HIV and the Law: Legal and Political Developments in the AIDS Crisis
Spring 2014

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Summary of Course

The period from 1982 to 2012 produced a remarkable resource mobilization in the United States in response to one illness, AIDS. In the earliest days when the source of the illness was unknown and hysteria abounded, the social and political responses raised issues of quarantine and discrimination reminiscent of early immigrant migration to the United States. Later, after understanding of transmission and development of treatment to fight the disease, issues of health coverage, prevention and health care practice changes emerged. As HIV/AIDS moved from predominantly gay communities to communities of color, new and different racial and socioeconomic discrimination developed.

Thirty years later, we can look at this illness and the socio-legal-political response to its emergence. This course will examine the HIV/AIDS crisis in a number of different ways. First, it will explore the early chaotic days of the epidemic to examine the responses to the disease in and about the gay community. It will next explore how the disease was handled early on by the courts. The course will examine how communities of color addressed the issues. The course will also focus on the criminalization of disease-transmission conduct, needle exchange programs, and how the prison system was ill-equipped for handling HIV/AIDS cases. Lastly, the course will highlight some of the specific areas affected, including young persons and immigration issues, and then conclude with a summary of current issues.

Required Readings

There is no text for this course. The readings will be from a variety of legal and general media sources.

Course Objectives

- Understand the socio-political-legal developments in the beginning of the AIDS epidemic, and how those changed during the last 30 years.
- Outline and describe the legal support for quarantine and discrimination in the early years of the AIDS epidemic.
- Describe how addressing HIV/AIDS changed from the gay community to communities of color.
- Analyze how criminal law statutes regarding HIV/AIDS changed not only the crimes prosecuted, but caused unanticipated changes to the American penal system.
- Examine the current state of the law regarding HIV/AIDS.
**Course Grade**

The course will be interactive in nature and class participation and discussion is required. The course grade will be composed of a short midterm assignment (35%) and a final paper (65%). The midterm assignment will explore a case or statute regarding persons with HIV/AIDS. The students will choose the topics for the final paper, either a domestic or international legal issue.

**Disability Accommodation**

If you would like to request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz, 543-8924 (V/TDD), [http://www.washington.edu/students/drs/](http://www.washington.edu/students/drs/). If you have a letter from DRS indicating you have such a disability, please present the letter to me so that we can discuss appropriate accommodations.

**Course Syllabus**

**Wednesday, April 2, 2014**

I. Introduction
   a. Review course objectives and requirements
   c. Rock Hudson and Ryan White

Reading Assignment:
In class: Video—”We Were Here: The AIDS Years in San Francisco,” 2011 Sundance Film Festival Official Selection

**Wednesday, April 9, 2014**

II. Early Legal Developments, 1985-2000
   a. Quarantine
   b. Employment Discrimination
   c. Hysteria

Reading Assignment:
*Roe v. Sherry*, 91 F.3d 1270 (9th Cir. 1996)
Wednesday, April 16, 2014

III. Legal Developments, 2000-present
   a. Medical information handling
   b. Insurance
   c. Family law matters

IV. Communities of Color react to AIDS epidemic

Reading Assignment:
John B. v. Superior Court of Los Angeles County, 38 Cal.4th 1177 (2006)

First Assignment handed out

Wednesday, April 23 and 30, 2014

V. Criminal Law Sanctions against Persons with HIV/AIDS

Reading Assignment:
Pitre v. Cain, 131 S.Ct. 8 (2010) (Sotomayor, J., dissent from denial of certiorari)
State v. Ferguson, 142 Wn.2d 631 (2001)
RCW 9A.36.011, Assault in the first degree
Walker v. Sumner, 917 F.2d 382 (9th Cir. 1990)

First Assignment due to Academic Services by 4pm

Wednesday, May 7, 2014

VI. Mandatory Reporting
VII. Pediatric AIDS
VIII. Needle Exchange Programs
IX. Immigration

Reading Assignment:
RCW 70.24
Spokane County Health District v. Brockett, 120 Wn.2d 140 (1992)
Manani v. Filip, 552 F.3d 894 (2008)
D. v. the United Kingdom, European Court of Human Rights, Judgment 2, May 2, 1997

Friday, May 9, 2014 (NOTE: Different Room: 118)

International issues with HIV persons
Wednesday, May 14, 2014
X. Where are we today?

Reading Assignment:

Wednesday, May 21, 2014
XI. Short presentations of student papers
XII. Review

Reading Assignment: