

From Fear to Fearless:



Tom Ammiano, state assemblyman from San Francisco, frank in his homosexuality and even more frank in his leftist pursuits, quite possibly the most genuine outlier to ever serve in the California Legislature.

The Liberation of Tom Ammiano

They were gathered on a summer day in Sacramento in one of those august hearing rooms on the first floor of the old Capitol, each one playing a part all too familiar by now.

There was the father testifying once again about the daughter murdered more than twenty years ago by a repeat felon fresh on the streets, the crime that had led to the Three Strikes law. There was the well-dressed lobbyist advocating for a tough-on-crime approach, waiting to tell the legislative committee that Three Strikes was the best deterrent we could hope for. If it occasionally went too far and banished non-violent offenders to life in prison, that was a small price to pay for our safety—and you better believe that we were safer because of the law.

There was the Stanford professor who had actually studied the data and compared the crime rates in

California to those nationwide. His research had found that Three Strikes had absolutely nothing to do with any downturn in crime. We were just as safe—or just as imperiled—with or without it.

And then there was the politician in the middle, a wispy looking man almost lost in his chino suit, whose calm presence chairing the hearing did nothing to call attention to itself, unless of course you count the tiny jewel that sparkled from his left ear or the peculiar dialect—Italian queen, he calls it—straight (or not so straight) from the Jersey Shore. That would be Tom Ammiano, state assemblyman from San Francisco, frank in his homosexuality and even more frank in his leftist pursuits, quite possibly the most genuine outlier to ever serve in the California Legislature. He might be considered a mere comedic sideshow to the affairs of the Golden

State (he does standup, by the way) if not for his ability, time and again, to get laws passed that actually change people's lives.

Think of the gadfly who speaks at every city council meeting, an irritant that the powerful suffer for a maximum of three minutes so they can go home believing that democracy actually occurs. In the case of Ammiano, the irritant, after so many years occupying the fringe, has become the powerful without losing his gadfly creds. Map the political landscape of California, its divides and undulations, and locate the Democrats and their super majority along the Southern California coast and big cities and the Republicans taking cover in their beleaguered outposts in the hinterlands and then jump across the Bay Bridge and land in the loophole that is San Francisco. To the left of everyone else, even fellow San Franciscan and ultra-liberal

State Sen. Mark Leno, you'll find Tom Ammiano representing the 17th District, his own nimble party of one.

Critics reaching for an adjective to contain him decide that Socialist isn't good enough. Only Marxist will do. But even they marvel at his effectiveness as a lawmaker, how he's been able to operate so defiantly in corridors of power that almost always compel a politician to water down his or her beliefs. If Harvey Milk was a pioneer by dint of being the first homosexual ever elected to public office in the U.S., then Ammiano is the successor who doesn't simply carry the torch but actually gets the hard work done.

Pick up the New York Times on a summer day in 2012 and turn to the editorial page and find the paper-of-record lauding Ammiano for his boldness as the author of the "Trust Act"—the legislation that seeks to halt the deportation of undocumented immigrants jailed for traffic violations and other minor offenses. "It deserves to become law," the Times opines.

So write off Ammiano—and the beauty is he lets you pretend that you can—at your own risk.

The superintendent of San Francisco Unified School District made the mistake in 1975. Ammiano was teaching elementary school in the Mission District when he became the first gay teacher to publicly emerge from the closet, organizing the nation's first-ever Gay Teachers Caucus. It was Ammiano who led the movement to include gays in the school district's anti-discrimination policy.

John Briggs, the anti-gay rights legislator from Orange County, made the mistake in 1977. His Proposition 6 initiative, inspired by Anita Bryant's "Save Our Children" campaign in Florida, sought to ban gays and

lesbians from working in California's public schools. Ammiano teamed up with Milk and Hank Wilson and mobilized the "No On 6" opposition under the banner "Come out! Come out! Wherever you are." Such was the initiative's sound defeat that it even lost in Briggs' own backyard.

School board trustees made the mistake a decade later. That's when Ammiano won a seat on the board and then became president. Soon,



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thanks to his efforts, the curriculum for every student in San Francisco Unified included issues surrounding gays and lesbians.

