

Judge rules in favor of Project Inform against ACT UP/SF violence

by Annette Brands
Special to Q-Notes

SAN FRANCISCO, CA — Project Inform, an internationally recognized HIV treatment information and advocacy organization, scored a victory in its legal battle against a group calling itself "ACT UP/San Francisco" November 10, when the San Francisco Superior Court issued a Proposed Statement of Decision and Order which would prohibit ACT UP/SF members from continuing to stalk, physically assault and verbally threaten Project Inform employees. ACT UP/SF has been engaged in a media campaign claiming that AIDS is over, HIV does not cause AIDS, and urging people not to use immuno-therapies that have been widely credited with dramatically slowing the spread of HIV.

The Court's action follows years of harassment, stalking, threats of violence and physical violence by ACT UP/SF members against AIDS organizations including Project Inform, members of the medical and scientific community, and the press. In 1992, ACT UP/SF defendant David Pasquarelli and companions were reported to have collected copies of a Florida newspaper that had criticized their political tactics, stacked the newspapers on a low wall in the front yard of the newspaper editor's home at 3:00 am, and doused the newspapers with gasoline. They were about to light the newspapers on fire when the intended victim was awakened. Fortunately, no one was injured in the incident. ACT UP/SF defendants Pasquarelli and Michael Bellefountaine left Florida thereafter, bound for San Francisco.

In 1995, ACT UP/SF defendants Bellefountaine and Pasquarelli, together with about a dozen others claiming to be ACT UP/SF members, broke through security at San Francisco's downtown Hyatt Hotel during a Project Inform fund-raiser, stormed into the room, overturned dinner tables, and knocked many attendees to the ground, including people suffering from advanced AIDS, while splattering others with their dinners. A number of people were injured by flying glass.

In 1996, the San Francisco Superior Court issued injunctions against some of the ACT UP/SF defendants after they violently attacked Pat Christen, Executive Director of the San Francisco AIDS Foundation, and a Foundation staff member. Those injunctions remained in effect for three years.

In the court ruling, Judge Ina Levin Gyemant states that since at least 1995, ACT UP/SF members have repeatedly engaged in violence and threats of violence against Project Inform and its employees. Project Inform filed the lawsuit in May, after ACT UP/SF violently disrupted a research information meeting in San Francisco's Mission District. Judge Gyemant's Proposed Decision notes that ACT UP/SF defendants "have a commitment to subject Project Inform to acts of violence." She observes that at the Mission District meeting, ACT UP/SF members pushed their way past security, spat upon Project Inform staff and members of the audience (including people living with HIV disease), and pelted Project Inform's Founding Director Martin Delaney, and others with hard, pellet-like pills. She notes ACT UP/SF members yelled "you faggots deserve to die," "die faggot die," and "take your [expletive deleted] pills." She states that ACT UP/SF "has an organizational commitment to violent tactics" and that "none of the defendants expressed any remorse or regret for their violence or threats directed at Project Inform's employees." The San Francisco District Attorney is pursuing criminal charges against ACT UP/SF members for the assaults and trespasses. Criminal restraining orders have been issued in that case.

"Violence against people living with AIDS and their advocates should not be tolerated. It doesn't matter if a group hides behind a respected name like ACT UP, or if they call themselves terrorists. If the end results of a group's tactics are hate crimes, threats, intimidation and violence, then the legal consequences should be the same," notes Project Inform's Delaney.

Recently, ACT UP/SF sent letters to Congress calling for the de-funding of AIDS programs. The group is vocally opposed to HIV prevention efforts, and has been targeting some of the poorest neighborhoods in San Francisco with posters alleging that HIV does not cause AIDS and claiming "AIDS is Over." ACT UP/

SF has been repeatedly denounced by legitimate ACT UP chapters throughout the country, around the world, and by ACT UP founder Larry Kramer.

ACT UP/SF's violence and Project Inform's subsequent pursuit of legal action has provided impetus for additional community action. In particular, activists are alarmed that ACT UP/SF seems to single out women in the attacks. Community United Against Violence, a San Francisco-based nonprofit organization, is working with the San Francisco Police Department to support people pursuing legal action to protect themselves and, hopefully, others in the community. In addition, a grassroots coalition, "AIDS Activists Against Violence and Lies," comprised of representatives from a broad spectrum of AIDS service providers and people living with AIDS (including former ACT UP/SF members), has been formed to put an end to ACT UP/SF violence against people with AIDS. The group has taken out full-page ads in local newspapers calling for a boycott of ACT UP/SF's marijuana dispensary and an end to their campaign of terror in the city.

