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Clandestine Networks and Closeted Bureaucrats: AIDS and the Forming of a Gay Policy Network in California

Abstract: Equating the U.S. government with the national government, historians of the AIDS epidemic have hitherto ignored the role of the states in shaping the early policy response to the disease. Responding to this historiographical lacuna, this article argues that California acted as a policy innovator during the initial years of the epidemic, intervening more effectively than the federal government in the areas of AIDS health care, antibody testing, and prevention education. California's policy leadership drew significant impetus from a group of gay policy makers, who entered state employment in the early 1980s and relied extensively on clandestine and illicit strategies, particularly a network of "closeted" bureaucrats. Charting the career arcs of these gay policy makers shines a spotlight on the organizational growth of state LGBTQ groups in the 1980s and the evolving role of the "closet" in the modern gay rights movement.

Keywords: AIDS epidemic, California politics, LGBTQ groups, gay policy makers, gay rights movement, gay policy network

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In the spring of 1981, exhausted after spending several years participating in the San Francisco gay rights movement, Stan Hadden headed for Sacramento, intent on pursuing a career as an information technology (IT) consultant. A few months later, Hadden secured his first lucrative contract when David Roberti, the president of the California senate, hired him to install a new computer system. As he worked on this contract, Hadden learned that a new and deadly disease—Acquired Immune Deficiency Syndrome (AIDS)—was moving through San Francisco’s urban gay community. Horrified by reports of his old friends succumbing to this terrible illness, Hadden swiftly brought the epidemic to Roberti’s attention, imploring him to introduce legislation to curb its spread. Much to Hadden’s surprise, Roberti responded by offering to recruit him as a full-time legislative assistant specializing in AIDS. After a few weeks of deliberation, Hadden accepted Roberti’s offer, abandoning his plans to pursue a career in IT.¹ Embracing this serendipitous opportunity, he quickly emerged as a policy expert and would craft some of California’s most important AIDS-related bills. Hadden’s star continued to rise throughout the mid to late 1980s, and he soon achieved notable prominence for a legislative staffer; he was so influential in shaping California’s response to the epidemic that the Sacramento press lionized him as an “AIDS Tsar.”²

By excavating the career arcs of individuals such as Hadden, this article traces the history of a nascent gay policy network that emerged in California at the height of the AIDS crisis. It spotlights a small but prominent group of gay men and lesbians who—like Hadden in the vignette above—moved to Sacramento early in the epidemic, determined to build careers as legislative staffers. Personal experiences of the AIDS epidemic sharpened their sense of urgency as they lobbied state legislators for a more robust response to the crisis. Hoping to solidify their relationship with the gay movement, Democratic and Republican lawmakers alike turned to these gay activists for their personal connections and expertise, hiring them as office assistants, policy consultants, and community liaisons. Backed by a bipartisan group of politicians—including the Speaker of the Assembly and the President of the Senate—gay appointees gained unprecedented influence in Sacramento during the 1980s, propelling the Golden State toward the most far-reaching government response to AIDS in the United States.³ Legislative debates over antibody testing, biomedical research, and prevention education provided a rich opportunity for gay activists to assert their political clout, forge alliances with powerful lawmakers, and gain a seat at the policy-making table. California spent more than any other state on AIDS during the mid-1980s, including New York, the epicenter of the disease.⁴ In fiscal year 1986, only Massachusetts appropriated more

funds per AIDS case than California.⁵ Through the 1980s, California acted as a crucible for the enactment of experimental policies, such as early intervention programs, home care services for People with AIDS (PWAs), and funding for an AIDS vaccine.⁶

An examination of California's nascent gay policy network complicates existing scholarship on the relationship between AIDS and the state. Although scholarship on AIDS has flourished over the last decade, the resulting literature captures only a sliver of the subnational policy response to the crisis and typically overlooks the complex role played by state governments. For all the ink spilled on the U.S. epidemic, most histories—apart from a few narrow case studies—ignore the arena of state politics and policy making altogether.⁷ By contrast, a rich and voluminous body of work exists on the early history of AIDS activism, and its intersections with, among other things, gay liberation, radical politics, and the “long civil rights movement.”⁸ Other historians, meanwhile, have explored how the search for the first infected case of AIDS, popularly known as “patient zero,” dovetailed with and reinforced homophobic responses to the disease.⁹ Another constellation of historians has focused on the cultural production of Black gay artists—such as David Frechette, Essex Hemphill, and Assotto Saint—who confronted AIDS in the 1980s.¹⁰ Together, these studies have filled an inexplicable lacuna in the historiography of the 1980s, finally giving the AIDS crisis the attention it merits.

Yet this sizeable body of literature gives short shrift to the critical role of state policy during the epidemic's early years. Equating the U.S. government with the *federal* government, many historians have framed the legislative and policy response to AIDS around national political developments, leaving unexamined and unexplained the flurry of HIV-specific laws passed by the states. Much discussion has centered on the various policy divisions within the Reagan administration, the conservative backlash against federal funding for prevention education, and the lack of an effective national approach to the disease.¹¹ This focus on federal inaction and indifference is not so much incorrect as incomplete. As this article makes clear, the national focus of current scholarship neglects, perhaps even obscures, critical aspects of state politics and policy that shaped the initial response to AIDS. Though government action on the epidemic was uneven and diffuse, state lawmakers still crafted the majority of HIV-specific laws: between 1983 and 1987, they passed over 180 measures related to the epidemic, whereas Congress enacted its first significant piece of legislation in 1988.¹² What is more, the states outpaced the national government on non-Medicaid-related AIDS health care expenditure

well into the late 1980s.¹³ Meanwhile, traditional containment public health strategies—such as quarantine, isolation, and disease surveillance—remained largely within the legal purview of the states.¹⁴

By introducing the much-neglected “middle tier” of American government into accounts of the AIDS epidemic, this article expands historical understanding of the diffuse and uneven nature of public health governance.¹⁵ Anchored in a case study of California, it argues that no conception of the U.S. government’s response to AIDS is complete without “bringing the states back in.”¹⁶ If we shift our attention away from the Reagan administration and toward the states, the scale and complexity of the government’s interaction with the epidemic becomes clear. Through the 1980s, state action on the epidemic ran the gamut from the proactive approach of California, which centered on patient confidentiality and individual rights, to the coercive response of Texas, which focused on the disease’s perceived threat to the heterosexual population. Between these two poles, states as diverse as Florida, Georgia, and New York enacted an array of AIDS-related legislation that ranged from extremely punitive to mildly progressive.¹⁷ There is no neat or easy way to characterize such a wide-ranging policy response to AIDS; rather, it was fragmented, uneven, and diffuse.

Finally, the history of AIDS policy making in California casts new light on the contradictory role of the “closet” in the modern gay rights movement.¹⁸ Although gay policy makers could rely on powerful advocates in the California legislature, the state bureaucracy often lacked the dedication needed to implement key pieces of AIDS legislation. Repeatedly, state health officials declined to collaborate with gay legislative assistants and dragged their feet over the distribution of funding for new AIDS programs. To push back against this recalcitrance, gay policy makers built a clandestine network of “closeted” bureaucrats, using it to ferret out homophobic-fueled obstructionism in the state civil service.¹⁹ In a somewhat paradoxical fashion, they privately used the closet as a tool to undermine homophobic parts of the state bureaucracy but publicly asserted that “coming out” was critical to increasing the gay movement’s political clout. While institutional homophobia forced many state employees to hide their identities in the workplace, the closet provided gay legislative assistants with a weapon to fight the civil service’s obstructionism. This article thus highlights not only the intergovernmental dynamics that shaped the initial response to AIDS but also the strategies used by gay activists to gain influence at the state level.

GAY POLICY MAKING IN SACRAMENTO

The 1970s saw gay rights activists make their first significant inroads into state politics in California. In December 1974, George Raya, Sacramento's first full-time LGBT lobbyist, successfully pressured the legislature to repeal the state sodomy statute.²⁰ Four years later, activists confronted Proposition 6, the nation's first statewide referendum on gay rights, which would have banned openly gay individuals from teaching in public schools. After a bitter and fierce campaign, and after intense mobilization among gay men and lesbians, California voters overwhelmingly rejected the initiative, by a margin of nearly two to one.²¹ As gay men and lesbians slowly emerged as a legitimate constituency in statewide politics, they blazed ahead with campaigns to broaden legal protections for sexual minorities, including a decades-long push to add sexual orientation to the state's antidiscrimination laws. This effort, however, failed in the 1970s, and activists were more effective at defeating antigay legislation than securing new civil rights.²²

The AIDS epidemic further spurred the movement of gay activists into statewide politics. As early as 1983, Steve Morin, a gay psychologist based in San Francisco, worked with state representative Willie Brown to secure the first state funding for AIDS. Later reflecting on the episode, Morin recalled that "on one of my early trips to the state capital ... I was joined by Gary Walsh, a friend and psychiatric social worker who had been diagnosed with [Kaposi's Sarcoma] in December 1982. We discovered in Sacramento that the legislature knew very little about AIDS ... Gary would often engage the legislators, look them straight in the eye, roll up his shirtsleeve, and show a KS lesion. It was very difficult to ignore him."²³ The legislature's response to this sustained lobbying effort was threefold: first, it appropriated nearly US\$3 million for AIDS research; second, it directed the state Health Department to dedicate more resources to fighting the epidemic; and finally, it established the California AIDS Advisory Committee to provide lawmakers with technical advice on the disease.²⁴

