

STARRS

 **CALVERT
TASK GROUP**



**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.

Col. Ron Scott, PhD, USAF ret, USAFA '73

PRESIDENT

719-482-5997 | mission@starrs.us

STARRS.US



**MACARTHUR SOCIETY
OF WEST POINT GRADUATES**

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

Col. Bill Prince, USA ret, USMA '70

PRESIDENT

321-514-7177

mission@macarthursociety.org

MacArthurSociety.org



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

Capt. Tom Burbage, USN ret, USNA '69

PRESIDENT

404-583-2664

honor@calverttaskgroup.org

CalvertTaskGroup.org

POSITION PAPER

Merit in the Military – Requirement of Equal Opportunity, Racial Neutrality and Exclusive Use of Merit in Military Personnel Actions

PROBLEM: DoD’s use of racial classifications and preferences in various military personnel actions became pervasive during the Biden administration. Their practices are well-concealed under the guise of “Inclusion.” DoD’s Instruction prohibiting them (by requiring that “service members are evaluated only on individual merit, fitness, capability and performance”) is either ignored or loosely interpreted to permit consideration of race.

- **Service Academies.** USMA has employed various practices that apply different admissions standards to fulfill class composition goals, some of which are race-based. Those practices result in admission of marginally qualified African American and Hispanic applicants and rejection of large numbers of significantly better qualified candidates as measured by the academy’s own metrics. Evidence exists indicating that USAFA and USNA engage in similar practices for similar reasons. Apart from the moral hazard that attends use of these practices, multiple data sources indicate that the predictable result - lower performance (academic and military) and lower graduation rates for the “preferenced” candidates - is the result.
- **USAF UPT and other DoD school program** selections have been influenced by identity characteristics, sometimes ignoring regulations that were issued precisely to prevent discrimination.
- **Command selection.** Command selection programs (e.g., the Army’s Battalion Command Selection Program (BCAP) have quietly used racial preferences in the name of “Diversity and Inclusion.”
- **Promotion boards.** Based on multiple reports of use of race in DoD promotion boards for many years prior to the Biden administration, it is likely that such practices have continued.

ADVERSE IMPACT:

These and other uses of racial preferences are divisive, weaken morale, undermine unit cohesion, lower leader quality, erode trust, and reduce combat effectiveness.

SOLUTION:

The urgently needed solution is an express legislative ban on the consideration of race in military personnel actions. Consideration of race is statutorily prohibited in federal civilian personnel actions. However there is no statutory prohibition for race-based discrimination in military personnel actions, and DOD Instructions and other Directives have proven inadequate to deter such misconduct. Efforts at such legislation failed in FY ’24 and FY ’25 NDAA’s.

ACTION:

Proposed legislation expressly prohibiting consideration of race in all military personnel actions will be presented to various Members for inclusion in FY 2026 NDAA base bills. For more detailed information, see detailed discussion in Appendix.

POC for Service Academy Admissions Reform and Merit in the Military:

Claude M. McQuarrie III, USMA ’72
cmm3rd@gmail.com
832-423-0829

APPENDIX

FY '26 NDAA Merit in the Military – Requirement of Equal Opportunity, Racial Neutrality and Exclusive Use of Merit in Military Personnel Actions

GENERAL

There is an urgent need to enact legislation that would prohibit the use of race and ethnicity in DoD military personnel actions. To be effective, the statute's prohibition must be explicit. The political environment is now conducive to such legislative action. This document explains that need, proposes such legislation and discusses its provisions.

PROPOSED STATUTE

Military Personnel Actions.

- (a) **Merit Requirement.** All Department of Defense military personnel actions, including accessions, promotions, assignments, command selection, and military and civil schooling selection and training, shall be based exclusively on individual merit, fitness, capability, and performance.
- (b) **Consideration of Race Prohibited.** Consideration of an individual's race, ethnicity, or national origin in all personnel actions is prohibited.
- (c) **Tasking of Specific Missions.** This section will not be construed to prohibit tasking for specific, unconventional missions in foreign countries, where the anticipated ground operating environment of indigenous populations may justify consideration of race, ethnicity or national origin when tasking for the mission to optimize mission success.
 - (1) Taskings using consideration of race, ethnicity or national origin under this subsection will be approved only for specific missions and training for such specific missions.

