



HUMAN
RIGHTS
CAMPAIGN

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MAYOR'S OFFICE
CITY OF CAMBRIDGE
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ACTION MEMORANDUM

TO: Community Leaders
FR: Human Rights Campaign
DT: January 29, 1996

RE: HIV+ Military Personnel

The inclusion of automatic discharge of HIV-positive servicemembers in the defense bill is a cynical manoeuver to use public and congressional support for defense to overcome the president's opposition to the discharge. This manoeuver even led traditional supporters like Ted Kennedy and Rep. Neil Abercrombie to vote for the defense bill with the discriminatory provision attached. The House vote for the bill with the provision was "veto-proof" and the president has indicated that he will sign the defense bill. **IN ORDER TO MOUNT A SERIOUS CHALLENGE TO THE DISCHARGE PROVISION WE MUST SEPARATE IT FROM THE CLOAK OF THE OVERALL DEFENSE BILL.**

To do so, Republican defense supporters Peter Torkildsen and William Cohen have agreed to sponsor a separate bill along with Kennedy, Jane Harman and others to repeal the discharge provision. The House bill has already been introduced (HR2959) with 43 cosponsors including eight Republicans. We have 28 commitments to cosponsor in the Senate. In this congress, it is still an uphill battle. But by removing the cloak of the defense bill we have a fighting chance of attracting enough support to effect a serious challenge to this extreme and hateful policy. Sam Nunn has indicated that he will support our effort to repeal the discharge apart from the defense bill.

WE NEED YOUR HELP in generating support for a complete legislative repeal of the discharge provision. Please let the White House know that the HIV provision is unacceptable under any circumstances. We will expect the president to vigorously back legislation repealing the discharge including solid backing from the Department of Defense. Please ask members of the House and Senate to agree to cosponsor the repeal now and enlist other AIDS and Gay activists to do the same (a list of cosponsors already secured is attached). If you need more information, please call our political director Daniel Zingale or senior health advocate Winnie Stachelberg at (202) 628-4160.

Thank you for your efforts!

WORKING FOR LESBIAN AND GAY EQUAL RIGHTS.

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**Repeal of Mandatory Discharge
of HIV (+) Services members (26)**

**Kennedy
Cohen**

**Akaka
Bingaman
Boxer
Chafee
Dodd
Feingold
Feinstein
Glenn
Hatfield
Inouye
Jeffords
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Mosley Braun
Murray
Sarbanes Simon Wellstone**

Additional Original Co-Sponsors:

Morella
Shays
Gunderson
Studds
Campbell (CA)
Ward
DeLauro
Boehlert
Bilbray
Pelosi
Abercrombie
Meehan
Maloney
Sabo
Yates
Gutierrez
Markey
Miller (CA)
Farr
Waxman
Deutsch
Waters
Rivers
Matsui
Brown (CA)
Ackerman
Furse
Schroeder
DeFazio
Martinez (CA)
Evans
Berman
Frank
Hinchey

The Washington Post

AN INDEPENDENT NEWSPAPER

HIV and DoD

MORE THAN A thousand men and women in the armed forces are HIV-positive but do not yet have AIDS and are able to perform satisfactorily on the job. In all the years since the discovery of the virus in the early '80s, Defense Department policy has been the same: allow these soldiers, sailors, airmen and Marines to remain in the service—with a few restrictions on their assignments—until they are unable to work. Then give them medical discharges, disability benefits and continued medical care for themselves and their families. Because of congressional action, this humane and sensible policy will be abandoned, over the protests of department officials who strongly favor continuing current practice.

A private employer couldn't get away with this kind of discrimination. The Americans with Disabilities Act protects individuals infected with the virus but still able to work. The military, however, is exempt from this law, and Congress has chosen to take advantage of this exception. Now service personnel are to be involuntarily separated as soon as they are found to have the virus, which may be as early as 10 years before they have any sign of the disease. Because they are not in fact disabled at that point, they will not

receive medical discharges or be eligible for disability benefits. And though they may get certain health benefits for themselves, their families will not be covered.

Why was this done? It might make sense if the nation's military leaders had made the decision in order to protect the health of other service personnel. But that's not the case. The Defense Department not only finds current policies to be sufficient but specifically opposes this change. The words of Rep. Robert Dornan, who sponsored this legislation, provide a clue to its intent. The people he would drum out, he says, are only "drug dealers, people who visited whorehouses or homosexuals." That seems to be reason enough for him and, unfortunately, for a majority of his colleagues, to impose this extraordinary penalty.

This vindictive policy change is part of the comprehensive defense authorization bill, an earlier version of which has already been vetoed. The president probably has to sign this measure to keep the enormous department afloat. But he is right to condemn Rep. Dornan's handiwork and pledge every effort to get it repealed or overturned in the courts.

The New York Times

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Bills Would Repeal Provision To Expel Troops With H.I.V.

By ERIC SCHMITT

WASHINGTON, Feb. 1 — A bipartisan effort in the House and Senate is under way to repeal a provision in a military budget bill that would force the Pentagon to discharge troops who have the virus that causes AIDS.

Republicans like Senator William S. Cohen of Maine and Representative Peter G. Torkildsen of Massachusetts along with many Democrats, including Senator Sam Nunn of Georgia, oppose the discharges.

Lawmakers will most likely introduce bills in the House and Senate in the next few days to eliminate the provision that would discharge within six months more than a thousand service members who are infected with H.I.V., the virus that causes AIDS.

