



American LGBTQ+ liberation from the beginning to Stonewall.

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Season 3, Episode 3: “The Raid on California Hall: After the Ball”

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The original Mattachine Society jester logo is courtesy of ONE Archives at the USC Libraries.

This transcript includes text from real homophile-era publications, letters, organizational documents, et cetera. These texts contain **identifying terms** that may now be out of date.

AUDIO: typewriter

KAY LAHUSEN: *The Ladder*, **February 1965**. “After the Ball” by Kay Tobin.

Dozens of police swarmed in and around California Hall in San Francisco on New Year’s Day, invading a benefit costume ball organized by the Council on Religion and the Homosexual. A line-up of police cars, one paddy wagon, plainclothes and uniformed officers, and police photographers greeted over 600 patrons of this supposedly gala event. Attending the ball were prominent ministers in the San Francisco area, as well as many members of their congregations, and members and friends of Bay Area homophile organizations. The Mardi Gras New Year’s Ball was held to raise funds for the work of the Council on Religion and the Homosexual, a group formed “to promote a continuing dialogue between the church and the homosexual.” The Council is composed of representatives from six homophile organizations—Daughters of Bilitis, Mattachine Society (San Francisco), Tavern Guild, Society for Individual Rights, The Coits, Strait and Associates—as well as ministers of the Methodist, Episcopal, Lutheran, and United Church of Christ faiths.

Police dogged the assembly from 9 p.m. to 1 a.m. in a **blatant display of police power**. Official police photographers snapped pictures of most of the 600 guests as they arrived. Arrested were three attorneys and a housewife who challenged inspectors from the sex-crimes detail by insisting the police needed either a warrant, or information that a crime was being committed, in order to enter the hall. The four were charged with obstructing police officers. A clergyman was threatened with arrest while escorting two guests to their car. Two men attending the ball were arrested on charges of disorderly conduct, which brought to six the number of arrests. This flagrant harassment, surveillance, and show of force by police caused the ball to break up an hour early. Nevertheless the guests tried to enjoy the festivities as planned... Del Martin, DOB Treasurer and a member of the Council, commented that,

DEL MARTIN: ...this is the type of police activity that homosexuals know well, but hereto-fore the police had never played their hand before Mr. Average Citizen.... It was always the testimony of the police officer versus the homosexual, and the homosexual, fearing publicity and knowing the odds were against him, succumbed. But in this instance the police overplayed their part.

KAY LAHUSEN: Miss Martin speculated that police had arrested two of the ball guests on disorderly conduct charges in order to justify police invasion of a peaceful, orderly gathering. As this issue of *The Ladder* goes to press, San Francisco’s Mayor John Shelley and **Police Chief Thomas Cahill** still aren’t talking... What next? According to a statement issued by the Committee for the Mardi Gras Ball,

TED MCILVENNA: Police action in this affair will be contested in court to establish the right of homosexuals and all adults to **assemble lawfully without invasion of privacy**.

HOST: **January 2, 1965.** The day after the raid, one of the arrested attorneys, Herb Donaldson, gets out of bed and goes outside for the morning paper. The other attorney, Evander Smith, goes for his paper, too. Evander hasn't told his lover Jim about his arrest last night with Herb. He waits for Jim to finish his coffee.

EVANDER SMITH: This is something you ought to know about.

HOST: Evander slides *The San Francisco Chronicle* across the table.

AUDIO: typewriter

JIM: Cops Invade Homosexual Benefit Ball

SF CHRONICLE REPORTER: The police moved in on a homosexual benefit ball... The affair was conducted by the Council for Religion and the Homosexual, which has been established by Episcopal, Methodist, Lutheran, and United Church of Christ leaders to try to integrate homosexuals into the Christian community.

HOST: Herb Donaldson picks up his own paper and reads the *News Call Bulletin* headline:

AUDIO: another typewriter

HERB DONALDSON: Lawyers Jailed at 'Costume Ball.'

SF NEWS CALL BULLETIN REPORTER: Two attorneys and two participants were arrested Friday night at a "costume ball" sponsored by the Council for Religion and the Homosexual. The attorneys—Evander Smith, 42, and Herbert Donaldson, 37—were arrested when they tried to prevent Police Inspectors Rudolph Nieto and Richard Castro from entering California Hall, 623 Polk St.

