

Public colleges and universities have faced legal challenges in recent years from members of student organizations testing the legal permissibility of institutions conditioning official recognition for student groups on adherence to campus nondiscrimination rules. Legal contention over this issue reached a high point when a closely divided Supreme Court, in a five-to-four decision, upheld a law school's nondiscrimination policy in *Christian Legal Society v. Martinez*. Guided by discourse analysis methods, the article explores the markedly differing ways that the majority and dissenting justices relied on precedent, their competing interpretations of the facts and legal issues presented in the case, and their conflicting characterizations of colleges and universities in relation to nondiscrimination efforts. The analysis reveals significant legal and ideological differences between the justices regarding higher education. Depending on which view of higher education ultimately prevails, the Supreme Court may demonstrate a greater willingness to extend judicial deference to the co-curricular realm. Alternatively, the lack of trust in colleges and universities displayed by the dissenting justices could indicate, depending on the Court's membership, the possibility of a contraction of judicial deference to academic decisions in future decisions.