

**FOR IMMEDIATE RELEASE**

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**THE SOLOMON AMENDMENT: MYTHS & FACTS**  
*INFORMATION FOR MEDIA COVERING FAIR V. RUMSFELD*

As the United States Supreme Court begins hearings in the case of *FAIR v. Rumsfeld*, Servicemembers Legal Defense Network (SLDN) has released the following facts about the Solomon Amendment, a law passed in 1996 which requires colleges and universities to grant military recruiters access to students or risk losing federal funding.

**Myth:** The Solomon Amendment is a necessary recruiting tool.

**Fact:** The military has a wide array of recruiting tools available, including online recruitment and recruitment centers in virtually every corner of the country. The military also has access to students mailing lists, contact information and other resources. It is inconceivable that a student who wishes to enlist for military service would be unable to do so simply because military recruiters are not allowed on university campuses.

**Myth:** The Supreme Court's ruling in *FAIR* will be a predictor of how the high court views "Don't Ask, Don't Tell."

**Fact:** "Don't Ask, Don't Tell" and the Solomon Amendment are two distinct legal issues. The *FAIR* lawsuit is not about the constitutionality of the military's ban. Instead, *FAIR* is a case about whether law schools can enforce their non-discrimination policies; whether schools must be compelled to support an institution that violates its values; and defining the limits Congress can impose when it funds institutions.

**Myth:** The military is simply asking for the same access to students as all other employers.

**Fact:** The military is, in fact, asking for an *exception* to campus recruiting policies. Most law schools require that employers recruiting on campus follow the schools' non-discrimination policy, which includes sexual orientation. The military, by excluding lesbian, gay, bisexual and transgender Americans from service, violates those policies. Instead of changing its policies to comply with those non-discrimination policies, however, the military has demanded it be given an exception and be allowed to recruit regardless of its policies regarding sexual orientation. Law school career offices should not be forced to violate their school's non-discrimination and provide services to an employer who discriminates.

**Myth:** The Solomon Amendment has never been enforced.

**Fact:** Funding has been withheld from New York Law School, Vermont College of Law and William Mitchell College of Law because those schools refused to allow military recruiters on campus.

**Myth:** The Solomon Amendment is critical in recruiting the most qualified personnel to better wage the war on terror.

**Fact:** The most critical qualification for military recruitment should be talent and skill, not sexual orientation. By simply agreeing to follow the same rule as other recruiters – no discrimination on the basis of sexual orientation – the military can *truly* recruit among the best and brightest, which includes lesbian, gay, bisexual and transgender students, too.

For more information on the Solomon Amendment, visit [www.solomonresponse.org](http://www.solomonresponse.org) and [www.sldn.org](http://www.sldn.org).

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*Servicemembers Legal Defense Network is a national, non-profit legal services, watchdog and policy organization dedicated to ending discrimination against and harassment of military personnel affected by 'Don't Ask, Don't Tell' and related forms of intolerance. For more information, visit [www.sldn.org](http://www.sldn.org).*