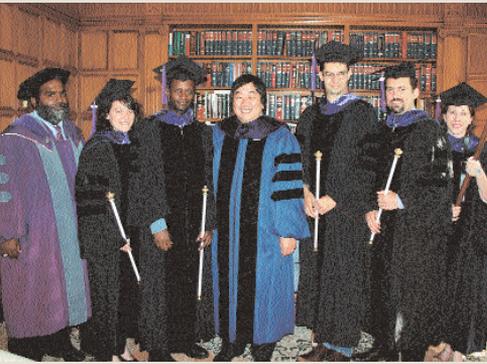


# A Letter From Dean Harold Hongju Koh



Dean Koh at Commencement with student marshals and Associate Dean Mike Thompson (see page 10).

## Dear Graduates and Friends of Yale Law School,

As my first year as Dean closes, I marvel at the unique vantage point this position gives me into every face of our community: our students, our faculty and staff, and our loyal alumni. But what I treasure most are the values we collectively share.

One quality I have consistently found in our graduates is a willingness to take chances. This point emerged vividly from the newly inaugurated Dean's Program on the Profession, at which distinguished alumni who have pursued imaginative careers encourage our students to think more creatively about their own. In this magazine, you will read of other alumni who have created industries where none previously existed, and of a journalist who started a journal of opinion while still in law school. You will read of first-year Procedure students who testified before the Federal Rules Committee about the proposed e-discovery rules, and of professors who asked the question asked daily by Professor Ian Ayres—"Why Not?"—to think creatively about improving Social Security and environmental performance.

We will reflect upon this risk-taking quality at this Fall's Alumni Weekend, November 4–6, 2005, which addresses "Entrepreneurship and the Law." By hearing from alumni who have created new enterprises for the practice of private and public interest law, innovative businesses, and pathbreaking social entrepreneurship, we will better understand how and why Yale Law graduates choose to take risks.

A second community value that will engender discussion in the months ahead is nondiscrimination. Our school's longstanding policy requires all employers who use our placement services to refrain from discrimination based upon such factors as race, religion, gender, or sexual orientation. For nearly three decades, we have applied this policy to give *access, but not active assistance*, to employers who would discriminate among our students based on sexual orientation. Quite simply, we are not a law school that aids and abets discrimination.

Some object that this policy inhibits the community values of free expression and choice. But our students remain free to join the military, and employers who will not abide by our nondiscrimination policy are free to visit campus, to recruit our students, and to arrange to meet with interested students at the Law School or elsewhere.

In 2002, however, the federal government threatened to cut off more than \$300 million in Yale's federal funding, construing a law called the Solomon Amendment to charge the Law School with illegally denying access to military recruiters. This fall, the Supreme Court will hear *FAIR v. Rumsfeld*, brought by a consortium of law schools and law faculties to challenge this legal interpretation. In a parallel suit brought by individual Yale Law School faculty and students, the federal district court in Bridgeport has held unconstitutional and permanently enjoined the Defense Department's enforcement of the Solomon Amendment against us. (For more information, see our website.)

These lawsuits will stimulate intense debate, inside and outside our community, on the question whether the government may constitutionally require us, as a condition of federal funding, to promote a message of employment discrimination.

Above all, Yale Law School is a community of values. If standing up for principle earns us criticism, so be it. Our students are all our students. As lawyers, scholars, and teachers, we will not assist deliberate discrimination against them.

Harold Hongju Koh