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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

STUDENTS FOR FAIR ADMISSIONS

Plaintiff,

v.

THE UNITED STATES NAVAL
ACADEMY, *et al.*,

Defendants.

No. 1:23-cv-2699-RDB

REBUTTAL EXPERT REPORT OF BRIGADIER GENERAL (RET)
CHRISTOPHER S. WALKER

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I. Executive summary

USNA's experts rely on appeals to emotion that are not substantiated by data, and some of the evidence they do cite cuts *against* their positions. Culture is not the same as skin color, and combat effectiveness in the military most heavily depends on effective leadership. Based on my 40 years of experience in uniform, I am firmly convinced that competent and caring leadership is the way to service members' hearts and minds, regardless of one's race or ethnicity.

Indeed, the absence of evidence in USNA's expert reports is striking—not only because the data does not exist, but also because DoD has made little effort to find it even if it did. In a July 2023 congressional hearing, the Academy's Superintendent at the time, Vice Admiral Sean Buck, was asked by Congressman Mike Waltz whether he “[had] any empirical evidence” that units are “more combat ready or effective because of the diversity mix, because of the different mix of skin color” of their members. “VADM Buck was shielded from answering by the [Congressman's] time expiring,” but “he did not attempt to refute Waltz's insinuation and did not answer the question later in the testimony or in public afterwards.”¹

The reports submitted by USNA in this case make clear why Admiral Buck did not answer—because the Academy has no evidence that racial balancing makes the military more lethal or effective. The Academy's failure to identify any compelling

¹ John Hughes, *West Point Data Chief Publicly Admits There is No Objective Evidence for Military DEI*, STARRS, (Oct. 6, 2023), <https://perma.cc/WK44-TS9U>.

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evidence here is not an outlier. The U.S. Military Academy at West Point’s Chief Data Officer told the audience at its annual Diversity, Equity, and Inclusion Conference in 2023—an audience that included Naval Academy personnel—that he had no data tying racial diversity levels to military success, either: “So as I thought about this, the theme of this presentation today, measuring success, I was scratching my and thinking, I don’t have an answer. Just don’t.”²

Because it has no hard evidence, the Academy resorts to stereotyping by equating skin color with certain cultures, viewpoints, and experiences. For example, the Defendants imply that certain skin colors are force multipliers for the DoD due to their implied advantage when dealing with foreign allies. I argue that cultural awareness can be taught, and that any “inherent” advantage the U.S. gains from its personnel in this realm comes from servicemembers who were born and raised in the countries where the military happens to be operating at a given time—skin color is irrelevant.

Finally, if the USNA (or any other service academy) wants to achieve the moral objective of recruiting more skilled, motivated, and qualified career officers who represent diversity in its truest sense, then they should put in the work and create partnerships with primary and secondary school education programs in socioeconomically disadvantaged municipalities.

² John Hughes, *West Point Data Chief Publicly Admits There is No Objective Evidence for Military DEI*, STARRS, (Oct. 6, 2023), <https://perma.cc/WK44-TS9U>.

II. USNA’s experts’ assertions about racial preferences and military effectiveness are unsupported, internally inconsistent, and largely based on stereotypes.

All of USNA’s experts—and Dr. Haynie, Professor Lyall, and Ms. Truesdale in particular—offer broad and virtually boundless statements about the military value of diversity in the abstract.³ Curiously, however, each limits their application of this principle to one of the least informative characteristics about human beings: skin color. More to the point, none of their reports offer any tangible evidence that the particular racial mix of a unit affects its chances of success in combat. Rather, Haynie, Lyall, and Truesdale all rely on flexibly applied assertions that cut in opposite directions when placed side by side. And in the end, each fall back on generalizations about the experiences, perspectives, and attitudes of members of various racial and ethnic groups.