Willie Brown made the mistake in the 1990s. As mayor of San Francisco, he packed the board of supervisors with loyalists, writing off Supervisor Ammiano as one of the "pantywaists." Ammiano's retort to Brown was classic Ammiano. "It's Mr. Pantywaist to you." If Brown took special glee in vetoing Ammiano's bills, Ammiano

responded by taking his measures to the ballot. It was Ammiano who cajoled San Francisco to become the first city in the nation to require businesses to provide universal health care for employees and their families, including domestic partners.

Gov. Arnold Schwarzenegger made the mistake in 2009. He showed up at a Democratic fundraiser at the Fairmont Hotel only to meet the ire of Ammiano, who called his appearance a "cheap publicity stunt." As Willie Brown introduced Schwarzenegger to the crowd, Ammiano marched out, telling the governor to "kiss my gay ass." Four days later, the governor vetoed Ammiano's simple financing bill for the port of San Francisco, a measure that had passed the legislature without a single "No" vote.

In a memo to Ammiano explaining the veto, Schwarzenegger left a message that could be gleaned by reading the first letter of each sentence down the page: "I F-- You." A patient man, Ammiano waited until Arnold left office and then basked in the glow of Gov. Brown's signature on his bill to finance tens of millions of dollars in improvements to the port—just in time for the 2013 World Cup yacht race. Schwarzenegger would later recount the incident in his memoir, "Total Recall," confirming that his veto was sweet payback for Ammiano's cheeky behavior.

"I've never been interested in standing in the middle," the seventy-one-year-old Ammiano explains. "Sure it's comfortable, but life's too short for the middle. Of course, in California, our middle isn't like the rest of America's middle. Our center is ahead of their center. But it's still the center. We have plenty of good liberals in Sacramento, but sometimes they don't act on their beliefs. They

see the real estate lobby or the tough-on-crime lobby, and some of them lose their courage.

“So progressive issues move in a glacial way toward the squishy middle. That’s a place that drives me crazy. I like being on the edge. It comes natural to me. I’m an old queer and a leftie who’s got nothing left to fear.”

The free flight of Tom Ammiano, his liberation from home and blue collar ethnic roots, is a story less about embracing sexual identity than about surmounting fear. It starts with the fear of parents whose third child is born in the wake of the bombing of Pearl Harbor and is raised in Montclair, New Jersey, a town split between upper and lower with upper boasting the most millionaires in the Garden State and lower meaning you lived across the street from an enormous trolley barn where the gears squealed through the night. That Tommy is a different boy becomes apparent soon enough to his father, Guiseppe, a taxi driver who calls himself Joe, and his mother, Vincenzia, known as Susie, who serves cafeteria food to workers at the local telephone company.

There’s shame in the simple fact that any mother in the 1940s has to work at all. And there’s shame in the knowledge that their turn-of-the-century Victorian doesn’t belong to them but to his mother’s parents. His grandparents, parents, brother and two sisters cram into the skinny split-level house on the town’s busiest intersection, where Tommy’s earliest memories are of two invisible forces competing for domain—the smell of his grandma Mary’s all-day sauce simmering on the stove and the smell of fumes wafting in from the Texaco gas station next door.

“Thank goodness for Grandma’s

sauce,” Ammiano said. Her hair was snow white and she wore granny glasses and clunky black shoes, and she would sing at the drop of a hat, he recalls. She came from Naples and taught herself English, though she never lost the Italian spicing. She lived to be 100, and her presence anchored his life. “We needed her,” he said. “Because there was a lot of turbulence under the surface.”

Questions of identity—old world/



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new world, rich/ poor, believer/ unbeliever, gay/straight—got sublimated in a weird way, he said. Most of the family attended Catholic school and everyone married an Italian, but piety and language already were being shed. His mother talked and talked about being driven to the “poor house”—there was such a place back then—but they had plenty to eat, and every so often she’d sneak him home an illicit slice of coconut pie from work.

If he was different in a theatrical way, no one cared to give a name to it. When you dress up in high heels and women’s clothes and do a little pantomime of a striptease, and the family loves it, what do you ask? When you speak with the squeaky voice nature has given you and your hips do the meanest mambo on the block, who do you ask? When there’s an older cousin in the family who’s gay and your brother and sisters gab about him over dinner—your ears pick up “light in the loafers” and your eyes catch their limp-handed mock—how do you ever tell them, “That’s me?”

