Kramer, a Phalanx of Lawyers & Clients Versus GMHC, Round VI

May 29, 2010 By Sean Strub

The sad saga of Gay Men's Health Crisis continues with this latest powerful jolt from the fingers of Larry Kramer keypad directly into the litigation-fearing part of the brains of the executives at GHMC, the leasing agent and the owners of the proposed new building.

Larry, has been amassing pro bono legal forces over the past few days; he's like a general planning to go to war, on the phone with this firm and that firm, assigning them aspects of the case, areas to cover, topics to investigate, in the way a general make send one battallion to the high hill and another down by the creek.

Once Larry has legal ducks in a row, I expect they'll start quacking about a range of possible lawsuits to attack GMHC's apparent decision to proceed with their planned move, reduction of services and relegation of clients to a separate entrance. They even believe they claim that they can sue GMHC even before this second entrance is built, under a provision of the law that allows the disabled to sue if they believe they are about to be discriminated against.

The email message from Larry was sent to a large list of prominent (sometimes I wonder if all those prominent journalists, activists and famous people on Larry's visibly cc'd list actually read his e-bombs. But then I hear from this one or that and it not only is clear that they do, but that contribute tremendously to Larry's ability to take on this kind of issue. Those cc's initiate and, to a large extent, control the casual cocktail party chatter on this issue in New York. That is an unmeasured but immensely powerful communications vehicle.

They, like so many of the younger activists who have worked with Larry in recent years, know he can be bombastic and his anger and passion, when in full force, should be reported on the Weather Channel and given a special name. When Larry is whipped up--and he's not been liked this since the aborted effort to alter C. A. Tripp's manuscript on The Intimate Life of Abraham Lincoln--he is unlike anyone. He is non-stop radiating anger, mixing with swirling waves of rationality, with bright little shiny threads stretching randomly with this Greater Larry Force Field.

The Weather Channel should cover this change-making style, as it like a special weather pattern, as the ferocity and fury swirling around him is felt by all those within digital distance. in New York.

Larry's email speaks for itself. But what frustrates me--and I am sure many of GMHC's donors,

clients and staff---is why a process can't be established in which all stakeholders could provide input and the Commission comes up with a negotiate, comprised position on how to move forward. Perhaps a Blue Ribbon Commission could be formed of people on serveral sides of the issue, but also people respected by both sides--they can't be that tough to find--and agree to abide by that Blue Ribbon Commission's decision.

This accomplishes several things. It turns down the volume and vitriol and creates a calmer environment, where it is easier to hear and understand what the various parties are really saying. Based on input solicited from the stakeholders, the Blue Ribbon Commission can come to a binding decision in a relatively short period of time.

It can demonstrate to GMHC both the importance of soliciting meaningful community input as well as the value their clients and staff can bring to this process if their thoughts are solicited in a professional manner, without fear of intimidation or reprisal and are taken seriously and represented appropriately to the members of the Blue Ribbon panel (anonymously if one so chose)

Best of all, the experience would be an empowering one for GMHC's clients, and finding empowerment within oneself is the most powerful tool one can have in his or her own healthcare. Raising an issue and have to fight to save important programs,affect the siting of the locaion, get to know GMHC senior staff in a better way can only accrue to the benefit of both clients and staff. It would be great if one party or the other could make such a suggestion.

ARE YOU CERTAIN YOU WANT GMHC AS A TENANT?

To the partners of Broadway Partners from Larry Kramer: I send this to all of you. I am no longer able to access all of your names since you have wiped your website clean of any information about any of you. I guess our phone zap of your answering machines scared you. Good. It's best that you are kept on your toes so you can pay attention throughout all this sadness. I trust that Alan Rubenstein, whose email address I do have, will forward this lengthy request from me to all of you. This is an appeal to your hearts from mine.

While there are indeed embedded in what follows items you may construe as threats, they are not. I include them mainly to inform you on the next moves from this end, hoping that doing so will bring out the best in you.

This email consists of several sections. I am forwarding below the link to the excellent article by Paul Schindler, the editor of Gay City News, about the situation as it currently stands. This article has already made its way around the world, tarnishing your name and reputation as well as GMHC's. Don't you already have enough trouble with your insolvencies?

Paul's article, combined with all the news that is accumulating at a rapid pace, has created such an impact that it has provoked the next important part of my message herewith, and that is to tell

you about the spontaneous joining together of a group of gay lawyers, a number from major firms, which has stepped up to the plate quite unexpectedly and gratifyingly, and who are preparing the next move from this end, to be described shortly.