A. USNA’s experts’ assertions are unsupported.

Many of USNA’s experts’ statements about mission accomplishment and racial balancing are either conclusory or self-referential. (Although these statements often invoke “diversity,” they use the term in a racial context that can only refer to the racial balance or racial “representation” in a unit or branch of service.) For example, Ms. Truesdale’s declaration speaks in authoritative tones about “military judgment[s] that a racially diverse officer corps is necessary for mission execution and maritime

³ See Haynie Report 2-9 (“Diversity and inclusion support military effectiveness and mission accomplishment.”); Truesdale Decl. ¶10 (“A diverse force is central to ... mission effectiveness.”); Lyall Report 4-7.

dominance” without ever once explaining *why* or *how*.⁴ Instead of providing these answers, Truesdale merely cites other recent Department of the Navy and DoD policy statements saying the same thing.⁵

When USNA’s experts do cite independent evidence or “research,” almost all of it comes from circumstances that are wholly different from military life in general, let alone combat. For example, Haynie cites a 2014 article from the Air & Space Power Journal to support her claim that “Diverse personnel create stronger teams and units, and those teams and units generate a more effective and mission successful enterprise.”⁶ Upon examination, however, the cited article itself admits that “[t]he military has no wide range studies that examine whether diverse teams solve complex problem sets better than nondiverse ones.”⁷ In recent testimony, Dr. Haynie was still unable to identify such a study.⁸

Similarly, Dr. Haynie claims that “RAND and outside research identifies how more diverse organizations (including military and law enforcement) directly impact operational effectiveness because such organizations ‘are more effective at accomplishing their missions.’”⁹ But the “RAND ... research” Dr. Haynie quotes for this proposition is an article that “discuss[es] the scholarly literature on the efficacy of blinding

⁴ Dkt. 46-4 ¶7.

⁵ Dkt. 46-4 ¶¶8, 9, 10, 15, 17.

⁶ Haynie Report ¶15.

⁷ Col Suzanne M. Streeter, *The Air Force and Diversity: The Awkward Embrace*, Air & Space Power Journal (May-June 2014), <https://perma.cc/B89C-NPYY>.

⁸ Haynie Dep. Tr. 106:9-19.

⁹ Haynie Report ¶9 & n.8.

strategies, how these insights apply in the context of DAF goals, other approaches that should be explored, and steps the DAF should take to better advance its goal of a more equitable and inclusive workforce.”¹⁰ The sentence fragment quoted by Dr. Haynie (“[r]esearch shows” that diverse organizations “are more effective at accomplishing their missions”) does not cite any research at all.¹¹ The other RAND article Dr. Haynie cites for this claim is a “review” of “existing literature” that concedes “mixed results concerning the implications of diversity on team performance” (and, once again, points to other non-military studies for the literature in support of the affirmative case).¹²

The one USNA expert who does purport to offer evidence that “racial and ethnic diversity is an advantage in modern combat” is Professor Lyall.¹³ But Lyall doesn’t come close to proving such a link. Lyall’s main thesis is that militaries with a greater degree of “military inequality” are more likely to suffer losses in combat and less likely to win on the battlefield. Military inequality, in turn, is “the degree to which a military draws on racial or ethnic groups that are subject to discrimination or repression” from the government.¹⁴ Of course, there is no federal law or policy in the United States that sanctions racial or ethnic discrimination, and there hasn’t been for decades. Lyall tries

¹⁰ Dwayne M. Butler & Sarah W. Denton, RAND Corp., *How Effective are Blinding Concepts and Practices to Promote Equity in the Department of the Air Force?* 4 (Dec. 2021), <https://bit.ly/3AaOCfj>.

¹¹ Dwayne M. Butler & Sarah W. Denton, RAND Corp., *How Effective are Blinding Concepts and Practices to Promote Equity in the Department of the Air Force?* 4 (Dec. 2021), <https://bit.ly/3AaOCfj>; see also Paul J. Larkin, et al., *Military Necessity and Racial Discrimination*, Georgetown Journal of Law & Public Policy, Forthcoming, (April 30, 2024), <http://dx.doi.org/10.2139/ssrn.4577628> (noting same).

¹² Slapakova et al., *Leveraging Diversity for Military Effectiveness*, 7 (2022).

¹³ Lyall Report, 4.

¹⁴ Lyall Report, 1.

