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MacArthur Society
of West Point Graduates

POSITION PAPER

TO RESTORE PURPOSE, UNITY & TRUST IN THE US MILITARY

VETERANS ORGANIZATIONS WORKING TOGETHER TO RESTORE PURPOSE, UNITY & TRUST IN THE US MILITARY

Stand Together Against Racism and Radicalism in the Services (STARRS) is concerned about the divisive racist and radical CRT/DEI ideology infiltrating the military and service academies and seeks to expose, stand up against, and eliminate it in order to keep our country safe.

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To preserve, defend, and advocate for West Point's history, purpose, and principles of Duty, Honor, Country.

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Support and defend the Constitution of the United States, the Navy and Marine Corps and the U.S. Naval Academy

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POSITION PAPER

Service Academy Admissions Reform Amendments

PROBLEM: United States Military Academy, United States Naval Academy, and United States Air Force Academy ("SAs") admissions practices are prescribed by statutes that are outdated (contain language no longer followed) and lack language needed to require (a) practices that would assure admission of best-qualified candidates and (b) transparency. The SAs covertly exploit these statutory gaps to facilitate use of identity preferences in admissions decisions and to admit excessive numbers of marginally qualified recruited athletes, adversely impacting quality.

PROBLEMATIC PRACTICES AND CONSEQUENCES INCLUDE:

- Artificially lowered minimum qualification scores to disguise marginally/poorly qualified candidates as "qualified"
- Abuse of "Additional Appointee" statutes, contrary to stated congressional intent
- Significantly lowered admissions standards for "preferenced" candidates
- Rejection of many, significantly better qualified, white and Asian candidates
- Lower performance and graduation rates, and higher attrition, for preferenced groups
- Denial of equal opportunity for rejected, better qualified candidates/moral hazard

SOLUTION:

Amend certain provisions of 10 USC 7442, 8454, 9442 and 10 USC 7443, 8456 and 9443 via FY '26 NDAA, building on reforms in FY '24 NDAA, to:.

- Update statutes, codifying existing, good practices, defining how merit is determined, eliminating ambiguity/unnecessary variability/uncertainty in admissions practices
- reduce use of "Additional Appointee" statutes to align with Congressional "top off" intent
- increase exclusively merit-based admissions, using academies' own scoring metrics (modified slightly) to evaluate applicants' overall character, intellect and fitness
- increase quality of entering/graduating classes, reduce attrition (increase taxpayer ROI)
- prohibit racial preferences, thereby restoring racial neutrality and equal opportunity
- require transparency - facilitate congressional oversight of academies' admissions practices and results, assuring permanent curtailment of use of artificially low minimum standards and abuse of Additional Appointee statutes

Amendments would not:

- change how Members nominate candidates or SAs' targeted recruiting of minorities
- prevent the academies from considering a candidate's background
- end racial/ethnic diversity or admission of recruited athletes
- diminish opportunities for women
- conflict with the SFFA v. Harvard/UNC decision

ACTION:

Proposed legislation will be prepared and presented to various Members for inclusion in their respective FY 2026 base bills. Detailed discussion of above located at at this end of this booklet.

APPENDIX

FY '26 NDAA Academy Admissions Reform

GENERAL

This paper discusses the need and general plan for revision to the six statutes that govern admissions procedures for the United States Military Academy, United States Naval Academy, and United States Air Force Academy ("Service Academies" or "SAs"), 10 USC 7442, 8454, 9442 and 10 USC 7443, 8456 and 9443.

PROBLEM

Current statutes are outdated (contain language no longer followed) and lack language needed to require (a) practices that would ensure admission of best-qualified candidates and (b) transparency. The SAs covertly exploit these statutory gaps to facilitate their use of identity preferences in admissions decisions and to admit excessive numbers of marginally qualified recruited athletes, adversely impacting quality of substantial parts of each entering class. Multiple data sources1 reveal:

- **artificially lowered minimum qualification scores** to disguise marginally/poorly qualified candidates as being "qualified" (and, worse, that these artificially low minimums are frequently waived)
- **abuse of "Additional Appointee" statutes** (no merit rank order required), contrary to congressional intent that they serve as "top off" statutes
- **abuse of subjective component** of candidate composite score
- **significantly lowered admissions standards** for marginally qualified, "preferenced" (because of race, ethnicity and recruited athlete status) candidates
- **rejection of many, *significantly better qualified,*** white and Asian candidates
- **lower performance and graduation rates, and higher attrition,** by groups who were "preferenced" at admission
- **denial of equal opportunity**[2] for rejected, better qualified candidates, i.e., moral hazard
- **decline in number of white, male applicants** relative to other demographics
- **unnecessarily lowered quality of significant portion of each entering class**.

