

JUDGE JOSEPH F. LISA
00:00:00:14 I've got to watch out for the wires.

UNIDENTIFIED MALE
00:00:01:13 Hello, sir.

JUDGE JOSEPH F. LISA
00:00:02:03 How are you?

UNIDENTIFIED MALE
00:00:02:22 I'm well, thanks. Nice to meet you.

JUDGE JOSEPH F. LISA
00:00:03:27 Good.

UNIDENTIFIED FEMALE
00:00:04:12 Hi. Nice to meet you.

JUDGE JOSEPH F. LISA
00:00:05:16 Good. What year are you in?

UNIDENTIFIED FEMALE
00:00:06:29 Sophomore.

JUDGE JOSEPH F. LISA
00:00:07:22 Sophomore, excellent.

OLIVIA FEAL
00:00:09:06 Hi. I'm Olivia. Nice to meet you.

JUDGE JOSEPH F. LISA
00:00:10:09 Hi, Olivia.

OLIVIA FEAL
00:00:10:16 Nice to meet you.

WALEY
00:00:12:12 I'm Waley.

JUDGE JOSEPH F. LISA
00:00:13:10 How are you?

WALEY
00:00:13:24 Fine, thanks.

CARLOS

00:00:14:09 Nice to meet you. Carlos.

JUDGE JOSEPH F. LISA

00:00:15:06 How are you? Young man. How many sophomores do we have?

UNIDENTIFIED FEMALE

00:00:18:18 Well, all of us.

UNIDENTIFIED FEMALE

00:00:19:29 All three of us are.

JUDGE JOSEPH F. LISA

00:00:20:10 Oh, yes?

UNIDENTIFIED FEMALE

00:00:20:25 Yeah.

UNIDENTIFIED MALE

00:00:21:12 Um huh.

JUDGE JOSEPH F. LISA

00:00:22:12 Do we know what. You know what *sophomore* means? *Wise* what?

UNIDENTIFIED FEMALE

00:00:27:15 *Wise fool.*

JUDGE JOSEPH F. LISA

00:00:28:06 There we go. There we go. She stole my line. You'd never do that to me in my courtroom. [Laughter] But next year, you're not going to be sophomores anymore, okay? So you don't have to worry about that. You're juniors, correct? Is that the way it goes?

UNIDENTIFIED FEMALE

00:00:47:13 Yeah.

JUDGE JOSEPH F. LISA

00:00:47:29 It's been so long ago. Okay. Do I sit here?

RICHARD K. LIEBERMAN

00:00:51:04 This is your honorable seat. Yeah.

UNIDENTIFIED FEMALE

00:00:53:02 And your coffee as well.

RICHARD K. LIEBERMAN

00:00:53:18 We've got your coffee.

JUDGE JOSEPH F. LISA

00:00:54:09 Yeah. Hide it so it doesn't show up on camera.

RICHARD K. LIEBERMAN

00:00:56:02 And here is all of your packets that you want to have near you. Andy, are we ready to –

JUDGE JOSEPH F. LISA

00:01:01:22 Before we go on camera, may I have a minute?

RICHARD K. LIEBERMAN

00:01:06:14 A minute of what?

JUDGE JOSEPH F. LISA

00:01:07:09 To talk to them just for one minute before we go on camera?

RICHARD K. LIEBERMAN

00:01:10:02 Well, we want to get the mike on you, so –

CAMERAMAN

00:01:11:09 Let's get the mike on you, yeah.

JUDGE JOSEPH F. LISA

00:01:11:27 Oh, sure. Sure.

[Puts mike on]

CAMERAMAN

00:01:26:09 Do you want to have a seat?

JUDGE JOSEPH F. LISA

00:01:27:06 Yeah. We'll leave this right here for a second. Now, may I talk?

CAMERAMAN

00:01:31:14 Yeah. I'll just put that there.

JUDGE JOSEPH F. LISA

00:01:32:12 Now, the reason I'm –

RICHARD K. LIEBERMAN

00:01:35:09 Are you sure we can't get this on camera?

JUDGE JOSEPH F. LISA

00:01:37:08 Well, we can if you want. But –

RICHARD K. LIEBERMAN

00:01:38:20 I really do.

JUDGE JOSEPH F. LISA

00:01:39:05 You do?

RICHARD K. LIEBERMAN

00:01:39:22 I really do. Andy, are you ready? Let's not miss this.

JUDGE JOSEPH F. LISA

00:01:42:08 Yes? Okay.

RICHARD K. LIEBERMAN

00:01:45:03 This may be the hour.

JUDGE JOSEPH F. LISA

00:01:47:05 I'm not accustomed to being overruled. [Laughter] But after all, I am in academia, and I only have three earned degrees. So in any event, before we start my formal talk, I wanted to show all of you this, and I wanted to get a commitment from the school that this film, which I'm going to take out of this bag, which won an Emmy –

RICHARD K. LIEBERMAN

00:02:22:10 Whoo.

JUDGE JOSEPH F. LISA

00:02:23:06 – that this film, *AIDS: A Bad Way to Die*, which was made on a \$2,500 budget by prisoners to teach prisoners about AIDS, which won this Emmy – this is the only copy I have left. But I would love to donate this if – there's always an *if* – as a gift to the Archives if your technical people could reproduce it and give it back to me. Is that possible? And if it could be put on a CD, that would even be better. It's a film within a film. Any of you here ever hear of a Pulitzer Prize winner journalist by the name of Jimmy Breslin?

UNIDENTIFIED MALE

00:03:12:08 [Inaudible].

UNIDENTIFIED FEMALE

00:03:12:14 Um huh.

JUDGE JOSEPH F. LISA

00:03:13:03 Well, Jimmy Breslin had a TV show, and he got ahold of this film, and he put it on his show. So it starts out with the Jimmy Breslin show, and then it immediately goes to Sing Sing prison where the special AIDS unit was located. And that's where, if you were incarcerated in a state's prison, which meant you were convicted of a felony, and you got sick, you went to the Special Needs Unit at Sing Sing Prison. And that's where three of the stars of this film were being kept while incarcerated.

RICHARD K. LIEBERMAN

00:03:55:06 What was your connection to the film?

JUDGE JOSEPH F. LISA

00:03:59:20 Well, let me stop right now. I'm taking over. I'm Judge Lisa, okay?
[Laughter] Do I have a commitment that you'll reproduce this?

RICHARD K. LIEBERMAN

00:04:06:20 Yes.

JUDGE JOSEPH F. LISA

00:04:07:07 Okay. With that commitment –

RICHARD K. LIEBERMAN

00:04:08:23 On camera.

JUDGE JOSEPH F. LISA

00:04:09:05 – with witnesses with that commitment, I'm going to put this over there.

RICHARD K. LIEBERMAN

00:04:13:22 We'll have a formal presentation.

[Judge Joseph F. Lisa hands film to Richard K. Lieberman]

[Applause]

JUDGE JOSEPH F. LISA

00:04:16:25 Okay.

RICHARD K. LIEBERMAN

00:04:21:14 Okay. Steven will take care of this. We have his address and everything.
Okay. So we're going to [inaudible] start?

JUDGE JOSEPH F. LISA

00:04:31:09 Sure.

RICHARD K. LIEBERMAN

00:04:31:20 Now that we've had an official [inaudible] start, first, let me say thank you to Judge Lisa for spending the time with us when coming here on a cold winter's day and giving us your time and your wisdom and your insight about what was happening in our city in terms of the AIDS crisis in the 1980s. We have nicknamed you Paul Revere. [Judge Lisa chuckles] And our discussions and our research and the way we see you in history is that you were really a fire bell in the 1980s. And I wanted to sort of set that as the theme of what we're talking about today.

00:05:24:19 To start, just for the camera, I'd like you to introduce yourself and tell us a little bit about your role in the 1980s in terms of what you were fighting for during the AIDS crisis. So would you just start with your name and who you are and who you were in the 1980s?

JUDGE JOSEPH F. LISA

00:05:44:21 Judge Joseph F. Lisa, retired from the New York State Supreme Court. First of all, I'm very flattered by the honor that you bestow upon me by making me feel that some people recognize that what I was trying to say to the gay community and the heterosexual community was that there was a new phenomena that we had to deal with and that it was a 100 percent fatal virus and that there was no cure or vaccine and that medical science had never seen anything like this before and that every doctor that I spoke to – and I was fortunate enough to gather some of the most brilliant scientists/clinicians/virologists/immunologists in the world to help me understand what I was confronting, what we humans were confronting.

00:06:58:24 When I began to learn a little bit more about it, I realized that there were some very, very powerful mixed messages that had to be changed. Well, what do I mean by *mixed messages*? You put the television set on; there's an automobile commercial, and I won't mention the brand name, but it's driving at 120 miles an hour. The leaves are blowing up into the air. It comes to a skidding stop and spins around three times because speed sells cars, and we all know speed kills. And no one's going to change that commercial because there's money that's involved.

