Hollywood, West Hollywood and Silverlake.

White, 37, was paroled after serving five years of a seven-year, eight-month sentence for voluntary manslaughter.

Fearing for White's safety, corrections officials refuse to pinpoint his whereabouts. He was reunited with his wife and his relatives last weekend, and spent the earlier part of the week hunting for a house and mulling over his job plans.

He is not to leave Los Angeles County without permission of parole authorities and has been barred from visiting San Francisco.

Police yesterday said they have had no requests to provide special protection for White. But the issue of having to provide White security if the need arises is another source of anger for some of Los Angeles' leaders.

Phil Guthrie, corrections department spokesman, yesterday said authorities will "certainly give (the demands from Los Angeles officials) all due consideration and respect. But we currently have ~~plans~~ to move Dan White."

Guthrie said a similar answer was given to San Diego civic leaders when they protested the corrections department's previous plan to parole White there. He declined to speculate on the outcome of the demand from Los Angeles.

Much of the anger surrounding White's parole here is based on the lack of notice to city officials.

"We believe we could have stopped it, or could have had a good ~~idea~~ at it, if we had been notified," Wachs said.

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# State officials deny lawyer's 'Dan White in Bel-Air' story

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By Lance Williams  
Examiner staff writer  
State prison officials today denied an Orange County lawyer's report that paroled killer Dan White is living in a film producer's mansion and working on a book and screen play.

Helen Krogh, information officer for the Board of Corrections, said White's parole plan did not give him permission to live in a mansion in Los Angeles' posh Bel-Air district and said his approved "primary occupation" is not working on a book and film project.

E. Marshall Lundsberg, an administrator in the parole board's Los Angeles office, also denied the report.

"He's doing a low-profile parole in L.A. County," Lundsberg said. "He's not living in Bel-Air and to our knowledge he's not doing any writing."

As they have since White was paroled from prison last month, the officials refused to say where White is living or what job he holds. White was convicted of manslaughter in 1978 for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk.

The account of White's supposed whereabouts came from Jeffrey Walsworth, attorney for the Citizens Protection Association, a group that offered a \$10,000 reward for information that would enable them to locate White.

Walsworth said an unnamed member of the group met with White recently in a Los Angeles restaurant and at an exclusive home that belongs to an L.A. producer in Bel-Air.

The lawyer said White is living with the producer free and in the company of body guards while he finishes a book for which he has received a \$50,000 advance, and while attempting to negotiate a movie contract.

Walsworth said a "binding agreement" between his client and White bars him from providing information that might reveal White's whereabouts, the name of the producer, the name of the book publisher or the name of the person asserted to have visited White.

Walsworth said that as a result of his client's meeting with White, the group canceled its reward offer and disconnected the telephone hotline set up in connection with the effort.

Walsworth said a man identifying himself as White phoned him shortly after the group offered the reward and asked to meet with the organization to persuade them to drop efforts to find him.

Walsworth said the caller was asked to phone back and on the second call convinced them of his identity by answering "personal questions," including the name of the obstetrician who delivered his older son.

At the meetings, Walsworth said, White showed the client finished chapters of his book and said he was planning to change his name. The client described White as resembling, only in general terms, the five-year-old photos of the killer that were published in local newspapers when he was paroled.

Walsworth said White agreed to inform his neighbors where he was living, which according to the lawyer, was the goal of the group when it posted the reward. In return, Walsworth said, the client agreed to cancel the reward offer and do nothing to reveal White's whereabouts.

Scott Smith, the former lover of Supervisor Milk, said today that he and lawyer John Eshleman Wahl have asked the state attorney general's office to investigate whether White is attempting to use a book and film to profit from his crimes.

"It would be horrible if it's true," Smith said.

According to a new state law, money White might earn from a book or film about his crimes would be tied up in a trust account for as long as five years. During that time, survivors of Moscone and Milk could sue.

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# Dan White Writing Memoirs in Bel Air Mansion

By Edward Iwata

Dan White is reportedly living with his family and writing his memoirs at a movie producer's mansion in the wealthy Los Angeles community of Bel Air, an attorney said yesterday.

The former San Francisco supervisor and police officer also reportedly expressed remorse for the first time over the 1978 slayings of George Moscone and Harvey Milk, the attorney stated.

Jeffrey Walsworth, an attorney for a group of prominent Orange County businessmen, who last month offered a \$25,000 reward in an attempt to locate White, said one of the businessmen met with White recently at a Los Angeles restaurant and at the Bel Air mansion.

At the meetings, White proved his identity by responding to 15 personal questions, such as his wife's maiden name, his grammar school in San Francisco and the name of the Soledad inmate he was released with on January 6, Walsworth said.

A spokesman for the Los Angeles Police Department's West Los Angeles station, who declined to be named, said, "There's no truth to it — he's not living here. Someone in Orange County is telling you a lie. They (the state Department of Corrections) would have told us about it if he was here."

However, an LAPD detective said it was possible that White could have been placed in Bel Air without the local police station being notified.

During interviews yesterday with reporters from KABC-TV and City News Service in Los Angeles, attorney Walsworth said that White "moves his residences from time to time ... how long he's been living (in Bel Air) I don't know. I'm not even certain he's there today."

Walsworth said the Bel Air mansion is owned by a Hollywood producer, who is allowing the White family to live there

rent-free until he returns from Europe in six months.

A publishing house has reportedly paid White an advance of \$50,000 to write a book about his experiences. The film producer reportedly owns the book rights, according to Walsworth.

Walsworth released sketchy details about White, saying that he was "sworn to secrecy" by the Orange County businessmen.

"(White) stated he was regretful about the incident," said Walsworth. "A lot of people didn't realize it, but this would be something that would be chained to him the rest of his life, and that he would have to live with — it would always cause him inner turmoil."

White also reportedly acknowledged that his five-year sentence "was very lenient," Walsworth said.

The attorney said White blamed "loopholes created in the system, not by him, but by other people, and that any citizen would have taken advantage of those loopholes if they were in the same spot as he was."

Walsworth said that White said he "intends to ultimately return back to his home ... that nobody would stop him from returning. But he was going to wait until he felt that it was safe to do."

Supervisor Harry Britt reacted with disgust at that suggestion yesterday, saying, "Dan White can no longer consider himself a San Franciscan, and I don't think the day will come when he'll be welcome."

"The idea of Dan White living in luxury and planning to benefit from what he did is offensive," Britt added. "Anyone considering a film exploiting the tragedy would be acting in bad taste and find strong political resistance."

White may not be able to retain the earnings from either a book or a movie. Under a law that took effect January 1, criminals who sell the story of their

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crimes are required to put the profits into a trust fund for five years. The trust fund would benefit the victim or major heirs to the victim's estate who file lawsuits in the case.

"(Dan White) was the motive for the bill because there were rumors that he was already writing book in prison," Assemblyman Art Agnos said last night.

The author of the law added, "It gives me grim satisfaction that my legislation will take the profits out of any kind of books, movies or other material Dan White attempts to create and sell."

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# Chief under fire over Dan White

By The Tribune staff and news services

LOS ANGELES — City Councilman Joel Wachs called Saturday for a probe of Police Chief Daryl Gates' failure to tell the council and Mayor Tom Bradley that convicted killer Dan White would be paroled in Los Angeles.

Wachs also asked the civilian Police Commission to investigate whether the Police Department encouraged the release Friday in Los Angeles of White, convicted of voluntary manslaughter in the Nov. 27, 1978, shooting deaths of San Francisco Mayor George Moscone, 49, and Supervisor Harvey Milk, 48.

The councilman called for a Police Commission investigation, saying there is a wealth of speculation about a possible motive, including a desire simply to help out friends in law enforcement who were in a bind.

Wachs said that "many people" he has talked to think that Gates may want to enhance the image that the macho LAPD can do what no one else can, (protect White) and that Gates and others in the department "might share the same anti-gay, anti-liberal feelings that some believe helped Dan White" to get a five-year manslaughter sentence instead of a murder conviction.

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# Los Angeles warn White to stay away

Los Angeles Herald-Examiner  
LOS ANGELES — The Los Angeles gay community reacted swiftly and vehemently to the news of Dan White's release, expressing disbelief and outrage.

Most activists agreed that, given the size of the gay and lesbian community in Los Angeles and the virtual unanimity of bad feelings against White, they could not rule out the possibility of violence against him if his exact whereabouts were revealed.

"I can assure you that no gay organization will go out of its way to find out where he lives," said the Rev. Troy Perry, founder of the Metropolitan Community Churches, the largest and most active church for gays and lesbians in the state.

"But I would hope Mr. White would stay away from Hollywood, West Hollywood, Silverlake or any other areas where there are gay communities, because emotions are running very high."

To some gay activists, moving the former San Francisco supervisor and convicted assassin to Los Angeles was a personal affront.

"I was shocked," said Perry. "I think it's very insensitive. If they're trying to say that the gay community here doesn't have the emotional feelings (about White) that it does in San Francisco, they're dead wrong."

For many gays, Perry said, the frustration sparked by the murders, White's subsequent conviction and sentencing on reduced charges of voluntary manslaughter, and the fact White has never expressed any remorse for his actions, has never diminished.

White's release alone — regardless of where — had caused emotions within the community to be running very high, according to Conrado Terrazas, co-founder of the Southern California Harvey Milk Gay and Lesbian Democratic Club, a political organization formed in 1980 after the San Francisco group.

"I thought they would put him in a rural or less populated area," he said, adding that Los Angeles "did not seem like a sensible place to release him (White)" because of the large gay and lesbian community.

Elizabeth Nonas, a board member of the Municipal Elections Committee of Los Angeles (MECLA), the largest political action committee concerned with gay, lesbian and women's rights, said White's move to Los Angeles had spawned "concern among the community and fear of backlash."

Newton Deiter, director of the Gay Media Task Force, termed the release of White in Los Angeles "absolutely appalling."

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### Let's forget Dan White

DAN WHITE'S original plan to spend his year's parole in San Francisco illustrates the impact of five supposedly sobering years in prison: none. Only an insensitive, immature clod would seek such a quick return to the still-heated scene of his crimes. The state Corrections Department knew better and properly exiled White to Los Angeles, where many better souls than his go to die. While he's serving his year in halfway house purgatory, let's do something far more noble than anything he could do: Let's just forget him, write him off, let him go unnoticed on the compost heap of history.

This is a very difficult challenge. The media paroxysm that greeted White's imminent parole this week illustrates the long shelf life of our resentment toward him. In most other celebrated crimes, there's flashbulb-cluster publicity at the trial, a long period of snoozy forgetfulness while the world turns to other matters and then, much later, a revival of nostalgic interest when the criminal is finally released from prison.

In White's case, however, his crime and outrage seem as fresh as yesterday. Interest in his prison life never waned; there was never a period when someone not in touch with the news could ask, "Who's Dan White?" Now, with his release, White is the focus of scrambling media scrutiny usually reserved for Princess Diana or Koo Stark.

