

Interview Transcript

JG: Good morning. My name is José Gregory and I am currently a third year student at the University of Pennsylvania Law School. Today is Wednesday, October 25, 2000. It is shortly after 10:00 O'clock in the morning and I am going to interview Donald Millinger in the law offices of Klehr Harrison, located in Philadelphia, Pennsylvania. Before we start, I would like to thank Mr. Millinger for participating in the Oral Legal History Project at the University of Pennsylvania Law School. This interview will be conducted in chronological order, starting with Mr. Millinger's childhood. Mr. Millinger, shall we begin?

JG: As I mentioned, I would like to start with your childhood.

DM: OK.

JG: When and where were you born?

DM: November 17, 1954, in New York City.

JG: Were you raised in New York City?

DM: I was actually born in Manhattan and grew up there for about the first 2 1/2, 3 years, and then my folks moved out to Long Island. So I grew up most on Long Island...Roslyn in Nassau County.

JG: Were your parents also born in New York City?

DM: My father was born, I believe in the Bronx, but certainly in New York. My mother was born in Hannibal, Missouri, but again moved to New York when she was a child and I think grew up in Brooklyn.

JG: What were your parents' occupations?

DM: My father is now retired but he was an independent insurance broker, third generation owner of his own business, and my mother, before she got married, was an internal revenue agent and then a teacher. When she got married she became a wife and mother, raising kids and a family and did a lot of volunteer work, but didn't have a full-time job.

JG: What did she teach?

DM: Business, in inner-city schools and I guess when she got married it would have been the 30s and 40s.

JG: Did you have any siblings?

DM: I have an older brother.

JG: Did you look up to him?

DM: Ah, nah, he's a...he is just 3 1/2 years older than I am so we really were so close in age that it didn't have that sense of looking up to him. I mean, you know he looked out

for me sort of things, and I tagged along and as we got older, sort of towards junior high school, we had a...more of a friendship than an older brother kinda relationship.

JG: When you were a child, what did you aspire to be when you “grew up?”

DM: It’s hard. I don’t remember ever aspiring to anything. It’s interesting because kids, you always, say, “Oh, I want to be a cop or a fireman, or a lawyer or a doctor, or something or another,” and to me it just never entered my mind, as “Gee, I wanted to be any particular thing when I grew up.” I just...just never occurred to me. So I never had a burning desire to be a lawyer either, as a child.

JG: Moving on to your adolescent years...

DM: OK.

JG: Where did you attend high school?

DM: Again in Roslyn...Roslyn High School, in Nassau County, outside of New York.

JG: Were you involved in any extracurricular activities or hobbies?

DM: Yeah, I was a musician. I played saxophone, clarinet, and flute, started playing saxophone I believe in the 4th grade. So through junior high school and high school I was in band and orchestra and marching band and a jazz band. I got very active in the high school theater group, “The Royal Crown Players,” it was called, and did mostly backstage work, set design, state managing,... Absolutely I had not talent for the stage, from an acting perspective more than just from a musician, so I did some pit band work in that also with the musicals we did, and ultimately became president of the club. And then I was involved in some of the sort of political kinds of groups that were involved. I was one of the organizers of the first “Earth Day.” I don’t know if celebration is the right word, but “Earth Day” event in high school. I would prefer to say generally, but mainly high school events for it. And then I was involved with some other groups that ended up closing down the high school for a few days to protest the Vietnam War and stage protests, and circulated handgun control petitions when I was a junior in high school and so had a certain amount of political involvement as well.

JG: Did you have any role models or mentors during your childhood or adolescent years?

DM: You know again when you ask me that question my immediate reaction is no because when you think about role models and mentors you think about, you know, public figures. You think about historical figures in that sense and really none of that resonate, but in further thought, you know my really role models...my real role models are family. And I mean I really look back and look at my parents and my grandparents who shaped me more than I believe I even realized at the time, with just my parents...all my family has always had very loving relationships and a strong social consciousness...heavy emphasis on education and continuing to improve yourself, and help other people. So from that perspective, I would say lucky that my role models were right with me all the time, in the home and my parents lived in New York so I spent a lot of time with them as well. I sort of grew up a little bit in New York as well, too, because of the time I spent there so...I would say that was...those are the real sort of mentors and

role models until I got to college, where some others developed which if you want to get to later then we can discuss them under the college questions.

JG: Were your family relatives also politically active at the time?

DM: I would say more socially conscious in the sense they weren't involved in a lot of political organizations, but my mother when we were in school didn't just sit around at the house all. She was involved in a number of volunteer organizations. She was involved with I believe the League of Women Voters and Planned Parenthood. She was very active in the local Hadassah Organization. My father since he was working was less so, but my...I think he was active in the Masons and some other organizations, Jewish organizations, and really were always every engaged in what was going on socially, too. So, from that perspective there was an involvement but not so much an organized political activity.

JG: You were an adolescent during the late 1960s and early 1970s. This was a time of many important events in the unfolding of the Gay Civil Rights Movement. One keystone event was the Stonewall uprising in 1969. Could you tell me how Stonewall and other related events impacted your life personally and politically?

DM: They continue to impact. I mean, that will probably be an on going theme throughout the whole discussion. When Stonewall happened in 1969 I was, I think, 14 years old. It was June of 1969 and I was born in 1954, in November, and my own real conscious of realizing that I was gay didn't happen until, I think I guess later that year when I was 15, going to the beginning of the following year 1970 or so. In...growing up in New York you clearly, I mean it was in the papers and you knew what was going on. You saw it and I just remember noting, "Wow! This is sort of interesting." Because, you know, riots going on for three days that didn't involve the war...because I mean at that time there was so much antiwar protest. There was racial protest, and here was something different, and I think a lot of people didn't realize what the resonance of Stonewall was until a number of years later in the sense that it took a while for people to then build on what happened at Stonewall and say, "Hey, you know, you can fight back on things." You can use an event as a trigger mechanism to start saying, "There is a need for equal rights and equal protections," and that's when organizations started to form and become more and more active. And I guess really the after effects in me started really bubbling up in 1972 when I was more in college, when I got more politically active in the Gay and Lesbian Rights Movement.

JG: Despite that you were openly gay at a young age, did you find it difficult back in the 1970s?

DM: Openly gay? I was...I knew I was gay in my three years of high school. I don't say that I was "open" about it. I really wasn't open about it in the public sense until I got to college. That's not to say that certain friends didn't know, but I was, even as I've always been very comfortable in it, I never had a problem with my own coming out personally. I was no fool and I knew at the time that, you know, it was not socially acceptable. That it was also not something that would have necessarily gone over particularly well with most of my friends and certainly in the general peer group in high school. I didn't want to think about how, at the time, how my family would deal with it,

so I just kept it very much to myself. I actually had a relationship for those years with someone in New York, so I was able to have an outlet to talk to, be with, and hang out with, and go through that “coming out” process. And I guess not until my senior year in high school that I really opened up to a couple of friends there. So, yeah, there was a certain amount of, as anyone else who is not out, a duplicate life where you can’t be totally free and open, and say who or what you are. But, I liked high school. I was active, did a lot of great stuff, did a lot of really neat stuff, and as long as I had an outlet for that part of my life it wasn’t as if it had a negative impact, but it just wasn’t as open. And to a certain extent too in high school there is a level of exploration also. I also had a girlfriend my senior year as well and I sort of tried dating and that kind of stuff, too, but I knew where I was going.

JG: Do you think that growing up as a gay male is different today?

DM: Yeah, absolutely...

JG: How so?