As the AIDS crisis unfolded, an influential group of state lawmakers played a pivotal role in formulating a proactive policy response, often relying on their preexisting ties with the gay movement and a coterie of newly employed gay legislative staffers. Having established a close relationship with his gay constituents in the 1970s, Roberti, whose senate seat encompassed the gay urban enclave of West Hollywood, hired Hadden in 1982 to signal his commitment to tackling the disease.²⁵ Hadden quickly emerged as a pivotal figure in California's response to the AIDS crisis. He was affable, forthright,

and pragmatic, burnishing a well-deserved reputation as the AIDS Tsar of California.²⁶ By 1987, his monthly AIDS newsletter had 25,000 subscribers, and his correspondence reached beyond California to activists in Texas, Illinois, and New York.²⁷ Exercising a significant degree of autonomy, Hadden crafted a large portion of California's early AIDS legislation, including Senate Bill 1251 (SB 1215), a 1985 act that expanded the state budget for prevention education by US\$11 million.²⁸ Passed by an overwhelming bipartisan majority in both the Assembly and Senate, SB 1215 cemented the state's leading role in the fight against AIDS: in fiscal year 1985, California accounted for nearly fifty percent of total state spending on the epidemic.²⁹

Other state lawmakers also responded to the epidemic by hiring gay legislative assistants. In 1984, state representative Art Agnos, a longtime ally of the San Francisco gay community, hired Larry Bush, a nationally renowned gay journalist, as a speechwriter and political aide. As the Washington D.C. correspondent for *The Advocate* in the late 1970s, Bush was the first openly gay reporter to obtain press accreditation from the White House.³⁰ In 1985, he cowrote Assembly Bill 403 (AB 403), a landmark measure that provided confidentiality protections for those undertaking the AIDS antibody test. The first bill of its kind, it became the model for similar legislation in Florida, Massachusetts, New York, and Wisconsin.³¹

While Democrats stood at the forefront of these efforts to hire gay legislative assistants, the emergence of California's gay policy network transcended the left-right binary of electoral politics. Equating gay rights with radicalism, historians have generally viewed "gay" and "Republican" as mutually exclusive categories. Yet, as the historian Clayton Howard has recently observed, Republicans played an outsized role in the gay rights movement during the late twentieth century, despite their numbers remaining small.³² Even as the intensity of disputes over gender, morality, and sexuality captivated a growing segment of the GOP, not all gay rights organizing sprang from the Democratic Party or the Left. One Republican willing to collaborate with gay men and lesbians was Governor George Deukmejian. Renowned for his low-key style, Deukmejian's brand of politics emphasized management and procedure over ideology and specific policy goals.³³ His governorship, from 1982 to 1990, witnessed an unprecedented expansion of California's penal system, along with cutbacks to welfare, education, and Medicaid.³⁴ He was a staunch supporter of the state's nascent antitax movement, a prominent advocate of "law and order" politics, and an unabashed fiscal conservative.³⁵ Upon entering office in 1982, Deukmejian promised to pinch government spending, reduce crime, and stave off tax increases.³⁶ One reporter writing in

August 1983 explained that “as governor, Reagan promised ‘to cut, squeeze, and trim.’ But he was never as successful in two terms as Deukmejian has been in half a year of a first term.”³⁷ Deukmejian signaled, at least rhetorically, a commitment to addressing the AIDS epidemic, but discrepancies between rhetoric and action were a hallmark of his handling of the crisis.

Gay Republicans secured an important victory in 1983, when Deukmejian appointed Bruce Decker, an openly gay political consultant, to chair the California AIDS Advisory Committee.³⁸ Coming from a renowned and respected Republican family, Decker was a natural fit for Deukmejian’s brand of conservatism and had assisted the Governor during his 1982 election campaign.³⁹ Hoping to turn the GOP into a viable front in the battle for gay rights, Decker established Concerned Americans for Individual Rights in 1984, a political organization formed of “moderate to conservative Gays and Lesbians,” uneasy with the influence of “the Religious Right ... on the Reagan Administration and the Republican Party.”⁴⁰ At the group’s inaugural meeting, he declared that “Gays and Lesbians are direct beneficiaries of the Reagan Administration... . Only under a limited and frugal government, a market economy, and a social structure based on free and voluntary association can we as Gay and Lesbian Americans fully be ourselves and realize our potential.”⁴¹ The values and objectives of Reaganite conservatism resonated with Decker, who championed fiscally conservative AIDS policies like tax credits for corporate funding of biomedical research.⁴² He aggressively supported measures that bolstered the individual rights of PWAS but balked at any hint of aggressive state intervention.⁴³

During his tenure as chair of the AIDS Advisory Committee, Decker cultivated a close relationship with Bush and Hadden, working with them to end homophobic bias in the state bureaucracy, to amplify the gay movement’s voice in statewide politics, and to strengthen the legislature’s response to AIDS. Despite their very different partisan allegiances, all three quickly built alliances with one another. At the middle of this policy network stood Hadden, who organized regular bipartisan meetings between Sacramento’s gay legislative assistants.⁴⁴ Throughout the 1980s, memos zipped between Decker’s and Hadden’s offices, as they collaborated on the issues of antibody testing, HIV discrimination, and prevention education.⁴⁵ While they differed sharply over policy specifics and frequently clashed over the state AIDS budget, they shared a commitment to policies grounded in privacy, individual rights, and voluntary behavior change.⁴⁶ Above all, they were political pragmatists, willing to negotiate with lawmakers from across the ideological spectrum to enact their preferred policies.

THE CALIFORNIA BUREAUCRACY AND THE COMPLEXITY OF THE CLOSET

Even as the AIDS crisis ravaged California's urban queer communities, the civil service's institutional homophobia remained a critical roadblock to a more expansive response to the disease. State officials prevaricated on important legislative mandates, actively discriminated against gay employees, and opposed calls for a coordinated response to the epidemic.⁴⁷ To overcome this institutional homophobia, gay policy makers coordinated a loose network of closeted bureaucrats, regularly meeting with them to gather information on the internal workings of the bureaucracy. They reserved special ire for the California Department of Health, accusing it of botching the state's early response to the epidemic. By the mid-1980s, Hadden had successfully used this information to ferret out homophobia in several state agencies, even as his tactics remained clandestine and illicit.

In the years immediately before the advent of AIDS, gay activists fought to end institutional homophobia in the California bureaucracy. They scored a notable victory in April 1979, when Governor Jerry Brown issued Executive Order B-54-79, which banned antigay discrimination against government employees.⁴⁸ The responsibility for implementing the order fell on the state Personnel Board, which handled most discrimination complaints against the civil service. On April 30, 1980—over a year after Brown issued the order—the agency hired Leroy Walker, an attorney based in Los Angeles, to liaise with local gay activists, root out homophobia in the bureaucracy's recruitment process, and educate the state civil service about the specific needs of gay employees.⁴⁹ With such a wide range of responsibilities, however, Leroy quickly suffered from burnout, leaving his position after little more than a year.⁵⁰ At this point, the civil service lacked the dedication needed to implement the order, neglecting to hire a replacement for Leroy because of cuts to the fiscal 1982 budget.⁵¹ With a growing sense of desperation, a group of gay bureaucrats established Advocates for Gay and Lesbian State Employees, a statewide organization that sought to reform the bureaucracy's hiring practices.⁵² From the outset, it struggled against an avalanche of bureaucratic inertia, failing to persuade the state Personnel Board to implement a training program on sexual-orientation-based discrimination. In an April 1982 letter, the group excoriated the agency's record, glumly observing that "Very few managers below the Central Office or Personnel levels have even heard of the executive order. . . . Under the circumstances, the gay and lesbian community must question the commitment of this administration to the protection of gay

and lesbian employees.”⁵³ A subsequent letter, written in July 1982, labeled Brown’s Executive Order a “useless formality.”⁵⁴ Bearing out this conclusion, statistics collected by the State Personnel Board indicated that gay and lesbian state employees made only two discrimination-related claims between 1979 and 1984.⁵⁵

Antagonism between gay policy makers and the state bureaucracy only escalated during the early years of the AIDS epidemic. Brown’s Executive Order was utterly ineffective at preventing antigay discrimination, and instances of institutionalized homophobia persisted, as officials within the bureaucracy widely ignored discrimination complaints made by gay employees.⁵⁶ In the early 1980s, gay bureaucrats penned scores of letters to Hadden, complaining of the bureaucracy’s institutional homophobia. Some letter writers protested that the state was slow to release funds to AIDS service organizations and actively discriminated against gay-run groups; others wondered why state officials declined to coordinate their efforts across different agencies.⁵⁷ Examples of obstructionism proliferated in the early 1980s; in one particularly egregious incident, officials withdrew funding from an AIDS-prevention education film only after learning that it had been developed by a gay production company.⁵⁸

While numerous state agencies had little appetite for working with Hadden and his colleagues, the Health Department’s initial response to AIDS was perhaps the clearest manifestation of this institutional homophobia.⁵⁹ The coterie of public health officials, bureaucrats, and medical professionals who guided the state’s initial response to AIDS often lacked any previous interaction with the organized gay movement.⁶⁰ Well into the mid-1980s, state health officials only met with gay policy makers in secret and outside of normal business hours, even during important discussions over pending legislation.⁶¹ Programs conducted through the Health Department suffered from delays, limited funding, and poor administrative oversight, prompting Hadden to note that “the department’s decision-making process, lack of direction and lack of leadership make it more difficult for them to provide services.”⁶² Perhaps most importantly, through 1983 and 1984, several AIDS-related bills failed precisely because of opposition from the Health Department. In the spring of 1984, health officials actively fought for a reduction in funding for prevention education; Agnos and Roberti successfully staved off their efforts but only after tense negotiations with the Deukmejian administration.⁶³ That same year, Senate Bill 2244, which would have mandated a coordinated response to AIDS, languished in committee after it faced opposition from state health officials.⁶⁴

Spurred by the Health Department's recalcitrance, Bush and Hadden began holding secret meetings with a group of closeted state employees, who provided them with confidential information about the bureaucracy's response to AIDS.⁶⁵ By the mid-1980s, a core of twelve closeted bureaucrats regularly attended these gatherings; most were motivated by their personal experiences of the AIDS epidemic, including close ties and friendships with PWAS.⁶⁶ From 1983 to 1985, they regularly leaked information to Bush and Hadden about the bureaucracy's internal workings and stances on important AIDS legislation.⁶⁷ As Kenneth Topper, Hadden's partner and office assistant, recalled years later, "we had people planted in various state organizations, agencies, that would be in position to overhear conversations to know what they were going to try to change, or try to block, and we were able to get around them."⁶⁸ Armed with information gathered from this clandestine network, Hadden flooded the Health Department with letters of complaint, demanding greater public scrutiny over the allocation of AIDS funding. Tellingly, his correspondence reveals an intimate knowledge of the agency's internal policies and practices.⁶⁹

Through these behind-the-scenes-machinations, Hadden eventually saw an opening to challenge the Health Department's entrenched obstructionism, filing a formal complaint with a civil service personnel committee in the autumn of 1984.⁷⁰ At a subsequent hearing in Sacramento, he and his colleagues unleashed a slew of complaints against the Health Department, calling attention to its dismal record on the epidemic.⁷¹ Though the exact details of this hearing are muddy, Topper took the agency to task for his experience of applying for a job there, pointing to discriminatory remarks made by officials during his interview. He also cited multiple anonymous examples of workplace discrimination against his closeted colleagues.⁷² In its final verdict, the personnel committee decided in Hadden's favor and appointed an oversight committee to reform the Health Department's hiring practices. Working for two years, the committee, which included Hadden, pressed the agency to employ medical professionals over career civil servants and engage with gay men and lesbians.⁷³ Paradoxically, the Health Department's failure to establish a constructive relationship with Hadden led to greater scrutiny of its hiring practices, exposing the agency's homophobic record.