As happens in childhood, identity played out in make believe—games of cowboys and Indians in which he was always the cowboy. He recalls the vague dream of moving to Texas one day and hooking up with another cowboy, but who knew what that meant? “I was very skinny, and I never sat still. Today, they’d have diagnosed me as ADD. Back then, my mother explained to people that I was ‘high strung.’ I was a little queen. When I performed, they were an appreciative audience. I was indulged that way rather than ridiculed. It helped too that I was the smart one. That gave the family something to focus on other than my girlish behavior. ‘Well, boy, can he read.’”

Parochial school would have been cruel enough for someone so different, but Ammiano bore the added shame of having to wear a patch over his eye—a black circle—to keep his vision from crossing. In every way, he stood out. “I weighed forty two pounds. I was weird and looked different and didn’t get rid of that damn patch for four years. I got bullied and rabbit punched by the jocks and a few of the teachers, too. What was I going to say? ‘They’re

beating me up because they think I'm gay?"

"If you don't have the bulk to land a good punch, you develop another way. My other way was the same way my parents dealt with their lot in life. Humor. Biting humor. So I turned most everything into a joke, and sometimes I turned the joke on my classmates. I got very good at it."

Getting through required a great show of restraint as well. He told himself he could never reveal his true feelings. The one time he did, it backfired in such a way that it marked him for years. "We were in elementary school, and it was Valentine's Day. The rule was girls gave valentines to boys and boys gave valentines to girls. Well, I wrote valentines to Frank Cody and some of the other boys. The nun was so upset that she made fun of me and then ripped up my cards in front of the whole class.

"I was terrified by what I had just done. So I did the worst thing I could do as a kid. I ran out of class. I ran to our church across the street and starting lighting candles. You were supposed to give a penny for every candle you lit. Well I didn't give a penny, and I lit up every candle they had. I got in deep trouble with the nuns and my parents. But the way I thought about it was I needed to light all those candles because I needed to be protected."

He somehow found a path to survive high school, even becoming pals with the same Frank Cody, a star jock. He knew he wanted to be the first in the family to attend college, but the finances were bleak. He heard the parish had a scholarship fund and decided to apply. "I took the test, and it was the first great thing that happened to me. I won it. Something

like \$400 a year. Enough to pay tuition and books at Seton Hall.

"Stupid of me, but Seton Hall was all men. There was all this energy, and guys you got interested in, but it could never go anywhere. Even worse, the school wasn't for me. I wanted to get far away from home, and it was way too 'New Jersey' for me. Guys with thicker accents than me bringing switch blades to class. It felt like the Blackboard Jungle. I



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flunked out of English and changed majors to Communication Arts. I cruised through and then made my plan to get the hell out."

His dad, only fifty-seven, died before his graduation. Blood pressure up, no money to see a doctor, he collapsed of a stroke. If his father remained a mystery to his youngest son—never at home, consumed with starting a union at the Brown and White Taxi Co., finally working his way from driver to dispatcher

after twenty years—the questions surrounding him only grew with his death.

"The tragedy of my father's life is that he suffered in a kind of silence. I'm not Dr. Phil, but he probably internalized all that shame. Not being able to provide for his family in the way he wanted to provide, all the obstacles put in his way by the new world. He had a great sense of humor and irony, but it wasn't enough in the face of all those struggles."

The family couldn't cover the funeral costs, and his mother and older brother went down to the taxi company and made a stink. No use. There were no benefits, no retirement, no health coverage, no burial insurance, no nothing, to draw on. Frank Cody's father owned the local funeral home and let the Ammianos place a ledger near the casket. In Italian, they call it, 'La Boost.' The ledger of debts. Friends and family signed it and assumed a portion of the debt for the funeral and burial.

His mother, dressed each day in her white cafeteria worker's outfit with the flowery handkerchief, soldiered on. To this day, Ammiano keeps her metallic gold Bell employee's card engraved with her picture. He credits her with giving him his combative spirit, never wielding her hard luck as guilt to keep him forever close to her in New Jersey.

In the summer of 1961, he became a counselor at a camp in the Catskills for the handicapped and that led to a job at an Easter Seal camp the next summer—all the way out in California. He took a Greyhound bus for three and a half days until it reached Stevens Creek Canyon Road past Cupertino.

