

# *Using Equal Access to Counter Militarism in High Schools*

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## A Case History: Project on Youth and Non-Military Opportunities 1984-1995

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## Preface and Acknowledgments

One way to advance the movement to counter militarism in schools is to share information about the various experiences—both negative and positive—of groups working at the grassroots level. Through this process, we can provide mutual support, develop motivation, and increase our effectiveness in this challenging area of work. It was with these goals in mind that this report was produced. It describes the efforts of one counter-recruitment organization, Project YANO, to reach and educate young people in public high schools in San Diego County, California.

When Project YANO was formed in 1984, only a few organizations were engaged in similar efforts. Some of those groups no longer exist, but they all contributed to the early development of strategies and educational resources that have helped us in our work. The following organizations deserve special mention for their early involvement: AFSC Peace and Justice Youth Outreach Project, Oakland, CA; National AFSC Youth and Militarism Program; Atlanta Peace Alliance; Central Committee for Conscientious Objectors; Chicago Clergy and Laity Concerned; National War Resisters League; and the Committee Opposed to Militarism and the Draft, San Diego, CA.

Locally, we would like to thank the many volunteers in San Diego County who have contributed their time and energy to the work described in this case history. Without them, none of it could have been accomplished. We are also grateful to the New York Civil Liberties Union and Randall Cornish for helping us with digital scans, and to the Ben & Jerry's Foundation, HKH Foundation and A.J. Muste Memorial Institute for helping to make different editions of this report possible.

## Scope of the Report

This report focuses on methods of grassroots organizing. It describes strategies, tactics and organizational challenges associated with developing a long-term effort to educate students and counter militarism in schools. Detailed information on the issues themselves can be found elsewhere—in the many brochures, fliers, books and other materials offered by organizations like those listed in appendix A.

The organizing methods we focus on apply primarily to non-student organizers seeking to introduce alternative information in schools; however, youth and student activism are key components of the overall picture and should not be ignored. A brief section on working with students is included on page 18, and more information on student organizing can be obtained from some of the groups in appendix A.

# Contents

## INTRODUCTION

Organizing Models . . . . . 1  
 The Equal Access Principle . . . . . 1

## HISTORY OF PROJECT YANO'S EQUAL ACCESS EFFORTS

Developing an Outreach Strategy . . . . . 3  
 Developing an Effective Message . . . . . 4  
 '84-'85 School Year: Initial Outreach and Access Problems . . . . . 4  
 '85-'86 School Year: Outreach to Counselors and New Problems Experienced . . . . . 5  
 '86-'87 School Year: More Outreach Components Added . . . . . 6  
 Access to Student Newspapers . . . . . 7  
 Display Ad Follow-up the Next Year . . . . . 8  
 Approaching the San Diego Unified District for Equal Access . . . . . 9  
 San Diego Unified's Answer . . . . . 11  
 Using the ASVAB to Raise Equal Access and Privacy Issues . . . . . 11  
 Gaining Access to High School Career Fairs . . . . . 12  
 Struggle Over a Community College Career Fair . . . . . 14  
 Moving on to Other Districts . . . . . 14  
 Gaining Equal Access in the Grossmont District . . . . . 16  
 Revisiting the Issue of Student Lists in San Diego Unified . . . . . 17  
 Working with Students . . . . . 18

## CONCLUSIONS

Things to Consider . . . . . 19

## POSSIBILITIES FOR FUTURE CHALLENGES TO ONE-SIDED MILITARY ACCESS

ASVAB . . . . . 21  
 JROTC . . . . . 21  
 Student lists . . . . . 21

## APPENDIX

Partial List of Groups that Can Provide Resources or Info. on Equal Access . . . . . A.  
 Letter to San Diego Unified Regarding Equal Access . . . . . B.  
 Equal Access Directive, S.D. Unified . . . . . C.  
 Letter to Sweetwater Union Regarding Equal Access . . . . . D.

iii.

Equal Access Memo, Sweetwater Union . . . . .	E.
Letter to Grossmont Unified Regarding Equal Access . . . . .	F.
Letter from Assistant Superintendent Carl Wong, Grossmont . . . . .	G.
Equal Access Memo, Grossmont . . . . .	H.
Equal Access Memo, Seattle Public Schools . . . . .	I.
Equal Access Memo, Austin Independent School District . . . . .	J.

## Introduction

The Project on Youth and Non-Military Opportunities (Project YANO) was formed in 1984 to educate young people in San Diego County about the realities of military enlistment and inform them about alternative career options. One of the tactics adopted to get this information into young people's hands was to seek the same access to public schools that is given to the military. This report describes how that effort developed and presents some lessons that were learned in the process.

It should be kept in mind that organizing conditions will vary in different communities, and tactics and approaches that are right for one locality might not be appropriate for another. San Diego County is a populous, conservative, highly militarized region with over 75 secondary schools. Groups doing counter-recruitment work in similar communities would probably share many of Project YANO's experiences, while those working in more progressive areas might have an easier time gaining school access. In rural places, on the other hand, it could be more challenging. These and other factors need to be considered when evaluating the lessons in this report for application in other communities.

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### *ORGANIZING MODELS*

In the last decade, and in particular since the U.S. invasion of Iraq, there has been increasing concern over the growing presence of the military in K-12 public schools. Groups in cities all around the country have formed to address the problem on a grassroots level, with more students, parents, educators, military veterans, and other individuals getting involved. In the effort to counter the military in secondary schools, three main organizing models have developed: one has emphasized educational activities organized in schools by students themselves (e.g., via clubs and campaigns), a second has emphasized educational outreach conducted by students and/or non-students outside of official school channels (e.g., by leafleting on public property at school entrances), and a third has been the attempt by non-students to get information to young people through the school system itself. For non-student organizations pursuing the latter approach, the greatest challenge has been gaining access to schools.

The military has maximized its presence in the educational system by seeking the widest possible access to classrooms, career centers, counseling offices, student records, student newspapers and even elementary school playgrounds. For those wishing to counter the influence of the military, it is logical to seek ways to communicate with students on a similar scale. Clearly, it is not possible for community groups to match the resources of the military, but it *is* possible to conduct an effective educational campaign once counter-recruitment activists get inside schools with their alternative message.

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### *THE EQUAL ACCESS PRINCIPLE*

During the 1980s, lawsuits were filed in federal courts by local counter-recruitment organizations seeking access to schools in Chicago, West Palm Beach (Florida), San Diego, Atlanta and Erie (Pennsylvania). All of them led to victories for those seeking to present alternative views on military enlistment. Two of the cases, in San Diego and Atlanta, eventually resulted in rulings by federal appellate courts.

2.

In simple terms, the equal access argument rests on the principle that once a government agency creates a forum for expressive activity on a controversial topic, access to the forum can be limited only so long as it is reasonable and not a façade for viewpoint-based discrimination. If the presentation of one point of view has been allowed, the forum must also be opened to those with an opposing view.

Varying degrees of restrictions on access are permissible depending on the type of forum created (categories referred to by the courts are “public,” “limited” and “non-public” forums). However, even in the most restrictive category, “non-public” forums, unreasonable regulation and viewpoint-based discrimination are not permissible.

In the various lawsuits brought by counter-recruitment groups, there have been some similarities and differences in the specific forums to which access was being sought. Since 1986, whenever it has been necessary to cite an equal access precedent, Project YANO has relied heavily on the ruling in *San Diego Committee v. Governing Board of Grossmont Union High School District* [790 F.2d 1471 (9th Cir. 1986)]. This ruling resulted from a suit filed in 1983 by the San Diego Committee Against Registration and the Draft (CARD), which later changed its name to Committee Opposed to Militarism and the Draft (COMD). The initial focus of the suit was on whether the school district could legally allow the Selective Service System to place information in student newspapers and, simultaneously, prohibit students from accepting CARD’s anti-draft registration ads. When the additional issue of military recruitment ads in student newspapers was introduced in the case, it widened the scope of the eventual court ruling. In its majority opinion, the Ninth Circuit Court of Appeals stated:

*. . . [T]he government’s interest in promoting military service is not an economic one; it is essentially political or governmental. . . . It has long been recognized that the subject of military service is controversial and political in nature. There has been opposition to military service, both compulsory and voluntary, throughout our nation’s history.*

Once the school district had permitted advertisements advocating military service, the court argued, it had to allow students to give CARD the same access to their newspapers:

*. . . [T]he Board cannot allow the presentation of one side of an issue, but prohibit the presentation of the other side. . . . Here, the Board permitted mixed political and commercial speech advocating military service, but attempted to bar the same type of speech opposing such service. The Board has failed to advance a compelling governmental interest justifying its conduct. Accordingly, the Board violated the First Amendment when it excluded CARD’s advertisements.*

This ruling has provided Project YANO with its strongest legal argument for demanding access to the entire range of in-school forums currently enjoyed by the military. If schools allow military recruiters to present their message to students, a government-sponsored forum is created on an issue that is, in the language of the Ninth Circuit, “controversial and political.” According to this and other court rulings, groups like Project YANO cannot be excluded from such forums unless it can be demonstrated that such an exclusion is reasonable and not merely a façade to suppress an unpopular point of view within the scope of the forum topic. As the Ninth Circuit noted, this applies even if the forum is a non-public one. (For a copy of the *San Diego CARD* decision, see [www.comdsd.org](http://www.comdsd.org))

Whenever Project YANO has anticipated or experienced school administration resistance to its requests for access, it has used references to this decision and the other court cases as a lever to secure cooperation. Information about the rulings has also helped alleviate the fears of sympathetic teachers, counselors and administrators who are sometimes nervous about inviting counter-recruitment activists into their schools. By pointing out that military recruiters are already present in classrooms and/or placing their materials in counseling offices, it is made clear that the law supports school staff when they allow Project YANO’s side to be heard.

*An important note regarding litigation:* The technical issues surrounding forums and forum analysis are complex and can be altered in future court decisions, especially by the U.S. Supreme Court. Indeed, the U.S. military tried to intervene in the *San Diego CARD* case for the specific purpose of getting the Ninth Circuit's decision overturned with an appeal to the Supreme Court. The government failed because it missed a filing deadline, but the military implied at the time that it would continue to watch for similar cases in which it could intervene. The lack of further litigation has so far denied the military the opportunity to intervene and bring such a case to the Supreme Court<sup>1</sup>.

For more details and advice on strategies for securing equal access, we suggest contacting a civil liberties organization or counter-recruitment group like Project YANO that has extensive experience with equal access issues. The federal government has a strong interest in overturning the existing precedents that are being cited with positive effect in many parts of the country, so Project YANO strongly urges organizations to exhaust all other approaches to reaching students before considering any legal action. If legal action is to be considered, it should first be discussed with some of the other local and national groups around the country that have a stake in the issue and could be negatively affected by the outcome. Project YANO and a few of the other organizations listed later in this report can offer consultation and advice on alternative approaches to reaching students.

## History of Project YANO's Equal Access Efforts

### *DEVELOPING AN OUTREACH STRATEGY*

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**W**hen Project YANO developed its initial outreach plan in 1984, we concluded that, within the school environment, teachers had the most freedom to introduce students to controversial issues. Also, the classroom setting offered the most effective forum for interacting with students and getting our message across to them.

Taking into account that San Diego is a heavily militarized region, we concluded that if we approached school administrators or school boards first, the local conservative climate would compel them to turn down our school access request. Then, if administrators said no, we suspected that even sympathetic teachers and counselors might close their doors to us. (At the time, *San Diego CARD* had not yet been decided by the Ninth Circuit, and favorable equal access decisions had been reached in only the two federal district courts in Florida and Illinois.)

Our first-year strategy, therefore, was to seek out sympathetic teachers, establish an in-school presence via their classrooms, and then use these contacts and our track record to secure invitations from additional teachers. In the second, year we planned to expand our outreach to include counselors. We resolved to avoid contact with administrators as long as possible and to not encourage or solicit any media coverage of our activities for the first few years.

Organizationally, we knew it would help us gain acceptance if we had non-profit educational status and could establish that we had links with other recognizable community groups. Thus, soliciting endorsements and applying to the IRS for 501(c)(3) status became part of our access strategy. A few peace groups and the National Lawyers Guild were already involved in our project; for additional endorsements, we approached the ACLU, Chicano and African-American organizations, and a few church-based groups. Among those who gave us endorsements were the co-ministers, youth group and social concerns committee of the local Unitarian church that was attended by the superintendent of San Diego City schools.

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1. Current as of the July 2006 update of this report.

## *DEVELOPING AN EFFECTIVE MESSAGE*

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The organizations that founded Project YANO in 1984 had a clear set of goals for their message to young people. One goal was to present information on non-military alternatives for career development and college financing that would help counter the economic forces that push many young people into the military. Another was to look for those particular alternatives that were not affected by the "Solomon Amendments," laws that denied federal job training and student aid to youths who refused to register for the draft.

It was our intention to combine this sort of concrete, positive, alternative information with information about the negative aspects of military enlistment. The negatives included facts about the realities of life and skills training in the military, as well as some points about the moral and political issues linked to military enlistment (e.g., the presence of discrimination in the military, the impact of military spending on society, involvement in military intervention abroad, killing and conscientious objection, etc.).