1 a. Preferences in the Service Academies, Lerner, R & Nagai, A, Ctr. For Equal Opp. (Oct. 16, 2006), pp. 8, 11.

b. Analysis of Effect of Quantitative and Qualitative Admissions Factors in Determining Student Performance at USNA, Phillips, Barton L. Naval Postgraduate School 2004, pp. 1, 2, 24, 25, 28, 32, 71, 72.

c. Declaration of COL Deborah McDonald, fmr Dir. of Admissions, USMA filed Nov. 22, 2023 in SFFA v. USMA, et al, (U.S. Dist. Ct., So. Dist. NY), Exhibits A&B.

d. Report of Special Inspection – Assessment of Race or Ethnicity Based Treatment of Cadets at USMA, Oct. 2020, USMA Inspector General, pp. 38, 40, 42, 49.

e. GAO Report to Congressional Committees – Military Service Academies GAO-22-105130, July 2022, pp. 21-23; 70-75.

f. Carved from Granite – West Point Since 1902, Lance Betros (BG, USA ret.), fmr Professor USMA, fmr Provost, Army War College, Texas A&M University Press, 2012, pp. 301-316.

g. Still Soldiers and Scholars? An Analysis of Army Officer Testing, Dec. 2017. Coumbe, A.T., Condly, S.J., Skimmyhorn, W. L., Strategic Studies Institute and U.S. Army War College Press, pp. xix, 8, 9, 353.

h. Examining Diversity in Developmental Trajectories of Cadets' Performance and Character at USMA, (2021). Schaefer, H.S. et al. Journal of Character Education, Vol. 17, No. 1, p. 73.

i. On Diversity as Strength, usmadata (June 10, 2018), https://usmadata.com/2018/06/10/on-diversity-as-strength/.

j. U.S. Service Academy Admissions, Selecting for Success at the Military Academy/West Point and as an Officer. RAND Corporation 2015, pp. x, xi.

2 DoD Instruction 1350.02, Sept. 4, 2020, Change 1 effective Dec. 20, 2022. Military Equal Opportunity Program; para 1.2(a)(1) ("DoD, through the DoD MEO Program, will: (1) Ensure that Service members are … afforded equal opportunity in an environment free from prohibited discrimination on the basis of race, color, national origin …."); paras 2.8(a)(3) ("Establish MEO prevention and response programs for their Components that ensure … Service members are evaluated only on individual merit, fitness, capability and performance.") and (c) ("Implement and ensure compliance with this issuance within their respective Military Services, including the Military Service Academies.") (emphasis added).

SOLUTION

Modify governing statutes to:

- **reduce use of "Additional Appointee" statutes** to align with Congressional "top off" intent
- **define how merit is determined** and **establish requirements for computation of candidate composite score**
- **increase exclusively merit-based** admissions, using academies' own scoring metrics (slightly modified) to evaluate applicants' overall character, intellect and fitness
- **increase quality** of entering/graduating classes, reduce attrition (increase taxpayer ROI)
- provide **more "best-qualified" leaders** to warfighters, improving battlefield survival and mission success
- restore **racial neutrality** by prohibiting racial preferences
- require **equal opportunity**
- **facilitate congressional oversight** of academies' admissions practices and results, assuring permanent curtailment of using artificially low minimum standards and abuse of Additional Appointee statutes.

Amendments will also:

- update statutes and codify existing, good practices
- eliminate ambiguity/unnecessary variability/uncertainty in admissions practices
- require academies to honor merit selection of congressionally nominated, "unranked" slates (most Members use "unranked" slates) (Congress' nominating role unchanged)

Amendments will be limited in scope/extent. Each academy would retain the ability to tailor admissions practices to meet its specific requirements.

AMENDMENT SPECIFICS

Primary Appointment statutes – 10 USC 7442, 8454, and 9442.