Through the mid-1980s and after, the Department of Health continued to rack up a mixed record. Hoping to deflect any further internal scrutiny, the agency updated its hiring practices, made some meaningful overtures to gay activists, and appointed Hadden to a number of its advisory committees.⁷⁴ Less positively, state contracts administered through the Health Department

continued to suffer from unnecessary delay, threatening the financial viability of many AIDS Service Organizations.⁷⁵ Still, Hadden and his colleagues had forged a constructive relationship with the Health Department, successfully rooting out most of its obstructionism. By the dawn of the 1990s, according to one gay bureaucrat, “more and more staff members are coming out to their bosses and each other.”⁷⁶

Hadden’s reliance on closeted bureaucrats sheds light on the ambivalent and contradictory role of the closet within the modern gay rights movement.⁷⁷ In the late 1960s and early 1970s, gay liberationists had proclaimed that coming out was an important marker of gay political strength; they popularized the notion that disclosing one’s homosexuality was an essential element of gay politics and identity.⁷⁸ At the same time, gay rights organizations advanced a strategy that emphasized public visibility, an approach summarized by the popular mantra, “Out of the Closets, into the Streets.”⁷⁹ As the AIDS crisis came into clearer focus, it inspired renewed calls for gay people to “come out of the closet,” as activists sought to counterbalance the mobilization of the Christian Right.⁸⁰ In the autumn of 1988, the National Gay Rights Advocates, a gay rights law firm, organized the first National Coming Out Day (NCOD), an event designed to illuminate the gay movement’s growing political clout. Hadden played a major role in organizing NCOD during the late 1980s, coordinating efforts in Sacramento and San Francisco. In one letter promoting the event, he proclaimed that “NCOD promotes gay and lesbian visibility and urges people to ‘take the next step.’ ... NCOD is a call to action, a campaign about truth, power, and liberation.”⁸¹

Despite publicly asserting that coming out was an essential part of gay identity, Hadden depended on closeted state officials to ferret out homophobia in the California bureaucracy. Paradoxically, he wielded the closet as a weapon against the very employment practices that prevented his colleagues from publicly disclosing their homosexuality. For their part, these bureaucrats believed that concealing their identities, rather than coming out, would provide them with better opportunities to undermine government obstructionism. It is important to stress that the “weaponization” of the closet extended well beyond California. In Illinois, Tim Drake, the cochair of the Illinois Gay and Lesbian Task Force, formed a similar, if less well-developed, network of openly gay and closeted state officials. One individual, who worked for the Illinois House of Representatives, regularly tipped Drake off whenever a lawmaker filed a repressive AIDS bill.⁸² The closet afforded gay policy makers with opportunities to subvert and undermine state repression, serving as an effective weapon against bureaucratic inertia and draconian AIDS measures.

ANTIBODY TESTING AND THE CALIFORNIA LEGISLATURE

With powerful advocates in the California Assembly and Senate, gay policy makers secured a string of impressive policy victories in the mid-1980s. Because of their preexisting ties with the gay rights movement, lawmakers from San Francisco and Los Angeles proved far more willing than state bureaucrats to work with Hadden and his colleagues. The two most powerful California state legislators—the Speaker of the Assembly and the President of the Senate (Brown and Roberti, respectively)—both had solid liberal credentials and relied heavily on gay appointees when it came to formulating policy. Although Deukmejian won the governorship in 1982 and 1986, Democrats controlled both chambers of the legislature throughout the 1980s, and gay policy elites could rely on long-established relationships with liberal, reform-minded lawmakers. It was not just Democrats who supported proactive AIDS legislation, however: moderate Republicans did so too, especially in the early and mid-1980s.

Predictably, though, a small but influential group of conservative lawmakers championed repressive legislation directed at curbing the spread of the disease. Within the legislature, disputes raged around the question of whether the state should use traditional public health techniques, like quarantine and mandatory testing, to prevent the spread of AIDS. On one hand, gay policy makers argued that these techniques would generate a rift between public health officials and PWAS, deterring at-risk individuals from seeking treatment or testing.⁸³ Public health techniques had traditionally dovetailed with and reinforced homophobia, meaning that a coercive, involuntary approach to AIDS would inhibit cooperation between gay men and the state.⁸⁴ Already skeptical of public health officials, gay men would avoid them altogether if the state embraced punitive measures against AIDS. That observation appeared in a policy report issued by Rand Martin, California's first full-time AIDS lobbyist, in May 1988: "mandatory testing would create either an adversarial relationship between physician and patient or will frighten people away from voluntary testing and counselling."⁸⁵

On the other hand, conservative lawmakers supported a draconian and moralistic response to AIDS. They justified the use of traditional public health techniques by drawing historical analogies between AIDS and other infectious diseases—most notably, bubonic plague, influenza, and tuberculosis. These illnesses, all communicable through casual contact, had historically prompted coercive containment strategies, leading some conservative Republicans to argue that AIDS should be subject to the same treatment.⁸⁶

The conflict between gay policy makers and conservative Republicans heated up after the Federal Drug Administration (FDA) licensed the first AIDS antibody test in March 1985. ELISA, as the test was called, immediately became a lightning rod of controversy: it was notoriously inaccurate, it sparked calls for mass quarantine, and it opened the way for more extensive contact tracing.⁸⁷ Fundamentally, gay policy elites and conservative lawmakers differed over the question of whether testing should be voluntary or mandatory. Blaming gay hedonism for the outbreak of AIDS, conservatives argued that patient-initiated testing risked sacrificing public health for the sake of the privacy rights of at-risk individuals. They supported more traditional containment and control strategies over noncoercive interventions; for them, HIV ought to be treated like any other communicable disease. Summarizing the attitudes of many conservative legislators, one Republican state senator thundered that voluntary testing violated the “public right to life.”⁸⁸ Gay policy makers, for their part, championed voluntary, anonymous testing, robust antidiscrimination provisions for those undertaking the test, community-based AIDS education, and strict penalties for those who thwarted the privacy rights of antibody-positive individuals. They feared that indiscriminate use of the test would provide employers and insurers with sensitive information on thousands of at-risk individuals, regardless of their infection status, exposing them to workplace and insurance discrimination.⁸⁹ This fear was not without merit: a 1984 survey of PWAS in San Francisco found that 66 percent had experienced some of discrimination in employment, housing, or health care.⁹⁰ Without stringent confidentiality protections, then, the antibody test would dampen trust between gay rights activists and the medical profession and fuel more systemic employment discrimination against PWAS.⁹¹

With the passage of Assembly Bill 403 (AB 403) in February 1985, the proponents of anonymous testing secured a decisive victory in the California legislature. Drafted by Bush and pushed through the legislature by Agnos, the law furnished antibody-positive individuals with legal protections against employment discrimination and banned insurance companies from using ELISA to screen potential customers.⁹² The immediate impetus behind AB 403 was the FDA’s ruling in early 1985 that blood banks should test potential donors for HIV antibodies, a decision that stoked public fears about the safety of the blood supply. At first, the federal government licensed ELISA only for use in blood banks, prompting health officials to warn that at-risk individuals would donate blood in order to determine their HIV/AIDS status. During a newspaper interview that occurred less

than one month before the FDA approved the test, Mervyn Silverman, San Francisco's Director of Health, asserted that "individuals in populations at high risk for AIDS, who have refrained from donating blood, will resume doing so in order to be tested for exposure to the ... virus."⁹³ Several concurrent studies appeared to support this claim: one survey of gay men in San Francisco found that 50 percent were planning to visit a blood bank in order to obtain an antibody test; another study suggested that the figure was closer to 70 percent.⁹⁴ Because ELISA detected only 96 percent of HIV-infected blood samples, health officials warned that at-risk donors could inadvertently contaminate the blood supply.⁹⁵ "It all adds up to a frightening scenario," noted the *Bay Area Reporter*: "people who have been exposed to AIDS donate blood to get the antibody test; and 5 percent of that blood slips into the blood supply."⁹⁶ Responding to these concerns, Agnos tied the passage of AB 403 to the establishment of alternative test sites—government-run clinics that guaranteed anonymity and robust pre- and post-test counseling. As he explained in a press release, "blood banking officials had expressed strong concern that unless such a step were taken, many individuals who believed themselves at-risk for AIDS might have turned to blood donations as a way of being tested... . The result would be a larger number of at-risk donors who could not be screened with fail-safe methods."⁹⁷ Anonymous testing as a policy idea thus rested on the claim that it would prevent at-risk individuals from contaminating the blood supply.

