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### **'No Time for National Solutions': ACT UP/San Francisco and the Politics of Border-Crossing**

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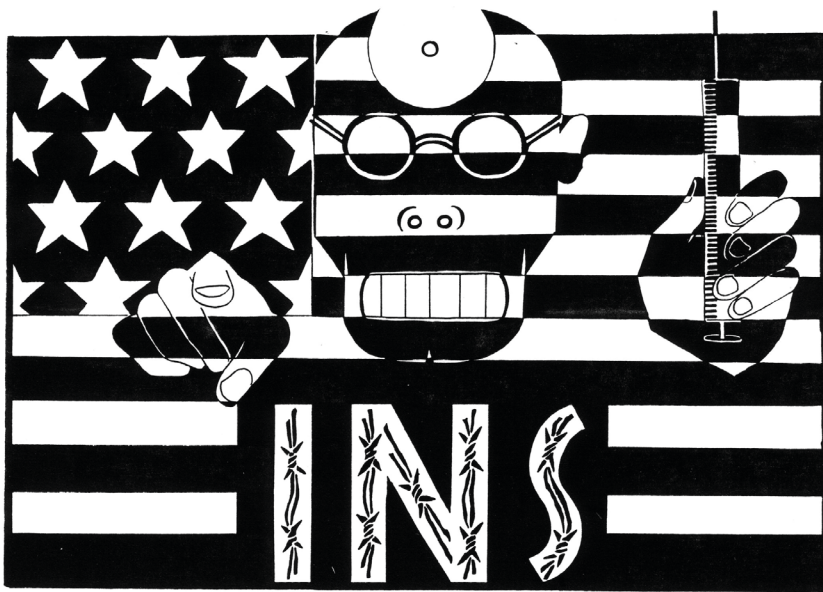
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**END MANDATORY HIV TESTING BY  
THE IMMIGRATION AND  
NATURALIZATION SERVICE (INS).**



**FOUR MILLION TESTED IS TOO MANY.**

**DEMONSTRATE:**

**Tuesday, Feb. 27th 12:15 PM  
INS District Office 630 Sansome St., S.F.**

**ACT UP / SF AIDS Coalition to Unleash Power 563-0724.**

GLBT HISTORICAL ARCHIVES. JORGE CORTIÑAS PAPERS 1989–1994. ACT UP IMMIGRATION WORKING GROUP. FEBRUARY 27<sup>TH</sup>, 1990. COURTESY OF GAY, LESBIAN, BISEXUAL, TRANSGENDER HISTORICAL SOCIETY.

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## **‘No Time for National Solutions’: ACT UP/San Francisco and the Politics of Border-Crossing**

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**KEVIN-NIKLAS BREU**

*Kevin-Niklas Breu is a graduate student of history at the University of Bremen specialized in 20th century Anglo and Latin American, social movements, and GLBT history. His 2014 Bachelor's thesis on gay Cuban refugees' sexual politics in the United States in the 1980s will be published in Invertito. For the academic year of 2016/17, he received a DAAD fellowship to study at the University of California at Santa Barbara. During his stay abroad, he conducted archive research in San Francisco and Santa Barbara in preparation of his Master's thesis on the history of anti-AIDS activism in 1980s and 1990s San Francisco which he submitted in February 2018.*

In the early 1990s, anti-AIDS activists targeted the US travel and immigration ban for HIV-positive foreigners. The legislation, effective between 1987 and 2010, was perceived as symptomatic of the US nation-state's contradictory response to the global HIV/AIDS pandemic in the 1980s and 1990s: While positioning the United States as a leading force in international medical research, the federal government systematically barred travellers with HIV from entering US territory and threatened seropositive immigrants with deportation. Using the annual International AIDS Conference as a platform, the AIDS Coalition to Unleash Power (ACT UP), an international grassroots network of anti-AIDS activists founded in New York in 1987, organised media-effective protests to shed light on the repressive character of US border politics before an international audience. Focusing on the local ACT UP chapters in San Francisco, this essay examines how local sexual and ethnic communities collectively challenged the federal and California state governments' common practice of interlinking welfare and security policies. Moreover, it illuminates the dynamics of late 20th century protest movements which pledged themselves to the principles of basic democracy and civil disobedience. Due to the movements' social heterogeneity, pivotal persons were integral to maintaining intra-group coherence and mobilizing fellow protesters and supporters. Drawing from anti-AIDS activists' personal estates, a discourse analytical approach is employed to reconstruct queer immigrants' role in ACT UP/San Francisco's protest campaigns against the US HIV ban through collective action frames. This adds to a better understanding of the transformation of transnational social movements in the wake of neoliberal and neoconservative thinking in Northern Atlantic countries in the late 20th century.

## *Introduction*

We lead the world when it comes to helping stem the AIDS pandemic—yet we are one of only a dozen countries that still bar people with HIV from entering our own country. If we want to be the global leader in combating HIV/AIDS, we need to act like it. And that’s why, on Monday my administration will publish a final rule that eliminates the travel ban effective just after the New Year.<sup>1</sup>

At a press conference held in the Diplomatic Reception Room of the White House on 30<sup>th</sup> October, 2009, US President Barack Obama reauthorised the Ryan White Care Extension Act for comprehensive HIV/AIDS-centred health care and prevention programmes for the fiscal term 2009 through 2013. On that occasion, Obama also announced the ending of the legislation which had barred HIV-positive foreigners from the United States for twenty-two years. First issued as an executive order by President Reagan in 1987, the temporary ban became statutory as a supplement to the 1990 Immigration and Nationality Act under the Clinton administration in 1993. When the law was repealed in the United States in 2010, approximately 57 countries still imposed travel restrictions on foreigners with HIV/AIDS, including eleven countries which barred HIV-positive people entirely from entering their territory.<sup>2</sup>

In this article, I will examine how the United States HIV travel and immigration ban impacted anti-AIDS activism<sup>3</sup> in the Bay Area between 1990 and 1993 and how, in return, anti-AIDS activists shaped the political discourse on migration

<sup>1</sup> “Remarks by the President at the Signing of the Ryan White HIV/AIDS Treatment Extension Act of 2009,” in Kerry Eleveld, “Obama Lifts the HIV Travel Ban,” *Advocate*, October 30, 2009, <https://www.advocate.com/news/daily-news/2009/10/30/obama-lifts-hiv-travel-ban>.

<sup>2</sup> See “Regulations on Entry, Stay, and Residence for PLHIV,” in *The Global Database: On HIV-Specific Travel & Residence Restrictions*, ed. Deutsche AIDS-Hilfe, [www.hivtravel.org](http://www.hivtravel.org).

<sup>3</sup> In this article, I will use *anti-AIDS activism* when referring to activists committed to AIDS politics in the broadest sense. In so doing, I follow the terminology employed, but not further elaborated by Benita Roth; see: Benita Roth, *The Life and Death of ACT UP/Los Angeles: Anti-AIDS Activism in Los Angeles from the 1980s to the 2000s* (Cambridge: Cambridge University Press, 2017), 1–5. In fact, as Jennifer Brier notes, the word “activism” falsely implies that actors distinguished between their work as volunteers in AIDS service organizations and their commitment to direct-action groups; instead, she proposes the word “AIDS worker”; Jennifer Brier, *Infectious Ideas: U.S. Political Responses to the AIDS Crisis* (Chapel Hill, NC: The University of North Carolina Press, 2009), 4. Nevertheless, I prefer the word *activism* as it highlights individuals’ agency, i.e. their critical engagement with dominant discourses and the multiple creative ways in which they regained social visibility despite their discursively marginalised positions, and pressured both society and state to change their perception of the epidemic. Moreover, the prefix *anti-* emphasizes the activists’ overall intention to end the HIV/AIDS epidemic while, at the same time, leaving open whether they considered the struggle against oppressive social structures as integral to this goal. In this sense, *anti-* also stresses the activists’ opposition both to dominant media discourses on HIV/AIDS and the federal governments’ response to the epidemic at the time. Given the variety of activists’ political convictions and motivation, this common perspective served as an important nexus within ACT UP.

and citizenship in their attempt to overcome the legislation. Focusing on the local chapters of the international anti-AIDS activist network *AIDS Coalition to Unleash Power* (ACT UP) in San Francisco, I will demonstrate how immigrant activists contributed to the success of ACT UP's campaigns against the Immigration and Naturalization Service (INS) by mediating between different activist groups, organisations, and local politicians and by mobilising both sexual minority and immigrant communities in San Francisco.

Most Bay Area activists were first and foremost interested in eliminating all political and legal obstacles to a pragmatic and comprehensive governmental response to the epidemic. From their point of view, by criminalising immigrants and other disenfranchised communities through restrictive AIDS policies, the government of the United States sought to distract US citizens from its financial and organisational shortcomings—as well as from its moral and political obligations—in the political response to the HIV/AIDS epidemic. In this context, the Reagan administration also attempted to establish itself as an assertive government capable of protecting its citizens against what they referred to as an “external” danger brought in by “illegal aliens” and the international “gay jet set.”<sup>4</sup> Drawing on their experiences in Leftist protest groups, the Bay Area activists perceived sexual minority and immigrant communities' vulnerability to contract HIV/AIDS on the one hand and their political disenfranchisement and social marginalisation on the other as interdependent. By revealing the ineffectiveness of US travel and immigration policy in general and that of US border protection in particular, the activists thus sought to both improve immigrant rights and stem the spread of HIV/AIDS in the communities most affected by the epidemic.

