People With HIV Can't Join the Military. A New Lawsuit Aims to Change That

A Latino military college student whose HIV is undetectable sued to end policies "based on outdated science."

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A federal lawsuit challenges the military's current policy that bans people living with HIV from joining the military through enlisting or via enrollment in military academies. A Latino college student in Vermont who was on a path to a military career filed the lawsuit when he was removed from the Reserve Officer's Training Corps (ROTC) and separated from the Army National Guard after testing positive for HIV.

Originally from Revere, Massachusetts, he was a sophomore at Norwich University in Northfield, Vermont, when he was diagnosed in October 2020, reported The Associated Press, which added that Norwich University is the nation's oldest private military college.

The student, John Doe, takes HIV meds and remains undetectable (such people do not transmit the virus through sex, a fact referred to as Undetecteble Equals Untransmittable, or U=U). Doe's doctor confirms that he is healthy and has no physical limitations. He was deemed unsuitable for the military simply because of his HIV status, according to a press statement from Lawyers for Civil Rights (LCR), which is representing Doe.

"It is unacceptable that the U.S. military continues to perpetuate harmful stigma against people living with HIV," said Sophia Hall, deputy litigation director at LCR. "By this lawsuit, we aim to end these antiquated military policies based on outdated science."

"I am filing this lawsuit to prevent the military from arbitrarily discriminating against people living with HIV," added Doe, who comes from a family with a long military history. "I also hope that this lawsuit can return my dream of a military career to me."

The lawsuit arrives a month after a federal judge struck down the Pentagon's discriminatory HIV policies that discharged and denied promotions to service members living with HIV. For background on that, see "'Landmark Victory' Court Ruling for Service Members Living With HIV."

LCR points out that the federal HIV lawsuit also involves issues of civil rights for Latinos and African Americans. "Military service has long been viewed by communities of color as an

admirable path to education and job security," Hall said. "That path should not be foreclosed based on the military's outdated and discriminatory policies regarding HIV."

What's more, HIV disproportionately affects Black and brown communities. For example, in 2019, Latinos made up 29% of new HIV diagnoses but accounted for only 16% of the U.S. population. (To learn more, see "National Latinx AIDS Awareness Day 2021.")

Similarly, Black Americans make up 43% of new HIV cases but only 12% of the U.S. population. (To learn more, see "National Black HIV/AIDS Awareness Day 2022.")

The federal lawsuit was filed in the U.S. District Court for the District of Vermont against U.S. military officials, including Secretary of Defense Lloyd Austin, and the Vermont National Guard. You can read a PDF of the complaint in the LCR press statement.

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