To galvanize widespread support for anonymous testing, Bush modeled AB 403 on existing laws protecting the confidentiality of people with cancer and liaised with key interest groups to secure their backing.⁹⁸ These negotiations led to endorsements from a cluster of influential interest groups, most notably from the California Life Insurance Company.⁹⁹ Support for AB 403 came from the San Francisco Health Department, the U.S. Conference of Local Health Officers, and most emphatically from the Red Cross, which assisted Bush with the drafting of the bill.¹⁰⁰ Through February and March 1985, Agnos shepherded AB 403 through various committees, artfully courting the votes of Republican legislators by framing it as a public health measure, rather than as a civil liberties bill.¹⁰¹ Years later, reflecting back on the political debate over AB 403, Bush noted that "we were able to educate the legislature that the issue was not a balancing of civil rights against public health, but actions in both arenas which complemented each other to further assure a worried public."¹⁰² Less than ten days after Agnos had introduced AB 403, it passed the Assembly with a bipartisan vote of 63-5.¹⁰³ Although several states

enacted laws regulating the insurance industry's use of the antibody test, AB 403 was unusually extensive, providing for anonymous testing, strict penalties for those who disclosed test results to third parties, and counseling for individuals who tested positive.¹⁰⁴

The debate over AB 403 also signaled the extent to which liberal legislators and gay appointees relied on cost-centered arguments to buttress the political chances of their AIDS legislation. The 1980s heralded a new "era of limits" in California, as the nascent antitax movement constrained the development of the welfare state.¹⁰⁵ In 1982, Deukmejian leveraged his record as a staunch fiscal conservative to win election as governor; during the next eight years, he cut spending on welfare, education, and Medicaid.¹⁰⁶ Against this backdrop of budget squeezes and fiscal austerity, Agnos and Bush went to great lengths to portray anonymous testing as a cost-saving device. During behind-the-scenes discussions with state lawmakers, they argued that allowing insurance companies to use the antibody test would raise the number of uninsurable individuals, shifting the cost of AIDS health care onto the state.¹⁰⁷ In meetings with gay activists, in letters, and in strategy memos, Hadden advanced a similar argument in support of AB 403. While touting the virtues of the bill to the San Diego Democratic Club in 1985, he asserted that without anonymous testing, the state "would have to absorb a larger share of the cost for AIDS patient care."¹⁰⁸ Consistently pushed by gay policy makers, such cost-centered rhetoric soon became ubiquitous in debates over antibody testing.

Although the passage of AB 403 revealed the influence of the policy-making network that Bush, Decker, and Hadden had built, it also underscored the drawbacks of their pragmatic approach to politics. The act was propelled through the legislature by mounting fears of a contaminated blood supply, the lobbying efforts of Agnos and Bush, and the fiscal climate of the 1980s. Absent was any sustained discussion of the privacy concerns of people taking the test or the wider needs of those who tested positive. Several activists and liberal lawmakers pointed out that AB 403 appropriated \$5 million for alternative test sites, more than the state had cumulatively spent on AIDS prevention education before 1985. "Why," asked one legislator on the senate floor, "has California, in a flash, been able to come up with \$5,000,000 to protect 2% of the potential victims of AIDS, but had spent only \$3,900,000 in 1984 for the other 98%."¹⁰⁹ In the end, however, Agnos and Bush had turned their intense lobbying and interest group mobilization into a significant policy achievement, one that would

withstand a two-pronged attack in the late 1980s from conservative lawmakers and the insurance industry.

THE BACKLASH AGAINST ANONYMOUS TESTING

While AB 403 sailed through the legislature with overwhelming bipartisan support, it quickly provoked a backlash, as the issue of anonymous testing became a political hot potato. In 1986 and 1987, as fears of widespread heterosexual transmission reached their apex, antibody testing emerged as a central polarizing issue that guided political responses to the epidemic. The first sustained attack on California's liberal testing regime came in the spring and summer of 1986, when the electorate debated Proposition 64, a menacing ballot initiative that would have quarantined individuals suspected of HIV infection and enforced mandatory testing for certain "risk groups." In July 1986, Decker and Hadden were part of a group of gay activists and doctors who founded No on 64, a statewide organization that spearheaded the media campaign against the initiative.¹¹⁰ Acting as the group's chief fundraiser, Decker raised over \$1 million for television and radio spots, with 90% of donations coming from gay men and lesbians.¹¹¹ Drawing on the same cost-centered rhetoric used by Agnos and Bush to pass AB 403, No on 64 characterized the initiative as a fiscally onerous policy that was out of step with the budget tightening of the 1980s. The group's campaign literature focused less on the civil liberties of people living with HIV infection than on the financial implications of enforcing a mass quarantine. One newspaper advert produced by the organization listed various reasons to vote against Proposition 64, chief among them being that it would "cost California taxpayers billions of dollars each year, but not one dollar of these massive expenditures will bring us any closer to stopping AIDS."¹¹² Backed by a broad coalition of medical and religious organizations—including the California Catholic Conference of Bishops, the California Medical Association, and the American Red Cross—AIDS activists defeated the initiative by a wide margin in November 1986.¹¹³

The struggle over Proposition 64 occurred alongside a fierce legislative debate about California's liberal testing policy. Within the legislature, the driving force behind conservative attacks on anonymous testing was John Doolittle, a Republican state senator from Sacramento. In the summer and fall of 1986, he drafted ten AIDS-related bills, each designed to apply coercive health techniques to HIV. This legislation, among other things, would have overturned the provisions of AB 403, made it a felony for PWAS to donate blood, and enforced mandatory testing against sex offenders.¹¹⁴

A controversial figure within the GOP, Doolittle nonetheless wielded tremendous influence in the state legislature. As the party's caucus chair, he was the second-ranking Republican in the Senate and the chief fundraiser for GOP senatorial candidates.¹¹⁵ Reflecting on Doolittle's legislative expertise, one gay policy maker warned that "his knowledge about AIDS is hardly rivaled in the legislature and he has used that knowledge to lend credibility and reasonableness to his proposals."¹¹⁶ Framing his legislation as a corrective to the state's "AIDS exceptionalism," Doolittle told the *Sacramento Bee* in early 1987 that "all [I] would like is for AIDS to be treated like we treat other venereal diseases ... what we've done with AIDS is create a whole special set of procedures."¹¹⁷

Such arguments ran parallel to the claim that mandatory testing was a crucial means of preventing AIDS from "crossing over" into the heterosexual population and causing a more widespread epidemic. In 1986, the Center for Disease Control (CDC) reported a spike in cases caused by heterosexual transmission, leading the National Institute of Medicine to claim "that over the next five to ten years there will be substantially more cases of HIV infection in the heterosexual population and that these cases will occur predominantly among the population subgroups at risk for other sexually transmitted diseases."¹¹⁸ Newspapers responded with headlines such as "The Second Stage of the Epidemic" and "Now the Disease of Them is the Disease of Us."¹¹⁹ At the same time, a blizzard of new polls confirmed the public's growing fear of widespread heterosexual transmission. A Gallup poll conducted in November 1986 claimed that 73 percent of Americans felt that "AIDS will eventually become an epidemic for the public at large," an increase of 11 percent from fifteen months earlier.¹²⁰ In fact, the CDC's new figures were not an accurate reflection of the epidemic's changing contours—the agency had determined in December 1986 that a significant proportion of previously unclassified cases were because of heterosexual contact.¹²¹

Ignoring these complexities, Doolittle actively buttressed the public's growing fear of the epidemic, explicitly linking his AIDS legislation to the CDC's figures on heterosexual transmission. On the floor of the state senate, he declared that "there should be no doubt in anyone's mind that AIDS is not a 'gay disease.' ... In fact, the Centers for Disease Control are currently warning us that the number of heterosexual AIDS cases will double by 1991."¹²² To drive home his point, Doolittle invoked the powerful symbol of the "innocent child," with one of his bills proposing to reduce mother-to-child HIV transmission by requiring mandatory testing for pregnant women. When he introduced this legislation onto the floor of the state Senate, he tapped into the pro-family, antiabortion rhetoric of the religious right: "frankly the right to

privacy is coming in conflict with the right to life and that conflict must be resolved in favor of the greatest right, which is the right to life.”¹²³ Doolittle’s legislative proposals, then, drew significant impetus from mounting fears that AIDS was turning into a generalized epidemic, with widespread heterosexual transmission.¹²⁴

If Doolittle’s rhetoric tapped into the public’s growing AIDS hysteria, it also prompted a vigorous lobbying campaign by gay policy makers, who coordinated their efforts under the auspices of one umbrella organization, the Lobby for Individual Freedom and Equality (LIFE), founded, in part, by Hadden and Topper in the spring of 1986.¹²⁵ California’s first statewide AIDS lobbying firm, LIFE concentrated, in its early years, on leading the fight against draconian HIV bills in the state legislature. Marketing itself as a nonpartisan organization, LIFE drew support from a politically diverse set of gay rights groups, ranging from several chapters of the AIDS Coalition to Unleash Power to the Log Cabin Republicans.¹²⁶ These groups found common cause both in their opposition to coercive AIDS legislation and in their support for enhanced legal protections for PWAS. Rand Martin, who served as LIFE’s executive director between 1986 and 1990, built constructive relationships with both Democrats and Republicans, working feverishly to make anonymous testing a point of bipartisan consensus. With Martin at the helm, LIFE established close ties with several Republican lawmakers, most notably state Representative Bill Filante, who sponsored several of the group’s bills during the late 1980s.¹²⁷

