



Atlantic Legal Foundation

Atlantic Legal's August Bulletin

Atlantic Legal Supports Military Recruiters in U.S. Supreme Court Appeal

AUGUST 2005

Atlantic Legal recently filed a friend of the court brief in the Supreme Court of the United States in *Rumsfeld v. FAIR*.

The case involves a challenge to the constitutionality of the Solomon Amendment, which provides that certain federal funds may not be granted to colleges and universities that do not give military recruiters the same access to on-campus recruiting as the school provides to other outside employers.

A group of law school faculty members, styling themselves the Forum for Academic and Institutional Rights, challenged the constitutionality of the Solomon Amendment as infringing on *their* First Amendment rights. After losing in the District Court, they prevailed before a divided panel of the Third Circuit, and the Supreme Court granted certiorari.

***“On-campus recruiting
is essential to our
national defense...”***

Co-counseling with Greenberg Traurig, we argued that on-campus recruiting is essential to our national defense, that on-campus recruiting is necessary to maintain an all-volunteer military, especially to recruit highly qualified specialists in many fields, including law and medicine, and that Congress, not the Judiciary, has the constitutional responsibility for “raising a military” and has explicitly made the considered judgment that on-campus recruiting is vital to achieving that goal.

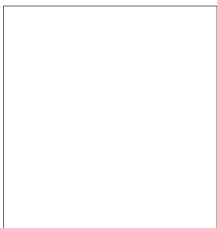
We were privileged to represent 29 top-ranking former senior U.S. military officers and civilian Department of Defense officials. They include, among others, former Secretaries of Defense James Schlesinger and William Perry and former Chairmen of the Joint Chiefs of Staff Generals Hugh Shelton and John Shalikashvili, former Marine Commandants, former Superintendents of West Point and the Air Force Academy, and numerous 4-star and 3-star admirals and generals from all U.S. Military Services.

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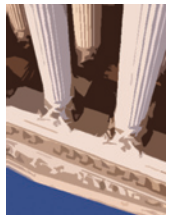


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