Furthermore, I will analyse how, with their media-effective protests for the lift of the HIV ban, ACT UP/San Francisco, ACT UP/Golden Gate and the associated Immigrant Working Group created a platform on which (especially undocumented) queer immigrants could develop their own vision of citizenship and cultural belonging. At the same time, increasing factionalism and intergroup disputes about the prioritisation of treatment activism over the broader struggle for immigrants' rights challenged the San Francisco activists' solidarity with one another. In this context, I will reassess the Immigrant Working Group's pivotal role in overcoming intergroup conflicts and guaranteeing the San Francisco activists' capacity for joint action.

From the onset, the US HIV travel and immigration ban was met with protest among anti-AIDS activists, health professionals, and public health officials worldwide. As one of the most vociferous action groups, ACT UP launched a series

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<sup>4</sup> On the homophobic and racist underpinnings of the conceptualization of HIV/AIDS as an external threat imported by queer non-white non-US citizens, see among others: Douglas Crimp, “How to Have Promiscuity in an Epidemic,” *October* 43: 241–246; Paul Farmer, *AIDS and Accusation: Haiti and the Geography of Blame* (Berkeley: University of California Press, [1992] 2006), 212–221.

of demonstrations across the United States and abroad between 1987 and 1993 targeting the INS for the implementation of obligatory HIV tests in immigration and asylum procedures. Moreover, the activists protested against the US federal government's contradictory approach of funding AIDS research and prevention programmes while, at the same time, criminalising people living with HIV/AIDS.

To stem the epidemic in the United States, the government aimed at separating so called “high risk groups”—gay and bisexual men, drug users, sex workers, prisoners, immigrants, haemophiliacs, and Haitians—from the “general population,” a term which Cindy Patton deconstructed as a residual expression for white male heterosexual middle-class citizens.<sup>5</sup> Its concrete measures comprised—among others—the criminalisation of sex between different status groups, the implementation of quarantine areas in hospitals and prisons, and the increase of border surveillance. At the same time, city councils, state and federal governments invested an increasing amount of public funds into private non-profit organizations that served to increase self-awareness and responsibility among individuals deemed at “high-risk” of contracting HIV.<sup>6</sup> The intertwining of welfare and security regimens, which manifested itself in the field of US travel and immigration policy, resulted from the rise of economic neoliberalism and political conservatism under the Reagan and Bush administrations.<sup>7</sup>

This development became obvious in the wake of the 1980 Mariel Boatlift, which had drawn approximately 125,000 Cubans to the shores of Southern Florida. According to Alice Solomon, “[t]hat event marked a major shift in U.S. attitudes towards immigrants [...] from a 1950s image of brave entrepreneurial refugees seeking freedom from Communist oppression, to a Reaganite framing of refugees as deviant and driven to prey on American society as welfare recipients or criminals.”<sup>8</sup> Only one year after the Cuban mass exodus, the Reagan administration ordered the opening of detention facilities in Florida to contain the influx of undocumented immigrants, refugees, and asylum seekers. In the 1980s, the new policy of immigration imprisonment affected mostly Cuban and Haitian

<sup>5</sup> Cindy Patton, *Inventing AIDS* (New York: Routledge, 1990), 99.

<sup>6</sup> According to Cindy Patton, the United States fueled an “AIDS service industry.” This industry is neoliberal inasmuch as it depends on volunteers' work, and neo-conservative as its services are mostly restricted to US citizens. *Ibid.*, 5–24. On the criminalisation of HIV-positive people, see: Sean Strub, “HIV: Prosecution or Prevention? HIV is Not a Crime,” in *War on Sex*, ed. David M. Halperin (Durham: Duke University Press, 2017), 347–352; Gregory Tomso, “HIV Monsters: Gay Men, Criminal Law, and the New Political Economy of HIV,” in *War on Sex*, 353–377.

<sup>7</sup> On the rise of neoliberalism and neo-conservatism under Ronald Reagan's and George Bush's presidencies, see: Alexander Reichwein, “Der amerikanische Neokonservatismus und seine Ursprünge, Ideen und Ziele: Eine liberale und eine realistische Kritik,” *ZENAF Arbeits- und Forschungspapiere* 1 (2009): 1–37; Martin Schuldes, *Retrenchment in the American Welfare State: The Reagan and Clinton Administrations in Comparative Perspective* (Münster: LIT Verlag, 2011), 13–24.

<sup>8</sup> Alice Solomon, “Trans/Migrant: Christina Madrazo's All-American Story,” in *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*, ed. Eithne Luibhéid and Lionel Cantú (Minneapolis: University of Minnesota Press, 2005), 6.

refugees, but the federal government later extended the law's scope to include also the Texan border where Mexican and Central American immigrants were increasingly targeted.<sup>9</sup> The representation of mostly Latin American immigrants as "criminals" and "welfare recipients" developed into a problem for anti-AIDS activism as it reinforced the ideological divides between different interest groups within the open grassroots network.<sup>10</sup>

During the last two decades, political and social responses to the AIDS pandemic have attracted scholars' interest across disciplinary boundaries and national borders. This has led to numerous studies on the transformation of social movements worldwide, particularly in the Northern Atlantic countries from the late 20<sup>th</sup> to the early 21<sup>st</sup> century. The studies predominantly highlight the decisive role of US-American metropolitan LGBT communities in establishing services for people with HIV/AIDS and in lobbying for public funds for both comprehensive health care and medical research.<sup>11</sup> Moreover, they reconstruct the politicisation of LGBT communities in the mid-1980s following a period of growing social stigmatisation of people with HIV/AIDS and media hysteria about the disease, as well as political negligence regarding the disproportional spread of the epidemic in disenfranchised communities. In this context, ACT UP/New York, founded in 1987, has often been perceived as the hub of anti-AIDS activism in the United States. Recently, however, scholars have started to examine other chapters' contribution to the movement.<sup>12</sup>

This shift is also reflected in historian Joey Plaster's and the GLBT Historical Archive's oral history project which aims at documenting and preserving activists' accounts of the anti-AIDS movement in 1980s and 1990s San Francisco. Complementary to this project, historians Sarah Schulman and Jim Hubbard have

<sup>9</sup> Alice Solomon, "Trans/Migrant," 6.

<sup>10</sup> See: Deborah Gould, *Moving Politics: Emotion and ACT UP's Fight against AIDS* (Chicago: University of Chicago Press, 2009), 338–45; Tamar W. Carroll, *Mobilizing New York: AIDS, Antipoverty, and Feminist Activism* (Chapel Hill: The University of North Carolina Press, 2015), 273–327.

<sup>11</sup> See: Brier, *Infectious Ideas*, 11–71. On the history of the anti-AIDS movements in the United States with a focus on the role of LGBT communities, see: Steve Epstein, *Impure Science: AIDS, Activism, and the Politics of Knowledge* (Berkeley: University of California Press, 1996); David France, *How to Survive a Plague: The Inside Story of How Citizens and Science Tamed AIDS* (New York: Alfred A. Knopf, 2016), 13–120.

<sup>12</sup> In the wake of the infamous 1986 Bowers versus Hardwick case, in which the Supreme Court confirmed Georgia's anti-sodomy law, vociferous direct-action groups, such the Lavender Hill Mob in New York, Citizens for Medical Justice in San Francisco, and Dykes and Gay Men Against Racism/Repression/Reaganism (DAGMAR) in Chicago, appeared. Following the founding of ACT UP in New York in March 1987, these groups formed independent ACT UP chapters in other cities, and merged them into a trans-local grassroots network in the United States, and other North Atlantic countries. See: Gould, *Moving Politics*, 121–176; Brier, *Infectious Ideas*, 156–189. On the development, structure, and politics of ACT UP/New York, see: Carroll, *Mobilizing New York*, 131–161; France, *How to Survive a Plague*, 247–396. On the development of ACT UP/Los Angeles, see: Roth, *The Life and Death of ACT UP/LA*.

collected East Coast activists' testimonies for the ACT UP Oral History Project.<sup>13</sup> In recent years, both former activists and public historians have started to produce documentaries and feature film which both historicize former anti-AIDS activists' experiences and memories and make them accessible to a broader audience beyond academic communities.<sup>14</sup>

In my analysis, I will focus on the local protests against the US travel and immigration ban in the San Francisco Bay Area between 1990 and 1993 and the international protests at the AIDS conferences in San Francisco in 1990 and in Amsterdam in 1992 respectively. In so doing, I will draw from a wide range of documents, posters, clippings, internal statements, and letters of ACT UP/San Francisco, and ACT UP/Golden Gate in general, and the Immigration Working Group as an independent initiative associated with both chapters in particular. The sources are part of the personal estates San Francisco anti-AIDS activists left the GLBT Historical Society Archives in San Francisco beginning in the 1990s.<sup>15</sup> The sorting of the archive material in personal estates rather than in an organisational context suggested that I reconstruct the history of the San Francisco anti-AIDS movement along personal rather than collective lines. In fact, this person-centred approach implies the problem of singling out individual contributions to a broad social movement. Nevertheless, it makes it possible to illuminate how and in which direction knowledge, experience, and cultural practices diffused across borders.<sup>16</sup>

Following the examples set by other cultural histories of the US LGBT movement, individual biographies are included in this paper's analysis to illuminate the

<sup>13</sup> For more information on the San Francisco ACT UP Oral History Project see: "San Francisco ACT UP Oral History Project," Gay, Lesbian, Bisexual, Transgender Historical Society Archives, <http://www.glbthistory.org/2017/06/09/actup-san-francisco-oral-history-project/>. As to Sarah Schulman's and Jim Hubbard's completed project, most interviews, soundtracks and transcripts, are already available online: Sarah Schulman and Jim Hubbard, "ACT UP Oral History Project," <http://www.actuporalhistory.org/index1.html>.

