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*Clio’s Scroll*, the Berkeley Undergraduate History Journal, is published twice yearly by students of the Department of History at the University of California, Berkeley. The journal aims to provide undergraduates with the opportunity to publish historical works and to train staff members in the editorial process of an academic journal. *Clio’s Scroll* is produced by financial support from the Townsend Center for the Humanities, the Associated Students of the University of California (ASUC), and the Department of History. *Clio’s Scroll* is not an official publication of the ASUC or UC Berkeley. The views expressed herein are solely those of the authors and do not necessarily represent those of the journal, the editors, the university, or sponsors.
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Note from the Editors

Dear readers,

We are pleased to present the Spring 2019 issue of *Clio’s Scroll*. We have three fascinating articles for this issue, ranging in period and place from the ancient Mediterranean to late 20th century Cuba.

As editors, we always seek a theme to unite all the articles we publish, and help us realize their broader place in history. For this issue, all of these articles reveal the impact broad trends in history can have on specific events and processes. In "εὐτυχία: The Romanization of Corinthian Athletics, 146 BCE - 200 CE," Benjamin Kaliff uncovers how the Roman Conquest of Greece effected the development of the Isthmian Games in Corinth. He demonstrates that over time a syncretism was achieved between Roman and Greek athletic traditions, manifested by the games. In "Legislation Born of a Vengeful Spirit," Elizabeth Perkins demonstrates that changes in the understanding of Reconstruction history effected the Supreme Court’s understanding of the Enforcement Acts of 1870 and 1871: from a view of Reconstruction as unnecessarily hostile to the south in the 1950s, to a view of it as positive and necessary in the late 1960s, the justices of the Supreme Court adjusted their interpretations, and became more favorable towards usage of the Acts. In "The Cold War Epidemic," Sam Aptekar explores how global geopolitics effected the treatment of AIDs patients in Cuba. His argument focuses on 1980s Cuba, when the country AIDs as an American, capitalist conspiracy, and thus didn't treat AIDs patients well; but in the 1990s, with Cuba in a recession, the government was forced to open its borders to trade and tourism, and the increased scrutiny demanded that the government provide better conduct. All of these articles remind us that context is crucial for the study of history, as without it none of these papers would have an argument to make.

The Editorial Board would like to thank the Associated Students of the University of California (ASUC) for their generous funding that makes this publication and editorial process possible. As always, we are indebted to the Berkeley Department of History for its steadfast support, guidance, and encouragement. Finally, we would like to thank our contributors; we hope their essays will inspire our readers by showcasing the possibilities of undergraduate scholarship.

With this issue, the old editorial board steps down, and a new one takes its place. The outgoing editors are grateful for the opportunity that they have had to perpetuate this journal, and the learning experiences that it has provided. We are confident that our new editor-in-chief, Geraint Hughes, and managing editor, Sophia Brown-Heidenreich, will continue the *Clio’s Scroll’s* legacy of publishing outstanding undergraduate historical scholarship, and will take the journal to new heights.

Sincerely, The Editors
Contributors

BENJAMIN KALIFF recently graduated from Bridgewater State University with a double major in History and Secondary Education. While his research typically focuses on early American intellectual, legal, and presidential history, he would like to thank Dr. Michael Ierardi for sparking an interest in ancient history and archeology.

ELIZABETH PERKINS is in her third year at Northwestern University studying History, concentrating in the Americas. She also studies Economics and Music. Her specific interests include American Reconstruction and legal history, particularly in the area of civil rights. She thanks Professor Kate Masur for her continuing mentorship throughout the research and writing process.

SAM APTEKAR graduated from Berkeley in December, 2018 with a B.A. in History. He is interested in the History of Medicine, particularly in the way national and state governments politicize health and disease. Sam hopes that his thesis on the AIDS Epidemic in Cuba has opened up new questions regarding the government's responsibility to protect the public's health, how rich countries utilize human rights violations to denigrate poor ones, and the thinly veiled line between robust public health measures and infringements on civil liberties and human rights.
A gilded silver cup, discovered in Berthouville, France and dated to the first century CE, is startling due to its distinctively Corinthian imagery. Likely produced in Italy, the cup portrays a victorious youth, accompanied by a divine Corinthian thiasos—a group of worshipers. Along with the boy sits the Greek god of the sea, Poseidon, the god’s female consort, and the divine horse Pegasos drinking from the streams of the nymph Peirene. Because of the popularity of the myth of the prince Bellerophon, famously depicted by the poet Pindar, it would be reasonable to assume the young boy is indeed the legendary figure meant to tame Pegasos with the help of Poseidon and Athena. Yet, the imagery that most clearly identifies the youth and explains his relationship with Poseidon, is not Pegasos, but the object upon his head. The traditional prize for the victor of the Isthmian Games, a crown made of pine, adorns the triumphant youth, along with a feathery palm and a prize table on which sits another pine wreath—suggesting the youth as not only a victor at the Isthmian Games, but a multiple victor. While unlikely to represent a real, contemporary victor at the Isthmian Games, the cup does show the celebration of the Greek athlete as the exemplary image of beauty, discipline, and excellence, both in terms of athletic success and virtue. Held in honor of Poseidon, the Isthmian Games were one of the four major athletic festivals held in Ancient Greece that made up the Panhellenic Games (the Isthmian Games, the Nemean Games, the Pythian Games, and, of course, the Olympic Games). And while the Isthmian games had a long tradition in Greek religious festivity, dating back to roughly the sixth century BCE, the sacking of Corinth in 146 BCE and its later re-colonization under Julius Caesar in 44 BCE began the Romanization of the Isthmian games. This process turned the
focus from the worship of their great gods like Poseidon and Zeus, to the deification and worship of their athletic victors, a position that became less a celebration of Greek beauty and excellence and more one of a Roman gladiatorial heroism.

The Isthmian Games provide a clear example of the Romanization of Corinth and the Isthmus, as depicted in its contests, monuments, and related governmental positions. The myth of the origins of the Isthmian Games gives credit to the legendary founder of Corinth, Sisyphus, who discovered the body of Melikertes-Palaimon after it had been carried by a dolphin to the Isthmus of Corinth, after which he called for the Isthmian as the funeral games in honor of
Melikertes-Palaimon. After their induction, the Isthmian was a source of Greek pride, entertainment, and tradition, a spectacle that drew crowds in the thousands from Greece and across the Mediterranean, even expanding their pool of athletes to allow for the participation of Romans in 229/8 BCE. So influential and attended was the Isthmian, that following the Roman army’s victory at the Battle of Cynoscephalae in 197 BCE, Titus Quinctius Flamininus used the Isthmian to declare the freedom of the Greek states from Phillip and the Macedonian Kingdom. Appian recounts the event in his Roman History:

When he had arranged these things with them he went to the Isthmian games, and, the stadium being full of people, he commanded silence by trumpet and directed the herald to make this proclamation, “The Roman People and Senate, and Flamininus, their general, having vanquished the Macedonians and Philip, their king, order that Greece shall be free from foreign garrisons, not subject to tribute, and shall live under her own customs and laws.”

While the peace between Corinth and Rome was short lived, the proclamation of Titus Quinctius Flamininus at the Isthmian Games began an allegiance between the people of Corinth and Rome. Yet, in 146 BCE, the Achaean League began to mobilize and declared war on Rome. After their swift defeat, Lucius Mummius Achaicus made an example of Corinth, sacking and destroying the city. Cassius Dio described the event, recounting how Lucius Mummius “sold the inhabitants, confiscated the land, and demolished the walls and all of the buildings, out of fear that some states might again unite with it as the largest city.” While the archeological record disputes the extent of Mummius’s destruction of the city, most notably in the form of an inscription honoring the feat of Marcus Antonius who transported his fleet across the Isthmus of Corinth in 102 BCE, the destruction was

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enough to end the tradition of Corinth hosting the Isthmian Games. Moved to the neighboring polis of Sicyon until shortly after the colonization of a new Corinth in 44 BCE. by a mix of Roman veterans and slaves, the Isthmian Games would take on a new form upon their return.

However, before a discussion of how the Games changed upon their return to the Isthmus, it is important to decipher when exactly the Games returned. In 29 BCE, Strabo commented during his visit to Corinth and the Isthmus that “on the Isthmus is also the temple of the Isthmian Poseidon, in the shade of a grove of pine-trees, where the Corinthians used to celebrate the Isthmian Games.” With Strabo’s publication finalized in 2 BCE, it is reasonable to assume that his comment would have held true some twenty-seven years later if it made the final cut. Yet, Strabo’s observations merely denote that the Isthmian was not being held at the

Figure 2: Inscription I-788-791 honoring the movement over the Isthmus of Corinth by the fleet led by Marcus Antonius in 102/1 BCE.

Strabo was a Greek geographer and historian famous for his Geography, which detailed the various groups of people known to the Romans and Greeks under the reign of Augustus.
Sanctuary of Poseidon at Isthmia (in present day Athina), but do not explain whether the Isthmian had returned to Corinthian control. Moreover, while repairs at the sanctuary began in the middle of the first century CE, landscaping work and the reconstruction of the theatre were not complete until sometime after. In fact, little activity appears to have occurred at the sanctuary until Nero’s reign between 54 and 68 CE. A list of victors from the Isthmian Games in 3 CE suggests that the games were certainly under Corinthian control, as the agonothete, the government official in charge of the Isthmian Games, was a Corinthian. Archeologists and historians, especially Elizabeth Gebhard, have argued that the Games returned to Corinth shortly after it became a colony under Julius Caesar. The evidence from the sanctuary, however, points to a new location for the Isthmian under Corinthian control.

Yet, evidence from Corinth itself also speaks to a new location for the Isthmian within the city proper. With Corinth rebuilt as a Roman colony, its Roman features are unsurprising. That being said, a

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characteristic structure of a Roman city was the circus, which was used for chariot races and included a spectator section for the viewing of the contests. In the *Lex Coloniae Genetivae*, the charter for the Spanish settlement of Urso, it is clear that the Roman circus was included in plans for Roman colonies. Since the Urso charter was written by Julius Caesar in 44 BCE, as the Corinthian charter likely was, it is reasonable to assume that a Corinthian charter would have similar elements. The Urso charter reads:

All aediles during their magistracy shall celebrate a gladiatorial show or dramatic spectacles to Jupiter, Juno, and Minerva, or whatever portion of the said shows shall be possible, during three days, for the greater part of each day, and during one day games in the circus or the forum to Venus, and on the said spectacles and the said show each of the said persons shall expend from his own money not less than 2000 sesterces, and from the public fund it shall be lawful for each several aedile to expend 1000 sesterces, and a duumvir or a prefect shall provide that the money shall be given and assigned, and it shall be lawful for the aediles to receive the same without prejudice to themselves.\(^\text{12}\)

Clearly then, the inclusion and use of a Roman circus in colonial cities was essential for the Empire. Since such athletic contests were quintessential to Roman society and culture, it is unsurprising for an extension of that society to include such events. Returning to Corinth, a team from the University of Texas under James R. Wiseman discovered a long, narrow structure south of the Gymnasium.\(^\text{13}\) Then called the “Apsidal Building,” excavated for a distance of about 19 meters with an interior width of ca. 3.5 meters, it included three large pits cut into the bedrock, shallow channels, a drain, as well as various objects that pointed to the various uses over time.\(^\text{14}\) Most importantly, the eastern end of the structure is of the same general size and shape for a low wall of a *meta*—or turning point—for a Roman circus. A large marble cone uncovered in the excavations adds to this idea, as the cone would presumably be used as a part of the *meta*. Curse tablets

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discovered within the Apsidal Building further suggest its use in athletic competition, as these lead tablets are often found near stadia and other Roman circuses.\textsuperscript{15}

Four distinct phases were identified for the site of the Apsidal Building: construction in the mid to late Augustan period, renovation in the late first century CE, reworking in the sixth century, and abandonment in the later sixth century. While construction in the Augustan period does not perfectly coincide with Gebhard’s suggestion of the Games’s swift

\textbf{Figure 4:} View of the Apsidal Building from the east, 1968 via J.R. Wiseman.

\textbf{Figure 5:} Alleged curse tablet found in the Apsidal Building, 1968 via J.R. Wiseman.

return after 44 CE, it does so for Strabo’s observations and the list of victors. However, an Augustan construction date does not completely dismiss Gebhard’s argument. Surely, the games could return to Corinth prior to the construction of a Roman circus in the city proper, but a circus would certainly aid in Corinth’s ability to host events. However, the circus’s alignment with other early colonial structures and building projects in the city suggest that the circus was a part of the early planning of the city. Since the Sanctuary of Poseidon shows no evidence of use before the reign of Nero, both the Isthmian Games and the Caesarea were held in Corinth prior. Along with a circus, by the end of the first century CE, Corinth had a theater and an odeon, a smaller theater with a roof, which would have undoubtedly hosted various musical contests that were later added to the Isthmian Games. Although no stadium has been discovered in the city, a circus supports the claim of Corinth hosting the Isthmian Games.

Given that the Isthmian Games returned to Corinth, fit with a new Roman circus to host its equestrian contests, the games’ change into a more Roman style began. Throughout the ancient world, Roman games spread wherever Roman influence reached. However, Greece was often seen by Romans as a place where the Roman athletic tradition could never take hold. Greek athletic events, the Isthmian Games included, represented “the height of culture, education, and healthy management of the body.” On the other hand, Roman games were typically grounded in violence and what would be seen as barbarity to a cultured Greek audience. Yet, according to the archeological record, evidenced by the construction of Roman athletic facilities, it seems that Roman athletics quickly rose in popularity in provincial Greece. Greek athletics traditionally focused on the personification of elite virtues, particularly beauty, while Roman games had a much different idea of what constituted a Roman athlete. Greek athletes would likely be those who could afford to be athletes. For a regular Greek citizen, training instead of working, travel to the games, and lodging all posed serious financial costs, making participation in the Isthmian Games—as well as any of the athletic contests—a generally elite activity. Roman athletic participation was almost the inverse of its Greek counterpart. Roman athletics, gladiatorial contests in particular, were typically filled with societal

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outcasts, criminals, foreigners, and slaves. Yet, the athletic contest itself was still able to embody the elite virtues of Roman society, despite its contestants being far from elite. These outcasts “demonstrated behavior that bore the hallmark of Roman virtues: discipline, technical brilliance, unconditional subordination, and contempt of death.” However, with *poleis* like Sparta sending elite soldiers to represent them, the Greek games could also adopt portrayals of martial culture and violence, allowing Greeks to identify the Roman virtues within their own sporting culture and tradition. Many Greeks did just that, with typically Roman events becoming mainstays in Greek celebrations. As aforementioned, Greek elites viewed their traditional athletic celebrations much differently than their Roman counterparts, causing much dissatisfaction upon the integration of Roman contests into Greek society. Dio Chrysostom was horrified upon witnessing Athens’s adoption of gladiatorial contests, after they had already become regular occurrences in Corinth, remarking that:

For instance, in regard to gladiatorial shows the Athenians have so zealously emulated the Corinthians, or rather, have so surpassed both them and all others in their daimonic madness, that whereas the Corinthians watch (these combats) outside the city in a glen, a place able to hold a multitude but otherwise filthy, and such that no one would ever bury any free person there, the Athenians look on at this fine spectacle in their theatre under the Acropolis itself, in the orchestra where they place Dionysos, so that often among them someone is ritually slaughtered upon the seats on which the Hierophant and the other priests are compelled to sit.

Athens, a city well known for its storied history of culture, philosophy, and democratic ideals, had been overtaken by the violence, bloodshed, and ritual slaughter of Roman spectacles. And while Dio viewed these gladiatorial contests as sacrilegious, defiling the seats in which the

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19 Michael J. D. Carter, “Presentation of Gladiatorial Spectacles in the Greek East: Roman Culture and Greek Identity” (Ph.D. diss., McMaster University, 1999), 13.
priests sit, he ignored the rapid popularity these Roman events garnered from non-elite Greeks. Louis Robert, who has researched gladiatorial inscriptions in Greece and argues that Roman gladiatorial contests quickly became popular forms of entertainment for non-elite Greeks, rather than a foreign imposition of Greek culture as elites like Dio would suggest.21 Yet, these contests were not simply accepted into Greek athletic culture, as Greeks appropriated these new Roman games by their own means, placing themselves within a “provincial reevaluation of what it meant to be Roman.”22 While Roman culture was previously influenced by its interactions with Greek athletics, Roman athletic traditions were now made digestible for the Greek citizenry during the Roman period of Greek history.

Outside of the Corinthian city proper, the Corinthian amphitheater would likely have been the venue for violent gladiatorial contests. The crowds that filled the amphitheater would not have been composed of people like Dio, the Greek elites, but regular Greeks who saw themselves as participants in a larger Greek provincial society.23 Yet, the magistrates tasked with assuring Roman power in the province used seating arrangements within the amphitheater, animal hunts, and criminal executions to ensure the stability, power, and order—specifically a Roman order—of society. This system allowed for the development not of a Panhellenic society, but a distinctively Roman provincial society. Beginning under the reign of Augustus, government officials required specific seating within the amphitheater. Specifically, the seating was arranged by societal importance from greatest to least: from front row back was senators, then equites, followed by the plebs, and lastly the women -- apart from vestal virgins, who served as the priestesses of the Roman goddess Vesta.24 These sections were further subdivided, ensuring each seat was known by its importance. Spectators would see the spectacle at hand, as well as a tangible recognition of their place in society.25

Yet, despite the inclusion of Roman contests in Greek venues, the way they were accepted was not simply submissive. The Greeks were particular in their adoption of the contests, delivering traditional

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25 Frilingos, Spectacles of Empire, 29-30.
Roman spectacles “against the background of an entrenched Hellenistic aesthetic.” The Greeks were unsupportive of the inclusion of Roman contests, specifically gladiatorial contests and beast hunts, into the Isthmian Games, but regardless the events were still held in other forums outside the Games, such as Corinth’s Caesarea or festivals held in the amphitheater. Other cities decided against the

Figure 6: Latin Inscription in honor of Laco, Corinthian agora.

Figure 7: Copper coin of C. Julius Eurycles from Lacedaemon, first century BCE via Yale University Art Gallery.

Frilingos, 29.
construction of an amphitheater to host various contests, choosing instead to renovate old theaters to accommodate for new events. Roman theaters were architecturally distinct from Greek theaters, as Roman theaters were enclosed completely, including a stage wall that rose to the height of the auditorium. The circular orchestra found in Greek theaters was bisected by the stage wall in Roman ones, creating a half-circle rather than a full circle. While Corinth had the luxury of building its theater over again, other cities were forced to renovate. The first of these renovations took place in Athens, after Tiberius Claudius Novius, a hoplite general and prominent member of the Athenian elite during the reign of Nero, funded the renovations during the first century CE. Still, these renovations were minimal, and Athenians changed the structure of the theaters only when it was necessary for use in Roman contests. Rather than completely conforming to the Roman culture, “the adaptation of the theater’s orchestra ... was a way of accommodating Roman spectacles without actually adopting Roman architectural forms, thus keeping Greek cultural identity relatively intact.” The only significant change to the theater in Athens was a parapet wall to shield the front rows of spectators. These small renovations allowed Greeks to take on Roman contests, without sacrificing the Greek setting in which they would take place, allowing for the continuation of a Greek athletic tradition in a Romanizing province.

