



# DISCRETIONARY INJUSTICE

How Racial Disparities in  
the Military's Administrative  
Separation System Harm  
Black Veterans



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## ABOUT CVLC AND THE VETERANS INCLUSION PROJECT

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The Connecticut Veterans Legal Center (CVLC) is dedicated to removing legal barriers to housing, healthcare, and income for veterans recovering from homelessness and mental illness. CVLC's vision is for all military veterans to live with adequate means, affordable healthcare, safe and secure housing, and peace of mind. As the first medical-legal partnership co-located at a VA facility, CVLC provides free legal services to low-income veterans and those recovering from homelessness and mental illness. Through its national policy arm, the Veterans Inclusion Project, CVLC litigates on behalf of veterans, reports on key issues, and builds the capacity of veterans and their advocates to remedy the unjust exclusion of veterans with less-than-fully honorable discharge statuses from veterans benefits.

## ACKNOWLEDGEMENTS

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CVLC thanks the many people who contributed their time and energy to this report. Alden Pinkham, Millie VandenBroek, Cara Cancelmo and Shannon Carter of Connecticut Veterans Legal Center authored this report. We owe a special debt of gratitude to Richard Brookshire and the Black Veterans Project for their insights at all stages of this project. We also thank the many individuals who reviewed and commented on drafts of this report and otherwise contributed to its creation, including Margaret Kuzma, Deepa Arora, Amy Rose, Yelena Duterte, Danya Keene, Becky Genberg, Caroline Fichtenberg, Francine Erfe, Neil Norohnha, Amanda Winer, Liam Brennan and Alison Weir. Additionally, we thank the veterans who brought these issues to our attention, in their legal matters and in conversation. It is an honor to serve those who serve our country.

November 2022

# EXECUTIVE SUMMARY

For over a century, military service has offered a path to middle-class life and economic security. Yet the publicly funded benefits of military service have enriched white veterans throughout history far more than veterans of color. The population-level analysis in this report demonstrates the existence of persistent racial disparities in the administrative separation system.\* The data show that Black veterans are much more likely than white veterans to bear the stigma of a less than honorable discharge.

Accordingly, Black veterans make up a disproportionate share of those former servicemembers whom VA presumptively excludes from VA benefits. Lack of access to benefits leaves veterans at higher risk for poverty, homelessness, and suicide, and can foreclose the pathway to economic stability. The effects go beyond economic stability and healthcare to create a racial disparity in how much honor, respect, and dignity our society offers its veterans of color and their descendants.

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\*Our analysis only identified a disparity between Black and white servicemembers. We also analyzed trends concerning other races and ethnicities, but the methods used by the military to collect race and ethnicity data limit possibilities for conclusive analysis regarding other racial groups, as discussed below at pp. 26–27.

As veterans' advocates who routinely represent veterans of color shut out from federal benefits due to their military discharge status, CVLC examined years of data on military administrative separations. We discovered clear evidence of racial disparity in the process. CVLC issued Freedom of Information

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Act requests to the Army, Navy, Air Force and Marines. Each request required that the service branch turn over five years of data, from 2014 through 2020, on the racial and ethnic makeup of administratively-separated veterans by discharge status.

In this report, we review the history of Black military service in order to contextualize the racial disparities that persist despite the military's longstanding efforts at desegregation and equal opportunity. We explain how the military separates veterans with less than honorable discharge statuses and describe the highly discretionary nature of

the administrative separation system: a system in which even minor misconduct can result in deprivation of veterans benefits. We explain how less than honorable discharges severely impede access to VA

benefits and healthcare. We detail the data we received and findings from that data, and we provide recommendations for steps the military, VA, and the government should take to address the issue.

## KEY FINDINGS

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Black servicemembers make up nearly 18% of separations in the armed forces, but received only 16.5% of the honorable discharges. However, they received over 25% of Other Than Honorable discharges, and over 30% of General discharges.

Black servicemembers overall—across all service branches—were approximately 1.5 times as likely as white servicemembers to receive an Other Than Honorable rather than Honorable discharge, and approximately twice as likely as white servicemembers to receive a General discharge.

