



# The Phyllis Schlafly Report

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## AIDS: The Challenge and a Plan of Action

*The following statement of the challenge posed by AIDS, with a Plan of Action for meeting this challenge, was presented by Eagle Forum on May 29, 1987 and subsequently endorsed by 70 conservative leaders. It has since been presented to public officials at federal, state and local levels, and many parts of it are already becoming part of legislation and public policy.*

Cases of full-blown AIDS (Acquired Immune Deficiency Syndrome) total 35,000 in the United States, of whom 20,500 have already died. No one has recovered.

The federal Centers for Disease Control estimates that at least one and a half million Americans are infected with the AIDS virus, also called the HIV virus (Human Immunodeficiency Virus). Originally, it was estimated that some 20 percent of these would eventually develop full-blown AIDS. That forecast has steadily increased. Now it is estimated at 60 percent and, according to Dr. Roy Schwarz, chairman of the American Medical Association Task Force on AIDS, "There is no reason to believe it will be less than 100 percent." The Centers for Disease Control expects 324,000 diagnosed AIDS cases by 1991, with 215,000 deaths.

All persons with the AIDS virus are infected and infectious for the rest of their lives. AIDS may develop anytime up to 15 years after the original infection. Even though they show no symptoms themselves, persons with the AIDS virus are AIDS carriers and can communicate the fatal disease to others. Most of those infected with the AIDS virus do not know they are infected.

There is no cure or vaccine for AIDS or for the AIDS virus. Hundreds of millions of dollars a year are now being spent to find a cure, but it is generally believed that there will be no cure in the foreseeable future.

According to the Centers for Disease Control, of the persons who have AIDS: 73 percent are male homosexuals, 17 percent are intravenous drug users, 3 percent got AIDS from transfusions of infected blood (including hemophiliacs), and 4 percent got AIDS from heterosexual contact. However, AIDS is a venereal disease that poses a threat to all Americans.

The AIDS virus is transmitted by an exchange of body fluids, principally blood and semen. This means that it is a life-risking activity to permit any contact between the body fluids of one person and another who has the AIDS virus.

**AIDS is a problem of many dimensions: medical, financial, legislative, political, educational, moral, and civil liberties.**

*AIDS is a medical problem* because of the large and growing number of persons who require care, treatment, and protection

against infection.

*AIDS is a financial problem* because of the tremendous costs and the expected acceleration in the cost burden. The cost of caring for one AIDS patient ranges from \$50,000 to \$200,000. The federal Office of Technology Assessment has confirmed the prediction that the medical costs of AIDS will reach \$8.5 billion by 1991, plus another \$2.3 billion spent for research, education and blood screening tests. The burden on our health care system, hospitals, Medicaid, insurance companies, and personal resources is growing rapidly.

*AIDS is a legislative problem* because of the dozens of AIDS bills introduced into Congress and into State Legislatures on which legislators must vote.

*AIDS is a political problem* because, in the 1988 elections, all candidates for public office will be compelled to answer questions about AIDS and what to do about it. No candidate will be able to avoid addressing this issue.

*AIDS is an education problem* because the American people need reliable information regarding the threat it poses to them as individuals and as a nation. It is also a problem because some demands for "AIDS education" are really demands that the schools teach children how to use condoms when they engage in sodomy or fornication. This is often described as "safe sex" education and is highly controversial.

*AIDS is a moral problem* because it calls on people to be responsible. Particularly, those in high-risk groups should seek testing and take precautions to avoid putting others in jeopardy.

*AIDS is a civil liberties problem* involving protection of the victims of disease from harassment, but also involving, among other questions, the individual's right to select the health care personnel of our choice (after knowledge of whether or not they are AIDS carriers), the right to have transfusions from the blood of our choice (from persons known to be uninfected), and the right to be in a hospital separated from other patients with a communicable disease.

While AIDS and the AIDS virus are of most immediate concern to all those who engage in high-risk behavior (sodomy, IV drug use, and prostitution), AIDS should be a concern to everyone.

\* Everyone who engages in sexual activity, in or out of marriage, is at risk from any partner who has had other sexual experiences; "when you have sex with someone today, you also have sex with everyone they've had sex with over the last five to seven years."

