

**Patrick Monette-Shaw**

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ORIGINAL SENT VIA U.S. MAIL  
FACSIMILE TRANSMITTED VIA E-MAIL (With Enclosures)

March 30, 2002

The Honorable Tommy Thompson  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Janet Rehnquist  
Inspector General  
Department of Health and Human Services  
330 Independence Avenue  
Washington, DC 20201

The Honorable Henry Waxman  
House Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Dave Weldon  
House Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Joseph Pitts  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mark E. Souder  
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources, House Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Tom Coburn, MD  
Co-Chair  
President's Advisory Council on HIV and AIDS  
3330 West Okmulgee  
Muskogee, OK 74401

**Re: Ryan White CARE Act Recipient Denies Accountability  
Activist Admission to AIDS Prevention Workshop**

Dear Ms. Rehnquist; Secretary Thompson; Congresspeople Waxman, Pitts, Weldon, and Souder; and Dr. Coburn,

March 30, 2002

**Re: Ryan White CARE Act Recipient Denies Accountability Activist Admission to AIDS Prevention Workshop**

Page 2

This letter is a formal complaint about the San Francisco AIDS Foundation (SFAF), a recipient of significant Ryan White CARE Act and other federal HIV/AIDS prevention funds, including, possibly, CDC funds. SFAF has denied me admission, based on a spurious rationale, to an upcoming HIV prevention workshop.

The March 21 and March 28 issues of the San Francisco Bay Area Reporter carried advertisements for an upcoming HIV/AIDS prevention intervention hosted by SFAF's Gay Life program. The workshop is entitled "Too Taboo? A Sexual Health Fair," and its purpose is to discuss "varied sexual health practices with the sexperts of Body Electric, Mr. S. Leathers, and orgasm coach Frank Strona." This HIV prevention intervention is intended to stem the incidence and prevalence of HIV/AIDS in San Francisco. In the March 28 issue, the advertisement (enclosure 1) has been modified to add information that the workshop will "feature" Ouchy the Clown.

Keenly curious to know how an orgasm coach and his subcontracted clown assistant will be able to prevent additional cases of HIV and AIDS in San Francisco, I visited the Ouchy the Clown web site at <http://www.ouchytheclown.com>. Here is a screen capture from Ouchy's web site to provide you with visual evidence of Ouchy's purported credentials, or claim to fame.



Note — Obscenity Warning from Patrick: The link below for straight-razor shaving takes you to a page on Ouchy's site which displays photos of male and female genitals, showing his expertise at body shaving; on this page, Ouchy brags: "Please take note that none of the people above are bleeding!," which is a good thing, since HIV/AIDS is a blood-borne pathogen.

March 30, 2002

**Re: Ryan White CARE Act Recipient Denies Accountability Activist Admission to AIDS Prevention Workshop**

Page 3

Knowing that the orange background obscures the black text in the illustration above, its text reads:

"Clown Dom, ... this is gonna hurt you a lot more than me," as it's tag line. The remainder of the narrative reads:

"As your clown dominant, I am your excruciating source for:

Bondage and discipline

Hot wax

Straight razor shaving

Boundary pushing

Making you laugh while I hurt you "

The first question that popped into my mind is whether there may be blood that gets let at the "Too Taboo" April 1st workshop sponsored by SFAF, and — if Ouchy has an accident demonstrating body shaving — whether this may further spread the AIDS cases.

Having visited Ouchy's web site, I decided to register for the "Too Taboo" workshop, in part because I wanted to hear and learn more about the programmatic content of this workshop. I was interested in the programmatic content because in the March 6, 2002, SF Bay Guardian, reporter Tali Woodward quotes Ernest Hopkins, the director of federal affairs for the San Francisco AIDS Foundation: "They pick apart the provocative language we use to get people in the door *instead of the actual programmatic content*," said [Hopkins].

