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Congressman Frank Speaks at Nov. 1 Rally

11/15/02--Massachusetts Congressman Barney Frank was among several speakers who addressed a sizeable crowd of students, faculty, administrators, and visitors at the November 1 "Rally Against Discrimination," held in the Law School's East Wing courtyard. The rally was organized to highlight discontent with the school’s partial suspension of its policy not to accommodate discriminatory employers who wish to recruit on the law school campus.

In September, under pressure from an Air Force official, the law faculty reluctantly permitted military recruiters on campus to conduct interviews. All branches of the U.S. military discriminate on the basis of sexual orientation. Boston College Law School’s nondiscrimination policy has, since 1981, prohibited discrimination on the basis of sexual orientation on its campus. The school extends use of its facilities only to employers whose policies are consistent with the nondiscrimination policy.

The Law School was forced to suspend its nondiscrimination policy in response to a letter from the United States Air Force regarding a six-year old federal statute known as the Solomon Amendment. The Amendment states that any university that prohibits or prevents military recruiting on its campus can be penalized by the termination of substantial federal funding for research and other purposes. Congressman Frank pointed out that, although in its original form the statute permitted revocation of student financial assistance funds as a penalty, a 1999 bill sponsored by himself and Representative Tom Campbell (R-Cal.) eliminated that part of the threat.

Boston College Law School has never prohibited or prevented military recruiters from interviewing its students. To enforce its own nondiscrimination policy, the law school has not extended to military recruiters the use of the facilities of its Career Services Office. The school’s practice of limiting use of its Career Services facilities has been similar to the practices of dozens of other law schools that also sought to enforce policies barring sexual orientation discrimination. Other law schools – including Harvard, New York University, Boston University, Yale, Columbia, the University of New Mexico, and the University of Southern California – also recently received and yielded to pressure from the Air Force, which threatened interruption of tens of millions of dollars of federal funds to their universities.

In his address Congressman Frank, who lives in Newton and represents the 4th Congressional District of Massachusetts, stressed the importance of directing dissatisfaction and resistive efforts where they may be most effective: at the U.S. Congress. He sympathized with the impossible position into which Boston College and other schools had been put, and he urged work to overturn the Solomon Amendment and the discriminatory policies of the U.S. military. He discussed the failure of the military’s "Don’t Ask, Don’t Tell" policy, which has been in effect since 1993, noting that it has resulted in more, rather than less, discrimination and exclusion based on sexual orientation. He urged demonstrators to lobby their representatives and senators to rethink the government’s position on gays in the military. He reminded the crowd that discontent with the Solomon Amendment and with "Don’t Ask, Don’t Tell" is not anti-military, but rather, just the opposite: people truly want to serve their country, and some of them are being denied that honorable opportunity on the basis of sexual orientation.

Congressman Frank was followed by former Air Force service member Peter Chvany, who
described how his bisexuality marked him for military discharge despite an impeccable record of service. He and Representative Frank further emphasized how conspicuously alone the United States military stands on this issue. Military forces with which U.S. forces are currently allied around the world have eliminated whatever policies of discrimination on the basis of sexual orientation they may have had. The United States and Turkey are the only NATO countries that maintain policies of discrimination.

The following Boston College student organizations have issued statements in support of the school’s nondiscrimination policy, many expressing the view that any compromise of the policy in its application to one group is harmful to all groups and members of the Law School community who rely on the protections the policy guarantees: American Constitution Society, Asian Pacific American Law Students Association, Black Law Students Association, Civil Rights Group, Domestic Violence Advocacy Project, Holocaust/Human Rights Project, International Law Society, Jewish Law Students Association, Lambda Law Students Association, National Lawyers Guild, and Women’s Law Center. The law school faculty has formed a Task Force on Nondiscrimination and Military Recruiting Policy, chaired by Professor Alan Minuskin. Students, faculty, alumni, staff and administrators on the Task Force are working to address, reconcile, and remedy as fairly and as practically as possible, the tension imposed by the school’s recent compromise of its commitment to nondiscrimination. This effort will include a series of programs throughout this academic year to underscore the harm caused by discrimination.