- 00:07:38:21 And again, I'm not trying to be judgmental. But there's also another commercial where – because I was the council member; Speaker Vallone was the author, and I was the prime sponsor because I chaired the Health Committee in the New York City Council – of the Clean Indoor Air Act, the first legislation in the City of New York that attempted to regulate smoking in public accommodations. And we were told that it would be the end of the hotel industry, the restaurant industry. Oh, it was just horrible.
- 00:08:18:09 But we felt – Councilman Vallone and I – we felt that the consequences of smoking cigarettes, that the natural carcinogen in the tobacco leaf and when, of course, you light it, the heat of the burning tobacco leaf was so serious a health problem with lung cancer and other serious illnesses that we were going to try to regulate it so that if I went to a nice restaurant and at the end of dinner, the guy at the next table took his cigar out – and they never blow the smoke on their table; they always blow the smoke at the table that's next to them – I wouldn't have to breathe secondhand smoke which is very dangerous in and of itself. So we passed the Clean Indoor Act, and we attempted to do it.
- 00:09:16:13 But you'll see it on television right now a young lady who's terribly distorted because she's had a significant part of her jaw removed in radical surgery because of cancer of the neck and the jaw, I assume. I'm not a doctor, but that's what I assume. And she speaks through a tracheotomy with some sort of a mechanical voice box, and she tried to warn people to stop smoking. And there's a picture of her as a young girl being a cheerleader, and then, of course, the screen goes black, and it tells you that she died a couple of months ago. And it's the warnings of smoking tobacco.
- 00:09:55:26 On the other hand, we're being bombarded with making smoking marijuana legal – Alaska did just a couple of days ago. And I'm not being judgmental, believe me. I keep no one's conscience. I'm trying to get through this world as best I can with all the bumps that all of us humans have to deal with in order to get ourselves from the beginning to the end. But I think there's a mixed message. I think that the marijuana – I don't know – the cannabis leaf is just as much a carcinogen when fired up. And I understand that you have to take a much deeper breath in order to be able to get the hallucinogen chemical into your lungs so that it can get into your bloodstream – that it's a carcinogen, also. Again, mixed message.
- 00:11:00:20 But make no mistake about it. There are billions of dollars that are being spent in order to be able to get in on the ground floor. They've already patented the names of what they're going to call the packs of cigarettes when marijuana becomes more available.

RICHARD K. LIEBERMAN

00:11:17:04 Judge Lisa, let me just jump into the conversation a minute to let you know that the students have been working very hard on preparing questions based on your work on AIDS. And the format is that each student is going to ask a question, introduce themselves. And we're going to start with –

OLIVIA FEAL

00:11:36:25 Me.

JUDGE JOSEPH F. LISA

00:11:37:18 If I can have 30 seconds. These mixed messages were one of the reasons that I got involved in the AIDS epidemic because when I got involved, it was called GRID – Gay-Related Immune Deficiency – because it was manifesting itself in this country, in the western hemisphere, as a malady that only affected gay men. And I happened to be fortunate enough to run into some brilliant scientists who said, "This is not gay-related immune deficiency. This is" – and I don't mean to be jocular about this – "This is nothing more or less than a sexually-transmitted infection, and humanity has never dealt well with sexually-transmitted infections. And you have to tell heterosexuals that this is their epidemic, also." That's why I got involved in the AIDS epidemic, not to hurt the gay community but to tell the heterosexual community that they'd better pay attention to this. "It's not just their epidemic. It's all of our epidemics." First question, please.

OLIVIA FEAL

00:12:55:04 Okay. Hi. My name is Olivia Feal. I'm a liberal arts major at LaGuardia Community College. I'm transferring. Hopefully, I got accepted to Smith College – that's my number one choice – for art history. So you were talking a little bit about how the AIDS epidemic has changed over time. In your 1991 transcript, you speak a little bit about the ideology of AIDS, and I wanted to know how this changing of the disease and epidemic came into play in terms of government action as well as advocacy on your part as well as others.

JUDGE JOSEPH F. LISA

00:13:40:19 Well, I took maybe hopefully not too much time in giving you some background about mixed messages and what propelled me into this epidemic. And I felt that as – the City Council is a unicameral legislative body (one house). And so as the chairman of the Health Committee, I had a big responsibility, and so I had oversight over the Health Department. I understand you're going to be speaking to Dr. Stephen Joseph. I have great respect for him, enormous respect for him, and [Mary](#) Jo Boufford who was running Health and Hospitals Corporation. So I had budgetary influence over

22 – at least at that time, there were 22 hospitals that the Health and Hospitals Corporation were charged with, in addition to mental facilities.

00:14:43:10 Mary Jo Boufford was faced with a very serious dilemma. Her ability to be able to be compensated for hospital beds was penalized if she had empty beds. And at the same time, I'm telling her that, "You'd better have some empty beds because there's a new epidemic in town, and in time, it's so debilitating you're going to be filling those beds." And she was caught in this dilemma of trying to manage her budget – by the way, she is a very bright, intelligent individual. She knew exactly what I was talking about. She knew that I wasn't making this up. She understood the epidemic – and I'm sure she did as a scientist because I'm not a scientist. But she was caught in that dilemma.

00:15:45:20 And I felt that, from a fiscal sense of purpose, as the chair of the Health Committee of the City Council, I was willing to support her requests for increased budget allotments to be able to stop her from being penalized – and the Health and Hospitals Corporation from being penalized – for having empty beds. That was one of the reasons that I got involved. Next question?

RICHARD K. LIEBERMAN

00:16:14:22 Do you have a follow-up?

JUDGE JOSEPH F. LISA

00:16:15:13 Oh, yes? Oh, do you want a response? Are you allowed to?

OLIVIA FEAL

00:16:21:11 You spoke a little bit about Mary Jo Boufford, and I wanted to know how also the ideology maybe changed in terms of work that maybe you did outside of budget. Or – does that make sense?

JUDGE JOSEPH F. LISA

00:16:41:16 Yes. Well, first of all, not intending to be presumptuous, I had to educate and mature my colleagues in the City Council about the epidemic, and I had some problems with the then health commissioner – not Stephen Joseph – David Sencer who was caught in this terrible predicament of having to be on the frontline of announcing this new epidemic. And I had spoken to – thank god that they were brilliant, truthful, honest, respectable scientists who spoke to me and told me that this epidemic is ready to explode on the scene because the first time I ever spoke to Dr. David Sencer was in a New York City Council Health Committee hearing, chaired by Councilmember Crispino. I wasn't even on the committee. But I was allowed to ask questions after all the members of the Health Committee completed their questions.

- 00:17:50:07 And so when they got through and there were no more questions, I asked Chairman Crispino to allow me to ask questions. And I began to put questions to Commissioner Sencer. I could tell instinctively, as a lawyer, that he wasn't giving me truthful answers. Instinctively – you develop an ear as a lawyer, and you look at people, and you hear things, and you just know, by the way they're squirming that something is wrong – he said the epidemic is leveling off to Chairman Crispino. "And we don't have a thing to worry about." I'm quoting now. I'm quoting, and it's a matter of record. If you were to go back and pull because I think it was taken down by a reporter or recorded. I don't know whether we were recording him at that time, but I'm telling you right now that I asked him, and he said, "Not to worry. The epidemic is leveling off. And just as it mysteriously appeared, we believe it's going to disappear." Well, that wasn't true.
- 00:18:54:23 How could I get budget funds? How could I get my colleagues to pay attention to me because first of all, people are very uncomfortable when you talk to them about sexually transmitted diseases. I was very uncomfortable. Second, I was a complete unknown to the organized gay community. I came out of Corona, Queens, not that there weren't gays in Corona, Queens. There were. But the organized gay community in Manhattan didn't know who I was. I think that they were afraid of me. There was a tremendous amount of denial going on at that time – still is – and fear, absolute fear.
- 00:19:40:04 Cuba, if I'm not mistaken – because we all know that Fidel Castro is a physician – he had implemented, as I understand it – if I'm wrong, I'm willing to stand corrected. He had implemented a quarantine plan, and the gay community throughout this country were terrified. There were articles written about the fact that we're going to be tested, and if we're tested positive, we're going to be tattooed, you know, from the concentration camps in World War II, and we're going to be trucked off in trucks and placed in quarantine. And there may have been underlying justification for this, so I tried to calm their fears down. But for a long time, they weren't listening to me at all. It took me a couple of years.
- 00:20:39:19 So yes. There was more than just budgets. It was a maturing and educating experience. It was trying to tell the heterosexual community that this was their epidemic. As a matter of fact, proof positive – proof positive – was that the first hearing that I held in the City Council on AIDS could not deal with the gay community because ACT UP would have prevented us from being able to talk about it.
- 00:21:13:10 I dealt with pediatric AIDS. I hid behind the babies who had no sexuality; they weren't sexually active; they weren't IV drug abusers. They were born

of women who were infected with the virus. And maybe because of their – I’m not exonerating the gender difference – maybe because of their own high-risk activities of sharing needles had become infected. Or in a great number of instances, they had had intimate sexual contact with their husbands or boyfriends or significant others who were HIV positive. The incubation period from infection to the onset of clinical symptomology with adults was anywhere between five years to 10 years. You were infected and infective during that entire period of time. But after you were infected, you showed no symptoms at all. You felt healthy unlike, say, the influenza epidemic which hit us in 1918 – infected on Monday, sick on Wednesday, dead on Friday. Boy, did that catch people’s attention, okay? This epidemic lulled us into a sense of complacency.

00:22:37:10

Now, the babies were showing symptomology somewhere between three and six months, and the doctors who were treating them were confounded as to what it was that they were dealing with. They finally realized that the immune systems of these babies were destroyed by this mysterious malady that not too many people wanted to talk about if you wanted to get your pension, if you wanted to keep your career, if you wanted to get promoted. Why would you want to talk about anything as controversial as the AIDS epidemic?

00:23:13:27

So the first hearing that the Health Committee in the City of New York held on AIDS was pediatric AIDS. And I’m not ashamed to tell you I hid behind the babies. Dr. Arye Rubinstein was my key speaker. He is a brilliant – I don’t know if he’s still alive; I hope he is – a brilliant immunologist, pediatrician at the Albert Einstein School of Medicine. I read about him in the newspaper, and I went to visit him, and he told me that he was seeing, in the blood of minority women in the Bronx, the same phenomena that was showing up in affluent gay men in their blood tests. And he said that, “This was proof positive, Councilman, that this is a heterosexual epidemic as well. These babies were born as a result of penile/vaginal transmission, and this virus is as efficient in transmission as syphilis, gonorrhea, and maybe 27 other sexually transmitted diseases that are in the public health statute that I can’t even pronounce the names of.”

