



MLDC Research Areas

Definition of Diversity
Legal Implications
Outreach & Recruiting
Leadership & Training
Branching & Assignments
Promotion
Retention
Implementation & Accountability
Metrics
National Guard & Reserve

This issue paper aims to aid in the deliberations of the MLDC. It does not contain the recommendations of the MLDC.

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How Did the Military Leadership Diversity Commission Come About?

Abstract

Drawing on the sparse documents available, this issue paper discusses the establishment of the MLDC, from its origins in the thinking of four members of the House of Representatives, to its inclusion in the House version of the 2009 Defense Authorization Bill, to its final amended form in the legislation that passed on September 27, 2008, ending with the expansion of its membership in the 2010 Defense Authorization Bill. The legislation grew from a series of meetings held between the Congressional Black Caucus and military leaders. Our review indicates that the impetus behind the MLDC was a desire to increase minority representation among general and flag officers. However, the legislation broadens the scope beyond demographic diversity by charging the commission to create a uniform definition of *diversity* and by leaving the scope of the commission's recommendations wide open.

The Military Leadership Diversity Commission (MLDC) was established by Congress in late September 2008 as a Federal Advisory Commission in Public Law 110-417. This paper provides background on the intent of Congress in establishing the commission and on the legislation that created the MLDC. Official documentation on this issue is sparse, and we could find no recorded debate. Thus, we draw on statements in the Congressional Record and on other communications from members of Congress who were instrumental in passing the legislation. Pertinent speeches and press releases by members of Congress are included as an appendix.

What Was Congress's Intent in Creating the MLDC?

The underlying motivation for creating the MLDC can be found in the following

statements from 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:

Since October 2007, Members of the Congressional Black Caucus (CBC) have held a regular series of meetings chaired by Congressman Kendrick B. Meek (D-FL) with the military's civilian leadership, the Joint Chiefs of Staff and senior military commanders to discuss ways to increase diversity within the senior officer corps and expand the JROTC [Junior Reserve Officer Training Corps] program.¹

"Just as our military looks like America, so too must our general officers. If minorities are asked to go into harms [sic] way, they must be allowed to lead as well," said House Majority Whip James E. Clyburn (D-SC). "A military that is proportionally representative of all races, cultures, and ethnicities increases the readiness and efficiency of our fighting forces."

"The truest melting pot in our society exists aboard aircraft carriers, in barracks and on bases. Mess halls and exchange service stores, shooting ranges and training facilities are portraits of diversity," said Congressman Kendrick B. Meek (D-FL). "But in the officers' clubs, a much different picture emerges. The diversity reflected within the enlisted ranks is lacking within the senior officer corps. The Joint Chiefs of Staff engaged in a series of serious and productive conversations with the CBC

and to everyone's credit, ideas on how to achieve diversity in the senior officer corps are resulting in real action."

"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," said Congressman Elijah E. Cummings (D-MD). "The brave service members who volunteer to serve our country—whether men or women, black or white—deserve better, and for the sake of our country, we can and must do better."

"African Americans and women have served this country in the armed services in some capacity since the Revolutionary War. It is time we ensure they have opportunities to continue this commitment throughout all levels of our military," said Congressman Hank Johnson (D-GA). "I was proud to work with Representatives Meek, Cummings, and Castor to add language to the Defense Authorization bill to do just that. . . ." (House Armed Services Committee approves senior military officer diversity commission, 2008)

How Did the MLDC Become Law?

The language establishing the MLDC was offered as an amendment to the Defense Authorization Bill by Congressmen Kendrick Meek and Elijah Cummings on May 13, 2008; it passed on May 15, 2008, in the form of H.R. 5658, Section 595, Senior Military Leadership Diversity Commission. As further amended in the House and sent to the Senate, the bill listed 11 areas of study (each of which later became part of the charter), assigned 25 members, and included the Coast Guard as well as the Army, Navy, Air Force, and Marine Corps in its scope and membership. The original 11 areas of study were

- (A) The efforts to develop and maintain diverse leadership at all levels of the Armed Forces.
- (B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.
- (C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools.
- (D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.
- (E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O-5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(H.R. 5658, Section 595, 2008)

The Senate's counterpart bill did not contain a provision to create the MLDC.² When the two bills were reconciled, the provision for the MLDC was included as Section 596 in the Senate's amended bill.³ The Congressional Record does not contain debate on the MLDC from either the House or the Senate. Also, there are no available committee hearings that might have contained debate on this provision.