While Greek elites were wary of the appropriation of Roman athletic contests, they quickly recognized the power of such events in furthering their own positions in Roman provincial society. By being the benefactors of Roman contests and imperial cult celebrations, wealthy Greeks were able to position themselves in way that displayed them as local patrons and supporters of the Roman imperial family. Due to this relationship between athletic festivals in Greek and Roman cultures, the position of agonothete—the government official in charge of such events—became increasingly important in provincial society, one of the most important for an elite looking to rise in power. The Euryclid family is indicative of such elites who used this position to better their political reputation. Originally from Sparta, the Euryclid

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family rose in prominence after Eurycles, the founder of the Euryclid family, chose to support Octavian through military service at the Battle of Actium. Rewarded with the Roman name Gaius Julius, as well as Roman citizenship, Eurycles was influential in Greece and beyond during the reign of Augustus, even spending time in the court of King Herod the Great. Despite falling into disfavor and eventually exile under Tiberius, Eurycles and the Euryclid name gained political prominence in Greece, with honors being paid at the Spartan Caesarea. The Euryclids became essential to the Corinthian and Isthmian athletic tradition in the form of Eurycles’s son and grandson. An inscription carved on a statue base of Acrocorinthian limestone in the agora reads:

TI CLAVDI CAESAR.
AVG GERMANICI
PROCVRATORI.
C IVLIO C. F FAB. LACONI
AVGNR. AGONOTHET
ISTHM. ET. CAESAREON
IIVIR. QVINQ. CVR. FLA. AVG
CYDICHVS. SIMONIS
THISBEVIS. B M

C. Juluis Laco, the son of Eurycles, is honored in the inscription. And while the inscription and a series of coins point to his control of his father’s principate, the most striking part of the inscription is the word AGONOTHET, which is quite clearly agonothete. Likely appointed under the Roman emperor Caligula, who ruled from 37 to 41 CE, Laco had risen to one of the highest position in Corinthian politics. Given the popularity of the Euryclids, for a member of the family to hold the position shows not only the importance of the family, but the importance of the position of agonothete.

Similarly, inscriptions of other agonothetes show not just their position in Corinthian politics, but how they used that position to further themselves. Titus Manlius Iuvencus, a local official, held the political offices of aedile, praefectus iure dicundo, duumvir, and pontifex

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32 Taylor and West, 390-392.
However, an inscription at Corinth points to Manlius’s role as agonothete of the Isthmian Games and the Caesarea. The inscription reads:

The members of the tribe Agrippia (dedicated this monument) to Titus Manlius Iuvencus, son of Titus, of the tribe Collina, aedile, praefect iure dicundo, duovir, pontifex, and agonothetes of the Isthmian and Caesarean games, who was the first man to schedule the Caesarean games ahead of the Isthmian games.34

Traditionally, the Isthmian Games were always held before the Caesarea, typically seen as an extension of Roman rule. However, Manlius ensured his loyalty to Rome, and the Roman imperial family specifically, by scheduling the Caesarea before the Isthmian Games.

While Greek elites saw the games and Roman contests simply as means to further their own positions or ensure the favor of the Roman imperial family, non-elite Greeks had a different experience in their involvement with Roman events. As gladiatorial games gained popularity in Greece, the participation in these games by Greek gladiators also increased. A number of epitaphs in honor of fallen Greek gladiators are prevalent within Greek cities, although typically in the Greek East.35 Often, these epitaphs are an inscriptions along with a relief “depicting the deceased either ‘in his glory’ or ‘in combat.’”36 These epitaphs were strategic, as they were placed in public for the average Greek, looking to spread the brave and heroic achievements of Greek gladiators throughout Greek society. Instead of being depicted as vulgar or “daimonic,” as Dio saw them, the Greek gladiators were represented as athletes and heroes, making the gladiators indistinguishable from the traditional Greek athlete (like the one depicted on the silver gilded cup found in Berthouville). More striking, as Cavan Concannon notes, is the translation from Latin to Greek of technical gladiatorial terms. These include “φα)ιλα (Latin: familia, “a gladiatorial troupe”), λο δου (in genitive; ludus, “games”), πάλος (palus, “a wooden sword”), σεκο τωρ, ητιάριος, μυρι ων, θρ ξ, προβοκάτωρ, εσσεδάριος (secutor, retiarius murmillo, thrax, provocator, essedarius, various specific kinds of gladiators),

The Romanization of Corinthian Athletics

σουμμαρο δῆς, σεκουνδαρο δῆς (summa rudis and secunda rudis, “referees”), τεῖων (tiro, “recruit”), παγανς (paganus, “civilian name”).

While the choosing of names may first appear to be trivial, the practice demonstrates the regard that Greek gladiators held their training in, as well as the sophistication of the audience, as they would be expected to know such terms. Instead of the Greek gladiatorial audience being a simple-minded, lesser strata of provincial Greek society, they were instead an intelligent and passionate spectatorship.

The blurring of the lines between athletes and gladiators was evident in the prizes awarded to successful gladiators and the gladiators’ perceptions of themselves. As previously mentioned, the prize for a victorious athlete at the Isthmian Games was a crown made of pine (and later celery). Greek gladiators would receive a similar crown upon their victory in the arena.

However, the most deliberate association between gladiators and Greek heroes was the names chosen by gladiators. A quarter of the names chosen were mythological in origin, including Achilleus, Aias, Patroklos, or Polynikes, while others made use of traditional virtues of athleticism like beauty (Euprepes, Euchrous, and Kallimorphos), speed (Polydromos and Tacheinos), and invincibility (Amarantos, Aniketos, and Pasinikos).

In doing so, gladiators attempted to depict themselves and their art as a continuation of Greek heroic and athletic traditions. A clear example of such naming can be seen through an inscription from the second century CE honoring the gladiator Melanippus that reads:

You see me, who was bold [θρασύν] in the stadia, dead, traveller, from Tarsis a retiarius of the second rank, (by the name of) Melanippus. No longer do I hear the voice of the bronze trumpet, nor when competing [ἀ(εθ)λων] do I raise the din of the unequal pipes. They say that Herakles completed twelve labors/prizes [ἀθλα], but I completed the same and finished with thirteen. Thallus and Zoe made this for Melanippus from their own funds in remembrance.

Melanippus is heralded as bold, a term often used in the writings of Homer, before being compared with Heracles—gatekeeper of Olympus, son of Zeus, and the god of athletes, sports, and heroes. Yet,

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this is only after Melanippus took his stage name, which was taken from the mythical Melanippus who fought at Thebes, defeating and killing Tydeus and Mecisteus, furthering the connection between gladiatorial honor and mythological tradition.

Corinthian artwork in Roman Greece also speaks to the blurring of the lines between Roman and Greek athletic culture, as well as the appropriation of Roman contests in Isthmian Greece. The first example comes in the form of a painting on the wall of the converted theater in Corinth. The painting depicts “a bull, richly caparisoned for the spectacle, with a fillet round the neck, a broad green band about the body and red discs on his side, is about to be transfixed on the point of a long spear held by a crouching bestiarius who supports the blunt end in the sand of the arena with his right foot.” While the majority of the painting has not been well preserved, the positioning of the bestiarius allowed for decent preservation, other than the upper half of his head. It is clear he is wearing a short white garment and leather straps, similarly to the hunter that appears to be his aide. The bull’s forelegs are off the ground, its tongue hanging from its mouth, while it is

![Figure 8: Painting on the Arena wall at Corinth via E. Capps, Jr.](image-url)
adorned quite abundantly, as is Roman tradition for beasts used in hunts. The painting in the converted theater provides concrete evidence of Roman games being used in Corinth. While such games were not adopted into the Isthmian itself, they became spectacles for large numbers of Corinthians, particularly as they took place within the city proper rather than at the Sanctuary of Poseidon (as the Isthmian was).

A Corinthian mosaic from the final years of what is typically assigned to Roman Greece depicts clearly the blurred line between Roman athletic violence and Greek athletic beauty. Likely installed ca. 200 CE, and later repaired in late antiquity, the Eutychia mosaic portrays a victorious athlete and a seated, semi-draped goddess. The youth is easily recognizable as an athlete, while the seated female figure holds a shield inscribed with the word “EYTYXIA,” meaning “success” or “good luck.” She invokes similar ideals of Eutychia, Aphrodite, Victory, and Fortune. Unlike typical portrayals of successful youth in Corinth, the young athlete is not adorned with a crown of pine or celery, as would be indicative of victory at the Isthmian Games. Yet, the seated female has drawn the vast majority of scholarly attention. While she has features of various traditional goddesses and other mythological or traditional images, she most notably resembles the armed Aphrodite. Yet the relationship between Aphrodite and Corinth is quite interesting. Seen as a god of war in Corinth, Aphrodite had long been referenced in regard to the important location of Corinth and the Isthmus, yet scholarly discussion over her relationship in the aftermath of Mummius’s sacking of the city in 146 BCE has taken a different look at Aphrodite imagery. C.K. Williams has argued that once Corinth became a Roman colony, “no longer in need of a guardian goddess for her now nonexistent walls, what use did the city have for a goddess of war and protection? Instead, it was her function as a goddess of love that satisfied the requirements of the new colonists.” Williams’s argument makes sense for Corinth’s outward, military interactions. However, with Aphrodite in this case wishing luck to a Corinthian athlete, it would seem as though the interests were domestic. Aphrodite’s

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43 Capps, 68-69.
44 Robinson, “Good Luck,” 105.
function of a goddess of war and protection would be foreign to an ancient Greek athletic tradition, but its Romanized version would be welcoming of such support. Roman contests by the time of the mosaic were widely popular in Corinth, events that were violent, bloody, and essentially small scale versions of the battlefield. The athlete portrayed in the mosaic, adorned with a crown not made of pine, may very well have been not a traditional Greek athlete, but instead a Corinthian gladiator. Aphrodite, wishing luck to the athlete before they stepped into battle in the arena, would be indicative of the lines that had been blurred in Greek society between gladiators and athletes. Roman influence in Corinth had created a new class of athletics in a city long known for its sacred athletic tradition of the Isthmian Games, in the form of gladiatorial contests and beast hunts, along with a new class of athletes and heroes in Greek gladiators.

Figure 10: Fig. 5. Eutychia mosaic, central panel with athlete and goddess (N. Anastasatou and B. Robinson; courtesy American School of Classical Studies, Corinth Excavations) via Robinson, “Good Luck,” 108.
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Legislation Born of a Vengeful Spirit

The Supreme Court Interprets Reconstruction History and the Enforcement Acts of 1870 and 1871

Elizabeth Perkins

Colfax, Louisiana, today is an unremarkable small town in Grant Parish. In 1873, however, it was the site of devastating racist attack on African Americans. A plantation town prior to the Civil War, Colfax had a majority African Americans population. After the war, equipped with the right to vote from the Fifteenth Amendment, African American Republicans acquired political influence in the town. When Democrats contested a Republican election victory in 1872, however, white residents in Colfax turned to violence to regain control in what Eric Foner calls perhaps the most violent example of racial terror in the United States during Reconstruction. After their election victory, African American Republican leaders in Colfax took shelter in the courthouse as they tried to retain power. After days of conflict, on Easter Sunday of 1873, Democratic leaders called for armed support to take over the Republican-controlled courthouse, and a mob of nearly 300 white men, many of them former Confederate soldiers, killed an estimated 150 black residents.

Without federal intervention, this horrific instance of racial violence would certainly have gone unpunished by state authorities. Until Reconstruction, states alone were responsible for criminal matters within their jurisdiction. In 1870 and 1871, however, as racial terrorism swept the South, the 41st Congress passed new laws called Enforcement Acts to curb and punish mob violence. These acts, for the first time, made many violations of civil rights a federal crime, opening the possibility for federal intervention in Colfax and other places. Under those acts, U.S. Attorney James R. Beckwith of

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[Lane, 95-107.]

[Foner, Reconstruction, 454-456.]
Louisiana charged several of the white aggressors in Colfax with multiple federal crimes and sought to convict them in federal court.\textsuperscript{51}

The Enforcement Acts were heavily contested by white southerners, Democrats, and some Republican congressmen. Opponents viewed them as the most radical adjustment of the balance between federal and state governments that the country had ever adopted: they provided for federal intervention in the prosecution of violent crimes by private individuals and state officers, matters which were previously left to the states for judgment. Republican congressmen viewed federal intervention as necessary to guarantee to African Americans the rights enumerated in Fourteenth and Fifteenth Amendments as states neglected them. These rights include the right to vote, to equal protection under the law, to due process, and to life and liberty in general. These laws attempted to resolve the problem of persistent white mob violence against African Americans in the South.\textsuperscript{52}

What has seldom been studied, however, is the way that biased versions of this history impacted the Supreme Court’s interpretation of the Enforcement Acts between 1880 and 1971. In deciding cases, Supreme Court justices often sought to understand the political and social context under which Congress passed laws to discover their intentions behind them. Their interpretations of Reconstruction history influenced decisions about the rights that Reconstruction legislations are designed to protect. In “The Supreme Court and the History of Reconstruction - And Vice Versa,” Eric Foner surveyed how changing versions of Reconstruction history shaped Supreme Court opinions in the twentieth century, but he spent little time on the Enforcement Acts and their significance.\textsuperscript{53} In her book \textit{Reconstructing Reconstruction: The Supreme Court and the Production of Historical Truth}, Pamela Brandwein discusses how competing versions of Reconstruction history developed, including the significance of slavery’s abolition and the Supreme Court’s production of history in the nineteenth and twentieth centuries. She, likewise, does not address the Enforcement Acts specifically.\textsuperscript{54} The Enforcement Acts, however, represent some of the most radical pieces of legislation that Congress passed during Reconstruction. Moreover, the language of the Enforcement Acts remains in the United States Code and continues to provide a

\textsuperscript{51} Lane, \textit{The Day Freedom Died}, 111-113.

\textsuperscript{52} Foner, \textit{Reconstruction}, 454-456.


framework for federal enforcement of civil rights. As such, the interpretation of Reconstruction history that courts adopted specifically in Enforcement Acts cases illuminates the legal inner-workings behind the history of white mob violence against African Americans and the arguments, grounded in many instances in misinterpretations of Reconstruction history, that have been used to deny action against racial terror. This article uses justices’ and judges’ rhetoric in court opinions in conjunction with their decisions as indicators of courts’ interpretations of Reconstruction history, that the Supreme Court has used varying interpretations of Reconstruction history to justify its decisions about the Enforcement Acts and federal protection of civil rights. After the acts were passed and through the first half of the twentieth century, courts refused to give effect to the Enforcement Acts using arguments based in legal technicalities.

In contrast, 1950s courts attempted to use their understanding of the context in which the acts were passed to determine the rights they should protect, turning to biased versions of history to claim that the acts could be inapplicable or protect only a narrow range of rights. The Supreme Court cited biased accounts of Reconstruction politics that reflected the viewpoint of Southern Democrats. Echoing the historians they read, justices described Reconstruction as an unfortunate period in American history, characterized by unwarranted hostility toward the South and disrespect for the Constitution on the part of Republican politicians. This perspective justified the Court’s arguments that Reconstruction measures should be interpreted narrowly or even ignored. Justices narrowed the scope of the Enforcement Acts and construed parts of them to be unconstitutional, insisting that they did not protect people from violations of their rights by private and by some types of state actors, or that they applied to a very limited range of rights of citizenship.

In 1966, however, as part of a decisive expansion of federal protection of civil rights, the Court changed course. It finally recognized what the Enforcement Acts represented in the 1870s and how they could be employed in modern context to punish and prevent denials of civil rights. At that time, the Court turned to a different story of Reconstruction: justices recognized the violence that African Americans were subject to after the Civil War, the patriotism and urgency with which Republican congressmen acted in passing legislation to combat the violence, and the importance of Reconstruction legislation for the development of American democracy. As a result, the Court saw the Enforcement Acts not as strange outliers in American law, but as provisions for securing civil
rights to all citizens. Justices then expanded the Enforcement Acts to protect against racial violence by both private and state actors.

I. Developing the Enforcement Acts: Radical Republican Reconstruction

In order to understand how justices and judges misinterpreted and misused Reconstruction history in their opinions regarding the Enforcement Acts, it is first essential to understand why and in what context Congress passed the acts. Prior to the passage of the Enforcement Acts, Reconstruction Congresses, led by Republican politicians, legislated to secure a democracy that protected the rights of all people, particularly African Americans. After abolishing slavery with the Thirteenth Amendment, Congress passed the Fourteenth Amendment in 1868, establishing universal birthright citizenship, guarantees of equality before the law and due process for all persons. In 1870, Congress ratified the Fifteenth Amendment to equip African American men with voting rights. Republican proponents of the Fifteenth Amendment saw suffrage to essential to promoting equality after slavery was abolished.

Southern white Democrats, however, sought to maintain racial hierarchy in the South by circumventing the Reconstruction Amendments. Democratic governments, beginning in the border states, established systems for disenfranchisement, such as poll taxes, stringent residency and registration requirements, gerrymandering, and the closure of polling places in African American communities, all of which avoided Fifteenth Amendment violations as they appeared racially-neutral on their face. The Ku Klux Klan and similar white terrorist organizations swept the South, using intimidation by violence to keep African American, and some white, Republicans from voting, bringing lawsuits, acquiring and maintaining political office, and exercising general rights of personhood and citizenship. They attacked African American schools, churches, and business places and targeted African American leaders to restore Democratic control of the South, maintain white supremacy, and rob African Americans of their new rights of citizenship. White supremacist organizations controlled political and social systems in pursuit of “home rule.” Some Democratic party leaders denied their affiliation with the Klan or even denied the existence of white terrorism; others minimized the accounts of Klan victims and rationalized Klan activities, blaming Klan victims

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56 Foner, Reconstruction, 448-449.
57 Foner, 421-423.
58 Foner, 425.
or claiming that the Klan was a small group, attributing violence to personal conflict rather than to a national project to maintain white supremacy.\(^a\)

Republicans in Congress developed the Enforcement Acts of 1870 and 1871 to combat this white supremacist violence and corruption. These acts enforced the Fifteenth and Fourteenth Amendments, respectively, and prohibited both private actions and actions “under color of law” that infringed on constitutional rights.\(^b\) Furthermore, the acts provided the federal government jurisdiction over cases which had previously been entirely the states’ prerogative.\(^c\) Thus, following extensive debate regarding the scope of congressional power granted by the Thirteenth, Fourteenth, and Fifteenth Amendments, the 41st Congress passed the First Enforcement Act in May of 1870. To note, Republicans outnumbered Democrats in the 41st Congress by more than three to one. Southern states had been gradually readmitted into the union between 1868 and 1870, and the partisan composition of Congress reflected the competing visions of federal power after the Civil War. The “radical” faction of the Republican party set out to realize what Eric Foner called “the utopian vision of a nation whose citizens enjoyed equality of civil and political rights, secured by a powerful and beneficent national state,” while the Democratic Party continued to uphold the rights of white men and vote against Reconstruction provisions.\(^d\) Representative John Bingham, a radical Republican from Ohio, proposed the First Enforcement Act, intended to protect Fifteenth Amendment rights, before the House of Representatives in February of 1870.\(^e\) The House soon passed a bill and sent it to the Senate on May 16.\(^f\)

In Congress, Senators debated the Enforcement Acts, considering their importance, provisions, and the extent to which the Fourteenth and Fifteenth Amendment should grant Congress the power to pass them. Throughout the twentieth century, justices and judges would cite southern Democrats’ opinions in Congress to justify

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\(^a\) Senator Morgan, speaking on S: 329, on March 29, 1871, 42nd Cong., 1st sess., Congressional Globe.

\(^b\) An Act to enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other Purposes. U.S. Statutes at Large 16 (1870): 140-146; An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes. U.S. Statutes at Large 17 (1871): 13-15.

\(^c\) Foner, Reconstruction, 455.

\(^d\) Foner, 230.

\(^e\) Senator Bingham, speaking on H: 1459, on February 21, 1870, 41st Cong., 2d sess., Congressional Globe.

\(^f\) Senator Bingham, speaking on S: 3503-3504, on May 16, 1870, 41st Cong., 2d sess., Congressional Globe.
limited interpretations of the Enforcement Acts and radical Republicans’ more progressive visions of the Constitution and racial equality from Congressional debates to expand the acts’ power. Radical Republicans in the Senate introduced the first Enforcement Act, arguing that the Fifteenth Amendment allotted Congress “ample and full” responsibility to pass legislation preventing violations of voting rights. Additionally, members of congress compared the denial of suffrage in the South to antebellum practices of southern state legislatures, claiming that the Civil War had grown out of a “systematic violation of individual rights by State authority.” In debates, they looked to the work of the Joint Committee on Reconstruction of the 39th Congress for authority and rearticulated broad visions of the Fourteenth and Fifteenth Amendments. For Republicans, Reconstruction represented a positive and revolutionary change to the structure of United States Government that protected rights with federal power.

