



The UCLA School of Law Veterans Society

A Student Organization of the University of California, Los Angeles

UCLA School of Law

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Law School Veterans Organizations File Brief in Support of Military's Right to Recruit on Law School Campuses

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Three student organizations representing veterans of the armed forces have filed a “friend of the court” brief urging the U.S. Court of Appeals for the Third Circuit to reject a lawsuit that threatens the ability of the military to recruit on campus, on the grounds that allowing law schools to ban on-campus military recruitment would hurt both the military and law students.

“[A]llowing law schools to exclude military recruiters without facing the consequences provided for in the Solomon Amendment would cause serious harm to the Nation, to those individuals who are now serving or who in the future will be serving in the military, and to law students with an interest in military service,” the brief argues.

The brief was filed by Howard J. Bashman, a Philadelphia-based appellate lawyer, on behalf of three veterans organizations: the UCLA School of Law Veterans Society, Washburn University Veterans Law Association, and the College of William & Mary School of Law Military Law Society. It marks the first time in the current series of court battles over this issue that a student organization has filed a brief supporting the military’s unrestricted ability to recruit on law school campuses.

In support of the government’s right to recruit future JAG officers from law schools, the veterans make three general arguments:

- The military will suffer from the JAG corps' inability to effectively recruit on law school campuses, both in its operational needs for lawyers and its obligation to provide effective legal representation to military personnel.
- Law students interested in the economic and educational opportunities of military service will suffer if law schools restrict their access to military recruiters on campus, or if career service offices decline to offer critical information about the military to students to best situate them for future career decisions.
- Veterans enrolled in law school will suffer from having an organization they served in summarily removed from campus solely because the military complies, as required by federal law, with the “Don’t Ask/Don’t Tell” statute, which has been deemed constitutional by every court that has considered its legality.

The “Solomon Amendment” is a law passed by Congress in 1996 that conditions the receipt of federal funding for universities on the access of military recruiters to those campuses. This law is being challenged by law professors and students who say it unconstitutionally restricts their right to free speech. Law professors and students seek to exclude the military from campus because of its prohibition on service by people who openly identify themselves as gays and lesbians.

The current case in the 3rd Circuit Court of Appeals was originally heard by U.S. District Judge John C. Lifland in Newark, New Jersey. On Nov. 5, 2003, Judge Lifland denied the plaintiffs’ request for a preliminary injunction, and the plaintiffs appealed that decision to the 3rd Circuit.

A copy of the veterans brief is available at: <http://www1.law.ucla.edu/~veterans/vetsbrief.pdf>.

Earlier court decisions in *FAIR v. Rumsfeld*, as well as briefs from the plaintiffs, Justice Department, and other *amici* are available at: <http://www.law.georgetown.edu/solomon/FairVRumsfeld.htm>.