



the policy. Because of this, the Law School had not permitted JAG to use campus resources to recruit students because the U.S. Military, through the “don’t ask, don’t tell” policy, discriminates on the basis of sexual orientation in both hiring and terms and conditions of employment. In fall 2002, however, the Law School received a letter from the Air Force informing the school that its Policy was in violation of the Solomon Amendment, and unless the school allowed military recruiters full access, the university would lose all federal funding.

2. Initially, the CFE was a relatively small group—about 15 second and third year law students—that came together to take immediate action in the wake of the faculty’s decision. We passed out intertwined rainbow and American flag ribbons; we circulated a petition urging the faculty to reinstate the Non-Discrimination Policy; we held and attended open meetings to discuss the effect of the Solomon Amendment on our campus; we hung posters and circulated fact sheets to educate the Law School community about the Solomon Amendment, “don’t ask, don’t tell,” and the recent change in our school’s policy; we researched the sources of federal funding to the university and determined that there was less money at risk than we had first been told; we sent open letters to the student body and the faculty urging them to join our efforts; we lobbied other student organizations to write and distribute statements supporting the reinstatement of our Non-Discrimination Policy. Our activities that fall culminated in two rallies held during JAG recruiter visits. We gathered students, faculty and staff in the Law

School's central courtyard, directly under the windows across from the rooms where JAG recruiters were interviewing students, and chanted for equality. At our second rally, students, a bi-sexual Air Force veteran, and Congressman Barney Frank spoke about the need to challenge the Solomon Amendment and the "don't ask, don't tell" policy, both on a national level and locally, in our community.

3. By the time of the rallies, the CFE had grown to around 50 members. Throughout the fall, students – some I knew and some I had just met – would approach me and ask to become involved in our efforts. Members of the Jewish Law Students Association, the Women's Law Center, the Black Law Students Association and the undergraduate student senate, who heard about the work we were doing from their organization, would stop me in the snack bar and ask how they could help. People volunteered to make posters, to call a friend who knew a potential speaker, to buy materials for a banner or to make ribbons.

4. I met several future CFE members at school-sponsored meetings to discuss the effect of the Solomon Amendment. The institutional response to the law and its enforcement is the Taskforce on Military Recruiting, a group of faculty, students and staff, charged with the difficult job of ameliorating the effects of the Solomon Amendment on gay students and the Law School community generally. While most CFE members were also Taskforce members, the CFE provided us greater freedom to express ourselves clearly and unapologetically.

Where the Taskforce requested diplomacy, the CFE required candor; where the Taskforce suggested compromise, the CFE demanded immediate activism.

5. My experience with the Coalition has been bittersweet. Before I decided to attend BC Law, I did my best to make sure I would be comfortable there, and that meant that I would be able to be open about my sexual orientation. Because I attended divinity school before becoming a law student, I think I was more optimistic than others might have been that the Law School at a Catholic affiliated university would be a welcoming place for gay students. In fact, I was drawn to the school because of its Jesuit, social justice roots. I was not surprised to learn that the Law School's Non-Discrimination Policy included sexual orientation and that the school recognized its LGBT student group, but I was reassured. No amount of optimism would have made me feel comfortable enrolling at BC Law without a non-discrimination policy that included sexual orientation.

6. As one of four openly gay students in my first year class of about 270, I was concerned that my initial optimism about the Law School was a mistake. I soon learned, however, that I could be honest about my sexual orientation with everyone I met, from my professors to other students, without fear or discomfort. I felt so proud of my Law School when I attended a Lambda dinner in the spring of my first year and sat at a table with three professors, including my Property professor. Even the dean of the Law School attended the dinner. I could

confidently tell prospective students who wrote to the Lambda list serve that my Law School was a welcoming, safe, supportive community for gay students.