Faced with Doolittle’s legislative maneuvering, LIFE ramped up its lobbying efforts in the winter and spring of 1987, coordinating a letter-writing campaign, organizing several lobby days, and courting sympathetic lawmakers. The group quickly formed ties with prominent lawmakers, including Chairman of the Assembly Health Committee Bruce Bronzan. Working in close collaboration with LIFE, Bronzan led the fight against Doolittle’s bills in the Democratic caucus. To ensure success, Bronzan and Rand Martin consulted with the infamous “Gang of Ten,” a group of conservative Democrats opposed to speaker Willie Brown. These negotiations yielded a favorable compromise and most of Doolittle’s bills languished in committee for the rest of the legislative session. As one internal LIFE report put it, “what resulted was the passage of two innocuous Doolittle bills and the redirection of others to interim study, a graveyard for bills that legislators would prefer not voting against.”¹²⁸ In the wake of this bruising defeat, Doolittle’s singular obsession with mandatory testing began to alienate his supporters in the state legislature, and his AIDS-related legislation repeatedly died in committee after 1987.¹²⁹

Mere months after Doolittle's efforts to repeal AB 403 faltered, the measure faced a new line of attack from the state's formidable insurance lobby. The AIDS epidemic unfolded against a backdrop of rising health care costs—a trend that compelled many insurers to look for ways to reduce their liabilities.¹³⁰ As they sought to constrain costs, insurance companies claimed that California's ban on screening prospective customers for HIV antibodies had undermined their business model. A 1988 radio advertisement produced by the industry summed up this argument: "life and health insurance companies have always tested applicants for life-threatening illness... . To set fair premiums, we must know the risks posed by an applicant's health."¹³¹ In the autumn of that year, industry representatives sponsored Assembly Bill 2900 (AB 2900), which would have repealed restrictions on HIV antibody testing for insurance applicants. While AB 2900 received backing from a powerful set of interest groups, including the Health Insurance Association of America, LIFE successfully waged a behind-the-scenes campaign to defeat the bill. Leveraging its reputation as a significant player in state politics, the group reached out to Roberti, who, as President Pro Tempore, referred AB 2900 to the unsympathetic Senate Health Committee, where it died before making it to the Governor's desk.¹³² Thereafter, the provisions of AB 403 relating to medical insurance remained intact for the rest of the 1980s.¹³³

A comparison with other states reveals that California was at the leading edge of implementing a liberal testing regime in the 1980s. While several states enacted laws regulating the insurance industry's use of the test, only AB 403 remained in place by the end of the 1980s, an indication of the gay movement's growing political clout in Sacramento.¹³⁴ After insurers mounted a vigorous lobbying effort in the late 1980s, some states—including New York, Florida, Massachusetts, and Wisconsin—overturned laws banning the industry from screening for HIV.¹³⁵ Other states, meanwhile, explicitly permitted insurers to test prospective customers for HIV infection. In December 1987, the Texas Insurance Board ruled that insurers could use ELISA to test current and prospective customers; the industry responded by excluding residents of several gay urban enclaves from coverage.¹³⁶ That same year, by the lopsided margin of 58–0, the Illinois Senate passed a law providing the insurance industry with broad discretion over its use of the antibody test.¹³⁷ A close look at the politics of antibody testing thus highlights the significance of California's policy leadership during the early years of the AIDS crisis. In addition to enacting the country's most robust confidentiality protections for individuals taking ELISA, California was the only state that continued to ban medical insurers from using the test in the late 1980s. This policy record was

the product of two interlocking factors: a burgeoning network of gay policy makers, who were willing to use clandestine and illicit strategies, and the rapid organizational growth of LIFE, which quickly became an influential player in state politics.

CONCLUSION

This article has argued that California's proactive response to AIDS stemmed from the gay movement's growing influence in Sacramento. While the Reagan administration largely ignored the concerns of national gay lobbying groups, California state lawmakers from across the political spectrum hired gay legislative assistants to work on AIDS. After Bush, Decker, and Hadden began coordinating their efforts in the early 1980s, they achieved some notable policy victories, especially in the area of antibody testing. Capturing the career arcs of these gay legislative assistants also enriches our understanding of the role of the closet in the official gay rights movement. In closing, it is important to stress that from the late 1980s gay policy makers no longer relied on either clandestine tactics or closeted bureaucrats. Rather, Hadden and Decker formed a constructive relationship with the Health Department, one that involved open cooperation on the issues of AIDS testing and HIV discrimination. In the 1990s, an unprecedented number of openly gay men and lesbians entered state employment, partly because Governor Pete Wilson—a self-defined moderate Republican—established close ties with gay Republican groups. In 1990, the Log Cabin Republicans endorsed his gubernatorial candidacy, and in return he appointed several of its members to prominent positions within the state bureaucracy.¹³⁸

By focusing almost exclusively on the federal government, historians of AIDS have hitherto portrayed the U.S. state as a monolith, ignoring recent scholarship on the continued importance of state and local authorities in the late twentieth century. Precisely because of the Reagan administration's inaction and inactivity, the states acted as policy innovators during the initial years of the epidemic. This article has provided one case study of how this dynamic affected the policy response to AIDS. Early in the epidemic, California surpassed any other state in the sheer range of AIDS-related laws it enacted and took the lead in implementing proactive policies. The result was the formation of an influential gay policy network in Sacramento, which made significant inroads into statewide politics during the 1980s.

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NOTES

1. The details of this story were outlined to me in oral interviews with David Roberti and Kenneth Topper—Stan Hadden’s partner and office assistant in the 1980s. Before moving to Sacramento, Hadden worked as a pilot in the U.S. Air Force and as an associate editor for the gay newspaper, *Mom Guess What*. Kenneth Topper, phone interview with the author, November 12, 2018; David Roberti, interview with the author, Los Angeles, December 12, 2018.

2. Dell Richards, “Living and Working Together,” *Mom Guess What*, October 1988, 9.

3. With a few notable exceptions, historians have overlooked the state-wide response to AIDS in California, focusing instead on activist efforts in San Francisco and Los Angeles. To date, narratives of California’s early response to the epidemic have invariably spotlighted how San Francisco adopted one of the most extensive AIDS programs in the country, outspending other hard-hit cities like New York. For more on the San Francisco “model of care,” see Andrea Milne, “‘A Caring Disease’ Nursing and Patient Advocacy on the United States’ First AIDS Ward, 1983-1995” (unpublished PhD diss., University of California, Irvine, 2017). For the response of Los Angeles to AIDS, see Lilian Faderman and Stuart Timmons, *Gay L.A. A History of Sexual Outlaws, Power Politics, and Lipstick Lesbians* (Oakland: University of California Press, 2009), chap. 11; Nic John Ramos, “Poor Influences and Criminal Locations: Los Angeles’s Skid Row, Multicultural Identities, and Normal Homosexuality,” *American Quarterly* 71, no. 2 (June 2019): 541–67. For a rare discussion of the California legislature’s approach to AIDS, see Ronald Bayer, *Private Acts, Social Consequences: AIDS and the Politics of Public Health* (New York: Free Press, 1989), chaps. 4–7.

4. Comparative Review of State-Only Expenditures for AIDS—Major Trends, Fiscal Years 1983-1988, Box 190, Folder 10, The National Gay and Lesbian Taskforce Records, 1973-2000, Cornell University Library.

5. Early in the epidemic, the state of Massachusetts focused most of its energies on biomedical research and protecting the blood supply, allocating, unlike California, only minimal funding for early intervention services, patient care, and prevention education. See Nancy Weiland Carpenter, “AIDS Initiatives in Massachusetts: Building a Continuum of Care,” *New England Journal of Public Policy* 4, no. 1 (January 1988): 429–39.

6. For example, in 1986, the California legislature enacted Assembly Bill 2404 (AB 2404), which appropriated \$4 million for a program of grants to support research into an AIDS vaccine. The passage of AB 2404 made California the first state to allocate funds for the development of a vaccine. LIFE Fact Sheet for AB 2404, Box 2, Folder 31, Bill Wuzzy Spaulding Papers, Coll2013-097, ONE National Gay & Lesbian Archives, USC Libraries, University of Southern California.

7. Important exceptions include Stephen Inrig, *North Carolina and the Problem of AIDS: Advocacy, Politics, and Race in the South* (Chapel Hill: University of North Carolina Press, 2011); Bayer *Private Acts, Social Consequences*.

8. Jennifer Brier, *Infectious Ideas: U.S. Political Responses to the AIDS Crisis* (Chapel Hill: University of North Carolina Press, 2009); Emily K. Hobson, *Lavender and Red: Liberation and Solidarity in the Gay and Lesbian Left* (Oakland: University of California Press, 2016); Dan Royles, *To Make the Wounded Whole: The African American Struggle against HIV/AIDS* (Chapel Hill: University of North Carolina Press, 2020); Royles, “Don’t

We Die Too? The Politics of AIDS and Race in Philadelphia,” in *Beyond the Politics of the Closet: Gay Rights and the American State since the 1970s*, ed. Jonathan Bell (Philadelphia: University of Pennsylvania Press, 2020), 100–17; Tamar W. Carroll, *Mobilizing New York: AIDS, Antipoverty, and Feminist Activism* (Chapel Hill: University of North Carolina Press, 2015). For helpful introductions to the historiography of the AIDS epidemic, see Jennifer Brier, et al., “Interchange: HIV/AIDS and U.S. History,” *Journal of American History* 104, no. 2 (September 2017); Elizabeth Alice Clement, “The Stories of AIDS,” *American Quarterly* 69, no. 4 (December 2017): 917–33. Other important works on the history African American AIDS activism include Kevin Mumford, *Not Straight, Not White: Black Gay Men from the March on Washington to the AIDS Crisis* (Chapel Hill: University of North Carolina Press, 2016); Darius Bost, “At the Club: Locating Early Black Gay AIDS Activism in Washington, DC,” *Occasion* 8 (August 2015): 1–9.

9. Richard A. McKay, *Patient Zero and the Making of the AIDS Epidemic* (Chicago: University of Chicago Press, 2017); Phil Tiemeyer, *Plane Queer: Labor, Sexuality, and AIDS in the History of Male Flight Attendants* (Oakland: University of California Press, 2013).