Dan White may have left prison as cocky, resentful and twisted as the day he entered it. The San Francisco world he left behind, however, has changed quite a bit in the past five years. Much of that change has been positive, and much of it developed in defiant reaction to White's deed. If anything beneficial can be gleaned from his killings of George Moscone and Harvey Milk, it is the survival and growth of the very principles Dan White tried to murder with his bullets.

I SUGGEST WE drop our interest in Dan White the man — who seems as truly interesting as a loaf of white bread with the crust cut off — and invest our worthy feelings in perpetuating that which he sought to end: the loving integration of new elements into the mix of San Francisco life.

White's November, 1978 shootings of the mayor and the supervisor were the culmination of changes

in San Francisco that began 15 years earlier. From a small, sleepy, self-contained city of moderate white homeowners, in just 15 years San Francisco became an international mecca for the politically and personally disenfranchised. They came by the thousands: Easterners seeking wider emotional plateau; young people in search of some ineffable Western truth; Asian immigrants barely clinging to survival; gays looking for a city where they could simply be themselves. The embattled residents found themselves under attack on several fronts. Blue collar jobs disappeared as San Francisco moved toward a service economy. Housing values zoomed out of reach as white collars drove out blue. Social conservatives were horrified as gay people demonstrated their affection in the streets and Asian immigrants refused to adopt English.

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All of this changed The City drastically. San Francisco was no longer a little fog- and sun-kissed city of small white houses tumbling down hills to the Bay. This fact was brought home in stark terms the week before White shot Moscone and Milk. That week, Thanksgiving week 1978, the awful truth about the San Francisco-based Peoples Temple came out. As the days passed, we learned that nearly 1,000 people had died in steamy Guyana.

**T**HE VOLLEY OF gunshots that ended the lives of George Moscone and Harvey Milk brought a vivid chapter of San Francisco history to a close. Those shots signaled the end of one revolution and the beginning of another. White's act transformed a set of festering, subterranean resentments into an open agenda for a city's reunification.

In a way, White's light sentence for manslaughter bound the various factions of San Francisco together. If the book had been thrown at Dan White, his sympathizers among the embattled natives might have turned their attention away from the real issues and toward the severity of his sentence: How can cop-killers get a few years in jail while our boy Danny gets sent up for life?

When White got off easy, it removed the issue of crime and punishment from central focus. Everyone but the most extreme reactionary fringe was then forced to look at the other issues, the issues for which Moscone and Milk were killed.

Only a hopeless Pollyanna would say that San Francisco now offers a completely warm invitation to the people Dan White tried to evict with his gun. But the five years since his crime have witnessed a stunning political and social integration of the gay community, a gradual acceptance of minorities and women by the police and fire departments, and the growing involvement of immigrant groups in The City's decision-making process.

Not only did White fail to halt these advances, his killings provided inspirational martyr figures to motivate those who champion the causes he hated.

Dan White is free from jail, but he'll never be free from the stigma of what he did. Let's leave him alone to live his life as a pariah. Instead of hating White, let's love George Moscone, Harvey Milk and, yes, ourselves, for what San Francisco has accomplished since that dark, dark Monday in November.



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# Dan White's first weekend of freedom in L.A. motel

By Jim Wood and Ivan Scharf  
S.F. Examiner Staff Writers

Dan White is spending his first weekend of freedom in a Los Angeles motel, facing a year of jailing and working in a city with a huge population of gays who are already expressing outrage at having the killer of San Francisco's mayor and a gay supervisor in their midst.

State parole officials said White's wife, Mary Ann, is likely to join him this weekend. The blinds were drawn at the White home in San Francisco yesterday, and no one answered the door.

White has not assumed a disguise, according to Department of Corrections spokesman Phil Guthrie. But Marshall Lundsberg, deputy regional parole administrator in Los Angeles, said yesterday, "I'm certain he's seriously going to consider using an assumed name."

White released 8 a.m. Friday after a secretive transfer from Solano state prison to Techachapi prison that fooled waiting reporters. Techachapi does not have a job lined up.

Lundsberg said he believes White was only told Thursday of the same time Lundsberg was informed that he was to be paroled in sprawling Los Angeles County.

His exact whereabouts is being kept secret because of fears of harassment or violence, but law enforcement sources indicate he will live within the Los Angeles city limits, an area with a population of 3 million.

The last-minute decision to place White in Los Angeles aroused anger among city leaders and gay activists yesterday.

Mayor Tom Bradley registered a strong protest, saying, "I had not been notified in any way that Los Angeles was being contemplated as the site for White's parole."

And City Supervisor Peter Wachs, a gay rights activist, demanded an investigation into Police Chief Darrell Gates' failure to notify city officials of White's impending arrival.

A spokesman for the mayor said the police chief was told three days before White's release that the 37-year-old former San Francisco supervisor would be paroled in Los Angeles.

The chief said he simply forgot that it just didn't register. Wachs said yesterday, "I don't believe it. I don't believe it for a second. That's why I'm calling on the Los Angeles Police Commission to launch a full-scale investigation on the release of Dan White."

Wachs called White a "cold-blooded killer" who should still be in prison for the 1978 slayings of Mayor George Moscone and Supervisor Harvey Milk. White served five years of a seven-year and eight-month sentence for voluntary manslaughter.

From the start, the Department of Corrections realized that no city really wanted White, a killer who had become a man without a home.

"Any place we put him, would generate protests," said Guthrie. "We lose no matter what decision we make."

But Wachs, who was grand marshal in the city's Gay Pride Parade last year, said, "He certainly should never have been released into an urban setting which is in so many ways similar to the one which gave rise to his problems in the first place. I don't feel comfortable with him here."

"What did we do to deserve this?" asked Supervisor Pete Schaburum in a statement, while Supervisor Dean Pana declared, "We in Los Angeles County can only pray that the burden of his presence does not create a needless safety burden for himself or the public."

Guthrie said, however, "There's no ideal place to put a guy in a case of this notoriety." He explained that Los Angeles was chosen in part because of its size and diversity.

Supervisor Ed Edelman suggested that White should have been sent out of state — an option rejected by parole officials — but City Councilman Zev Yaroslavsky suggested that the worst punishment for White would be living in a state of constant fear for his life.

"He's not a free man. He'll be a prisoner the rest of his life," Yaroslavsky said. "I don't wish him well. I don't wish anyone's good to wel-

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come him into the city.

The problem of where to put White was discussed by top correctional officials, including parole division chief Howard Miller and department director Dan McCarthy, Guthrie said.

With other department officials they decided that with one exception they would accept the fact that White would be placed where he was not welcome.

The exception was San Francisco where community feeling is still so high that police and parole officials feared White might face physical attack, even assassination.

In choosing Los Angeles the department was impressed by the possibility that the former police and fire hero might for a time be able to identify himself in the metropolitan area.

Los Angeles also has jobs, housing and a parole staff capable of the extra-close supervision required in a special case like White's.

White's case is indeed special. On Nov. 27, 1978, he assassinated Mayor Moscone, firing three shots before a final coup de grace to the head. Moments later he killed Supervisor Milk, a leader of San Francisco's gay movement, using five shots, the final one another coup de grace.

After a trial the following spring White did his time with the meticulous discipline of an ex-con, and after five years and a month he was ready under California's automatic sentencing laws, to enter the half-free world of the parolee.

When he arrived at the Los Angeles parole office at 8 a.m. Friday reportedly looking healthy and pleased to be free, he learned that he should expect to report to his parole officer every 48 to 72 hours.

He was told he could not go to San Francisco, as he wished, and that he could not leave Los Angeles County without permission.

But he also was allowed an immediate phone call to his family to let them know that he at last was free. Then, wearing a neat suit and tie he had purchased himself, disdainingly prison hand-me-downs, with \$200 in state-furnished "gate money" in his pocket, White began going over his parole plan.

The initial employment and residence were scrapped, said Lundsberg, of the Los Angeles regional

office. "We felt he ought to have some say about what he does for a living, and if he can afford a little better place to live, he should be allowed to have it."

Lundsberg said White did not appear to be worried about money, and was prepared to rent a car if necessary. He said White indicated he would be staying with his wife, which is a positive thing as far as we are concerned.

He said the state parole office would have no trouble helping White secure a job. He could even take vocational training or go to college.

"That whole issue is wide open. We can go in many directions when Mr. White sets the course," he said.

There are an estimated 6,000 paroled prisoners in the greater Los Angeles area. It was explained to White that his parole officer would keep in close touch with him at first, possibly even making unannounced visits.

Lundsberg said White was aware of threats to his life. "He expressed considerable concern that his identity and location be kept confidential."

But Guthrie pointed out, "Our capability in terms of any kind of protection is very limited once a guy's a parolee. Except for basic protection, the guy's on his own. Usually we have some kind of contact every day at first, and then we taper off later."

The interview took several hours and White was told his parole interviews would continue tomorrow. And then the convicted killer, a little tired from the strenuous media hunt and seek game he had been playing since the previous afternoon, walked out the parole office door to begin to fend for himself.

White left Soledad at 4:30 p.m. when the shift changed at the flat functional facility with an inmate population of 5,500. The parking lot was busy as two officers, with White lying flat in the rear of the state car, collected out onto Highway 101.

Department officials planning the release already had selected the California Correctional Institution at Tehachapi for White's final night in custody. Out of the way of the relentless media packs closer to Los Angeles where he would be released, it took less than three hours to drive to Tehachapi.

At Tehachapi, White was placed in a separate cell, away from the general

population. A new facility is being built here, but the cell where White is housed is in a 15-year-old concrete block building. He left before dawn on a final drive to freedom.

Back at Soledad, White had been something of an enigma, a tense man who kept to himself, fearful of becoming involved in anything that might keep him from being reunited at the earliest possible date with his family.

His goal now is to serve out his year of parole in anonymity, avoiding any conflicts that could send him back to prison for the remaining two years, six months of his sentence.

After that, he would be free to carry out a plan that he submitted to prison officials two months ago but that was firmly rejected.

Dan White wants to come home to San Francisco.

(Mount Clipping in Space Below)

# Dan White protest gathers 9,000 on Castro Street

An estimated 9,000 people gathered in the heart of San Francisco's gay district to mark the parole of Dan White — the convicted killer of Mayor George Moscone and Harvey Milk, the City's first avowed homosexual supervisor.

White was paroled from Soledad prison yesterday and set out on a new life in Los Angeles.

His relatively light prison term sparked riots five years ago and has been a source of anger in San Francisco's gay community. But last night the mood was subdued.

"The mood is not that different from what it is normally when we come together in the streets," said Supervisor Harry Britt, a gay who often acts as a spokesman for the homosexual community.

"We had one outbreak of violence in May of '79," Britt said, referring to the so-called White Night riots which followed a jury's verdict finding White guilty of voluntary manslaughter in the Nov. 27, 1978, City Hall shootings of Moscone and Milk. The voluntary manslaughter conviction, which carries a less severe penalty than murder, meant that White would only serve five years in prison.