DM: It’s, a number of levels, positive, negative, and I think some neutral. On the positive, there is, I mean clearly a much broader social acceptance in general about gay and lesbian issues and gay and lesbian people. You know you talk about it from a political perspective or a legal perspective, there are more rights available, more civil rights, more political access. But you look at the way society has changed, on almost every level, when you look at the polls 85% of Americans believe that there should be a non-discrimination in employment protection of gays and lesbians. It’s a remarkable number. I don’t know what it was back in 1972, but it certainly wasn’t that. Will & Grace just got the Emmys, you know, where did you find any role models for gays and lesbians back in the 70s that weren’t, you know, mincing and faggy queens or butch lesbians that committed suicide out of depression over their relationships? I mean now you have people like Melissa Etheridge, you have KD Lang, so these are role models for women. You have, Billie Jean, you have a lot of gay and lesbian athletes...gay athletes that are out there—Greg Louganis, that are people that are saying, “yeah, I can be gay and healthy, and out there.” So, from that perspective there are more role models; there’s more social acceptance. I think within the schools there is just a sense now that gay and lesbian kids exist. That didn’t occurred then. You know, things like the James Dale Boy Scout Case, for example, and other things that have happened that have said to America, “Yeah, there are gay youth out there, and they need some level of support,” has been a tremendous impact. There are now in high schools gay and lesbian, straight alliances to give kids a support network which you just never even dreamed of having back in those times. And I think the other positive effect has been just, you know, as with so many other things, the power of information. I mean the Internet is out there, so even if you are a kid growing up in rural America or a small town or a conservative city or with a difficult family, there’s access to information. And I’ve known many people that have always said that growing up they thought they were the only one, they were alone, no one else existed. You jump on the net and you can find out all the information you need about other gay people, what gay life is all about, what it means to you, what it is. So, I think just that access of information has been a tremendous boom for being a gay kid. On the negative side is the specter of AIDS. I mean kids growing up today have had that as a

part of their entire existence, where sex on some level equates with illness and potentially death. When I was growing up we talked about protection to avoid pregnancy, and although you did not want to get a girl pregnant and didn't want to have to deal with an abortion at that age, it's just not the same as protection meaning, you know, without it you can die. So I think from that perspective it casts a bit of a veil over gay kids, especially if they think they understand what the issue is...and again which is why I think the support groups are more important to say, that well, you know it may be out there but there are ways of dealing with it. There are ways of being safe, there are ways of being healthy, and a way of living a reliable productive life. One other positive thing, too, just going back to the role models, aside from the great big role models that are out there that are public figures, I think that there is just more people that are "out" in the workplace and in the newspapers that allow kids to say, "Well, Geez, there are people that are out there that I can talk to and can show me what is like to be a healthy gay role model." On the neutral level, as a gay kid, I have talked to other people who are in high school and college and there is still the peer pressure issue. I mean kids still tend to be very unforgiving of differences, and there are still the words "queer" or "gay" or "fag" that are thrown around as sort of a general epithet if a kid doesn't fit in whether they are gay or not. And I think kids can be cruel. And I think when someone is dealing with an issue such as sexuality, on their own internal level, to have that additional pressure on the external is still harder to deal with.

JG: When did you decide to come out to your family and friends?

DM: Friends, that gets all tied up with college...friends I sort of started to in high school. As I said my senior year I came out to my girlfriend, Patty, and told her I was having a relationship with a guy in New York at the same time. She was cool. She was great. I had an idea she would respond well and in fact she wasn't totally surprised. My senior year I continued to see her and to see the guy in New York, which was very New York in the 70s. When I got to college, we can do that if you want to go more chronologically later on, within my first month there I met someone who is the person I have spent the rest of my life with, my current partner, Gary, and we just celebrated our 28th anniversary. We met in 1972 and essentially moved in together by the end of the year in his dorm room. So, when we were, living two people in a dorm room in a college and they know it's a single, word certainly gets around that this is not just sort of best buds with someone sleeping on the floor. So in that sense coming out to friends, people that I met in college who became friends, knew me as someone who was gay. I also was very active with the gay group on campus, so from that perspective it was no great big secret. As to my family, I met Gary in the Fall of my freshman year and in the...well, my sophomore summer I had told my parents that I wanted to spend the summer up in Rochester, not come home for the summer, get a job, and by the way, I'm sharing an apartment with my friend Gary, who they knew was my best friend in college. They are not dumb. They are New Yorkers. They are intelligent and they sort of put it all together and asked me if I was gay. I am in close relationship so I won't lie to them so I came out to them at that point.

JG: Was their reaction what you expected? Considering that they are individuals that were...

DM: Yeah, it was all over the map. I mean...it's, it was very interesting. I mean, my father actually led up to it alone in a conversation and started in fact asking me about other people being gay and I said, "You really want to ask whether I'm gay," and it was one of these things where they sort of knew the answer but didn't want to hear it at first. And he said, "You've got to tell your mother of course." So she came upstairs and we talked about it and she cried a little bit, and we started talking and they said wonderful things. My father said, "You know I never considered it to be normal before, but you're normal so I guess I got to reevaluate what all that means," which was an incredible thing to say. Dealing...you know, because of the emotional impact, even if people are very accepting, to have your own kid, "Yeah, I'm gay," then none of that goes through. My mother made some comments along the lines of how she thinks it would be tough for me as a "handicap" in my life and hard to deal with and it would be a negative effect. Funny, a few weeks ago we talked about how I have done certain things in my life that I would not have done but for access I have had with being gay and it's sort of 180 degrees opposites from that. But I said, "Well, you know, handicap or not, it's who I am and what I am it's just part of what I'm gonna have to deal with." And one of the most brilliant things she said was when we were talking, having read all sorts of psychology and sociology on the subject, I said, "You know there's a lot of people out there that say it's "mother's fault" and you know "strong mothers" and all this kinda of pseudo garbagy Freudian stuff." And I said, just "I hope you two don't blame yourself for any of this or you know something that really is deeper than that, that is fundamental to the person's being," and my mother just sort of looked at me and said... "Blame?! This isn't our fault, this is your responsibility." And I thought, OK, we don't have to deal with parental blame here, which was sort of fun. And then, it took a while to adjust. They really didn't want to see Gary for a while...didn't want to talk about it or deal with, and over the course of the year they did some reading, they thought, we talked a bit, and ultimately, Gary and I were in New York and they had sort of blamed him to a certain extent, which is not appropriate at all, because it was due to him obviously. We were in New York and I was visiting my grandparents with Gary and he had a great relationship with them, too, and I called my father for subway directions. And he said, "You are going to be up near me, where are you going? Why don't you stop by at the office?"...Because I hadn't seen his new offices yet, and I said, "Well, Gary is going to be with me," and he said, "I know." And that was like the breakthrough. When OK, this was sort of like the point to go on forward and since then there has been tremendous acceptance. We see each other regularly. They stay with us here. We stay over there in their place in New York, and they came to our 25th anniversary party. So it's developed nicely.

JG: As you mentioned, you attended the University of Rochester for your undergraduate studies. How did you decide to attend that university?

DM: Typical kind of, looked through schools that appeared interesting on one level or another. Who knows why? I mean, why I did...I applied, I believe, to Brown, Brandies, U of R,...I don't remember what else. What I liked about Rochester was, again since I had a very strong interest in music, even though I was not going to be a music major, Eastman Spelling School of Music was a part of the institution and I liked that aspect of it

being that I would take some courses there. And...I wanted to be, I liked being in the Northeast. I liked the area but I didn't want to be in a major city. So, because, you know, being under the influence of New York for so long, I needed to get away from the major city environment and it just seemed like a good place. I interviewed up there and spoke to people, and had some friends that had gone there that really enjoyed it. So it just seemed like the right place to go.

JG: And what led you to double-major in sociology and psychology?

DM: I had a great college experience. I was just over the map with liberal arts. I just took whatever I wanted to take and just for the sheer joy of learning. And, I just always have been interested in human behavior and societal behavior. So, I started in psychology and that was just too individually oriented, and went to sociology, and went to a social psychology kind of major which really does look at institutional structures and social behavior, organizational behavior, and met a fellow there, sociology professor, who became my advisor and a mentor, who also was gay, and became a good friend of Gary's and mine, and still is. And so it just seemed like a very good kind of, he sort of led me in the directions. I was interested in the whole stuff with social psychology and social behavior, and it just seemed like a very interesting thing to get involved with. And I needed a major of some kind and it just happened to be one that looked promising.