10. Darius Bost, *Evidence of Being: The Black Gay Cultural Renaissance and the Politics of Violence* (Chicago: University of Chicago Press, 2018); Dagmawi Woubshet, *The Calendar of Loss: Race Sexuality and Mourning in the Early Era of AIDS* (Baltimore, MD: Johns Hopkins University Press, 2015); Martin Duberman, *Hold Tight Gently: Michael Callen, Essex Hemphill, and the Battlefield of AIDS* (New York: New Press, 2014).

11. For more on the federal government’s response to AIDS, see Randy Shilts, *And the Band Played On: Politics, People and the AIDS Epidemic* (New York: St. Martin’s Press, 1987); Patricia D. Siplon, *AIDS and the Policy Struggle in the United States* (Washington, DC: Georgetown University Press 2002); Anthony Petro, *After the Wrath of God: AIDS, Sexuality, and American Religion* (Oxford: Oxford University Press, 2015), chap. 2; Jonathan Bell, “Rethinking the ‘Straight State’: Welfare Politics, Health Care, and Public Policy in the Shadow of AIDS,” *Journal of American History* 104, no. 4 (2018). Scholars have also paid disproportionate attention to radical groups like the AIDS Coalition to Unleash Power (ACT UP), ignoring the activism and efforts of more moderate gay men and lesbians. For a critique of this tendency, see Katie Batza, “Tactical Deployments of Respectability: Religion, Race, and Rights in the United States Heartland early-AIDS Response,” in *Feminist and Queer Activism in Britain and the United States in the Long 1980s*, ed. Sarah Crook and Charlie Jeffries (forthcoming).

12. Summary of AIDS Laws from the 1987 Legislative Sessions, Box 131, Folder 31, National Gay and Lesbian Taskforce Records, Cornell University Library.

13. National Survey of State Spending for AIDS (Washington, DC: Intergovernmental Health Policy Project, 1989), The Bush Administration and the AIDS Crisis: White House Staff and Office, files OA/ID 06961–018, Gale Archives of Sexuality and Gender.

14. Wendy Parmet, “AIDS and Quarantine: The Revival of an Archaic Doctrine,” *Hofstra Law Review* 14, no. 1 (1985). The COVID-19 pandemic has sparked renewed interest in the intergovernmental implications of public health law. See Wendy Parmet and Michael S. Sinha, “COVID-19: The Law and Limits of Quarantine,” *New England Journal of Medicine* 382, no. 15 (April 2020); Masha Simonova and Nathaniel Sobel, “Federal Executive Emergency Authorities to Address COVID-19,” *Lawfare*, April 2, 2020, <https://www.lawfareblog.com/federal-executiveemergency-authorities-address-covid-19>; Stephen

Colbrook, “Why Pandemics Matter to the History of U.S. State Development,” *Modern American History* 4, no.3 (November 2021).

15. Martha Derthick, *Keeping the Compound Republic: Essays on Federalism* (Washington, DC: Brookings Institution Press, 2001).

16. The phrase “bringing the states back in” was coined by Gary Gerstle in his path-breaking work on the history of the American state. Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton, NJ: Princeton University Press, 2015), 56. In recent years, a multidisciplinary group of scholars, including Gerstle, William Novak, and Karen Tani, has argued that no interpretation of the U.S. state is complete without examining the influence of states and municipalities. Karen M. Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935–1972* (Cambridge: Cambridge University Press, 2016); William Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2000). This essay contributes to this body of scholarship by illustrating the continued importance of state-level policy making in the last decades of the twentieth century—a period largely absent in existing accounts. It also provides an example of what legal scholars term “compensatory federalism”: the development of policies at the subnational level precisely because of inactivity at the federal level. Martha Derthick, “Compensatory Federalism,” in *Greenhouse Governance: Addressing Climate Change in America*, ed. Barry G. Rabe (Washington, DC: Brookings Institution Press, 2010), 5872.

17. For a summary of AIDS legislation enacted at the state level in the 1980s, see A Synopsis of State AIDS Laws Enacted during the 1983–1987 Legislative Sessions, Box 131, Folder 29, National Gay and Lesbian Taskforce Records, Cornell University Library.

18. Scholars have paid remarkably little attention to the role of closeted individuals within the gay movement, focusing instead on activists’ own campaign for visibility—captured by the slogan, “Out of the Closets, into the Streets.” For a critique of the scholarly tendency to focus on the politics of gay visibility, see Stephen Vider, “‘The Ultimate Extension of Gay Community’: Communal Living and Gay Liberation in the 1970s,” *Gender & History* 27, no. 3 (November 2015), 865–881.

19. In recent years, a broad range of scholars, including Scott De Orio, Claire Bond Potter, and Timothy Stewart Winter, has argued that during the last decades of the twentieth century, the gay movement made its first inroads into the policy-making process. However, no one has chartered the weaponization of the closet by gay activists during this process. Claire Bond Potter, “Paths to Political Citizenship: Gay Rights, Feminism, and the Carter Presidency,” *Journal of Policy History* 24, no. 1 (February 2012); Scott De Orio, “Punishing Queer Sexuality in the Age of LGBT Rights” (unpublished PhD diss., The University of Michigan, 2017); Timothy Stewart-Winter, *Queer Clout: Chicago and the Rise of Gay Politics* (Philadelphia: University of Pennsylvania Press, 2016).

20. Jonathan Bell, *California Crucible: The Forging of Modern American Liberalism* (Philadelphia: University of Pennsylvania Press, 2012): 262.

21. For more on the history of Proposition 6, see Clayton Howard, *The Closet and the Cul-De-Sac: The Politics of Sexual Privacy in Northern California* (Philadelphia: University of Pennsylvania Press, 2019), 285–89; Sara Smith-Silverman, “‘Gay Teachers Fight Back!’ Rank-and-File Gay and Lesbian Teachers’ Activism against the Briggs Initiative, 1977–1978,” *Journal of the History of Sexuality* 29, no. 1 (2020).

22. Gay men and lesbians only received legal protection from employment discrimination in the state of California in 1992. A.B. 2601, 1991–92 Regular Session (California,

1992). For more on the history of gay employment rights activism, see Katherine Turk, “‘Our Militancy is in Our Openness’: Gay Employment Rights Activism in California and the Question of Sexual Orientation in Sex Equality Law,” *Law and History Review* 31, no. 2 (May 2013).

23. Stephen Morin, “AIDS: Public Policy and Mental Health Issues,” in *What to Do about AIDS: Physicians and Mental Health Professionals Discuss the Issues*, ed. Leon McKusick (Oakland: University of California Press, 1986), 192.

24. Stephen Morin, “AIDS: Public Policy and Mental Health Issues.”

25. David Roberti, interview with the author, Los Angeles, December 12, 2018.

26. Dell Richards, “Living and Working Together,” *Mom Guess What*, October 1988, 9.

27. Stanley Hadden to David Wilson, July 1 1987, Box 2, Folder 1, Series 1 Communications 1983-1991, Stanley Hadden Papers, 1997-33, The Gay, Lesbian, Bisexual, Transgender Historical Society.

28. Senate Bill No. 1251 Background, Box 13, Folder 20, Art Agnos Papers.

29. M. J. Rowe and C. C. Ryan, “Comparing State-Only Expenditures for AIDS,” *American Journal of Public Health* 78, no. 4 (April 1988): 424-29.

30. Larry Bush, interview with the author, December 17, 2018, San Francisco.

31. Art Agnos to Arlo Smith, June 14, 1985, Box 13, Folder 15, Art Agnos Papers.

32. Clayton Howard, “Gay and Conservative: An Early History of the Log Cabin Republicans,” in *Beyond the Politics of the Closet: Gay Rights and the American State since the 1970s*, ed. Jonathan Bell (Philadelphia: University of Pennsylvania Press, 2020), 141-64.

33. Richard Zeiger, “Duke’s Landslide: Second Term Blessed by Complacent Electorate,” *California Journal* 17, no. 12 (December 1986): 579-81; Dan Walters, “Unspectacular Governance,” *Sacramento Bee*, February 19, 1986; William Endicott, “Deukmejian’s Legislative Style Viewed as ‘Stubborn,’” *Los Angeles Times*, August 18, 1983.

34. For the broad changes to California’s political economy in this period, including the unprecedented expansion of the state’s penal system, see Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Oakland: University of California Press, 2007).

35. Daniel J. B. Mitchell, “From Jerry-Rigged to Petered Out: Lessons from the Deukmejian Era for Contemporary California State Budgeting,” in *California Policy Options 2008*, ed. Daniel J. B. Mitchell (Los Angeles: School of Public Policy and Social Research, University of California at Los Angeles, 2008), 39-76.

36. Mitchell, “From Jerry-Rigged to Petered Out.”

37. William Endicott, “Deukmejian’s Big Advantage was Surprise,” *Los Angeles Times*, August 7, 1983, 74.

38. Deukmejian’s relationship with gay Republicans remained ambivalent throughout the 1980s, especially after he vetoed AB 1 (1984), a landmark bill that would have provided gay men and lesbians with legal protections against employment discrimination. Rather than drawing on explicitly homophobic rhetoric, though, he justified this veto on the grounds that formal legal protections would burden the state’s small businesses. Despite this setback, gay Republicans continued to openly communicate and liaise with Deukmejian throughout the 1980s, even as he repeatedly vetoed LGBT civil rights legislation. George Deukmejian, March 13, 1984, press release, Box 13, Folder 10, Art Agnos Papers; Frank N. Ricchiuzzi, phone interview with the author, November 7, 2020.

