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## A Tale of Two Contracts

Consider the following two contracts: one binds its signer to a range of financial obligations but can be terminated at will, albeit at a monetary cost; the other commits its promisor to eight years of labor and carries the potential for criminal charges if violated. Both are marketed aggressively to school-age minors. Which one is now subject to enhanced government oversight?

Last week, President Obama signed into law the [Credit Card Act of 2009](#), a bill passed by overwhelming margins in both the House and the Senate. Its provisions include [privacy protections for college students](#), including a ban on the use of "any tangible item to induce" students to apply for credit cards on or near college campuses. Additional language urges college administrators to require card issuers to notify them of the exact location at which cards will be marketed and to limit the number of campus locations at which such marketing may occur. Finally, the bill conveys "the sense of the Congress... that credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students."

Ironically, at the very moment that the government is introducing these protections for college-age youth, it continues to expose high school students to the aggressive promotion of a far riskier legal commitment: military enlistment contracts. Although few would deny that enlisting in the military poses greater dangers than acquiring a credit card, recruiters nonetheless enjoy greater access to minors than ordinary salespeople could ever hope to attain.

To be eligible for federal funding under the terms of No Child Left Behind (NCLB), public high schools must offer military recruiters "the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers." Far from equalizing access, however, this policy has authorized military personnel to wage aggressive and unmonitored recruiting campaigns in the schools least likely to promote college and civilian employment opportunities. [Targeting](#)

[schools in high-poverty districts](#), which lack the resources to advise students on alternative options, military recruiters do not so much complement civilian representatives as supersede them.

Federally funded schools not only must offer recruiters access to their premises, but also must provide the military with household contact information for all students. While the law grants students and parents the right to "opt out" of the latter requirement by withholding their personal information, this safeguard rests entirely on the efforts of local school officials and provides no meaningful enforcement mechanism. It also fails to regulate the manner in which recruiters interact with students in the hallways, cafeterias, and classrooms of their schools.

A [2007 survey](#) conducted by the NY Civil Liberties Union paints an especially worrisome portrait of military recruiting under No Child Left Behind. According to its findings, 40% of high school students polled failed to receive recruitment opt-out forms from their schools and an additional 33% were unsure if their schools made such forms available. More disturbingly, 21% of freshman, sophomore, and junior respondents and 27% of 12th graders reported the use of class time by military recruiters. Nearly half of respondents at selected schools reported that they did not know to whom they could report recruiter misconduct, and a third were unable to identify a school official to advise them of the risks and benefits of military enlistment.

While the NYC Department of Education [pledged last week](#) to issue a Chancellor's Regulation improving opt-out procedures, DOE officials have yet to indicate whether the new policy will include provisions concerning on-campus recruiter conduct. Equally silent on this issue is the recently introduced [Student Privacy Protection Act of 2009](#), which would require schools to withhold student contact information from the military in the absence of written parental consent.

On-campus recruiting practices, meanwhile, continue to beg for increased oversight. One [Army recruiting pamphlet](#), for example, explicitly instructs recruiters to "coordinate with school officials to eat lunch in the school cafeteria several times each month," and to "deliver donuts and coffee for the faculty once a month... [to] help in scheduling classroom presentations and advise teachers of the many Army opportunities." While "tangible inducements" to minors may now be a forbidden tactic in credit card marketing, military recruiters continue to ply students with key chains, hats, and t-shirts in pursuit of their goals.

In addition to turning a blind eye to such marketing practices, Congress has also yet to implement safeguards against willful deception in recruiting. One especially disturbing tendency within the industry is to lie to minors about their obligations under the military's Delayed Entry Program (DEP). DEP recruits are evaluated for service and sign an enlistment agreement, but are not yet subject to military orders and may therefore rescind their commitment any time prior to active duty. Although [military regulations](#) prohibit the obstruction of separation requests, recruiters regularly tell DEP members that they

will go to jail, receive a dishonorable discharge, or be barred from civilian employment if they fail to report for duty.

As a form of employment and a binding legal commitment, military service brings a unique set of risks and rewards, and there is absolutely nothing wrong with undertaking its demands after weighing the attendant costs and benefits. Too often, however, recruiters resort to omission or outright deceit in promoting their cause, ultimately depriving young people of the very tools they need to make an informed decision. With No Child Left Behind awaiting reauthorization, Congress will soon have an opportunity to revisit a policy that not only condones but actively fosters such unscrupulous practices. Shielding college students from risky transactions is a good start; now let's start protecting their younger siblings.