<sup>14</sup> Among the documentaries are David France's 2012 documentary "How to Survive a Plague" and Jim Hubbard's "United in Anger," released the same year. The two US-American productions, which draw from a wide range of archive footage and interviews, are centred on the development of ACT UP/New York in the 1980s and 1990s. Robin Campillo's 2017 feature film "120 BPM" uses a fictitious storyline to reconstruct ACT UP/Paris' internal disputes and protests against the Chirac administration in the 1990s. "How to Survive a Plague," dir. David France, prod. Dan Cogan and Howard Gertler, 109 min., (Public Square Films and Ninety Thousand Words, USA, 2012); "United in Anger: A History of ACT UP," dir. Jim Hubbard, 93 min, (Ford Foundation and the New York State Council on the Arts, USA, 2012); "120 Battement Par Minute," dir. Robin Campillo, star. Mahuel Pérez Biycayart, Arnaud Valois, and Adèle Haenel (Les Films de Pierre, France 3 Cinéma, Page 144, France, 2017).

<sup>15</sup> I draw especially on the following collections: GLBT Historical Society Archives, Tomás Fábregas Papers 1990–1994; GLBT Historical Society Archives (henceforth: GLBT Historical Archives), Jorge Cortiñas Papers 1989–1994.

<sup>16</sup> In so doing, I aim at avoiding to write mere entangled histories of AIDS. On the concept of *entangled histories*, see: Dietmar Rothermund, "Globalgeschichte und Geschichte der Globalisierung," in *Globalisierung und Globalgeschichte*, ed. Margarete Grandner, Dietmar Rothermund, and Wolfgang Schwenkter (Wien: Mandelbaum Verlag, 2005), 22–24.



idiosyncrasies of cultural historical developments at the micro level and individuals' shaping of social processes in and between activist groups, organisations, and institutions at the meso level.<sup>17</sup> By highlighting individual activists' forging of strategic alliances and mobilisation of different communities, I will demonstrate their role both as pivotal persons and multipliers.<sup>18</sup> Specifically, I will do so by reconstructing the *collective action frames* the activists chose to justify and their protests against the HIV ban, and the practices with which they translated their "anger" into "action."<sup>19</sup>

It is no accident that this paper—which seeks to contextualize ACT UP's work on immigration within broader histories of international politics and transnational and migrant subjects—uses San Francisco's ACT UP collective as its case study. San Francisco has a long history of intersecting persecutions and movements in support of immigrants. The city offers a case in which the conflicting relationship between migrants, sexual minorities, and the US-American nation-state can be examined. According to Nayan Shah, the influx of Asian contract workers to San Francisco gave rise to public health concerns about the spread of syphilis and other sexually transmitted diseases in urban communities at the turn of the 19<sup>th</sup> and 20<sup>th</sup> century. Due to the lack of understanding of family structures in East Asian societies and the male-biased demographic in San Francisco's Asian American communities, especially unmarried women, who were sweepingly suspected of sex work, were subjected to recurrent STI screening and quarantine.<sup>20</sup> The 1875

<sup>17</sup> One good example is Duberman's study of the historical pretext and the social and cultural conditions leading GLBTs to join the Gay Liberation movement in the wake of the Stonewall riots in New York in June 1969. The study is based on six gay liberationist activists' extensive accounts of their youth and pre-Stonewall lives. See: Martin Duberman, *Stonewall* (New York: Plume, 1994). Also see: John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States 1940–1970* (Chicago: University of Chicago Press, 1983).

<sup>18</sup> Ronald Burt defines a *pivotal person* or a "broker [as] an individual who manages to bridge one or more [...] holes [gaps within a network], mediating between the parties involved, usually to the mutual benefit of all involved [...]. A broker is the conduit through which resources, ideas and information can pass from one cluster or community to the other," in *Social Network Analysis for Ego-Nets*, ed. Nick Crossley et al. (Los Angeles: SAGE, 2015), 36. Pivotal persons serve an important function as multipliers by drawing new individuals from different communities and/or interest groups into the movement.

<sup>19</sup> *Collective action frames* can be defined as discourses in which activists articulate their self-definition as a political group as well as their protest strategies, thus developing a notion of *collective identity*, i.e. a strong intragroup cohesion through shared convictions, aims, and experiences. See: Sebastian Haunss, *Identität in Bewegung: Prozesse kollektiver Identität bei den Autonomen und in der Schwulenbewegung* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2003), 76–77.

<sup>20</sup> Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), 77–104. As Natalia Molina demonstrates, health officials applied similar measures to Mexican, Chinese, and Japanese communities in Los Angeles in the first half of the 20<sup>th</sup> century to protect white residents against the spread of the Spanish flue, tuberculosis, and other contagious diseases. See: Natalia Molina, *Fit to Be Citizens? Public Health and Race in Los Angeles 1979–1939* (Berkeley: University of California Press, 2006), 75–115.

Page Law ultimately barred unmarried Chinese women from entering US territory entirely, thus revealing US lawmakers' and scientists' perception that moral fibre, physical strength, and health were linked to race and gender. Only seven years later, the Page Law was followed by a complete ban on Chinese immigration. Drawing on this eugenic discourse, US lawmakers added more ethnic groups to the list of exclusion in 1924, among them Japanese people, as well as Eastern and Southern European Jews.<sup>21</sup>

Between 1870 and 1920, the United States Public Health Service institutionalised a complex system of medical examinations in immigration procedures as a response to the rising fear of contagious diseases, which Barbara Lüthi describes as the "medicalization of [US] immigration procedures."<sup>22</sup> Both Shah and Lüthi illustrate that the queering and racialisation of non-white immigrants through practices related to public health and border protection long preceded the political responses to the HIV/AIDS epidemic in 1980s and 1990s USA. Despite the impact of repressive public health and border policies on the port town, San Francisco attracted a multiplicity of ethnic and sexual minorities. Effective political alliances began to be forged between them in the 1970s and 1980s which shaped the urban political landscape decisively.<sup>23</sup>

In the 1980s, the entanglement of the Reagan administration's austerity and war politics led many formerly progressive anti-AIDS activists to join gay and lesbian leftists in their protests against US interventions in Central America, as well as their fight against the spread of HIV/AIDS in Latino/a communities in San Francisco as well as in Nicaragua, and El Salvador.<sup>24</sup> The activists benefited considerably from leftist ideas of coalitional grassroots politics and experiences with media-effective protest styles, especially non-violent direct action or civil disobedience. Drawing on feminist theories, Karma R. Chávez defines *coalition* as political "unions, fusions, and combinations designated for certain kinds of action." These political ties between subjects are usually "temporary, and goal-oriented" in character. Consequently, coalitions are always precarious inasmuch as the actors' differences in motivation, political convictions, and aims lead to constant tension within the group. Even though interest groups and actors remain

<sup>21</sup> Eithne Luibhéid, "Introduction: Queering Migration and Citizenship," in *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*, ed. Eithne Luibhéid and Lionel Cantú (Minneapolis: University of Minnesota Press, 2005), XIV–XV.

<sup>22</sup> See: Barbara Lüthi, *Invading Bodies: Medizin und Immigration in den USA 1880–1920* (Frankfurt: Campus Verlag, 2009), 11.

<sup>23</sup> One example of successful coalitional politics based on strategic political ties between San Francisco's GLBT, Latino/a, Asian American, and Native American communities was the 1977 Coors Beer boycott organised by Chicano/a trade unionists because of the company's discriminatory hiring practices. See: Jesse Drew, "San Francisco Labor in the 1970s," in *Ten Years That Shook the City: San Francisco, 1968–1978*, ed. Chris Carlsson and Lisa Ruth Elliott (San Francisco: City Lights Foundation Books, 2011), 262.