Senators intently debated whether Congress could legislate to protect people’s rights against “private” action—that is, against the actions of people who were not state officials. The private action provisions of the Enforcement Acts were perhaps the most controversial aspects of the acts due to their ability to alter the balance between federal and state authorities to protect African Americans’ civil rights, but they were arguably the most important to realizing the radical Republicans’ visions for the Enforcement Acts to protect against mob violence across the South. The Fourteenth and Fifteenth Amendments explicitly prohibited state laws from denying rights but did not mention private actions. Because mobs were often composed of everyday people rather than government officials, it was unclear whether the Fourteenth and Fifteenth Amendments allowed the federal government to prosecute mob violence. In the twentieth

65 Senator Carpenter, speaking on S: 3563, on May 18, 1870, 41st Cong., 2d sess., Congressional Globe.
66 Senator Schurz, speaking on S: 3608, on May 19, 1870, 41st Cong., 2d sess., Congressional Globe.
67 Senator Howard, speaking on S: 3614, on May 19, 1870, 41st Cong. 2d sess., Congressional Globe.
68 The Fifteenth Amendment declares that “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” The Fourteenth Amendment declares that “No state shall make or enforce any law which shall abridge the privileges or immunities of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Constitution, amend. 15, sec. 1; U.S. Constitution, amend. 14, sec. 1.
century, justices justified their skepticism about the Enforcement Acts with assertions that their clauses regarding private action were outliers to American federalist principles. Radical Republicans in support of the provisions, however, argued that the Fourteenth and Fifteenth Amendments permitted Congress to not only address situations where state actors violated people’s rights but in cases where state inaction jeopardized protections over individuals’ rights. Thus, senators concluded that this type of state inaction, or state neglect of people’s rights, was a form of state action. Thus, the authors of the Enforcement Act of 1870 made it a federal offense for anyone to act or conspire to deny rights. The law protected not only suffrage, but also the “free exercise and enjoyment of any right or privilege granted or secured to him [any citizen] by the Constitution or laws of the United States,” as well as civil rights such as those “to make and enforce contracts, to sue, to be parties, to give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens.” These stipulations of the Enforcement Act of 1870 allowed the federal government to prosecute both public and private actions that prevented African Americans from voting when southern state legislatures failed to do so. The Enforcement Act of 1871 contained similar provisions.

Democrats in the Senate, opposing the private action provisions, argued that Congress had no constitutional authority to pass the bill and that federal protection of voting rights was unnecessary. This is the argument that echoed as justices and judges limited the power of the Enforcement Acts. Repeating their positions from during the Civil War, Democrats in the 41st Congress contended that the bill was too aggressive toward southern whites and infringed on states’ rights to preside over criminal law. They declared that the Fifteenth Amendment only allowed Congress to legislate if states passed laws that discriminated in voting rights explicitly on the basis of race and that it did not allow Congress to legislate on private action. In addition, Democrats doubted the validity of the Fifteenth Amendment itself because, as they saw it, Congress passed the amendment with the Republican party’s goals exclusively in mind and

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69 Senator Pool, speaking on S:3611, on May 19, 1870, 41st Cong., 2nd sess., Congressional Globe.
70 An Act to enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other Purposes. U.S. Statutes at Large 16 (1870): 140-146.
without representation from all states. Neglecting the realities of white terror in the South and their responsibility to protect African Americans, Democratic representatives opposed the broad version of Reconstruction that Republican representatives envisioned. Democratic Senator John Stockton of Delaware, for example, contended that the bill violated the Fifteenth Amendment because it allegedly favored voting rights of African American men over those of white men. Senator Vickers, concerned that the bill would lead to social equality, asserted that “providence” prescribed a racial hierarchy and that any system for enforcement of rights for African Americans would jeopardize that hierarchy. Vickers also accused the Republican Party of legislating for the “cherished African race” with partisan goals in mind. Some Democratic senators even attributed racial terror and political corruption to Republican politicians. When courts in the twentieth century rearticulated these arguments, they legitimized these positions of southern Democrats of the 1870s.

II. 1880-1950: The Supreme Court Begins to Interpret the Enforcement Acts

Reconstruction did not last long; by 1877, the Democratic Party regained control of Congress and southern state governments. Most white Americans, including leading Republican politicians, dismissed the revolutionary potential of Reconstruction to establish federal protection of civil rights. At the same time, historians began writing narratives that defended white southerners and blamed northern Republican politicians for subjecting the South unfairly to martial law and a “reign of terror.” As white cultural and historical memory portrayed Reconstruction as a regrettable period of American history, courts also limited the Reconstruction amendments and the legislation designed to enforce them. The Supreme Court declared that the Fourteenth Amendment protected a narrow range of privileges and immunities associated with federal citizenship (The Slaughterhouse Cases, 1873); that the Equal Protection Clause of the amendment permitted segregation if accommodations were ostensibly equal

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73 Senator Vickers, speaking on S: 3480-3485, on May 16, 1870, 41st Cong., 2d sess., Congressional Globe.
74 Senator Stockton, speaking on S: 3567, on May 18, 1870, 41st Cong., 2d sess., Congressional Globe.
75 Senator Vickers, speaking on S: 3484, on May 16, 1870, 41st Cong., 2d sess., Congressional Globe.
76 Foner, Reconstruction, 569-570.
(Plessy v. Ferguson, 1896); and that the amendment only allowed Congress to pass corrective legislation in cases in which states themselves denied rights (The Civil Rights Cases, 1883). By 1900, the Supreme Court’s interpretation of the Fourteenth Amendment institutionalized the Jim Crow regime that legalized a system of racial inequality, segregation, and humiliation. Similarly, the Court limited the Enforcement Acts.

The Supreme Court established a foundation for its narrow interpretations of the Enforcement Acts, which lasted into the twentieth century, with its decision in United States v. Cruikshank in 1876. In this case, only a few years after the Enforcement Act of 1870 was passed, justices considered the Colfax Massacre, an instance of racial violence of the precise nature that Republicans in Congress had intended for the act to punish. As such, Cruikshank effectively tested the applicability of the Enforcement Act of 1870. U.S. Attorney James R. Beckwith brought charges under the sixth section of the Enforcement Act of 1870, alleging that the white mob’s murder of an estimated 150 African Americans constituted a violation of “(any citizen’s) free exercise or enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States.”

Though Cruikshank did not develop an argument against the constitutionality of the Enforcement Acts, the case exemplified the Court’s reluctance to interpret the Enforcement Acts broadly.

In Cruikshank, Justice Morrison Waite, writing for the majority, refused to give effect to the Enforcement Acts and instead chose to read the indictment counts as being too vague. The prosecution alleged that, in attacking the courthouse and murdering African Americans, defendants had violated victims’ rights to bear arms, to security of life and liberty, and to vote on account of their race. The Court, however, found that the prosecution did not sufficiently explain how the conspirators’ actions represented a specific intent to violate rights on account of race. The Court established a precedent for declaring itself constitutionally powerless to prosecute racial violence under federal law, by alleging that the indictment was not specific enough.

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78 The Slaughterhouse Cases, 83 U.S. 36 (1873); The Civil Rights Cases, 109 U.S. 3 (1883); Plessy v. Ferguson, 163 U.S. 537 (1896).
79 U.S. Attorney James R. Beckwith brought charges under the sixth section of the Enforcement Act of 1870, which prohibited any conspiracy by private action “with intent to violate any provision of this act . . . or with intent to prevent or hinder his (any citizen’s) free exercise or enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States.” An Act to enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other Purposes. U.S. Statutes at Large 16 (1870): 140-146. United States v. Cruikshank, 92 U.S. 542, 548-550 (1876).
enough. The Court interpreted the case out of context and without the urgency which we might expect in a case of a white supremacist massacre during Reconstruction. Even at the time, people recognized the implications of *Cruikshank*. After hearing the Court’s ruling, Louisiana governor William Pitt Kellogg testified to Congress that Cruikshank “establish[ed] the principle that hereafter no white man could be punished for killing a Negro.”

In 1882, the Supreme Court again refused to acknowledge federal power to protect African Americans while white mob violence controlled the South. In *United States v. Harris*, the Court considered the private action clause from the Enforcement Act of 1871. This case began when a white mob in Tennessee assaulted four African American men in police custody, killing one. After the state failed to prosecute, federal charges were brought under the private action clause of the Enforcement Act of 1871. The Court, however, held that this section of the Enforcement Act of 1871 was unconstitutional. Echoing Democrats’ longstanding concerns, Justice William B. Woods declared for the Court that the Fifteenth Amendment only allowed Congress to prevent *states* from infringing on the right to vote on account of race, that the Fourteenth Amendment likewise only permitted legislation regarding *state* action, and that the Thirteenth Amendment only allowed Congress to protect individuals from involuntary servitude. Despite claiming to adhere to the Constitution, Woods fundamentally rejected the visions for the Fourteenth

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81 Martha McCluskey, “Facing the Ghost of Cruikshank in Constitutional Law,” *Journal of Legal Education* 65, no. 2 (Nov. 2015): JSTOR.
83 Federal charges were brought against Harris and nineteen other private individuals under section 5519 of the 1874 Edition of the United States Revised Statutes, which punished private action to deprive any person of equal protection or privileges and immunities under the law as well as conspiracy to prevent state authorities from ensuring those rights. *Revised Statutes of the United States* 18 (1874): 1070. *United States v. Harris*, 106 U.S. 629, 633-644 (1882).
Amendment of the radical Republican congressmen who had drafted and passed it.\textsuperscript{84}

From the 1870s through the first half of the twentieth century, courts followed the precedent established in \textit{Cruikshank} and \textit{Harris} to limit the scope of the Enforcement Acts. While the Court did sustain some indictments under the Enforcement Acts, those cases notably involved federal officials and thus were not subject to the argument that the Enforcement Acts represented an encroachment by the federal government into state matters. Generally, however, from the 1870s to the 1950s, the acts were not useful for combating mob violence and state violations of criminal rights.\textsuperscript{85}

\textbf{III. 1950-1965: The Court Misinterprets Reconstruction History}

In the 1950s, prosecutors increasingly brought cases under the Enforcement Acts, by then permanently part of the United States Code, to argue for federal protection of civil rights. While in \textit{Cruikshank}, \textit{Harris}, and other cases prior to this period court justices’ arguments regarding the Enforcement Acts had been grounded in legal technicalities, in this period, courts instead looked to the \textit{history} of Reconstruction to determine what the acts should protect and in what situations they could be used. Justices turned to biased or one-sided versions of history that could justify a narrow scope of federal protection under the Enforcement Acts. In some cases, justices and judges explicitly cited the words of members of the 41st Congress during debates regarding the Enforcement Acts.

The case of \textit{United States v. Williams}, decided in April of 1951, became an important benchmark for future cases. In that case, the Court drew on biased history to argue that the private action clause of the Enforcement Act of 1870 should be interpreted narrowly to not

\textsuperscript{84} \textit{United States v. Harris}, 106 U.S. 629, 637-639 (1882).

\textsuperscript{85} For example, in \textit{James v. Bowman} (1903), the Court held that the Fifteenth Amendment only prohibited states’ violations of voting rights; it did not allow the federal government to prohibit interference with voting rights by private actors under the Enforcement Acts. \textit{James v. Bowman}, 190 U.S. 127 (1903). In \textit{Logan v. United States} (1892), the Court held that the private action clause of the Enforcement Act of 1870 did apply to private individuals who conspired to injure and oppress persons held in federal custody. \textit{Logan v. United States}, 144 U.S. 263 (1892). Similarly, in \textit{United States v. Mosley} (1915), the Court found that the private action section of the Enforcement Act of 1870 applied to election officials who conspired to deny to persons the right to vote by refusing to count their votes in \textit{congressional} elections. \textit{United States v. Mosley}, 238 U.S. 383 (1915).
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protection Fourteenth Amendment rights. Courts thereafter would cite Williams’s interpretation of the Enforcement Acts, both in its constitutional as well as its rhetorical arguments, to preserve a narrow construction of the Enforcement Acts and an inaccurate story of Reconstruction. In Williams, federal prosecutors brought charges when employees of a detective agency, headed by Williams, and a Florida state police officer used force to coerce a confession out of an individual in their custody. The prosecution contended that the defendants, private individuals and a state actor, had violated both the private and state action components of the Enforcement Act of 1870 because they had conspired under color of law to deny the Fourteenth Amendment right to due process. The Court, however, concluded that the private action clause of the law did not protect Fourteenth Amendment rights. Relying on Democrats’ and white southerners’ racist stories about Reconstruction, the majority in Williams argued, “We base our decision on the history of § 241, its text and context, the statutory framework in which it stands, its practical and judicial application. . . The elements all converge in one direction.” The Court asserted that, because of the “conditions” of the Reconstruction period, the Enforcement Acts should be approached with caution and not construed to protect a broad range of rights from interference by private actors:

The dominant conditions of the Reconstruction Period were not conducive to the enactment of carefully considered and coherent legislation. Strong post-war feeling caused inadequate deliberation and led to loose and careless phrasing of laws relating to the new political issues. The sections before us are no exception. Although enacted together, they were proposed by different sponsors and hastily adopted. They received little attention in debate.

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These rights include those to the privileges and immunities of citizenship, to be free from deprivation of life, liberty, and property without due process of law, and to the equal protection of the laws. U.S. Constitution, amend. 14, sec. 1.


United States v. Williams, 74-75 (1951).
Portraying the work of Republican proponents of the Enforcement Acts as “careless” and “incoherent,” the Court did not acknowledge or contend with their intentions.

The Court also questioned the Enforcement Acts because they provided for federal intervention into criminal procedures in local courts. In part, such procedures had been adjudicated in local courts because the Supreme Court, since the passage of the Enforcement Acts, had not given force to the essential prospect of Reconstruction to provide federal protection of rights when states failed to guarantee those rights. These criminal procedure questions would have likely been handled more frequently in federal court if the Supreme Court had recognized from the 1870s that the Enforcement Acts allowed for federal protection of rights to due process and equal protection against denials by private individuals and state officials. Instead of interpreting Reconstruction legislations as the important changes to the American federalist system that they were the Court claimed that the legislations diverged from American federalist principles and that in denying their applicability, the Court adopted a rational approach to the Constitution. The Court’s approach, however, effectively maintained racial inequality because it denied federal protection of civil rights, particularly those denied to African Americans.

Writing for the majority in Williams, Justice Felix Frankfurter cited congressional debates over the First Enforcement Act to justify the Court’s decision. While he claimed to use the debates to determine Congress’s purpose in legislating, however, Frankfurter’s interpretation of the debates was one-sided. Frankfurter appears to have twisted pieces of senators’ arguments from debates to defend a narrow interpretation of the act. He cited Senator Casserly, a Democrat from California, as having had an “illustrative” perspective despite his opposition to federal intervention in combating Ku Klux Klan violence in the South. Casserly had been disturbed by the speed with which Congress passed legislation and worried that the bill threatened innocent people, rather than recognizing white southerners’ violence and Congress’s responsibility to protect African American victims. By its choice to cite Casserly, the Court implicitly endorsed this position.

Frankfurter also twisted the argument of Republican Senator Pool of North Carolina, the author of section six of the Enforcement Act of 1870. Frankfurter said Pool claimed that the federal government had the duty to intervene if any state neglected to “give every citizen within its borders a free, fair and full exercise and enjoyment of his rights…” and that non-state actors had the ability to deny Fourteenth

91 United States v. Williams, 74-75 (1951).
and Fifteenth Amendment rights to others. These arguments indicate that Pool intended for the bill to allow for federal prosecution of individuals who conspired to interfere with both Fourteenth and Fifteenth Amendment rights. Frankfurter, however, insisted that Pool’s argument did not suggest federal protection of Fourteenth Amendment rights against private action. The Court said of Pool, “In neither [passage] does he indicate distinctly the nature of the rights which § 6 [the private action statute] is to protect. The phrase ‘rights which are conferred upon the citizen by the fourteenth amendment’ does not necessarily refer to interests guaranteed by the Amendment against State action.” Thus, the Court found that the two sections, one preventing discrimination by state actors and the other preventing private conspiracy, applied to fundamentally different sets of rights: the Enforcement Acts protected people’s rights to due process and equal protection against interference by official actors, but when it came to private action, the acts protected only a narrow set of rights that “arise from the relationship of the individual and the Federal Government.” The Court in Williams continued to protect a federalist system which allowed people in states to violate Fourteenth Amendment rights without federal repercussions. In light of the history of racism and white supremacist terrorism in the United States, the implications of the Court’s interpretation were particularly adverse for African Americans.

While in Williams the Court considered the Enforcement Act of 1870, months later in June of 1951, the Supreme Court in Collins v. Hardyman considered the private action clause of the Enforcement Act of 1871. The defendants were private individuals accused of interfering with the equal protection of a class of persons by violently disturbing a political meeting. The Court determined, however, that the private action clause applied only to officials acting under color of law, again justifying its decision with its understandings of

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“Legislation Born of a Vengeful Spirit” | 39
Reconstruction politics. Writing for the majority, Justice Robert Jackson claimed that “The Act, popularly known as the Ku Klux Act, was passed by a partisan vote in a highly inflamed atmosphere. It was preceded by spirited debate which pointed out its grave character and susceptibility to abuse, and its defects were soon realized when its execution brought about a severe reaction.” By doubting the validity of the Enforcement Act, allegedly because of Congress’s partisanship during its passage, the Court echoed the Reconstruction Democrats. The Court’s argument was particularly reminiscent of senators’ charges that the Republican Party developed not only the Enforcement Acts, but also the Thirteenth, Fourteenth, and Fifteenth Amendments, not for the good of the country, but only for the advancement of the Republican Party, fundamentally denying the importance of Reconstruction for securing rights after the Civil War.

Jackson further aligned the Court with southern Democrats in Collins v. Hardyman by suggesting that the Democrats’ severe reaction to the bill meant that it was inapplicable altogether. Jackson also questioned the existence of Ku Klux Klan terrorism during Reconstruction, echoing remarks of Democratic senators such as Thurman, Stockton, and Davis. In addition, he cited the Enforcement Act of 1871 as, “among the last of the reconstruction legislation to be based on the ‘conquered province’ theory which prevailed in Congress for a period following the Civil War.” The “conquered province” theory was one of many theories advanced by Republican congressmen to explain the process by which former Confederate states would be readmitted to the union. By mocking the “conquered province” theory, the Court again doubted Reconstruction’s legitimacy and expressed sympathy for the white South. Jackson also cited Claude Bowers’s The Tragic Era, a biased and inaccurate portrayal of Reconstruction history, for its characterization of the act, the debates that preceded it, and its consequences.

After the Court rejected the acts’ private action provisions in United States v. Williams and Collins v. Hardyman, it weakened the acts’ provisions regarding state action. For example, in Stefanelli v. Minard (1951), the Court declared that the “under color of law” clause of the Enforcement Act of 1871 should not permit federal intervention when

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98 Senator Vickers, speaking on S: 3484-3485, on May 16, 1870, 41st Cong., 2d sess., Congressional Globe; Senator Davis, speaking on S: 3665, on May 20, 1870, 41st Cong., 2d sess., Congressional Globe.
100 Foner, Reconstruction, 232.
state officials obtained evidence unlawfully. The Court quoted both Williams and Collins to claim that Congress had not considered the Enforcement Acts adequately before passing them—that the acts were “loosely and blindly drafted in the first instance.”¹⁰² The Court also used Williams and Collins to argue that the acts should be approached with caution and should not be construed as to alter the “proper balance between the States and the federal government in law enforcement.”¹⁰³ The Court maintained that the federal government should “refuse to intervene” in state criminal proceedings, missing the radical Republicans’ view that the Enforcement Acts allowed for federal intervention when states failed to prosecute criminal activity.¹⁰⁴ And, as it had in Cruikshank, Harris, Williams, and Collins, the Court claimed that the Constitution itself restricted them to this narrow interpretation.