Although it was not articulated at first, we later added the goal of motivating young people to become involved in social change activism. This was done by incorporating information about careers in peacemaking and community activism and highlighting the power of young people to help effect change.

Developing these different message components was important to our strategy for succeeding in gaining access to schools. The presence of military recruiters meant that a forum had already been created in schools on a controversial political issue, and under the equal access principle, we had a right to present opposing views on the subject. We knew that if school personnel were uncomfortable with this part of our message, we could ultimately argue that the courts had given them little choice in the matter. However, our presentation of non-military alternatives and encouragement of youth activism would be harder to object to and might provide them with a face-saving rationale for granting our request for access.

Another key to gaining acceptance, we believed, would be the inclusion of military veterans in all of our activities. It goes without saying that vets are the most credible voice for a counter-recruitment message, so seeking their involvement was a high priority.

### **'84-'85 SCHOOL YEAR: INITIAL OUTREACH AND ACCESS PROBLEMS**

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A couple of small seed money grants enabled us to begin our outreach to high school teachers and develop educational brochures for young people. To compile a list of friendly teachers, we began asking other community activists for names of educators they knew. Some of these teachers then gave us more names. Eventually, we obtained a personnel directory from the County Board of Education listing staff for all the school districts in San Diego County. We identified those people who were teaching social studies, history, civics, English and electives dealing with current events and added some of their names to the list of friendly teachers we had already compiled.

We sent out our first teacher letters in September of 1984. They went to about 350 high school educators. The mailing consisted of a cover letter, a reprint of an article about recruitment fraud, a description of the slide show "Choice or Chance," which we were using in our presentations, a reply form and small reply envelope. The outgoing envelopes were addressed to specific teachers at their school addresses and were sent via third class (bulk) mail. In the letter, we explained our purpose and outlined our message. We mentioned the court decisions on equal access in order to reassure teachers that there was a legal basis for inviting us to their schools.

Within a month, we had received presentation requests from seven teachers at five high schools. About 600 students in 22 classes were reached from this initial response. We also received presentation requests from a counselor and a group of community college students.

The first hint of a problem arose when we found out from friendly teachers at San Dieguito High School that they had not received the letters sent there. We didn't know if this was because mail was being interfered with by clerical or administrative personnel, or if it was due to cavalier treatment of bulk mail in the school mail room. When we found out that the Post Office does not trace missing third class mail, we resolved to send all future mailings to schools via first class. We never found out what happened to the letters at San Dieguito, but we still managed to set up several classroom presentations through the friendly teachers we knew there.

In the Sweetwater Union High School District, a teacher delayed our scheduled presentation because her principal insisted on deferring to the district office for permission. We never heard back from her, and because we were swamped with other requests, we decided not to pursue the issue.

We finished the '84-'85 school year with a total of 30 presentations given to classes at seven schools. Almost a thousand students were reached.

### **'85-'86 SCHOOL YEAR: OUTREACH TO COUNSELORS AND NEW PROBLEMS EXPERIENCED**

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In our second year, with classroom outreach well underway, we were ready to expand our goals for school access. We chose to organize an outreach campaign to guidance counselors and school career centers, since they are frequently the primary source of information for high school students looking for career and college opportunities. Often the most dominant displays of information in school career centers are the military's, so our first step was to seek display space for counter-recruitment literature at these locations.

As with our teacher outreach, we wanted to avoid contact with administrators. We developed a special information packet and sent it directly to approximately 270 counselors at 60 high schools in San Diego County. The names were obtained from the same personnel directory we used for the earlier teacher mailing.

The counselor packet included samples of our brochures on military enlistment and careers in peacemaking, a copy of our directory of local job training programs, and a piece on guidance responsibilities and conscientious objection. A reprint of an article on recruiter fraud was also included, along with an order form for our literature. (In a later year, we also produced a poster with tear-off coupons that a volunteer personally delivered to career centers.)

At the end of the school year, a report was written summarizing the lessons we learned from the counselor outreach project. Among other things, we found that follow-up calls were usually necessary in order to get a response from counselors and career centers. We also found that counselors were not as willing to act independently as teachers and were more likely to consult with principals before agreeing to distribute counter-recruitment literature.

In some cases, counselors forwarded our packets to their principals. In other cases they asked us to mail duplicate packets directly to principals. However, we generally did not send materials to principals unless they were in a district where we had not been able to get into any classrooms or career centers at all and, therefore, had little to lose. In districts where we had already gained some ground, we felt it was better to risk losing a few individual opportunities than to draw the attention of administrators and risk losing our entire foothold, especially in classrooms.

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During the follow-up phone calling, some counselors said they would distribute our literature to students and/or arrange for us to give presentations. Some also said they did not think our information was needed because they were already presenting it to students themselves. Others would not cooperate with us because they said we were too controversial, they didn't believe our information, they saw no problem with having military recruiters in schools, or they didn't want to denigrate any possible job choices for their students.

Quantitatively, we accomplished the following with our first counselor outreach campaign:

- 20 out of the 60 schools contacted ordered literature from us
- 17 presentations to students were generated
- 5 presentations were made to counselors and other school personnel
- 1,772+ pieces of literature were ordered by schools or distributed to students at presentations generated by counselor outreach

We received no invitations to school career fairs, and four schools refused to carry our literature.

One principal in the Sweetwater Union High School District notified us that he had been ordered not to permit us to visit his school until the assistant superintendent, James Doyle, had reviewed their policy and consulted with the district's legal counsel. We heard this from a supportive teacher at the school who was a Vietnam veteran and was threatening to file a grievance with the district because we were being excluded.

This administrative involvement was exactly the sort of situation we had tried to avoid, but since the issue had already been referred to the district office, we asked for a meeting with Assistant Superintendent Doyle. When two of our representatives eventually sat down with him, Doyle said that he personally thought we should be allowed access to their schools. Furthermore, their legal counsel had advised him that equal access was our right under the First Amendment. This was surprising since the federal appeals court had not yet handed down its favorable decision in San Diego CARD's lawsuit, and the lower court judge had, at that point, ruled against San Diego CARD. Given the latter fact, we felt very fortunate that Sweetwater was agreeing with us.

Doyle offered to announce at their next principals' meeting that Project YANO representatives were approved for visits to the district's schools. Later, we decided it would be good to have something in writing in case future problems arose, so we wrote and asked him to confirm whether the announcement had been made. Doyle never responded and, unfortunately, left the district a year later.

We are not certain whether Doyle had much affect on our ability to gain entrance to Sweetwater schools. We had been getting some invitations to classrooms in the district already, and teachers we spoke to later seemed unaware of any policy granting us access. Furthermore, we continued to receive almost no response from the district's counselors, which may mean that Doyle's decision was never broadly conveyed to district personnel.

### ***'86-'87 SCHOOL YEAR: MORE OUTREACH COMPONENTS ADDED***

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When Project YANO began its third year, we continued to send large mailings about our classroom programs to additional teachers, while special reminder letters were sent to teachers and counselors with whom we had had previous contact. Outreach was also expanded to include high school student newspapers and classes of graduate students in the counselor education program at a local college.

Educating college graduate students became a deliberate part of our high school access strategy. We surmised that if we could reach counselors-in-training at an early stage in their careers, it would increase the likelihood that they would cooperate with us later when some of them took positions at high schools. One of the Vietnam veterans associated with us helped us make our initial contact with professors in the Education Department at San Diego State University (SDSU). At first, we spoke to classes in the SDSU Counselor Education Program; in later years, we also addressed classes in the SDSU Teacher Education Program. Our message to these grad students emphasized the impact that aggressive military recruiting could have on the lives of young people and noted that, as future counselors and teachers, they might see the negative consequences. We stressed the positive role they could play in helping youths fully understand the issue and make educated decisions.

Within two years, we began realizing benefits from this strategy: we started encountering staff in high schools who had previously heard our presentations at SDSU, and some of them helped us get into career fairs, counseling offices and classrooms.

### **ACCESS TO STUDENT NEWSPAPERS**

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The way was paved for us to place display ads in high school newspapers when, on June 6, 1986, the Ninth Circuit Court of Appeals issued its equal access ruling in *San Diego CARD* (see the plaintiff's Web site at [www.comdsd.org](http://www.comdsd.org)). We began designing ads over the summer of 1986, and by spring 1987, we had raised enough money from grants to place up to 40 ads and hire a temporary, part-time staff person to contact schools.

Three ad designs were produced: one with testimonial-type statements from veterans and a montage of photos depicting realistic views of military life; one focusing on draft registration; and one with a picture of some students talking to a soldier in front of a graffitied wall. The latter was based on an ad created by the Central Committee for Conscientious Objectors.

In March 1987, we began sending ads with cover letters to student newspaper editors. Anticipating possible problems, we sent them via certified mail, return receipt requested. A high priority was given to including schools in low-income communities and schools where we had been unable to establish any presence via counselor or teacher outreach. Once the ad campaign began, we quickly learned that the follow-up process was going to take a long time and require a great deal of energy. We found that despite the *San Diego CARD* decision, some school personnel still intervened to try to prevent our ads from being published.

Our original plan was to send out the ads and cover letters in batches, wait a week or so for replies, and then make any necessary follow-up calls. The cover letter asked that we be contacted with ad rates and publication deadlines. If an ad was going to be published, we asked that a copy of it (a "tear sheet") be sent to us along with the invoice.

It turned out that we had to call almost every school to get the ball rolling, in part because some student newspaper staffs are very *ad hoc* and not well organized. Also, sometimes advisors did not pass the information on to students immediately, or if they did, the student business managers did not follow through promptly.

Of course, there were also cases where a principal or advisor intervened to prevent the ads from being run. At Morse High School, where JROTC was very popular, the advisor told us she had personally decided that our ad should not be published. She claimed that they avoided "controversial" material, and since they had not published any military recruiting ads, ours would not be printed. In early April, our attorney sent her a letter saying he didn't think her grounds for refusing our ad were legitimate and asked if there were other reasons. Copies of the letter were sent to the school's principal and the general counsel for the San Diego Unified School District.

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Almost simultaneously, we heard that the principal at Lincoln High School had ordered the student editor to reject our ad. We responded with a letter to the principal describing our organization and its goals and pointing out the legal precedents. She called us back and boldly promised to violate any law that she felt was unjust (she made references to having marched in the past for civil rights and against the Vietnam War). She gave two primary reasons for rejecting the ad: (1) the graphic with the graffitied wall contradicted the image she was trying to create at her school; and (2) the school's popular JROTC unit and general presence of the military was helping them deal with problems such as gangs, drugs, and low student self-esteem. She also said she knew that another school had rejected us. (Lincoln and Morse are in inner-city areas of the same district.)

The school district's legal office told our attorney that we had no legal grounds to compel publication of our ads at these schools, since both were no longer publishing military ads. We discussed with our attorney the fact that the papers were still providing forums to the military (one had recently run an article about JROTC). It was also questionable whether it was constitutional for schools to keep us out when they began excluding military-related ads only after we attempted to place our ads. Nevertheless, we did not pursue the issue because our attorney was uncertain about our chances of prevailing and he was very concerned about possibly ending up on the wrong side over the issue of student journalists' First Amendment rights.

At Chula Vista High School, in another district, we learned that the journalism advisor had delayed submitting our ad to the journalism class. We explained to the advisor that this was a violation of both her students' and our legal rights. Since students were entitled to determine the content of their publication<sup>2</sup>, we said we would respect any decision they made about the ad. We would not, however, accept interference by non-students. She then granted us an opportunity to address the class and present reasons why the students should run our ad in their final newspaper of the year (by then it was late spring). Unfortunately, the students had already been influenced by the advisor and decided not to run the ad that year. They did agree, however, to include it in the first issue of the next school year, when they expected they would also have a military ad to publish.

## ***DISPLAY AD FOLLOW-UP THE NEXT YEAR***

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At the end of the '86-'87 school year, we confirmed that 21 ads had been published. However, we were still uncertain whether ads had been run at several schools, and when the next school year began, we started calling them. In some cases, we learned that the ads had been published but the newspaper staff failed to send us copies (or bills!). Some of these schools asked us to place ads again, which we always did. In the Marine Corps-dominated community of Oceanside, we learned a memo had been sent to school board members by the superintendent's office, lamenting the fact that they could do nothing to prevent the publication of our ads.

When we followed up on the ad that was to have been published at Chula Vista H.S., we learned that the advisor was new and only one student from the previous year was on the current staff. She was now the editor and was falsely telling the other students that a decision had not been made in the spring to run our ad in the fall. We sent a letter to the journalism class recapping what had occurred and expressing disagreement with the student editor. Unfortunately, we were unable to pursue the issue further because we were, again, too busy with other tasks.

At Carlsbad High School we learned that our ad had not been printed, so we again asked for ad space. In February 1988, almost a year after we first submitted it, the ad appeared in the Carlsbad student newspaper. Alongside it was a hostile editorial

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2. Note: A 1988 Supreme Court decision (*Hazelwood v. Kuhlmeier*) allows educators to censor students in school-sponsored publications, unless student press freedom is guaranteed by state or local laws. It did not affect our right to give an opposing view when the military is granted access to student newspapers.

by an anonymous student. We wrote a response in the form of a letter to the editor. Though the letter was not printed, it was quoted in a very supportive column written by the paper's editor. We were also invited to place more ads.