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to evade this roadblock by claiming that “[m]ilitary inequality can also arise from *de facto* race- or ethnic-based discrimination” in addition to discrimination grounded in law.¹⁵ According to Lyall, the United States is plagued with such discrimination to such an extent that “nearly 40 percent of the American population,” a group that includes “all non-White racial groups in the US, [such as] Latinos, African Americans, Asian Americans, and American Indians,” are “politically powerless.”¹⁶ This, he says, is “functionally equivalent to explicit discrimination by federal authorities.”¹⁷

That claim is ludicrous on its face. There is no one who can convince me that I (as a Black American) have fewer rights or power than any other American. Lyall’s reliance on this notion calls into question the assumptions upon which all of his other categorizations are based. Indeed, the “military inequality coefficient” that Lyall created to “measure the level of inequality among ethnic and racial groups within the military on the eve of war”—and that he subsequently uses to generate the data he cites—appears to stem from the same types of arbitrary inputs.¹⁸ (Indeed, any categorization of ethnically diverse and “inclusive” armies that includes the Wehrmacht warrants a significant measure of skepticism for that reason alone.¹⁹)

¹⁵ Lyall Report, 2.

¹⁶ Lyall Report, 18.

¹⁷ Lyall Report, 18.

¹⁸ Lyall Report, 8.

¹⁹ *See* Lyall Report, 6, 16.

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The highly questionable premises of Lyall’s conclusions aside, though, his conclusions themselves still have nothing to say about whether racial preferences at the U.S. Naval Academy make the U.S. Navy and Marine Corps more lethal. Lyall’s assessment, in his own words, is focused on the outcomes “[w]hen prejudice becomes policy.”²⁰ There is simply no analogue to these circumstances at the force wide level in the U.S. military in 2024. If certain policies are determined to have a different effect on some people more than others, it is up to the leadership to adjust. Lowering standards for a particular skin color is not the solution.

All of this highlights one final reason why Lyall’s work is inapplicable. Because Lyall is battling a strawman of a draconian U.S. military that does not currently exist, he does not appear to feel any obligation to answer critical questions about how his research—even if accurate—would apply to the U.S. military in its current form in the modern era. He offers no limiting factor, no counterbalancing considerations against which the military must evaluate “inclusive” personnel policies placed before it. As I emphasized in my opening report, military service is not and cannot be for everyone. Whole categories of individuals—those who are too old, those who are overweight, and the ill or disabled, to name a few—are ineligible for service even though they comprise increasingly large segments of American society. Accordingly, military leadership makes

²⁰ Jason Lyall, *Divided Armies: Inequality and Battlefield Performance in Modern War*, Chapter 2, pg 46 (Princeton University Press 2020).

balancing judgments when deciding personnel policy all the time. Lyall's prescription does away with all of that: it is a ratchet that operates in only one direction.

Finally, to the extent that any of Professor Lyall's opinions are based on his "qualitative assessments of ... tactical and operational sophistication," as he has publicly described aspects of his work in *Divided Armies*,²¹ it is unclear how he is qualified to make such assessments.

B. USNA's experts' assertions are internally inconsistent.

At various points, USNA's experts also appear to argue against their own propositions without fully realizing it. While quoting the Congressional Research Service, Haynie notes that "task cohesion," which she defines as "a shared commitment to professional goals and experiences," is more important to military performance than "social cohesion" (which she defines as "the nature and quality of the emotional bonds of friendship, liking, caring, and closeness among group members").²² The same CRS report claims "sameness" of people is less important than "the experiences that units share."²³ I have made a similar point in my initial report when I observed, based on 40 years of experience, that the "crucible" of a challenging basic training, strenuous follow-on training, realistic field exercises, and actual combat strengthens unit cohesion far more than skin color ever could.

²¹ ISS Forum Roundtable XII-11, 30, <https://perma.cc/NV8S-8SEV>.

²² Haynie Report. ¶10.

²³ Haynie Report. ¶10.