- (2) Such taskings require approval by the combatant commander.
- (3) Any such tasking under this subsection will be reported to the House and Senate Armed Services Committees within 60 days. The report will include a description of the mission, the mission's location and duration, the staffing of the mission, the demographic factors warranting the tasking, the number of personnel involved (including their rank, position, and race/ethnicity/national origin), and the rationale for the tasking.

BRIEF COMMENTS

Subsection (a)'s proposed language in part tracks part of [DODI 1350.02, para 2.8\(a\)\(3\)](#) ("Service members are evaluated only on individual merit, fitness, capability and performance.") Also, it encompasses *all* categories of personnel actions where it is known or believed that racial preferences are occurring.

Subsection (b)'s express prohibition against consideration of race, et al, is necessary because without it the statute would be ineffective. DODI 1350.02, para 2.8(a)(3) currently requires evaluation of service members "only on individual merit, fitness, capability, and performance." That DODI is regularly ignored (discussed below). Absent a statutory, express prohibition against use of race, et al (as in Title VI and VII), it would be argued that words like "merit" and "capability" permit consideration of an individual's attending circumstances, including race, so that use of racial preferences could continue in future administrations. An express, statutory prohibition would eliminate any such interpretation.

Subsection (c)'s exception for specific mission tasking in only certain types of missions anticipates an objection based on certain tactical concerns and provides a narrow exception, with high level command approval and reporting to Congress of each such instance.

DoD's tasking needs for special, ground missions where the indigenous population in the tactical environment may require consideration of race or ethnicity are legitimate and should be accommodated. They do not justify, however, widespread disregard of constitutional equal protection throughout DoD and use of racial preferences in personnel actions generally.

DISCUSSION

Subsection (b)'s express prohibition would add clarity and serve the following goals:

1. Prohibit DoD-wide use of race-based preferences in military personnel actions, which (because they are concealed) is a bigger problem than is realized; racial preferences in DoD civilian personnel actions are already statutorily prohibited.
2. Prohibit use of race-based preferences in service academy admissions, rendering ongoing litigation against DoD, USMA and USNA moot.
3. Codify prohibition of racial discrimination in military using a separate statute, leaving in place existing enforcement mechanisms, not relying on Titles VI and VII.
4. Demonstrate Congressional intent, once and for all rejecting DoD's far-fetched, contrived argument that racial preferences and pursuit of officer-enlisted racial demographic parity are essential to national security and thus a "compelling national interest" sufficiently strong to justify suspension of enforcement of constitutional guarantee of equal protection
5. Eliminate need to litigate DoD argument set forth in item 4 (above), attendant delay, cost and uncertainty of result.

6. End identity-based preferences (that are vaguely disguised as "Inclusion" practices)..
7. Align service academy admissions practices to same Equal Protection requirements that all other U.S. colleges and universities must now observe, and that a [substantial majority of Americans favor](#) and a [plurality of Black Americans support](#).
8. Help restore military cultural imperatives including undiluted merit, colorblindness and selflessness, improving morale, unit cohesion, and combat effectiveness.
9. Accommodate DoD's need in specific, unconventional mission tasking to consider race, ethnicity and/or national origin when special characteristics are needed due to the anticipated tactical operating environment in some foreign countries. Doing so with a specific and narrowly worded exception accommodates the need and deters abuse.
10. Help restore public confidence in military resulting from alignment with Constitution and elimination of racial preferences (as favored by the public).
11. Help relieve recruiting crisis by restoring military cultural appeal to those who value equal opportunity, "colorblindness," and merit undiluted by racial preferences.
12. Enable stronger congressional oversight of DoD personnel management practices.

Racial preferences now pervasive. DoD's use of racial classifications and preferences has become pervasive. They are well-concealed and undeterred by [DODI 1350.02, para 2.8\(a\)\(3\)](#), Military Equal Opportunity Program. DoDI 1350.02 unequivocally requires that "service members are evaluated only on individual merit, fitness, capability and performance."

But DoD routinely ignores that regulation, apparently because it does not explicitly "prohibit" consideration

of race and the term “individual merit” is interpreted too broadly. Subsection (a), alone, would codify part of that regulation. DoD has demonstrated, however, that it would evade that requirement by liberally construing “individual merit” unless specifically also commanded by statute not to consider race.

