

LAMBDA LAW STUDENTS ASSOCIATION of
BOSTON COLLEGE LAW SCHOOL

September 15, 2002

An Open Letter to Faculty and Administrators of Boston College Law School:

The BCLS faculty resolution of September 9, 2002, allowing the U.S. military unmitigated entry to recruit on the law school campus through the Career Services Office violates the BCLS nondiscrimination policy, which prohibits discrimination on the basis of sexual orientation.

Students have a fundamental right to expect that our school will follow its own policies, particularly those that guard rights as vital as protection from discrimination. By abandoning the portion of the nondiscrimination policy that pertains to sexual orientation, the faculty and administration have eroded the basic rights guaranteed to all students. No student can now be assured that his or her rights will be protected under the policy or defended by the administration or faculty if challenged. When our nondiscrimination policy is tested, it is precisely those groups that are intentionally and rightfully set aside for protection which most need the unwavering support and assistance of the BCLS faculty and administration.

We are profoundly hurt that our own teachers - legal scholars and skilled attorneys - have not stood up for the protection of our rights. Our faculty has been and should remain to be at the front of the battle against a federal law that is discriminatory on its face. Instead, the faculty resolution purports to "reaffirm" the law school's commitment to its nondiscrimination policy on the basis of sexual orientation while in the same breath failing to actually do so. If the military discriminated on the basis of race, religion, ethnicity or physical ability, BCLS would have defended the nondiscrimination policy and sought alternatives to outright capitulation, no matter the cost. As a result of these actions, GLBT students, many of whom would not be at BCLS if our nondiscrimination policy did not include sexual orientation, now face the reality of discrimination on a daily basis.

Law school is a professional school that students attend in great part in order to get a job. 2L's may devote the first half of their year to job-hunting. Summers during law school are spent working, not relaxing after a busy year. Law schools boast about the prestigious employment their graduates obtain in order to entice new law students. In this way, the Career Services Office is the heart of our campus. To allow into the Career Services Office, without protest, an employer that blatantly discriminates against *any* student is to functionally nullify our nondiscrimination policy.

The faculty resolution was enacted without consulting students or fully exploring the school's legal ability to enforce its nondiscrimination policy. This is not the first time a decision has been made on this very same issue without consulting the student body. Last time this was done, it was reversed, and the law at issue repealed, largely by efforts of the BCLS student body. While we appreciate that some faculty and administrators supposed they had no other available choice, we feel that is neither an accurate depiction of this situation nor a credible statement from teachers of the Rule of Law. We recognize that our school is facing extreme pressure, and we are writing to ask our faculty and administrators to work with us, not without us, to solve this matter.

A retraction of our school's policy, if it is necessary at all, should only be an interim solution to a much larger problem. In 1998, following a similar situation and faculty vote, BCLS re-committed to principles of social justice and emerged a national leader on compliance with the Solomon Amendment while preserving our nondiscrimination policy. As a result, other law schools looked to us as an example of the way to protect their own students. BCLS has been, and continues to be capable of the conviction, energy, and legal creativity required to face and persevere in this struggle. This letter is a call to action.

Sincerely,

Lambda Law Students Association