HOST: The *San Francisco Examiner* also announces their arrests to the city:

AUDIO: third typewriter

SF EXAMINER REPORTER: 2 Lawyers Arrested at Fund Raising Party

HOST: The ministers, drag queens, and homophile leaders wake to find the story of last night announced to their entire city on the front page of all three newspapers.

MUSIC & TYPEWRITERS build.

SF CHRONICLE REPORTER: Just after midnight, two men were arrested on charges of disorderly conduct. They were Konrad A. Osterreich, 28, an office manager, of Los Angeles, and Jon Borset, 35, a department store display man, of 1370 Pine street.

HOST: Everyone is talking about the raid. Nancy May shows up to work, ready to be fired.

SF CHRONICLE REPORTER: Arrested on a charge of obstruction was Nancy May, 28, a claims adjuster for the Teamsters' security fund, of 814 Steiner street.

HOST: Oh yes, home addresses. Nancy's only worked in this office since November, so firing seems likely. She sits down at her desk and starts working, waiting for it. It doesn't come. At a coffee break, a co-worker calls her over.

BETTY: I just want to ask you one thing.

HOST: Here we go, Nancy thinks.

BETTY: Why do *you* think those ministers would want to associate with a bunch of queers?

NANCY MAY: Betty, you're a religious woman, aren't you?

BETTY: Well, of course.

NANCY MAY: Why would they want to associate with *you*? What could they possibly do for *you*? You're convinced that you're right all the time, anyway. They're ministering to people who they think need to be ministered to, who have troubled lives and want to be saved. Now I don't see any reason why any ministers would even want to say hello to you because you're obviously saved and you're so damned self-righteous I can hardly believe that you can live with yourself!

HOST: Betty never speaks to Nancy again. Nancy gets back to work, waiting to be fired, still. She decides to wait until the end of the week to ask around. Evander returns to his corporate legal work in his office. He's one of two attorneys for an insurance stock-investment group—his work on gay cases with Herb has always been a secret. Today, no one, not even his secretary, will talk to him. He's given a formal letter asking him not to come back in until Friday. He picks up the phone.

AUDIO: phone dialing, ringing out

EVANDER SMITH: Reverend, I don't expect you to do anything or say anything, and I don't want you to think I'm using you in a bad sense, but Cecil, I'm using you for the same purpose that some people use a rubber. I'm just going to use you for show.

HOST: Evander later confirmed he really said that. Reverend Cecil Williams said,

CECIL WILLIAMS: Do you want me to pick you up or do you wanna pick me up?

HOST: Cecil Williams and Evander Smith arrive back in the office. Evander's co-workers are shocked that a Black reverend in Roman garb came with Evander. His friend, the company's other attorney, asks Evander why he needs this moral support.

EVANDER SMITH: I'm fixing to get fired. That's what's going to happen, isn't it?

ART: Yes.

EVANDER SMITH: I'm going to have somebody in there with me.

ART: Well, it's not going to do you any good. Reverend—

EVANDER SMITH: If he goes, I leave, too.

HOST: After he's fired, Evander goes to Herb's private office and they form a partnership just the two of them. To begin, they'll sue the city and the county.

AUDIO: phone ringing

TED MCILVENNA: Reverend Lewis, the Council is going to call a press conference.

AUDIO: typewriter

SF CHRONICLE REPORTER: Incidents at a Homosexual Benefit, Angry Ministers Rip Police

HOST: This headline is printed below a large photo of the seven ministers side by side, standing with their arms crossed. They look out to the reporters. Cecil Williams, Chuck Lewis, and Ted McIlvenna speak to the press at **Glide Memorial Church**.

SF CHRONICLE REPORTER: Ministers of four Protestant denominations accused the Police Department yesterday of intimidation, broken promises and obvious hostility.

They charged they, too, had been harassed by police officials and questioned at length about their “theological concepts.”

AUDIO: camera flashes

CECIL WILLIAMS: They looked at the rings on our fingers and said, ‘We see you’re married—how do your wives accept this?’

