

A C T U P
ORAL HISTORY
P R O J E C T

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Interviewee: **Mary Dorman**

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Interviewer: **Sarah Schulman**

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ACT UP ORAL HISTORY PROJECT
Interview of Mary Dorman
October 17, 2003

SARAH SCHULMAN: OK, let's start with if you could say your name, how old you are, where we are and today's date?

MARY DORMAN: Mary Dorman. I'm 53 years old. We're in my office in Chelsea, on 26th Street, and it's October 17th, 2003.

SS: We're in your beautiful office.

MD: Thank you.

SS: So, when did you first consider going into the law?

MD: When I was in high school. I have no lawyers in my family, and I did meet one – we had a family friend who was an attorney, and he suggested that I consider law.

SS: At the high school level?

MD: Yes.

SS: What was it about you that made him think that that was the path for you?

MD: I think he saw in me – even at that age – my delight in challenging authority.

SS: So, you were a good arguer?

MD: I was a good arguer. Authority, typically incensed me. I was different. I was born and raised in the Middle East, which always made me an outsider as a kid. And, I guess he thought if I marshaled those talents, being a lawyer – a law degree, anyway – would be a good ticket for me.

SS: Did you grow up in a military milieu or corporate?

MD: Foreign service.

SS: Foreign service. Okay, so you had an inside view of the government, from the beginning?

MD: Yes, yes.

SS: And when did you start to critique the government, internally?

MD: Growing up. My father is an Arabist. He was also born and raised in Lebanon, as an American. My great-grandfather founded the American University of Beirut, as an American doctor. So my Dad was in the diplomatic service, but not a career appointee. He wasn't a political appointee. So, he was really a worker and a diplomat, and he cared about the Arab culture. He was an Orientalist – he could read and write Arabic, and he was never appreciated by the government. There was always someone else appointed. He was acting Ambassador to Libya for a number of years, but typically there was some political person appointed ahead of him – not on that appointee's merit, but for some political reason. And right then I thought that it's a struggle for human beings to be judged on their merit in this world, and particularly in the United States. So, I saw how disillusioned he became. Then, he retired from the Foreign Service and became director of all American archeology in Egypt, as an administrator, and did very well there.

SS: So, he felt more recognized?

MD: Yes, and he was, in fact, more appreciated.

SS: So, you were raised – do you speak Arabic?

MD: I do. I speak colloquial Cairene. I'm rusty. I also speak French.

SS: And what did you mother do?

MD: She was also a diplomat – unofficially – but certainly helped raise my

father up to the level that he gained in the diplomatic service in Egypt, because she's a fabulous entertainer and kind of empress-type, who could hold court and help them out a lot.

SS: So, was your first interest in international law?

MD: To a degree. I've always been interested in international affairs, but I felt that when I graduated from college, I was really graduating from a liberal arts situation, which I was, and I wanted to learn more, and I wanted to hone more skills. And when I went to law school, I saw that there were immediate challenges in the country, in New York City, in my law school – with sexism and racism – so, I really started there, speaking out.

SS: Which law school was this?

MD: St. John's.

SS: And where did you go to college?

MD: Ohio Wesleyan.

SS: So, you went from the Middle East to Ohio.

MD: Yes, which was a true culture shock.

SS: And alienating.

MD: But I did learn to read and write at Ohio Wesleyan, which has served me well. Then, I came to St. John's – which was very hard to get into, at that point, into law school, because many men were returning from Vietnam as vets, and taking up graduate school.

SS: When you were an undergraduate, had you been involved in any kind of political activity?

MD: Absolutely. “Four Dead in Ohio” – Kent State, classes were suspended. I wasn’t part of SDS, but I was right there – welfare reform, strikes, things like that.

SS: And when did you come out, on this time line?

MD: I dated men through college, and even a little bit in law school. But when I came to New York, I met for the first time, lesbians – which was fabulous. And as I began to meet lesbians, I just decided – I realized that there was an option for me, and that’s when I became a lesbian – in law school.

SS: So at that time – we’re talking now in the early ’70s?

MD: Yeah, 1971 I started law school. ’74 I graduated.

SS: So, was your lesbian life separate from your legal studies trajectory?

MD: It was a funny thing. No, it wasn’t because right away, in 1971 or ’72, my first or second year in law school, these lesbians that I met were musicians – Alix Dobkin, Kay Gardner, *Lavender Jane Loves Women*. So they wanted to form a not-for-profit corporation – Women’s Music Network – and I started practicing law right then. I formed the corporation. I was kind of the legal counsel, but it was difficult for me, because these women were new lesbians, they were newly political. Some of them were newly divorced. They had all been married. And so they were very, very judgmental about my being in law school, and they felt it was joining the enemy, that kind of thing, where they felt the license to declare themselves separatists. They were the ones who removed the male babies from the concert hall, or whatever. So, there was a tension there. They were not encouraging or supportive of me in law school. Older lesbians – I have an older cousin, who’s an out lesbian, and her friends were magnificent to me. I was so poor. They supported me monetarily and socially and just spiritually. They were

so, so proud of me, where my own, more political lesbians were just so separatist at that point, that any co-mingling with the enemy, as it were, was really frowned upon, and it was confusing for me.

SS: How did you meet them? Were these the people around the Mother Courage restaurant?

MD: Mother Courage was pretty good – Jill and Delores. They were a little older and more mature, politically. Yes, I was at Mother Courage. I hosted there on certain nights, to my utter delight. It was heaven. But this other group were – as I say – they were married. They hadn't been lesbians that long. It was a separate group.

SS: But how did they find you, to judge you?

MD: I met them through my cousin Anne MacKay, who's an out lesbian, who wrote *Wolf Girls at Vassar*. She was teaching at the Dalton School, and there were some of the graduates of the Dalton School. She wanted me to meet younger lesbians, and these are the ones I met.

SS: Kay Gardner went to the Dalton School?

MD: No, but Liza Cowan did, Alix Dobkin's girlfriend.