00:24:35:15

But he said there was an 80 percent – 80 percent – transmission rate. So just as quickly as you could give your sexual partner gonorrhea, you could give her or him – we didn’t call it HIV then; we called it *HTLV-III*, in respect to Dr. Gallo, and *LAV* in respect to Dr. Montagnier from the Institut Pasteur. Then the universal term was worked out by a Nobel Laureate by the name of Varmus – Harold Varmus – who later was the president of Memorial Sloan Kettering Hospital, one of the premier cancer hospitals in our country. Now Dr. Varmus is the director of the National Institutes of Health. He came up

with an acronym of *HIV*, Human Immunodeficiency Virus, and that's what we call it today.

00:25:35:08 So there was even a battle over what you called it. I mean out of respect to Gallo, if you called it *HTLV-III* and people didn't like Gallo, you got beat up over that. And if you called it *LAV* and people liked Gallo, you got beat up over that. And the terrible thing about it there was a legal battle going on in this country where the French government and the United States government went to war with each other over the patent rights of the blood tests.

RICHARD K. LIEBERMAN

00:26:06:29 Before we get into the details of –

JUDGE JOSEPH F. LISA

00:26:08:12 Okay. Let me stop. Any other questions?

RICHARD K. LIEBERMAN

00:26:10:15 Yes. We have lots of other questions, and I wanted to move us to a question on education.

ADAMERE COSTANO

00:26:17:14 Hi. My name is Adamere Costano. I'm a math and science major, and I'm hoping to transfer to Amherst College where I'll study philosophy and public policy. And so my question is about when you were the chairman of the New York City – you were the chairman of the New York City Council Health Committee, and at the Sagamore Conference, you advocated for preventive education when you stated, "Truthful and accurate AIDS education prevention services will assist us in providing adequate and compassionate care for the sick as well as protection for the infected." And as you were saying, you were one of the first voices –

JUDGE JOSEPH F. LISA

00:26:51:16 Are you sure I said this? [Laughter]

ADAMERE COSTANO

00:26:52:16 Yes.

JUDGE JOSEPH F. LISA

00:26:53:27 [Inaudible] very good. Okay. I plead guilty.

ADAMERE COSTANO

00:26:59:24 So as you can see, you were one of the first voices calling for this. So I feel like you did say this recommendation did find opposition. And other than HIV testing, what sort of preventative services –

[Phone rings]

JUDGE JOSEPH F. LISA

00:27:13:17 Oh, I'm sorry. Forgive me. I thought that I had shut this off. I apologize profusely. It is off now. Forgive me.

ADAMERE COSTANO

00:27:26:26 No problem.

JUDGE JOSEPH F. LISA

00:27:27:29 Okay. What other things did I advocate?

ADAMERE COSTANO

00:27:30:04 Yeah. What other forms of preventative service did you feel were important to make available?

JUDGE JOSEPH F. LISA

00:27:36:21 I'm going to mention names of people who I know to be heroes in this epidemic who got beat up more than I ever got beat up. One was an army doctor by the name of – I think when I met him, he was a captain – Redfield – Robert Redfield. And he was a virologist clinician. He took care of patients and was a scientist, "wet-bench scientist." That's the term used to actually work with the test tubes and all of the other things that scientists have to work with. Redfield, because there was mandatory testing in the armed forces of the United States, had the benefit of testing all of the male and female members of the armed forces and their spouses. And he immediately realized that there was efficient bidirectional transmission, that an infected female could infect her male sexual partner as efficiently as giving him an STD – it's all mucus membrane and body fluids. It wasn't aerosolized. You didn't get it from a doorknob. You had to have an intimate sexual contact and a comingling of body fluids.

00:29:08:06 And he wrote an article for *JAMA: Journal of the American Medical Association*. We didn't see it. My research staff, which consisted of one single individual, Jay Lieberfarb, who spent 50 years as a lifeguard at Jones Beach and refused to take my job – brilliant guy – refused to take the job unless I gave him summers off so he could work at the beach. [Some laughter] I was his senior man when he came to work at Jones Beach as a lifeguard, so we had this bond of the – I'm afraid to say, "brotherhood." We

had this bond that only is known by select groups especially ocean lifeguards who have to depend upon each other in order to be able to save lives and save each other's lives. Going into the ocean in big surf can be a scary thing.

- 00:30:01:10 But at any rate, Jay came to work for me – brilliant, brilliant guy. And he came to me the following month after the article of Redfield appeared in *JAMA*, and he said, "This guy's got to be terrific." I said, "Why?" He said, "Because look at all these people in the New York City Department of Health who wrote letters to the editor saying if he was any good, how could he be an army doctor, that his science was false, that he didn't know what he was talking about, and that heterosexual transmission is not scientifically accurate. He should be censored; he should be punished; he should be –" And he said, "If they are saying this about him, we have to go talk to him."
- 00:30:44:05 So we went down to Bethesda where Walter Reed Hospital is, and we spent the afternoon with Dr. Redfield. And he said, "Look, much of what I'm going to talk to you about, you're not going to understand. But in two weeks, I'm coming up to the New York Academy of Science – I think it's Science or Medicine – on 5th Avenue and 103rd Street in Manhattan. He said, "And I'm going to be defending my paper. You come. And when it's over with, if you think I don't know what I'm talking about, don't call me again. It's all right. But if you think that I know what I'm talking about, I'd like very much to help you."
- 00:31:30:06 The place was jammed, standing room only. I sat in the rear row with the science writer of the *New York Post* and from the *New York Times*, and they recognized me, and I recognized them from Room 9 which is the Press Room at City Hall. And he spoke about heterosexual transmission, and no one – no one – refuted his science. I didn't read about heterosexual transmission in the papers in New York for two years. And you're not going to believe this. I can't give you name, chapter, verse, but rumor had it that I was being totally irresponsible because, "Do you know what Councilman Lisa will do to the tourist industry in New York if he starts talking about heterosexual transmission? Do you know what's going to happen? Nobody's going to come here." I was furious.
- 00:32:29:10 So when you talk about other forms of education, Redfield became one of my mentors. I said, "What do we do, Dr. Redfield? I'm a believer." He said, "We should avoid calling for mandatory testing. Stay away from the term mandatory. But we should have routine testing so that when you go to your physician and get your annual physical and they take your blood pressure and they listen to your heart and your lungs and they take a urine sample to see whether or not you have diabetes, they take a couple of drops of blood and test you for HIV because knowledge is power." These aren't my words.

This is Redfield. "Knowledge is power. And ignorance will kill us. People have to know about their HIV status."

00:33:24:27 And to make the point even better, at a health conference at the Vatican in the late '80s where some of the most brilliant scientists in the world, by invitation only, were invited, I heard the late John Cardinal O'Connor, who was one of the presenters. I heard him say that people should know their HIV status because, although we're all on the path to death from the moment of birth, if infected, that path to death has been accelerated. And people, on their way to death, should not have on their conscience that they have unwittingly infected another sacred human being with a 100 percent fatal virus. I never read a word about that in New York. I thought it was one of the most powerful statements ever made.

00:34:23:20 The Hastings institute, a pretty well respected think-tank, said, "Although you have a right not to be tested, and we'll respect that right, ethically and morally, if you believe that you may have been exposed by your behavior to HIV, you can't use your refusal to allow yourself to spread this epidemic. You, if you refuse to be tested, should spend the rest of your life living as if you were tested and you were tested positive." I thought that made an awful lot of sense. I mean if you want to remain ignorant, that doesn't give you, morally or ethically, the justification to infect others.

00:35:15:14 And so we had to educate people. We had to raise their awareness. I couldn't get the babies tested. I couldn't. They do a "heel stick" on every baby that's born immediately after birth. They take just a couple of drops of blood, I'm told. They test the baby for all sorts of exotic diseases, but they would not take one drop of that blood and test it for HIV.

RICHARD K. LIEBERMAN

00:35:47:02 We're going to move on to the next question.

JUDGE JOSEPH F. LISA

00:35:47:23 Okay.

RICHARD K. LIEBERMAN

00:35:49:04 [Inaudible] follow-up?

ADAMERE COSTANO

00:35:49:23 I have a follow-up.

JUDGE JOSEPH F. LISA

00:35:50:20 Okay. I'm sorry. Go ahead.

RICHARD K. LIEBERMAN

00:35:51:17 You have a right to have a follow-up.

ADAMERE COSTANO

00:35:52:27 So later, in your testimony to the –

JUDGE JOSEPH F. LISA

00:35:56:29 I'm sorry, [inaudible]. I tried to introduce routine testing. I got beat up terribly. I had a resolution which is just a round of applause from the City Council to call upon the state legislature to do routine testing – couldn't do it. Two years ago, my counterpart in the New York Assembly, chairman of the Health Committee for maybe 25 years, Dick Gottfried, was so proud to say that we're now going to do routine testing. Now, I know Dick Gottfried from the time he was 7 years old. I was his swimming instructor at the Flushing YMCA. And I wanted to call him on the phone and tell him how proud I was that finally, after 25 years, he woke up. But I didn't.

RICHARD K. LIEBERMAN

00:36:42:03 Next question.

JUDGE JOSEPH F. LISA

00:36:42:23 Go ahead. Next.

ADAMERE COSTANO

00:36:44:09 So –

RICHARD K. LIEBERMAN

00:36:44:26 No, no, no. We have a new question. We'll get back to the follow-ups.

MEHIN WOKAM

00:36:49:15 All right. I'd like to thank you for coming and talking with us. My name is Mehin Wokam.

JUDGE JOSEPH F. LISA

00:36:54:29 Do you mean you're not sorry that I'm here?

GROUP

00:36:56:21 No.

JUDGE JOSEPH F. LISA

00:36:58:27 And I'm not upsetting you with anything that I've said? Go ahead. I'm sorry.

MEHIN WOKAM

00:37:04:16 I'm a history major here at LaGuardia. I'm a sophomore, and I'm going to be graduating this spring coming. My question is – because you touched on it just a few moments ago when you were talking about Fidel Castro and how you're unknown to the gay community and how Castro was implementing quarantine, and that's what my question somewhat deals with. One of the controversial positions ascribed to you was the belief that individuals with AIDS from high-risk groups such as drug users and prostitutes should be identified and if they continued to spread the disease, should be quarantined.