1. **Clarify meaning of "order of merit" by adding "as determined by candidate composite score," replacing outdated language.**

2. **Require selection in certain appointment categories use "order of merit" rank order within each category:**

   a. Congressional "competitive" (a/k/a "unranked") slates

   b. Presidential

   c. Service Secretaries – regular enlisted

   d. Service Secretaries – reserve enlisted

   e. Service Secretaries – ROTC/JROTC "Honor schools"

   f. Children of KIA, 100% disabled, and MIAs

3. **Qualified Alternates (statutes already require "order of merit" selection):**

   a. Require all QA slots be used

   b. Increase number from 200 to 300 annually (this would in turn decrease the number of Additional Appointee vacancies by 100)

   c. Expand eligibility from just congressional/delegate nominees to include all other fully qualified, non-selected nominees from any nominating authority

4. **Candidate qualification, evaluation and selection:**

   a. Codify current practice that qualifications for admission be determined by use of candidate composite score uniformly calculated for each applicant

   b. Require that academic component of candidate composite score be weighted at no less than 60% of overall composite score (current USMA practice)

   c. Specify that candidate composite score shall include candidate's standardized test score (part of the academic component) weighted at

no less than 45% of the overall composite score (current USMA practice = 46%).

d. Limit weighting of any subjective component of candidate composite score to 10% of the overall composite score.

e. Require candidate composite scores be used to determine order of merit.

f. Prohibit consideration of race and ethnicity in computing candidate composite score, evaluating candidates, or selection for appointment.

5. **Reporting requirements:**

a. Require Service Secretaries to report to House and Senate Armed Services Committees annually, by Oct. 1, regarding the preceding admissions cycle:

1) The established minimum candidate composite and college entrance examination rank ("CEER") scores used in such cycle, and

2) All waivers of such minimum candidate composite score and/or CEER score for each appointee, including each such waived appointee's candidate composite score and CEER score, a brief explanation of the reasons for such waiver, the category of appointment under which each such appointee was appointed (and if congressional, the type of slate that nominated the waived appointee).

b. Require Service Secretaries to report to House and Senate Armed Services Committees annually by Oct. 1, for each of the prior four years' waived appointees, the status of each waived appointee, including

1) Whether still at the Academy

2) Circumstances of any waived appointee's departure

3) Cumulative academic GPA and military GPA

4) Any major conduct or honor violations

5) Any remedial measures undertaken

6) Any other noteworthy information (positive or negative)

Additional Appointee statutes – 10 USC 7443, 8456, and 9443

1. Clarify eligibility for consideration to include all qualified, nominated candidates

2. Incorporate by reference to the primary statutes (10 USC 7442, 8454, and 9442, respectively) the provisions that specify requirements for calculation and use of candidate composite score.

3. Prohibit consideration of race and ethnicity in any component of the candidate composite score, in evaluation of candidates, or in selection for appointment.

4. Require Service Secretaries to report to House and Senate Armed Services Committees annually, by Oct. 1, regarding the preceding admissions cycle:

a. the candidate composite scores and CEER scores of the ten candidates appointed as either Additional Appointees or Superintendent nominees who had the lowest candidate composite scores,

b. the total number of qualified and nominated (by any source), but not selected, candidates, and

c. the candidate composite scores and CEER scores of the ten qualified and nominated candidates having the highest candidate composite scores and who were not selected for appointment.

WHAT THE AMENDMENTS WOULD NOT DO

- **Not change how Members nominate candidates.** Members would retain the option to nominate a principal candidate and ranked alternates, **entirely w**ithin the Member's discretion, and the academy would have to accept the principal nominee if minimum qualification criteria are met (no change). Members could, instead, still use either of the other two statutory nomination slate options (principal/unranked alternates and unranked/competitive), neither of which would be changed.

- Not affect minority outreach recruiting. Targeted "minority outreach" recruiting is happening now at the academies (has been only somewhat successful because of competition from civilian schools), and it would continue, unaffected by this legislation.

- Not send any message that minorities are "unwelcome." To the contrary, the message is

  - (1) "equal opportunity and racial neutrality"

  - (2) within most appointment categories, the best-qualified as determined by the academies' uniformly applied metric will be selected, and

  - (3) within two appointment categories, the academies would retain flexibility to select some candidates not in merit rank order.

- Not prevent the academies from considering a candidate's background, such as hardships that have been overcome, deprivations of opportunities, etc., when evaluating applicants' character/leadership, intellect and fitness. They do so now, with mechanisms to award extra points for such factors. That would continue, except that race and ethnicity could no longer be used as a surrogate marker for such considerations.

- **Not end racial/ethnic diversity or admission of recruited athletes.** Many minorities and recruited athletes gain admission based on merit undiluted by identity preferences. In addition:

  (1) There would still be some out-of-merit-order appointments available for recruited athletes (all races),

  (2) "Prep School" programs would continue to operate for the benefit of marginally qualified candidates (all races), including recruited athletes, leading to appointments (85 in the reserve enlisted category, plus others in regular enlisted (maximum 85), Superintendent (maximum 50) and Additional Appointee categories) for those who successfully complete the prep school programs.

