

# Military Recruitment and a Few Good Ameliorative Measures

by Stacy J. Evans

Touro Law Center, like other law schools, takes pride in offering its students a safe and welcoming academic environment. Thus, early in its history Touro enthusiastically accepted AALS policies with respect to non-discrimination in the job search process and found that employers readily complied. When the military refused to sign our non-discrimination statement, they were not permitted to participate in our recruitment programs. Then the Solomon Amendment was passed and Touro, like other schools, was faced with the challenge of reconciling the difficult issues and tensions created by the military's hiring policies and the threatened loss of federal funds should military recruiters be refused access to on-campus interviewing.

Reluctantly, the military is now permitted to recruit on campus. However, the debate continues regarding how this acquiescence not only violates our non-discrimination policy but also communicates to gay and lesbian students that discrimination against them, unlike any other group, will be tolerated by their educational institution. Thus, a dilemma ensues each year as we, and other schools, try to balance the obligations required under the Solomon Amendment, while simultaneously attempting to ameliorate, as required by the AALS, any harm or possible harm that is or may be suffered by gay and lesbian law students as a result of the inclusion of an openly discriminating employer.

In the fall of 2002, we were contacted by three branches of the military regarding their interest in on-campus recruitment at Touro. As in prior years, this information was passed on to the Law Center's Diversity Committee. This Committee, of which I am a member, is comprised of faculty members, administrators, and students and is charged with fa-

ilitating programs to cultivate an environment of tolerance toward our diverse student body.

In the early part of the fall semester, the Committee met to brainstorm ways to respond to these anticipated visits by the military. Two issues received careful discussion. The first was the recognition that many individuals were experiencing a heightened sense of patriotism since the terrorist attacks on September 11, 2001. We wondered if any opposition, or "perceived opposition" to the military, regardless of how reasonable or courteous, could be incorrectly perceived as "unpatriotic," thus causing the intended message to be tuned out, or worse, causing some unexpected backlash. The second consideration was based on conversations with some of Touro's gay and lesbian students. Their poignant remarks about the oppressive and isolating impact the military's policy has on them and how it affects their interactions within the Law Center community motivated the Committee to develop ameliorative programs that would be educational and supportive, believing that we would be more effective if we appealed to peoples' reason and intellect.

## What did we do?

**1. Letter from the Dean:** On the morning of the first military recruitment effort, a two-page memo from the Dean of the Law Center was placed in each student's mailbox. The memo outlined in detail the history and conflict surrounding military recruitment efforts on law school campuses. The memo concluded, "While circumstances force us to permit the military to interview on our campus, we hope

this action will in no way diminish our welcome to the gay and lesbian members of the Touro community. Those who are part of the Touro community, as either students or employees, are valued by all of us, regardless of race, color, national origin, religion, sex, age, disability, or sexual orientation.”

**2. Luncheon with Student Leaders:** The Diversity Committee hosted a luncheon with the leaders of all student organizations, where the various issues surrounding military recruitment were explained and discussed. At the end of the meeting, each student representative agreed to go back to his or her organization to relay what was discussed at the luncheon and seek a show of solidarity from its members for the ameliorative activities scheduled to take place at the school on the specific recruitment days.

**3. Letter from the Chair of Diversity Committee:** This memo, which was placed in each student’s mailbox, outlined the difficult issues surrounding on-campus recruiting by the military, briefly set forth the on-campus interview schedule for military recruiters, and requested that the Law Center community join together “in an expression of our commitment to welcoming and supporting *ALL* of the students attending Touro by wearing a No-Discrimination button.” The memo pointed out that “by wearing a button, we are not protesting the military, but rather expressing our disapproval of a discriminatory policy.” The memo went on to state that “to express opposition to discrimination is one of the highest forms of patriotism.”

**4. Faculty Resolution:** In anticipation of the military’s presence on campus, the faculty decided to issue a formal statement, which was posted in public spaces throughout the building. The statement indicated the faculty’s intention “to treat all students, regardless of race, gender, religion, age, or sexual orientation, with dignity and equality and condemns the policy of the U.S. Military that discriminates against our students on the basis of their sexual orientation.”

**5. A Show of Solidarity:** On the morning of each military recruitment day, red, white and blue buttons, with the words “**No Discrimination**” were

distributed to students by faculty, administrators, and students, who were also available to answer any questions or concerns raised by students.

**6. Getting the Message Out:** Banners condemning discrimination against gays and lesbians were hung throughout the school and in the interview rooms.

**7. Supporting our LGBT Students:** Additional funds were provided to our LGBT students to permit them to host a program called “Defining Family,” which included speakers from around New York State. They also displayed tri-fold display boards and posters throughout the building, including public spaces where students are generally not permitted to display organizational information. The students were particularly creative, preparing photo/text displays with vignettes of distinguished servicemen and servicewomen who were discharged from military service because they were gay or lesbian.

**8. Diversity Day:** In conjunction with the Student Bar Association, a diversity day celebration was held in the Law Center cafeteria with members of each student bar organization, including the LGBT students.

**9. To Serve with Honor:** A video of the Margaret Cammermeyer Story, which profiled a decorated Vietnam veteran who was discharged from the military for confessing that she was a lesbian, was run in the cafeteria several times on the day of the military recruitment.

## The response . . .

Approximately 50% of students wore or otherwise displayed the “*No-Discrimination*” buttons — some for days. Many shared that they were unfamiliar with this issue and were surprised that such overt discrimination still existed. Some students hung up pro-military signs, which remained on display alongside the

non-discrimination signs for several weeks. In addition, a memo asking for students to support American troops was placed in all student mailboxes by a fellow student.

As in prior years, the Career Planning Office had positive interactions with the military recruiters, who were treated both courteously and professionally. The Career Planning Office was also sensitive to the students who interviewed with the recruiters, assuring that they too felt supported.

The Law Center community gave a great deal of thought about how to respond to the military's recruitment efforts. I believe we were active and innovative in our approach, while also respecting differing views and opinions. Law school is an environment designed to challenge and expand a student's ability to engage in critical thinking. I hope in this instance we were successful in our desire to educate our students about this complicated issue.

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