\* Everyone is at potential risk because of the probability of entering a hospital for elective or emergency treatment and the possibility of needing a blood transfusion. Everyone is also at risk

from the possibility of an accident or an ordinary activity that allows an exchange of blood to take place (e.g., the everyday activities of nurses, dentists, dental assistants, firemen and policemen, and skinned knees and cut fingers).

\* Everyone will feel the financial burden because those who engage in high-risk behavior are demanding that the high costs (of treatment, hospitalization, and research for a cure) be paid by those who don't engage in high-risk behavior.

Our society faces two great challenges: how to provide compassionate care for the diseased, and how to protect the uninfected from the infected in order to stop the further spread of the deadly disease. Let's consider a constructive plan of action.

## A Plan of Action

### A REPORTABLE DISEASE:

1. The U.S. Public Health Service and all states should declare the AIDS virus as well as AIDS a "dangerous, infectious, communicable disease" and a "lethal, transmissible disease." States must include infection with the AIDS virus (HIV virus) and ARC (AIDS Related Complex), as well as full-blown AIDS, on the list with other reportable diseases such as syphilis and gonorrhea.

2. Infection with the AIDS virus and ARC, as well as full-blown AIDS, must be made a reportable condition so that health authorities can trace sexual contacts. Current law requires this procedure for syphilis and gonorrhea so that victims can be traced and counseled, and so that they do not unknowingly infect others. AIDS carriers should be treated likewise. The routine techniques used to conquer syphilis, such as reporting and contact tracing, should be similarly applied to the AIDS virus. Currently, Colorado, Idaho, Minnesota and South Carolina require reporting of AIDS carriers; the rest of the country needs the same protection.

**TESTING FOR THE AIDS VIRUS** should be required for the following specific groups of persons:

1. All applicants for marriage licenses, just like blood tests for other venereal diseases. In addition to obvious reasons, this is a women's rights issue because 93 percent of those with AIDS are men, and every woman should have the right to have the state ascertain that her prospective husband is just as free from the AIDS virus as from syphilis and gonorrhea. Women have a right to this information so they can avoid a pregnancy that might result in an AIDS-infected baby.

2. Doctors, dentists, nurses and other health personnel. All patients should be notified whether or not their health care providers are AIDS carriers. "Informed consent" to all medical procedures should include the right to give or withhold consent to treatment by an AIDS carrier.

3. Immigrants. The Immigration and Naturalization Service should be instructed to screen applicants for AIDS and the AIDS virus, and to bar them from entry, just as the INS currently bars entry for those with leprosy, syphilis, tuberculosis, typhus, and other communicable, infectious diseases.

4. Members of the armed services. A testing program is already functioning.

5. All those entering hospitals, medical and dental clinics, drug treatment centers, or venereal disease treatment centers, so that precautions can be taken to protect all health care personnel who serve them, as well as other patients.

6. People in positions of responsibility whose decisions directly affect the lives and safety of other people (such as those in transportation). This is necessary because of the brain dementia effect of the AIDS virus.

7. Prisoners. AIDS-positive and AIDS-negative prisoners should be separated because of the high incidence of homosexual rapes in prisons.

8. Prostitutes.

9. All who think they may be at risk should be encouraged to be tested voluntarily.

### CRIMINAL PENALTIES:

1. It should be made a felony crime for anyone to donate blood, semen or organs who has engaged in high-risk behavior in the last ten years. High-risk behavior includes homosexual acts, prostitution, or intravenous drug use. An individual may not know whether or not he is an AIDS carrier, but he does know if he has engaged in high-risk behavior.

2. It should be made a violation of public health regulations for anyone infected with the AIDS virus to transmit the AIDS virus to another, just as it is now a crime to transmit other venereal diseases to another person.

3. Those AIDS carriers who persist in (a) purposely infecting others (the Doc Holiday syndrome), or (b) who are unwilling to cease sexual activity should be restrained from their dangerous behavior.

### TREATMENT:

1. Anyone needing a blood transfusion should have the right to receive blood from compatible donors of his choice. It is not enough to be able to give your own blood in advance of surgery, because this is impossible for emergency treatment. The current blood-screening test does not catch those who got the AIDS virus within the previous couple of months because it takes several months for the AIDS antibodies to form. Furthermore, a new strain of the AIDS virus has been identified which evades detection by the blood-screening test.

2. Hospices should be established for AIDS victims so that they may receive compassionate care, yet not be a danger of infection to others who are hospitalized.