SS: Interesting lesbian history here. So, from the beginning, you had this issue of representing people who were more alienated from the system than you were.

MD: Yes.

SS: I mean, that's been a theme from the beginning.

MD: Yes.

SS: And, has the way that you understand that relationship – has that

changed over time?

MD: No, well. Definitely, I chose the path of defending the disenfranchised and the different because I felt I was one of them. And it started with, kind of – the pluses and the minuses – being raised in Libya and Tunisia and Ethiopia, there were no local social mores that I had to adhere to. We had no TV, no radio, nothing. So on one hand, I grew up incredibly androgynous. I could do whatever I wanted to do – whatever I was good at, I was free to pursue. That made me different. So, when I finally came to school in the United States, there were the females and there were the males, and there wasn't really much in between, and certain conduct was expected from each, and I just never succumbed to that. I was never comfortable with it. So, I felt very, very on the outside for a long time, and I think that – to this day – is my connection with people who are marginalized by government and society at large.

SS: But if you had grown up here, you don't think you would have felt equally as marginalized?

MD: Probably, but it might have started later, when I realized that I was a lesbian. I've always said that – for instance, as a practicing attorney – I think that clients who would not choose me to represent them because I am a lesbian, would not choose me to represent them because I'm a woman. So, as a woman and as a lesbian, I think I would feel disenfranchised, but probably not so passionately, and not so early.

SS: I want to get back to this thing about representing people who are alienated from the system, because you have to interpret them to the system, and interpret the system to them, in order to have a successful outcome. It puts you sort of in the parental role, in some sense, because you're the one who understands how

the world works. But on the other hand, you also want to allow your clients to be themselves and not have to be censored by the system. How do you finesse this?

MD: I wouldn't use the word parental. I also another word in conjunction with parental, and that's arrogance, and I don't think that I have that parental arrogance. I think of myself as a translator, as a communicator. There is no disenfranchised interest that cannot be argued in terms of the highest law of the land, which is the Constitution – equal rights for all – except, and I take every opportunity to say this, the Equal Rights Amendment never passed. So the largest class of citizens in the United States do not have equal rights under the highest law of the land, and this is something which keeps sliding by, and people think that this is not an issue but, in fact, it's a huge issue. It's a huge issue socially, it's a huge issue in the law. But for the most part, I am passionate, but I am credible, because I'm always prepared, and I think that my talent really is in, as I said, translating the position or the predicament or the dilemma of somebody who is discriminated against or disparately treated to those in positions of power. And it can be compelling. It's really, without a doubt, the clients who have given me my courage.

SS: So, why were they suspicious of you at the beginning?

MD: ACT UP?

SS: I'm back with Alix Dobkin and these people.

MD: Because they, Sarah, were so, so, insecure in themselves. This is the cause of all phobias. This is the cause of you're wrong, you're right, I'm right, you're wrong – of a phobia. And here, they were the most newly arrived. These women had been married, or having very, very straight, privileged lives. And they felt they had the license to say to me, hey, this doesn't fit with our idea of what a lesbian activist or a lesbian

should be.

SS: Right, but there's also an ideological question which is very pertinent to the ACT UP discussion, which is can people who are really radical and want to change the structure of the society, get a fair day in court? And sometimes those people don't believe that they can. I'm asking you, can they?

MD: I think absolutely they can. I do not permit the word justice to be used around me, because everybody's idea of justice is different, and they want to be – typically, where's the justice means they want to be lifted up and celebrated for some cause that they deem critical. But I think, particularly with what happened with ACT UP, that we had supreme, supreme victories in court, from the individual to groups to the whole political movement – just supreme on all sides, and it was a real, real team effort. It wasn't any one attorney who succeeded or any one client or member of ACT UP. It was really a group, and we came out of this very highly respected I believe.

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SS: Okay. Then, let's get into the story of AIDS, now that we know a little bit more about you. What was your first exposure to AIDS?

MD: Well certainly, kind of generically, in the paper – epidemic, that kind of thing. But personally, it was my closest gay male friend that I ever had died of AIDS.

SS: And who was that?

MD: Paul Paroski. He was a pediatrician in Brooklyn, at Woodhull Hospital, and I got to know him as a client. He had retained me to form a not-for-profit corporation called something like, Physicians for Human Rights. And it was – in the purpose were the words, gay and lesbian physicians for human rights. We applied to the Secretary of State, who denied filing a certificate based on a gay and lesbian advocacy

purpose, which of course was unlawful. It was unlawful for the Secretary of State to decline the certificate. And, I wrote a few letters. Paul was great. He was a great, great activist. And they changed their minds. It was the first organization – of which I was aware in the State – that was filed with a gay and lesbian advocacy purpose to it. He then was practicing at Woodhull Hospital in Brooklyn, and his boss, whoever that was – some huge head of the department – pediatrics – denied him an academic appointment, when everybody junior to him had an academic appointment, and there was no doubt it was because Paul was gay. And at that time – pre-Koch – it was not unlawful to discriminate against gays. He said to me – just as in the other instance with the Secretary of State – “I don’t care, let’s sue.” And so we sued. And, I sued under every conceivable legal theory – probably 15 of them, including ancient, ancient common law. The hospital made a motion to dismiss, and the judge left me in the case. He said, “Something is wrong here. This doesn’t make sense to me, it’s not right.” And he left me in on an old covenant of good faith and fair dealing in contracts. And it gave us enough to take the case further, but in the end he did not get the appointment. They paid some money, but – so when Paul contracted AIDS, he educated me about it and he died of it.

SS: What year was that?

MD: ‘89.

SS: ’89? So when did you come to ACT UP?

MD: Just after that – ’89, ’90.

SS: So, when Paul died – is that what brought you to ACT UP?

MD: Yes.