The Supreme Court’s understandings of Reconstruction and the Enforcement Acts influenced the interpretations of the acts in lower federal courts. In United States v. Bailes (1954), the Charleston Division of the United States District Court for the Southern District of West Virginia relied on Williams to assert that the private action clause of the Enforcement Act of 1870 applied only to rights which arise out of the “substantive power of the federal government” and not to rights promised by the Fourteenth Amendment.¹⁰⁵ In that case, defendants allegedly violated constitutional rights by conspiring to deprive individuals of their rights to join or to not join a union.¹⁰⁶ The court ruled, however, that this right was not one of national citizenship and thus could not be protected from private action under the Enforcement Act of 1870. To come to its conclusion, the court purported to determine the intent of Congress in passing the Enforcement Acts. Writing for the majority, Judge Harry E. Watkins quoted Frankfurter’s contention in Williams that “The dominant conditions of the Reconstruction Period were not conducive to the enactment of carefully considered and coherent legislation” and a dissenting opinion in Screws v. United States (1945), in which Justices Roberts, Frankfurter, and Jackson claimed that “It is familiar history that much of this legislation was born of that vengeful spirit which to no small degree envenomed the Reconstruction era. Legislative respect for

¹⁰³ Stefanelli v. Minard, 121 (1951).
constitutional limitations was not at its height and Congress passed laws clearly unconstitutional.” 107 Deeming the radical Republicans “vengeful” and implying that they were motivated only by partisan concerns, the district court ignored the context of the legislation and the Republicans’ desire to change the structure of the government, necessary to protect the rights of African Americans after the Civil War.

Similarly, the United States Court of Appeals for the Fifth Circuit in Francis v. Lyman (1954) used precedent to justify a narrow construction of the state action statute from the Enforcement Act of 1871. 108 The court in Francis determined that a state official in Massachusetts who allegedly held a resident in a psychiatric hospital without warning or hearing could not have violated a federal right because he acted “in good faith” and in accordance with procedures established by the state. 109 State officials, the court said, could not be held personally liable if they acted to deprive a right based on a facially-neutral but perhaps practically-biased state law. In the majority opinion, Judge Calvert Magruder presented two approaches for applying the Enforcement Act statute:

(1) They may give effect to the statute in its literal wording, and thus reach results so bizarre and startling that the legislative body (that considered the statute) would probably be shocked. . . (2) The courts may refuse to regard the statute as an isolated phenomenon, sticking out like a sore thumb if given a strict, literal application; and upon the contrary may conceive it to be their duty, in applying the statutory language, to fit the statute as harmoniously as may be into the familiar and generally accepted legal background... 110

The court did not consider its first option seriously. Instead, Magruder justified the court’s decision to narrow the statute by aligning with cases that were based on racially-biased versions of Reconstruction history and on the Supreme Court’s reluctance to grant federal power

108 Francis v. Lyman, 216 F.2d. 583 (1st Cir. 1954).
110 Francis v. Lyman, 216 F.2d. 583, 587 (1st Cir. 1954).
for the guarantee of civil rights to African Americans. Magruder claimed that if Reconstruction legislation were embraced to its full effect, it would adversely alter the relationship between the states and the federal government. In Reconstruction, however, Congress had intentionally altered the balance between federal and state power to protect against states’ abuse of power. Because the Supreme Court had quickly denied the potential of Reconstruction legislation in the late nineteenth century, however, courts in the 1950s viewed broad interpretations of federal power in law as an “appalling inflammation.”

Similarly, in *Negrich v. Hohn* (1965), the United States Court for the Western District of Pennsylvania used its analysis of Reconstruction politics, citing biased Reconstruction history, to limit the scope of federal power to prevent violations of criminal rights by state action under the Enforcement Act of 1871. In that case, the court considered whether assault and battery by a state official to coerce a confession constituted a violation of the state action section of the Enforcement Act of 1871. Judge Edward Dumbauld in the opinion analyzed the history of Reconstruction to justify his conclusion, characterizing the state action section as “...a remnant of the unedifying and unsavory Reconstruction period which Claude Bowers has aptly called ‘The Tragic Era.’” Dumbauld summarized Reconstruction politics, criticizing Reconstruction Congresses for assuming powers previously belonging to local governments, giving

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Francis v. Lyman, 216 F.2d. 583, 587-589 (1st Cir. 1954).

There are other lower court cases in which judges used a similar argument to justify narrow constructions of the Enforcement Acts. For example, federal courts repeated the puzzling “two possible alternatives” approach to the Enforcement Act statutes abbreviated in *Francis v. Lyman* in subsequent cases, including *Byrd v. Sexton* and *Johnson v. New York State Education Dep’t*, to justify a narrow approach to the Enforcement Acts. In *Johnson* (1970), the United States District Court for the Western District of New York doubted that the state action clause applied to a denial of equal protection by state action because of the acts’ “capacity to inflame ‘delicate state-federal relationships and state local relationships.’” *Johnson v. New York State Education Dep’t*, 319 F.Supp. 271, 278 (United States District Court for the Eastern District of New York 1970).

In *Byrd v. Sexton* (1960), the United States Court of Appeals for the Eighth Circuit concluded that the Enforcement Act of 1871 did not protect against civil rights injuries by private individuals, even if state action was involved. Quoting Williams, Collins, and Stefanelli directly, Judge Harry Blackmun in the opinion noted that Reconstruction “was not conducive to the enactment of carefully considered and coherent legislation,” that the Act was “passed by a partisan vote in a highly inflamed atmosphere,” and that it was “loosely and blindly drafted in the first instance.” By repeating doubts about Reconstruction and by relying on court cases which echoed those ideas, the appeals court undermined the act’s potential to protect a broad range of rights. *Byrd v. Sexton*, 277 F.2d. 418, 427 (8th Cir. 1960).
military authority over civil government, and changing the “normal” relationship between the states and the federal government. He reasoned, “Instead of ‘an indissoluble Union, composed of indestructible States,’ theories of ‘forfeited rights,’ ‘State suicide,’ ‘conquered provinces,’ and other anomalous concepts foreign to orthodox American political philosophy were rampant.”

IV. 1966-1971: The Court Adopts a New Vision of History and Law

The conservative story of Reconstruction adopted and perpetuated in *Williams* and subsequent cases in the mid-twentieth century dominated court doctrine, but it was not the only story. Between the 1951 case of *Williams* and 1966, seven seats on the Court changed hands. In 1953, Earl Warren was appointed Chief Justice, marking the beginning of the “Warren Court” period, during which the Court significantly expanded federal protection of civil rights. The Warren Court outlawed segregation in public schools, prohibited required prayer in public schools, expanded criminal rights, allowed the federal government to intervene in redistricting to protect voting rights, and expanded rights to freedom of speech and privacy.

Relying on accurate understandings of Reconstruction history and, as a result, recognizing the importance of Reconstruction legislation the Warren Court also increased federal protection of civil rights under the Enforcement Acts.

In *Monroe v. Pape* (1962), the Court determined that state actors could be liable for a federal crime under the Enforcement Acts for violations of state laws based on its understanding Congress’s intent for the acts. Writing for the majority, Justice William O. Douglas used congressional debates from the 39th, 41st, and 42nd Congresses to determine that Congress intended for the state action clause to enforce...
the Fourteenth Amendment and protect the right to due process. He argued that the state action clause intended to override discriminatory state laws and provide remedy both when state laws were inadequate and when state laws were “adequate in theory” but not “available in practice.”

Douglas attempted to offer a balanced and persuasive version of the history and context of the act to justify its broad interpretation. He cited ten Republican congressmen and even some Democratic congressmen who both opposed the provisions of the act on the grounds that it would provide federal jurisdiction for cases in which state justice systems failed to prosecute individuals but also who rejected the reality of corruption in southern states. Douglas noted, “It was precisely that breadth of the remedy which the opposition emphasized” to argue that the 42nd Congress would read the statute with the broad interpretation that the Court adopted in *Monroe v. Pape* to conclude that state officials could be liable under federal law for violations of state laws.

Then, in 1966 with *United States v. Price*, the Warren Court found that the Enforcement Act of 1870 should protect Fourteenth Amendment rights to the privileges and immunities of citizenship as well as to equal protection and due process of law. In that case, the Court considered the infamous 1964 murder of civil rights activists Chaney, Goodman, and Schwerner, otherwise known as the “Mississippi Burning” victims. The activists were affiliated with civil rights groups the Council of Federated Organizations (COFO) and the Congress of Racial Equality (CORE) and were travelling to speak at a church that white terrorists had burned in retaliation to Freedom Summer activism. The three men were pulled over for speeding and arrested. After their release from jail, local members of the White Knights of the Ku Klux Klan, including Neshoba County deputy sheriff Cecil Price, together abducted and lynched the men. The FBI indicted three law enforcement officials as well as fifteen private individuals for the murders. Disagreeing fundamentally with the Court’s declaration in *Williams* that the Enforcement Act should not protect Fourteenth Amendment rights, the Supreme Court in *United

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States v. Price convicted Price as well as six of the fifteen private individuals under the act. In Price, the Court significantly expanded the scope of the Enforcement Act largely based on its more accurate interpretation of congressional intent. Price, other law enforcement officials, and their associates were accused of violating a federal right to due process of law of the Fourteenth Amendment under the private and state action clauses of the Enforcement Act of 1870 when they arrested and murdered Chaney, Goodman, and Schwerner. In a critical shift in both rhetoric and doctrine that acknowledged the power of Reconstruction legislation, Justice Abraham Fortas declared for the majority, “We think that history leaves no doubt that, if we are to give § 241 the scope that its origins dictate, we must accord it a sweep as broad as its language.” Fortas asserted that “The language of § 241 is plain and unlimited. As we have discussed, its language embraces all of the rights and privileges secured to citizens by all of the Constitution and all of the laws of the United States.” As in Williams, Collins, and other cases, Fortas in Price set out to understand the scope of the Enforcement Act statutes by analyzing their history and context. In Price, however, the Court came to a fundamentally different conclusion regarding the intentions of the Reconstruction congresses in passing the Enforcement Act of 1870.

The Court in United States v. Price read the Enforcement Act of 1870 as an extension of Reconstruction legislation: “In this context, it is hardly conceivable that Congress intended § 241 to apply only to a narrow and relatively unimportant category of rights. We cannot doubt that the purpose and effect of § 241 was to reach assaults upon rights under the entire Constitution, including the Thirteenth, Fourteenth and Fifteenth Amendments, and not merely under part of

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123 United States v. Price, 800 (1966). While acknowledging the limitations that Williams imposed on the private action clause’s applicability to Fourteenth Amendment rights to due process and equal protection, Fortas claimed that Williams did not definitively answer this question: four justices of the majority thought that the act should not protect Fourteenth Amendment rights and four dissenting justices thought that the act should protect those rights, but Justice Black, concurring, had said nothing on the issue, aligning with the majority based on a technicality. As a result, the majority opinion in Williams held that the Enforcement Act of 1870 should not protect Fourteenth Amendment rights, but the Court in Price theorized that a majority of the justices had not agreed with that conclusion.
Fortas declared that Reconstruction congressional debates and reports from the congressional Joint Committee on Reconstruction suggested that the Fourteenth Amendment and Reconstruction legislation should afford the federal government broad powers to protect civil rights. In addition, he cited Republican Senator Pool to assert that the two sections of the Enforcement Act, together, protected Fourteenth Amendment rights from infringement by private actors aided by state officials. Senator Pool had noted that in the aftermath of the Civil War and the Reconstruction Amendments, it was Congress’s obligation to protect African Americans from private action that sought to deprive them of not only of voting rights, but also those promised by the Fourteenth Amendment. Fortas quoted Pool, saying that he believed that “the legislation must therefore operate upon individuals. He made it clear that ‘it matters not whether those individuals be officers or whether they are acting upon their own responsibility.’” The Court also rejected the long-upheld idea that a recognition of such sweeping federal power would adversely affect our federalist system. Instead, the Court declared that the work of the Reconstruction Congresses had effectively put civil rights into the realm of federal jurisdiction. Moreover, Fortas noted that “federal participation has intensified as part of a renewed emphasis upon civil rights,” situating the case in the Warren Court’s expanding recognition the federal government’s role in guaranteeing civil rights.

In the same year, the Court in *United States v. Guest* reaffirmed its conclusion that the Enforcement Acts should protect Fourteenth Amendment rights from some forms of private action, recognizing the importance of the acts’ legacy in Reconstruction to allow for federal intervention when states did not protect individuals’ Fourteenth and Fifteenth Amendment rights from interference by private action. The defendants, six private individuals, were charged under the Enforcement Act of 1870 with conspiring to deny rights to equal enjoyment of public accommodations, equal utilization of public services, and the right to interstate travel and interstate commerce when they allegedly shot, beat, and killed African Americans. Two of

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127 Senator Pool, speaking on S: 3611, on May 19, 1870, 41st Cong., 2d sess., Congressional Globe.
the defendants, Cecil W. Myers and Joseph H. Sims, had already been found not guilty of their murder of Lemuel Penn, a decorated World War II veteran and Superintendent of D.C. Public Schools, whom they had shot and killed on the side of a highway in Madison County, Georgia.

The Court found the six defendants guilty of criminal conspiracy with intent to violate rights of the Constitution under the Enforcement Act of 1870 by adopting a broad interpretation of the rights that the act was designed to protect. Discussing the alleged rights violated, Justice Potter Stewart, writing for the majority, found that the right to interstate travel was ensured by the Constitution, apart from the Fourteenth Amendment, and thus was protected by the private action clause of the Enforcement Act of 1870 if the prosecution proved specific intent to violate the right on account of race. In addition, the Court found that the right to equal use of public services and facilities owned, operated, or managed by the State of Georgia was guaranteed by the Equal Protection Clause and declared, based on its decision in *Price*, that the private action clause protected these rights promised by the Fourteenth Amendment. Only state action could violate the Fourteenth Amendment, according to Stewart, but it was “sufficient that the participation of the state is peripheral, or that its action is only one of several co-operative forces leading to the constitutional violation.” In this case, defendants caused the arrest of African Americans when they falsely reported criminal action, which was sufficient peripheral state action to constitute a violation of the Equal Protection Clause. In *United States v. Price* and *United States v. Guest*, the Court adopted the idea expressed by Republican congressmen of the 41st Congress that the Enforcement Acts would provide additional federal protection for denials of Fourteenth and Fifteenth Amendment rights in cases in which states neglected to enforce the amendments, particularly in situations in which individuals or small groups of individuals acted, whether in opposition to or according to state law, to deny rights.

Thereafter, courts used the decisions in *United States v. Price* and in *United States v. Guest* as a basis for insisting that civil rights violations could be prosecuted by the federal government. For example, in *Wilkins v. United States* (1967), the United States Court of Appeals for the Fifth Circuit found that conspiracy by private individuals to deny attributes of “national citizenship” in absence of

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state action was a federal crime under the Enforcement Act of 1870.\footnote{Wilkins v. United States, 376 F.2d 552, 557-560 (5th Cir. 1967). Federal prosecutors charged appellants Leroy Wilkins, Jr. and Eugene Thomas under section 241 of Title 18 of the United States Code. Conspiracy against rights, U.S. Code 18 (2019) § 241.} In Wilkins, private actors harassed and assaulted protesters marching from Selma, Alabama to Montgomery, Alabama advocating for African Americans’ voting rights, ultimately killing march participant Viola Liuzzo.\footnote{McGuire, At The Dark End of the Street, 223-229.} Judge James P. Coleman for the appeals court found that, despite the fact that no state action was involved, the conspirators were liable under the private action clause because they had interfered with rights to peaceably assemble to petition Congress for a redress of grievances, to interstate travel, to vote in federal elections, and to be exempt from discrimination on account of race in voting rights, which were rights guaranteed by the federal government apart from the Fourteenth Amendment. By situating these rights outside of the Fourteenth Amendment, the Court could more easily conclude that private actors, working alone, could be liable under the private action clause. The Court recognized that Reconstruction Congresses wrote the Enforcement Acts to prevent private as well as state actors from infringing upon citizens’ rights.\footnote{Wilkins v. United States, 376 F.2d 552, 561-563 (5th Cir. 1967).}

Finally, in Griffin v. Breckenridge (1971), the Supreme Court analyzed the context of the Enforcement Acts to determine that the private action clause of the Enforcement Act of 1871 applied to private conspiracies. In particular, the Court convicted private actors who violently interfered with individuals whom they thought were civil rights activists travelling on the highway with violating a right to interstate travel under the clause.\footnote{Petitioners brought charges alleging racially-motivated assault under part three of section 1985 of Title 42 of the United States Code. Conspiracy to interfere with civil rights, U.S. Code 42 (2019) § 1985. Griffin v. Breckenridge, 403 U.S. 88, 89-94 (1971).} In perhaps the most remarkable analysis of Reconstruction in this series of cases, the Court determined that, while the Fourteenth Amendment would require state action to find a violation, the private action section was constitutional under congressional power to enforce the Thirteenth Amendment to abolish “badges and incidents” of slavery. Writing for the majority, Justice Stewart declared:

By the Thirteenth Amendment, we committed ourselves as a Nation to the proposition that the former slaves and their descendants should be forever free. We can only conclude that Congress was wholly within its powers under § 2 of the
Thirteenth Amendment in creating a statutory cause of action for Negro citizens who have been the victims of conspiratorial, racially discriminatory private action aimed at depriving them of the basic rights that the law secures to all free men.\textsuperscript{138}

Stewart asserted that the private action clause could apply to denials of equal protection of the laws when the violation was motivated by a race-based or other class-based animus, finding private discrimination motivated by racial animus to be part of “badges and incidents” under the 13th Amendment and to exist outside of the Fourteenth Amendment. While the Court did not overturn \textit{Collins v. Hardyman} (which had declared that the private action clause did not apply to private conspiracy to deny rights) due to a technicality, it interpreted the section in the context of its companion provisions in the Enforcement Act of 1871, noting that if the private action clause required state action, it would simply never be useful.\textsuperscript{139} Stewart also cited the explanations of the section by Republican Senators Shellabarger and Pool in debates in the 42nd Congress, who understood the statute to punish private interference. Shellabarger had said, “...any violation of the right, the \textit{animus} and effect of which is to strike down the citizen, to the end that he may not enjoy equality of rights as contrasted with his and other citizens’ rights, shall be within the scope of the remedies of this section.”\textsuperscript{140} Recognizing the Republican visions for the Enforcement Acts to punish private action, the Court shifted fundamentally in \textit{Griffin v. Breckenridge}.

\section*{V. Conclusion}

While Republicans in the 41st and 42nd Congresses who proposed the Enforcement Acts intended for them to provide for federal protection of Fourteenth and Fifteenth Amendment rights in situations in which states did not protect those rights against interference by non-state actors, this vision was not adopted by the Supreme Court until 1966. Immediately after the acts were passed and through the first half of the nineteenth century, courts limited the applicability of the Enforcement Acts with arguments concerning the balance between federal and state power. In their decisions, courts questioned the legitimacy of Reconstruction legislation. Later, when courts in the 1950s looked to history to understand the meaning of the

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\textsuperscript{139} \textit{Griffin v. Breckenridge}, 97-99 (1971).
\textsuperscript{140} Cited in \textit{Griffin v. Breckenridge}, 403 U.S. 88, 100 (1971).
\end{flushleft}
Enforcement Acts, they continued to limit the Enforcement Acts and more explicitly questioned the legitimacy of Reconstruction legislation to secure civil rights, protected by the federal government, for all citizens in the aftermath of the Civil War. It was not until the Warren Court adopted and articulated a more accurate understanding of Reconstruction history in the 1960s that the Supreme Court and lower courts gave effect to the intention of the Reconstruction Congresses to use federal power to protect against denials of Fourteenth and Fifteenth Amendment rights by private individuals, particularly in cases of white mob violence against African Americans.

