

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 572

Introduced by Senator Leno

(Principal coauthor: Senator Kehoe)

(Principal coauthors: Assembly Members Ammiano and John A. Perez)

*(Coauthors: Senators Alquist, Florez, Oropeza, Padilla, Romero,
Wiggins, and Yee)*

*(Coauthors: Assembly Members Block, De Leon, Hayashi, Huffman,
Monning, Portantino, Price, Skinner, and Torlakson)*

February 27, 2009

An act to amend Section 37222 of the Education Code, and to add Section 6721 to the Government Code, relating to Harvey Milk Day.

LEGISLATIVE COUNSEL'S DIGEST

SB 572, as amended, Leno. Harvey Milk Day: official designation.

Existing law requires the Governor to proclaim certain days each year for specified reasons. Existing law also designates particular days each year as having special significance in public schools and educational institutions and encourages those entities to conduct suitable commemorative exercises on those dates.

This bill would provide that the Governor proclaim May 22 of each year as Harvey Milk Day, and would designate that date as having special significance in public schools and educational institutions and would encourage those entities to conduct suitable commemorative exercises on that date.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares the
2 following:

3 (a) Harvey Bernard Milk was born on May 22, 1930, in
4 Woodmere, New York. He was the first openly gay man to be
5 elected to public office in a major city of the United States. He
6 was assassinated in 1978 at San Francisco's City Hall by a political
7 rival. Perhaps more than any other modern figure, Harvey Milk's
8 life and political career embody the rise of the lesbian, gay,
9 bisexual, and transgender (LGBT) civil rights movement in
10 California, across the nation, and throughout the world.

11 (b) Harvey Milk graduated from the ~~University at Albany State~~
12 *University of New York at Albany*, in Albany, New York in 1951.
13 Thereafter, he served for a short time in the United States Navy.

14 (c) During the 1960s, Harvey Milk lived in New York City,
15 first working on Wall Street as an investment banker and later as
16 a theater producer.

17 (d) In 1972, Harvey Milk moved with his partner, Scott Smith,
18 to San Francisco, California and opened a camera shop called
19 "Castro Camera."

20 (e) Harvey Milk soon emerged as a community leader in the
21 Castro neighborhood of San Francisco, founding the Castro Valley
22 Association of Local Merchants, and representing that association's
23 interests before city government.

24 (f) Harvey Milk unsuccessfully ran for the Board of Supervisors
25 of the City and County of San Francisco in 1973, and
26 unsuccessfully ran for the Assembly in 1975. With each race, he
27 gained more prominence and eventually became known endearingly
28 by his neighbors as the "Mayor of Castro Street."

29 (g) After San Francisco adopted a district election system in
30 1977, Harvey Milk was elected to the Board of Supervisors of the
31 City and County of San Francisco representing District 5. It was
32 the first time in the history of the United States that an openly gay
33 man was elected to a prominent political office.

34 (h) During his term on the board of supervisors, Harvey Milk
35 sponsored and successfully passed a gay rights ordinance.

36 (i) Harvey Milk was instrumental in defeating Proposition 6,
37 commonly known as the Briggs Initiative, at the General Election

1 on November 7, 1978, that would have banned gays and lesbians
2 from teaching in the public schools of this state.

3 (j) As an openly gay leader, Harvey Milk encouraged LGBT
4 individuals to be visible in society. During the Gay Freedom Day
5 Parade of June 25, 1978, he told the crowd, “Gay people, we will
6 not win their rights by staying quietly in our closets.”

7 (k) Harvey Milk was also successful in forging coalitions with
8 San Francisco’s other minority leaders. His message was one of
9 unity against oppression in all its forms. In the same Gay Freedom
10 Day speech, he said, “I call upon all minorities and especially the
11 millions of lesbians and gay men to wake up from their dreams ...
12 to gather on Washington and tell ... their nation: “Wake up ... wake
13 up, America ... no more racism, no more sexism, no more ageism,
14 no more hatred ... no more!”

15 (l) In 1978, Dan White, who represented District 8 on the Board
16 of Supervisors of the City and County of San Francisco, resigned
17 from his seat due to financial hardship, thus allowing the Mayor
18 of San Francisco, George Moscone, to appoint a successor.

19 (m) Dan White later asked Mayor Moscone to be reappointed
20 to his seat. Mayor Moscone declined after having been lobbied by
21 several city leaders, including Harvey Milk, who often clashed
22 with Dan White due to their political differences.

23 (n) On November 27, 1978, Dan White went to San Francisco
24 City Hall to meet with Mayor Moscone and make a final plea for
25 reappointment. When the mayor declined the request, Dan White
26 shot and killed Mayor Moscone, then went to Harvey Milk’s office
27 and also shot and killed him.

28 (o) Dan White subsequently surrendered to the authorities.
29 Though he had carried a gun, 10 extra rounds, and crawled through
30 a window to avoid metal detectors, Dan White denied that the
31 shootings were premeditated.