JG: What types of careers did you consider when you were in college?

DM: Nothing until towards the end in the sense that again, I really viewed college as, in a way I scared my parents, as a way just to take whatever I wanted to take. So I was taking courses in astronomy, in biology and fine arts, and in my major and English. Then, after then figuring out what I wanted to do, I sort of ruled out clinical psychology. I just didn't have an interest in that, so I looked to see what I could do with my major. And I thought of sociology, getting an advanced degree in that, but that would have meant most of your career in academia or research, and that was not appealing either. So I figured I needed some type of a trade so I went to law school. I decided to go to law school rather than become a plumber or an electrician.

JG: Why did you choose to attend the University of Pennsylvania Law School?

DM: Let me say back in the law school thing first just as a follow up and then I'll go into Penn...

JG: OK

DM: In trying to figure what I wanted to do, going forward, Gary and I, we had a very good friend in New York, a fellow named Henry Berg, who at the time was the Deputy Director of the Guggenheim Museum and he had a degree in law, as well as art history, and he is, you know, a Harvard, Yale and Princeton background, but he never practiced law a day in his life, but he had used that legal degree as a way of doing interesting things with his life and his career. Again becoming Deputy Director of a major museum. And it was through that sort of role model that I could see that you can use that law degree for interesting things and again, since law is a societally based and is a way of regulating social behavior, it appealed to me from the whole social psychology background as well. So from that perspective it tied in if not directly with my undergraduate major, the focus that that major had, with someone that said to me, "Here's what you can do with a career,

with that degree but maybe not practice law if you're not interested in it." As far as Penn goes, again you'll see a common theme throughout, there's a relationship. When I was graduating, Gary and I decided we wanted to continue to be together. He had graduated, in fact at the end of my freshman year. He was a senior when we met, and stayed in Rochester to get a degree in theology. A) Because he was interested in it; and B) He needed to stay in Rochester because he wanted to stay there with me. We were both graduating at the same time so what we did was we picked schools in certain cities. He was going to get an advanced degree in religion, and sort of mixed and matched to find out where we might get into schools in the same city to go forward. So we applied to schools in Philadelphia, Chicago and Boston, and also Duke. And of the schools that I got into and he got into the best match was Philadelphia. I got into Penn Law School obviously and he got into a graduate program at Temple, which he ended up not pursuing. But that was how we ended up getting into coming to Philadelphia.

JG: Well, what was the admissions process like when you applied?

DM: I have no recollection. Ah, the best that I can is that it involved an application with some essays. There was no interview, there was no...I never visited the campus, took the LSATs. I think that's what it was, LSATs, application, send in your check and wait to hear. Whether it has changed now I have no clue.

JG: How was the general demographic make-up of the student body in the late 1970s?

DM: It was fascinating...I'm sorry go ahead...

JG: In terms of minority students and women...

DM: It was fascinating. My class, I think had the highest representation of minorities and women I think in the history of Penn Law School. You can check that, but certainly one of the highest. We were 30% minority and 40% women, which meant that the white male was a minority, especially the straight white male I would say was a minority there. So it was fascinating, it was absolutely...it was an incredibly invigorating group of people and there was a lot of interaction among the various groups there as well so that was really pretty cool.

JG: Was there a public service requirement...

DM: No.

JG: ...at that time?

DM: No, no.

JG: Even though there wasn't a public service requirement were you involved in any type of public service while you were a student?

DM: ...trying to think back in law school...76, 79, prob...I know that I was involved with, again I always had a strong interest in the arts, and I was involved with the committee of the bar association, the sort of art law committee of the bar association and ultimately led to the founding of the Philadelphia Volunteer Lawyers for the Arts. So I think as far as extracurricular kind of stuff that was probably about it at the time.

JG: So you weren't involved with any student groups...

DM: No.

JG: ...at the law school?

DM: No. I don't remember there being many active ones. I mean, I'm sure there were. There was no formal gay group. I think there was an African-American group, BALSAB, I think was there....I lived downtown. I was one of a few students at that time that did. I mean at that period maybe out of the whole law school about half a dozen of us that lived outside of West Philadelphia. That's changed a lot since then I know. So we had a life that sort of existed beyond the law school. I wasn't much involved with the students. I had a lot of friends there, but not in formal groups of any kind.

JG: You mentioned that there were no groups for gay students.

DM: Uhum.

JG: Were you aware of any other openly gay students, faculty, or staff members?

DM: Ah, no faculty by any means. Students? There was a small group of us. I remember three women, all Latina which is sort of interesting. There were four Latinas in my class, three of them were lesbians which is sort of interesting. I believe, I don't remember any others in my class. I believe when I became a second and third year there was some who were in first or second year behind me. The only gay staff person, at the time, was my partner Gary who ended up getting a job at the law school, his only employer actually all these years. He started when we moved down here. He did not get the degree at Temple and he started at Penn Law School about six weeks after we moved here as a stack attendant in the library, and now he is the Dean of Students. So he was the only staff person I knew at the time was gay.

JG: Do you think your experience as a gay male in the law school was different from that of the other law students?

DM: You know, you only know what your experience is so it's sort of hard to say. You know, we are all a product of who we are, so I would have to say it would have to be. Again I have always been fairly open about who I am ever since college whether it was in college or law school or the work place. So, you know, my assumption is people made certain assumptions about me or had certain thoughts about me. I never had any negativity thrown at me, any homophobia thrown at me. We had a lot of friends and we had a lot of parties at the house and most of our people at the house tended to be out of that 30, 40% demographic. We really spent a lot of time with the people of color and the women there too, but also some other folks as well. And, you know, I would say what really made my life different from almost all law students was not so much the fact that I was gay, but I was in a relationship and living downtown which gave me a real life outside of the law school life which a lot of people, you know, again in that era didn't have especially because a lot of people lived in the dorms, for example, for part of the law school now where Biddle Law Library is, Tananbaum Hall. So, people much more focused on being in West Philadelphia and being a law student, and I think I had a much more of a broader kind of life than most law students had at the time.

JG: How different do you think the experiences are now for gay students at the law school in the present days as opposed to when you were there?

DM: Again, you know, I keep up with what is going on at the law school, and especially with the gay groups there. I think it goes back to the whole issue about the

way society has changed and the way it is different now for high school kids as well in the sense that there is a greater social acceptance. I mean clearly when I was in law school there were other gay students. I was not the only gay male out of a class of 200 or whatever number of people; it's just statistically impossible. Now there are more people that are "out" and open and comfortable about being gay at the law school. And as you know there is a Queer Law Group, which is a support group and a social group, and also there is some level of community work and social activism. So I think from that perspective there is more of a support there. I think another big difference is that one of the fears in law school at the time, and I think to a certain extent now but certainly much less, it was always like: "Oh my God, if anyone finds out I am gay, every law firm in the country will find out and I'll never get a job." And, law has often been viewed as a very conservative profession, which in a lot of ways it is, but now there's no big deal being gay in a lawyer in many, many contexts. I mean, again, a lot depends upon where you are. I mean, you're talking about major cities or urban environments, especially in the great liberal northeast. It's just not a big deal. And, I think because there are so many people in the profession that are willing to be "out" and open and say, "You can be gay and out and comfortable and live a good professional life." I think that that has a tremendous impact on gay kids; that there are all these kinds of role models...for gay students I just realized I called them kids...and I think there is much more integration among the law school where things happen in the city on a Gay and Lesbian level to like involvement with the Center for Gay and Lesbians Studies, which has an intern program right now. There has been gay faculty at Penn Law School. As visiting professors have been, so there is a good position to say, "Yeah, again, you can be "out" and a professional," and also have people that they can talk to at a law school context. So I think just from that perspective, it is now easier to be gay in law school because it is easier to be gay in general. Again, if you're looking to practice law in a small town in Arkansas, it may not be as easy to find that job, but you know, I think in general people now understand that it is not that great a thing that's gonna kill your career.

