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University of California
Berkeley, California

Judge Herbert Donaldson
POLITICS, LAW, AND HUMAN RIGHTS

Interviews conducted by
Martin Meeker, PhD
in 2007

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Interview #1: 11-29-07

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01-00:00:00

Meeker: All right, today is the 29th of November, 2007. This is Martin Meeker interviewing Judge Herb Donaldson. And — well, let's just get started a little bit. Can you tell me when and where you were born?

01-00:00:22

Donaldson: I was born on February 12th, 1927 in Baxter, West Virginia, which was a little coal mining town.

01-00:00:31

Meeker: And I understand from your bio form that your father was in fact a coal miner.

01-00:00:35

Donaldson: He was a coal miner. Yes.

01-00:00:37

Meeker: OK. Did you grow up in that town?

01-00:00:40

Donaldson: No, no. When I was a year and a half old, my father was killed in a mine accident. And my mother was left with three children, the oldest of which was three. I was the middle one, at a year and a half, and I had a brother, a younger brother who was three months old.

01-00:01:01

Meeker: Were your parents young at the time?

01-00:01:04

Donaldson: Yeah, my mother was born in 1900, when I was born, she was 27. My father was a little older, because he participated — he was in World War I. I think he was born about 1895 or in 1896.

01-00:01:25

Meeker: How did your parents come to live in West Virginia coal mining country?

01-00:01:29

Donaldson: Well, he and his whole family lived there. In fact, most of his family — his mother, my grandmother, had fifteen children. And about — let's see, about five of them didn't survive but ten did. And the sons were all in the mining — in mines. The daughters didn't — well, two of them married miners — three of them married miners and so it was a coal-mining community.

01-00:02:07

Meeker: And did you ever hear any stories about the mining accident that killed your father?

01-00:02:13

Donaldson:

Yes. It was his job — he was down in the mines and it was his job to ride the train below the ground and to pick out large pieces of slate and throw out of the car — and for that he had to jump from car to car while the train was moving. And there really weren't any safety precautions. And he slipped and was crushed between — under the train. He survived until they got him to the surface, and there he died.

01-00:03:00

Meeker:

Did the mining company provide any support to his wife?

01-00:03:06

Donaldson:

Oh, Christ. Did they? The first thing they did was give her notice to vacate her home within thirty days. Then, eventually, they wrote her a letter in which they covered their ass. They described how he had violated some of their regulations, because they wanted to avoid a lawsuit. But, you know, back then, people didn't think of lawsuits.

01-00:03:32

Meeker:

Sure.

01-00:03:33

Donaldson:

Did they provide anything? No. They didn't provide one goddamn thing.

01-00:03:40

Meeker:

Do you recall who the owner of that mine was? Was it a large conglomerate or a local affair?

01-00:03:45

Donaldson:

You know, I don't. It was something I believe that was headquartered in Boston, but I don't know the owners — the company's name.

01-00:03:59

Meeker:

So then when your mother was left alone with three small children, three infants, really, what was she to do?

01-00:04:09

Donaldson:

The first thing she did was send a telegram to my grandmother, her mother, and — who lived in Wisconsin. I still have the telegram.

01-00:04:17

Meeker:

What did it say?

01-00:04:20

Donaldson:

Don was killed this morning. Please wire when you will come. And so she got on a train and came out. And they basically sold all the furniture and my grandmother escorted her and the three of us back on the train.

01-00:04:41

Meeker:

Was your grandfather still alive?

01-00:04:44

Donaldson: No, no, he had died a couple years before.

01-00:04:47

Meeker: And what sort of life was your grandmother living in Wisconsin?

01-00:04:52

Donaldson: She was living in South Beloit. She was keeping house — well, she was living in the same house that she had when her husband died. And with her was a daughter who was still in high school and a son who had grown up and he was working for the Wisconsin Power & Light at that time. It was actually a fairly good size house, but when we came back, my mother — one aunt, one sister of hers provided a room in which she had to live with her three children. And they even — she even had to take her meals in her room. It was a — they just had a small apartment. And then finally through the kindness of some people there, the Denisons — they had a chicken coop, which had a cement floor, and so they made a few alterations and so she moved with her children into this chicken coop.

01-00:06:04

Meeker: And that's where you lived until — how old were you?

01-00:06:07

Donaldson: Until about, oh, five. You know, my brother and I still talk that we didn't realize we were poor. So we were quite comfortable in it, in spite of the fact that she had a little two-burner kerosene stove that she put on a table. She had to pump water outside to bring in. There was an outside toilet. And then she had a little potbellied coal stove to keep the place warm in the winter.

01-00:06:44

Meeker: You know, it sounds like a recipe for a difficult winter in cold Wisconsin.

01-00:06:48

Donaldson: Oh yeah. But you know, Donald and I, we didn't realize how poor we were. I remember, thinking back now, we never had a full orange, we always had an orange and she'd cut it in half, so we'd each have — my younger brother died the April after she came back to Wisconsin. He wasn't even a year old.

01-00:07:16

Meeker: Was there an understanding about what killed him?

01-00:07:21

Donaldson: What killed him was — and they didn't have any socialized medicine then, and she basically couldn't afford to — she had a doctor who came occasionally to see him, but it was one of these general practitioners and we still don't know why he died.

01-00:07:40

Meeker: But no obvious childhood disease or —

01-00:07:43

Donaldson: No, no. What I recollect, my mother and my one aunt saying is that he was always such a good, quiet baby, which could have meant anything.

01-00:07:55

Meeker: Sure. Your mother then I assume went to work, is —

01-00:08:00

Donaldson: No.

01-00:08:01

Meeker: No?

01-00:08:02

Donaldson: She didn't. First off, we were in the Depression then and there wasn't any work. For a time, there were two women teachers in Rockford down below who would each month bring her up I think about twenty dollars, which went a long way then, because she wasn't paying rent for the chicken coop. And then eventually when I was about five, my grandmother and the uncle and an aunt — but the aunt who was still in high school — they moved into Wisconsin to a little larger house. And then we moved up with them. So it was kind of a family commune. And my aunt, actually my favorite aunt, she was still in high school and my grandmother kept house and my mother did housework for fifty cents a day when she could find it. And my uncle worked as — at the power and light. He was the only one who had a regular job.

01-00:09:16

Meeker: Would that have been considered a professional job or was it more of a —

01-00:09:20

Donaldson: No, he read meters.

01-00:09:22

Meeker: OK.

01-00:09:23

Donaldson: Yeah.

01-00:09:24

Meeker: OK. And so what town was this then?

01-00:09:32

Donaldson: Beloit.

01-00:09:33

Meeker: Beloit.

01-00:09:34

Donaldson: Right on the state line. See, we had lived in South Beloit, which was in Illinois. And we just moved across the state line to Beloit.

01-00:09:42

Meeker: OK. Tell me a little bit about your education then, your primary school education, or high school education?

01-00:09:49

Donaldson: Well, when we all lived together, I went to a grade school that was three blocks away, as did my brother, and then eventually my uncle lost his job — it was actually kind of crazy because each month the — he would turn the electric meter back a little bit to keep the electric bill low. And we had another uncle and he was kind of a — oh, every now and then he didn't have a home so he'd come and sleep on the sun porch. And one time he thought he'd be very helpful, so he turned the meter back, too, so that the next time they read it, it was less than the month before. So that uncle got — you know, my uncle got fired. And nobody knew what to do. So my mother then found a home — the rent in this large home was 25 dollars a month. But it had a bathroom and it had running water. But my mother found a home for 10 dollars a month and so first she and my brother and I moved there, and then very shortly, when they could close up the house, my grandmother and my aunt moved there also with us and my uncle went into the Civilian Conservation Corps up in Northern Wisconsin.

01-00:11:32

Meeker: What kind of projects did he work on?

01-00:11:34

Donaldson: He worked on, you know, forest projects. They had some forest camps there.

01-00:11:40

Meeker: So doing logging?

01-00:11:41

Donaldson: I don't really know. He was just kind of out of the picture at that time.

01-00:11:46

Meeker: OK.

01-00:11:47

Donaldson: And the rest of us were making due.

01-00:11:50

Meeker: So were you ever asked to go out to work as a young kid?

01-00:11:57

Donaldson: No, I wasn't asked to but later on, when I was about in fifth grade, we had moved even further, I got a route for the Saturday Evening Post and The Ladies Home Journal. And I would sell the Saturday Evening Post for five cents and I would buy it for two cents. So I made three cents profits. The Ladies Home Journal I bought for seven cents and sold for ten cents. And I had a regular route. I never sold very many of them, but every week I went out and sold what I could.

01-00:12:41

Meeker: So tell me about the high school that you entered.

01-00:12:46

Donaldson: Let me talk about grade school first, because grade school was really important. We lived at 1910 Roosevelt, and I was going to what they called Gaston's. It was a grade school. And then the time came when my mother — she got a cash settlement from my father's World War I bonus for army service and it was a thousand dollars.

01-00:13:17

Meeker: This is an outgrowth of the bonus marchers, I guess?

01-00:13:21

Donaldson: Yeah, when — but they — the ones who had died, they gave first. Anyway, with that thousand dollars, she was able to buy a home with — on three lots. And so we all moved up there. It was a small home, but we somehow all fit. At that time, I changed over to what was called Cunningham School. It was a relatively new school. And I enjoyed it very much. Of course, I always liked school. But in the sixth grade, there was a teacher, Donald Upson was his name. He was a handsome man. It was his first teaching job and I was kind of a teacher's pet.

01-00:14:19

Meeker: You showed aptitude for education?

01-00:14:23

Donaldson: Well, yeah, he wrote on my report card one time, "Herbert is a pleasure to have in class," and, you know, it was one these situations where he was really creative and he played the piano and we would sing and we'd just do all sorts of things that — and he would also — in his car, he would take some of his students down to Chicago and up to Madison, you know, and what a world it was. You know, going down to Chicago then, they actually had four-lane roads. Two lanes each way, which was — they were considered really kind of superhighways. Going up to Madison, there was only one lane each way. But he took us up to the zoo and he took us down to Chicago. I can't even remember what we did in Chicago. But it was a carload of kids.

01-00:15:25

Meeker: Maybe went to the museum or the —

01-00:15:27

Donaldson: Yeah, you know, I can't really remember what we did. But I remember we all had a good time. And all the kids he took were poor, and so he paid for everything. Later on we had a fiftieth anniversary get-together, fifty years afterward and after our sixth grade. And it was pretty well attended. And we were talking — at that time, he was making — I think he said he was making 125 dollars a month. But he was also paying board and room for three dollars a week. So he had extra money, so he could afford a car. And that was his first teaching job and he was a born teacher.

01-00:16:25

Meeker: And he was unmarried as well, yeah.

01-00:16:27

Donaldson: He was unmarried at that time. He eventually married and had a family and instead of continuing teaching he became the superintendent of schools for the county, where he continued until he retired.

01-00:16:40

Meeker: So you then interacted with him fifty years after this —

01-00:16:42

Donaldson: Yeah, yeah.

01-00:16:43

Meeker: Interesting. I'm guessing at this point in time when you were growing up there was probably little expectation within your family that you would be going on to higher education?

01-00:16:58

Donaldson: Nobody had — well, my one uncle, the one who got fired from Power & Light, he had done two years of college.

01-00:17:07

Meeker: OK.

01-00:17:08

Donaldson: But my aunt, I remember when she graduated it was quite an occasion, and she was what they call the salutatorian. She was the second highest. She wasn't the valedictorian. And she so wanted to go to the university and she could not because — and I didn't realize how much she resented that until years later when — one time when — she was really an old woman then and she was just so resentful of the fact that she had not been able to go to university, because there simply wasn't any money. And even though the university tuition then was free to state residents — but you still had to have something to get by on.

01-00:17:59

Meeker: And I imagine she was expected to help the household survive as well.

01-00:18:03

Donaldson: No, what happened was she couldn't get a job, although she had taken shorthand and typing, so ultimately what she did was — and she got together with a group of friends and they went to this place over on Lake Michigan at — it was at Racine or Kenosha, it was called faith homes in which these young people lived by faith. One or two of them would work here and there and they would have a garden and so forth, and then she would come home weekends sometimes. And that's how she lived, but then she wasn't any strain on the family, and that was the reason she did it. And then from there, she got a job taking care of a little boy down at Winnetka, Illinois, in which — and

she got — it was considered very good wages. Four dollars a week, plus her board and room.

01-00:19:17

Meeker: It sounds almost like that one faith home is almost like sort of a secular convent or something, right?

01-00:19:24

Donaldson: They all seemed to have a good time, but — yeah, it was. It was almost like we had up here in the Haight-Ashbury, everybody living together. Only they didn't have drugs then.

01-00:19:48

Meeker: Was your family religious?

01-00:19:56

Donaldson: My grandmother was.

01-00:19:57

Meeker: Yeah.

01-00:19:58

Donaldson: She was religious. And I still remember that she would not cook on Sunday. And she would set the table on Saturday night and the — [laughs] we couldn't go to movies, because she didn't believe in movies. She didn't believe in cosmetics. So far as I know, she never used any cosmetics. Wore her hair in a tight bun and it was — but she was one of the most generous women. She would give anybody the shirt off her back. When we were all living together, before Ralph got fired, I remember one time I happened to be out in the kitchen in the evening and she always — if somebody came to the back door — back in the Depression, people knocked at the back doors for a hand-out and she would always feed them, and I remember my uncle telling her — and I thought it was so strange, because I always considered her the boss. But he was saying, "Now you can't do that, because we don't have enough to feed the whole world." But she did it anyway.

01-00:21:32

Meeker: Was there a particular denomination she was associated with?

01-00:21:36

Donaldson: It was part of the Methodist church.

01-00:21:41

Meeker: OK.

01-00:21:45

Donaldson: But I'm — was it called Free Methodist? Something like that. It was a Methodist denomination that had somehow formed outside the regular Methodist church because the regular Methodist church in town insisted on people contributing, and at that time she didn't have any money to contribute.

And there were a lot of people — so they got together as Free Methodists. It was kind of interesting.

01-00:22:19

Meeker: Did your mother ever remarry?

01-00:22:21

Donaldson: Yes she did. She remarried after I was in the Navy.

01-00:22:25

Meeker: OK. Who did she remarry?

01-00:22:32

Donaldson: Well, he was kind of a — you would say a ne'er-do-well, except that he was a very gentle man. She always directed him. But my brother and I still talk that — he was a very good gardener. I mean, he could raise more food and, I mean, and he knew how to treat trees and things like that. But he couldn't keep a job.

01-00:23:03

Meeker: Do you remember your household's attitude toward F.D.R. and his programs?

01-00:23:10

Donaldson: Oh, F.D.R. was our hero, yeah.

01-00:23:15

Meeker: Was there a photograph of him in the house anywhere?

01-00:23:18

Donaldson: Yes. There was a photograph of F.D.R., sure.

01-00:23:20

Meeker: Interesting. So do you recall your family voting and participating in the process or —

01-00:23:28

Donaldson: The interesting thing is my grandmother voted.

01-00:23:30

Meeker: Yeah.

01-00:23:30

Donaldson: My uncle voted. My mother never voted in her life. She had no interest in politics. But the New Deal had what they called the — what was it? They distributed little signs, "We Do Our Part." N— was that the N.R.A.?

01-00:23:57

Meeker: National Recovery Administration?

01-00:23:58

Donaldson: Yeah, until that was declared unconstitutional. But we had one of those little N.R.A. signs in our window.

01-00:24:05
Meeker: Oh really.

01-00:24:06
Donaldson: Yeah.

01-00:24:07
Meeker: So the association — for F.D.R., he — being your hero or your family's hero had to do with the programs that he was doing to —

01-00:24:17
Donaldson: Yeah. And we always turned the radio on when he had his fireside chats.

01-00:24:27
Meeker: Interesting. So did that seem like a reasonable perspective to you growing up as a, you know, young kid?

01-00:24:37
Donaldson: Seemed like the only perspective.

01-00:24:38
Meeker: OK.

01-00:24:39
Donaldson: I remember neighborhood kids — when Landon ran against Roosevelt, I think that was in — was that '36? Neighborhood kids ran around with this rhyme, "Roosevelt's in the White House waiting to be elected and Landon's in the garbage can waiting to be collected." [laughter]

01-00:25:03
Meeker: So when you went to high school, was it a large high school that drew students from around the area?

01-00:25:08
Donaldson: First we went to a junior high school and it was a large one— in Beloit, we had two junior high schools. One on the East Side and one on the West Side. We lived on the West Side, which was not the elite section of town. The East Side was, but we didn't live there. And we always walked. And I sometimes laugh at these kids now, they always have to be taken in cars and drive cars, and we walked — oh, one, two, three, four, five — it was about fifteen blocks. And, oh, in the winter it was just as cold as could be. But we still walked, 'cuz Beloit had a terrible bus line. And besides that, bus fare was ten cents and we couldn't afford the ten cents. And then after ninth grade, we went to high school.

01-00:26:21
Meeker: What was the name of the high school?

01-00:26:23
Donaldson: Beloit.

01-00:26:24

Meeker: Beloit, oh, OK.

01-00:26:24

Donaldson: Beloit Senior High School. And, you know, by that time I didn't really fit in.

01-00:26:34

Meeker: How?

01-00:26:35

Donaldson: I was gay but I didn't know it. I mean, I didn't know what gay was.

01-00:26:39

Meeker: Well, can you describe that a little bit? I mean, what was it like not to fit in? What were some of the ways that people did fit in that you didn't?

01-00:26:49

Donaldson: I didn't like sports. Furthermore, I had back trouble then. I had to wear a huge brace on my back that —

01-00:27:01

Meeker: Was it scoliosis or —

01-00:27:02

Donaldson: I don't know what it was. I know my mother used to take me up to Madison, and they wanted to do an operation and she didn't want to and I'm forever grateful she didn't, because I would have had to stay in a cast for six months, and I didn't want to be out of school that long. But not fitting in, you know, it was only after junior high school that I didn't — or at — when I got into junior high school that I didn't fit in. In grade school it was fine, although one of the things I remember so well is when I was in the first grade, the teacher asked me to take a note up to the sixth grade teacher. And back then, all the sixth grade teachers were men. And I remember I took the note up and I handed it to him, and it was almost like there was an electric shock when his hand touched mine. And I, you know, I was really attracted to him.

01-00:28:00

Meeker: Did you understand, from your memory, that you had this attraction for men that your fellow students didn't, your fellow male students didn't?

01-00:28:09

Donaldson: Oh, yeah, it was something I never vocalized. I mean, they'd all be talking about girls and [laughs] I didn't talk about girls, 'cuz I wasn't interested.

01-00:28:21

Meeker: As far as not fitting in, was it something that you mostly felt on your own, or was it something that other students told you in ways that pointed out how you didn't fit in?

01-00:28:36

Donaldson:

One of the ways, was I had no trouble making friends with girls. And somehow, you know, there were all these friendships with girls. And I remember in high school, there was this one girl, she was the, you know, kind of the queen of the class. And there was a dance — I didn't go to the dances, usually, but she — you know, and all these guys were asking her to the dance. And instead, she asked me if I would go to the dance with her. And, you know, but I didn't. But I didn't have any real, you know, friendships with any of the boys.

01-00:29:21

Meeker:

Do you recall why you declined her invitation?

01-00:29:24

Donaldson:

'Cuz I didn't know how to dance. [laughs] That's easy. I just didn't know how to dance.

01-00:29:30

Meeker:

Was there an economic thing about some of this or about —

01-00:29:33

Donaldson:

I didn't have a suit.

01-00:29:35

Meeker:

Yeah.

01-00:29:36

Donaldson:

You know, I didn't have a suit until I graduated from law school.

01-00:29:42

Meeker:

Was your high school fairly mixed economically?

01-00:29:49

Donaldson:

Yeah, at the high school, the East Side people and the West Side people mixed, so that those of us on the West Side who weren't economically able to mix — but we did mix.

01-00:30:09

Meeker:

You know, you mentioned that when you were a young child, you didn't recognize how modest your family's finances were. I wonder at what point did that become more obvious to you?

01-00:30:32

Donaldson:

I think it was about junior high school when, you know, a lot of the kids would bring candy and so forth. I didn't have any money to buy — bring candy to school. So I was never reprimanded for eating candy in class. And then a lot of them would go down to a lunch counter and have a hamburger. And I still remember — I think I was in high school — one time, it was in the wintertime because I happened to be downtown and I met my aunt—it was near Christmas and she said, "Why don't we have a hamburger?" And it was such a treat. We went to the — it was a drugstore and we went and had a

hamburger and a milkshake. Hamburgers were fifteen cents then and milkshakes I think were twenty cents. But what a treat it was to sit down and have a hamburger and a milkshake. I always did well in school, though.

01-00:31:49

Meeker:

When there's boys in high school, you know, have a tendency if they don't fit in with the athletic crowd, they sometimes either fall into the kind of drama performance crowd and/or the group of kids who took school really seriously or liked it a lot.

01-00:32:13

Donaldson:

I didn't fall into the drama group. I probably would've liked to, but I didn't. But I took school very seriously. In the eleventh — I only reached — I only went through eleventh grade, but in eleventh grade I remember I wanted to take typing. But if you took typing, you had to take shorthand. So the result was — none of the boys took typing because they didn't want to take shorthand. Except I took typing and shorthand.

01-00:32:46

Meeker:

Because shorthand was a girl's thing.

01-00:42:48

Donaldson:

Yeah. But I showed them, I remember by the end of the year I was typing 88 words a minute without any errors, and I was able to take shorthand at 160 words a minute, which was faster than any of the girls could do.

01-00:33:07

Meeker:

What was it like for you to be the only boy in this class?

01-00:33:15

Donaldson:

It actually — it was not — I didn't feel unusual there. First off, the teacher in typing and the teacher in shorthand, both of them didn't consider me unusual because I was there, and in fact kept encouraging me. In fact one, the teacher of shorthand, at the end of the year she said to me — she said, "Now I know somebody at" — was called the First National Bank — and she said, "And I recommended that they hire you for the summer." They didn't hire me.

01-00:34:01

Meeker:

Because they only hired females?

01-00:34:04

Donaldson:

They weren't looking for a boy.

01-00:34:06

Meeker:

OK.

01-00:34:07

Donaldson:

So that summer, the summer after eleventh grade, I got a job at a factory. And I was making fifty cents an hour. And I was loading lumber off a car and doing all sorts of manual work and — but they — for the typist, they hired a

high school girl. The poor thing, she could barely type. But they would never consider hiring a boy for that. And she made eighty-five cents an hour, which seemed like so much then.

01-00:34:43

Meeker: Did you receive a diploma at the end of eleventh grade?

01-00:34:47

Donaldson: No.

01-00:34:48

Meeker: You didn't.

01-00:34:48

Donaldson: No, I just went off and joined the Navy.

01-00:34:49

Meeker: OK, well, maybe you can tell me a little bit about what you remember—you know, fairly small town in southern Wisconsin. You're growing up in the late '30s, early '40s, going there to high school. What did you know of the outside world at that point? Were you aware of the rumblings of change in Europe and Asia?

01-00:35:17

Donaldson: Oh, yes indeed, because we had a newspaper, *The Beloit Daily News*, and I would often walk down there — it was quite a ways — I would walk down there to — because they always, on their blackboard, would put the latest news. Yeah. And I remember we went to this — we went to a county fair on the day Germany invaded Poland. And there was my mother and my aunt, by that time she had married. It was always a question whether she did. It turned out she married a soldier who was already married. And then he came home with her when she got pregnant, and then he left, because he couldn't find work and she never heard from him after that. Then it turns out that he married — subsequently he married several women without bothering to get divorced. So — but she and my mother and my brother and I went to this county fair. And I remember the headlines that Germany had invaded Poland. Yeah, we were really aware of what was going on. And also I remember when the Panay was sunk over in China by the Japanese.

01-00:36:42

Meeker: So were you an avid reader of news?

01-00:36:45

Donaldson: Oh yeah.

01-00:36:46

Meeker: OK. Well, there were, of course, a lot of kids, I imagine, in your high school who were more concerned about the lunch counter and —

01-00:36:54
Donaldson: Oh, you know, there was that group.

01-00:36:56
Meeker: Yeah. But that wasn't you?

01-00:37:00
Donaldson: It wasn't I.

01-00:37:01
Meeker: Did your family subscribe to any of, you know, *The Saturday Evening Post* or *Life* magazine or anything like that?

01-00:37:09
Donaldson: No, ultimately what we did is we subscribed to *The Milwaukee Journal*, which was delivered every day, yes.

01-00:37:20
Meeker: OK, so that was your main source of news at that point?

01-00:37:23
Donaldson: And the radio.

01-00:37:24
Meeker: And the radio.

01-00:37:25
Donaldson: Oh, yeah.

01-00:37:26
Meeker: Do you recall what programs you listened to?

01-00:37:27
Donaldson: Oh, sure. Well, we listened to the usual evening programs—

01-00:37:32
Meeker: Which would have been?

01-00:37:35
Donaldson: Well, *The Lux Radio Theater*, *The Hermit's Cave*, that was on Sunday night. Some of the mystery programs, and then there was Gabriel Heater who — he always came on at eight o'clock, and we listened to him.

01-00:37:51
Meeker: Who was he?

01-00:37:53
Donaldson: He was a commentator on — he was a newsman, but he also commented on the news. We don't have those anymore.

01-00:38:01
Meeker: Sort of an Edward R. Murrow kind of guy?

01-00:38:04
Donaldson: Yeah, who would not only give the news but the implications of the news. And then I remember when London was being bombed and we were getting these broadcasts as the bombs were dropping — and it was actually very exciting.

01-00:38:23
Meeker: You know, sometimes people talk about learning of the bombing of Pearl Harbor as one of those kind of flashbulb moments where you kind of remember where you were and what you were doing —

01-00:38:33
Donaldson: Oh, I remember where I was.

01-00:38:35
Meeker: Where were you?

01-00:38:37
Donaldson: I remember I had gone over to one of the shirttail relatives I had because they asked me to come over to take their little girl to the movies. And of course it was a chance for me to go to the movies. It was a Sunday. And I got over there and just as we were about to go to the movies — it was the Majestic Theater, and I still remember it was Greer Garson in *Blossoms in the Dust*. But the husband came rushing in and he said, "The Japanese have just bombed" — he said Manila. Turned out it was Pearl Harbor. But I think they were confusing the two then. Yeah, and I remember I had a hard time concentrating on the movie. We went to the movies, but I had a hard time concentrating, because, "what were the implications of that?"

01-00:39:28
Meeker: So you would have been 14 or 15 at that point?

01-00:39:33
Donaldson: It was 1941. Let's see— I would be 14.

01-00:39:38
Meeker: OK. Were you old enough to understand the implications of that?

01-00:39:44
Donaldson: Yeah.

01-00:39:45
Meeker: Yeah. So you understand that the U.S. would probably go to war?

01-00:39:51
Donaldson: Yes, because in junior high school, we all went down to the auditorium and we listened to President Roosevelt address Congress the next day.

01-00:40:01
Meeker: And he gives his famous speech.

01-00:40:03
Donaldson: Yeah, mm-hmm.

01-00:40:06
Meeker: [break in audio] So we were talking a little bit about your learning about the Japanese attack on Pearl Harbor and the U.S. entry into World War II.

01-00:40:19
Donaldson: Yeah. And then the young men started joining of the Air Force — actually, it was the Army Air Force — the Army and the Navy and the Marines. And my brother joined the Navy.

01-00:40:33
Meeker: And he was a year and a half older than you? Is that correct?

01-00:40:35
Donaldson: Yeah, mm-hmm.

01-00:40:37
Meeker: When did he join? Do you recall?

01-00:40:47
Donaldson: You know, I can't recall. It was about a year and a half before I joined.

01-00:40:54
Meeker: You know, I wonder if we could talk about your relationship with your brother for a second, because the way that you've described yourself growing up, feeling not like other boys around you — and I wonder how it was growing up, having a brother that was fairly close to your age?

01-00:41:14
Donaldson: We didn't — he had his friends and I — we still joke about the fact that when I would try to follow them, they would throw stones at me so I wouldn't. And then when he was 16, he ran away from home and he went back to West Virginia to live with my father's relatives. And then he went to work in a mine when he was just 16.

01-00:41:42
Meeker: Why did he do that?

01-00:41:44
Donaldson: You know, I still don't know. And I'm not sure he can articulate either. I think he wanted adventure. He ran away from home because he just — hitchhiked there.

01-00:41:58
Meeker: Was that about the time that your Mom started seeing another man?

01-00:42:05
Donaldson: Yeah, she was seeing somebody then. In fact, by that time, there — we had a — what they called a house trailer in back, and he had moved into the house trailer. And he was eating with us regularly.

01-00:42:26
Meeker: So you and your brother — there wasn't a lot of opportunity I guess for you to model your behavior on his or to emulate him?

01-00:42:36
Donaldson: No. I remember we — one time, my aunt and I went down — he was at Great Lakes. And we went down to visit him at Great Lakes. And that was quite an adventure, because we had to take the train down to Chicago then and take the North Shore up to Great Lakes and then we came back and I remember we got the late train back. It was called the milk train. It didn't get back to Beloit until four in the morning. And then we saw, you know, the training station at Great Lakes. Then I must have been at least unconsciously thinking about the service, because in August of '44, I joined. I was 17.

01-00:43:28
Meeker: So you enlisted.

01-00:43:30
Donaldson: Oh yeah. And my mother agreed because she didn't think I was going to pass the physical. Because you had to sign if — parents had to sign.

01-00:43:39
Meeker: I wonder — up to that point, you know, you finish eleventh grade, that would have been, what, June of 19—

01-00:43:45
Donaldson: '44.

01-00:43:46
Meeker: — '44. Had you ever, up to that point, heard the word homosexual?

01-00:43:55
Donaldson: No.

01-00:43:56
Meeker: Never encountered this notion that there were men who had sex with men?

01-00:44:02
Donaldson: No. I hadn't.

01-00:44:04
Meeker: Had you had any sort of sex education at all?

01-00:44:07
Donaldson: No.

01-00:44:08
Meeker: So what did you know even informally about heterosexuality?

01-00:44:15
Donaldson: Just in kind of the most general, vague terms. You couldn't even get a good book on sex education then. And just what you pick up from the other guys. But you don't pick up a lot.

01-00:44:30
Meeker: Did you masturbate regularly?

01-00:44:35
Donaldson: Oh yeah.

01-00:44:36
Meeker: OK. Was that something that was that taught to you or did you learn that on your own?

01-00:44:41
Donaldson: No, no, I did it accidentally.

01-00:44:45
Meeker: Okay.

01-00:44:49
Donaldson: And then I thought nobody else in the world ever did that. [laughs]

01-00:44:52
Meeker: Sure.

01-00:44:56
Donaldson: And then I joined the service and —

01-00:45:00
Meeker: Why was it that your Mom — sorry to interrupt, but why was it your Mom thought that you wouldn't pass the physical?

01-00:45:04
Donaldson: Because I was still wearing that awful brace.

01-00:45:07
Meeker: Oh, OK.

01-00:45:09
Donaldson: And it made these deep marks in my skin. And she thought it — when I went in for the physical that I'd be taking that off. Of course, I took it off. But they could see the marks that it made. But back then, if you breathed they would take you in.

01-00:45:29
Meeker: Do you remember the physical that you went through? Was there any questioning about sexuality or attraction?

01-00:45:36

Donaldson: The only thing that even approached that in — this one guy said, "How old is your girlfriend?" And I said 17. I didn't have a girlfriend, but I said 17 anyway. That was the only question that was asked.

01-00:45:51

Meeker: Interesting. [laughs] Not very precise, then, was it?

01-00:45:55

Donaldson: No.

01-00:45:56

Meeker: Yeah. Looking back upon then and understanding, you know, on a scale from a very effeminate boy to a big football player, where would you have put yourself?

01-00:46:13

Donaldson: I was fairly effeminate.

01-00:46:15

Meeker: Yeah. So not just not masculine, but effeminate as well?

01-00:46:20

Donaldson: Yeah, I think I was fairly feminine. Because at boot camp, I remember this one guy, he said to me, "Are you fruit?" But I didn't even know what he meant by fruit! [laughs] And I couldn't even reply to that!

01-00:46:41

Meeker: Why'd you enlist in the Navy?

01-00:46:50

Donaldson: I don't know. Because I didn't want to go in the Army.

01-00:46:53

Meeker: Why not the Army?

01-00:46:56

Donaldson: You know, even then they said you always have clean sheets in the Navy. [laughter]

01-00:47:05

Meeker: Muddy trenches in the Army.

01-00:47:07

Donaldson: Yeah. But that was about it. It certainly wasn't because I thought the Navy uniform was more sexy, because I still don't think it is.

01-00:47:24

Meeker: So I keep on sort of forgetting my questions that I'm going to ask. Your brother was in the Navy at this point, yes?

01-00:47:31
Donaldson: Yeah.

01-00:47:32
Meeker: Was that a factor?

01-00:47:35
Donaldson: That may have been a factor, but by that time, he had gone to gunner's mate school and he'd gotten injured and so he was actually in the naval hospital being treated for that and ultimately they discharged him.

01-00:47:53
Meeker: Since you were a good student in high school, did any of your teachers — did you ever tell them that you were planning on not coming back for senior year, was there any —

01-00:48:06
Donaldson: No.

01-00:48:07
Meeker: OK. So you just didn't show up?

01-00:48:08
Donaldson: I just didn't show up.

01-00:48:10
Meeker: Interesting. Did you ever hear from them saying what happened to you? You know, you were a good student —

01-00:48:18
Donaldson: This one teacher I wrote after — and she wrote me back a very cheery letter, wishing me well and so forth. That was the teacher who taught shorthand. And she was the only one I ever let know.

01-00:48:35
Meeker: Hmm. Interesting. So, tell me about your experience, then, in the Navy. You were in there for six years, yes?

01-00:48:44
Donaldson: Yeah, almost eight.

01-00:48:45
Meeker: Almost eight, OK.

01-00:48:49
Donaldson: I was in the Navy — I went to boot camp and then after that —

01-00:48:52
Meeker: Where was boot camp?

- 01-00:48:53
Donaldson: Great Lakes. And then based on your performance on — and your skills, I — you know, I could type, take shorthand, so they sent me to yeoman's school.
- 01-00:49:04
Meeker: What's yeoman?
- 01-00:49:05
Donaldson: Yeoman was the clerical worker. And that was at Great Lakes also. And there I met some — I was in Y11-1, and that was the group — it was really a nice group of guys and I fit in really well there.
- 01-00:49:26
Meeker: How so?
- 01-00:49:27
Donaldson: I don't know how, but somehow there wasn't this masculine competitiveness. And besides that I was the best typist and I took shorthand the best of any of them.
- 01-00:49:50
Meeker: Did you ever have any sort of trepidation, I guess, about going into the Armed Forces, which was a heavily, you know, homosocial, all male world, especially considering that when you were in high school you said you didn't have a lot of male friends.
- 01-00:50:06
Donaldson: No, I didn't. I didn't have any trepidations at all. I'm not sure why I didn't, but I didn't.
- 01-00:50:18
Meeker: So do you recall some of the people that you became friends with?
- 01-00:50:27
Donaldson: Yeah, in fact I'm still friends with a couple of them. Harry, who lives in — near Annapolis, and Joe who lives in Cincinnati. And we've maintained contact. We went to Alaska together in the Navy, in the Seabees, and we even had a 50th reunion. We took the ferry boat up the Alaska coast the way we had originally gone up to Alaska back during the war. Joe got married and he had seven children and he got God knows how many grandchildren. And it's — they got a really, really fine family. His wife never worked and Joe went to night college and had a job with the V.A., and they sent every one of their kids through college.
- 01-00:51:35
Meeker: Wow.
- 01-00:51:39
Donaldson: And it's still a very close family. I've gone back to visit them.

01-00:51:47

Meeker: And your other friend?

01-00:51:48

Donaldson: Harry. Harry went to Dartmouth and then ultimately went to library school. By that time, you know, I was married. He had come down from Dartmouth and — visit me. I was stationed at the Naval War College in Newport. He would come down, and he found out that he was gay about, you know, just before he left the Navy.

01-00:52:16

Meeker: When you say he found out that he was gay, it's —

01-00:52:20

Donaldson: He got picked up by a Marine in Washington, D.C., but then eventually he married. And for the most bizarre reason. He married because he felt that as a librarian he would get further if he had a wife. And he's still married. And, you know, unfortunately, I don't think he's very happy. I don't think he's — in fact, I know he's not happy at all. And periodically he falls in love with somebody who, of course, will not reciprocate and he just doesn't have a very happy life.

01-00:53:11

Meeker: Was it in the war that you began to relate your sense of — I guess you said feeling different, is that what it was?

01-00:53:24

Donaldson: Mm-hmm.

01-00:53:24

Meeker: To being homosexual — and I guess I'm using that term because from what I understand, that was the term that was used then?

01-00:53:34

Donaldson: No, even in the service, when I was up in Alaska, we were up in northern Alaska and both Harry and Joe were up there with me. And I didn't realize I was being hit on. Here I was, you know, as they used to call it, tender gear, and —

01-00:53:55

Meeker: What does that mean?

01-00:53:56

Donaldson: Tender gear is somebody who's young and tender.

01-00:54:00

Meeker: Was it a term particularly used in the Navy or —

01-00:54:03

Donaldson: Yeah.

01-00:54:04

Meeker: OK.

01-00:54:05

Donaldson: At least that's where I heard it. And I remember so well one night I was at the administrative — our ad building, and I worked from six at night until midnight, and when I got off duty, a sheet metal man came over and he said, "Well, you know, why don't you come over to the blacksmith shop, because we've got some steaks there." And so there was two guys — there's Andy and I forget what the other guy's name was. And they were fixing the steaks that they had stolen, of course, and they were so friendly and, you know, they were kind of pawing me, but I just thought this was just being comrade-like and I — they must have felt very frustrated, because they were obviously out to put the make on me, and I was just too goddamn dumb to realize it. But the steak was good. [laughter]

01-00:55:09

Meeker: I'm wondering about that story. When was it in your life that you then looked back and realized what was going on there?

01-00:55:17

Donaldson: It was years later.

01-00:55:20

Meeker: Yeah.

01-00:55:22

Donaldson: It was years later that I realized that that was what had really happened. And they were always very nice to me. And they would, you know — they were really friendly, because one of them bunked above me and one bunked across from me. We had a little huts, Quonset huts that we lived in.

01-00:55:46

Meeker: When you enlisted, you know, it was 1944. I guess the war was still raging then, right?

01-00:55:52

Donaldson: Oh yeah.

01-00:55:54

Meeker: Was there a sense that you would see some military action?

01-00:55:59

Donaldson: There was. In fact, after we finished yeoman's school, there was a group of us — got sent to the Seabee camp at Davisville, Rhode Island —

01-00:56:10

Meeker: What's a Seabee?

01-00:56:12

Donaldson: Construction battalion. They were the construction — they would go in advance with the invading troops and create the airfields and the camps. And then while I was there waiting to be shipped out, I got orders to — they needed some people in the — on the ships. So I got orders to go to a destroyer that was based out of Boston and was heading for the Far East. And at the same time, I got orders to go to this Seabee detachment 1058 up at Point Barrow, Alaska. I mean, there was some inefficiency in the service. So they just asked me where I wanted to go, so I thought, well, Harry and Joe were going up to Alaska, so I might as well go there instead of going off to the destroyer. And that's how I got — so we went up to Alaska. And the war was still going on and we went up to the northernmost part of Alaska.

01-00:57:31

Meeker: So do you know whatever happened to that destroyer? Did it see action?

01-00:57:33

Donaldson: I don't have any idea what ever happened to that destroyer except it was headed for the Far East.

01-00:57:40

Meeker: I know that there was some naval, military action in the Pacific theater in the north. Did you ever witness any of that?

01-00:57:50

Donaldson: You mean Aleutians and so forth?

01-00:57:52

Meeker: Yeah.

01-00:57:53

Donaldson: No, the Japanese had taken some of the Aleutians, but we had retaken them — actually they abandoned some of them. Attu was one that they had just abandoned in the middle of the night. And when we stopped at Fairbanks on the way up to Point Barrow, we stayed a few days at this — I think it was Ladd Field — and they were actually training Russian aviators there. But, no, I didn't see any action, as such.

[End Audio File 1]

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02-00:00:00

Meeker: All right. So when you shipped out to go to Alaska, what port did you ship out from?

02-00:00:13

Donaldson: Seattle.

02-00:00:14

Meeker: Seattle, OK. So was this the first time you'd seen the Pacific Ocean?

02-00:00:18

Donaldson: Yep.

02-00:00:19

Meeker: What'd you think of the West Coast?