32 (p) Thousands attended a spontaneous candlelight memorial
33 vigil the night of Harvey Milk’s funeral.

34 (q) Harvey Milk had anticipated the possibility of assassination
35 and had recorded several audio tapes to be played in that event.
36 One of the tapes included his now famous quote, “If a bullet should
37 enter my brain, let that bullet destroy every closet door.”

38 (r) Dan White’s trial, which began four months after the killings,
39 was one of the most closely watched trials in California at that
40 time. The prosecution claimed that Dan White’s motive was

1 revenge. But Dan White’s attorney, Douglas Schmidt, claimed
2 that Dan White was a victim of pressure and had been depressed,
3 a state exacerbated by his consuming a large quantity of junk food
4 before the murders, which became known as the “Twinkie
5 Defense.”

6 (s) During the trial, the jury also heard Dan White’s confession,
7 which was tape recorded the day after the murders. During the
8 confession, Dan White tearfully talked of how Mayor Moscone
9 and Harvey Milk had refused to give him his supervisor’s job back.

10 (t) Dan White was convicted of voluntary manslaughter on the
11 grounds of diminished capacity and sentenced to seven years and
12 eight months in prison, a sentence widely denounced as lenient
13 and motivated by homophobia. During the jury selection process
14 in the criminal trial, defense attorneys had excluded candidates
15 they deemed “pro-gay.”

16 (u) In protest of the lenient sentence, San Francisco’s gay
17 community erupted in what came to be known as the “White Night
18 Riots.” It began as a peaceful march from the Castro District to
19 city hall, but turned into a riot when marchers clashed with the
20 police force outside of city hall.

21 (v) Harvey Milk’s legacy as a civil rights leader is still felt today.
22 He was named one of TIME Magazine’s most influential people
23 of the 20th century. Many institutions and organizations are named
24 for Harvey Milk, including the Harvey Milk Recreational Arts
25 Center, the Harvey Milk Civil Rights Academy, the Harvey Milk
26 Institute, the Eureka Valley/Harvey Milk Memorial Branch Library,
27 and the Harvey Milk Lesbian/Gay/Bisexual/Transgender
28 Democratic Club in San Francisco.

29 (w) Outside of San Francisco, a number of alternative schools
30 in the United States are named for Harvey Milk, including Harvey
31 Milk High School in New York City, and Oakes College at the
32 University of California, Santa Cruz has an oncampus apartment
33 building named for Harvey Milk.

34 (x) In February 2007, the City of San Francisco agreed to erect
35 a bust of Harvey Milk in city hall in tribute to his service and to
36 memorialize his life’s work. A lengthy process to choose a design
37 took place, and a gala installation event took place in May 2008,
38 to coincide with Harvey Milk’s birthday.

39 (y) Harvey Milk’s story as California’s first openly gay elected
40 official is the topic of a major motion picture released in 2008,

1 which is educating audiences worldwide about Milk’s place in
2 history as a trailblazer and civil rights pioneer.

3 (z) Harvey Milk’s life and social contributions have left an
4 indelible mark on the history of our nation and hold a special
5 meaning for the people of California.

6 SEC. 2. Section 37222 of the Education Code is amended to
7 read:

8 37222. (a) The following days in each year are designated and
9 set apart as days having special significance:

10 (1) The second Wednesday in May as the Day of the Teacher.

11 (2) April 21 of each year as John Muir Day.

12 (3) April 6 of each year as California Poppy Day.

13 (4) May 22 of each year as Harvey Milk Day.

14 (b) On each of the days designated in subdivision (a), all public
15 schools and educational institutions are encouraged to observe
16 those days and to conduct suitable commemorative exercises as
17 follows:

18 (1) On the Day of the Teacher, exercises commemorating and
19 directing attention to teachers and the teaching profession.

20 (2) On John Muir Day, exercises stressing the importance that
21 an ecologically sound natural environment plays in the quality of
22 life for all of us, and emphasizing John Muir’s significant
23 contributions to the fostering of that awareness and the indelible
24 mark he left on the State of California.

25 (3) On California Poppy Day, exercises honoring the California
26 Poppy, including instruction about native plants, particularly the
27 California Poppy, and the economic and aesthetic value of
28 wildflowers; promoting responsible behavior toward our natural
29 resources and a spirit of protection toward them; and emphasizing
30 the value of natural resources and conservation of natural resources.

31 (4) On Harvey Milk Day, exercises remembering the life of
32 Harvey Milk and recognizing his accomplishments as well as the
33 contributions he made to this state.

34 (c) It is the intent of the Legislature that the exercises
35 encouraged in this section be integrated into the regular school
36 program, and be conducted by the school or institution within the
37 amount otherwise budgeted for educational programs.

38 SEC. 3. Section 6721 is added to the Government Code, to
39 read:

1 6721. The Governor shall annually proclaim May 22 as Harvey
2 Milk Day.

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