

04-1152 RUMSFELD V. FORUM FOR ACADEMIC RIGHTS

DECISION BELOW: 390 F3d 219

LOWER COURT CASE NUMBER: 03-4433

QUESTION PRESENTED:

The Solomon Amendment, 10 U.S.C. 983(b)(1), withholds specified federal funds from institutions of higher education that deny military recruiters the same access to campuses and students that they provide to other employers. The question presented is whether the court of appeals erred in holding that the Solomon Amendment's equal access condition on federal funding likely violates the First Amendment to the Constitution and in directing a preliminary injunction to be issued against its enforcement.

CERT. GRANTED 5/2/2005