SS: Did a friend bring you to a meeting or did you just –

MD: No, I found myself – I was in such a fog and such a rage about Paul’s death, and I found myself on a bus going to Albany for a huge demonstration. And the only one I knew was Roma Baran, and she was involved with other people on the bus. But I was just sitting there, and I knew I had to do something, and she introduced me to Laurie Cohen on the bus, and said, “This is a lawyer, Mary’s a lawyer,” and I said, “Yes, you know, I don’t do criminal law, but I’m certainly a practitioner.” And, I really sat in silence the whole way up. I remember I had an ACT UP sweatshirt on, and sweatpants and a back pack. And, there I went.

SS: So what happened when you got to Albany?

MD: Well, it was an enormous demonstration, and because it was truly, truly, by that time, and I understood it to be, a life and death issue. It was so, so highly charged and there were tons of cops on horseback, which is always intimidating. There were the affinity groups crawling all over the roof of the State House with their banners. There was one affinity group that had gone in to the Legislative Assembly covered with actor’s blood or whatever, and all the legislators were pressed against the wall, not wanting to touch anything. It was very, very, very intense. And at one point in time, Laurie turns to me and said, “There have been hundreds of arrests – go and see what happened to the police station.” And I was like, holy shit – okay. So I went to the police station, which was in the same room as the district courthouse, and it was surrounded by wood horse barricades for a couple of hundred yards, in perimeter. That’s how freaked out they were at what was happening. And there were a lot of ACT UP legal support and arrest support there, and chanting and screaming, and the police were not letting anybody close to the station. So I walked up past the barricades to the police station door, and I was full of

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fear, because I don't practice criminal law. I've done some, actually, but not this mass representation by any means. And I didn't know anybody, and they didn't know me – the ACT UP people. So, I kind of reach up and knock at this huge door, and a sergeant opened up the door, and I said, "I'm here to see my clients." And he said, "Well, who are they?" "ACT UP members – they've been arrested." And he said, "Do you have some ID?" Which I did. And he closed the door, came back in a minute, opened the door and he said, "The judge wants to see you now." I thought, okay, be still. And I followed him down this long corridor, which was just this institutional green. And, I was following instruction – I thought, what am I doing? They're all going to go to prison forever, because of me. You can do this, you have no choice. So, I walked into the judge's chambers. He was sitting there, he had his robe on. He said, "You're the attorney for the arrestees?" And I say yes, and he said, "We're ready to proceed counselor." And I said, "Fine judge, I would just like to see my clients first" – thinking, there are over 300 of them – that could take awhile. So I went down to the pens and they didn't know me. You know ACT UP – who are you, who are you? And I said, "I'm sent here by Laurie Cohen, I'm one of your attorneys, and we're going to go soon, anything you want to tell me?" And the women also, were separated. So then I kind of stalled as long as I could and it was time to go, time to get started. So I went into the courtroom, and all the court personnel were on the other side of the bar – all the secretaries had come out, all the court officers had come out to really see the freak show. And that really, really incensed me further. So, I was standing at the counsel table, and the judge comes out and he barks, "Bring out 15 males." And so, I don't even look at them. I'm looking at the judge. And they come in and they sat down behind me, and I was frightened, but I was going to do it.

And I turned around, and every one of them – they were squeezed together – they were holding hands like this, and every single one of the 15 had bright, red lipstick on. And I thought, if they can do that, I can do this. And I said, “Let’s proceed.” So, we did about – I think, three or four hundred arrests that day. Laurie came after a while. And what I learned very quickly – I mean, it didn’t take a rocket scientist – not even that they’re so smart – but, anyway – to say, “Do you waive bubba?” “No, I don’t waive anything.” “Not guilty, we don’t waive anything.” So, it worked out.

SS: What happened in that case?

MD: In that case, in Albany, we had a lot of felonies and we had a lot of misdemeanors and the beauty of ACT UP was their preparedness and their incredible resources. So, we had \$10,000 in cash there to make bail, and they were very discreet about it. It’s not like they laid out the 10,000. We’d make every bail argument, and then there’d be bail, and then we would clear it up at the end so they never knew how much money we had. I think that the court respected us because we were always very professional. And in that case we had to go back, to take the people charged with felonies, or people who would not take Adjournments in Contemplation of Dismissal. That was a big thing. If people had never been arrested before, they could take this Adjournment in Contemplation of Dismissal, the misdemeanor charge or violation would be adjourned for six months. If they weren’t arrested again, it would be sealed and dismissed, as though they had no record. We had to go back again. So, once again, we’re back on the bus maybe a month later, to Albany, which was big – you know, six o’clock in the morning to make the 9:30 call, and I would say there were three buses. And it was Laurie and me, as the attorneys. We went into the courtroom – we were all

there at 9:30 – and the judge doesn't call us. You know, he's going to jerk us around and make us sit around all day. But what I noticed was, when our case was called and our clients were in the room, some of the court officers would be wearing rubber gloves. And that incensed me. Because again, people in positions of authority so ignorant and so scared, and it's the phobia and the fear that incites the cruelty and the need to disparage. So, not only was the wearing of the rubber gloves the very image of pariah and untouchables, but it was those same officers who were cruel and abrupt and rude and really debasing. So, I watched that, and they took off the gloves for everything else.

So, the judge made us wait until the afternoon – a couple of hundred of us, whatever it was, hanging around in Albany, just to exercise his authority. And, I know about discrimination and disparate treatment, and so we went through those dispositions and got rid of some more cases, if not all of them, I don't remember. We may have gone up one more time, and at the end of the day – it was about five minutes of five or ten minutes of five and everything is done, and he said, "Okay," and he got up to leave the bench. And I stood up and I said, "Judge, may I address the court?" And my heart was pounding. It's not something I do casually, but it's also something that I cannot not do. He said, "No, I don't have time." And I said, "We've been here all day. You've made us wait all day, and I want two minutes of your time." And he sat back down and he said, "What?" And I said that I'd observed court officers wearing gloves when my clients were present. And it was my obligation to advise my clients that I'd perceived that to be a violation of the law – that they were being disparately treated because they were perceived to be disabled. And that he was the highest officer in the court, and I would have to advise them to make their complaints against him, because only he could order

the gloves taken off, and he should know that it was against their rights to have court officers in his courtroom wear rubber gloves. And he – if there was the caricature of steam coming out of the ears – he was about to explode, and he just stood up and stomped off and then all our clients in the courtroom – in the courtroom, with all the people watching on the other side of the bar – just started “ACT UP, Fight back, Fight AIDS!” at the top of their lungs, and no one did a thing. Then, when we left, the captain of the court officers opened the door for me and he had not been wearing gloves, and he said, “Thank you, counselor.”