Following that, the next part of this email will be the appeal to your heart, which I mentioned above. I will then end all this with a bio of me, Larry Kramer, because it occurs to that you have no idea who I am. I am not just some crazy angry aging flake. For me, an irony of all this is that my dear and special friend, Bill Zabel's firm is also Broadway Partners' firm, or Bill would be fighting with me side by side, and pro bono. Bill fashioned and drew my will and he also set up complicated programs for me at Yale, and, well, we love and admire each other very much.

Because of his own passionate interest in human rights work he has always been totally supportive of mine. Ask him about me if you have any questions about me. He will tell you I am a serious activist who started ACT UP in 1987 and will certainly not stand by and watch my brother and sister People With HIV/AIDS be treated with such disdain and ignorance.

The focus on what is rapidly being put into place is based on the realization and conviction of a growing number of people, certainly this group of lawyers, now numbering a baker's dozen, with others still calling in to help, that what is going on now is discriminatory and unlawful. And that someone up there, on your end, should have known that what is going on now, and what you are doing, is the same. And that even if the lease is signed by you agreeing to GMHC's tenancy, this charge against you for these reprehensible and discriminatory acts can and will proceed.

This group of volunteers lawyers will go into court and file for a temporary restraining order (TRO) on behalf of certain GMHC clients, already identified, and willing, who are disabled and living with HIV/AIDS, to stop the execution of a lease between Broadway Partners and GMHC and WNET that requires, among other things, that GMHC clients enter the building through a separate entrance from that used by other building tenants and their guests or clients.

This demand on the part of Broadway Partners, or WNET on their behalf, is no more than a thinly disguised attempt to bar poor and disabled clients, a majority of whom are people of color, from using the "front door" like predominately white, non-disabled tenants of the building. If a disabled person has reason to believe that an access about to be constructed discriminates against her or him by subjecting him or her to unreasonable conditions, the disabled person may sue prospectively, BEFORE the actual barrier exists.

You may be surprised that people you feel content to send through what is now the garbage exit and up and down in what is now a freight elevator know this is wrong and they, along with their supporters, are committed to stopping Broadway Partners and WNET and GMHC from entering into an agreement that forces people living with HIV/AIDS to face such flagrant discrimination in this third decade of the plague! As noted, the GMHC clients who are prepared to be a party to this suit have been lined up because they know now, as we did 30 years ago, that in the end it's up to them to force change when things stand in the way of our survival as human beings.

Let me talk for a bit about this “branded entrance” to your building, as Dr. Marjorie Hill, GMHC’s CEO, has so imaginatively labeled it. Originally, one of the conditions WNET (or Broadway Partners) demanded was less imaginative and more to the point. GMHC would have to enter through this separate garbage entrance and use a freight elevator to go to their two floors. In some unbelievable moment of idiocy and stupidity, GMHC agreed to this.

When this first leaked out, many clients, quite understandably, were outraged at being treated like “Uncle Tom”’s. Smelling trouble, and quickly eliminating from their website their admission of this entrance, Dr. Hill and her board and presumably WNET (and Broadway Partners) then came up with this “branded entrance” bushwa wherein the loading dock or should i say unloading dock for garbage, would be gussied up with a flashy entrance labeled “GMHC” and either a new elevator or the old one, remodeled, would replace the freight elevator there at present.

GMHC would now be required to spend an additional $650,000 for this work, which was certainly not part of its original budget for this move, although I believe WNET, (and perhaps Broadway Partners), will contribute part of this sum. It is blatantly obvious that all of this was and is being done to divert GMHC’s 15,000 clients from utilizing the building’s main entrance and elevators, something that GMHC’s staff and executives will still be allowed to use.

Dr. Hill, in her own special manipulative way, now proclaims that clients prefer it this way: this way they do not have to go through the regular security clearances to gain access. Well, some clients do and some clients don’t. Cries and complaints of “I am not going to go to the back of the bus,” are being heard more and more. A growing number of other gay and AIDS service organizations have called GMHC’s decision appalling, and one that sets us back many years indeed.