The disparity in Other Than Honorable discharges was most pronounced in the Navy, where Black sailors were approximately 2.3 times as likely as white sailors to receive an Other Than Honorable discharge.

The disparity in General discharges was most pronounced in the Air Force, where Black airmen were approximately 2.5 times as likely as white airmen to receive a General discharge.

In the years 2014–2020, there was no discernable improvement over time in the racial disparities in discharge status.

# KEY RECOMMENDATIONS

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## THE DEPARTMENT OF DEFENSE (DOD) SHOULD:

- Standardize and improve its race and ethnicity data collection across all branches.
- Conduct a study to identify racial disparities in discharge status from WWII to the present.
- Track disciplinary actions at the unit level to identify and remedy disparities prior to separation.
- Create guidance for the Discharge Review Boards and Boards for Correction of Military Records so veterans have a meaningful opportunity to upgrade their discharge status in cases of racial bias.

## THE DEPARTMENT OF VETERANS AFFAIRS (VA) SHOULD:

- Rescind regulations that bar veterans from benefits based on less than honorable discharge status when not expressly required by law.
- Pending rescission, create guidance for VA character of discharge adjudicators to meaningfully consider potential racial bias as a factor leading to discharge status.
- With input from veterans of color, conduct outreach inviting less than honorably discharged veterans to seek benefits from VA.

## CONGRESS SHOULD:

- Enact reparations legislation to restore and compensate veterans who were unfairly shut out of veterans benefits due to discrimination and racial bias.
- Commission the Government Accountability Office (GAO) to study VA approvals and denials of veteran status for veterans who raise allegations of discrimination.
- Commission the GAO to study the Discharge Review Boards and Boards for Correction of Military Records practices when veterans request discharge upgrades on the basis of discrimination.



# A BRIEF HISTORY OF BLACK MILITARY SERVICE AND RACIAL BIAS IN THE ARMED FORCES

Asian, Hispanic, American Indian & Alaskan Native servicemembers, as well as those from other ethnic and racial groups, also have rich histories of military service. They have also experienced racial discrimination perpetrated by the U.S. government since the beginning of this country's history. For the purposes of this report, we chose to highlight the history of Black American military service, because the results of our data analysis showed a pronounced racial disparity in discharges of current Black servicemembers compared to white servicemembers, but no similar pronounced disparity with respect to other racial and ethnic categories. This likely stems from the wide-ranging inconsistencies in how the military has defined racial and ethnic groups across branches and throughout time. We lay out suggestions for improved data collection in the Discussion and Recommendations sections of this report.

## BLACK MILITARY SERVICE THROUGH WORLD WAR II

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Black, Indigenous, and other people of color have served in the United States military since the time of the American Revolution. A total of about 5,000-9,000 enslaved and free Black Americans, the majority from New England, volunteered or were drafted to serve in the Continental Army and Navy.<sup>1</sup> Even after their service, the military returned Black Revolutionary War veterans to those who enslaved them. In some cases, the U.S. Government denied war pensions to Black veterans who had fled from slavery to serve the cause of freedom.<sup>2</sup>

Black people, including those who were enslaved, also served during the War of 1812. As happened following the Revolutionary War, the government returned Black servicemembers to enslavement at the conclusion of their service.<sup>3</sup>

# VA BENEFITS HISTORY CONTEXTUALIZED

## Military History

## Civil Rights History

## VA Benefits History

- **1776** Continental congress creates pension for disabled veterans
- **1862** Congress authorizes Black service members to join Union Army
- **1863** Emancipation Proclamation
- **1866** Congress authorizes the creation of six permanent all-Black units in the Army
- **1914-1918** World War I: Veterans promised a future bonus payment
- **1932** WWI veterans march on Washington during the Great Depression for unpaid bonus
- **1944** Congress passes GI Bill of Rights — first iteration of current VA benefits system (education, home loan, and disability benefits)
- **1948** Executive Order — End of Segregation in the Military
- **1954** *Brown v. Board of Education*
- **1955** Vietnam War begins
- **1963** March on Washington
- **1966** Secretary of Defense McNamara's "New Standards Men" campaign sends disproportionate number of poor Black service members to combat in Vietnam
- **1968** Assassination of Dr. Martin Luther King Jr.
- **1968** Fair Housing Act
- **1968** In response to MLK assassination, white troops fly confederate flags and burn crosses on Vietnam bases
- **1972** Task force finds evidence of intentional and unintentional discrimination towards racial minorities in the military justice system
- **2013** Founding of Black Lives Matter Movement
- **2017** Protect Our Defenders Report reveals stark disparities in military justice system
- **2020** CVLC report shows stark disparities in Congressional nomination to military service academies
- **2022** Congress creates a naming commission to remove confederate names from Department of Defense property