SS: My understanding – and please correct me – is that there are basically three different areas of legal strategy for ACT UP. One being standard arrest, the second being, using the court as a strategy to overturn some kind of policy – for example, needle exchange, and the third being individual cases such as police brutality, strip search, when someone from ACT UP was charged with harassment – that kind of thing. And each one of these had their own ideology and their own trajectory. Would you say there was anything else?

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MD: I think that’s a good description. Those were three different paths, and I think that they all worked in their own way.

SS: So, let’s go through them. So the first thing, the general arrest – which is what ACT UP is most known for. Could you sort of characterize the arrest strategy and the legal ideology behind it?

MD: Well again, I think what happened here – one thing that distinguished ACT UP from a lot of other activist organizations is, not passion, but the depth of passion, because it was life and death. There was no doubt about it. A lot of the

demonstrators and the activists were going to die, and did die, and knew they were going to die. So, arrest was nothing to them, nothing. There was no fear. So, they were going to participate in any act of disobedience until they were carried off. That's it. And once you're carried off, that's typically an arrest. They would be there for days, blocking traffic or trucks in pharmaceutical companies, or occupying offices – whatever we did. Arrest was the natural result of every action. There were some that took it so casually – I remember instances where we would be at 42nd and Lexington, and 400 people are sitting in the street and the cops are getting more and more agitated and then someone saying, “Mary, Mary, I have marijuana in my pocket, what should I do?” Okay, that's helpful – or, you know, undocumented workers, that kind of thing. So, that worked, and I know that that changed a lot of minds in the courts. Judges respected us because our clients often wanted to try the cases, go to trial. So we would go to trial, put the government to its proof. And a lot of arrests were bad. Most were good. But even if they took a plea, they had a wonderful constitutional right to make a statement prior to being sentenced. After they were found guilty, or even in ACD [Adjournment in Contemplation of Dismissal], they could then make a statement. And those statements were some of the most eloquent things ever said. And they edified the courts and the personnel and the papers, to some degree. They also – as I say – we were respected for how we handled that.

And I remember I came across a letter recently that I wrote to the supervising judge of criminal court, complimenting a sergeant, who had helped process 300 cases in one certain part. And he was such a gentleman and he was so respectful of our clients and of me, and the attorneys, and he made it easy. He didn't need to make it difficult.

And I really appreciated that. He was very respectful of what we were doing. One other case that I had – just because you never, never, never, never knew what was going to happen – four or five guys on the Upper East Side – it was some demonstration, I don't remember what – they didn't mean to be arrested, but they were arrested, and they were charged with obstructing vehicular traffic. They wanted to try the case. It was 346 Broadway. We went down there and got a trial date and the trial went on. And, the police officer took the stand, the arresting officer – direct examination by the district attorney – this is their direct case. This is their case, the complaining witness. And the district attorney said to the officer, “Where were you when you made these arrests? Who did you arrest?” “In fact, they were obstructing vehicular traffic?” And the police officer said, “No, they weren't. They were demonstrating for their lives.” End of story. Motion to dismiss. And afterwards, he came out in the hallway and said he had lost his brother from AIDS. Where does that happen? He's a hero. So, he was obviously directed by his supervisor to make these arrests and he didn't want to, and he was going to tell the truth.

SS: In the case of these mass arrests, what were the debates inside ACT UP about how effective they ultimately would be, to go through the court system? Did people ever feel that it was a waste of resource, to have the trials?

MD: But Sarah it wasn't, because they didn't have to pay attorneys. They, at worst, would have to lose a day at work. There certainly was the – people bonded so tightly in these situations. It was an outside threat, it was an authoritarian threat. It was a brutal threat, really – I mean, the cops, in riot gear, grabbing you – it's huge. And so, they would hold hands and be together, and the solidarity was such – I don't remember there ever being a debate as to whether it was necessary or not necessary. As far as I was

concerned, it was always a given – there would be arrests. Let's have our legal observers. Let's have our bail. Let's have our attorneys in a row, and unless you cannot, we're there for you if you want to. And also, there was also the issue of medication and all that going on. It got very sophisticated, so for the most part, people were in and out pretty regularly.

SS: Could you estimate how many arrests you were involved with in your tenure at ACT UP?

MD: My guess would be a thousand.

SS: Let's move on to the more complex legal theory cases. What's your favorite of the ones you were involved in?

MD: I really didn't do so much of that affirmative litigation. I didn't work on needle exchange. I have done it for other activists. I think that it's equally challenging. Equally, an obligation to educate the other side as to the issues and the judges to the issues. I mean, needle exchange is a perfect example. Certainly, a theme with ACT UP was to educate people about AIDS, about pharmaceutical companies, about drugs, about what worked, about how it was spread, and how the Catholic Church was contributing to that, and the Board of Education and things like that. But I wasn't so involved in that affirmative litigation, although I think it is absolutely critical to keep the pressure on the government from that flank.

SS: So, you were the street lawyer, more than the –

MD: Yes.

SS: And, what about special cases. I know we had one severe police brutality case. We had the strip-search cases. Were you involved in any of those –

the harassment charges?

MD: I did do personal injury cases – excessive force cases.

SS: For ACT UP? Can you describe some of those?