<sup>24</sup> Emily Hobson, *Lavender and Red: Liberation and Solidarity in the Gay and Lesbian Left* (Oakland: University of California Press, 2016), 97–154.

separate within the grassroots collective, coalitional politics contribute to a blurring of dividing lines, thus facilitating the opening of new horizons of political possibilities.<sup>25</sup>

Most anti-AIDS activists started to embrace direct action in 1986 when three decisive events led to the radicalisation of the movement throughout the United States: the Supreme Court's confirmation of Georgia's sodomy law, right-wing demagogue Lyndon LaRouche's "AIDS quarantine" initiative for the California ballot, and the state and federal governments' discussion about HIV mass screenings in the military, in prisons, and hospitals.<sup>26</sup> In response, direct-action groups sprouted across the Bay Area. These included AIDS/ARC Vigil, a protest camp of HIV-positives on San Francisco's United Nations Plaza which had been opened in late 1985, and Citizens of Medical Justice (CMJ), a group of long-term leftist activists embracing AIDS politics. In conjunction with Lesbians and Gays Against Intervention (LAGAI) and the Marin AIDS network, these groups formed the AIDS Action Pledge (AAP), which explicitly drew on the ideals and practices of the leftist anti-war group Pledge of Resistance.<sup>27</sup>

During the Second March on Washington for Lesbian and Gay Rights in October 1987, the San Francisco activists contributed significantly to the forging of the AIDS Coalition To Network, Organize, and Win (ACT NOW), a national coordination committee for local protest groups across the United States.<sup>28</sup> Between 1987 and 1990, the AAP, renamed ACT UP/San Francisco in 1988, not only supported the national boycotts of federal health institutions, such as the National Institutes for Health (NIH) and the Food and Drug Administration (FDA), and disruptions of international AIDS conferences for improved AIDS research and

<sup>25</sup> See: Karma R. Chávez, *Queer migration Politics: Activist Rhetoric and Coalitional Possibilities* (Urbana, IL: Illinois of Illinois Press, 2017), 7f.

<sup>26</sup> Specifically, these direct-action protests comprised blockades of federal authorities, and pharmaceutical companies, streets, and bridges, as well as creative and media-effective demonstrations in public buildings and places, involving agit-prop and guerilla theatre, i.e. unexpected dramatic performances which aimed at shaming public officials through pretended dying (die-ins), kissing (kiss-ins), or blockades (sit-ins) in conjunction with coordinated chanting and the spread of fliers. See: Gould, *Moving Politics*, 122–132.

<sup>27</sup> By signing a pledge document, both members of the Pledge of Resistance and the AIDS Action Pledge avowed their commitment either to "acts of civil disobedience or to support those willing to perform such acts." See: Emergency Response Network, *Basta! No Mandate for War: A Pledge of Resistance Handbook* (Philadelphia: New Society Publishers, 1986); GLBTHS Archives, Arawn Eibhlyn Papers 1973–1995, Box 1, Folder 6, ACT UP History and Other Materials, "ACT UP Condensed History."

<sup>28</sup> Hobson, *Lavender and Red*, 166–70. In preparation for the event, East and West Coast activists drafted the handbook *Out and Outraged* which encouraged radical non-violent protest drawing on a tradition dating back to the gay liberation and feminist movements in the early 1970s. By engaging in civil disobedience, the authors suggested, activists could break the vicious circle of violence and counter-violence evolving around social minorities' resistance to state-sanctioned repression. See: *Out & Outraged: Non-Violent Civil Disobedience at the U.S. Supreme Court, For Love, Life & Liberation, October 13, 1987, C.D. Handbook, National March on Washington for Lesbian and Gay Rights, October 8-13, 1987*, ed. Nancy Alach et al. (Washington D.C., 1987).

treatment. The group also engaged with the pressing issues of comprehensive health care, housing, prison, and US immigration and travel policies.<sup>29</sup> Between 1991 and 1993, they supported protests against the quarantining of HIV-positive refugees at Guantanamo Bay in the wake of the overthrow of the Aristide government in Haiti.<sup>30</sup>

ACT UP/San Francisco's decidedly leftist confrontational stance, transnational consciousness, and trans-local networking also informed the protests against the Sixth International AIDS Conference in San Francisco in 1990. A faction of ACT UP/New York entered into a dialogue with national and international health professionals as official conferees, but most activists protested against the US federal government's HIV welfare and immigration policy outside the convention centre under the auspices of ACT NOW and ACT UP/San Francisco. Due to ACT UP/San Francisco's high visibility in the national and international media, the chapter drew in a large number of new activists. With more than 200 people attending the group's weekly plena and increasingly heated debates about internal sexism and racism, the group split over the discussion whether or not to hire office space. As a result, moderate activists centred on treatment activism formed the independent ACT UP/Golden Gate chapter, which coexisted with ACT UP/San Francisco, as well as various workings groups and caucuses. In fact, due to the increasing number of active members with different social backgrounds, ACT UP/San Francisco's adherence to decision-making by consensus contributed to the 1990 split. This notwithstanding, coalitional politics, specifically the forging of strategic alliances between groups, remained an important tool to stabilise the US anti-AIDS movement during the following years.<sup>31</sup>

As I will demonstrate in this essay, due to individual activists' personal ties with one another, the groups continued to organize effective common protest campaigns, among others against the HIV travel and immigration ban. I will argue that the lasting success of coalitional politics was owed to highly professionalised and specialised interest groups, such as the Immigration Working Group. Among other measures, the working group, in conjunction with ACT UP/San Francisco and ACT UP/Golden Gate, successfully pressured the organization committee to

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<sup>29</sup> According to Benita Roth, the disruptions of the International AIDS Conferences in Montreal in 1989 and in San Francisco in 1990 furthered the ties between the local groups, thus inviting the local US anti-AIDS activist groups to punctuate their local work with international activism. See: Roth, *The Life and Death of ACT UP/LA*, 42.

<sup>30</sup> The social response to the Haitian refugee crisis which was led by East Coast law professionals, students, and anti-AIDS activists, will not be covered in this essay. The major protests took place on the East Coast where both the largest Haitian and Haitian American communities—in New York and Miami—and the most influential courts and law schools were situated. See: Michael Ratner, "How We Closed the Guantanamo HIV Camp: The Intersection of Politics and Litigation," *Harvard Human Rights Journal* 11 (1998): 193–200, 210–217.

<sup>31</sup> Gould, *Moving Politics*, 184–5. In this context, Gould and Brier identify similar developments in other local US chapters, including ACT UP/New York and ACT UP/Chicago. See: Gould, *Moving Politics*, 347–8; Brier, *Infectious Ideas*, 182–3.

translocate the 8<sup>th</sup> International AIDS Conference from Boston to Amsterdam in 1992. Despite its precarious and temporal character, coalitional politics facilitated anti-AIDS activists' adjustments to political and social developments, and thereby contributed to the stabilisation of 1980s and 1990s US grassroots movements.

Against this backdrop, ACT UP in San Francisco serves as a microstructural case study of a transnational grassroots movement which adds to the understanding of the conflicting responses to the HIV/AIDS pandemic in times of the increasing globalisation of national economies, the rise of the neoliberal order, as well as the success of the political Right in Northern Atlantic countries in the 1980s and 1990s.<sup>32</sup>

*Calling for Action against the INS: ACT UP/San Francisco's Demonstrations  
against the HIV Ban in the Spring of 1990*

Leading up to the Sixth International AIDS Conference in San Francisco, ACT UP/San Francisco launched a series of demonstrations against the HIV exclusion of immigrants and travellers in the Bay Area. On February 27, 1990, ACT UP/San Francisco members Jorge Cortiñas and Kate Raphael organized a rally leading to the local Immigration and Naturalization Services (INS) Office at Sansom Street. With the protest, the activists intended to draw public attention to the agency's most recent decision to deny two immigrants, a married German man with two US children and a gay Mexican man, permanent residence because of their positive HIV-test results.<sup>33</sup> Under slogans, such as "Four Million Tested Is Too Many" and "Basta con la migra!" (Put an end to INS!), the protesters halted traffic in front of the INS building (**Article Cover Image**). This resulted in several arrests. Simultaneously, East coast chapters of ACT UP demonstrated at the INS headquarters in Washington, D.C. News on the demonstrations spread fast among the LGBT and Hispanic communities in the Bay Area and beyond. According to *Bay Area Reporter* journalist Allen White, "[l]ocal Spanish speaking television stations gave the demonstration a high priority because the immigration acts are now being viewed not only as an instrument against gays but also as an act of racism against minorities by the United States."<sup>34</sup>

In November 1990, Congress passed the Immigration and Nationality Bill into law. The new policy restored the Department of Health and Human Services'

<sup>32</sup> On micro- and macrostructural perspectives in global history, see: Sebastian Conrad and Andreas Eckert, "Globalgeschichte, Globalisierung, multiple Modernen: Zur Geschichtsschreibung der modernen Welt," in *Globalgeschichte: Theorien, Ansätze, Themen*, ed. Sebastian Conrad et al. (Frankfurt: Campus Verlag, 2007), 28–9.

