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Court Upholds Campus Military Recruiting

By GINA HOLLAND
Associated Press Writer

WASHINGTON (AP) -- The Supreme Court ruled unanimously Monday that colleges that accept federal money must allow military recruiters on campus, despite university objections to the Pentagon's "don't ask, don't tell" policy on gays.

Justices rejected a free-speech challenge from law schools and their professors who claimed they should not be forced to associate with military recruiters or promote their campus appearances.

Chief Justice John Roberts, writing for the court, said that the campus visits are an effective military recruiting tool.

"A military recruiter's mere presence on campus does not violate a law school's right to associate, regardless of how repugnant the law school considers the recruiter's message," he wrote.

Law schools had become the latest battleground over the "don't ask, don't tell" policy allowing gay men and women to serve in the military only if they keep their sexual orientation to themselves.

Many universities forbid the participation of recruiters from public agencies and private companies that have discriminatory policies.

The ruling was announced on a day that the court was jammed with visitors from the military, all dressed in uniform. Justices heard arguments in the case in December, and signaled then that they were concerned about hindering a Defense Department need to fill its ranks when the nation is at war.

"This is an important victory for the military and ultimately for our national security," said Jay Sekulow, chief counsel for the American Center for Law and Justice.

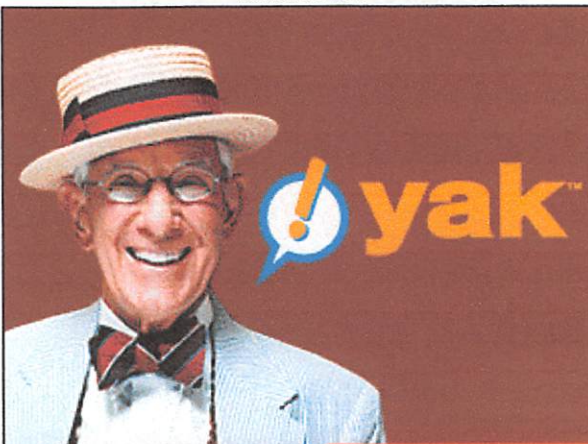
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The court's decision upholds a law that requires colleges that take federal money to accommodate recruiters.

College leaders have said they could not afford to lose federal help, some \$35 billion a year.

Roberts, writing his third decision since joining the court last fall, said there are other less drastic options for protesting the policy. "Students and faculty are free to associate to voice their disapproval of the military's message," he wrote.

"Recruiters are, by definition, outsiders who come onto campus for the limited purpose of trying to hire students - not to become members of the school's expressive association," he wrote.

The federal law, known as the Solomon Amendment after its first congressional sponsor, mandates that universities give the military the same access as other recruiters or forfeit federal money.

Roberts filed the only opinion, which was joined by every justice but Samuel Alito. Alito did not participate because he was not on the bench when the case was argued.

"The Solomon Amendment neither limits what law schools may say nor requires them to say anything," Roberts wrote.

The case is *Rumsfeld v. Forum for Academic and Institutional Rights*, 04-1152.

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