MD: The one that I recollect is – Andrew Dice Clay came to Radio City or something like that, and we had a group go up there to demonstrate and there were riot police in the lobby that totally abused and overly zealously, or abusively, tossed people around – actually socked Laurie Cohen in the jaw. So I sued for them and it was very successful, because at that point – I was going to say – the judges and DAs and court counsel in cases – civil cases – respected us. But, I'd say they even were scared of us, to a degree. They were scared of the publicity, because we were all very good at it by that point, because we had been trained in it. They didn't want their names in the papers, particularly. They knew I was credible – that's what the judge said when we got to the – because I could be passionate about it. I could have Laurie, who's five foot six, and a 300-pound cop – end of story, yeah? Who's throwing who around here? That was resolved. They got paid money, and I got paid also, which helped.

SS: Were you involved in the Steve Quester case?

MD: Oh. I remember that. I wasn't involved – maybe peripherally involved, but I wasn't his attorney.

SS: Were you involved in the strip searches?

MD: No.

SS: What was the name of that guy – Christopher?

JAMES WENTZY: Chris Henley.

SS: Were you involved in that?

MD: Again, peripherally, but no.

SS: Okay, so you were mostly there for street actions?

MD: Yes.

SS: Was there ever an action that you were personally uncomfortable with?

MD: No. You know, Sarah, I was also being educated. I trusted the decisions that were made. I wasn't involved in so much the substantive decisions. And this, I think, was the role of a lot of lesbians. The attorneys were typically lesbians. I did not identify – I was thinking of this earlier – similarly, when I was in college and the draft went into Vietnam – men that I loved – my friends, my brother, my cousins – were going. And they had a risk of death, and I did not. And I felt that that was similar here. So I didn't feel that I really had the stand to say, "No, no, let's not do this," because it really wasn't me. I wasn't at risk. So, I was pretty behind whatever they wanted to do. I would say my personal thing was I wanted to get arrested too, but any time I approached that in any activist situation, my clients just freaked out too much, and I realized that what I could give most in a demonstration is to be there for them, because that's what they need.

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SS: What about Stop the Church?

MD: Okay.

SS: What was your feeling about that – personally and legally?

MD: My mother was a nun. So I, as they say, was raised Catholic, and as they also say, there are probably no Catholic adults. But I felt furious about it, but probably more powerless than against government, because there's no accountability and there's

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no way to make the Church accountable – other than the last few years have shown, for child abuse. But, that was really tough. And I also thought that those who were arrested in the Church were hugely, hugely courageous, because they faced the fury of Catholics.

SS: Did you feel that that was a successful action?

MD: I did, I did. I thought the trial was fun. I wasn't involved in the trial, but I went in support and would watch when Ann Northrop represented herself, and her first motion was to have "In God We Trust" covered up. [LAUGHS] Denied! Proceed. So I thought – that was a tough target, but a good target and a practical target, because of their refusal to allow the use of condoms or advocate the use of condoms – that kind of thing – and it certainly contributed to the spread of AIDS, no doubt about it.

SS: Now, here's a question about the New York City court system – and this comes from my own experience with ILGO. Do you find that black and Jewish judges ruled differently for ACT UP than Catholic, Italian and Irish judges?

MD: I think it's a little sweeping categorical statement because there are some lesbian Jewish judges or lesbian Catholic judges – or, there is some mix. And, I think some black judges are very, very tough because that's what's expected of them. I think, again, being categorical, I think, a lot of Jewish judges are more liberal, let's say, than other judges, but that was always – one thing that we did was made a motion to dismiss, in the interest of justice. I find that all judges found the issue – or, the fact – that the clients were dying, compelling, because they're human – the judges, in the end, in theory. So whenever sentencing to community service came up, we would ask that the clients not be made to work in shelters because of infectious things going on there, or in the subways because of toxic cleansers and things like that. So for the most part, our clients worked in

parks if they had to work – flowerbeds and trees. But I find that I really can't draw the line, ethnologically, for judges.

SS: Who were the judges who the most difficult in the New York system – when it came to ACT UP, historically?

MD: You know Sarah, I really don't remember. I find that they were lower criminal court judges. These were not huge crimes – nobody killed anyone or anything. So they were kind of indistinguishable to me, I would say.

SS: Okay – let's move on, then. I wanted to talk about the structure of legal, inside ACT UP. How was it organized? Who was involved? How often did you meet? That kind of thing?

MD: There was no structure, and we never met. It was just, really, me and Laurie – that's all who I recollect. Sometimes, when we had a demonstration – maybe 300 or 400 arrests, we would get calls from other attorneys like, Susan Tipograph or the ACLU – those people, to help us out. There were a lot of people who, if we called, would cover for us. But, we got into a routine. It took a lot of time – a lot of time, a lot – to process all these people, and many of them were very, very cavalier – again, because they didn't care whether a warrant was issued or not – so, they wouldn't show up. So, some warrants were issued, or we'd take it upon ourselves to – we could never, of course, accept a plea. One wouldn't do that for an ACT UP person. You don't think for them, you don't act for them. They're so highly independent. So, it was administratively tough – and that took a lot of time, and the clients never, never saw that. You know, coordinating 200 or 300 cases is a lot of work. The court part, in my view, has always been a complete and utter performance piece, and it has been fabulous. The statements

that the clients would make, or the attorneys putting the city through their proof, video tapes or whatever – get the videographers out of Brooklyn or Staten Island or wherever, and make them come and testify – because if they were going to prosecute us and not give us ACDs or whatever, then they're going to have to try the case.

SS: So, it was just the two of you. What about David Barr, Paul O'Dwyer and other attorneys who were in ACT UP?

MD: David Barr – in my experience, he was there for a few minutes and then went on and did something else. Paul – he wasn't – because of this, I thought oh today, I'd ask him, where were you? I don't recollect him representing people.

SS: So, it was really just you and Laurie?

MD: That's my recollection, yeah.

SS: And, was there a support group inside ACT UP to help you?

MD: We had legal observers.

SS: Who were they?

