

JONES DAY

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JP005615

December 29, 2010

VIA U.S. MAIL AND E-MAIL

Department of Army
Freedom of Information and Privacy Office
7701 Telegraph Rd.
Suite 144
Alexandria, VA 22315-3905

Re: FOIA Request

To Whom It May Concern:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

On behalf of my clients, Sgt. Justin Griffith, the Military Religious Freedom Foundation (MRFF), and Truthout.org (Truthout) I request that a copy of the following documents be provided to me:

1. All agency records relating to the development of the spiritual well-being component of the Comprehensive Soldier Fitness program's Soldier Fitness Tracker (SFT) and Global Assessment Tool (GAT). These documents may be memoranda, notes, e-mails, press releases, transcripts, or any other documents that relate to the military's decision to test active duty personnel's competency in the area of spiritual well-being and this request specifically includes but is not limited to discussion of nomenclature;
2. Agency records sufficient to show the identity of the individuals who participated in the development of the spiritual well-being components of the SFT and GAT, and all other Comprehensive Soldier Fitness (CSF) program modules, and the role each such individual played;
3. All agency records reflecting complaints or expressions of concern that the agency has received relating to the spiritual well-being components of the SFT and GAT, and all other CSF program modules;
4. All agency records reflecting any non-public expression of concern, reservations or questions relating to the propriety of requiring active duty personnel to take the spiritual well-being components of the SFT and GAT, and all other CSF program modules;

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5. All agency records relating to analysis of the spirituality component of the Soldier Fitness Test, including any analysis of performance among members of different religious or nontheist groups and any documents discussing the spirituality components of the SFT and GAT, and all other CSF program modules with regards to religion and/or the religious beliefs of test takers;
6. All agency records relating to development of follow up materials to be used with active duty personnel who are deemed by their scores on the spirituality components of the SFT and GAT, and all other CSF program modules, to require follow up of any type;
7. All agency records reflecting complaints or expressions of concern that the agency has received relating to the follow up materials for the spiritual well-being components of the SFT and GAT, and all other CSF program modules;
8. All agency records reflecting any non-public expression of concern, reservations or questions relating to the propriety of requiring active duty personnel to undertake follow up activity relating to the spiritual well-being components of the SFT and GAT, and all other CSF program modules;
9. Agency records sufficient to show the identity of the individuals who participated in the development of the follow up materials to the spiritual well-being components of the SFT and GAT, and all other CSF program modules and the role each such individual played;
10. All agency records reflecting every use to which the results of the spiritual well-being components of the SFT and GAT, and all other CSF program modules, are put by the agency, including but not limited to all documents describing the potential impact on the career of an individual deemed not to have performed sufficiently high on the test;
11. All agency records reflecting every use to which the results of the follow up to the spiritual well-being components of the SFT and GAT, and all other CSF program modules are put by the agency, including but not limited to all documents describing the potential impact on the career of an individual deemed not to have successfully completed the follow up; and
12. All agency records relating to Sgt. Justin Griffith and the SFT and GAT, including records relating to any required follow up.

In order to help you determine my clients' status for the purpose of assessing fees, you should know that Truthout is dedicated to harnessing the internet to spread reliable information, critical thought and progressive ideas about, *inter alia*, under-covered issues. Truthout should be categorized as a news media requester for purposes of determining fees associated with this

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request. Furthermore, disseminating information about the Soldier Fitness Test is in the public interest because the public has an interest in the separation of Church and State and specifically, whether the steps the agency has taken with respect to the spiritual component of the Soldier Fitness Test comply with the United States Constitution or violate the First Amendment of the Constitution. Accordingly, the duplication costs should be waived.

MRFF is a non-profit organization requesting this information to benefit the public interest by increasing understanding of the government's operations and activities pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). MRFF has a proven track record of publicly disseminating information it learns about government entities. Specifically, MRFF is devoted to the topic of religious freedom in the Armed Services and has worked tirelessly to investigate and disseminate information relating to similar issues in the past. The information it has disseminated has proven to be of great public interest and garnered a great deal of public attention. Any newsworthy information my clients learn from this FOIA request will be disseminated in a similar manner and will enhance the public's understanding of the operations of the Army, as they relate to religious freedom. Accordingly, MRFF is also entitled to a waiver of costs associated with this FOIA request.

Please feel free to contact me to discuss any aspect of this request. I may be contacted at (415) 875-5712 or 555 California Street, 26th Floor, San Francisco, CA 94104.

Sincerely,

A handwritten signature in cursive script that reads "Caroline N. Mitchell". The signature is written in dark ink and is positioned above the printed name.

Caroline N. Mitchell