At the end of the campaign, it was clear that the display ads had not generated as many calls or requests for information by students as we had hoped. The campaign did, however, stimulate several student editorials, a few meetings with students and some serious dialogue with school personnel—all of which was very valuable in educating them about recruitment and equal access issues.

It also became clear to us that some access questions could not be resolved in our favor, in part because we just couldn't spare the necessary time and energy to pursue the issue while also trying to keep up our classroom and career center outreach. When we realized that fighting these individual battles over access could become a real drain on our limited resources, we made an important decision: we concluded that in order to expand our outreach further, we would have to do what we had been avoiding for four years and ask a school district administration to intervene.

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### ***APPROACHING THE SAN DIEGO UNIFIED DISTRICT FOR EQUAL ACCESS***

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In the spring of 1988, we held a meeting with our legal advisors to discuss the best way to approach a local school district about equal access. At the time, we felt we had exhausted most of the possibilities for gaining access to county high schools via direct outreach to teachers, counselors and students. Also, it was clear that there were some significant forums granted to the military that we would not be able to effectively address with our old strategy, specifically: Armed Services Vocational Aptitude Battery (ASVAB) testing in schools, career fairs, the release of student lists to recruiters and the JROTC program. To have an impact in some of these additional areas and convince more school personnel to invite us into schools, we needed action at a school district headquarters level.

At the meeting with our legal advisors, we agreed that our track record of involvement in schools was strong enough to reduce some of the risk in approaching a school district for official equal access. We still felt, however, that it would be better to approach a superintendent rather than school board. The consensus was that decisions by a superintendent would most likely be based on the advice of legal counsel, whereas board members would be influenced more by political pressure from the surrounding conservative community.

We decided to focus on the San Diego Unified School District (SDUSD) for the following reasons:

1. It was the largest district in San Diego County (20 high schools, eighth largest urban district in the U.S.), so more schools would potentially be affected and a positive response might influence other, smaller districts.

2. SDUSD had its own legal department, which our attorneys felt would increase the chances that their response would be based on case law favorable to us.

3. The superintendent of the district attended the First Unitarian Church, and Project YANO enjoyed support from its co-ministers and some of its committees.

In terms of our specific demands, we decided to request access to a long list of forums currently granted to military recruiters and the Selective Service System, and then see what the district would offer us in response.

On March 25, 1988, we sent a certified letter to Superintendent Thomas Payzant (see appendix B). It described our organization, our purpose and the access we had achieved so far to schools around the county. We mentioned instances where we had not been granted access or had experienced resistance in his district, and then asked for

an official directive that would eliminate our access problems. Included was a description of identifiable forums granted in the district to the military and Selective Service System and a list of proposed actions to ensure that we would have comparable school access. If Project YANO could not, for any reason, have access to a particular forum, we asked that the military's access to that forum be terminated<sup>3</sup>. Attached to the letter were samples of our literature and a copy of a pro-peace education editorial that had recently appeared in the *San Diego Tribune*, our region's largest afternoon newspaper.

In the case of some forums granted to the military, there were simple, specific steps that could be taken to grant Project YANO equal time. Other forums were more complicated—like JROTC—and we did not ask for any specific action on them. In the case of student directory information, we did not expect—or even want—equal access and only hoped, by raising the issue, to get the military's access terminated<sup>4</sup>.

To pressure the district further, we began a campaign to get parents and students to send letters to the district complaining about the military's presence in schools.

A few weeks after mailing our letter to Payzant, we called his office to see if a reply was coming. We were told it had been sent, but apparently it was lost in the mail. A duplicate letter was then received on April 20. In it, Payzant said that they needed "specific information relating to those forums you indicate are used to disseminate pro-military information." In our reply we referred him back to the descriptions in our first letter. We also added a request for access to daily school bulletins, which sometimes contain announcements for Selective Service and military recruiters.

On June 6, we received a call from José Gonzales, an attorney for the school district who had been assigned to research our equal access request and make a recommendation to the superintendent. He asked for more details and suggested that we pick two of the most important issues to focus on first.

We were concerned that a narrow focus might divert attention from the rest of demands, but we also wanted to get the process going. So, in our written reply, we focused on two broad categories of access and lumped a number of things under each of them. One was the use of school facilities to distribute military recruitment and Selective Service System literature, which included posters in offices and classrooms, bulletin board notices, literature in career centers, book cover distribution, and displays at career fairs. The other issue we chose to focus on was access to students through personal data released by schools. This included the student directory information (names, addresses, phone numbers, etc.) that is often released to the military as a "potential employer," and the release of ASVAB test scores to recruiters.

We requested that a memo be circulated to appropriate school personnel directing them to allow us to display and distribute our materials on an equal basis with the military. Regarding access to information on students, we urged the district to discontinue giving student records of any type to the military. If they were not willing to do this, we stated that Project YANO should be granted the same access to student directory information. (We hadn't reached a consensus yet on whether to fully pursue access to this information, but we felt that the district might choose to withhold it from the military rather than release it to us.) Regarding the ASVAB, we suggested they do one of the following things to institute balance:

- (a) Stop administering the test entirely and use other aptitude testing tools.

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3. With some forums, this action would now be more difficult to pursue because of a 2001 change in the federal Elementary and Secondary Education Act (ESEA). The law now says schools can be denied federal education funds if they do not give military recruiters the same access to high school campuses that is granted to employers and colleges. To exclude the military from a forum, it would have to be one that is not being used by representatives of employers and colleges.

4. Military access to student lists is now mandated by the ESEA. Students and parents are to be informed by their schools that they can opt out before lists are released, but schools must release the names, addresses and phone numbers of all other students when recruiters request them.

(b) If the test is given, provide Project YANO with an opportunity to present alternative information to all students taking it.

(c) If the test is given, make it a district-wide policy to require that test scores not be used for military recruitment purposes (this is an option offered by the military but rarely understood or selected by schools).

After sending this additional information to Gonzales on June 17, 1988, we began waiting for the next reply. In the meantime, we continued to try to generate pressure in the form of letters from the community protesting recruiting and the use of the ASVAB test (see below for more on our anti-ASVAB campaign).

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### ***SAN DIEGO UNIFIED'S ANSWER***

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On January 19, 1989, almost ten months after sending our initial written request for equal access, we still had not received a definitive reply from the district. Consequently, a letter was sent to Payzant recapping the correspondence and suggesting some deadlines for answers. On February 10, Gonzales called to say he was preparing a directive on access that would be submitted to the superintendent for approval and then sent to all schools.

In late February, we received a copy of the directive (eventually circulated within the district on March 10) and a cover letter from Superintendent Payzant (see appendix C). Basically, the district conceded our right to equal access and granted a number of our requests, including the opportunity to participate equally in career fairs and distribute our literature in schools. Some of our requests, however, were rejected: we would not be automatically notified of military visits to schools, and there would be no changes in policy regarding the ASVAB or military access to student directory information. A few of the issues we had raised were still unaddressed (i.e., balancing Selective Service access and granting us access to school bulletins). We drafted a letter to Payzant thanking him for the directive, but also asking for clarification on the unaddressed issues and criticizing those parts of his response with which we disagreed.

For the time being, we had concluded that going to court over the remaining unresolved issues would not be an effective option or strategically wise. We resolved to instead test the promises made thus far and continue pushing for progress on the ASVAB testing issue.

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### ***USING THE ASVAB TO RAISE EQUAL ACCESS AND PRIVACY ISSUES***

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Back in June of 1988, we decided it would aid our push for equal access concessions if we began a special anti-ASVAB campaign. The Armed Services Vocational Aptitude Battery is a test that the military offers to schools with the promise that it will help them counsel students on possible career choices. The ASVAB's primary purpose is to help place recruits into military job slots, but schools are led to believe that the test is also a valid predictor of how well a person might perform in civilian employment. Schools do not have to pay a fee to give the ASVAB, and the test results for each student are forwarded to school counselors. The military also keeps the scores and, unless schools stipulate otherwise, they are automatically provided to recruiters along with students' contact information, gender, race/ethnicity and Social Security number. Recruiters then use this information to pursue students at home with customized sales pitches<sup>5</sup>.

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5. The recruiter access provision of the ESEA passed in 2001 does not require schools to administer the ASVAB. It is important to note that when students take the test, their contact information and additional data will normally be automatically given to recruiters, even when students have opted out of the general list their school must release to recruiters under the ESEA. Recruiters can, thus, circumvent opt-out.

We felt the ASVAB was vulnerable to challenge on a number of technical and moral grounds. Questions could be raised concerning its validity, possible built-in racial and gender biases, violations of student privacy, and the ASVAB's role as a military recruiting tool. We sent Superintendent Payzant information documenting the military recruiting purpose of the ASVAB, including excerpts from the military's own ASVAB manuals. We also presented evidence to support our claim that the district was promoting the ASVAB and was directly responsible for administering the test, both of which the district had earlier denied. Mailings were also sent to counselors, principals and career center personnel at all high schools in San Diego County pointing out, among other things, that legal issues could be raised over violations of student privacy. News releases were also sent to student newspapers, resulting in some dialogue among students.

Letters protesting the use of the test were sent by parents, other individuals and some key community groups, including the San Diego County Ecumenical Conference and the Peace and Justice Commission of the Catholic diocese. Even at his own church, Superintendent Payzant was approached by people asking him to do something to stop ASVAB testing. All of this, we felt, was increasing our chances of making some progress with this particular component of our equal access request.

The complaints from parents, students and community groups, along with concerns expressed by some district guidance personnel, finally compelled the administration to respond. At first, Payzant promised that the military would allow students to individually choose whether or not to release their ASVAB scores to recruiters by writing a special code number on their test answer sheets. We responded by pointing out that at one school where this system was supposed to be in place, recruiters received test results regardless of the codes used on the answer sheets. When Payzant offered the rationalization that students were taking the test voluntarily, we replied that this did not excuse the district from its responsibility to grant us equal access to those taking the test.

We also argued with the district over whether or not the state education code legally permitted the release of aptitude test scores and student identifying information to non-school agencies like the military. At the time, we were not certain we had the necessary resources to test this point in court, but we felt that raising the question might cause the district to pay closer attention to what could potentially happen if they didn't make some changes in their ASVAB policy.

Eventually, we were informed that a new ASVAB procedure—called a "split option" by the military—would be implemented and students wishing to have their scores withheld would be tested separately from those whose scores would be released. The school district would set up a process by which students and their parents would be notified of the two options and asked to indicate their choice. Project YANO was not granted its request to communicate with those students whose scores would be released to the military, but the new policy was still a major defeat for the military. Under the policy, San Diego Unified would no longer allow students to take the ASVAB unless they got a parent's signature on an acknowledgment form that explicitly asked if they wanted recruiters to receive their child's scores. Later, one of our members was told by the military's ASVAB testing coordinator that after this policy was instituted, the military lost well over half of the recruitment leads it had previously been getting from ASVAB testing in San Diego Unified.

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### ***GAINING ACCESS TO HIGH SCHOOL CAREER FAIRS***

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Beginning with our '85-'86 counselor outreach campaign, whenever we sent letters to school counselors we included a request to participate in any career fairs they might be having. However, it was not until April 1987 that we were invited to Fallbrook High School for our first career fair. Unfortunately, the career counselor who invited us there left her job soon after, and it was another year before other high schools began inviting us to their career events.

During the '88-'89 school year, we participated in career fairs at four high schools and one community college (see the Palomar Community College incident described later). We knew there were many more career information events that we were not being invited to, but we had not been pushing to gain access to them because of our own limited resources and our belief that better interaction with students could be achieved in the classroom. Once the number of classroom presentations reached an acceptable plateau, however, we decided to focus more attention on gaining access to this other type of forum.

When the San Diego Unified District's 1989 equal access directive was issued specifying that groups like ours should be included in career fairs, we assumed it would make school personnel more cooperative and result in many more career fair invitations. In anticipation, we began assembling a colorful tabletop display. It included a flashing electronic sign to catch students' attention and help us compete with the military displays that usually dominate school career fairs. We also obtained a rear-screen slide projector with built-in cassette player for a table-top counter-recruitment slide program (in later years, we used a small TV/VCR for videos).

Four months into the '89-'90 school year we had received no invitations to career fairs in the San Diego Unified district, and it was clear that, by itself, the equal access directive had not had the desired effect. We then sent special letters to all career center coordinators in the district, along with self-addressed, postpaid cards on which they could indicate what plans, if any, were being made at their schools for career information events.

A couple of weeks later we had heard back from only a few schools, and 13 had not responded. When volunteers called these schools they got various explanations for the lack of response: our mailing had not been received, it had been misplaced, or they were still trying to decide whether or not to have an event.

While most of the excuses we heard seemed plausible—and we were eventually invited to several San Diego Unified career fairs—the career technician at Lincoln High School openly told us we would not be asked to their event, even though the military was going to be there. She also said she felt "harassed" by us. After sending a letter to Superintendent Payzant demanding enforcement of the equal access policy, we were invited to the Lincoln career event.