<sup>33</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 12, INS Action February 27, 1990, "For immediate release, February 23, 1990."

<sup>34</sup> Allen White: "ACT UP, CDC Target INS Policy," *Bay Area Reporter* 20/9, March 1, 1990, 1; also see: Michele DeRanleau: "Opposition to INS Policy Mounts," *San Francisco Sentinel*, March 1, 1990.

(HHS) authority to define “communicable diseases of public health significance” on a scientific basis.<sup>35</sup> As it automatically lifted all grounds of exclusion, HHS was required to publish a new list of excludable diseases by June 1<sup>st</sup>, 1991. The new proposal published in January 1991 contained active tuberculosis only. Because of a protest initiated by conservative Congressmen, the new list was finally rescinded. President Bush, too, opposed the removal of HIV from the list of excludable diseases due to concerns about rising public costs of AIDS treatment granted to non-US citizens, a recurring topic in the national press.<sup>36</sup>

In his speech, Jorge Cortiñas, himself a Mexican immigrant, condemned the impact of the INS policy for immigrants with HIV/AIDS, people of colour, gays, and lesbians alike. Using a decidedly leftist antiimperialist rhetoric, he pointed out the inconsistencies of the request for cheap labour on the one hand and the lack of basic civil rights on the other when it came to living conditions for non-US nationals in the United States. As he argued, the working ban on undocumented immigrants, which invited agri-businesses to “exploit” them under “sweatshop” conditions, resembled the exclusion of people with HIV/AIDS as a similar means of degradation to a “second-class citizenship.”<sup>37</sup> Addressing the intersections of legal discrimination against LGBT foreigners, who had been barred from entering the United States between 1917 and 1990, and HIV-positives since 1987, he called for a united response against US immigration policy at large.<sup>38</sup>

Implicitly drawing on the gay liberationist concept of *internal colonialism*, he saw the legal entanglement of welfare and security policy as an expression of the US nation state’s *covert war* against disenfranchised groups. With this frame, he spoke to undocumented queer immigrants who, due to the constant fear of deportation, remained invisible at the margin of society. The term *internal colonialism* implied that GLBTs, classified as an “ethnic minority” in Marxist terms, endured constant repression by imperialist white capitalists who, in order to control them, forced them and other social minorities into urban ghettos and answered protest

<sup>35</sup> Ignatius Bau, “Immigration Law,” in *AIDS and the Law*, ed. David W. Webber, 3<sup>rd</sup> edition, (New York: John Wiley & Sons, [1991] 1997), 488–489.

<sup>36</sup> Ibid.; Richard Cohen, “AIDS and Immigration,” *The Washington Post*, June 14, 1991; “The Right Decision Loses: Aliens with the AIDS Virus Are Not a Threat to Public Health and Should be Allowed Into the U.S.,” *San Francisco Examiner*, May 29, 1991.

<sup>37</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 12, INS Action February 27, 1990.

<sup>38</sup> The immigration and travel ban on homosexual men and women as well as gender-nonconforming people dates back to the 1917 Immigration and Naturalization Act (INA) which denied entry to the United States to individuals who were found “mentally defected” upon their arrival at the border. After several legal reforms, the 1967 INA added “sexual deviation” as a ground for a travel or immigration ban, thus explicitly barring same-sex desiring non-nationals from entering US territory. With the 1990 INA, “sexual deviation”—in contrast to HIV/AIDS—was no longer listed as a ground for denying non-US nationals entry to the US. See: Tracey J. Davis, *Opening the Doors of Immigration: Sexual Orientation and Asylum in the United States* (Washington, D.C.: Washington College of Law, 2002), <https://web.archive.org/web/20020822211541/http://www.wcl.american.edu/hrbrief/v6i3/immigration.htm>; Luibhéid, “Introduction,” XII–XIII.

with state-sanctioned violence. This impression was reinforced by the San Francisco Police Department's abrasive actions against GLBT protesters in the Castro city district. The SFPD answered both the protests against Dan White's lenient sentence for assassinating liberal mayor George Moscone and openly gay supervisor Harvey Milk in 1979 and the registered demonstration organised by ACT UP/ San Francisco one decade later with so-called sweeps, comprehensive raids on both streets and bars. In the shape of what I call *covert war*, the frame of internal colonialism was adopted by gay and lesbian caucuses of anti-intervention and anti-nuclear groups in the Bay Area to address the link between the federal government's military intervention in Central America and its deprivation of support for both people with AIDS and Central American refugees.<sup>39</sup> Examining the Mexican transgender woman and asylum seeker Christina Madrazo, who was incarcerated in a deportation prison in Florida for petty crimes at the end of the 1990s and the early 2000, Alisa Salomon provides another example of both the exclusion of sexually and gender non-conforming individuals from legal protection and the discriminatory and punitive practices towards GLBTs in US federal and state prisons.<sup>40</sup>

"George Bush and Jesse Helms think it's acceptable to tell the American public that people of color, people with an accent, aren't capable of incorporating [and] acting on the same safe sex the public is expected to act on."<sup>41</sup> With these words, Cortiñas alluded to the 1987 Helms Amendment which prohibited state funding of prevention campaigns that "promoted" sexual activity among gay men or among teenagers by advocating condom use and by spreading sex-positive safe-sex messages in posters and brochures. In effect, the law made it difficult especially for AIDS organisations to reach out for vulnerable populations with pragmatic recommendations. In addition to this, Lyndon LaRouche's successful 1986 "English only" initiative exacerbated the work with non-native speakers, including immigrants with precarious residence statuses, in California.<sup>42</sup> Like the HIV immigration and travel ban, the restrictions in public health education revealed the xenophobia rooting in the US political Right inasmuch as they created the image of people with HIV/AIDS as an alleged 'threat to the public health.' Cortiñas and

<sup>39</sup> See: Hobson, *Lavender and Red*, 12, 25–27, 173–177. One of the most important gay activists who introduced Marxist thought into the research on gay men was Harry Hay who was a temporary member of the Communist Party USA as well as founder of the homophile Mattachine Society in the 1950s and the gay radical Faery Circles in the 1970s. See: Lüder Tietz, *Homosexualität, Cross-Dressing und Transgender: Heteronormativitätskritische kulturhistorische und ethnographische Analysen* (PhD diss., Universität Oldenburg, 2014), 367–369. On the conceptualisation of gay men as a sexual minority, see: Harry Hay, *Radically Gay: Gay Liberation in the Words of Its Founder*, ed. Will Roscoe (Boston: Beacon Press, 1996), 331–340.

<sup>40</sup> Alisa Salomon, "Trans/Migrant: Christina Madrazo's All-American Story," in *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*, ed. Luibhéid, and Cantú, 5–24.

<sup>41</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 12, INS Action February 27, 1990.

<sup>42</sup> See: Hobson, *Lavender and Red*, 161–163.

ACT UP activists argued against this by highlighting “that most undocumented people with HIV were infected right here”<sup>43</sup> in the United States.<sup>44</sup>

Despite the constant threat of deportation, Jorge Cortiñas managed to recruit undocumented immigrants, such as Jesus Reyes, a Mexican gay man who had just been denied a resident permit after testing positive for HIV. For the demonstration in front of the San Francisco INS headquarters in February 1990, Reyes wrote a speech in which he reconstructed his life as an undocumented immigrant and an HIV-positive gay man in San Francisco.<sup>45</sup> Reyes stated that he had been living in the Mission, a Latino neighbourhood in San Francisco since his entry to the United States. There, he had accepted two jobs to sustain himself and his family in Guadalajara. After becoming ill in 1987, he struggled for the legalisation of his residence status in order for him to become eligible for health care and social benefits. Feeling he did not qualify for the Immigration Control Act of 1986 because of his undocumented entry into the United States, he asked his brother, a US citizen, to file for permanent residence on his behalf in November 1989.<sup>46</sup> This option required an obligatory blood test to be taken by a physician authorised by the INS, and submitted by the applicant in a closed envelope to the INS official in charge. At the INS interview following the blood test, Reyes was informed about the test results along with the agent’s decision to deny him permanent residence. To avoid arrestment, Reyes left the office immediately and concealed his whereabouts. The only hope Reyes was left with was the removal of the HIV travel and immigration ban announced by the Department of Health in early 1990.<sup>47</sup>

In his speech, Reyes described the common dilemma that an undocumented immigrant’s legal status exacerbated their state of health, and vice versa. Fur-

<sup>43</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 12, INS Action February 27, 1990.

<sup>44</sup> Later, the idea that most people were infected after entering the United States was even accepted by epidemiologists who stressed the high case load of people with HIV and AIDS in the United States and the important role of the United States in the spread of the virus outside of Africa in the early years of the epidemic: April Thompson, “The Immigration HIV Exclusion: an Ineffective Means for Promoting Public Health in a Global Age,” *Houston Journal of Health Law and Policy* 145, no. 3 (September 2005): 168.