02-00:00:21

Donaldson: Well, first we went to Tacoma and then there was a receiving station at Tacoma. Then we were sent up to Seattle. I loved it. The three of us, Harry and Joe and I, we went out and when we were at the receiving station in Seattle, we went out and we had a really fine meal at the Roosevelt Hotel. And it was just a nice experience for some kid, basically, a country boy. Yeah, and it was exciting taking the ship up. We took the inland passage, and that was kind of exciting.

02-00:01:09

Meeker: It's a beautiful, beautiful place.

02-00:01:11

Donaldson: It really is.

02-00:01:14

Meeker: How long were you stationed in Point Barrow?

02-00:01:16

Donaldson: Well, I was stationed in Point Barrow — eventually the war ended and, of course, I was still stationed up there. And then it was — really, it was just really happenstance, I — Harry, in order to get out of there, 'cuz they weren't — we weren't on the list to be demobilized — he applied for the Naval Academy prep school. And so he got orders to go back somewhere near Norfolk, to prep school. But then I was reading one of these *All Hands* magazines and so I just wrote a letter to the Bureau of Naval Personnel asking for a transfer back to Washington. And I put my qualifications. And our officer in charge there, he would sign anything you put in front of him. He was a nice guy and anything you put in front of him he'd just sign. He didn't really even read it. So I put forward — recommending approval and he signed it and I sent it off and then I forgot about it. And all of a sudden one morning, I was still asleep and Harry came over and he woke me up and he said, "Well, the most exciting thing has happened. We've got dispatch orders to fly you back to Washington for duty in the Office of Naval History."

02-00:02:43

Meeker: Was it particularly that position that you were applying for?

02-00:02:46

Donaldson: No, no! So, you know, it was a complete shock to me, because I had just forgotten I'd sent the letter off. And so it so happened that the two of us flew

back together and I flew back to Washington, went to Seattle first and then I got a plane to Washington, D.C. and went to work in the Office of Naval History. In fact, the books up there — fourteen, fifteen volume *History of Naval Operations in World War II*, and Samuel Elliot Morrison was in charge of that, he was writing that. And so I was put on his staff. And it was incredible. Here I was, this kid, and I was in the Navy Department building just around the corner from the Secretary of the Navy's office, just because I'd written a letter and asked for it.

02-00:03:51

Meeker: This was '45 or '46?

02-00:03:52

Donaldson: It was '45. No, I'm sorry, it was '46.

02-00:03:57

Meeker: OK, so a little bit after the end of the war.

02-00:04:00

Donaldson: Yeah.

02-00:04:01

Meeker: And was it because of your skills that you were brought on?

02-00:04:07

Donaldson: Yeah, but what had happened was that one of the officers in the Office of Naval History had gone over to the Bureau of Naval Personnel because they wanted somebody — they wanted another person and they had received my letter, and so they showed him my letter, and I'd listed all my qualifications, how fast I could type and my interest and so forth, and so then they just wrote out dispatch orders for me to fly back there.

02-00:04:33

Meeker: So what kind of work did you do for the historian?

02-00:04:37

Donaldson: I did some purely clerical and other was research in what they called action reports from ships and units. And getting those and assisting on manuscripts and so forth and so on.

02-00:05:02

Meeker: So, I'll admit that I haven't read a lot of military history. What goes into the fourteen volumes of *The History of the U.S. Navy in World War II*?

02-00:05:12

Donaldson: Oh, Volume One has Battle of the Atlantic, Volume Two is the Rising Sun in the Pacific. Volume Three — I mean, it goes through — all through all the battles, the various battles up to the very end. It included the naval operations throughout the world. And at the beginning of the war, Morrison, who was a history professor at Harvard, who had known Roosevelt, he went to Roosevelt

and Roosevelt gave him a commission and gave him what they called, you know, repeat orders. He could write orders to send himself anywhere in the world to cover the history. And so he did, and then he acquired a staff and I was just on his staff.

02-00:05:59

Meeker: So, it sounds like what you were doing then was looking at ship's logs or those sorts of things?

02-00:06:04

Donaldson: Right, they're action reports, they're logs and any reports and so forth.

02-00:06:09

Meeker: And then taking note and passing those along to the historian for —

02-00:06:11

Donaldson: Right, and sometimes trying to make sense out of two different versions from two different ships on the same battle.

02-00:06:23

Meeker: Did you like this work?

02-00:06:24

Donaldson: I loved it.

02-00:06:24

Meeker: Yeah?

02-00:06:25

Donaldson: I did.

02-00:06:26

Meeker: Did you ever consider, then, becoming a historian?

02-00:06:31

Donaldson: No, but I liked history. But — well, first, it was about that time, I should interject, that I decided to get married. This was a girl I had known in high school, and she was a really nice person. You know, at that time I was 19 and people were getting married at 18 and 19 then. So I proposed by letter, she accepted, I got a 30 day leave and went back and married her and then the Office of Naval History split up and part of it went to the War College and part stayed in Washington, and I went to the part that went to the War College, because that was going to be nearer Admiral Morrison, who was going to eventually be going back to Harvard, and he'd be working out of the Naval War College.

02-00:07:27

Meeker: The War College, was that Annapolis or —

02-00:07:30

Donaldson: No, the Naval War College is in Newport, Rhode Island.

02-00:07:32

Meeker: Oh, OK.

02-00:07:33

Donaldson: Newport was a wonderful town then.

02-00:07:36

Meeker: And much closer to Boston and Harvard.

02-00:07:38

Donaldson: Yeah.

02-00:07:40

Meeker: So you were stationed there for how long?

02-00:07:43

Donaldson: I was stationed there for about — well, it was while I was there that I decided to join the Navy for four more years, because it was getting pretty close to the time they were going to demobilize me. And I liked the job there, and so I joined for another four years. And I enjoyed myself, except I was having a lot of internal problems with my sexuality at that time.

02-00:08:13

Meeker: Did that became, I guess, more obvious after your marriage?

02-00:08:17

Donaldson: Yeah.

02-00:08:19

Meeker: Were you a virgin going into marriage?

02-00:08:21

Donaldson: Oh yeah.

02-00:08:22

Meeker: OK, and was your wife as well?

02-00:08:24

Donaldson: Oh, yes.

02-00:08:25

Meeker: OK. Did any of your parents or older siblings or anything sort of take you aside and give you the talk about what happens on the honeymoon night?
[laughs]

02-00:08:38

Donaldson: No, nobody did. You know, and I somehow bumbled through it. But I look at the kids now who are so sexually mature at ten and eleven and here I was, 19, and I didn't even know the first thing. But then I started gradually realizing this wasn't the kind of life I wanted.

02-00:09:06
Meeker: When you say this kind of life, was it —

02-00:09:09
Donaldson: Well, kind of life — having sex with a woman.

02-00:09:12
Meeker: OK.

02-00:09:13
Donaldson: It wasn't the kind of life I really wanted. But, you know, I believe one of the best traits of people is loyalty, and so I was determined I was going to go through it. And the result was one time I was in the mental ward at the Naval Hospital in Newport because I had a complete breakdown. I got to the point where I couldn't stop crying. But I didn't even know why then.

02-00:09:52
Meeker: Were you seeing a psychologist or anything at that time?

02-00:09:56
Donaldson: Yeah, they assigned a psychiatrist to me.

02-00:09:59
Meeker: Once you had this breakdown.

02-00:10:00
Donaldson: Yeah.

02-00:10:01
Meeker: Did you check yourself in or were there other people that sensed —

02-00:10:05
Donaldson: Well, what happened was, you know, it was one Saturday night and I found I couldn't talk without breaking down crying about anything. And so my wife called the Naval Hospital and they sent an ambulance out and I got taken down and put in the nut ward.

02-00:10:28
Meeker: How should I put this? What did you think was going on?

02-00:10:37
Donaldson: I was just having a lot of internal conflicts.

02-00:10:41
Meeker: But, I mean, at the time did you have, like, an idea of, oh, my work is too stressful or —

02-00:10:47
Donaldson: No.

02-00:10:47
Meeker: — I'm worried about my family or —

02-00:10:49
Donaldson: No, you know, I didn't really have any idea. I just didn't have any idea.

02-00:10:58
Meeker: Was the fact that you didn't have an idea, was that part of what made it so difficult?

02-00:11:06
Donaldson: I think so, I think so.

02-00:11:08
Meeker: So then what happened when you were in the hospital?

02-00:11:13
Donaldson: I was there a couple of weeks. And I would see the psychiatrist every afternoon and then get — I got to walk around the grounds and they eventually — they discharged me and then I went back to work.

02-00:11:29
Meeker: Was there ever a diagnosis?

02-00:11:33
Donaldson: You know, I saw my hospital records, because when you get transferred, they get transferred with you. And I don't think they really had a diagnosis.

02-00:11:46
Meeker: Just something like exhaustion or —

02-00:11:49
Donaldson: You know, I can't even remember what they did.

02-00:11:51
Meeker: OK.

02-00:11:53
Donaldson: But then I continued on work with the Office of Naval History for, oh, it was probably another year or more. And then I decided that I wanted to go aboard a ship. Now going aboard a ship, I think, looking back at it probably I decided that because I wanted to get away from the home life.

02-00:12:17
Meeker: Sure.

02-00:12:18
Donaldson: Even though it was very attractive to me. And at that time, we had started caring for my aunt's son, that I'm still very close to, and he was — he would come out summers to live with us, because she had married and he didn't — the new husband didn't really want the kid around. You know, and I was attached to the stability of the home life, but also I think I longed to get away from it. So I got a transfer to a minesweeper down at Charleston. And I was

on the minesweeper for two years. But I was not active gay — I was not gay active then.

02-00:13:07

Meeker: Where did the minesweeper take you? What part of the world?

02-00:13:10

Donaldson: Down in the Caribbean. We went down to Haiti, Jamaica, Cuba, Havana, up to Argentina, Newfoundland and I remember one November it was the worst North Atlantic storm I've ever experienced, because I thought the ship was going to sink, but it didn't. It just kept going under the waves and then up.

02-00:13:30

Meeker: Wow.

02-00:13:31

Donaldson: But it was so rough that we couldn't sleep in our bunks and the crew — it was a small crew, it was about 135, and it was a good crew, but they got kind of wild and with the ship pitching and heaving around, they'd get a cup of coffee and then they'd throw the cup out and by the time we ended up in Nova Scotia, we didn't have any crockery to eat off.

02-00:14:02

Meeker: It was all broken.

02-00:14:03

Donaldson: It was all broken! But then ultimately my enlistment was coming to a close and I decided I really wanted to go to college.

02-00:14:16

Meeker: And the G.I. Bill would have been available to you?

02-00:14:19

Donaldson: Oh yes. And what happened then was I went — we both bought this old car. Neither of us had a driver's license. And we packed our dog — we had a dog and we had a TV and some other furniture and we packed it all in the back seat and beside that the car didn't really have a good emergency brake, but we somehow made it back to Wisconsin. And then in a matter of a month, we had — I had always had a — one 25 dollar bond deducted from my pay every month, so we had the down payment, we bought a house just south of Madison, Wisconsin for a thousand dollars down. It was a big house for five thousand dollars.

02-00:15:10

Meeker: Was it a new house?

02-00:15:11

Donaldson: No, it was an older house. When I go back there, I still drive by it. But then what happened is Korea happened, and because I had joined the Reserve, I was recalled almost immediately. So I couldn't start college. So I was recalled

down to Great Lakes and I was then part of the crew that was recalling other people. It was a real mobilization then. You probably weren't alive then.

02-00:15:45

Meeker: No. So you were in an administrative role there?

02-00:15:51

Donaldson: Right.

02-00:15:51

Meeker: OK.

02-00:15:52

Donaldson: And it was down there that I made chief petty officer.

02-00:15:57

Meeker: I'm not quite sure of the rank of the Navy.

02-00:16:01

Donaldson: It's equivalent to a Master Sergeant.

02-00:16:03

Meeker: OK, so that's — but that would be —

02-00:16:06

Donaldson: What they call an E7.

02-00:16:08

Meeker: I guess the difference, then, between an enlisted man and an officer — is that the lowest level of officer or —

02-00:16:15

Donaldson: No, it was the highest enlisted then.

02-00:16:17

Meeker: OK, all right. All right.

02-00:16:20

Donaldson: And it was then there that I started acting — I realized that I was gay. And I had never had a gay experience.

02-00:16:31

Meeker: How did this realization come to you?

02-00:16:35

Donaldson: You know, it's really eerie, but I remember one night I was coming back — I'd been down to Chicago on liberty and I was coming back and I was walking to my quarters and all of a sudden I realized, I'm gay and there's nothing I can do about it. Because I'd always kind of thought that maybe there was something I could do about it. Maybe, you know, psychiatric, I mean, but I — and I remember vocalizing to myself — this was a chilly night and I said — and I actually spoke out loud, because I was in the middle of this big training field,

cutting through, and I just realized — and I said, you know, I can't do anything about it.

02-00:17:32

Meeker: So, for you to vocalize this and say it, you had been thinking about it for some time then, specifically —

02-00:17:39

Donaldson: Yeah.

02-00:17:40

Meeker: — about whether you liked men or not.

02-00:17:43

Donaldson: I knew I liked men.

02-00:17:44

Meeker: OK.

02-00:17:45

Donaldson: I found them really attractive.

02-00:17:50

Meeker: Had you encountered any other specific instances of people who you knew to be gay or —

02-00:17:57

Donaldson: No, the only instance was that — Margaret and I had gone down to Chicago, because Harry and his mother — his mother lived there and they invited us down for a weekend. And Margaret wanted to see her grandfather who lived in Chicago, so Harry dropped her there and then he said I want to take you to a bar I know. And it was a gay bar called Cyrano's on Division, up in the Near North in Chicago. And we walked in there — I didn't even know what a gay bar was then — and walked in, and there were all these really attractive-looking men, and there was a couple of women, and then he said that all of these men were gay.

02-00:18:38

Meeker: Did he use that word?

02-00:18:40

Donaldson: Yeah.

02-00:18:40

Meeker: Really.

02-00:18:42

Donaldson: And I found it hard to believe.

02-00:18:46

Meeker: You knew what that meant, though?

02-00:18:47
Donaldson: He told me what it meant, that they were queer.

02-00:18:53
Meeker: OK.

02-00:18:54
Donaldson: Only sometimes, he spelled it G-A-I. I don't know whether that was just an affectation or what.

02-00:19:02
Meeker: That was, I believe, how it was spelled in French.

02-00:19:06
Donaldson: Oh really?

02-00:19:07
Meeker: Yeah.

02-00:19:10
Donaldson: So— but I found it hard to believe. But then the next weekend, instead of going back to Evansville, I went down to the Near North and I had a hard time finding that bar. And then, to go into it, I walked by it, then I walked back by it. I found it so hard to get up the courage just to go in there. But I finally did go in there. And everybody was very friendly. I wasn't wearing a uniform. But everybody was very friendly and that's when I started realizing that I really was gay or homosexual or whatever you might call it. Fruit. [laughs] And it was not easy. Yeah, you know, I so envy the kids nowadays who come up — growing up and it's a subject which is talked about. Nobody ever talked about it then. So periodically I would go down there and have some gay experiences, and then one night I was down there and I met this Air Force boy and, you know, I fell in love immediately. And he was there for thirty days. And it was just a really nice experience. We would see each other almost every night. And, you know, it was kind of indiscreet, because I remember one time I was back at Evansville for the weekend with Margaret and we'd just been to church. Margaret was always very religious.

02-00:21:12
Meeker: Margaret was your wife, yeah?

02-00:21:13
Donaldson: Yeah. And we were walking home, and all of a sudden this woman stuck her head out the door and she said, "Well, Mr. Donaldson, Central's been trying to get you." Central being the operator. It seemed that Hal had been calling and they couldn't reach me. Well, then eventually —

02-00:21:31
Meeker: Hal was the Air Force —

02-00:21:34

Donaldson: He was the Air Force boy. Eventually, I got home and the phone rang and it was Hal and he was dead drunk and he was saying, "Oh, I want you to leave your wife, I want you to live with me." And, you know, how did I handle that? I forget how I handled it, but probably not very well. And then eventually Hal went back to California where he was stationed. And we would write letters. But at that time, I was really discreet. So I said — it was my policy — put nothing in a letter that you didn't want posted on the bulletin board.

02-00:22:17

Meeker: And did he abide by that?

02-00:22:19

Donaldson: I abided by that.

02-00:22:20

Meeker: You abided by that.

02-00:22:21

Donaldson: He didn't. But I would read his letters and then destroy them. And then about six months later, a chief in the back of the building came up to me and he said, "I don't know what's going on, but the O.N.I. have been asking questions about you."

02-00:22:39

Meeker: The O.N.I.

02-00:22:40

Donaldson: Office of Naval Intelligence — investigative service. And he said, "I don't need an explanation from you, I just wanted to let you know, just so you know what's going on." And a couple days later I got a call to go over to the main administrative building, to their office, and I was in there for two days being questioned about — they had copies of a bundle of letters that he had had from me. He had apparently been really indiscreet and he'd been cashiered out of the service with an undesirable discharge and I had not heard from him. But the mistake they made was they started out giving me my rights, saying I had a right to remain silent. And so I simply remained silent. I didn't answer their questions. And they had copies of my letters, but I knew that I had not put anything in the letters incriminating. So it didn't make any difference to me. But I'll tell you, it was two solid days of questioning, and I was sweating.

02-00:23:54

Meeker: And it was obvious what they were getting at, yes?

02-00:23:57

Donaldson: They wanted to find out if I was gay and kick me out of the service. And they finally gave up after two days.

02-00:24:06

Meeker:

You know, I wonder if you can tell me a little more about what sort of experiences you were having during this period of time when you were first, I guess exploring your sexuality, going to this bar in Chicago and —

02-00:24:22

Donaldson:

What I would do is generally I would get picked up by somebody, go to their place and I would be pretty passive.

02-00:24:28

Meeker:

Yeah.

02-00:24:30

Donaldson:

Because I didn't really know what to do. Except I knew that it was very pleasurable just being with a man.

02-00:24:42

Meeker:

Were you also learning about what people said about homosexuals during this period of time?

02-00:24:50

Donaldson:

Oh yeah.

02-00:24:50

Meeker:

— or what was written —

02-00:24:53

Donaldson:

Yeah.

02-00:24:54

Meeker:

— you know, there were some books that were coming out, I mean there was the Kinsey book and —

02-00:24:56

Donaldson:

Well, there was the Kinsey report, that had been out a few years before —

02-00:25:00

Meeker:

Yeah. Anything else that you recall? I don't know if this is the case with you or not, but some people when they first start thinking about their sexuality, you know, they'll go to the library and look up the word or, you know, go to the corner drug store at this point and pick up some of those cheap books, or —

02-00:25:20

Donaldson:

Well, in the Navy, we had what they called court martial reports, and so you could go through those and see the people who got court-martialed because they were gay.

02-00:25:32

Meeker:

And what did it say?

02-00:25:34

Donaldson:

Well, they were generally all kicked out of the service. And they would describe, you know, this one incident I remembered just describing — this chief petty officer was caught and he was down on his knees in front of a sailor, and his defense was that the button had fallen off the sailor's flap and he'd sewed it on and he had to use his teeth to cut the thread. Well, by God, they actually bought the story! [laughs] And so he was not convicted. But it seemed to me so far-fetched —

02-00:26:11

Meeker:

Yeah. That's a great story. [laughs]

02-00:26:13

Donaldson:

Yeah, yeah. Using his teeth to cut the thread.

02-00:26:17

Meeker:

Yeah.

02-00:26:20

Donaldson:

But then there's all these stories about people being kicked out and sometimes imprisoned. It's something that kind of gradually comes on you.

02-00:26:33

Meeker:

OK. So what happened when — I'm sorry, the Air Force boy?

02-00:26:41

Donaldson:

The Air Force boy.

02-00:26:42

Meeker:

And what's his name again?

02-00:26:43

Donaldson:

Hal.

02-00:26:43

Meeker:

Hal.

02-00:26:44

Donaldson:

Hal Hafdahl. H-A-F-D-A-H-L.

02-00:26:47

Meeker:

Did you ever learn what happened with him? Did you ever get in contact with him again?

02-00:26:50

Donaldson:

Well, yeah. He called me. I was still at the Navy. This was right after. And he said, "I have something to tell you." And I said, "I have something to tell you, and can we meet?" And we met that night, you know, and it was not a very pleasant meeting, because I thought, you know, I was paranoid enough to think that they would be trailing me and so forth. I didn't realize I wasn't that important. [laughs] And we met — it was a cold evening in Chicago. We met

at one of the El stations. And he assured me that he had not done anything — made any incriminating statements about me, but he had had my letters wrapped in pink ribbon, and those were the letters they got. He had saved every letter. But fortunately, I hadn't said anything incriminating. And then I didn't see him after that. It was one of these things that, you know, I was just too afraid to see him. But I did see him years later. And it was crazy, because I was with the Poverty Program, heading this office, and I had to go to Philadelphia for an ABA meeting. On the way back, I had changed planes at Chicago, and while I was waiting for my plane, he had always talked about moving to California, so I got some California telephone books at random and started leafing through and by God, there was his name. And so I called him up. And it must have been very early, because it wasn't all that late in Chicago — very early in the morning and I said, "Do you remember who I am?" And he said, "Well, of course I do." Well then, about a year later, I had a convention down in Los Angeles, so I called him and I told him I was going to be down there and would he meet me at the Ambassador Hotel. And he did. And it was a very kind of tense meeting. He didn't look like he had looked. He looked actually awfully dissipated. And he'd been through a lot. He had his old car and we drove somewhere and had a hamburger and he caught up to date with me, and I told him what had happened since then. And a lot had happened. I mean, I've been through law school and was a lawyer and so forth. And that was the last — but it was an interesting thing. But he had never gone on to college and — not that I held that against him. But I think he was pretty much in the throes of being an alcoholic.

02-00:30:12

Meeker:

And it sounds like maybe the dishonorable discharge had sent him on that path?

02-00:30:17

Donaldson:

Yeah. It had. I mean, that's what he told me.

02-00:30:20

Meeker:

Yeah. That's a harsh story.

02-00:30:24

Donaldson:

It is. I felt bad for him.

02-00:30:28

Meeker:

You know, one of the things about oral history and interviewing people, particularly, you know, looking back thirty or forty years later, you know, about those gay men and lesbians who went through World War II, you hear the stories of those who survived, who — the experience was in most cases not so negative that it sort of sent them on a much more difficult path in life, like this friend of yours.

02-00:30:57

Donaldson:

Oh, and I know some of my ship buddies — one fellow who worked in my office on board the minesweeper who — he was obviously gay but, you know,

onboard ship, nobody really cared. And ultimately he was transferred to the Naval Supply Depot at Bayonne, New Jersey and there was a witch hunt on and he was taken into custody, he was marched in chains to the same chow hall that he'd always gone to, where all his friends could see that he was a prisoner. And, you know, he — I still occasionally — I'm in touch with him, he lives down in Tucson. But he has never recovered from that, even though he eventually found a boyfriend and they remained together for so long, but when I would talk to him on the phone, he would say in — very quietly, he said, "Don't ever mention that we were on the same ship." Because he apparently never told his boyfriend that he had received an undesirable discharge. But the result was he didn't get to go to college, he didn't get any of the benefits.

02-00:32:23

Meeker:

At the risk of jumping ahead too far, I'm wondering if we can spend a few minutes talking about the Poverty Program?

02-00:32:31

Donaldson:

Oh, yeah, I'd love to.

02-00:32:32

Meeker:

Because I want to get your perspective on it. A friend of mine's putting together a book of essays on the Poverty Program, the War on Poverty in general —

02-00:32:41

Donaldson:

It was the most exciting program, it really was.

02-00:32:45

Meeker:

Well, OK, just a little overview maybe to sort of jog your memory on this as far one of the things that I'm most interested about is that, you know, the way that the funds were going to be distributed and the way it was organized in San Francisco to begin with was they identified four poverty zones, right? Do you remember?

02-00:33:19

Donaldson:

There was the Western Edition, there was the Chinatown — Western Edition was Ben Travis. I think he's now a retired judge from Oakland. Chinatown was Charlie Wong. Mission was Marvin Kane. Hunter's Point was Terry Hatter, who eventually became a federal judge. He had good political connections down in Southern California. And we've talked since then. And then the Central City was my — the area I was in charge of.

02-00:33:56

Meeker:

So those four people you mentioned, those were the people — the leaders of the Legal Assistance Foundation?

02-00:34:00

Donaldson:

No, they were called chief counsel.

02-00:34:04
Meeker: Oh, the chief counsel. All right, OK.

02-00:34:06
Donaldson: They headed each of the offices. That was different than the board of directors.

02-00:34:11
Meeker: Or the executive director of the area as well.

02-00:34:13
Donaldson: Right, the executive director was Jerry Carlin.

02-00:34:16
Meeker: Of what? Of Central City?

02-00:34:19
Donaldson: No, of the Neighborhood Legal Assistance Foundation.

02-00:34:21
Meeker: Oh, OK, all right. So but for the first two years, it was just those four areas —

02-00:34:32
Donaldson: And then there was pressure to get the Central City involved.

02-00:34:37
Meeker: Were you involved in the movement to get the Central City designated?

02-00:34:45
Donaldson: Yes. And I and a friend of mine, Don Lucas —

02-00:34:52
Meeker: I interviewed him a few times, sure.

02-00:34:54
Donaldson: Oh, that's great. Yeah, he's dead now.

02-00:34:56
Meeker: I know. He did some great work.

02-00:34:58
Donaldson: Yes he did. He also had a good sense of humor.

02-00:35:02
Meeker: Yeah.

02-00:35:04
Donaldson: And Don Lucas was on the board then. And also on the board was Art Schaefer and some other people I knew. But they finally got the fifth area designated. And then they had to find a chief counsel. And one time, I was down in the Hall of Justice on a case and Art Schaefer was in the hallway and I — and he — I said, "How is it coming?" And he said, "Well, you know, we're having a real trouble finding a chief counsel." And I said, "Well, you

know, I might be interested in that." And he said, "You would?" And I said, "Well, yeah." So eventually I was hired, but let me tell you — the amusing thing is they had several meetings at which I was supposed to — they were supposed to make a decision and they didn't make a decision, and Don Lucas would call me and tell me, but the reason they found it hard to make a decision was that I had been arrested at that Ball and a couple of people had questions of whether they should hire somebody who had been arrested. And this was a good liberal organization —

02-00:36:21

Meeker: Yeah.

02-00:36:21

Donaldson: And yet they still had questions like that.

02-00:36:23

Meeker: Interesting.

02-00:36:24

Donaldson: But they finally decided they could hire me.

02-00:36:26

Meeker: You know, this whole way in which Central City was recognized is something that I don't know the degree to which you were involved?

02-00:36:38

Donaldson: Well, the people at Glide had a lot to do with it.

02-00:36:40

Meeker: OK.

02-00:36:41

Donaldson: And then Alice Cavanaugh had formed an organization called — for youth — Huckle— no, that wasn't Huckleberry House. It was —

02-00:36:50

Meeker: Hospitality House?

02-00:36:51

Donaldson: Hospitality House. And there were other organizations.

02-00:36:59

Meeker: And those were formed before Central City was organized?

02-00:37:01

Donaldson: They were, but they were the ones that were putting pressure on to get the central part of the city as a district, because they said, you know, it's fine you've got the Mission, the Western Edition, Hunter's Point and Chinatown, but what about the central part of our city?

02-00:37:21

Meeker:

Well, that's actually the question I'm interested in asking because, you know, I've gone back and looked at some of those initial reports and the way — the statistics, I guess, on the areas, and if you compare a lot of poverty indicators in Central City, they were much — and these were widely known at the time — they were much — the area was much more impoverished than the other areas were.

02-00:37:46

Donaldson:

Absolutely. But do you know why it took so long to get it designated?

02-00:37:49

Meeker:

Why?

02-00:37:50

Donaldson:

Because these were outcasts.

02-00:37:52

Meeker:

OK.

02-00:37:53

Donaldson:

The people in the Western Edition weren't outcasts. They were black. Chinatown was Chinese poverty. Mission was the Hispanic poverty. And Bayview and Hunter's Point was the black. But these people in the Central City were outcasts. They were the transvestites, the — they were the people who had — problem with drugs. They were the kids who were making a living prostituting themselves because they'd been kicked out of their homes. So these were not considered really good people, and so that's why it took time to get that Central City district recognized.

02-00:38:36

Meeker:

So they were, I guess, seen as the undeserving rather than deserving poor?

02-00:38:40

Donaldson:

Right. Oh yeah. They were very undeserving.

02-00:38:44

Meeker:

Was it talked about openly?

02-00:38:47

Donaldson:

About them being undeserving?

02-00:38:48

Meeker:

Yeah.

02-00:38:49

Donaldson:

No, it wasn't — no, that was not talked about openly. And I have to give Cecil Williams credit. He was one of those who was pounding on the fact that the people in Central City deserved the same services other people — so that's how ultimately we got the Central City district.

- 02-00:39:18
Meeker: the way that I understand how it happened, the leaders of Western Edition and Hunter's Point remained very much against the expansion to Central City while the Mission district and Chinatown was — ultimately open to it.
- 02-00:39:37
Donaldson: I think it's a little wrong — Charlie Wong was — he was a reactionary.
- 02-00:39:41
Meeker: Okay.
- 02-00:39:42
Donaldson: They were in Chinatown. Marvin Kane, he was doing a good job in the Mission, but Terry Hatter, whom I'd known when he worked for the U.S. Attorney's office, he was really supportive of that, and there was an incident later on after we were formed and — in which Terry Hatter really came to our defense, because at that time, the hippies were involved, and they were talking — there were newspaper articles about how they were going to send the inspectors up into the Haight-Ashbury to get rid of the hippies. And so I and the attorneys in my office, we wrote a letter to the editors of the *Chronicle* that was published suggesting that this might be a good way for redevelopment, basically poking fun at the city for thinking of sending the inspectors up there. And there was, you know, God! I mean, Jerry Carlin and his assistant, they went crazy. They thought this was terrible that we had done that.
- 02-00:40:53
Meeker: Done what?
- 02-00:40:54
Donaldson: That we'd sent that letter to the *Chronicle* without asking anybody.
- 02-00:40:57
Meeker: And Jerry Carlin was —
- 02-00:40:59
Donaldson: He was the executive director of the San Francisco Neighborhood Legal Assistance Foundation, the umbrella for all that. But Terry Hatter came to our defense and said this is exactly the kind of things that we ought to be doing.
- 02-00:41:14
Meeker: What was the relationship then between the target areas, which from what I understand were under the larger umbrella of the San Francisco Economic Opportunity —
- 02-00:41:23
Donaldson: We had almost complete independence.
- 02-00:41:27
Meeker: So the Neighborhood Legal Assistance Foundation was independent from the target areas?

02-00:41:34

Donaldson: No, it was the umbrella. It was the organization that got the funds. And then they allocated how many lawyers, how many neighborhood — what did they call them — assistants, and how many secretaries and so forth. Some had — the Central City, we didn't have as many as the Mission. Chinatown had the fewest, and —

02-00:42:09

Meeker: The fewest —

02-00:42:11

Donaldson: The fewest staff, attorneys and staff. Ben Travis in the Western Edition had a really pretty good staff number.

02-00:42:22

Meeker: So as chief counsel, were you working for Don Lucas or vice-versa?

02-00:42:28

Donaldson: No, Don Lucas was on the board of directors, which was the board of directors for the umbrella organization.

02-00:42:34

Meeker: OK.

02-00:42:38

Donaldson: It's hard to imagine, but each of these offices was independent from each of the others, and the chief counsel made the decision as to what we were going to do. That's how we were able to get away with the legal alternatives to the draft and also we targeted for assistance the transgenders, and we got cooperation from the police with Elliott Blackstone, who was very fond of transgenders, and we actually had a transgender community aid, Sybil. Really a nice woman. She didn't have the operation yet, but she was a tugboat captain who wanted the operation so she could have lesbian sex.

02-00:43:33

Meeker: Interesting.

02-00:43:35

Donaldson: And I remember when Sybil was explaining that to one of my secretaries, Maxine, who was a lovely black lady but who was not very comfortable around unusual situations and Maxine says, "Well, that doesn't sound right. Why bother to have the operation if you want sex with women?" [laughs] And Sybil said, "Well, that's just the way I am."

02-00:44:00

Meeker: Interesting. You know, so you described that the other areas didn't really want to acknowledge Central City because they were outcasts.

02-00:44:11

Donaldson: It's not the other areas, but basically you had to bring around the board of directors and also they needed — in order to do that, they needed the support,

because four organizations splitting a pot are going to get more money than five organizations splitting that pot.

02-00:44:31

Meeker: Yeah.

02-00:44:33

Donaldson: So that's why there was some opposition.

02-00:44:49

Meeker: So, so there's a question of money and there's a question of outsider status, but there's, from what I understand, the people in Central City were also mostly white, whereas that wasn't true in other areas.

02-00:45:07

Donaldson: Yeah, right, although there were some Filipinos in the Central City area —

02-00:45:11

Meeker: Okay.

02-00:45:11

Donaldson: — but not nearly as much — but you're right, the Central City population was white.

02-00:45:18

Meeker: Was there a thought then that — how should I put this? That white people really couldn't be poor according to the definition?

02-00:45:31

Donaldson: I don't think it was ever vocalized, but I think there was a thought that the poverty program should go to the minorities, and the people in Central City were not thought of as minorities.

02-00:45:43

Meeker: Well, OK, that's an interesting question, then. So was the process by which it became recognized as a poverty area also recognizing these individuals as, say, like sexual minorities?

02-00:46:07

Donaldson: That may have been part of it, but I think it was masked under poor people, that there were just a tremendous amount of poor people in this area who were not being served.

02-00:46:19

Meeker: OK, so according to the way that you saw it, it was less about creating a new minority and more about actually sort of looking at a colorblind approach to poverty, like, we're just going to look at who's poor, regardless of what racial or ethnic group —

02-00:46:40

Donaldson: I think what happened was that my recognizing this Central City as a district — it basically gave power to the sexual minorities. Because then they had an area that they could come to and demand services, and we were responsive to that.

02-00:47:06

Meeker: When we look at the outsiders who were in Central City — I mean, you mentioned street youth and runaways and people who were having drug problems and transgender people and transvestites — were, like, gay men and lesbians also part of that?

02-00:47:24

Donaldson: Oh yeah. But also, there were a lot of poor older people who lived south of Market who were not being represented. See, south of Market hadn't really started the development yet. And there were just a tremendous amount of poor people. It was substandard housing, and as such it was much cheaper.

02-00:47:49

Meeker: There was also a point at which it started out as just the Tenderloin, but then it expanded to, I guess, Tenderloin and south of Market —

02-00:47:58

Donaldson: Right.

02-00:47:59

Meeker: Do you recall the politics about how that happened or why that happened?

02-00:48:08

Donaldson: The expansion was just — once it was designated as an area, then it just happened naturally, because the office itself was south of Market.

02-00:48:17

Meeker: Yeah. OK. Just naturally — did that change the demographic? Did that change the kind of work that was going to be done there?

02-00:48:32

Donaldson: My chief assistant was a gay man, David Clayton, that I brought down from Sacramento. I'd gotten an attorney from Hunter's Point who was white, but he had worked at Hunter's Point. I — yeah, we didn't have any people of color on — as the attorneys. But the attorneys who were there were all, as it were, dedicated lefties. And if they saw a problem, they tackled it. A lot of our clientele were from the sexual minorities. A lot of them were just plain poor people.

02-00:49:44

Meeker: I don't really know what went on there and, you know, who the people who were mostly served.

02-00:49:56

Donaldson: It was a real mixture of who was served. Additionally, we had people who were stationed at Treasure Island who would come over for advice on how to get out of the service, because Vietnam was going on then, so we served that clientele as well. They didn't actually live in the area, but they would come to the area for counseling because our office was known as — that was our — one of our specialties.

02-00:50:26

Meeker: Where was the office?

02-00:50:28

Donaldson: It was on Natoma Street.

02-00:50:29

Meeker: Was it in the same place as the Multi-Service Center was? Like the hub of Central City?

02-00:50:34

Donaldson: No. No, it wasn't.

02-00:50:36

Meeker: OK.

02-00:50:37

Donaldson: It was a little building on Natoma Street. I can't remember the exact address. It was between — actually, it was between Sixth and Seventh on Natoma Street. And I remember the first day we opened the office, you know, and it still delights me in recalling how the office was opened and how it — how quickly we became busy.

02-00:51:14

Meeker: How much time do we have? Only a few minutes. Well, maybe you can tell me some examples of some of the work that was done, you know, in the first year or two that you were there?

02-00:51:26

Donaldson: Well, some of the work that was done: we did some adoptions.

02-00:51:35

Meeker: What were the adoptions like? Were they very conventional adoptions or?

02-00:51:38

Donaldson: Yeah, they were pretty conventional adoptions.

02-00:51:40

Meeker: OK.

02-00:51:41

Donaldson: But we became known as the office that would do the name changes for transgenders. Because the other offices would just send them down to us to

handle, because it was a — routine for us. And at that time, name changes were very important. And our bench then was a pretty conservative bench. But we got the name changes through.

02-00:52:17

Meeker: How did you do that?

02-00:52:19

Donaldson: To point out the law that they can't discriminate. I mean, a person is entitled to use any name they want so long as it's not for the purposes of fraud.

02-00:52:29

Meeker: OK. I can imagine that some judges might say that this was fraud.

02-00:52:34

Donaldson: Yeah, but they — but we convinced them that it wasn't fraud, that — and we actually had — one time, Steve Arian — and he's still a very good friend of mine, he had — in which he had — I think it was Dr. Benjamin was the specialist on transsexuals — had him testify that this in fact was a legitimate area. Because a lot of people didn't know anything about transgenders at that time, or they thought they were all — well, they were drag queens.

02-00:53:19

Meeker: Well, that kind of brings up an interesting question that we've heard a lot about recently around this sort of blow-up, I guess, if you will, around gender identity and sexual identity in ENDA on Capitol Hill. And from your perspective and maybe just looking back, was there a sense at that point in time, you know, '66, '67, '68 that people who were coming to call themselves transgender were more alike or more different from gays and lesbians?

02-00:54:01

Donaldson: Oh yes, that was within the gay community.

02-00:54:04

Meeker: Well, which one was it? More like or more different than —

02-00:54:08

Donaldson: That they weren't actually a legitimate part of the gay community.

02-00:54:13

Meeker: So that was happening at that point in time?

02-00:54:14

Donaldson: Oh yeah. And I think it's only in the last, you know, ten, fifteen years that people accept that as kind of another norm. There was Louise Ergestrasse, I don't know whether you've ever heard that name before. She was a transsexual. She didn't have the operation and she was actually kind of grotesque looking. She had a little boyfriend named Jerry. And, you know, she ate — because she went through garbage cans and got food out of the garbage cans from behind the supermarkets. But she would attend these community

meetings and talk about the rights of transsexuals. It was an education process. You know, and I'm awfully sorry about that — the kind of dust-up about not including transgenders in there, but on the other hand, you know, I discussed this with a couple of people and this is all incremental. The time is going to come when they're included. And if that's all you can get out of the Congress at this time, take what you can get and keep pushing for more. But I can also understand the people who say, you know, you have to have some principles, and in principle, we can't exclude them. But you have to have some practicalities, too. Take what you can get and then keep pushing for more. It's going to happen.

02-00:56:02

Meeker:

Well, we got a couple more minutes here. And there's just one thing that I read about, I don't know if you have any memory of this or not, but there was a really short little article in the San Francisco Chronicle from June something 1967, and it talked about something that was sponsored by Central City called the South of Market Street Fair. Do you remember anything like this? It was the lead article, the lead paragraph —

02-00:56:32

Donaldson:

Well, refresh me, I'd love to —

02-00:56:34

Meeker:

Well, you know, actually I should've —

02-00:56:37

Donaldson:

We were engaged in all sorts of things that you wouldn't expect a law office to be involved in.

02-00:56:43

Meeker:

Yeah, I mean, it sounded like sort of a small version of the Castro Street Fair, but it happened in June of 1967 and it said, you know, it's a place where you can go where, you know, there's kids painting a peace mural, you can sign up for V.D. check-up, you know, cops are listening to people talk about gay rights. All of this stuff, I guess, was happening at some street fair that was sponsored by —

02-00:57:12

Donaldson:

Yeah, see, our office had opened in February —

02-00:57:15

Meeker:

OK.

02-00:57:16

Donaldson:

— so we had been open then about —

02-00:57:17

Meeker:

And I think there was something about legal rights, too, yeah.