  (3) percentage of recruited athletes in each entering class (currently 20-23%, far exceeding percent of college freshmen admitted on athletic scholarships) would be only somewhat reduced.

- **Not diminish opportunities for women.** Opportunities for well-qualified women would increase, data for one academy show. Well-qualified women applicants who desire to serve have been displaced by lesser qualified, "preferenced" candidates. Increasing the Qualified Alternate appointment category (which is merit-based and for the entire qualified and nominated candidate pool) from 200 to 300 would result in more of those well-qualified women being admitted.

- **Not conflict with the *SFFA v. Harvard* decision.**[3] Footnote 4 in the court's opinion acknowledged that DOD in its amicus brief and at oral argument had claimed the existence of "distinct interests" for the academies that, if proved and shown to be a compelling governmental interest, might justify exemption from constitutional compliance.[4]

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3 In *SFFA v. Harvard/UNC*, 600 U.S. ___ (2023), the court said, regarding the use of racial classifications,

- The "core purpose of the Equal Protection Clause" is "do[ing] away with all governmentally imposed discrimination based on race." (slip op. 14)
- "Eliminating racial discrimination means eliminating all of it." (slip op. 15)
- "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." (slip op. 16)
- "[r]acial discrimination is invidious in all contexts" (slip op. 22)
- "race … may not operate as a stereotype." (slip op. p.27)
- "One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities." (slip op. 29)
- "'[a]t the heart of the Constitution's guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class." (slip op. 32)
- Using racial classifications to achieve racial demographic balance must be rejected as illegitimate because otherwise, "'race will always be relevant … the ultimate goal of eliminating race as a criterion will never be achieved.'" (slip op. 32)

4 Footnote 4 reads: "The United States as *amicus curiae* contends that race-based admissions programs further compelling interests at our Nation's military academies. No military academy is a party to these cases, however, and none of the courts below addressed the propriety of race-based admissions systems in that context. This

- The court also noted that the academies were not parties, and their contentions had not been reviewed by the lower courts.

- It concluded, therefore, that whether DoD's claims of any "potentially distinct interest" has been proved to amount to a compelling governmental interest would not be addressed in its opinion.

- SFFA was thus not a decision on the merits regarding the academies' claimed, compelling governmental interest defense. (Merits rulings in SCOTUS cases are not made in footnotes). Claims to the contrary are misinformed.

- The amendments thus do not conflict with SFFA; to the contrary, their enactment would be wholly consistent with the extensive reasoning that the court articulated in SFFA and would require the academies to operate in compliance with constitutional equal protection, just as all civilian colleges and universities (including those having ROTC programs), now must do.[5]

DISCUSSION

"Blurred … focus on character and intellect". The SAs exist to produce well-educated leaders of character for the armed services. Since their founding, emphasis on "character and intellect" has been paramount, discussed at length (for USMA) in the seminal work ***Carved from Granite,*** written by BG Lance Betros USA (ret.), former USMA History Department Head and, after retirement, Academic Provost at the U.S. Army War College.[6]

Meticulously documented, General Betros' work explains the dramatic evolution of West Point's academic, military and physical programs since 1902 "to a high level of excellence" and admissions process reforms' "raising the overall quality of the Corps of Cadets." He then documents that in the years after the 1976 cheating incident, the "positive changes were **compromised … by systemic problems** that grew increasingly worse … most evident in the areas of governance, **admissions and intercollegiate athletics**" (emphasis added).

He writes that these problems "**blurred the Academy's focus on character and intellect as the key developmental goals,**" adding that "**until these problems are remedied, [West Point] will operate below its potential as a leader development institution for the army and nation**" (emphasis added).

Regarding intercollegiate athletics, he explains how admissions standards are lowered for many recruited athletes (who in recent years have comprised 20-23% of each academy's entering class). He then observes **"every shred of evidence indicates that deemphasizing intercollegiate athletics would raise the quality of the Corps of Cadets and keep West Point graduates in the army longer and at higher rank"** (emphasis added).

He continues, "A second problem resided in **the admissions system, which allowed a large number of lower-quality applicants to enter West Point and thus displace more-qualified applicants"** (emphasis added).

Concluding with a plea to future academy leadership, he writes, "**If West Point is to continue its past success, if it is to produce even better officers in the future, there is no surer way than to focus on character and intellect"** (emphasis added).