At one point, it was discovered that guidance personnel in the district's central office were coordinating a district-wide conference for female students on non-traditional careers for women, and the military was going to be included. We sent a very polite, positive-sounding letter to the organizers asking to participate, and simultaneously brought to Payzant's attention their failure to notify us about the event. It turned out that the organizers were, for the most part, receptive to having us participate and didn't deliberately try to exclude us. We were eventually asked to participate and received automatic invitations to the event in subsequent years. Participating in this conference resulted in invitations to other regional career information events, as well.

Our experience in San Diego Unified (and other districts later) taught us that equal access directives alone are not enough to ensure that we will be invited to participate in career fairs. We have found it necessary to contact schools annually and remind them to include us. If school staff members are then resistant to us, an official directive like the one issued by San Diego Unified helps convince them to cooperate.

We have also learned that, sometimes, school career fairs are organized by teachers and civic groups with no knowledge of our organization's interest in participating or an understanding of the equal access principle. In one case, the career center coordinator at Mission Bay High School told us they weren't having a career fair. A few weeks later, there was one at the school organized by a teacher who hadn't been told that he should invite us. Out of frustration, we sent another letter of complaint to the superintendent. This ruffled the feathers of the career center coordinator and Mission Bay

principal, but it made them take our rights more seriously and resulted in our being given two opportunities to set up displays at the school during lunch time.

The problem of gaining access to school career fairs organized by civic groups has not been fully tackled by Project YANO. Sometimes these events are not held on school grounds, and students are bused to the event. Some schools are also using career resource programs sponsored by the Boy Scouts. Under these programs, students are surveyed for their career interests and then allowed to sign up to hear in-school speakers provided by the local scouting organization. The legal issues are less clear, since it can be claimed that schools are not actually organizing these events. It could still be argued by us, however, that any military representative participating in such a program is being granted a forum by the school, and equal access must therefore be provided.

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### ***STRUGGLE OVER A COMMUNITY COLLEGE CAREER FAIR***

In March of 1989, a supporter of Project YANO asked if we would set up a display at the annual career fair at Palomar Community College, where he was a teacher. Once in the past he had arranged for us to be there, but we were allowed only on condition that we set up our table fifty yards away from the official career fair site. We also were not able to be listed in the directory of participants (which included the military, of course).

This time, we told the college's career guidance staff that we would not accept being excluded from the official career fair and sent them copies of federal court rulings to educate them about equal access. During a meeting with the school's director of placement services, we were told that the fair was only for actual employers or representatives of occupations with direct experience in the field. They also complained that we were engaging in a form of "blackmail" or "extortion" by raising the possibility of court action. In response, we pointed out that in the past there had been displays for vocational schools that weren't offering jobs "in-hand" and that were represented by recruiters with no personal experience in the careers taught. Also, we argued, the mere presence of the military triggered our right to be there because, in addition to the forum on careers, a forum had been opened up on the subject of the military. When asked if we would be insisting on participating if the military weren't going to be there, we told them probably not, since our main emphasis was on high school outreach.

Two days after our meeting, we were notified that we could join the official career fair. On the day of the event, we found several military representatives were also present.

The following year, our teacher friend reported that the career fair organizers were not inviting any representatives from the military. We weren't invited either, but that was okay with us; excluding the military from the career fair was, in our minds, an acceptable compromise. [Note: a federal law passed in the 1990s now threatens colleges with the loss of federal funds if they ban recruiters from such events.]

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### ***MOVING ON TO OTHER DISTRICTS***

Once we felt we had achieved significant access concessions from San Diego Unified and were at the stage of mostly monitoring and testing the impact of the administration's new directive, we decided we were in a position to approach a second school district for equal access.

Our choices were to target Grossmont Union (the county's second largest district, located in a very conservative community), Sweetwater Union (the third largest, located in a primarily low-income, Latino community), or one of several school districts around San Diego County that had only one or two high schools. We decided on Sweetwater because low-income communities were a high priority for us and because of our positive experience with Assistant Superintendent Doyle in 1985. We also had good docu-

mentation of some particularly objectionable military recruiting activities in the district, ranging from the landing of helicopters on school grounds to a "study skills seminar" used at one school to recruit students into the National Guard.

On March 27, 1990, we sent a letter to Sweetwater Superintendent Anthony Trujillo (see appendix D). It was similar in many ways to the letter we initially sent to San Diego Unified, including an attachment listing forums granted by the district to the military and the Selective Service System.

One problem we had identified earlier in our experience with San Diego Unified was the length of time it could take to get definitive answers to our requests. With Sweetwater, we decided to always request a reply by a specific date, a tactic that later seemed to help. Also, since we had heard from teachers that the Sweetwater superintendent was quick to become defensive when attacked, we tried to minimize any confrontational language.

Eleven days before the "deadline" given in our initial letter, we were sent a reply by the Director of Pupil Personnel Services, Tris E. Hubbard. Similar to San Diego Unified, Sweetwater refused to agree to notify us when military recruiters visited district schools. They claimed they were treating us equally because they also would not notify the military when we made visits. Hubbard's letter stated that the district did not use the ASVAB test. Attached was a copy of a memo sent to principals that supposedly addressed the rest of our concerns (see appendix E). It was similar to the directive issued by San Diego Unified, except our right to request ad space in student newspapers was explicitly stated this time.

In our reply letter, we tried to get more concessions from the district. For example, we asked Hubbard to state clearly that teachers would not be required to bring in recruiters if Project YANO speakers visited their classes, which would be in line with the district's promise to not notify the military when we visited a school. We thought such a statement would be useful in convincing teachers to allow us to speak to their students. We also wanted the ASVAB issue addressed, which was not mentioned in the directive. Hubbard was incorrectly claiming that the district did not use the test, so we informed him in our reply that we had confirmed that at least three schools were giving it.

Over three months passed without a response. This period encompassed the summer break, so we assumed that it might have been due to Hubbard's inability to reach school personnel who could confirm that the ASVAB was being used. In September, we sent a note reminding Hubbard that we expected a reply soon. When a reply came, we learned that Hubbard had left the district and our correspondence had been turned over to his replacement, Mary Anne Stro. Her letter was primarily a defense of the ASVAB, using the same arguments given to us at an earlier point by San Diego Unified—i.e., students voluntarily took the test and could individually code their answer sheets to withhold test scores from recruiters.

The consensus in Project YANO was that we should concentrate on the ASVAB and work for greater concessions from Sweetwater than those we had secured from San Diego Unified. We felt that, at a minimum, we should demand an opportunity to present printed material to the students taking the test. We presented this request, plus a few others, in a letter to Stro dated January 2, 1991. Her reply stated that they would continue offering the ASVAB and that she was surveying the counseling staff to determine testing dates and the potential number of students to be tested. She asked for a sample of the printed material we proposed to distribute, which sounded like at least a partial victory.

While working on a draft of our ASVAB leaflet, we discovered that we were being excluded from some career fairs in the Sweetwater district. The Chamber of Commerce was organizing one of them and said it did not want us there because of potential "conflict." After several letters were sent to Stro about the problem, she circulated a memo to principals and counselors that gave our contact information and, among other things, directly stated that Sweetwater schools should include us in career events on an equal basis with others.

The ASVAB leaflet we drafted was very short and simple: it explained to students the purpose of the ASVAB and how their taking it could result in unwanted phone calls at home from military recruiters. It briefly explained why it's important to get more facts before joining the military and referred to our counter-recruitment brochure, "It's Not Just a Job," which we planned to attach to the leaflet. We sent these materials to Stro on April 10, 1991, and quickly received a very confusing reply. Stro said the ASVAB would continue to be administered in the district and that our literature was not appropriate for "career fairs" because it didn't "provide information on career options outside of the military." Somehow she had lost sight of the fact that, in this case, we were asking to present students with alternative information on the ASVAB and enlistment. The materials we had sent her were for this purpose, not to present alternative career options.

It seemed that we were back to square one with ASVAB testing in Sweetwater, so we got in touch with a volunteer attorney who was willing to help us convince the district to take the issue more seriously. Unfortunately, after working for a month with this attorney on a letter to Sweetwater, she took a new job and had to withdraw her involvement. We had been ready to initiate a lawsuit to challenge the ASVAB, but when no other local attorney volunteered, we lost momentum on the issue and eventually had to drop it.

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### ***GAINING EQUAL ACCESS TO THE GROSSMONT SCHOOL DISTRICT***

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By 1992, Project YANO was sending annual mailings to San Diego Unified and Sweetwater schools asking to be included in any career information events they planned. Along with a cover letter, we were sending self-addressed, stamped postcards that school staff could use to indicate whether or not they were having an event. We usually would wait a few weeks and then call every school that had not returned the postcard.

In the fall of 1992, we decided to also send inquiries to Grossmont district schools. In addition, a special letter was mailed to Assistant Superintendent Carl Wong, who was in charge of the district's counseling services. Among other things, we suggested to Wong that confusion and potential conflict could be avoided if the district would issue an equal access directive similar to the ones circulated by the San Diego Unified and Sweetwater Union districts.

Wong never replied, and several Grossmont schools were not responsive to our letters and phone inquiries about career events. We sent another letter to Wong expressing concern about whether these schools were refusing to cooperate, but he still did not reply. Fortunately, all the schools eventually did communicate with us and, to our knowledge, none excluded us from career events that particular school year.

In the fall of 1993, after we sent out our annual inquiry and began making follow-up calls to Grossmont schools, we reached one district site, Mt. Miguel High School, where the principal unhesitatingly told us that he didn't want us at their career event. He cited the presence of JROTC there and said we "smacked of controversy," which he must have thought was a bad idea for students' education. He also claimed to have heard about a physical altercation involving our members at a Sweetwater district school. We assured him this had never happened, but he said that it was moot anyway because Mt. Miguel students had already chosen, via a survey, which career categories they wanted to hear about at their career event. He couldn't see any categories we would fall under, so we couldn't participate. We argued that, if nothing else, we should be allowed to participate under the "military careers" category they were going to include, but he still refused.

We quickly drafted a letter to the district superintendent (see appendix F) pointing out that Grossmont had already lost one lawsuit over this issue (the *CARD* case), and that they would likely lose another if the situation weren't resolved. We also pushed harder for the issuance of a directive granting us equal access to all the district's schools.

Instead of getting a reply from the superintendent, the matter was turned over to Assistant Superintendent Wong, who seemed concerned about the impact of the earlier court decision (see appendix G). From him we learned that the Mt. Miguel career event would be in the evening on a day when we were going to be at another career fair elsewhere. Given the uncertainty of student attendance at a night time event, and the fact that our volunteer staff was stretched thin, we elected to drop our request to participate at Mt. Miguel. This was conditioned, however, on our not being excluded in the future and on the issuance of a district-wide equal access memo.

There was no assurance from Mt. Miguel's principal that we would not be excluded again, but Wong did issue a directive (see appendix H) which we thought would make exclusion unlikely in the future. Shortly after it was circulated, we received at least two invitations to career fairs at other Grossmont schools that were attributable to the directive. Wong also arranged for us to have a representative briefly address a meeting of guidance department chairs from all the district's schools.

At Mt. Miguel the following school year, the career interest survey given to students included the category "careers in peacemaking." This title was chosen by the principal, who said it received very few votes and, thus, we were not invited to their career night again. We argued that the equal access directive had been violated and that Project YANO should have been included under the same category as the military. As a remedy, Project YANO requested an opportunity to set up a lunchtime display at Mt. Miguel, but the principal refused permission.

We again appealed to Assistant Superintendent Wong, who responded by telling us that the Mt. Miguel principal was about to move to another school. We agreed to wait until the switch was made, even though the issue hadn't been completely resolved. As it turned out, the new principal was very cooperative and arranged for us to have the lunchtime display we had requested.

### ***REVISITING THE ISSUE OF STUDENT LISTS IN SAN DIEGO UNIFIED***

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When we were seeking equal access to San Diego Unified schools in 1988-89, we asked the district to either terminate the military's access to student directory information or, as an alternative, grant us the same privilege. When the superintendent refused to recommend changing the district's policy, we dropped the subject and did not pursue access for ourselves out of respect for students' privacy. As it turned out, we eventually did win a victory on this issue.

During the Persian Gulf War, groups in several cities succeeded in convincing school districts to limit the military's access to students and/or student records. In early 1991, Project YANO and other local antiwar groups went to the San Diego school board and demanded an end to the release of student lists to military recruiters. Some board members expressed concern and sympathy with the protesters and asked the superintendent to study the issue. Several months later, activists went back to the school board and challenged them to follow up their earlier statements of concern with action. An attorney from the local National Lawyers Guild chapter submitted a letter citing privacy provisions of the California Constitution as grounds for withholding student lists, and parents and students complained about the many unwelcome phone calls they had received from recruiters.

The board president and superintendent promised they would meet with representatives of the military and, later, Project YANO. When our representatives sat down with them, we went over a list of several unresolved equal access issues, but our main focus was on the military's one-sided access to student lists. In response, the superintendent offered to begin sending a special notice to all incoming high school seniors highlighting the information about military access to student directory information. Students could return an attached coupon to indicate if they did not want their names included when lists were released. At our request, the material was to be translated into Spanish.