JG: Would you say that your sexual orientation had an affect in your job opportunities back then?

DM: No, I mean it's...at the time it didn't come up at all in the interviewing process. There was nothing. There was no great decision to make as to whether put it on my résumé because there was no formal organization to which I had joined or formal activities that I was a part of that would have been appropriate for a résumé. I mean, I was involved with the Gay Liberation Club in college, but I didn't think you put that sort of stuff on résumés in applying for law school jobs. And it just wouldn't, you know, no interviewer would think of asking it; you wouldn't think of raising it. No one would ask at the time if you were married because you were so young. You know, the assumption was that you weren't. I guess, I never mentioned a relationship at the time, just never seemed to be a focal point in what I was doing, so it never came up. When I got to, the job, it was a different issue. I was sort of "out," open there, but that wasn't an issue when I left to my next position. The guy that hired me away from the firm, I went to a client, he knew already that I was gay and lived with that understanding. When I went to Wells Fargo Alarm it didn't come up, but I was out when I went there and when I came here to this firm it was very clearly understood from the very beginning from the nature of a lot

of the non-profit work that I did. So it's never been, at most it has been neutral or not there, or otherwise has been discussed and not an issue.

JG: On a lighter note, I would like to know, what was your favorite course in law school?

DM: Oh God! For traditional course, one that has had practically no utility for me whatsoever and that was Urban Law/Urban Studies. It was taught by a guy named Jerry Frug, who was I think Health Commissioner under Mayor Lindsay in New York...b Brilliant professor, very smart, very sarcastic, very sardonic, great wit, but really challenging. And, just an interesting course, I mean the whole urban studies again because it appeals to my social, societal organizations interest was appealing. He also for whatever reason decided that he was going to call on me every single day during the course, which was at some point infuriating. It was just bizarre, it was absolutely bizarre. I was the one student he called on every single day, I assumed because he enjoyed tormenting me. Whatever it was, or he enjoyed calling on me, but what it did was, he was so challenging that it really made me think. He was someone that employed the Socratic Method brilliantly. There are people that try to do it that are just...should never go near it. And it's a standard for law school, and people who do it well can do it really well, and people who don't can really be horrific. And he was good. He really made me think and be engaged. The other thing that I did my third year was the clinical course and I absolutely adored that. By third year I was tired of the classroom where I saw very little pedagogical reason to continue with courses that had no relation to what I wanted to do or again, as I've said, with bad people who don't know how to use the Socratic Method trying to use it, and really just didn't want to spend much more time in the classroom. But I was involved in the clinic, which at the time there was just one clinic, a single litigation clinic, public service. And I think it was Doug Frenkel's first year there, and, just got...even though I didn't want to especially be a litigator I got involved with some really interesting people and that whole issue of working for people that couldn't afford legal representation and dealing with real life issues and real life problems, and dealing with interviews and negotiation and getting some sense of what it was like to be a lawyer. But also some sense of giving back to the community, which I thought was really important as well. So, that to me was absolutely without a doubt my favorite and I think the course that had the biggest impact on me.

JG: Were you influenced by any other professors?

DM: I don't know. I mean I've stayed friends with some of them. I've stayed particularly friendly with Bob Gorman, who was truly a great guy and I thought some others didn't. Justin Lee was a really good professor. Leo Levin was a great professor. I mean there's a whole bunch that were really fine professor, but, you know, as far as influence beyond the classroom I don't think so.

JG: Have you remained in touch with many students from your graduating class?

DM: A number...yeah, because, you know, a lot of people from Penn stay in Philadelphia. We see each other or stay in touch. I wouldn't say a huge number but a comfortable number. People that I enjoy seeing.

JG: Would you say law school was what you expected it to be?

DM: Yeah. I didn't even, you know, have a lot of expectations at the time. I just didn't know. As I said I didn't have one of these senses that I always wanted to be a lawyer so I never really focused on what law school was. I never even read or saw "The Paper Chase," which at the time it was the hot thing to see because of how awful law school was. And it was, it was fine. It was a good experience for me. It was challenging. It was tough. It was fun. It was a good place.

JG: Now I would like to discuss your work experience. After graduating from UPENN Law in 1979, you started working as an associate in the Corporate Department at Wolf Block. How did you decide to work for this law firm?

DM: Sort of the typical process of going through interviews. I mean, as I said, in law school I never really, I didn't know whether I wanted to be a lawyer or not, or how I wanted to practice, and, ah...(Break)

JG: How did you decide to work for Wolf Block?

DM: The standard interview process at the law school. As I said, at that point my second year I didn't know what I wanted to do with the degree. I figured, well, let me interview for a second year associate position somewhere, a summer associate position. So, I interviewed only in Philadelphia. I take that back, Philadelphia and New York. Got a number of offers in both cities and decided I wanted to spend the summer in Philadelphia because I like it here, to my surprise. I mean, we moved here and didn't know whether we would like it or not and actually we're enjoying the city tremendously. And, I also didn't want to spend the summer away from Gary. So, and Wolf Block was just a great firm, had a great reputation so I worked there for the summer. And, enjoyed it a lot, enjoyed the people and enjoyed the work. So, when it came to third year I think I interviewed a couple of firms in New York thinking maybe I want to go there; nowhere else in Philadelphia because I had the offer from Wolf Block. And then we made the decision that we really wanted to stay in Philadelphia. So I went back to where I worked at Wolf Block thinking I'll practice for a couple of years, see if I like it, and if I do I'll stay with it, and if not, I'll figure out something else to do.

JG: What was a typical day like for you at the firm?

DM: Obviously it changed. I was there for 10 years. I mean, you know, early days as an associate is long hours pretending you know what you're doing. And learning law, how to practice law. In the first year at Wolf Block, they had, I think they still have a rotation where you go through three different departments for a period of four months each. So you really didn't sink your fangs into anything major until your second year, and then, you know, because you knew you were going to be leaving to go to a different department. But it was, you know, very exciting. It was you do a lot of different kinds of work. It was the late 70s, early 80s, so there is a lot of business activity going on. And as I said, it was a lot of work, a lot of client contact, which was, which is very good, which I enjoyed, and worked with some of the best lawyers in the city at the time.

JG: You became a partner at the firm after 8 years. Was it difficult to become a partner at that time?

DM: You know 8 years was the track and it essentially was if you were there at that point the assumption was that there would be a partnership. It was not one of these where they hire more people than ultimately they were gonna be partnership slots available. So, was it hard? You know, you work hard and you survive and they like you, you get the rewards. So it was a lot of work. But it wasn't one of these...because, "Oh, Geez!," you know, there were 8 of us out there and there's only going to be 3 spots, which is more of a New York model, or was at the time at least.

JG: You had mentioned before that during the interview process the law firms wouldn't ask about sexual orientation and it wasn't something you would bring up. Was that ever an issue at the firm?

DM: No, again I was...I've never made a secret of who I am. There was no way that I proclaimed that I was gay. But, again, there were students there who graduated from my class at PENN or even before me or after me, and because Gary worked at PENN they knew us as a couple because they had been to our house or we hung out together. So they came there knowing that I was gay. And when I would talk to people there I wouldn't singularize the pronoun saying, you know, I did this or I went on vacation, because by that time, we're talking about 1979, we had been together already for 7 years so it was a very strong relationship. And, you know, my favorite Ben Franklin saying is: "Two people can keep a secret if one of them is dead." So, it...word gets around. Again I never had any problem there. There was a gay partner there as well who was not open. And, I mean everyone I believe knew it, but it wasn't talked about. Then mine, after my first year, another associate joined the firm, Andy Chirls, who wouldn't mind being "outed" here because he's very "out." He's now a partner there, too. So there was someone else there that I could talk with, hang out with and then became friends. So it was never a problem and I assumed that it was around. There was not a lot of social interaction outside of the firm required, not, like you know, lots of parties and things. So I didn't have to haul a date there, worry about whether I should haul a date there or not.

JG: What would you say was the most valuable lesson you learned from your position at Wolf Block?