TED MCILVENNA: They told us,

SF CHRONICLE REPORTER: said the Rev. Mr. McIlvenna,

TED MCILVENNA: that they thought we were being used by various homosexual organizations in this city.

SF CHRONICLE REPORTER: They said the benefit had been planned after extended by “strained” negotiations with top police officials. But, they charged, the police acted “in bad faith”—for example by having a police photographer snap pictures of most of the arriving guests when they had promised not to. Commented the Rev. Mr. McIlvenna,

TED MCILVENNA: It was a very well-run ball. After the police forced their way in, it took them more than an hour to find anything wrong.

HOST: The newspapers completely trust the men simply because they’re ministers. And citizens of San Francisco pretty much completely trust the reporters simply because they’re the newspapers. And so the city is on the side of the homosexuals.

SF EXAMINER REPORTER: Uproar Over Dance

HOST: Letters to the editors run about 12 to 1 *in favor* of homosexuals. The cops are openly criticized citywide. Pretty soon, Herb and Evander get their own attorneys.

SF CHRONICLE REPORTER: ACLU Joins Homosexual Dance Case

SF EXAMINER REPORTER: Arrested Lawyers To Fight, Protest Police Action at Ball

SF CHRONICLE REPORTER: Cops Sued As Party Crashers

SF NEWS CALL BULLETIN REPORTER: \$1 Million Suit Over Homosexual Raid

SF EXAMINER REPORTER: Police Draw ACLU Fire in Homosexual War

HOST: As the case prepares for trial, the homophile publications spread the word to their community.

HAL CALL: After the Ball was Over...What Really Happened. Police hauled folks in at the Tay-Bush Inn, but we had 500 or 600 at California Hall.

HOST: *Vector* announces,

NANCY MAY: Remember! January 1.

HOST: *The Citizens News* reports the full story, encourages homosexuals to attend the upcoming trial, and prints Reverend Chuck Lewis's photos taken at the ball. Check them out on my Instagram, @queerserial, or queerserial.com/s3e3. The news spreads across the country in national papers, a ministry organization created to help homosexuals. *Harper's*, *Look*, and *Christianity Today* cover the Council. Nancy May and other leaders are interviewed for the BBC in England. And still Nancy hasn't been fired. She continues to wait to ask around about it, now until the end of the month. After another 3 weeks, almost two months since the ball, and dozens of news stories printing her name, Nancy can't wait any longer. She stays late after work one night and asks the personnel manager who hired her if she's going to be fired.

DON: No. It was touch and go there for a while. We had a meeting about you. I told them that what you do from nine to five is our business. What you do from five to nine is your business. But I wonder if I could ask you one favor?

NANCY MAY: Yes?

DON: Please try to keep the company's name out of the paper. We get in enough trouble on our own.

HOST: Nancy slowly gets new friends at work, one of which she believes is a lesbian because the woman has no other friends in the office.

Act 2

MUSIC: courtroom

HOST: A full week's trial follows for the two gay men, Konrad and Jon, arrested for **lewd and lascivious conduct**. The details of their arrest remain foggy. The police say they were being intimate at the ball, probably dancing. The story they tell in court is that they weren't dancing. They were on a chair putting up decorations and the police saw them touch, and then made their arrest. The rumor going around between folks who were there at the ball is that Konrad and Jon were dancing, but are telling this version of the story in court as advised by their attorneys, Herb and Evander—because even if they were dancing, the cops shouldn't have been making arrests. It's not illegal for homosexuals to gather in private spaces. That right has been earned—hear season 2. No matter what actually happened, the story of standing on the chair and hanging decorations is the story told in court. Konrad and Jon are still convicted as guilty. The judge says,

JUDGE: They've suffered enough. Fine them each \$25.

HOST: It's a light punishment, but their convictions do remain on their records. When the CIA sees the conviction records, they check in on one of the men at work and he's fired for the "moral turpitude" on his record. But at his next job, when they see the firing in his paperwork, they ask what it's all about and he just says, "The California Hall raid." They say. "Oh. That's fine." By then, the case has become famous as yet another instance of police so obviously wielding their power nonsensically... And the story really grabs the public's attention come next month, **February 1965**.

