

Suggested Questions for the Ad Hoc Committee on ROTC at the Faculty Senate Meeting, April 28, 2011

by Todd Davies (davies@stanford.edu), 4/28/2011

To all members of the Faculty Senate at Stanford:

I offer the following as suggested questions during the discussion of the ROTC committee's [report and recommendations](#).

1. The [Solomon Amendment](#), which was passed in the 1990s, prohibits the provision of a broad category of Federal funding “to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at that institution (or any subelement of that institution).” Does this clause not mean that Stanford is required by law to reinstate ROTC units on campus in a way that is acceptable to the military? Why is this not addressed in the committee's report?
 - Background: Several [advocates of ROTC at Stanford](#) and elsewhere have argued that the [Solomon Amendment](#) statutorily requires access by the military to establish ROTC units on campus (assuming the institution does not want to lose Federal funding). But the Defense Department thus far has [apparently not enforced](#) this provision. The question is important for this debate because one possible action by the University is to object to the Solomon Amendment, as was recently suggested by [a writer at UCSD](#). I asked about the Solomon Amendment at the faculty/staff town hall held by the Committee in January, so I am surprised it is not mentioned in the report and I am worried that its failure to mention this will cut off debate about an important element of Stanford's response. It is unclear from the statute what constitutes a violation on the part of a University. But if it is read as a right by the military to establish academic departments, this is markedly more intrusive than brief periods of military recruitment, which were fought legally by universities in the case of [Rumsfeld v. FAIR](#). Why are universities not objecting to this much stronger requirement (if that is indeed the legal interpretation) when they objected to a much weaker one in *Rumsfeld v. FAIR*, and when the ROTC provision of Solomon has not been challenged in court?
2. The Committee notes the argument that “the vocational commitment that ROTC presupposes is at odds with the properly prevocational character of undergraduate study at Stanford.” Its response is: “Many Stanford students arrive on campus as freshmen with well-formed vocational plans and a single-minded determination to carry them through; it does not follow that their conduct is unbecoming a Stanford student” (p. 15). But this misstates the objection. Deciding on a major and career at an early stage in one's career at Stanford are not the same thing as being unable to change them later. We allow students who declare a major early and who think they know what they want to do to change their major and career plans at any time without financial penalty, and many such students do so well after the point when ROTC students would not be able to. Does this not make ROTC students different from other undergraduates at Stanford, and does it not make the program at odds with the idea that undergraduate education should be able to influence career choice?
3. The Committee notes also: “Another related concern is that, if a student on a ROTC scholarship

were to leave the program, the student would have a financial obligation to the government and would need financial aid to continue at Stanford. We believe that undergraduates at Stanford should certainly have the freedom to change vocational commitments without the worry of incurring prohibitive financial sacrifice. Therefore, ROTC students who change their mind about a military career must have access to strong financial aid support to mitigate the costs of their decision” (p. 15). But doesn't ROTC scholarship money paid on behalf of a student who leaves ROTC turn into what may be a crushing loan burden for the student? If so, does this not constitute financial coercion, effectively forcing a student to continue in a program that their Stanford education might have led them to conclude was not what they wanted to do, with a serious risk to their life in a program they no longer believe in?

- Explanation: The Committee suggests that the University provide “strong financial aid support to mitigate the costs” of a student deciding to leave ROTC, but it does not address whether Stanford should cover a student's loan commitment in that case for their education prior to leaving the program, as opposed to merely covering their costs at Stanford after the decision, as it usually would for students who qualify for financial aid. Clarification is needed on what the financial consequences would be for a student who leaves the program in their junior or senior year, for example, when the student's views about the military could have been affected by their education at Stanford.
4. The wording of Stanford's [Nondiscrimination Policy](#) was [recently changed](#) from “...prohibits discrimination..” to “...prohibits unlawful discrimination...” in the following sentence: “Consistent with its obligations under the law, Stanford prohibits unlawful discrimination, including harassment, on the basis of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or any other characteristic protected by applicable law in the administration of the University's programs and activities.” Was this done in order to avoid a potential conflict between reinstating ROTC and the Nondiscrimination Policy's protections related to gender identity?
- Background: The Daily article from April 27 says that the policy was changed in February, and students from Stanford Students for Queer Liberation have told me that this was shortly after they met with the Ad Hoc Committee to express their concern that ROTC violated the (then unamended) Nondiscrimination Policy. So there is a priori reason for suspicion that this was done to smooth the way for ROTC's return, but without publicly acknowledging it as such.