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April 2007

Title: Evander Smith--California Hall Papers, Date (inclusive): 1964-1974
Collection Identifier: GLC 46
Creator: Smith, Evander

Physical Description: 1 document case + 1 oversized folder (0.5 cubic feet)
Contributing Institution: James C. Hormel Gay & Lesbian Center, San Francisco Public Library

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Abstract: The collection contains case files and related materials for the legal defense of Evander Smith, Herbert Donaldson, Elliott Leighton and Nancy May. They were arrested on January 1, 1965 as a result of police harassment at the Mardi Gras Ball sponsored by the Council on Religion and the Homosexual.

Physical Location: The collection is stored onsite.

Language of Materials: Collection materials are in English.

Access
The collection is open for research.

Publication Rights
All requests for permission to publish or quote from manuscripts must be submitted in writing to the City Archivist. Permission for publication is given on behalf of the San Francisco Public Library as the owner of the physical items.

Preferred citation note
[Identification of item], Evander Smith--California Hall Papers (GLC 46), Gay and Lesbian Center, San Francisco Public Library.

Provenance note
The Evander Smith--California Hall Papers were donated to The San Francisco Public Library by Paul Gabriel for Evander Smith in 2002.

Biographical note
Evander Smith was a San Francisco lawyer who along with Herbert Donaldson was retained by the Council on Religion and the Homosexual. The Council organized a Mardi Gras Ball that took place on January 1, 1965 at the California Hall. Anticipating police harassment, Smith and Donaldson were asked to attend the event in case legal advice was necessary. The police took photographs of attendees arriving and requested admission to the event on two occasions. The first was to examine whether the event was in accord with rules regarding liquor; this was standard practice and the police were admitted to ascertain that the event was in compliance. At a later time, the police asked for admittance again and were denied because they did not have tickets for the private event and could provide no reason to enter. As a result, four people were arrested: Evander Smith, Herbert Donaldson, Elliott Leighton and Nancy May.

Scope and contents note
Includes case files on the legal defense of Evander Smith, Herbert Donaldson, Elliott Leighton and Nancy May. The files contain information on the events that took place, legal research on the laws pertaining to those events, information on jury selection, materials concerning homosexuals and their treatment by authorities, clippings of newspaper coverage and some homosexual publications of the time. There are copies of sermons or papers enclosed in Methodist Church services in January of 1965. There are a few photographs of attendees and the police presence on January 1, 1965.

Arrangement note
The material is arranged chronologically.

Subjects and Indexing Terms
California Hall (San Francisco, Calif.).
Council on Religion and the Homosexual (San Francisco, Calif.).
Donaldson, Herb
Smith, Evander -- Archives
Assembly, Right of--United States.
Drag balls--California--San Francisco
Freedom of association--United States.
Freedom of expression--United States.
Gay liberation movement--California--San Francisco.
Gay men--Legal status, laws, etc.--California.
Gay rights--United States.
Gays--Legal status, laws, etc.--California.
Lesbians--Legal status, laws, etc.--California.
Police--Complaints against--California--San Francisco.
San Francisco (Calif.)--History--20th century
Trials--California--San Francisco.

Folder 1
Clippings, 1964-1965
Photograph of San Francisco Policeman holding a card with number "2" and Evander Smith covering face and eyes, with undated letter, 1965 January 1
[San Francisco Policeman holding a card with number "2" and Evander Smith covering face and eyes], 1965 January 1

Folder 2
Photographs (4 items), 1965 January 1
General note
Evander C. Smith and Herbert Donaldson, named.

Folder 3
"Here's What Really Happened..." 1965 January 2

Folder 4
Correspondence, 1965 January
General note
Includes notes from Cliff Anchor and Howard Thorkelson.

Folder 5
Photographs/Negatives, 1965 January
First Methodist Church and Glide Memorial Church service programs, 1965 January 10
General note
"Man, Sex and the Gospel" by John V. Moore enclosed.

Folder 6
First Methodist Church and Glide Memorial Church service programs, 1965 January 17
General note
"Church, Community and Homosexuality" by John V. Moore enclosed.

Folder 7
First Methodist Church and Glide Memorial Church service programs, 1965 January 24
General note
"Chastity and the Pill (a consideration of ethics and sex)" by John V. Moore enclosed.

Folder 8
Case file: Donaldson, Smith, Leighton and May vs. The City and County of San Francisco, 1965-1966
General note
Includes notes on legal issues, defense planning, witnesses, facts to be gathered, correspondence with Morris Lowenthal, and copies of court papers filed.

Folder 9
Legal Material regarding dancing and dance halls, [1965]
"Questions of Evander" with responses, [1965]
General note
Multiple copies.
| Folder 14 | Statement of Nancy May [transcript], [1965] |
| Folder 15 | Trial notes on jury selection, questions, cross examination, 1965 February-March |
| Folder 16 | The American Indian (San Francisco: American Indian Center) newsletter, 1965 February |
| Oversize-folder 1 | The Open City Press vol. 1 (10), Feb. 10-16, [1965] |
| General note | Article "There is a Cure for Homosexuals." |
| Oversize-folder 1 | American Civil Liberties News vol. 30 (2), February 1965 |
| General note | Article on p.4 "ACLU Will Defend Arrested Attorneys" (4 copies). |
| Oversize-folder 1 | American Civil Liberties News vol. 30 (3), March 1965 |
| General note | Article on p.1 "Three Lawyers and Secretary Acquitted" (1 copy). |
| Folder 17 | Vector vol. 1 (5), 1965 April |
| General note | Contains article on Mardi Gras ball. |
| Folder 18 | San Francisco Observer cartoon: "Making Task" by Len Devereaux, 1965 May 10 |
| Folder 19 | "Homosexuality and the Physician" by Philip H. Heersema (Journal of the American Medical Association, v. 193 (10)), 1965 September |
| Folder 20 | Two articles on police officers, their job duties, and law enforcement with Constitutional standards, 1965 December |
| Folder 21 | "Answers to Interrogatories," [1966 December 26] |
| Folder 22 | Reed H. Bement for Lowenthal & Lowenthal to Evander Smith, 1966 December 28 |
| General note | Encloses "Answers and Objections to Interrogatories Propounded by Defendants." |
| Folder 23 | Reed H. Bement for Lowenthal & Lowenthal to Evander Smith, 1967 January 12 |
| General note | Encloses a copy of "Notice of Objections to Interrogatories and Memorandum of Points and Authorities in Support Thereof." |
| Folder 24 | Correspondence: Evander Smith to Herbert Donaldson, 1967 February 14 |
| General note | Regarding 100 still photographs that were not in evidence during the trial and whose existence was denied by the District Attorney and the police. |
| Folder 27 | "Should the Lawyer Be At the Scene?" by Robert Treuhaft, [196-] |
| Folder 28 | Correspondence with Ephraim Margolin and Morris Lowenthal regarding legal representation, 1969-1972 |
| Folder 29 | Paul N. Halvonik to Evander Smith, et al., 1973 June 26 |
| General plan | Regarding City being granted discovery in the Smith vs. Cahill matter. |
| Folder 30 | Correspondence regarding settlement and check, 1974 |
| Folder 31 | Mary B. Denaro, 1974 May 23 |