The problems with SA admissions have gone uncorrected because (in part) BG Betros' admonition regarding the need for renewed emphasis on character and intellect has received, if anything, mostly lip service. But unquestionably, continuation of the quality problems has been facilitated by the admissions statutes having been ignored for decades while the academies have perfected their exploitation of gaps and ambiguities in those statutes. Congress now has an opportunity to update the admissions statutory framework and to *require* renewed emphasis on

opinion also does not address the issue, in light of the potentially distinct interests that military academies may present." *Id.*, slip op. at 22.

5 The termination of using racial classifications at the service academies would, in fact, be *consistent with* the principles and reasoning forcefully enunciated by the Court (see footnote 3, *supra*). Enactment as written would statutorily prohibit DoD's arguably unconstitutional activity and thus moot the constitutional question of whether DoD can prove a "compelling governmental interest" sufficient to warrant exemption from constitutional compliance. The pending lawsuits against USMA and USNA would likely, therefore, be dismissed.

6 *Carved from Granite – West Point Since 1902*, Lance Betros (BG, USA ret.), former Professor USMA, former Provost, Army War College, Texas A&M University Press, 2012, pp. 301-316.

character and intellect for all the academies, increasing use of merit (as measured by candidate composite score) in admissions decisions and, through greater transparency, assuring compliance with that commitment and more effective candidate and public awareness.

Preferences' harmful consequences require remedial action. Race-based preferences in SA admissions are an intolerable moral hazard. They unarguably violate Military Equal Opportunity policy.[7] Unless the dubious and ideologically driven claim that they are a "national security imperative" can be proven as a defense to constitutional compliance (very unlikely), they violate constitutional equal protection.[8] But the hazard is not merely moral, regulatory and legal in nature. It also has real world consequences.

Incremental differences in leader quality in the military can mean the difference between mission success or failure and warfighters' life or death. Ambiguities on the battlefield, where information is incomplete, leaders are under fire, and the tactical situation often requires instantaneous decisions, make sound decision-making in combat among the most difficult leadership challenges anywhere. Leaders with, among other things, high character and intellect are a critical necessity under such circumstances.[9]

Accordingly, **practices that diminish leader quality also violate a trust owed to our warfighters and to the American people**. It is the Nation's moral and professional obligation to provide warfighters with the "best-qualified" leaders available, always, not just some of the time. Diluting leader quality with identity preferences is thus an unacceptable failure with real-world consequences.

DoD disingenuously has claimed that it does not lower standards when using identity preferences under the guise of "Inclusion." Available data regarding service academy admissions (proving the rejection of substantial numbers of candidates with far superior qualifications to facilitate admission of marginally qualified "preferenced" candidates), however, indisputably exposes that ideologically-driven pretense as demonstrably false.

Our warfighters need and deserve the best-qualified leaders. The SAs' mission is to provide them. But, as BG Betros documented, and as recent data confirm, West Point, and very likely USNA and USAFA, are not admitting the best-qualified candidates in too many instances. This legislation would require the academies to correct that shortcoming and to provide transparency to Congress to ensure that those corrections will endure.

The policy questions inherent in whether DoD should be prohibited from using racial preferences are within Congress' Article I, Section 8 powers to regulate the military forces. Congress was expressly delegated such powers and has the right and obligation to exercise them in this context.

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7 See footnote 2, *supra.*

8 See footnotes 3 and 5, *supra*; GEN. Arthur Brown and Gen. Ronald Fogleman, "Racial Preferences At Our Service Academies Are Not Essential To National Security," Mar. 3, 2023, https://thefederalist.com/2023/03/03/no-racial-preferences-in-the-military-dont-improve-national-security/; Gen. Ronald Fogleman and Claude McQuarrie, "No, Affirmative Action In The Military Doesn't Boost National Security, It Erodes It," The Federalist, Oct. 25, 2022, https://thefederalist.com/2022/10/25/no-affirmative-action-in-the-military-doesnt-boost-national-security-it-erodes-it/.

9 Four such leaders are Lt. Gen. Harold G. "Hal" Moore (USA ret., USMA '45, Distinguished Service Cross), Vice Admiral David B. Robinson (USN ret., USNA '63, Navy Cross), Brig. Gen. Robin Olds (USAF ret., USMA '43, Air Force Cross), Colonel Harvey C. Barnum, Jr. (USMC ret., Medal of Honor). These are but a tiny fraction of superior military leaders whose battlefield decisions, in great part due to their character and intellect, are well-documented to have accomplished missions that were in great jeopardy under extraordinarily difficult circumstances and, in the process, saved many American warfighters' lives.

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