In *United States v. Williams* and *United States v. Price*, Justice Stewart situated the cases not only in the Warren Court’s expansion of federal power, but also in an emerging revisionist history of Reconstruction which recognized the importance of its legislation. Stewart reiterated Justice Fortas’s analysis from *United States v. Price* that “The approach of this Court to other Reconstruction civil rights statutes in the years since *Collins* has been to "accord [them] a sweep as broad as[their] language." At the same time that the Warren Court significantly expanded federal protection of civil rights, historians were developing a more accurate and comprehensive understanding of Reconstruction history. In the early twentieth century, Bowers and other historians had described Reconstruction as a “Tragic Era” and perpetuated narratives that vilified Republican politicians, underestimated white violence against African Americans, and thus forgot the importance of Reconstruction federal policies for guaranteeing civil rights. While some authors had offered alternative interpretations, these versions of history were dominant and the Supreme Court had adopted their ideas.

In the 1960s, perhaps accelerated by the American Civil Rights Movement, Kenneth Stampp and other historians developed a new narrative, incorporating a more complete view of the Civil War and Reconstruction conditions in the South as well as in Congress. This more comprehensive understanding of Reconstruction helps not only to understand history for history’s sake, but also to understand how the legacies of Reconstruction and our failure to realize its potential impacted people’s lives. For the Supreme Court in the 1960s, these historians’ work facilitated a critical expansion of the Enforcement Acts to protect people from rights violations from mob violence and state action. For example, in *United States v. Price*, the Court cited

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142 Bowers, *The Tragic Era*.
Stampp’s *The Era of Reconstruction: 1865-1877* to claim that, “Despite subsequent statements to the contrary, nothing in the records of the congressional debates or the Joint Committee on Reconstruction indicates any uncertainty that its [the Fourteenth Amendment’s] objective was the protection of civil rights.”144 In that case and in *United States v. Guest*, and *Wilkins v. United States*, and *Griffin v. Breckenridge*, convicting white mobs under the Enforcement Acts for their murder of African Americans, courts recognized the parallels between white mob violence toward civil rights activists in the 1960s and that toward African American citizens during Reconstruction. When Reconstruction Congresses passed the Enforcement Acts, they did so precisely to curb and convict Ku Klux Klan violence that sought to keep African Americans from advancing socially, economically, and politically after slavery was abolished. The Warren Court recognized that the Enforcement Acts should also protect against white mob violence against people who sought in the Civil Rights Movement to secure the rights for African Americans that had so long been denied in the American South. This expansion was possible with an accurate understanding of the acts’ context and purpose in Reconstruction.

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The Cold War Epidemic

HIV/AIDS in Cuba from the Patients’ Perspectives, 1986-1993

Samuel Aptekar

On a Friday evening in late October 1988, Giraldo Abreu jumped the wall surrounding the Los Cocos AIDS sanatorium in Santiago de las Vegas, Cuba. As part of a quarantine measure instituted by the government in 1986, Cuban health officials had sent him to live in Los Cocos and join those who had also tested HIV-positive. As he had done on most Fridays for months, Abreu took advantage of evening’s veil to avoid detection by the sanatorium officials as he embarked on his prohibited visit to Havana about twenty kilometers away. However, this time he did not return the following evening as he normally did, nor was he able to maintain an undetected absence.

The United Nations Commission on Human Rights had just arrived in Havana after accepting a Cuban invitation to investigate human rights abuses on the Caribbean island, providing Abreu the opportunity to denounce the treatment of HIV-positive Cubans in the Los Cocos sanatorium. With the “purpose of improving the parts of the regime they instituted on us,” Abreu secretly cleared the wall and took a bus to Havana where he planned to present himself in front of the Commission.145

When Abreu arrived at the Hotel Comodoro, he was terrified to find Primera Avenue littered with police patrol cars and special brigade units. After two of Cuba’s most prominent anticastristas, Ricardo Bofill and Gustavo Arcos, recorded Abreu’s testimony, a Cuban soldier attempted to provoke him by whistling La Internacional—an anthem sung by socialists throughout the world. As Abreu described it, he had placed himself in the “mouth of the wolf.”146

After leaving the hotel, an unknown man approached Abreu, handcuffed him, and pushed him into a car that drove him to the Santiago de las Vegas municipal jail. The police officers “barked” at him “as if they were dogs,” accused him of being ungrateful, and

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145 Miguel Ángel Fraga, En un Rincón cerca del cielo: Entrevistas y testimonios sobre el SIDA en Cuba (Valencia: Aduana Vieja Editorial, 2008), 126.
146 Fraga, En un Rincón cerca del cielo, 128.
compared his situation to people with HIV in other countries who “were dying in the street without any medical attention.”

This is how Giraldo Abreu recalled the events of October 1988 when Miguel Ángel Fraga, a fellow patient in Los Cocos, interviewed him seven years later. His recollection of this week in 1988 raises several significant questions. Why was a Cuban soldier whistling a socialist hymn to provoke him in line? Why did state officials pursue him so that his testimony wouldn’t reach the international political community? Why were two of Cuba’s most prominent political dissidents interested in his medical history?

Abreu’s recollection of this week suggests there was a stronger connection between life in the sanatorium and Cold War political developments occurring at the time than has been previously noted in studies of the AIDS epidemic in Cuba. In this essay, it will become clear how HIV-positive Cubans directly felt the effects of the Cold War and Cuba’s vulnerable position within it. The history of HIV-positive Cubans between 1986 and 1993 exemplifies how sick individuals, particularly in countries with relatively meager economic and political capital, often bear the brunt of transnational struggles. Furthermore, for a country that has been lambasted by the international community for the way it treated HIV/AIDS, this essay will also demonstrate that, when it came to the AIDS epidemic, the Cuban government acted within a geopolitical context that left them susceptible to the forces of American hostilities and Soviet failures. The following account forces a more thoughtful consideration of what it means for rich countries to denigrate poor ones with claims of human rights abuses.

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In late 1985, the world’s geopolitical arena was tense. No one was yet certain when, or how, the Cold War would end. However, recent developments in the United States and USSR gave Fidel Castro significant reason for concern. Ronald Reagan’s inauguration in 1981 catalyzed a more aggressively punitive economic policy toward Cuba than the United States upheld during the Jimmy Carter administration. Reagan was particularly concerned with Fidel

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147 Fraga, 130.
Castro’s continued support of revolutionary movements with socialist ideologies throughout Latin America and Africa, which Castro continued to back throughout the 1980s despite American (and at times, Soviet) pressures. Cuba’s relationship with the Soviet Union also became more precarious when Mikhail Gorbachev became General Secretary of the Communist Party in 1985. Gorbachev’s public openness to altering the Soviet Union’s economic support of Cuba, which had defined their relationship throughout the Cold War, forced Castro to reconsider his geopolitical standing.\textsuperscript{149} In \textit{Cuba in Revolution: A History Since the Fifties}, historian Antoni Kapcia writes that in 1985, “Cuba’s economic prospects looked dim, seemingly facing a belligerent United States without Soviet support. A new isolation loomed.”\textsuperscript{150}

It was within this context that Cuba’s leading health professionals detected the first case of HIV on the island in late 1985.\textsuperscript{151} Their immediate response was to ban the importation of blood supplies from countries where HIV was found. When commercial testing became available, the Cuban government began mandatory HIV screening for all individuals who had left the country since 1981, with a particular focus on soldiers returning from Cuba’s socialist missions in Africa.\textsuperscript{152} By June of 1986, Cuban health officials extended mandatory testing to all blood donors, those whose work involved travel, and the sexual partners of seropositive patients. By 1991, the Cuban health system had tested nearly the entire population.\textsuperscript{153}

However, Cuba’s mandatory HIV screening was only the initial stage of what would become a highly centralized, and controversial, government response to the epidemic. Beginning in 1986, Cuban health officials required all those who had tested HIV-positive to live in the Los Cocos sanatorium, which was located in a suburb of Havana called Santiago de las Vegas. Although health officials initially told patients they wouldn’t be able to leave until a cure to the disease was found, sanatorium policies changed significantly over time, the subject of the second section of this paper.

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\textsuperscript{149} Antoni Kapcia, \textit{Cuba in Revolution: A History Since the Fifties} (London: Reaktion Books Ltd, 2008), 40.  \\
\textsuperscript{150} Kapcia, \textit{Cuba in Revolution}, 40.  \\
\textsuperscript{151} Paul Farmer, \textit{Pathologies of Power: Health, Human Rights, and the New War on the Poor} (Berkeley and Los Angeles: University of California Press, 2003), 70.  \\
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In 1986, Los Cocos had twenty-four patients, but by 1994 it was the largest of fourteen sanatoria in Cuba with a total of 300 residents. To be sure, these actions were unique; no other country mandated HIV screening or had patients secluded from the public. Cuban health officials justified their widespread testing and authorized exclusion by claiming it was the most effective way of containing HIV while efficiently using limited medical resources at a time when little was known about the virus.

Statistically speaking, the initiatives were a success. Cuba achieved the lowest rate of HIV infection and the highest level of AIDS treatment in the Caribbean region. In October 1990, Cuba’s rate of AIDS cases per one million people was 6.2; in the United States in the same year, the rate was 589. To further contextualize this success, in Haiti, this rate was 397; in the Congo: 1,021; and in the Bahamas, 2,006.

Despite the timing of HIV’s arrival, scholars have paid practically no attention to how the Cold War shaped the disease’s progression within Cuba. Instead, the vast majority of literature has questioned whether the government’s medical success came at the price of violating the human rights of those Cubans living with the virus. An international debate emerged within academia and the media regarding the line between robust public health initiatives and human rights violations. However, scholars have largely privileged the voice of Cuban health officials over those of the patients to perform these state-centric rights-based analyses. Furthermore, this

156 Leiner, *Sexual Politics in Cuba*, 128-129, tables 5.2 and 5.3.
158 Medical anthropologist Nancy Scheper-Hughes explains why human rights have been at the fore of academic conversations surrounding HIV/AIDS. The arrival of HIV to the United States in 1981 immediately followed the American sexual revolution, the feminist movement, and the gay rights campaign. As such, “In the United States and western Europe, individual rights were seen as central at the very start of the AIDS epidemic.” See Nancy Scheper-Hughes, “AIDS and the Social Body,” *Social Science and Medicine* 39, 7 (1994): 991-1003.
dialogue lacks attention to Cuba’s position within the Cold War. By prioritizing patient voices, we see how Cold War developments shaped the experiences of Cubans living with the virus.

This essay will emphasize the perspectives of HIV-positive Cubans to demonstrate how the Cold War influenced the AIDS epidemic on the Caribbean island in two crucial ways. Section one of the paper, Origin Stories, demonstrates how Cuba’s vulnerable political and economic position during the Cold War determined how Cuban government officials assigned blame and granted innocence when communicating the origin of the virus. Section two, Los Cocos and the Cold War’s Demise, shows that as the Cold War unraveled and ultimately ended, Fidel Castro was left with few choice but to dramatically alter the island’s economic policies, which effectively made life significantly less punitive for Los Cocos patients, but also left many without the option to leave. Taken together, it becomes clear how the experiences of HIV-positive Cubans were shaped by Cold War developments that isolated Cuba economically and politically.

Methodology

Medical anthropologists Nancy Scheper-Hughes and Paul Farmer have taken seriously the patients’ perspectives, but they conducted their interviews after the sanatoria had passed from the Cuban military to the Ministry of Public Health in 1989.¹⁶⁰ This paper seeks to complement their work by giving priority to the patients who entered Los Cocos in 1986 and lived there through the transfer in management. To do so, I rely primarily on Miguel Ángel Fraga’s 2008 anthology, En un Rincón cerca del Cielo: Entrevistas y testimonios sobre el SIDA en Cuba (In a Corner Near the Sky: Interviews and Testimonies about AIDS in Cuba). Diagnosed as HIV-positive in 1991, Fraga entered Los Cocos in 1992 at the age of twenty-seven.¹⁶¹ Throughout his five years living in the sanatorium, he recorded several interviews with the some of the patients in Los Cocos’ initial 1986 cohort, and published their verbatim testimonies in his anthology. Due to the anthology’s critical tone toward the measures the Cuban state adopted, he has been unable publish the book in Cuba. In 1997, he moved to Sweden after falling in love with a Chilean man who, after helping him get antiretroviral medication, convinced him to see the world outside of Los Cocos and outside of Havana.¹⁶² He visited Cuba many times between 2000 and 2011.

¹⁶¹ Peréz, “La Montaña Mágica,” 50.
¹⁶² Peréz, 55.
To complement the perspectives of patients who entered in 1986, I was fortunate enough to interview Miguel Ángel Fraga myself, asking him about his own experience as a Los Cocos patient, and seeking clarification of several contextualized comments patients made in his interviews with them. I conducted my interview with Fraga over Facebook and our exchanges consisted of ten written dialogues from August to November 2018. He also provided me with an interview that the Cuban newspaper, *El Diario de Cuba*, conducted with him in 2018. To better understand the patient experience, I also examined *SIDA: Confesiones a un Médico* (*AIDS: Confessions to a Doctor*). This is the published testimony of the epidemic written by Dr. Jorge Pérez Ávila, the physician who became director of Los Cocos when the Ministry of Public Health replaced the military in 1989. Its unconcealed support of the Cuban government’s response provided a stark contrast to Fraga’s more critical tone.  

All of the texts I worked with were in Spanish, and unless otherwise noted, all translations were my own.

I must be clear from the outset that I am not on a fact-finding mission. I do not intend to provide further insight into the origin of HIV in Cuba, nor to detail the reality of life in the Cuban AIDS sanatorium. It is my goal, however, to allow the statements of the Cuban patients to have the same historical validity as has been provided to the voices of the government and health officials. Rather than present the “facts” of HIV/AIDS in Cuba, this paper instead examines the memories these patients retained of their experiences as HIV-positive Cubans. In line with what medical historian Roy Porter calls “medical history from below,” these memories present the opportunity to learn more about the world of Cuban patients as the epidemic hit the island.

**Origin Stories**

In “Diseases in History: Frames and Framers,” medical historian Charles Rosenberg details the process by which medical professionals, patients, and laypeople describe and understand a

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163 As one example of the book’s blatant support of the Cuban government’s response, the introduction reads: “In Cuba, neither the hardness of the American blockade against our government, nor the economic crisis during the Special Period, could prevent the greatness and thought of our great leader of the Revolution from unleashing actions, resources and policies to ensure that those infected would live with respect, dignity, equality, rights and totally free treatment, making available all of the scientific and technical advancements known in the world.” See Jorge Pérez Ávila, *SIDA: Confesiones a un Médico* (Havana: Casa Editora Abril, 2006), 9.

disease. This process, which he refers to as “framing,” depends on contemporary cultural, economic, and political developments that indelibly influence the way different members of society portray the origin of an illness, who it affects, and thus, how it should be treated. The patient testimonies reveal striking differences between the way Cuban patients and state officials framed the origin of HIV in Cuba. The nature of the differences presented within the patient testimonies suggests the need to consider Cold War political and economic developments that defined Cuba’s relationship to the outside world when HIV arrived on the island in 1986. To do so would reveal how Cuba’s position within the Cold War, which was largely defined by American hostilities and its foreign military ventures, determined how official discourse associated the origin of HIV/AIDS with particular members of Cuban society.

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The Cuban press reported the first death from AIDS on April 26th, 1986. As this patient, a man identified as Veguilla, received medical treatment in the Institute of Tropical Medicine, Cuban health officials retrieved his phone book in an effort to locate all of his sexual contacts. About twenty days after Veguilla died, Tomás Barbonet was at work as a graphic designer for the State Council when he received a call from the Civil Defense of the Cuban government. They instructed him to take an HIV antibody test immediately. Although Barbonet wasn’t involved in any sexual relations at the time, nor did he exhibit any symptoms associated with AIDS, he recalled ending a loving friendship with Veguilla about two years prior. At thirty-nine years old, state officials forcibly admitted Tomás Barbonet to the Los Cocos sanatorium that had opened only fifteen or twenty days before, placing him among the 32 patients living there at the time.

Tomás Barbonet’s story is one of unique proximity to “patient zero” in Cuba. Not only did he have an intimate relationship with the first Cuban citizen to die of AIDS, but Barbonet himself was among the initial Cubans identified as HIV-positive. In this context, he held a particularly strong opinion about the origin of the disease on the island, expressed during his interview with Miguel Ángel Fraga in 1994.

When Fraga asked him to describe the initial months in Los Cocos, Barbonet quickly took the opportunity to explain what he saw as the source of AIDS in Cuba. “We were very few, the majority

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internationalistas. However, other things were said about the sickness, that it was a social scourge: homosexuals, prostitutes, drug addicts."  

The internacionalistas he referred to were Cuban soldiers, physicians, technicians, and humanitarian aid providers returning from Africa, where Cuba had sent thousands of people and innumerable resources since the 1960s in support of independence and revolutionary movements with socialist ideologies. He targeted the Cuban press as the source of the misconception, claiming they “were telling lies” about the origin of AIDS on the island by describing the disease as a “social scourge.” Barbonet argued that, despite these claims, homosexuals, prostitutes, and drug addicts represented a minority in Los Cocos in 1986, that “the whole world was a member of the Party, internacionalista.” By the end of his conversation with Fraga about the source of the epidemic, his indignation was apparent: “If everyone else were internacionalistas, then who introduced AIDS to Cuba?...it was the comrades here that brought the sickness to Cuba.” Barbonet clearly did not see same-sex relationships, sexual promiscuity, or drug use to be the source of HIV, and wondered why Cuba’s internacionalistas were nowhere to be found in explanations of the disease’s origin.

Barbonet was not the only patient who located the source of the epidemic with Cuba’s foreign fighters. In my interview with Fraga, I asked him where he thought HIV in Cuba came from while he was living in Los Cocos. He did not mince his words: “AIDS came to Cuba through Cuban international soldiers who fought in Africa. At that time, the Cuban press hid this fact, and in a veiled way, hinted that homosexuals were the ones who had introduced the virus to the island.” Similarly, Caridad César, a former nurse who entered Los Cocos in 1986, explained to Fraga that her husband infected her after he completed a “mission in Ethiopia.” Although she made no comment about the origin of the epidemic, she nonetheless acknowledged that in her own case, Africa was the source of HIV.

These perceptions of the origin of HIV in Cuba are markedly distinct from the official rhetoric espoused by the Cuban government in the early years of the epidemic, which highlighted an origin in the United States and targeted promiscuous social activity as the cause. In 1988, Fidel Castro stated:

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168 Fraga, 40.
169 Fraga, 40.
170 Fraga, 41.
171 Miguel Ángel Fraga, Facebook message to author, September 30, 2018.
172 Fraga, En un Rincón cerca del Cielo, 89.
Who brought AIDS to Latin America? Who was the greatest AIDS vector in the Third World? Why are there countries like the Dominican Republic, with 40,000 carriers of the virus; and Haiti, and other countries of Central and South America—high rates in Mexico, in Brazil, and other countries? Who brought it? The United States, that’s a fact.173

When the first Cuban citizen died of AIDS, the press mirrored the view that HIV came from the United States. On April 26th, 1986, the front page of Granma, the official newspaper of the Cuban Communist Party (and therefore a conduit of Castro ideology), headlined an article entitled, “Fallece un Ciudadano Cubano Víctima del Sida” (“Cuban Citizen Falls Victim to AIDS”). The article explained that the patient had contracted the virus in 1982 while he was working as a set designer in New York City.174 In his 2016 article, “La Montaña Mágica: Representations of HIV/AIDS from the Sanatorium,” scholar of Hispanic culture Oscar Pérez confirms that the Cuban government adopted “an offensive posture to the United States as the main propagator of the virus.”175 Coupled with the United States, Perez claims that the official rhetoric in these early years also described the disease as a “moral crisis of certain groups and individuals,” a position upheld by the Granma article.