During the Civil War, the Union Army did not officially accept Black soldiers until Congress authorized their service on July 17, 1862.<sup>4</sup> Approximately 186,000 Black Americans served in the Union Army as part of 16 segregated combat regiments, and some 30,000 served in the Union Navy.<sup>5</sup> Black soldiers fought for equal pay and rations, which Congress only agreed to in 1864.<sup>6</sup>

In 1866, Congress authorized the creation of six permanent all-Black units in the Army.<sup>7</sup> These “Buffalo Soldiers” were the first Black soldiers to serve in the U.S. Armed Forces during peacetime, allowing Black Americans the opportunity to pursue military service as a career.<sup>8</sup> Although the creation of these units guaranteed career opportunities, it also entrenched formal racial segregation as the norm in the armed services.<sup>9</sup>

The pressing need for additional manpower during World War I again drove the entry of Black individuals into the armed services, through racially separate “white” and “colored” draft calls, and Black soldiers made up 13% of all those conscripted.<sup>10</sup> Black servicemembers representing the United States abroad faced such animosity from white servicemembers and the American public that the military required some segregated Black units to fight under the flags of other nations—such as the 369th Infantry Regiment, which the U.S. Army assigned to the French Army during World War I.<sup>11</sup>

As the United States entered World War II, Black Americans created the “Double V” Campaign, calling for victory over fascism abroad and victory over racism at home.<sup>12</sup> The Selective Service Act of 1940 ostensibly allowed Black Americans to join the military

in numbers proportional to their representation in the country, provided for white and Black officers to train together, and established aviation training for Black officers.<sup>13</sup> The Army, however, maintained a quota restricting the recruitment of Black soldiers to less than 10% of total recruits.<sup>14</sup> Rather than integrated training, the War Department maintained segregated training and unit assignments.<sup>15</sup> As a result, the

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IN LESS-PRESTIGIOUS ROLES.**

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Army and Navy concentrated Black servicemembers in less-prestigious roles.<sup>16</sup> In 1945, at peak World War II manpower strength, Black servicemembers comprised 7.2% of the total military force, but represented only 0.6% of officers.<sup>17</sup> The Army prohibited Black officers from commanding white officers in the same unit, yet placed white officers in command of all-Black units.<sup>18</sup>

## **INTEGRATION OF THE ARMED FORCES**

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In 1948, with Executive Order 9981, President Truman ordered all the military branches to end segregation, formally creating equal opportunity under the law for all servicemembers regardless of race.<sup>19</sup> However, desegregation and expanded opportunity did not

occur overnight. Several all-Black active-duty units remained in place until 1954, and in some areas, the Reserves and National Guard remained segregated or closed to Black entrants into the 1960s.<sup>20</sup> The Marine Corps restricted Black marines to certain occupational roles until 1962.<sup>21</sup>

During this period, military leadership began to pay increasing attention to claims of racial discrimination within the military justice system. After the military thwarted the NAACP's efforts to investigate racial discrimination in courts martial during the two World Wars, General Douglas MacArthur granted Thurgood Marshall permission to travel to Japan and Korea to investigate racial

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**ALTHOUGH BLACK SERVICEMEMBERS  
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disparities in the military justice system during the Korean War.<sup>22</sup> In 1951, Marshall issued his report to the NAACP's executives, detailing gross human rights violations, including life sentences for trials lasting less than an hour and soldiers granted no more than 15 minutes to converse with their attorneys.<sup>23</sup> Although there were four times as many white soldiers as Black soldiers in the 25th Division of the U.S. Army, twice as many Black soldiers as white soldiers were subjected to courts martial.<sup>24</sup>