7. I think that is why I felt so betrayed last September when the Law School faculty voted to suspend the Non-Discrimination Policy and allow military recruiters to interview students on campus. It seemed that my Law School was only interested in protecting my rights and supporting my identity when it was easy for it to do so. While I understood that refusing the Air Force's demands for greater access could carry heavy consequences, I was shocked by how quickly and easily the faculty acquiesced. Without a fight, without an explanation, without consulting an attorney, my faculty suspended the part of our Non-Discrimination Policy that protected me. It was heartbreaking.

8. After the faculty decision was announced, the Taskforce on Military Recruiting held several open meetings to explain the situation to the student body and to allow students to ask questions and express their thoughts. To my shock, several students explained how pleased they were with the faculty's decision to suspend the policy and allow on-campus military recruiting. The reasons for their approval varied. Some thought it was unpatriotic to deny the military access. Others thought that students who wanted to work for JAG should have the school's assistance in finding those jobs. Some students believed that the faculty's hands were tied, and with all that money on the line, there was no other choice. And most painfully, some students felt that a Jesuit Law School should not attempt

to subvert a federal law for the sake of protecting the civil rights of its gay students.

9. The students who expressed opinions supporting the faculty's decision were very critical of the CFE's protests and efforts to convince the faculty to reinstate the Non-Discrimination Policy. As they spoke about the need to respect the rights of students who wanted to pursue a career in the armed forces, I heard a constant refrain: the ability of some students to get jobs is more important than the community's right to define its values and protect its gay students. In these meetings, I spoke up. I tried to explain how painful it was for gay students, who came to this school in part because of a promise that they would be free from discrimination, to have that promise broken. I tried to explain how guilty I felt, as a gay student, that the Career Services Office, funded through my tuition dollars, had become an agent in the military's efforts to discriminate against people like me. For the first time since entering the Law School, I felt nervous and uncomfortable about being identified as a lesbian. I felt isolated, singled-out and threatened, and I understood how the Non-Discrimination Policy, before its suspension, had made me feel safe.

10. Before coming to Law School I had never been an activist of any kind, and certainly not a gay rights activist. The events of last fall forced me to take a more active role in defending the ability of my community – the Law School – to define and live by its values, including tolerance and respect for the

rights of others. For much of last year, being with other members of the CFE was the only place I felt safe and comfortable when I was at school. The CFE was also the only way I could feel confident enough to continue to participate in open meetings, to talk to faculty about challenging the Solomon Amendment and reinstating our Non-Discrimination Policy, and to protest the presence of military recruiters on campus. In the absence of a complete non-discrimination policy, the CFE provided a network of gay and straight students who cared as much about me as it cared about making our Non-Discrimination Policy whole again.

11. After recruiting season ended last fall, the CFE continued our efforts to educate our Law School about both the Solomon Amendment and “don’t ask, don’t tell.” We sent several members of our organization to the Rebellious Lawyering Conference at Yale, and we co-hosted a lecture by Alistair Gamble, one of the Arabic linguists, who was discharged from the military when it was discovered that he was gay. We elected officers, established an email list-serv and applied for a budget so that we can continue our work during the fall recruiting season ahead.

12. The pressures of the Solomon Amendment have changed my Law School and have made it a place that is less supportive of its gay, lesbian and bisexual students. When prospective students write to me, through the Lambda website, and want to know what it is like to be gay at Boston College Law School, I feel torn. On the one hand, I want to encourage these students to come so that

there will be a larger gay presence on campus and more pressure on the faculty to reinstate the Non-Discrimination Policy as it existed when I enrolled. But I also know that I owe these inquiring, prospective students my honesty, and I cannot send the same, proud recommendation that I would have before last fall. My responses to these inquiries are long and honest. I try to explain, as concisely as I can, the effect of the Solomon Amendment on the Law School and the recent changes to our Non-Discrimination Policy. At the end, however, I am able to tell them with confidence that there is a wonderful organization, made up of gay and straight students, committed to challenging the Solomon Amendment and reinstating the Non-Discrimination Policy so that it protects gay students again. That organization is the CFE, and I know that it will help make those students, should they decide to enroll at BC Law , feel as safe, empowered and welcome as it has made me feel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 18, 2003  
in Somerville, Massachusetts

  
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Sara Smolik