DM: This will sound harsh, but it's sort of like knowing when to move on. In the sense that, you know, I had ten great years there. I learned to be a lawyer there. I think I became a good lawyer there. And that goes into why I ended up going to my next position. You know, I've seen a lot of people who have spent their whole career doing the same thing or in the job or the same place, and they bitch and moan about it, or they're unhappy or they talk about the drudgery. And I think it's...to know when to make that decision that there is something else that you may want or should be doing. So, from my perspective, and I'll lead this into the next job...I had been there for 10 years. I had been a partner for 2 years and I was sort of looking in my own mind, you know, is this what I want to be doing the rest of my life? Is this where I want to be? Do I want to keep doing the same kinds of deals? The same type of work without radical change and do very well and have a very comfortable life? And I went back in my mind to what my grandfather said, when he was still alive. He died when I was in my early

thirties, but we were very close and like I said, jumping back, that he was a real role model in certain ways. And when I started working there he never asked me, "Are you working hard? Are you making enough money? Are you making a lot of money?" His question always was, "Are you still learning?" And that to me was the essence of what work, and not just work, but life should be. You know, are you still learning? And from my perspective that would be diminishing by just staying in that same phase. So, simultaneously while this was all sort of percolating in my own mind, this company, Harron's Communications Corp., that I went to as my next position, was a company that I had been doing 40% of my work for at the time, maybe 60%. I was essentially functioning as an in-house counsel for them but while being at the law firm. And they were, they asked me whether or not I would want to come in and be there as in-house lawyer. So that came at the right moment, while I was thinking, do I want to do this? Or what do I want to do going forward? And, the answer was, perfect timing, great opportunity. So, again, to say knowing when to move on is not that I was dissatisfied there, but it's due...you reach a point where you got to say, this has been great, do I want to keep doing it or not? And the answer may be yes. And, but I think that was the most valuable lesson that I learned there.

JG: If I recall correctly you were responsible for establishing the company's first legal department. How difficult was that?

DM: It was me and an assistant so it was not...it was not a big deal for me and I brought my sort of secretary/paralegal with me. So, what was...and it wasn't very difficult from that sense either. Because, I've said I had worked with this company for, God I probably started working with them around 1981 and left there in '89, so that's 7, 6, or 7 years. I knew all the executives. I knew the, a lot of the employees. It was owned, privately held by a family...a mother, a son and two sisters of the founding husband/father had died. I knew them so, you know, I came in with a lot of credibility. I came in already doing a lot of the work that needed to be done, but from an outside counsel basis. So, it was not very difficult at all. There was a real sense of "great to have you aboard. Glad you're working with us. Now we don't have to pay you by an hourly rate. We don't have to worry about calling you and how much it's going to cost," because I was there, you know, on a salary basis and I was their in-house lawyer so it was not difficult from that perspective.

JG: Why did you only stay for two years at Harron's?

DM: As I said, it was owned by this family. There were a lot of problems within this family. Problems that I knew about from having worked with them. Problems that caused me when I was leaving a law firm partnership, wanting to have an employment contract with the company in case there was a problem going forward because I knew there was a potential risk. And I actually was the only employee ever to have an employee contract with them. There was a major potential friction between the family and the executive vice-president, the guy that fired me, hired me, and ultimately that blew up after two years. And a huge battle with him and ultimately they said, "You're outta here and everyone you hired," which is exactly what I thought could happen two years before. Fortunately I had an employment contract which of course they didn't want to honor, but after two years of litigation they decided that it was in their best interest to

honor it. So it was not the happiest of circumstances of leaving, and that...but ultimately, through what it led to for getting to the Wells Fargo position ultimately, and the settlement in the litigation. It worked out fine.

JG: But in the interim you worked as a sole practitioner...

DM: Yeah. Well, I was looking for a job because again when I left the position in 1990 it was the height of the recession, and, for the kind of position that I was looking for people were saying to me, "It will take you 12, 13 months to find it." I was looking for a senior position, and I'd had, you know, 11 years, 12 years of practice, whatever it was. So during that time rather than just sitting around doing nothing I just did some legal practice out of my house. I had some clients that I had sort of maintained while I was at Harron's. They let me keep a small size practice. I had done a lot of work in entertainment and art law when I was back in Wolf Block and kept some of those clients around. And I would say, you know, I probably spent 60% or my time looking for a job and 40% just doing legal work and it was fun. It was sort of interesting. Knowing I didn't want to do that long term, I didn't want to be a sole practitioner but it was a way of being productive and working while I was looking for a job that I wanted.

JG: As you mentioned in addition to doing corporate work, you also worked in art and entertainment law...

DM: Uhum

JG: How did this interest in art and entertainment law come about?

DM: I've always been interested in the arts! I mean, ever since I was a little kid, you know I went to, my parents took me to shows in New York and concerts and theaters, and museums. My grandparents would take me to museums. It was a very, very strong arts interest in my family, all through all of us. And, you know, so when the New York Times came my brother took the sports section. I took the arts and leisure section; it was always there. And again, as a way, I've always tried to find ways to integrate all parts of my life as best as I can. I don't look at my job as where one thing happens and home is where something happens, and entertainment or what I do for leisure where something else happens. I try to keep a sort of totality of my life working on a nice basis, and just being a lawyer and getting involved as I said back in law school, where I thought there was an arts law committee. It was pretty cool, sort of interesting, so I got involved with that. I got involved with The Philadelphia Volunteer Lawyers for the Arts when that got founded, kept that going, and used it as a way. I mean there is not a huge entertainment practice in Philadelphia. Most of that is in New York or LA, but was able to attract some of that business. While I was at Wolf Block I got involved with a partner that knew a lot of sports figures at the time and we ended up doing a Major League Baseball practice out of Wolf Block, which was really pretty cool. Big players at the time like Mike Schmidt and Bob Boone and real Philly stars and we'll go to Spring Training every year. And sort of like sort of fun, and sports being a kind of entertainment of course, it's very similar to entertainment law. So it's always been a way that I've integrated a lot of what I do personally with my professional interests, too. And some of my non-profit work too has always been in art and entertainment related as well.

JG: Are you also an avid sports fan?

DM: Never, hated it. No, I wouldn't say hated. I mean I like sports, but never been a big competitive sports fan. I grew up in New York in the 60s so of course everyone loved the Mets. I mean that was just something you had to do and I have sort of have half an ear open on the World Series right now. But, you know, I enjoy athletics, doing athletics, but more of an individuals kind: swimming, running, that kind of stuff. Not really a big team sports person, which always just galled my brother because he was an avid sports fan, still is. And I go down to Spring Training every year to deal with the clients, and you know, I couldn't care less as far as who these guys are. I mean I couldn't just stay with a client...fun and interesting. Knowing that me out of all people down in Spring Training, he should be down at Spring Training. So, yeah it's interesting and fun but it's not a biggie for me.

JG: Eventually you became the Vice-President and lawyer for Wells Fargo...

DM: Right

JG: Alarm Services, which is the 3rd largest electronic security company in the United States and Canada, and you held that position until 1998. How would you describe your experiences at this job?

DM: It was great. I really, really loved that job. It was, I got recruited by a headhunter when I was...after I left Harron's and I ran an 11 person legal department there. It was me, another attorney, several paralegals and some secretaries, and it was just a great experience. It was, what I liked about it was, as a VP, I was part of a Senior Management Team. So I wasn't just doing strictly legal work. I was involved with business decisions, strategic planning, operational issues, really the part of the 6 or 7 people that were running the company. It made about a 250 million dollars annual revenue company, part of Borg-Warner Security, which is a billion dollars a year. Ultimately a New York Stock Exchange Company, 2,500 employees, and really sort of not knowing what was going to hit you on a day to day basis because it was so varied. There were so many issues and so many things to deal with, that it was a very exciting place to be and I had an awesome staff. Really, good, good solid people that really worked as a cohesive whole. Again that period was a tough economic time generally for the country. There was a certain amount of furloughs and layoffs and things that were happening in the company as with many companies. And, I had great loyalty and I lost no one as a result to those kinds of issues. There were some people that left for personal things like they married and moved away. And, so, it was just great—I mean it was very exciting and very dynamic and very varied and combined a lot of transactional stuff as well as a lot of just day to day kind of businesses. (Break)

JG: While at Wells Fargo you were involved in both transactional work and in litigation. Do you think that lawyers should be qualified to work in transactional work and to litigate?