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Similarly, Haynie suggests that “the degree to which excluded groups are perceived as competent and accepted within newly integrated teams is an important mediator for the relationship between diversity and unit cohesion.”²⁴ I agree. In the military—and in combat arms occupations in particular—competence is the touchstone of trust and social acceptance. Haynie evidently fails to consider the real-world consequences of an openly acknowledged system of racial preferences like the one USNA is defending in this case or of such systems in general. If everyone knows that certain groups were awarded admission to a team or community under lower standards—and they eventually will know this is the case, either because they are directly aware of the Academy’s policies or they witness its consequences—then perceptions of competence will be diminished. And trust and cohesion will be diminished along with them. Put differently, if the DoD lowers standards to admit certain minorities to the elite institutions, this will not be a policy that can be kept secret. Everyone will know, and the result (or second-order effect) will be the creation of another implied inequality that the DoD was trying to eliminate in the first place.

Many of Loyal’s examples of “racially and ethnically” diverse armies also inadvertently highlight the nonsensical nature of USNA’s racial categorizations (and the preferences based on them). Loyal’s use of the combatants in the Second Congo War and the Ethiopia-Eritrea War to highlight the importance of diversity and inclusion—

²⁴ Haynie Report. ¶10.

despite all combatants having the same skin color—suggests a focus on diversity of cultures and viewpoints that USNA’s single-minded focus on race does not capture. Lyall categorizes some of these armies as diverse and inclusive, and others less so, but USNA’s blunt racial classifications would treat them as all the same. And, of course, the “French” and the “Poles, Germans, Italians, and Dutch” who fought alongside one another in “Napoleon’s Grande Armee” would all simply be considered “white” if they applied to the Naval Academy today.²⁵ Thus, if anything, it is USNA’s racial categorizations that ignore individuality and treat individuals as “faceless and uniform.”²⁶

Finally, Dr. Haynie argues that racially balanced units are critical to “enhanced cooperation, trust, and understanding of the operational environment overseas.”²⁷ As support, Haynie emphasizes that “[t]he DoD’s Pacific, European, and Central combatant commands assessed themselves as either ‘generally inadequate’ or ‘inadequate’ in ‘knowledge of societal, cultural, tribal structure, infrastructure, [and] evolving threats’ in their areas of responsibility.”²⁸ For starters, the evidentiary value of cultural competency self-assessments from three of DoD’s eleven combatant commands *in 2004* (context Haynie does not provide) is unclear.²⁹ More importantly, it is impossible to

²⁵ Lyall Report 6.

²⁶ Lyall Report, 5.

²⁷ Haynie Report ¶20.

²⁸ Haynie Report ¶20.

²⁹ See Haynie Report ¶20 (quoting William Wunderle, *Through the Lens of Cultural Awareness: A Primer for US Armed Forces Deploying to Arab and Middle Eastern Countries* (Combat Studies Institute Press 2006)); Wunderle at 4 n.11 (providing examples of combatant command cultural competency assessments from Defense Science Board 2004 Summer Study, *Transition To and From Hostilities*, (Sept. 2004)).

reconcile the claim that race is a proxy for cultural awareness with the DoD's assessment that U.S. forces lacked cultural competency in *Europe*—a region where many white officers doubtlessly have ancestry. It seems far more likely, as I argue below, that cultural awareness is not linked to skin color and is instead something that can be taught and trained.

C. USNA's experts' explanations for the benefits of diversity are grounded in shallow stereotypes.

Many of the arguments advanced by USNA's experts appear to be traceable to an underlying attitude that certain traits, beliefs, or comradery are shared among people based on skin color. For example, Lyall argues that “diverse teams typically outperform homogenous groups,”³⁰ and Haynie likewise warns against the dangers of “a more homogenous DoD.”³¹ I would argue “Homogeneity” is not inherent in race. Homogeneity may be more prevalent in the same culture but race itself is not a determining factor. Haynie and Lyall's arguments imply that all White people think alike. As anyone who has traveled the United States can attest, White people from the Hamptons are much different from White people from Appalachia, who are much different from White people from San Francisco, who are much different from White people from El Paso. All Black people do not think alike, either.

Yet Haynie repeats this mistake elsewhere in her report. In paragraph 14, for instance she argues that without racial diversity, the DoD will be left with leaders of

³⁰ Lyall Report, 6.

³¹ Haynie Report ¶15.

