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INDUSTRY INSIDER

Something Suspect in the Air

After weathering charges of anti-PWA bias in the early 1990s, American Airlines is once again facing a storm of discrimination charges by HIVers -- this time for refusing to hire flight attendants who have the virus. The nation's second-largest airline -- which had elevated its image enough to be named one of *POZ*'s 25 most PWA-friendly companies ("Take This Job and Love It!" January 2000) -- is now the subject of several suits by HIVers claiming that American withdrew job offers after learning their status. In January, Ed Poulin, a 36-year-old resident of Bensenville, Illinois, was hired as a flight attendant contingent on his passing a medical evaluation, a urine drug test and a blood screen. Among the 40-odd questions asked was whether he had any "other" conditions not listed. "I don't see how it's relevant," said Poulin, who had left the space blank.

Less than a week later, Poulin received a letter from the airline indicating his blood showed high levels of red blood cells, or "mean corpuscular volume." Although employees cannot be tested for HIV without their consent, elevated MCVs -- detectable using standard blood counts -- often indicate the use of AZT and other anti-HIV drugs.

Poulin's doctor faxed a reply that -- without disclosing his status -- assured that the "condition poses no significant health risk or threat to performance." The company wanted more, so his doctor sent another fax revealing Poulin was HIV

SCENE AND
HEARD
IMF'd Up,
Man

Washington, DC -- HIVers and their allies at the two-day megaprotest here charged the **International Monetary Fund (IMF)** and the **World Bank** with forcing debtor nations to slash social spending as part of their payment plans. On April 16, some 850 AIDS activists -- many bused in by **ACT UP/Philadelphia** -- rallied on the Ellipse as Vietnam vet-cum-PWA **John Bell** addressed the crowd of 15,000. ACT UP helped blockade the meeting site by holding a "Piggy Bank Roast" at the intersection of 19th and M (pictured). The protest was marred only by reports of police misconduct of some of the 1,300 arrestees. World Bank

positive. Then they asked for a date of diagnosis -- 1995. In mid-March, the company wrote back, saying it was "withdrawing our conditional offer" because Poulin had "failed to be candid" with his nonanswer. "It's damned if you do, damned if you don't," Poulin said.

This scenario has repeated itself like an in-flight movie. Vincent Fusco, a 44-year-old ticket agent from San Francisco, was offered a flight attendant position with American, only to have the job rescinded for failing to volunteer his HIV status. He also sued, charging discrimination and illegal HIV testing.

Poulin joined two HIVers and 23 people with asthma, depression and other disabilities in a separate suit brought by the Equal Employment Opportunity Commission (EEOC) charging the airline with violating the Americans with Disabilities Act (ADA). "American excludes people who they don't think are perfect or people they are afraid of," said Suzanne Anderson, an EEOC lawyer in Dallas. "That is part of what the ADA was intended to end."

Tim Kincaid, an airline spokesperson and founding member of its gay group, defended the policy and said there were HIV positive employees working for the company. "HIV is not a disqualifier, but omitting required medical information is," he said. "We rely on our employees to be truthful." He said that tests of MCVs and other conditions are performed to check for anemia: "If we suddenly lose cabin pressure, someone who is anemic is prone to fainting."

Applicant trap or emergency prep aside, advocates wonder if American hasn't gone overboard with its medical detectors. "Applicants should not be required to turn over all health information for a job," said Michael Adams, associate director of the American Civil Liberties Union's AIDS Project. Justin Hayford, a case manager with the AIDS Legal Council of Chicago, added that because employers can't ask about HIV status during the interview, HIVers are most vulnerable after a job is offered -- usually hinging upon a medical exam -- but before they start, when employment is formalized. "It's a major hole in the way the ADA protects people," Hayford said.

American Airlines is no stranger to AIDSphobia. In a notorious 1993 incident, flight attendants asked for immediate change of linen on a flight packed with travelers en route to the gay rights March on Washington. Just months later, a PWA was forced off a plane after hanging an IV bag above his seat. Although the airline was the first to implement a nondiscrimination policy for gays and now donates to many AIDS causes, its recent pattern casts serious doubts about its in-house repair.

But in an industry that once ejected female flight attendants when

president **James Wolfensohn** made front-page news when he acknowledged the scope of the pandemic and urged his delegates to grant more loans for AIDS-specific projects. "If you have programs, we will fund them," he said, and then actually agreed with activists who cautioned that underdeveloped health infrastructures will still be a hurdle.

-- Julie Hantman

Photo Conrad Fisher/DC-IMC

they reached 32, got fat or married, American may not even be the worst offender. Said David Borer, general counsel for the international labor union Association of Flight Attendants, "The entire industry can do a better job of dealing with HIV."

-- Denny Lee

NEG

Pfizer agreed in April to donate fluconazole for cryptococcal meningitis to South Africa, but said no way to Central American HIVers. Reps from Agua Buena Human Rights Association said the drug co called Africa a "more important area of the world."