We had preferred that the district simply stop releasing student lists, but it was clear that the superintendent would oppose this if it went back to the school board for action.

The special notice was sent out at the beginning of the next school year, but not the following one. When we asked why, the superintendent cited financial problems and would not promise to reinstate the mailing in future years. We brought this to the attention of school board members and one of them finally proposed to terminate all access to student lists by any nonschool group.

During the ensuing debate, most of our arguments emphasized the need to preserve student and family privacy. Nevertheless, school board members openly acknowledged that the key concern was the military's access to lists, and the district's own research had revealed that the military was the only non-school entity in San Diego that had made extensive use of student directory information (colleges and other employers, we learned, never used it). One elementary school principal, who was also a Project YANO member, chastised board members for refusing past requests to limit military activities in the district's schools, and he implored them to grant this request. By a vote of 4-1, the school board then agreed to stop releasing student lists to recruiters of any type.

Several months later, and in subsequent years, the military and its supporters tried to convince the school board to reverse its decision. The military sent its top regional recruiting commanders to San Diego, orchestrated sympathetic media coverage, and enlisted the aid of the county grand jury and state and federal legislators, yet the school board stood firm and refused to reconsider its policy (see footnote 4 on page 10 regarding a change in federal law that eventually did force the school board to reverse its policy).

## ***WORKING WITH STUDENTS***

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Most of this report focuses on how community organizations can work through teachers, counselors and various school structures to reach students. Another important approach is to reach out to students directly and support their efforts to educate their peers. This can be done in addition to seeking school access, and it can be an effective alternative when barriers to access are encountered.

Project YANO's direct outreach has included sending news releases to student newspapers, doing mini-news conferences for student journalists, and placing display ads in student publications. We have supported campus leafleting that is done outside school entrances by both non-student and student volunteers (note: the best leafleting time is when students are arriving in the morning), and sometimes students themselves have organized to leaflet inside their schools. We have also encouraged counter-recruitment activities by student clubs and supplied them with literature and other materials to educate their peers.

Students have their own inherent right to express themselves on controversial issues while at school. The Bill of Rights and various court decisions grant them the power to hand out leaflets, wear arm bands and organize free speech activities as long as they stay within reasonable time, place and manner guidelines established by the school. Unlike outside community groups, students do not have to show that recruiters have already been granted a specific forum in their school in order to exercise their right to speak out on the issue.

Empowering students with information about their rights and encouraging their activism with material and political support is an important way to build opposition to militarism and increase the involvement of those who are most directly affected by the issue. For more information on the legal rights of students and a guide to high school leafleting, visit [www.comdsd.org/youth.htm](http://www.comdsd.org/youth.htm). Valuable organizing materials for students are also available from several of the groups listed in appendix A.

## Conclusions

### *THINGS TO CONSIDER*

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**N**oted throughout this report are some of the lessons we have learned from our efforts to obtain access to schools. Following is a summary of some key points and recommendations for others to consider:

1. Since the end of the Vietnam War, the military has been steadily expanding its presence and influence in schools. In light of this, our expectations need to be realistic: reversing the militarization trend and establishing a strong counter presence in schools is not something that can be accomplished in just a year or two; it requires a long-term vision and proportionate commitment by groups for the long haul.

2. Often activists want to immediately demand complete equal access to schools, and when they don't get it, their first impulse is to threaten legal action. Our primary goal, however, should be to reach students with alternative information, not engage in lawsuits. As noted earlier in this report, the federal government would like nothing more than the opportunity to take a case that starts out locally and appeal it to the U.S. Supreme Court. This could easily result in the overturning of positive equal access decisions that have been important to our work thus far. For the time being, therefore, we should be flexible in our objectives and consider a wide range of methods for reaching young people. Legal action should be considered as a last resort and only after first consulting with other counter-recruitment groups nationally.

3. In general, it is unwise to make school administrators your first contact point. Principals, superintendents and school board members are prone to deny us access because of the potential for controversy. Once that happens, other doors we might have been able to enter will slam shut, and much time will have to be spent struggling to overcome administrative barriers. It's better to postpone administrative contacts as long as possible and only resort to them when necessary.

4. An incremental approach to outreach makes it easier to build a long-term effort and gradually achieve expanded access. Start by looking around the community for friendly teachers and reaching out to them for classroom presentations, then move on to counselors, career fairs, etc. Establish a track record you can use later to help secure greater opportunities. Also, include outreach to any local teacher colleges as part of a long-term strategy.

5. Strategize based on the legal precedents. Become familiar with forum analysis (see "The Equal Access Principle") and use language in communications with schools that borrows from the favorable court decisions. Define the nature of the forums to which you are seeking access in such a way as to discourage narrow guidelines that schools may try to impose to keep you from addressing military recruitment as a political issue. Argue, for example, that a career fair with military recruiters constitutes a forum on the controversial political issue of military service and is not simply a forum on careers; therefore, you have a right to address the political aspects of enlistment. Mention the legal precedents to reassure friendly school staff who are nervous about inviting you to their schools.

6. Consider how the content of your message can help or hinder your equal access efforts. Besides giving a critical perspective on military recruitment and war, include neutral information about concrete career alternatives, college financial aid resources, and community service opportunities for young people. Whenever possible, use materials translated into non-English languages that are common locally.

7. Make the development of organizational credibility a part of your strategy. Work in coalition with community groups and/or solicit key community endorsements. Make sure your overall effort represents or speaks to the concerns of constituencies who

20.

are especially affected by recruiting (e.g., low-income communities, people of color, youth, women, etc.). Veterans will add credibility to your message; be sure to include them in your leadership and your pool of educational resource people.

8. Carefully choose when and where to request equal access. If you have exhausted your opportunities for outreach through friendly teachers, etc., and have decided to officially seek equal access, brainstorm various factors that could affect the outcome—e.g., the size of the district, the presence of an in-house legal office, the political characteristics of the community, the backgrounds of school personnel you would have to deal with, the availability of legal support, the energy level of your group, etc.

9. Research and documentation is very important. Document details of the military's presence in local schools. Collect samples of recruiting materials from school career centers and, if possible, take pictures of in-school military activities. Research school district policies regarding student privacy, the ASVAB, recruiter access, etc. Document your own record of classroom presentations, etc. Important communications with school officials should be put in writing and sent via certified mail/return receipt requested.

10. Gaining access to schools can be a slow process. It may require lots of follow-up work and patience. When requesting action or information from school officials, it helps to suggest specific time lines for their replies.

11. Complaints about the military from parents, students, community groups and school personnel are effective. Your equal access strategy should include plans to generate letters, faxes and phone calls to school officials.

12. School personnel are potential allies. Don't assume they want to keep you out. Give recognition to the challenges they face in providing educational services to young people. Minimize confrontational language and try to avoid making them feel harassed.

13. Realize the limitations of equal access directives issued by school administrators. By themselves, they won't automatically open all the schoolhouse doors, especially in large school systems. Anticipate having to make follow-up contacts to regularly remind school personnel that you are out there.

14. In addition to seeking school access, consider approaches to reaching students that are not dependent on official approval. Contact school clubs and student news media. Leaflet at school entrances and provide interested students with materials that they can distribute inside schools themselves.

15. Anticipate that some school officials will argue that counter-recruitment groups can be denied access because they are political, whereas the military is merely offering jobs to students. You can preempt this argument by always asserting that, according to existing court rulings, recruiting is inherently a controversial political issue (see *San Diego CARD*), and once a school has granted recruiters access to students, it has already created a forum on a political issue. The presence of recruiters in a school exposes students to one side of the debate; counter-recruiters must then be granted equal access to establish balance.

16. Some schools have argued that the federal education funding law (ESEA) requires them to grant recruiters access, but the law does not include counter-recruiters and therefore they can be excluded. Respond by pointing out that the ESEA is irrelevant to your right to equal access, which is guaranteed by the U.S. Constitution and related court decisions.

17. Some school district attorneys have incorrectly advised their clients that they do not have to grant counter-recruiters access because counter-recruitment groups don't fall under the federal Equal Access Act (1984). In response, point out that despite what's suggested by its title, that law only relates to the right of students to form student-led non-curriculum clubs and is irrelevant to this issue.

## Possibilities for Future Challenges to One-sided Military Access

Counter-recruitment groups have effectively used the equal access principle when it comes to countering the military's presence in classrooms and counseling offices, at career fairs and in school newspapers. Our experience in San Diego County has made us aware of some aspects of the military's presence that are more difficult to address but that might also be vulnerable to challenges based on the equal access principle. In the future, these may be valuable areas for counter-recruitment groups to explore:

**ASVAB Testing**—When students take the Armed Services Vocational Aptitude Battery test in their high schools, they are asked to supply their individual contact information, Social Security number, gender, race/ethnicity, and, of course, personally revealing answers to the test questions. By helping to administer this recruitment tool, a school is sponsoring a forum to promote military enlistment. Even if students have consented to the release of the information, schools still have a legal obligation to provide those holding an opposing view with equal access to the tested students. A counter-recruitment group should be able to assert the legal right to address—either orally or via printed material—students who may be contacted by recruiters as a result of the ASVAB test.

ASVAB testing can be challenged other ways besides seeking equal access to students who are tested. For example, parents and students are rarely given full information on how the test is used by recruiters, and when students sit down to begin the test, they are told to sign a privacy waiver. Since most students are under the age of 18 when they are tested, and parents are not asked for informed consent, the ASVAB could be challenged as a violation of standard contract law and privacy. Furthermore, sometimes students are not given the option of declining to be tested, in which case schools can be challenged for improperly forcing students to surrender private information to the military.

**JROTC**—The Junior Reserve Officer Training Corps program is a high school military training program. It indoctrinates students with a one-sided, pro-military view of history and current events and serves as a military recruiting tool. If a school district provides facilities and monetary resources for such a program, it should be possible to argue that the district is legally required to provide the same amount of resources for a peace studies or conflict resolution program. The threatened imposition of such a requirement may, by itself, cause a district to scale back its JROTC program. "JROTC Career Academies" and military magnet schools that have been introduced into the public school system could be opposed in a similar way.

**Student Lists**—Under the Elementary and Secondary Education Act, schools must comply when the military requests the names, addresses and phone numbers of all students, except those who opt out of being included. When schools release this student information, they are providing recruiters with a forum to speak to students about military enlistment. In theory, then, even if a counter-recruitment group is not a potential employer, it could argue that it must be given equal access to the lists that are going to the military.

Previously, when schools had a choice in the matter, Project YANO felt that student privacy rights should prevail and advocated that no one be given information on students without their permission. Now, school districts no longer have a choice, and students who do not know about their opt-out right or fail to exercise it are highly likely to be pursued at home by recruiters. Some groups might wish to seek access to these lists to ensure that students will, at least, hear the other side. The AFSC office in Dayton, for example, once succeeded in doing so after the Ohio state legislature mandated military recruiter access to student lists. Dayton AFSC used the lists to mail counter-recruitment postcards to all graduating seniors.

## Partial List of Groups that Can Provide Resources or Information on Equal Access

- **A.J. Muste Memorial Institute**  
339 Lafayette St., New York, NY 10012  
<http://ajmuste.org>, (212) 533-4335  
*Offers special grants for counter-recruitment projects.*
- **American Civil Liberties Union**  
125 Broad Street, 18th Floor, New York, NY 10004-2400  
[www.aclu.org](http://www.aclu.org)  
*Possible legal support. Ask for local or regional ACLU contacts.*
- **American Friends Service Committee**  
National Youth and Militarism Program  
1501 Cherry St., Philadelphia, PA 19102  
[www.youth4peace.org](http://www.youth4peace.org), (215) 241-7176  
*Extensive knowledge of counter-recruitment organizing nationwide, offers educational resources.*
- **Committee to Counter Military Recruiting**  
c/o Eugene PeaceWorks, 454 Willamette, Ste. 205, Eugene, OR 97401  
<http://www.coutermilitary.org>, (541) 343-8548 ext. 1  
*Gained equal access to local schools without litigation.*
- **CCCO East Coast**  
1515 Cherry St., Philadelphia, PA 19102  
[www.objector.org](http://www.objector.org), (215) 563-8787  
*Assisted with the Atlanta equal access lawsuit, has knowledge of counter-recruitment organizing nationwide, offers educational resources.*
- **Committee Opposed to Militarism and the Draft (COMD)**  
P.O. Box 15195, San Diego, CA 92175  
[www.comdsd.org](http://www.comdsd.org), (760) 753-7518, (619) 265-1369  
*Won equal access decision in federal appellate court, publishes national newsletter (Draft Notices).*
- **Non-military Options for Youth (NOY)**  
P.O. Box 49594, Austin, TX 78765  
<http://www.progressiveaustin.org/nmofy/drupal>, (512) 467-2946  
*Secured equal access directive without litigation.*
- **National Lawyers Guild**  
132 Nassau Street, Ste. 922, New York, NY 10038  
[www.nlg.org](http://www.nlg.org), (212) 679-5100  
*Possible legal support. Ask for local NLG chapter contacts.*
- **Project on Youth and Non-Military Opportunities (Project YANO)**  
P.O. Box 230157, Encinitas, CA 92023  
[www.projectyano.org](http://www.projectyano.org), (760) 634-3604  
*Has done extensive equal access work in schools, offers organizing and educational materials.*
- **Resist, Inc.**  
259 Elm Street, Somerville, MA 02144  
<http://resistinc.org>, 617/623-5110  
*Foundation that funds counter-recruitment work.*
- **War Resisters League**  
339 Lafayette St., New York, NY 10012  
[www.warresisters.org](http://www.warresisters.org), (212) 228-0450  
*Produces educational literature, a counter-recruitment video and youth organizing tools.*
- **Youth Activist/Youth Allies Network (Ya-Ya Network)**  
email [yayanetnyc@aol.com](mailto:yayanetnyc@aol.com), (212) 239-0022  
*A model for high school student-led organizing and activities.*

**Project on Youth and Non-Military Opportunities**  
(Project YANO) P.O. Box 157 Encinitas, CA 92024  
(619) 272-5718, 753-7518

March 25, 1988

Dr. Thomas W. Payzant, Superintendent  
San Diego Unified School District  
4100 Normal St.  
San Diego, CA 92103

Dear Dr. Payzant:

We are aware of your commitment to providing high school students with the skills and knowledge necessary to achieve important career and intellectual goals. With regard to future career choices, the school's task is to provide students with crucial information that will aid in career investigation. With regard to controversial issues that are encountered within the educational environment, it is the school's responsibility to fairly present students with differing views that would assist them in forming their own opinions. We are writing to call your attention to a specific issue area in which these goals are not currently being met.