<sup>45</sup> It cannot be reconstructed from sources available whether Jesus Reyes actually gave his speech at the rally. Due to the fact that he was very likely to be arrested at the demonstration it appears improbable that he gave the speech in person. Nonetheless, his statement provides a deep insight into the impact of the HIV immigration ban on those who attempted to legalise their residence statuses.

<sup>46</sup> The Immigration Control and Reform Act of 1986 allowed undocumented immigrants who had entered the United States before January 1<sup>st</sup>, 1982 to apply for permanent residence in the United States. In return, the law required employers to check their employees’ immigration statuses and report cases of suspected document fraud to state authorities, which led to a short-term increase of dismissals of largely Hispanic workers. See: Bau, “Immigration Law,” 476–7. This notwithstanding, approximately four million undocumented immigrants applied for the legalisation of their residence statuses; about half of the applications were approved. See: William Branigin, “U.S. Migrant Law Falls Hard on Jobless in Central Mexico,” *The Washington Post*, March 3, 1987, A1.

<sup>47</sup> Bau, “Immigration Law,” 476–7.



thermore, he described how, even though immigrants were often infected in the United States, they were still considered as 'importers of contagious diseases' and 'threats to tax payers.' Apart from this, Reyes' description of the INS testing procedures adds to the doubtfulness of the official arguments for mandatory testing. Anti-AIDS activists continuously emphasised that applicants were very likely to be traumatised and risked engaging in high-risk behaviour, such as drug abuse and unprotected sex, if they were confronted insensitively with a positive test result without pre- and post-test counselling. This and the fear of deportation drove them underground.<sup>48</sup>

ACT UP's demonstration at the INS office in San Francisco was not the only one addressing the INS travel restrictions for HIV-positive non-US citizens. As the opening of the Sixth International AIDS Conference approached, the pace of protest actions in the Bay Area and in Washington accelerated. On April 5<sup>th</sup>, 1990, nine members of Oppression Under Target! (OUT!) chained themselves to the front door of the INS headquarters in Washington, D.C. The local D.C. direct-action group, which was focused on GLBT rights, was in close contact with ACT NOW to coordinate its actions with other grassroots initiatives across the United States. Drawing constant links to the repeal of the travel and immigration ban for homosexuals, they protested against the INS restrictions for people with HIV/AIDS. In effect, the activists prevented employees from entering the building and thus halted work for approximately one hour.<sup>49</sup> The demonstration outside of the building was paralleled by a "National Phone Zap" launched by activist groups across the country.<sup>50</sup>

The action stimulated further radical approaches to keep the policy on the agenda of national media. On May 3<sup>rd</sup>, 1990, San Francisco-based Stop Now Or Else (SANOE) occupied the INS office building in San Francisco. In 1989, the group had become known for blocking traffic on the Golden Gate Bridge and disrupting an evening performance at the San Francisco Opera House. This time, the police reacted more abrasively. Both activists and members of the press were injured when the police stormed director Phil Water's office, in which the protesters were holding a sit-in. INS employees refused to make official press statements.<sup>51</sup>

<sup>48</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 12, INS Action February 27, 1990. These arguments received support from medical professionals and researchers. See: Demetrius Lambrinos, "Out of the Frying Pan and into the Quarantine: Why 8 U.C.S. Sec. 1182's HIV/AIDS Exclusion Should Not Apply to Refugees Seeking Entry into the United States," *Gender, Race, and Justice* 10 no.1 (2006), 129–132.

<sup>49</sup> See: Cliff O'Neill, "Activists Lock Up I.N.S. HQ," *Bay Area Reporter*, April 12, 1990, 24.

<sup>50</sup> See: GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 13, INS Phone Zap March 1990. The activists used the word "zap" as a synonym for storming or blockade, both in the sense of storming a stage or an event and in the sense of blocking telephone and fax lines with constant calls and fax transmissions. In this context, the "National Phone Zap" served as a supplement to the protesters' demonstrations on-site in Washington, D.C.

<sup>51</sup> Peter Altman, "INS Office occupied," *Bay Area Reporter*, May 3, 1990, 1.

Different from OUT!, SANOE justified the protest by referring to the HIV restrictions in general and the increasing number of denied applications for amnesty under the 1986 Immigration Control Act in particular. SANOE considered travel ban waivers for international AIDS conference participants a deceptive maneuver by state officials to cushion international criticism of the ban. With their more general language, the protesters redirected the focus from travel restrictions for people with HIV to the broader issue of immigration.<sup>52</sup> ACT UP/San Francisco cemented this more fundamental criticism when the activists presented an open letter to the press in front of the INS office building in San Francisco on June 18<sup>th</sup>. In it, Kate Raphael and Jorge Cortiñas demanded that President Bush lift the ban and reopen the 35 cases of denied amnesty applications.<sup>53</sup> In the following days the activists intensified their pressure on the INS by protesting in front of the office building. The campaign culminated in a city-wide protest marathon during the conference week.

*The US Travel and Immigration Policy in the Pillory: International Controversies on the US HIV Travel Ban in the Run-Up to the Eighth International AIDS Conference*

Whether issues were put on the agendas of activist groups depended not only on the preferences of the majority, but also on individual members' social background, knowledge, and skills. In the Immigration Work Group, Jorge Cortiñas, himself a Mexican citizen, focused on issues related to permanent immigration such as access to US health care, social benefits, and labour rights, while other members, like Tomás Fábregas, were more concerned with the impact of the HIV travel ban on international networks of researchers and activists.

The case of Tomás Fábregas is worth discussing at length as it demonstrates both the professionalisation of AIDS activism in San Francisco, its local and international alliances, and the transformation of grassroots activism into effective media campaigning on the international stage between 1990 and 1994. Fábregas, a permanent US resident since 1979 of Galician origin, was diagnosed HIV-positive in 1989. After abandoning his career as a businessman, he joined the SFAF, first as a volunteer and later as a board member. At the same time, he worked with ACT UP where he became responsible for the Immigration Working Group.<sup>54</sup>

Long before its opening session, the Eighth International AIDS Conference brought about controversy in national and international media. Under the auspices of the Harvard Medical School, the conference was originally scheduled to

<sup>52</sup> Altman, "INS Office occupied," 1.

<sup>53</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 1, Folder 14, Speaking Across Borders, June 17, 1990, Box 1, Folder 15, Press Conference June 19.

<sup>54</sup> See: Susan Stern, "Battling AIDS' Borders: Oakland Man Tests U.S. Immigrant Ban," *Oakland Tribune*, July 25, 1992.

be held in Boston in June 1992. Activists, scientists, journalists and politicians called for a boycott of the conference if it was held on US territory. Despite the possibility to obtain waivers for short-term visits, the HIV travel ban effectively deterred HIV-positive activists and scientists from entering US territory.<sup>55</sup> On August 2<sup>nd</sup>, 1991, the *Washington Post* published an article according to which the Bush administration decided not to lift the travel ban. The decision was officially justified on economic grounds.<sup>56</sup> Drawing on a Canadian case study, Republican Californian Senator William E. Dannemeyer estimated that, if the ban was lifted, the number of HIV-infected persons immigrating into the United States would rise from 3,000 to 6,000 annually. Consequently, annual costs of public health care programmes would increase to \$720 million per year. The figures met firm criticism among progressive politicians and journalists. *Washington Post* writer Gladwell, for instance, estimated the actual number of immigrants to be between 1,200 and 2,400 and health care costs to amount to only \$60 million per year.<sup>57</sup>

As a response to the administration's contradictory signals, the Immigration Working Group coordinated a protest campaign to urge the organising committee of the Eighth International AIDS Conference, the Harvard University AIDS Institute under Chairperson Max Essex, to either cancel the conference or relocate it abroad. Well before the Seventh International AIDS Conference in Florence in June 1991, various North American and European ACT UP chapters had circulated an internal statement in which they reminded Essex of his committee's announcement at the San Francisco conference "that they would not hold the conference in Boston if the restrictions in question were not removed from U.S. law."<sup>58</sup> At the Florence conference, however, the organising committee revoked its previous pledge by stating that "they may walk away from their previous commitment to move or cancel the conference and may go ahead with their intention to host the conference in the United States."<sup>59</sup>

The Immigration Working Group feared that they would lose the support of ACT UP/Golden Gate which remained undecided as to whether they should focus both on travel and immigration issues. Because of it, Tomás Fábregas urged the chapter in a letter on August 8<sup>th</sup>, 1991 "not to accept a split of the travel and im-

<sup>55</sup> Allen White, "Scientific Experts Ask Bush to Stop INS discrimination," *Bay Area Reporter*, February 22, 1990, 4; Allen White "Push to Change INS Policy on Visas and HIV," *Bay Area Reporter* 20/15, April 12, 1990, 1, 3, 21.

<sup>56</sup> Philipp Hilt: "U.S. to Admit Some Immigrants with AIDS under New Health Policy," *New York Times*, August 3, 1991, <http://www.nytimes.com/1991/08/03/us/us-to-admit-some-immigrants-with-aids-under-new-health-policy.html>; United Press International, "U.S. Won't Lift HIV Ban, 'Washington Post' Reports," *Bay Area Reporter*, August 6, 1991, 19.