MD: They were people who volunteered to wear armbands and not get arrested, and keep people on the sidewalk, or whatever it was – if there was a legal picket, or into the street, and make sure to watch police abusive power and excessive force – that type of thing. Take down badge numbers. When people were arrested and released, gather the summonses at the jail. We would always go to the jail and visit. It was just a fabulous scene. All the women just loved – they were all together and the jail cells were open. Laura Flanders was on the phone to NPR. Everybody had granola bars and novels.

SS: Just historically – to establish what the structure was internally – so, you would ask for volunteers from the floor to be legal observers? And then would

you train them?

MD: Amy Bauer was a very good legal observer – kind of a master – and she did training, and we would do training, also – what to look for, what to record – kind of an authority ladder. But they were very, very good – Amy and her legal observers.

SS: Was there ever an incident where someone from ACT UP committed an act of violence?

MD: You know, the example that I gave of my first demo – I believe it was the first one – where that affinity group, New York Tours [Action Tours], went into the legislature – whether that could be construed an act of violence, because it was dramatic, but it didn't really put anybody in peril. Some people would say that that was an act of violence. But, did anybody affirmatively cause harm to another? Never.

SS: How do you explain that?

MD: They didn't need to. A dramatic demo that I remember – I wasn't there, but – was when Bob Rafsky and others went out in the middle of winter, frigid, in full down suits, and shackled themselves to the axels of pharmaceutical trucks leaving Pfizer or some similar company. And they were prepared to freeze to death. So, I think that our clients were willing to endure harm, and endure even the risk of police abuse, which was happening – and, harm to themselves. But I never saw them harm anybody. That's not really what it was about at all. It was about waking people up and doing whatever they had to do to wake people up. So, they would go into a TV station and they would disrupt the evening news, or they would go into the office of an authority in the Health Department or the Department of Education, and not permit business as usual to continue, while they were dying.

SS: Did you ever represent ACT UP where the opposing force was a pharmaceutical company?

MD: No, and I'm not aware of any litigation where that took place.

SS: So, in the course of your time in ACT UP, can you characterize how the legal status of people with AIDS changed in this city?

MD: The public and people in positions of authority became educated to the fact that if they treated people with AIDS – or gay people who were perceived to have AIDS – differently, that was unlawful. AIDS rose to the level of being a protected class. And it's not only having AIDS, it's perceived as having AIDS. It doesn't matter whether you have AIDS or not. So what that did was, that for gay men, who were perceived to have AIDS, they rose to a protected class. And we held the public and the state to that standard – i.e., rubber gloves or whatever.

SS: Thank you. Now, I just have a few questions about your experience inside ACT UP, and the culture of ACT UP. How many days a week were you involved with ACT UP?

MD: Well, I would go to the meeting, and then with these demonstrations, it was a lot, it was a lot. I would say if I was handling – with Laurie – 300 or 400 demonstrators, it would be anywhere from 10 to 20 hours a week processing them. And even with some cases where we put them all on in a week time – the trials – 10 or 15, at a time – that would be the whole week. And I have to say, Sarah, it's something that I've kind of had a dialogue with myself about – I felt unappreciated a lot, because many people – and I pause here because, not that I deserve a thank you, but they wouldn't even say thank you or thanks for being there, because I think that there was a certain degree of

entitlement – that people felt entitled to free legal service, advice. You know, they wouldn't bother to show up, and here you're dancing as fast as you can in front of a court for somebody you barely know, who doesn't bother to show up or doesn't think it's important enough to show up – or, a warrant will issue and then they have to surrender – it's huge. The way I feel about my clients – I could not be casual about it. So, I felt that many, many of them didn't appreciate it, which made it a little tedious.

SS: What do you think was the source of that entitlement?

MD: Again, that they were dying, or at risk – it was mostly the men who I was representing – and that they felt that they were doing their part, and this was my part. And I understand that. I didn't say to them, thank you for getting arrested, but sometimes I wished I was on the other side of the fence and could be arrested and show up to court and get ACD and leave.

SS: Did you feel that some people did receive appreciation for what they did?

MD: Outside of legally, you mean?

SS: Yeah, in the culture of the organization?

MD: I do, I do.

SS: What was the difference between the two groups?

MD: I think that a lot of our work was behind the scenes. You know, that the clients would just show up for court and think, that is it. And they would come in for five minutes and leave and not realize there were another 50 people behind them that we have to deal with – or the paperwork involved, or that kind of thing. I think my work was more – not in the public forum.

SS: Do you think it was gendered?

MD: To a degree. Why was it that legal and the legal counsel and the legal support was mostly women? I think that a lot of lesbians are caretakers and that that was part of it. I felt very responsible for everybody.

SS: I just remembered another attorney – Jill Harris.

MD: She was around, absolutely.

SS: So the women were in the helping role, and then it was assumed that they should help.

MD: Yes.

SS: Okay, that's interesting. It's interesting that you bring that up, because there's a lot of people who claim that ACT UP learned a great deal from the feminist movement, and that there were women in positions of leadership – but in terms of who, emblematically, represents ACT UP in the public eye or in the historic memory, it may not pan out exactly the same way.

MD: Right. I wouldn't consider myself as a leader in ACT UP. I was a leader of – one of the leaders of the legal street part.

SS: So, if you're spending so much time in ACT UP – was your social life at all connected to ACT UP? Did you go to ACT UP parties? Did you date women who were in ACT UP?

MD: No, not particularly. But, it's my passion – politics and activism. Another thing I wanted to say is that we also established a rapport with the uniformed police. And that was something that I learned to do. We could control the damage to our clients, in a way. We could establish a dialog with a leading officer – if not, the chief of department

sometimes, the highest uniformed officer in the City of New York – on how the arrests were going to proceed. But we had to have a very fine line between – and avoid the appearance of fraternizing with the enemy, because our clients were very, very clear about that. You know, they wanted to go – they did not want any compromise. So, we had to deal with the situation without appearing – or in fact – without compromising.

