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## *If the President had HIV, He Could be in Prison*



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Could Donald Trump be charged with a crime for knowingly exposing others to an infectious disease?

He could if that disease was hepatitis. If the Donald was a poor man, poorly defended and in poor health, there's a good chance he'd be facing criminal charges.

Under laws that Republicans have enthusiastically backed, if Donald Trump had HIV he could be locked up in prison. According to the Center for HIV Law and Policy, thirteen states currently have laws on the books that apply stiff penalties to people who expose others to

hepatitis and other contagious diseases. Thirty-two states similarly criminalize people living with HIV, even if there is no intent, no threat, and no disease is actually transmitted.

In New Jersey, where the President exposed around 100 people to the deadly Coronavirus at a fundraiser held hours after his advisor Hope Hicks tested positive, exposing a person to HIV is punishable by three to five years' in prison and a fine of up to \$15,000.

Trump's adopted state of Florida has half a dozen HIV criminalization laws on the books, under which 266 people have been convicted.

In Mike Pence's Indiana, people living with AIDS can face separate felony charges for every day they fail to disclose their status to their past partners, even if they wear a condom and even if no exposure takes place. The crime is failure to disclose, what the law calls *failure to warn*. At least twenty people in and around the White House have tested positive for the coronavirus who might have appreciated a presidential warning.

This isn't to argue that Covid-carriers should be incarcerated. Far from it. The data is clear. While institutions like schools and restaurants and airports — and the White House — have a duty to protect public safety, prosecuting individuals doesn't improve public health, it endangers it. Criminalization discourages the sick and the addicted from seeking help and pushes them further into dangerous situations where it's more likely, not less, that they'll endanger others.

Mostly those who fall afoul of those laws, aren't presidents. They're poor people with addictions, needing treatment. When Vice President Pence was governor, he was so attached to "getting tough" that he missed the chance to prevent an HIV cluster from claiming 215 lives.

The hypocrisy in the Trump camp now is exasperating reformers.

Sean Strub, a survivor of AIDS, was elected mayor of Milford Pennsylvania a few years ago. There's a marvelous new film about his election. When Covid hit, his was the first municipality in the state to advise people to stay home. Residents were angry but Strub wasn't about to see a repetition of the crisis he'd lived through. Now he's worried about what happens next. The Sero Project, which he also directs, recently joined with AIDS groups from around the world, issuing a statement against Covid 19 criminalization.

So far, according to the new tracker on the Sero Project website, the only Covid criminalization bill introduced in the US, was sponsored by Republican state senator now congressman, Chris Jacobs, of New York, whom Donald Trump endorsed — twice — via Twitter.

Jacobs' bill came in response to a story about a Buffalo man spitting on a police officer while being arrested. Back then, things were different. Back then, the Justice Department was warning that malicious coronavirus-spreaders could be charged with terrorism. The people in the crosshairs were people of color, immigrants, felons, protestors, and the Chinese. Not a predator president turned super-spreader.

It's not his DNA, of which he's so inordinately proud, it's the DNA of our legal code that protects dangerous Donald.  
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*Laura Flanders interviews forward-thinking people about the key questions of our time on The Laura Flanders Show, a nationally syndicated radio and television program also available as a [podcast](#). A contributing writer to The Nation, Flanders is also the author of six books, including The New York Times best-seller, BUSHWOMEN: Tales of a Cynical Species. She is the recipient of a 2019 Izzy Award for excellence in independent journalism, the Pat Mitchell Lifetime Achievement Award for advancing women's and girls' visibility in media and a 2020 Lannan Cultural Freedom Fellowship for her reporting and advocacy for public media. [lauraflanders.org](http://lauraflanders.org)*