<sup>57</sup> See: Malcolm Gladwell, "U.S. Won't Lift HIV Immigration Ban: Cost of those Who Develop AIDS Unacceptable," *The Washington Post*, August 2, 1991.

<sup>58</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 2, Flyers 1991–1993.

<sup>59</sup> *Ibid.*

migration issues.”<sup>60</sup> As a member of ACT UP/Golden Gate and of the board of the San Francisco AIDS Foundation (SFAF), Fábregas himself had been sceptical of a boycott stating that, in the wake of the 1990 conference, there had been “indeed too short a time to move the conference to another country, and [...] there [had been] an explicit understanding that if the restrictions [...] were not removed, *no international AIDS would ever again take place in the US* [italics i.o.; K.B.]”<sup>61</sup> Due to conservative lawmakers’ successful campaign to reinstate the ban on immigration while granting temporary waivers for HIV-positive conference participants, he changed his point of view: “The current attempt to split the issue in traveler and immigrant rights is unacceptable. HIV infected people have their lives in the U.S. Indeed, many of us have our families in the US, whether these families are legally recognized or not.”<sup>62</sup>

The conflict was settled when ACT UP/Golden Gate decided to support a joint appeal of the Immigration Working Group and ACT UP/San Francisco which was sent to collaborating activist groups and AIDS organisations across the country as well as abroad. In the appeal, the three groups called upon their friends to join a protest letter addressed to Max Essex and the organising committee of the 1992 AIDS Conference.<sup>63</sup> Many organisations and activist groups, including among others the German gay magazine *Magnus* and the German AIDS-Hilfe, responded to the appeal.<sup>64</sup> ACT UP/London, ACT UP/Paris, and ACT UP/Brussels, also pledged their support for the San Francisco chapters.<sup>65</sup> To draw the European media’s attention to the call for a boycott, ACT UP/Paris activists even attacked the Statue of Liberty in Paris with fake-blood bombs.<sup>66</sup>

In the United States, ACT UP could rely on various well-known organisations, such as the San Francisco AIDS Foundation, the American Medical Association (AMA), and the International AIDS Society (IAS). These had already revoked any support for an AIDS Conference in the United States under the restrictive travel and immigration policy during spring and summer 1990.<sup>67</sup> Growing national and international pressure led Essex to announce on August 16 that the location

<sup>60</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 2, Folder 8, 8th International AIDS Conference, ACT UP.

<sup>61</sup> GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 2, Folder 8, 8th International AIDS Conference, ACT UP.

<sup>62</sup> *Ibid.*

<sup>63</sup> See: GLBT Historical Archives, Jorge Cortiñas Papers 1989–1994, Box 2, Folder 9, 8th International AIDS Conference, Consensus Statement.

<sup>64</sup> See: GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992.

<sup>65</sup> See: GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992, ACT UP/Brussel’s Fax to the Immigration Working Group.

<sup>66</sup> See: Thompson Dick, “Keeping The Door Closed: America’s Stubborn Immigration Restrictions Could Force the Cancellation of Next Year’s Global AIDS Conference,” *TIME*, August 12, 1991, <http://content.time.com/time/magazine/article/0,9171,973588,00.html>.

<sup>67</sup> Wanda Ochoa, “Volberding Announced Conference Pullout,” *The Sentinel*, June 6, 1991. GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence.

of the conference would be relocated from Boston to Amsterdam. He stated that “it is not possible at this time to offer assurance that U.S. immigration policy will allow individuals with HIV, health professionals and other essential participants to attend the 1992 conference.”<sup>68</sup>

With the move of the conference, public protest against the INS policy did not stop in the Bay Area. On the contrary, the San Francisco activists were able to increase public pressure on the federal government. In January 1991, the Immigration Working Group urged Black basketball icon Magic Johnson, who had just been outed as HIV-positive in public, in an open letter to use his unique position as a person with AIDS in the government’s National Commission on AIDS to plead for the lift of the ban.<sup>69</sup>

Apart from celebrities, the San Francisco activists sought to form strategic alliances with national health organisations. In February 1991, the Immigration Working Group convinced the American Foundation for AIDS Research (AmFAR) to encourage the Association of Schools of Public Health in the United States to officially join the protest.<sup>70</sup> On April 14<sup>th</sup>, 1992, the SFAF Board of Directors contracted the law agency Morrison and Foerster to send an official letter to Vassou Papandreou of the Commission of the European Communities urging him to “consider punitive measures against the United States in order to pressure the United States to change its immigration policies.”<sup>71</sup> In a letter dated June 26<sup>th</sup>, 1992, the Commission replied that it had expressed its “concern” to US Secretary of Health, Louis Sullivan in June 1991.<sup>72</sup> After Sullivan had replied saying that immigration policy was currently under revision and that an interim regulation was in effect, the Commission did not push the issue further.<sup>73</sup>

Unlike previous conferences, ACT UP chapters from North America and Europe joined in the preparation of the conference programme. Tomás Fábregas, who was invited to the opening session, intended to scandalise INS practices by presenting slides of HIV-positive travellers’ passports stamped at the US border. These stamps contained a code which disclosed the HIV status of foreigners who

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dence, March 1991–April 1992, Letter by ACT UP/Golden Gate to James B. Todd, March 28<sup>th</sup>, 1991; Box 1, Folder 9, Memos 1990–1992.

<sup>68</sup> United Press International: “AIDS Conference’s Decision to Shun U.S. Pleases ACT UP,” in *Bay Area Reporter*, August 22, 1991, 15.

<sup>69</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992, “An open letter to Magic Johnson.”

<sup>70</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992, Letter by Tomás Fábregas and Jeffrey Lee Brooks to Mathilde Krim, AmFAR Founding Co-Chair, February 26, 1992 Official Announcement by ASPH.

<sup>71</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 7, Papandreou Correspondence 1992.

<sup>72</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 7, Letter by A. Tryfillis to Morris Ratner of Morrison and Foerster, June 26, 1992.

<sup>73</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 7, Letter by A. Tryfillis to Morris Ratner of Morrison and Foerster, June 26, 1992, and the letter by V. Papandreou and J. Lature to Dr. Louis W. Sullivan, June 27, 1991.

applied for a waiver from the ban. For this purpose, he asked Fernand Beauval, a member of ACT UP/Paris, whom he had met at the 1991 AIDS Conference in Florence, for a hard copy of his passport.<sup>74</sup> The Immigration Working Group planned to juxtapose Beauval's travel documents with a historical sample of Jewish passports from Nazi Germany. For the occasion, a group had been invited to give a press conference in the Anne Frank House during the International AIDS Conference. After failing to receive such sources from various Jewish-American organisations, Jeffrey Brooks, Fábregas' lover and fellow activist, requested Irving Cooperberg, a New York gay Jewish man, to assist them.<sup>75</sup>

By presenting Beauval's passport and those of Jewish victims of Nazi persecution side by side, the Immigration Working Group drew on the US activists' discourse characterising the US federal government's response to the AIDS epidemic as decidedly "Nazistic"<sup>76</sup> to critique US immigration policy in an international forum. By using a Holocaust frame, the Immigrant Working Group sought to underpin its repeated argument that excluding HIV-positives equalled a "death sentence." Explicit references to the Holocaust in public protests, however, remained controversial among the activists.<sup>77</sup>

*The Politics of Border-Crossing—How to Discredit the Federal Government on the International Stage*

Rather than the juxtaposition of Beauval's travel documents and Jewish refugee passports, it was Tomás Fábregas' US border crossing as an HIV-positive non-US citizen which attracted international media attention. As a part of his media coup at the Eighth International AIDS Conference in Amsterdam in 1992, Fábregas revealed his HIV-status, his exact flight number, and return date to the public at the opening ceremony of the conference on July 19<sup>th</sup>. The following day, he and

<sup>74</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992, Fax by Tomás Fábregas on behalf of the Immigration Working Group to ACT UP/Paris, March 18, 1992, Letter by Tomás Fábregas to Fernand Beauval's personal address, March 25, 1991.

<sup>75</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 4, Correspondence, March 1991–April 1992, letter by Jeffrey Brooks to Irving Cooperberg, May 11, 1991.

<sup>76</sup> The allegation that the treatment of HIV-positive foreigners at the US border resembled that of Jews by NS officials during World War II occurred as early as 1990. In an article following the February 27<sup>th</sup> demonstration of ACT UP/San Francisco, *Bay Area* reporter Allen White noted: "The actual enforcement of the U.S. policy is shockingly similar to how Jews were treated during World War II in Hitler's Germany [...]. In what many describe as a degrading and humiliating experience, the passport is [...] stamped with an indication they [HIV-positive foreigners, K.-N. B.] are infected. During World War II, the Nazi government forced Jews to have their documents stamped with a yellow star," in: Allen White, "ACT UP, CDC Target INS Policy," *Bay Area Reporter* 20/9, March 1, 1990, 24.