JUDGE JOSEPH F. LISA

00:37:45:26 Yes. May I because I'm taking so much time answering that I'm running out of time. I'm sorry. Yes. I said, "recalcitrant, out-of-control, infected individuals" who knew that they were infected, if they wouldn't behave, if they wouldn't stop spreading the infection, should be quarantined. Of course, the headlines in the paper the next day said I was calling for quarantine, and that wasn't quarantine.

00:38:16:18 Some guy up in Schenectady or Syracuse – I think it was Syracuse, New York – was arrested, convicted, and sentenced to prison for long term for infecting six female sexual partners. And he wouldn't stop. And it was sort of – if I may do an analogy, it was sort of like walking around with a 9mm gun. What's the difference if I shoot you with the gun and you languish and you suffer and you die, and your whole life is turned upside down; or, if I infect you with my HIV? I mean that's such a wonderful present. Yes. He was incarcerated. That's another word for *quarantine*. But I didn't say that we should quarantine as we did in years gone by.

00:39:11:14 If I understood the tuberculosis epidemic, we had tuberculin sanitariums because tuberculosis was capable of aerosolized transmission. So I didn't have to have sex with anyone. I just had to – and I'm not minimizing this, and I'm not a scientist, but as I understand it, I just had to sneeze on you or cough on you, and droplets of my saliva carrying the tubercle bacilli could transmit the infection. And so we had, up in State New York at Saranac Lake – we had a huge sanitarium. Here in Queens, if you drive by the Queens Medical Center, there's a big curved building with outdoor porches. That was a tuberculin hospital where people were kept. In Van Etten pavilion in the Bronx, part of the Albert Einstein Medical Center, you'll see this same architect, probably – semi-circle building with porches on the outside. We didn't have a cure for tuberculosis, and it's a terrible killer. It's been a terrible plague to humanity as far back as recorded science could identify what it was.

00:40:29:04 We then developed – the word slips from me for a moment – let’s say a magic bullet. I’m going to say *streptomycin*. It was a cocktail of drugs that we gave religiously to active *tuberculins*. It encapsulated the virus. And after a period of treatment, they were no longer capable of communicating an active tubercle bacilli.

RICHARD K. LIEBERMAN

00:40:58:02 But are you saying that the newspapers misinterpreted you, that you were not calling for quarantine for AIDS –

JUDGE JOSEPH F. LISA

00:41:03:17 Quarantine for recalcitrant, out-of-control individuals who knew they were HIV-positive and were spreading the infection sexually or through needles. That was the whole statement.

JUDGE JOSEPH F. LISA

00:41:15:16 And you said that they should be quarantined? What did you actually say because all we have are the newspapers? So we want to know from you what you said.

JUDGE JOSEPH F. LISA

00:41:23:21 Sure. I probably may have said *quarantine*, that they should be kept in some type of a confinement so that they wouldn’t continue spreading this 100 percent fatal infection. But I didn’t say that if you were tested and you tested positive and you told your physician that you were a responsible, respectable guy and now you knew this, and you weren’t going to go home and infect your wife, and you weren’t going to go home and infect your significant other, and you weren’t going to go over the weekend to some commercial facility that allowed for the multiple opportunities for sexual contact and spread the infection.

00:42:14:12 We had Randy Shilts, dead now, a journalist for the *San Francisco Chronicle*, Came to New York, and he studied the bath houses in New York because they closed them in San Francisco. And the health commissioner, Merv Silverman, was fired by the mayor of San Francisco, Dianne Feinstein, who’s now a United States senator, because he waited too long. He should have closed the baths sooner. He came to New York, and he was invited by a very courageous doctor by the name of Caiazza, Stephen Caiazza, who was the head of the Physicians for Human Rights, a group of known homosexual doctors, gay doctors.

00:43:07:09 And I make contact with Silverman out in California. I asked him if I could pick him up at the airport and drive him to the meeting. He said, “Of course.” I dropped him off at his hotel; he changed clothes; I waited

downstairs. He told me that the police commissioner in San Francisco told him he should wear a bullet-proof vest. And he took my hand, and he made me punch his jacket because he said, "We're confronting a multi-billion-dollar industry that's all over the world of providing the ambience, the opportunity for convenient multiple sexual contacts and **harmless** sex – whatever it may be. And again, I'm not being judgmental.

00:43:51:19 I went with him that night. By the way, Dr. Caiazza was removed as president of the Physicians for Human Rights for bringing Silverman here. Silverman was treated in a very surly fashion. I'll never forget; I don't mean to be vulgar, but a very handsome, very well spoken, very well groomed man stood up. He identified himself as a physician, and he said to Silverman, "Who the hell do you think you are to tell me about what kind of sex I should have?" But he used a little bit more of a vulgar term that I'm not going to use here.

00:44:31:10 And Silverman, composed, said, "Doctor, I'm not telling you what kind of sex to have. I'm just telling you that you can't have it in the bathhouses or in all of these establishments that really provide for multiple sexual contact. If you want to, go have it in the middle of the winter behind some bush in Central Park, and see how easy that is."

RICHARD K. LIEBERMAN

00:45:02:12 Next question. Who has the next question?

WALEY LANG

00:45:06:21 That would be me. Sorry. So we know from our memos that you sent out a questionnaire about – oh, sorry. I forgot to introduce myself – so rude. My name is Waley Lang. I'm a biology major here, and I'm hoping to go into further research in ecology and evolutionary biology. And my question was about the questionnaire that we saw you sent out to state and city officials about HIV/AIDS. And from our records, we only have Dr. Sencer's response. I wanted to know if you had received any other responses and if –

JUDGE JOSEPH F. LISA

00:45:42:21 Axelrod refused to – David Axelrod, who was the health commissioner of the State of New York – and I went to the same law school with the late Governor Cuomo. He was brilliant. He graduated first in the class. I graduated five years later. I'm not going to tell you where [laughter], but I was not first in the class. And I say that because journalists have been getting into a lot of trouble by fudging what they're doing these days. [Laughter]

- 00:46:14:24 In any event, I've always respected him as one of the brightest guys I've ever come across in my life. And he said that Dr. Axelrod was his super commissioner, meaning that he was the most intelligent individual commissioner that he had in the executive chamber. Axelrod sent the questionnaire, I assume, back to Mayor Koch because I have a letter from Mayor Koch – in fact, I found it last night at 1:00 in the morning – telling me that he had received from Dr. Axelrod my questionnaire, and he gave it to Dr. Sencer, and he was hoping that I would hear from Dr. Sencer and that if I didn't, to call him.
- 00:46:57:04 By the way, I got along very well with Mayor Koch, not in the beginning. He was a little too far to the left. But towards the end of his life, I began to admire him with great respect. I tell you, he was one of the finest mayors that I know of, and he got beat up on this epidemic, also, terribly. And he brought in Stephen Joseph because Sencer just wasn't doing the job, and Joseph was a much more aggressive, stronger personality and took some very positive public health positions. But Koch sent it down to Sencer, and Sencer answered it.
- 00:47:44:22 But let me tell you why I did that. My scientist/doctor friends were telling me that we're counting AIDS the wrong way. We're counting those individuals who have been diagnosed with clinical symptomology of having full-blown AIDS. They were sick. We should be counting HIV infections because that's the complicated community because they don't know they're infected and infective, and it's maybe a 10-year incubation period.
- 00:48:17:06 And so if we had – I'll just throw numbers out – if we had 1,000 AIDS cases in New York City, we probably had 25,000 HIV-infected people. We were counting the epidemic the wrong way. To count an AIDS patient meant that 10 years ago, we knew how serious the AIDS problem was in New York. But of course, we didn't know about it because the person wasn't sick. We were looking backwards. We had to count HIV infections. And I couldn't get them to do it. And they didn't want to do it because the numbers were explosive.
- 00:48:59:06 Sencer left shortly thereafter that. I'm not telling you I disliked him as a human being, but he wasn't, in my opinion – that's the nice thing about opinions; we all have them – he wasn't, in my opinion, the kind of health commissioner that we needed in time of epidemic. Joseph, on the other hand, was much stronger. He took some beatings, too. May I tell you about Montreal?
- RICHARD K. LIEBERMAN**
- 00:49:31:29 No, I want to get to the next question.

JUDGE JOSEPH F. LISA

00:49:32:18 Okay. Next question. Everybody had a chance for questions?

RICHARD K. LIEBERMAN

00:49:35:14 No, we [inaudible].

JUDGE JOSEPH F. LISA

00:49:36:04 Okay. Okay. Good. I'm sorry.

RENELL PERERO

00:49:38:09 Hi. My name is Renell Perero. I'm a liberal arts, social sciences, and humanities major. I plan to transfer to Sarah Lawrence and do a double major in music therapy and writing. My question for you is you spoke about mixed responses and how the opposition and many people took it in different ways. We know that Koch faced opposition from people who felt that he was either spending too much money on AIDS or he wasn't doing enough. So what was your –

JUDGE JOSEPH F. LISA

00:50:10:06 Oh, very accurate.

RENELL PERERO

00:50:12:06 – what was your part in influencing Koch's actions?

JUDGE JOSEPH F. LISA

00:50:19:06 I felt that, at the moment, Mayor Koch was probably one of the most courageous mayors that you could ever have in time of epidemic. And I believe that that's why he brought Joseph in because he knew that Joseph was going to take a much stronger position. But in this epidemic – first of all, you notice how we haven't really – we spent as much time talking about a public health approach to the epidemic as we have about the politics of the epidemic. The epidemic got caught up in civil rights.

00:51:03:03 And although New York led the nation in the '30s in the dealing with syphilis where we had a state health commissioner by the name of Parran, who was appointed by Governor Franklin Delano Roosevelt, when Governor Roosevelt became President Roosevelt, he brought Parran with him to Washington and made him the surgeon general. Parran wrote a book called *Shadow on the Land* about syphilis. And I was told by the scientists who were trying to get the truth out about the epidemic that I should read *Shadow on the Land* because following what we did with syphilis would help me understand what we're going to have to do with the AIDS.