In accessions (and similar to Harvard and UNC), West Point uses [“Class Composition Goals” \(see file p. 59\)](#). These “goals” include percentages for specific racial categories (one for “African Americans” and one for “Hispanics,” among others) that are tracked throughout the admissions cycle.

Certain admissions practices (e.g., restricting issuance of Letters of Assurance early in the admissions cycle to certain applicants, including by race) that advantage certain classifications of applicants and disadvantage others are used to help fulfill these goals. Differing application of standards in admissions determinations, including out-of-order-of-merit selection for certain classifications of applicants, including race, also helps fulfill them.

These practices are, at USMA, expressly (in writing) permitted for the stated objective of helping to “balance diversity.”

As a result, applicants having higher (sometimes significantly higher) Whole Candidate Scores (per West Point’s application scoring system) are rejected to facilitate admitting “preferenced,” lower scoring applicants (because of their race) to fulfill racial composition goals for the overall purpose of “balance” in racial diversity.

In contrast to the above facts, DoD described deceptively the academies’ relevant admissions practice in [the United States’ amicus brief in Harvard/UNC](#). The practices were claimed to consist of the consideration of race as just one of “many other qualities” (U.S. br. at 12), when they “employ holistic recruiting and admissions policies that consider race—along with many other factors—in an individualized review of applicants” or use “limited consideration of race in a holistic admissions system ... necessary to achieve the educational and military benefits of diversity.” (U.S. br. at 17).

Those representations were demonstrably false and misleading in multiple ways. While the academies do an outstanding job of gathering, and scoring, information that facilitates evaluating the whole person, the holism stops when admissions decisions are made for certain appointment categories. At USMA (and likely USNA and USAFA), widely varying candidate composite score thresholds, by race, have been used for LOA (early admission) eligibility. White and Asian males are severely disadvantaged by those practices. Appointments in two statutory appointment categories totaling over one fifth of each class have been generally reserved for recruited athletes (all races) and certain minorities. White and Asian candidates who are not recruited athletes have been generally excluded from competing for those appointments, resulting in significantly better qualified white and Asian candidates being rejected in large numbers to facilitate admission of marginally and sometimes poorly qualified diversity and recruited athlete candidates.

USAF UPT and other DoD school program selections have been influenced by identity characteristics, sometimes ignoring regulations that were issued precisely to prevent such discrimination.

The Air Force has used race and gender-based classifications in its Rated Diversity Improvement Strategy (RDI) program, wherein it deliberately advanced women and minorities in the Undergraduate Pilot Training pipeline (ahead of white males, who must wait longer for a training slot) in an effort to accelerate the numbers of women and minority pilots. Program managers were told such practices are lawful and they must compose UPT classes considering race and gender, disadvantaging white males.

The Army directed applicants in 2021 to submit Funded Legal Education Program (“FLEP”) selection board packets without redacting race and gender information in direct violation of a written directive requiring redaction.

The FLEP board results suggested that such prohibited information influenced the selection process, in violation of AR 600-20, paras, 6-1(a) and 6-2(b); DODI 1350.02, para 2.8(a)(3), and the 2011 Army Chief of Staff’s written Equal Opportunity and Discrimination Policy.

The last of those states the Army's EO policy is "based solely on merit" et al ... and "right to participate in and benefit from programs for which they are qualified without regard to race, color, gender ..." "Soldiers will not be accessed, classified, trained, assigned, promoted or otherwise managed on the basis of race, color, gender, religion, or national origin, except as required by Federal law. *Such discriminatory behaviors and practices undermine teamwork, loyalty and the shared sacrifices of the men and women of America's Army.*" (emphasis added)

Command selection. The Army's heralded Battalion Command Assessment Program (BCAP), a 4 ½ day process by which candidates for battalion command are thoroughly tested and evaluated, according to two, independent reports by persons with knowledge, has used what function as racial quotas, whereby after compilation of scores, higher scoring candidates were passed over when necessary to allow selection of lower scoring candidates by reason of race.

Preferences' harmful consequences. These and similar race-based, personnel practices are divisive, erode morale, and undermine trust. They [are antithetical to and weaken the selfless, colorblind warrior culture, undermine unit cohesion and compromise combat effectiveness](#), violate Equal Opportunity policy and constitutional equal protection.