SS: So, how would you do it? Did you call Vanessa Farrell?

MD: No, no. If there was a conflict – a clear conflict, which there always was – blocking 42nd and Lexington – we would establish a verbal communication with the highest level ranking officer on the scene – because they, in the beginning, would completely freak out. And that's when passions get high and people start getting bashed around and that is nothing – nobody wanted that. That isn't what our clients were looking for. They were looking to disrupt traffic and get attention, but they weren't looking to get hurt. So, I found that when we had a rapport, there was a dialogue or an avenue of communication. Things were calmer. For instance, they would start dragging people off the street and I could approach an officer and I'd say, "Don't do that. Give them a chance to walk, or carry them." And that would cause less injury to an individual, and he knew that I was right. And he said, "You can stand up and walk," or, he instructs his officers to say to our people in the street, "You can get up and walk." Many of them would. Many of them were ill, many of them were disabled – they didn't want to be dragged. Things like that just made it go more smoothly.

SS: Would you talk to the police department before the demonstration?

MD: Never.

SS: Did they try to contact you?

MD: No, but they definitely, definitely had detectives in ACT UP.

SS: Really?

MD: There definitely were snitches. Absolutely.

SS: Do you have documentation of that?

MD: No I don't, but I know they do. I know that they did because they were informed about a lot of things. And I know, writing from the Freedom of Information Act for myself, that the FBI has files on me, NYPD has files on me, CIA has files on me. They're all organizationally affiliated and I know it's ACT UP.

SS: You're the first person to say this of all the people we've talked to, so we have to go into it.

MD: Is this the first time that the subject has come up?

SS: It's come up in other ways, but not through FOIA. So, you have documentary evidence that persuades you that there were infiltrators or –

MD: Not documentary evidence. I have, what I perceive – and believe me, I'm a naysayer. I'm very skeptical about this stuff.

SS: I see your book here on Oswald and the CIA –

MD: [LAUGHS] It's all a conspiracy! But, I believe – I have a good faith belief – that there were undercover police there or informants – whether they were police officers or not. And I do have an idea who it was, but I cannot say.

SS: Right. Now, do you feel that these were people who were police officers who passed and entered into ACT UP? Or, do you feel that these were people who were ACT UP members, and became informers?

MD: I think that there might have been undercover cops there, because this

stand up and identify yourself is a fiction. And, I think that there were planted police informants who were not police officers. Do you remember the Holland Tunnel action, in which ACT UP was – I was very involved in that, legally.

SS: Can you explain what that action was?

MD: Yeah. It was before July 4th weekend, I believe, in 1991 or '92, and Woman's Health Action Mobilization – WHAM – and other activist organizations – and ACT UP was very involved with them in planning this – planned to shut down the Holland Tunnel on the Thursday or Friday before the 4th of July weekend. And they went around town and they held up posters – of which, I have one. They'd put up posters announcing the action, and WHAM's name was it and the ad-hoc committee to something – close the Holland Tunnel. And it was incredibly planned and orchestrated, where they would have hundreds of people, secreted in apartments near the Holland Tunnel. And the participants would kind of melt down in small groups and then converge on the Holland Tunnel, sit there and block the Holland Tunnel. Well, because of the posters and flyers and meetings of WHAM and ACT UP, the police and city government got wind of the demo. That's one way – that's one piece of documentation I'm absolutely prepared to give you that indicates that there was an informant at one of those meetings, because it was used as a basis for the city – going to a State Supreme Court judge, and getting an injunction against the closing of the Holland Tunnel. So I found out about the injunction because it had been served on – this is how out of touch city government was with what was going on – they served, because you have to serve the person against whom the injunction has been given, and give them notice of the injunction. The parties were WHAM, other ad hoc gay and lesbian organizations, and

Tape II
00:20:00

John and Jane Doe – thousands of them. They had served the Gay and Lesbian Center and NOW.

SS: Oh, wow.

MD: And then, they had posted the injunction in the hallway of 8 Stuyvesant Circle – whatever that was – the address of WHAM. So, it was NOW that called me and said, “What is this?” And I said, I have no idea. I had some idea, because I knew the women at WHAM. So again, at that point, I got together a legal team. I know Laurie was there, another professor from St. John’s, Berta Hernandez was there. And, I called up. It was the Port Authority against these organizations, and it was a huge injunction which enjoined anything breathing, walking, thinking about, looking at, your mother, my father, our kids, our grandkids – nobody near anywhere the Holland Tunnel. And, it was certainly unconstitutionally broad, but they did have a point. They didn’t want the Tunnel closed.

So, I called the judge who had issued the injunction, and I said I represented a Jane Doe. And basically, she said – her clerk said, “Talk to the Port Authority attorneys.” And they refused to go back and have the hearing again, and the judge didn’t want to hear it if I wasn’t going to say one person that I represented, and that’s what they wanted to know. So I said, fine. And we decided right then that we would go to the appellate division, to appeal the injunction as overbroad and unconstitutionally vague. And I remember being in my office in SoHo at that time, with seven or eight female attorneys cranking out this appeal at a stay, because it was the day before the action and if the injunction had stood, it would be yet another contempt or another crime for violating the injunction. So, we went to the appellate division I believe that Thursday, if the action

was on Friday – and, couldn't see the judge, couldn't see the judge. He said, "Come back Friday morning," and meanwhile, all the participants were moving toward the action. And we went in to see the judge and he said, "You're kidding me, right?" And I said, "Judge, just read it, it's unconstitutional. This means, that in the event there is a demonstration, even the demonstrator's attorneys are subject to arrest and contempt if we go there. That's not lawful, and it's overbroad." And he agreed with us, and he modified that injunction. And just then, we went down on the subway and we came up, and I got through the cops with some people I was with – some attorneys – and everybody, everybody cheered me. But what was amazing was, here I thought that we had lost, because the injunction had stood. What I learned – it was really such a lesson – they said to me what heroes we were, because just to know that we were fighting for them in a high court while they were in the street, subject to arrest – and they were being arrested – gave them such courage. And here I was thinking, this is so abstract, what I'm doing. It has nothing to do with anything. What good – I'm not going to win this, I'm not going to win this. And I learned through that that really it's the fight – it's the fight that's important – and to not let people routinely get – whether it's legal process – it was on default, that injunction – to serve NOW and the Gay and Lesbian Center? It was absurd. So just to be able to fight is what solidarity is about. And, while they were on the street, where I could fight best was in the appellate division. So, that was a huge lesson for me.

