

June 7, 2024

The Honorable Jack Reed
Chairman, Senate Armed Services Committee
Washington, DC 20515

The Honorable Roger Wicker
Ranking Member, Senate Armed Services Committee
Washington, D.C. 20515

RE: Civil Rights Coalition urges members to reject anti-DEIA provisions in FY25 NDAA

Dear Chairman Reed and Ranking Member Wicker:

On behalf of the SPLC Action Fund and the 55 undersigned civil and human rights organizations, we write to urge the Senate Armed Services Committee to reject the inclusion of any provisions that threaten the health and welfare of servicemembers and their families by undermining or eliminating diversity, equity, inclusion, and accessibility (DEIA) initiatives or programs in the Department of Defense (DoD) in the National Defense Authorization Act (NDAA) for Fiscal Year 2025 (FY25). DEIA initiatives and programs have been adopted in the military to address continued discrimination faced by servicemembers and have positive impacts on unit cohesion, retention and recruitment, and general force readiness. While funding the Department of Defense is an important goal of Congress, it should not be done at the expense of eliminating the tools to remedy past and ongoing discrimination and ensure that this country can achieve diversity, equity, inclusion, and accessibility in all facets of society.

The House version of the FY25 NDAA contains several amendments that roll back efforts intended to improve diversity, equity, inclusion, and accessibility in the Department of Defense.¹ As you may recall, last year, harmful provisions included in the House-passed bill targeted people of color within the military, sought to restrict critical gender-affirming care for servicemembers and their families, targeted DoD inclusive training and educational curricula, and falsely suggested that content addressing diversity and equity promotes racism and discrimination.² While some of the most harmful provisions were stripped from last year's NDAA, provisions remained in the final passed version that have severely restricted the ability of the DoD to improve equity, cohesion, and force readiness.

¹ House NDAA Markup amendments, 3784, 4028, 3727, 3728, 3743, and 4566, 3836,
<https://armedservices.house.gov/hearings/fy25-ndaa-full-committee-markup>

² Letter to Congress urging them to exclude 22 anti-DEI and other harmful provisions proposed in the House and Senate version of the FY2024 National Defense Authorization Act (NDAA), Oct. 4, 2023,
<https://humanrightsfirst.org/library/urging-congress-to-protect-diversity-equity-and-inclusion-in-the-military/>

I. The Importance of DEIA in the U.S. Military

Ensuring that the U.S. military reflects the diversity of talent in the United States is critical to ensuring the strength and cohesion of the U.S. military.³ More than 40 percent of service members identify as people of color, and by 2027, the majority of adults eligible for military service will identify as non-white.⁴ However, a 2021 survey of servicemembers and their families showed that nearly a third of respondents, who had identified as people of color, stated discrimination concerns factored into their decision of whether to remain in the military.⁵ Furthermore, the majority of servicemembers of color have witnessed racism in the ranks.⁶ Black and Latinx servicemembers remain vastly under-represented in the officer corps, compared to their numbers in the force as a whole.⁷ Women and LGBTQ+ servicemembers also report discrimination; the DoD, for example, received more than 7,800 reports of sexual assault occurring during military service in FY 2023, the majority made by women servicemembers.⁸ Another survey showed that over 80 percent of LGBTQ+ servicemembers had faced sexual harassment or assault during their service.”

LGBTQ+ servicemembers also report discrimination; one survey showed over 80 percent had faced sexual harassment or assault during their service.⁹ Another study showed respondents with multiple historically marginalized identities faced even greater challenges, reportedly “feeling isolated, disconnected, and sometimes dismissed by their military peers.”¹⁰ Lastly, it is well-documented that discrimination against servicemembers reverberates throughout the force, undermining unit cohesion, exacerbating extremist threats, limiting recruitment and retention, and damaging force readiness.¹¹ DEI initiatives can help the military recruit talented

³ *Id.*

⁴ Blue Star Families Racial Equity & Inclusion, “The Diverse Experiences of Military & Veteran Families of Color,” 2021, https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf; Human Rights First, “A Proxy War: Attacks on Diversity in the Military Target American Civil Rights,” <https://humanrightsfirst.org/library/a-proxy-war-attacks-on-diversity-in-the-military-target-american-civil-rights/>;