A murder conviction could carry a life term or could call for the death penalty.

White, a former policeman and fireman, had resigned from the Board of Supervisors, then changed his mind and wanted his post back. The shootings came on the day that Moscone was to announce that White would not be reappointed to the board.

The riots following the jury verdict led to an angry mob storming City Hall, breaking windows and burning police cars.

Police Sgt. Jim Hughes put last night's crowd at 9,000. Police barricaded Castro Street in the block just south of Market. A number of speakers addressed the crowd, finally giving way to a rock band.

A man sold "He got away with murder" buttons for \$1.

A flatbed truck which served as a stage for the music and the speakers was decorated with an effigy of White clad in a black and white convict's uniform and flanked by signs saying "He got away with murder" and "If you're White, it's not called murder."

As the rally was ending last night, a small scuffle involving about 20 people broke out when a man shouted anti-American slogans and tried to burn an American flag. Police and civilian monitors quieted the disturbance.

White was released yesterday under secrecy after serving five years and 41 days in prison. The Department of Corrections said the 37-year-old White was released at an undisclosed location in Los Angeles County, where he will live in a rented apartment.

His wife and two children have not joined him yet.

State prison officials — who described White as a model prisoner with a clean record — said White has a job in the private sector and will begin work Monday.

Los Angeles Mayor Tom Bradley, who was taken by surprise with the announcement of White's whereabouts, reacted angrily — saying he had not been consulted.

I raised strong objections to Dan White's release in the city of Los Angeles in my conversations with Mayor Bradley said, referring to state Department of Corrections Deputy Director Howard Miller. I have today sent a letter to Dan J. McCarthy, director of corrections, to reinforce my objections. Bradley was not told of the move even though police Chief Daryl Gates had been told. Gates' office said the mayor was not informed because of an oversight. The terms of White's one-year parole forbid him from returning to San Francisco. Before last night's rally on Castro Street, about 2,000 demonstrators gathered in downtown San Francisco. One group sat down in the street at Market and Castro streets halting westbound afternoon traffic for half an hour. A larger group gathered in Union Square at noon and marched to the Financial District. One marcher, Frank Chamberlain III, 27, was arrested for battery and disturbing the peace after hitting a man who tried to cross through the marching line.

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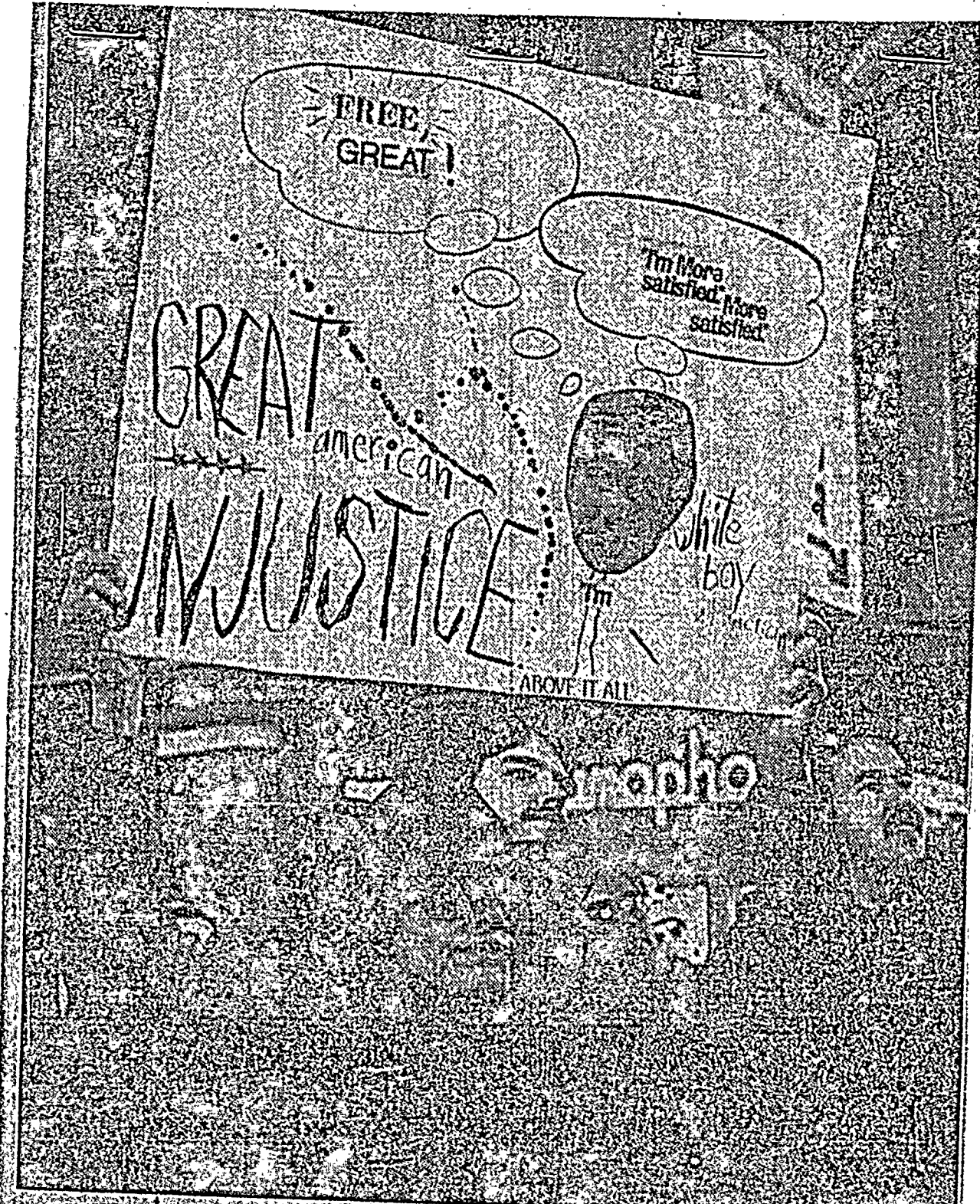
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FREE  
GREAT!

I'm more  
satisfied more  
satisfied

GREAT  
american  
INJUSTICE



white  
boy

ABOVE IT ALL

grapho

A protester states her views on the release of Dan White during last night's rally at Castro and Market  
Examiner/Craig Lee

(Indicate page, name of newspaper, city and state.)

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# Thousands protest release of White

## More than 5,000 rally peacefully on Castro Street against killer's freedom

*The Tribune*

San Francisco gays took to the streets Friday to protest the short prison sentence of assassin Dan White, who earlier in the day was secretly freed in Los Angeles, raising protests there.

A crowd estimated by police at more than 5,000 staged a peaceful, nighttime rally in a barricaded block of Castro Street, the center of San Francisco's homosexual district, chanting and holding placards, reading "He Got Away With Murder."

Earlier, they trekked through downtown from Union Square and speakers predicted that eventually White would be killed.

### Bradley protests

In Los Angeles, where White will attempt to live in anonymity in a rented apartment and find work in private industry, Mayor Tom Bradley said he had strongly objected to the state Department of Corrections to White's release in his city.

"I had not been notified in any way," Bradley said, "that Los Angeles was being contemplated as the site for White's parole."

White, 37, will be on parole for one year following his voluntary manslaughter prison term of five years and 41 days for gunning down Mayor George Moscone and Supervisor Harvey Milk, a homosexual, at City Hall Nov. 27, 1978.

He was sentenced to seven years and eight months, but got nearly three years off for being a model prisoner.

In tight secrecy and security, White was slipped through a vigil of news media and protesters at the Soledad Correctional Institution near Salinas Thursday afternoon, eight hours before his scheduled release, then whisked in an unmarked state car to the state prison at Tehachapi.

### Media holds vigil

Crews from four national networks, "Time" and "Newsweek," wire services, most major California newspapers and six TV crews waited under the cold, starry sky outside the prison gates into the early morning to catch a glimpse of San Francisco's most notorious killer.

But White had been long gone. Bent low in the back seat of a state police car, he was taken from the prison at 4:30 p.m. during the regular change of the guards when there is heavier auto traffic through the prison gates.

He was driven from Tehachapi to a Los Angeles County parole office where he was surreptitiously freed at 8 a.m. with his \$200 state allotment as a released prisoner.

No members of his family, his wife, Mary Ann, a school teacher at Treasure Island, his two children, nor any friends were there to greet him under a carefully planned strategem to cloak his whereabouts.

### Death threats

Authorities fear for his safety following death threats from among the gay communities incensed not only at the killing of San Francisco's first openly avowed homosexual county su-

pervisor, but at the manslaughter conviction and five-year prison term.

White at Soledad, the 37-year-old White, a former San Francisco police officer and a supervisor with the clean-cut, All-American boy image, had an adjoining cell and reportedly became friends with another notorious assassin, Sirhan Sirhan, who killed Robert Kennedy, in 1968.

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Although White had read news accounts about himself, he has steadfastly refused to talk about the City Hall killings that were triggered after he resigned as a supervisor, then changed his mind and appealed in vain to Mayor Moscone and Milk to reappoint him.

Phil Guthrie, a state Department of Corrections spokesman, declined to reveal any details of White's relocation, citing fears for White's safety. "It is not a government job, but in private industry, and it doesn't involve direct contact with the public," Guthrie said. "Life may get tough."

Although authorities said White didn't have any problems while in prison, his life outside may be tainted by lasting public resentment, especially among gays, for whom Milk was a leader.

Guthrie said special arrangements in White's "very unusual case" were needed because many people still believe that a voluntary manslaughter verdict in a case that cost the lives of two public officials was a miscarriage of justice and that his short time served in prison was not enough.

That was the precise thinking of the San Francisco demonstrators who snarled downtown traffic Friday and brought staring office workers to the windows.

"Sister Boom-Boom" who gained national attention after he announced his candidacy for mayor, was applauded when his voice deliberate with double meaning, he called for forgiveness for "even the most terrible, vicious, disgusting crime."

Somebody is going to kill Dan White and when it happens

By Bill Knowland/The Tribune  
An estimated 5,000 people, many from the gay community, showed up at nighttime rally.

I will be back here to beg you for love and compassion.

Later, during the night rally in front of an effigy of White in prison garb and wearing a policeman's hat, "Sister Boom-Boom" waved a package of Twinkies, the symbol of White's successful diminished-capacity defense. He was rendered incapable, his attorney's contended, because of a junk food diet including Hostess Twinkies.

One speaker, William Reidy, 27, said, "I think eventually will be killed. I think it could

very well be a gay person who does it, and I wonder then if he will get out in five years."

Jack Fertig, an activist, said yesterday was the last day Dan White could spend knowing he could live through that day. Today, Dan White starts a life sentence, and I'm sorry to say it won't be a very long one.

