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Fighting AIDS Behind Bars

Prison inmates have unprotected sex, despite laws forbidding it and denial by prison officials, which makes prisons prime settings for the spread of deadly blood-borne viruses like hepatitis C and H.I.V. The Centers for Disease Control and Prevention underscored this point last year when it urged states without condom-distribution programs to think about starting them as a way of preventing the spread of H.I.V. behind bars. By protecting the inmates, the states would also protect the all-too-vulnerable wives and lovers to whom they inevitably return when their sentences are completed.

The California State Legislature tried to take the C.D.C.'s advice last year, passing a landmark bill that would have allowed public health agencies to enter prisons and distribute condoms to inmates who wanted them. The bill had the overwhelming support of the voting public. But Gov. Arnold Schwarzenegger vetoed it, using the familiar knowing-nothing excuse that handing out condoms would justify illegal sexual activity. The experience of jurisdictions that allow condoms does not support this view.

At the same time, public health officials now recognize that condom-distribution programs are integral to any meaningful AIDS prevention program. These programs are already running in prisons in Canada and in much of the European Union and in jails in San Francisco, Los Angeles, New York City, Philadelphia and Washington.

The California Legislature has taken up the condom bill again, this time spearheaded by Assemblyman André Swanson, Democrat of Oakland. The bill deserves to pass the Legislature, just as it did last year. But this time, Governor Schwarzenegger should sign the bill. It would give California's public health community a powerful tool to fight the spread of a deadly disease.