02-00:57:21

Donaldson: Yeah. But even as a law office, we were involved in all sorts of — basically community affairs. And of course, to a person, we were all against the Vietnam War. So peace would be part of it. And still, you know, there were a lot of little kids living there, south of Market, too. You know, it was a real mixture of people.

02-00:57:50

Meeker: So I guess, you know, that's one thing that I'm trying to get a handle on here, because you look at the way that Chinatown was talked about or Hunter's Point, and they were very —

02-00:58:01

Donaldson: They were traditional.

02-00:58:02

Meeker: They were traditional sort of racial or ethnic minority neighborhoods, in which —

02-00:58:06

Donaldson: Right.

02-00:58:07

Meeker: — they were presumably discriminated against because of race or ethnicity. They also — there was also a history of poverty. Is it at all accurate to talk about Tenderloin or Central City as a sexual minority neighborhood in a similar way as you would talk about Hunter's Point as a black neighborhood, or was it something totally different?

02-00:58:36

Donaldson: It wasn't totally different, but a sexual minority, along with other things. Yeah, to that extent I think we were different than the other law offices. But I will tell you that it was about a year after we were started and we made a report to the board of directors, and I had all the attorneys and the community aids there, and we gave a report as to what we were doing and, you know, to a person, they all applauded the fact that we were involved in as many different things as we were involved in. By that time, we had the support of the entire board of directors.

02-00:59:20

Meeker: OK, so the initial resistance had dissipated?

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Donaldson: It really had. And I think it's because — and I don't take credit for — just because I headed the office, but I think I had a good staff, and we were all involved in all of these aspects. The war, the draft, the maltreatment of the kids on the street, the underage kids. You know, the police were very much against Hospitality House when it was first opened.

02-00:59:55

Meeker: So maybe there's a sense that Central City became accepted by the others because there was a sort of a leftist ideological orientation that was shared by all of them?

02-01:00:14

Donaldson: I think so.

02-01:00:15

Meeker: That Central City didn't come along and become this weird conservative bastion or something —

02-01:00:20

Donaldson: [laughs] No.

02-01:00:21

Meeker: — that was fighting against what the other groups were fighting for.

02-01:00:23

Donaldson: Yeah. I think that's probably accurate.

02-01:00:26

Meeker: All right. Well, it looks like that we've hit the end of this. And thanks for today.

02-01:00:35

Donaldson: Oh, absolutely.

[End of Interview]

Interview #2: 12-17-07

Begin Audio File 3 12-17-2007.wav

03-00:00:00

Meeker: All right. So this is Martin Meeker interviewing Judge Herbert Donaldson, and today is the 17th of December 2007. And just to recap what we covered last time we met a couple weeks ago. We focused a bit on your upbringing and your time in the Navy, and then we jumped forward a little bit to talk about your work with the Neighborhood Legal Assistance Foundation. So now we're going to rewind again and pick up at the end of your Navy career. Let's talk about, basically, your college education, your period of time at the University of Wisconsin, and then your period of time at Stanford Law School, because I know that we didn't cover either of those periods of time.

03-00:01:11

Donaldson: When I was released from the Navy—I don't know whether we covered it, but I was in the regular Navy, I was first in the Reserve, then I joined the regular Navy for four years. I was discharged and joined the Reserve, and about a little more than a month after that, I was recalled for the Korean War. And so I served I think it was 16 or 17 months, and then I was released and went up to the home that Margaret and I had bought outside Madison. And that was in November, and I had to wait. School started in January. So I waited. I tried to get some temporary work. There wasn't any available, so I joined what they called then the 52/20 club. I think I got \$20 a week for 52 weeks. When you got out of the service, if you couldn't find work. So I did that until I started school. And I was admitted even though I had not graduated from high school. And I thought I would like to major in economics. And so I selected some courses. Actually, I did 19 credits a semester and worked besides, and I didn't find it terribly taxing. But I had signed up for a philosophy course, and I liked that so much I decided to change my major to philosophy, realizing, of course, that philosophy -- you can't go out and set up a corner store to philosophize. But it was what I liked. And it also gave me sufficient time so I could do a lot of literature courses, which I liked very much. So I ended up with more credits in comparative literature than I did in philosophy. And unfortunately, there wasn't enough time. There were a lot of courses I would have liked to have taken, but you know, they still have at most universities, core courses you have to take. So I took those, as well.

03-00:04:06

Meeker: It seems like a course of study in philosophy and comparative literature is not typical for someone who is sort of a first generation college bound student?

03-00:04:21

Donaldson: I think you're probably right. It isn't.

03-00:04:26

Meeker: Were you concerned about being able to translate your college education to a career?

03-00:04:34

Donaldson: No. You know, young people, they don't get that concerned about things. No, it didn't concern – it should have, but it didn't. And then, I entered law school, actually, at Wisconsin first, and I liked it very much. You know, a beginning law school student is told, "Look around at the person on either side of you because one of you is not going to be here next year." It was true, because there were some awfully stupid people. I had one friend who sat beside me because he wanted to copy from me. He didn't even make it through the first year. Then I decided I wanted to somehow branch out into some other area other than the Midwest, so I applied to Tulane University and I applied to Stanford.

03-00:05:50

Meeker: And you were living with your wife at this point?

03-00:05:52

Donaldson: Yes.

03-00:05:54

Meeker: OK. Was she ready for a change of scenery, as well?

03-00:06:00

Donaldson: I think she was, yes. She didn't object. And with the arrogance of youth, I said, "Well, the first one that offers me a scholarship, I will go to," never thinking that maybe none of them would even accept me. After all, I had never graduated from high school, though I had good grades. And Stanford came through. I remember the time when I got the envelope accepting me at the law school, and advising me they'd given me what they called the Hugh Fosters Honor Scholarship and the Cushing Scholarship. And I was excited. I never did hear back from Tulane.

03-00:07:06

Meeker: Interesting.

03-00:07:07

Donaldson: Yes. They never even bothered me to advise -- and, you know, I went through the usual procedure of applying.

03-00:07:16

Meeker: What do you suppose it was about your application that made you so attractive to Stanford that they wanted to give you two scholarships to attend?

03-00:07:28

Donaldson: You know, I don't know. Even though, Stanford wanted diversity in their student body. I was born in West Virginia, son of a coal miner, had been in the Navy for almost eight years. Actually, I didn't even realize how lucky I

was. I was working part-time at the University of Wisconsin press, and one of the senior editors there, Sina Speiker, she loved to sit in her office and smoke cigars, told me -- she said, "Oh, my, you are so lucky." And I didn't even realize how lucky I was. I was. You know, so much of life is luck. You're there at the appropriate time. And we packed up the car, the dog, a TV, which was a huge TV then, and Margaret and I, and Terry, who was living with us then.

03-00:08:47

Meeker:

Who was Terry?

03-00:08:47

Donaldson:

Terry was my aunt's son. My aunt was about ten years older than I and she was really more like a sister than an aunt, because I remember when she graduated from high school, and we were a close knit family. And she had had a romance with a soldier, which resulted in a baby, and abortion wasn't an option, and even if it was... Actually, it was an option, because in our town there was a doctor, Dr. Otto, who would perform abortions, and everybody knew it. But she decided to have the baby. What had happened, as best I can piece it together, is she went through a marriage ceremony with him, but at the time he was already married. And he came back to Beloit and stayed there for a little while trying to find a job. He couldn't, so he went back, rejoined the Army, and she never heard from him again. Subsequently, she found out he died in the Korean conflict. But he had married two other women after her and never bothered to get divorced from any of them. But he was actually a pretty nice guy. Certainly casual with his relationships, but basically kind of a nice guy. He never even saw his child, which to me, seems very strange. Anyway, my aunt had gotten remarried and Terry didn't get along very well with the stepfather, so he had lived off and on with Margaret and me. When we were in Newport, a couple of summers, and then when we moved back to the Midwest, somehow he was... He was a discipline problem for his mother and stepfather, but we never had any problem disciplining him. I mean, he fit in very well. So he came out with us and we arrived... My brother was working in Santa Clara. He and his wife lived in Santa Clara then. So we first headed there, thinking we could stay there until we found a place. But the first night, his wife Dorothy -- she was pleasant enough, but she was so miserly with the food... I mean, if a package of Jell-O said serve six, by God, she was going to get six servings out of it. And, you know, after our evening meal there, Terry and Margaret and I huddled and we said, "We can't do this." So we went out the next day and found a little apartment over a garage and moved in there. And then I registered for school and started. It was an exciting -- it really was exciting to be out in the West. The only contact I'd had with the West Coast was when I went up to Alaska through Seattle, but California was so different.

03-00:12:42

Meeker:

What did you know about California at that point? What sort of images did you have of it before you moved here?

03-00:12:50

Donaldson:

Well, it was the promised land. Even back during the Depression. I remember there were two sisters who were disabled, and a department store downtown had a drawing. You could win a car, a brand new car, and these two sisters won the brand new car. What did they do? They sold it. They'd always wanted to come to California to visit, so they sold it and came to California for a two week vacation. And a lot of people thought that was -- really, what a waste of money. But they enjoyed it. They went down to Los Angeles, and went to the movie studios, and of course, described to all their friends after they got back how exciting it was to be on the train for such a long distance. Yes, California was the promised land. But back in the Midwest, California was really southern California. It wasn't northern California.

03-00:13:55

Meeker:

What did you know about San Francisco then?

03-00:13:58

Donaldson:

What did I know? I knew that there was a gay bar for every day of the month. You could go to a different gay bar every night.

03-00:14:11

Meeker:

You knew about that before you came to San Francisco?

03-00:14:14

Donaldson:

Oh, yes.

03-00:14:14

Meeker:

How did you know that?

03-00:14:16

Donaldson:

I knew that because a Navy buddy of mine, he had decided he was gay. And even when I was with the Navy, before I got released in the Korean conflict, Margaret and I went down to visit him and his mother, who lived in Chicago, and Margaret wanted to see her grandfather, who lived in Chicago, so he dropped Margaret off at her grandfather's, and he said, "I want to show you a bar." So he took me to a bar in the near north, at Clark and Division. The bar was... I can't remember the name now. Somehow the name Cyrano's -- maybe it was Cyrano's, a tiny place, no bigger than this living room. And then after we were in there, he said, "Do you know, every one of these guys is gay." I couldn't believe that. And they were all so different. Different than one would expect. But mind you, I wasn't all that old then. I was 24. But the next weekend I had down in Chicago, I went to find it, and walked past it several times before I went in. I mean, it was a momentous thing to walk into a gay bar by yourself. But I finally walked in and -- did I get picked up that night? I don't think so. But somehow, it was just kind of a pleasant experience. And then I had contact with several of my Navy buddies at Great Lakes during the Korean conflict. They were gay and they talked about how well San Francisco -- there was a different bar for every night of the month.

03-00:16:33
Meeker: So this would have made San Francisco distinct from any other city you had been to? I mean, certainly from Chicago?

03-00:16:39
Donaldson: Oh, yes.

03-00:16:40
Meeker: Yes.

03-00:16:42
Donaldson: Absolutely. It did.

03-00:16:45
Meeker: Was that fact of San Francisco having lots of gay bars, did that play any role in your decision to come to Stanford?

03-00:16:58
Donaldson: You know, it may well have. It didn't consciously. At least, I don't feel it did consciously, but it may well have played some factor in it.

03-00:17:11
Meeker: So when you enrolled in Stanford Law School, you said that you had already been going to law school in Wisconsin?

03-00:17:17
Donaldson: At Wisconsin.

03-00:17:19
Meeker: How many years did you have left in your program?

03-00:17:23
Donaldson: In my program at Stanford?

03-00:17:25
Meeker: Well, no, in Wisconsin. I guess, how many years were you at Stanford then, in law school, before you graduated?

03-00:17:35
Donaldson: Let me think back. You know, it was either one or two. I remember mostly some of the professors at Stanford. There was Professor Osborne, who was so terrifying. If you came in late, he would order you out of the class. When I was late to that class, I would go to the library and you could hear this voice booming through the wall, and so I would just take notes in the library rather than try to get in. Because, I mean, the very first day, somebody came in late, just a fraction of a minute late. He said, "What's your name?" And the guy gave his name. He said, "I want you to leave." And the guy didn't leave. He didn't think he was serious. He said, "I'm serious. I don't want you in this class. If you're late, don't come." That was perfect to throw the fear of God into everybody.

03-00:18:41

Meeker: Did you have a particular interest in law, a particular kind of law that you were interested in studying or practicing at this point?

03-00:18:50

Donaldson: No. The reason, I think, I enrolled in law school is my 6th grade teacher. He was a handsome young man, and I was kind of a teacher's pet. And he suggested to me -- he said, "Well, what do you have plans for?" And I said, "Well, I didn't have plans for much of anything." He said, "Well, you ought to go into law." And that was one of the reasons I enrolled in law school.

03-00:19:24

Meeker: OK. It was a seed planted many years before.

03-00:19:28

Donaldson: Yes.

03-00:19:29

Meeker: When you started attending law school, then, were there any particular areas that became of interest to you?

03-00:19:38

Donaldson: Some of the courses were really exciting. Each year, in the courses, you'd get - - the top student would get what they call an AmJur book, American Jurisprudence, on the subject, and I remember I got an AmJur book on evidence and I got an AmJur book on probate -- wills. But there were so many subjects I really enjoyed. And I enjoyed recitation in class.

03-00:20:18

Meeker: Recitation in class. Can you describe what that is?

03-00:20:23

Donaldson: The professor would be lecturing on something and then he would pose a question, and he's call on somebody, and you had to stand up and you had to talk about the case that he was talking about, and analyze it, and I enjoyed that.

03-00:20:45

Meeker: Can you tell me a little bit about your cohort, your fellow law students? Did you become close with any of them? I imagine you were probably a few years older than a lot of them, considering the time you spent in the Navy.

03-00:21:00

Donaldson: I was. Yes. In Stanford, there were a couple that I got close to. In fact, one of them, Bill Codiga, he and I did independent research on the Indian constitution. India had just adopted a constitution, and in adopting their constitution, they had borrowed from constitutions all over the world. It was a fun project. And then, also, another student, I think it was Harry Lepape, he and I did a special paper on—we were in a seminar on Legal Problems of Doing Business Abroad, and we did a special research paper on the General

Agreement on Tariffs and Trades, the GATT agreement. Probably doesn't mean a thing to you, but it preceded, you know, the World Trade Organization. And I remember on that we got an A, and I was satisfied with that, but Harry went to the professor and just demanded that we should get an A+, and he gave us an A+. It never occurred to me to demand a higher grade, but we got it.

03-00:22:52

Meeker:

Are there any of your grad school cohorts who went on to do good things in law, aside from yourself, that you can think of?

03-00:23:03

Donaldson:

Oh, yes, indeed. Yes, there were. But I'll tell you, after I got out of law school, I was busy scratching for a living, so I didn't maintain close contact with them. I do have e-mail with one of my classmates, who is down in the Valley. And then another classmate of mine was a judge here in San Francisco.

03-00:23:36

Meeker:

Who was that?

03-00:23:37

Donaldson:

That was Charlie Goff. Charles Egan Goff. He's been long retired. So yes, I have maintained contact with some.

03-00:23:53

Meeker:

Did you do summer internships?

03-00:23:56

Donaldson:

No.

03-00:23:57

Meeker:

No? Not when you were in law school?

03-00:23:59

Donaldson:

No.

03-00:24:00

Meeker:

Was your wife -- Margaret, right?

03-00:24:02

Donaldson:

Right.

03-00:24:03

Meeker:

Was she employed at this time? Was she helping pay the bills of the household and so forth?

03-00:24:09

Donaldson:

Yes. Down in Palo Alto, she worked at the... I'm trying to think what it's called now. There was a special children's hospital there. It's called the Lucille Packard. It was just in the beginning stages then. She worked there as a nurse's assistant. And I worked at the Stanford press.

03-00:24:51
Meeker: The university press?

03-00:24:52
Donaldson: Yes, Stanford University Press.

03-00:24:54
Meeker: Were you doing copy editing or acquisitions?

03-00:24:56
Donaldson: No, no. I was basically packing books to send out. Yes.

03-00:24:59
Meeker: OK. So how was the adjustment to California for the two of you?

03-00:25:09
Donaldson: California was different. I don't think we had any problem adjusting, really. Terry enrolled in high school down there. He finished his junior year down there, and when we moved up here, he went to Balboa and finished his senior year. There had to be an adjustment, because California was different than Wisconsin.

03-00:25:44
Meeker: Did you experience it like the promised land? Did it live up to its reputation or was it vastly different than its reputation?

03-00:26:00
Donaldson: You know, I can't remember, except I remember neither she nor I, nor Terry, was disappointed. We liked it. Terry, although he lives back in the Midwest now, he still talks of how he would prefer to live in San Francisco.

03-00:26:29
Meeker: So upon graduating law school, which -- let me see here. Looks like it was 1956?

03-00:26:37
Donaldson: Right.

03-00:26:39
Meeker: Were you being recruited by companies around the Bay Area?

03-00:26:44
Donaldson: They had a placement office and the Cargill company in Minneapolis flew Margaret and me back there to interview for a job. They had this beautiful office on an estate outside the city, and they really treated us well. Of course, they paid for our -- I think paid for our hotel, paid for our airplane fare. But it was February. And I came back here and I thought, "You know, I don't want to go back there for the winters." So I wrote them a letter and thanked them, and told them I really wasn't interested. I don't think they were very happy about that, but...

03-00:27:36

Meeker: Had they already extended an offer to you?

03-00:27:38

Donaldson: They hadn't yet, but they indicated when we left that they were going to.

03-00:27:41

Meeker: So they had already invested some money in you?

03-00:27:45

Donaldson: Oh, yes. Yes. And then there was a firm down in Los Angeles. I think it was Gibson, Dunn, and Crutcher, a large firm. I interviewed with them and they sent me a letter inviting me to come down there and look over their offices, and get acquainted with some people. But what terrified me -- there were so many names on the letter I thought -- well, I don't want to get into an office like that. So I wrote them a nice letter and said, "Thank you, but I've decided that I want to stay in the Bay Area." So I got out of law school and I didn't have a job.

03-00:28:37

Meeker: What kind of law did you anticipate that you would practice? What was Cargill and Gibson going to hire you for?

03-00:28:47

Donaldson: Well, you know, Cargill, of course, is the major privately owned commodities trader. Wheat, then, and grains. I didn't realize they also owned property down in the South Bay, salt marshes. I assumed just for business and they weren't specific at Gibson, Dunn and Crutcher. Because I have a feeling that with a big firm like that, any new lawyer gets put in doing all the grunt work, and then they see what he or she can do. Back then, it was mostly he's. So, you know, and I wasn't specifically looking for any kind, except then when I interviewed for some offices here. There was an oil company called the Hawaiian Oil Company. It was a subsidiary of Matson. And then a couple of law offices. And then one day, when I was out, I went down to Southern Pacific, to their employment office, and there was an employment counselor there who interviewed me and said, "I think I've got just the job for you." And so that's how I got a job in the president's office.

03-00:30:33

Meeker: So your job in the president's office was not as a practicing attorney?

03-00:30:36

Donaldson: No, no it wasn't.

03-00:30:39

Meeker: Did you take the bar exam?

03-00:30:40

Donaldson: The first time, I didn't have enough money to take the bar exam. But the next time around, I did.

03-00:30:49

Meeker: And did you pass first time?

03-00:30:50

Donaldson: Oh, yeah. Um-hmm.

03-00:30:50

Meeker: OK. When was that? How long after you graduated?

03-00:30:54

Donaldson: After I graduated, the first bar exam was in, I think, the last of August, the last part of August. Then the next one was in January.

03-00:31:03

Meeker: So it was twice a year or something like that.

03-00:31:04

Donaldson: Yes, twice a year. I think they still do. And I took it in January.

03-00:31:10

Meeker: So can you tell me about the work that you did? The context of the president's office? I understand that you were there for three or four years?

03-00:31:17

Donaldson: Well, I was in the president's office for a couple of years, and then I went over to the law department. In the president's office, I did, you know, what they call cash forecasting, which sounds really complicated, but it wasn't all that, because you basically got reports from all the departments on... And then I made weekly reports on shipments of fruits and vegetables across the Mexican line, and I worked with the New York office on a bond issue. It was the Series G bonds. I remember they were very upset that they had to pay five and a quarter interest on those bonds. And then sometimes they'd give me letters from stockholders and I had to draft an answer from the president to the stockholder.

03-00:32:21

Meeker: So it sounds like a really wide ranging job.

03-00:32:24

Donaldson: It was.

03-00:32:24

Meeker: Everything from public policy to financing and so...

03-00:32:28

Donaldson: And I have to say, they were really good to me, because first off, what I did there maybe took ten hours a week. And I had never realized there was a job you could go in in the morning and just have a cup of coffee, and open the newspaper and read it. So when I was studying for the bar, it was great, because I got some of these outlines and I would just study for the bar at my desk.

03-00:32:52
Meeker: Oh, really? Who was the president of the company, then?

03-00:32:56
Donaldson: D.J. Russell. He's dead now.

03-00:32:58
Meeker: Did you get to know him?

03-00:32:59
Donaldson: Not personally. He was kind of an unapproachable man.

03-00:33:07
Meeker: Larger than life in some ways?

03-00:33:08
Donaldson: Yes. I mean, yes, he really was.

03-00:33:12
Meeker: Southern Pacific, of course, one of the big railroads. How should I put it? I mean, you know, the reputation of the railroads in California and across the United States was somewhat checkered.

03-00:33:29
Donaldson: Right.

03-00:33:29
Meeker: How did you feel working for the railroad? Did you ever have a concern about working for a big corporation that was known to sort of take advantage of the little guy at this point or anything?

03-00:33:38
Donaldson: No. Not any concern at all.

03-00:33:42
Meeker: But you didn't really approach the company on those terms then, either?

03-00:33:47
Donaldson: No, because as I found out when I was working in the president's office, Southern Pacific almost had to go bankrupt during the Depression. And when I shifted cash around from bank to bank -- because they sent most of their spare money to New York for investment in 90 day treasuries and very short term... Wells Fargo, during the Depression, when Southern Pacific was really running out of money, Wells Fargo extended them a loan, and took as security their office furniture. And so after that, you know, I had instructions that -- there was never anything in writing -- but the Wells Fargo account here in San Francisco should always have a balance of either three or four million dollars, a way of kind of repaying them for their good deed.

03-00:34:53

Meeker: Interesting. Do you feel like your law school experience and what you learned there helped you adapt in the job at Southern Pacific? In the president's office. I mean, were they related at all?

03-00:35:08

Donaldson: No, I don't think so. But then a classmate of mine came over. I'd been in the president's office a couple of years. Of course, I had passed the bar. And a classmate came over and said that he was working in the contract office and said that they would like to meet to hire me.

03-00:35:31

Meeker: As an attorney?

03-00:35:33

Donaldson: As an attorney.

03-00:35:34

Meeker: Had you been looking for work as an attorney in the meantime?

03-00:35:36

Donaldson: No. No, I hadn't. So I went over and I talked to the person who was my supervisor and so I said, "All right. Yes, fine." And so I shifted over to the law department.

03-00:35:58

Meeker: And I assume this meant a raise, yes?

03-00:36:03

Donaldson: Well, you know, it was a raise, but it was a raise what, to \$600 a month?

03-00:36:08

Meeker: OK. So it wasn't a huge leap?

03-00:36:11

Donaldson: No, it wasn't. It was a leap in prestige.

03-00:36:14

Meeker: Well, I guess just sort of making a contrast now between what a starting, you know, corporate lawyer made versus then. There's a big difference, yes?

03-00:36:26

Donaldson: A huge difference now.

03-00:36:28

Meeker: When did you move up to San Francisco?

03-00:36:34

Donaldson: Right after graduation.

03-00:36:34

Meeker: Right after graduation. Where did you first move to?

03-00:36:37

Donaldson: Out in the Excelsior. We found a house. We didn't have any furniture, so we found a furnished house for \$125 a month.

03-00:36:48

Meeker: OK. So this is a rental, yes?

03-00:36:50

Donaldson: It was a rental.

03-00:36:52

Meeker: Out in the Excelsior. OK. And so you and your wife were married about six or seven years at this point, I guess?

03-00:37:03

Donaldson: No, it was more like ten or 11.

03-00:37:08

Meeker: OK, all right. Were you talking about having children or raising your nephew was enough?

03-00:37:15

Donaldson: Well, Terry was still going to high school, and then after he finished high school, he enrolled at City College, and then it was really... I feel bad about it, because when he enrolled at City College, and he was enjoying his classes, his mother wrote him a letter and basically told him that he should get out and find a job. It was time for him to get out and find a job so we didn't have to support him. I mean, he was never any problem supporting. We never had much money. I still remember the time -- I would drop him off at high school down in Palo Alto on the way to law school and I had to get gas and I only had 25 cents to get gas. And he was so humiliated that although he generally drove the car, he said he wasn't going to drive the car because he couldn't ask somebody for 25 cents worth of gas. So I asked for 25 cents worth of gas. But it -- 25 cents worth of gas, it was about a gallon and a half then. So we were not in the lap of luxury. But we got by OK.

03-00:38:50

Meeker: What did your family, as it was, you know, composed at this point in time, what did you guys do for entertainment or leisure time?

03-00:38:58

Donaldson: Oh, Margaret was involved heavily with church work. She was always -- and she still is. Terry, I remember he had a girlfriend and he borrowed the car to go... Her name was Lynn and she lived up in the Peninsula. And one time we wouldn't let him have the car and I still tease him about that, because he just threw a fit. And he said, "Oh, if I can't see Lynn tonight, I'm going to die." But he didn't die. But, you know, what did we do for recreation? I don't know, but time never hung heavy on our hands.

03-00:39:49
Meeker: What church was Margaret involved with?

03-00:39:52
Donaldson: The Methodist church.

03-00:39:52
Meeker: Methodist church. Did you attend regularly, too?

03-00:39:55
Donaldson: I attended with her most of the time.

03-00:39:59
Meeker: Do you know what church it was? Do you recall?

03-00:40:01
Donaldson: You know, it was a church near University Avenue. I don't remember -- it was the Methodist church, I guess, in Palo Alto at the time.

03-00:40:12
Meeker: OK, all right. And then when you moved to San Francisco?

03-00:40:17
Donaldson: When we moved to San Francisco, she made connections with the Geneva Avenue Methodist church.

03-00:40:25
Meeker: OK. You know, it's hard to make these comparisons considering the context for today, but did it seem like a fairly traditional and conservative church or?

03-00:40:36
Donaldson: No, it wasn't. No, it wasn't. The minister there was not a conservative man.

03-00:40:42
Meeker: Did they allow women to take an active role in the church and so forth?

03-00:40:46
Donaldson: Oh, yes. Um-hmm.

03-00:40:48
Meeker: What kind of work did you do when you became a staff attorney at Southern Pacific?

03-00:40:52
Donaldson: Contract work.

03-00:40:54
Meeker: Contract work. Can you describe some of that, to the best of your memory?

03-00:40:57
Donaldson: Well, yes. At first, the files were to be placed in my incoming basket, and I would then take them out, see what had to be done, and then I would make a lease or an agreement, and call the department. We had a land department, we

had other departments that proposed these leases. And I'd finish it, and then it would go in the out basket. But I do remember one thing I did. A subsidiary of Southern Pacific, the Northwestern Pacific, owned property down near the -- at the foot of Hyde Street. So they were going to lease it so that Fontana Apartments could be built on it. They wanted a 99 year lease, but they didn't have any 99 year leases before that. So my task was to develop a 99 year lease. So I did and fact is, I kind of made it up as I went along. But the funny part is that ever after, they always used my 99 year lease as an example for subsequent attorneys to use when they made their 99 year lease. And I don't think anybody realized that a large part of it, I just made up.

03-00:42:26

Meeker: But it seemed to have stood the test of time.

03-00:42:29

Donaldson: Yes, it did. It obviously did.

03-00:42:31

Meeker: What would make the context of a 99 year lease different than a shorter term lease?

03-00:42:36

Donaldson: Well, there has to be, you know, contingencies for things that happen. Taxes, who's responsible for the taxes. As the taxes increase, is the lessee responsible? And what about in the event of a disaster? Can the lessor declare the lease at an end if there's a major disaster and most of the improvements are destroyed? What happens to the improvements at the end of the 99 year lease?

03-00:43:08

Meeker: Was there anything in drafting this contract that you felt was a novel or an interesting contribution that you want to remember?

03-00:43:21

Donaldson: No. What I remember is when I finished, finally finished, that I thought... You know, not that I was puffing myself up, but I thought, "Well, I did a goddamn good job."

03-00:43:34

Meeker: Even though you were kind of, you said, inventing some of this material?

03-00:43:39

Donaldson: Yes, um-hmm.

03-00:43:40

Meeker: So when you say inventing, that means that you didn't really go into contract law and pull out, you know, standard contract?

03-00:43:44
Donaldson: No. I relied on my knowledge of contract law. Because there are things in the 99 year lease that aren't in any other shorter lease, and I just kind of made up what the results would be.

03-00:44:03
Meeker: OK. I'm wondering if, during this period of time, you explored San Francisco's gay bar scene at all? I mean, you described your affair with this guy Hal, if I remember his name.

03-00:44:15
Donaldson: Yes, um-hmm.

03-00:44:19
Meeker: Did you ever go out and try to find one of those gay bars in San Francisco that your friends had mentioned?

03-00:44:23
Donaldson: Oh, yes. Yes, I did. But there were gay people on the streets. You could pick up people on the streets, which to me, was, you know, an entirely new... But gradually, I was becoming more and more dissatisfied with leading kind of a double life.

03-00:44:57
Meeker: Is that the best way to describe it?

03-00:44:59
Donaldson: A double life.

03-00:45:00
Meeker: Like a double life instead of --

03-00:45:02
Donaldson: Yes.

03-00:45:02
Meeker: I mean, there's different concepts people sort of bandy about: one is, you know, leading a double life and one is living in the closet. Do you see those terms as similar or different and does one describe better your experience?

03-00:45:19
Donaldson: You know, I think when you're living in the closet, you basically lead your regular life and simply occasionally have sex with anonymous people. When you lead a double life, you try to develop friendships with gay people and, in fact, there's part of you that's leading a different life.

03-00:45:51
Meeker: Were you leading a double life then or were you in the closet? Which is a more accurate description during this period of time for you?

03-00:45:58

Donaldson:

It's a process. It develops. I suppose I was coming out of the closet to lead a double life. And this accelerated when... You know, after that letter that Terry got from his mother, he was so upset that he hitchhiked from San Francisco down through Arizona and back to Beloit. And so Terry was gone from our life. And in a sense, he really kind of kept us together. But the time arrived when I just felt that, you know, I could not go on like that, and so Margaret and I had a talk. You know, it was heartrending, because she said that, you know, she would do anything if I could get help. She would scrub floors at night and all that, just to help me. But I didn't want help.

03-00:47:31

Meeker:

When she said she would scrub floors at night to get help, does that mean to help pay for a psychologist or some --

03-00:47:37

Donaldson:

Yes. Psychiatrist -- you know, psychologist, psychiatrist. Yes.

03-00:47:40

Meeker:

Had you ever considered seeing someone about...?

03-00:47:43

Donaldson:

I did see a psychiatrist a dozen times in Madison. Didn't find it very satisfactory at all.

03-00:47:52

Meeker:

Why not? What was unsatisfactory about the experience?

03-00:47:58

Donaldson:

You know, I think what was unsatisfactory was I thought if I saw a psychiatrist, he was going to come up with a solution to my problem, and this psychiatrist didn't. Then I started seeing a psychiatrist here in San Francisco, and he didn't come up with any solution either.

03-00:48:26

Meeker:

When you mean like come up with a solution, so the idea is to go see a professional and they will say, "Oh, well, if you do these three things or...?"

03-00:48:34

Donaldson:

"Here's what you should do."

03-00:48:36

Meeker:

OK.

03-00:48:36

Donaldson:

Yes. And I suppose I wanted somebody to tell me either that I should stay with Margaret or leave. And they weren't willing to do that. And I remember... And, of course, Margaret, when I was seeing a psychiatrist here, I was still living with her. And I remember one night after I saw the psychiatrist, he had an office out on Sacramento and Laurel, or near there, and I was just... I was so desolate. I remember, I drove out to Land's End and I just sat there and

cried because I had no idea what to do. And then eventually I realized I had to make the decisions.

03-00:49:25

Meeker: Do you recall who the name of the psychiatrist was who you saw here?

03-00:49:29

Donaldson: You know, I wish I did. I don't. I think one of the reasons is that I've got a block on, and because well, I went to him about a dozen times, but I was scratching to pay his fee.

03-00:49:45

Meeker: Sure.

03-00:49:46

Donaldson: And I would send him a check every month and one time I came in there and he had not received the check yet, because I hadn't written it because I was waiting for a payday. And so he confronted me about it and I got so angry that... And then what made me even angrier is when he said, "Well, you know, this is part of your therapy, to take responsibility for your bills." And I thought, "Shit, man, what are you talking about? I've taken responsibility for my bills all my life." And I stopped going to him. So it was actually a good thing, because then I stopped depending on psychiatrists. I realized I had to make up my own mind.

03-00:50:35

Meeker: When you were seeing this psychiatrist and also the one in Madison, were you candid about your gay life?

03-00:50:48

Donaldson: Yes, I was.

03-00:50:50

Meeker: So you, in essence, presented them with this quandary?

03-00:50:53

Donaldson: Yes, um-hmm.

03-00:50:55

Meeker: And it sounds like they never said to you, you know, "You should get divorced and pursue this or you should stop, you know, having sex with men and stay married."

03-00:51:07

Donaldson: Both of these psychiatrists... And, you know, I assume -- doesn't mean they weren't good professionally, but they were the most passive psychiatrists I have ever known. Years later, after Jim died and I really needed help, I went to a psychiatrist. I'd been going to group meetings and those had been somewhat helpful, but I'd finally, after -- two years after he died, I was still in mourning, so I got the name of this psychiatrist and I went to him and I said,

"Look, I don't want to give you an annuity. I want to go for a certain number of times and I'd like some help." And he was one of the most active people, because he actually -- he would make suggestions. "Well, what about this and what about that?"

03-00:51:59

Meeker: Was this latter one gay?

03-00:52:02

Donaldson: Yes, he was.

03-00:52:07

Meeker: But these two passive psychiatrists never seemed homophobic or...?

03-00:52:16

Donaldson: They weren't -- I don't think they were homophobic.

03-00:52:18

Meeker: OK.

03-00:52:20

Donaldson: They just weren't very helpful.

03-00:52:22

Meeker: OK. So this talk that you had with Margaret, how did it resolve itself in the end?

03-00:52:34

Donaldson: How it resolved itself was that we decided that at the end of one year -- I forget which year that was -- that I was going to move out.

03-00:52:44

Meeker: OK. So the idea was that you were going to try to make a go of it for another year?

03-00:52:49

Donaldson: No. We simply set a deadline. This was in the fall.

03-00:52:55

Meeker: Oh, OK.

03-00:52:55

Donaldson: And I simply set a deadline that by such and such a day, I wanted to find an apartment and move out.

03-00:53:02

Meeker: So, really, you have this conversation and then the idea is that within three or four months, you're going to be living on your own?

03-00:53:08

Donaldson: Right.

03-00:53:10

Meeker: OK.

03-00:53:12

Donaldson: It was a small apartment we lived in. From that point on, I slept on the couch and she slept in the bed.

03-00:53:20

Meeker: Yes. Did she ever say that she had any inclination or any understanding -- inkling of understanding about what you were experiencing? The fact that you might be leading a double life?

03-00:53:33

Donaldson: No, she didn't. She didn't. And, in fact, a while later, when I met Jim and moved in with Jim... Jim wasn't divorced yet from his wife yet either, and his wife was a troublemaker and she called Margaret, and Margaret was furious, and she immediately filed for divorce. Which was basically a good thing.

[End Audio File 3]

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04-00:00:20

Donaldson: What happened when I moved out was I found this small apartment on Hyde Street, just above Broadway. Fifty-two dollars a month. So I rented it and moved out. I took the car and a couple of other small things. And it had one of those Murphy beds in it so I didn't have to get a bed, but eventually I stopped using that and just put a mattress on the floor, which can actually be pretty comfortable. And, you know, we continued to have pretty good relations. I would go every Friday night to take her to get groceries and so forth, and we had a dog that I liked to see, and things like that. But then the time came when I realized I didn't want to live alone. You know, I'd been going out, and you know, getting a date with this one and that one. And so the time came when I decided I just didn't want to live alone. So I'd been going out with three different guys. One was in insurance. I forget what the other one was doing, and then there was Jim, who was still going to school, and he was an X-ray technician on call at nights to help him through school.

04-00:01:59

Meeker: Going to school for what?

04-00:02:02

Donaldson: He was in American studies.

04-00:02:04

Meeker: At Stanford or...?

04-00:02:05

Donaldson: No, at SF State. And I had met him over at some friends.

04-00:02:12

Meeker: Was he also on the GI Bill or was he a bit younger than you were?

04-00:02:13

Donaldson: No, no, no. He had never been in the service. He was a couple of years younger than I. And so when I decided I didn't want to live alone, these three guys, I took a piece of paper and put their good points and bad points as to each of them, and then just selected Jim. And actually, it worked.

04-00:02:41

Meeker: So I'm wondering if you can give me a sense about what year this was that you and your wife split up?

04-00:02:49

Donaldson: We split up, I think, in '59.

04-00:02:53

Meeker: OK. So you were still working for SP then?

04-00:02:56

Donaldson: Yes, um-hmm.

04-00:02:58

Meeker: That's helpful. So that's about 1959. And when you were going out, you know, before you selected Jim to be your partner --

04-00:03:11

Donaldson: Of course, he always told me he selected me, I didn't select him.

04-00:03:14

Meeker: Well, can you tell me a little bit about what you remember of the gay scene in San Francisco at that point in time?

04-00:03:22

Donaldson: Well, we were still outlaws, you know. The scene was mostly in the bars.

04-00:03:31

Meeker: Do you recall some of the bars that you would have gone to?

04-00:03:34

Donaldson: Oh, yes. There were some down in the Tenderloin. There was actually one not too far from where I lived on Hyde Street.

04-00:03:40

Meeker: What was that? Do you remember the names of them?

04-00:03:41

Donaldson: I don't remember. It was the corner of Pacific and Hyde, and then there was one up Pacific a little bit. There was, of course, the Black Cat was still around. There were just a tremendous number of gay bars.

04-00:03:58
Meeker: Were there, in fact, enough bars to go to each different night of the month?

04-00:04:02
Donaldson: You know, I never tried that, but I'm sure there were. I'm sure.

04-00:04:08
Meeker: Did you go out regularly? Was it a weekend thing or a weeknight thing, too, when you were single?

04-00:04:14
Donaldson: Sometimes it was almost every night.

04-00:04:22
Meeker: How would you pick what bar you would go to on any given night?

04-00:04:30
Donaldson: Sometimes it depended on where I was going to go for supper. At that point, you could get a really good meal in North Beach for a dollar. And I would go down the Broadway Tunnel and just walk through the tunnel and be there, and sometimes it was a bar in North Beach. And sometimes I would go down -- there was a bar down on Polk. There were a lot of bars on Polk at that time, and in the Tenderloin. I think maybe it was Eddy, and south of Market, too.

04-00:05:18
Meeker: Seems that today people will select different bars depending on what night they hope to have. I mean, some of them are places you'd hang out with friends, some of them are places you'd go to dance, some of them are places that you would go to find a hookup or something like that.

04-00:05:38
Donaldson: Well, sometimes I didn't go to bars because sometimes you could actually find a date on the street.

04-00:05:45
Meeker: I mean, just in your experience of going to the bars, was it primarily to find a date?

04-00:05:53
Donaldson: Yes, it was.

04-00:05:53
Meeker: So you didn't really necessarily have like a big group of friends or a couple of close friends that you would go do this with?

04-00:05:59
Donaldson: I didn't, no.

04-00:06:01
Meeker: So it was sort of like you were a single man out looking for a good time. OK. Would you differentiate what the characteristics or the character, I guess, of

the bars were in the Tenderloin versus south of Market versus the Polk, versus North Beach?

04-00:06:29

Donaldson:

I think some of the bars on Polk were a little more on the effeminate side. Some of the bars down in the Tenderloin had kind of a less cultured clientele, as did some of the ones south of Market.

04-00:06:54

Meeker:

What does that mean?

04-00:06:56

Donaldson:

Less cultured. A little rougher people. Not -- generally not professionals, just, you know, truck drivers, things like that.

04-00:07:09

Meeker:

And when you say like effeminate crowd off of Polk Street --

04-00:07:17

Donaldson:

Some of them. Not all of them were. But effeminate -- what I mean is the guys would use terms like, "Oh, Mary," and things like that.

