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FOR IMMEDIATE RELEASE

STANFORD UNLIKELY TO BE AFFECTED BY DEPARTMENT OF DEFENSE RULES ON MILITARY RECRUITMENT

STANFORD—

New Department of Defense rules that allow it to cut off funds from various departments in colleges or universities that ban military recruiters are unlikely to affect Stanford, even though the Army and other service branches refuse to hire homosexuals.

The University has long had an open recruiting policy, as long as recruiters follow state and federal bans against discrimination in hiring. The U.S. Supreme Court has let stand a Ninth Circuit Court 1980 ruling upholding the right of the Army to discriminate against homosexuals in hiring and recruitment.

"We would like our students treated solely on their merits in terms of admission to this university, but we have not felt it appropriate for the university to adopt a policy that differs from the law in terms of discrimination in hiring practices," said Iris Brest, an attorney for Stanford.

The University does not discriminate against homosexuals in its own admission and hiring practices.

It does not allow employers to recruit on campus if they discriminate against individuals on the basis of race, creed, sex, age, national origin, handicapped or veteran status. Sexual preference is not included in state and federal statutes against discrimination.

However, those who recruit on campus must be willing to talk to everyone. Homosexuals cannot be automatically barred from interviews, according to Christopher Shinkman, director of Stanford's Career Planning and Placement Center.

Several law schools that have policies barring employers from recruiting if they refuse to hire homosexuals recently received a letter from Major Gen. Hugh J. Clausen, the judge advocate general of the Army, asking them about the status of those policies.

Schools were warned that policies barring military recruitment could lead them to lose tuition assistance for military personnel attending the institution, as well as Defense Department research funds.

The Army's rules, printed in the June 1 *Federal Register*, say that the Department of Defense does not intend to cut off Pentagon funds from an entire institution if only part of it is found to bar military recruiters. Rather, the cutoff would apply only to certain schools or departments that do not allow Army recruiters.

The new rules are designed to enforce a 1973 federal law that prohibits the use of Pentagon funds at colleges and universities if they do not permit military recruiting.

Stanford Law School does allow the recruiters, but only if there is a candid disclosure of policies prohibiting the hiring of homosexuals.

Students must be aware of the refusal of a firm or organization to hire homosexuals.

Last year, the judge advocate general did recruit at Stanford Law School, and recruitment also is planned for the coming years.

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Some law schools say they do not forbid military recruiters per se, but would require that non-discriminatory pledges be signed, as is required of other employers.

The Department of Defense rejected that view, but did say that it would not cut off funding until a college or university makes a policy decision on whether it wants to exclude military recruiters.

The department, in a statement accompanying the new rules, said that "it does not desire to engage in a confrontation with institutions of higher learning over their career placement policies. The department has attempted to interpret (the law) in a manner that minimizes friction between the department and the academic community."

The Defense Department also said that "the rule does not permit a funding cutoff merely because the department has been informed of an institution's recruiting policy. There are extensive procedures in the rule that are designed to ensure that no funds will be cut off until an institution has had an ample opportunity to consider and reconsider whether it desires to bar military recruiters."

These procedures ensure, the department said, "that a funding cutoff will not take place until the institution of higher learning has had a full opportunity to decide whether it wishes to exclude military recruiters from campus as a matter of policy."

"It is noteworthy in this regard that several institutions that have general restrictions on campus access based upon employers' policies have granted exceptions to permit military recruiting in recognition of the unique nature of military service."

The Department of Defense also said that "it does not sanction unlawful discrimination," but that the restrictions it places on those it hires "are generated by the necessities of military life or the rigors of military training and operation."

Approximately 5,000 student interviews with prospective employers are conducted at Stanford Law School each year.

Stanford Law School's policies are consistent with those of the entire university.

In terms of Stanford's policy on recruiters, there are those at the university who suggest that employers who discriminate against homosexuals should not be allowed to recruit on campus, because such discrimination is wrong and should not be tolerated.

Others say that in terms of permitting employers and organizations on campus, the university should be a "free marketplace of ideas," and as long as students are aware that certain employers may discriminate against gays, they should be free to visit all recruiters and decide for themselves who they wish to work for.

Still others suggest that because homosexuality is unlawful in some parts of the country, the university has an obligation to uphold the law.

The military has been recruiting routinely on campus with few, if any, problems.

The Ninth Circuit Court in 1980 upheld the right of the Army to discriminate against homosexuals in recruiting and employment. That decision was appealed to the U.S. Supreme Court, but the court declined to hear the case and let the Ninth Circuit decision stand.