Several federal courts have recently ruled that when schools provide representatives of the military and Selective Service System with access to high school students, a forum is thereby created on the controversial topic of military service. When schools create such a forum for proponents of military service, they must, under the First and Fourteenth Amendments, provide equal access for those with opposing points of view.

In a recent local case concerning high schools and the military, the U.S. Court of Appeals for the Ninth Circuit said that "it has long been recognized that the subject of military service is controversial and political in nature" (emphasis added). The court further stated, "The government's interest in promoting military service is not an economic one; it is essentially political or governmental." San Diego Committee v. Governing Board, 790 F.2d 1471 (9th Cir. 1986)

The Project on Youth and Non-Military Opportunities (Project YANO) is a non-profit, community organization striving to provide local youths with important information on peace-oriented educational and career opportunities and the issues of military recruitment and draft registration. We utilize the informational resources of veterans and others trained as draft and military counselors. During the last four years, we have sent hundreds of mailings to local counselors, career techs and teachers offering a variety of resources. We have asked for opportunities to address students in classrooms and at career fairs at all San Diego Unified schools. We have also requested space for paid advertising in school papers and have asked career centers and counseling offices in your district to display our brochures.

Project YANO literature is being used in some school career centers around the county, and we are giving presentations to an average of 40 classes a year. However, while military representatives have been granted an extensive array of forums to present their side on this controversial topic, our efforts in San Diego Unified schools have been impeded by a lack of cooperation and, in some

cases, overt resistance from school officials. We are therefore asking for a directive from the superintendent's office which would grant us equal access.

To the best of our knowledge, the following forums have been made available to military representatives in many, if not all, San Diego Unified high schools. Reasonable educational and legal standards would suggest that the creation of these forums by schools carries a responsibility to provide access for opposing views:

1. SCHOOL CAREER CENTERS--Military recruitment and Selective Service System literature, posters and other materials are on display.
2. BULLETIN BOARDS AND OTHER DISPLAY AREAS--Recruitment and Selective Service System posters and other materials are sometimes posted on bulletin boards, in offices and in classrooms.
3. SCHOOL CAREER FAIRS--Often several separate military displays are present together at these events.
4. VISITS TO SITES BY RECRUITERS--Recruiters from the various military branches frequently visit schools to see prospective enlistees and visit counseling offices, career centers and other locations, all for the purpose of promoting participation in the military.
5. SPECIAL SITE DISPLAYS--Displays of military hardware, weapons, and technology, together with demonstrations by military personnel and audio/visual presentations, are used to promote military participation.
6. PRINT MEDIA ADVERTISING--Military and Selective Service ads are published in school newspapers, and free "civilian" magazines containing mostly, or solely, military advertising are sometimes distributed in schools.
7. GROUP PRESENTATIONS--Presentations are given by Selective Service and military representatives to students in classes and at assemblies.
8. RELEASE OF STUDENT DIRECTORY INFORMATION--Student directory information is released to military representatives who then use it to contact students by mail and phone. The Selective Service System has also asked San Diego Unified for directory information in the past; we are not sure if the request has ever been granted by the school district.
9. MILITARY TESTING--Schools provide permission and facilities for the military to administer the Armed Services Vocational Aptitude Battery test. The military's purpose in giving the test is to obtain information on individual students' abilities to target them for military recruitment contacts.
10. MILITARY PARTICIPATION IN THE PARTNERSHIP IN EDUCATION PROGRAM--The military's participation in partnership in education program brings students into contact with military representatives and acts to advance the interests of recruiters. The visits by students to military ships and other facilities as part of the partnership program are analogous to the setting up of military displays inside schools as a recruiting tool (see 5 above).
11. JUNIOR ROTC--JROTC is a recruiting tool: students are offered an advanced enlistment rating when they participate, and the weapons training and

visits to military bases helps create a greater propensity for enlistment.

In light of the existence of these various forums for proponents of the military, and consistent with existing legal precedents, we are requesting that you direct principals, counselors and career techs in San Diego Unified high schools to take the following steps:

A. Ensure equal access to career centers for placement of Project YANO's brochures and other materials on the topics of: military recruitment and the merits of military jobs and training; peace-oriented educational and career opportunities; and conscientious objection and draft registration.

B. Ensure that Project YANO has equal access to bulletin boards and other surfaces where recruitment or Selective Service System materials are posted.

C. Inform the coordinator of the school's career fair that if military displays are to be included, Project YANO must also be invited to participate.

D. Notify Project YANO of any and all school visits by representatives of the military or Selective Service System and extend an equal opportunity for Project YANO representatives to address any and all students given presentations by representatives of the military or Selective Service System.

E. Newspaper advisors, principals and all other school officials should refrain from any interference with Project YANO's attempts to place paid advertising in student newspapers. This would include efforts by advisors and other schools officials to induce students to not run Project YANO ads without allowing Project YANO to present its arguments in favor of running the ads.

F. If any directory information is released to a representative of the military or Selective Service System, Project YANO should be notified and given an equal opportunity to obtain the same information.

G. If the ASVAB test is to be administered and a school does not select the ASVAB option of withholding test results from recruiters, Project YANO must be notified of the testing date and be given an opportunity to either address students who are about to take the test or contact them afterwards by mail.

If the district is unable to facilitate Project YANO's access to any of the forums outlined in A through G above, we ask that you consider terminating those forums for the military and Selective Service System.

It is anticipated that some individuals will raise the argument that military recruiters are present in the schools only as representatives of a potential employer of students. It should be noted that the Ninth Circuit has ruled on this point: "the government's interest in promoting military service is not an economic one;" it is political.

Furthermore, military careers are not normal careers: they entail a loss of civil rights; the enlistee cannot quit if he or she does not like the job; they are subject to being ordered to duty 24 hours a day for at least two years; they must agree that their "status, pay, allowances, benefits, and responsibilities" in the military can be changed without notice, regardless of the terms of their enlistment agreement (Enlistment Document, Armed Forces of the U.S.).

We hope you will recognize that something should be done to ensure that students have access to both sides on this issue. Nearly all of the steps we have outlined to address this problem have been agreed upon and tried in other school districts where the issue has been raised and resolved either by negotiation or litigation. We hope to be able to work with you in a positive way to improve the information students are getting on the topic of careers and the military.

If you need clarification or further documentation of any of the points in this letter, please contact either our legal advisor, Thomas Homann (239-0707) or myself (753-7518). Your consideration of this matter is most appreciated.

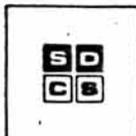
Sincerely,



Rick Jahnkow  
Program Coordinator

Enclosures: Project YANO brochure  
Sample literature ("Careers in Peacemaking," "It's Not Just a  
Job," "Adventures Working for Peace and Social Justice")  
Tribune editorial

cc: Thomas Homann  
ACLU, S.D. Chapter  
National Lawyers Guild, S.D. Chapter  
Project YANO member organizations



## SAN DIEGO CITY SCHOOLS

EDUCATION CENTER • 4100 Normal St., San Diego, CA 92103-2682 • (619) 293-8418

THOMAS W. PAYZANT  
Superintendent

February 21, 1989

Mr. Allen Stern  
Board of Trustees  
Project YANO  
Post Office Box 157  
Encinitas, CA 92024

Dear Mr. Stern:

Project YANO has requested that the district take the following actions:

- "A. Ensure equal access to career centers for placement of Project YANO's brochures and other materials on the topics of: military recruitment and the merits of military jobs and training; peace-oriented educational and career opportunities; and conscientious objection and draft registration.
- B. Ensure that Project YANO has equal access to bulletin boards and other surfaces where recruitment or Selective Service System materials are posted.
- C. Inform the coordinator of the school's career fair that if military displays are to be included, Project YANO must also be invited to participate.
- D. Notify Project YANO of any and all school visits by representatives of the military or Selective Service System and extend an equal opportunity for Project YANO representatives to address any and all students given presentations by representatives of the military or Selective Service System.
- E. Newspaper advisors, principals and all other school officials should refrain from any interference with Project YANO's attempts to place paid advertising in student newspapers. This would include efforts by advisors and other schools officials to induce students to not run Project YANO ads without allowing Project YANO to present its arguments in favor of running the ads.

Appendix - C: Equal Access Directive, S.D. Unified

Mr. Allen Stern  
Page 2  
February 21, 1989

- F. If any directory information is released to a representative of the military or Selective Service System, Project YANO should be notified and given an equal opportunity to obtain the same information.
- G. If the ASVAB test is to be administered and a school does not select the ASVAB option of withholding test results from recruiters, Project YANO must be notified of the testing date and be given an opportunity to either address students who are about to take the test or contact them afterwards by mail.
- [H.] Project YANO be granted an equal opportunity to place announcements in school bulletins regarding our free draft and pre-enlistment counseling services.
- [I.] If the district is unable to facilitate Project YANO's access to any of the forums outlined . . . . above, we ask that you consider terminating these forums for the military and Selective Service System."

It is my understanding that under existing district practice, school career centers and career fairs, when held, have made YANO's non-military career literature and displays available to students. It is also my understanding that YANO's speakers have been made available to students, as are other career-related speakers. Thus, in response to Items A through C above, district past practice appears to have been consistent with YANO's request. In answer to Item D, YANO can be provided, upon request, information relating to scheduled military career presentations. As indicated above, YANO's speakers can be made available to address interested student groups in the same manner as other career information speakers.

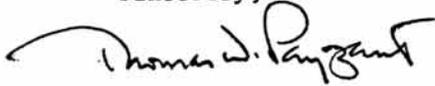
With respect to Item E, that determination will rest largely with each school principal, depending on whether or not a particular school's newspaper publishes pro-military career advertisements. And in response to Item F, please be advised that District Administrative Procedure 6525 authorizes the release of pupil directory information only to certain prescribed organizations. YANO is not included within the eligible groups. A copy of that procedure is enclosed for your information.

In answer to Item G, YANO can, upon request, be given scheduled ASVAB testing dates. However, the names and addresses of pupils who take the ASVAB test are nondisclosable pupil records. Those pupils who wish to have their test results disclosed to military recruiters are permitted to make that decision on an individual basis.

Mr. Allen Stern  
Page 3  
February 21, 1989

Enclosed for your files please find a copy of a proposed district circular on the foregoing topics which will be distributed to career technicians. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Thomas W. Payzant". The signature is written in dark ink and is positioned to the left of the typed name.

Thomas W. Payzant  
Superintendent

TWP:vjh

Enc.

c: Dyer/Gonzales  
Till  
Roe

U 2-15-9-1

D R A F T

ADMINISTRATIVE CIRCULAR NO. \_\_\_\_\_  
Educational Services Division No. \_\_\_\_\_

SAN DIEGO CITY SCHOOLS

Date: \_\_\_\_\_

To: All Career Technicians

Subject: DISTRIBUTION OF CAREER INFORMATION ON ALTERNATIVES  
TO MILITARY CAREERS

Department and/or Persons Concerned: Career Technicians, School Principals,  
Area Assistant Superintendents

Due Date: None

References: None

Action Requested: See Below

Brief Explanation:

From time to time private non-profit organizations may request permission to have their literature and speakers be made available to students. With respect to such organizations which wish to inform students about career options as alternatives to military careers, please observe the following:

- ° Brochures, posters etc. delivered to a school should be displayed in the same manner as career information from other sources.
- ° Speakers should be identified and made available to interested student groups in the same manner as other career information speakers.
- ° If career fairs are held, displays should be permitted under the same conditions applicable to other career information displays.