Although the article never explicitly classified this patient as homosexual, its author made the point of mentioning his work as a “set designer.” According to Fraga, this was the subtle conflation of AIDS and homosexuality. In my interview with Fraga, I asked him what he thought of this initial press release. He responded, “With this news, the idea that the population received was that AIDS arrived through an ‘artist—homosexual’ who went to the USA and brought the virus to Cuba.”176 Other articles published by the Cuban press were more direct in their association of AIDS with perceived social ills—namely, homosexuality, drug addiction, and unprotected sex. For example, Ciro Bianchi Ross, the author of a 1988 article published by Cuba International, presented the dangers of HIV transmission by recounting two anecdotes: one of an Argentinian man who had traveled to Brazil and had a “wild weekend” of unprotected sex; and another of a homosexual man in Spain who was “working as a make-up artist” and “had been a darling of the jet set.”177 Ross then cited the

175 Pérez, “La Montaña Mágica,” 38.
176 Fraga, Facebook message to author, September 30, 2018.
177 Leiner, Sexual Politics in Cuba, 130. Translated by Marvin Leiner.
work of a Spanish writer who, in 1988, wrote *What Can I Do About AIDS?* which “has a whole a chapter on the problems of homosexuality and drug addiction in Spanish jails.” Based on his fieldwork in Cuba in the 1970s and 1980s, scholar of Cuban education Marvin Leiner notes that the education campaigns at the time contained the same implicit association of AIDS with homosexuality during these early years. As he writes, in “early educational programs on AIDS, the message was that if you were not gay, you had little to worry about...even the first sex education video about AIDS carried the implicit message that if you were not gay, you were safe.” Each of these examples demonstrates that in the early years of the epidemic, official Cuban discourse (government statements, press releases, and education campaigns) associated AIDS with both the United States and homosexuality, sexual promiscuity, prostitution, and drug addiction.

Perhaps unsurprisingly, public attitudes within Cuban society in the earliest years seemed to mirror those espoused within official discourse of the Cuban state. When Fraga asked Tomás Barbonet whether Cuban health officials made him assume his homosexuality publicly once he knew he was HIV-positive, Barbonet responded: “Not very openly, but a little bit because of the characteristics of the sickness with this type of people.” From Barbonet’s perspective, he didn’t need to publicly display his sexuality because he felt Cuban society already implicitly made this association. Caridad César’s interview confirmed Barbonet’s perception. Although the gated and guarded sanatorium prevented frequent contact between patients and Cuban citizens outside, she remembered having to cross the street to get blood work done at the laboratories outside of Los Cocos. “We had to cross the street in our pajamas, publicly displaying ourselves, and the people who passed yelled very unpleasant things at us, like *putas, maricones, sidosos.*” She explained that when buses and trucks drove by and could see inside the sanatorium, she heard similar disparaging remarks. Marvin Leiner’s research in Cuba confirms the public’s association of AIDS with perceived immoral social action. Writes Leiner, “In 1988 when I asked several medical students what they thought the Cuban population perceived as the basis for AIDS, they responded that most people believe it stems from homosexual sex.”

In line with official discourse, Cuban society also linked the United

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179 Fraga, *En un Rincón Cerca del Cielo*, 41.
180 The three italicized words translate to: “sluts,” “queers,” and a derogatory term used to describe individuals with AIDS.
States to explanations of the disease’s origin. Miguel Ángel Fraga described that when HIV first hit the world stage, “there was a general optimism in the population that the epidemic would not arrive in Cuba because it was the result of capitalist societies.” Medical anthropologist Pierre Sean Brotherton confirms that many Cubans believed the disease “originated abroad, specifically, in the U.S. government’s supposed armory of biological weapons to be used against Cuba.” Clearly, the official discourse of the Cuban state influenced public perceptions of the disease and its causes. According to their testimonies, the patients felt that it was not only official discourse that associated AIDS with socially reprehensible actions and the United States, but also Cuban society at large.

However, official discourse and public perception significantly differed from medical practice, which certainly recognized the internacionalistas to be of primary concern in 1986. Marvin Leiner confirms that “the first blood tests targeted the most high-risk groups: Cubans who had traveled abroad in various capacities since 1975; in particular soldiers who served in Africa.” Nancy Scheper-Hughes also notes that, within Cuba’s medical community, “soldiers returning from Africa were believed to be the primary reservoir of HIV.” The patient and physician testimonies I encountered support these claims. In his interview with Miguel Ángel Fraga, Giraldo Abreu recounted the questions the physicians asked him in 1986 when they suspected he was HIV-positive. As Abreu told it, “The questions were: if I had hepatitis or symptoms of another sickness, if I had any strange color on my skin, and if I had been outside of the country or had returned from some mission in Africa.” Notably, there was no mention of whether Abreu had sex with men, was sexually promiscuous, or used drugs. In Jorge Pérez Ávila’s account of the initial days of the epidemic, we see that once Cuban health officials identified the first HIV-positive Cuban as a soldier returning from Mozambique, the Institute of Tropical Medicine and the Ministry of Public Health used the military registry to contact internacionalistas who had completed international missions in Africa. Clearly, health officials believed in the earliest years of the epidemic that Cuban soldiers returning from Africa compromised the highest-risk group.

182 Fraga, En un Rincón cerca del cielo, 107, footnote 1.
184 Leiner, Sexual Politics in Cuba, 117.
186 Fraga, En un Rincón cerca del Cielo, 108.
187 Ávila, Confesiones a un Médico, 18.
What can we make of such significantly disparate views on the origin of HIV in Cuba? It is certainly no coincidence that the patient testimonies focused on an entirely different source of the epidemic than what the Cuban state espoused in official discourse. Why did the former target Cuba’s internacionalistas, while the latter portrayed AIDS as a disease coming from the United States and associated it with socially reprehensible actions? If medical practice from the earliest years of the epidemic demonstrates that Cuban health officials - who were working for the Cuban state- were fully aware that internacionalistas were of primary concern, why was this group seemingly ignored within official discourse?

Scholars who have examined official discourse about HIV/AIDS within the island have instead focused on Cuban cultural norms to explain the government’s association of HIV with homosexuals, drug addicts, and prostitutes in the earliest years. This is most prominently demonstrated in Marvin Leiner’s 1994 book, *Sexual Politics in Cuba: Machismo, Homosexuality, and AIDS*. Leiner cites the historian Allan M. Brandt, who argues the way any nation responds to a disease “reveals its deepest cultural, social, and moral values.”

Leiner accepts this notion a priori, referring throughout the book to cultural developments - specifically sexism, machismo, and homophobia - as the theoretical framework to better understand the Cuban government’s public response to the epidemic. Leiner’s focus on Cuban cultural values is best demonstrated when he writes, “This book is really about change and how difficult it is for an individual and a society to overcome sexism, machismo, and homophobia.” Additionally, in “La Montaña Mágica,” Oscar Perez refers to Cuban “moral values” and Castro’s “heteronormative discourse” in his analysis of the epidemic. Certainly, such cultural values were not absent when HIV arrived, nor did they play a negligible role in the framing of official discourse. However, by overemphasizing cultural values, we fail to pay due diligence to the role played by external political and economic realities.

In *Infections and Inequalities: The Modern Plagues* (1999), Paul Farmer studies HIV/AIDS in Haiti, demonstrating how cultural prejudice against Haitians structured scholarly studies of the epidemic. Rather than focus on Haitian cultural values, he instead urges his readers to heed the island’s geopolitical relationship to the United States and the West. Writes Farmer, “AIDS in Haiti has far

189 Leiner, 3.
190 Pérez, “La Montaña Mágica,” 42.
more to do with the pursuit of trade and tourism in a dirt-poor country than with ‘dark saturnalia’ celebrated by blood-maddened, god-maddened negroes.” 191 Along similar lines, I argue that the way the Cuban state formulated public discourse in Cuba had for more to do with Cold War political developments than a traditional culture of machismo or pervasive homophobia.

Although scholars have acknowledged the role the Cuban Revolution had on the formation of moral and cultural values, their political analysis ends in 1959. 192 Specifically, many scholars have demonstrated that the Revolution defined certain social behaviors as antithetical to the socialist agenda, namely the “decadence and sexual degeneracy reflected in gambling, drugs, and prostitution” that Fidel Castro associated with Fulgencio Batista’s US-backed, capitalist regime. 193 These associations, they argue, shaped which social groups Cuban officials blamed when HIV/AIDS arrived. 194 Although these arguments are warranted, this analysis is dominated by cultural examinations that ignore Cuba’s relationship to the rest of the world during the Cold War.

A careful reading of the patient testimonies suggests the need to examine political and economic developments that occurred after the 1959 Revolution. In his interview with Miguel Ángel Fraga, Tomás Barbonet detailed a conversation he had with other patients during his initial years in Los Cocos. Barbonet expressed to the them the resentment he felt toward the Cuban press for portraying the epidemic as a disease resulting from immorality. They explained to him the rationale behind the Cuban state’s response by saying, “Look Tomás, the problem is that the enemy says that AIDS entered the United States through El Mariel.” 195 The Mariel boatlift occurred in April 1980 when 1,100 Cubans upset with recent economic developments on the island occupied the Peruvian Embassy in Havana out of protest. Within forty-eight hours, 10,000 Cubans flooded the embassy gates as

192 See Ian Lumsden, Machos, Maricones, and Gays: Cuba and Homosexuality (Philadelphia: Temple University Press, 1999), 59; Brotherton, Revolutionary Medicine, 135; and Pérez, “La Montaña Mágica.”
193 Leiner, Sexual Politics in Cuba, 4.
194 For example, in Revolutionary Medicine: Health and the Body in Post-Soviet Cuba, Pierre Sean Brotherton confirms that, “in the seventies and eighties the socialist government had embodied the Stalinist-Maoist notion that homosexuality was the manifestation of capitalist decadence.” See Brotherton, Revolutionary Medicine, 135.
195 Fraga, En un Rincón cerca del Cielo, 41.
the United States offered to accept what they called political refugees.  

Although Fidel Castro recognized that the U.S. was using the exodus to denigrate socialism in the midst of the Cold War, he ultimately decided to diffuse the situation by allowing 124,779 marielitos to leave Cuba for the United States. In response, Cuban society portrayed the exiles as unpatriotic citizens who chose capitalism over the Revolution, while the United States espoused their arrival as an example of socialism’s perils. The boatlift remained a defining moment in the Cold War ideological struggle with the United States, and according to Barbonet’s interlocutors, it resurfaced as such when HIV arrived.

According to Barbonet and the patients he spoke to in 1986, the Cuban government framed official discourse in response to American accusations that HIV/AIDS in the United States came from Cuba during the boatlift. A 1987 article by The Washington Post propagated the notion that “the 125,000 Cubans who came to the United States in the 1980 Mariel boatlift brought the first big U.S. surge of AIDS.” In a similar vein, a Chicago Tribune article from 1988 read, “researchers at the University of Miami have discovered that some refugees from Cuba who took part in the Mariel boatlift nearly eight years ago were infected with the AIDS virus when they entered the United States.” The author of the article, John Crewdson continued, “the fact that HIV was present in Cuba at least as early as 1980 raises new questions about when and how AIDS arrived in the U.S.” Barbonet’s conversation with fellow patients in Los Cocos in 1986 uncovers a tit-for-tat dialogue on the origin of AIDS that occurred within Cold War rivalries between the United States and Cuba. Clearly, official Cuban discourse was, at least in part, a response to American accusations that the epidemic was Cuban in origin.

The reoccurring mention of Cuban internacionalistas within the patient testimonies suggests Cuba’s foreign military efforts also played a significant role in the formation of official discourse. Beginning in the 1960s (and continuing to the present day), the Cuban government provided aid in a variety of forms—physicians, weapons, military instructors, soldiers, teachers, and technicians—to numerous “Third

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197 Kapcia, Cuba in Revolution, 40.
World” countries in Latin America and Africa. Foreign policy analyst Piero Gleijeses presents the extent of these efforts: “During the Cold War, extra-continental military interventions were the preserve of the two superpowers, a few West European countries, and Cuba... Even the Soviet Union sent far fewer troops beyond its immediate neighborhood than did Cuba.” In fact, the small Caribbean island was second only to the United States in terms of military troops sent abroad during the Cold War, and far exceeded that of any other “Third World” nation. Castro’s efforts abroad clearly represented a massive expenditure of resources and manpower for an economy with a relatively meager standing compared to the world superpowers.

Cuba’s largest and most concerted efforts were focused on national liberation movements in sub-Saharan Africa. As historian Margaret Randall writes in Exporting Revolution: Cuba’s Global Solidarity (2017), “Cuba aided revolutionary forces in a number of nations in Africa recently freed from European colonialism that were fighting to consolidate their freedom.” The Cold War hostilities yielded by these efforts are best demonstrated by Cuba’s presence in the Angolan civil war, which was its largest and most successful international military venture. After Angolan independence from Portugal in 1975, three rival anti-colonial movements (the MPLA, FNLA, and UNITA) engaged in a brutal civil war as they each vied for political control. Apartheid South Africa and the United States both

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200 Although Cuba began its support of socialist revolutionary movements in Latin America, the risk of direct conflict with the United States was simply too high within the sphere of the Monroe Doctrine, so Castro turned his attention toward Africa instead. This is where the vast majority of Cuba’s international fighters, technicians, physicians, and teachers were returning from when HIV arrived on the Caribbean island in 1986. See Piero Gleijeses, “Cuba and the World, 1959-1980,” in The Cambridge History of the Cold War: Volume II, Crisis and Détente, ed. Melvyn P. Leffler and Odd Arne Westad (Cambridge: Cambridge University Press, 2010), 341.


203 Angola was not the first of Cuba’s African endeavors, nor was it the only. As early as 1961, a Cuban ship sailed to Algeria to provide weapons for the rebels fighting French rule, and returned to Havana with seventy-six wounded Algerians and twenty orphans. This was the first time the Cuban state supported another fighting for independence. They continued their support following independence, sending a medical mission in 1963 and troops in 1965 when Morocco threatened invasion. As revolutionary struggles emerged in sub-Saharan Africa, Cuba’s aid expanded throughout the continent, sending support to revolutionary movements in Zaire, Congo Brazzaville, and Guinea-Bissau. See Randall, Exporting Revolution, 69-82.
began supporting the FNLA and UNITA in July of 1975 by supplying weapons and sending military instructors.\footnote{204} Urged by the United States, Pretoria rapidly raised the stakes to a Cold War battle ground by sending troops to Angola on October 14, 1975, effectively “transforming the civil war into an international conflict.”\footnote{205} Responding to Angolan President Agostinho Neto’s request for help, Castro sent troops of his own, providing crucial assistance to an MPLA that was rapidly losing ground to the South African brigade. Between 1975 and 1976, Cuba sent 36,000 soldiers to Angola, and by 1988, the total reached 55,000 - an outsized number for an island with eleven million citizens at the time.\footnote{206} The soldiers remained until 1992 when the civil war officially ended. According to Randall, the MPLA and Cuban supporters, “not only defeated South Africa and its supporters in Angola; [they] paved the way for a political conclusion to the war and for Namibia’s independence.”\footnote{207} Clearly, Cuba’s support of national liberation movements in sub-Saharan Africa represented a core component of Cuban socialism.

To be sure, Cuba’s support of these movements had significant political consequences. On the one hand, Castro gained the support of certain African leaders during the Cold War. For example, in 1991, Nelson Mandela traveled to Cuba to express his personal gratitude for their support in Angola and assistance in ending apartheid in South Africa. He proclaimed:

I was still in prison when I first heard of the massive help the Cuban international forces were giving to the people of Angola. The help was of such a scale that it was difficult for us to believe...This was our first experience with Cuban internationalism.\footnote{208}

Although Mandela’s visit to Havana came after the Cold War ended, his comment reveals an affinity for Cuban socialism that burgeoned in the midst of the global geopolitical conflict.

\footnote{204}{Pretoria dreaded what an MPLA victory in the region would mean for its apartheid regime, as well as its illegal colonization of Namibia, both of which the MPLA had publicly denounced. Henry Kissinger and the United States, on the other hand, noted the progress of the Soviet-backed MPLA, and feared a growing Soviet presence in Sub-Saharan Africa. See Gleijeses, “Cuba and the Cold War,” 335-336.}
\footnote{205}{Gleijeses, Cuba and the Cold War, 336.}
\footnote{206}{Gleijeses, 327.}
\footnote{207}{Gleijeses, 74.}
\footnote{208}{Gleijeses, 75-76.}
However, winning allies with newly independent leaders in Africa during the Cold War came at the price of embittering relations with the United States. Just four months before Cuban troops arrived in Angola, the United States and Cuba engaged in conversations to normalize bilateral relationships. But, Cuba’s continued support of Angola, its dissemination of 12,000 troops to Ethiopia in 1977, and its assistance of liberation movements in Namibia and Zimbabwe quickly changed the tide. As Gleijeses documents, by 1978, the United States viewed Cuba’s Africa policy as the most “intractable obstacle to significant improvement in bilateral relations.”

The already brittle relationship fractured further as Cuba simply would not allow the United States to determine its role abroad. In 1978, Castro denounced the economic embargoes the United States had placed on Cuba in an effort to pressure them into changing their foreign policy: “We feel it is deeply immoral to use the blockade as a means of pressuring Cuba…There should be no mistake—we cannot be pressured, impressed, bribed, or bought.”

Refusing to give ground in the 1980s, Castro continued to clash with the United States in southern Africa and Central America.

Fidel’s motivations were twofold: “self-defense and revolutionary fervor.” Regarding the former, Castro and the Cuban government were unwilling to tolerate U.S. bullying, and allowed their foreign policy to reflect this assertion. According to Gleijeses, “The Cuban leaders concluded that the best defense was offense…by assisting revolutionary forces in the Third World, thereby gaining friends and weakening US influence.” Jorge Fornet’s book *El 71* (2013) confirms that “Cuban intervention in Africa, beginning in the mid-1970s, was a way of actively participating in global politics and clearly delineating its geopolitical role.” However, geopolitical declarations were only one aspect of Cuban motivations. Castro’s support in Latin America and Africa not only had the purpose of gaining political and economic allies against American capitalism, it also provided a mechanism to spread Cuba’s socialist ideology throughout the world.

The arrival of HIV to the Caribbean island in 1985 not only coincided with the peak of Castro’s engagement in Africa, it also

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212 Gleijeses, 340.
occurred as the Cuban economy entered a recession. With Ronald Reagan as US president between 1981 and 1989, the economic embargoes the United States had placed on Cuba since 1962 became significantly harsher. In *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. blockade* (2013), French journalist Salim Lamrani describes Raegan’s actions as “a quintessential neoconservative policy aimed at overthrowing the Cuban government.”

In the essay, “Cuban Economic Policy in the Process of Rectification,” Cuban economist José Luis Rodríguez García describes how the “tightening of the North American economic blockade” combined with an international deficit crisis in the early 1980s to produce an economic downturn in 1985. Cuban economist Julio Carranza Valdés explains the implications of this economic downturn, noting that by 1986, “one began to see failures in the planning and management of the economy that created new social and political problems,” which ultimately lead to complaints from the Cuban population. For example, historian Antoni Kapcia explains that between 1985 and 1986, Cuba’s Union of Communist Youth (UJC) “began to dissent” by openly criticizing Castro’s economic policies.

On April 17, 1986, Fidel Castro addressed the rising concerns in a public statement, acknowledging the economic shortcomings and pledging policy changes. According to historian Julia E. Sweig, the economic rectification process “aimed at recovering the zeal of the 1960s while pushing the party, government bureaucracies, and Cubans on the street to work harder, better, and more efficiently.” This zeal, according to historian Antoni Kapcia, represented “the early years’ nationalist impulse and faith in mobilization.” Clearly, 1986 marked a significant moment in Fidel Castro’s attempt to save the Cuban economy.

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214 In 1981, the U.S. Senate prohibited using federal resources to promote trade with Cuba, and in 1982, restricted trade with countries that continued trading with Castro. In 1986, organizations engaged in trade with Cuba were restricted and Reagan instituted a blacklist of individuals living abroad who U.S. companies could not engage in business with. In 1988, the Omnibus Foreign Trade and Competitiveness Act came into force, which further tightened imports from Cuba. See Lamrani, *The Economic War Against Cuba*, 30.