“similar backgrounds, talents, and perspectives.”³² Truesdale, too, emphasizes “diversity of talent” while quoting Secretary of the Navy Carlos Del Toro.³³ What makes skin color a determinant of talent? USNA’s experts do not say. The notion that different races have different talents could not be more at odds with the ethos of the American military.

On March 23, 2023, I sat in the office of the Principal Deputy Assistant Secretary (PDAS) of the Air Force, Manpower and Reserve Affairs to watch the House Armed Services Committee featuring Under Secretary of Defense for Personnel and Readiness Gilbert Cisneros, Assistant Secretary of the Army for Manpower and Reserve Affairs Agnes Schaefer, Assistant Secretary of the Navy for Manpower and Reserve Affairs Franklin Parker, and Secretary of the Air Force for Manpower and Reserve Affairs Alex Wagner speak about race and promotions. They were asked by Rep. Jim Banks whether they would “commit to opposing any effort to promote or recruit servicemembers based on their race or gender.” Mr. Wagner replied, “Mr. Chairman, I believe that promoting solely based on race or gender is inimical to our values as a service.”³⁴

Quoting William D. Wunderle, Haynie also writes at length about “cultural awareness.” From my experience, especially during my many long deployments in different parts of the world, cultural awareness is something that can be taught and trained.

³² Haynie Report ¶14.

³³ Dkt. 46-4, ¶10.

³⁴ U.S. Navy Press Office, *House Armed Services Subcommittee on Military Personnel Holds Hearing on DoD Diversity, Equity, and Inclusion*, (Mar. 23, 2023), <https://perma.cc/93N2-ZAAR>.

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Those of us who served in Baghdad with the Coalition Provisional Authority (CPA) learned quickly that respecting cultural norms in Iraq bore more fruit and increased our chances of living. Race mattered very little in Baghdad and the rest of Iraq.

As one example of where diversity has proven benefits, Haynie identifies a U.S. Army Captain, who was born in Haiti and deployed to Haiti in 2021 to assist in post-earthquake relief efforts. His “language proficiency and cultural awareness facilitated coordination with Haitian partners.”³⁵ But the correlation Haynie is implying based on race is not true. The reason that Captain was successful in facilitating coordination was because he was Haitian. Not because he was Black. I (and most every other Black American service member who is not Haitian and fluent specifically in Haitian Creole) would be just as lost as the White service members if I were sent to Haiti. As a matter of fact, I would argue that even Black Americans who have studied French and are classified by the DoD as having reached the highest levels of native-speaker proficiency in that language would be lost because the Haitian dialect is wholly unique. USNA is not extending preferences in admissions to Americans who were born and raised in Haiti, Nigeria, Ghana, Togo, Rwanda, Somalia, Kenya, Uganda, Tanzania, Ethiopia, etc. They are giving preferences for skin color. Thus, Haynie’s example is irrelevant.

The notion that skin color is a shortcut for cultural connections in African countries is similarly based on the crudest of stereotypes. There is a word that originated in

³⁵ Haynie Report ¶20.

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Nigeria but has spread across Western Africa. The word is “akata.” In everyday speech, the word would mean “foreigner.” But there is another more derogatory context to the word reserved specifically for Black Americans (and even Native West Africans who spent too much time in the United States, allegedly losing their home culture). When the word is used to describe Black Americans, it goes back to the alleged exact translation of “cotton picker.” I have witnessed this word causing fights between Black Americans and people from Nigeria or Ghana. There is another word used by Nigerians to describe White people. I have seen it spelled both “oyinbo” and “oyibo.” But modern Nigerians also use it to describe Black Americans, and many families discourage their sons and daughters from marrying the “oyibo” Black Americans. The culture is the divide. Finally, when I was deployed to Kenya, flying relief supplies into Somalia, I learned that the Swahili word for White person is Mzungu. A good friend of mine (DC Cochran, a lighted skinned Black American who is now a Brigadier General in the Air Force and married to a Kenyan woman) and I made tremendous efforts to bond with and relate to the Kenyan workers who were employed at the hotel we made our base of operations (The White Sands). We eventually developed a rapport with the workers, and we learned their names, and learned about their families. Even though we were extremely friendly with each other, DC and I got nicknames from the workers. I was known as K’zungu, and DC was known as K’hindi (due to his light skin and wavy hair). It was somewhat of a joking moniker, but they explained that we still were not Kenyan, and our mannerisms were more “White” in their cultural view. The notion that I would

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have an advantage over my white and Hispanic counterparts in these countries solely because of my skin color is ridiculous.

