

# The Solomon Amendment

**Employers: Be aware that not all recruiters are being held to the same non-discriminatory standards that you are.**

This semester various branches of the US military will be interviewing on the University of Connecticut School of Law campus. While federal law forces us to accommodate this, neither the Office of Career Services nor the School of Law endorse the military's ongoing discrimination on the basis of sexual orientation. In fact, we oppose such practices and bar other prospective employers with discriminatory policies from participating in campus recruiting. However, pursuant to the provisions of the Congressionally-enacted Solomon Amendment, we must allow military recruiting or lose essential federal funding.

For much of the past century, the United States Armed Forces imposed an administrative ban on homosexual servicemembers. In 1993, the military adopted its "Don't Ask-Don't Tell-Don't Pursue" policy. This policy allows gay people to serve in the military as long as they are silent about the fact that they are gay. The American Association of Law Schools insisted that the military, like other discriminatory employers, be barred from recruiting on law school campuses.

The refusal of most law schools to allow recruiters from the Armed Forces provoked a legislative backlash. In 1995, Congress passed the first Solomon Amendment, denying schools that barred the military from recruiting on their campuses any funds from the Department of Defense. In 1996, Congress extended the law's reach to include funds from the Departments of Education, Labor, and Health and Human Services. This second Solomon legislation put law schools at risk of losing federal financial aid monies that are critical to many students. The new law forced schools to choose between protecting students who are on financial aid from economic and educational hardship and protecting students who are gay or lesbian from discrimination.

In 2000, the Department of Defense issued a new interpretation of the Solomon Amendment whereby an entire university (and not just a law school associated with the university) would experience a loss of federal funds were military recruiters not provided full and equal access to law students. This deprivation, if enforced, would have resulted in severe financial losses to hundreds of universities – losses that would have caused genuine damage to students, faculty, and scholarship generally. Harvard Law School, one of the first institutions notified by the Department of Defense of the law school's possible non-compliance with the Solomon Amendment, estimated that they stood to lose \$328 million under the Defense Department's new interpretation of the law. The impact would have been equally serious at most American universities.

We reiterate our policy and position on military recruiting: The United States Department of Defense discriminates on the basis of sexual orientation. The University of Connecticut School of Law, as well as the AALS, has a policy against such discrimination. The School of Law affords the United States Department of Defense access to school facilities for recruiting purposes only because, under the Solomon Amendment to the Education Act, federal funds that support students at this law school will be withheld if access is limited. The School of Law continues to deplore the military's discriminatory practices. Permitting the Department of Defense access to school facilities is not an endorsement of the military's discriminatory practices.

For more information, please visit: <http://www.law.georgetown.edu/solomon/Index.html>