Professor Rogers Receives Award

9/20/01—BCLaw Professor James Rogers has received the National Lesbian and Gay Lawyer's Association "Allies for Justice" Award. The award, described as presented to the person "who has given substantial assistance to the GLBT community in its quest for equality before the law," was given to Rogers for his leadership and support as Interim Dean from 1998-1999.

During his tenure as BCLaw Interim Dean, Rogers created a special task force to advise on issues relating to the Solomon Amendment, which members of the Law School fought to repeal. BCLaw faculty members Daniel Barnett and Alan Minuskin, along with students Lorie Dakessian, Tom Gaynor, Lauren Wainwright, and Kara Suffredini, were particularly involved in the nationwide movement to repeal or amend the law, which was enacted in 1997 to deny federal funds to educational institutions that did not permit the military to recruit on campus.

Rogers accepted the award "not for my personal activities, but as representative of the many members of the BCLS community who have devoted so much time and energy to the struggle against the Solomon Amendment," he said in a prepared speech. Rogers thanked the faculty, staff and students of Boston College Law School who, he said, "demonstrated a commitment to justice, dedication to work and personal sacrifice in pursuit of justice, and a maturity and soundness of judgment in dealing with these difficult issues."

Before the Solomon Amendment, Boston College Law School had denied military recruiters' access to campus, primarily because of the military's rules against the recruitment or hiring of homosexuals, which was regarded as a violation of the school's own non-discrimination statement.

In 1998 BCLaw received a formal notice from the Department of Defense that the school's eligibility for federal funds was in jeopardy as a result of JAGs exclusion from on-campus recruiting. As the legislation then stood, disqualification of the Law School from eligibility for federal funds would have had a serious impact on BCLaw students. The programs that would be at risk (work-study funding and Perkins loans) provided over $1.5 million annually to Boston College Law School students.

The Law School Faculty voted to create a limited amendment to the school's nondiscrimination policy pertaining to military recruitment that would permit JAG to conduct on-campus interviews. Meanwhile the students and faculty, led by Dean Rogers' task force, were organizing the fight to repeal the Solomon Amendment, while simultaneously devising a specific policy that would satisfy the letter of the Solomon Amendment but minimize the degree of entanglement by the Law School.

"At many law schools the response to Solomon was to allow military recruiters albeit reluctantly and under protest but to do so by re-admitting the military to the ordinary routine of the placement office program," said Rogers. "That means providing substantial logistical support to recruiters, such as collecting resumes, scheduling individual student interviews, providing clerical support to the recruiters, and literally care and feeding. Our students read and carefully analyzed the statute and regulations and found that in fact, the Solomon Amendment does not say that military recruiters must be treated the same as others. All it actually says is that a law school cannot prevent 'entry to campuses, or access to students on campuses, for purposes of military recruiting.' So we were not required to provide logistical support."

With the assistance of the campaign initiated at BCLaw, Congressman Barney Frank eventually
succeeded in repealing the portion of the Solomon Amendment that would cut off funding for student loans. That left the part that would cut off direct grants to Law Schools, but, since few law schools receive any such funding, the threat would have effectively been removed. But in early 2000 the Department of Defense issued new regulations under the Solomon Amendment that removed the sub-element provision. Previously, if only one sub-element of a University such as its Law School excluded military recruiters, the funding would be cut off only to that unit. Under the new regulations, if any school excluded military recruiters, funding to the entire university would be cut off. The fight to repeal or amend this law is ongoing.

"As a matter of our own educational policy and philosophy, we firmly believe that we can educate students for careers of service to the profession only by providing an atmosphere at our law school that is hospitable to all of the members of our community," Rogers said. "We cannot tolerate any acts of harassment, abuse, or oppression against any member of our community, on grounds of sexual orientation or any other basis. We cannot succeed in our educational mission if some groups of our students feel that they too do not fully enjoy an atmosphere of mutual respect, in which their dignity is respected, and in which they feel free to express not only their intellectual views and but also their personality and humanity, without fear or concern for discrimination, harassment, marginalization, or exclusion."