## VIETNAM THROUGH THE 1980s

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The onset of conflict in Vietnam required more troops. In 1966, Secretary of Defense Robert S. McNamara created an initiative to reduce the standards for recruitment.<sup>25</sup> His "New Standards Men," were disproportionately Black and poor, and over half deployed to Vietnam.<sup>26</sup> Statistics from the early years of the war show that Black service-members were overrepresented in both combat roles and combat deaths.<sup>27</sup>

The Vietnam War was the first major military conflict following the integration of the armed forces as well as the first following the passage of landmark civil rights laws such as the Civil Rights Act and Voting Rights Act. The military reflected the racial tensions of the era, which at times escalated into uprisings on bases or installations, including Travis Air Force Base in 1971,<sup>28</sup> onboard the *USS Kitty Hawk* in 1972,<sup>29</sup> and within the Long Binh military prison in Vietnam in 1968.<sup>30</sup> Following the assassination of Dr. Martin Luther King in 1968, white troops flew confederate flags and burned crosses on various Vietnam bases.<sup>31</sup>

On April 5, 1972, then Secretary of Defense Melvin R. Laird established a task force to investigate discrimination in the military justice system, which found evidence of both intentional and unintentional discrimination toward racial minorities.<sup>32</sup> Although Black servicemembers comprised about 13% of the enlisted armed forces at the time, over 25% of non-judicial punishments and nearly 35% of court martials were against Black troops.<sup>33</sup> The task force also determined that white servicemembers received a higher

proportion of Honorable discharges, and Black servicemembers a disparate proportion of General and Undesirable (the precursor to Other Than Honorable) discharges.<sup>34</sup> However, Congress failed to follow the task force's recommendation to adopt legislation to ban discrimination in the military.

Although the military adopted new antidiscrimination policies, programs, and protections along with the advent of the All-Volunteer Force in 1973, racial injustice still existed, sometimes overtly. In 1976, at California's Camp Pendleton, white Marines openly wore KKK patches and held Klan meetings.<sup>35</sup> In 1979, the Klan held a military recruiting rally in Virginia Beach.<sup>36</sup> Military policy at the time considered participation in white supremacist movements permissible under servicemembers first amendment rights.<sup>37</sup> Only in 1986 did Defense Secretary Caspar Weinberger direct military personnel to "reject participation in white supremacy, neo-Nazi, and other such groups which espouse or attempt to create overt discrimination."<sup>38</sup>

## PRESENT DAY

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Over the years, the military has made great strides in addressing racial discrimination in its ranks. Still, disparities remain in the military justice system, and the issue remains an understudied problem, particularly from the 1980s through the 2000s.

In 2002, Congress ordered the military to conduct a periodic survey to assess racial, ethnic, and gender discrimination in the armed forces.<sup>39</sup> The results of the most recent survey, from 2017, showed

that almost 30% of active-duty Black servicemembers experienced racial harassment and over 11% experienced racial discrimination in the past year.<sup>40</sup> Of those reporting harassment (including all races and ethnicities), 68% reported that the harassment happened on more than one occasion, and 53% reported that the harasser held a leadership position.<sup>41</sup> Only 28% of those who experienced harassment reported it, and of those reports, only 16% resulted in official action against the harasser; yet, 35% of reporting servicemembers experienced some form of retaliation.<sup>42</sup>

Also in 2017, the organization Protect Our Defenders detailed racial disparities in the modern military justice system, finding that from 2006 to 2015 Black airmen were 71% more likely to face court-martial or non-judicial punishment (NJP) than white airmen, Black marines were 32% more likely to have a guilty finding at court martial or NJP than white marines, and Black soldiers were 61% more likely to face special or general court martial than white soldiers, and from 2014 to 2015 Black sailors were 40% more likely than white sailors to be referred to special or general court martial.<sup>43</sup>