DM: Actually, what I was doing there was managing the litigation so we did everything in that department that the firm needed legally, except for actually doing the litigation itself and some of the more technical IP work. We did not do our own patent and trademark filings, for example. But we did all of the day to day business contracts, business structuring, partnerships, general business advice, and a lot of the merger and

acquisition work as well. The Senior Attorney that I had there was a litigator, and, so he is the one that most directly did the litigation management, and I'd supervise him to the extent we needed to get final decisions made I was the ultimate authority on those. So, I think it's hard to be both a transactional corporate lawyer and a litigator. I mean, again, you go back to the old general practitioner model and I'm sure people still do it or try to do it or may do it in smaller towns. But, I just don't see it as really possible, but you know, I think you can be a corporate lawyer and manage outside counsel on them doing the litigation for you. I mean again we were an electronic security company. People have their house broken into or business broken into or places burn down, or you know there is a rape or a murder on the premises or whatever may be, you're gonna get sued. There's going to be claims so we had claims all over the country and a lot of active litigation. So, we had lawyers outside that we would hire and that had to be "managed." So that's what I did, but I just don't think that's really feasible in a major practice to be both a business lawyer and a litigator. It's different skills that go in different directions.

JG: According to your résumé, you also participated in advertising and marketing while in this position. Were you always interested in this line of work?

DM: It's sort of fun stuff. I mean, you know, I would get involved but I wouldn't develop ad campaigns or the marketing campaigns, but they would always have me in there in the beginning because you have to be careful with what you say, especially in the security world. You know, the marketer might want to say, you know, this is going to an extreme but, "Guaranteed safety for your home!, Never have another fire in your business!" I mean, you can't say that because you're putting out there from a legal perspective a representation or a warranty, and even though your contract may disclaim those, all those warranties, you can really get sued and have a problem. So it was always this. What I enjoyed about it was working in a partnership with the marketing and advertising people saying, "Lets go as far as we can go in getting the message out there and working on a campaign, but lets make sure we're not going to get ourselves into trouble doing it." So, I think marketing and advertising are very interesting and I've enjoyed it, you know, it's not that I was working that directly, and I just enjoyed sort of the dynamic tension where they tried to push me—"Can we really, can we just say this? Or can we say that? And I'd say NO you really can't, but what I've always tried to do in those contexts as a lawyer is not just to say no, but say, "No, how about..." rather than just saying, "You can't say that," is "You can't say that, but try framing in this way." And realizing that in my mind I, you know, I have to be careful about well you can't frame it as a lawyerly kind of message, because it's a sales document. So, I had to sort of rearrange my thinking as far as how do I protect this? How do I get the message out there but not make it sound like it's a lawyer? So it's sort of fun. It was fun.

JG: Why did you leave your position at Wells Fargo?

DM: Company got sold. We were the 3rd largest electronics security company at that time and we were bought by the largest, ADT, which is owned by Tyco Industries up in New Hampshire. And it was sort of interesting, I mean it was, our parent company decided it was time for, you know, their purposes, to sell. And, I was in the transaction from the very beginning and it was the first transaction I ever worked on that put myself out of a job, which was an odd position to be in. And, they already had a legal

department, ADT, down in Boca, and they asked me whether I was interested in either a position down there or in the parent company up in Exeter, New Hampshire, neither which appealed to me. I didn't want to, you know, if I were to relocate neither Boca nor Exeter were at the top of my list. So I took a severance package and left there.

JG: You are currently employed as a partner at Khler Harrison...

Dm: Uhuh

JG: ...according to your résumé as well, it mentions that, it seems as if you have combined the corporate and commercial practice that you are accustomed to with entertainment law, again. Is that...would you say that's an accurate statement?

DM: I should look at my résumé. I don't think...It really has not been that much entertainment law in here. It's one of those things that I said I had a lot of it in when I was at Wolf Block. I've done some of it on the, sort of the extracurricular basis and non-profit basis, but it has not really become a significant part of my practice here.

JG: Do you plan to remain working at this firm or are there other job opportunities you would still like to explore?

DM: You know, again, it becomes the issue of knowing when you want to move on and when it's right to move on. I've been, you know, I've been here for two years. It's been a very good experience. I could see getting to point where...I've been practicing law for 21 years now, and it's a long time to do anything. And even though I've been doing it in different variations, there's still a certain amount that has been practicing law for 21 years. And I could see going, getting to the point where I would want to say, "OK, I've also had this strong non-profit interest. I've done a lot of work over the years..." and I see we're going to get into that in a little bit, "...in the arts and culture and Gay and Lesbian social issues and some other issues as well," and saying, "Maybe it's time to really make a shift and go into that as a career choice rather than as a sort of a sideline." So, there's always opportunity and nothing is forever.

JG: Looking over your legal career, you appear to enjoy practicing law in Pennsylvania. Have you ever really considered relocating to another area of the country?

DM: The only place that Gary and I ever talked about was going to New York. And every time we did that analysis, we just realized that we really liked the lifestyle in Philadelphia. You know we've been here 24 years, never intending to stay, and you know, have a great house. Both have done well career wise. I have gotten involved in a lot of things. Again in the community on a non-profit basis, on a community basis as a social activist, places that I've really enjoyed. So every time we thought of moving to New York it just seemed that we would be giving up an awful lot for, you know, other things that are positive. You know, but a lot of things that we just didn't enjoy giving p. And Gary is also from New York originally, too, but I'm Manhattan, he's Brooklyn. Ultimately I could see us ending up there, though. We've talked about, you know, retiring there. I mean retirement is a while off but nonetheless I think it's a place we'll ultimately end up. And I think the equation as you get older changes in a lot of levels. So, but otherwise that would have been the only place we would have thought about and the analysis always was, "Things are working well here, so if it wasn't broke we weren't looking to fix it." And, we both love New York and spend a lot of time there. Spend a

weekend or a day or whatever and see friends, theater, shows, and get our New York fix and come back to Philadelphia.

JG: While working at the positions already mentioned you also held academic positions and lectureships in art and entertainment law at Drexel University. How would you describe your experiences as an adjunct professor and lecturer?

DM: It was great. I started doing that when I was still at Wolf Block. I think I did it for 8 years, 6 years, 7 years, something like that. And, it grew out of being involved with The Philadelphia Volunteer Lawyers for the Arts, and then I met Ed Arian, who was one of the co-chairs of the department at the time. Drexel has a Master Program, an M.S. in Arts Administration. Ed was a great and interesting guy. He was a musician. He was a bass player for the Philadelphia Orchestra, left that and got a Ph.D. in Political Science and became chair of the Political Science Department and combined that. Again, someone who combined a lot of his own life's interests into a career. And set up this whole program with the Music Department and I got to...we were in a board together for American Music Theater Festival, which is...I've been very active with and he asked whether I would teach a course in Art, Entertainment and the Law, in this program. And I had never really taught beyond the occasional workshop in legal rights for artists and thing like that, PVL...part of PVLA. And I said, "Why not?" So, it was a 10 week seminar, once a week, in the graduate level and I loved it. I just, it was very, you know, casual. I gave them a ton of reading and left from there and had a real conversational course—a dialogue. And tried to bring some real life experiences to it, too, and loved the challenge because, you know, when you're teaching a seminar of 10, 15, 20 people you have no idea what's going to come up, where they are going to be coming from, what they are going to ask, and it was a great give and take. And I really enjoyed the teaching. I wouldn't want to do it full-time, but I really enjoyed that aspect of it. It was very engaging.