This new ad hoc group of lawyers is in total agreement and so are the clients who have signed on as witnesses for the case they are preparing. Other questionable prohibitions GMHC caved in on include a low cap on the number of clients that will be allowed to congregate for meals as well as an early curfew on serving this low number on Friday nights (currently some 300 clients avail themselves of this); the reprehensible refusal to allow any harmless medical facilities to be located anywhere on the premises (perhaps they should also have been tossed into the remodeled garbage dock); and an inability of clients to gain entrance to their space at night.

On the practical front it does not appear to have occurred to anyone that one elevator may be insufficient, uncomfortable, or inappropriate to service 15,000 clients. I am told it can hold fifty clients at a time, just like a packed steerage hold that brought the slaves from Africa. And no one has talked about the additional expenses of making this loading dock wheelchair accessible, providing decent lighting to illuminate and security to oversee what is presently a potentially very dangerous neighborhood at night--all expenses that would not be incurred if the regular, normal, entrance and exit procedures for everyone else into and out of your building were allowed. (A question: where will you be able to unload all of the building’s garbage and refuse when GMHC takes its place?)

Okay, now here is the link to Paul Schindler’s excellent piece that is now being featured on the

websites of the world, entitled GMHC Confronts Lease Crisis

Now I want to try and appeal to your hearts. Imagine, if you can, that you are a person with a fatal disease that has ravaged your body in one way or another for months or years or many years. There is no cure. There are only expensive medicines that cause uncomfortable side affects, much diarrhea, peripheral neuropathy, tremors, flashes of hot and cold, occasional mental disorientation, hacking coughs and difficulties in breathing, and perpetual lack of energy and strength and mobility, often requiring canes or crutches or walkers or wheelchairs. You do not have money beyond certain small disability payments that are often challenged by the city and state and are often removed. (Did you know that most GMHC clients live on less than $11 a day--less than you spend on your way to work.)

Imagine your life-saving medicines may or may not be paid for by the government, depending on the whim of presidents who, like the present one, have a habit of cutting this particular funding line. The only hot food you get regularly are the daily meals at GMHC, its dinner on Friday evening being perhaps the most important of the week as it must last the weekend for many.

I repeat: this one meal must last the weekend for many. (And you are curtailing its availability.) For the last sixteen years GMHC clients have had all this food provided to them, as well as necessary medical services (their doctors, primarily, but also hiv testing for partners and others, and participation in important clinical trials that have produced astounding research breakthroughs in their illness, all of this available on site, in one place, the place they also go to regularly for their meals and the other social services the many committed GMHC staff provide.

Then imagine, if you can, that one day you are told that you are moving to a new house, where there is no kitchen to prepare your hot meals, where food will now come in the form of trucked-in “gourmet sandwiches,” where Friday night dinners as originally announced are canceled, where the medical services are no more (where oh where and how oh how are you going to see your doctor?), and where the new home itself is dreadfully inconvenient, located in a neighborhood that is godforsaken, where the traffic into the Lincoln Tunnel is hideous, where the entire surrounding area is about to be torn up for many years while a monster new development is built, all of this, the traffic and the destruction and reconstruction of many acres of real estate right next door to your new home, plus the agonizing walk to reach any of this over at least three exceptionally long city blocks... well if you were one of these clients, I believe you would be upset and disoriented and not only fearful about your future, but increasingly distrustful of the “caretakers” who are meant to, and are indeed funded to, look out for your best interests.

Entombing all of this bad news is the long-standing fact that the world cares little for your illness or your life. AIDS is no longer front-page news (if it ever really was) although the case numbers, as well as new GMHC clients, continue to increase with frightening acceleration by 56,000 per year, a number everyone knows is undoubtedly higher. The 15,000 clients this agency looks after are joined and will continue to be joined, by many others day by day. Another president ignores you and this plague.

For make no mistake, HIV/AIDS is a plague, though no president will dare to be honest enough to name it, factually, as such. And so you see, for one thing, how long will one elevator in this new home be enough for all? So this bureaucratic hierarchy at the place that is meant to protect you, that was founded and funded to protect you, no longer, in too many ways, appears to have your best interests at heart.

The former head of your very own Client Advisory Board (CAB) is denied entrance to GMHC's building for one whole year because he's had a fight with a supervisor. The current CAB board chair is dismissively treated by the CAB member who is also the token hiv-infected member of the GMHC board of directors.

The clients are thus, in no uncertain terms, shown that to act up, in any way, is a dangerous activity. Dr. Hill is known to strike back swiftly. Indeed too many staff members, several dozen by last count, many of long standing devotion to the organization, all of whom had been your friends, are summarily fired and told to vacate their offices by six p.m, with security forces to usher them out.