A World Health Organization survey discovered that more than two-thirds of countries can't guarantee the safety of their blood supplies and 5 to 10 percent of HIV transmissions are due to infected blood or blood products. A fifth of the 75 mil units donated each year worldwide are not tested for HIV, hepatitis, syphilis or malaria.

Central Florida lawmakers are pushing to require an Rx to purchase syringes, reported the *Orlando Sentinel*, citing a "strangling" heroin epidemic. Ten states have similar laws, which harm-reduction proponents say encourage needle-sharing.

POZ

The Kentucky legislature passed a unique-identifier bill after a down-to-the-wire debate. The law, signed in April, was originally introduced with a names-reporting clause but was OK'd at the last minute with the confidential method instead.

Mutual of Omaha Insurance lifted its caps on claims by HIVers beginning May 1 -- even though the Supreme Court had ruled it was legal for other diseases to have far higher limits. The company claimed it had already been reviewing the limits when the suit was filed in 1998, causing a delay in the policy change.

The Microbicide Development Act of 2000 was introduced in Congress in March. If passed, the bill doubles the spending for research at the NIH and funds a five-year plan for basic study, clinical trials and use of these antiviral gels.

BILL CHECK

Everybody CAREs

By Griffin Shea

The Ryan White CARE Act -- the \$1.4 billion, five-year federal program first passed in 1990, which funds treatment and care for a half-million HIVers and their families each year -- is set to expire this fall, and the debate over its renewal took off with a bang in March in the form of a government audit demanded by House Republicans.

Everyone inside the Beltway has a different spin on what the General

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The moral of this story? Activism still works, and needs you.

Anyone who thinks AIDS activism is either dead or no longer effective need only look at Vice President Al Gore's recent ill-fated entry into African AIDS policy-making—and the storm of media coverage around it—and think again. As documented in a leaked State Department report, Gore exerted intense pressure on South Africa over the past year to rescind legislation that would enable that AIDS-beleaguered country to get drugs to PWAs at a vastly lower cost than buying them directly from U.S. companies.

International trade agreements allow the South African government's steps, but the United States is cavalierly ignoring that fact and relying on its immense global power—as exhibited in Gore's demands last year during a meeting with South Africa's then-Deputy President (now President) Thabo Mbeki. Brutally valuing corporate profits over human lives is not a novel approach for the U.S. government, but it usually passes largely unnoticed. Call it xenophobia, racism, whatever—few Americans consider how our government's policies impact lives elsewhere around the globe.

But this is different, because a few dedicated AIDS activists have *made* it an issue. A political issue. A media issue. *An AIDS issue.* I doubt if Gore or his senior

advisors—several of them former drug company executives or lobbyists—seriously considered the health ramifications of their bullying, let

alone that there might be a political price to pay.

But there is. When the activists made their move, they did so strategically: at Gore's presidential campaign announcements in June, interrupting or picketing at least seven events in six states, including staging a 400-strong march in Philadelphia. The poobahs of the Gore campaign were apoplectic. They were angry that “this wasn't on their radar screen” and that “no one told them about this issue,” as well as embarrassed by their campaign's political naiveté.

When Gore's role was first detailed in a story in *The Washington Post*, the Human Rights Campaign, the richest gay lobbying group, downplayed the issue and criticized the protesters. “To single out the vice president is not fair,” said spokesperson David Smith, who should know better. Soon Daniel Zingale, director of the AIDS Action

Council, another inside-the-beltway lobby group, was issuing similar go-along-to-get-along sentiments.

The Congressional Black Caucus requested an explanation from the VP. Gore responded post haste—being branded anti-PWA or anti-African isn't exactly his campaign strategy—assuring the caucus in a letter that he supports South Africa's right to establish compulsory licensing and parallel importing *if* the legislation is modified to meet the United States' interpretation of the trade agreements. In essence, an empty reassurance.

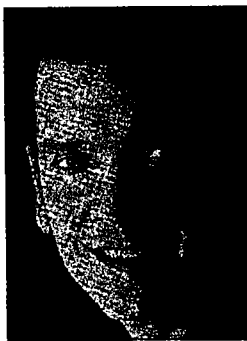
The issue has thrust international AIDS issues into the spotlight of a U.S. presidential campaign at a time when both observers and advocates agreed that AIDS was likely to be a nonissue in the 2000 race.

The moral of this yet-unfolding episode? *AIDS activism is alive, it works, and it needs you.*

And me, too. The temptation to take a leave of absence from the frontlines of activism is, for most of us, strong and, as I wrote last month, sometimes necessary. But despite the very human need to take care of oneself, we also have an equal responsibility to take care of others and work for justice. We all owe a debt of gratitude to those who bird-dogged this issue to public attention. What PWA didn't feel a rush of pride at the news clips of the protesters waving “AIDS” signs and stealing Gore's photo-op to remind Americans that the epidemic is not over? In 1988 and especially in 1992, AIDS activists hijacked the high-profile, long-running presidential campaigns and national conventions to force the candidates to address the issue on an almost-daily basis. The race for the White House in 2000 presents the same opportunity, and these protests are a good start toward seizing it. (To help to do this, starting in the new *POZ* in November, Doug Ireland will be writing a monthly “Campaign 2000” column, asking candidates hard questions about AIDS.)