Similarly, I grew up with a Jamaican mother and father. Almost every summer during my childhood, I would be flown down to Jamaica to spend the summers with my grandparents, aunts, uncles, and cousins. As a child, I had a reasonably thick Jamaican accent, and I would be teased at school because of it. But as thick as my accent was, when I went to Jamaica, my cousins and their friends would tease me and call me a “Yankee,” because they could hear an American accent. Even now, my Jamaican accent returns when I visit Jamaica, but I am still treated like a “Yankee” tourist as soon as I open my mouth. In short, even in a country where I still have extensive family, and my accent, understanding of the culture, and familiarity with the terrain are far greater than those of most Americans, my presence still wouldn’t be a “trump card” in international relations with the military of that country.

The international relations argument for racial balancing is remarkably thin as well. Niger, Mali, and Burkina Faso recently formed a new alliance called the Alliance of Sahel States (AES). These countries rebuffed the U.S.-allied Economic Community of West African States (ECOWAS). Only a few weeks ago, U.S. forces announced that they were leaving Niger because they were being effectively expelled by their hosts. I know for a fact that the United States had a reasonably racially diverse group of service members deployed there, because some of my troops and many troops from other units I know were sent there. The AES is now embracing Russian military advisors. One does

not need an expensive study to know that the Russian military does not have significant numbers of Black soldiers participating in their endeavors. In much the same way, China and the People’s Liberation Army are expanding their reach across Africa and in South America. Again, I am reasonably certain the PLA is not widely populated with Black or Hispanic soldiers, airmen, or sailors.

III. USNA’s experts improperly recast political judgments about racial balancing as military conclusions.

As I noted in my opening report, there is no “military consensus” that racial balancing—or the racial preferences used to achieve that result—is necessary. There certainly has not been a “consistent[] ... conclusion” for the past eight decades that these things are necessary.³⁶ In support of this mischaracterization, Dr. Haynie cites President Truman’s Executive Order 9981 establishing the Fahy Committee to begin the process of desegregation.³⁷ She likewise cites President John F. Kennedy’s 1962 order establishing the Gesell Committee on Equal Opportunity in the Armed Forces,³⁸ and the 1971 establishment of the DoD Defense Race Relations Institute for the same proposition.³⁹ None of those historical facts supports the conclusion that DoD has always believed that it should use racial preferences and lower standards. To the contrary, those directives had a common, unmistakable theme: that DoD should eliminate

³⁶ Haynie Report ¶24.

³⁷ Haynie Report ¶24.

³⁸ Haynie Report ¶25.

³⁹ Haynie Report ¶26.

toxic leaders and ensure that everyone is treated *equally*, regardless of race, color, or ethnicity.

And although USNA's experts repeatedly cite the Military Leadership Diversity Commission, the conclusions in the Commission's report were politically motivated and not based on actual observations of leadership in battle. The MLDC was the creation of senior members of the Congressional Black Caucus, who established it via an amendment to the version of the 2009 National Defense Authorization Act passed by the House of Representatives.⁴⁰ The version of the 2009 NDAA passed by the Senate "did not contain a provision to create the MLDC," but the section in the House bill creating the Commission was included in the final version of the law through the reconciliation process.⁴¹ Neither the House nor the Senate held any debate about the MLDC or the scope of its assignment.

According to the MLDC itself, "[t]he underlying motivation" for its work "can be found" in "a press release in which Congressmen James Clyburn (D-S.C.), Kendrick Meek (D-Fla.), Elijah Cummings (D-Md., and Hank Johnson (D-Ga) explained their thinking on the matter."⁴² In the press release, Rep. Clyburn stated: "Just as our military looks like America, so too must our general officers. If minorities are asked to go into

⁴⁰ Military Leadership Diversity Commission, Issue Paper #9, *How Did the Military Leadership Diversity Commission Come About?*, 1 (Jan. 2010), <https://perma.cc/2JAE-LV4X>.