3. Hospital patients and nursing home residents must be provided an AIDS-free environment. State law should require that all medical and surgical instruments and barbers' razors be sterilized.

4. All health care workers must have the right to wear protective garments while attending AIDS patients or persons who may be AIDS carriers. Health care workers must have the right to know which are AIDS patients.

### GENERAL PUBLIC HEALTH:

1. Homosexual bathhouses and other facilities that permit open, group, or promiscuous sexual activity should be closed.

2. Federal legislation should overturn the U.S. Supreme Court decision in *School Board of Nassau County, Fla. v. Arline*. Persons with contagious diseases (such as AIDS or the AIDS virus) must not be labelled "handicapped" under the Handicapped Discrimination Law.

### PUBLIC SCHOOLS:

1. Public schools must teach children that the only healthy sexual behavior is abstinence until marriage. Children must be taught to JUST SAY NO to sex outside of marriage, as well as NO to illegal drugs and alcohol. The health education law of each state should mandate the teaching of sexual abstinence until marriage.

2. Public schools must not teach or facilitate "value-free" sexual acts, explicit descriptions of sexual acts, the use of so-called "safe-sex" devices, or nonmarital lifestyles, because this is an offense against the First Amendment rights of children whose religion teaches nonmarital sex acts are morally wrong. Just as the atheist child has the right to attend public schools without being embarrassed when his peers participate in a moment of silent prayer (*Wallace v. Jaffree*), so any child who is a believer in God and moral standards

has the right to attend public schools without being embarrassed by school discussion of nonmarital sex acts, devices, or lifestyles. Even a majority of school personnel or parents may NOT nullify the First Amendment rights of any student.

3. Public schools must NOT install any "medical facilities" that could distribute, prescribe, or recommend contraceptives or other "safe-sex" devices used in sexual activity, or refer minors to abortion clinics. Public schools must NOT be a party to approving behavior that is unhealthy, possibly illegal, or may incur financial liability because of damages from disease, pregnancy, abortion, cervical cancer, infertility, or emotional trauma. The health education law of each state should be amended to prohibit the installation in public schools of medical facilities that could dispense contraceptives and give abortion referrals.

4. Public schools must be prohibited from using the materials, services, or personnel of corporations or organizations that manufacture, sell, or provide services in connection with contraceptives or abortions. Public schools must not be used as a sales marketing vehicle for such products or services.

5. A copy of all public school materials dealing with AIDS and sexuality must be placed in local public libraries so citizens can have easy access to them. This should be done voluntarily by the schools, ordered by the school boards, or mandated by state law.

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## The AIDS Control Act of 1987

Senator Jesse Helms has introduced into the Senate the AIDS Control Act of 1987, a comprehensive bill designed to be an important first step in curbing the spread of the AIDS virus. Traditional measures which helped stop syphilis will work again if we pass the right legislation. It is important for the American people to know what is proposed in this bill because it is likely that each section will be offered separately and require a roll-call vote.

*Section 2* would prohibit individuals who are infected with the AIDS virus, or who have engaged in high-risk actions since 1977, from donating blood, semen or organs.

*Section 3* would require all collectors and distributors of blood to be federally licensed, and states that, in order to obtain a license, the entity must provide the patient with the options of using his own blood or compatible blood from a designated donor.

*Section 4* would require the Centers for Disease Control (CDC) to keep records of individuals infected with the AIDS (HIV) virus or AIDS Related Complex, as well as full-blown AIDS. Currently, the CDC records only individuals who have full-blown AIDS. The CDC keeps track of persons with all stages of syphilis, and it should do so for all stages of AIDS, too. Unless this is done, we may never be able to protect the uninfected from the infected.

*Section 5* would require states that participate in federal venereal disease or AIDS prevention programs to (1) require premarital testing for AIDS infection, and (2) require reporting of all cases of infection with the AIDS virus to the state health officials. The majority of states already have mechanisms in place for other venereal disease reporting and premarital testing for syphilis or rubella; and these mechanisms can be easily used for the AIDS virus.

*Section 6* would require grantees of funds distributed under Title X to notify their clients about the risk of contracting AIDS and that contraceptives, including condoms, will not provide full protection against the AIDS infection, and that the most effective way to avoid becoming infected with the AIDS virus is to abstain

from homosexual relations, from heterosexual relations outside of marriage, and from the sharing of needles used for intravenous drugs. Since more than one-third of Title X's clientele are sexually promiscuous teenagers, the government owes it to the recipients of these services to tell them the truth about how safe (or unsafe) are the devices the government dispenses.