JG: As you mentioned, you have been actively involved in various non-profit organizations and have held board positions since 1983. Particularly, you have been involved in the arts and entertainment community, in the UPENN Law Alumni Society and in the fight for gay civil rights. When did your interest in arts come about?

DM: As I've said, I mean, it's always been there. I mean, I just can't identify that it's just, it was so strong in my family and I just have images of certain paintings at The Museum of Modern Art in New York that have always been the ones that I go to when I visit there, no matter when I'm there. You know, the first Broadway play I went to was "The Sound of Music," and I just remember Mary Martin coming out on that mountain singing at the top of her lungs, and it just, it just always been there for me. I have always had a strong interest in arts...anyway.

JG: Could you mention your most significant involvement with arts group?

DM: Yeah, the, I meant to mention that there is an organization now called "The Prince Music Theater," which was founded as "The American Music Theater Festival." And, I am one of the founders, still on the board after 17 years. It was founded in 1983. It is the only theater company in the country that has as its sole mission the development, commissioning and production of new works of music theater and that ranges from

Broadway-style musicals to performance art chamber pieces, opera, and it's been an extraordinary experience. I mean I joined the board, I incorporated the organization actually, and I joined the board. I was General Counsel for 10 years, President for 5 and I have been a Vice-Chair for the past 2. And it's been exciting. It started out as just this new young organization that was trying to make its mark and over the years we have become a mayor national organization with an international reputation. We've had pieces that have gone on to Broadway, off Broadway, toured the country, toured the US. We've had 10, 12, 15 cast albums, a couple of Grammy nominations and two years ago we finished a project of capital campaign, acquisition, and renovation of a theater on Chestnut Street, The Old Midtown Theater, into our own home. So that was an 11 million dollar capital campaign and renovation into an amazing theater complex of 450 seat main state theater and a 150 seat black box. So, to have been with an organization from its very birth, its struggle 2nd and 3rd year major deficits developing into ¾ of a million dollar debt, which then got retired from running every season in the black, it has been incredibly exciting. Being there from day one, the trials and tribulations, huge success and now having our own building it's just been remarkable. And again, in the early days setting up all these sort of legal systems, a lot of their business systems, doing all their contract work until they could do it internally, involved in every part of this organization has just been...a great thrill. It's been fun.

JG: You also served in the board of managers for The University of Pennsylvania Law Alumni Society...

DM: Uhum...

JG: ...from 1994 to the current year. What were your main responsibilities in this position?

DM: A lot of that really just involved working with the Development Department of The Alumni Affairs Department at Penn, as far as giving them feedback on really a lot of fundraising and alumni relations, and how to stay in touch with alumni with things that are interesting to them and giving them information, and providing information back to them. And, I know when Penn was going through its "Strategic Planning Process," Dean Diver was involved a lot with the group as far as keeping us informed and getting feedback from us as well. It was really more of information going back and forth and some level of fundraising and development.

JG: You have also been very involved with a number of gay civil rights organizations, such as The Lambda Legal Defense and Education Fund since 1995. Do you feel that your personal identity as a gay person was crucial to this involvement?

DM: Yeah, I mean, yeah. I shouldn't say that it's obvious because I mean, you know, there are a lot of non-gay people that are of course very interested in gay and lesbian civil rights, just like there's always been a lot of white people that have been involved in African-American rights...A lot of men that have been involved in rights of women. But, again, it just goes back to my sense of...my whole life. I mean, I've always had this sense of social consciousness and social justice and have been involved in a lot of political activism since high school days, and gay and lesbian rights are personal for me. I mean it's very important that I have the protections that I believe are appropriate, and the rights and the access I believe are appropriate, not just for me but for the people that

have not been as fortunate as I have been, in the sense that I've never had to face discrimination as a gay man. I mean up to one level I have because I, you know, I can't get married. I don't have the full rights of marriage that straight people do, but I've never been fired from a job for being gay. I've never had a hard time getting a job. I have not been thrown out of my house by my parents. I have not been subject to police harassment or other egregious forms. So it's just important to me as a gay man to know that I can help make a change for society for the better, for society at large, and for the group to which I am a part as well.

JG: Lambda is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, and people with HIV and AIDS. How far do you think Lambda has come in achieving its goals?

DM: Tremendously far but we're not there. What Lambda's primary method of doing is through civil rights impact litigation. What we do is find cases. We are not a direct service that provides legal services for any gay or lesbian issue that needs to be worked on for a person having a particular issue. We looked for those targeted cases that will have a broad impact. So, for example, the Boy Scouts Case of James Dale is one of our major cases. The Hawaii marriage case was one of our cases that led to the Vermont case and civil union up there. We've done a lot of work in second parent adoption. We've done a lot of sodomy law challenges that have knocked those statutes out. So, you know, if you look over the years that Lambda has been around, since 1973, there has been tremendous progress in the courts. We really have established second parent adoption rights. We've established rights for kids to be protected from violence in schools. We've established the rights for Gay, Lesbian, and Straight Alliances to come into existence in the schools. We've been able to use the ADA to show that it does protect people with HIV/AIDS, both symptomatic and asymptomatic. I mean, we've knocked down several sodomy statutes. Are we there? Of course we are not there. We still don't have a lot of the protection that we need, and a lot of the protections that we really need aren't going to come just from the courts. They're going to come from legislation like the Employment Non-Discrimination Act or hate crimes, which we don't get into because we are not a legislative and lobbying cause. So, the docket is always full unfortunately and there's a lot of work to do. But I think we've made tremendous progress.

JG: You mentioned the James Dale case. What is your opinion on the recent U.S. Supreme Court 5-4 decision saying that the Boy Scouts of America can dismiss Eagle Scout James Dale because of his sexual orientation?

DM: It's reprehensible. It is just totally inexcusable. I mean, here's an institution that thrives on public support and money, either from municipal governments, from police departments, fire departments, school districts, school boards, and what the Supreme Court has said...Well, first of all it was just a badly reasoned opinion. I mean trying to be as objective as I can, you read the opinion of Justice Rehnquist and he just accepts without any level of questions, or probing, or insight, what he was told by the lawyers in their briefs. And then you look at the dissent by Justice Stevens and it really does a very careful analysis as to why this should not be allowed. In any case, what the Supreme Court has said, which I think is really pretty powerful, we are seeing now a lot of

backlash, the Boy Scouts are so fundamentally anti-gay in their message and that its such a First Amendment right of theirs that because they are so anti-gay they are exempt from the non-discrimination laws of the state of New Jersey. That's a pretty powerful thing to put on the Boy Scouts, and I think that's why you are seeing a tremendous amount of this backlash around the country with Cub Scouts resigning and Eagle Scouts sending in their badges, and cities and school boards and corporations and The United Way and charities withdrawing a lot of support. So, you know, I think it's a horrific decision. What I find really remarkable about it is A) It's still on the news on almost a daily basis, and there's been a tremendous outpouring of support saying, "This is just wrong." And as we've been saying, the Boy Scouts have the right to discriminate, but it's not right to discriminate. And people are getting that. And I think, so, on one level we've had a major victory out of it, that we've gotten a lot of attention. We are getting the issues discussed, and I think what this case has done also is, which goes with what I've said earlier, gay kids are there. You know when I was growing up you just never heard of gay kids. It wasn't, you wouldn't even think of gay Boy Scouts or The Gay/Straight Alliances at schools, and you know, you only thought of gay kids if they were being preyed upon by adults. And this has alerted people to the fact that there are people in high schools and the Scouts that need support systems and need ways of coping. That what we thought were like avenues like the Boy Scouts aren't. But now there have to be avenues developed for them. So it was a horribly wrong decision but there's a silver lining in it. I think there has been a tremendous response from a lot of people.

JG: Earlier you had mentioned marriage rights of gays. What is your take on the recent Vermont marriage ruling where the Vermont Supreme Court said that "the state must give lesbians and gay couples the same rights and benefits accorded to married non-gay couples" and found that sexual orientation discrimination warrants strict scrutiny?