In 2020, the Air Force published the results of its own investigation into race disparities in its ranks, finding that enlisted Black airmen were 72% more likely to face NJP and 57% more likely than white airmen to face court martial.<sup>44</sup> Additionally, Black airmen were nearly twice as likely as white airmen to be involuntarily discharged for misconduct.<sup>45</sup> Overall, Black servicemembers in the Air Force were underrepresented in officer positions and in the career tracks most likely to lead to promotion, and lacked

confidence in their leadership's ability to address racism and bias.<sup>46</sup>

In 2020, CVLC released a report detailing stark racial disparities in Congressional nominations to the military service academies, a process that severely limits the military's ability to develop an equitable and representative officer corps.<sup>47</sup> The military service academies train the officers who command our nation's diverse military. The service academies require a nomination for admission, and the most common pathway involves a member of Congress providing the nomination. CVLC's report found that Black candidates comprised only 6% of

Congressional nominations, and white candidates an overwhelming 74%.<sup>48</sup> This explains, in part, the lack of diversity in military leadership.

This report adds to our knowledge of racial disparities in the service by demonstrating that those disparities extend to the current administrative separation system. Race disparities in discharge status reflect a present reality for the living Black veterans who carry a less than honorable discharge following their military service. This stigma carries lifelong and generational consequences, including depriving veterans of the essential VA benefits that they earned through service to their nation.

# THE ADMINISTRATIVE SEPARATION SYSTEM

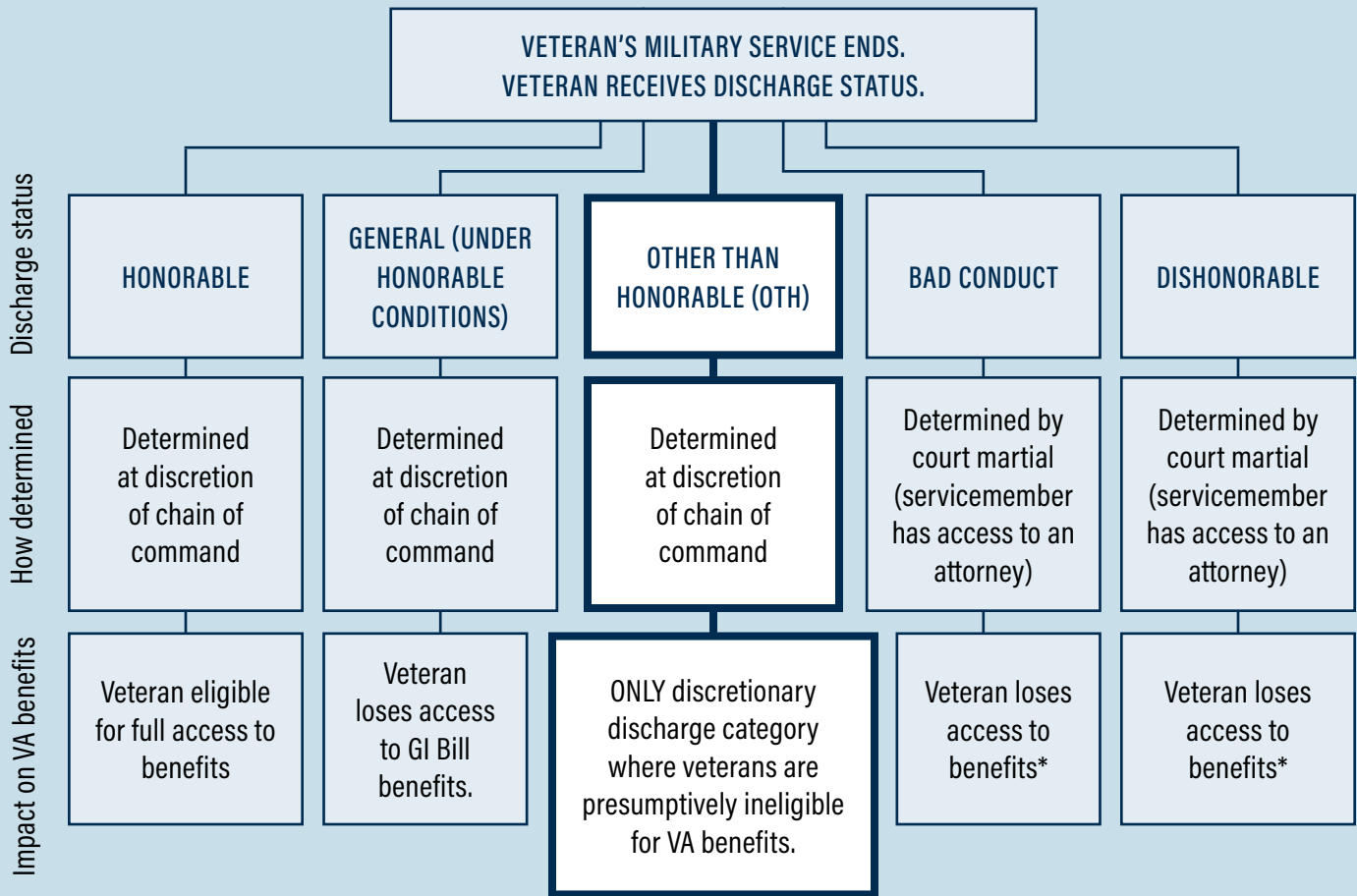
For veterans with more than six months of service, the military assigns one of five “character of service” designations at discharge: Honorable, General (Under Honorable Conditions), Other than Honorable (“OTH”), Bad Conduct, and Dishonorable. Because this discharge status impacts the veteran’s entitlement to benefits, it is important to understand the military’s system for assigning discharge statuses when separating service members.