*Section 7* would require mandatory testing for the AIDS virus of all persons incarcerated in federal prisons, and would require those who test positive to be placed in separate facilities.

*Section 8* would require mandatory testing of members of the Armed Forces before induction and annually after induction. Military personnel are already required to undergo annual physical exams, and drug tests are routine. An additional reason for testing the military is concern about blood transfusions in times of crisis.

*Section 9* would direct the President within 90 days to add the AIDS virus to the existing list of dangerous contagious diseases for aliens, immigrants, and those seeking legalization under the Immigration Reform Act of 1986. Under current law, immigrants are tested for what the statute calls a "dangerous contagious disease"; the diseases included in this category include leprosy, syphilis, gonorrhea, and tuberculosis. The AIDS virus should be added to the list.

*Section 10* would repeal D.C. Law 6-170, the D.C. AIDS law, passed by the District of Columbia city council, which prohibits insurance companies from asking applicants whether they test positive for AIDS (even though insurance companies regularly ask about other diseases, high blood pressure, and smoking). As a result of this law, the top 50 life insurance companies have stopped writing insurance for D.C. residents, and more than 50 insurance companies have stopped providing health policies. Congress has the constitutional power to repeal this D.C. city council law.

*Section 11* would require the Veterans Administration hospitals to test every patient for the AIDS virus upon admission. Health care personnel have a right to know which patients have the AIDS infection so they can take necessary precautions to protect themselves from contracting the virus. Three recent cases of nurses who contracted the AIDS virus from patients have already been disclosed — one had chapped hands, another had minor cuts on her hands, a third accidentally got the patient's blood in her mouth.

*Section 13* would require the Surgeon General within 180 days to shut down all bathhouses determined by him to be used for homosexual activity; these are breeding grounds for the transmission of AIDS.

*Section 14* is a sense of the Congress statement to encourage states to test individuals entering hospitals and drug treatment centers, and to report positive test results to public health officials.

*Section 15* is a sense of the Congress statement to encourage states to test all individuals incarcerated in state prisons.

*Section 16* is a sense of the Congress statement to encourage states and the Federal Government to implement policies to ensure that medical personnel treating a patient infected with the AIDS virus be notified so that they can take adequate precautions to avoid infection.

## Other Federal AIDS Bills

Many other bills to cope with the AIDS crisis have been introduced into Congress. Some of the most important are:

*To overturn the Arline Decision.* S. 673, introduced by Senator William Armstrong (R-CO), would overturn the U.S. Supreme Court decision in *School Board of Nassau Co., Florida v. Arline*, decided March 3, 1987. This decision interpreted the Rehabilitation Act of 1973 to cover contagious diseases and held that teachers with

contagious diseases are entitled to the full rights in the law designed to protect the handicapped against discrimination. Mrs. Arline, a teacher, had tuberculosis, but the case has been widely interpreted as covering AIDS and all other communicable diseases. Unless overturned, this decision could mean that a school district would be faced with expensive lawsuits if it removes an AIDS-infected teacher from the public school classroom.

S. 673 states that, in the Rehabilitation Act of 1973, the term "individual with handicaps" does NOT include any individual who has a contagious disease.

*To make the AIDS virus a reportable condition.* Under most state laws and CDC guidelines, persons infected with the full-blown disease AIDS are reportable to public health authorities, but all persons who carry the virus and can transmit the virus are not reportable. All carriers of the AIDS virus should be reported so that public health authorities can determine the dimensions of public infection, and so that sexual and IV drug contacts of these victims can be traced and tested in order that they do not infect others.

Representative William Dannemeyer (R-CA) has introduced H.R. 2272 which would prohibit federal grants to any public entity that does not require physicians and medical technicians who treat a person infected with the AIDS virus to report that fact to public health authorities.

*To test certain groups.* Rep. William Dannemeyer has also introduced H.R. 2273 which would deny federal grants to states that fail to require AIDS testing of the following individuals: those receiving medical treatment for any venereal diseases; those between ages 15-49 admitted to any hospital; those applying for marriage licenses; and those convicted of prostitution or IV drug use.

