

September 18, 2007

To Students, Faculty, and Staff:

As some of you may know, the Navy will be on campus to recruit tomorrow, September 19, and the Marines will be here on October 9th. Representatives of each of these branches of the military have agreed to hold an information session in which they will explain why their recruitment practices are not consistent with the College's non-discrimination policy—why in the U.S. armed services, gays, lesbians, bisexuals, and trans-gendered individuals cannot reveal their sexual orientation without risk of expulsion from service.

I recognize that military recruitment on our campus is a topic of great interest and concern to many in the community. I want, therefore, to review College policy regarding such recruitment, and to provide a context for our further engagement of the issue this year.

First, as John Emerson's e-mail to faculty and staff of September 4th explained, the policy guiding recruiting on our campus changed as a result of the 2006 Supreme Court decision (*Rumsfeld v. FAIR*), which unanimously upheld the Solomon Amendment—legislation that linked an institution's receipt of federal funding to the ability of the military to recruit on that institution's campus. That ruling requires a college to provide military recruiters with equal access to its facilities as a condition for receiving certain categories of federal money.

Our policy before *Rumsfeld v. Fair* had been to *require* all recruiters, military and other, to hold open meetings if they could not meet our own policies on non-discrimination, as described in the College's *Handbook*. The *Rumsfeld v. FAIR* decision, however, makes it illegal for us or any college to *require* an open meeting, or deny the military the same access to our facilities we make available to other recruiters, without the penalty of forfeiting federal funding to the College.

Many on campus have asked why we don't simply deny the military access and incur the penalty of losing federal funds. They ask how we can allow others who do not share our commitment to non-discrimination to have access to our campus and to the use of our facilities.

I believe strongly that the College's non-discrimination policy reflects our institution's values and its aspirations for a just society. I also disagree personally with the policy ("don't ask, don't tell"—DADT hereafter) that discriminates against gays, lesbians, and bisexual Americans who, once in the military, are forced to hide their sexuality or face expulsion from the service. There is no acceptable reason to deny gays and lesbians the right to a career in the military, and the loss to our armed forces has been significant. I nevertheless believe it would be wrong to ban the military from recruiting

on our campus. I have come to this position after considerable discussion with many individuals, both here on campus and elsewhere, and after much thought.

There are several reasons why I take the position I do, and I wish to explain them as a framework for future public discussions of what is a complex public policy issue. From the most general of perspectives, I believe that we should follow the law of the land, in this case the law upheld by the Supreme Court's *Rumsfeld v. Fair* decision, even if there are very good reasons to disagree with it.

Although the federal funds we receive would be difficult to replace from within our operating budget if we were to ban the military from recruiting on campus, I don't see the funding argument as the most important one in determining whether or not to adhere to *Solomon and Rumsfeld V. Fair* and allow military recruitment on our campus. The most important reasons, in my mind, for respecting the Solomon Amendment and the recent Supreme Court decision have to do with the mission of liberal arts institutions and the nature of the organization (the military) in question.

As a liberal arts college, our mission involves exposing students to as many points of view as possible—providing the broadest range of ideas and perspectives from which to learn and develop one's own opinions. In adhering to federal law, and allowing the military to recruit on campus, students at Middlebury will be exposed to an organization that has legal authority to differ in how it treats individuals on the basis of their sexuality than we do. By allowing the military to recruit on our campus, we are neither violating our own clear and strong policy on non-discrimination, nor condoning the way in which the U.S. Congress has addressed the issue of gays in the military. We are recognizing the complexities of the issue, and exposing our students to a different perspective from our own.

Academics and public intellectuals, including those who strongly support gay and lesbian rights, have argued that allowing the military to recruit on college campuses (along with the reinstatement of Reserve Officers' Training Corps—ROTC) is likely to have a positive impact on the military since enlistees coming from institutions like Middlebury are more apt to change the environment for gays and lesbians in the service than other groups of recruits. That is, changes in attitude within the military are more likely to occur if more, rather than fewer, students who study at colleges and universities like Middlebury pursued careers in the armed forces. Pressure for change from inside the military would make it more likely for Congress to amend its DADT policy.

Some also argue that preventing recruitment on campuses like Middlebury is elitist and serves to deepen an already class-based division in our armed forces. The less educated and less well-off socioeconomic groups are widely overrepresented and therefore suffer the disproportionate casualties defending our country and its interests.

Non-military institutions/organizations that can not sign our non-discrimination statement and wish to recruit on our campus should continue to be required to hold an open meeting in which they have to explain their hiring practices. That has been our

policy since the early 1990s, and is not affected by the *Rumsfeld v. FAIR* decision. The military, however, differs in fundamental ways from such other entities: it is a branch of the United States Government; its DADT policy was set by our Congress, not by the armed forces; and, most important, members of our military perform the highest form of public service—they are asked to make the ultimate sacrifice in the name of our collective security and freedom. Those of us who are opposed to DADT should lobby our elected officials to overturn it, both here in Vermont and in our home states. We should also work with the many public advocacy groups that are fighting to change DADT.

To that end—engaging those who have the authority to change current policy—we plan to host this year a panel discussion at Middlebury with U.S. congressmen, plus others, who will be asked to address the rationale of DADT, and to whom those who oppose the policy could voice their opposition and desire for reform. In addition, Dean Shirley Ramirez and I will host an open forum this semester to discuss this issue, including the current wording in the College *Handbook* regarding military recruitment policy on campus as a result of *Rumsfeld v. FAIR*.

I look forward to our discussions on this issue during the semester, and to the public forum we will host with elected government officials who are responsible for the policy that lies at the heart of this issue.

Ronald D. Liebowitz