The Board of Directors is composed mostly of people who do not have one iota of insight into how unhappy Dr. Hill's organization has become. Somehow she has manipulated them as she manipulates the behavior of the clients. That it is hell for so many staff on a daily basis is an unknown, a hidden fact.

Sister Mary Elizabeth has been sent some one hundred and fifty complaints by current unhappy staff. I ask again: Would you like these unhappy clients and this dysfunctional agency, and this growing plague, as tenants in your building? I return to the legal proceedings I allude to above.

Surely somebody up there, at WNET, at Broadway Partners, at your leasing agents, must have known that this special entrance stuff was and is violently illegal in this year of 2010. Do you really think we are stupid? Do you really think that after 30 years of this plague we don't know discrimination when it's staring us in the face?

This new consortium of lawyers, many of whom, as mentioned, work for major New York law firms, have no doubt that their efforts can only produce results uncomfortable for you and this proposed tenancy if you choose to proceed.

They have no doubt that what has been going on up there (though now camouflaged by new notions of "branding") is flagrantly against the law. Do you really want to go through all of this, publicly, with all its attendant publicity? Surely, with your own less than pulchritudinous business news continuing to be reported, you do not need this new bad news as well. But more than this, do you really want to appear so heartless to so many sick and dying patients, and to the world? If the answer to these questions is Yes, I am very sad to hear it.

Only people with no hearts and only greed for blood could answer Yes. And we shall then proceed to file our claim If the answer to these questions is No,and you do not agree to GMHC's tenancy in

your building, we shall obviously withhold proceeding with this claim. And many many people will thank you from the bottom of our hearts. (And the sadly negligent board of GMHC will be forced to find, at last, a more suitable home.)

And now here is a little bit on Larry Kramer, who is begging you to act as decent, human beings:

Larry Kramer grew up on Washington, D.C., where his mother was an executive with the American Red Cross and supervised several large suburban chapters. He graduated from Yale in 1957. For over fifteen years he worked in the film industry, where he came to be assistant to both the presidents of Columbia and then United Artists. He developed and supervised films costing many tens of millions of dollars with hundreds of employees. When he came to make one of his own productions, it garnered three Oscar nominations, a handful of Golden Globes, and an Oscar for its star. His years in the film industry also, with the aid of his brother Arthur's sage investments, made him sufficiently independent as to be able to devote his attention to writing and soon, unfortunately, to AIDS activism. Larry Kramer is the co-founder of Gay Men's Health Crisis, in 1982, the first organization anywhere to deal with the plague of AIDS, and the founder, in 1987, of ACT UP, the AIDS Coalition to Unleash Power, one of the most successful of all grass roots organizations. All major treatments for HIV/AIDS are available today primarily because of ACT UP chapters around the world. His play, The Normal Heart, was named as one of the 100 Best Plays of the Twentieth Century by Great Britain's National Theatre and is the longest running production in the history of New York's Public Theater. It will shortly be made into a motion picture shooting in New York. He is the author of the novel Faggots. His other plays include The Destiny of Me, which was a finalist for the Pulitzer Prize and won an Obie and the Lucille Lortel Award for Best Play. Kramer's screenplay adaptation of D. H. Lawrence's Women in Love, a film he also produced, was nominated for an Academy Award. He is a recipient of the Award in Literature from the American Academy of Arts and Letters and was the first openly gay person and the first creative artist to be honored by an award from Common Cause. His two volumes of political writings are Reports from the holocaust: the story of an AIDS activist and The Tragedy of Today's Gays. He established the Larry Kramer Initiative for the study of gay history at Yale with the gift of a million dollars from his brother, Arthur Kramer, the founder of the New York law firm, Kramer Levin. Since 1978 he has been writing a very long novel about the plague, The American People, which, at some 4000 pages, has just been acquired for publication by Farrar Straus and Giroux. Kramer has been HV+ since 1985. In 2001 he was the lucky recipient of a liver transplant, which saved his life. He lives in New York and Connecticut with his longtime partner, architect/designer David Webster. In June Kramer will be 75 years old.

So you will see, I hope, that Larry Kramer is not some crazy nut case, a flake. I end with a repeated appeal for your cooperation, help, humanity, and decency. Yours, Larry Kramer

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