Bad Conduct and Dishonorable discharges are punishments that can only be imposed after a trial by court martial, in which the service member is represented by a lawyer.<sup>49</sup> An “administrative separation,” on the other hand, is any type of separation that occurs before the end of a term of enlistment, at the discretion of the service member’s chain of command. When an administrative separation occurs because of something the military deems “misconduct,” the chain of command has significant discretion to assign an Honorable, a General, or an OTH character of service. To maintain good order and discipline, actions that may seem minor to a civilian could lead to a less than honorable discharge.

Additionally, although a less than honorable discharge is not legally considered a punishment and therefore the service member has fewer due process protections before it is imposed, the real-world consequences to veterans can be quite severe.

Once rare, less than honorable administrative separations are much more common than at mid-century. Since World War II, the percentage of veterans who receive a punitive discharge—that is, a Dishonorable or Bad Conduct discharge adjudicated at court martial—has stayed at a relatively constant 1%.<sup>50</sup> However, the percentage of veterans who receive an OTH discharge increased five-fold between 1941 and 2013.<sup>51</sup> In the World War II era, only 1% of veterans received an OTH.<sup>52</sup> By the end of the Vietnam War, the percentage had grown to 2.5%. Through the Cold War in the 80’s and Gulf War in the 90’s the rate continued to rise, until in the post 9/11 era, 5.8% of all veterans had been discharged with an OTH label.<sup>53</sup> As a result, more than 465,000 veterans who left the service since 1980 have an OTH discharge.<sup>54</sup> Likewise, the administration of General discharges rose from only 0.2% in the World War II era up to 8.4% by 2013.<sup>55</sup>

## IMPACT OF DISCHARGE STATUS ON VA BENEFITS



\*unless VA makes a finding of insanity. If Bad Conduct discharge was not issued by General Court Martial, VA must conduct a character of discharge review.

It defies logic to conclude that today's servicemembers truly commit misconduct at rates so much higher than in the 1940s. Instead, other explanations—such as a need to draw down forces for budget purposes—must explain the change. Administrative separations offer the chain of command an expeditious way to fire servicemembers they view as undesirable or no longer needed, without the additional time, expense, and procedural protections of a court martial.

Other advocates have shown that administrative separations, particularly OTH discharges, are used disproportionately to eject servicemembers who experience mental health issues due to trauma and traumatic brain injury,<sup>56</sup> those who report sexual assault and harassment,<sup>57</sup> and those who are LGBTQ.<sup>58</sup> This report demonstrates that implicit bias or racial discrimination is also a potential factor in less than honorable administrative separations.



# THE EFFECTS OF LESS THAN HONORABLE DISCHARGES ON VETERANS BENEFITS

A less than fully honorable discharge can bar a veteran—potentially for life—from important and valuable benefits. The United States boasts a large system of services and benefits intended to ensure that veterans and their families live with dignity after the conclusion of their service to their country. However, veterans with less than honorable discharges, particularly those with an OTH, face serious impediments to accessing their benefits.

