

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longstanding practice of excluding applicants for Foreign Service employment because they are HIV-positive reflects outdated and largely unsupported assumptions about HIV, and unfairly excludes qualified individuals from serving their country through careers in the Foreign Service.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,

**Advocates for Youth**

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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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**AIDSLaw of Louisiana, Inc.**

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**AIDS Law Project of Pennsylvania**

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**AIDS Legal Council of Chicago**

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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**

The David Geffen Center  
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**American Academy of HIV Medicine**

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**American Civil Liberties Union**

Washington Legislative Office  
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**Asian Pacific American Legal Center**

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**BIENESTAR**

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**Bronx AIDS Services, Inc.**

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**Community HIV/AIDS Mobilization Project (CHAMP)**

32 Broadway, Suite 1801  
New York, NY 10004

**Connecticut AIDS Resource Coalition**

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Hartford, CT 06105

**Douglas County HIV Resource Center**

Roseburg, OR 97470

**Duke AIDS Legal Assistance Project**

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**Gay & Lesbian Advocates & Defenders**

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**Gay Men's Health Crisis**

119 West 24th Street, 9th floor  
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**Harm Reduction Coalition**

22 West 27th Street, 5th Fl  
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**Hepatitis, AIDS, Research Trust**

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Florence, CO 81226

**HIV/AIDS Law Project**

Volunteer Lawyers Program  
305 South 2nd Avenue  
Phoenix, AZ 85003

**HIV & AIDS Legal Services Alliance, Inc. (HALSA)**

3550 Wilshire Blvd., Suite 750  
Los Angeles, CA 90010

**HIV Medicine Association**

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Alexandria, VA 22314

**Human Rights Campaign**

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**International Women's Health Coalition**

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**L.A. Gay & Lesbian Center**

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**Lambda Legal**

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**Legal Action Center**

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**Minnesota AIDS Project**

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**Nashville CARES**

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**National Association of People with AIDS**

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**National Alliance of State & Territorial AIDS Directors**

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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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**Stonewall Bar Association of Georgia, Inc.**

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**Sylvia Rivera Law Project**

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**Treatment Action Group**

New York, NY 10012

**TII CANN - Title II Community AIDS National Network**

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**Washington Heights CORNER Project**

NY, NY 10033

**Whitman-Walker Clinic**

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