"It was California in the 1960s, and I got introduced to California

girls and boys and the disabled, and they thought I was the most exotic little thing around,” he said. “California became a refuge for me. I stayed with friends in Berkeley. I was totally imbued with what was happening at the free speech area. Mario Savio and then the Kennedy assassination. Everyone was expressing himself, unless of course you were a fag. Not even among the lefties was it cool to be out.”

By 1965, he had earned his master’s degree in special education from San Francisco State. Feeling guilty about his deferment from the draft for reasons of “asthma,” he decided to serve in Vietnam anyway—not as a soldier but as a volunteer with a Quaker-founded organization teaching English to Vietnamese high school students. He stayed for nearly two years, traveling from city to farm, lending support to families in a way that the teaching program surely would have frowned on, had it known.

In a country where his build—small, lean, lithe—allowed him to blend in, he no longer was at a physical disadvantage. He learned to get right in people’s faces. Taking on police oppression, he secreted messages inside Vietnamese jails on behalf of women whose husbands had been unjustly arrested. During the U.S. offensive known as TET, he got caught in the wrong stretch of countryside. American B52s were dropping so many bombs to the north he could hear the earth vibrate and see the red of the tracer bullets paint the sky. Masses of refugees were herding to and fro, and Communist North Vietnamese troops began going door to door looking for the enemy.

“Bang, bang, bang on the metal gate. Villagers said I needed to hide. ‘Mr. Tom, it’s no longer safe for you

here.’ So I climbed up a ladder in the roof and got into an empty water tank. I spent the night there with a gecko. Thank goodness, they were gone the next morning. A U.S. helicopter landed in a field across the road and that was my cue. I climbed aboard and took off.”

He left Vietnam for good in October 1968, traveled through Asia, Europe and Amsterdam and then flew home to New Jersey, where his uncle



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greeted him with a warm embrace at the airport. “We’re proud of you, Tommy.” He knew for sure now that San Francisco was the place where he would carve out the rest of his life; teaching kids with handicaps would be his life’s work.

He landed in the Mission District at a public school called Hawthorne, where many of the K-third grade kids came from poor and immigrant families and were designated “retarded” because of their

limited English skills. The principal, who lived in the gated community of St. Francis Woods and wouldn’t allow notes home in Spanish, immediately singled out Ammiano as a “troublemaker.” Surely he was. His hair ran past his shoulders and he refused to cut it, and he was making noise about union issues.

“This is where it began for me. We were fighting for bilingual education and against IQ tests. I didn’t think it was right that kids were being classified as retarded because of a language issue. And the larger issue was how kids of color were getting the short end of the stick in education. So I started working with ethnic minorities. Some of them were suspicious at first because I was gay and of course I was white.

“But I stuck with it, and then I moved to the Buena Vista school nearby. We had a principal named Jimenez and seven or eight really good, young teachers. We tried different things, and the school board hated us because we were challenging the conventions.”

At some point it occurred to Ammiano that here he was agitating for all these civil rights issues, and no one was uttering a word about the need to defend gays and lesbians who were living in closeted fear, unable to tell even their own families, much less the world, who they were. He became active in the Harvey Milk Club and the Bay Area Gay Liberation, an organization that lasted barely a year but took on issues that no other group would, such as discrimination inside the LGBT community and how gay nightclubs were closing their doors to blacks and women.

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So he came out in 1975 in the most public way—on the front page of the San Francisco Examiner. His was the profile of a teacher “Gay, gifted, yet closeted.” With fellow teacher Hank Wilson, he formed the Gay Teachers Caucus that same year, demanding that sexual orientation be included in the school district’s “no discrimination” employment clause. They signed up thirty or so gay and lesbian teachers, but when it came time to tell the public about their issues, only three of them—Ammiano, Wilson and Ron Lanza—stood up to be counted.

“I didn’t even know how to hold a press conference,” Ammiano later told the Examiner. “I had to... ask how to do it. Even some gay people didn’t think it was a good idea.”

Ammiano was clever enough to trot out a group of parents, teachers and the principal eager to testify about his good work in the classroom. As the caucus and its supporters grew, they began picketing outside school board meetings. It didn’t take long for the mostly conservative trustees to add homosexuality to the district’s “no discrimination” policy. Ammiano’s first political victory had been notched.