"If Magic Johnson can play professional basketball after five years with H.I.V., then a dedicated American ought to be able to serve his or her country in a noncombat role," Mr. Torkildsen said in an interview.

Efforts to repeal the discharge provision have broad bipartisan support in the Senate, but face an uphill struggle in the House. The bill's author, Representative Robert K. Dornan, a California Republican who is seeking his party's Presidential nomination, refused to compromise his measure during a conference committee.

Currently, service members who are infected with H.I.V. are allowed to stay on active duty in this country as long as they are healthy and able.

The provision for the discharges is

included in the Pentagon's \$265 billion budget bill for the 1996 fiscal year, which began Oct. 1. President Clinton, who opposes the discharges, is nonetheless expected to sign the overall bill next week because the Pentagon supports most of its other provisions.

The White House has directed officials from the Defense, Justice and Veterans Affairs departments to recommend ways to repeal the discharge provision and insure that troops with H.I.V. and their families

An uphill battle in the House is seen to prevent more than 1,000 dismissals.

continue to receive full medical and disability payments.

Drafting the actual legislation to repeal the provision is short and straightforward. Devising a way for Congress to approve it is more difficult. "We're into tactics and timing, not issues of substance," one top Senate aide said.

Critics of discharge provision argue that it is discriminatory. They note that no attempt is being made to dismiss 4,000 other troops whose duties are restricted because of chronic but not debilitating illnesses like cancer and heart disease.

The Washington Post

Charles Krauthammer

The GOP's HIV Disgrace

So this is what the great Republican revolution has come to: No welfare reform. No entitlement reform. No tax cuts. No balanced budget. But, thanks to legislation Republicans have tenaciously insisted upon, if you are HIV-positive you will now be kicked out of the military.

Now, there is no disgrace in losing. Republicans made a valiant, if tactically confused, attempt at major welfare-state reform before learning that under the Constitution one cannot govern, let alone run a revolution, from Congress. There is no disgrace in being stopped cold by a president's veto. But there is disgrace in passing some of the petty, petulant legislative crumbs that the Republicans have settled for and that Clinton was prepared to let them have. Of which the HIV purge is a particular disgrace.

In December Clinton vetoed the Republicans' defense authorization bill because of major policy objections. Clinton opposes, for

example, the provision for building the first system ever to protect Americans from ballistic missile attack. He also objected to the Republicans' HIV purge.

So what happened? On the big one, the ABM system, the single most important defense issue facing the country in this age of rogue states and nuclear proliferation, the Republicans caved. They sent the president a new defense authorization bill simply leaving it out. But they clung fiercely to the HIV provision. Clinton will now sign, not wanting to block the pay raises, Bosnia funds and other important provisions in the bill. He will work to undo the HIV mischief later.

It is hard to imagine a more mean-spirited and useless provision in any bill. On the merits, it is simply a manifestation of bigotry. The armed forces carry many other people with chronic conditions such as cancer and heart disease that might restrict activities. But they do not force them out of the service.

HIV-positive soldiers are already restricted from combat duty or overseas assignment for reasons of prudence. But there is no reason whatsoever why missile engineers and Navy lawyers and hundreds of others should be forced into retirement because of HIV status.

The return of Magic Johnson to the NBA gives the lie to the notion that there is anything inherently debilitating about HIV status before the advent of AIDS itself. Nor is HIV contagious. HIV is not TB. You do not spread it by coughing on someone. As one bemused basketball star said when asked whether he feared playing Magic Johnson: "It's not as if we're going to have unprotected sex with him on the court."

HIV-positive service personnel now to be discharged are by definition in good health. If not, they would already have been discharged like other sick or disabled soldiers. In his NBA debut Tuesday, Johnson scored 19 points in

27 minutes. Were he a Marine Band clarinetist, he'd be fired for . . . what? Physical frailty?

Like another Republican legislative triumph—shoe-horning a ban on embryo research into the continuing resolution that kept the government from shutting down on Jan. 26—this is supposed to demonstrate Republican concern with cultural issues.

Goodness. With rampant crime, epidemic illegitimacy, a polluted popular culture, this is how the Republican Party demonstrates concern with the moral climate of America? By purging the armed forces of perfectly healthy HIV-positive members and by banning research on days-old fertilized eggs, research with enormous potential for alleviating chronic illnesses?

It is time for the Republicans to realize that the game of trying to govern with a Democratic president in office is over. It is time to stop trying to win these little, belittling victories as a substitute for the real thing. In that same

continuing resolution, the Republicans bravely killed off the Native Hawaiian and Alaska Native Cultural Arts program. Hurrah. Meanwhile, the big fish, the federal patrons of political correctness—the National Endowment for the Humanities and the National Endowment for the Arts—live on. Some revolution.

Forget it. Forget phony "compromise" and create real issues. Send to the president the Senate's original welfare reform bill, the one that passed 87 to 12. Dare him to veto it. Send him a stand-alone bill mandating construction of an anti-ballistic missile system for the American people. Let him veto that too. Send him yet another balanced budget with real entitlement reform. Resubmit it to him every month until Election Day. Let him veto everything.

Put the serious issues on the table. Present stark alternatives. Then campaign against the do-nothing president, and let the people decide.

But stop the petty stuff. It's disgraceful.

Consent Communication #7

S-63

Communication was received from
the Human Rights Campaign regarding
HIV and Military Personnel.

In City Council February 12, 1996

Placed on File