The trial of Herb Donaldson, Evander Smith, and Nancy May is mostly symbolic. It's a misdemeanor charge, but Herb and Evander still list about 25 prominent criminal lawyers as their council. Every day, the courthouse fills with homosexuals in the audience. Ministers and their wives sit in the front rows, dressed in their collars, church robes, and all their Sunday best. Everyone wants to know if the judge and the jury will approve of the cops' behavior at the ball.

SF CHRONICLE REPORTER: Witness Breaks Up A Courtroom. Inspector Rudy Nieto of the Police Sex Detail got a big laugh yesterday at the trial of three lawyers and a ticket-taker who are charged with interfering with police at a January 1 homosexual benefit ball. He said 14 officers, one policeman and two police photographers accompanied him to the scene of the ball at California Hall, Polk street and Golden Gate. Curious, Municipal Judge Leo Friedman asked why it took so many.

RUDY NIETO: We went,

SF CHRONICLE REPORTER: said the officers,

RUDY NIETO: just to inspect the premises.

AUDIO: courtroom laughter

SF CHRONICLE REPORTER: The audience, including half a dozen ministers and their wives from the Council for Religion and the Homosexual—which sponsored the ball—thought that was hilarious. Nieto denied that police went to the ball to harass homosexuals, but dropped one other mysterious comment. Asked why police photographers took pictures of the arriving guests, Nieto said the department

RUDY NIETO: wanted pictures of these people because some of them might be connected to national security...

SF CHRONICLE REPORTER: Defense attorney Marshall Krause of the American Civil Liberties Union did not pursue the point.

HOST: The judge says,

JUDGE FRIEDMAN: Did you ask for people's permission before you took their picture?

RUDY NIETO: Well, no.

JUDGE FRIEDMAN: Do you mean to tell me that you went there with 13 policemen and two cameramen and did not intend to make an arrest?

RUDY NIETO: No, sir, we were there for investigation and observation.

HOST: Nieto then defends his arrest of Nancy May, explaining that she kept him from entering by beating on his chest. The judge requests the Officer Nieto to come stand before the court. Towering 6'4" in front of the large audience and the jury, the judge calls for Nancy May to join him. Nancy, 5'2" walks toward the officer, and the audience bursts in laughter again. The following day, the fourth day, the state presents its case.

DISTRICT ATTORNEY: Your decision today will effect how these people will be perceived for some time to come.

HOST: The DA warns the jury that if they let these attorneys and ministers off the hook, homosexuals might become *well liked*. He cross-examines Nieto, who mentions that each cop was carrying 50 identification cards at the ball, which are used when making arrests. The judge stops the cross-examination.

JUDGE FRIEDMAN: Why did you need 50 arrest cards? What were you expecting?

HOST: Nieto is caught. He had testified that they came to the ball for inspections, not arrests.

SF CHRONICLE REPORTER: Complaining officers sat with mouths agape as Judge Friedman halted the trial at conclusion of the State's case and snapped:

JUDGE FRIEDMAN: It's useless to waste everybody's time following this to its finale. You can't charge people with one thing and prove another. Go and deliberate and bring back a verdict of not guilty. You don't have to follow my instructions, but if you find them guilty I will set aside your verdict and dismiss the case.

HOST: The jury leaves to deliberate. 20 minutes later, they return.

JUDGE FRIEDMAN: What took you so long?

FOREMAN: It took us 20 minutes to choose a foreman.

AUDIO: courtroom laughter, typewriters, & music rise

SF EXAMINER REPORTER: Court Orders Jury to Free 4 in Trial

SF CHRONICLE REPORTER: Homosexual Dance. Trial Halted on Technicality. The New Year's function was sponsored by the Council for Religion and the Homosexual.

HOST: *Vector* announces to the gay community:

NANCY MAY: Mardi Gras Ball Attorneys Acquitted

HOST: In a private meeting, Reverend McIlvenna agrees with the police force that he and the homophile organizations will drop the million-dollar suit against the police as long as this battle is over.

TED MCILVENNA: If there's any more violence or harassment, you understand that we will come back.