In the backlash to the rising of gay rights came the shots that felled Supervisor Milk and Mayor George Moscone in 1978. Ammiano had not only lost a mentor in Milk but a dear friend. Still in shock, he sang at the memorial service as part of the Gay Men’s Chorus. There, he met Tim Curbo, a fellow teacher who had come to California from Waco, Texas seeking his own refuge.

“Remember that kid in New Jersey who said he was going to ride off to Texas and meet a cowboy someday. Well, he did. Tim and I were partners for the next seventeen years.”

In the wake of the murders, Ammiano began to believe that a gay candidate from San Francisco’s eastside could gain enough broad support to win a seat on the school board. It was a leap into politics, sure, but it was a natural step for someone who had known since childhood the struggles of those mired at the bottom. And what had all that hollering on the frontlines of education reform been if not a launching pad for public service?



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He knew enough about himself to understand that no seat on the inside would ever change his sensibilities as an outsider. That was ingrained. What Ammiano didn’t fully appreciate, at least at first, is the hard work needed to win an election, even one for the school board. His 1980 run never caught wind, and he got trounced. He tried again in 1988, spent only \$12 and this time collected a respectable, if still shy, 57,000 votes. Stand up comedy, his night gig, helped spread

his name around town. Entering the 1990 race as a favorite, Ammiano won in resounding style.

A fiscal crisis loomed in San Francisco Unified, and Ammiano fought to avoid teacher layoffs. First as board vice president and then as president, he pushed the school district on issues related to gay youths, including AIDS education and condom give-aways. Before long, he had ushered in gay and lesbian sensitivity curriculum for all students.

In 1994, a seat opened up on the Board of Supervisors, and Ammiano saw it as a chance to take the progressive cause to a bigger stage. Five days before the election, as the campaign soared, his partner Curbo succumbed to AIDS. A grieving Ammiano won by an easy margin and poured himself into the job. Early on, he came to believe that Willie Brown’s years in Sacramento, his overreliance on back room deal making, was serving him poorly as mayor. At City Hall, slick politics meant nothing if you couldn’t deliver services on the streets. It didn’t help, he said, that Brown’s ego wouldn’t allow him to see the supervisors as partners with their own contributions to offer.

As supervisor seats became vacant, Brown appointed one loyalist after the other until there were only three seats occupied by independent voices. “It was good that his appointees were people of color, but bad that they were in lockstep with him,” Ammiano said. “His administration just didn’t have a populist feel to it. I started challenging him on transparency of political consultants and other issues, and he kept vetoing my bills.”

It then struck Ammiano that “San Francisco is a very populist city,” and maybe the trick was to take these issues straight to the people. So

that's what he did, persuading fellow board members to go along. They went around Brown and put issue after issue on the ballot. A measure to establish an independent watchdog overseeing the abuses of the police. A measure to change the elections of supervisors from citywide to district, which Ammiano saw as a way to reduce the influence of wealthy developers and other moneyed interests, giving the power to people in their own backyards.

"One by one, the measures found their way to the ballot, and the people won," Ammiano said. "It was a mini revolution. And Willie Brown was very unhappy."

Receiving the highest number of votes in his own election, Supervisor Ammiano took the mantle of president of the board. No longer could he be called the outsider. If there was ever a time to be co-opted by the agenda of the middle, it was now. But Ammiano went right on hurling potshots from the perimeter. That's where he worked best. That's where he felt the safest. When you become a politician at the age of fifty, he explains, it's a lot easier to forever be who you are.

In 1999, at the last hour, he threw his hat into the mayoral ring, so late, in fact, that he could qualify only as a write-in candidate. To no one's surprise, he won more than 49,000 votes and the right to face Willie Brown in a runoff. Suddenly, the prospect that Tom Ammiano could actually become the mayor of San Francisco appeared frightening to some.

In advance of the election, even longtime friends and admirers voiced reservations. Jim Rivaldo, a political consultant who had run campaigns for Milk and Harry Britt,

cited the complexity of governing San Francisco. "I'm supporting Brown, but I'm having great emotional conflict," Rivaldo told *The Chronicle*. "Being an advocate, legislator and activist is one thing. But administering a \$4 billion enterprise like the city is another."