04-00:07:27

Meeker:

So sort of campy?

04-00:07:28

Donaldson:

Yes.

04-00:07:30

Meeker:

I know that there was a bar -- maybe it was a little bit later than this, but about that time -- called the Jumping Frog.

04-00:07:35

Donaldson:

Oh, yes, the Jumping Frog was down on Polk Street near Broadway.

04-00:07:39

Meeker:

And they used to show old movies, like sort of campy movies, right? Like old Joan Crawford and Bette Davis movies?

04-00:07:43

Donaldson:

I didn't go there then when they did that.

04-00:07:48

Meeker:

OK. But I mean that sort of thing, right? Like the sort of kind of drawing from that campy humor. Is that what you mean by effeminate?

04-00:07:58

Donaldson:

Yes, um-hmm.

04-00:08:01

Meeker:

OK. Would it be possible to characterize the kind of jobs those folks had on Polk Street? In other words, were they kind of white collar workers like you

or were they, you know, sort of in typical gay professions like florists or hair stylists or something like that?

04-00:08:18

Donaldson: You know, it depended. Some of them were more—a little snobbish—say they were ribbon clerks. People in the lower paying jobs who didn't really look out much for the future. But, you know, it's kind of hard to categorize.

04-00:08:51

Meeker: OK. You said sometimes it depended on where you went out to supper. Were these gay restaurants that you would go to?

04-00:09:01

Donaldson: Not necessarily. Not necessarily.

04-00:09:05

Meeker: And when you went out to dinner in advance of going to bars, were you dining by yourself?

04-00:09:11

Donaldson: Yes. Um-hmm.

04-00:09:13

Meeker: What was that like?

04-00:09:17

Donaldson: Well, I wasn't very happy being by myself.

04-00:09:32

Meeker: So it was just the dining experience, I guess, would have been more simply about getting food in your stomach?

04-00:09:37

Donaldson: Yes, um-hmm.

04-00:09:40

Meeker: As opposed to like going out to dinner with friends, I guess.

04-00:09:42

Donaldson: Well, and sometimes I didn't go out to dinner. Sometimes I would scramble some eggs, have a light thing. Then I'd go to sleep and get up around midnight and go out to the bars.

04-00:10:00

Meeker: How would you characterize the bars and what went on there?

04-00:10:08

Donaldson: It was mostly just to meet people.

04-00:10:12

Meeker: Yes. Do you remember people being guarded or candid? Like was there much talk about their lives outside the bar? So I'm thinking, you know, this is late

1950s, the early 1960s, and you know, you could get arrested, you could get fired. Do you remember people being gregarious and talking about themselves or being more reticent and sort of protecting who they were outside the bar?

04-00:10:41

Donaldson: Conversation was pretty much on a superficial level. And some people I know actually never used their right name.

04-00:10:48

Meeker: Oh, really. When you say like on a superficial level, that means, you know, about a movie that came out as opposed to where you worked?

04-00:10:57

Donaldson: Right.

04-00:11:01

Meeker: So you went to the Black Cat during this period?

04-00:11:06

Donaldson: I did. Yes.

04-00:11:08

Meeker: How did that compare to the other gay bars that you went to?

04-00:11:12

Donaldson: That was more just a camp. Jose was there. On Sunday afternoons, he would have his opera, pocket opera, sort of, and people would sing. It was almost, you know, a cartoon of what a gay bar would be.

04-00:11:41

Meeker: What do you mean by that?

04-00:11:43

Donaldson: I mean, it's what a straight person would think a gay bar was, instead of, you know, a gay bar being a very staid bar. I mean, lots of juke box music and people singing and everybody knew it was a gay bar.

04-00:12:07

Meeker: Were there many straight folks who went to the Black Cat for those Sunday operas?

04-00:12:13

Donaldson: Oh, you know, I don't know whether many straight folks, but yes, I'm sure there were, at times. They had some lesbian bars down in that part of town, too.

04-00:12:27

Meeker: Did you ever go to those?

04-00:12:29

Donaldson: No, I went to one one time. I wasn't really made very welcome, so I didn't stay very long.

04-00:12:36
Meeker: OK. You know, historians make a lot about Jose Sarria and his operas, and especially, you know, at the end of the operas when he would, you know...

04-00:12:49
Donaldson: Yes. "God bless us Nelly -- us Nelly queens."

04-00:12:50
Meeker: God save us. Yes.

04-00:12:51
Donaldson: Yes. Um-hmm.

04-00:12:52
Meeker: Did you ever hear him perform that?

04-00:12:54
Donaldson: Oh, yes. Um-hmm, sure.

04-00:12:56
Meeker: And did you sing along?

04-00:12:58
Donaldson: Oh, I'm sure everybody did.

04-00:12:59
Meeker: What did that feel like?

04-00:13:06
Donaldson: You know, it felt like you had comrades in arms.

04-00:13:13
Meeker: OK. So it was something more than just being silly and campy?

04-00:13:19
Donaldson: Oh, yes. It could be -- it could be, "Let's stand together."

04-00:13:26
Meeker: What do you think that meant, to stand together? I mean, I'm sure that at this point, you know, when you're singing this, you're probably not putting a lot of thought into it. You know, I've been to bars before, things like this happen, and you don't really think about the sort of overall consequences of it.

04-00:13:48
Donaldson: Right. It -- I think it intended to legitimate us as people instead of outcasts.

04-00:14:05
Meeker: OK. So this is, you know, late 1950s, early 1960s. Were you interested at all in politics, in what was going on in San Francisco at the time? Were you paying attention?

04-00:14:20
Donaldson: Oh, I've always been interested in politics. I remember the first year I moved here. I think Stevenson was running, and I went down and volunteered. They had a Democratic headquarters down on New Montgomery, and I went down, was volunteering there, and basically all I was doing was learning the streets of San Francisco and making telephone calls and so forth in what even I realized was kind of a hopeless cause, that Stevenson wasn't going to win.

04-00:14:55
Meeker: Did you follow the George Christopher election in 1959 for mayor?

04-00:15:07
Donaldson: I didn't follow that election, but Christopher was very homophobic.

04-00:15:14
Meeker: Did you learn this later on?

04-00:15:16
Donaldson: Yes.

04-00:15:14
Meeker: In what context?

04-00:15:22
Donaldson: Down on the ocean, you know, between say the windmill and the zoo, there was all sorts of brush and that used to be quite a cruising place. And one of the things he was dedicated to doing is cutting down that brush so that people couldn't cruise there.

04-00:15:46
Meeker: So he kind of made it his personal business to get in other people's personal business?

04-00:15:51
Donaldson: Right. But a lot of people in the city did, then. A lot of our so-called city fathers.

04-00:16:00
Meeker: You know, I guess it was about 1961 that Jose ran for the Board of Supervisors?

04-00:16:08
Donaldson: Oh, I voted for him. That year I voted for Archie -- was it Archie Cox who was the Communist and Jose. I voted for -- those are the only two I voted for for supervisor.

04-00:16:26
Meeker: So did you experience Jose's run as a serious legitimate run or did you kind of see it like a campy thing?

04-00:16:38
Donaldson: I saw it as basically seeing how much support he could get.

04-00:16:41
Meeker: OK, so kind of maybe testing out if there were many gays out there.

04-00:16:48
Donaldson: Right.

04-00:16:54
Meeker: All right. When did you become aware of the gay organization's that existed in San Francisco?

04-00:17:05
Donaldson: Became aware of the Mattachine when I left Southern Pacific.

04-00:17:09
Meeker: In 1960?

04-00:17:12
Donaldson: Yes, it was '60. And got this office, which I paid \$25, had access to the office, and the library, and the receptionist, and the telephone. It was a bargain rate. I contacted the Mattachine. I contacted Don Lucas to get on their list for legal referrals. And they did refer me clients. But even before I left Southern Pacific, I was taking trials. At that time, the federal bar did not have a public defender, and so the bar association provided volunteers, and about every three weeks would be your day and you would be assigned all the indigent criminal defendants. Great practice, let me tell you. You got lots of trials in. You didn't make any money, because nobody paid you anything, but it was really a good post-graduate course in trial work.

04-00:18:27
Meeker: So a lot more rewarding than drawing up contracts?

04-00:18:29
Donaldson: Oh, yes. Yes. In fact, that's basically why I left Southern Pacific. I was not getting any trial work at all.

04-00:18:38
Meeker: Did they have a big legal department there?

04-00:18:40
Donaldson: They did, but most of their trial work was assigned out to other attorneys, not to their staff attorneys. But to get into court, I would be reduced to doing a default judgment on a lease, or one time I drove down to Bakersfield to have an examination of a debtor. Not very satisfying.

04-00:19:04
Meeker: It sounds sort of boring.

04-00:19:07
Donaldson: Yes, it was.

04-00:19:07
Meeker: So you decided to leave. I assume you left on your own accord? You quit SP?

04-00:19:14
Donaldson: Yes. I didn't really fit in there at the law department.

04-00:19:18
Meeker: What do you think it would take to fit in there?

04-00:19:19
Donaldson: Well, my supervisor told me that what separated the officers from the clerks was wearing a hat, and I did not wear a hat.

04-00:19:33
Meeker: Interesting.

04-00:19:35
Donaldson: Finally, I was pressured into buying a hat, and I put it in my closet in my office, but I would not wear it.

04-00:19:43
Meeker: That's interesting. I mean, what did a hat signify to you? Why did you not want to wear one?

04-00:19:53
Donaldson: I just didn't -- I was not a hat person.

04-00:19:55
Meeker: OK.

04-00:19:56
Donaldson: And don't forget, I was from the other side of the tracks. We never had hats.

04-00:20:00
Meeker: OK, all right. I guess I look at it from a generational perspective.

04-00:20:04
Donaldson: Yes.

04-00:20:05
Meeker: That in my generation --

04-00:20:06
Donaldson: Nobody wears hats now.

04-00:20:08
Meeker: Nobody wears hats anymore. And, I didn't know if you were... Like if it was sort of forward looking or like a generational thing. But, you know, I understand, like you said, about coming from the other side of the tracks.

04-00:20:20
Donaldson: Yes. We didn't wear -- we didn't have hats.

04-00:20:24
Meeker: Yes. It just sort of seemed like...

04-00:20:26
Donaldson: It seemed like an affectation.

04-00:20:29
Meeker: OK. All right, good enough. So when you started your own practice, you said you got rent at this place that, I guess, it sounds like it housed a lot of lawyers?

04-00:20:38
Donaldson: There was a woman lawyer, Rebecca Wells Smith, and she had a suite of offices. So she had her office and reception and the law library, and then there was this extra office. And basically, she rented it out to people who weren't going to be there all the time, who simply wanted to interview clients there, and wanted to have that as their office. And it was really very generous of her.

04-00:21:12
Meeker: I think that's not uncommon today, too, right?

04-00:21:13
Donaldson: But they don't get it for \$25 a month.

04-00:21:15
Meeker: Probably not.

04-00:21:16
Donaldson: Yes.

04-00:21:17
Meeker: Can't even get parking for that, I'm sure.

04-00:21:20
Donaldson: No. Yes, yes.

04-00:21:23
Meeker: So when you were, you know, hung up your shingle, so to speak, what kind of law were you going to practice? What sort of clients were you looking for?

04-00:21:32
Donaldson: What I found I was getting was the criminal clients.

04-00:21:39
Meeker: What kind of cases, then?

04-00:21:40
Donaldson: I was getting all kinds of cases. I remember, the first felony trial I had, I was appointed. But they didn't pay me because there was a conflict. And I have to

say -- it was Judge Peery. I don't even know whether he's still alive or not. But he showed just a lot of compassion to a new lawyer. Because it was a complicated trial.

04-00:22:11

Meeker: What was the felony?

04-00:22:15

Donaldson: Oh, the felony was two people. Rosie. I remember the name of the defendant I didn't have, the public defender had, and I forget the name of my client. They were in a hotel down here in the Fillmore and the police busted the door in and found them. They were using crack. It was completely unlawful arrest.

04-00:22:48

Meeker: What was unlawful about it? Illegal search and seizure or...?

04-00:22:50

Donaldson: Yes, it was illegal. They didn't have a warrant and there was nothing visible. They had been told by the desk clerk that Rosie was there and they knew she was an addict. And both of them were convicted, and my guy went to state prison, and so did Rosie. But it was a good trial. And I did a lot of misdemeanor trials, and I did a lot of felony trials up at federal court. But to get paying clients was another matter. But I started getting paying clients.

04-00:23:30

Meeker: And what kind of work were they asking you to do? What sort of cases were they?

04-00:23:33

Donaldson: It was mostly sex crimes.

04-00:23:37

Meeker: OK. So you said that -- is this related, perhaps, to some of the Mattachine Society referrals?

04-00:23:42

Donaldson: Yes, the Mattachine would refer—

04-00:23:45

Meeker: Well, this seems to me extremely important to talk about. And I'm wondering if you can first tell me how you first learned about the Mattachine Society?

04-00:23:58

Donaldson: There was a program on KQED in which the Mattachine Society was mentioned. And I looked them up in the telephone directory. And I called up and their office was at Third and Mission then. And there were two people, Hal Call and Don Lucas.

04-00:24:18

Meeker: I recall there was something that was aired in 1961 called "The Rejected." Does this sound...?

04-00:24:26

Donaldson: You know, I can't recall what the name of the program was.

04-00:24:30

Meeker: OK. They were also on a radio show. I think it was maybe '58 or '59 from KPFA.

04-00:24:37

Donaldson: I used to listen to KPFA, so it may have been -- it was a program I listened to.

04-00:24:42

Meeker: OK. Either way, you learned about them through one of these.

04-00:24:45

Donaldson: I still listen to KPFA.

04-00:24:46

Meeker: You learned about them through one of these media presentations?

04-00:24:49

Donaldson: Right.

[break in audio]

04-00:24:58

Meeker: Just beginning to talk about how you got to know about the Mattachine Society and you said you looked them up in the phone book?

04-00:25:08

Donaldson: In the telephone book and then went over to their office.

04-00:25:11

Meeker: OK. Which you said was --

04-00:25:12

Donaldson: At Third and Mission.

04-00:25:14

Meeker: At Third and Mission, OK. Could you describe what it was like to go visit the office and what the people were like who you encountered?

04-00:25:20

Donaldson: Well, I encountered Don and then eventually I encountered Hal. These were not luxury offices. They were pretty grungy but, you know, I got to give those guys credit. They weren't in it to make money and they weren't making money. They were in it out of principle. And at times, they would tape programs for sending out to radio station. In fact, one time they called and asked if I would tape a program, I forget on what. So I went over there at, you know, 9:00 in the morning and taped the program. At that time, they were still having meetings. But, you know, at the meetings, even then, people weren't giving their correct name all the time.

04-00:26:15
Meeker: When you say meetings, what were the meetings for?

04-00:26:18
Donaldson: It was supposed to be kind of an educational group.

04-00:26:22
Meeker: Like a discussion group or something?

04-00:26:24
Donaldson: No, it was basically meetings to see what we could do to educate the public on homosexuality or on people who were gay or lesbian.

04-00:26:43
Meeker: All caught up.

04-00:26:47
Donaldson: And also, part of it was comradeship. Yes.

04-00:26:53
Meeker: OK. What did you think about what they were trying to do? Did it seem like a reasonable proposition? Did it seem like they were overly ambitious?

04-00:27:01
Donaldson: No, it didn't seem like they were overly ambitious. It seemed like a big job, but I never thought they were being overly ambitious. And -- no, they weren't overly ambitious. And I -- you know, I viewed them as really courageous.

04-00:27:35
Meeker: Was the Mattachine Society fairly well known in San Francisco at this point? Did you ever talk about it with the people you met in the bars or anything?

04-00:27:46
Donaldson: No.

04-00:27:48
Meeker: No?

04-00:27:48
Donaldson: No. The bars weren't for educational purposes then.

04-00:27:51
Meeker: OK. So this sort of seemed like something that you were interested in, something that made sense but maybe would have had a limited audience?

04-00:28:02
Donaldson: Well, and it did have a limited audience. Yes, I was very interested in it. And then there came a time when I saw an advertisement in the paper, people who were going to... There was a group called the Society for Individual Rights that was having a meeting in the top floor of the library building. And so I went, thinking I might be able to get some contacts for clients. But when I got there, the person conducting the meeting was Guy Strait and it became

apparent to me that this was another gay organization. And then after that, I'm trying to think when the Society for Individual Rights branched off.

04-00:28:54

Meeker: Well, there was... Guy Strait, if my research was correct, did this thing called League for Civil Education?

04-00:29:02

Donaldson: That was at the -- League for Civil Education, but I'm not sure.

04-00:29:08

Meeker: OK. And why did you go to one of their meetings? What did you expect to find?

04-00:29:15

Donaldson: I didn't know what I would find but I thought I might get some contacts for clients.

04-00:29:22

Meeker: You somehow knew that they were involved in...?

04-00:29:25

Donaldson: I didn't. I had a suspicion but I didn't know what it was all about. It might be any kind of left-wing organization.

04-00:29:34

Meeker: OK. So that's kind of what you were interested in?

04-00:29:37

Donaldson: Right.

04-00:29:37

Meeker: Was going and working with people who maybe got in trouble with the law because of politics or something along those lines, too?

04-00:29:44

Donaldson: Right.

04-00:29:47

Meeker: Before we talk about Society for Individual Rights, I'm wondering if you can tell me a little bit about how you became a lawyer to get referrals from the Mattachine. Did they do any kind of vetting of you? Did they learn that you were gay? How did that work out?

04-00:30:07

Donaldson: Well, I went over and talked to them. I talked to Don Lucas.

04-00:30:08

Meeker: OK. I mean, what was that conversation like? I mean, if only I could have been like a fly on the wall for that conversation. I just wonder what you guys would have talked about.

04-00:30:22
Donaldson: You know, it was 50 years ago.

04-00:30:25
Meeker: Sure, I know.

04-00:30:26
Donaldson: It's hard to recall the conversation. But there was no doubt, I'm sure, in Don Lucas' mind that I was gay and I knew this was a gay organization. And they did start referring clients.

04-00:30:40
Meeker: OK. Did you ever meet any of the other lawyers who they referred clients to?

04-00:30:48
Donaldson: Yes, I met them a couple of times, but the lawyers were so in the closet that, you know, you couldn't even have a conversation with them.

04-00:30:57
Meeker: So the other lawyers that were taking their clients also were gay, you think?

04-00:31:03
Donaldson: I know at least one of them was.

04-00:31:05
Meeker: Do you remember his name?

04-00:31:06
Donaldson: Yes, I do.

04-00:31:08
Meeker: Who was—

04-00:31:08
Donaldson: Ken Zwerin. Z-W-E-R-I-N.

04-00:31:12
Meeker: OK. What'd you know about him? Was he a good lawyer? Was he a good advocate?

04-00:31:20
Donaldson: You know, I never saw him try a case. He would always plead his clients guilty.

04-00:31:24
Meeker: He would?

04-00:31:27
Donaldson: Yes.

04-00:31:27
Meeker: And that was basically just... Was that standard practice at that point?

04-00:31:32
Donaldson: Yes. But some of it wasn't the lawyer's fault, because people didn't want a trial if they were charged with oral copulation. In fact, any kind of gay sex crime, people were so ashamed of, they just wanted to get it over with as fast as possible.

04-00:31:53
Meeker: So when you started getting clients, what were some of the typical crimes they were charged with?

04-00:32:02
Donaldson: 288A and 647A.

04-00:32:05
Meeker: 288A and—

04-00:32:07
Donaldson: That's oral copulation.

04-00:32:08
Meeker: And 647A?

04-00:32:11
Donaldson: Lewd conduct.

04-00:32:16
Meeker: What about vagrancy?

04-00:32:19
Donaldson: Yes. Generally, vagrancy—they were arrested on vagrancy, but then the matter was discharged but never charged. So basically, on the vagrancy, they would simply spend the night in jail.

04-00:32:35
Meeker: OK. Because I understand there was a repeal of the California vagrancy law in about '61? Or at the end of '61?

04-00:32:42
Donaldson: Yes. But we had local ordinances, too, that people would be arrested on. For example, it was MPC215.

04-00:32:54
Meeker: So that's in the Municipal Police Code?

04-00:32:55
Donaldson: Municipal Police Code. And sometimes when people were arrested for 647A, they would be allowed to plead guilty to a 215 MPC.

04-00:33:06
Meeker: What was 215 MPC?

04-00:33:08
Donaldson: It was basically the same thing as 647A, except it was not registerable.

04-00:33:13
Meeker: Oh, OK. But the way that you're describing it with oral copulation and lewd conduct, these would have been, I'm guessing, sort of public place crimes? Like bathrooms or --

04-00:33:38
Donaldson: Right

04-00:33:39
Meeker: -- cruising areas? Was that primarily what these were?

04-00:33:42
Donaldson: Right. Although that wasn't exclusively my clientele, because I was also involved with the NAACP Housing Committee. There was a lot of discrimination in housing for African Americans at that time. So I joined that committee. And also, we were having demonstrations back there. There was the Auto Row sit-in. I had a whole bunch of clients from there. Never got a penny, understand, but...

04-00:34:16
Meeker: Well, I certainly want to get to that and talk about that, but I want to get as much information about this as possible.

04-00:34:22
Donaldson: Yes, OK.

04-00:34:23
Meeker: Because there aren't a whole lot of people that have the memories of, you know, going in and defending these people who were arrested for these crimes at this point in time. And I had specific questions to ask about it. So do you remember like any clients that you had that were sort of wavering should they plead innocent or plead guilty and how you might respond in those kinds of situations?

04-00:34:56
Donaldson: Every one of them, I urged them to go to trial. Occasionally, I was successful.

04-00:35:04
Meeker: What would be the difference between a successful and an unsuccessful trial case in this?

04-00:35:09
Donaldson: No. When I say successful, I mean successful in getting them to go to trial.

04-00:35:15
Meeker: OK, all right. And again, this is about them wanting to protect and...

04-00:35:20

Donaldson: They were so humiliated and ashamed. All they wanted to do was get out of court as fast as possible. Yes.

04-00:35:29

Meeker: OK. You pay the fine and if it was one of the state cases, it would have been --

04-00:35:33

Donaldson: Registerable.

04-00:35:34

Meeker: -- registerable.

04-00:35:37

Donaldson: Yes. Um-hmm. And I have to say, I was fairly successful in my trials, the ones I got to go to trial.

04-00:35:45

Meeker: Well, can you can recall any specific cases?

04-00:35:49

Donaldson: Oh, I can recall one very specific case. The fellow was a school teacher and he was arrested over in Berkeley for lewd conduct because he was at a urinal in the park and this person in plainclothes came in and stood beside him, got an erection, and the guy reached over. I persuaded him to go to trial. And I remember, I went over and took pictures. The urinal was, I think, 36 inches. It was actually a Berkeley police officer who had big, wide shoulders. He was a handsome man. And my client did not testify. He was too nervous. He was practically crying through the whole trial. But I had the pictures, and I remember... The judge was actually a very nice judge over in Berkeley, and I wanted to measure the guy's shoulders. Well, the guy's shoulders were wider than the urinal was, and the testimony was my client was there at the urinal before he came in. The jury was not very long, and they returned a verdict of acquittal and my guy just -- he just dissolved in tears. The funny thing is that when I went to thank the jury, one man, I thanked him, and he said, "Don't thank me." He didn't want to vote for it, but he got pressured by all the other jurors to vote not guilty.

04-00:37:51

Meeker: Interesting.

04-00:37:52

Donaldson: What turned the trick was the fact that my client was there first and the guy... I didn't have a defense of entrapment, but basically, they felt that he was entrapped.

04-00:38:08

Meeker: So that the width of the shoulders had to do with the fact that --

04-00:38:11

Donaldson: That he was a big man.

04-00:38:12
Meeker: -- he couldn't have reached over or?

04-00:38:15
Donaldson: No. He was a big, strapping man, and his shoulders were that long. And -- which means he had to shove himself into the urinal.

04-00:38:25
Meeker: Yes, OK. So it's almost like he's a big strapping man, and that he should be able to control the situation that he's in or something, right?

04-00:38:40
Donaldson: That he caused it by getting in there.

04-00:38:42
Meeker: Yes. And by showing his erection.

04-00:38:44
Donaldson: Yes.

04-00:38:46
Meeker: Which could also be a question of entrapment, yes?

04-00:38:50
Donaldson: Yes. But I didn't want... Because to entrap, you have to admit the offense.

04-00:38:54
Meeker: OK.

04-00:38:57
Donaldson: But you can deal with facts so that the jury feels it's entrapment, even though you aren't defending on the entrapment.

04-00:39:07
Meeker: Can you think of any particular cases that didn't go your client's way but are interesting nevertheless?

04-00:39:22
Donaldson: Well, there was one that I tried with Charlie Garry, but that actually went our way.

04-00:39:29
Meeker: Who's Charlie Garry?

04-00:39:29
Donaldson: You don't remember Charlie Garry, a good lefty lawyer? With the law office of Garry, Dreyfus and McTernan --. I think they're all dead now. Charlie Garry was actually down at the Jim Jones thing.

04-00:39:51
Meeker: Oh, really?

04-00:39:52

Donaldson:

He was the one who fled in his shorts into the jungle so he wasn't going to be killed. Anyway, Charlie Garry's client was a UPS man and my client was somebody I had defended before successfully. And I always insisted that my clients tell me the truth, because then you can work around the truth. The truth was that the police were up in the ventilating thing out at the park looking down, and my client -- I believe to this day he was telling the truth. He said, "Oh, I would tell you if I did anything, but... And it would be -- I would be honored to have had sex with him, but I didn't." We impaneled the jury and Charlie Garry told me afterwards -- I didn't know it at the time -- that he knew someone on the jury. But what we did is... They put on their case and we decided we weren't going to put on a case at all. But we did that by getting the DA to agree not to have any closing arguments, just to have the judge instruct. So this was a crazy trial in which the defense didn't put on a case, but nobody argued. All that happened was the judge instructed the jury. Well, the jury came back, you know, in 20 minutes with a not guilty.

04-00:41:36

Meeker:

Because of inadequate evidence?

04-00:41:39

Donaldson:

I saw one lady juror out in the parking lot and she was just indignant. She said, "Well, if they're going to bring a case like this, they better have pictures."

04-00:41:54

Meeker:

Talk about prurient interest.

04-00:41:58

Donaldson:

Yes. I didn't win every case.

04-00:42:03

Meeker:

Do you think the fact that this Charlie Garry had an acquaintance on the jury had any impact on the outcome of the case?

04-00:42:11

Donaldson:

It may well have, because I've been on juries myself. I don't know if you have. But sometimes, if you have one vocal person on the jury, it can start the thinking of the jury in that direction.

04-00:42:25

Meeker:

Yes, yes. That's where the reasonable doubt can be --

04-00:42:30

Donaldson:

Right, um-hmm.

04-00:42:30

Meeker:

-- thrown into the mix. Interesting. So what happens when there's a risk when someone doesn't plead guilty and they go to trial. It means, right, that their punishment can be more severe if the jury comes back with a guilty verdict? Is that correct?

04-00:42:56

Donaldson: It can mean that, yes.

04-00:42:57

Meeker: So how then, as a lawyer, and also as a gay man just coming out -- or just maybe stopped -- ceasing to lead the double life... How were you thinking about that at the time? I mean, I imagine you would have had conflicted feelings about asking people to go to trial?

04-00:43:23

Donaldson: I probably did, except I was of the mind that this was all so unfair. It probably never occurred to me that people couldn't see through it, how unfair it was. But in cases here in San Francisco that I lost, there was no judge who ever gave any more than they would have if they hadn't... We didn't have plea bargains openly then, but one knew what the judge would do. For example, on an oral copulation, they would basically -- although it was a felony, they were sentenced as a misdemeanor and assessed a \$250 fine and give them 18 months probation.

04-00:44:09

Meeker: So jail time would have been a rarity?

04-00:44:12

Donaldson: Right.

04-00:44:13

Meeker: Did any of your sex cases ever go to jail?

04-00:44:28

Donaldson: One, but it involved an older man having sex with an underage boy. And I'll tell you, my client was so arrogant that he deserved to go to jail. He didn't get a long jail sentence. He didn't go to state prison.

04-00:44:56

Meeker: This is also a time, from what I understand, that -- and I'm not quite sure how this works legally, but there were some people who would have been arrested for these sex related crimes, and instead of being sent to jail, they would have been sent to a mental hospital facility, like in Atascadero. I think there was also one up in Napa. Did this ever happen to any of your clients? Did you ever have to deal with that?

04-00:45:21

Donaldson: No, and that didn't generally happen where it was consensual sex. It happened, and I know it happened, with people -- generally underage boys.

04-00:45:45

Meeker: So they were declared psychopath or something?

04-00:45:50

Donaldson: Well, yes. Occasionally, they would be. But sometimes, indeed, they were.

04-00:45:56
Meeker: Sure. What was I going to say about this? What percentage of your sex cases do you think came through the Mattachine Society during this period of time? And I guess we're talking about 1960-67, right?

04-00:46:20
Donaldson: Well, it got so that Guy Strait was referring people, SIR [Society for Individual Rights] was referring people.

04-00:46:27
Meeker: So the organizational referrals, would you say they were the majority or vast majority?

04-00:46:36
Donaldson: Right. Except I remember one specific case in which the arresting officer actually referred the client to me.

04-00:46:48
Meeker: Really?

04-00:46:51
Donaldson: Yes.

04-00:46:53
Meeker: That sounds interesting.

04-00:46:53
Donaldson: I was surprised.

04-00:46:57
Meeker: Why do you suppose that happened?

04-00:47:02
Donaldson: You know, I don't know. I don't know. You know, a lot of lawyers wouldn't accept cases like that anyway.

04-00:47:22
Meeker: Well, that was actually going to be my next question. That is, I imagine a lot of lawyers, and probably especially a lot of gay lawyers, would have avoided this kind of work like the plague for fear of being targeted or pegged as a homosexual, too.

04-00:47:41
Donaldson: Right.

04-00:47:45
Meeker: Did that thought ever cross your mind and if so, how did you deal with it internally?

04-00:47:53
Donaldson: That somehow that would mark me as being gay?

04-00:47:56

Meeker: Yes.

04-00:47:57

Donaldson: It not only occurred to me, I was sure that was happening.

04-00:48:34

Meeker: OK. You were sure -- did people tell you or...?

04-00:48:08

Donaldson: Did people tell me? One time there was an incident in which there had been a plea, and I went in to talk -- I was there early the day of sentencing and I went in to talk to Judge Neubarth, Judge Harry Neubarth. And the DA was not there. And I said, "Oh, well, I'd better come back when the DA's here." And he said, "Why should that make a difference? They don't care if you're here if they want to talk to me." So I talked about the case and he said, "Oh, this is going to be just the standard." And then I told him, and it required just a little bit of courage. I said, "You know, but as a gay man, I really think that this is not the right kind of law enforcement." And he said, in a very fatherly way, he said, "Well, but I wouldn't voice that around too much here at the Hall of Justice." But he said it in a very kindly way.

04-00:49:22

Meeker: So this was during the '60s then?

04-00:49:24

Donaldson: This was during the '60s, yes.

04-00:49:28

Meeker: This seems like a pretty remarkable thing to say to someone like a judge who would be deciding your cases? I mean, you picked the word but it seems to me like it could either be naiveté or it could be courage or something along those lines.

04-00:49:46

Donaldson: I'm not so much sure it was courage, but I was pretty sure that everybody knew I was gay. I didn't really go at lengths to hide it.

04-00:50:00

Meeker: Did you feel most of the judges that tried your cases were fair?

04-00:50:04

Donaldson: I did.

04-00:50:06

Meeker: Were there some that you didn't consider fair? That you didn't like to try before?

04-00:50:25

Donaldson: There was one judge. I don't want to name him. He's dead now, anyway. He was very standard if you plead guilty, but he was not happy if he went to trial and he would tell you. He would say, "This case should settle."

04-00:50:46

Meeker: And why? Because it was a burden onto the legal system?

04-00:50:50

Donaldson: Because he assumed that everybody who was charged was gay -- was guilty. Now, he was not a bad judge. But he just had his own -- why waste court time trying a case in which the person was guilty?

04-00:51:10

Meeker: So this notion of kind of being recognized as probably a gay judge, or rather a gay lawyer, at this point in time, how do you think this affected your practice? I mean, aside from maybe the obvious thing, which is it gave you more clients related to sex crimes.

04-00:51:38

Donaldson: You know after that California Hall thing, I think there was no doubt on anybody's mind that I was gay. It didn't affect my practice at all. It really didn't. Only one time I heard that somebody who was charged with a 288A was given my name, but he did not want to come to me because I was known as being gay.

04-00:52:13

Meeker: I wonder -- the juries, what do you think they thought of you?

04-00:52:23

Donaldson: You know, I don't know.

04-00:52:30

Meeker: I mean, it's projection either way, but...

04-00:52:32

Donaldson: Yes. I don't whether -- what they thought or not.

04-00:52:40

Meeker: So most of these cases were sex oriented. Did you ever have any clients that were just arrested for being at a gay bar, for instance? I'm not quite sure of the exact law but it would have been something like, you know, going to a disorderly house or something along those lines.

04-00:53:07

Donaldson: No, I didn't have any of those, but I had one very sad case. It was somebody I knew who... Nice guy. I had first known him at Southern Pacific. He went to a bar on Polk Street, talked to this guy. He was so impressed with this guy. He was really a handsome man. Then the guy asked Ken whether he came in there often. He said, "Oh, yes, I come in every night." So the plainclothes cop said, "Well, I'll be here tomorrow night. Why don't we meet?" So they met,

then, the next night, and there was this conversation, and finally he said, "Well, what do you want to do?" And then when they left the bar, he arrested Ken. And I so desperately wanted him to go to a jury trial and he would not.

04-00:54:12

Meeker: Do you recall what he was arrested for?

04-00:54:14

Donaldson: He was arrested for soliciting.

04-00:54:16

Meeker: Soliciting?

04-00:54:17

Donaldson: Soliciting a lewd act.

04-00:54:19

Meeker: Soliciting a lewd act. So that's, in essence, the same law that's used for prostitution, right?

04-00:54:25

Donaldson: No, they charged him with a 647A.

04-00:54:29

Meeker: They charged this guy -- oh, really?

04-00:54:31

Donaldson: Yes. Not for a 647B, because he didn't offer to pay the guy.

04-00:54:37

Meeker: Oh, OK. That involves payment. All right.

04-00:54:39

Donaldson: Yes.

04-00:54:40

Meeker: The 647A, was that the standard charge that was used during the entire period that you were trying cases?

04-00:54:49

Donaldson: It was, unless there was actual oral copulation between two people, in which they charged 288A.

[End of Interview]

Interview #3: 1-31-08

Begin Audio File 5 donaldon_herb5_1-31-08.mp3

05-00:00:00

Meeker:

Okay, today is January 31, 2008, the last day of January, and this is Martin Meeker interviewing Judge Herbert Donaldson, and let's begin. So this is the third interview that we've sat down to do, and we made a lot of progress in the past couple of sessions and we're going to be getting into some good, juicy stuff today, I think, the mid-sixties in San Francisco. And we've already spent a little bit of time talking about your work doing legal referrals in the Mattachine Society and some other work related to law and so forth in San Francisco. But beyond that we haven't spent a lot of time talking about gay and lesbian organizations and the movements, if you will, that emerged in San Francisco that became rather prominent in the 1960s. So what I'd like to do is focus on that today, with a particular eye to your involvement in these organizations. And we already spoke a little bit about the Mattachine Society and the next organization from what I understand that emerges, such that it was an organization, was Guy Strait's League for Civil Education.

05-00:01:22

Donaldson:

Yeah, although contemporary with the Mattachine Society was the DOB, the Daughters of Bilitis.

05-00:01:29

Meeker:

That's correct, yes. What sort of interaction did you have with the DOB?

05-00:01:35

Donaldson:

Actually, not a lot, except with Del [Martin] and Phyllis [Lyon].

05-00:01:41

Meeker:

Was it a professional or a personal relationship you developed with them?

05-00:01:47

Donaldson:

Well, you know, it started out as kind of a professional relationship. The first time I really became acquainted with them, the ministers at Glide, actually Cecil Williams, was instrumental in forming an organization called "Citizens Alert," which was designed to alert citizens about police overzealous enforcement of the law, especially relating to gays and lesbians. And so there were several meetings at, at Glide when Citizens Alert was formed. And Del, especially, was very active—Phyllis to some extent but Del was, she was really the powerhouse that was pushing it.

05-00:02:55

Meeker:

So was Citizens Alert founded primarily to deal with police harassment of gay people?

- 05-00:03:09
Donaldson: From our standpoint it was, but I think probably it went beyond that to harassment of minorities.
- 05-00:03:17
Meeker: But the question is, how did it start? Did it start with that overall harassment of minorities, or is that something that it became after it was established?
- 05-00:03:28
Donaldson: Well, we had meetings in which we had formed the goals of Citizens Alert and actually got a booklet out. I would say probably it was the gays and lesbians that were the force, but then it was amplified because some of the straight people were involved in that also, people who were interested in the rights of the minorities and also the rights of the juveniles. We had a lot of juveniles in town then. There was another organization which was formed at Glide. Alice Cavanaugh was the woman who really founded that, and I'm trying to think what the name was.
- 05-00:04:24
Meeker: Was that Vanguard?
- 05-00:04:26
Donaldson: It was started as Vanguard. Also, it was at 148 Leavenworth. I'm trying to think. I think there still is something there at 148 Leavenworth.
- 05-00:04:39
Meeker: Was it like a youth house, like a hospitality house?
- 05-00:04:41
Donaldson: Yeah. Right! Hospitality house. Right, and hospitality house was formed so that the kids in town, the underaged kids who couldn't go to bars, or weren't supposed to, would have a place to go to and would have a place to sleep. So to that extent, the people who were interested in the juveniles having certain rights were also part of Citizens Alert.
- 05-00:05:16
Meeker: So it wasn't specific to any sexuality or any racial group, it sounds like.
- 05-00:05:20
Donaldson: No, it was not limited to, though it certainly benefited the gays and lesbians. Mostly the gay men. The lesbians for the most part were left alone.
- 05-00:05:34
Meeker: By the police?
- 05-00:05:36
Donaldson: Right.
- 05-00:05:38
Meeker: How was it going to aid people who had been harassed by the police? What was the organization going to do?

05-00:05:47

Donaldson: They printed booklets on what to do if you were stopped by the police and what your rights were and they circulated these and there was actually a telephone number that they could call which went into Glide to report a misconduct.

05-00:06:10

Meeker: And was there a fairly substantial response to that?

05-00:06:16

Donaldson: I think there was. This was fermentation, back in the early sixties of a lot of types. You know, the blacks were trying to get some of their rights. We had the Palace Hotel mass arrests. We had the Auto Row, in which they not only arrested but they prosecuted people who sat in at Auto Row.

05-00:06:49

Meeker: For trespassing.

05-00:06:51

Donaldson: Right, and for obstructing the entrance, blocking sidewalk, for failure to disperse when they were advised that this was an unlawful assembly, things like that.

05-00:07:09

Meeker: So would you say that one of the roles of Citizens Alert was maybe not only to help people who already were in trouble, but for lack of a better phrase, raise consciousness about the problem of police harassment?

05-00:07:24

Donaldson: Yes, oh, absolutely, and people from Citizens Alert—I remember Del was one of them—would attend police commission meetings and raise issues. You know, and police commission meetings, they weren't used to that. Usually they had been very routine meetings and they weren't used to the people coming in and Mau-Mauing them, which is what happened! And it built up, because the more people did that, the more people came forward to help do that.

05-00:07:55

Meeker: So she was going into police commission meetings in the sixties, challenging the police about their treatment of gay people?

05-00:08:04

Donaldson: Challenging the police as to their treatment of people, including gay people.

05-00:08:09

Meeker: This might be too specific, but was she getting specific about it, about the kinds of people they were harassing? Or was she just talking about police behavior in general, do you suppose?