I called the Gay Life program on Thursday, March 28 and finally spoke with Brian Byrnes, Deputy Director of Programs at SFAF on Friday, March 29 at approximately 2:15 p.m. Mr. Byrnes informed me that senior Foundation management had determined that "you have a history and background of being critical of Gay Life programming, Patrick. We are especially reluctant to allow you to attend because you have criticized Gay Life events in print [media]. Therefore, we're not sure it is appropriate to allow you to attend the Too Taboo workshop." He went on to say that there is "little indication you'd be cooperative" in the workshop, that "you'd be putting the program's staff in harm's way," that I've been "critical of programming," that they were afraid I'd "vocally critique the program while it was occurring and alienate other participants," and that I "was not an appropriate candidate for the Too Taboo intervention." Byrnes main objection to allowing me to attend this workshop was that I have been "critical of programs," specifically my *\*written\** critiques of Gay Life events which have been widely circulated on the Internet. Brazenly, Byrnes asked me to reconcile my past criticisms of Gay Life workshops against my desire to attend this particular workshop, as if this was a valid reason to deny me admission.

Byrnes then stated that "SFAF is a private foundation and we don't have to let you attend." I replied, "With the amount of public health funds SFAF receives from City, state, and federal contracts, and from the amount of money you raise from the charity- donating public, SFAF is not a private institution, you are the recipient of the public's trust and are contracted to provide public health services, including HIV prevention."

Byrnes pointedly stated that "I'm asking you not to attend, Patrick, because your critiques are not warranted. A more appropriate intervention for you would be the AIDS Health Project [a UCSF program]." I was highly insulted, as the principal focus of AHP is mental health emotional support counseling. More to the point, an eligibility criteria for AHP is that one must either be HIV positive or have full-blown AIDS; in other words, Byrnes was trying to pass me off to an agency he knows I do not meet eligibility criteria for services.

I told Byrnes that I am HIV-negative, but that I was hoping to be able to attend to learn what Taboo's I should be avoiding in order to stay HIV-negative, and that I expected to learn a great deal from this workshop in order to prevent passing any sort of infection on to others. I told him that I have *\*never\** put anyone "in harm's way" for anything. I then asked Byrnes: "May I come? Before answering, you might want to check with the Foundation's lawyer to see

March 30, 2002

**Re: Ryan White CARE Act Recipient Denies Accountability Activist Admission to AIDS Prevention Workshop**

Page 4

whether denying me admission would place receipt of federal CARE Act funds to the entire City in jeopardy. Are you sure you want to risk loss of federal funds to the whole City by denying me admission?" Byrnes indicated it might be a good idea to check, and said he'd call me back.

About 15 minutes later, Byrnes called back; he indicated that "Given your public behavior at [Board] meetings including abusive language and name calling, your unfounded criticism and comments in writing about the Foundation and the Gay Life program, this would be an inappropriate intervention for you. You may not attend. We will not allow you to participate."

While I will admit that as an accountability activist I have been highly critical of SFAF's programmatic offerings, I have \*not\* used abusive language nor used name calling in Board meetings, nor at any SFAF events, nor in any other forums, \*ever\* whether in San Francisco or elsewhere. His allegation that I have done so is a bald false statement. I am fully aware of SFAF's Code of Conduct, a code designed to intimidate the public at SFAF's Board meetings. In fact, the Code states:

"Verbal or physical threats or violent behavior are strictly prohibited and will not be tolerated. Individuals who choose to engage in such behaviors will be required to leave the meeting immediately. ... The privilege of providing public testimony to the board and/or attending board meetings will be immediately revoked for those who are either unable or unwilling to abide by these guidelines [the Code of Conduct]."