39. Kenneth Topper, phone interview with the author, November 12, 2018.
40. Concerned Americans for Individual Rights, 1984 Year End Report, Box 1, Folder 1, Concerned Americans for Individual Rights (CAIR) records, Coll2008-056, ONE National Gay and Lesbian Archives, Los Angeles, California.
41. Bruce Decker, "Why Gays and Lesbians Should Re-Elect Ronald Reagan," Box 1, Folder 1, CAIR records.
42. Decker proved willing to work with members of the fringe right while lobbying for research tax credits. In 1990, for example, he solicited the support of Representative William Danneyemer, a virulently homophobic conservative from Orange County. Bruce Decker to William Danneyemer, May 30, 1989, LP457:780, Newton R. Russell Papers, California State Archives, Office of the Secretary of State, Sacramento, California.
43. "Critics Rebut Decker's Defense," *San Diego Gayzette*, August 22, 1985, 1.
44. Kenneth Topper, phone interview with the author, November 12, 2018.
45. Memorandum by Bruce Decker to Stan Hadden, September 27, 1985, Box 2, Folder 12, Stanley Hadden Papers; Memorandum by Stan Hadden to Bruce Decker, December 29, 1986, Box 2, Folder 6, Stanley Hadden Papers.
46. Although this article concentrates on the careers of Bush, Decker, and Hadden, other LGBT people transitioned into policy-making roles during the 1980s. In 1986, State Representative Willie Brown hired Brandy Moore, a veteran gay rights activist, to serve as a community liaison with the gay movement. Moore would later become the only person of color appointed to the California AIDS Advisory Council. Two Republican state lawmakers—Bill Filante and Milton Marks—both employed gay legislative assistants in the mid-1980s. I focus on Bush, Decker, and Hadden because their work focused exclusively on AIDS and because they left substantial archival traces. Brandy Moore, curriculum vitae, Box 4, Folder 14, National Task Force on AIDS Prevention, MSS 94-59, The UCSF Library and Center for Knowledge Management, Archives and Special Collections, University of California, San Francisco. Unfortunately, few archival sources make reference to Moore, who tragically succumbed to AIDS-related disease in the early 1990s. Even Willie Brown's papers, held at San Francisco State University, gloss over Moore's contributions. Willie L. Brown Jr. Papers, San Francisco State University, J. Paul Leonard Library, Special Collections and Archives.
47. Memorandum by Stan Hadden to Art Torres, September 15, 1986, Box 2, Folder 10, Stanley Hadden Papers.
48. Executive Order B-54-79, Box 5, Folder 17, Stanley Hadden Papers.
49. "Gov. Brown's Executive Order Put into Action," *Bay Area Reporter*, August 28, 1980, 10.
50. Paul F. Lorch, "Roosting Discrimination against Public Employees: The Birth of the Sexual Orientation Project," *Bay Area Reporter*, July 2, 1981, 10.
51. Pat Burke, "Ellis, Campbell Kill Funds to Enforce Gay Civil Rights," *Update*, June 12, 1981, 1.
52. Memorandum by California State Personnel Board to All State Agencies, April 30, 1980, Box 75, Folder 19, Phyllis Lyon and Del Martin: 8: Organizations, Committees, Coalitions, 1964–1997, Gay, Lesbian, Bisexual, and Transgender Historical Society.
53. Boyce Hinman to Alice A. Lytle, April 21, 1982, Box 75, Folder 19, Phyllis Lyon and Del Martin Papers. For an example of a legal case concerning the bureaucracy's homophobia, see *Hinman v. Department of Personnel Admin.*, Civ. No. 23749, Court of Appeals of California, Third Appellate District, April 29, 1985.

54. Phyllis Lyon to Alice A. Lytle, June 3, 1982, Box 75, Folder 19, Phyllis Lyon and Del Martin Papers.

55. George Deukmejian, press release, March 13, 1984, Box 13, Folder 10, Art Agnos Papers. The reluctance of state bureaucrats to collaborate with gay activists was just one example of broader patterns of employment discrimination during the 1980s. With the emergence of AIDS, gay men in a range of professions lost their jobs because of the misplaced fear that the disease could be transmitted through casual contact. On AIDS-related employment discrimination, see Nan D. Hunter, *Epidemic of Fear: A Survey of AIDS Discrimination in the 1980s and Policy Recommendations for the 1990s* (New York: American Civil Liberties Union, 1990); Chai R. Feldblum, "Workplace Issues: HIV and Discrimination," in *AIDS Agenda: Emerging Issues in Civil Rights*, ed. Nan Hunter and William Rubenstein (New York: Norton, 1992), 271–330; Tiemeyer, *Plane Queer*, 149–54.

56. Stanley Hadden to David Roberti, February 11, 1987, Box 2, Folder 1, Stanley Hadden Papers.

57. Kenneth Topper, phone interview with the author, November 12, 2018.

58. Stanley Hadden to Dr. O'Connor, April 29, 1986, Box 2, Folder 6, Stanley Hadden Papers; Stanley Hadden to Kim Kinsella, September 4, 1986, Box 2, Folder 4, Stanley Hadden Papers.

59. Another particularly obstructionist agency was the Department of Corrections, which had no written policy related to gay and lesbian employees as late as 1984. Daniel J. McCarthy to Boyce R. Hinman, August 17, 1984, Box 5, Folder 16, Stanley Hadden Papers.

60. Kenneth Topper, phone interview with the author, November 12, 2018.

61. Steve Morin, phone interview with the author, October 19, 2018.

62. Stanley Hadden to David Roberti, February 5, 1986, Box 2, Folder 6, Stanley Hadden Papers.

63. Summary of AIDS Budget Task Force 1985–85, Box 3, Folder 22, Stanley Hadden Papers. For more on the Health Department's obstructionist stance on the state AIDS budget, see Memorandum by Stanley Hadden to David Roberti, May 13, 1985, Box 5, Folder 47, Stanley Hadden Papers.

64. Morin, "AIDS: Public Policy and Mental Health Issues," 193.

65. Excavating the careers of these closeted bureaucrats proved difficult. They left few archival records, engaged in illicit and illegal activity, and did not agree to conduct oral interviews. For much of this paper, I rely on the oral testimony of their "out" colleagues, an approach that risks filtering their experiences through the assumptions of the gay rights movement. However, the essential fact—the existence of a clandestine network of gay policy makers—was corroborated by several interviewees and the contents of Hadden's correspondence. For a newspaper report of this clandestine network, see "Fighting for LIFE," *Advocate*, March 15, 1988, 12–13.

66. Kenneth Topper, phone interview with author, December 18, 2018.

67. Kenneth Topper, phone interview.

68. Kenneth Topper, phone interview.

69. For an example, see Stanley Hadden to David Roberti, February 5, 1986, Box 2, Folder 6, Stanley Hadden Papers.

70. Kenneth Topper, phone interview with author, December 18, 2018; Anonymous interview with the author, December 20, 2018.

71. Kenneth Topper phone interview, December 18, 2018; Anonymous interview, December 20, 2018.
72. Kenneth Topper, phone interview, December 18, 2018. Unfortunately, the personnel files within the Stanley Hadden Papers are restricted, so I have relied on oral testimony to recover the details of this hearing.
73. Kenneth Topper, phone interview, December 18, 2018.
74. Material Review Committee to AIDS Community Education Contractors, December 18, 1985, Box 11, Folder 33, Stanley Hadden Papers. The Health Department also collaborated with Hadden over California's application for a Home and Community-Based Waiver for Medicaid-eligible PWAS. Department of Health to Stanley Hadden, September 11, 1987, Box 11, Folder 40, Stanley Hadden Papers.
75. Jean Merle, "Grant Process for AIDS Hurting Agencies," *Los Angeles Times*, April 18, 1988, A8.
76. Karen Ocamb, "Coming out Holds Hollywood's Future," *Update*, June 19, 1991, A15.
77. In recent years, an interdisciplinary group of scholars has explored how the closet can afford LGBT people with unexpected social and cultural opportunities. Few studies, however, examine how the closet can function as a tool to subvert and reconfigure state repression. For a summary of the most recent scholarship on the closet, see Scott De Orio, "The Closet," in *Global Encyclopedia of Gay, Lesbian, Bisexual, Transgender, and Queer History*, ed. Howard Chiang (Farmington Hills, MI: Charles Scribner's Sons, 2019), 372–79.
78. George Chauncey, *Why Marriage? The History Shaping Today's Debate over Gay Equality* (New York: Basic Books, 2004), 23–31.
79. Vider, "Communal Living and Gay Liberation in the 1970s," 867.
80. "A Tribune to Coming Out," *Lesbian News*, Los Angeles, 14, no.3, (October 1988).
81. Stanley Hadden to Tim Grieve, June 29, 1990, Box 1, Folder 3, Stanley Hadden Papers.
82. Timothy Drake, phone interview with the author, February 25, 2020. Although a number of Californian gay policy makers—including Steve Morin—went on to work as congressional staffers, I have uncovered no evidence of a similar clandestine network operating at the federal level. Steve Morin, phone interview with the author, October 19, 2018.
83. LIFE Fact Sheet for SB 2788, Box 2, Folder 31, Bill Wuzzy Spaulding Papers.
84. From the late nineteenth century, doctors had pathologized homosexuality, equating it with "sickness," "psychopathy," and "deviancy." See Katie Batza, "Sickness and Wellness," in *Routledge History of Queer America*, ed. Don Romesberg (New York: Routledge, 2018), 287–99.
85. Rand Martin, Bill to Drive Disease Underground Gains, May 16, 1988, Box 2, Folder 29, Bill Wuzzy Spaulding Papers.
86. For more on the historical analogies between AIDS and other infectious diseases, see Peter Baldwin, *Disease and Democracy: The Industrialized World Faces AIDS* (Oakland: University of California Press, 2007), 125–28. Articulating the sentiment of many conservatives, William Danneymer, a Republican congressman, accused his liberal counterparts of "attempting to shield male homosexuals with a venereal disease, which is communicable, from the same restrictions as any other person must sustain who harbors a communicable

disease.” William E. Danneymer, press release, July 23, 1988, Box 6, Folder 29, Stanley Hadden Papers.

87. Ronald Bayer, Amy L. Fairchild, and James Colgrove, *Searching Eyes: Privacy, the State, and Disease Surveillance in America* (Oakland: University of California Press, 2007), 173–203.