⁴¹ Military Leadership Diversity Commission, Issue Paper #9, *How Did the Military Leadership Diversity Commission Come About?*, 2 (Jan. 2010), <https://perma.cc/2JAE-LV4X>.

⁴² Military Leadership Diversity Commission, Issue Paper #9, *How Did the Military Leadership Diversity Commission Come About?*, 1 (Jan. 2010), <https://perma.cc/2JAE-LV4X>.

harms [sic] way, they must be allowed to lead as well. A military that is proportionally representative of all races, cultures, and ethnicities increases the readiness and efficiency of our fighting forces.”⁴³ Rep. Cummings similarly stated: “These measures are critical in enhancing the efficiency and effectiveness of the U.S. armed forces by addressing the under-representation of women and ethnic minorities and creating a diverse military that fully represents our nation’s citizens.”⁴⁴ If these statements seem familiar, that’s because the Commission’s ultimate conclusions mirrored them almost word for word. Since then, they have been characterized by advocates of racial balancing—including the Academy’s experts in this case—as considered military judgments, even though they have no basis in evidence.

The Commission’s conclusions certainly were not based on history or tradition of military culture, either. Consider the following statement from the MLDC’s final report, where the Commission announces a “new” approach to racial diversity:

Diversity management calls for creating a culture of inclusion in which the diversity of knowledge and perspectives that members of different groups bring to the organization shapes how the work is done. Creating this culture will involve changing the way in which people relate to one another within a single unit, within a particular military branch, and throughout DoD. In particular, although good diversity management rests on a foundation of fair treatment, it is not about treating everyone the same. 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. Blindness to difference, however, can lead to a culture of assimilation in which

⁴³ Military Leadership Diversity Commission, Issue Paper #9, *How Did the Military Leadership Diversity Commission Come About?*, 1 (Jan. 2010), <https://perma.cc/2JAE-LV4X>.

⁴⁴ Military Leadership Diversity Commission, Issue Paper #9, *How Did the Military Leadership Diversity Commission Come About?*, 2 (Jan. 2010), <https://perma.cc/2JAE-LV4X>.

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differences are suppressed rather than leveraged. Cultural assimilation, a key to military effectiveness in the past, will be challenged as inclusion becomes, and needs to become, the norm.⁴⁵

Now compare the Commission's language with the 2019 testimony of the now-former Vice Chairman of the Joint Chiefs of Staff, General John E. Hyten:

And when I came into the military, I came in from Alabama ... and racism was a huge problem in the military ... but I watched commander after commander after commander take charge, own that, and anytime they saw it, eliminated it from the formation. When that happens, a huge improvement happens. Now when I am in uniform, I feel colorblind, which is amazing.⁴⁶

IV. Conclusion

I am not aware of any veteran or active service member who has seen combat who, if asked whether their respect for their leadership came from character or skin color, would say the latter. From my experience, subordinate troops group their commanders and leaders into three main categories, (1) inspirational, (2) adequate (let's survive until this commander rotates to a new post), and (3) terrible (a complete joke and a liability). If skin color is a consideration in the beginning, tactical and technical competence will always overtake it. It is insulting, patronizing, and racist to argue that Blacks, Hispanics, and other groups cannot discern good leadership from bad and will be more likely to gravitate toward skin color than merit. The perspectives of Black sailors during World War II are instructive. Many of these sailors were picked to become

⁴⁵ USNA-00011644.

⁴⁶ United States Senate Committee on Armed Services, *Hearing to Consider the Nomination of General John E. Hyten. USAF For Reappointment to the Grade of General and to Be Vice Chairman of the Joint Chiefs of Staff*, Tr. 32:12-19 (July 30, 2019).

the first Black Naval Officers in United States history. They all had the same skin color, but their perspectives varied wildly.