That kind of talk, that mood, plus actual threats of death from gays in San Diego, considered once as a site for White's relocation, was what spurred state prison officials' extreme

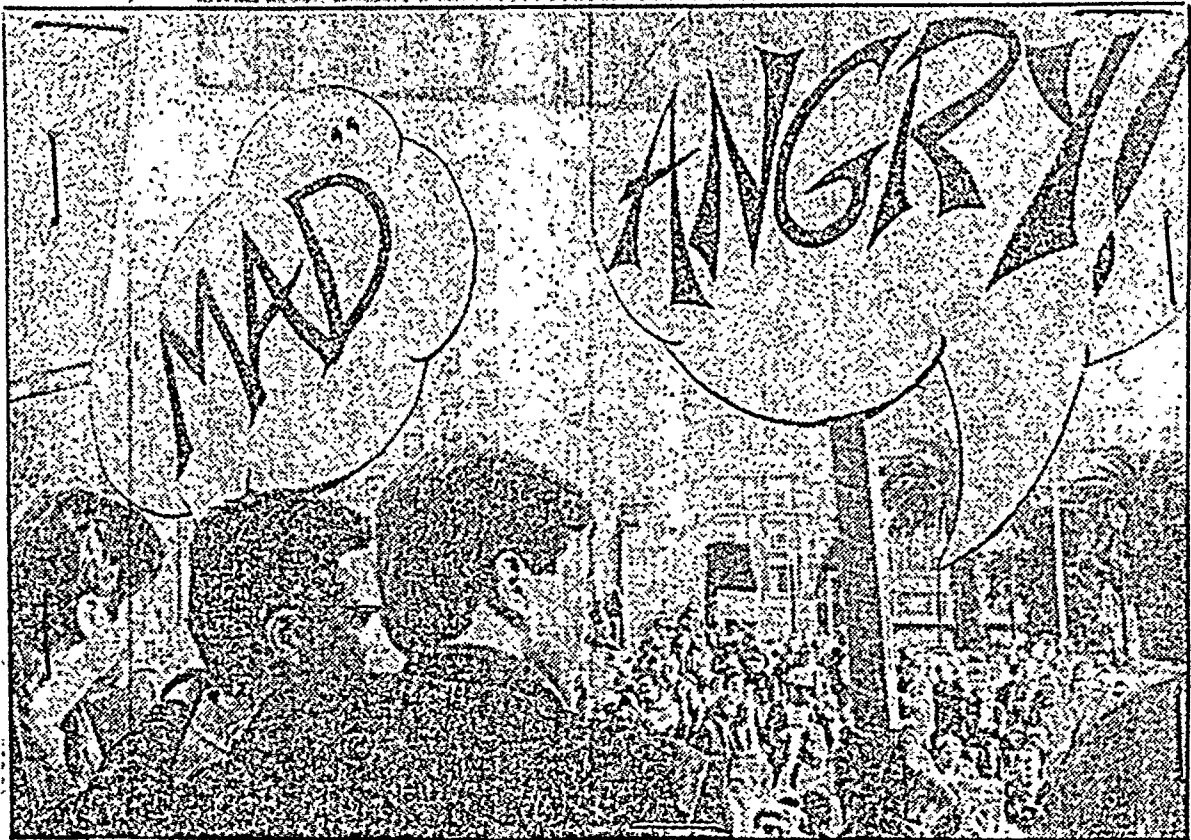
precautions against revealing where he will try to pick up a new life.

Guthrie said White had asked to come back to San Francisco, but that was quickly rejected because of the temper of the city and community protests, including those of Mayor Dianne Feinstein.

White reportedly had also asked to go to Ireland and become a farmer there. He will be free to do so once his parole expires next January. *Written by Don DeMain, reported by David Alcott, Bethany K. Levin and Raul Ramirez.*



Police remove uncooperative protester. *By Abele, Karpoff/The Tribune*



*By Bill Crockett/The Tribune*

Sign-carrying protesters express their feelings loud and clear at rally in San Francisco.

(Indicate page, name of newspaper, city and state.)

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# Lawyer withdraws reward he made to find Dan White

The Associated Press

LOS ANGELES — As a gay organization prepared protests Thursday against assassin Dan White's parole in Los Angeles, an attorney backed off on a \$10,000 reward he had offered for information on White's whereabouts.

The Dan White Out of LA Committee, formed by the Gay and Lesbian Community Center, planned demonstrations in the streets Thursday night in Hollywood and Saturday at City Hall, said Lillene Fifield, co-chairwoman of the committee.

Meanwhile, attorney Jeff Walsworth said Thursday that a \$10,000 reward for information leading to White's location will be withheld until the legality of the offer is confirmed.

Walsworth, who says he represents a group of six conservative Orange County business

men, also announced the filing of a suit Thursday that claims state officials are obliged to inform citizens if a paroled felon lives nearby.

White served a five-year prison term for voluntary manslaughter in the November 1978 shooting deaths of San Francisco Mayor George Moscone and Supervisor Harvey Milk.

Walsworth said the six businessmen, who call themselves the Citizen's Protection Agency, "are not gay, and consider themselves right-wing conservatives." He said the \$10,000 reward had been donated by one person.

At a news conference Thursday in Santa Ana, Walsworth said the reward "is not a bounty. We just feel that neighbors and co-workers in the zone of danger should know if White or someone like White is in their midst."

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# A March Against Dan White in Los Angeles

Los Angeles:

Chanting "Dan White out of LA," about 150 people marched through Hollywood last night to protest his parole.

The demonstration was sponsored by a gay community center.

The marchers rallied on Sunset Boulevard and walked to the Hollywood police station to show community support for the removal of Dan White from Los Angeles County, said Lillene Fifield, chairwoman of the Dan White Out of LA Committee of the Gay and Lesbian

Community Center.

The march, which lasted about one hour, was peaceful, orderly and there were no arrests.

The organization also plans a demonstration Saturday at City Hall, Fifield said.

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# \$10,000 pledged for White's location

**Special to The Examiner**  
LOS ANGELES — A group of conservative Orange County businessmen is offering a \$10,000 reward for information concerning the whereabouts of convicted assassin Dan White.

A spokesman for the businessmen said today they wished to remain anonymous and are calling themselves the "Citizens Protection Association." They hired Santa Ana attorney Jeffrey Walsworth to represent them.

Walsworth said he plans to file a

lawsuit today against the State Department of Corrections to try to force it to disclose the former San Francisco supervisor's current whereabouts.

Walsworth said the suit will be based on "a citizen's right to know."

"Every citizen has the right to know who is living and working in their proximity if that person creates a potential harm," Walsworth told City News Service.

"I want to stress that these men are not gay and consider themselves right-wing conservatives," he said.

White's release from prison, to which he had been sentenced for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk in 1979, was cloaked in secrecy last Friday, but state officials finally disclosed that he is living within the Los Angeles city limits, along with 3 million other people.

The Los Angeles County Board of Supervisors, the City Council, the Police Commission and Mayor Tom Bradley all joined this week in an unusual united effort to force the state to relocate White.

One ad hoc group calling itself the "Dan White Out Of L.A. Committee" has announced a protest parade to-night through a predominantly gay area of Hollywood.

Phil Guthrie of the state Department of Corrections stated earlier that there currently are no plans to move White out of Los Angeles, but he added, "the demands of Los Angeles will be given all due consideration."

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# Another state may accept Dan White

LOS ANGELES (AP) — Paroled killer Dan White may be moved from Los Angeles to another state where he has "family ties" if a job becomes available there, according to a private memo given the county Board of Supervisors.

The three-page memo was prepared by County Counsel DeWitt Clinton and sent to the supervisors Tuesday, the Los Angeles Herald Examiner said today.

The memo outlined earlier efforts by state corrections authorities to parole White to the unnamed state instead of sending him to Los Angeles.

"Apparently Mr. White has family members residing out of California," it says, "and did not object to his being transferred to (the unnamed) state."

Clinton quoted Irv Marks, director of the state Corrections Department's Interstate Compact Division, as saying that the lack of a job was all that had prevented White from going to another state initially.

"After conducting an investigation into Dan White's future," Clinton said, "the receiving state concluded that Mr. White could not be employed until late spring, 1984, and they refused to accept him as a parolee for that reason."

A state has the right to reject any parolee being considered for transfer, said Clinton, who was asked by the supervisors to look into the reasons for White's parole here.

Clinton said Marks would not reveal the identity of the state under consideration.

White was released from prison this month after serving five years for killing San Francisco Mayor George Moscone and San Francisco Supervisor Harvey Milk. He is living in an undisclosed location in Los Angeles County.

Both the Los Angeles City Council and the county supervisors last week officially asked the state to remove White from the area.

White's transfer out of California could be done under the nationwide Uniform Act (Compact) for Out-of-State Parolee Supervision.

Under that law, there are currently 907 California parolees living in other states and 1,568 parolees from other states living here, Clinton noted.

Howard Miller, deputy director of the state Parole Division, would say only that there were no present plans to remove White from the Los Angeles area.

Miller said he does intend to respond to the complaints from city and county officials within a few days.

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# E.A. Official's Dan White Plea

Sacramento

Los Angeles City Councilman Joel Wachs asked the state Department of Corrections yesterday to move paroled assassin Dan White out of Los Angeles.

Department of Corrections press aide Phil Guthrie said there was no present plan to change White's residence. Parole officials have said only that White is in Los Angeles County and will not say where. Wachs emerged tight-lipped from a one-hour meeting with Howard Miller, deputy director of the department and head of its parole division.

"I promised the media in Los Angeles a statement when I got back," Wachs said. "I can't answer any questions. We had a one-hour meeting and I made the case for the city of Los Angeles. He listened very attentively."

The councilman, who represents the San Fernando Valley and Hollywood Hills region, said "yes" when asked if his journey to Sacramento was worth the trouble.

Wachs, an active gay rights advocate, said he came as the official representative of the Los Angeles City Council, which last week adopted a resolution by a 12-to-1 vote asking the Department of Corrections to reverse its decision.

White, 37, was convicted of manslaughter in the 1978 killings of San Francisco Mayor George Moscone and Supervisor Harvey Milk, the city's first openly gay supervisor. White was paroled in Los Angeles County January after serving five years in prison.

Our Correspondent

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# 250 in L.A. protest Dan White

By Leslie Guevarra  
Examiner staff writer

LOS ANGELES -- Calling for the custer of parolee Dan White, an estimated 250 people rallied at City Hall yesterday in a demonstration that capped a week of protest against the release of the convicted killer here.

"First and foremost we want Dan White out of this community," said Lillene Fifield, co-chairwoman of the Dan White Out of L.A. Committee, the group that staged the rally.

Fifield and other organizers said they were disappointed at the small turnout but pleased that those who attended represented a "wide spectrum of the community" as well as gay and lesbian groups.

A school trustee and a representative of Sen. David Roberti, D-Hollywood, spoke to the protesters as did representatives of minority, lesbian, gay and feminist groups.