- 05-00:08:22
Donaldson: No, at times, I attended meetings. She was very specific. She was very specific.
- 05-00:08:39
Meeker: So, I'd mentioned Guy Strait's League for Civil Education?
- 05-00:09:07
Donaldson: Yeah, the LCE.
- 05-00:09:10
Meeker: Did you ever participate in that?
- 05-00:09:13
Donaldson: Oh, yes.
- 05-00:09:14
Meeker: And can you describe that organization, maybe in comparison to what the Mattachine Society was doing?
- 05-00:09:18
Donaldson: Oh, it was a lot looser organization. Guy Strait was a looser person.
- 05-00:09:25
Meeker: Well, maybe we should start out by giving a description of him to the best of your memory.
- 05-00:09:31
Donaldson: I went to this first meeting that was actually advertised in the paper.
- 05-00:09:34
Meeker: What paper?
- 05-00:09:35
Donaldson: The *Chronicle*! That we were going to have a meeting, I think on the fourth floor of the library. And I went, and it was apparent to me—Guy was conducting the meeting—it was apparent to me that—it was a motley bunch of us who attended. It was hard to categorize, except I felt that most of the people there were gay. And in fact, they were.
- 05-00:10:01
Meeker: But what did he advertise? Was it specifically a gay meeting?
- 05-00:10:05
Donaldson: For civic education as to constitutional rights.
- 05-00:10:10
Meeker: OK, so it could be anything. It could be someone interesting in—
- 05-00:10:13
Donaldson: And that's how he got the space in the library. But I think that was the last time they met in the library. They found other places to meet including Glide.

There were some meetings, I think over at the Church of the Advent too. And then they had house meetings.

05-00:10:38

Meeker: Well, tell me about Guy Strait as a person. How did you experience him?

05-00:10:43

Donaldson: He was a kindly, grandfatherly older man who was interested in youth. And he never denied that he was. He felt comfortable around them, and I'm sure he had some sexual desires about them, but he also in his capacity as heading the LCE, he would find places for people to stay. It was almost like he was kind of a social agency, not limited to kids but to gay people.

05-00:11:32

Meeker: Can you describe the difference between the work that he was doing versus the work that Hal Call was doing at the Mattachine Society?

05-00:11:38

Donaldson: Guy was not—I don't think he was interested in scientific justifications for homosexuality. Guy was interested in people. His was more social. He believed in having a good time.

05-00:11:56

Meeker: But I also understand that he played a role in Jose Sarria's running for the board of supervisors?

05-00:12:06

Donaldson: Yup. Mm-hmm.

05-00:12:07

Meeker: So was he also interested in politics?

05-00:12:10

Donaldson: Oh, sure. Oh, yeah, he was interested in politics.

05-00:12:13

Meeker: Did you ever have any conversations with him about politics and what was possible or what was not?

05-00:12:19

Donaldson: Oh, my association with Guy Strait began really as, you know, attending the LCE and we became friends. In fact, I gave him space to live. He got into some trouble—this is over a span of years—and he served time in an Illinois State Prison. He had fled to Europe. He wasn't happy over in Europe. He came back, faced the music. I would communicate with him when he was in Illinois State Prison. He came back here. He didn't have anything. I had an empty house at that time and I let him stay there free and he kind of lived from hand to mouth, had little ventures here and there, and he would get things to sell and sell and he still loved to—I remember he had some little teenager that he bought a motorcycle for. [laugh] I mean, then, dear guy, he was sleeping on a

mattress on the floor, and yet he was helping these kids. And it was a fairly big house. It's four bedrooms. And he was letting people stay there too.

And then that came to an end when a mutual friend of ours called me one night, I'd—going home, and said he couldn't get Guy to answer the door, so I came down there with the keys, and he had obviously had a stroke. We called 911 and I had to say the fire department responded beautifully, and they were so gentle and so caring. The guy was barely able to talk at that time. They took him to the hospital, he stayed in the hospital for a little while, then they sent him out to Laguna Honda and gradually he lost all speech and he died. But then when this friend of his—I asked if he'd sort of clean out the place, and Guy had a store of money, I think about a couple of thousand dollars there, that he had squirreled away for the rainy day. So Ike, I told Ike he could have the money. It was very sad.

But let me tell you, Guy Strait was a very kind person who was interested in constitutional rights for everybody, not just gays and lesbians. It so happened he was gay, and he probably would be called—what are they called now? Not a pervert. What do they call—

05-00:15:24

Meeker:

Pedophile?

05-00:15:25

Donaldson:

Yeah, pedophile, yes. And he probably was, but let me tell you that the kids he helped desperately needed help. And he was basically a good social action person.

05-00:15:46

Meeker:

When you say that he wanted civil rights for everyone, do you remember having conversations with him in which he expressed these sorts of ideas?

05-00:15:53

Donaldson:

Oh, sure. Oh, absolutely, yes.

05-00:15:54

Meeker:

Well, what did he say? I mean, how would he have talked about that as far as you can remember?

05-00:16:01

Donaldson:

He had a lot of concerns about government overreaching, and there was a lot during that period of time. How would he phrase it?

05-00:16:16

Meeker:

Well, I mean, how would he phrase it, or—government overreaching can mean many different things to many people. But how do you think it meant what it meant to him?

05-00:16:28
Donaldson: What it meant to him is he was certain that the police were spying on him. He was certain the police were sending in people to kind of get the goods on him. And he was actually very foxy.

05-00:16:42
Meeker: So government overreaching in the context of surveillance, sort of like some of the stuff we're going through today.

05-00:16:46
Donaldson: Right. Yeah, infringement on our right to privacy. Yes, what we're going through today.

05-00:16:56
Meeker: So, were you around him at the time that this plot was hatched to run Jose for supervisor?

05-00:17:06
Donaldson: My contacts with him were not that close at that time. Guy liked to stir things up, and he thought that was a way of stirring things up. The same election, Archie Brown the avowed Communist ran, so—

05-00:17:26
Meeker: In San Francisco.

05-00:17:27
Donaldson: In San Francisco for the board of supervisors, and I remember at any meeting Guy would urge people, "Vote for just two people! Vote for Archie Brown and Jose Sarria!" And I remember Jim and I both that election, we just voted for the two people. [laugh]

05-00:17:49
Meeker: To what extent do you think the idea of running for supervisor was Jose's as well?

05-00:18:00
Donaldson: Jose was more entertainment-oriented, but I think he probably viewed it as a way of getting some publicity and getting more people to go to his Sunday afternoon operas and things like that.

05-00:18:17
Meeker: Did you ever attend those?

05-00:18:19
Donaldson: Yes.

05-00:18:20
Meeker: Can you describe Jose and how you knew him and the extent to which you knew him?

05-00:18:28

Donaldson:

Jose was a real entertainer. I thought some of his acts were rather silly. I mean, when he would do these operas, everything was very extreme. But he was kind of a unifying force. The people who attended the Sunday afternoon opera sessions were pretty much ordinary people in everyday life. They weren't the dregs. They weren't the outcasts. They were the average people and Jose was entertaining and at the same time there was kind of a unifying thing in pride in being gay. He didn't coin the phrase "gay is good." That was coined later when SIR got active and SIR had functions and they had some buttons that said "gay is good." [laugh] I remember one time we had been to some function. It was over at Glide. You know, Glide was so accommodating as a meeting place for any out-there organization, and Jim and I both put on these buttons, "gay is good," and I remember I forgot I had it on. We went to the Safeway and as we were checking out, this one checkout clerk said, "Hey, I like your button." [laugh] And I had forgotten it was on!

05-00:20:13

Meeker:

Yeah. Did you turn red?

05-00:20:15

Donaldson:

Well, yeah, because people generally weren't at the stage at which they liked to advertise at that time. So, Jose, he was an entertainer. He could be a vengeful bitch if you crossed his path, too.

05-00:20:34

Meeker:

Did you ever experience that side of his?

05-00:20:36

Donaldson:

No, I didn't, I didn't, but I saw other people who did experience that.

05-00:20:40

Meeker:

And when you say "vengeful," what are maybe some of the things that he could do? Is it the power of words, or—

05-00:20:47

Donaldson:

Power of words in, well, I think they call it "dissing" now certain people by name, making them unwelcome.

05-00:21:04

Meeker:

Well, some people have said that if it was anyone other than Jose running, they would've gotten double the votes.

05-00:21:11

Donaldson:

Probably so. Don't forget, also, Jose, he was kind of known as a drag queen then, and at that point—and you know, I think sometimes even still, transgender people are discriminated against within the gay community.

05-00:21:33

Meeker:

So you think he was kind of viewed as a drag queen or transgender in a larger sense?

05-00:21:39

Donaldson:

You know, people didn't think in terms as sophisticated as transgender. I think he just liked to put on women's clothes and entertain. I mean, at that time we had Finocchio's, where the tourists went by droves to see men who would dress up as women and sing and lip-synch and so forth, because it was different. It was entertaining.

05-00:22:12

Meeker:

What about his reputation around town and his ethnicity? I mean, historically from what I understand, having a Latin-American background was not thought of in the same way as it is today, like it wasn't thought of as a race.

05-00:22:37

Donaldson:

No. So far as I know, I can't remember anybody referring to him as a, what, a "greasy spick" or anything like that.

05-00:22:46

Meeker:

OK, so you don't remember there being—seeing him different in a racial sense?

05-00:22:54

Donaldson:

I didn't. I didn't view him that way. Some people may have, but I didn't experience that.

05-00:23:00

Meeker:

Do you remember there being many other Latin Americans around in the scene at that time? Or was he kind of a rarity?

05-00:23:16

Donaldson:

You know, I don't remember. I really don't remember whether he was a rarity or not.

05-00:23:22

Meeker:

What about Asians? There were a lot of Chinese and Japanese in San Francisco at that time.

05-00:23:30

Donaldson:

At that time, there weren't very many involved in the... I could think of the number on one hand, the number of Asians in any of these organizations, including SIR.

05-00:23:44

Meeker:

And African-Americans?

05-00:23:46

Donaldson:

A few, but not a lot.

05-00:23:51

Meeker:

There's been, historically, and it's probably a hard question to answer so it's maybe not fair of me to ask, but historically there's question of—not sure how to put it, but I guess there's a question about is racism greater in the gay

community or is it less or just the same as in the surrounding community? And I kind of wonder, from your perspective of experiencing the organized gay community of the 1960s and then also being a resident of San Francisco at large, how would you feel about those various characterizations?

05-00:24:41

Donaldson:

They were at that time increasingly—from sixties on, there were more and more black and white couples. I think there were actually some bars that catered to that as well. Were they looked down on? Probably only to the extent that regular society did.

05-00:25:09

Meeker:

So in other words, the...

05-00:25:13

Donaldson:

I don't think we were more accepting of that. I think we were just the same as the regular straight people.

05-00:25:22

Meeker:

Products of the regular, overall society.

05-00:25:25

Donaldson:

Yeah. Mm-hmm.

05-00:25:28

Meeker:

From what I understand, one of the reasons that Guy Strait wanted Jose to run—and I also understand that later, he suggested that gay people should vote for a Temperance candidate in the gubernatorial election in California about that same time, maybe '62 or something.

05-00:25:48

Donaldson:

You know, if he did, I don't recall that.

05-00:25:51

Meeker:

OK. So from what I understand, he was wanting to test this notion that there's a gay voting block.

05-00:25:58

Donaldson:

Yeah.

05-00:25:58

Meeker:

Do you remember learning about this, and what you had thought about of it at the time?

05-00:26:04

Donaldson:

Well, I'll tell you, it was widely talked about, the fact that, I think, Jose got six thousand-some votes, and that was an astounding number of people who would actually vote for this gay drag queen.

- 05-00:26:24
Meeker: So that seemed like a victory or vindication of the notion that there was a gay voting block?
- 05-00:26:30
Donaldson: I think so, yes.
- 05-00:26:31
Meeker: But even at the same time, you know, there were various people who suggested there were as many as 100,000 gay people in San Francisco at that time.
- 05-00:26:42
Donaldson: Well, I remember that the police at the time I was arrested, they put out the story that there were 70,000 gay people in San Francisco. Now, there weren't.
- 05-00:26:58
Meeker: You don't think so?
- 05-00:27:01
Donaldson: I don't think so. That was ten percent of the population. There were a lot of us, but there are a lot more of us now. But it certainly backfired on them, because that went out over the wire services, and you know, I had friends who lived in other parts of the country and they thought this is great. San Francisco must be wonderful to live in! It was, for a number of reasons, and I think that attracted a lot of gays to San Francisco.
- 05-00:27:34
Meeker: So when cops came out and gave these figures an alarmist sense—
- 05-00:27:40
Donaldson: They didn't have that sense! They encouraged other gays to come to San Francisco.
- 05-00:27:45
Meeker: Interesting. So do you know any specific individuals who were attracted to San Francisco because of those kinds of things?
- 05-00:27:56
Donaldson: Did I know at that time? Yes, yes, there were people who actually came to San Francisco.
- 05-00:28:00
Meeker: Can you remember their names? Maybe just one example?
- 05-00:28:00
Donaldson: One was a very close friend of Jim's, who lived in Missouri, and I'm trying to remember his name. I think he's dead now, but I can't remember his name.
- 05-00:28:24
Meeker: But he came out in the 1960s and...

05-00:28:26
Donaldson: Yeah, as a result of that publicity.

05-00:28:30
Meeker: Did he stay in the city for a long period of time?

05-00:28:32
Donaldson: Oh, yeah. He stayed here. He died here.

05-00:28:38
Meeker: So the next organization that was founded in San Francisco, from what I understand, was the Tavern Guild?

05-00:28:45
Donaldson: The Tavern Guild was kind of also at the same time. That was the organization formed by the gay bars, because they wanted this combination for basically communicating to each other if there were was police activity, because there was a lot of police activity in the bars then, arresting people.

05-00:29:16
Meeker: Were you a regular bar-goer?

05-00:29:19
Donaldson: No, I didn't drink a great deal. Sometimes I would go to special events and I would go to Tavern Guild meetings mainly because I thought—and it happened—it would be a good source of business for me as a lawyer.

05-00:29:37
Meeker: Did you ever defend any bar owners? Or was it mostly patrons?

05-00:29:41
Donaldson: Yes, no, bar owners too. Yeah.

05-00:29:43
Meeker: So what bars did you defend?

05-00:29:46
Donaldson: It was the Cloud Nine, which was at Union and Polk.

05-00:29:57
Meeker: And what sort of trouble did they get in?

05-00:30:00
Donaldson: They had some arrests there and the ABC tried to take their license.

05-00:30:04
Meeker: So, arrests for—?

05-00:30:06
Donaldson: For people soliciting plainclothes cops, who then they'd get arrested and then ABC would attempt to take their license not because it was a gathering place

for homosexuals, because the Black Cat eliminated that as a reason, but because it was a public nuisance.

05-00:30:34

Meeker: Like a disorderly house.

05-00:30:36

Donaldson: Right.

05-00:30:37

Meeker: And so basically what was happening was that they were, and correct me if I'm wrong, they were using designed close down brothels to close down—

05-00:30:46

Donaldson: Yes, yeah, right, they were.

05-00:30:48

Meeker: So, solicitation legally doesn't necessarily have to involve an exchange of money. It's just solicitation for sex?

05-00:00:00

Donaldson: Right. That's what they would arrest them for. Or they would arrest them for—sometimes people would grope somebody. Aha! Well.

05-00:31:08

Meeker: And that would be—

05-00:31:11

Donaldson: Under 647a or 647d, "lewd conduct."

05-00:31:13

Meeker: Lewd conduct, OK. So these are fairly subjective interpretations of law.

05-00:31:19

Donaldson: Yeah, and I'll tell you, they had a hard time taking the licenses away. There were other lawyers who also represented the bars, because it was a fairly lucrative business. But what the ABC didn't know is that some of the people who worked for the ABC were also gay. A friend of mine, his boyfriend worked for the ABC.

05-00:31:47

Meeker: Do you remember his name?

05-00:31:49

Donaldson: Yes, he's dead now so it doesn't matter. Knut Brandstrup.

05-00:31:53

Meeker: Newt?

05-00:31:54

Donaldson: Knut, K-N-U-T, B-R-A-N-D-S-T-R-U-P. He was Danish.

05-00:32:00
Meeker: OK, and he was an investigator?

05-00:32:03
Donaldson: He was somebody in the hierarchy in the ABC. Yes.

05-00:32:08
Donaldson: And what did he do.

05-00:32:10
Meeker: How did he help out gay bars, I guess is what I'm asking.

05-00:32:13
Donaldson: I think he funneled information. I don't know for sure.

05-00:32:18
Meeker: So about possible raids, or undercover officers, or something like that?

05-00:32:23
Donaldson: I think he funneled more information on how to delay and obstruct these proceedings to close the bar, to take away their license. His boyfriend was Bill Peck. Knut died first. It was maybe ten years ago or more, and then Bill died. Bill happened to be from the same hometown that Jim was in Missouri. And that's how I met Knut as well.

05-00:32:59
Meeker: Interesting. I've never heard any stories about gay folks working in the ABC.

05-00:33:05
Donaldson: Well, you know, we're all over. [laugh]

05-00:33:13
Meeker: Presumably, one can not get arrested for solicitation anymore in the same way. Is that true?

05-00:33:22
Donaldson: No, it's not true.

05-00:33:23
Meeker: It's not true?

05-00:33:26
Donaldson: Well, if there's solicitation for sex with—by simple solicitation for sex without any money or compensation, one should not be arrested for.

05-00:33:40
Meeker: When did that change? When did that no longer become possible to prosecute someone if there was no exchange of money?

05-00:33:52
Donaldson: When the law was changed regarding so-called homosexual acts, when they were no longer against the law.

05-00:34:01

Meeker:

So the presumption was—I guess I’m just trying to figure out the law here. So, you could get arrested for solicitation and I guess solicitation is sort of a preface to the real act of breaking the law, which in this case would be—

05-00:34:17

Donaldson:

Yeah, do you want to come home with me? Well, if I do, what are you going to do? Get them to say what they’re going to do, all right.

05-00:34:29

Meeker:

So, “I’m going to go down on you,” or something like that.

05-00:34:30

Donaldson:

Yeah. But then you can get it within the purview of the Prostitution Act by just saying, well, what is that going to get me? How much will you pay? Then you’re violating the laws on prostitution.

05-00:34:50

Meeker:

OK, but so, when most of these men for instance were arrested, like at Cloud Nine, I guess what was the crime, what was the solicitation? Was it the promise of engaging in sodomy, or something?

05-00:35:07

Donaldson:

“Do you want to come home with me, what’s going to happen. Am I going to be disappointed? What are you going to do?” And then when they’d say what they were going to do, then they would be arrested.

05-00:35:24

Meeker:

OK, and they would be arrested—

05-00:35:25

Donaldson:

But they would never be arrested on the premises. They would always be arrested off the premises. They would leave and then outside they’d be arrested

05-00:35:35

Meeker:

So the idea was that it was solicitation. So solicitation is sort of a preface, solicitation to either engage in prostitution or solicitation to engage in sodomy, for instance, that was illegal.

05-00:35:49

Donaldson:

In sex, yeah, right.

05-00:35:51

Meeker:

So obviously, they couldn’t be arrested for sodomy if there was no sodomy, but they could be arrested for—it’s almost like conspiracy to commit sodomy. Is that sort of what you mean?

05-00:36:00

Donaldson:

No, it’s like prostitution. “You let me suck your dick and I’ll give you five dollars.”

05-00:36:06
Meeker: So there had to be an exchange of promise of money.

05-00:36:11
Donaldson: Yes. There didn't have to be the exchange of money, but there had to be—

05-00:36:15
Meeker: So, solicitation did require this discussion about money.

05-00:36:21
Donaldson: After the law was changed. Before the law was changed, it didn't because it was a solicitation to do an illegal act.

05-00:36:27
Meeker: OK, that's what I'm getting at. [laugh] I mean, it's amazing—

05-00:36:31
Donaldson: But once the act became legal, then it was solicitation for money.

05-00:36:35
Meeker: OK, all right. So these men who were arrested at Cloud Nine, it was solicitation to doing an illegal act, anal or oral copulation, not solicitation to do prostitution, probably.

05-00:36:47
Donaldson: Yeah.

05-00:36:49
Meeker: So in this one instance, Cloud Nine, how did you proceed to represent the owners of the bar?

05-00:36:57
Donaldson: It was incredible. We filed an answer and so forth, and the hearing kept getting postponed and postponed, and they had regular discovery process, what are the offenses, who are the people involved, and so forth. And eventually, they just dropped it. So they never did get Cloud Nine's license.

05-00:37:20
Meeker: Huh. What do you think happened with that? Was there somebody working on the inside on your behalf?

05-00:37:26
Donaldson: No, I don't think so. I think what happened was that somehow the public attitudes were starting to change.

05-00:37:40
Meeker: OK, so there was a reluctance to actually—

05-00:37:44
Donaldson: Because when I would represent people who were charged like that, for solicitation, lewd conduct, more and more the juries were returning a verdict of not guilty.

05-00:38:00
Meeker: So how would the defense of the individual charged with something like this differ from the defense offered by the bar in which this act took place? Could bar owners for instance have pled ignorance that such activity was going on?

05-00:38:21
Donaldson: Yes, that was the usual thing, in that a bar owner can't be turned into somebody who guides the morals of the people who drink alcohol there.

05-00:38:37
Meeker: And did that work?

05-00:38:43
Donaldson: There was a time when it didn't work, but gradually as time went by it did start to work, yes.

05-00:38:52
Meeker: Did you, I mean, the few times that you were going to the bars, did you throughout the sixties begin to notice a change in the behavior of the patrons? Was there a loosening up?

05-00:39:15
Donaldson: The answer is yes, yes. I didn't go to the bars that often.

05-00:39:20
Meeker: When you did go, where did you go?

05-00:39:23
Donaldson: Well, there was the Toolbox.

05-00:39:25
Meeker: OK, so you went there.

05-00:39:26
Donaldson: The Toolbox, yeah. Jim liked that. That's where Jim lost his—he had contacts and contacts were expensive then, and somehow, he hadn't changed them and as he was at the urinal his contact popped into the urinal and so he lost, at that time. I think he paid over a hundred dollars for his contacts, and that was a lot of money then, and he was so discouraged to lose his contact in a urinal at the Toolbox. Some of the women went to the Toolbox, too.

05-00:40:02
Meeker: Really?

05-00:40:03
Donaldson: Oh, yeah. One time we were there and Phyllis and Del were both there too.

05-00:40:08
Meeker: At the Toolbox?

05-00:40:09
Donaldson: Yeah.

- 05-00:40:10
Meeker: No kidding.
- 05-00:40:12
Donaldson: Where else did we go—
- 05-00:40:13
Meeker: Do you know that I just did an exhibit that just opened last week at the Historical Society, a retrospective of the artist who painted that mural.
- 05-00:40:24
Donaldson: Oh, really.
- 05-00:40:25
Meeker: Yeah, of the men, yeah.
- 05-00:40:31
Donaldson: There were other gay bars on Polk Street, and of course at that time there were gay dining places, gay restaurants too.
- 05-00:40:43
Meeker: Gordon's and—
- 05-00:40:45
Donaldson: Gordon's and the Copper Lantern and—
- 05-00:40:51
Meeker: The Baj, was that one, or something?
- 05-00:40:53
Donaldson: The Baj, yeah. I never went there much. I just wasn't a bar person.
- 05-00:41:00
Meeker: But you went to restaurants, yeah.
- 05-00:41:02
Donaldson: Yeah.
- 05-00:41:03
Meeker: How did you mostly socialize, then?
- 05-00:41:09
Donaldson: We had our own group of friends from house to house, and also we were fairly active in SIR when it first began, and at SIR they would have house meetings. And the house meetings were generally on a Friday night, and everybody relaxed and people served food and we had different subjects we talked about. There'd be a subject for the night. Yeah, it was entertaining with friends in their home.
- 05-00:41:58
Meeker: OK, so did you travel with friends as well? I mean, did you travel much in this time, or not?

05-00:42:09

Donaldson:

Well, there was a time that Jim and I did travel. We got our first foreign travel—it wasn't foreign travel. I had a client and I suspect that some of the things he did were just beyond the law. And I think, one, he had a shop out on Haight Street and I think he was also pushing some dope there, but I was always very reasonable in my charges, and one day he gave me two tickets to Hawaii, round trip. So Jim and I went to Hawaii, and then after that, he came in for a consultation and I forget what it was on, and he asked me, he said, if you were going to Europe, where would you like to go? And I said, well, I'd like to go to London, I'd like to go to Copenhagen, I'd like to go to Paris. Like to go to Edinburgh. Well, the next time I saw him, he gave me this envelope with two open tickets first to London, to Copenhagen, flying from London to Copenhagen, then flying to Paris, then flying back to London, then back here.

05-00:43:41

Meeker:

So you were his lawyer?

05-00:43:42

Donaldson:

Yeah. And I can tell you when we went. It was in 1970. We'd started the coffee business then, and I was still practicing law and so Jim roasted up coffee that he had thought would last for a month and he had a couple of trusted employees who would deliver, and off we went. Could I think of doing that now? No. And I closed my law office for a month and—

05-00:44:21

Meeker:

Did you go in the summertime?

05-00:44:23

Donaldson:

We went in October. It was a great, great time.

05-00:44:28

Meeker:

And did you go to all those four or five cities that you mentioned?

05-00:44:32

Donaldson:

Yeah, and you know, this was in 1970, and we didn't have a lot of money. So we started off the trip with I think it was \$750 between us. And of course, we'd never traveled before, so we got American Express in \$10 increments. And you know, we came back with \$120. You could get a bed and breakfast in London for a pound—which was \$2.35 then—a pound a night with a big breakfast in the morning.

05-00:45:12

Meeker:

So what was it like traveling in Europe as a gay couple at this point? Were you treated as a couple, or were you treated as friends? I imagine they put you in rooms with two single beds or something like that.

05-00:45:33

Donaldson:

No, in the bed and breakfast it was one bed. The only kind of mix-up was when we had made a reservation to take the train up to Edinburgh and I'd gotten the name of a hotel. It was the Roxboro. So I had made a reservation

there, and they basically had given us the bridal suite, and then when they saw we were two men, they changed our room and of course, the Scots are always a little uptight so we got a room with two beds. [laugh]

05-00:46:10

Meeker: And you didn't question the change.

05-00:46:15

Donaldson: No, we were just happy to be up there.

05-00:46:20

Meeker: Did you do any gay tourism while you were there?

05-00:46:25

Donaldson: The only place we did, when we went to Copenhagen we had a reservation at a very nice hotel, and the guy who gave us the tickets had actually reserved that, had paid for the room, and we, Jim—in Copenhagen, we were amazed that almost everybody spoke English, and so Jim asked somebody on the street where there was any gay bar or club and he got the name of one. And we took a taxi there, and it was very pleasant and so forth, but I didn't want to stay out late. Jim wanted to stay there, so I took a taxi back home, back to the hotel and I remember the taxi driver, he was so handsome. And I think he could've been solicited, but I couldn't get up the nerve. [laugh] But that's the only gay place we went to in all our travels.

05-00:47:30

Meeker: You didn't use any of the gay bar guidebooks, then, that were being circulated?

05-00:47:35

Donaldson: Back in 1970, there weren't any that we knew of.

05-00:47:39

Meeker: Okay. That's an interesting story. So we were talking about the Cloud Nine.

05-00:47:50

Donaldson: Cloud Nine, and there were also organizations—there was the DOB, then there was the—eventually the LCE split up and part of the group went over and formed SIR.

05-00:48:07

Meeker: Who were some of the people who were involved in that early on?

05-00:48:11

Donaldson: There was Jim Foster. There was Bill Plath and his friend. In fact, they provided their house for meetings sometimes. Jim Foster lived across the street.

05-00:48:27

Meeker: From?

05-00:48:28

Donaldson:

From basically across the street from Bill Plath, who was out on Grove. And so then you had two organizations but they weren't really competitive. But then SIR had to find a place to meet, and SIR was also dedicated to entertainment and having dances and things like that.

05-00:48:58

Meeker:

Is that how that differed from the Mattachine Society? How did SIR differ from the Mattachine Society?

05-00:49:04

Donaldson:

Mattachine Society was all professional. It was not entertainment.

05-00:49:12

Meeker:

It wasn't like a gay community group, or—

05-00:49:14

Donaldson:

No.

05-00:49:15

Meeker:

It wasn't social at all.

05-00:49:17

Donaldson:

No, they were all nice people but they were all very scientific about it, and actually that was kind of their cover at the time. It was an educational organization.

05-00:49:33

Meeker:

When you say “cover,” what were they covering for?

05-00:49:37

Donaldson:

Well, they were covering because it was the practice then, sometimes people wouldn't even give their right names. In fact, when I first knew Phyllis and Del, it was Phyllis “Leon” and—what was Del? It wasn't Del Martin. It was something near that. So, but that was the times then. You couldn't risk your employment, et cetera.

05-00:50:11

Meeker:

So the new innovation at SIR, if you will, was as a social group as well as doing the social work.

05-00:50:17

Donaldson:

Yes. So, SIR would meet at Glide and also over at the Church of the Advent, and then I remember Larry Littlejohn and Jim were on a committee to try to find a place to rent, for SIR to rent, and they went around to try to find places to rent and they were very open, but it was a homophile organization, and [laugh] it wasn't that easy to rent at that time, except there was this woman who owned this building on Sixth Street, and it was up above, I don't know whether up above a bar or what, but you have to go up this long stairway. Were you ever there? I guess you—

05-00:51:10

Meeker: Yes, well, I didn't see it when it was the SIR center, but it's now like a Filipino community center or something like that.

05-00:51:20

Donaldson: Yeah, and the rent was not bad. I think the rent was \$125 a month.

05-00:51:25

Meeker: So it was the entire second floor of this building?

05-00:51:26

Donaldson: Yeah, the entire second floor.

05-00:51:28

Meeker: What was Sixth Street like then? Was it Skid Row, like it is today?

05-00:51:32

Donaldson: Not as Skid Row. Not at that time. Down a couple of blocks it started deteriorating, but the blocks between Market and Mission, they weren't first-class shops but they weren't the dregs either.

05-00:52:03

Meeker: So, tell me a little bit about SIR and what happened at this community center, the SIR center.

05-00:52:09

Donaldson: Well, I think there were meetings every week, and it grew by leaps and bounds. It really was a good social club.

05-00:52:24

Meeker: So is that how you experienced it, as a social club? I mean, I talked to other people, and they experienced SIR in different ways.

05-00:52:33

Donaldson: Yeah, it—

05-00:52:34

Meeker: I imagine it was sort of a service thing for some people.

05-00:52:36

Donaldson: It was, it was. They had committees, they had referral committees. I was on their legal referral. But a lot of people viewed it as basically a social organization. And we met some friends. We met a couple of friends that were friends and even Jim and I—even when they moved back to Europe, Jim and I would stop and see them and then they would move back here and after Jim died I stayed friends with them. One of them died at eighty-three and then the other one went back to Canada to be near his nephew, and he died shortly after that, in their—no, Michel died when he was eighty-seven, and Laurent was just in his early eighties. Yeah, so you maintain friendship with a lot of people.

05-00:53:38
Meeker: So what kind of people were involved in SIR? What were some of the people who you spent time with there?

05-00:53:45
Donaldson: Well, there was Al Alvarez. Have you ever met Al?

05-00:53:49
Meeker: No, I don't know Al Alvarez.

05-00:53:51
Donaldson: He was active with the union. I think he's retired now. Larry Littlejohn, have you met Larry?

05-00:53:55
Meeker: No.

05-00:53:57
Donaldson: You ought to.

05-00:53:59
Meeker: Well, he's dead, I think.

05-00:54:00
Donaldson: No, I don't think Larry's dead yet.

05-00:54:01
Meeker: Oh, okay.

05-00:54:03
Donaldson: No, because I saw Al last year, and Al and Larry bought property together. They weren't boyfriends, but Larry worked for a while for the—

05-00:54:12
Meeker: Is Al Alvarez in town?

05-00:54:14
Donaldson: Yeah. I could try to find out his address and telephone number.

05-00:54:21
Meeker: Sure.

05-00:54:22
Donaldson: And then there's Larry and there were lots of other people that we saw. There was Jim Fooks.

05-00:54:34
Meeker: Well, I mean, if you had to characterize them as a group, demographically or educationally, what were they like, if it's possible to do that? I'm just trying to get a sense of—

05-00:54:46

Donaldson: They were liberal young white men, mostly when I say young, in their twenties and thirties, who generally had jobs.

05-00:55:00

Meeker: What kind of jobs?

05-00:55:02

Donaldson: You name it.

05-00:55:05

Meeker: Were they working in the pink-collar work force? Are they hairdressers and florists, are they working at stock firms downtown?

05-00:55:12

Donaldson: Well, let's see. Jim Fooks was a cook out at the Southern Pacific Hospital. He was grossly overweight, too. Larry Littlejohn, he worked at various jobs then finally he took a job with the sheriff's department as a deputy sheriff, and then he was fired from there because he was using marijuana on the job [laugh] and also because he ran against Mike Hennessey one year. Al Alvarez was active with the union and I think he continued to be active with the union until he retired.

05-00:55:55

Meeker: What union was it?

05-00:55:58

Donaldson: You know, it wasn't the same union as, oh, I'm trying to think of his name, a good friend. He ran, years ago he ran for community college against Carole Migden. Neither of them got it. He heads a union now. What's the union over at the hospital?

05-00:56:30

Meeker: Service, SEIU?

05-00:56:33

Donaldson: Yeah, it's SEIU. SEIU, yeah. And I think that was—god damn, what is his name? I just met him. The Democratic Central Committee had a dinner a few months back and I went to it and I saw him. In fact, I saw a lot of old friends. Yeah, most of them just had regular jobs.

05-00:57:09

Meeker: So it's not like they were all downtown businessmen or they were all florists, but they were working. They were in blue-collar jobs. They were in all mix of different things.

05-00:57:19

Donaldson: Yeah, they really were, yeah.

05-00:57:21

Meeker: What about educational background? Did most of them have college educations, or was it more mixed?

05-00:57:26

Donaldson: Some did. Quite a few of them had a college education. Others didn't, but there was no snobbery there. I mean, I'm sorry I can't go out with you because you don't have a high school degree.

05-00:57:43

Meeker: Did it seem like most of them, say, over the age of thirty owned their own homes?

05-00:57:50

Donaldson: You're right. Most of us, one of the things we wanted to do was get our own home. It was possible then. Jim and I, when we bought our first home, \$22,950, four bedrooms, two baths. Just a block away from here. But, and we got it for ten percent down, but I had to borrow the ten percent from a colleague of mine, because we didn't have the ten percent. Yeah, most of them were interested in, and were buying their own property, because property was obtainable then.

[End Audio File 5]

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06-00:00:00

Donaldson: We belonged to the NAACP, in their housing committee, and were active in that.

06-00:00:10

Meeker: What did you do for their housing committee?

06-00:00:13

Donaldson: We were on their housing committee. We attended meetings. At that time, people—although it was against the law—there were people who would not rent to blacks simply because of their color, and we would send around people—if things were advertised for rent, send around a black couple and then when they'd be told it was already taken, send around a white couple who then would be offered the place, and also the housing committee, we were fighting redevelopment at that time. They were redeveloping A-2. Terrible what they did there.

06-00:00:58

Meeker: Redevelopment?

06-00:01:00

Donaldson: The area called A-2, the western addition, and they tore down so many beautiful Victorians, and I still think it was just a way to get the blacks out of the area.

06-00:01:20
Meeker: Yeah, they changed that entire part of the city.

06-00:01:23
Donaldson: They sure did.

06-00:01:28
Meeker: You know, this other thing I kind of want to bring together, and it's jumping forward because there's other things I want to cover, but you talked about Larry Littlejohn and you'd also talked about the work of the NAACP and I'm wondering if you can talk about, to the extent that you had any experience or knowledge of the work of the Human Rights Commission in San Francisco, say in the sixties and early seventies, because from what I understand, that was established as sort of the city's civil rights agency in response to these protests that you had mentioned.

06-00:02:04
Donaldson: I think there was a state agency. Quinn was heading that.

06-00:02:07
Meeker: Frank Quinn.

06-00:02:11
Donaldson: Frank Quinn. He was married—

06-00:02:12
Meeker: The fair employment practices, something.

06-00:02:14
Donaldson: Yeah, he was married to Mary Quinn. Mary Quinn's still working for the courts, yeah, in the probate department.

06-00:02:23
Meeker: Yeah. Well, actually, Frank Quinn, now, that was a city agent—I mean, he might have worked for the state?

06-00:02:27
Donaldson: Was that a city agency?

06-00:02:27
Meeker: Yeah, that was a—

06-00:02:28
Donaldson: I was not sure.

06-00:02:30
Meeker: The Human Rights Commission, he was the executive director of that in the 1960s and early part of the seventies.

06-00:02:36
Donaldson: Yeah, he was really an important person on some of those mass arrests and those sit-ins.

06-00:02:45

Meeker:

Did you have any interaction with that agency that he was heading?

06-00:02:50

Donaldson:

Not with him personally. With him personally? Yes, talking with him and so forth, but my interaction was in representing pro bono people who were arrested.

06-00:03:03

Meeker:

At the sit-ins.

06-00:03:05

Donaldson:

At the sit-ins. Auto Row. Actually, the Palace arrests, they were all dismissed by Judge Lenore Underwood. We only had two women judges at that time in the city. Lenore Underwood was on the municipal bench. She was a good liberal. She played fast and loose, though. God, any friend of hers could come in with tickets and she'd dismiss them. [laugh] She's dead, of course. But it came before her court and she dismissed all of the arrests and the D.A. never re-filed them, but that didn't happen on the Auto Row, and in fact, let me phrase it this way: it would appear to somebody on the outside that there was actually a conspiracy of the judges. Anybody who went through a trial and was convicted was going to have to do thirty days in the county jail.

06-00:04:14

Meeker:

So in other words, they determined the sentence in advance?

06-00:04:19

Donaldson:

Right. I mean, I'm sure they would deny it, but the sentences were all—nobody was convicted with less than thirty days in the county jail, and I remember I went out to visit a couple of good friends of mine who had been convicted. One was a black nurse, Ella, and she was really a good nurse. She was a psychiatric nurse. She did her thirty days out at the county jail. And Jeri, I'm trying to think of what her last name was. She did her thirty days, too. Everybody who was convicted. Not everybody was convicted, though. I represented a group that they could not get a conviction. Eventually it was dismissed. The first jury hung ten to two for conviction, but there were two black women on that jury and they would not be moved, and I still remember being in the courtroom and I was just appalled at the way the judge tried to coerce the holdouts to come to a verdict.

06-00:05:47

Meeker:

What was the judge doing?

06-00:05:49

Donaldson:

The judge was Andrew Eyeman. He was a shit head. Actually, he started lecturing the women on their duty to weigh all the facts and consider the opinions of other jurors, and I remember I objected and he said, "You sit down, or I'm going to find you in contempt!" and I was just contemptuous. I just said, "May the record show that your face is red and you are shouting at me." But those black women held out.

06-00:06:28

Meeker: So it was the jurors that prevented a conviction in this case.

06-00:06:32

Donaldson: They were the two jurors who would not agree with the other ten, and they never retried the case.

06-00:06:41

Meeker: I'm wondering how long you continued your work with NAACP, if there was a moment that you decided that you no longer wanted to work or—

06-00:06:49

Donaldson: No, there wasn't any time I decided I didn't want to work. Eventually, our housing committee just kind of evaporated because we didn't have any cause. I mean, we'd lost on the redevelopment. We couldn't even get the people there. We would have mass meetings, which nobody would come to.

06-00:07:19

Meeker: So they weren't organizing on their own behalf.

06-00:07:22

Donaldson: No, they weren't.

06-00:07:24

Meeker: Why do you suppose that was?

06-00:07:26

Donaldson: Just apathy, just pure apathy. But I still have contact with people that were on the committee. There's Jim—a friend of mine, Bob Marder. He's an administrative law judge down in San Mateo County. Jim, he's a prominent attorney here. I hadn't seen him in years. He was on our committee. Yeah, I still have contact with some of the people.

06-00:08:04

Meeker: So you were mostly plugged in through the housing committee, and then when that issue basically disappeared, maybe—

06-00:08:12

Donaldson: The housing committee kind of disappeared and also there was somebody who ran for election to head the NAACP here, and he was not particularly an activist.

06-00:08:30

Meeker: What do you mean?

06-00:08:32

Donaldson: He was not one to get people out in the streets and to challenge in the courts and things like that.

06-00:08:37

Meeker: Do you recall who this was?

06-00:08:38
Donaldson: No, I don't.

06-00:08:39
Meeker: So he was kind of moving the NAACP in a more—

06-00:08:44
Donaldson: Moderate way.

06-00:08:45
Meeker: A more moderate direction.

06-00:08:46
Donaldson: Yeah.

06-00:08:47
Meeker: And that meant you were less interested in it.

06-00:08:49
Donaldson: That meant he wasn't interested in committees that were activist. He had changed the composition of the committees.

06-00:08:58
Meeker: You know, I mean, this sounds like actually a different story than the story one usually hears about white participation in the civil rights movement in the 1960s in that their organizations become more radicalized and they simply don't want white folks involved in it.

06-00:09:17
Donaldson: Yeah, but that didn't happen, maybe because this is San Francisco.