<sup>77</sup> Gould, *Moving Politics*, 166–168; On US activists' use of Holocaust frames across political factions in the post-war period, see: Peter Novick, *The Holocaust in American Life* (Boston: Houghton Mifflin Company, 2000), 241–2.

AmFAR director Elisabeth Taylor held a press conference where Fábregas reiterated his intention to challenge the US federal government for its “grave abuse of human rights.”<sup>78</sup>

Fábregas affirmed that he saw US society at the centre of the epidemic, stating, “I am a permanent resident in the United States who in 1989 was diagnosed with AIDS, an illness I am absolutely sure I unknowingly acquired in the United States.” As a result of legally “stigmatizing those of us with HIV/AIDS,” he perceived US immigration and travel policy as reinforcing the pandemic by “driv[ing] us into hiding, away from the treatments and the prevention and education efforts that may save our lives and teach us how to avoid infecting others.”<sup>79</sup> Addressing President George Bush personally, Fábregas warned the US government that he would mount challenges to “the validity of these laws in both a court of law and the court of public opinion.”<sup>80</sup>

Fábregas’ campaign immediately caused controversy in international media.<sup>81</sup> On the day of his return to the United States, the local *Oakland Tribune* discussed the legal consequences Fábregas might have to face upon his arrival at San Francisco International Airport. According to the director of the San Francisco Immigration District Office, David Ilchert, “[h]is short trip may be deemed only a ‘casual departure,’ a type of trip after a legal resident cannot be barred, or Fábregas may be allowed to return to his Oakland home under a waiver of the law.”<sup>82</sup> In another scenario, the activist might also be detained by the INS and forced to revoke his residence status.<sup>83</sup> These actual possibilities led Fábregas’s attorney, Ignatius Bau, to affirm his client’s criticism of the contradictory character of the US immigration and travel restrictions: “If he is successful in coming in, he makes the point that he’s not a public threat [...] And if he’s not a threat, how can they say that the immigrant with AIDS behind him in line is a public health threat?”<sup>84</sup>

On Saturday, July 25<sup>th</sup>, Fábregas was, actually, granted entry to the United States after arriving at San Francisco International Airport. According to *El País*, Fábregas credited the immediate positive decision to the pressure of a welcome

<sup>78</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 1, ACT UP Immigrant Working Group–Articles, 1991–1993, “Challenge from Tomás Fábregas, a Person with AIDS, to George Bush, the President of the United States.”

<sup>79</sup> GLBT Historical Archives, Tomás Fábregas Papers 1990–1994, Box 1, Folder 1, ACT UP Immigrant Working Group–Articles, 1991–1993, “Challenge from Tomás Fábregas, a Person with AIDS, to George Bush, the President of the United States.”

<sup>80</sup> *Ibid.*

<sup>81</sup> See: Justin Westhoff, “Eigentlich sollte ich mich um meine Krankheit kümmern,” *Der Tagesspiegel*, July 24, 1992, 1; ANSA/EFE: “Liz Taylor Atacó a Bush Por Su Política Sobre El Sida,” *Clarín*, July 24, 1992; Eric van den Berg, “Nee, laten we het vandag maar niet over Liz hebben,” *De Volkskrant*, July 24, 1992; Alfonso Armada, “El Gran Día de Tomás Fábregas: Un Activista Antisida Español Desafía Con Éxito Las Leyes de Inmigración de EE.UU.,” *El País*, July 27, 1992.

<sup>82</sup> Susan Stern, “Battling AIDS’ Borders: Oakland Man Tests U.S. Immigrant Ban,” *Oakland Tribune*, July 25, 1992.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

committee consisting of fellow activists, representatives of local AIDS organisations, politicians, and journalists waiting for him at the security check. As one of the opponents of the ban, Democratic Mayor Frank M. Jordan released a “Proclamation” in which he countenanced Fábregas’s re-entry to the United States and acknowledged his “historical” and “courageous efforts” by declaring July 25<sup>th</sup>, 1992 “Tomas Fábregas Day.” This move evoked memories of the declaration of “Hans Verhoef Day” three years earlier. In 1989, the previous mayor Art Agnos welcomed the Dutch citizen who had been detained for several days by the INS because of his HIV status while on his way to a nursing conference in San Francisco.<sup>85</sup>

### Conclusion

The protests against the US HIV travel and immigration ban became a central issue for anti-AIDS activists in the Bay Area at the beginning of the 1990s. Despite the constant fear of deportation, many undocumented immigrants joined ACT UP/San Francisco and the affiliated Immigration Working Group in their effort to end discrimination against people with HIV/AIDS in the United States. In this context, activists with an immigration background, such as Jorge Cortiñas and Tomás Fábregas, helped mobilise supporters from communities of both sexual minorities and immigrants in San Francisco, thus serving both as pivotal persons and as multipliers. Protesting in front of and in the INS building in San Francisco, the activists used their mere bodies to target a core element of the United States’ border surveillance apparatus. The physical violence with which the US nation-state answered the protests involuntarily cast a light on the repressive and de-humanising character of its border politics. By framing the state’s responses to the HIV/AIDS epidemic as well as to ACT UP’s protests as a ‘covert war’ or even as a ‘Holocaust,’ the activists not only managed to attract more supporters, but also discredited the United States AIDS policies, including the HIV travel and immigration ban, internationally. In this context, the Sixth International AIDS Conference in San Francisco served as an important media platform on which the activists decried the state’s contradictory response to the AIDS pandemic, which combined the funding of international medical research and the exclusion of foreigners for security and economic reasons, before an international audience. By pointing to the fact that most immigrants very likely contracted HIV after entering the United States, the activists reminded the federal government that it could not stem the epidemic by closing the borders. In this context, it became apparent that

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<sup>85</sup> See: Armada: “El Gran Día de Tomás Fábregas”; A copy of the proclamation is printed in the Galician newspaper *La Voz de Galicia*, together with an article on Fábregas’ campaign in its August 9<sup>th</sup>, 1991 issue: M. Guisande, “Un Coruñés que Tiene el Sida Reta a Bush a que lo Deporte de EE.UU.,” *La Voz de Galicia*, August 9, 1992, <https://tomasfabregas.wordpress.com/category/fundacion-antisida-de-san-francisco/>.



even though the US economy relied on undocumented immigrants as an indispensable work force, the government exacerbated the spread of the virus in their communities by denying them social benefits and threatening them with deportation. This also applies to the state of California where the “English only” policy made it difficult for AIDS organisations to reach out to the large Spanish-speaking population.

The practice of consensual decision-making and of forging alliances across political camps, classes, sexual and gender identities, and ethnic communities, however, increasingly gave rise to internal conflicts and factionalism within and between the chapters. How activists related to the issue of immigration and naturalisation when protesting against the US HIV travel ban reflected these divisions. Whereas Jorge Cortiñas, himself a Mexican gay man living in California, considered the decriminalisation of undocumented immigrant workers an integral part of anti-AIDS activism, Tomás Fábregas, a US resident from Spain and board member of SFAF, was more concerned about the viability of the activists’ demands and their solidarity with one another. Nevertheless, he was aware that the issue of travelling could not be separated from that of immigration. As to the relationship between the activists and the US federal government, it became clear that despite their call for the opening of US borders, they were not interested in a radical alternative to the state. Instead, the activists called upon the state to decouple its welfare and security policies to do justice to the global character of migration and research.

Over the years, the San Francisco activists became more and more professional. The national coordination committee ACT NOW helped the San Francisco chapters synchronise local protests, dove-tail targets and procedures. By combining phone-zaps with rallies and seizures, they effectively disrupted the Immigration and Naturalization Service not just locally but nationally. At the same time, the dramatic, but non-violent nature of their protests assured them (inter-)national media attention. The same applied to the Immigration Working Group which maintained close ties to local, national, and international AIDS organisations, scholars, politicians, celebrities, and activists. The media campaign run by Tomás Fábregas in the context of the Eighth International AIDS Conference reveals that he, who was officially invited to the conference, by no means abandoned ACT UP’s commitment to vociferous protest styles and street theatre. In this context, the International AIDS Conference not only served as an important platform on which activists met and exchanged their knowledge and experience, but also as an important international media stage.

All in all, this case study served to illuminate the idiosyncratic development of US anti-AIDS activism as a grassroots movement at the local, national, and international level. Even though its focus on San Francisco helped clarify the local activists’ personal ties to and exchange with other local chapters, more re-

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search will be needed to understand how ACT UP functioned as a national, and later, international network. To do so, it will be necessary to conduct a comparative analysis of different US-American and European ACT UP chapters regarding their internal structures and social make-ups, their protest strategies and aims, as well as the political and social conditions in which ACT UP's protests were embedded. Such a comparative study is all the more compelling as it would help to reassess the relationship between the multiple transformations and adaptations of 1980s and 1990s anti-AIDS activism and various profound developments at the global level, including the collapse of the Iron Curtain, the consolidation of the European Union, as well as the increasing number of refugees due to political, economic, and ecological crises. Against this backdrop, it would be possible to determine to what extent anti-AIDS activism was and still is a global movement.

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