Office of the Chancellor and Dean

January 14, 2011

Dear Hastings Community:

This semester various branches of the military will be recruiting on campus. As you know, UC Hastings has a broad antidiscrimination policy. Although the repeal of the Don’t Ask, Don’t Tell (DADT) was enacted in December 2010, it has yet to be implemented and faces efforts to delay implementation. Until full repeal is in place, the military branches may continue to prohibit the recruiting of gays and lesbians, and the purpose of this letter is to explain the background of the exception to our nondiscrimination policy that allows military recruiting on our campus.

UC Hastings nondiscrimination policy provides that we do not make our career services facilities available to employers who discriminate in the selection of employees on the basis of national origin, race, religion, gender, sexual orientation, age, handicap or any other basis prohibited by law. The purpose of this policy is to foster and build a campus community that values and practices mutual respect and inclusiveness.

A federal law, known as the Solomon Amendment, first enacted in 1997, speaks directly to the issue of military recruitment on college and university campuses. The Solomon Amendment provides that a college or university may be denied certain federal funding if the college or university denies the military the same facilities offered to all other employers.

A number of law schools and law professors challenged the constitutionality of the Solomon amendment in *Rumsfeld v. FAIR*. On March 6, 2006, the Supreme Court rejected the argument that the Solomon amendment interfered with the first amendment rights of law schools and upheld the constitutionality of the Solomon Amendment. Thus the Solomon Amendment remains binding and enforceable on UC Hastings as well as on all law schools and other university units across the nation.

Although UC Hastings as an institution may be obligated to permit the military to recruit on campus, students, staff, and faculty are free to express their own views on the subject of military recruitment and discrimination on the basis of sexual orientation and identity. As a law school we are committed to vigorous and civil dialogue about difficult social and political issues. Particularly at a time when many young women and men are serving the nation in uniform overseas, we should be respectful of the vital role of the military and the sacrifices that so many make in service of their country.

Hastings has a long and proud tradition of inclusiveness and we are committed to making this a supportive place for all of our students, staff, and faculty. In particular, notwithstanding our inability to enforce fully our
nondiscrimination norms in the specific context of military recruiting, please know that gay, lesbian, transgendered, and bisexual students, staff, and faculty are an integral and welcome part of our community. Gay, lesbian, bisexual, and transgendered students have made major contributions to our community as students and alumni raising important issues and organizing for change. At the same time, Hastings has a long and proud tradition of support for members of our community in the military. Our student ranks have included veterans, and active and reserve members of the armed forces. Our alumni ranks have included many JAG officers who have served with distinction in peacetime and in times of war.

As a member of the Association of American Law Schools, Hastings is required to engage in efforts to ameliorate the discriminatory impact of permitting the military to recruit on campus. We take this obligation seriously, and throughout the year you will be seeing publicity about programs and resources aimed at overcoming societal discrimination. We encourage you to join with us in this essential dialogue.

The decision to allow the military to recruit on the campus should not be interpreted as one supportive of the military’s still current policy of discriminating against gays and lesbians. It is because service to our nation is such an honored tradition deserving of our respect that we believe it important to ensure all members of our society are able to participate as equals. Our hope is DADT will soon be fully repealed and all of our students will be able to pursue any career path they desire, including the path of devoting their professional lives to the protection and defense of their country.

Sincerely,

Frank H. Wu

Chancellor and Dean