- 00:51:52:10 And of course, with syphilis, we created something called "partner notification." Now, I'm telling you right now, if I went to my doctor and he tested my blood and found me positive for syphilis, under the law of the State of New York, he would be mandated to tell my wife. And if he didn't, he'd be brought up on charges. But since they never, until this moment, have designated HIV infection to be a sexually transmitted disease, they created a body of law just for the AIDS epidemic. They created a civil suit that never existed before in our history where, if my doctor told my wife against my wishes, I could sue him civilly for damages, and he could be prosecuted for a misdemeanor crime punishable by up to one-year imprisonment and/or fined.
- 00:52:57:10 Do you know how many requests that were made to the Health Department for partner notification the year after this new law came into effect? There were 33,000 HIV-positive tests that year. I'm afraid to say there wasn't one, but somewhere in the back of my mind there were less than 10 requests for partner notification because the physicians were terrified about being prosecuted criminally or being sued civilly for asking for partner notification.
- 00:53:32:09 And I'm telling you right now, I don't have the right, in good conscience, not to tell my wife about my HIV infection. And if I don't know how to explain it to her because I don't have the background, the education, the sophistication of a healthcare professional, someone should do it in my stead. But my wife didn't marry me to remain ignorant about my HIV status so that I can infect her and if she conceived and bore a child, infected our child. I don't have that right. And I thought that maybe the women's movement would be very supportive of that. The silence was deafening. Deafening. Deafening. I still feel that way.
- 00:54:26:04 Now, I don't believe that my doctor has the right to call my good friends and tell them about, "By the way, Judge Lisa has syphilis or gonorrhea or HIV." But if he's under the law compelled to tell my wife about my syphilis, I believe he should have to tell my wife about my HIV. Stop. Next question.
- RICHARD K. LIEBERMAN**
- 00:54:50:18 Time for the next question. Then we can go back for follow-up.
- CARLOS COLENDO**
- 00:54:55:23 Yeah. Thank you again for being here with us. My name is Carlos Colendo. I'll be graduating –
- JUDGE JOSEPH F. LISA**
- 00:54:59:12 Can I stop you, Carlos?

CARLOS COLENDO

00:55:00:10 Yeah.

JUDGE JOSEPH F. LISA

00:55:01:07 What do you think? Do you think my wife should know about my HIV status?

UNIDENTIFIED MALE

00:55:05:26 Yeah.

UNIDENTIFIED FEMALE

00:55:05:29 Definitely.

UNIDENTIFIED MALE

00:55:05:29 Yes.

JUDGE JOSEPH F. LISA

00:55:06:15 No, seriously. Am I putting words in your mouth?

UNIDENTIFIED MALE

00:55:08:11 No. No.

UNIDENTIFIED FEMALE

00:55:08:12 No. No. No.

RICHARD K. LIEBERMAN

00:55:11:28 All right. Next question. Go ahead.

CARLOS COLENDO

00:55:13:06 My name is Carlos Colendo. I'll be graduating by the end of spring and hopefully continue my studies in philosophy and political science. My question to you is: You've had a long successful career in government. But what would you say would be your lasting mark, your legacy, when it came to dealing with the AIDS crisis and any regrets you might have had?

JUDGE JOSEPH F. LISA

00:55:32:16 I always felt in my heart that my work in AIDS should have been marked as my legacy because although I did a lot of things as a legislator – I passed the Open Meetings law; I passed the Freedom of Information law; I passed the first State Administrative Procedures Act as a legislator. These are all "Lisa" laws, okay? Nothing – it all paled to my work on AIDS because AIDS was a life-and-death issue except reporters would come to all my hearings. They would run out of pencils taking notes, and the next day, there wouldn't be one single word about what went on at that hearing to educate and

mature the public except if I said something controversial like, "Quarantine." Like, "Quarantine," oh, god. God, did I erase that "Q" word from the back of my head. [Laughter] Boy, oh, boy.

00:56:37:22 Let me ask you something right now. I'm allowed to ask you questions. [Laughter] Do you believe that a sexually active young man on this campus or a sexually active young woman on this campus – I'm not going to talk about gays; I'm going to talk about heterosexuals – who's really running through the numbers – do you think if he knew he was HIV-positive and wouldn't stop, do you think that that's a wonderful, laudable thing? Or do you think he should be controlled?

UNIDENTIFIED MALE

00:57:06:21 He should be convicted.

UNIDENTIFIED FEMALE

00:57:07:09 He should definitely be controlled.

JUDGE JOSEPH F. LISA

00:57:07:24 What? Controlled? What do you think? No, I'm not –

RICHARD K. LIEBERMAN

00:57:12:03 But what's the difference between *controlled* and *quarantined*? That's really –

JUDGE JOSEPH F. LISA

00:57:14:21 No. I meant quarantine –

RICHARD K. LIEBERMAN

00:57:16:14 We've got to really throw a line here.

JUDGE JOSEPH F. LISA

00:57:17:21 Okay, sure. I'm going to tell you why that came up.

RICHARD K. LIEBERMAN

00:57:19:24 [Inaudible] people in camps can control [inaudible] –

JUDGE JOSEPH F. LISA

00:57:21:21 No, no, no, no, no. If I may, you're using *quarantine* in a very tight definition. I meant *controlled* like we control tuberculosis, and I'm going to tell you why I said that. The Achilles Heel of the AIDS epidemic is the return of something that we had overcome: Tuberculosis. And nobody wants to say this, but because of the destruction of an individual's immune system which protects us from opportunistic infections – you see, technically

speaking, you never die of AIDS. You die of an opportunistic infection that your immune system cannot protect you from. Pneumocystis carinii pneumonia, Kaposi sarcoma – whatever. Well, AIDS-infected people were coming down with tuberculosis. And they weren't taking their medication. And so there's a new strain. If I raise my voice, forgive me. There's a new strain; there's a new strain of tuberculosis that we're confronted with that's growing every single day in this city and in this country. It's drug-resistant tuberculosis.

00:58:44:17 So if I'm on the Lexington Avenue subway and you're riding next to me and I'm HIV-positive, I have to have sex with you or share a needle with you for you to get my HIV. But if I'm also infected with a drug-resistant form of tuberculosis, I just have to sneeze on you. Nobody wants to say that. Ready to hear something? On Atlantic Avenue in Downtown Brooklyn, there is a huge armory, the kind of buildings that we built after World War I to keep reserves marching and drilling. I went there. I can't remember the person's name. I should have – I should have never forgotten his name. He had a role to play in the New York City Department of Health in the Infectious Diseases section. I went there with him because I'd been tipped off about drug-resistant strains of tuberculosis. You don't think the health commissioner has told me about it. My network of dedicated scientists said, "You've got a big problem in New York." I went there because it's a homeless shelter.

00:59:52:07 We went up into the balcony, and we looked down on this huge parade deck maybe the size of 10 basketball courts. And it was filled with cots in lines, and I knew that the homeless community – and I'm not picking on the homeless community. God only knows the problems they have. But I knew that because of drugs, because of alcohol, because of poor nutrition, because of inability to be able to get good healthcare that they were likely individuals who were going to get this drug-resistant strain of tuberculosis. And on that balcony, that doctor from the New York City Department of Health, when I brought the question up, said, "Oh, you don't have to worry, Councilman. This form of tuberculosis is not communicable." That's what he told me.

01:00:50:02 As soon as I got back to my office, I called my contacts, and they said, "He's crazy. Of course this is communicable." But nobody wants to talk about. And so when I spoke about quarantine, I had in my mind the way we treated tuberculin patients. We didn't put them behind barbed wire in concentration camps and have them sleep in abominable conditions that we all can visualize in our mind's eye when we see what happened in the Holocaust. I wasn't talking about that. I was talking about clean places with medical care that people with tuberculosis were being sent to because when I grew up as

a kid, tuberculosis was a big thing. I didn't know of one single family that probably hadn't been visited by tuberculosis.

RICHARD K. LIEBERMAN

01:01:46:16 Time for follow-up questions. Mehin?

MEHIN WOKAM

01:01:48:22 Yes. So you discussed you were a major advocate for the HIV and AIDS education. You were also one of the first people to speak about the rising trend of HIV infection among adolescents in New York City high schools. However, in your February 6th, 1991, testimony to the New York City Board of Health, you argued that a condom-availability plan, as a part of an HIV education program, was the responsibility of medical professionals and not pedagogues and volunteers.

JUDGE JOSEPH F. LISA

01:02:23:13 Pedagogues, teachers. [Laughter] I would hate – I'm an adjunct professor, I taught at York for two years, and I'd love to be a teacher. And if you want to have me here as a guest lecturer, if you ever want to invite me again, I don't know who's responsible for this, but if that person doesn't lose their job for bringing me here, you want to invite me back, I don't think I want to be called *the pedagogue*. [Laughter] Yes. No, seriously, I'd like to be called *Teach, Professor* – whatever.

01:02:51:07 Yes, I did say that.

MEHIN WOKAM

01:02:52:16 Okay. So why did you feel that – could you elaborate on why you [inaudible] teachers and volunteers should not be involved?

JUDGE JOSEPH F. LISA

01:02:56:22 Certainly. I'm going to tell you right now. I am and have always been convinced that there is no such thing as safe sex. And because we can't use condom studies where infectious diseases are concerned because it's unethical – I mean we're going to let you wear a condom and let you have intimate sexual contact, knowing you have an infectious disease with a person who doesn't because if the condom doesn't work because of breakage, because of leakage, because of all of the other – slippage, because of all the other things, you're infecting that person in this experiment with a lethal infection. So it's unethical. There is no such thing as "safe sex" only "safer" sex.

01:03:40:24 Now, we do have studies on condoms, and we use them with a very select group of individuals. They were medical students. Somehow or other, I'm

thinking of the State of Washington, but I'm afraid I'm wrong. I'll have to go through my notes, and if you ever have me back, I'll tell you. And we had these medical students use condoms, and at the end of the year, guess what? A significant percentage were pregnant. The women, of course. [Laughter] So we know that condoms are not infallible.