Tim Colen, president of the Greater West Portal Neighborhood Assn., echoed the sentiment in *The Examiner*. "He's a sweet and decent



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guy, but he scares the bejesus out of people on the west side. He doesn't seem like the kind of guy who could sit down and talk to landlords and business. It would be like...the People's Republic of San Francisco."

The election wasn't as close as Ammiano had hoped, but he did galvanize progressive voters throughout the city, making way for a new and more liberal board of supervisors.

Entering his last term, he set his

sights on something truly vanguard, turning San Francisco into the first city in the U.S. to offer universal health insurance for every resident, including domestic partners. As Ammiano shaped it, the Healthy San Francisco plan would require all businesses in the city with more than twenty employees to either provide health insurance or pay into a city-operated health fund or contribute to a health savings account.

The plan would offer preventive care for residents not eligible for Medicare or Medi-Cal, regardless of pre-existing conditions or immigration status. The annual cost of Healthy San Francisco would be split between the city (about \$100 million) and local businesses (about \$80 million.)

That Ammiano was able to push through the effort during the last part of his last term made it even more a capstone. It was signed into law by Mayor Gavin Newsom on August 7, 2006. Today, the plan serves more than 55,000 San Franciscans, about two-thirds of all uninsured residents in the city.

"I'm not one of those to sit back and think about legacy," Ammiano says. "But it's hard not to look at what we accomplished on the board of supervisors and not be satisfied. We changed the landscape. For domestic partners, for police reform, for district elections, for Healthy San Francisco."

What made the reforms especially satisfying was how they would change the possibilities for his own daughter, Annie, whose presence in his life had come as a true surprise. Back in the 1970s, he had donated his sperm to an anonymous lesbian couple. A decade later, at Annie's urging, they decided to track down her father. Ammiano jokes that they were looking for a way to explain her overbite and defiance.

“She had a strong personality that her mothers couldn’t explain,” he said with perfect comedic timing. “You know. You see an attribute you don’t like, and it can’t be you. So who can you blame? Well they found me. Little Tommy Ammiano, sperm donor. The one with the sympathetic nervous system that never stops. The one with the smart mouth.”

Coincidentally, Annie was growing up in the Mission District not far from his house, attending one of the very schools where he once taught. “Connecting with her was a momentous day, one of the greatest in my life,” he said. They forged a friendship and then a father-daughter bond that grew deeper yet with the birth of his granddaughter.

In 2008, as then Assemblyman Leno termed out in the State Assembly, Ammiano jumped into the void of the 13th District (now the 17th), a seat tailor made for him. He won in lopsided fashion, receiving more than eighty four percent of the vote. If residents were half expecting a change in approach to accompany his change in office, Ammiano let them know right off they were mistaken. True to form, he set about drafting state laws that required local governments to offer not piecemeal help for at-risk youth but an umbrella of social, mental health and health services.

When he learned about the suicide in 2010 of thirteen-year-old Seth Walsh, a small, sensitive kid who happened to be growing up gay in the hard, little mountain town of Tehachapi, Ammiano naturally saw something of his own childhood. In a community where many are fond of their guns and right wing radio, though less enthusiastic about the maximum-security prison in their

midst, who could be an easier target than a kid who sang Mozart in the shower? For years, Seth had been bullied relentlessly in the local schools. Teachers and principals mostly ignored the pleas of his mother, Wendy, to do something to lessen her son’s misery. He hanged himself from a tree in the backyard.

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Ammiano authored A.B. 9, Seth’s Law, detailing the acts that constitute bullying, including the gay hazing Seth was made to suffer. The law requires schools to adopt a formal process to receive and investigate bullying complaints from students and parents.

Seth was made to suffer. The law requires schools to adopt a formal process to receive and investigate bullying complaints from students and parents. Teachers and other staff who witness acts of hazing and intimidation are compelled to intervene.

As Gov. Brown signed the bill into law on Oct. 17, 2011, Ammiano thanked Wendy Walsh for her tireless advocacy. “We are showing students throughout California that schools are

safe places to learn, and they do not have to fear for their safety because of who they are.”

“I can’t bring my son back,” Walsh said. “But we have made a difference today to protect young people across our state just like Seth who are or are thought to be lesbian, gay, bisexual or transgender.”

