

LAMBDA LAW STUDENTS ASSOCIATION of
BOSTON COLLEGE LAW SCHOOL

September 15, 2002

Dean John H. Garvey
Boston College Law School
885 Centre Street
Newton, MA 02159

Dear Dean Garvey,

Lambda Executive Board members appreciated the opportunity to meet with you this past Tuesday, September 10. We are writing to summarize what we took from our conversation, as well as to reiterate our feelings on the issue of military recruiting and what we hope will be BCLS's next steps.

You told us that the U.S. Air Force objected to our law school's policy on military recruiting because the policy did not treat it "equally" to other, nondiscriminatory employers. Because our policy was determined by the Department of Defense to be in compliance with federal regulations in 1998, you admitted that you and others thought that our law school had a "good case" to argue that our military recruiting policy, which has not changed at all since that time, remains in compliance with those same federal regulations.

However, you informed us that BCLS has decided not to pursue that legal argument. Instead, you said that after a small effort to rework the policy, our faculty and administrators have suspended the BCLS policy on military recruiting and, in your words, decided to allow the U.S. military the identical form of recruiting services provided to law firms such as Ropes & Gray (who do not discriminate on the basis of sexual orientation).

We informed you we felt this decision was deeply hurtful to all law students, and particularly damaging to lesbian, gay, bisexual and transgender (LGBT) law students. You acknowledged our analysis that the law school has not done all it could to defend its nondiscrimination policy.

We told you that if the retraction of the policy will stand, without any efforts by BCLS to mount a legal challenge, then the manner in which the school represents its retraction is of tremendous importance. In particular, we suggested that the faculty's first resolution to "reaffirm our commitment to our policy of nondiscrimination on the basis of sexual orientation" would only be significant if BCLS articulates its protest to a law that coerces the school to abandon its own policies. Absent a statement and action of this "ameliorative" type, we noted that the second resolution to "suspend the special policy on military recruiting" renders meaningless the first resolution's commitment. We suggested to you that significant efforts toward amelioration by the law school could include (but not be limited to):

1. Permanently posting, in the Career Services Office and upon every instance of military recruiting, statements explaining that the military's discrimination on the basis of sexual orientation is not in compliance with the law school nondiscrimination policy, that the law school disclaims complicity in military discrimination, and that the school complies reluctantly with the Solomon Amendment;
2. Offering employment opportunities for LGBT students through the Career Services Office;
3. Organizing and sponsoring programs educating our community on discrimination on the basis of sexual orientation.

Finally, we suggested that if the law school must protect millions of dollars of funding for Boston College at great cost to LGBT law students, then the undergraduate administration ought to be willing to give equal treatment to its gay, lesbian and transgender students. We noted that to date Boston College refuses to recognize the rights of LGBT students and refuses to grant the existing LGBT undergraduate group recognition as an “official” student organization. This only further reinforces the perception that as a whole the university is not committed to equality for all of its students.

Thank you for taking the time to consider our position on this topic. We anticipate that our discussion will be ongoing, and look forward to working with you, the rest of the administration and faculty, and the student body to find a solution to this problem.

Sincerely,

Lambda Executive Board

cc: Dean Wylie
Prof. Minuskin, Dean’s Taskforce on Military Recruiting
Lambda Listserv
Law Students Association
American Bar Association: Law Student Division
Arts, Media, Entertainment and Sports Law Organization
Asian Pacific American Law Students Association
Black Law Students Association
Board of Student Advisors
Children's Rights Project
Christian Legal Society
Civil Liberties Union
Domestic Violence Advocacy Project
Environmental Law Society
Federalist Society
Inner City Youth Outreach Tutoring Program
Intellectual Property and Technology Forum
International Law Society
Jewish Law Students Association
Lambda Law Students Association
Latino Law Students Association
Law for Life
Law Revue
National Lawyers Guild
Older Law Students Group
Holocaust/Human Rights Project
Phi Alpha Delta
Public Interest Law Foundation
Reproductive Choice Coalition
Sui Juris
St. Thomas Moore Society
Veterans Association
Women's Law Center
Boston College LGBT