01:04:18:24 Now, I have to tell you something. I'm blessed with three children – two daughters and my son. My daughters thought, as well as my son, that I had invented some new epidemic to control their personal behavior because they didn't believe me in the beginning. But a few years later, they came to me, and they said, "Thank you, Dad. We know what you're trying to do. Thank you. Thank you for telling us. Thank you for helping us. Thank you for opening up our eyes. Thank you. Knowledge is power. Thank you. Thank you." I don't know whether it changed their behavior. I didn't say, "By the way," because they're my daughters, and I just don't want to believe that my daughters would ever, ever have sexual contact with another human being. [Laughter] Ever. My son – that was different, okay?

01:05:16:14 So I didn't pry. But I thought maybe I saved my own kids. I spoke at a senior citizens center, I knew that they were never going to vote for me again because people said, "What is he coming to tell us about?" But senior citizens are sexually active, and they're coming down with AIDS because nobody's telling us about it, because of privacy concerns especially with – I mean put your television set on. The blue pill – what is that?

UNIDENTIFIED MALE

01:06:01:05 [Inaudible].

JUDGE JOSEPH F. LISA

01:06:01:21 Yes. Be quiet. [Laughs] Whatever it is. But the chemical that we're being given, as men, in order to be able to stay sexually active beyond the chronological life of our sexual activity. Senior citizens were as vulnerable to this as were the young people. You can't imagine what my political opponents were doing to me by beating me up after I would leave a senior citizens' center telling me that I should be ashamed of myself to tell these people, who were all, at one time, if not still, sexually active – they were mothers; they were fathers; they knew about intimate sexual conduct – and I'm not talking about the gay community – I'm talking about the heterosexual community.

01:06:51:11 You can't imagine how many evenings I would leave these educational experiences that I thought were educational experiences and have somebody stop me on the way and say, "Thank you, Councilman. It was a very powerful presentation. But I don't have anything to worry about

because I've never been involved in penal/anal sex." And I wanted to say, "What are you talking about? It's not exactly what you're doing. The virus doesn't know who you are or what you're doing. If you do what transmits this virus and co-mingle body fluids with mucus membranes, you're going to get infected, or you're going to infect somebody." But these were all my voters, and they thought something was wrong with me already. They looked at me a little askance.

01:07:43:17 But yes, I thought it would be my legacy. And until the good professors here today said that somebody here thought that maybe it was my legacy, no one has ever said that to me before. Maybe Mrs. Lisa has said it to me.

RICHARD K. LIEBERMAN

01:08:02:14 Okay. I had a question about –

JUDGE JOSEPH F. LISA

01:08:04:16 Are you allowed to ask questions?

RICHARD K. LIEBERMAN

01:08:08:14 Yeah. [Laughter]

JUDGE JOSEPH F. LISA

01:08:10:11 I'm never going to be invited back here.

RICHARD K. LIEBERMAN

01:08:10:14 I want to ask you a question about Ed Koch.

JUDGE JOSEPH F. LISA

01:08:13:05 Yes.

RICHARD K. LIEBERMAN

01:08:14:14 Depending on who you talk to, many people say he didn't do enough. He hid the fact he was gay. He was afraid of –

JUDGE JOSEPH F. LISA

01:08:25:04 Well, we don't know that.

RICHARD K. LIEBERMAN

01:08:26:21 No, I'm just saying that what we hear –

JUDGE JOSEPH F. LISA

01:08:27:17 Yeah, okay. What they were saying.

RICHARD K. LIEBERMAN

01:08:28:21 – what we hear that he was “too late with too little.” What was your impression of the mayor during all of this controversy that you were in the middle of? What was your impression of Ed Koch at that time?

JUDGE JOSEPH F. LISA

01:08:40:27 Well, he was the point. He was the point. He was the mayor of the City of New York, very visible, very colorful, wasn’t hiding somewhere. And I was just the chairman of the City Council’s Committee on Health, elected in the – I think it was the 33rd Councilmanic District in Queens. I’m not sure. Maybe it was the 34th – I don’t know – which had neighborhoods – Jackson Heights, Elmhurst, Corona. This guy had his entire career at stake, and I think that he lost his run for – was it a third term? Fourth term? I think that contributed – I’m not saying it was *the* reason, but I think it was a factor that contributed to his losing that election. I think it was a factor.

01:09:34:08 Judging him as a politician because that’s what I had been all my life – I fed my family and paid my mortgage bill every month because I was active politically, and I was an assemblyman for 10 years; I was a city councilman for 10 years. Maybe not 10 – eight, nine years. But today we have to be very careful – and a Supreme Court judge. And even I was getting – well, I wasn’t getting it politically. But let’s leave it at that. I was a Democrat and had been all my life. He was a Democrat.

01:10:19:13 I thought he was very courageous because when he said something, everyone listened. What is that commercial? “When” – what is that – “lending institution speaks, everyone listens.” Who was listening to me? My poor wife [laughter] who said she’s going to die of AIDS as a result of being talked to death about AIDS. [Laughter] But Mayor Koch was at the point, “What did you want from this poor man?” I mean if he would have said, “Quarantine like we handled tuberculosis,” in a compassionate healthcare facility or if you’re a criminal and you’re infecting people, maybe incarcerated in a prison, whichever the case may be. I didn’t look very kindly upon someone who was knowingly spreading this epidemic. I didn’t look kindly upon that.

01:11:22:01 He was about as courageous as I think anyone could be. Remember, the mayor of the City of New York – nobody wants to tell you, but I believe it’s still a truth today. We in New York City have a greater pool of this virus than anywhere else in the Western Hemisphere – North America, South America, Central America, the Caribbean Basin, more than San Francisco. What did you want from the guy?

RICHARD K. LIEBERMAN

01:11:54:11 Judge Lisa, the interesting part of the story is in the detail. Were there moments in your career where you were pushing policy, where you were out there and the mayor either supported you or went against you? Do you remember a time when you directly, with the Mayor of New York, either were at odds or together on an issue?

JUDGE JOSEPH F. LISA

01:12:17:11 Yes. We got involved – first of all, he’s dead, and he can’t defend himself. And let me tell you something. I truly believe that he was so feisty that even death wouldn’t keep him from defending himself. And I say that out of respect, not in any way to be deprecating. I think he knew as much as I knew, and I think he knew that I was saying things that had to be said and that I wasn’t lying. I think if he would have caught me in a lie, he would have hurt me. I don’t mean physically. But I think he knew I was speaking the truth as best I understood the truth to be. And I think he knew that there were other politicians who were fudging, concealing, trying to keep the lid on this.

01:13:24:14 He never openly confronted me. And he never openly supported me. He left me alone except one evening. I turned WINS on, and there was Ed Koch talking about latex-barrier condoms and safe sex. And I had just read the study about all these young medical students getting pregnant because latex-barrier condoms were not infallible. And I called WINS up, and I asked for equal time. And they gave it to me. And Koch got angry at me over that. He got angry at me over that. He said, “What do you want me to do? To tell them to use nothing?” I said, “No. But you can’t make them think that they’re going to be safe from a 100 percent fatal infection for which we have no cure by putting a latex-barrier condom on.”

01:14:38:08 That was the only time in all these years that we ever had – and it wasn’t really a finger-in-the-nose, finger-in-the-eye [wagging index finger] kind of confrontation. It was a philosophical kind of approach, a philosophical kind of approach. And believe me, my talking about latex-barrier condoms had absolutely nothing to do with any religious conviction that I may have had or the people who provide the leadership for the church that I belong to. It had to do with the fact that latex-barrier condoms are not infallible and I wanted to stop, slow down the uncontrollable spread of this infection.

RICHARD K. LIEBERMAN

01:15:25:14 Judge Lisa, let me be the first of this group to thank you for your time and for being the Paul Revere we thought you were. [Applause]

JUDGE JOSEPH F. LISA

01:15:35:14 [Laughs] Well, thank you.

RICHARD K. LIEBERMAN

01:15:37:17 [Inaudible] get a picture with all of us [inaudible]?

JUDGE JOSEPH F. LISA

01:15:39:20 Of course, they say that to make a man my age blush is quite an accomplishment, and I don't know if you saw it, but I just blushed.
[Laughter] Thank you. Thank you.

WALEY LANG

01:15:51:13 I just have one last question I wanted to ask. In all of this, I can see you feel very strongly about it. How was it emotionally for you to have to be in the middle of people doing different things? Some were agreeing; some were disagreeing, and they were accusing you of different things. How was it [inaudible]?

JUDGE JOSEPH F. LISA

01:16:13:08 Jay Lieberfarb, an unsung hero, and I were lifeguards at Jones Beach. I spent 15 years there on the ocean. I was his senior man. I broke him in. He ran his first rescue on the ocean with me. He never, ever forgot me. I mean that's a very special moment in a person's life. He stayed there for 50 years. We were lifeguards. We were trained that if you blow the whistle, we save lives. We couldn't back off this epidemic. It was like Pavlov's dogs, so to speak. We were programmed. We were programmed. And the more they stuck their finger in my face and wrote about things that I didn't say – can I digress for a moment? Please?

UNIDENTIFIED FEMALE

01:17:05:08 Um huh.

JUDGE JOSEPH F. LISA

01:17:06:08 I want to tell you how I got started in this. A young man – died last year – who was a funeral director in my community called me on the phone, and he said, "Listen, I just got elected to the executive committee of the New York State Morticians Association, and we're meeting in conference at the Sheraton Hotel right now. And one of the things that we're discussing is this mysterious malady." Those were his words. "We go to the morgue to pick up the remains of a human being, and although the papers do not say, *communicable disease*, they're not tagged where we have to take certain infection-control protocols. The guys who work there, who know us because they see us a couple of times a week – they would say" – I'm paraphrasing; I don't remember [inaudible] – "Watch out for this one. This is hot.' And

we don't know what to watch out for. We don't know whether this is aerosolized; we don't know whether it's body fluids. We don't know what it is. And some of us in Upstate New York perform the embalming procedure in the basements of our homes. Now, what do we have to do?" I said, "Well, did you ask the health commissioner?"

