June 10, 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 58 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. 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. 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
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. 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. 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. Furthermore, the majority of servicemembers of color have witnessed racism in the ranks. Black and Latinx servicemembers remain vastly under-represented in the officer corps, compared to their numbers in the force as a whole. 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. 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. Another study showed respondents with multiple historically marginalized identities faced even greater challenges, reportedly “feeling isolated, disconnected, and sometimes dismissed by their military peers.” 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. DEI initiatives can help the military recruit talented
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.” 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-readiness.” 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.

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. 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. 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

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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.
opportunities. 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. 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. 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. The U.S. Department of Education’s Office for Civil Rights logged a record number of discrimination complaints in Fiscal Year 2022. Research shows that students and employees benefit from interactions with peers from diverse backgrounds and cultures. DEI staffers and programming play a critical role in helping education institutions and workplaces comply with

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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.\textsuperscript{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.\textsuperscript{24} The DoD also manages five
military academies and the 160 DoDEA schools nationwide.\textsuperscript{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.

\textbf{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 \texttt{Theresa.lau@splcenter.org} or Michael Lieberman,
Senior Policy Counsel, Hate & Extremism, at \texttt{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

\textsuperscript{23} Department of Education, “Factsheet: Diversity & Inclusion Activities Under Title VI,” January 2023,
\url{https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf}
\textsuperscript{24} U.S. Government Accountability Office, Defense Workforce, Opportunities for more Effective Management and
\textsuperscript{25} Department of Defense Education Activity, Factsheet, Jan. 2023, \url{https://dodea.widen.net/s/bhcliprdd9/dodea-fact-sheet-2023}