Voting Rights and HIV/AIDS

The Center for HIV Law and Policy argues for social and political inclusion.

July 8, 2013 By Catherine Hanssens and Iván Espinoza-Madrigal

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While the Supreme Court dismantled the Defense of Marriage Act (DOMA) and struck a blow for marriage equality, it also diluted affirmative action (Fisher v. University of Texas at Austin), and gutted a key provision of the Voting Rights Act (Shelby County, Alabama v. Holder). As DOMA's demise is celebrated, many LGBT and HIV-affected people of color are reeling from the Supreme Court's latest imprimatur of racial exclusion.

By reinstating barriers to voting booths and classrooms, the Fisher and Shelby County decisions perpetuate second-class citizenship for people perpetually pushed into the margins so that power brokers can avoid the political consequences of ignoring the needs and rights of entire communities. Just as DOMA was born out of animus and designed to exclude LGBT couples from federal protections based on their identity, these decisions decimate landmark civil rights laws created to end the exclusion of people of color from institutions essential to social, political, and economic equality.

Two-thirds of the people living with HIV in this country come from the Black and Latino/Latina communities overwhelmingly harmed and disenfranchised by Fisher and Shelby County. If people do not have access to classrooms or voting booths, exactly how empowered can they be? How effective can HIV legislative and political advocacy be if those most affected by HIV are unable to exercise their right to political participation?

The movement for equality for people affected by HIV is part and parcel of a larger movement for social and political inclusion for those of us who have been pushed to the margins. As President Obama noted in his second inaugural address, the struggle for fairness, equality and opportunity "guided our forebears through Seneca Falls and Selma and Stonewall." Regardless of whether this strikes you as factual or aspirational, it is a powerful affirmation of the interconnected nature of our struggles.

As many effective advocates know well, we cannot address the needs and injustices related to HIV by narrowly focusing only on HIV. In the 2012 presidential election year, several national and regional HIV organizations made voter registration a priority. To secure equality for those affected by HIV, we have to broaden our focus a bit beyond access to medical care to include access to voting booths and classrooms. In the coming years, we should support political empowerment through a Congressional fix of the disastrous Shelby County decision.

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