01:18:42:03 "No one will talk to us." I said, "Don't you worry. I'm going to Albany." And I got on a train, and I went to Albany. And I tried to speak to Commissioner Axelrod, and I came back. And the next day, the newspaper said, "Governor's Office threatens to lift the license of any mortician who refuses to bury a gay man." That wasn't what I said. That was not what I said. And I went to the morticians with the newspaper articles, and I said, "I'm mortified. Believe me. I'm a lawyer. I choose my words very carefully. I did not say anything like this." And they said, "We know. They're doing the same thing to us. And we've never ducked an epidemic. Our profession has been here for the bubonic plague; we've been here for the influenza epidemic. We don't run from our profession. We'd like you to be our keynote speaker tomorrow night. Will you?"

01:19:45:17 Now, I didn't like what they did to me in Albany. I have to be very honest about this. On my 18th birthday, when we had draft. I had to register, and I joined the Marine Corps. I served six years in the Marine Corps and was discharged honorably from 1955 until 1961. We weren't in combat. Korea had ended in '54. Vietnam hadn't heated up. So never was there a shot fired at me in anger. But there's something about being a marine that causes you to stiffen up a little bit when somebody sticks their finger in your eye. And I got angry at these guys, and I said, "These low-level bureaucrats who never got elected to anything, who no one ever voted for, are not going to push you around." And I went back at them, and I wouldn't back off.

01:20:51:18 And that's how I got started in this epidemic. I didn't know anything about AIDS. I did it because they lied about what I said, and they threatened people who were honorable. And the people, the morticians, had a very legitimate concern. They had to protect themselves from body fluids because if you know anything about embalming is they remove all of your blood, and they fill your body with embalming fluid. If that isn't contact with body fluids, I don't know what is.

01:21:38:20 They were later told, when Dr. Axelrod couldn't keep the lid on it anymore, that they should follow – this is how they handled it. It's all coming back. "They should follow hepatitis B protocols." Now, who knew what hepatitis B protocols were? But my wife was an infection control nurse. She said, "That means a gown, a mask, goggles, covers on your shoes and rubber gloves, and burn everything after you're through."

01:22:03:27 These funeral directors had a legitimate claim. And these bureaucrats didn't give a damn about them. They didn't give a damn if they infected themselves. They didn't give a damn about anything else. They weren't going to let anybody speak about this epidemic. Now, I'm sorry.

GROUP

01:22:24:19 No, it's okay.

JUDGE JOSEPH F. LISA

01:22:25:09 I went to an AIDS conference by invitation only in the Republic of San Marino. I was the only one there who was not a scientist. I was the only politician there. I tried to be very quiet. I didn't even eat in the restaurant in the hotel. I found a little place to go to with my wife so that they wouldn't think I'd be overhearing about what they were talking about and that it would be in the *New York Post* next week when we all go back to New York.

01:22:54:15 And I remember the closing speaker. His name was Carleton Gajdusek, Nobel Prize winner – very forceful guy. And he banged on the speaker's rostrum like I was banging here – maybe that's where I picked it up – [laughter] – because he was unlike the other scientists. They were very bright, very articulate, very controlled. And he said, "We all know that there will be no vaccine in this century, and there will be no cure in this century. But we don't have the courage to tell the public." And that was in 1988.

01:23:35:11 And Gajdusek was right. We still don't have the vaccine– we have a cocktail, an antiviral cocktail that slows down the replication of the virus and extends life so that it's almost become, if I may say this – and I'll probably be misquoted because – not by you but because of my not being a doctor or a scientist. It almost seems as if we're headed towards something that's a health condition that's manageable like maybe diabetes whereby if we keep you, monitoring your blood sugar, if that's what they do at present, you can live for a lot of years without the diabetes killing you.

01:24:23:26 AIDS, in the beginning, was an accelerated road to death once the clinical symptomology started. Now, I do hope that you will all have [looks at watch] – okay. I do hope you will all have a chance to look at this video, this video is something I highly recommend to you. It went up against *60 Minutes* with the [Admiral Elmo Zumwalt story](#) report about the admiral who introduced Agent Orange in Vietnam. His own son who was a navy warrior there was exposed to this toxic chemical and developed a fatal cancer, and the son picked it up and passed it on to his grandson. And the *MacNeil/Lehrer Report*, which at least at that time – maybe still is – one of the best news reporting around, this \$2,500 budget film won the Emmy.

The photographer and the editor were incarcerated at the Queensboro detention facility because I met them in prison – [pointing] over there?

RICHARD K. LIEBERMAN

01:25:39:29 Right next door.

JUDGE JOSEPH F. LISA

01:25:40:12 Okay. I had to rent tuxedos for them. And we went to the Waldorf Astoria, and we won the Emmys, and I brought them back because, like Cinderella, they had to be back at a certain time. And the correction guard said, "What the hell is this place turning into?"

RICHARD K. LIEBERMAN

01:25:57:22 Judge Lisa, do you have time to have a photo taken [inaudible]?

JUDGE JOSEPH F. LISA

01:25:59:22 Sure. Absolutely. Can I take this off?

CAMERAMAN

01:26:03:08 Yeah.

RICHARD K. LIEBERMAN

01:26:04:14 So why don't we all gather over there where the lights are? Who's got a camera?

UNIDENTIFIED FEMALE

01:26:12:16 I have an iPhone.

RICHARD K. LIEBERMAN

01:26:13:15 You have an iPhone camera?

JUDGE JOSEPH F. LISA

01:26:18:21 Okay, where do you want us to go?

RICHARD K. LIEBERMAN

01:26:20:16 Right over there is great but away from the window. Come over here so we don't have a back light.

JUDGE JOSEPH F. LISA

01:26:24:10 Okay. I'll move that chair.

RICHARD K. LIEBERMAN

01:26:27:07 Let's all get in front of the lights here. [Balin \(Mehin?\)](#) come on over.

JUDGE JOSEPH F. LISA
01:26:32:14 Okay. We've got to get some of the important people at the school.

RICHARD K. LIEBERMAN
01:26:36:13 Oh, boy.

JUDGE JOSEPH F. LISA
01:26:36:29 Yeah. I chewed on your ear. I apologize.

RICHARD K. LIEBERMAN
01:26:42:03 Once in government, always in government, huh?

JUDGE JOSEPH F. LISA
01:26:44:00 We're off the microphone, right? [Laughter] I apologize –

RICHARD K. LIEBERMAN
01:26:47:17 Half of you come on this side so we have [inaudible].

JUDGE JOSEPH F. LISA
01:26:49:20 – for being so anecdotal and –

RICHARD K. LIEBERMAN
01:26:53:03 Where's Tara? Where's Carla?

UNIDENTIFIED FEMALE
01:26:54:23 Tara? Tara?

UNIDENTIFIED FEMALE
01:26:57:06 There's more room on this side.

RICHARD K. LIEBERMAN
01:26:58:19 Did she leave? Carla and Tara, come on.

JUDGE JOSEPH F. LISA
01:27:03:23 But I wanted to prep you for Dr. Stephen Joseph because if you think I'm feisty, wait until you hear him. Oh, he's a tough guy.

RICHARD K. LIEBERMAN
01:27:13:05 All right. Who's got the camera?

[All pose]

CAMERAMAN
01:27:22:19 And cheese? [Takes pictures] All right.

RICHARD K. LIEBERMAN

01:27:28:28 You got it?

UNIDENTIFIED FEMALE

01:27:29:04 [Inaudible] more than one?

GROUP

01:27:31:00 Thank you.

UNIDENTIFIED MALE

01:27:31:27 Judge Lisa –

JUDGE JOSEPH F. LISA

01:27:33:07 I apologize.

UNIDENTIFIED MALE

01:27:33:12 You're a hero. No, you are a hero.

JUDGE JOSEPH F. LISA

01:27:36:11 I apologize. I apologize.

UNIDENTIFIED MALE

01:27:38:03 But you're also [inaudible]. This was incredible.

JUDGE JOSEPH F. LISA

01:27:40:27 I hope I didn't –

UNIDENTIFIED MALE

01:27:42:00 No, this was incredible. This was incredible. This is one of those moments that we'll remember for the rest of our lives.

JUDGE JOSEPH F. LISA

01:27:47:05 Wait until you see the movie. Wait until you see the movie.

UNIDENTIFIED MALE

01:27:49:03 Yeah. We will. We will.

JUDGE JOSEPH F. LISA

01:27:49:28 Let me tell you something. Wait until you see the movie.

UNIDENTIFIED MALE

01:27:52:07 But thank you for everything that you've done for this city.

JUDGE JOSEPH F. LISA

01:27:56:07 Well, you know, we tried –

UNIDENTIFIED MALE

01:27:59:08 We [inaudible].

JUDGE JOSEPH F. LISA

01:27:59:26 – Jay and I. By the way, I want you to know that Dr. Gallo – can I still talk a little bit? Or do you guys have to go to class?

GROUP

01:28:04:24 Yes, of course.

JUDGE JOSEPH F. LISA

01:28:05:27 Dr. Gallo is an unsung hero, too. Dr. Gallo was the head of the tumor lab at National Institute of Health. He had, without question, without any controversy whatsoever, discovered the virus that causes HTLV-1. It was very important because it showed that viruses could cause cancer. And HTLV-2 – those are the names he put on it. He had a friendship with a distinguished scientist in the Institut Pasteur called Luc Montagnier. And there was a young French student here at one of the colleges – maybe the University of Chicago, if I'm not mistaken. And he got sick, and no matter what they did, he wasn't getting better. So he went home to his parents, and they took him to the Pasteur Institut in Paris. And Dr. Montagnier, a brilliant virologist, extracted something that he said he hadn't seen before that might be the – these are my words – the culprit, the cause of this terrible illness.