A couple of families with children in tow mingled with sign-toting spectators. Most of them steered clear of a man in a leather executioner's mask who brought the head of pig on a silver platter to the rally.

The masquerading executioner, Martin Maharis, said he brought the grisly display because he thought there would be a protest march and felt the pig's head was more illustrative of protest than a sign.

"I think this pretty much speaks for itself," Maharis said. "Something should be done about White. I don't think he should be killed. But let him live with the governor in Sacramento or in San Clemente for year, not here."

The theme of non-violent protest was emphasized by rally speakers especially Fifield, who said she received an anonymous call from a man identifying himself as a former policeman and offering to tell her White's whereabouts.

"The Dan White Out of L.A. Committee is not interested in the whereabouts of Dan White other than his removal," she said. "We are not a vigilante committee. We are not head hunters."

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# The group offering \$10,000 to find White

Special to The Examiner

SANTA ANA — Dr. Daniel D. C. Sigler, an Orange County chiropractor who describes himself as a "conservative right-wing businessman," vows to protect his family and friends from felons like Dan White, who Sigler says may be in their midst.

Ronald C. Strunk, a contractor, believes White's case shows there is "too much liberalism in the state." Although prison officials say White has been paroled in Los Angeles County, Strunk also believes White may be in Orange County. He thinks citizens ought to act against the "potential danger" the state created by releasing White.

The two men and four friends who hold the same sentiments incorporated this week as the Citizens Protection Association, which is offering a \$10,000 reward to the person who tells them where White is.

They want to tell people in White's immediate surroundings of his presence. In case the reward fails to produce results, the group has filed suit against the state and the state Department of Corrections seeking to force disclosure of White's whereabouts.

"We feel the rights of innocent neighbors and co-workers outweigh

Dan White's," the 30-year-old Sigler said.

Corrections department spokesman Phil Guthrie said the group is "dead wrong" in its theory that White is in Orange County. The department has said only that White will serve the one-year term of his parole in Los Angeles County.

During a press conference yesterday Sigler, Strunk and attorney Jeffrey Walsworth explained the purpose of the organization.

"All we seek is to give citizens the opportunity to make a knowledgeable decision whether to stay there or move on (once they learn of White's whereabouts)," Walsworth said. "We intend to keep the information strictly confidential except to the people working or living with him in the same neighborhood.

"This is not a bounty and we are not a vigilante committee."

The group has hired a private investigator who is trying to find leads on White's whereabouts.

White, 37, was released on parole last Friday after serving five years of a seven-year, eight-month sentence for the vountary manslaughter of San Francisco Mayor George Moscone and The City's first openly gay supervisor, Harvey Milk, in 1978.

His release in the Los Angeles area created a furor. The Los Angeles County supervisors, City Council, Police Commission, Mayor Tom Bradley, police Chief Daryl Gates and gay community leaders have called for White's ouster.

But none of those groups called an authorities to pinpoint White's location, and the Citizens Protection Association has become the target of criticism for making that demand.

Chief Deputy Attorney General Nelson Kempsey called the group "grotesque." He said that the corrections department is entitled to withhold information about White under privacy laws and that Walsworth's group may be guilty of invading White's privacy.

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Prominent Southern California gay activist Morris Kight, at a protest march in Hollywood last night that included an estimated 500 demonstrators at its peak, said the businessmen are promoting "lynch-mob psychology and a witch hunt."

"I'm just horrified," Kight said.

In San Francisco, Paul Lorch, editor of the weekly gay newspaper Bay Area Reporter, said, "I'm overwhelmed to think that someone would go to all the trouble of offering that much money."

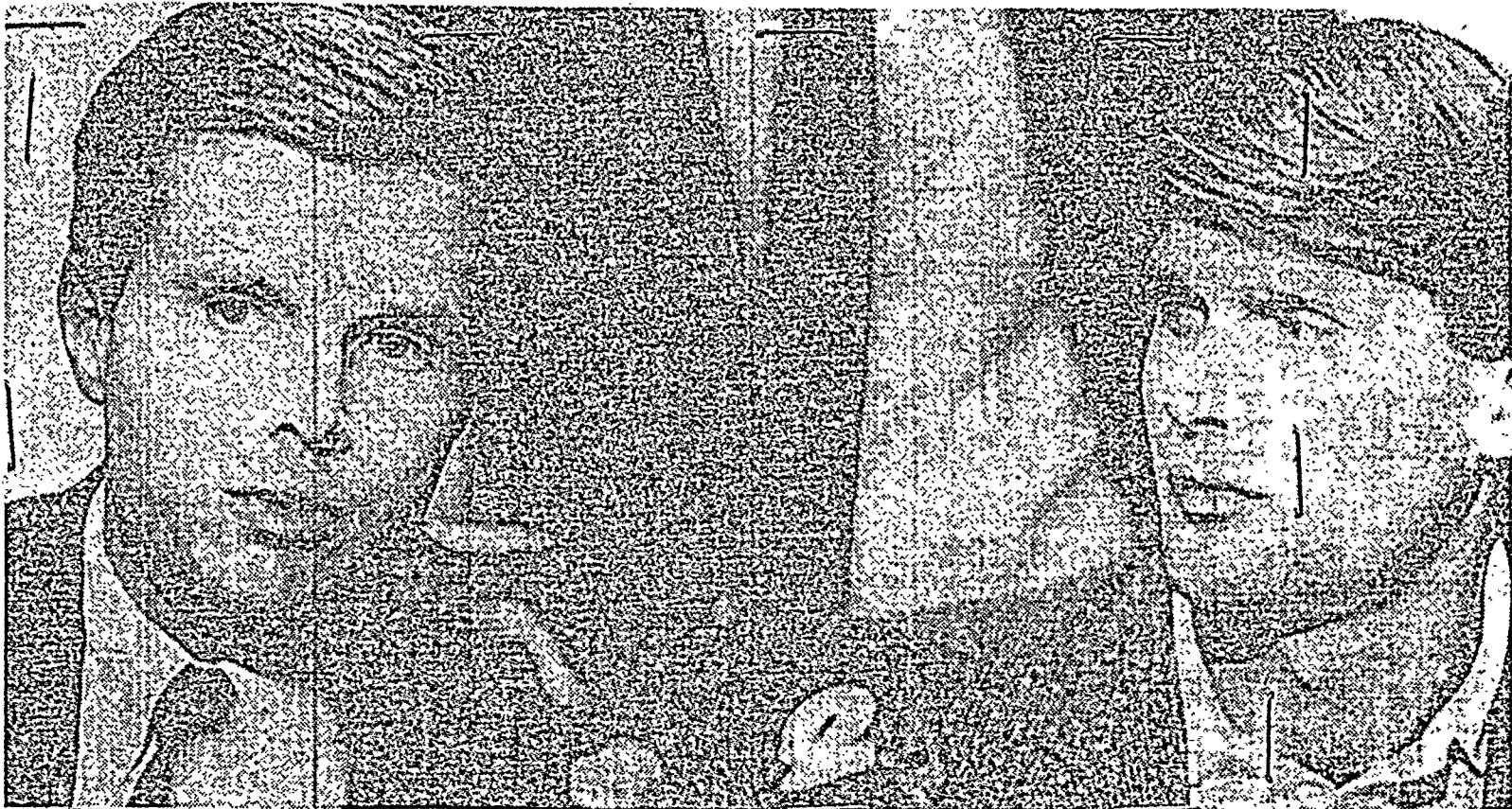
"I think that information will surface naturally, automatically. Eventually someone will alert the public and say, 'Hey, this guy is living in my apartment building.' I can't imagine why a right-wing conservative group would do this."

Lorch advocates disclosing White's whereabouts and has said he would print White's address if he had it, because "the enormity of his crime outstrips his right to privacy." Lorch, however, does not advocate hunting White down.

According to Walsworth, the \$10,000 will be available to anyone who discloses the whereabouts of any felon in the area who has been convicted of crimes involving great bodily harm, such as sexual assault or homicide.

Walsworth said his group received calls from 120 people who want to join and pledge money to the cause. It also, he said, received one telephoned death threat, and for reasons of safety the name of the person who put up the \$10,000 reward will not be released.

Kempsey called White's crime "an abomination" and said, "(White) will probably be an outcast for the rest of his life. But he served his time and it's time for us to put that behind us."



Associated Press

Walsworth, left, and Ronald Strunk of Santa Ana announce formation of a group that wants to find Dan White

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# L.A. County Protest

## State Rejects Plea To Transfer White

After listening to protests from Los Angeles County officials for almost three weeks, the state Department of Corrections said yesterday it does not intend to move Dan White from the county.

In a letter to the Los Angeles city clerk, department Director Dan McCarthy said his obligation "is to place him (White) in a location where he has the best possible opportunity to successfully and safely complete his parole."

In the letter, which was dated January 23 and made public yesterday, McCarthy said White's Los Angeles parole program fits that requirement so "we do not anticipate making any change in Mr. White's parole location."

White was paroled January 6 after serving more than five years for the slayings of San Francisco Mayor George Moscone and Supervisor Harvey Milk. State officials have said repeatedly that they selected Los Angeles County as his one-year parole site primarily because of its sprawling size.

But the choice has been protested strongly by Mayor Tom Bradley, Councilman Joel Wachs, other politicians and numerous gay organizations. Many critics argued the decision was wrong because Milk was gay and Los Angeles has one of the country's largest gay populations.

Yesterday, Bradley and Wachs expressed disappointment at McCarthy's response. Bradley said Governor Deukmejian "is the only person who can change that decision and I understand he has indicated he will not."

Wachs, who wrote a resolution endorsed unanimously by the council that calls for White to leave the area, told a news conference, "To Dan White, wherever he is, I would also plead that he at least say hee sorry."

In recent weeks, state parole officials have refused to release any details about White's life — including the area of the 4000-square-mile county in which he is living or whether he has a job.

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# Dan White to stay in L.A. area

LOS ANGELES (UPI) — Despite strong objections by local officials, state officials will not force paroled slayer Dan White to leave Los Angeles County.

The killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk was paroled earlier this month after serving a five-year prison term for the 1978 slayings.

"Our obligation is to place him in a location where he has the best possible opportunity to successfully complete his parole," Department of Corrections Director Daniel McCarthy wrote in a Jan. 23 letter to the city clerk.

"Therefore, we do not anticipate making any change in Mr. White's parole location."

Mayor Tom Bradley and Councilman Joel Wachs, who led an effort to expel White from the area, were disappointed with the decision. McCarthy said he wrote the letter in response to Wachs' resolution, which was unanimously approved by the council.

"To Dan White, wherever he is, I would also plead that he at least say he's sorry," Wachs said at a press conference yesterday.

Wachs said he was alarmed about recent incidents concerning White, including a \$10,000 reward offered by a group of Orange County businessmen for information on White's whereabouts and a threatening letter sent to a man named Arthur Daniel White in Ontario.