On September 27, 2008, the Senate passed the final version of the bill, which included Section 596. The final bill made some changes to the House version. It changed the general description of the commission's duties to specify promotion as well as advancement and to emphasize "including minority members who are senior officers" (P.L. 110-417, Section 596). It also added one commissioner (an attorney) and the following five new tasks:

- (L) The development of a uniform definition, to be used throughout the Department of Defense, of diversity that is congruent with the core values and vision of the Department for the future workforce.
- (M) The existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.
- (N) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic- and gender-specific members of the Armed Forces at the levels of warrant officer, chief warrant officer, company and junior grade, field and mid-grade, and general and flag officer.

(O) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar offices of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(P) The options available for improving the substance or implementation of current plans and policies of the Department and the military departments. (P.L. 110-417, Section 596)

Although the new version included warrant officers in task (N), it did not explicitly include enlisted leadership anywhere in the commission's tasking. A retired noncommissioned officer from each Department of Defense (DoD) Service was included in the membership, however. The Coast Guard representation included either a commissioned or non-commissioned officer on active duty.

A further amendment, introduced by Congressman Cummings on June 25, 2009, proposed to include the Reserve and the National Guard in the commission's membership and scope. Congressman Cummings said,

My passion is to ensure that our armed services are representative of America and that the leadership pipeline reflects our Nation's diversity. And this amendment simply ensures that when the study and composition of this Commission is formulated, that the National Guard and Reserve components are included.

No component should be left behind in the DOD's shift to increase diversity in the Armed Forces. We can and we must do better for the sake of future gender- and ethnic-specific groups that will join the ranks to ensure minority representation, leadership and promote equality. (Congressional Record, 2009)

With this amendment, the MLDC became representative of all components of the U.S. armed forces. The provision was included in the Fiscal Year 2010 Defense Authorization Act, which was signed by the President on October 28, 2009. It added the following six new members to the commission, bringing the total to 32:

- A commissioned officer from the National Guard and a commissioned officer from the Reserves, each of whom serves or has served in a leadership position with either a military department command or combatant command
- A retired general or flag officer from the National Guard and a retired general or flag officer from the Reserves
- A retired noncommissioned officer from the National Guard and a retired noncommissioned officer from the Reserves. (P.L. 111-84, Section 594, 2009)

Summary

The focus on demographic diversity is apparent from the law's description of the commission's work: "a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces, including minority members who are senior officers" (P.L. 110-417, Section 596). The expanded membership of the commission makes clear that the definition of *armed forces* is comprehensive and includes the active-duty and Reserve Components of the military departments and the Coast Guard.

On the other hand, the legislation broadens the scope beyond demographic diversity in several ways. First, the law does not define *diversity*. Instead, task (L) charges the MLDC to develop its own definition, which will be used throughout DoD. Second, the legislation directs that the MLDC's final report include "such other information and recommendations as the commission considers appropriate" (P.L. 110-417, Section 596). Thus, the path is open for the commission to look beyond demographic diversity in its studies, deliberations, and recommendations.

Notes

¹See the appendix at <http://mldc.whs.mil> for press releases on these meetings (2007, Oct. 3 and Oct. 16).

²Senator Benjamin Cardin (D-MD) was unable to get either a vote on or unanimous agreement to include an amendment on the MLDC in the original Senate bill (Congressional Record, 2008, September 17).

³In lieu of a conference committee, the bills were reconciled through agreements reached during an informal conference between the managers of the bill in the House and the Senate (Congressional Record 2008, September 23).

References

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P.L. 110-417, Section 596. (2008, October 14). Military Leadership Diversity Commission.

P.L. 111-84, Section 594. (2009, October 28). Expansion of Military Leadership Diversity Commission to include Reserve Component representatives.