Tape II
00:25:00

SS: And, did they shut down the Tunnel?

MD: Well the police did, of course. [LAUGHS] They had it shut down an hour before we did.

SS: I remember at one point in ACT UP, there was a particular group of

people who were claiming that they were being personally harassed. That there were bullets at their front door – do you remember this?

MD: No. By the police department?

SS: They claimed that – and I was never clear, really, what that story was. But, you don't have any knowledge of that.

MD: I'm not aware of that.

SS: I wanted to talk about being in the middle of a mass death experience as part of working in ACT UP. You had been so moved by the death of your friend to make this huge commitment for years, and now, suddenly, you're in a community where people are dying constantly. What was the impact of that on you?

MD: Conflicting feelings of rage – a lot of rage – until institutions began changing their attitude – a lot of rage and the deepest, deepest sorrow – these young men. I also am a first amendment advocate. I do a lot of first amendment advocacy, so I was involved with David Wojnarowicz and his estate and Felix Gonzalez-Torres – and all the artists who were dying, and what to do with their art. It was just terribly, terribly, terribly sad. But also, this feeling of – just the courage they gave me, the courage they gave me – these men who were dying, because they had no fear. They had no fear. I felt also, not guilty that I wasn't dying, but just, again like that Vietnam experience – that I could never know their rage.

SS: Was there any person there, whose illness and death you were intimately involved with – where you talked to them about them being sick? Or visited them in a hospital or a care group or something like that?

MD: No. I saw Paul die, but I didn't get involved with anybody else.

SS: Do you think that that was a consequence of what you had gone through with your friend?

MD: Yes, I do.

SS: And looking back now, because it's now a long time ago, can you see any long term impact on you, of having been surrounded by so many sick and dying people?

MD: Oh yeah. You know, the vaguery of life – if you don't stand up for yourself, nobody else will. Also on a more practical level, that if pharmaceutical companies and medical research could be directed in the right direction, that cures can be had and found and it would be nice to see women more activist, in regard to their health care and treatment and drugs.

SS: Why do you think we're not?

MD: I find it curious, Sarah. Where is feminism? Where is the Equal Rights Amendment?

SS: Can you just hold this up for the camera, because I see this on your desk, and it's probably the only one that still exists. [An "ERA Yes" button.] Were you involved in any of the CDC stuff – the changing of the definition of AIDS, or anything that was specific to women with AIDS in ACT UP?

Tape II
00:30:00

MD: No.

SS: Why did you leave the organization?

MD: I left because another organization kind of eclipsed it in my political life, and that was after Anita Hill – Women's Action Coalition. And I felt that changes were being made on the AIDS forefront, educational – changes were being made, and there

was a cure in sight and I felt that my abilities, my passion, kind of moved to the status of women.

SS: A lot of the guys in ACT UP had an enormous amount of access to money, to powerful institutions – institutions in this country that women don't control. Is there any possibility that a group of brilliant, activist women would be able to achieve the level of social transformation that the men in ACT UP were able to achieve?

MD: Yes, except the missing component is this life and death thing. You know, I think women are very passive and can be passive and complacent, and I think there is an enormous, enormous bank of women who are enormously, enormously wealthy, and they are looking for huge tax deductions. And I know these organizations, and one of them is anonymous. What is that about? Most of them are heiresses. Is it an embarrassment to be an heiress? Maybe. Not if you're doing the right thing, and I think that – it's the one thing that Laura Flanders and I talk about – we'll go around the country and shake them by their ankles. It's time to cough it up, but for a directed purpose. ACT UP had a real direct purpose. For instance, if we had an ERA initiative, we could have one in New York State. New York State does not have an ERA, which would change the status of women here tremendously, and help their legal rights tremendously. But, I think that women – they have to be educated as to how the fact that they don't have equal rights affects their lives and those of their mothers and kids. And they don't know.

SS: So you think it's psychological, not material?

MD: It's absolutely not material. I think that there's a reason that women live longer than men. And, I think that they have a lot of money they inherited. It's certainly

not material. I don't think women are so good with money. They don't like to talk about money, which is crippling. I think men do, and they're free to talk about money, but I think women should talk about money and know more about money and use their money better.

SS: This is my final question for you – looking back at all the work that you did in ACT UP, and so much that you achieved – and really, you're one of the people that can honestly say you changed the world through ACT UP – what do you see as ACT UP's greatest achievement? And, what do you see as its biggest disappointment?

MD: I think its greatest achievement is that there is a reason – and I'm not saying, cure for AIDS – but, there is a reason why AIDS is no longer a death sentence. I think that is directly because of ACT UP. I think that the greatest disappointment for ACT UP is that it achieved what it needed for its own community of gay men. AIDS is epidemic around the world, and I think that we've forgotten about the rest of the world. I was talking to a group of students – law students – this week, and I said to them, “You are the most highly educated people in the world – the top 10th of one percent of the entire world, and if you go to a law firm and keep your nose in a book and make \$120,000 your first year, you lose. But, if you can take this ticket and this resource and go and do something with it, then you will have achieved a life worth living.” If we could have taken this movement and saved people who have died or continue to die – that would have been a better achievement, I think, because I think the world is at epidemic proportions, and nobody's talking about it. We could have done something in that regard, too.

SS: Thank you for all your work, Mary.

MD: Thank you, Sarah. Thanks for having me.

[END OF INTERVIEW]