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# THE DAN WHITE ENIGMA

DOUBLE PLAY: The San Francisco City Hall Killings

REVIEWED BY PATRICIA HOLT

**A**s weary as anyone in the Bay Area may be of Dan White and the 1978 murders of Mayor George Moscone and Supervisor Harvey Milk, chances are none of us will ever get over it. Every time a new book comes out, a new TV documentary is made or something new breaks in the newspapers, we hope against hope again

that someone or something may finally make sense of what is perhaps the most bizarre and painful episode in San Francisco's history.

In the first book published on the murders, "The Mayor of Castro Street" (1982), Chronicle reporter Randy Shiltz focused on Harvey Milk's extraordinary rise to power as the first elected gay official in the country, using as a backdrop the spread of gay rights movements across the United States.

Now in "Double Play," Rolling Stone correspondent Mike Weiss attempts to use the history of San Francisco as his backdrop to the sagas of the central players in this tragedy — Milk, Moscone, White — and the similarly tragic yet sometimes hilarious and wacky events that led up to the murders.

In these pages we must somehow absorb it all: the Jonestown murders looming in the distance; Dan and Mary Ann White immersed in suds and spuds

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at their Hot Potato stand on Pier 39. Harvey Milk battling the anti-gay Briggs amendment. He is promoted his own pooper scooper legislation. District Attorney Joe Freitas' "crackdown" bit North Beach juxtaposed with Police Chief Gain's politically disastrous appearance at the Hooker's Ball. Supervisor Kopp cavorting with Moscone at an annual Mayor vs. Supervisor softball game while White embarrassed everyone with his fanatic athleticism; police detective Frank Falzon, called to the stand by the prosecution at White's trial, turning into the best defense witness any courtroom has ever seen. White, the opponent of "social deviates," announcing that because a gay soldier saved his life in Vietnam, he (White) couldn't possibly be anti-gay.

Weiss puts it all into manageable — sometimes manipulated — perspective in "Double Play," and his premise is a good one: Dan White, he contends, did not emerge out of nowhere. He was created, as were Milk and Moscone, out of historical forces that can be traced to the "entrenched Irish machine," which had dominated city politics for years and was finally dislodged by the likes of state assemblyman Philip Burton, mentor of the up-and-coming assembly candidate George Moscone and his law school pals, John Burton and Willie Brown.

As our great port city gave up its independence to the "new" tourist industry, and as Manhattanization of downtown San Francisco drained power from outlying neighborhoods, Weiss says, "a nascent coalition of poor blacks, neighborhood associations and special interest groups rose up to spawn a movement for district elections that would pull such disparate political hustlers as Milk and White into the power enclave finally captured by Moscone, whose administrative savvy from Sacramento would bring the new San Francisco into its own."

**W**eiss weaves the many strands of this thickly braided story well, but he is guilty of skimming across the surface of history and often succumbs to painfully third-rate overdramatizations of events and people. Of the young Moscone, he writes: "When he turned those Italian eyes on a potential voter he had a quality of attentiveness that was at once the source of his power and a servant of his ambition. Women sensed his coltish sensuality, were fascinated by the little downward pucker at the corner of his mouth. . . . Of White: "His world was a black place, a lightless tunnel through which he was condemned to walk for all eternity." Worst of all, in his attempt to act as a grand translator of history, Weiss describes the influx of gay men to San Francisco in pure stereotype:

"Because most of the (straight) young professionals had come from the East and the Midwest and so felt somewhat uprooted here in the raw and spacious West, they wanted antiques to give their lives a touch of continuity. And because San Francisco did not have the ample lawns, the old oaks, maples and dogwoods they had known back home, they wanted gardens and

indoor plants. All these desires created still more economic opportunities well-suited to the sensibilities and talents of a good number of middle-class homosexuals. Meanwhile, tourism had created jobs for waiters, busboys, desk clerks, sales people, bartenders — jobs toward which less well-educated or less upwardly mobile gay men had often gravitated."

This is unbelievable. The first wave of gays came to San Francisco, Weiss is saying, because there was a need for interior decorators! He also uses the strangest homophobic words to describe Milk and his constituents — as in "oodles of gays," Harvey's "divine prospects, his being in 'such a good mood' or using "whistled s's," which, one supposes, means a lisp.

Perhaps it is fitting, though, that this book is as full of conflict as the case Weiss describes. One couldn't ask for a better detailed or better researched retelling of events, although I am always wary of the kind of "factional" new journalism that quotes few sources yet places the author inside everybody's mind. Here is Weiss on what Dan White was thinking as he

paced back and forth in his den, minutes before going downtown to kill Moscone and Milk:

"He ached with loss, the miasma of his self-pity was bottomless; he was sinking and sinking and his helplessness was almost a comfort. . . . He was torn piecemeal by wounded vanity; he felt as if he could never go back to how things had been. He had been honest and independent and it had brought him to this pass, this nauseating, dizzying, perverse sense of freedom. There was nothing left to lose, they had seen to that. It was not God's will; it was George's. And Harvey's, working behind his back, a two-faced faggot snivel."

Well, this is Weiss in over his head. He attempts to defend himself in an Author's Note at the end, stating that because he alone has seen documents and evidence that nobody else did, and talked to almost everyone concerned (not White, of course), he felt that "I would have to work more like an historian than a reporter, interpreting rather than merely recording."

That's fine for Weiss, but where does it leave the reader? What are we to make of the fact that Weiss is critical of White's confession to Falzon, yet he uses it as a primary source. He does not say, when White faces Milk a moment before killing him, "Dan said later he thought he saw Harvey smirk." He says, "Sheepish, frightened by the violence of Dan's outburst, but unable to resist, Harvey smirked. Harvey's sad, plastic, comic face, which had served him so well, betrayed his satisfaction at Dan's loss."

Well, maybe, but I don't think it's wise to take anything White said in his confession as the truth. For that matter, to take the statements anyone gave to Weiss and interpret them as fact seems to me to obfuscate the very reason Weiss wrote the book in the first place.

But if we suspend our disbelief in Weiss, an intelli-

gent reporter who has dug through mountains of material to formulate what he believes is an honest retelling of events, we can learn quite a bit here. His portrayal of White's unbelievably rigid code of morality and his enormous naivete as a politician is superbly carved out here, as is the astonishing way White's fellow supervisors (Dianne Feinstein in particular) bailed him out of political and financial scrapes time and time again, only to rope him into a position of dependence and compromise. At the trial, Weiss is most often quite knowledgeable as he interprets the strategies (and the genius) of Douglas Schmidt as effectively as he points out the appalling weaknesses of assistant district attorney Thomas Norman's prosecution.

And we do find a (proposed) answer to one question that has never been answered sufficiently — that of the "secret agreement" that might have been shared between Norman and Schmidt in which they decided not to mention names with regard to specific supervisors and that sort of thing," as Schmidt blurts out at one point in the trial. The question is, since there was so much testimony about White's character, why wasn't testimony introduced as to Moscone or Milk's character? (Supervisor Carol Ruth Silver, in a last-ditch attempt to introduce such testimony, is portrayed by Weiss as making a fool of herself because she forced Norman to call her to the stand, not knowing that by then it was too late.)

The bombshell that is dropped here is something to which Shilts only alludes in his book when he refers to a politician whose sexual preference for black prostitutes got him into a lot of scrapes with the law. This politician, Weiss indicates here, was Moscone himself, whose alleged indebtedness to police officers Rotea Gilford (Weiss misspells it "Guilford") and Wendell Tyree, and indeed to the entire police department for covering up this and other other "peccadillos" (marijuana and cocaine use are also suggested) is described in detail. Because of this, Weiss contends, and because officials throughout the city wanted to keep it quiet, Thomas Norman's hands were tied.

That hardly exonerates Norman from botching an otherwise easy trial, but what is left in the reader's mind is an uneasy questioning of the "facts" in the entire book. Did it all — did any of it — really happen as Weiss portrays it? In the final analysis, sorry to say, we'll never know.

*Patricia Holt is Book Editor of The Chronicle.*

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# State denies Dan White living in L.A. mansion

Mayor Feinstein has received confirmation from the state Department of Corrections that Dan White is not living in a Bel-Air mansion.

In a letter from Corrections Director Daniel McCarthy, the mayor was told that White is not living in the mansion, as reported by an Orange County attorney, but "is residing in the same residence he was released to upon his parole."

McCarthy told Feinstein that the state has not uncovered any evidence that White has received an advance for writing a book, either, which also was reported by the Orange County attorney, who said he had talked to White.

White denies the story reported in the press and indicates that he has not contacted, nor has he been contacted by any publisher regarding a book about his crime, McCarthy wrote.

White was convicted of the 1978 City Hall murders of Mayor George Moscone and Supervisor Harvey Milk. He served five years in prison and is now on parole in Los Angeles.

McCarthy told Feinstein that the state will continue to investigate rumors that White has received money to write a book. According to a new state law, any money White might earn from a book or film about his crimes would be tied up in a trust account for as long as five years. During that time, survivors of Moscone and Milk could sue White to collect civil damages from him. "If it is established that White has received, or enters into an agreement, to receive, any funds for the publication of a book or article depicting his crime, the matter will be referred to the attorney general's office for resolution," McCarthy wrote.

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## Lawyer Raps State's Dan White Denial

Los Angeles

The attorney who claimed Dan White was living rent free in a Bel-Air mansion said yesterday that state officials who denied his story are lying, and he added that he has quit the case because of excessive publicity.

Jeffrey Walsworth, an attorney for a group of Orange County businessmen who posted a \$10,000 reward to learn White's whereabouts, said in interviews earlier this week that White was living in a mansion owned by a producer interested in the rights to a book by White, and that White had collected a \$50,000 advance. Prison officials said the claim White was living in a Bel-Air mansion was "totally erroneous."

Daniel J. McCarthy, state corrections director, added in a letter to Mayor Dianne Feinstein that "White denies the story reported in the press and indicates that he has not contacted, nor has he been contacted by any publisher regarding a book about his crime."

Yesterday Walsworth insisted his account was true and said state prison authorities were lying. "It amazes me how dumb people are," Walsworth said. "They have to deny it."

Walsworth said yesterday he quit representing the group because the publicity he generated was taking too much time away from his law practice.

"They weren't paying me to deal with all the news people that were coming around harassing me all day long," Walsworth said.

White served five years in prison for the 1978 City Hall slayings of San Francisco Mayor George Moscone and Supervisor Harvey Milk. On January 6, White was released to Los Angeles County to spend his year on parole there. Authorities refuse to say where he is living.

On Wednesday the state attorney general's office said it is investigating Walsworth's assertion that White had collected a \$50,000 book advance. Assemblyman Art Agnos, D-San Francisco, has said a new law he authored requires that White place such a book advance in a trust for five years, giving the victims' heirs time to sue for damages.