"One of the original philosophies of AIDS activists — and the ACT UP Larry Kramer founded over a decade ago — was a commitment to the free flow of information about HIV, and the protection of people living with HIV/AIDS against discrimination and violence," notes Project Inform's Delaney. "Project Inform is committed to standing up for and defending the rights of people living with HIV, and will never tolerate violence in any form."

The San Francisco District Attorney recently filed further criminal charges against ACT-UP/SF members after they allegedly assaulted Department of Public Health's Director of Health, Mitch Katz. ▼

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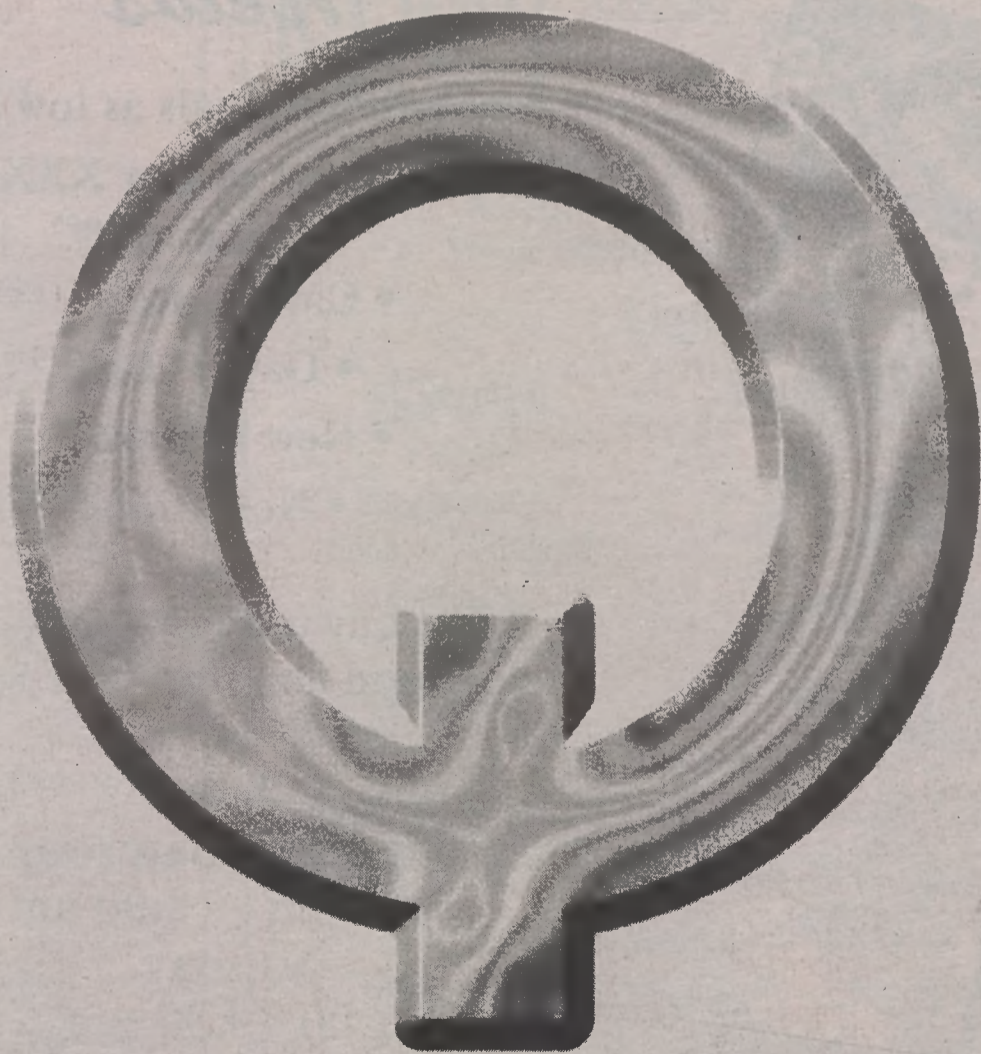
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