December 1, 2006

Dear Secretary Rice:

The undersigned organizations urge you to examine and revise the U.S. Department of State’s practice of not hiring people living with HIV as Foreign Service Officers. The department’s longstanding practice of excluding applicants for Foreign Service employment because they are HIV-positive reflects outdated and largely unsupported assumptions about HIV, and unfairly excludes qualified individuals from serving their country through careers in the Foreign Service.

We believe that your policy of excluding HIV-positive applicants from employment is arbitrary and discriminatory. The department’s rationale for its practice – that HIV-related medical care may not be available in some Foreign Service posts – ignores the realities of HIV disease and makes little sense as a public policy. HIV disease affects individuals in different ways, and many people living with HIV experience it as a chronic illness that requires periodic monitoring and use of antiretroviral medication, not constant medical attention. Failing to account for this basic fact, the department’s policy appears to be grounded in assumptions about the frailty of people with HIV, without adjustment for revolutionary medical advances over the past two decades. Applying a blanket rule excluding all people with HIV, regardless of their health, is backward and unsound. Furthermore, the stated basis for excluding applicants with HIV is internally inconsistent, as Foreign Service officers who contract HIV during their careers are, quite rightfully, allowed to continue to serve.

Additionally, barring people with HIV from employment, purportedly for their own protection, runs afoul of federal law that protects people with disabilities from government discrimination. Instead of broadly excluding people with HIV, under the law, the State Department must evaluate each Foreign Service applicant and provide reasonable accommodations on a case-by-case basis.

We understand that Lambda Legal represents Lorenzo Taylor and Kyle Smith in two cases currently pending, one in the U.S. District Court for the District of Columbia and another before the Equal Employment Opportunity Commission. In a decision this past June, the U.S. Court of Appeals for the District of Columbia Circuit raised serious questions about the department’s position with respect to applicants
with HIV, calling the government’s policy “suspect,” and allowing Mr. Taylor’s case to proceed to trial. We urge you to reconsider your existing policies and to adopt a hiring practice that comports with the law, is fair and nondiscriminatory to people with HIV, and allows applicants with disabilities to use their talents to serve their country.

Sincerely,

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Washington, DC 20036

AIDS Action Council
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AIDS Foundation of Chicago
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The AIDS Institute - National Office
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AIDS Legal Referral Panel (ALRP)
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AIDS Project Hartford, Inc.
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AIDS Project Los Angeles
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American Academy of HIV Medicine
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American Civil Liberties Union
Washington Legislative Office
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BIENESTAR
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Community HIV/AIDS Mobilization Project (CHAMP)
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Connecticut AIDS Resource Coalition
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Douglas County HIV Resource Center
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Duke AIDS Legal Assistance Project
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Gay & Lesbian Advocates & Defenders
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Gay Men's Health Crisis
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Harm Reduction Coalition
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Hepatitis, AIDS, Research Trust  
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HIV/AIDS Law Project  
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HIV & AIDS Legal Services Alliance, Inc. (HALSA)  
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New York State Black Gay Network
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Public Justice Center
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Sexuality Information and Education Council of the United States (SIECUS)
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Treatment Action Group
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TII CANN - Title II Community AIDS National Network
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Washington Heights CORNER Project
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