Our Correspondent

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# State Probes Rumor Of White's Book

By Susan Sward

The state attorney general's office said yesterday it has begun an investigation of a report that Dan White, who is under parole supervision in Los Angeles County, has received a \$50,000 advance to write a book about his life.

Chief Assistant Attorney General Steve White said his office was interviewing parole officials about the alleged payment to the killer of San Francisco Mayor George Moscone and Supervisor Harvey Milk, but "we don't know any of the facts yet."

The sole source of the allegation about White's book advance is Jeffrey Walsworth, an Orange County attorney who said he represents a group of businessmen who recently offered \$10,000 in return for word of White's whereabouts in Los Angeles. The group's stated aim was to alert White's neighbors that he lived nearby.

Walsworth also said in interviews Monday that White was living in a mansion in the wealthy Bel-Air district — an assertion that was flatly denied by the state yesterday.

The attorney said this information was disclosed by White to one of Walsworth's clients after White himself contacted the group and a meeting was arranged.

Howard Miller, deputy state corrections director in charge of parole, said White "is not living in a mansion" and is not residing in Bel-Air. Miller also said he knew nothing about White obtaining "any \$50,000 to write a book."

A new state law, which took effect January 1, is aimed at sharply curtailing the book and movie profits a criminal can make from his crime. The law, prompted by White's case,

requires such profits be placed in a trust for five years while anyone who received at least one-quarter of the victim's estate may file damage claims in the courts.

Citing that law, both Assemblyman Art Agnos, D-San Francisco, the measure's author, and John Wald, attorney for Scott Smith, the former lover of Harvey Milk, said they were going to press Attorney General John Van de Kamp to find whether White had such a book advance, and if so, to make sure the proper trust fund is set up immediately.

Walsworth, an attorney from the city of Orange, did not return repeated calls from The Chronicle yesterday.

In another development in the White case yesterday, Doug Schmidt, White's attorney, issued a statement through a close friend, attorney James Collins, criticizing a recent KRON-TV series of stories that stated that Schmidt was trying to interest publishers in a book about the trial.

According to KRON, the book would include the assertion that police officers searching White's home after the killing failed to discover a diary that could have cast doubt on the defense's portrayal of White's depressed state of mind.

Collins, who would not comment on whether Schmidt is actually working on a book about the trial, also said: "Channel 4 inferred that Mr. Schmidt was going to disclose the current whereabouts of his client, Dan White. That is not true."

Collins described Channel 4's story as "highly distorted and inaccurate. It falsely portrayed both Mr. Schmidt and inspector Frank Falzon of the San Francisco Police De-

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SEARCHED	INDEXED
SERIALIZED	FILED
MAR 12 1984	
FBI - SAN FRANCISCO	

44C-2178-97



**JEFF WALSWORTH**  
**He said White's in Bel-Air**

AP Telephoto

partment.

Falzon, who was the chief police investigator on the case and a friend of White, said yesterday he and several other officers "did a very thorough search" of White's home following the City Hall killings and found no diary.

"The inference is the good old friend bypassed the diary," Falzon said, referring angrily to KRON's story. "That hurt, to insinuate I'd deliberately miss a diary. I don't even know if it exists."

Larry Lee, the producer of the KRON story, stood by the story. "Our quoted information was accurate — both our direct quotes from Schmidt's outline and our summarizations."



(Mount Clipping in Space Below)

# State Says White Isn't in Bel Air

Sacramento

The state attorney general's office said yesterday that it has concluded after an investigation that there are no grounds to reports that Dan White is living in a Bel Air mansion during his year-on-parole and writing a book about his crimes.

"Dan White is not residing in Bel Air; he is residing in the same residence he was released to upon his parole," Assistant Attorney General William D. Stein said in a letter to Assemblyman Art Agnos, D-San Francisco, who had requested the investigation.

"We have been unable to verify any of the allegations in this story."

Agnos was concerned about the reports that surfaced last month because he was the author of recent legislation that prohibits convicted criminals from profiting from

stories of their crimes, until the crime victims' heirs have had a chance to sue for part of the profits.

Stein said White "was formally advised of the requirements" of the new law.

"If it becomes apparent that White has received or enters into an agreement to receive any funds for the publication of a book or article depicting his crime, (the Department of) Corrections will immediately refer the matter to our office."

White was paroled January 6 after serving slightly more than five years in prison for killing San Francisco Mayor George Moscone and Supervisor Harvey Milk in 1978.

The Department of Corrections and the attorney general's office found in their investigation that White has neither contacted, nor been contacted by, any publisher regarding a book about his crimes.

*Our Correspondent*

(Indicate page, name of newspaper, city and state.)

Date: 3-3-84  
Edition: 5 Star  
2 S.F. Chronicle  
San Francisco, Ca.

Title:

Character:  
or  
Classification:  
Submitting Office: SF

Indexing:

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 21 1984	
FBI - SAC	

44C-2178-98

(Title) \_\_\_\_\_  
 (File No.) 44C-2178

Item	Date Filed	To be returned		Disposition
		Yes	No	
1	1/24/83	✓		Letter from John Elia to [redacted] 9/21/83 sent to AD514 10/13/83 eu
2	"	✓		[redacted] notes re Elia. 9/6/83 eu
3	"	✓		" notes re [redacted] 9/6/83 eu
4	"	✓		Original signed statement by Elia. 9/6/83 eu
5	"	X		[redacted] notes of meeting w/ANSA [redacted] eu
6	"	✓		[redacted] notes re Elia. eu
7	"	✓		[redacted] notes re [redacted] 11/7/83 eu



SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
 SERIALIZED 94 FILED 94  
 MAR 24 1983  
 FBI-SAN FRANCISCO  
 ms/ew  
 44C-2178-1A

Field File No. 44C-2178

OO and File No. \_\_\_\_\_

Date Received John P. Elia

From \_\_\_\_\_  
(NAME OF CONTRIBUTOR)

\_\_\_\_\_  
(ADDRESS OF CONTRIBUTOR)

\_\_\_\_\_  
(CITY AND STATE)

By \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material -  
Disseminate Only  
Pursuant to Rules  
6(e), Federal Rules  
of Criminal Procedure

Description:

*Letter from John P. Elia  
to SA [redacted] dated  
9/20/83*

*Given to  
all SA [redacted]  
10/13/83  
44C-2178-1A(1) mwm*

b6  
b7C

b6  
b7C

JOHN. WAHL

9/2/83 1635 hr

SUTTER MANOR HOTEL S.F.

on Room 616

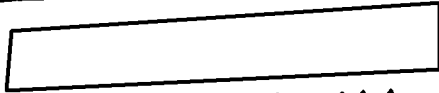
775 - 15 22

only going to be see another month

not reaching or not reaching  
for credibility

garulous fellow

Problem



was an ally of  
on site at the time

b6  
b7C

Get rop sheet  
302 interview

Field File No. 44A-2178

OO and File No. \_\_\_\_\_

Date Received 9/16/93

From John Elia  
(NAME OF CONTRIBUTOR)

San Francisco  
(ADDRESS OF CONTRIBUTOR)

\_\_\_\_\_  
(CITY AND STATE)

By \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Receipt Given  Yes

No

Yes

No

Grand Jury Material  
Disseminate Only  
Pursuant to Rules  
6(e), Federal Rules  
of Criminal Procedure

Description:

*arrival notes of  
telephone call from  
John Elia*

*44C-2178-1A(2)*

b6  
b7C

9/6/83  
MUM

John E/IA

3:00

1<sup>16</sup>

9/6/83 new method

Fed jurisdiction - worked for

Notes from  
phone conversation

good friend

sounds drunk

b6  
b7C

Read this morning  
re:

[Redacted]

= phone

↓  
personal friend

Not a liar

Can prove everything

I am Dressed like a bum

68 years old

worked for judges - East Coast

had to wear a white tie - now I can be  
just me

I'll be there - know building well

KEEP ATTACHED- TO EXHIBIT  
SF # 44C-2178-1A(2)

Field File No. 44C-2178

OO and File No. \_\_\_\_\_

Date Received 9/6/83

From \_\_\_\_\_

(ADDRESS OF CONTRIBUTOR)

(CITY AND STATE)

By AA \_\_\_\_\_

(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material  
Disseminate Only  
Pursuant to Rules  
6(e) Federal Rules  
of Criminal Procedure

Description:

*original notes from  
interview of John Ellis*

*44C-2178-1A(5)*

b6  
b7C



9/6 John Elia

Start 3:11

Before March, (Feb., 1978, in the papers) a comment made by White impressed

- J o e i g r . l . o . c . o . m . o . s . c . o . n . e  
2 o u D W - o u P - o e x - o - 2 . P  
- City Hall e ( r d P P P

- o / - ) ( o b - o E P Dan White  
o e P <sup>disg.</sup> o his office small

10<sup>00</sup> ish went to see DW in <sup>March</sup> Feb. A man named A [ ] was in receipt. White came out mod

b6  
b7C

That damn jag

See Johnnie The recall cannot be done but a promise a one way or another <sup>by the end of the year</sup> I am going to get rid of 3 bastards - [ ] milk Mos.

I know a P @ Jews - why Mos? (3) @ i - b o @ gaps.

b6  
b7C

Long rambling re [ ] e meeting Moscow etc. <sup>what</sup> Told Dan White told [ ] inter me to [ ]

Aug. 1978 - 7/2 [ ] Curran Theater on Geary St. - 'h - vs

KEEP ATTACHED TO EXHIBIT  
ST # 44C-2178-1A(2)

③

Meet Groscone on front of City Hall -  
he was J. O picture taken - 4:20  
"We got to be friends all  
the time"

Weekend of Nov. 27

Heard on street saw White gone mod - I  
could not sleep

I hang out at Supreme Court building

J. O. C. hang out

3 Bailiffs:

[redacted]

[redacted] (ph)

b6  
b7C

① got up from chair & m, out window,  
City Hall - moays's car parked there

9:15 AM [redacted] (cop on beat at CH)

Told [redacted] he should watch for DW - search  
him carefully

Went to Moays's office - (people w/ lots of  
speaking "Dan White for 2")

Bus

[redacted] back to CH - saw [redacted] = cameras  
made [redacted]

b6  
b7C

Hollered what kind of security we  
got here

SF 33 Market St. - we talked & he sent  
an investigator - I gave a statement

~~7/3~~

o/w testify in trial

o/w [redacted] = very well

b6  
b7C

I know [redacted] personally

pondered about voting

4:15

Field File No. 44C-2178

OO and File No. \_\_\_\_\_

Date Received 9/6/83

From John P. Elia  
(NAME OF CONTRIBUTOR)

San Francisco  
(ADDRESS OF CONTRIBUTOR)

By \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material  
Disseminate Only  
Pursuant to Rules  
6(e), Federal Rules  
of Criminal Procedure

Description:

*Original signed statement  
by John Elia*

*44C-2178-1A(4)*

b6  
b7C

September 6, 1983

San Francisco, California

b6  
b7C

Mr. J. John P. Elia, furnish the following  
voluntary statement to Special Agent [redacted]

[redacted] and [redacted] who have  
identified themselves to me as Special Agents  
of the Federal Bureau of Investigation.