⁵ Blue Star Families Racial Equity & Inclusion, “The Diverse Experiences of Military & Veteran Families of Color,” 2021, https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf

⁶ “Signs of white supremacy, extremism up again in poll of active-duty troops,” MILITARY TIMES, Feb. 6, 2020, <https://www.militarytimes.com/news/pentagon-congress/2020/02/06/signs-of-white-supremacy-extremism-up-again-in-poll-of-active-duty-troops/>;

⁷ Adrianna Rodriguez, “Latinos are fastest growing population in US military, but higher ranks remain out of reach,” May 23, 2020, <https://www.usatoday.com/in-depth/news/nation/2020/05/23/latino-hispanic-military-high-ranking-commissioned-officer-positions/4668013002/>

⁸ Department of Defense, “Appendix B: Statistical Data on Sexual Assault,” https://www.sapr.mil/sites/default/files/public/docs/reports/AR/FY23/FY23_Appendix_B.pdf

⁹ “Over 80 Percent of LGBTQ+ Service Members Report Sexual Harassment in Military.” THEM, <https://www.them.us/story/over-80-percent-of-lgbtq-service-members-report-sexual-harassment-in-military>

¹⁰ Blue Star Families Racial Equity & Inclusion, “The Diverse Experiences of Military & Veteran Families of Color,” 2021, https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf;

¹¹ Blue Star Families Racial Equity & Inclusion, “The Diverse Experiences of Military & Veteran Families of Color,” 2021, https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf; Department of Defense Board on Diversity and Inclusion Report, <https://media.defense.gov/2020/Dec/18/2002554852/-1/-1/0/DOD-DIVERSITY-AND-INCLUSION-FINAL->

servicemembers of all backgrounds and address the discrimination that they experience while in the service, improving retention and force readiness and increasing innovation.

DoD leadership has repeatedly emphasized the importance of DEI-related initiatives. In 2022, the Under Secretary for Military Personnel and Readiness, the Honorable Gilbert Cisneros, Jr., testified before Congress that DEI was a “force multiplier,” saying “With the Department’s priority mission to provide a combat-credible Force, we must prioritize a force that is lethal, resilient, and reflective of America’s diversity.”¹² Additional leaders in the armed services reiterated the importance of efforts to improve diversity, equity, inclusion, and accessibility as it “leverages people’s attributes, experiences, cultures, characteristics, and backgrounds to build stronger teams, enabling organizational agility and adaptability... and mission-read[iness].”¹³ In recognition of this need, in 2020, Congress mandated that the DoD establish a Chief Diversity Officer, establish Senior Advisors for DEI in each service, and include diversity and inclusion data in the National Defense Strategy.¹⁴

II. The Continued Need to Defend Anti-Discrimination Policies and Programs including DEIA

The campaign against DEI in the U.S. military is part of this nefarious effort to roll back anti-discrimination laws, policies, programs, and special initiatives and to undermine broad civil and human rights protections in the United States.¹⁵ Anti-discrimination policies and programs like DEIA efforts are critical to ensuring that the promise of and the rights bestowed by the Constitution are enjoyed by all, especially in the context of education and employment.¹⁶ People of color in the United States, especially Black people, have experienced systematic racial discrimination that was ingrained in the laws and policies of private and public institutions across every aspect of life, from voting and homeownership to accessing high-quality education and equal employment opportunities. As a result, the courts and the executive branch incorporated the concepts of “affirmative actions” to remedy discrimination and eliminate disparities in equal

BOARD-REPORT.PDF; Chris Purdy and Hanah Stiverson, “In Defense of Inclusion: The Far-Right Attack on LGBTQ Rights in the Military,” Just Security, Jun. 14, 2023, <https://www.justsecurity.org/86910/in-defense-of-inclusion-the-far-right-attack-on-lgbtq-rights-in-the-military/>;