06-00:09:21
Meeker: OK, so you think there was somewhat of a different thing going on?

06-00:09:24
Donaldson: Yeah.

06-00:09:26
Meeker: So, you know, then the reason I brought up the Human Rights Commission and Larry Littlejohn is from my research he was one of the first people to ever submit an anti-discrimination claim against an employer in San Francisco. Do you know anything about that?

06-00:09:51
Donaldson: I don't know about that particular—

06-00:09:52
Meeker: OK. It was against Pac Bell or whatever it was called back then, the phone company.

06-00:09:59
Donaldson: Well, you're not talking about when Pac Bell would not give a listing for gay organizations in the Yellow Pages?

06-00:10:07
Meeker: No, this is an employment complaint.

06-00:10:10
Donaldson: Because Larry was involved in that, and I was too, and even Elliot Blackstone, with the police community relations was involved, testifying on that.

06-00:10:19
Meeker: You know, from what I can discover about this, then if Larry is still around, I would love to try to get in touch with him.

06-00:10:25
Donaldson: I can see if I've got a telephone number that can reach him.

06-00:10:29
Meeker: OK, that would be great, because from what I've seen, he basically went into Pac Bell and applied for a job and said, oh by the way, I'm gay, and they said thank you, but no thank you. And this initiated some proceedings at the Human Rights Commission.

06-00:10:51
Donaldson: That would be something that Larry would do.

06-00:10:54
Meeker: [laughs]

06-00:10:55
Donaldson: In fact, one time, we were talking and Larry was trying to organize a dance at, I think it was the St. Francis Hotel, in which at a given signal the men would start dancing with the men and the women would start dancing with the women. He never could get that organized. But it was a very interesting concept at that time, because what would they do if all of a sudden all of the people at the dance floor changed partners?

06-00:11:28
Meeker: "They" meaning the bartenders and other—

06-00:11:31
Donaldson: Yeah, the hotel people.

06-00:11:34
Meeker: Turn the lights on, or something. I don't know. It would be an interesting provocation, that's for sure. Well, we've only got about twenty minutes before we should stop, I think, but let's begin to explore—well let's, in advance of the ball, the New Year's Day ball, that Mardi Gras ball, where you're arrested. The event preceding that, of course, is the formation of the Council on Religious—

06-00:12:05
Donaldson: Oh, the CRH.

06-00:12:07
Meeker: CRH, yeah. Council on Religion and the Homosexual.

06-00:12:10
Donaldson: Yeah,

06-00:12:12
Meeker: Yeah. To what extent were you involved in the founding of that organization?

06-00:12:17
Donaldson: Well, I did the incorporation.

06-00:12:20
Meeker: Did you attend the initial consultation that was up in Mill Valley?

06-00:12:24
Donaldson: Over in Mill Valley? No, I did not attend that, but the next meeting, I attended.

06-00:12:30
Meeker: OK, so, like the first formal meeting where they incorporate this new organization.

06-00:12:36
Donaldson: Right, where they—yeah.

06-00:12:37
Meeker: And what role did you play?

06-00:12:42
Donaldson: You know, I was active. I think at one time I was on the board there but I'm not even sure about that. Maybe it wasn't.

06-00:12:54
Meeker: The beginning of this new organization, right? And you said you helped draw up the articles of incorporation?

06-00:12:58
Donaldson: Mm-hmm.

06-00:13:00
Meeker: You know, I mean, and it sounds to me like you were interest in SIR because it was a good social outlet. You were interested in Tavern Guild because you could meet, perhaps, clients or something like that and be connected with the community. I'm wondering what you thought of this notion of gay activists and ministers getting together?

06-00:13:27
Donaldson: Well at that time, Jim and I, we were members of Glide Church.

06-00:13:32

Meeker: Oh, you were? Okay.

06-00:13:34

Donaldson: Oh, yes.

06-00:13:35

Meeker: So you were going to the services.

06-00:13:36

Donaldson: Yeah. That was when John Moore was there, and John Moore, he started off basically because he preached a sermon basically which said that being a homosexual is not against anything in the Scriptures. And I remember we were at that. It was a crowded church and some of the regular parishioners walked out. They were prepared to walk out, dramatically.

06-00:14:03

Meeker: Was this before Cecil Williams arrived?

06-00:14:06

Donaldson: It was before Cecil. Cecil was a member of the Glide Foundation then, but he was not the pastor of the Glide Methodist Church.

06-00:14:14

Meeker: So there were really kind of two organizations. One was the foundation that did this sort of street work kind of stuff.

06-00:14:20

Donaldson: The foundation, which had not been activist really. They had this endowment. They owned the California Hotel. They had oil lands down in the valley. And then when John Moore left, Cecil and Ted McElvenna and Lou Durham, they were with the Glide Foundation, and Cecil was appointed to be the minister. And Jim and I were very active at that time.

06-00:15:06

Meeker: What did religion mean to you?

06-00:15:10

Donaldson: The fact is, by that time I didn't even believe in a god, and I still don't. And even now, when I tell people that I'm facing this operation for pancreatic cancer and they say they'll pray for me, and I say, well, that's very kind of you, but I don't believe in prayer. Speaking of that, I got a card from my former wife—it was rather amusing—she was a Methodist minister, and she said, "Well, I'm going to pray for you, whether you believe in it or not, because that's my prerogative." [laugh] No, even then, I didn't believe in god.

06-00:16:02

Meeker: So what was the purpose of going to church?

- 06-00:16:06
Donaldson: Because I liked, and so did Jim, liked the idea of a church that would welcome gay people. In other words, a social institution which said, you're welcome and you're as equal as anybody else. And then, it was at that time that the CRH was formed, and so—
- 06-00:16:28
Meeker: What did you think then of this notion that ministers might help gay people in their quest for equality? Is that how you saw their mission, and then what did you think of it?
- 06-00:16:42
Donaldson: Yes, that's how I saw that. That's part of what I saw as their mission.
- 06-00:16:48
Meeker: What else did you see as their mission?
- 06-00:16:51
Donaldson: Well, a couple of them were definitely gay. They were not out of the closet.
- 06-00:16:58
Meeker: Who did you know at that time to be gay?
- 06-00:17:01
Donaldson: Two are still living and I can't, because they're not out of the closet. I really can't say. But both of them have been open to me, and I think it's sad when people go through life and can't be honest about who they are.
- 06-00:17:27
Meeker: Yet they were willing to stand up publicly.
- 06-00:17:29
Donaldson: They were willing to stand up publicly for gay people.
- 06-00:17:32
Meeker: That's remarkable.
- 06-00:17:34
Donaldson: It is. So that's basically how I got involved with CRH.
- 06-00:17:40
Meeker: And beyond helping with the articles of incorporation, what kind of work did you do with them? Did you go to meetings regularly?
- 06-00:17:49
Donaldson: Yeah, they had meetings, and their meetings were well-attended.
- 06-00:17:53
Meeker: And what happened at the meetings?

06-00:17:56

Donaldson:

Well, thinking back, what happened? Something happened. But I'm not sure what. Leonard Wolf in his three or four volume autobiography, at the end when he was in his eighties, he said, "I look back and I think of all the meetings I went to, and I might as well have been out playing tennis, for all the good I did." And sometimes, I think that also. I can't remember exactly how I was involved. And CRH had some social meetings, too, but also it was a way of making friends.

06-00:18:37

Meeker:

And building connections around town, that sort of thing, too.

06-00:18:40

Donaldson:

Right, it was.

06-00:18:42

Meeker:

So then in advance of this benefit ball that was being scheduled for January 1st, 1965, did you play any role in the planning of that, or the preparations for that?

06-00:18:56

Donaldson:

Yes, I and Evander Smith.

06-00:19:00

Meeker:

Can you tell me about Evander Smith?

06-00:19:01

Donaldson:

He's up in Alaska now. He has dementia. He has Alzheimer's, and the last time I talked to him, which was a couple of years ago, he remembered me but only in the sense that he said, well, no, I left my car parked down on Van Ness now, and I want you to move it because I'm not going to be able to get down there and move it. But fortunately, he built up enough of an estate so he's comfortably in an assisted living. He was a lawyer.

06-00:19:47

Meeker:

Was gay too, yes?

06-00:19:49

Donaldson:

Oh, yes. In fact, we met one time, and I was out at ocean beach, and he was there and we met, and we had a common bond when talking about the law. He was waiting to take the bar then. He was a lawyer out of state. He came here and he was working for a group called the Insurance—no, he was working for the B of A at that time. And we became friends and he would come over to the office. And then eventually he passed the bar, and when he was fired he came into practice with me.

06-00:20:32

Meeker:

He was fired for what reason?

- 06-00:20:34
Donaldson: Because he was at that ball, and he was arrested and his name was in the paper.
- 06-00:20:41
Meeker: And so it was from Bank of America that he was fired?
- 06-00:20:44
Donaldson: No, he was fired from an organization—he was the corporate secretary of the Insurance Securities Incorporated down on California Street.
- 06-00:20:56
Meeker: What did he later go on to do?
- 06-00:20:58
Donaldson: Private practice. Eventually, we had a brief partnership, and we both had, let's say, definite ideas how to practice law. They didn't quite mesh, and so we remained friends but he went off to practice by himself and I practiced by myself until I went with the Legal Assistance Foundation.
- 06-00:21:29
Meeker: So, you said that the two of you worked on preparations for this event. What was it that you did?
- 06-00:21:36
Donaldson: Met with the police, with the ministers. This was going to be completely above-board, and it was a private affair although we were really selling tickets, but we didn't tell the police that. They said this was a private dance, and their opposition was from the beginning, you can't have it, because it was going to be what we called a Mardi Gras ball, so people were going to be in costume. But the police took the position you could only be wearing women's clothes if it was Halloween.
- 06-00:22:13
Meeker: So there was actually a law about that, yes?
- 06-00:22:15
Donaldson: No.
- 06-00:22:16
Meeker: No.
- 06-00:22:18
Donaldson: Only if you wore clothing of the opposite sex to deceive someone.
- 06-00:22:23
Meeker: But in essence, that was a law and there was a—

06-00:22:28
Donaldson: Yeah, but up here on Broadway they had the drag entertainers, and we maintained the position it was not to deceive anybody. This was just to have a party.

06-00:22:46
Meeker: The drag wasn't so good that anyone would be fooled. [laugh]

06-00:22:49
Donaldson: Right. Actually, some of the drag was. And we thought we had a meeting of the minds.

06-00:22:58
Meeker: Can I interrupt for one second? So this thing about Halloween being an exemption, was that written into the law, or was that just informally observed by the police?

06-00:23:11
Donaldson: That was observed by the police.

06-00:23:14
Meeker: So in essence, they said, well, you guys have this one night a year that we give you. We're not going to give you another one.

06-00:23:17
Donaldson: Yeah, and other than that, you'd better—yeah.

06-00:23:21
Meeker: And your response then was?

06-00:23:24
Donaldson: But the law says it has to be with an intent to deceive, and there's no intent to deceive.

06-00:23:30
Meeker: OK, and their response would've been?

06-00:23:34
Donaldson: Well, then they started talking about the evils of masturbation, and I'm not sure how that ever got into the conversation.

06-00:23:42
Meeker: [laugh] So they started bringing up all their own sexual issues.

06-00:23:47
Donaldson: Yeah, the sexual issues, the religious issues.

06-00:23:50
Meeker: So they would've brought up Biblical prohibitions or something.

- 06-00:23:55
Donaldson: Yeah, but on our side we had the ministers. Of course, we didn't have any priests.
- 06-00:24:02
Meeker: And they were, I imagine, mostly Irish Catholic, the police were?
- 06-00:24:06
Donaldson: Yeah, they were. So yes, we thought the planning was perfect.
- 06-00:24:14
Meeker: How did that meeting end, then?
- 06-00:24:16
Donaldson: Well, it ended basically in what we thought was an understanding that we're going to proceed, and in fact we were going to proceed, and for that reason Evander and I were going to be down there before it started, at the entrance to make sure that everything was exactly according to law. There were no tickets to be sold. People already had their tickets. Either that, or it was covertly arranged, but we had the rule that they could not sell any tickets.
- 06-00:24:53
Meeker: So it would be a private event.
- 06-00:24:054
Donaldson: So it was a private event. Yeah. The first hint was when Jim and I parked down near City Hall and walked up there, and there were all these police spotlights, and I thought, well, this doesn't seem very good. And I got in there and Evander came a little later. Then the first contingent of plainclothes police came for an inspection. They wanted to inspect the exits, as I recall, first.
- 06-00:25:46
Meeker: And this was before guests arrived?
- 06-00:25:49
Donaldson: The guests were just starting to arrive, and we were inside. We actually didn't see the police gathering outside, or the paddy wagon when it approached. And then after they left, then a second group, they came and they were going to inspect for the health department. A puzzle, they weren't health department employees, but we said sure, go right in. And then there was a third group, and I remember the third group, one of the employees was a woman, Margaret Hartmann. I remember her name. She was kind of a tall, angular sort, seemed kind of pleasant and I wondered to myself what in the world she was doing there as a policewoman. And I forget what they inspected for, but then when the next group came along, it was not planned. We just said, "I'm sorry, this is a private affair. You've had plenty of inspections, and you can come in if you have a search warrant."
- 06-00:27:10
Meeker: What were they doing inside? Were they in fact inspecting?

06-00:27:15
Donaldson: No, in fact, they were walking around looking.

06-00:27:16
Meeker: For?

06-00:27:17
Donaldson: We didn't follow them, so I don't know whether they purported to inspect or not.

06-00:27:23
Meeker: They were just disrupting the event.

06-00:27:25
Donaldson: Yeah, the dancing had already started. The band was playing.

06-00:27:29
Meeker: Now, I assume there was same-sex dancing going on.

06-00:27:32
Donaldson: Oh, yeah.

06-00:27:33
Meeker: Was, at this point, that considered lewd conduct, or not?

06-00:27:36
Donaldson: No, they didn't arrest anybody at that point. They didn't arrest anybody up to the time—and then there was this stand-off in which I and Evander said, you can't come in unless you have a search warrant. And we were polite.

06-00:27:54
Meeker: Were you within your legal right to do that?

06-00:27:57
Donaldson: As a private affair, yes. And then things got a little chaotic, because Evander asked somebody to call the mayor. The mayor was Mayor Shelley, at that time. I'm sure nobody ever reached him. And then I remember Evander shouting back, close the doors, the doors to the—see, we were in the entryway and there were doors there. Close the doors. I don't think the doors were ever closed.

06-00:28:35
Meeker: To the hall itself.

06-00:28:37
Donaldson: Yeah. But at that time, it was almost like time had a stop, because the uniformed police flooded in and two of them took me by each arm and just escorted me out, and I said, "Am I under arrest?" And I think one of them said, "What do you think?" But they never did tell me what I was being arrested for. And they took me out, and there was the paddy wagon, and I sat in the paddy wagon. And then they brought Evander out, and I remember

Evander didn't want his face to be photographed. He was very embarrassed by that. And then Cecil Williams came out to the paddy wagon.

06-00:29:31

Meeker: Had he been arrested?

06-00:29:32

Donaldson: No. He came out and he approached and he asked me, he said, "Do you want us to get arrested?" And I said, no, you're going to be more valuable as witnesses. So none of the clergy was arrested.

06-00:29:50

Meeker: But they offered to! [laugh]

06-00:29:52

Donaldson: Yeah, he offered to get arrested if we wanted him to.

06-00:29:56

Meeker: And there were other people who were arrested too, yes?

06-00:29:57

Donaldson: Yeah, there were. Then my Jim came out and asked what he should do, and I told him to call Don Donaldson the bail bondsman. And then the paddy wagon took us over to Northern Station, which was just a couple blocks away.

06-00:30:19

Meeker: Who else was arrested? Was there anyone else in your wagon?

06-00:30:21

Donaldson: Well, at that time, we were the only ones, and then Elliot Leighton, a lawyer, somebody called him because—he was a straight guy—he offered to be a stand-by. And Nancy May was arrested.

06-00:30:37

Meeker: So, Elliot Leighton was arrested as well, yes?

06-00:30:39

Donaldson: Elliot Leighton was arrested as a lawyer because he wanted to see their search warrant, and Nancy May because she was standing there where you take the tickets and police came in and she said, excuse me, sir, are you part of the party? And so she was arrested. And then, two men were arrested for so-called lewd conduct.

06-00:31:14

Meeker: What do you know about that?

06-00:31:16

Donaldson: I know about that, to the extent that later, Evander and I represented each of them. That was a mistake, because our credibility was really shot when we were in fact arrested at that. And Evander and I had a different way of trying a case, and Evander, I felt, over tried the case.

06-00:31:46

Meeker: What do you mean by that?

06-00:31:49

Donaldson: He was too dramatic in his closing argument. He grabbed the shoulder of the clerk to show how one of the guys had grabbed the shoulder of the other for balance. And this clerk, he was terrible, because he shouted out, "Get your hands off me!" And there was the jury sitting there, and the judge was Judge Lazarus. That was at that trial, not at our trial. And Judge Lazarus was horrified. And the jury convicted both, but Judge Lazarus, when he went to sentence them, he said, "Oh, I think they've suffered enough. I'm going to fine them \$25."

06-00:32:33

Meeker: So they didn't spend much time in jail.

06-00:32:35

Donaldson: They spent no time in jail. He just fined them \$25.

06-00:32:38

Meeker: But they still have this on their record, I guess.

06-00:32:40

Donaldson: Yeah.

06-00:32:44

Meeker: I've heard a little bit about this particular arrest for lewd conduct, and I understand that there was a defense concocted that one person was standing on a chair, another person was falling off, or something like that, but in fact that wasn't the case? [laugh] Do you know anything about that?

06-00:33:04

Donaldson: You know, I have to say, I don't remember anything about that except Evander had talked to both of them before, to get their stories, and I have a feeling—I've got nothing to back this, but I have a feeling Evander said, now let's figure out what we have to tell. That may have been concocted. I don't know. But in fact, I can't conceive that anybody there was acting lewdly. Not with all these uniformed police walking around.

06-00:33:37

Meeker: Well, I think somebody actually interviewed one of the guys who was arrested, recently, and he said something about, yes, in fact we were engaging in some sort of lewd conduct. But I don't know. Lewd, again, in a subjective sense. I don't know if that means they were giving each other a bear hug, or if it meant that they were groping each other. I don't know that. But so, it was Evander that helped them with their defense and with the account of what happened.

06-00:34:05

Donaldson: With the story, concocting the story. Yeah.

[End of Interview]

Interview #7: 04-22-2008

Begin Audio File 7 04-22-2008.mp3

07-00:00:00

Meeker:

Today is the 22nd of April, 2008. This is Martin Meeker interviewing Judge Herb Donaldson and I believe this is tape number seven. So let's get started. When we finished last time, we were talking about the CRH ball, and I think we sort of stopped right about in the middle of your account of what happened. So I think where we should probably pick up is your description of the aftermath, and maybe you can describe the arrest itself, when it happened, and then maybe just sort of do a procedural for me and let me know, you know, how they processed you and what that experience was like, and then on through the period of time in which the charges were thrown out.

07-00:01:15

Donaldson:

All right. Well, both Evander Smith and I had arrived well before the dance began, because it was our duty to be there at the front to make sure that all the laws were being complied with, that people were not buying tickets. This was an invitation thing. They were presenting their invitation, etcetera. And it was early on. When I say early on -- it was already dark. But a police team -- I think there were three people -- came in and wanted to inspect, I believe, for fire exits. We were courteous to them and allowed them in to inspect for fire exits. And when they left, they hadn't been gone but a very few minutes and another team, I think it was two people, came in. They were police officers and they wanted to inspect for something else. And I can't recall for exactly what. But we let them in and were courteous to them, and they roamed around and then came out. Then it was... At that point, I think it was the third group, although it may have been a fourth group, came in. On our own, we just said, "Hey, this is enough. This is a private party. We've allowed people in to inspect and that's the last inspection." So we were faced off there. I remember there were three people in the team. One was a policewoman, Margaret Hartmann, who probably was a very nice person, and there were two men. And we stood facing them, told them they could not come in. And in the meantime, then I remember Evander was telling people to close the doors back. And somebody suggested calling the mayor, who was Mayor Shelley then, which would have been, I mean, stupid to do. And then it seemed like the doors opened and a whole bunch of police officers came in and whisked me out. And I was really kind of incredulous because I thought people were supposed to be told what they were being arrested for. I wasn't told I was arrested for anything. They took me out to the paddy wagon and very shortly they brought Evander out. I still have a picture of me with the number one; I was the number one arrested. Did it bother me? It bothered me somewhat, but I didn't react like Evander. Evander wanted to cover his face so that nobody could photograph his face. I thought that was a little foolish, but anyway, he soon took his place in the paddy wagon beside me. And then there was kind of

a melee and the ministers involved came all out there. They were out in front of the building, California hall, and I remember Cecil Williams coming up to me. We weren't handled exactly as people ordinarily are, because the police didn't interfere with people coming out to talk to us, and Cecil Williams wanted to know if the ministers were ready to be arrested also. And I told him that they'd be far better as witnesses rather than as co-defendants. So he backed off there. And then Jim, my partner, came out and wanted to know if there was anything he should do. I said, "No, just -- I'd be back as soon as I could." So then they took us over to Northern Station, which was just up the street, and they put us back there. And we were actually treated very, very well. I mean, they allowed us to telephone.

07-00:06:35

Meeker: Who did you telephone?

07-00:06:38

Donaldson: First I telephoned Judge Don Constine to see if he would OR us.

07-00:06:50

Meeker: Own recognizance?

07-00:06:51

Donaldson: Yes.

07-00:06:52

Meeker: Yes.

07-00:06:54

Donaldson: I mean, he was a dear person. He's still alive. But he was so wishy-washy. He said, "Well, gee, you know, I'd like to, but we have this... It's supposed to be the judge of the day that's supposed to do this, and so I'm not really permitted to." So then I looked up another name in the phonebook. It was Bernard Glickfeld. Without a moment's thought, he said, "Sure, I'll OR you."

07-00:07:31

Meeker: Had you previously known him [Glickfeld]?

07-00:07:34

Donaldson: Well, I had practiced before him.

07-00:07:37

Meeker: OK. And what sort of explanation did you give for why you were in jail?

07-00:07:42

Donaldson: I just explained very briefly that we were being arrested because we had asked for search warrants. But he was that sort. He didn't really require an explanation. Before we could be released, they had to take us down to the hall of justice to be processed -- photographed and fingerprinted. And so they did that, and then they found out that I had a traffic ticket for \$36. So I called up Don Donaldson, no relation, the bail bondsman, and he came over and posted

the \$36, although I could have been OR'd on that, I suppose. And then we had to get back to the California Hall.

07-00:08:46

Meeker: Um-hmm. How long did this process take?

07-00:08:50

Donaldson: It seemed like it took a long time, because nobody would hurry.

07-00:08:55

Meeker: Sure.

07-00:08:55

Donaldson: Once we got to the hall of justice, we were put in a cell, and we had to wait, and then we had to wait to be fingerprinted and we had to wait to be photographed. So it seemed like a long time. It probably wasn't all that long. But the evening was pretty shot by the time we got back to California Hall and the place was in shambles. The police were all over the place. People were leaving.

07-00:09:26

Meeker: So the party didn't go on, so to speak?

07-00:09:29

Donaldson: The party went on somewhat, but then with all the chaos, it kind of ended, which was too bad. But I found Jim and then we went home.

07-00:09:48

Meeker: What were you charged with?

07-00:09:51

Donaldson: 148 -- obstructing a police officer in the performance of their duty. Actually, it's a minor misdemeanor. And we got home. We had just moved into number six Lloyd a few days before then, and Jim's mother was visiting. So when we got home, he woke her up to tell her what had happened, and then we went to bed. I was feeling pretty down. But...

07-00:10:37

Meeker: Why were you feeling down?

07-00:10:38

Donaldson: Because I was envisioning my legal career going down the drain.

07-00:10:46

Meeker: There are a lot of people, you know, in the Civil Rights Movement who talk about their first arrest in heroic terms as opposed to, you know, being down or sad. Was there any sense of that for you?

07-00:10:58

Donaldson: No, except Jim, he put his arms around me and told me how proud he was of me, which was very comforting. And so eventually I went to sleep and woke

up. The telephone was ringing and the ministers were having a press conference down at Glide that morning and they wanted to know if we could be there. So I said we could. It was a good press conference. The ministers were there and the news media was there. But in the morning paper they had already put our arrest with our name, our age. So then somehow over that weekend, also -- Marshall Krause contacted us and asked if we wanted the ACLU to represent us and I said sure. In the meantime, of course, there had been two other arrests; Elliot Leighton and Nancy May. So we all went to court on Monday morning.

07-00:12:17

Meeker: They were arrested that night, as well, right?

07-00:12:20

Donaldson: They were arrested that night, too, and charged with the same thing. Went to court. I remember it was Judge Axelrod. And we were represented by Marshall Krause and I remember I went to say something and Judge Axelrod told me to keep quiet, that I was represented and I should let my attorney speak. So I did.

07-00:12:54

Meeker: Do you think that that was in your favor?

07-00:12:57

Donaldson: No.

07-00:12:58

Meeker: No.

07-00:12:59

Donaldson: Actually, at that point, the DA approached Marshall Krause and said, "Why don't we submit this on the police report, because I think if we do, the judge will dismiss the case."

07-00:13:15

Meeker: So the DA didn't want to prosecute it?

07-00:13:19

Donaldson: I think they were reluctant to prosecute it.

07-00:13:23

Meeker: For fear that it would backlash?

07-00:13:25

Donaldson: I don't know why.

07-00:13:27

Meeker: Yeah. For fear that it would expose the nefarious workings of the police department?

07-00:13:33

Donaldson: No. I think they just didn't want to bother with a case like that. Ferdon was the DA then. But Marshall Krause said, "No, we were not interested in submitting it on the police report. First, there was no guarantee we'd be dismissed." So then, of course, later on we went through pretrial motions and so forth. But that was basically what happened on that Monday. Actually, looking back – I was really down then. But looking back now, it really was kind of a highlight, probably because it came out all right.

07-00:14:27

Meeker: Yes. Well, you're right. The way in which the story is told could be different if the ending is different.

07-00:14:34

Donaldson: Yes.

07-00:14:36

Meeker: I am interested in this. Historians have a tendency to compare, you know, what happened that night and to compare it to, you know, the Civil Rights Movement and the lunch counter sit-ins that were happening, you know, a few years earlier but also pretty much at the same time. Did you think of yourself at all as comparable to what the black civil rights activists were doing in the South?

07-00:15:07

Donaldson: You mean at that moment?

07-00:15:09

Meeker: Yes.

07-00:15:10

Donaldson: Not at that moment. At the moment, it was just pure perversity. We thought, well, "Shit. They've inspected enough. Enough's enough."

07-00:15:26

Meeker: So it was more a righteous indignation than anything else?

07-00:15:28

Donaldson: Yes. It was more like the lady who wouldn't get up from the bus seat because she was tired. Yes. No, I didn't think of it in any grand terms of civil disobedience, anything like that.

07-00:15:44

Meeker: Well, at the same time, Rosa Parks was also an activist in the NAACP, and that whole thing was staged to a certain extent.

07-00:15:56

Donaldson: It was, right. Ours wasn't staged, although we were all activists. We were basically fighting for recognition as a minority here in San Francisco. And I think that seven organizations sponsored this dance. I think it gave us some courage, that we weren't standing alone.

07-00:16:24

Meeker: Was there anything in hosting this event that could be deemed, either at the time or in hindsight, as looking for a fight or as kind of challenging the status quo?

07-00:16:37

Donaldson: No. As a matter of fact, no, because we actually had conferences with the police beforehand, in which they first told us that you can only go in drag on Halloween, and then they -- then one of the police officers... Somehow they got to talking about masturbation and how evil that was. But we thought, at the end, that there was an understanding that this party was going to go on, because we emphasized -- and there was some ministers who went over with us to talk to the police. We emphasized it was a private party and that's why it was important not to sell tickets.

07-00:17:29

Meeker: At the door.

07-00:17:30

Donaldson: Right.

07-00:17:31

Meeker: The participation of the ministers and the activists notwithstanding, had there previously been any gay events, whether private or public, on this scale in the city, as far as you knew?

07-00:17:47

Donaldson: No, no. Not on that scale.

07-00:17:51

Meeker: And that meaning several hundred people were supposed to attend?

07-00:17:56

Donaldson: Right. And I suspect there were a lot of -- there probably were 700 people.

07-00:18:02

Meeker: What do you suppose, if it's at all possible to make this supposition, in your experience, at least, would have been the next largest event hosted by gay people for gay people in San Francisco prior to that time? I mean, how big of a leap was it as far as size and visibility?

07-00:18:30

Donaldson: It was a big leap because we were actually having a... We were having a drag party, not a Halloween.

07-00:18:36

Meeker: OK. So the Halloween is a big difference.

07-00:18:39

Donaldson: The police said that was the only time people can dress in drag.

07-00:18:44

Meeker: And then the other drag parties would have been house parties or something, right?

07-00:18:47

Donaldson: Right. Um-hmm. Small parties.

07-00:18:48

Meeker: Small parties. So describe what happened. When you get to court and you're being represented by the ACLU, how did this particular charge end up? How did the case end up?

07-00:19:11

Donaldson: A jury was demanded and it was transferred over to the jury department and then there were some motions. A demur -- a demur was sustained with leave to amend, meaning that as the complaint... As the criminal complaint was standing, now the judge -- and it was Judge Friedman, said that it was not specific enough. So they amended it and ultimately it was set for a jury trial.

07-00:19:52

Meeker: They amended it to what?

07-00:19:54

Donaldson: They amended the wording, not the charge. It was still 148. And then there was the -- actually, the jury trial, which came probably about four weeks later, maybe a little later than that. Well-attended. What I remember specifically was that Tom Norman, who prosecuted the case, came up to me before, when we were standing in the hall, and said to me, "You know, I get no pleasure out of prosecuting this case." Which was very decent of him. But he sure didn't get any pleasure, because the judge was really making them toe the line.

07-00:20:52

Meeker: What do you mean by that?

07-00:20:54

Donaldson: The judge would enter into the questioning. When they were questioning their witnesses, the judge would also question. On cross-examination, the judge also questioned. He was really zeroing in on why they had... I think they had 50 numbers -- ready for 50 arrests, and he said, "What made you think that you were going to have 50 arrests?" And, of course, they couldn't deny that they had the numbers, because I was number one. And so it continued for a couple of days. I mean, we got the jury and they presented their case, and basically that was the end of it, because the judge indicated at the end of their case that he was going to instruct the jury that the People had not made out a case and they had to acquit us. And I remember he said, "Now, you don't have to follow my directions, but I will tell you that if you convict, I will set your verdict aside." But the jury had no trouble in acquitting us. They were basically on our side, too.

07-00:22:17
Meeker: Did you ever have any interaction with any of the jurors after the fact?

07-00:22:19
Donaldson: No. I didn't have any interaction with any of the jurors. I was just a defendant.

07-00:22:28
Meeker: Yes, yes. So during this month period of time between when you were arrested and when the trial took place, how did you feel? Did your life change at all?

07-00:22:41
Donaldson: It did.

07-00:22:42
Meeker: In what way?

07-00:22:46
Donaldson: Somehow that was a weight on me. I had a couple of cases I was going to try and I felt that it would be disadvantageous for my client for me -- while I was waiting criminal proceedings, for me to try their case. So I got another lawyer to try their case.

07-00:23:05
Meeker: What kind of cases were these?

07-00:23:11
Donaldson: They were criminal cases, but they were kind of minor criminal cases. Well, one -- one wasn't. One was a felony. I can't even remember what the name of the defendant was.

07-00:23:29
Meeker: What sort of crimes?

07-00:23:34
Donaldson: Oh... One was a kidnapping.

07-00:23:37
Meeker: That was the felony?

07-00:23:39
Donaldson: Yes. And at the same time, they charged the defendants with sexually assaulting the woman they picked up off the streets. And during the course of... While we were awaiting the jury trial, I got a couple of -- not obscene calls, but kind of strange calls. Wanting to know if I would meet them out at the bandstand in the park and such things as that.

07-00:24:20
Meeker: What do you think was behind those? Were they people who wanted to do you harm or were they admirers?

07-00:24:24
Donaldson: No. You know, I think they were just...

07-00:24:28
Meeker: Mixed up?

07-00:24:29
Donaldson: Yes. But also, what was impressive was that the groups we were -- Jim and I were in. We belonged to the Housing Committee of the NAACP and they were so supportive. And two of the members of the Housing Committee were actually DAs. Luther Goodwin and Art Schaffer. They were really supportive.

07-00:25:05
Meeker: In what way? How could they be supportive for you?

07-00:25:09
Donaldson: You know, give you a hug, tell you that they're with you, things like that.

07-00:25:16
Meeker: Moral support.

07-00:25:17
Donaldson: Right. And other lawyers. In fact, most of the criminal lawyers signed on as of counsel for the trial, even though they were not participating. So that was moral support, too.

07-00:25:42
Meeker: I suppose by being in San Francisco for so many years, you would have had a pretty good knowledge of who the active criminal lawyers were?

07-00:25:54
Donaldson: Oh, yes. Um-hmm. The Hall of Justice, it's not like now. It was almost like a small private club.

07-00:26:04
Meeker: OK. Were there particular places that you went out with these people? Did you ever socialize with them?

07-00:26:11
Donaldson: The only socialization was they had a cafeteria in the basement and before court you'd go... The defense lawyers would sit in one place, the DAs would sit in another place, and the police would sit in another place. This was all in this big cafeteria. So there was a spirit of camaraderie. And sometimes the DAs would come over and sit with the defense counsel, too. It didn't have the volume it has now.

07-00:26:46
Meeker: Sure. So how did you respond to the judges instruction to the jury to acquit?

07-00:26:58
Donaldson: Well, actually, I was delighted.

07-00:27:03
Meeker: Did it come as a surprise to you?

07-00:27:05
Donaldson: It did.

07-00:27:07
Meeker: It did?

07-00:27:08
Donaldson: It did.

07-00:27:08
Meeker: So you must have been concerned that there was a possibility you would have been convicted?

07-00:27:18
Donaldson: Yes, there's always that concern. You never know what a jury's going to do. Even in --

07-00:27:25
Meeker: Even in San Francisco?

07-00:27:27
Donaldson: Yes, even in San Francisco.

07-00:27:30
Meeker: What would the punishment conceivably have been if you were convicted?

07-00:27:33
Donaldson: Oh, a fine.

07-00:27:34
Meeker: A fine.

07-00:27:35
Donaldson: You're talking about a \$50 fine, something like that.

07-00:27:37
Meeker: Would it have had any bearing on your admission to the bar?

07-00:27:46
Donaldson: I don't know. It may well have. Because there was no conviction, it didn't have any.

07-00:27:53
Meeker: OK. Now, after this came down, you remained an active lawyer, correct?

07-00:27:59
Donaldson: Oh, yes.

07-00:28:00

Meeker: Did this have any effect, positive or negative, upon your business? Upon your practice?

07-00:28:12

Donaldson: No, it really didn't, because for one thing, I didn't have a... I didn't have a very lucrative practice. It was kind of scratching from month to month. And many of the people I represented never did pay me, because I didn't have a secretary who would say, "Before you see your attorney, may I find out what arrangements are going to be made about the fee?" which, of course, I should have had. But I didn't.

07-00:28:51

Meeker: And this was mostly criminal defense?

07-00:28:53

Donaldson: It was criminal defense, yes.

07-00:28:55

Meeker: OK. So you would have been probably representing a lot of people that didn't have a lot of resources, I'm guessing?

07-00:29:01

Donaldson: Yes. Most of them didn't have any resources. Oh, they'd promise. But sometimes, you were surprised, too. There was this one fellow, I can't remember his name. He was a nice guy. He was charged with molesting his nephew, and I don't believe he did. And we insisted on a jury trial, and all he could do is pay me \$50 a month. So this went on and on and on. Eventually the charge was dismissed. He kept sending me \$50 a month. Finally, I had to call him up and say, "You know, you've paid me a lot of money. I don't need any more." But he was quite willing just to keep sending \$50 a month.

07-00:29:52

Meeker: Interesting. So historians tend to talk about this event, the California Hall deal was a turning point for the rights movement in San Francisco. Is that an interpretation you agree with, or disagree with, or feel somewhat differently about?

07-00:30:13

Donaldson: No, I agree with it, but it's not quite as simple as that. We were actually... At that time, San Francisco was kind of a cauldron of people who wanted their rights. Don't forget, it was about that time they had the Auto Row sit-ins. They had the sit-ins at the Palace Hotel. You know, there was a big movement towards black rights, as well. So it was part - it wasn't isolated by itself, but it was part of a general movement for people claiming their rights as individuals.

07-00:31:00

Meeker: Well, were they claiming their rights as individuals or were they claiming their rights as part of a minority group?

07-00:31:06

Donaldson: Probably part of a minority group. You're right.

07-00:31:10

Meeker:

Well, I guess one of the things that I wonder -- and I don't know if it's even possible to answer this question. But, you know, in thinking about this period of time in which blacks are agitating as a group, you know, picketing in front of hotels and auto dealerships so that those large employers will employ African Americans, it's really about sort of difference of race and color. I guess I'm kind of wondering how a group of people who, I assume, were largely white, and correct me if I'm wrong, also could feel like they were also a minority group? For them, did sexual orientation -- was it a parallel thing to race?

07-00:32:15

Donaldson:

The commonality was the sexual orientation. At that time, even the women's groups were active with the men's groups. Yes, it was the sexual orientation. Because, you know, according to the law, we were still outlaws. Oral copulation was punishable by up to 15 years in state prison. So we had that in common. Now, nobody was sent to prison for 15 years for oral copulation. The standard was a \$250 fine here.

07-00:33:03

Meeker:

Which still would have been substantial.

07-00:33:05

Donaldson:

Yes, \$250 was a lot of money then.

07-00:33:10

Meeker:

Did you continue to participate in activist groups after the arrest?

07-00:33:20

Donaldson:

Yes.

07-00:33:21

Meeker:

Which ones?

07-00:33:23

Donaldson:

I was still with the NAACP Housing. We picketed the Housing Authority. And also with the gay groups. Society for Individual Rights mainly.

07-00:33:44

Meeker:

And in what capacity did you work with them?

07-00:33:46

Donaldson:

As a member, and then also as an attorney giving them legal advice.

07-00:33:51

Meeker:

On what sort of matters?

- 07-00:33:56
Donaldson: On criminal law. And rights. I also was working with Don Lucas and Hal Call of the Mattachine Society. I made several recordings for them.
- 07-00:34:15
Meeker: What sort of recordings?
- 07-00:34:17
Donaldson: They had tape recordings that they would make and they would get people to put on the radio about homosexual rights.
- 07-00:34:33
Meeker: When you talk about homosexual rights, and in talking about that point in time, what do you mean? What was included in that rubric?
- 07-00:34:40
Donaldson: Well, for example: what you had to do if a policeman stopped you. We had this group called Citizens Alert. I'm sure you've heard of them. There was this little book that we put out on what you -- all you have to tell the police officer, etcetera. Yes.
- 07-00:35:15
Meeker: Well, what about other kind of rights? That's the right to not be arrested unfairly, I guess, the right to know, you know, in essence your Miranda rights, right?
- 07-00:35:28
Donaldson: Well, the freedom of association.
- 07-00:35:30
Meeker: OK, so the freedom of association. What about rights around... It did actually - - it didn't officially exist at this point of time -- enumerated as such, but rights around things like employment and housing and public accommodations, those kinds of things.
- 07-00:35:52
Donaldson: Yes, we... Although we didn't feel we were on good grounds with... At that time, some landlords discriminated against gays. They didn't want two men renting. On the other hand, there were some landlords who coveted gay tenants. And at that time, the insurance companies were discriminating. I remember one time Jim and I applied for insurance, and we were living in a building up at Presidio and Clay, and we just had a small apartment there, and the manager was a woman, and one day she came down and she said she had a telephone call from some investigator for an insurance company, and she told us the questions they were asking. What kind of -- who we had over as guests. She was just indignant that they would even ask her questions like that, and so she wanted to report it to us. And, in fact, what they did is they denied Jim insurance.

07-00:37:13

Meeker: What kind of insurance?

07-00:37:14

Donaldson: Life insurance.

07-00:37:15

Meeker: Life insurance. And the idea was that you were buying two policies and each one would be a beneficiary.

07-00:37:20

Donaldson: Yes. And we couldn't simply name each other as the beneficiary. We had to say... What was the magic words? Something -- a friend and executor, something like that. So there was still a lot -- there was still discrimination.