Ammiano sent sixteen bills to the governor’s desk in 2012 and watched thirteen of them signed into law. Not bad for the resident Marxist. Whether pushing legislation that recognizes the agenda of many (legalizing marijuana) or the agenda of a few (media access to inmates in state prison), the sensibility is pure Ammiano. When the ACLU honored him as the “legislator of the year” in 2011, it underscored his willingness to wage fights that other legislators, even the most liberal ones, write off as doomed.

As he approaches a last term in the Assembly, it may be that none of his causes is more quixotic than his challenge to the tough-on-crime orthodoxy. Even in California, the “lock ‘em up” faithful can be an impossible wall to chip away at. And yet there was Ammiano last summer, chairing the Assembly’s public safety committee, pick in hand, taking aim at the Three Strikes law.

How had it come to be that more than three thousand of the inmates serving life sentences under Three Strikes were convicted of crimes such as stealing a pair of pants from a department store? Wasn’t the law intended—indeed sold to California voters in 1994—as a way to get killers, rapists and child molesters off the streets?

If one case had come to convey the tragic overreach of the law, it was the Kafkaesque tale of Dale Curtis Gaines, a 55-year-old inmate who

suffers from mental retardation and schizophrenia, serving a life sentence for receiving stolen property. Never had Gaines committed a violent crime; his first two strikes were daytime burglaries of empty houses without the use of a firearm. He took mere trinkets.

Ammiano listened respectfully as Mike Reynolds, the Fresno wedding photographer who wrote the Three Strikes initiative onto the ballot, made his case against reform. His 18-year-old daughter, Kimber, had been shot dead in 1992 by a parolee trying to steal her purse. He was grayer and balder but his voice no less insistent. “Crime has dramatically dropped in the 20 years since the law’s passage,” he said. “It’s cut crime in half, simply put.”

Next was the lobbyist for Crime Victims United. Reforming Three Strikes—even to save a nonviolent offender from a life sentence—was a fool’s endeavor that would imperil us all, she said. Ammiano let her finish and then in a voice barely above a whisper began to speak. The question he posed wasn’t about Dale Curtis Gaines or any of the other extreme applications of the law. Rather, Ammiano took the line of a fiscal conservative, wondering if only a modest narrowing of the law might ease prison overcrowding and save a struggling California some money.

A few months later, the citizens of California, asking themselves the same question, voted to reform Three Strikes. The edifice now had a chip.

Before he terms out in 2014, Ammiano would like nothing better than to reform Proposition 13, which has its own stranglehold on California, he says. It’s one thing to stop the state from raising property taxes on residents and another to extend such an exemption to shopping malls and

big boxes. Perhaps the same electorate that recently passed Proposition 30, the sales tax increase to raise revenue for schools, is ready for a law that closes loopholes in Prop. 13, allowing the state to modestly increase the tax burden on commercial property.

“Prop. 13 is not the untouchable third rail anymore. It’s more like the bad guy with the mustache who has tied California to the rails with a fiscal train wreck coming,” Ammiano says.



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“Corporations want to be treated as people when it suits them, but when it comes to paying their fair share of taxes, they’re looking for a deal that real people can’t get.”

And then there’s Ammiano’s continued pledge to undocumented workers, his authorship of the Trust Act that passed both the Assembly and Senate in 2012, only to be vetoed by Gov. Brown. The measure, which he plans on re-introducing, would place curbs on the detention of immigrants

accused of traffic violations and other minor crimes. It would no longer allow local jails to hold immigrants beyond their bail or sentencing terms and turn them over to federal immigration authorities.

“Our local police should be enforcing local criminal laws, not acting as extensions of ICE,” Ammiano said. “Under federal law, we’ve had 85,000 Californians deported since 2009. Many of them were never convicted or charged with a serious crime. It’s gotten so crazy that a victim of domestic violence who happens to be undocumented can’t report her abuse to police without the threat of being deported.”

Friends and foe wonder what Ammiano will do as an encore once his time in the state legislature runs out. It’s doubtful he’ll retire. It’s doubtful he’ll find his way into the business world. It’s doubtful a non-profit could contain his energy, much less his politics. Maybe he’ll return to real comedy. Maybe he’ll run again for mayor. When asked the question, the stand-up goes into deadpan mode: “Not sure... Outside of politics, ‘old queer and leftie’ is not a resume that will get you very far.” ❖