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## San Francisco AIDS Debate Leads to Criminal Charges

By GREG WINTER

With a shudder and a sigh, Dr. Jeffrey Klausner of the San Francisco Department of Public Health watched as the argument over combating H.I.V. grew ever more caustic and intensely personal.

Posters portraying him as a Nazi were plastered on telephone poles. Internet chat rooms filled with references to Dr. K-K-Klausner and his nefarious plan to quarantine infected gay men. Newspaper advertisements denounced him as a "raving homophobe," bent on closing sex clubs and adult bookstores where the disease could be spread.

Dr. Klausner, who is director of the department's program for sexually transmitted diseases, might have taken it all in stride, he says, for the sake of a robust political dialogue. But when critics started calling his home, spewing obscenities at his wife, any pretense of a debate quickly gave way to criminal charges.

"When the threats get physical, when they get violent, when they're not attacking my data or my position but my family," he said, "that's when it becomes unacceptable."

In a case that tests the line between political expression and personal threats, two advocates for people with AIDS have been charged with more than 30 counts of harassing, stalking and threatening nearly a dozen city health officials, researchers, newspaper reporters and their families over the phone.

Accused in the criminal complaint of besieging city officials with statements like "we're coming to get you," David R. Pasquarelli, of the advocacy group Act Up San Francisco, and Michael A. Petrelis, a longtime advocate for gays, face more than 10 years in prison, if convicted.

Since their arrest last month, the two have been held in lieu of a total bail of \$1.1 million, which prosecutors say mirrors the severity of the charges, but the defendants' lawyers denounce as exceptionally high.

"Why are they doing such overkill with these guys?" asked Stuart Blumstein, Mr. Petrelis's lawyer, who maintains his client's innocence. "If I wanted to be completely cynical, I would say the people in power are getting special treatment."

Even in this city of political hyperbole, where differences of opinion between policy makers and advocates often escalate into personal feuds, the intimidating phone calls -- and, to a lesser degree, the heavy response to them -- have shocked advocates and politicians, many of whom are former agitators.

Terence Hallinan, the San Francisco district attorney who boasts of his rambunctious years as an activist before being elected to the City Council, has likened the phone threats to an act of terrorism, while Representative Nancy Pelosi, a liberal Democrat, asked the Federal Bureau of Investigation to see if any federal laws were violated as well.

"Stalking is a form of mental terrorism," said Reginald Smith, a manager in the district attorney's office, adding that the case would have been handled just as aggressively before the Sept. 11 attacks.

Politicians and advocates have had such a visceral response, parties on both sides of the debate say, because

the threats began with an issue that deeply concerns so many here: sexually transmitted diseases, particularly among gay men.

This fall, the San Francisco health department announced an alarming increase in syphilis among gay men, citing an almost tenfold rise in the number of cases from 1998 to this year. The increase led the department to believe that gay men were more readily engaging in risky sexual behavior than in earlier years, confident that advances in medications would ultimately protect them.

While some used the statistics to preach safe sex, Mr. Petrelis and Mr. Pasquarelli, and other Act Up members, took the figures to task, saying they had been concocted to keep federal money flowing into the city.

The acrimony intensified when an interview with Dr. Klausner in *The Washington Monthly* discussed coercive means of preventing H.I.V., including quarantining infected men who repeatedly have unprotected sex, without mentioning that neither he nor the San Francisco health department advocated those methods. The author of the article, Andrew Web, later clarified the omission, but the rift had already formed.

Science writers at *The San Francisco Chronicle* also drew ire, members of Act Up San Francisco say, because their articles included the controversial figures, without questioning their reliability.

"I'm always happy to discuss that with anybody, but I'm not going to discuss it with someone who calls my house in the middle of the night and threatens my children," said Carl T. Hall, one of three reporters listed as victims on the criminal complaint. "They told me they were going to hunt me down, that I was in their sights. I don't know what that's got to do with the merits of our coverage."

The incident stands in stark contrast to the tenor of AIDS activism in recent years. As recognition of the disease has widened and medications have significantly prolonged patients' lives, much of the controversy and outlandish tactics that once characterized AIDS protests in New York and elsewhere has ebbed, giving way to bicycle rides and fund-raisers to find a cure.

Mr. Pasquarelli and Mr. Petrelis did their fair share of spilling fake blood on researchers and booing their political foes, their lawyers say, but they have never been convicted of a felony.

"He's oftentimes controversial, oftentimes loud and rude, but he's always solidly within the First Amendment," Mark R. Vermeulen, Mr. Pasquarelli's lawyer, said.

In an e-mail message to advocates, Mr. Petrelis listed the home phone numbers of government officials and urged his allies to barrage them with calls protesting "Dr. Josef Mengele KKKlausner and his call for quarantining gay men with HIV."

National AIDS workers, including members of Act Up, distanced themselves from the tactic in a petition, but also condemned the seriousness of the charges against the two men and their high bail as a "clear message" that "activists must beware."

At a preliminary hearing last week, where prosecutors added four felony charges and five misdemeanor charges against Mr. Pasquarelli, Judge Perker L. Meeks of Superior Court upheld the bail. The trial will resume in late January.