Other bills introduced by Congressman Dannemeyer include making it a crime for anyone infected with the AIDS virus to donate blood, semen or organs; making it a crime for persons infected with the AIDS virus to transfer body fluids; requiring states receiving federal AIDS funds to institute programs for contact tracing; and repealing the D.C. AIDS law which prohibits insurance companies from asking questions about exposure to the AIDS virus.

## Senate Roll Call Vote

The Senate voted May 21, 1987 on an amendment to require AIDS testing for immigrants and to give new federal aid for AIDS patients ONLY to states that require premarital testing for the AIDS virus. The amendment, sponsored by Senator Jesse Helms (R-NC), was defeated 63 to 32, with 5 not voting. The roll call vote is listed below; a Nay vote is a vote FOR the Helms amendment.

### Yeas-63

Adams (D-WA)	Fowler (D-GA)	Moynihan (D-NY)
Baucus (D-MT)	Glenn (D-OH)	Nunn (D-GA)
Bingaman (D-NM)	Graham (D-FL)	Packwood (R-OR)
Bond (R-MO)	Harkin (D-IA)	Pell (D-RI)
Boschwitz (R-MN)	Hatfield (R-OR)	Proxmire (D-WI)
Breaux (D-LA)	Heflin (D-AL)	Pryor (D-AR)
Bumpers (D-AR)	Heinz (R-PA)	Quayle (R-IN)
Burdick (D-ND)	Inouye (D-HI)	Riegle (D-MI)
Chafee (R-RI)	Johnston (D-LA)	Roth (R-DE)
Chiles (D-FL)	Kassebaum (R-KS)	Rudman (R-NH)
Conrad (D-ND)	Kennedy (D-MA)	Sanford (D-NC)
Cranston (D-CA)	Kerry (D-MA)	Sarbanes (D-MD)
Danforth (R-MO)	Lautenberg (D-NJ)	Sasser (D-TN)

Daschle (D-SD)	Leahy (D-VT)	Specter (R-PA)
DeConcini (D-AZ)	Levin (D-MI)	Stafford (R-VT)
Dixon (D-IL)	Lugar (R-IN)	Stennis (D-MS)
Dodd (D-CT)	Matsunaga (D-HI)	Trible (R-VA)
Dole (R-KS)	McConnell (R-KY)	Warner (R-VA)
Domenici (R-NM)	Melcher (D-MT)	Weicker (R-CT)
Durenberger (R-MN)	Metzenbaum (D-OH)	Wilson (R-CA)
Evans (R-WA)	Mitchell (D-ME)	Wirth (D-CO)

### Nays-32

Armstrong (R-CO)	Grassley (R-IA)	Nickles (R-OK)
Bentsen (D-TX)	Hatch (R-UT)	Pressler (R-SD)
Boren (D-OK)	Hecht (R-NV)	Reid (D-NV)
Byrd (D-WV)	Helms (R-NC)	Rockefeller (D-WV)
Cochran (R-MS)	Hollings (D-SC)	Shelby (D-AL)
Cohen (R-ME)	Humphrey (R-NH)	Simpson (R-WY)
D'Amato (R-NY)	Karnes (R-NE)	Stevens (R-AK)
Exon (D-NE)	Kasten (R-WI)	Symms (R-ID)
Ford (D-KY)	McCain (R-AZ)	Thurmond (R-SC)
Garn (R-UT)	McClure (R-ID)	Wallop (R-WY)
Gramm (R-TX)	Murkowski (R-AK)	

### Not voting-5

Biden (D-DE)	Gore (D-TN)	Simon (D-IL)
Bradley (D-NJ)	Mikulski (D-MD)	

American public opinion is changing rapidly. On May 31, President Reagan called for some routine testing. On June 2, the Senate voted 96 to 0 to require AIDS testing for immigrants. The above May 21 roll call vote is very important, however, because it shows how many Senators were confused on this issue and how much they need education from their constituents.

## AIDS Action Needed

Action on AIDS is urgently needed, not only at the federal level, as indicated by the bills described in this report, but also at the state, county, city, school board, and local public health levels. It is important for concerned citizens to explain the problem to state and local officials, to work for correct public policies, and to oppose bad public policies.

Some state legislatures, particularly the Illinois General Assembly, have already passed excellent laws covering public health precautions and the teaching of "sexual abstinence until marriage" in the public schools.

As a public health problem, AIDS infection should simply be treated as we treated syphilis. As a public school problem, AIDS education must teach only that which is true, healthy, legal, and constitutional.

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