¹² House Armed Services Committee, Hearing: “Diversity, Equity, and Inclusion: Impacts to the Department of Defense and The Armed Services, Mar. 23, 2023, <https://democrats-armedservices.house.gov/hearings?ID=3A36815F-D65E-4B75-AEC3-EEDC6C7B7369>

¹³ *Id.*

¹⁴ Public Law 116-283, National Defense Authorization Act for Fiscal Year 2021; <https://www.congress.gov/116/plaws/publ283/PLAW-116publ283.pdf>; Press Release: Congresswoman Escobar Votes for National Defense Authorization Act for Fiscal Year 2021, Dec. 9, 2020, <https://escobar.house.gov/news/documentsingle.aspx?DocumentID=532>

¹⁵ Human Rights First, “A Proxy War: Attacks on Diversity in the Military Target American Civil Rights,” <https://humanrightsfirst.org/library/a-proxy-war-attacks-on-diversity-in-the-military-target-american-civil-rights/>

¹⁶ See *i.e.* Letter from Legal Defense Fund to Leader Schumer, Leader McConnell, Speaker Johnson, Leader Jeffries, Chair Grander, Ranking Member DeLauro, Chair Murray, and Vice Chair Collins opposing Anti-DEI Riders. Mar. 6, 2024, <https://www.splactionfund.org/sites/default/files/letter-opposing-anti-deia-riders-03062024.pdf>

opportunities.¹⁷ Those policies evolved to include policies, programs, and services designed to increase diversity, equity, inclusion, and accessibility to help overcome and remedy past and ongoing discrimination.¹⁸ Yet opponents of civil rights have continued to weaponize and misconstrue civil rights law to maintain the persistent inequalities stemming from our nation's history with white supremacy and reverse the progress we have made in creating an America that lives up to its ideals of a multiracial democracy. These extremist groups have attacked efforts to increase access to opportunity in every sector, including PK-12 and higher education, employment, government contracting, health care, housing, and financial services.¹⁹ Those who advocate against DEI frequently spread misinformation to weaken support for these vital programs. We urge you to stand united to promote, protect, and expand programs that lead to diversity, equity, inclusion, and accessibility in the military and across our nation.

Programs that advance DEIA are lawful and remain a critical need, particularly within educational institutions and workplaces. A recent study found that one in five Black students experience discrimination on college and university campuses, and Black students attending the least racially diverse schools and programs are even more likely to suffer discrimination.²⁰ The U.S. Department of Education's Office for Civil Rights logged a record number of discrimination complaints in Fiscal Year 2022.²¹ Research shows that students and employees benefit from interactions with peers from diverse backgrounds and cultures.²² DEI staffers and programming play a critical role in helping education institutions and workplaces comply with

¹⁷ See The American Association for Access, Equity and Diversity (AAAED), "What is Affirmative Action?" 2024. https://www.aaed.org/aaed/About_Affirmative_Action_Diversity_and_Inclusion.asp

¹⁸ Written Statement by the Southern Poverty Law Center to the U.S. House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Development, In connection with its March 7, 2024 hearing entitled: "Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses" Mar. 19, 2024; See Hellen Golden, "History of DEI: The Evolution of Diversity Training Programs," NOTRE DAME UNIVERSITY, Jan. 1, 2024, <https://www.ndnu.edu/history-of-dei-the-evolution-of-diversity-training-programs/>; see also, White House, "Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Workforce," June 25, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>

¹⁹ See, for example: D'Innocenzio and Alexandra Olson, "DEI opponents are using a 1866 Civil Rights law to challenge equity policies in the workplace." *APNews*. January 14, 2024. <https://apnews.com/article/dei-corporate-diversity-supreme-court-affirmative-action-a4ddf354423f6ee9697310366248f646>; *Students for Fair Admissions (SFFA) v. University of North Carolina (UNC)/Harvard College*, 600 U.S. 181 (2023)

²⁰ Camille Lloyd and Courtney Brown, "One in Five Black Students Report Discrimination Experiences," GALLUP, Feb. 9, 2023, <https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx>

²¹ Eesha Pendharkar, "The Ed. Dept. Received the Most Civil Rights Complaints in History Last Year," EDUCATION WEEK, May 8, 2023, <https://www.edweek.org/leadership/the-ed-dept-received-the-most-civil-rights-complaints-in-history-last-year/2023/05>