In addition to the foregoing, each time the Armed Services Vocational Aptitude Battery (ASVAB) test is administered to District pupils, career technicians must ask the ASVAB test proctors to advise pupils that they each have the option to prohibit release of test results to military recruiters. In this manner each pupil will be able to decide whether his/her test results will be released to military recruiters.

APPROVED:

\_\_\_\_\_  
Dr. Frank Till  
Assistant Superintendent  
Educational Services Division

FT:JAG:bk

Distribution: Lists \_\_\_ and \_\_\_

# Project on Youth and Non-Military Opportunities

(Project YANO) P.O. Box 157 Encinitas, CA 92024  
(619) 272-5718, 753-7518

**ENDORSERS:**

American Civil Liberties  
Union, San Diego

Alice Barnes  
Community Activist

Chicano Moratorium  
Committee

Rev. Herb Christ  
College Park  
Presbyterian Church\*

Committee Opposed to  
Militarism and the Draft

Emerging Issues Committee  
of San Diego County  
Ecumenical Conference

Virginia Franco  
Educator

Steve Kowitz  
Educator/Poet

La Jolla Friends  
Meeting

Bill Mahedy

Roberto Martinez  
AFSC\*

Ernie McCray  
Educator/Writer

National Lawyers Guild  
San Diego

Jesus Nieto  
EOP SDSU\*

Carolyn & Tom Owen-Toule  
Parish Ministers  
First Unitarian Church\*

Peace Resource Center  
of San Diego

Social Responsibility/  
Service Committee  
First Unitarian Church

Vernon Sukumu  
Black Federation

Union del Barrio

Women's International League  
for Peace and Freedom

Young Religious  
Unitarian Universalists

\*Groups listed for  
identification purposes only

March 27, 1990

Anthony J. Trujillo, Superintendent  
Sweetwater Union High School District  
1130 Fifth Ave.  
Chula Vista, CA 92011

Dear Superintendent Trujillo:

We are a nonprofit educational organization that has been providing informational resources to San Diego County youths since 1984. Some of our outreach has been directed towards South Bay students through Sweetwater district schools.

We are writing to ask you to address a problem that is of concern to us as well as others in the community. It relates to two general topics: (a) district career guidance services; and (b) the district's approach to controversial issues in the school environment.

Before I continue, I should say that we are very understanding of the many challenges you face in trying to meet the educational needs of district students. It is our goal to work together with schools and make a positive contribution to their efforts. We feel we can do this because our resources help enrich the educational experience of pupils and improve their ability to make informed choices on important issues that will affect their lives.

The focus of our present concern is the inability of Project YANO to gain access to Sweetwater schools equal to that afforded to representatives of the military. The goal of such access is to provide Sweetwater students with an alternative view on military careers and educate them on peace-oriented educational and career opportunities.

Project YANO utilizes the help of military veterans and trained draft and military counselors. During the last five years, we have sent numerous mailings offering our various resources to local counselors, career guidance personnel and teachers. We have asked for opportunities to address students in classrooms and at career fairs at all Sweetwater Union high schools. We have also requested space for paid advertising in school papers and have asked career centers and counseling offices in your district to display our brochures.

Project YANO literature is being used in many school career centers around the county, and we are giving presentations to an average of 40 classes a year. However, while military representatives have been granted an extensive array of forums in Sweetwater high schools to present their side on this controversial topic, our efforts to gain equal status have been impeded by a lack of cooperation and, in some cases, overt resistance from school officials.

For instance, after five years of sending mailings to all Sweetwater high schools requesting permission to participate in their career fairs, we have not been invited to a single one. In fact, one career fair coordinator openly told us that she did not

want us at her school.

Because of incidents like the above, we are asking for a directive from your office which would grant us equal access to Sweetwater District schools.

Attachment A is a list of forums which, to the best of our knowledge, have been granted to the military and Selective Service System in many, if not all, Sweetwater Union high schools. Reasonable educational and legal standards would suggest that the creation of these forums carries a responsibility to provide access for opposing views.

On the legal side, several federal courts have ruled that when schools provide representatives of the military and Selective Service System with access to high school students, a forum is thereby created on the controversial topic of military service. When such a forum is created for proponents of military service, the First and Fourteenth Amendments require that equal access be provided to those with opposing points of view.

In a local case concerning high schools and the military, the U.S. Court of Appeals for the Ninth Circuit said that "it has long been recognized that the subject of military service is controversial and political in nature" (emphasis added). The court further stated, "The government's interest in promoting military service is not an economic one; it is essentially political or governmental." San Diego Committee v. Governing Board, 790 F.2d 1471 (9th Cir. 1986)

Since Sweetwater schools do provide the military with the forums in Attachment A, and since many school personnel are unaware of, or disagree with, the need to give students the other side, we are asking you to help us resolve the problem with a directive to principals, counselors and career guidance personnel. We ask that it advise personnel to do the following:

- A. Ensure equal access to career centers for placement of Project YANO's brochures and other materials on the topics of: military recruitment and the merits of military jobs and training; peace-oriented educational and career opportunities; and conscientious objection and draft registration.
- B. Ensure that Project YANO has equal access to bulletin boards and other surfaces where recruitment or Selective Service System materials are posted.
- C. Inform the coordinator of the school's career fair-type event that Project YANO should be invited to participate in career events on an equal basis with others.
- D. Notify Project YANO of any and all school visits by representatives of the military or Selective Service System and extend an equal opportunity for Project YANO representatives to set up displays and/or address any and all students given presentations by representatives of the military or Selective Service System.
- E. Refrain from any interference with Project YANO's attempts to place paid advertising in student newspapers. This should include efforts by advisors and other schools officials to induce students not to run Project YANO ads without allowing Project YANO to present its arguments in favor of running the ads.
- F. If the ASVAB test is to be administered, schools should either select ASVAB Option 8 (test results withheld from recruiters), or Project YANO should be notified of testing dates and be given an opportunity to either address students who are about to take the test or

contact them afterwards by mail.

If the district is unable to facilitate Project YANO's access to any of the forums outlined in A through F above, we ask that you consider terminating those forums for the military and/or Selective Service System.

In addition, since the release of directory information to the military, and possibly the Selective Service System, means that students are receiving unsolicited contacts from proponents of one side on this controversial political issue, we ask that such releases be terminated.

It is anticipated that some individuals will offer the argument that military recruiters are present in schools only as representatives of a potential employer of students. They should be reminded that the Ninth Circuit ruled on this point when they said that the government's interest in promoting military service is "essentially political."

Furthermore, military careers are not normal careers: they entail a loss of civil rights; the enlistee cannot quit if he or she does not like the job; enlistees are subject to being ordered to duty 24 hours a day for a term of two years or more; and they must agree that their "status, pay, allowances, benefits, and responsibilities" in the military can be changed without notice, regardless of the terms of their enlistment agreement (Enlistment Document, Armed Forces of the U.S.).

We hope you will understand why we feel that students should have access to both sides on this issue and why some action is needed to improve the current situation. Nearly all of the steps we have outlined to address the problem have been agreed upon and tried in various other school districts where the issue has been raised.

If you would like clarification or further documentation on any of the points in this letter, I can be contacted at 753-7518. Our legal advisor is Thomas Homann (239-0707).

Your consideration of this matter is most appreciated. We would be very grateful if you would get back to us with a reply by May 15, 1990.

Sincerely,



Rick Jahnkow  
Program Coordinator

Enclosures: Sample Project YANO literature  
Attachment A: Forums Granted to the Military in Sweetwater Schools

cc: Thomas Homann

Attachment A

FORUMS GRANTED TO THE MILITARY IN SWEETWATER SCHOOLS

1. SCHOOL CAREER CENTERS--Military recruitment and Selective Service System literature, posters and other materials are on display.
2. BULLETIN BOARDS AND OTHER DISPLAY AREAS--Recruitment and Selective Service System posters and other materials are sometimes posted on bulletin boards, in offices and in classrooms.
3. SCHOOL CAREER FAIRS--Often several separate military displays are present together at these events.
4. VISITS TO SITES BY RECRUITERS--Recruiters from the various military branches frequently visit schools to see prospective enlistees and visit counseling offices, career centers and other locations, all for the purpose of promoting participation in the military.
5. RECRUITING UNDER THE GUISE OF EDUCATIONAL ASSISTANCE--Students have been released during school hours to attend skills seminars, at which they are greeted by uniformed soldiers who expose them to recruitment propaganda. At one such seminar in 1989, the Army National Guard also asked students to give them their names and other personal information in writing, presumably for recruitment leads.
6. SPECIAL SITE DISPLAYS--Displays of military hardware, weapons and technology, together with demonstrations by military personnel and audio/visual presentations, are used to promote military participation.
7. PRINT MEDIA ADVERTISING--Military and Selective Service ads are published in school newspapers, and free "civilian" magazines containing mostly, or solely, military advertising are sometimes distributed in schools. (It is known that in at least one case where Project YANO tried to place an ad, a faculty advisor took steps to keep it from being run by students.)
8. GROUP PRESENTATIONS--Presentations are given by military, and possibly Selective Service, representatives to students in classes and at assemblies.
9. RELEASE OF STUDENT DIRECTORY INFORMATION--Student directory information is released to military representatives, who then use it to contact students by mail and phone. The Selective Service System has also asked Sweetwater Union for directory information in the past; we are not sure if the request has ever been granted by the school district.
10. MILITARY TESTING--Schools provide permission and facilities for the military to administer the Armed Services Vocational Aptitude Battery test. The military's purpose in giving the test is to obtain personal information on individual students' abilities to target them for military recruitment contacts.
11. JUNIOR ROTC--JROTC is a recruiting tool: students are offered an advanced enlistment rating when they participate, and the weapons training and visits to military bases are used to create interest in enlistment. Additionally, some JROTC texts contain subjective material that is one-sided on controversial issues.



## Sweetwater Union High School District

Pupil Personnel Services  
Administration Center  
1130 Fifth Avenue  
Chula Vista, California 92011

Student Services: #691-5564  
Student Welfare & Attendance: #691-5596  
Gang & Substance Abuse: #585-6265  
Quality Education Program (QEP): #585-6266

May 4, 1990

Mr. Rick Jahnkow  
Program Coordinator  
PROJECT YANO  
P.O. Box 157  
Encinitas, CA 92024

Dear Mr. Jahnkow:

Per your letter of March 27, 1990, I have enclosed a directive to Principals to assure equal access to Project YANO personnel.

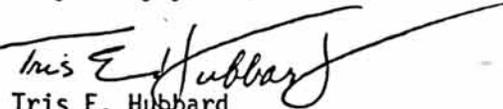
Items A, B, C & E have been responded to via the attached memo.

We will not notify the military recruiters of Project YANO staff visits nor will we notify Project YANO recruiters of military staff visits. Each is treated equally.

The District does not utilize the ASVAB test.

If you have any further questions, please call and arrange an appointment.

Very truly yours,

  
Tris E. Hubbard  
Director, Pupil Personnel Services

p

c: Anthony J. Trujillo



**SWEETWATER UNION HIGH SCHOOL DISTRICT**  
PUPIL PERSONNEL SERVICES

**MEMORANDUM**

**Date:** May 4, 1990  
**To:** Principals  
**From:** Tris Hubbard *TH*  
**Re:** **REQUEST FOR EQUAL ACCESS**

Project YANO has requested equal access to schools as is granted to the military.

Per Board Policy 5145.2, Student Freedom of Expression; Regulation 5145.2.1, Written Publications Code; Policy 6432, Controversial Issues In The Classroom; and Regulation 6432.1, Selection of Materials Relating to Controversial Issues, the following shall be provided to Project YANO staff:

1. Equal access to career fairs;
2. Equal opportunity to post information in space provided, i.e., bulletin boards, career centers, counseling offices; and
3. Equal opportunity to request space for paid advertising.

p  
c: Head Counselors  
Anthony J. Trujillo

# Project on Youth and Non-Military Opportunities

Project YANO • P.O. Box 230157 • Encinitas, CA 92023  
(619) 753-7518, 283-3401

## COMMUNITY ADVISORY BOARD:

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## ENDORSERS:

ACLU of San Diego  
Chicano Moratorium  
Committee  
Rev. Herb Christ

Andrea Christian  
*President, National  
Theater for Children*

Committee Opposed to  
Militarism and the Draft

Emerging Issues  
Committee of  
San Diego County  
Ecumenical Conference

Steve Kowit  
*Educator/Poet*

La Jolla Friends Meeting

Bill Mahedy

National Lawyers Guild  
San Diego

Carolyn Owen-Towle  
*Parish Minister  
First Unitarian Church\**

Peace Resource Center  
of San Diego

Social Responsibility/  
Service Committee  
*First Unitarian Church*

Vernon Sukumu  
*Black Federation*

Union del Barrio

Young Religious  
Unitarian Universalists

*\*Group listed for identi-  
fication purposes only*

February 16, 1994

Dr. Jo Ann Smith, Superintendent  
Grossmont Union High School District  
P.O. Box 1043  
La Mesa, CA 91944-1043

Dear Dr. Smith:

Regretfully, we must bring to your attention a serious dispute that has arisen between our organization and the Grossmont Union High School District. We have attempted to resolve the matter at other levels but have been unsuccessful, thus we are appealing to you to help us find a solution.