07-00:37:52

Meeker: Well -- so take the case of housing. Because, you know, actually, until fairly recently, in the State of California, there was no protection. I mean, people could presumably discriminate about sexual orientation when it came to housing. How did you as a lawyer, and someone who was active in the gay rights movement at that time, deal with the knowledge of the freedom to discriminate? Were you ever called upon to give people advice or something along those lines?

07-00:38:28

Donaldson: Yes. What we did is we coped with it. Because all this time, there were more and more gays and lesbians coming to San Francisco. So it was increasing... I think I mentioned in one of the other interviews how the police put out this information that there were 70,000 homosexuals and it went out over the wires, and people across the country thought this was a great place to go live.

07-00:38:58

Meeker: Yes, it drew more people in than it scared people away.

07-00:39:01

Donaldson: Yes. It didn't scare anybody.

07-00:39:04

Meeker: I guess then what were the strategies of coping? What could be done in this period of time that landlords had the right to discriminate?

07-00:39:17

Donaldson: What could be done is find another landlord who didn't. And there were lots who didn't.

07-00:39:23

Meeker: To what extent were you engaged in trying to change the legal situation?

07-00:39:33

Donaldson: As a criminal lawyer, probably not a lot, but then there came the time when I was offered the job as chief counsel for the South of Market Neighborhood

Legal Assistance Foundation, and that was in February 1967. And I took that job then.

07-00:39:53

Meeker: And in the course of doing that work, were there housing cases that involved sexual orientation?

07-00:40:00

Donaldson: There were, but they were also housing cases. I had a good group of lawyers working for me. Some were gay and some were not.

07-00:40:12

Meeker: Do you remember some of their names?

07-00:40:13

Donaldson: There was Steve Arian, there was David Clayton. There was Phil Ziegler. There was Bud. I'm trying to think of his last name. And we had a great receptionist, Myra McAhara. For a while, we all thought she was a prostitute because she came in a taxi and dressed very well.

07-00:40:41

Meeker: Wow.

07-00:40:47

Donaldson: But we were concentrating then on things such as housing.

[End Audio File 7]

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08-00:00:11

Donaldson: One type of case was landlord/tenant. We had a case in which -- because the tenant was not paying the rent promptly, the landlord came in and removed the toilet. Just took it out. And so we sued him. And, of course, won. He didn't have a right to -- if he was going to rent the place, it had to be a habitable place. Because one of my employees was a transsexual -- pre-op -- we started getting transsexuals who wanted name changes.

08-00:00:57

Meeker: Who was this employee? Do you recall?

08-00:01:03

Donaldson: Sybil was her name. I can't remember Sybil's last name. She used to be a tugboat captain but she wanted to turn into a lady because she liked ladies and she wanted to become a lesbian, which to me seemed rather odd. And there was a whole group of transsexuals. And so we started applying for name changes. And the first one, my attorney who was handling the case had to go to the presiding judge because the judge assigned to the case would not grant it, and there was no legal reason why it shouldn't be granted. So he went to the

presiding judge and the presiding judge assigned it to another judge who granted it. So we started having a lot of name changes.

08-00:02:10

Meeker: So the way in which the law would work in a case like this, without precedent, unless there was a precedent to say no, they were obliged to say yes?

08-00:02:20

Donaldson: There was no good reason why they -- a person couldn't adopt any name they wanted to, so long as it was not for the purpose of fraud.

08-00:02:30

Meeker: OK. So they were simply seeking a name change, not an official, for instance, change of their sex?

08-00:02:37

Donaldson: Right. They sought the name change before they had the operation.

08-00:02:45

Meeker: So there's no reason that... In other words, any woman could have gone and said, "Instead of being Sybil, I just want to be known as Jack."

08-00:02:54

Donaldson: Right.

08-00:02:55

Meeker: Whether or not they were transsexual or not.

08-00:20560

Donaldson: Right. Yes. They could choose any name they wanted to, so long as it was not for the purpose of fraud. And we actually had Harry Benjamin, who was a doctor, who was a specialist on transsexuals. And the first couple of cases, we actually had him testify as to the phenomenon of being a transsexual and, you know, a man trapped in the body of a woman or a woman trapped in the body of a man, and...

08-00:03:43

Meeker: Is that how it was discussed? Was there an attempt made about a dissonance between -- sort of an internal belief and an external body?

08-00:03:55

Donaldson: Well, the way he described it, it was a legitimate occurrence when people within themselves felt they were a woman, even though they were in the body of a man. Now, I don't know how they explain it now, but that was... We're talking about some years ago.

08-00:04:22

Meeker: Sure.

- 08-00:04:23
Donaldson: And it was kind of a new thing on the scene. We have a lot of transsexuals, and also a lot of transgender people here in San Francisco now, but we didn't have that many then. Other things which we did is we did adoptions, when single people wanted to adopt, and that was kind of unusual then.
- 08-00:04:56
Meeker: What were some of the issues that came up in those cases?
- 08-00:04:59
Donaldson: Was a single man qualified to be a parent of a baby? And the lawyers would have to get a good psychologist or psychiatrist to testify that, in fact, it was not only possible, it was probable that they could.
- 08-00:05:23
Meeker: Was it difficult to locate psychological professionals who would agree with that particular assessment?
- 08-00:05:35
Donaldson: At that time, it wasn't. No.
- 08-00:05:38
Meeker: You know, our general opinions about psychologists in the 1950s and into the early 1960s, at least, is fairly conservative and, you know...
- 08-00:05:53
Donaldson: They were. I think it was in the '60s that they finally got the American Psychiatric Association to pronounce that homosexuality was not a sickness.
- 08-00:06:05
Meeker: Oh, that wasn't even until about '74, I think.
- 08-00:06:07
Donaldson: Was that '74?
- 08-00:06:08
Meeker: Yes. So it was later than that. But it was still relatively easy to find psychologists who would testify?
- 08-00:06:15
Donaldson: It was, yes.
- 08-00:06:17
Meeker: To what extent was there suspicion that these bachelors were homosexual? Did that ever come up in these kinds of cases?
- 08-00:06:26
Donaldson: I don't think it ever overtly came up, except, of course, many of them were. But also, at the same time, our population was such that even some of the social workers who would be called upon to investigate were gay themselves.

It was not a matter of -- a great moment for them. We were kind of taking over the city.

08-00:06:57

Meeker: Well, what do you mean by that?

08-00:07:01

Donaldson: Gays and lesbians were infiltrating almost every department of the city.

08-00:07:10

Meeker: So you mean department of the city as far as the City of San Francisco?

08-00:07:14

Donaldson: Right.

08-00:07:16

Meeker: The civil structure.

08-00:07:16

Donaldson: Right.

08-00:07:17

Meeker: So an example... So you said social service department...

08-00:07:22

Donaldson: Right.

08-00:07:24

Meeker: What are some of the other key places where you might begin to find gay men and maybe some lesbians?

08-00:07:30

Donaldson: The city attorney's office. The public defender. The district attorney's office.

08-00:07:44

Meeker: And there was a noticeable change in the way in which these individuals then dealt with the issue of homosexuality?

08-00:07:55

Donaldson: Noticeable... It was subtle but it was apparent to somebody who knew.

08-00:08:02

Meeker: OK. Can you describe that for me? For someone who wasn't there. How would it have been noticeable for someone that knew? And I'm assuming you are someone who knew.

08-00:08:15

Donaldson: Well, for example, if you had a case against the city and your client was gay, and if you happened to get a city attorney who was also gay, it was simply easier to settle the case. They weren't giving away money, but they were not putting up roadblocks because the person was homosexual. Yes, never get the

idea that as we were infiltrating, we were kind of giving away the store, because it wasn't happening. It's just that we were getting a fair shake.

08-00:09:04

Meeker:

OK. So it almost sounds like the only reason that gay people started getting a fair shake in San Francisco is that you have the first generation of gay bureaucrats.

08-00:09:16

Donaldson:

Right.

08-00:09:20

Meeker:

How was it then that these gay bureaucrats got their initial foothold into the system?

08-00:09:27

Donaldson:

Because they had exams for most of the city employees, and generally... I don't want to sound elitist, but the gays and lesbians were smarter.

08-00:09:45

Meeker:

So they did well and...

08-00:09:47

Donaldson:

They did well on the exams.

08-00:09:49

Meeker:

OK. And I guess kind of what I'm getting at is it seems like for them, and correct me if I'm wrong, but it seems like for this initial generation of bureaucrats to get into these positions, not only did they have to do well on the exams, which were supposedly blind, right.

08-00:10:09

Donaldson:

But they also were in the closet.

08-00:10:16

Meeker:

When did that start to change?

08-00:10:21

Donaldson:

You know, I don't know. It's always been kind of that way. When I came out of law school, when I interviewed at Southern Pacific, the person who interviewed me was gay. I knew it and he never said one thing that indicated that, but I knew it. And especially when he said, "Oh, I think I've got just the job for you in the President's office."

08-00:10:55

Meeker:

How does that work? It's sort of almost like an alchemy or a mythology or something about how one gay man identifies another without a single word being said about it.

08-00:11:14

Donaldson: You know, I don't know how it works, but there is that. It does happen. I think then more than now, because now, for the life of me, I can't tell if a person's gay or not. When I was younger, I could.

08-00:11:37

Meeker: Well, there's something about, I think, the lingering of the eyes or, you know...

08-00:11:43

Donaldson: Something -- even like just a handshake or the easiness with which somebody touches somebody else, things like that.

08-00:11:58

Meeker: And it sounds like it would have been almost a survival mechanism for gay people at this point in time to really kind of, I guess, cultivate that sensibility?

08-00:12:15

Donaldson: Oh, sure.

08-00:12:16

Meeker: Because if you can't be out, so to speak, and say, "This is what I am," or, you know, have the gay flag on your lapel or whatever it is, in order to kind of participate in this kind of underworld of acceptance. I mean, I'm just trying to figure out how this works, because there is this big change that obviously -- presumably happens between the 1950s and into the 1970s where gay people did make it into positions, you know, in the government.

08-00:12:52

Donaldson: And then part of it also was the political process in which the politicians became increasingly aware of that they could court the gay vote.

08-00:13:04

Meeker: Can you provide me an overview of how that happened?

08-00:13:08

Donaldson: Dianne Feinstein was a good example. When she was a supervisor, Dorothy Von Beroldingen was a good example.

08-00:13:23

Meeker: Of what?

08-00:13:24

Donaldson: Of courting the gay vote. Going around to gay bars when elections were around. And Dianne Feinstein, when she finally became mayor, she actually appointed a number of gays and lesbians to commissions. Of course, Moscone had done that, too. Not to the extent that later mayors did, but he did.

08-00:13:57

Meeker: Do you know of any -- was Moscone to your knowledge, the first mayor to appoint gay people?

08-00:14:03
Donaldson: Openly gay?

08-00:14:04
Meeker: To commissions?

08-00:14:05
Donaldson: I think so.

08-00:14:07
Meeker: I know of two appointments that he made. One was Phyllis Lyon to the Human Rights Commission, and then one was Harvey Milk to the Board of Permit Appeals, which I guess was later revoked when Harvey Milk was going to run against Agnos or something like that.

08-00:14:25
Donaldson: Well, and then he appointed Rick Stokes to the Board of Permit Appeals.

08-00:14:28
Meeker: Oh, he did.

08-00:14:30
Donaldson: Yes, Moscone.

08-00:14:31
Meeker: To replace Harvey Milk?

08-00:14:32
Donaldson: Yes.

08-00:14:33
Meeker: Interesting.

08-00:14:35
Donaldson: So he did appoint gays and lesbians.

08-00:14:44
Meeker: But you don't know that Alioto did prior to him?

08-00:14:49
Donaldson: I don't know that Alioto did. Somehow, I have a feeling he wouldn't discriminate against gays, but, you know, Alioto was a strange duck because, you know, when I was with the Legal Assistance Foundation, we had a couple of meetings with the mayor and, you know, Goddamn, you'd go into his office, and you wouldn't get a word in edgewise. He'd start talking and what you came there for somehow got lost in the shuffle.

08-00:15:20
Meeker: Interesting. So was that his way of having his way?

08-00:15:23
Donaldson: Yes. I think that was his way. Yes.

08-00:15:26
Meeker: Who else did you interact with in the Alioto administration?

08-00:15:32
Donaldson: The chief of police.

08-00:15:34
Meeker: At that time was...?

08-00:15:36
Donaldson: Oh, goodness. Was it Cahill? Was just kind of blustery. But we were making inroads on the police department, because it was at that point then -- they did set up a police community relations.

08-00:15:53
Meeker: Yes, the Elliot Blackstone hearing?

08-00:15:57
Donaldson: Elliot Blackstone, right. Dick Hongisto was in part of that, also.

08-00:16:04
Meeker: Some people talk about it as being a direct outgrowth of the California Hall debacle.

08-00:16:13
Donaldson: It was. It was. Yes.

08-00:16:18
Meeker: People also talk about... Sorry I'm jumping around a little bit here.

08-00:16:21
Donaldson: That's all right.

08-00:16:23
Meeker: People also talk about the creation of the Imperial Court, Jose Sarria thing, as an outgrowth of the California Hall deal. Do you know anything about that? Did you ever participate in that in any way?

08-00:16:36
Donaldson: I never participated. Well, Jose Sarria was part of the... But, you know, that kind of predated California Hall. You know, when he ran for supervisor, that was before California Hall. He and Archie Brown, the avowed communist and the drag queen.

08-00:17:00
Meeker: You know, also during that time -- and something I don't think we ever talked about was the gayola scandal.

08-00:17:03
Donaldson: Yes, I remember that.

08-00:17:05
Meeker: Did you follow it in the papers?

08-00:17:07
Donaldson: Somewhat I did, yes.

08-00:17:10
Meeker: You were never asked to offer any legal counsel or anything about it, I'm guessing.

08-00:17:15
Donaldson: No, no, I wasn't, although even at that time, I experienced... There were police officers who were on the take.

08-00:17:24
Meeker: OK. Name names.

08-00:17:27
Donaldson: Ted Lusher. He was killed in an automobile accident. I remember he used to be on the sex detail, and I remember one time he got me aside and he said, "Look, if people just tell me when I'm arresting them that you're their lawyer, I think we can work something out."

08-00:17:50
Meeker: Interesting. And where did it go from there?

08-00:17:58
Donaldson: He called me one time. And did I participate in bribing a police officer? No. But I was about to. Then he was killed in an automobile accident, so he couldn't testify against my client anyway, so I didn't have to pay him.

08-00:18:15
Meeker: So when he basically made an overture to you in this moment that he pulled you aside, how did you respond to that?

08-00:18:24
Donaldson: Just, you know, with some interest.

08-00:18:27
Meeker: OK. Because it would have been a more expeditious way to solve the problem?

08-00:18:36
Donaldson: No, because I was curious as to how far it would go. Because he made it plain that he could forget things. And he could forget to come to court, in which case the case would have to be dismissed.

08-00:18:55
Meeker: Was this the only police officer that ever offered this to you?

08-00:19:00
Donaldson: Yes.

08-00:19:02

Meeker: But did you anticipate or suspect it was more widespread?

08-00:19:06

Donaldson: You know, when something like that happens, it has to be at least part of the fabric.

08-00:19:13

Meeker: Well, was there any conversation about these officer -- I guess was there any conversation about the officers that were arrested in the gayola scandal who were basically shaking down gay bars? From what I understand, there was an accusation on the part of the defense of those police officers that the gay bar owners had gotten together and had sort of conspired on their own. Do you know anything about the ins and outs of that particular case?

08-00:19:47

Donaldson: The only thing I know is that Bob Ross, who is very active in what they called the Tavern Guild, then, told me that there were payoffs.

08-00:19:59

Meeker: That there were payoffs from the bar owners to the police.

08-00:20:01

Donaldson: Right, right. So that they would not be harassed.

08-00:20:07

Meeker: I wonder, legally, who's breaking the law there? It seems to me that that's --

08-00:20:13

Donaldson: Both.

08-00:20:13

Meeker: -- extortion. They are both breaking the law, then?

08-00:20:16

Donaldson: Right. It's against the law to bribe and it's against the law to accept a bribe.

08-00:20:20

Meeker: Well, what's the difference between bribery and extortion? Because, actually, in extortion it seems like there is a clear victim and a clear perpetrator.

08-00:20:34

Donaldson: Yes. Extortion --

08-00:20:36

Meeker: But bribery, it seems like it's a...

08-00:20:37

Donaldson: You know, "If you don't do this, then this will happen." In bribery, "I'm giving you -- this is a token of my love. And as a token of my love, I will not harass you."

08-00:20:55
Meeker: In these gayola cases, was it a case of bribery, then, or was it a case of extortion? What's the Latin phrase? If it's good for me, it's good for you.

08-00:21:09
Donaldson: You know, I don't...

08-00:21:10
Meeker: *Quid pro quo.*

08-00:21:12
Donaldson: Yes, *quid pro quo.*

08-00:21:12
Meeker: Yes.

08-00:21:12
Donaldson: I don't know. I'm sure it had a dozen different faces.

08-00:21:18
Meeker: So when that was happening, the gayola scandal, there was a lot of coverage in the papers.

08-00:21:25
Donaldson: There was. Um-hmm.

08-00:21:27
Meeker: When did you move to San Francisco again?

08-00:21:30
Donaldson: 1956.

08-00:21:32
Meeker: So you were also here during the 1959 mayoral thing?

08-00:21:25
Donaldson: Yes.

08-00:21:38
Meeker: And there was a lot of coverage in the papers of that, as well.

08-00:21:41
Donaldson: There were.

08-00:21:43
Meeker: I mean, it's almost... It's almost like looking back, there was more coverage of gay stuff back in the '50s and early '60s than maybe there is today.

08-00:21:53
Donaldson: In some senses, yes, there was. I think it was Wolden that said this was a menace. We were a menace. Well, he got his when he ended up in state prison.

08-00:22:10

Meeker: Yes, because he was caught in a bribery scandal, right? Wasn't there something about that?

08-00:22:15

Donaldson: Yes. The sad thing is that when Wolden was -- the tax assessor, or whatever he was... Our taxes were so low, it was great.

08-00:22:29

Meeker: Yes, I read something about that particular case and he was making money somehow, but it wasn't -- couldn't have been that much.

08-00:22:37

Donaldson: It was basically on the big businesses, not on the little home owner. We were just getting a benefit.

08-00:22:45

Meeker: Well, but then the taxes started to go up on home ownership immensely.

08-00:22:48

Donaldson: Yes. Oh, yes.

08-00:22:51

Meeker: When did you purchase your first home?

08-00:22:55

Donaldson: 1963. The end of 1963. Four bedroom, two bath for \$22,950.

08-00:23:11

Meeker: All right.

08-00:23:13

Donaldson: But I had to borrow the down payment.

08-00:23:15

Meeker: Was it at 10% or 20?

08-00:23:17

Donaldson: Ten percent down.

08-00:23:20

Meeker: OK. And when did you sell that?

08-00:23:23

Donaldson: I sold it and then we bought another house, sold that, and bought another one.

08-00:23:31

Meeker: OK. So how long did you hold onto that first property, roughly?

08-00:23:35

Donaldson: From 1963 to 1968.

08-00:23:39
Meeker: OK. So only five years.

08-00:23:40
Donaldson: Only five years.

08-00:23:41
Meeker: How much would it have appreciated, then?

08-00:23:44
Donaldson: It appreciated to -- from \$22,950 to \$40,000.

08-00:23:49
Meeker: So nearly double. Not quite.

08-00:23:52
Donaldson: Not quite, but...

08-00:23:55
Meeker: That's still quite a growth during that period of time.

08-00:23:57
Donaldson: It was.

08-00:24:01
Meeker: All right. Can we just talk a little bit about SIR to finish up today?

08-00:24:07
Donaldson: Sure. SIR -- Society for Individual Rights formed as an outgrowth of the LCE, when they split off from Guy Strait. It was a group of people. There was Bill Plath. There was a group of people. Bill Beardemphyl. Anyway, they just went across the street and formed the Society for Individual Rights because they wanted something that was recreational as well as educational.

08-00:24:54
Meeker: OK. And how did you first become involved in it?

08-00:25:00
Donaldson: When it happened, heard about it and I started going to the meetings, as did Jim. And they met at various places. They didn't have a regular place. They met at a church of the Advent down in the Parish Hall. They met at Glide. I mean, eventually, they found a rental on Sixth Street.

08-00:25:27
Meeker: Obviously you were doing legal work at this time, representing some people in sex cases, correct?

08-00:25:36
Donaldson: Yes.

- 08-00:25:37
Meeker: I imagine they would have been particularly interested in having you involved in the organization?
- 08-00:25:42
Donaldson: Right. They had a referral system, and so it was to my advantage, also. They'd refer cases.
- 08-00:25:50
Meeker: OK. So how did that work? How did this relationship get set up?
- 08-00:25:56
Donaldson: Just kind of informally, at first, and then eventually they had a regular referral system in which I didn't get any more referrals than any other lawyer. They just went down the list. Whoever was next.
- 08-00:26:08
Meeker: How many lawyers do you think were on that list?
- 08-00:26:11
Donaldson: At that time, there may have been five.
- 08-00:26:14
Meeker: And this would have been roughly? I mean, the organization, I think, was founded in '64?
- 08-00:26:20
Donaldson: Yes. At that time, there was a group of us -- a few us of lawyers who wanted to get a gay lawyers group together. And we tried, and we tried, and we tried, and we could not, because the gay lawyers we knew didn't want anything to do with any gay lawyers group.
- 08-00:26:42
Meeker: Who were the gay lawyers who wanted to do this?
- 08-00:26:45
Donaldson: There was myself. There was Evander Smith, there was David Clayton. There was Rick Stokes.
- 08-00:26:52
Meeker: Oh, I didn't know he was a lawyer as well.
- 08-00:26:54
Donaldson: Yes, um-hmm. He went to law school and eventually passed the bar. But now we've got a great -- like 500 strong BALIF [Bay Area Lawyers for Individual Freedom].
- 08-00:27:09
Meeker: Um-hmm. Did you play any role in the establishment of that?
- 08-00:27:12
Donaldson: BALIF.

08-00:27:12
Meeker: Yes.

08-00:27:13
Donaldson: I was there at the organizational meeting.

08-00:27:16
Meeker: OK. Well, we'll talk more about that in a subsequent interview. So in addition to being on the list of the lawyers -- and these were mostly... I think -- what was it that I wrote down? They were mostly 647 cases?

08-00:27:36
Donaldson: 647 and also 288s.

08-00:27:40
Meeker: OK. But the 647 are local statutes, right? They were the {inaudible?}.

08-00:27:44
Donaldson: No, a 647 is not -- it's a state statute.

08-00:27:45
Meeker: Oh, OK.

08-00:27:46
Donaldson: It's lewd conduct.

08-00:27:49
Meeker: Oh, the municipal one was the 215.

08-00:27:50
Donaldson: Right, the municipal one is the 215 MPC.

08-00:27:52
Meeker: OK, OK. So those were basically the kind of criminal defense that you were doing, right?

08-00:28:01
Donaldson: Right, plus the 288As.

08-00:28:03
Meeker: Did you ever have any female clients? Did you ever know any women that were arrested for this?

08-00:28:07
Donaldson: Yes. No, no women were arrested for that. I had some female clients who were... In one instance, they were about to lose their security clearance, because they worked at the Presidio and it was suspected they were lesbian.

08-00:28:28
Meeker: They were civilian or federal employees?

08-00:28:30
Donaldson: Civilian. They were federal employees.

08-00:28:32
Meeker: OK. And how did that case go?

08-00:28:37
Donaldson: She kept her security clearance.

08-00:28:40
Meeker: What did it take to convince the powers that be that she was not a lesbian? In essence, is that what had to be done?

08-00:28:48
Donaldson: Asking for proof -- whatever proof they had. They didn't -- it was usually innuendo and rumor.

08-00:28:55
Meeker: Uh-huh. Speculation. So she kept her job there -- clearance -- but she also had to maintain her discretion, it sounds like.

08-00:29:05
Donaldson: Right. Um-hmm.

08-00:29:08
Meeker: OK. Were you involved in the creation of the pocket lawyer for SIR?

08-00:29:16
Donaldson: Well, I reviewed it. Was I involved in -- no.

08-00:29:21
Meeker: Do you know who wrote it?

08-00:29:23
Donaldson: I think it was a joint effort of somebody.

08-00:29:27
Meeker: OK. And was there anything remarkable in that particular document, or was it just very basic?

08-00:29:35
Donaldson: It was pretty basic. It was pretty basic.

08-00:29:38
Meeker: Do you know anything about it coming from the ACLU or the NAACP originally? The, you know, a model for it?

08-00:29:47
Donaldson: I don't. No, I don't.

08-00:29:52
Meeker: OK. Did you ever deal with any legal referrals outside San Francisco?

08-00:30:01
Donaldson: Yes. Berkeley.

08-00:30:05
Meeker: Berkeley.

08-00:30:05
Donaldson: San Jose.

08-00:30:07
Meeker: And they were all for the same sort of cases?

08-00:30:09
Donaldson: They were all for sex cases. It was amazing. In Berkeley, great luck at jury trials.

08-00:30:18
Meeker: How so?

08-00:30:19
Donaldson: I mean, the Berkeley juries didn't want to convict.

08-00:30:24
Meeker: Different than San Francisco, then?

08-00:30:26
Donaldson: At that time. At that time, they were a little different. They were more liberal.

08-00:30:33
Meeker: Interesting. So San Francisco juries were more likely to convict than Berkeley ones?

08-00:30:39
Donaldson: Right.

08-00:30:40
Meeker: What about San Jose?

08-00:30:41
Donaldson: San Jose was another story altogether.

08-00:30:44
Meeker: OK. How so?

08-00:30:46
Donaldson: You generally had to work out a deal. You didn't want to go to a jury trial in San Jose.

08-00:30:50
Meeker: Because a conviction would have been assured?

08-00:30:52
Donaldson: Right.

08-00:30:55
Meeker: Was it possible to work out deals there?

08-00:30:57
Donaldson: Yes, it was.

08-00:30:59
Meeker: Now, the legal situation... Well, how long did you participate on SIR's legal committee? Were you participating with SIR at the same time you were with Neighborhood Legal Defense?

08-00:31:11
Donaldson: Yes, except I wasn't taking any private cases then.

08-00:31:14
Meeker: OK. You were just kind of involved in that?

08-00:31:16
Donaldson: Yes, right.

08-00:31:18
Meeker: It was a {inaudible?}.

08-00:31:18
Donaldson: Right.

08-00:31:20
Meeker: How long did you kind of sit on that committee, I guess? Was it into the 1970s or...?

08-00:31:32
Donaldson: About the time I left the Legal Assistance Foundation. I stopped being involved in the legal affairs at SIR. It was about 1970.

08-00:31:46
Meeker: So why was that?

08-00:31:48
Donaldson: I just had other things I wanted to do.

08-00:31:51
Meeker: For instance?

08-00:31:52
Donaldson: Well, I was starting a private practice. For actually about six months, then I decided that -- Jim and I had started a coffee business and I decided that I wanted to work with him in the coffee business.

08-00:32:07
Meeker: OK. So you really decided to get out of legal work --

08-00:32:10
Donaldson: Yes.

08-00:32:11
Meeker: -- altogether at that point in time?

08-00:32:13
Donaldson: Um-hmm.

08-00:32:16
Meeker: Well, one more thing about the CRH ball. One of the immediate outgrowths of this was the drafting of the Brief of Injustices. Do you recall that document?

08-00:32:39
Donaldson: I do. Um-hmm.

08-00:32:41
Meeker: Did you play any role in writing it?

08-00:32:42
Donaldson: Yes.

08-00:32:44
Meeker: Well, maybe I'll bring it along next time and we can go over it, because there's some pretty remarkable stuff in there. Who else helped write it? Do you recall?

08-00:32:55
Donaldson: Well, several of the ministers involved in CRH. Clay Coldwell. He was with the United Church of Christ. I'm trying to think of what his name was. He was Methodist. Neither Clay nor this other guy were gay.

08-00:33:19
Meeker: Oh. Cromey.

08-00:33:26
Donaldson: No. Cromey was involved also, but this was -- I think Bird was his name.

08-00:33:31
Meeker: Oh, Fred Bird?

08-00:33:32
Donaldson: Fred Bird, yes.

08-00:33:35
Meeker: OK. So was it a small group of people that wrote this?

08-00:33:40
Donaldson: Right. Um-hmm.

08-00:33:41
Meeker: And it would have been you and a couple of ministers, it sounds like.

08-00:33:43
Donaldson: Yes. Um-hmm. It was generally a cooperative effort, though.

08-00:33:49
Meeker: So people sitting around a table taking notes of various...?

08-00:33:53

Donaldson: Yes. Um-hmm.

08-00:33:53

Meeker: Various injustices and then being drafted up.

08-00:33:57

Donaldson: Right. If you got a copy, bring it along. I'd love to see it. I may not even remember it.

08-00:34:13

Meeker: Yes. The thing that's interesting about it is that it has a very clear program of action and it talks about things like minority rights in a way that hadn't quite been articulated that clearly up until that point. So it seems to me a fairly interesting document. And it also talks about, you know, things like employment and these sorts of things that hadn't just been talked about in that same way, as far as I could tell. Yes. So next time, we'll talk about CRH. And I don't know how much you were involved in that or not, but we haven't really spent much time talking about that organization in particular. And we'll talk a little bit about the Brief of Injustices, and then we'll wrap up with legal defense work, and then we'll talk about your private practice -- your private business, rather, the coffee business, and then we'll talk about your legal career as an appointed -- as a judge.

08-00:35:30

Donaldson: OK.

08-00:35:31

Meeker: Is there anything else that I should be thinking about including in my list of questions?

08-00:35:40

Donaldson: I can't think of anything, but I'm sure something will come up.

08-00:35:44

Meeker: OK. Well, good. So let's stop.

[End of Interview]

Herb Donaldson Interview #9: 06-04-2008

Begin Audio File 9 06-04-2008.mp3

09-00:00:07

Meeker:

Okay, today is June 4, 2008. This is Martin Meeker, interviewing Judge Herb Donaldson for the Politics, Law, and Human Rights Project. Name of the project keeps changing, but that's a whole other story. I believe this is tape nine of the interview. So, at the end of the last interview, I went back and read the transcript of what we talked about, and we had a pretty good, robust conversation about the CRH ball, and about some of the fallout from that, some of the results of, sort of legacy, I guess, of it. One thing that we were going to talk about that we didn't get a chance to was the brief of injustices, I believe is what it was called, the document that CRH issued a few months after the ball, basically detailing injustices faced by homosexuals in San Francisco and overall. The transcript wasn't clear, but do you remember this document?

09-00:01:28

Donaldson:

You know, I've tried to think. There was so much going on at that time, and both Evander Smith and I, there were a lot of requests for us to read things and to pass judgment on what was legal and what was not legal. But I don't remember this specifically.

09-00:01:53

Meeker:

Okay. So you don't recall if you, you don't recall drafting this or playing a role in writing this document?

09-00:02:02

Donaldson:

I recall vaguely reviewing it for legal accuracy, just like there was a—what was it? It was a little folder on what to do when you were stopped by the police, things like that. We would review that and make revisions as to what was permissible and what was not permissible.

09-00:02:35

Meeker:

So most of these documents, it sounds like, were written by activist types, yes?

09-00:02:40

Donaldson:

Right.

09-00:02:41

Meeker:

And people not necessarily with any legal background?

09-00:02:44

Donaldson:

That's correct.

09-00:02:46

Meeker:

You know, in general, if you remember, if it's possible to characterize, what were the legal sort of contributions that you would make to something like this? Were the activists usually pretty far off base?

09-00:03:04

Donaldson:

Sometimes they were, but a lot of them had a lot of experience, and they were bringing that. And, you know, some of these things, you just kind of make up as you go along. I remember there was Del Martin. I don't know whether—do you know her?

09-00:03:22

Meeker:

Yes.

09-00:03:24

Donaldson:

She was very, very active in assembling something about legal rights when you were stopped by the police, and it was actually quite good.

09-00:03:43

Meeker:

So she had basically done all research in advance?

09-00:03:46

Donaldson:

Yeah, and she was basing it upon experience and, I guess, what knowledge she had gleaned somehow over the years. See, at that time, we were all a bunch of outlaws, and we acted like outlaws.

09-00:04:09

Meeker:

In what way?

09-00:04:14

Donaldson:

We were covert. It was like an underground society.

09-00:04:30

Meeker:

You know, later on, in the 1970s and 1980s, gay men and lesbians start to run for public office and win public office. They integrate themselves into the political system and become appointed to various commissions, and so forth. In doing so, they become the acknowledged leaders of the gay community in San Francisco, acknowledged leaders to the extent that, you know, gay men and lesbians would look to these people—you know, the Harvey Milks, the Roberta Achtenbergs, those kinds of people—to provide leadership. The heterosexual population of San Francisco would look to these people to represent what gay interests are in the city.

09-00:05:32

Donaldson:

Right.

09-00:05:33

Meeker:

Before that period of time, say in the 1960s, when you're in San Francisco, who were the leaders? Did they exist at all? Were there identifiable people who played that role?

09-00:05:50

Donaldson:

Yeah. There were people who did play that role, mainly because they had more time to do it, and they had the energy to do it. There was Jim Foster, and, of course, there was Harvey Milk, and there was Rick Stokes, and other people who somehow got appointed and thus had a kind of a platform from which they could be heard.

09-00:06:28

Meeker:

In the mid- to late 1960s, there was obviously a big cultural change, shift that happens in San Francisco with the rise of the counterculture, and so forth. In the context of an organization like SIR [Society for Individual Rights], there was, from what I understand, kind of a younger generation who came along, and some of them were fairly critical of the people who came before them, the established leadership. I'm wondering, from your perspective, what was the impact of the counterculture and this sort of new, younger, perhaps more radical generation on gay politics in San Francisco?

09-00:07:22

Donaldson:

Well it tended to factionalize them. Yes, there were younger people, and there were older adults who were involved, and there was the Central City Hospitality House. Alice Kavanaugh, a middle aged woman, was one of the key people in starting that, and they met originally over at Glide [Memorial United Methodist Church]. Glide performed a lot of service as a meeting place and as a place to hold meetings for almost any kind of group, including SIR. And sometimes these groups—when I say there were different factions—some of them were a little more, well, let's say left, than others. There was a group of mostly gay men who were really not all that liberal. For example, the people who started and who maintained the Tavern Guild [of San Francisco], they were mostly bar owners, bartenders, people involved in bars, and so forth. They didn't have any liberal agenda except survival.

09-00:09:03

Meeker:

What would it mean for someone to possess a liberal agenda at that point in time? I guess I ask this question because, you know, as a historian, I read a lot about the early 1950s, and the formation of the Mattachine Society. There are a lot of historians who say, oh, well, Harry Hay was the radical, and then Hal Call was the conservative, and the conservatives came in and took over from the radicals. You know, the more that you look at it, I kind of wonder, well, how was it that Harry Hay became the radical because, actually, he refused to announce his sexuality publicly, when Hal Call was quite out? To me, it says that maybe Hal Call was the radical, and Harry Hay was the conservative, if you think about it in those terms. So I guess I kind of wonder, in the sixties, and into the seventies, how were those terms defined? I mean, was there a common understanding of what it meant to be conservative, or liberal, or left?

09-00:10:17

Donaldson:

I don't know that there was a common understanding, but there were some of us who were involved who had a wide interest in something more than just

gay rights. For example, Jim and I belong to the NAACP [National Association for the Advancement of Colored People], the housing committee, which was concerned with stopping redevelopment or somehow affecting the way redevelopment was working and displacing the blacks from the Western Addition. We were concerned with such things as the picketing over at the Palace Hotel because minorities weren't hired there, and auto row. That was very vigorous picketing. But the people involved, for example, all the gays and lesbians, some of them were interested. Others considered that was simply not their business. They weren't concerned with that. They were concerned with their own rights.

09-00:11:35

Meeker:

So, in one way of thinking about it, being liberal could mean an interest in a broader sort of social justice agenda.

09-00:11:48

Donaldson:

Right. Yeah, and the sixties were really a time of ferment for various causes. The people who wanted abortion rights, there were a group of them, and they believed in the right to give out instructions on how to have an abortion, things like that. They would be arrested. But there were all sorts of groups who were fighting for recognition of their own rights and their own agenda. Yes, the gays and lesbians, they wanted the freedom to be who they were, but the blacks wanted the freedom to [laughter] get a job. They wanted to be treated equally when they went to court, things like that.

09-00:13:01

Meeker:

When you talk about, in the late sixties, the Tavern Guild, for instance, being more conservative or not being liberal, you're not saying that they are conservative in the sense that they would have been big Nixon supporters.

09-00:13:18

Donaldson:

No. Some of them may have been, but no. They were conservative in that they were only concerned with what they wanted, and they felt that other people who were fighting for what they deemed their rights, they didn't feel any kinship. There was no kindred spirit there, but it was all going on at the same time.

09-00:13:44

Meeker:

The participation that you described was, you know, the auto row, and the NAACP work. That was a lot of early and mid-1960s activity. In the late 1960s, you know, the Civil Rights Movement begins to change, and you begin to have Black Power, and the Black Panthers, and more of a separatist kind of thing. How did your perspective change about the larger social justice movement when you moved from a period of sort of moderate multi-racial activism to what has been seen by some historians as kind of more separatism, and Black Power, and nationalism, and that kind of stuff? How did you respond to that? Did you continue to engage in a broader agenda, or did you kind of back off?

09-00:14:52

Donaldson:

I think I did continue because, of course, you form friendships with people who are in various other causes, and those friendships keep you somehow involved.

09-00:15:11

Meeker:

Can you think of any people in particular who you maintained relationships with, and they kept you involved in something along those lines?

09-00:15:24

Donaldson:

Yeah, I can. There was Luther and Joy Goodwin. They had a son who had fled to Cuba. I think he had helped hijack a plane. Somehow, he died, and I remember we had a little kind of remembrance service, and it brought a whole bunch of us together for this life that was gone. Because Luther was an Assistant D.A. at the time, and his wife was very active in stopping the freeways from cutting through Golden Gate Park, et cetera.

09-00:16:30

Meeker:

We've already talked a little bit about the Neighborhood Legal Assistance Foundation, but can you just maybe again provide an overview of the work that they did, maybe three or four kind of typical cases or clients that they would take?

09-00:16:52

Donaldson:

The Neighborhood Legal Assistance Foundation had several area offices. I headed what we called the Central City, which was just south of Market [Street], and which was responsible for the Tenderloin [District] and South of Market. There was the Western Addition, there was the Mission, and there was the Chinatown, and the Hunters Point. Terry Hatter headed the Hunters Point. He ultimately became a federal judge. And we all kind of cooperated together. They type of cases we had depended really on the area we covered. For example, the Western Addition, a lot of their work was simply involved in family law, representing people who were trying to get their rights to support from an absent spouse, things like that. In our office, we represented a lot of—well, we actually had a seminar on legal ways to avoid the draft. We had landlord/tenant problems. We had adoptions. We had name changes for transsexuals, which was kind of unheard of at that time. Somebody, a man who felt that he was a woman trapped in the body of a man and wanted to wear women's clothes and be identified as a woman, and they wanted their name changed.

09-00:18:58

Meeker:

How would you go about that? I mean, that must have been the beginning of what might be called transgender law. What were some of the rationales that you used for—

09-00:19:11

Donaldson:

Well, we used as a source Dr. Harry Benjamin, who was an expert. Have you heard of Dr. Benjamin?

09-00:19:19

Meeker: Yes.

09-00:19:20

Donaldson: And he was quite good. We actually used him in testimony to show that this was an authentic kind of issue, not a made-up issue from some crazy. Actually, we had a class in which he lectured to a bunch of attorneys from the various other offices on some of the issues here and what one had to be aware of, and such things as where you get the operation, how expensive it is, and all of that.

09-00:20:10

Meeker: How did you go about enabling these name changes to happen, aside from having sort of an expert witness or testimony on the part of Benjamin? I mean, did this go to a particular court? Were you testifying or arguing in front of a judge? How did this become a possibility?

09-00:20:35

Donaldson: These name changes were, of course, uncontested. We actually had a meeting with the presiding judge of the Superior Court, in an effort to get this sort of case assigned to judges who at least were open to some understanding of this because, at that time, some of the judges weren't. The presiding judge—and I don't know who it was at the time—he cooperated, and we generally had friendly judges, or judges who, if they didn't understand, tried to understand and would cooperate in granting the name change.

09-00:21:26

Meeker: So the petition to change the name in these cases had to go before a judge?

09-00:21:32

Donaldson: Right.

09-00:21:33

Meeker: Okay. Were there instances in which the judge refused?