DM: It's a great, it's fabulous, I mean it's a wonderful decision. You know, I wish they'd gone a step further and said that the state had to accord full marital rights, full marriage, instead they came up with was to let the legislation make a decision. Which I guess, among the politically it was a smart thing for them to do rather than court-order something, but the legislature came up with the whole civil union thing. You know, it's a great first step. It's the beginning of or the continuation of a very significant battle. I just find it so bizarre that people find the idea of gays and lesbians entering into loving, caring, fully-recognized unions to be that threatening on any level. I mean, it's interesting when Gary and I first got together the wrap was, "gays and lesbians are promiscuous, they jump around, they're not capable of long-term relationships," and now when they are looking for the societal recognition of those relationship it's like you can't have them. So, I think it was the right decision. I think that it will be, it was A) Gratifying being part of Lambda because we're the ones that sort of started that ball rolling back with the Hawaii case around 1993 or 94, and the whole National Marriage Project. This is going to be around for a lot of years. I mean, there's the Defense of Marriage Act passed by Congress and unfortunately signed by Bill Clinton, which is an anti-marriage statute and a large number of states have those as well. So now we have to deal with the next step, so what does this mean outside of Vermont? Say someone gets a civil union up there, they want to take it to another state, and, you know, does that mean you can have some states were you're married, some not married, or some recognize,

some not recognize, and what does it mean to employers? So, it's the next step in the process and it was a great thing to happen, and it was very affirming. Sadly enough there's a big backlash going on in Vermont right now which is translating into the election and we'll see how that goes. It's exciting. A continuation in the battle for just, you know, fundamentally to have a right to make our own choices in what kind of life we want to live. Not everyone wants to get married but if you want to you should have the option.

JG: Talking about elections...During the recent Presidential and Vice-Presidential political debates the candidates were asked what their stance was on gay civil rights. Even though none of the candidates openly supported gay marriages or the advancement of gay civil rights, I believe this was the first time in American history this question was asked during a debate. What is your take on that?

DM: It's awesome! And I think Lieberman did come on gay civil rights. I think he came out in the debate in support of hate crimes laws involving sexual orientation, and I believe he came in support of the Employment Non-Discrimination Act to protect gays and lesbians. It's incredible. I mean, again going back and just seeing that gay and lesbian civil rights were being addressed from the podium by a Vice-Presidential candidate, being Lieberman, at The Democrat National Convention, is an amazing sea change in society. To see as part of their platform which they have articulated, the support of a hate crime legislation including gays and lesbians, in support of the Non-Discrimination Act, is amazing. I think Clinton started doing that after he became President, not before. To see candidates discussing these issues, see it raised and seeing the Republicans struggling with trying to appear what they're not. Try to appear like they want to include us. It's just an incredible thing to see. I mean, I was part of a group of 30 gays and lesbians around the country that sat down with Al Gore in April to discuss issues of importance to us and his views on gay and lesbian issues. I mean, that would have been unheard of not too long ago. It was unheard of. He's the first candidate to ever do that. And so, you know for me, it's clearly on the record. Al Gore, if he's elected, when he's elected, hopefully, will support full gays in the military, will support hate crimes statutes and will support non-discrimination. It's amazing to have that as part of a candidate's platform...wonderful, and for kids also to see that is wonderful. That's why I go back to this whole way it's different for kids growing up today. These issues would never have been discussed at a national level. If they would it would have been on a very different kind of basis.

JG: What would you say to people that argue that the gay civil rights movement is completely different from the rights movements of racial minorities or the women's rights movement?

DM: That they're wrong! I mean, any of these civil rights movements is really part of a greater whole, just trying to give everyone a level of human dignity and respect and the right to live their lives. I mean, you know, all of these movements whether it's been the gay movement or the women's movement came out of a situation where there was a group of people being denied certain equal rights for who they are or what they are, or being abused, or being discriminated against. Women historically viewed as, you know, property chattel, didn't have the right to vote. African-Americans having other kinds of

discrimination. And all of them came out, and gays and lesbians obviously you know with just huge amounts of discrimination and oppression, fight for jobs, losing families, not being able to visit loved ones in hospitals, whatever, and not being able to marry, harassment...and a lot of it came of people finally standing up and saying, "I have had enough, this is just wrong." I don't want, you know, people will say, "Well, there is a gay agenda," in a very pejorative sense, and yes there is a gay agenda. The gay agenda is for equality. And, I may not want to join the military but I want the right to join the military. I may not want to get married but I want the right to get married. I want to be able to work without being afraid of being fired because I have lived with someone for the past 28 years. You know, I want to be able to rent an apartment in a building where I want to rent an apartment in. I want to be able to adopt a kid if I want to, or if I don't want to, I don't have to do it. But it's all about having the options that everyone else should have. And it's exactly what the women's movement was for, equal pay for equal work, and the struggle for black Americans for, just that equal access. On one level I think it's harder for gay people because we can be a hidden minority. If you're female or a person of color, usually it's pretty clear and easy to be discriminated against. You can hide the fact that you're gay to avoid the discrimination, but that results in tremendous personal cost and inner turmoil. And that makes it even a harder struggle because you have to deal with two struggles. You have to struggle personality first, with that whole issue about who you are and become comfortable with that, and then go to the next level of struggling for the rights you believe in and deserve.

JG: Although great strides have been made since Stonewall back 1969, there are still many pressing issues that are facing the gay and lesbian community. What would you say are the most pressing issues?

DM: You know, I guess it really goes back to, there's a lot of them. I really think it would be great if we could get an Employment Non-Discrimination Act passed by Congress to have an absolute, I mean fundamental guarantee that you will not be fired as a result of who you are. I think you need to have that also on a state level too because I think ENDA as its now envisioned would exempt a lot of small businesses, and I think they should not be exempted. Maybe it could be done at the state level. And I think just finding out where the real needs are in different areas. I think that we really should try hard again to get rid of every sodomy statute that is left in the country. Even though they are not often enforced, they are used against us when we go to adopt a kid or try to go for other kinds of things that we are entitled to they say, "Well, but what you've been doing is a felony under the law anyway," and it creates a stigma. And we're being told that, you know, the very act of what we do when we love someone is criminal. I think that it is something that we really should try to work against as much as we can. Even in states, like Pennsylvania, there's no sodomy statute, but it's still out there. It's still in people's minds that this is an illegal activity. I think, as I've said before, finding those areas that we need to have the same rights and protections as everyone else. They're all over: marriage, adoption, or access to health care, a lot of work in the HIV/AIDS area to be done.

JG: Finally, what do you think the future has in store for the Gay Civil Rights Movement?

DM: Full equality. Not tomorrow but ultimately. I mean, I think ultimately people are changing, society is changing, and it happens all together. There's Lambda who does it through the courts. There's organizations that do it through the legislative process. There's groups like GLAAD which does it through keeping an eye on media throughout the country. I mean, there are social forces like MTV and VH1 that just have, are so gay friendly and it's just there. And I think, ultimately, you know, what any of these things are working to is societal change and acceptance. I hate the word tolerance. I mean tolerance means like you know, it's like well, I can stand the smell but it's in that part of the room, but it still smells. It's acceptance. And I think, what happens is as more and more people come out and are comfortable coming out, and people who are not gay realize that there are gay people out there that aren't these horrible folks that the right wing tries to portray us as. And I mean that has tremendous significance and change. It also all sort of snow balls together, the legal protection, the coming out, the societal changes, all work together and ultimately I think there will be a recognition of the dignity of all people. It's a struggle. I mean, you know, African-Americans, Latinos, and Asian-Americans aren't there yet. Women still don't get equal pay for their work in a lot of contexts. I mean, it's all part of a greater whole of trying to achieve this sense that we are in this together and no one is better or worse than anyone else.

JG: Great. Well, Mr. Millinger, this concludes our interview unless you have any final comments you would like to make.

DM: No. I am thrilled to have done it. Thank you.

JG: Once again I would like to thank you for participating in The Oral Legal History Project at the University of Pennsylvania Law School. Thank you.