²² Amy Stuart et al., "How Racially Diverse Schools and Classrooms Can Benefit All Students," THE CENTURY FOUNDATION, Feb. 9, 2016, <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/>; U.S. Office of Personnel Management, "Diversity, Equity, Inclusion, and Accessibility," 2024, <https://www.opm.gov/policy-data-oversight/diversity-equity-inclusion-and-accessibility/>; Laurie Zephyrin et al., "The Case for Diversity in the Health Professions Remains Powerful," THE COMMONWEALTH FUND, Jul. 20, 2023, <https://www.commonwealthfund.org/blog/2023/case-diversity-health-professions-remains-powerful>; AAMC, Do Black patients fare better with Black doctors, <https://www.aamc.org/news/do-black-patients-fare-better-black-doctors>

civil rights laws, improve general institutional decision-making, and enhance student and employee experience, success, and retention for individuals from historically underrepresented and underserved communities.²³

Efforts to prohibit DEI in the NDAA have significant implications for the nation. The DoD is the largest government agency and one of the nation's largest employers, with a workforce of 2.1 million service members and about 770,000 civilian employees.²⁴ The DoD also manages five military academies and the 160 DoDEA schools nationwide.²⁵ The anti-DEI provisions in the NDAA would impact students at military academies and education programs on military installations, as well as service members and civilian employees.

III. Conclusion

We urge you to support the DoD's essential work of promoting the welfare of servicemembers and their families to ensure the success of an increasingly diverse force and reject any provisions that limit or undermine DEI efforts, target health and other benefits for minority servicemembers, and threaten progress made to address extremism impacting the military and veteran communities in the FY25 NDAA. For any questions, please contact Theresa Lau, Senior Policy Counsel, Eradicating Poverty, at Theresa.lau@splcenter.org or Michael Lieberman, Senior Policy Counsel, Hate & Extremism, at Michael.Lieberman@splcenter.org. Thank you for your attention to this matter.

Sincerely,

A. Philip Randolph Institute
African American Policy Forum
American Atheists
American Civil Liberties Union
American Humanist Association
American Pride Rises
Americans United for Separation of Church and State
Arab American Institute
Asian American Federal Employees for Nondiscrimination
Asian Americans Advancing Justice | AAJC
Association of People Supporting Employment First (APSE)
Center for American Progress
Clearinghouse on Women's Issues
Coalition on Human Needs

²³ Department of Education, "Factsheet: Diversity & Inclusion Activities Under Title VI," January 2023, <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf>

²⁴ U.S. Government Accountability Office, Defense Workforce, Opportunities for more Effective Management and Efficiencies, Jul. 26, 2023, <https://www.gao.gov/assets/gao-23-106966.pdf>;

²⁵ Department of Defense Education Activity, Factsheet, Jan. 2023, <https://dodea.widen.net/s/bhcljprrd9/dodea-factsheet-2023>

The Education Trust
Equal Justice Society
Equal Rights Advocates
Fair Count Inc
Federal Education Association
Feminist Majority Foundation
GLSEN
Go For Broke National Education Center
Human Rights Campaign
Human Rights First
IDRA (Intercultural Development Research Association)
Impact Fund
Hispanic Federation
Japanese American Citizens League
Jewish Council for Public Affairs
Just Solutions
LatinoJustice PRLDEF
The Leadership Conference on Civil and Human Rights
League of United Latin American Citizens [LULAC]
Minority Business Enterprise Legal Defense and Education Fund, Inc.
NAACP
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Association of Social Workers
National Council of Jewish Women
National Education Association
National Disability Rights Network (NDRN)
National Employment Law Project
National Fair Housing Alliance
National Institute for Workers' Rights
National LGBTQ Task Force Action Fund
National Network for Arab American Communities (NNAAC)
National Partnership for Women & Families
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
Pride at Work
Robert F. Kennedy Human Rights
Rural Coalition
The Sikh Coalition
SPLC Action Fund
UnidosUS
Union for Reform Judaism
Western States Center