The AIDS Agenda

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Abstract

We are about to experience a terrible catastrophe.

KEYWORDS: AIDS, agenda, frightening
authority on labor and employment law.  

Symposia such as this one are especially valuable for providing a vehicle to explore a wide variety of issues with a common informational core. The reader of this symposium will come away with a thorough grounding in the relevant medical and legal issues, better prepared to consider the awesome challenges AIDS presents as we approach the twenty-first century.

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The AIDS Agenda

Roger L. Abrams*

We are about to experience a terrible catastrophe. The AIDS epidemic will inflict a devastating blow on this country. Scientists tell us that there is little we can do to avoid this fate. Indeed, it is a frightening prospect.

Even if we cannot prevent AIDS or cure its consequences, there are things we must do to prepare ourselves for its onslaught. All of us will be affected in one way or another and, while we cannot totally insulate ourselves from its impact, we can act to mitigate our losses. The frightening predictions from the medical science community compel our immediate action to prepare as best we can for the foreseeable social consequences of the disease.

Some might choose to ignore this forecast of doom. After all, most of us remember the swine flu scare that turned out to be a false prophecy. But we have already witnessed the impact of AIDS. We know

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1. "By the end of 1991, an estimated 300,000,000 cases of AIDS will have occurred with 700,000 deaths within the decade since the disease was first recognized." Surgeon General's Report in Acquired Immunodeficiency Syndrome at 6 (1987). Many millions of Americans will die before the spread of the disease is halted.

2. Medical researchers explain that AIDS is potentially incurable by virtue of how the disease works in the body: [AIDS] invades the body and kills the white blood cells, known as T-helper cells that are primarily responsible for preventing infectious diseases. Consequently, diseases that rarely afflict people with healthy, functioning defense systems prove fatal to people infected with HIV. . . . No treatment permanently reverses the suppression of the immune system; no vaccine prevents infection.

3. As Professor Robert Jarvis explains in "Global Impact of AIDS," 12 Nova L. Rev. 979, the worldwide effect of the epidemic will be dreadful.

4. See Wecht, The Swine Flu Immunization Program: Scientific Venture or Po-
with some certainty how prevalent it is in the population. We know of no one who has survived after contracting AIDS. We know too much to ignore the present reality and the bleak future.

What then do we do? What must be the AIDS agenda? First and most obviously, we must devote a significant portion of our nation's resources to the search for a cure, although current knowledge suggests none might ever be available. It is essential that we try. We cannot afford as a society to lose all hope. Modern science has produced enough miracles to justify this effort. We must also proceed in the search for a vaccine to protect our future generations from this scourge. Here there is some reason for optimism, although it may take as much as a decade before a vaccine is discovered and ready for use.

Second on the agenda is education. The public must be informed about the disease and how it is transmitted. Every day we hear news stories about the pernicious effects of ignorance about AIDS. We are yet to witness the full extent of the public trauma about the disease. It may be impossible to calm all fears regarding the transmission of AIDS through casual contact, but it is certainly worth the effort to minimize the angst. Even more importantly, people should be informed how to avoid contracting AIDS. Thus, public education through the schools and use of the mass media is essential.

Confronted by a virus, the healthy body fights off the invader. The body politic also will seek to protect itself in response to the spread of AIDS by fighting off those who carry the invading threat. As a result, those civil liberties that distinguish us as a nation will be placed at risk. As Professor Paul Joseph so ably explores elsewhere in this symposium, this threat to constitutional protections is significant. Our history is replete with examples of self-protection at the cost of liberty.

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Mandatory tests for AIDS to identify the carriers is only the initial step. Some may suggest these modern day lepers be required to wear identifying symbols. Still others might suggest their elimination. It will be a major accomplishment to resist burning down our village in order to save it.

A fourth item on the AIDS agenda is to begin now to address the many inescapable legal issues presented by AIDS. We are creating new AIDS-related law every day on a case-by-case basis. Courts have ruled repeatedly that children with AIDS have the right to attend public schools. AIDS may be a handicap worthy of protection under discrimination laws. Legislatures and Congress must address in a systematic fashion the issues that will arise in a manner that protects the public health and safety, on the one hand, and the rights of those affected by the deadly contagion, on the other.

There is one final item on the AIDS agenda. We must be prepared to confront the reality of the loss of millions and millions of productive persons. AIDS will destroy a most valuable national asset, the talents of many of our fellow men and women. Our economy will surely suffer greatly. But we have confronted threats in the past almost as great. We lost 780,213 men in the Civil War. Both were devastating blows, but we recovered. As a matter of "civil defense," we must be ready to deal...
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5. A number of prominent artists and actors have already died of the disease, including Rock Hudson, Liberace, and choreographer Michael Bennett. FORT LAUDERDALE NEWS/SUN-SENTINEL, October 12, 1987, Col. 4.


7. See supra note 2 and accompanying text.


10. Civil liberties suffer especially at times of war. See generally L. TEBE, AMERICAN CONSTITUTIONAL LAW 179 n. 39 (1978) (Discussing President Lincoln’s suspension of the right of habeas corpus during the Civil War) and Korematsu v. U.S.,

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323 U.S. 220 (1944) (permitting placement of Japanese-Americans in isolation camps during wartime). The AIDS epidemic may well have a warlike impact on our society.


16. Id. at 479.
AIDS: A Brief Overview

Dr. Ronald K. Wright, M.D., J.D.*

By the late 1970's an epidemic begun in Central Africa which spread world wide by the mid 1980's. This pandemic is called AIDS (Acquired Immune Deficiency Syndrome) and is caused by an infection with the virus called HIV (Human Immunodeficiency Virus). The names of the disease and of the causative virus were unknown prior to the mid 1980's. Many of the concepts involved in understanding what the infection and disease are about are esoteric and were not known by researchers in the field of immunology until the late 1970's.

This essay will examine the known medical facts concerning the disease and the reasonable inferences which may be drawn at this point as to the probabilities and possibilities of where the disease will go over time. The format will begin with an examination of what the disease is and what the organism is which causes it, followed by a brief discussion of what is known about the epidemic spread of disease. Next will be a discussion as to who has the infection and what the implication is of these data.

The disease called AIDS is a syndrome. The use of the word syndrome implies a lack of understanding of the cause of the phenomenon. That certainly was the case when the first young men in San Francisco and New York began to develop fever, weight loss, and swelling of the lymph nodes, followed by infection by opportunistic organisms and then death. It appeared that these young men had something devastatingly wrong with their immune systems.

Problems with the immune system have been recognized since at least the turn of the century when the cells called macrophages were discovered to play a role in fighting infection. During the twentieth century the various exceedingly complex components of the immune system were discovered. Basically, there appeared to be two types of immune deficiency: genetic and iatrogenic. The genetic deficiency has several types and was the subject of some public note in the early 1960's in the United States with the so-called "boy in the bubble." This involved a child who had severe combined immune deficiency and was

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