01:29:30:11 But he couldn't grow the virus, but in order to start testing, you've got to have a lot of the virus around. He knew in the Gallo lab in Bethesda, Maryland, there was a scientist by the name of Michael Popovic who the scientists would say, affectionately, "could grow viruses on a bald head." That's how good he was. [Laughter]

01:30:06:09 So he sent the virus here, and the Gallo lab grew the virus. And having grown the virus, Gallo said, "I am saying that I am discovering this virus which I'm going to call *HTLV-3*," having discovered HTLV-1, HTLV-2. Of course, Montagnier said, "Wait a second. It's the same virus that I sent you. It's my discovery, and I'm calling it *LAV*." And that battle over the patent rights went on for a number of years. It was settled by a presidential treaty between President Reagan and Mitterrand, the president of France.

01:30:59:21 And the battle wasn't between Montagnier and Gallo because I met them at the San Marino conference that I spoke to you about, and they were buddies. They were drinking together, smoking cigars together. It was over who was going to get the money from the patent rights because Gallo, God bless him, developed an antibody test that allowed you to screen the blood supply in order to be able to detect the shadow of the virus. They never find the virus. They find the shadow of the virus. If you got the antibody, you had to have the virus.

01:31:42:08 And he developed a test called *ELISA* and the confirmatory test called *Western blot*. And we began to screen the blood supply. Until then, if you were in an automobile accident or you went in for hernia surgery or you went in for open heart surgery and you got a lot of pints of blood, there was a very good chance that you were going to come out HIV-positive because the blood supply was absolutely unprotected insofar as HIV was concerned – or what we call HIV today.

01:32:10:21 He saved – Dr. Gallo – millions of lives of people who have gotten – the blood supply is never 100 percent safe. Proof positive is that the French government refused to use the ELISA and Western blot in France, and two years later, they indicted and prosecuted their scientists for poisoning the citizens of France by giving them contaminated blood because they wouldn't use the test.

GROUP

01:32:52:20 Huh. Wow.

JUDGE JOSEPH F. LISA

01:32:53:26 Now, Gallo got a beating like I have never seen anyone get in my life. You cannot imagine what the *Chicago Tribune* did. This law firm hired, we're told – somehow or other made arrangements with a reporter for the *Chicago Tribune* – they destroyed him as a human being. And all he ever did was have Michael Popovic grow the virus and say, "This is it." And Montagnier knew, and Gallo knew. They knew.

01:33:38:14 By the way, I was invited back for the next five years to the San Marino conference, and for the next five years, I would be with Montagnier. Now I could eat in the dining room with him because they trusted me. And we'd all be together and laughing and joking, and I [inaudible]. I gave both of them proclamations from the City Council of the City of New York as co-discoverers of the AIDS virus. They did not object to the way I presented them. I presented them in front of all of their colleagues. This was a "by invitation only." There were 17 Nobel laureates, I understand, at this

conference, including [Marty Timmons](#), dead now, and [Gajdusek](#) also dead now. This was a very prestigious event, and these were top-notch people.

01:34:46:04 And they all knew what was going on. They knew that this was – like speed sells cars. You know, of course, that when the cigarette industry got hit, it was because it had been determined that they were enhancing the nicotine level of the tobacco leaf by introducing more powerful nicotine so it would become a more addictive element. And I've had clients – because I was a criminal lawyer for many, many years – tell me that giving up cigarettes is tougher than giving up heroin. And of course, they were making a fortune because – I smoked. I stopped 35 years ago in 1980. But it wasn't easy. You wouldn't want to blow your horn behind me in the car or whatever.

RICHARD K. LIEBERMAN

01:35:54:03 Judge Lisa, I have the job of bringing the curtain down.

JUDGE JOSEPH F. LISA

01:35:54:29 You've got to go? You do? Yes, okay. Good, good, good.

RICHARD K. LIEBERMAN

01:35:58:13 I want to thank you so much.

UNIDENTIFIED FEMALE

01:35:58:09 It was so nice to have you here. We were so inspired and so truly [inaudible].

JUDGE JOSEPH F. LISA

01:36:04:01 They're just saying that.

UNIDENTIFIED MALE

01:36:04:29 No, they're not.

UNIDENTIFIED FEMALE

01:36:05:04 No. No, no, no.

JUDGE JOSEPH F. LISA

01:36:05:07 No, come on. Put your tongue out. Are you telling the truth? Okay. That's what I would do with my daughters [laughter], and if they were – I'd say, "Okay."

RICHARD K. LIEBERMAN

01:36:14:00 We've got a document you have to sign which is about the interview and about the taping we did. We'll send you a transcript.

JUDGE JOSEPH F. LISA
01:36:20:27 A consent? An informed consent?

RICHARD K. LIEBERMAN
01:36:22:20 An informed consent. It says that you [inaudible], that you're depositing intellectual control of this to us, and you'll get a transcript, and you'll correct it.

JUDGE JOSEPH F. LISA
01:36:33:12 Okay. Good.

RICHARD K. LIEBERMAN
01:36:33:26 And I'll sign it, and the president will sign it.

JUDGE JOSEPH F. LISA
01:36:35:13 Where do I sign?

STEVEN WEINSTEIN
01:36:35:28 Down here.

JUDGE JOSEPH F. LISA
01:36:36:27 Subject?

STEVEN WEINSTEIN
01:36:37:07 By "Subject," yeah.

RICHARD K. LIEBERMAN
01:36:38:11 And you'll head him back to the parking lot?

STEVEN WEINSTEIN
01:36:40:17 Oh, yeah. Oh, this pen's out of ink.

JUDGE JOSEPH F. LISA
01:36:42:26 One second. I got one.

RICHARD K. LIEBERMAN
01:36:54:13 Where's the bag?

STEVEN WEINSTEIN
01:36:56:03 Oh, right over there.

JUDGE JOSEPH F. LISA
01:36:58:28 I want to give you the film.

RICHARD K. LIEBERMAN

01:37:00:14 We have the film.

JUDGE JOSEPH F. LISA

01:37:00:29 You've got it already? Okay. Good, good, good.

RICHARD K. LIEBERMAN

01:37:03:06 I'm going to make a copy. Thank you so much. Steven will get you back.
Do you have a jacket? Do you have a coat?

JUDGE JOSEPH F. LISA

01:37:07:25 Yeah, I do. I do. I do. Thank you. Now, gentlemen [turning to the back], I
want to thank the both of you. I put you through quite an ordeal [laughter],
and you had to pay attention. I'm sorry. I'm sorry.

CAMERAMAN

01:37:21:15 We kept you focused. No problem. [Laughter]

RICHARD K. LIEBERMAN

01:37:26:14 Where's your bag?

JUDGE JOSEPH F. LISA

01:37:27:17 It's right in there.

RICHARD K. LIEBERMAN

01:37:29:07 Is this you?

JUDGE JOSEPH F. LISA

01:37:29:27 Yeah. There we go.

UNIDENTIFIED FEMALE

01:37:33:26 And your coffee, too.

JUDGE JOSEPH F. LISA

01:37:35:10 Oh, yes.

[Students find coffee]

JUDGE JOSEPH F. LISA

01:37:41:10 Oh, by the way, you ought to buy Stephen Joseph's book, *Dragon Within the
Gates*.

UNIDENTIFIED FEMALE

01:37:48:13 We have a copy.

RICHARD K. LIEBERMAN

01:37:48:23 We have it.

JUDGE JOSEPH F. LISA

01:37:49:06 Oh, you do? Okay. And I was going to tell you, but we didn't have enough time, about *Who Gave Pinta to the Santa Maria?* You know of course, I learned that people love to point fingers. "It's not us. It's them." But as I understand it, syphilis was not indigenous to Europe. If you go to the ancient burial sites in Metaponto in Southern Italy, in the Roman times called Metapontum – and you examine the skeletal remains of the ancients, you cannot find the damage done by the spirochetes that causes syphilis.

01:38:38:06 What they believe happened was that when Christopher Columbus "in 1492 sailed the ocean blue" and came to the Western Hemisphere, they brought over some terrible, terrible infections that the Aboriginal population had never seen before, had no antibodies to, no immunity to – devastated them. But they went back to Europe with the gift of syphilis. And when they got back to Italy, which was occupied – Southern Italy – by Spanish troops, the soldiers developed this malady. And when they returned back to Spain, they said, "This is the Neapolitan disease." And then the Austrians and the French drove the Spaniards out of Southern Italy, and when they got back to France, they said, "This is the Spanish disease." And the Swiss said, "This is the French disease," and everybody was pointing fingers. "This is the gay disease." "This is a heterosexual disease."

01:39:52:17 What we're dealing with is nothing new to us as a civilization. We always look to put the blame somewhere else. So that's what this was about. It was to give you some sort of a comparison to the fact that we didn't handle other things that well. So don't be too tough on the AIDS epidemic in our society. We're not good at these things. Again, thank you.

UNIDENTIFIED FEMALE

01:40:20:14 Thank you.

UNIDENTIFIED MALE

01:40:20:24 Thank you, Judge.

JUDGE JOSEPH F. LISA

01:40:21:13 Thank you.

UNIDENTIFIED FEMALE

01:40:21:16 Thank you so much.

JUDGE JOSEPH F. LISA

01:40:22:22 Thank you so much.

UNIDENTIFIED MALE

01:40:23:16 Thank you so much.

JUDGE JOSEPH F. LISA

01:40:24:10 Okay. Now, they told me they're going to leave the microphone on. When I leave this room, if you start knocking me – [laughter]

UNIDENTIFIED MALE

01:40:32:06 No chance at all. Thank you. It's been a pleasure meeting you.

UNIDENTIFIED FEMALE

01:40:37:08 Thank you, Judge Lisa.

JUDGE JOSEPH F. LISA

01:40:37:22 Thank you so much.

RICHARD K. LIEBERMAN

01:40:41:13 Watch your step here, Judge. This is –

[End of audio]

Duration: 101 minutes