219 Sweig, 72.

220 Kapcia, *Cuba in Revolution*, 42.
“The Cold War Epidemic”

Economy from American embargoes and re-spark the Cuban nationalism that had defeated the Batista regime in 1959. Six days after Fidel’s declaration of Cuba’s rectification period, Granma published the article announcing the first Cuban death by AIDS.

The patient testimonies urge the historian to consider these contemporaneous political and economic developments when examining Cuban discourse surrounding the origin of HIV/AIDS on the island. The patients’ commentary surrounding the Mariel boatlift reveals the proximity of American hostilities as Cuban officials framed the origin of HIV/AIDS. When we consider why official Cuban discourse described the disease as American in origin and associated it with socially reprehensible actions that had long been associated with capitalism, we must consider how these conversations existed within larger Cold War ideological debates with the United States. Furthermore, Castro’s support of national liberation movements in Africa, which reached their peak when HIV arrived, were not only central to his ideological vision of a socialist world, they represented a crucial geopolitical statement for a country eager to participate in global politics. They also compromised a massive expenditure of resources and manpower when Cuban citizens began witnessing the effects of a downturn in the Cuban economy brought on by American sanctions. What would it mean if the Cuban population understood the arrival of this new mysterious virus as the result of Cuba’s socialist military ventures for which they were already making economic sacrifices? Recognizing the African continent as the epicenter of HIV would have called into question Castro’s political and economic policies during a global battle that had placed these very ideologies at its fore. Instead, using the origin of HIV as a means of delegitimizing the economic and political policies of the Cold War enemy represented a logical geopolitical decision at a time when Cuba literally couldn’t afford to lose more ground. As a result, members of Cuban society—homosexuals, drug addicts, and prostitutes—that had long been associated within American capitalism were included within their origin stories, thereby bearing the brunt of Cuba’s vulnerable position within the Cold War.

“Origin Stories” exemplifies how sick individuals feel the effects of transnational struggles, particularly when they live in countries subjected to the punitive policies of world superpowers. It also demonstrates how a country’s response to an epidemic can be rarely reduced to cultural explanations, but often exists within geopolitical developments that curtail the options provided to governments with a relatively meager economic and political standing.
In the years to come, the Cold War unraveled and ultimately ended, pushing Cuba into the worst economic crisis it had ever seen, and forcing Fidel Castro to once again restructure his economic policies. However, this time, the policy readjustments were far more dramatic, as were the implications for patients living in the Los Cocos AIDS sanatorium. The next section of this paper will reveal how the Cold War’s demise directly influenced the experience of HIV-positive individuals living in Los Cocos.

**Los Cocos and The Cold War’s Demise**

Perhaps the most striking trend within the patient testimonies is how significantly life in Los Cocos changed when its management passed from the Cuban military to the civilian Dr. Jorge Pérez Ávila and the Ministry of Public Health in 1989. Few scholars have noted the effects of this change over time. \(^{221}\) However, when Miguel Ángel Fraga asked each of the patients who entered Los Cocos in 1986 to detail life in the sanatorium before it changed hands, they all remembered the institution becoming significantly less punitive beginning in 1989—the same year the Berlin Wall fell and massive political and economic changes occurred within Cuba. They also recalled that, despite the improvements to Los Cocos when Dr. Ávila arrived, it became much more difficult for many patients to leave the sanatorium when Cuban health officials gave them the option to do so. Los Cocos and The Cold War’s Demise will demonstrate how the fall of Cuba’s economy brought by the end of Cold War influenced these developments, thus revealing how the geopolitical conflict directly influenced the experience of HIV-positive Cubans.

When Fraga inquired about the initial years in Los Cocos, each of the patients who entered the sanatorium in 1986 described it as a highly surveilled, prison-like institution in the three years before Dr. Ávila Pérez became its director in 1989. In some of Tomás Barbonet’s final words of his interview, he asserted, “I repeat to you, at the beginning of being in this place they took away my freedom.” \(^{222}\) When Barbonet entered the sanatorium, he remembered the military officials in charge of Los Cocos taking the patients’ clothes, locking them away, and making them wear pajamas and sandals instead. However, “One

\(^{221}\) Paul Farmer and Nancy Scheper-Hughes represent exceptions, but their commentary is limited and they certainly don’t focus on the transition as a defining moment of the AIDS epidemic in Cuba. They don’t detail why the transition occurred, how Los Cocos changed as a result, or the implications it had for patients living in the sanatorium. See Farmer, *Pathologies of Power*, 69-74; and Scheper-Hughes, “AIDS and the Social Body,” 998-999.

\(^{222}\) Fraga, *En un Rincón cerca del Cielo*, 53-54.
time they found some patient’s clothes in the bushes. They told us to stand in a line and brought the police dogs to smell us… I stopped like a criminal and waited for the dog to smell me.”

Barbonet went on to explain how “in those days,” health officials constructed a wall about ten meters high to prevent escapes, and if they caught a patient doing so, sent them to “Cambinando”- a prison in Havana that provided a harsher punishment than Los Cocos’ own jail, which had iron padlocks and a typical jail cell door. Due to the sanatorium’s strict punishments and strong surveillance system, Tomás Barbonet claimed, eight years after he entered, that the treatment he received before 1989 created “wounds that don’t close.” Said Barbonet, “I felt the terror of repression.”

In strikingly similar detail, Caridad César and Giraldo Abreu also recalled the rigorous surveillance and strict punishment Los Cocos officials subjected patients to during the initial period. In fact, César chose the words “tremendous vigilance” to describe this time, claiming 1986-1987 was the worst year for patients in Los Cocos. Like Barbonet, she remembered the pajamas and sandals; the dogs that officials brought “when they wanted to find something out;” as well as the sanatorium jail, which she claimed was “a cage with a gate” that they sent patients to for deviant behavior. Detailing the strict surveillance system, she explained to Fraga that on September 27, 1987, sixteen patients escaped Los Cocos to attend nearby parties, and by the next day, police patrol cars lined the surrounding area to ensure it didn’t happen again. Giraldo Abreu also recounted the close watch sanatorium officials executed, saying, “to avoid escapes they would raise the height of the walls as necessary, they would put electric wires, dogs, a very strict security system…” Furthermore, Caridad César noted the rigorous inspections sanatorium officials conducted to ensure spouses or sexual partners weren’t sleeping in the bedrooms of the opposite gender, or that patients weren’t storing civilian clothes and food within their rooms. These inspections supplemented the strict schedules patients had to follow, which included, to the minute, when they had their meals, attended medical appointments, and socialized. Said César, “The daily routine was wake up, eat breakfast,
rest a bit, each lunch, take a nap, bathe, and then watch a little television at night. My body was not ready for this kind of sedentary life.” In biting detail, each of the patients who entered Los Cocos in 1986 described it as a carceral institution when Fraga asked them about the initial years of its existence.

However, Barbonet, César, and Abreu all designated 1989 as a defining moment in the improvement of living conditions. After describing all of the problems with Los Cocos in the initial years, César said, “Fortunately all of this improved when the sanatorium passed to the hands of Public Health. In April of 1989 Jorge Pérez arrived and with him came his entourage because most of the old workers left.” She expressed the most gratitude for the ability to leave the sanatorium on accompanied weekend leaves, claiming, “From this moment I never had any problems.” In a similar vein, amidst his description of the high walls the sanatorium officials erected and the surveillance system they subjected him to, Barbonet stated, “Then came Jorge Pérez and the visits, the passes, the reliabilities, this whole system that has made our lives easier.” He explained to Fraga, “You see now that some people protest for one thing or another, but it’s clear that they didn’t live through these initial years.” Beginning in 1989, it became significantly easier for patients to visit family and attend events during the weekends. In 1993, the Ministry of Public Health instituted the Ambulatory Care Program which made it optional for HIV-positive individuals to live in the sanatorium at all. They could instead choose to use the sanatorium as a day-care facility where they received all of the medical treatment they needed while still being able to work and live at home. Said Abreu, “When the changes began, when the sanatorium policy had a different management, then I felt more comfortable, I had more faith in the future…”

In addition to less stringent surveillance, scheduling, and mandated exclusion from the public, the patient testimonies also reveal improvements to the physical structure of the sanatorium. Writing about Los Cocos when he entered in 1992, Fraga described “a garden in the form of an ellipse that was accessible to the residents...The mansion had the appearance of a colonial villa...the buildings were diverse and evoked the cabins and bungalows of hotels for tourists.” The living conditions, explained Fraga, were “hygienic, 231 Fraga, 81.
232 Fraga, 88.
233 Fraga, 47-48.
234 Brotherton, Revolutionary Medicine, 137.
235 Fraga, En un Rincón cerca del Cielo, 132.
simple, and comfortable; almost a luxury for the Cuban population considering that each room had air conditioning, which with the suffocating heat of the island, made all of us happy.” These descriptions are markedly distinct from those made by the patients who entered in 1986. For example, Giraldo Abreu described the living quarters in the initial years as being in “clear deterioration, unpainted, filthy walls, the glass of broken windows.” Additionally, patients slept nine people, said Abreu, in a room designed for only four or five. Caridad César also detailed crowded living quarters, explaining that she shared a bedroom with eight women and a bathroom with sixteen. According to the patient testimonies, 1989 marked the beginning of Los Cocos’ transition from an overcrowded, deteriorating facility to “almost a luxury” for the Cuban population.

However, the biggest change within the sanatorium after 1989 involved the improved treatment of homosexual patients, who experienced significant discrimination in the initial years. Los Cocos policy under the supervision of the Cuban military mandated a physical separation between internacionalistas and the openly homosexual population. Caridad César, who did not identify as homosexual, nor indicate any predilection for same-sex relationships, remembered that when she entered, the sanatorium’s policy forced homosexual patients to live in the “Rainbow House” and prevented exchanges between living quarters. As the wife of an internacionalista, she explained to Fraga that “they did not allow the homosexuals to interact with us.” Although the military personnel running the sanatorium justified the separation with concerns over space, Giraldo Abreu recalled:

In the place they put me, the Rainbow zone, there only lived nine people...in the other house called La Matilde, there were normal people the majority of whom were former international soldiers...They said that on the other side there wasn’t any space; however, from the top floor of the house where we lived, we could see La Matilde and there were very few people.

236 Fraga, 22-24.
237 Fraga, 110.
238 Fraga, 113.
239 Fraga, 73.
240 Fraga, 74.
241 Fraga, 82.
242 Fraga, 112.
María Julia Fernández, who did not identify as homosexual or bisexual, also recalled the separation, and added that “[t]here was a lot of rejection toward the homosexuals in the early days of the Sanatorium.”

The patient testimonies suggest this separation came at the price of quality. According to Abreu, “They had better conditions than us because [La Matilde] was previously a psychiatric-military rehabilitation center, and ours was just prepared as a shelter.” Tomás Barbonet confirmed the differential living standards, describing the “Rainbow House” as “a place without hygienic conditions…there was dirt, shoes, coats, etc…the bathroom overflowing with water, cockroaches walking on the walls. I’m not dramatizing, this was the reality.” Clearly, the patients who entered Los Cocos in 1986 recalled sanatorium policy mandating physical separation between the internacionalistas and the homosexual patients, with the former receiving increased standards of living.

However, discrimination did not stop at Los Cocos housing policy; César, Abreu, and Barbonet also recalled social rejection due to ardent homophobia. Remembering the initial years, Tomás Barbonet said, “I eventually learned that the military men who ran [Los Cocos] at this time had a very bad opinion of the small homosexual group that was emerging.” When Fraga asked Tomás whether they rejected him in the sanatorium for being gay, Tomas responded, “Of course! They separated me, they excluded me…They damaged me tremendously with that. I felt rejected, humiliated.” Abreu’s testimony confirms the suitability of using “rejection” to describe the soldier’s feelings toward men of different sexual orientations. He recalled the late-night meetings the homosexual patients had with sanatorium staff after they met with the internacionalistas separately. The meetings had the purpose of reminding “us of the discipline of the place and call our attention to some type of scandal that had occurred.” One such scandal was “someone who had dressed up as a woman in a mini show.” If sanatorium officials prohibited cross-dressing, imagine their response to an internacionalista who lived with the heterosexual patients, but had “homosexual inclinations.”

According to Abreu, when this man got drunk, he snuck into the

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243 Fraga, 158.
244 Fraga, 112.
245 Fraga, 45.
246 Fraga, 42.
247 Fraga, 104.
248 Fraga, 116.
249 Giraldo Abreu’s words. See Fraga, 122.
“Rainbow House” and had sex with any of the young boys he wanted. When these rumors reached the Los Cocos management, they called the soldier in for questioning. “He denied everything, and in his anger, took a machete, and came to our side…there was blood.” These anecdotes demonstrate the fervent rejection by the internacionalistas of homosexual behavior.

These accounts are significantly different from Miguel Ángel Fraga’s experience as a homosexual living in Los Cocos when he entered in 1992. In his interview with El Diario de Cuba, Fraga described Los Cocos as a place that allowed for the open expression of sexual identity and actually provided the space to overcome the prejudice he felt before arriving:

To enter the sanatorium was to embrace my homosexuality; I was liberated…I started liberating myself from the moral prejudice, assuming my homosexuality and HIV status publicly…I began to accept myself as a homosexual.  

He provided two reasons for this sense of freedom. First, health officials respected his naked body, which Fraga explained, provided a sense of shame previously: “they normally tell us that our private parts are private. But there we would get naked and they would help us. We had to show our butts every day to get our shots from the nurses.” Secondly, both the staff and patients around him acknowledged his sexual identity and accepted it: “There, they treated me like I was homosexual…I saw that I wasn’t rejected; the people accepted.” This acceptance is mirrored in Fraga’s journal entry from Wednesday July 15, 1992, in which he presented a peculiar patient who also lived in Los Cocos, Gillermo Ginestá. When I asked him to tell me more about Ginestá, Fraga explained that other than being a funny patient who made everyone around him laugh, “Gillermo Ginestá also created a character: Gunilla was Gillermo as a transvestite woman for the performances and shows we had in the sanatorium.” When compared to Abreu’s recollection of the Los Cocos policy that

250 Fraga, 122.


252 Fraga, “Pudieron encerrarme en un sanatorio, pero no quitarme la palabra.”

253 Fraga.

254 Fraga, En un Rincón cerca del Cielo, 22.

255 Fraga, Facebook message to author, October 9, 2018.
fervently rejected cross-dressing during the initial years, the case of Gillermo Ginestá exemplifies how the sanatorium as a space for sexual openness changed considerably with time.

The ability to openly express one’s sexual identity after the sanatorium passed to the hands of the Ministry of Public Health is mirrored by Dr. Jorge Pérez Ávila’s account of his initial years as director of Los Cocos. Ávila described an instance in which a young woman named Ania, who had been a patient in Los Cocos for one year, entered his office crying. Ania had just seen her boyfriend, Adonis, fondling a man in their room. “Ania, a nice young girl, attractive, with a very good character and an easy smile, was confronted for the first time with an experience of bisexual men.”256 Pérez recommended to Ania that she speak with Adonis, who had never disclosed his sexual preference before entering Los Cocos “because he lived with his parents, very good people with a strong heterosexual character.”257 Ania agreed, and Adonis eventually admitted the sexual relations he had been hiding for years. Wrote Ávila, “since the incident with Ania, [Adonis] decided to live assuming his sexual preference without prejudice.”258 There are several noteworthy similarities between Ávila’s recollection of Adonis and Miguel Ángel Fraga’s account of his own experience, despite them coming from texts with strikingly different agendas. In both cases, they remembered Los Cocos providing the space to publicly assume one’s sexual identity.

Compare Abreu and Barbonet’s experiences as openly homosexual patients living in Los Cocos to the environment Ávila and Pérez described, and the differences are striking. When I asked Miguel Ángel Fraga what accounted for such a stark contrast, he told me it occurred when the Ministry of Public Health replaced the military as directors of Los Cocos.259 Clearly, the patients felt the most fervent rejection of homosexuality came from Cuban military personnel, which significantly diminished when they no longer supervised the sanatorium. The question remains: why?

The patients alluded several times to the political nature of homophobic prejudice. Tomás Barbonet’s recollection of a humiliating instance in 1986 demonstrates how homophobia was embedded within ideas of political belonging. On July 26th of each year, Cuban schools and offices close to celebrate the National Revolutionary Festival, which honors the day in 1953 that Fidel Castro attacked the

256 Ávila, Confesiones a un Médico, 37.
257 Ávila, 38.
258 Ávila, 39.
259 Fraga, Facebook message to author, November 1, 2018.
military barracks in Santiago de Cuba in an effort to overthrow the Batista regime. On this day in 1986, the soldiers in Los Cocos hosted a huge party to celebrate the national holiday, but they did not invite Tomás because of his sexual preference. He remembered thinking to himself, “If it had only been a month since I was the vanguard of the Department in my work, why do they now treat me like a delinquent just for becoming sick?”260 Although only a month had passed since Tomás had demonstrated his commitment to the Cuban government, he did not feel his previous work for the State Council mattered to the soldiers when compared to his sexual orientation, which apparently represented an oppositional position to the socialist agenda.

The political origin of homophobic policy within Los Cocos is further demonstrated by the fact that Barbonet, César, and Abreu located the source of this prejudice with military leaders and high-level Cuban politicians. When Miguel Ángel Fraga asked Tomás Barbonet whether he remembered the name of the first director of Los Cocos, he responded, “A guy Mejides who was a terrible son of a bitch. If he were to come here now, all of the patients from that time would drive him away for his despotic and inhumane treatment.”261 When visitors came to Los Cocos, Barbonet remembered Mejides telling them it wasn’t necessary to visit the “Rainbow House” because that’s where the maricones lived.262 Barbonet also recalled Mejides telling a fellow patient several times to take off his bracelet because it was too feminine. Giraldo Abreu retained a similar perception of Mejides, describing an instance when he was speaking to a male friend through the gate of the sanatorium and the director pulled up in his car and said “very unpleasant” things to them in “a violent and disrespectful way...He treated us very badly, very badly, it was humiliating.”263 Caridad Cesar confirmed this prejudice when she described a Cuban politician she called Wilfred, who was at Los Cocos to direct the recreational activities outside of the sanatorium and decide, “according to his judgement,” who was allowed to leave and who had to stay. Caridad said, “He used two buses, one for the homosexuals and another for heterosexuals... he would say the queers could not come on the bus he was riding...he always defended the heterosexuals and had an irrational hatred toward the homosexuals.” According to César, Wilfred was not the only politician to hold these views, “like him, there were many others. Quiñones, he said the same,

260 Fraga, En un Rincón cerca del cielo, 42.
261 Fraga, 44.
262 Maricones translates to “queers.”
263 Fraga, 115.
Throughout their interviews, the patients who entered Los Cocos in 1986 consistently attributed homophobic policies at this time to specific politicians and military leaders.

To be sure, homophobic prejudice was not the only form of poor treatment during the initial years that the patients blamed political leaders for; they also located the rigorous surveillance system and extreme exclusion with certain politicians. When Tomás Barbonet was describing the wall that prevented patients from leaving Los Cocos, he recounted the frustration he felt when Senén Casas Regueiro, a Cuban politician who had worked for the Political Bureau and the National Assembly of Popular Power, told the patients why they couldn’t leave. As Barbonet remembered it eight years later, she said, “Well, if we climb more fences, we will have to raise them because you all are not going to leave from here at this moment because you are a bomb in the street.” We see a similar indignation with Cuban political leaders when Caridad César harshly criticized the second director of Los Cocos, Lien, calling him “a piece of shit” who was “also military. He wore a huge star, I think he was a Major. He was never available for the patients.”