88. Scott Reeves, “AIDS Bills Focusing on Testing,” *Arizona Republic*, August 30, 1987, 97.

89. See, for example, National Gay Task Force, Statement on AIDS Confidentiality, Box 11, Folder 15, Art Agnos Papers.

90. San Francisco Human Rights Commission, AIDS Discrimination Reporting Project, Box 74, Folder 5, Phyllis Lyon and Del Martin: 8: Organizations, Committees, Coalitions, 1964–[1997].

91. As the Florida Supreme Court declared in 1987, in a ruling that affirmed the right to anonymous blood tests, “AIDS is the modern-day equivalent of leprosy. AIDS, or a suspicion of AIDS, can lead to discrimination in employment, education, housing and even medical treatment.” *Rasmussen v. South Florida Blood Service*, 500 So. 2d 533, (Supreme Court of Florida, January 5, 1987).

92. A.B. 403, 1985–86 Regular Session (California, 1985); Larry Bush, oral interview with the author, San Francisco, December 17, 2018.

93. Quoted in Brian Jones, “AIDS Test May Imperil Blood,” *Bay Area Reporter*, February 7, 1985, 4.

94. Jones, “AIDS Test May Imperil Blood.”

95. *HIV and the Blood Supply: An Analysis of Crisis Decisionmaking*, ed. Lauren B. Leveton, Harold C. Sox Jr., and Michael A. Stoto (Washington, DC: National Academy Press, 1995), 78.

96. Jones, “AIDS Test May Imperil Blood.”

97. Art Agnos, press release, “Agnos Introduces Blood Safety Bill,” January 25, 1985, Box 11, Folder 15, Art Agnos Papers.

98. Larry Bush, oral interview with the author, December 17, 2018, San Francisco.

99. Bush, interview, December 17, 2018.

100. Art Agnos to Margaret M. Heckler, March 28, 1985, Box 13, Folder 15, Art Agnos Papers.

101. After the passage of AB 403, Agnos even received a letter of congratulation from Orrin Hatch, the Republican Senator from Utah. Orrin Hatch to Art Agnos, Box 13, Folder 15, Art Agnos Papers.

102. Bush, interview, December 17, 2018.

103. Jerry Gillam, “Assembly Floor Action,” *Los Angeles Times*, March 29, 1985, 51; “Assembly Tries Calming Blood Donors, Users,” *The San Francisco Examiner*, February 15, 1985.

104. When the FDA licensed ELISA in early 1985, state governments clustered around two distinct policy approaches. One group of states responded by applying traditional public health techniques to individuals who tested positive, despite the vocal opposition of gay activists, liberal lawmakers, and public health officials. Another handful of states enacted laws that guaranteed anonymous, patient-initiated testing. “The AIDS Viral Antibody Test,” *AIDS Policy and Law* (February 1987): 28–29.

105. Bell, *California Crucible*, 269–80.

106. Zeiger, "Duke's Landslide," *California Journal*.
107. Bush, interview with the author, December 17, 2018.
108. San Diego Democratic Club, Political Report: Voice of the San Diego Democratic Club for the Gay and Lesbian Community, October 1985, Box 2, Folder 13, Stanley Hadden Papers. See also, Memorandum by Stanley Hadden to Art Torres, July 10, 1986, Box 2, Folder 10, Stanley Hadden Papers; Stanley Hadden to Bill Smallman, February 25, 1987, Box 1, Folder 20, Stanley Hadden Papers.
109. Milton Marks, keynote speech on AIDS, November 9, 1985, Box 1, Folder 2, Milton Marks AIDS Files (SFH 42), San Francisco History Center, San Francisco Public Library.
110. A detailed analysis of the campaign against Proposition 64 is beyond the scope of this article, which focuses more on the politics of antibody testing in the state legislature. The initiative has also received extensive attention from scholars of the AIDS crisis. See Hobson, *Lavender and Red*, 163–65; Faderman and Timmons, *Gay L.A.*, 308–09.
111. Final Report of No on 64 Campaign, n.d., Box 3, Folder 29, Art Agnos Papers (SFH 46).
112. *Hastings Law News*, October 14, 1986, 11. One strategy memo produced by No on 64 argued that campaign speakers should emphasize that the initiative would "cost California taxpayers billions of dollars each year." Memorandum, No on 64, "Major Themes for Campaign Speakers," n.d., Box 3, Folder 29, Art Agnos Papers (SFH 46).
113. Final Report of No on 64 Campaign, n.d., Box 3, Folder 29, Art Agnos Papers (SFH 46).
114. Senate Bill 1000, John Doolittle Papers, LP401:86, California State Archives, Office of the Secretary of State, Sacramento, California.
115. Rand Martin, Grappling with AIDS Policy: A 1987 Debriefing, Box 7, Folder 30, Stanley Hadden Papers.
116. Martin, Grappling with AIDS Policy.
117. Jeff Raimondo, "Doolittle: Gay Lobby at Work," *Sacramento Bee*, March 11, 1987, 8.
118. Quoted in Paula A. Treichler, *How to Have Theory in an Epidemic: Cultural Chronicles of AIDS* (Durham, NC: Duke University Press, 1999), 56.
119. "Heterosexuals and AIDS: The Second Stage of the Epidemic," *Atlantic*, February 1987, 39–58.
120. Eleanor Singer, Theresa F. Rogers, and Mary Corcoran, "The Polls—a Report: AIDS," *Public Opinion Quarterly* 51, no. 4 (Winter 1987): 587.
121. Treichler, *How to Have Theory in an Epidemic*, 55.
122. John Doolittle, Senate Bill 1001 Senate Floor Statement, John Doolittle Papers, LP401:87, California State Archives, Office of the Secretary of State, Sacramento, California.
123. John Doolittle, Senate Bill 1000 Senate Floor Statement, John Doolittle Papers, LP401:85.
124. For more on how the rhetoric of child protection mobilized the New Right, see Gillian Frank, "'The Civil Rights of Parents': Race and Conservative Politics in Anita Bryant's Campaign against Gay Rights in 1970s Florida," *Journal of the History of Sexuality* 22, no. 1 (January 2013): 126–60.
125. The League for Individual Freedom and Equality, Preliminary Development Plan, January 21, 1992, Box 3, Folder 16, Bill Wuzzy Spaulding Papers.

126. LIFE Executive Meeting, minutes, December 1991, Box 4, Folder 9, Bill Wuzzy Spaulding Papers.

127. LIFE 1987 Year End Report, Box 2, Folder 34, Bill Wuzzy Spaulding Papers.

128. LIFE 1987 Year End Report.

129. Shortly after being appointed LIFE's new Executive Director in March 1990, Laurie McBride reflected on the changing power balance in Sacramento: "Four years ago we started amid a hostile atmosphere, but things are changing dramatically. Bills introduced by Senator Doolittle, for example, are stifled on their own. We can move the agenda, not react to other's." LIFE Delegate Meeting, October 11, 1990, Box 1, Folder 15, Dennis Cabaret Papers, Coll2014-006, ONE National Gay & Lesbian Archives, USC Libraries, University of Southern California.

130. Jonathan Bell, "Between Private and Public: AIDS, Health Care Capitalism, and the Politics of Respectability in 1980s America," *Journal of American Studies* 54, no. 1 (February 2020): 165.

131. Quoted in Dennis Mcmillan, "Insurers Roll Back State Testing Ban: Bill Passes Assembly to Permit HIV Testing for Insurance Coverage," *Bay Area Reporter*, June 30, 1988, 10, 22. In reality, only one medical insurer left the California market because of the constraints imposed by AB 403. Kate Kinkade, "AIDS and the Industry: Whose Health Is at Greatest Risk: HIV Carriers or Insurance Carriers," *California Broker*, February 1988, 21. As early as August 1985, a major insurance company circulated a white paper calling for the repeal of AB 403 and the denial of coverage to individuals who tested positive for HIV antibodies. It was not until 1988, however, that the industry mobilized its supporters in the state legislature to overturn the bill. Milton Marks, Keynote Speech on AIDS, November 9, 1985, Box 1, Folder 2, Milton Marks AIDS Files.

132. Rand Martin, Roar of the Tiger, Song of the Loon: A 1988 Debriefing Paper on State Government's Response to the AIDS Epidemic, n.d., Box 2, Folder 31, Bill Wuzzy Spaulding Papers. Of the thirteen witnesses who appeared before a public hearing of the Senate Health Committee on AB 2900, only four supported the passage of the bill. California Senate Committee on Health and Human Services, "Hearing on AB 2900: Testing Applicants for Health Insurance for H.I.V. Infection" (California Senate, Paper 88, 1988). LIFE's lobbying efforts against AB 2900 included a series of paid radio advertisements to counteract the insurance industry's media blitz. Mcmillan, "Insurers Roll Back State Testing Ban," 22.

133. It is important to stress that people living with HIV infection still confronted significant challenges in gaining access to medical insurance in California. Employers and insurers frequently changed the terms of insurance policies to exclude AIDS-related illnesses from coverage. See, Bell, "Between Private and Public," 167–68. Still, antibody testing—more than any other policy issue—illustrates California's policy leadership during the early years of the AIDS crisis.

134. Deborah Stone, "AIDS and the Moral Economy of Insurance," *The American Prospect*, December 5, 2000. Several states, including Colorado, Washington, and Illinois, also instituted some form of mandatory testing. Art Agnos to Arlo Smith, June 14, 1985, Series 2 Larry Bush Legislation and Research, 1980-1987, Box 13, Folder 15, Art Agnos Papers.

135. Stone, "AIDS and the Moral Economy of Insurance," *The American Prospect*.

136. Ralph Bivins, "AIDS Test Rule to Get State Review: Insurance Firm Using ZIP Codes for Screening," *Houston Chronicle*, October 19, 1988, 6.

137. Mike Lawrence, "Insurers Get AIDS Bill Break," *Chicago Sun-Times*, June 25, 1987, 7.

138. Keith Clark, "Wilson Appoints Log Cabin Member to DMV Post," *Bravo! News-magazine*, February 20, 1992, 8; Frank N. Ricchiazzi, phone interview with the author, November 7, 2020.