09-00:21:42

Donaldson: I can think of a couple of instances in which cases were assigned to a judge who seemed reluctant and would continue it for further evidence, but generally we were successful. It was actually a case of, we were being educated, but also, we were helping educate the courts as to this kind of phenomenon.

09-00:22:09

Meeker: You also mentioned adoption was something that was handled in the Central City office. Were these adoptions—I mean, why did they require legal counsel?

09-00:22:26

Donaldson: Well, because adoptions have to go through the court. You have the adult adoptions, and then you have the regular adoptions, where they're adopting a

minor child. Social services has to make an investigation, et cetera. And at that time, it was almost unheard of for a same-sex couple to adopt. We handled some adult adoptions, too, in which they were both adult, but one was older than the other, and they had had a familial relationship, and they mainly did it for tax purposes at that time.

09-00:23:21

Meeker:

So this would have been sort of a predecessor to domestic partnership, or something?

09-00:23:25

Donaldson:

Yeah. People would adopt, and thus have a relationship.

09-00:23:35

Meeker:

It sounds fascinating to me. I mean, you know, two adults going into court, I guess, to say, listen, I want to adopt John, who is six months younger than I am. How would a judge respond to that? I mean, was it clear what was at stake here, and why they wanted to have the relationship?

09-00:23:57

Donaldson:

I won't say you had to fudge, but you had to dream up what would pass for a legitimate reason. For example, I represented one couple, in which the man was an older man. He was adopting a younger man, and I actually wrote a brief on why this was appropriate. In this case, it was appropriate because the older man was to inherit from his mother, but if he then died without issue, anything that was left went to some distant relative, and the judge bought it because it really was a valid reason.

09-00:24:58

Meeker:

But did the judge know what their relationship was based upon? [pause]

09-00:25:08

Donaldson:

I really don't know. I knew, and in fact, the older man testified that the younger man had been his godchild for years and years, and so they were basically just kind of getting the relationship on paper. And it worked.

09-00:25:46

Meeker:

The reason I'm so interested in this, I mean, it seems like within this federally funded legal program—

09-00:25:53

Donaldson:

[laughter] Oh, yes.

09-00:25:54

Meeker:

—you see the beginning of what might be called gay law—

09-00:25:59

Donaldson:

Oh, yes.

09-00:25:59

Meeker:

—or gay jurisprudence.

[break in audio file]

09-00:26:20

Donaldson: Another type of case we had was counseling people who were about to be drafted, and we also then ended up being a resource for people who were over on Treasure Island who wanted to get out of the service, counseling them on the effect. Usually they wanted to get out of the service because they were gay, and they were not happy in the service, and they didn't want to go to Vietnam. And we counseled them on what the effect was on their veteran's benefits, and so forth. We were actually criticized in Congress—my office was—because we were counseling people about legal alternatives to the draft, what they could do rather than be drafted, their right to get a deferment for education, et cetera.

09-00:27:27

Meeker: How did people find you? Was your office well known in the Bay Area or the legal community? How was it that people interested in changing their names because they felt transsexual, or gay adoption issues, of gays in the military, how was it that they were able to identify this office as a place that would be receptive to their concerns?

09-00:28:00

Donaldson: Word of mouth was very effective. For example, it's not true any longer, but at that time, most of the transgender people were living in the Tenderloin, and so there was a regular avenue of communication. So there was no problem there on them hearing about us. Because, actually, for most of those people, it was an unusual event when they could go to a law office, and people would actually take them seriously. In fact, one of my community aides was a transsexual.

09-00:28:48

Meeker: Who was that?

09-00:28:52

Donaldson: She went by the name of Sybil. She was a former tugboat captain, and she didn't have the operation yet. She was saving for it because she wanted to be a lesbian, which kind of stretches the imagination some, but that was what she desired.

09-00:29:21

Meeker: Did you ever advertise in any sort of left or counterculture publications? Were there flyers about this particular office distributed around San Francisco? Was there any of that kind of advertising done?

09-00:29:34

Donaldson: No, but we were well known over at Glide, and the people at Glide often made referrals.

09-00:29:48

Meeker: Was this office entirely funded by federal monies?

09-00:29:51
Donaldson: Yes, it was.

09-00:29:53
Meeker: How many attorneys were on staff?

09-00:29:57
Donaldson: There was myself plus five attorney.

09-00:30:00
Meeker: And the overall staff would have been, I mean with paralegals and all of that kind of stuff?

09-00:30:06
Donaldson: We didn't have paralegals. We had secretarial staff, we had a receptionist, but we did have an investigator, and we had two community aides.

09-00:30:24
Meeker: It's interesting. You mention that you advised individuals interested in getting out of the service. Did you ever have any examples of individuals who had been removed from the service unwillingly because they were gay?

09-00:30:42
Donaldson: Yes. My office represented several of them who, they were holding hearings. Not a lot of success.

09-00:30:56
Meeker: Can you describe the process by which they would have appealed the decision, and the strategies you would have used?

09-00:31:07
Donaldson: Well, we represented them at the hearing itself. We didn't do it on the appeal. They could appeal.

09-00:31:15
Meeker: So it was a separation hearing, or something?

09-00:31:18
Donaldson: Yeah, it was a separation hearing, and they were generally in custody at the time.

09-00:31:24
Meeker: Okay. Were you allowed to counsel with them privately before the hearing?

09-00:31:29
Donaldson: Oh, yes.

09-00:31:30
Meeker: And what sort of strategies did you use to try to, I guess, keep them in the service?

09-00:31:38

Donaldson: Tried to minimize the allegations that they were gay. And quite often, it was not successful. I did handle one appeal to Washington, and that was really discouraging.

09-00:32:05

Meeker: Why do you say that?

09-00:32:06

Donaldson: I went to Washington, and the board that I had made the presentation to could not have been more cold. It was obvious to me that they were simply, they had to do this, and it was just a matter of form.

09-00:32:31

Meeker: Do you recall the evidence against that individual? Was it quite clear that that person had engaged in same-sex activity or something?

09-00:32:46

Donaldson: Yes, and he had admitted it, but there were some extenuating aspects to it, and that the person with whom he engaged did not get bounced out of the service.

09-00:33:06

Meeker: Why is that?

09-00:33:07

Donaldson: You know, I don't know why, but that argument certainly fell flat.

09-00:33:14

Meeker: [laughter] Interesting. Are there any examples of these initial hearings that you represented the person, you know, the accused, successfully being able to stay in the service, or be able to rebuff the accusations?

09-00:33:37

Donaldson: There was one, but I didn't represent. It was somebody else in my office who represented him. And then there was the aspect of people who were trying to get out of the service by saying they were gay. Some of the things that they were asked to do, bring pictures of them having sex with other men, it was outrageous. And sometimes they could not get out of the service because— [laughter] well, actually, because the service needed every live body they could get.

09-00:34:20

Meeker: That seems very interesting. It seems rather contradictory that these hearings would be held, and there would be people who desperately wanted to stay in the service, despite the fact they were gay, and the military would not let them. And then there would be people who desperately wanted to get out of the service, claiming they were gay—whether they were gay or not—and the service insisted on keeping them.

09-00:34:52

Donaldson: Yeah. It's mind-boggling.

09-00:34:58

Meeker: Do you ever get any insight into why that was, why this contradiction was able to thrive in that context?

09-00:35:10

Donaldson: I didn't. You know, the military services are just kind of a law unto themselves.

09-00:35:28

Meeker: Well, let's spend a little time today talking about your decision to leave Neighborhood Legal Defense and move into a private business, to leave law. Why was that that you decided to leave legal practice?

09-00:35:50

Donaldson: Well, first off, when I took the job, I made a promise to myself that it would be no more than three years, and so at the end of the third year, I resigned and then went and set up a law office over at 345 Franklin [Street]. It was fairly successful, but at the same time, Jim and I had started the coffee business, and what instigated my leaving the law at that time was, we had planned this trip to Europe, and for two weeks before, I worked every night to get my files in order so somebody else could take charge of them. And I thought, is this what I want to do the rest of my life? We went off, and it was a great trip, and on that trip, I decided I didn't want to go back to it. So I came back, and I proceeded to close the law office. I was making what was considered a pretty good amount at that time. In one year, I made—it sounds very small now—\$20,000, but \$20,000 back in 1970 was a lot of money. And our coffee business was just beginning. But I decided I wanted to work with Jim in the coffee business.

09-00:37:45

Meeker: How long was this independent law office going before you decided to call it quits?

09-00:37:53

Donaldson: It was a year.

09-00:37:54

Meeker: A year, okay. What kind of law were you practicing there?

09-00:37:59

Donaldson: Mostly civil law, accident cases, things like that. A small amount of criminal law at that time.

09-00:38:14

Meeker: Because prior, earlier in the 1960s, you were mostly doing criminal law, right?

09-00:38:18

Donaldson: Absolutely, yes.

- 09-00:38:19
Meeker: What had changed? Why did you decide to move to accident, civil cases?
- 09-00:38:25
Donaldson: Because you make more money.
- 09-00:38:27
Meeker: Okay. It sounded like, in that earlier period of time, a fair portion of your clientele was defending people arrested on various sex crimes, and so forth.
- 09-00:38:40
Donaldson: Yeah, it was.
- 09-00:38:43
Meeker: Had that market dried up, to a certain extent, by 1970? Were there fewer people—
- 09-00:38:48
Donaldson: No, there was still a market there, but on some civil cases, you just made more money than you did in the criminal law.
- 09-00:39:02
Meeker: Was that largely because the lawyer would get a percentage of the settlement, or something like that?
- 09-00:39:06
Donaldson: Yeah. It was the contract in which you got a percentage of the recovery.
- 09-00:39:16
Meeker: Can you provide an example of one of the civil cases that you would have—I mean, if there are any that stand out from that year period of time?
- 09-00:39:26
Donaldson: Yeah. There was one in which I represented one person who had been terribly injured in an accident, in which the defendant was an old lady, and she shouldn't have been driving. She went through a red light, and one person was killed, and one was very badly injured, and I represented the one who was badly injured. We didn't have to go to trial on that.
- 09-00:40:07
Meeker: So that would have been typical of the kind of civil cases that you—
- 09-00:40:10
Donaldson: Right.
- 09-00:40:13
Meeker: Why was that a civil case? Why was that not a criminal case? Or was it also a criminal case?
- 09-00:40:18
Donaldson: You know, I don't know why. I don't think they filed a traffic violation for her. It was actually very sad because she just should not have been driving.

09-00:40:32
Meeker: The one jury I ever sat on was sort of like that, but it was a criminal jury, and I think he ended up being convicted of manslaughter, or something like that.

09-00:40:42
Donaldson: Yeah, probably.

09-00:40:45
Meeker: So she wasn't being charged with a criminal—

09-00:40:48
Donaldson: No, probably because of her age and her mental condition.

09-00:41:00
Meeker: You didn't have a partner at this law firm? It was just you?

09-00:41:03
Donaldson: It was just myself.

09-00:41:04
Meeker: Did you just call it Herbert Donaldson, Attorney at Law, or something like that?

09-00:41:07
Donaldson: Right. [pause]

09-00:41:16
Meeker: So tell me about the coffee business. How did you get interested in doing this? I think that we have talked about it a little bit in past interviews, so—

09-00:41:28
Donaldson: Well, my partner, Jim—

09-00:41:31
Meeker: And his last name, again?

09-00:41:33
Donaldson: I'm sorry?

09-00:41:35
Meeker: Jim's last name, again, was—?

09-00:41:36
Donaldson: Hardcastle.

09-00:41:37
Meeker: That's right.

09-00:41:40
Donaldson: He graduated, and he got his master's degree in American Studies, but he couldn't teach because he had a couple of sex arrests, and so that avenue was closed to him. So, we tried to figure out something that he would be happy in. He liked to read, and we thought of a bookstore, and he loved to cook and is a

good cook. We at least explored the idea of a restaurant. That was very discouraging because we found that restaurants, you work night and day, and you don't make a lot of money. And then we thought of coffee because we did like coffee. We had this routine in which, every morning, Jim would get up, and he would grind the beans and make the coffee and bring me a cup of coffee in bed, and so we thought, why not coffee?

09-00:42:42

Meeker:

And this is still the era of Folgers Crystals—

09-00:42:46

Donaldson:

Oh, yes.

09-00:42:46

Meeker:

—Hills Brothers, and all that kind of stuff. Where did you get the beans that you guys made, prior to starting the business? I mean, were there already sort of small coffee vendors around town?

09-00:43:02

Donaldson:

There was one, Freed, Teller, and Freed, over on Polk Street, and that's where we got our coffee. And so then Jim started nosing around and started reading up about coffee, and he actually went around to a couple of the coffee roasters, and they let him see how they roasted coffee. It was, you know, a huge operation. And then we came along to a woman who had a small roaster, and so she said, "Oh, this is a good idea," and she would provide us with the beans. Well, so we started out that way. We didn't have a lot of money. It really was on a shoestring.

09-00:43:54

Meeker:

What was the initial—I mean, not a dollar figure for the initial investment, but was did you have to do to set it up?

09-00:44:04

Donaldson:

Well, we had to order cases for the coffee, and I remember those were \$600. They had to be made specially. We had to order tea by the chest, and of course they wanted to be paid, so we decided we were going to get four kinds, four chests of tea, which was about \$1,000. I remember I had to call my mother and ask if she could lend us \$1,000. And, of course, what she did is, she went out and got a \$1,000 mortgage on her house and sent the money. So we opened, and we actually had a small roaster, just for effect, and it was absolutely charming. It was in a courtyard down on Union Street. Our rent was \$150 a month.

09-00:45:08

Meeker:

So it was a retail establishment.

09-00:45:09

Donaldson:

It was a retail establishment. And we had a grand opening, which a lot of our friends came, many of whom we never saw after that. And this was really special, special coffee. Mocha java blend we were selling for \$1.35 a pound.

We had what we called a New Orleans blend, which we sold for ninety cents a pound.

09-00:45:41

Meeker: Where did the New Orleans blend come from?

09-00:45:44

Donaldson: New Orleans blend was a dark roasted coffee with chicory, one-quarter chicory, three-quarters coffee.

09-00:45:53

Meeker: Like they have at Café du Monde.

09-00:45:55

Donaldson: I'm not familiar, but—

09-00:45:58

Meeker: Yeah. That's a famous coffee house in New Orleans, and they use chicory in theirs, as well.

09-00:46:02

Donaldson: Yeah, and chicory has a definite flavor. Back in World War II, they used chicory to extend coffee. It was a very small business, and Jim started making coffee to give away, and then people started coming down there, and they insisted on paying for the coffee because they liked to come every day. It was in a courtyard, and—

09-00:46:29

Meeker: So originally it was set up to sell beans, not coffee?

09-00:46:32

Donaldson: Beans.

09-00:46:33

Meeker: Okay. And then you started making coffee for tasting?

09-00:46:39

Donaldson: And then one restaurant down in the Union Street area came. It was a Mexican restaurant, and they wanted to buy Mexican coffee. So we started to sell that wholesale, and gradually our wholesale accounts grew. At that time, then, the woman who was roasting for us, they decided that they were going to open up a coffee place in Ghiradelli Square, which was just opening then. And so she wanted to know if we wanted to buy her roaster, and we said, "Sure."

09-00:47:25

Meeker: Where was she located?

09-00:47:27

Donaldson: She was located in a little storefront south of Market, in which the rent was \$25 a month.

09-00:47:38
Meeker: And the roaster she was using, was that a fairly small capacity roaster?

09-00:47:42
Donaldson: It was a small capacity, twenty-five pounds.

09-00:47:45
Meeker: And she was roasting for other companies, as well?

09-00:47:47
Donaldson: She was actually selling to, up in North Beach, Café Trieste, and we continued selling to Café Trieste for years.

09-00:48:02
Meeker: What was her name?

09-00:48:03
Donaldson: Her name was Verna Hontalas.

09-00:48:06
Meeker: Verna—?

09-00:48:07
Donaldson: Hontalas, H-O-N-T-A-L-A-S. [pause] And then she gave us her suppliers.

09-00:48:22
Meeker: The people that she was importing the beans from.

09-00:48:25
Donaldson: Yeah, that she was buying. And business gradually grew, and grew, and grew.

09-00:48:32
Meeker: So, at its height, what was the capacity that you were operating? I mean, at the beginning, let's say you get started, after six months, or something like that. Do you know how many pounds of beans you were moving a month, or something like that?

09-00:48:50
Donaldson: Well, it's hard to say, but I remember Jim didn't take any money out of the business, and after about six months, he was able to take \$10 a week out, and we thought that was great.

09-00:49:06
Meeker: So are we talking about a move from selling 100 pounds a month to selling 100,000 pounds a month, or—?

09-00:49:14
Donaldson: Eventually, yeah. We expanded, got a location south of Market, and we were doing actually several million dollars sales a year. In fact, I'll show you. If we can take a break, I'll show you over here.

09-00:49:35

Meeker: Sure.

[break in audio file]

09-00:49:38

Donaldson: So the coffee business eventually became fairly successful.

09-00:49:47

Meeker: And this obviously was a full-time job for the two of you?

09-00:49:51

Donaldson: Yes, and we were hiring other people, too.

09-00:49:54

Meeker: How many people at its height did it employ?

09-00:50:01

Donaldson: About ten.

09-00:50:05

Meeker: You said that it also became, wholesale was a big part of this business.

09-00:50:10

Donaldson: It was, mostly.

09-00:50:13

Meeker: At this point in time in the early or mid-1970s, people talk about a sort of California food revolution, with Chez Panisse, and Peet's Coffee, and all. Kermit Lynch the Wine Merchant over in Euclid.

09-00:50:30

Donaldson: Yeah. I know Peet and used to sell him green beans before he went into business. We had a good relationship with him. He was kind of an old curmudgeon, but he came to us before he opened his store in Berkeley and said he was going to open a store, and he would never be a competitor of ours, and we could always cooperate together, and so forth.

09-00:50:57

Meeker: Did you guys feel like you were participating in something new, like a food movement, or something?

09-00:51:03

Donaldson: Oh, we were. We were. We were the first.

09-00:51:08

Meeker: So did you feel like what you were doing was kind of similar to what Alice Waters was doing at Chez Panisse?

- 09-00:51:21
Donaldson: We just felt we had a fine product, and we always told each other we didn't want to be the biggest, we just wanted to be the best. Then, unfortunately, Jim got sick.
- 09-00:51:41
Meeker: What happened to Jim?
- 09-00:51:45
Donaldson: Well, we kept thinking he had—he was constantly getting the flu. Well, it turns out eventually we had a diagnosis. He had multiple myeloma—
- 09-00:51:58
Meeker: It's cancer, yes?
- 09-00:51:59
Donaldson: It's of the bone marrow.
- 09-00:52:05
Meeker: Oh, okay.
- 09-00:52:08
Donaldson: I think there's something they can do now, but at that time, there was nothing that could be done. He was diagnosed in February of '78, and he was dead by July 29 that year.
- 09-00:52:28
Meeker: How did that affect you personally?
- 09-00:52:30
Donaldson: Oh, I was crushed. It was really a difficult time, and it was right about that time that, while he was sick, a friend of mine told me that Jerry Brown wanted to appoint a gay judge, and was I interested?
- 09-00:52:56
Meeker: Who was this friend?
- 09-00:52:58
Donaldson: This friend was Tony Ubalde. He was a Methodist minister, and he was kind of political. He even got me an application, and I couldn't fill it out because Jim was sick and the business had to keep running, and so forth.
- 09-00:53:22
Meeker: Did his illness affect the business? Were you able to continue running it?
- 09-00:53:26
Donaldson: Oh, yeah. I was able to continue running it.
- 09-00:53:31
Meeker: It was well established by that point in time?

- 09-00:53:33
Donaldson: It was. And then I continued to run it until a friend of mine—actually it was another friend—told me that, if I was ever going to be a judge, that I had better get an application in before Jerry Brown left office. So I worked on the application and got it in.
- 09-00:54:10
Meeker: Okay, so Jerry Brown was elected, I believe, in '76. Is that correct? Or was it earlier, like '74?
- 09-00:54:29
Donaldson: I don't know when he was first elected.
- 09-00:54:31
Meeker: Well, I guess, so Reagan was a two-term governor, correct? He would have been elected in '66, therefore he would have served to '74. Okay, so around '78, that would have been, I guess, into Jerry Brown's second term.
- 09-00:54:50
Donaldson: And Jerry Brown's second term ended in January of 1983.
- 09-00:55:00
Meeker: Three, yeah. What did you think when you heard that he had wanted to appoint a gay judge, I guess and this would have been a first, right?
- 09-00:55:11
Donaldson: It would have been a first, yes. When I didn't put the application in, eventually he appointed a gay judge down in Los Angeles.
- 09-00:55:21
Meeker: Who was that? Do you recall?
- 09-00:55:26
Donaldson: You know, I know his name, but I can't recall it. He's long ago retired. And then he appointed one up here, Mary Morgan, and then, in his last days of office, he appointed me.
- 09-00:55:52
Meeker: What was the application process like? How does one get appointed a Superior Court Judge?
- 09-00:56:01
Donaldson: You put in an application, then the governor gets lots of applications. Then they eventually send it out to what they call the "JENE" Commission, and the JENE Commission then investigates the person, as well as the local bar, and makes recommendations, whether the person is unqualified, qualified, well-qualified, or extremely well-qualified. It's a long process.
- 09-00:56:35
Meeker: Does it involve interviews and all that kind of stuff?

09-00:56:38

Donaldson: Oh, yes.

09-00:56:39

Meeker: How did you experience the process? Did you feel that it was a fair process for you?

09-00:56:46

Donaldson: I did. Also, I had help from Willie Brown.

[End Audio File 9]

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10-00:00:20

Meeker: So, you were describing the process by which you were vetted.

10-00:00:25

Donaldson: Yeah. It went to the local bar association, and then there two attorneys assigned from the JENE Commission to interview me, and that was it. And then I just waited.

10-00:00:45

Meeker: How was the process? What sort of questions did they ask you? Did you feel like your sexuality ever became an issue?

10-00:00:56

Donaldson: No, they never asked about sexuality.

10-00:00:59

Meeker: So what were they interested in discovering about you?

10-00:01:03

Donaldson: Experience, what I was interested in, what extracurricular activities. At that time, I was teaching over at the College of Marin, and part of it was teaching in San Quentin. I was on the board of Public Advocates. I was on the board of a senior housing. Things like that they were interested in.

10-00:01:27

Meeker: So even though you were no longer practicing law, you were still active in the legal community—

10-00:01:33

Donaldson: Yeah.

10-00:01:33

Meeker: —and in public service?

10-00:01:35

Donaldson: Right.

10-00:01:39

Meeker:

When you first heard that Jerry Brown was interested in appointing a homosexual or gay person to a seat, to be a judge, what did you think of that? Did you feel like, oh, wow, this is a radical move, this is something that's long overdue? Oh, he's just trying to get gay votes?

10-00:02:06

Donaldson:

No. No, I just took it at face value and thought this would be an opportunity.

10-00:02:15

Meeker:

Did you ever have a conversation with him and ask him about his desire to appoint gay people, and in particular your appointment?

10-00:02:26

Donaldson:

No, I didn't have a conversation with him. I did with somebody who was fairly close to him. He wanted the judiciary to be representative of the population as a whole, and at that time, there were no open gay or lesbians on the bench. There are now.

10-00:02:54

Meeker:

Do you know how many there are now?

10-00:02:56

Donaldson:

Well, here in San Francisco, I think we've got ten on the bench already, at this time.

10-00:03:00

Meeker:

All right. Who was the person who was close to him who you had this conversation with?

10-00:03:08

Donaldson:

John Dearman, who is still a sitting judge. I was at their place for dinner one night, and Tony Klein, who had been his legal affairs secretary, was there with his girlfriend, and Tony Klein had been appointed to the bench here, and he was going to be appointed to the Court of Appeals before Jerry Brown left office. It was a social night, and it was just a pleasant evening.

10-00:03:48

Meeker:

And so there was some conversation about politics, and these appointments, and so forth?

10-00:03:52

Donaldson:

Right.

10-00:03:55

Meeker:

Okay. Is there anything else you can say about it? I mean, it's a fascinating process, and—

10-00:04:00

Donaldson:

It is.

10-00:04:02

Meeker: The way you are describing it, it seems amazingly cut and dry, and politics, I've found, is never that cut and dry.

10-00:04:10

Donaldson: No, no, it's not. In fact, for example, after my application was in, Tony Klein was no longer the legal affairs secretary, and September came along. Was it September, or was it August? One of those months, and my name still had not been submitted for vetting, and so I called John, and John called Willie, and Willie called and said—well, Willie was the speaker then, and he said, "Send that name out." And it so happens, I found out later that I got a very good evaluation.

10-00:05:00

Meeker: What were you ranked at?

10-00:05:03

Donaldson: Exceptionally well qualified.

10-00:05:07

Meeker: What do you suppose the reason was for the high qualification? I mean, was there anything in particular in your record that would have made you exceptionally as opposed to simply well qualified?

10-00:05:22

Donaldson: Well, for example, one of the questions—it's a very detailed questionnaire—was, list ten cases that you were involved in that you feel might have had an effect, and I was able to list ten cases which had I think kind of lasting effects.

10-00:05:48

Meeker: Do you recall any of those cases now?

10-00:05:51

Donaldson: Yeah. One of them was a case in which this man was being tried. Actually, he was tried twice. They would have tried him a third time, except he had a parole hold. They couldn't prove his guilt, but I had to put him on the stand, and one of the standard instructions is that a witness can be impeached by a prior felony conviction or a conviction for moral turpitude. First I argued to the judge not to give it, and then he felt he had to. Then I argued to the jury that there are many, many felonies that don't go to your ability to tell the truth—for example, a conscientious objector, things like that—and we were able to get, we hung them for two times, and they finally dismissed the case.

10-00:07:07

Meeker: Do you recall the name of the case?

10-00:07:11

Donaldson: His name was Jim Elder, E-L-D-E-R.

10-00:07:14

Meeker: So it would have been what, *People vs. Elder*, or something?

10-00:07:16
Donaldson: Um-hum.

10-00:07:20
Meeker: Any others of those ten on the list? [pause]

10-00:07:27
Donaldson: I can't think of any. I could get my old application out and look, but—
[laughter]

10-00:07:33
Meeker: Do you want to, or—?

10-00:07:34
Donaldson: No.

10-00:07:35
Meeker: No? You don't want to go into that much detail?

10-00:07:37
Donaldson: No.

10-00:07:38
Meeker: Okay. [laughter] Sounds like an interesting document, though. I'd love to take a look at it at some point.

10-00:07:47
Donaldson: And then I told you about the night I got the call from the governor?

10-00:07:50
Meeker: No. That hasn't been recorded yet, so tell me about that.

10-00:07:56
Donaldson: Well, [laughter] his term was almost up. It was after Christmas, and he still had a large number of appointments to make. The day before New Year's, he was in his office making appointments all over the state, and a friend of mine kept calling—I've mentioned her, Louise; she's my good friend—wanting to know when he was going to make appointments in San Francisco. Finally, after her fourth or fifth call, they said, "Who's calling?" And it was very funny because she said, "This is a concerned citizen." [laughter] So anyway, that night it was New Year's Eve, and I was home alone because Louise went out, and it was raining, and Louise came back later. She had been to a wedding. She came back. It was about, oh, 11:30, and then she brought one of the cats in from the back yard because the cats I had then were outside cats as well as inside cats. The telephone rang, and this woman's voice said, "Is this Judge Donaldson?" And I said, "Well, not yet."

10-00:09:21
Meeker: [laughter]

10-00:09:22

Donaldson:

And she said, "Just a moment. I have Governor Brown on the line." So he was on the line and asked if I could come up and see him the next morning. We had a little conversation, and I said, "Sure." He told me how to get into the Capitol—it was going to be closed, but how to get in. Then Louise came back, and she wanted to know who called, and I said that it was the governor. She found it hard to believe, but then, in the meantime, after that, I called John Dearman. He and Ina were still up. It turns out they had about a half hour before gotten a call from Willie Brown. John used to be Willie's partner, and Willie Brown had asked to talk to Ina, and she said no, she wasn't going to talk to him because he hadn't gotten me the appointment. So then I surmised that he got on the phone to the governor and wanted to know if I was going to be appointed, and so the governor then called. So, the next morning I went up, and I took some friends—Louise and a couple of friends of mine—and his office was in chaos, boxes stacked here and there. He was getting ready to leave, and he was still making all these appointments. So we talked, and he posed for pictures, and so forth.

10-00:11:18

Meeker:

Is that the picture that you have in there?

10-00:11:20

Donaldson:

Yeah. Um-hum, as he was signing the commission.

10-00:11:26

Meeker:

So the process of getting appointed, it sounds like once you had submitted your application and you were vetted, was it almost—? I guess at that point in time, it just is up to the preference of the governor, if he wants to—

10-00:11:48

Donaldson:

It depends on what they call juice. The people who have got the juice get the appointments.

10-00:11:54

Meeker:

What does it mean to have juice?

10-00:11:57

Donaldson:

Got some kind of access. I didn't have any access, but I did through Willie Brown. And besides that, I had gotten an exceptionally well-qualified.

10-00:12:14

Meeker:

I guess I still don't understand this concept of juice.

10-00:12:21

Donaldson:

Pull.

10-00:12:22

Meeker:

Pull. Well, I mean, why does a judge need to have pull, and who do they have pull with?

10-00:12:27
Donaldson: Well, you know, that's really puzzling. You're right. Why do you have to have pull to be a judge? Presumably, you have to have certain characteristics, you have to have honesty, you have to have some intelligence. That's debatable. But how does juice enter into it? Juice enters into it because there are always many more applicants than there are positions.

10-00:12:59
Meeker: Who are you supposed to have pull with? I guess that's one of the things I'm confused about.

10-00:13:03
Donaldson: You're supposed to have pull with somebody who has some access to the governor.

10-00:13:10
Meeker: Okay. So, it sounds like it's kind of a process of, do you know enough people, and can those people get you noticed by the governor.

10-00:13:21
Donaldson: Yeah. Um-hum.

10-00:13:22
Meeker: So, as it turns out, you did have juice through Willie Brown?

10-00:13:28
Donaldson: Um-hum.

10-00:13:29
Meeker: Who was speaker of the assembly at that point?

10-00:13:31
Donaldson: And also through, I think, Tony Klein, who had mentioned me.

10-00:13:36
Meeker: How did you know Willie Brown? What was your history with him?

10-00:13:40
Donaldson: When Willie first ran for the assembly, I was out campaigning for him.

10-00:13:45
Meeker: Oh, okay. And that was in the early sixties?

10-00:13:49
Donaldson: Yeah. In fact, I arranged for him to come and speak to the SIR because it would get some votes.

10-00:14:04
Meeker: From how early on did he seem like he was supportive of gay rights?

- 10-00:14:12
Donaldson: He was always supportive. He kept introducing legislation to decriminalize gay sex or oral copulation.
- 10-00:14:25
Meeker: Where do you suppose that came from in him? Did he ever explain why he was so supportive?
- 10-00:14:31
Donaldson: I think he was just a liberal person.
- 10-00:14:39
Meeker: What other politicians did you campaign for? Was this something that you regularly did, or was he an exception?
- 10-00:14:50
Donaldson: He was an exception because some of my friends in the NAACP knew John and Ina, and knew Willie.
- 10-00:15:11
Meeker: John and Ina—?
- 10-00:15:13
Donaldson: John and Ina Dearman.
- 10-00:15:17
Meeker: So it was, I guess, sort of a core group.
- 10-00:15:22
Donaldson: Right.
- 10-00:15:23
Meeker: Okay. Once you became a Superior Court Judge—
- 10-00:15:32
Donaldson: Well, actually, I became a Municipal Court judge first.
- 10-00:15:35
Meeker: A Municipal Court judge.
- 10-00:15:38
Donaldson: He offered me Superior Court, but I told him I would prefer to be on the Muni bench.
- 10-00:15:46
Meeker: What is the difference between a Municipal Court and a Superior Court Judge?
- 10-00:15:49
Donaldson: Well, actually, there are no more Municipal Courts. They have all been consolidated into the Superior Court.

- 10-00:15:56
Meeker: At that point in time, what was the difference?
- 10-00:15:59
Donaldson: A Municipal Court judge handled felonies through preliminary hearing and misdemeanors. Superior Court handled trials of felonies.
- 10-00:16:17
Meeker: Why did you want to be Municipal Court, as opposed to the Superior Court?
- 10-00:16:22
Donaldson: Because I had been around the courts, and I liked the atmosphere around the Municipal Court better than the Superior Court because it was not as stuffy.
- 10-00:16:32
Meeker: What do you mean by that?
- 10-00:16:36
Donaldson: Things weren't quite as structured. There was more going on.
- 10-00:16:44
Meeker: Did you feel like you would have been given greater latitude to run the kind of court that you wanted to, and—?
- 10-00:16:51
Donaldson: I felt I would fit in better, and I'm not sorry. In fact, then the governor called Willie Brown and said, "Well, your guy doesn't want Superior Court." So Willie got on the telephone to me, and I finally said to him, I said, "Well, you know, I'll accept whatever is offered." But then it worked out fine because Jerry Brown had another person he wanted to get onto the Superior Court, and so it worked out okay.
- 10-00:17:26
Meeker: So the kind of cases that you would have presided over would have been mostly misdemeanors?
- 10-00:17:30
Donaldson: Misdemeanors and felony preliminary hearings.
- 10-00:17:35
Meeker: Are there any that particularly stand out in your memory?
- 10-00:17:41
Donaldson: No, kind of a mishmash, really.
- 10-00:17:45
Meeker: Just maybe an example of one, maybe a typical—it could be maybe not even a real case, but just typical kinds of cases that would have come before you.
- 10-00:17:56
Donaldson: Some of the typical cases, then, there were the prostitution cases, and the prostitutes really were being abused then.

10-00:18:06

Meeker: How so?

10-00:18:08

Donaldson: They never charged the john. It was always the poor prostitute. I used to represent some of them, too, when I was practicing law, and it just seemed so unfair the way they were treated.

10-00:18:28

Meeker: Did that influence the way that you handled them in your court?

10-00:18:31

Donaldson: Yeah, it did.

10-00:18:33

Meeker: How did you handle them?

10-00:18:36

Donaldson: First, with more respect. Second, in the event of a doubt, I would dismiss the case.

10-00:18:50

Meeker: So did you find that public defenders or defense attorneys working prostitution cases would seek your court out, as opposed to other judges?

10-00:19:01

Donaldson: No, because they were all assigned randomly.

10-00:19:04

Meeker: How many Municipal Court judges were there in San Francisco?

10-00:19:10

Donaldson: At that time, there were a total of twenty.

10-00:19:13

Meeker: And at what point did it become folded into the Superior Court?

10-00:19:18

Donaldson: In the late nineties, an initiative passed which combined the courts. Actually, it made sense because that way, they could utilize Municipal Court judges on felony trials, too, and guilty pleas, and sentencings, and things like that. There was a period of time in which we were designated Superior Court Judges, even though we were Municipal Court judges. Then it passed, and they were all folded in together.

10-00:19:56

Meeker: When did you become a Superior Court Judge?

10-00:20:01

Donaldson: When the Muni Court was folded into the Superior Court.

10-00:20:06

Meeker: Oh, okay. So that wasn't until near the end of your—

10-00:20:09

Donaldson: Yeah, it was getting on toward the end.

10-00:20:15

Meeker: During this entire period of time, you weren't handling any felony cases to trial. It was these misdemeanors, and—

10-00:20:24

Donaldson: Yes and no because there was that period of time in which we were designated Superior Court Judges as well, even though we weren't. I mean, we were because we were designated.

10-00:20:40

Meeker: Aside from the prostitution cases, can you think of any way in which your own personal background—and you can define that in any way you want, I guess—influenced the way that you approached presiding over cases? I mean, did you develop a personal philosophy about law?

10-00:21:16

Donaldson: I think over the years I had. First off, that the law should be respectful of even people who were charged with serious felonies because they might not be guilty. And nevertheless, they were people. I was much more sensitive to poor people, for example, where occasionally I would be designated to sit in Traffic Court, and some of these poor people who would come in with tickets they couldn't possibly pay. They would sign up for time payments, and they didn't have enough to get along on. I would simply suspend the fine. It didn't cost me anything, and it gave them just a little lift.

10-00:22:17

Meeker: Anything else? When you were a judge, did you ever preside over any cases that had a gay angle to them?

10-00:22:29

Donaldson: Yeah. I did. I presided over a case in which the district attorney and the lawyer asked to be assigned to my court. It involved allegation that somebody had made an assignation with a minor. The district attorney was Nancy Pelosi's daughter, and I forget who the defense lawyer was. It was a good defense. I think they wanted to send it to me because the charge was kind of inflammatory.

10-00:23:22

Meeker: How was it inflammatory?

10-00:23:25

Donaldson: This man preying on underage boys. In fact, of course, it wasn't an underage boy. It was a policeman who was posing as an underage boy on the internet.

10-00:23:37

Meeker: Oh, wow. Okay, so this was in the late nineties, then?

10-00:23:41

Donaldson: Oh, it was actually in 2000. I forget when. They waived a jury, and we had a court trial that lasted several days, and I had to find him not guilty because it was all circumstantial, and circumstantial evidence is susceptible to interpretation, one pointing to the guilt and one pointing to the innocent. You have to adopt that which points to the innocence. But sometimes, with inflammatory matter, that kind of gets lost in the shuffle.

10-00:24:30

Meeker: Could prosecution appeal this one?

10-00:24:34

Donaldson: I think the prosecution wanted me to hear it.

10-00:24:38

Meeker: The prosecution didn't want you to find them guilty?

10-00:24:44

Donaldson: No, I think the prosecution, I think she was interested in simply a fair trial, and they didn't appeal.

10-00:25:01

Meeker: Do you think that she felt like, you know, maybe a heterosexual judge with small children or something couldn't have given this a fair hearing?

10-00:25:20

Donaldson: I think that may have been one of the reasons. I don't know, but I know that they both asked to be sent to my court from another court, and it was accomplished.

10-00:25:37

Meeker: Can you describe to me the extent to which there is a community of judges? You know, like colleagues, and, say, judges in the San Francisco superior or Municipal Court getting together. Does that happen?

10-00:25:58

Donaldson: It does. There are judges who kind of go together. For example, on the bench, I have really good, close relationships with Judge Lillian Sing, Judge Ellen Chaitin, Judge Gail Dekreon, Judge George Choppelis, Joe Desmond, because we all kind of talk the same language.

10-00:26:39

Meeker: And that language is?

10-00:26:47

Donaldson: Well, as Joe Desmond always says, look, being a judge is better than working for a living.

10-00:26:55

Meeker: What does he mean by that?

10-00:27:00

Donaldson: It's a sense of humor. You have not to take yourself too seriously.

10-00:27:16

Meeker: When you decided these cases, I guess I'm unclear about the process by which a judge writes decisions on cases. Of course, those happen in constitutional cases by the Supreme Court Justices.

10-00:27:36

Donaldson: There are some people who say a judge listens to all the evidence and then just decides the case based on the law and the facts. Then there is another school of thought that, when a case starts, the judge decides how he wants to rule and then selects evidence to buttress the way he or she wants to rule. I think it's actually a little of both. You can't go against the facts, but you can see that each side gets a fair trial.

10-00:28:14

Meeker: Did you write decisions for Municipal Court cases?

10-00:28:17

Donaldson: Occasionally, on a demurrer, things like that, yes. I would write, but not always successfully because one time I declared one of their local laws unconstitutional, and I was reversed.

10-00:28:40

Meeker: Which case was that?

10-00:28:42

Donaldson: It had to do with arresting people who were suspected of being prostitutes because they were loitering.

10-00:28:52

Meeker: And it was reversed, then, by an Appeals Court?

10-00:28:55

Donaldson: Actually by the Superior Court Appellate Division. But I never took offense if I was reversed.

10-00:29:13

Meeker: How often does that happen to you, did that happen?

10-00:29:16

Donaldson: It happens occasionally, or it did happen occasionally.

10-00:29:21

Meeker: Does that impact the relationship you have with those judges?

10-00:29:26

Donaldson: Not for me, it doesn't. I take the position, I'm always happy to receive guidance.

10-00:29:33

Meeker: [laughter] I think we should probably have one more meeting, but I'd like to be able to prepare as best as possible for that. So I'm wondering, I feel that we need to cover your period on the bench a little more thoroughly, but I'm wondering if you have any suggestions for things that I might look into that we can explore a little more completely. Or do you feel like, on the other hand, we've covered that enough, and would you just prefer to sort of make your final comments, and then we can decide at a later date if you want to continue and add to your interview?

10-00:30:33

Donaldson: Let's do one more session, and let's have it after my radiation, which will be about six weeks.

[End of Interview]