We are a nonprofit educational organization that has been providing informational resources to San Diego County youths since 1984. Some of our outreach has been directed towards students in Grossmont Union High School District schools.

The issue immediately at hand is the refusal by Principal Brian Smith to grant us the same access to Mt. Miguel High School's career day program as is being granted to the military. The event at Mt. Miguel is scheduled for February 24, 1994.

We are asking for your immediate intervention in order to prevent this problem from growing into a more complicated and costly dispute over equal access. As you may know, in 1986 a federal appeals court ruled against the Grossmont district after a lawsuit was brought by another organization on this same issue. [San Diego Com- mittee v. Governing Board, 790 f.2d 1471 (9th Cir. 1986)]

The background to the current dispute is as follows:

Project YANO seeks access to high school classrooms, career centers, counseling offices and career information programs for the purpose of presenting students with an alternative view on military enlistment and military careers. For the most part, this information is presented by military veterans. We also provide students with directories of local job training programs and national community service opportunities. Whenever possible, we urge students to explore careers in social change. Enclosed is some of our literature.

Since 1984, we have given hundreds of presentations in classrooms around the county, including some in Grossmont district schools. We have also placed literature in career centers and participated in high school career fairs in Grossmont, San Diego Unified, Sweetwater and other local districts.

## 1992-1993 school year

In October, 1992, we sent a letter to the head counselors at all Grossmont high schools. To facilitate their response, a self-addressed, stamped reply card was

Dr. Jo Ann Smith, 2/16/94  
Page 2.

enclosed. In the letter, we asked to be included in any career information events during the year. At one counselor's suggestion, we sent a copy of the letter to Dr. Carl Wong (see letter to Wong dated October 30, 1992). We suggested to him that potential problems could be avoided if site personnel were sent an administrative directive authorizing them to grant us equal access, similar to the directives already circulated by the Sweetwater and S.D. Unified districts. Dr. Wong did not reply.

By December 15, a few Grossmont schools had not returned the reply cards or phone messages we had left, so we again wrote to Dr. Wong (see letter) urging him to issue a directive to school sites. Dr. Wong still did not reply, but we eventually heard from all the remaining schools.

#### 1993-1994 school year

On October 15, 1993, we again wrote to Grossmont schools asking to be included in any career information events (see enclosed letter). By early December, we still had not received a response from Mt. Miguel, so one of our representatives, Sean Heryford, called the school. He was told by counselor Julie Duenez that our first letter was never received (it was not returned to us by the Post Office, however). On December 15, I mailed a duplicate to Ms. Duenez, but she never returned the reply card or responded in any other way.

On February 9, 1994, Sean Heryford reached Ms. Duenez by phone and was told that they were having a career program on Feb. 24, but it was decided that we would not be included. She said participants were chosen in accordance with a survey of some students. Mr. Heryford suggested that if military careers were to be discussed, it would be appropriate to include us. She referred him to the principal, Brian Smith.

At first, Mr. Smith repeated the survey rationale for not including Project YANO. When Mr. Heryford insisted that we should be there if military careers are to be presented, Mr. Smith then cited his concern over potential controversy. He stated that he didn't want anything that "smacked of controversy," and that ruled us out.

On February 10, Mr. Heryford again spoke to Mr. Smith by phone. Noting that the district had once lost a lawsuit on the issue of the military and equal access, Mr. Heryford urged him to seek advice from the district office. Mr. Smith agreed to do so, but said he was still concerned about possible controversy. He specifically mentioned having heard about a "physical confrontation" in Chula Vista involving members of our group. Mr. Heryford denied this rumor and assured him that physical confrontations were never our goal.

On February 15, Mr. Smith told Mr. Heryford that he did not want Project YANO included in the event because he did not want any "disruption or controversy." He said the district office had told him it was his decision to make. Mr. Heryford explained that our purpose wasn't to cause a disruption or controversy. Mr. Smith did not change his decision.

#### Project YANO's response

A. Our past participation in dozens of career fairs, including some at other Grossmont schools, has never caused a disruption, and we have never had a "physical confrontation" with anyone at any school. Maybe some other group was in such a confrontation, but not ours.

B. For classroom career day presentations like those planned at Mt. Miguel, we focus mainly on the topic of "careers in social change," with a smaller amount of time devoted to who we are and why Project YANO urges youths to consider non-military options. We have given this type of presentation at Lincoln and Morse high schools.

Dr. Jo Ann Smith, 2/16/94  
Page 3

C. While we understand Mr. Smith's desire to maintain a healthy learning environment, fear of controversy is not a valid legal or educational reason for denying students the opportunity to hear our message. The presentation of pros and cons on controversial issues is a method of education that should be embraced, not avoided in public schools.

D. The potential controversy that is of concern to Mr. Smith has already been introduced by the presence of the recruiters. We believe that preventing us from having equal access to give an opposing view meets the legal definition of viewpoint-based discrimination. It is not only un-Constitutional, but the public debate it will undoubtedly generate will work against Mr. Smith's stated goal of avoiding controversy.

It is possible that Mr. Smith's actions can be explained by his being misled about Project YANO. We continue to be willing to answer his questions and supply him with additional information if he desires it. However, we must insist on adherence to the principle of equal access as set out in the 1986 ruling of the Ninth Circuit Court of Appeals.

**To resolve this problem, we are requesting two things:**

1. that we be permitted to participate in the Feb. 24 career information event at Mt. Miguel; and
2. that the district issue a directive to school sites instructing personnel to give us the same access to schools that is granted to the military—i.e., equal access to classrooms, career centers, career information events, bulletin boards, literature display areas, etc.

We are requesting the second item because, obviously, problems are occurring and there are personnel who need to be instructed about providing equal access. This step was taken by the San Diego Unified and Sweetwater districts without any "disruption" resulting at their schools.

Project YANO really does not wish to have a repeat of the public dispute that occurred over this issue ten years ago. In that case, the Grossmont district not only had to pay for its own legal representation, but also for the legal costs of the other party. I hope you agree that we both have much better things to do with our time and resources.

We would very much appreciate a response before February 23. If you have a different account of the events described herein, please advise us in writing as soon as possible.

Very sincerely,



Rick Jahnkow  
Program Coordinator  
(619) 753-7518

c: ACLU Foundation of San Diego and Imperial Counties  
Mika Spencer, Esq.

Enclosures: Letters to Dr. Wong, 10/30/92 and 12/15/92  
Letter to head counselors, 10/15/93  
Project YANO literature



High School District

COMMITTED TO EXCELLENCE  
S I N C E 1 9 2 0

• GOVERNING BOARD MEMBERS

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MICHAEL HARRELSON  
JUNE M. MOTT  
MAYNARD R. OLSEN  
ADA REEP

• SUPERINTENDENT

JO ANN SMITH

February 25, 1994  
CW923

**Rick Jahnkow**, *Program Coordinator*  
**Project YANO**  
P. O. Box 230157  
Encinitas, CA 92023

Dear Rick,

The purpose of this correspondence is to follow up on our phone conversation of February 25, 1994, and your letter of concern addressed to our District Superintendent dated February 16, 1994.

The annual Mount Miguel Career Night activity is scheduled to take place on Thursday evening March 24 from 7 to 9 p.m. The Guidance Department has structured two sessions (45-minute presentations) to reflect occupational-career cluster areas of interest as determined by a student survey. Upon reviewing your letter of concern, I did meet with the administration and guidance staff at Mount Miguel to analyze the survey instrument utilized for speaker selection and occupation cluster presentations. Students were provided with a **career night survey form** requesting that they circle three(3) career sections that were of priority interest. The broad topics (career cluster areas) on the survey were:

Arts  
Food Service  
Sports Career  
Military  
Social Services  
Fashion  
Career Development  
Center - CDC

Business  
Printing Industry  
Aviation  
Emergency Services  
Bilingual Careers  
Science-Engineering

Education  
Skilled Trades  
Communication  
Health Careers  
Law  
Regional Occupational  
Program - ROP

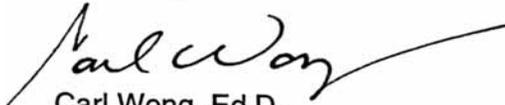
It remains your position that the lawsuit initiated against the Grossmont District in 1986 resulting in a 9th District Circuit Court opinion that **mandates** that Grossmont District Schools allow Project YANO access to students. I have requested that you send to my office a copy of that legal opinion so I can have it analyzed by our counsel relative to the career night application.

Rick Jahnkow (Cont.)  
Page 2  
February 25, 1994

In the interim, you and I did discuss the District's educational perspective that career night offers **student exposure to many occupations that are nonmilitary in nature**. It remains your position that the stated goal of Project YANO, in addition to urging students to explore careers in social change, is to "*...directly refute career information being provided to students by the military representatives*". I would like to discuss this matter with you after I have had an opportunity to review the 1986 Federal Appeals Court ruling.

You have my assurance that we will respond in a timely manner sensitive to the scheduled career night activity at Mount Miguel High School.

Sincerely,

A handwritten signature in cursive script that reads "Carl Wong". The signature is written in black ink and is positioned above the typed name and title.

Carl Wong, Ed.D.  
Assistant Superintendent  
Educational Services

jn

cc: Dr. Jo Ann Smith, Superintendent  
Brian Smith, Principal - Mount Miguel High School

Courtesy Copy

Grossmont Union High School District  
**Assistant Superintendent, Educational Services**

April 19, 1994  
CW954

To: **Principals**  
**Guidance Department Chairpersons**

From: Carl Wong

Subj: Project on Youth and Non-Military Opportunities (**Project YANO**)

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A staff person from the Project on Youth and Non-Military Opportunities (Project YANO) made short presentation at the Guidance Council meeting of March 14, 1994. Correspondence with the Program Coordinator Rick Jahnkow (CW923) was shared at the March 16 Principals Council meeting. It is the request of Project YANO that they be provided opportunities to access students regarding career opportunities that are non-military in nature (i.e., careers in peacemaking, community activism, peace and social justice, community services, etc.). It continues to be the practice of the Grossmont District to ensure that Project YANO has equal access to bulletin boards and/or Career Center where Armed Forces recruitment information or Selective Services materials are posted. Furthermore, should a particular school host a career information event, and if representatives from the military are specifically invited to make presentations, it would be reasonable to extend the same invitation to Project YANO. Students, on a voluntary basis taking the ASVAB, should also be informed of option 8 (on the test form) which allows students to withhold test results from military recruiters.

The contact person for Project YANO is Rick Jahnkow, P. O. Box 230157, Encinitas, CA 92024, telephone number 753-7518.

If you have any questions regarding the relationship of this organization to school site career activities, please feel free to contact the Educational Services Office.

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Carl Wong  
Assistant Superintendent  
Educational Services

	ALTERNATIVES TO MILITARY RECRUITMENT —EQUAL ACCESS—	E14.03 Revised SEP 2005 Page 1 of 1
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## PROCEDURE

When high schools permit military recruiters to speak with students regarding military career opportunities, the school must provide equal access for organizations that wish to counsel alternatives to, or provide additional information about, military service. If literature encouraging military service is displayed for students to read or pick up, groups counseling alternatives to military service may similarly display their literature.

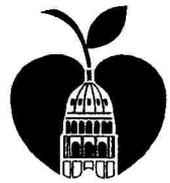
Organizations that must be given equal access under this procedure include those organizations that promote post-high school service opportunities, such as the Peace Corps and Americorps, as well as organizations such as the American Friends Service Committee, Sound Nonviolent Opponents of War (SNOW), Washington Truth in Recruiting (WaTIR), or other such organizations that wish to present information regarding military service

Reference: RCW 28A.320.015 Authority of School Boards to Adopt Policy

Cross Reference: D49.00 Anti-Harassment  
E14.00 Visitors to Schools  
E14.01 Visitors To Schools Procedure  
E14.02 Equal Access By Recruiters—High Schools  
C06.00 Controversial Issues  
C06.01 Controversial Issues Procedure  
D52.00 Protection of Students from Unauthorized Contacts  
D34.00 High School Guidance and Counseling

Former Code(s): F08.03, H74.00 and H32.00

Adopted February 1991  
Revised September 2005



# Austin Independent School District

Office of the General Counsel

DATE: August 16, 2005  
TO: All High School Principals  
THROUGH: Rosalinda Hernandez, Ph.D., Associate Superintendent  
FROM: Mel Waxler, General Counsel *MW*  
SUBJECT: Information About Non-Military and Military Options

It is recommended that campuses that display or provide access to information about military service also display or provide access to information about non-military options in a manner and location similar to that for military options.

There is currently no law or court decision that would require public schools in Texas to provide students with access to information about non-military, as well as military, options. However, the First and Fourteenth Amendments require that the District not discriminate against speech on the basis of viewpoint. An appellate court in another part of the country found that when schools create a forum for the military or its proponents, they must also provide equal access to those with opposing, non-military points of view. If such a case were to come before a court with jurisdiction over Texas, it is possible that a similar decision would be reached.

If you have any questions, please feel free to contact me directly.

pmc

cc: Pascal D. Forgione Jr., Ph.D., Superintendent  
Karen Sperry, Chief of Staff