Were they to be used regarding DoD civilians, they would violate a federal statute (Title VII). But, there is no similar federal statute preventing such practices being used regarding military personnel. A statute to fill that vacuum is urgently needed to end (and prevent in the future) such practices, particularly in light of the harmful consequences to the military, not the least of which is reduced leader quality and resultant compromise of combat effectiveness.

Incremental differences in leader quality in the military can mean the difference between mission success or failure and warfighters' life or death. Accordingly, these practices and others like them also violate a trust owed to our warfighters and to the American people. It is our moral and professional obligation to provide our warfighters the

"best-qualified" leaders available, always, not just some of the time. Diluting leader quality with identity preferences, even once, is a moral failure that should be intolerable.

But, at DoD leadership's direction—spurred by ideological commitment to "Diversity and Inclusion"—identity preferences' displacement of merit has become routine,

- disregarding the requirement of constitutional equal protection (and thus violating leadership's oath to "bear true faith and allegiance to the" Constitution),
- denying/concealing preferences' use and blind to the resulting erosion of trust
- ignoring preferences' many deleterious cultural effects
- indifferent to preferences' denial of equal opportunity/basic fairness,
- heedless of preferences' inherent moral hazard, and
- oblivious to preferences' negative secondary consequences (e.g., lowered leader quality and compromised combat effectiveness) for individual warfighters.

DoD's claim. DoD has used preferences in obsessive pursuit of its goal of officer-enlisted racial demographic parity, claiming that the percentages of specified minorities in the officer ranks must approximate those in the enlisted ranks. It also asserts that there must be racial demographic parity between the officer corps and the national population. DoD has used phrases such as "critical officer diversity" and "strategic imperative" to justify its use of racial preferences at the service academies and by colleges having ROTC.

The Air Force explicitly set percentage goals for increasing the numbers of women and minority pilots, claiming such efforts to increase diversity would "result in a more lethal Air Force to retain our competitive advantage."

Notably absent, however, is evidence to support claims (which is DoD's burden to prove) that such balancing is necessary to make our military combat-effective or that increasing diversity in the rated officer (pilot) groups

would make the Air Force more combat effective. These goals, however well-intentioned, are founded on a theory—racial balancing—that the Supreme Court has uniformly rejected as “patently unconstitutional” in every context in which it has been raised.

Finally, 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, however, indisputably exposes that pretense as demonstrably false.

Remedy infuses constitutional equal protection. *Expressly prohibiting* consideration of race would end this subterfuge once and for all. It would codify for DoD’s observance the constitutional mandate of equal protection as meticulously explained by the Supreme Court in [SFFA v. Harvard/UNC](#). Equal protection of the law requires that citizen’s legal standing in all of society be “colorblind” in recognition of the fundamental principle that no person is of greater or lesser dignity or worth by reason of his or her race, and governments must scrupulously adhere to that principle in how they treat their citizens. The Court said:

- 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)
- “... Equal Protection ... applies ‘without regard to any differences of race, of color or of nationality’ – it is ‘universal in [its] application.’” (slip op. 15)
- “[T]he guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. [cit. omitted] If both are not accorded the same protection, then it is not equal.” (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)
- “[R]ace may never be used as a ‘negative’” (slip op. p. 27)
- “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)
- “[O]utright racial balancing’ is ‘patently unconstitutional.’” (slip op. 32)
- “[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)
- Rejecting the legitimacy of using racial classifications to achieve racial demographic balance, because “race will always be relevant ... the ultimate goal of eliminating race as a criterion will never be achieved.” (slip op. 32)

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.

DoD must be required to treat all service members equally, regardless of race, to conform to the Constitution and to optimize combat effectiveness. National security requires optimal leader quality, undiluted by preferences. Explicit, statutory prohibition against the consideration of race in military personnel actions is thus a national security—and moral—imperative.

POC:

Claude M. McQuarrie III, USMA ‘72
cmm3rd@gmail.com
832-423-0829



Col. Ron Scott, PhD, USAF ret, USAFA '73

PRESIDENT

mission@starrs.us | 719-482-5997

STARRS.US



MACARTHUR SOCIETY
OF WEST POINT GRADUATES

Col. Bill Prince, USA ret, USMA '70

PRESIDENT

mission@macarthursociety.org | 321-514-7177

MacArthurSociety.org



Capt. Tom Burbage, USN ret, USNA '69

PRESIDENT

honor@calverttaskgroup.org | 404-583-2664

CalvertTaskGroup.org