No threats, promises or duress have been  
made to get me to make this statement.

I have been advised that it may be used  
in a court of law concerning a possible  
Civil Rights Violation.

Before March, 1978, maybe in February,  
1978, I read in the papers a comment made  
by Dan White and I was impressed. At this  
time I was interested in a recall of Mayor  
Moscone and Harvey Milk. Therefore I wrote  
to Dan White and praised him for his comment  
and that he appeared to be an out-and-out  
law and order man.

Dan White wrote back to me and  
stated "whenever you are in City Hall I will  
be glad to talk to you".

I no longer have this letter because  
I was disgusted at the small little room he  
spoke to me in; he did not have the courtesy  
to interview me in his office and talked like  
a crazy man, I walked out and had no  
interest in keeping the letter. JPE

KEEP ATTACHED TO EXHIBIT  
SF # 47C-2178-1A (4)

Page 2

John Elia

9<sup>th</sup> In March, 1978, about ten o'clock one morning, I went to see Dan White at Room 225, City Hall, <sup>SAN FRANCISCO, CA</sup> which is the supervisor's Clerk's Office. A young man named [redacted] was in the office. Dan White came out and said, "Mr. Elia?". The boy name [redacted] stood up and followed Supervisor White. In a few seconds White came back, almost chasing the boy out; White was very angry and stated, "That damn fag".

b6  
b7C

I told Mr. White about the manager of Dahl (pk) Shoe Store; he is interested, as I am, in recalling Supervisor Milk and Mayor Moscone out of office.

Mr. White said, "Gee, Johnnie, the recall cannot be done, but I promise by the end of the year, one way or another, I am going to get rid of three bastards --- [redacted] Milk, and Moscone".

b6  
b7C

I said to White that I knew you don't like Jews, but why an Italian? Milk said it was because Moscone is leaning towards gyps.

I was so disgusted by this conversation I got up and left.

b6  
b7C

I met [redacted] about a month 9<sup>th</sup>

Page 3

John Elia

<sup>ghe</sup> later and she said I should meet her father before I say anything bad about her.

During the summer of 1978, Mayor Moscone was at the Curran Theater, Mary Street, San Francisco, representing <sup>SAN FRANCISCO OFFICE</sup> the opening of the show "Hello, Dolly." When I had a chance to say something to the Mayor, I found him to be a real gentleman, with a smile always on his face. I also asked about his daughter's health because I had discovered she had a very serious sickness. George introduced me to  the singer of "Hello, Dolly"

b6  
b7C

Soon after this first meeting I met the Mayor at the steps of City Hall. He was being photographed. I asked him to pose <sup>with me</sup> for me so I could send the picture to my family and  of Jersey City, who is a friend of mine. We all got to be friends during these two visits.

b6  
b7C

During the weekend of November 24-25 I learned from different sources <sup>of</sup> people on Polk Street, Grant Street, Van Ness Avenue (I travel alot) I heard that Dan White had gone mad. I could not sleep that Sunday <sup>ghe</sup> night, November 26.<sup>th</sup>

Page 4

John Elia

<sup>gpc</sup> I hang out at the Supreme Court Building,  
350 W. Allester, <sup>PHU</sup> Room 4050, the Bailiff's Office.

I told Bailiffs [redacted]  
and [redacted] (ph) that I have a feeling  
something's going to happen to Moscone.  
They said what are you, psycho.

I got up from the chair and went and  
looked out the window. I could see City Hall  
and that the Mayor's car was parked out front.

I went over to a policeman named [redacted]  
who is the cop on beat at City Hall. I told  
[redacted] plus three other police officers, that  
he should watch for Dan White and search  
him very carefully. All laughed at my  
statement, saying, "Dan was a good cop  
and he's not going to harm anyone".

I walked up to Room 200, City Hall,  
the outer office of the Mayor's Office. There  
were lots of people there with straw hats  
that said, "Dan White for Supervisor". I  
thought there were enough people there that  
the Mayor was safe, so I left.

I went to the bus stop, heard sirens  
and saw police cars & fire trucks (The Fire  
Chief [redacted] is a good friend) and  
I ran back to City Hall. You

b6  
b7C

b6  
b7C

b6  
b7C



Page 5  
John Elia

A guard told me of the shooting  
then [redacted] and [redacted] held  
a press conference. I called "What kind  
of security have we got here?"

The next day, I ~~went~~<sup>saw</sup> to Robert (Bob)  
McCathy, Assistant District Attorney for  
San Francisco, and told him everything.  
He had an investigation interview me. I do  
not recall signing a statement. I was not  
asked to testify during White's murder trial.  
Bob and I have been friends for years  
and I met him on November 28, 1983, at  
City Hall.

~~I know Joe Resonello's family very  
well, but I don't like him. I don't like~~

~~F~~

John P. Elia  
Sept 6 1983

[redacted] SA-FBI-SF 9/6/83

[redacted] SA-FBI-SF 9/6/83

I have read the above statement consisting  
of this and four other pages. I understand the  
statement entirely and have signed it after initialing  
it on each page because it is true and correct to  
the best of my knowledge. JPE.

b6  
b7C

b6  
b7C

Field File No. 44C-2178

OO and File No. \_\_\_\_\_

Date Received \_\_\_\_\_

From \_\_\_\_\_  
(NAME OF CONTRIBUTOR)

\_\_\_\_\_  
(ADDRESS OF CONTRIBUTOR)

\_\_\_\_\_  
(CITY AND STATE)

By AN \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material  
Disseminate Only  
Pursuant to Rules  
6(e), Federal Rules  
of Criminal Procedure

Description:

*original notes of meeting*

*w/ AUSA* \_\_\_\_\_

*44C-2178-1A(6)*

b6  
b7C

b6  
b7C

# RUN INDICES

9/6/83

[Redacted]

re: Dan White

b6  
b7C

= 50 page briefing for D.C.

= Joe Rosonelli's went to [Redacted] [Redacted] [Redacted]

① Thing:

John Wall atty for <sup>Moscow</sup> [Redacted] = has been jacking it up to Department

b6  
b7C

Decision about to be made - like to release by 12<sup>th</sup>  
Reason: [Redacted] gone end of Sept.

Lead

Mr. Wall tells us about 616 Room

b6  
b7C

→ John P. Elias - story about [Redacted] conn. w/ White 3/78  
A.P. [Redacted] P. [Redacted] [Redacted]  
[Redacted] [Redacted] [Redacted] [Redacted]  
[Redacted] [Redacted] [Redacted] [Redacted]

Elias

Specifics

Possibly

KEEP ATTACHED TO EXHIBIT  
SF # 44C-2178-1A(5)

MEMORANDUM OF CALL

Previous editions usable

TO: [Redacted]

YOU WERE CALLED BY -  YOU WERE VISITED BY -  
*John Elia*

OF (Organization)

PLEASE PHONE ▶  FTS  AUTOVON  
*775-1222*

WILL CALL AGAIN  IS WAITING TO SEE YOU  
 RETURNED YOUR CALL  WISHES AN APPOINTMENT

MESSAGE

*After 3:30pm*

RECEIVED BY: *RS* DATE: *9-6* TIME: *9:40*

b6  
b7C

Field File No. 44C-2178

OO and File No. \_\_\_\_\_

Date Received \_\_\_\_\_

From John Patrick Elia  
(NAME OF CONTRIBUTOR)

\_\_\_\_\_  
(ADDRESS OF CONTRIBUTOR)

\_\_\_\_\_  
(CITY AND STATE)

By \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material  
Disseminate Only  
Pursuant to Rules  
6(e) Federal Rules  
of Criminal Procedure

Description:

*Original notes from  
John Elia of  
physical description*

*44C-2178-1n(6)*

b6  
b7C

Name John Patrick Elia

dob 3/13/15

Pop Manhattan

SSAN 054-03-5735

hgt 5'5

wgt 190

hair bald - grey (shaved head)

eyes: brown

CDL: ID card 472370671

Education: 7<sup>th</sup> Grade

Military: Army 1941-1941

2/21/41 inducted

11/17/41 - discharged for encephalitis  
(brain damage)

Marital: ~~Divorced~~ Separated

Sutter Manor

Current: 860 Sutter Street Room 616 ~~Sutter Manor~~  
San Francisco

Telep 772-1532

Mailing: PO Box 904

Bernadino  
San Bernadino Calif 92402

Employment: Retired - worked for <sup>various</sup> attorney's as  
a body guard, plus many  
other occupations

No treatment for drugs or alcohol

Mental illness treatment - after Army released on a section 8;

King's Park State Hospital - 1942 for

30 days; committed by mother.

b6  
b7C

Arrest: No time served except in 1933 in Brooklyn

State Model T-Ford; Last-1979-SFPD - "selling home"

Judge  personal friend + OK'd. - (gave out sleeping pills)

KEEP ATTACHED TO EXHIBIT  
S.F. 447C-218-1470

Field File No. 44C-2178

OO and File No. 44C-2178

Date Received 11-7-83

From \_\_\_\_\_  
(NAME OF CONTRIBUTOR)

\_\_\_\_\_  
(ADDRESS OF CONTRIBUTOR)

\_\_\_\_\_  
(CITY AND STATE)

By \_\_\_\_\_  
(NAME OF SPECIAL AGENT)

To Be Returned  Yes

No

Yes

No

Receipt Given  Yes

No

Grand Jury Material-  
Disseminate Only  
Pursuant to Rules  
6(e), Federal Rules  
of Criminal Procedure

Description:

INTERVIEW NOTES  
OF \_\_\_\_\_

\_\_\_\_\_

44C-2178-1A(7)

b6  
b7C

b6  
b7C

[redacted]  
37, DOB [redacted]

FOR [redacted]

Ca

[redacted]  
Road

[redacted]  
5: PM - 1 AM Monday through Friday

11-22-70. Hired as  
Patrolman

July or August 1978  
Telephoned [redacted]

Can't recall purpose of call. Will  
asked her "How would she like  
[redacted] for Mayor?"

Can't recall her reaction -  
Vaguely recall something about  
Christmas of  
Police Department report  
Central Police Dept.  
Did not relate to her that some  
one was going to assassinate the Mayor.

Shoulder Injury -

KEEP ATTACHED TO EXHIBIT  
SF# 44C-2178-1A(7)



Criminology class 1968 City College  
Prior to 9/11.

1. No specific information regarding  
a specific individual or group to  
kill game -

2. Jackson talk, street talk,  
stealing, specific, no names, no  
places,  
on going suggestion - Nixon team  
merchants, police,

General populace -

It just came out by accident,  
just there, unless you call me  
a psychic.

I think Dan White flipped out  
spontaneously.

[redacted] has been pressuring me for  
some time to make statements.