Abreu also recalled Siméon’s visit, telling Fraga that although she was “very diplomatic,” and maintained a certain sensitivity, “deep down she was a liaison, a government envoy.” The reoccurring mention of specific Cuban politicians when describing Los Cocos’ policy of keeping the patients isolated reveals that Tomás Barbonet, Caridad César, and Giraldo Abreu understood this measure-like homophobic discrimination- as politically driven.

As the patient testimonies demonstrate, life in Los Cocos became significantly less punitive in 1989 when Dr. Jorge Pérez Ávila and the Ministry of Public Health replaced the military as the officials in charge. In addition to the improvements in the rigorous surveillance system, strict scheduling, and forced isolation within Los Cocos, the biggest change Barbonet, César, and Abreu expressed regarded the treatment of homosexual patients. The fact that the patients attributed

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264 Fraga, 85.
265 Fraga, 47.
266 Fraga, 85.
267 Fraga, 75.
268 Fraga, 117.
homophobic discrimination- and poor treatment in general- to high-level Cuban politicians and military leaders reveals the political dimensions of Los Cocos policies. The most obvious question that remains, therefore, is what were the political developments occurring within Cuba at the time that can help explain the change in treatment beginning in 1989?

In 1989, Fidel Castro witnessed the impending doom of the USSR and with it, the backbone of his economy. In 1988, Cuba relied almost exclusively on trade with socialist countries, which represented 87.4% of its imports and 86.4% of its exports.\textsuperscript{269} Between 1984 and 1989, sugar trade accounted for 77% of these export values, with nearly 70% coming from trade with the Soviet Union alone.\textsuperscript{270} However, Fidel Castro quickly observed “the unexpectedly rapid collapse from late 1989 of the Socialist Bloc, and, with it, of Cuba’s edifice of political and economic protection.”\textsuperscript{271} By 1989, anti-Communist uprisings were well underway in Poland, Hungary, and Czechoslovakia, and the fall of the Berlin Wall on November 9, 1989, “further accelerated the demise of Communist governments.”\textsuperscript{272} As countries throughout Eastern Europe pivoted away from socialism, the huge decline in the Soviet Union’s economy became globally apparent. As a result, when Mikhail Gorbachev visited Havana in April of 1989, Fidel Castro’s relationship with the Soviet leader had reached its last leg.\textsuperscript{273} As Julia E. Sweig notes, “by the end of the 1980s Fidel and Raul Castro harbored little expectation that the island’s fate could be reliably left to Soviet whims.”\textsuperscript{274} 1989 marked a crucial year in Fidel Castro’s understanding that Cuba would remain painstakingly isolated for the foreseeable future.

To be sure, the unfurling collapse of the Soviet Union sent catastrophic waves throughout the Cuban economy. Antoni Kapcia writes, “Although the crisis from 1989 affected all aspects of the Revolution, the economic effects posed the most immediate threat to survival.”\textsuperscript{275} Between 1989 and 1993, Cuba’s gross domestic product

\textsuperscript{269} Miren Uriarte, Cuba, Social Policy at the Crossroads: Maintaining Priorities, Transforming Practice (Boston: Gastón Institute Publications, 2002), 19.
\textsuperscript{270} Brotherton, Revolutionary Medicine, 17.
\textsuperscript{271} Kapcia, Cuba in Revolution, 42.
\textsuperscript{273} David C. Jordan, Revolutionary Cuba and the End of the Cold War (Lanham: University Press of America, 1992), 158.
\textsuperscript{274} Sweig, Cuba: What Everyone Needs to Know, 122.
\textsuperscript{275} Kapcia, Cuba in Revolution, 157.
declined by as much as 40%.\textsuperscript{276} In the same time frame, Soviet oil deliveries to Cuba decreased by 85%.\textsuperscript{277} Furthermore, by mid-1990, nearly the entire Socialist Bloc was no longer Communist and by later that year, the Council for Mutual Economic Assistance had ended entirely.\textsuperscript{278} In 1991, the Soviet Union finally ended its $4 to $5 billion dollar annual payment to Cuba and withdrew Soviet personnel from the Caribbean island.\textsuperscript{279} Recognizing an opportunity to put an end to Castro’s Cuba once and for all, the United States further strengthened its economic embargo against the island by instituting the Cuba Democracy Act in 1992, with US Senator Jesse Helms calling it a “final push to the brink.”\textsuperscript{280} A combination of these developments at the end of the Cold War truly crippled the Cuban economy beginning in 1989, initiating widespread power outages, sharply curtailing the availability of food, and reducing access to life-saving medicine. Amidst this economic crisis, the Cuban government announced the Special Period in Times of Peace in 1990, what Kapcia describes as an “immediate, urgent and fundamental reassessment of the whole economic structure.”\textsuperscript{281} To prevent Cuba from becoming the next link cut from the chain of failed socialist states, Fidel Castro had no choice but to institute radical changes to Cuban economic policy.

Several of these policy readjustments shaped the evolving treatment HIV-positive individuals received, with restructuring of the Cuban military being the most direct. As Julia E. Sweig describes, beginning in 1989, the Cuban military underwent “a major downsizing in its budget, troop levels, equipment, and role abroad.”\textsuperscript{282} With the onset of an economic collapse, Cuba’s international military ventures declined exponentially, and during the Special Period in Times of Peace, Sweig notes that the “the budget for the armed forces was slashed permanently.”\textsuperscript{283} Following harsh budget cuts and Cuba’s waning international efforts, the military’s role transitioned to overseeing the island’s financial enterprises, taking a leading role over its tourism, real estate, and sugar industries.\textsuperscript{284} As Cuba’s military downsized, it became less of a militaristic force and more of a fiscal

\textsuperscript{276} Alejandro de la Fuente, A Nation for All: Race, Inequality, and Politics Twentieth-century Cuba (Chapel Hill and London: University of North Carolina Press, 2001), 317.

\textsuperscript{277} Kapcia, Cuba in Revolution, 157.

\textsuperscript{278} Kapcia, 42.

\textsuperscript{279} Sweig, Cuba: What Everyone Needs to Know, 127.

\textsuperscript{280} Brotherton, Revolutionary Medicine, 17.

\textsuperscript{281} Kapcia, Cuba in Revolution, 157.

\textsuperscript{282} Sweig, Cuba: What Everyone Needs to Know, 72.

\textsuperscript{283} Sweig, 143.

\textsuperscript{284} Sweig, 136.
one. Los Cocos’ transfer in control from the Cuban military to the Ministry of Public Health in 1989 can be seen as one aspect of this changing identity brought by Cold War readjustment policies, which according to the patient testimonies, helped make life significantly easier in Los Cocos.

Another impactful policy readjustment for HIV-positive patients during the Special Period in Times of Peace was the island’s burgeoning reliance on foreign tourism. Although tourism represented a core aspect of Batista’s capitalist decadence that Fidel Castro led a revolution to dismantle in 1959, “the fall of the international price of sugar, the country’s chief export, left the government with little choice but to pursue tourism as a reanimation strategy.” In a 1989 speech, Fidel Castro announced to the public that the decline in Soviet aid meant the country would resort to tourism as its leading source of foreign exchange. In 1989, tourists earned Cuba $200 million in convertible currency, representing a five-fold increase from 1980, while the number of tourists on the island increased from 130,000 to 326,000 in the same time period. By the end of the decade, this number jumped to $1.8 billion, replacing the sugar industry as the chief provider of the island’s hard currency.

To be sure, this increased reliance on tourism as the driver for a crippling economy catalyzed significant social changes within Cuba. Because tourism, and its associated social ills (homosexuality and prostitution) were a representation of capitalism’s perils since the 1959 Revolution, Cuba now needed to make room for this phenomenon that had been antithetical to the state agenda. According to Julia Sweig, in 1992, the National Assembly of People’s Power approved a new constitution that replaced the 1976 document “in order to begin an improved investment climate.” Notably, this constitution had significantly fewer “references to Soviet-style ideology and language regarding Marxism-Leninism and the Communist party.” One such Marxist ideology that declined in the aftermath of the Cold War was the ardent rejection of sexual promiscuity. In A Nation for All: Race,

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287 Facio, Toro-Morn, and Roschelle, “Tourism, Gender, and Globalization: Tourism in Cuba During the Special Period,” 127.
288 Fernandez, Back to the Future? Women, Race, and Tourism in Cuba, 83.
289 Sweig, Cuba: What Everyone Needs to Know, 128.
290 Sweig, 128.
Inequality, and Politics in the Twentieth Century, Alejandro de la Fuente writes, “Cuban tourist agencies are profiting from these images of tropical, unrestricted sexuality”\textsuperscript{291}—something that would have been highly suppressed before Castro’s reliance on tourism and Western trade. Ian Lumsden explains how the opening up of the Caribbean island to foreign tourist ventures- and the decreased reliance on traditional Marxist values that came with it- influenced public perceptions toward homosexual Cubans. Writes Lumsden, “Traditional \textit{machista} values are being gradually undermined. In this context, there is far more social space than formerly where homosexuals can spread their wings.”\textsuperscript{292} When Cuba’s economy relied entirely on trade with socialist countries before 1989, it was much easier to denigrate social actions that had long been associated with capitalist countries, i.e. homosexuality. But as the economic crisis forced Fidel Castro to open his borders to capitalist business enterprises, such associations became much more difficult to maintain. When we consider how drastically the treatment of homosexual patients changed beginning in 1989, we must also pay heed to Cuba’s acceptance of Western tourism that occurred simultaneously. At the height of the Cold War, sexual promiscuity and same-sex sexual preferences were contradictory to the type of socialism Castro espoused. However, as the Cold War ended, socially acceptable behaviors altered alongside Cuba’s new economic policies, providing homosexual patients in Los Cocos with a growing space to express their sexual identity.

Cuba’s growing reliance on foreign business ventures also meant that Castro’s new trading partners now possessed more leverage when they claimed human rights abuses on the Caribbean island, which according to the patient testimonies, also influenced the changes that occurred within Los Cocos. Writes Sweig, “With many of Cuba’s new trading partners taking a harder stance on human rights, international pressures now became more significant in how the country handled what the international community deemed human rights abuses.”\textsuperscript{293} As Giraldo Abreu’s covert visit to the UN Commission of Human Rights in Havana demonstrates, the Cuban government’s treatment of its HIV/AIDS patients was certainly one such example of these international claims. According to Tomás Barbonet, these international pressures influenced changes that occurred within Los Cocos. In his interview with Fraga, Barbonet

\textsuperscript{291} De la Fuente, \textit{A Nation for All}, 327.
\textsuperscript{292} Lumsden, \textit{Machos, Maricones, and Gays}, 26.
claimed, “As time passed the treatment was softened, I suppose a little by the pressures, the international critics and knowledge about the sickness.” 294 Because Castro could no longer rely on socialist countries to support the Cuban economy, the human rights abuses claimed by the Western countries Cuba traded with after 1989 now demanded action, providing yet another example of how Cold War political and economic developments directly influenced life in Los Cocos.

Finally, the economic crisis brought by the end of the Cold War made it much harder for the patients to leave Los Cocos when the Cuban government gave them the option to do so in 1993 because the sanatorium provided them with medical treatment and food they couldn’t guarantee outside. During his interview with Tomás Barbonet, Miguel Ángel Fraga addressed the contradictory messages he was hearing from Tomás, saying, “There is a lot of resentment inside you and at the same time you say that there have been some good things.” 295 Barbonet responded by telling Fraga that although other aspects of Los Cocos before 1989 made him angry, he was satisfied with the medical care he received. Even when Giraldo Abreu jumped the wall surrounding Los Cocos in 1988 to present himself in front of the UN Commission, he “recognized the food plan they gave us,” and pointed instead to the surveillance, repression, and homophobia that the patients lived under. 296 In fact, throughout the patient descriptions of the sanatorium before 1989, they never mentioned medical treatment as an aspect of their poor living conditions. However, with the onset of the Special Period in Times of Peace, receiving the same medical attention outside became much more difficult. Caridad César explained that she hid the ham and bread Los Cocos gave her so that she could give it to her daughter who was not able to find this quality of food outside of the sanatorium. 297 Describing Los Cocos during the economic crisis, Abreu remembered a young boy he called “El Cobre” injecting himself with HIV so that he could move into the sanatorium. When Abreu tried to persuade him not to do it, “El Cobre” responded, “Look at all the fatsos here…The street is terrible, I prefer to be here than in the street.” 298 Alongside Barbonet and César’s satisfaction with their medical treatment, Abreu’s recollection of “El Cobre” reveals the differential standards of living between Los Cocos and Cuban society outside. In fact, the patient testimonies reveal that the squalid conditions in Cuba at the

294 Fraga, En un Rincón cerca del Cielo, 43-44.
295 Fraga, 53.
296 Fraga, 129.
297 Fraga, 80.
298 Fraga, 123.
time prevented many patients from leaving the sanatorium in 1993 when Cuban health officials gave them the option to do so because the quality of life in the sanatorium surpassed that outside where the implications of the economic crisis loomed. For example, Tomás Barbonet said that he chose not leave in 1993 because Los Cocos provided a sense of “protection” he couldn’t guarantee outside.\textsuperscript{299} He explained to Fraga that many others made the same decision due to the “economic situation on the street.”\textsuperscript{300} Although Giraldo Abreu took the opportunity to live on his own in 1993, he detailed the difficulty he had maintaining a balanced diet and finding work, both of which he received within the sanatorium.\textsuperscript{301} As Pierre Sean Brotherton explains in\textit{Revolutionary Medicine: Health and the Body in Post-Soviet Cuba}, “The withdrawal of Soviet aid and the deleterious effects of the U.S. bloqueo have been linked to such negative trends as massive shortages in pharmaceutical drugs and medical supplies.”\textsuperscript{302} When Cuba’s economy entered a deep recession, finding quality healthcare outside of the sanatorium became a difficult task, making it much harder for HIV-positive individuals to leave.

By all accounts, life in Los Cocos became significantly less punitive when its direction passed from the Cuban military to the Ministry of Public Health. Each of the patients who entered in 1986 remembered high levels of surveillance, strict punishments, rigorous scheduling, and most notably, homophobic discrimination becoming much less severe beginning in 1989. The patient testimonies reveal that the geopolitical landscape at the time must be considered to better understand this trend. The Soviet Bloc was crumbling and the Cold War was rapidly coming to a close, pushing Cuba into the worst economic crisis it had ever seen, and forcing Fidel Castro to adopt novel economic policies. Several of these policies- such as decreased funding of the military and an increased reliance on foreign tourism- directly influenced life in the sanatorium. As the Cuban military’s role evolved, it no longer directed Los Cocos, ridding the patients of the military rhythm the soldiers instituted. Additionally, with more open borders to tourism, Cuba had to make room for social actions that were once contradictory to Fidel’s socialism, gradually providing a more open space for homosexuals to express their sexual preferences. Less punitive sanatorium policies also stemmed from Cuba’s acceptance that the Western countries it now traded with could more forcefully advocate against perceived human rights abuses on the

\textsuperscript{299} Fraga, 56.
\textsuperscript{300} Fraga, 52.
\textsuperscript{301} Fraga, 134.
\textsuperscript{302} Brotherton, \textit{Revolutionary Medicine}, 18.
island. However, American embargoes and the decline in Soviet aid curtailed the HIV-positive patients’ ability to find quality healthcare on their own, forcing many Los Cocos residents to remain in the sanatorium after the Cuban government allowed them to live at home. While the end of the Cold War increased the quality of life within Los Cocos, it also left many patients trapped within an institution they wanted to leave.

“Los Cocos and The Cold War’s Demise” reveals how a volatile geopolitical climate defined by American hostilities and Soviet failures influenced the actions the Cuban government undertook when dealing with the AIDS epidemic. Once again, we see how Cuba’s vulnerable position with the Cold War directly shaped the lives of HIV-positive Cubans.

**Conclusion**

In *Illness as Metaphor*, Susan Sontag argues that an individual’s illness experience depends on the metaphorical meaning that disease carries throughout society. In a similar vein, physician and anthropologist Arthur Kleinman writes, “Acting like a sponge, illness soaks up personal and social significance from the world of the sick person.” Like Sontag, Kleinman argues we cannot divorce a patient’s experience from their social world. In the case of HIV/AIDS in Cuba, this world was a deeply politicized one. Building off Sontag and Kleinman’s work, this essay has demonstrated how Cold War political and economic developments shaped the illness experience of HIV-positive Cubans.

“Origin Stories” called attention to the way Cuba’s vulnerable position within the Cold War structured discourse surrounding the origin of HIV/AIDS when the disease arrived in late 1985. As the patients’ commentary surrounding the *El Mariel* boatlift reveal, claims made by Cuban health officials that the disease came from the United States and was associated with socially reprehensible actions were a response to America’s efforts to delegitimize Cuba during the Cold War. Furthermore, when the disease arrived, the Cuban economy was suffering from Ronald Reagan’s severe economic embargoes that attempted to end Castro’s socialism once and for all. Because Cuba’s support of African liberation movements with socialist ideologies represented a key reason for this increased American hostility, revealing to the public that its military ventures were a potential

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source of the epidemic could have delegitimized Castro’s economic and political policies during a global conflict centered around these very ideologies. To be sure, HIV/AIDS arrived when any denigration to socialism held immense political consequences, particularly for Cuba, which possessed a relatively meager amount of economic and political capital compared to the world’s superpowers. As a result of Cuba’s isolated position with these Cold War developments, Cuban health officials framed the origin of the epidemic as a disease coming from the United States and associated it with the behavior of homosexuals, drug addicts, and prostitutes that Cuban society had long associated with capitalism.

The next section highlighted how the Cold War’s demise directly influenced life in Los Cocos. As the world’s socialist states collapsed and the United States ramped up its economic embargoes even further, Cuba entered the worst economic crisis it had ever seen. Left with no choice, Fidel Castro responded by instituting radical economic readjustment policies that effectively made life easier for the Los Cocos patients. He slashed funding to the Cuban military, rapidly changing its function within the Caribbean island. The transfer in management Los Cocos witnessed in 1989 represented one aspect of the military’s evolving role brought by the end of the Cold War, which according to the patients, eliminated the key source of punitive policies within the sanatorium. To quickly generate capital that had dissipated when Cuba lost its socialist trading partners, Castro also needed to open the country’s borders to foreign tourism, which reached levels the island hadn’t seen since Fulgencio Batista’s capitalist regime. The tourist industry brought with it social actions that Cubans had deemed antirevolutionary since 1959, such as sexual promiscuity, prostitution, and homosexuality. As a result, Cuban society’s acceptance of these behaviors gradually increased to better match the economic policies of the time, providing homosexuals in Los Cocos with more space to openly express their sexual identity. An increased reliance on foreign business ventures also meant that the countries Castro now engaged in business with could more forcefully advocate against perceived human rights abuses within Cuba, something the patient testimonies also revealed as a source of increased living standards within Los Cocos. However, given the effects of the economic crisis outside of the sanatorium, many patients felt that they couldn’t leave when they were given the ability to do so in 1993 because the quality of medical treatment they received inside surpassed what they could find on the street. As Los Cocos and The Cold War’s Demise demonstrates, Cuba’s spot within a global geopolitical conflict defined by American aggressions and Soviet
failures directly determined the experiences of its HIV-positive patients.

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What is the validity behind rich countries attacking poor ones on the basis of human rights within a geopolitical landscape that sharply curtails the options provided to the latter? How do transnational political, economic, and ideological struggles manifest themselves onto the bodies of sick individuals? Do all members of society share this burden equally? While “The Cold War Epidemic: HIV/AIDS in Cuba from the Patients’ Perspectives, 1986-1993” cannot provide definite answers to these questions. However, if the patient testimonies of HIV-positive Cubans reveal one thing, it’s that these are the ones worth asking when considering the history of the AIDS epidemic in Cuba.

“Origin Stories” exemplifies how sick individuals feel the effects of transnational struggles, particularly when they live in countries subjected to the punitive policies of world superpowers. It also demonstrates how a country’s response to an epidemic can be rarely reduced to cultural explanations, but often exists within geopolitical developments that curtail the options provided to governments with a relatively meager economic and political standing.

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