HOST: Organizations who sponsor the Council on Religion and the Homosexual watch their membership numbers steadily rise. Over the past two months, their names have been all over local, national, and even some international news. SIR's membership spikes from 300 to about 1000, far more than any other homophile group will ever reach, and thousands more will join over the next couple years. SIR's dances have lines all the way down the street.

The new mayor, John Shelley, publicly holds Police Chief John Cahill responsible for the raid. The police release a statement which notes that there are about 70,000 homosexuals in the city of San Francisco—they're intending to scare people, and the story is picked up on the wire and spreads across the country. People everywhere hear the news of the city of homosexuals, and more gay migrants pack up for San Francisco.

Under Mayor Shelley, a gay, flower power '60s is allowed to thrive. After the Wolden for Mayor scandal, the Vallerga decision, the gayola scandal, José Sarria's run for Supervisor, the Tay-Bush raid, *The Rejected*, and the raid on a gala of ministers and their gay friends, San Francisco is closer to liberation than any other city in the nation.

These battles were fought through combined efforts of lesbians, gay men, bisexual, and transgender people together in the bars, ballrooms, parks, police stations, television stations, courtrooms, and streets of San Francisco. The city knows: queer people exist, undeniably. They cannot be missed anymore because they have consistently made themselves known. With nothing to hide now, gay events begin to thrive throughout the town—again.

With the public awareness of the Council on Religion and the Homosexual and all its new powerful influence, Del and Phyllis—former leaders of the Daughters of Bilitis—are energized and start their next chapter—with CRH. Glide Memorial gives the CRH an office. Phyllis Lyon goes to work there as vice president of the council. Sometimes clergy men visit the office, and whisper to her, “We understand you have a real homosexual working here. Can we see her?” Del Martin jokes,

DEL MARTIN: We have to get you a sign for your desk that says “Resident Lesbian.”

HOST: They create Citizens Alert, a hotline for people to report police abuse in San Francisco. Del and Phyl, at the CRH, devote their time to helping people experiencing homelessness, gays discharged from the military, and people we will come to understand as transgender. The CRH fights police harassment and employment discrimination. Reverend Ted McIlvenna is nicknamed the Gay Priest of Faeryland. And by next year's ball, the police will call the Tavern Guild ahead of the ball to ask how many officers they'd like to have for security, and should they close off the block for the ball? As a courtesy this time, not a threat. The police also appoint a liaison to the gay community (of course, at this time the term “gay” includes transgender people.) By appointing a liaison, the city recognizes that there is a gay community and the city should be at their service. Their liaison is an officer named **Elliot Blackstone**. He works closely with the Mattachine, DOB, and the CRH. Blackstone teaches community policing courses, he works inside the police department to change policies against queer people, and he leads sensitivity training for every San Francisco police academy class. Blackstone even takes up collections at his church to pay for the hormones of trans people who are denied them in the city's clinics. The Council for Religion and the Homosexual starts events for gays

and lesbians to ask political candidates questions about gay issues, while letters come through constantly for Elliot Blackstone—letters from genderqueer people all over the city, looking for help. And he’s eager to give it. Blackstone will soon be traveling the country to speak at police professional development conferences to explain to other police officers the horrible ways trans people are treated by cops—and how to change this. Now, I’m sure you’re aware this is not a pro-cop podcast at all. Blackstone was the exception to the rule, so much so that his fellow officers will later raid his office at the National Transsexual Counseling Unit, and plant marijuana in his desk in order to frame him on drug charges. Blackstone will lose his job in that office and be sent to work foot patrol for the SFPD until his retirement.

That whole program with Officer Blackstone was funded by a very generous, wealthy transgender man, with a pet leopard, whose many new investments in the mid-60s queer community will soon radically change the movement...

But one of this wealthy man’s investments, in Los Angeles, is about to be boxed up and hauled away. *ONE Magazine*, the first successful homophile publication in America, sits quietly in its Mid-City office on **Easter morning 1965**. A key is turned in the front door, and a team enters to raid the place. Hundreds of books, and even furniture, from the *ONE, Incorporated* library are quickly stuffed into a moving truck and sent staggering up Cahuenga Boulevard. *ONE Magazine*’s office is taken in a heist, next week on episode 4, “The Style of Tomorrow.”

Learn more in the episode credits & at queerserial.com/s3e3