



Why Congress Should Codify Meritocracy in the Military and Dismantle the Pentagon’s Diversity, Equity, & Inclusion (DEI) Complex

Support for meritocracy and non-discrimination in the military is growing, increasing hopes that Congress will act to end racially discriminatory practices at the Pentagon. Pro-defense Americans also hope that Congress will prohibit the use of **Department of Defense (DoD)** dollars for **DEI** offices, committees, and other single-minded power bases that promote race-conscious “**diversity, equity, and inclusion**” in the military.

Merit-based policies that prohibit racial discrimination often result in diversity, which is a good thing. But discriminatory DEI practices, which treat people differently based on the color of their skin, undermine meritocracy and create other problems that detract from military readiness.

An accurate assessment of how this problem developed is the first step in solving it.

A. How We Got Here

2011 Military Leadership Diversity Commission (MLDC)

The **National Defense Authorization Act (NDAA) for 2009** created the **Military Leadership Diversity Commission (MLDC)**, which was tasked to “conduct a comprehensive evaluation and assessment of policies and practices that shape diversity among military leaders.”

The MLDC [Final Report](#), issued in 2011, headlined its mission as “**Defining Diversity for a New Era.**” (p. 11) The Report’s findings and recommendations included the following:

Diversity is defined as “different characteristics and attributes of individuals . . . *reflective of the nation we serve.*” (p. 12, emphasis added throughout)

- Diversity **management** “*is not about treating everyone the same.*” (p. 18)
- “This can be a **difficult concept to grasp** especially for leaders who grew up with the EO inspired mandate to be **both color and gender blind.**” (p. 18)
- A high-level “**Chief Diversity Officer**” should be appointed to monitor efforts to balance the force along demographic lines so that “military leaders can be **held accountable for their performance in diversity management** and rewarded for their efforts.” (pp. viii and 97)
- “**Cultural assimilation, a key to military effectiveness in the past, will be challenged as inclusion becomes, and needs to become the norm.**” (p. 18)

DoD officials have quoted the 2011 MLDC Report countless times, citing its recommendations as justification for unprecedented social changes in our military. Since 2011, a huge DEI bureaucracy has been driving progressive ideology (now called “wokeism”) in the Pentagon and in all branches of the military.

DoD Instruction (DODI) 1350.02

In the waning days of the **Obama Administration**, the Pentagon moved to embed its DEI philosophy deeper into the DNA of the military. In June 2015, the DoD added “**sexual orientation**” to [Department of Defense Instruction 1350.02](#), which sets forth **Military Equal Opportunity (MEO)** non-discrimination categories. A Pentagon [MEO Briefing Card](#) denied the change would lead to **transgenders** in the military. Nevertheless, in 2016, **DoDI 1350.02** was changed again to add “**gender identity**” as a protected class.

Despite efforts by the **Trump Administration** to reverse some of the more radical DoD policies, holdovers from the **Obama Administration** embedded in the Pentagon frustrated those attempts.

Presently, **DoDI 1350.02** states the following:

“1.2. POLICY. (a). The DoD, through the DoD MEO Program, will: (1) Ensure that Service members are treated with dignity and respect and are afforded equal opportunity in an environment free from prohibited discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.” (p. 4)

The DoDI 1350.02 Policy imposed a major social policy change regarding persons identifying as transgender. This was done without any vote in Congress, and without any concomitant gain or benefit in the effort to end racial preferences.

Another section of the same DoDI regulation appears on its face to promote meritocracy:

2.8. SECRETARIES OF THE MILITARY DEPARTMENTS . . . (a.) Military Service leaders must ensure [that] (3) Service members are evaluated only on individual merit, fitness, capability, and performance.” (p. 8, DoDI 1350.02)

But *appearances* can be misleading. Since the MLDC report in 2011, DoD keeps promoting a doctrinaire meme: **“Diversity is a strategic imperative.”**

In the Pentagon’s view, **skin color is a proxy for merit** and a legitimate factor in determining an individual’s **“merit, fitness, capability, and performance.”** So, when DoD says all members of the military will be **“afforded equal opportunity in an environment free from prohibited discrimination on the basis of race, color, national origin,”** they do not believe that the use of racial preferences in accessions, promotions, assignments, and other personnel actions is “prohibited” discrimination.

Citing no credible evidence, the Pentagon’s professional military judgment is that *without* the use of racial preferences to make the force *“reflective of the nation we serve,”* the very security of the nation is at risk.

Given DoD officials’ obstinate re-definitions of “merit” and “equal opportunity,” it is not realistic to expect them to voluntarily change their interpretation of DoDI 1350.02. In their **Lewis Carroll *Through the Looking-Glass*** world, *“When the DoD uses a word, it means just what DoD chooses it to mean—neither more, nor less.*

Defense Advisory Committee on Diversity and Inclusion (DACODAI)

The Pentagon DEI bureaucracy is alive and well and continues to press for radical social goals. And the **Defense Advisory Committee on Diversity and Inclusion (DACODAI)** is picking up where the MLDC left off. With or without the “E” for “**equity**” or “A” for “**accessibility**,” the DACODAI is busy developing “best practices” for implementation of MLDC recommendations.