In their initial training, some “experienced little prejudice during their first few weeks, but that was not true for every new black recruit. Much depended on the white officers they encountered during training. Some were outstanding leaders, while others were low-class bigots.”⁴⁷ Some, like Lieutenant Commander Daniel Armstrong, “a forty-nine-year-old graduate of the US Naval Academy at Annapolis,” came across as condescending and paternalistic:

Black men’s perception of Armstrong depended, in part, on where they came from. Men from the South typically found him to be fair and open-minded, while many from the North, as well as better-educated Southerners, generally resented what they saw as his condescending paternalism. [One sailor] was in the latter group, describing Armstrong as a “great white father,” the kind of officer who assumed he understood how black men thought because he had grown up around them. [A second] felt that Armstrong was susceptible to some of the most “pathetic stereotypes” of the South and that he could never see black men as anything more than cooks or servants. “He was definitely the wrong man for the job he was assigned,” [the second sailor] said. Armstrong encouraged black men to be proud of their race and heritage and insisted that everyone at Camp Robert Smalls observe Negro History Week on February 7. As part of those festivities, he had recruits prepare an extensive exhibition of paintings, photographs, and historical documents showing the achievements and contributions that African Americans had made in art, sciences, industry, education, business, athletics, literature, and music. He asked Owen Dodson, a seaman second class who had graduated from the Yale School of Drama, to produce plays about famous African Americans, naval histories, and wartime allies, in an effort to boost morale. ...

⁴⁷ Dan Goldberg, *The Golden Thirteen: How Black Men Won the Right to Wear Navy Gold*, 97 (Beacon Press, 2020).

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But many black men bristled at Armstrong's efforts to promote black culture. He commissioned a new marching song composed specifically for black enlistees: "They look like men, they act like men; I think they will be great men of war." Some from the South believed the song represented progress, while many from the North refused to sing along, rejecting the notion that they were "like men." How ridiculous they thought. We aren't "like men." We are men.⁴⁸

I submit that those who advocate for racial preferences are using these very same tactics today. A culture of "dignity" and "respect" is admirable, and with good leadership, one should have no problem flourishing. But a "culture of equity"? What does that mean? What message does that send to minority applicants and their future classmates? Are minorities less intelligent and more in need of a handout? Or do they have the same potential (if given the same educational opportunities/power supply) to compete like everyone else? USNA's focus is misplaced. It is obvious that the current political leadership in DoD views racial balancing as more of a moral or ideological imperative than as a strategic imperative. But if they are so concerned about skin color representation at USNA and in the officer corps, then they should concentrate their fires on reaching out to socioeconomically disadvantaged municipalities and communities and making attendance at the Naval Academy something to be earned, not given. I guarantee there are plenty of talented future officers out there, if the Academy is willing to look for them.

⁴⁸ Dan Goldberg, *The Golden Thirteen: How Black Men Won the Right to Wear Navy Gold*, 98-99 (Beacon Press, 2020).

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Dated: July 31, 2024

/s/ Brig. Gen. (Ret.) Christopher S. Walker, USAF (Ret)

Brig. Gen. (Ret.) Christopher S. Walker, USAF (Ret)

APPENDIX: ADDITIONAL SOURCES AND MATERIALS CONSIDERED

In addition to the literature cited in the body of this report and the documents referenced in Appendix B of my opening report, I considered the following sources while formulating this rebuttal report:

- Dkt. 46-4 Truesdale Declaration
- Expert Report of Jason Lyall
- Expert Report of Beth Bailey
- Rule 26(a)(2)(c) disclosures of Jeannette Haynie
- Rule 26(a)(2)(c) disclosures of Stephanie Miller
- Rule 26(a)(2)(c) disclosures of Lieutenant Colonel Katherine Batterton
- Rule 26(a)(2)(c) disclosures of John Sherwood
- Rule 26(a)(2)(c) disclosures of Lisa Truesdale
- Equity and Equality – USNA-00028544
- Summary Assessment of Midshipmen Equity by Race/Ethnic Group – USNA-00028834
- Lubinski, et al, *Intellectual Precocity: What Have We Learned Since Terman?*, Gifted Children Quarterly (July 28, 2020)
- Transcript of Deposition of Jeannette Haynie