



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

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July 6, 2005

*By Regular Mail and Certified Mail, Return Receipt Requested*

Bruno C. Leuyer  
U.S. Army  
FOIA/PA Officer  
7701 Telegraph Road  
Suite 144  
Alexandria, VA 22315-3860

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., by the New York Civil Liberties Union (“NYCLU”). The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers.

We hereby request disclosure of all records in your possession relating to or referring to the United States Army’s (“Army”) recruitment of public high, junior high, and middle schools school students for military service in the state of New York.

Specifically, we request disclosure of the records described below:

- (1) all national policies, procedures, and guidelines relating to the Army’s recruitment of public school students for military service, for the years 2000 to 2005;
- (2) all local or regional policies, procedures, and guidelines applicable to the Army’s recruitment of New York public school students for military service, for the years 2000 to 2005;
- (3) all training materials used by the Army between the years 2000 and 2005 to train Army personnel engaged in the recruitment of high school students;
- (4) all criteria by which the Army has selected public schools and/or school districts for the recruitment of students for military service, including any use of race, ethnicity, gender, family income, sexual orientation, immigration status, and/or high school or school district statistical information, between the years 2000 to 2005;
- (5) all criteria by which the Army has selected public school students for military recruitment efforts, including any use of race, ethnicity, gender, family income, sexual orientation,

immigration status, academic information, and/or school or school district statistical information, between the years 2000 to 2005;

(6) all documents which reflect the following: 1) subjects to be covered during recruitment efforts; 2) subjects to be avoided during recruitment efforts; 3) information given to recruits about obtaining immigration status, citizenship, veterans' benefits, and/or educational and scholarship benefits through military service;

(7) The name and location of any person, entity or office responsible for receiving and/or acting on complaints about the conduct or tactics of recruiters;

(8) Copies of all complaints about the conduct or tactics of recruiters since January 1, 2002, including the nature of the complaint, the results of the investigation, if any and the disposition of any such complaints.

(9) all documents pertaining to any databases planned or maintained by or on behalf of the Army for recruitment purposes including, but not limited to, proposals, guidelines, protocols and agreements or contracts with other agencies or private entities for the development, maintenance or production of such databases;

(10) all documents which identify the categories of information contained in such databases;

(11) all written communications between Army personnel and public school and/or school district personnel in New York, for the years 2000 to 2005;

(12) all policies, procedures, and guidelines, used between 2000 and 2005, which concern the receipt and use by Army recruiters of information about New York public school students, including student directory information, provided by public schools and/or school districts;

(13) all correspondence between the U.S. Department of Defense and/or the U.S. Department of Education, and public schools, public school districts, and/or the New York Department of Education, regarding the disclosure of information about students to the Army for the years 2000 to 2005;

(14) all correspondence between the U.S. Department of Defense and/or the U.S. Department of Education, and public schools, public school districts, and the New York Department of Education, regarding Army recruitment in New York public schools, for the years 2000 to 2005;

(15) names and addresses of all New York public schools which were visited by Army recruiters during the years 2000-2005; the dates of each such visit; the primary contact person(s) at each public school visited; and any documents which reflect the activities of Army personnel during those visits;

(16) copies of all materials provided by Army personnel to New York public schools and/or school districts, and/or used by Army personnel in New York public schools and/or school districts, during the years 2000-2005; and, to the extent that copies of any such materials no longer exist, a detailed description of those materials;

(17) all documents concerning Army personnel's use of student directory information to contact New York public school students directly, including but not limited to records of home visits, emails, and/or phone calls made by Army recruiters during the years 2000-2005;

(18) the total number of public school students in New York who enlisted or pledged to enlist in the Army for each year from 2000-2005, broken down by school and/or school district, age, race, and gender.

The requested records are not exempt from disclosure under FOIA. To the extent that any requested records are marked classified, please redact such records and immediately provide us with remaining records. If you deny all or part of this request, please cite each specific applicable FOIA exemption and notify us of appeal procedures available under the law.

The New York Civil Liberties Union is the New York affiliate of the American Civil Liberties Union. It is a not-for-profit, nonpartisan organization that works daily in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to every person in the United States by the nation's Constitution and laws.

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of government operations and activities and is not primarily in the NYCLU's commercial interest. The NYCLU seeks to use this information for public education on its website and newsletter, through public speaking, and through other educational activities. Therefore, we request a waiver of all fees for this request. If the fee waiver request is denied, while reserving our right to appeal such a decision, we will pay fees up to \$25.00. If you estimate that the fees will exceed this limit, please inform us.

Please provide this information as soon as possible as it meets the criteria for expedited processing under the Act. The conduct of U.S. Army recruiters' activities in New York is "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." *See* 28 C.F.R. 16.5(d). There are media reports which, if accurate, raise questions about deprivations of legal rights. For documentation of those reports, please see the attached document reviewing recent media coverage about military recruiting. Immediate disclosure of the requested records is necessary to inform the public of relevant government activities before school opens in September.

We would appreciate your response within twenty days, as required by the law. Please disclose records as soon as they are identified, instead of waiting to gather all responsive records. Please contact us at 212-344-3005 with any questions. Thank you in advance for your timely consideration of this request.

Sincerely,

Christopher Dunn  
NYCLU Associate Legal Director

Jeffrey E. Fogel  
NYCLU Attorney