Join those calling on Gore to stop undermining South Africa's efforts to obtain inexpensive HIV meds. Contact the VP: 202.456.2326 (phone); 202.456.7044 (fax); vice.president@whitehouse.gov (email). For more information on the Health GAP (Global Access Project) Coalition, which is coordinating the campaign for global access to HIV treatment, contact the AIDS Treatment Data Network at 800.734.7104, or richard@atdn.org, or visit the website at www.healthgap.org.

To the Clinton/Gore administration, this is a “trade dispute,” as though it was a debate over how many pairs of Nikes to import. But the activists know that it is about life and death, about human dignity and about justice. ■



Aaron O. Strub

S.O.S.

SAVING THE WORLD
 STACY SPENCER - 62K

What Dubya Stands For

Texas Gov. George W. Bush wimps out on AIDS

BY DOUG IRELAND

Texas ranks fourth—behind New York, California and Florida—in the number of recorded AIDS cases, and five Texas cities (Houston, Dallas, San Antonio, Austin and Fort Worth) get emergency Ryan White Care Act funding. But as the state's chief executive with responsibility for public health, Texas Gov. George W. Bush—anointed by the punditocracy and pollsters as the all but inevitable Republican presidential nominee in 2000—has turned his back on AIDS.

Advocacy groups in Texas are unusually scathing. "AIDS? He's never uttered the word," sniffs Don Mason, executive director of AIDS Services of Dallas. "When we asked Bush to write a letter in support of our application for federal funding," says Tom Sheffield, HIV project director for the Austin/Travis County Health and Human Services Department, "we got back a letter saying he couldn't because then he'd have to write letters for the four other cities." Asked what kind of president Bush would make based on his Texas AIDS record, Harry Livesay, advocacy director of Houston's Bering-Omega Community Services Center, an AIDS service organization, warns, "I'd be scared."

A request to the governor's press spokesperson, Linda Edwards, for Bush AIDS statements yielded only a couple of anodyne letters to event organizers urging participants to "remember and pray" for people with HIV but devoid of any reference to AIDS as a public policy issue.

Despite Texas' steadily rising AIDS rate, state government spending—not just on AIDS, but on all sexually transmitted diseases—remained the same, a paltry \$18.4 million, from 1991 until just this year, when the legislature approved an additional \$18 million (and then only to

Houston's largest gay enclave. "Bush passed over several well-qualified people to appoint Archer, who had very meager public health credentials," says Danburg. "Archer has a lot of bizarre theories—he's opposed not only to abortion but to condoms and other birth control because 'it's not what God intended.'" Archer last year proposed cutting off all state funds for public school-based health clinics, which would have effectively eliminated already-weak school HIV education programs. (The legislature kept the funding.) Indeed, Archer's main qualification for the job was that he was acceptable to the Christian right—and is the son of U.S. Rep. William Archer, an arch-reactionary GOP powerhouse.

Bush's campaign theme of "compassionate conservatism" is empty rhetoric that, says Francisco Sanchez, the openly gay secretary of the Harris County Democratic Party, "translates into a kinder, gentler form of racism. Despite soaring AIDS rates among Hispanics, especially women, assistance from the state has dropped dramatically to organizations dealing with AIDS in the Hispanic community."

And this year, Bush got the GOP-controlled state Senate to scuttle a hate-crimes bill that would have protected PWAs and gays and that had already passed the House. Says openly gay Dallas City Councilmember John Loza, a

Republican, "I was very disappointed in Bush—he just didn't want this bill to pass his desk, period. Even a majority of Republicans here supported it in polls, and I don't think it would have hurt his presidential ambitions."

This pandering to social conservatives isn't new: When Bush first ran for governor, one issue used to beat Ann Richards—who had PWAs on her staff—was her support for repeal of the state's sodomy law, which Bush has defended as a "symbolic gesture of traditional values." (Two Houston



His health commish is described as a "right-wing zealot."

secure federal matching funds). Worse, in January the Bush administration issued an order that all who test positive must have their names reported to the state health department, a decision widely criticized by AIDS groups as one that would scare people away from testing.

The man behind that order was Bush's health commissioner, Reyn Archer, MD, described as "a right-wing zealot" by Democratic State Rep. Debora Danburg, a straight gay-rights advocate whose district includes the Montrose area,

men arrested last year in their bedroom under this "symbolic" law are currently challenging it in the courts.)

Since Bush is running as a tax-and-budget cutter, anyone who thinks he would deem AIDS a crisis in need of substantial funding is simply dreaming, given his record. As the Bering-Omega Center's Livesay puts it, "When people outside of Texas talk positively about George W., it's kind of like the French admiration for Jerry Lewis—here, we just don't get it." ■