

Law School Wishes to Limit Military Access to Campus

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The Association of American Law Schools (AALS) and the University of Washington have nondiscrimination policies that ban discrimination based on sexual orientation. The AALS policy has been interpreted to require member schools to prevent on-campus recruitment by employers that discriminate on the basis of sexual orientation. There is one gaping exception to that requirement: on-campus recruitment by branches of the military. The exception is a pragmatic response to the so-called "Solomon Amendment." That Amendment threatens the loss of federal funding of any kind (including grants and contracts) to Universities that prevent military recruiters from conducting on-campus interviews. This Law School receives very little support from the federal government, but the University receives more federal funds from grants and contracts than any other state university in the United States.

The AALS and our own University thus permit on-campus interviewing by military recruiters. The AALS nonetheless urges that we take steps to "ameliorate" such permission. One form of amelioration is to inform students and other members of the Law School community that the military discriminate on a basis not permitted by the Law School's nondiscrimination policies, and that the military is allowed to interview only because of the loss of funds that would otherwise be imposed under the Solomon Amendment. Other forms of amelioration are also suggested.

I believe the overwhelming majority of our students oppose any form of discrimination based on sexual orientation. At the same time, most students, including many lesbian and gay students, accept the reality that this University cannot afford the loss of federal funds (amounting to over \$500 million per year).

A new issue, however, has arisen in recent years. Several years ago I was informed by the Vice Provost that the Judge Advocate General Corps (JAG) was renting space in the Law School building to conduct a Continuing Legal Education program. Several students, including members of the Lesbian and Gay Law Students Society (LEGALS) complained. I agreed with them that this activity did not appear to me to be required by the terms of the Solomon Amendment. In May 2000, William Jackson in our Student Services Office was contacted by an officer of the JAG corps requesting use of Law School rooms for a weekend in January or February 2001 to use for an annual conference. Mr. Jackson notified me of the request and I informed him that I would call the Vice Provost, stating that I would make space available if ordered to do so under University rules. I was informed that "we must treat the government and its agencies like all other space requesters ... if there is space available they may use it." Acting on this advice, Mr. Jackson made the space available and it was used by the military on a weekend early in February. The group was charged about \$2,300 to cover room rent and staff time.

This is a matter of concern to us all. The Lesbian and Gay Law Students Society (LEGALS) brought this matter to my attention, objecting to this use of Law School facilities by an organization that discriminates against lesbians and gays. We

arranged a meeting of representatives from LEGALS, Vice Provost Steven Olswang, Associate Dean Richard Kummert, and myself. Vice Provost Olswang noted that the University policy permitting the rental of facilities to the military was based on a resolution of the Board of Regents. The Board of Regents can, of course, reconsider that resolution. I understand that LEGALS will present a petition to the Board of Regents asking them to reconsider, and to change, this policy.

My own views on this matter are affected by the realization that our policy concerning use of our facilities by the military could affect the entire University - not just the Law School. I also realize that we must accept recruiting at our Law School by the military because of the Solomon Amendment. But in my view we should always be guided by the principle that we are opposed to discrimination based on sexual orientation and that we should not do any more than is absolutely required by the Solomon Amendment. If the Solomon Amendment does not require us to rent space to governmental organizations that discriminate on the basis of sexual orientation, we should not do so. I therefore support the efforts of LEGALS to petition the Board of Regents to reconsider this issue. I know they will do so in a way that advances this University's commitment to a community that does not tolerate discrimination based on sexual orientation.

This matter is of great importance to this Law School - and indeed all law schools. We do not discriminate against anyone based on race, creed, national origin, sex, sexual orientation, military service, marital status or disability. This policy is an integral part of our fundamental values as an institution. We are dedicated not only to the rule of law, but to the advancement of a just society. A society that discriminates against persons on the basis of sexual orientation - or that tolerates such discrimination by members of that society - is, to that extent, not a just society. Since we believe that it is the responsibility of all of us to prevent such discrimination, we should not let the members of LEGALS assume these issues alone.