

September 30, 2002

Dean Areen:

We write to you both to express our concerns regarding Georgetown University Law Center's decision to allow Army and Air Force JAG recruiters to interview GULC students during Government Interview Week and to request that the administration, which has an "affirmative duty to ameliorate," take specific steps in response to military recruitment. See AALS Update on Actions Regarding Executive Committee Regulation 6.19, the Obligation to Provide Equal Opportunity to Obtain Employment Without Discrimination.

The Law Center's policy has long provided that any employer who recruits at GULC and utilizes the services of either OCS or OPICS must sign a statement indicating that it does not discriminate on the basis of a number of criteria, including sexual orientation. Because the armed services refuse to sign such a statement, they have not been permitted to interview on-campus at GULC for a decade.

A controversy has erupted over the past several years concerning the interpretation of the federal statute known as the "Solomon Amendment." Enacted in 1996, the Solomon Amendment denies federal funding to educational institutions that prohibit or "in effect" prevent military recruiting. The implementing regulations state that an educational institution will lose its federal funding unless the institution can demonstrate "that the degree of access by military recruiters is at least equal in quality and scope to that afforded to other employers." See 32 C.F.R. § 216.4(c)(3).

Until this year, the armed forces have taken the position that the institutions that bar them from on-campus recruiting due to the "Don't Ask, Don't Tell" policy are "in compliance" with the federal statute so long as the military has some avenue to recruit law students (such as getting a list of interest students via career services offices or recruiting through student veteran groups). In 2002, the Department of Defense's interpretation of the Solomon Amendment changed dramatically. The military now mandates that if law schools do not modify their policies and allow the armed forces to recruit on campus, it will recommend a funding denial to the Office of the Secretary of Defense.

We understand that the military has coerced the law school into abandoning its principled prohibition of JAG recruiters by forcing the administration to choose between its nondiscrimination policy and millions of dollars in federal funding for the entire university. These are the sort of "choices" that seem to appeal to the armed forces: they also

force gay and lesbian soldiers to choose between sacrificing their personal integrity by serving in silence or forsaking their hopes for a military career.

Due to the fact that (a) the military has coerced the Law Center into compromising its institutional values and (b) the AALS mandates amelioration, inaction is simply inexcusable. We will protest the presence of JAG recruiters on October 4<sup>th</sup> by rallying outside the Washington Court Hotel from 8:00 - 9:00 am. We will then march to the Capitol, where we will be joined by community leaders and members of Congress. Professors Chai Feldblum and Mike Seidman will teach a class on the legal issues surrounding the Solomon Amendment and the "Don't Ask, Don't Tell" policy from 9:30 - 11:00 am.

To support our efforts, we request that the administration do the following: (1) help us maximize participation/visibility by requiring that professors either teach their Friday morning class (those held from 9:00am until 1:10pm) on the Hill or send their students to the Feldblum/Seidman lecture in lieu of their scheduled class,<sup>1</sup> (2) allow students to use GULC's media and public relations services to coordinate efforts to educate the community concerning this issue and (3) staff a table inside the Washington Court Hotel on October 4<sup>th</sup> with information concerning the military's "Don't Ask, Don't Tell" policy.

Administrative capitulation in the face of Defense Department threats has been ridiculed and protested at other law schools. This has not been the case at Georgetown. Even those among us who are most outraged reluctantly recognize that it would be impracticable, though not impossible, to engage in outright defiance. We do not ask that the Law Center risk the University's funding by refusing to host the Jag recruiters. We do not even ask that you cancel class on Friday morning. We merely ask that the Law Center make a powerful statement to those policymakers who have forced the institution to make an uncomfortable and morally reprehensible compromise. The use of GULC's media resources would further our goal of educating the Congress, the student body, and the larger public about our concerns. The administration table in the hotel will demonstrate and reaffirm GULC's commitment to both LGBT rights and its long-standing policy of nondiscrimination.

To do anything less would be to do nothing. The consequences of inaction would tarnish the impressive reputation of our institution and would consent to the infringement of the right of academic institutions to uphold those rules which they are

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<sup>1</sup> Several professors have already agreed to conduct their classes on the Hill or send their students to the Feldblum/Seidman class.

entitled to make. Disappointment, anger, and protest against the administration would necessarily follow.

The Georgetown University Law Center has a duty to demonstrate that it does not endorse "Don't Ask, Don't Tell." Before us is a legitimate chance to live up to the principle carved on our library: "law is but the means; justice is the end." We have faith that the administration will direct a response commensurate with the frustration we all feel so deeply.

Respectfully,

Alyssa C. Lareau, 3L

Jennifer D. Oliva, 2L

Michael Boucai, 1L