Fully cognizant of SFAF's Code of Conduct, during the past five years of attending SFAF's Board meetings I have at all times adhered to the Code of Conduct, in part because I feared being permanently barred from attending future Board meetings. You should note that I have never been asked to leave a SFAF Board meeting in the five years in which I've been allowed to attend them. I will admit, however, to having rolled my eyes and gesturing during SFAF's last Board meeting, at which a panel of "experts" advised the Board regarding sustainable behavior change. During that Board meeting, several of the panelists stated to the Board many of the same criticisms that I and other accountability activists have voiced over the years; my gesturing was to underscore the fact that finally the Board was being criticized by the panelists for the \*exact same issues\* which accountability activists have charged against SFAF for years. Gesturing is not the same thing as "physical threats or violent" behavior, and gesturing should not disqualify me to attend Gay Life workshops or SFAF's Board Meetings.

Notably, since the June 2001 SFAF Board Meeting, I have not received written notice from SFAF that my behavior at that Board meeting has resulted in a permanent ban on allowing me to attend Board meetings. As such, I should also not be denied access to the Gay Life workshops. Also notably, I have never been charged with acts of civil disobedience, disruptions of meetings, nor any other crime. I, quite simply, do \*not\* have a "rap sheet" in San Francisco or elsewhere. Quite to the contrary, I am by most accounts, a model citizen. And I vote.

At enclosure 2 is an e-mail I sent on March 29 concerning this upcoming workshop, in which I raise a number of questions.

I am not the least concerned with this program's possible "obscene content." That is, uppermost, \*not\* the issue. Rather than being possibly obscene, the overarching question should be this program's potential efficacy, particularly in light of the Institute of Medicine's Study "No Time to Lose, Getting More from HIV Prevention," on which topic I have previously written you. I now specifically ask that the Department of Health and Human Services and the U.S. Congress conduct an investigation to explore:

1. Whether CARE Act "health services" funds or CDC "prevention funds" were utilized to contract with this orgasm coach, and our to pay for hiring Ouchy the Clown.

March 30, 2002

**Re: Ryan White CARE Act Recipient Denies Accountability Activist Admission to AIDS Prevention Workshop**

Page 5

2. Of what possible benefit this Sexual Health Fair will be in preventing additional HIV seroconversions.
3. Whether SFAF's continued trivialization of HIV prevention interventions offered under its Gay Life program is having an adverse affect on the \*legitimate\* prevention work of many hard working and dedicated prevention specialists whose \*legitimate\* efforts should not go unnoted.
4. Whether SFAF's misguided catering to the Caucasian upper-crust Castro-street area population is spurring additional infections in traditionally under-served communities of color. You should focus, in particular, on whether Ouchy the Clown's so-called "services" are being equitably shared with residents of San Francisco's Tenderloin and Polk Street areas, and, for that matter, in other EMA jurisdictions, notably Asheville, NC; Milwaukee, WI; and southern Florida. Or whether, alternatively, Ouchy the Clown and his misguided orgasm coach sponsor, are unique service offerings available \*only\* to cash-infused and cash-rich San Franciscans.
5. To what extent Ouchy the Clown, the orgasm coach, the psychodramatist, and the poet employed by SFAF has further alienated the gay male population in San Francisco, and whether such alienation has contributed either to the "complacency syndrome" or the "tuned out syndrome" engendered by a barrage of useless interventions which have, ultimately, caused most gay men in San Francisco to deduce that \*nothing\* SFAF says to them is relevant.
6. To what extent funding Ouchy the Clown and his "sugar daddy" orgasm coach has diverted funds better spent resolving unmet needs, and to what extent further unmet needs continue to expand in order to pay for this frivolous, and doomed, experiment in "emotional and practical support."
7. The legality of denying services (and attendance to workshops paid for with public health funds) to people, regardless of their serostatus, based simply on the fact that they have dared to criticize, particularly in writing, various programs and funding decisions. Wholesale, life-long bans on service offerings utilization is not an authorized process of the CARE Act, at least not from my reading therein.

Humbly,

Patrick Monette-Shaw

ICO/AARI (Independent Community Observer/AIDS Accountability Research Investigator)

Enclosures (as stated)