Biden Executive Order 14091

On February 16, 2023, **President Joe Biden** signed **Executive Order (EO) 14091**, which bestowed **special status and benefits** on a long list of favored minorities. Conspicuously *missing* from EO 14091’s list of favored groups and **“underserved communities”** are **healthy white males** who are **young or middle age, financially secure, English speaking and Christian.**

The EO's definition of "equity" is not the same as "equality." Many times the administration has ordered the use of color-conscious metrics (another name for quotas) when determining who receives government preferences, benefits, and grants.

Section 10 of EO 14091 defines the term "equity" as "*the consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment...*"

The words "**all individuals**" sound all-inclusive, but they are misleading and open to more than one interpretation. It appears that officials inserted equivocal wiggly words to deflect charges that the Executive Order's DEI mandates violate constitutional principles of equal protection.

DoD claims that its DEI mandates are "*permitted by law*" or "*consistent with applicable law.*" **But there is a catch.** In their view, percentage-based, race-sensitive practices are "lawful" because they advance national security interests summarized with the meme, "*Diversity is a strategic imperative.*"

SCOTUS Ruling Prohibits Racial Discrimination

In the 2023 landmark ruling handed down in the twin cases [*Students for Fair Admissions \(SFFA\) vs. Harvard & the University of N. Carolina*](#), the **Supreme Court** prohibited racial discrimination in higher education. The military service academies [were not parties in the litigation](#), but over the objections of the government, the Court banned the use of racial preferences in civilian school ROTC programs, the largest source of commissioned officers.

The Court [also found](#) that superficial demographic categories such as **Black, White, Native American, Asian**, etc. are "[imprecise... overbroad... arbitrary... undefined... underinclusive... incoherent... \[and\] irrational stereotypes](#)."

As the Justices noted, these categories were devised by federal bureaucrats, writing in the [Federal Register](#) back in 1978. The same bureaucrats cautioned others that their racial and ethnic categories "*should not be interpreted as being scientific or anthropological in nature, [nor should they be viewed as determinants of eligibility for participation in any Federal program.](#)"*

Despite this landmark ruling, the Defense Department adheres to their Orwellian argument that using these incoherent categories to achieve racial balance within the ranks is necessary to safeguard the nation. The SFFA, therefore, has filed new lawsuits challenging racial discrimination at the **U.S. Military Academy** and the **U.S. Naval Academy**.

B. How to Fix the Problem

Congress Should Affirm Meritocracy and Prohibit Racial Discrimination

As CMR has reported in greater detail [here](#), DoD's obsession with racial balancing has weakened the military.

According to Military.com, a [steep drop in white applicants](#) may be worsening the ongoing recruiting crisis, which has plagued [readiness](#) and morale for several years. Shortages in key positions, [such as pilots](#), are occurring in all branches of the service.

Military [reports](#) used to justify discriminatory DEI programs, which replace color-blindness with color consciousness, are the result of advice from civilian business consultants who produced or relied on DEI studies that have been [analyzed and discredited](#).

[Public support](#) for the All-Volunteer Force is dropping, and [critical race theory \(CRT\)](#) programs used to justify racial divisions are toxic and destructive to unit cohesion.

DoD Instruction 1350.02 is part of the problem, not the solution. Efforts to get the DoD to interpret their own policy differently will continue to be futile unless:

- (1) **Congress** passes and the president signs a law affirming merit as the sole factor in military policies AND prohibiting discrimination *against or in favor of any individual or group based on skin color, race, or ethnicity*;
- (2) The **Supreme Court** issues a ruling ending racial discrimination in the military, including the service academies; or
- (3) A new **President** signs meritocracy/non-discrimination legislation and amends or revokes DoDI 1350.02.

Last year, the **Conference Committee Report** consolidating House and Senate versions of the **National Defense Authorization Act (NDAA) for FY 2024** stated:

“Merit Requirement – A military accession or a promotion in the Department of Defense shall be based on individual merit and demonstrated performance.”

This measure is helpful, but it does not specifically prohibit DoD from interpreting “merit” and “demonstrated performance” to include consideration of skin color.

To move DoD off their bizarre view that racial preferences are required to protect national security, Congress must specifically *prohibit* the use of racial categories in military personnel actions. A possible revision, for example, might read:

“Merit Requirement – “In all Department of Defense military personnel actions, including but not limited to accessions, promotions, assignments, training, terminations, discharges, admissions to the service academies and service academy preparatory schools, the Department of Defense and the military services shall not discriminate against, or grant preferential treatment to, any individual or group based on race, color, ethnicity, or national origin. All such personnel actions shall be based solely on individual merit, qualifications, capabilities, performance, fitness, training, and character.”

In addition, Congress should permanently prohibit racial discrimination or quotas in admissions to the military schools and ensure that objective test scores are transparently assigned weight of at least **30%** in military service academy admissions.

Defund and Dismantle DEI Power Bases

A proposal to “sunset” the (DACODAI) by Sept. 2024 was dropped in last year’s NDAA Conference, but it should be resubmitted and supported. Congress also should eliminate all in-house DEI pressure groups and “Chief Diversity Officers” (CDOs). These tax-funded special interest power bases are divisive, unnecessary, and harmful to military morale and readiness.

Our military is in trouble, and Congress must support the troops by acting and getting it right.

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