Congress defines which former servicemembers are “veterans” entitled to veterans benefits. The definition of a “veteran” under U.S. law is “a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.”<sup>59</sup> Congress also defined specific circumstances when a veteran’s misconduct should bar them from VA benefits: these circumstances comprise the “statutory bars.”<sup>60</sup> The only statutory bar that commonly prevents OTH veterans from accessing care concerns a prolonged AWOL (Absence With Out Leave) of at

least 180 continuous days. Even then, VA must consider the circumstances surrounding the AWOL before invoking that statutory bar to prevent a veteran from accessing benefits.

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**THE UNITED STATES BOASTS A LARGE SYSTEM OF SERVICES AND BENEFITS INTENDED TO ENSURE THAT VETERANS AND THEIR FAMILIES LIVE WITH DIGNITY AFTER THE CONCLUSION OF THEIR SERVICE TO THEIR COUNTRY.**

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The history of these statutes shows that Congress intended benefits to be expansive, even for veterans who were discharged with less than honorable characterizations of service due to misconduct.<sup>61</sup> Despite this history, VA presumes that all veterans with an OTH discharge were released from service under dishonorable conditions and are therefore

not legally “veterans.” The VA therefore presumptively excludes all veterans with an OTH discharge status from VA health care or benefits unless the veteran convinces VA that their service was “other than dishonorable.”<sup>62</sup>

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**MANY VETERANS WHO RECEIVED AN OTH BELIEVE THEY CANNOT ACCESS THE VA, AND SO NEVER EVEN GO THROUGH THE “CHARACTER OF DISCHARGE” PROCEEDING.**

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Veterans with General discharges are better situated than veterans with an OTH, because VA automatically considers them “veterans” under the law and therefore they are eligible for most benefits to the same extent as Honorably discharged veterans. However, the one notable exception is that veterans with General discharges are not eligible for education benefits under the GI Bill. The loss of educational opportunities can be personally devastating to veterans who rely on their military service to afford college to support their careers and families.

An unfortunate result of the VA’s longstanding practice of exclusion is that many veterans who received an OTH believe they cannot access the VA, and so never even go through the process for VA to determine if their service was “under conditions other than dishonorable.” This determination, known as a “character of discharge” proceeding, or COD, can take months or years, during which time the VA deprives the veteran of all benefits. Equally problematic, the VA’s regulations confuse

even their own employees, who often wrongly tell veterans that they cannot obtain benefits because of their OTH discharge.<sup>63</sup> Finally, the majority of veterans who do go through a COD with VA lose. Recent VA statistics show that VA found only 1 in 5 veterans eligible for full VA benefits during the COD determination. As this shows, for the majority of veterans with an OTH, VA merely rubber-stamps the military’s decision.

**VETERANS BENEFITS ADMINISTRATION CHARACTER OF DISCHARGE DECISIONS 2017-2021<sup>64</sup>**

*A veteran with an OTH, bad conduct, or dishonorable discharge cannot access VA Benefits without a Character of Discharge decision by VA.*

Decision Type	2017	2018	2019	2020	2021
Eligible for VA Benefits*	19.7%	20.3%	20.1%	26.9%	21.3%
Barred from VA Benefits, with the exception of health care limited to treatment for a service-connected disability	49.7%	52.1%	56%	50.8%	53.3%
Barred from VA benefits, including treatment for service-connected disabilities	30.6%	27.6%	23.8%	22.3%	25.4%

\*Education benefits under the GI Bill require an Honorable discharge

It was outside the scope of this report to examine whether racial disparities exist within VA’s COD process, yet other recent reports suggest that such a study would be worthwhile. In July 2020, in a nationwide survey of VA staff by the American Federation

of Government Employees, 80% said discrimination was a moderate or severe problem within the agency, and over 50% said they had directly witnessed racism against veterans.<sup>65</sup> Additionally, while the VA's internal guidance instructs adjudicators to consider factors such as military sexual trauma, traumatic brain injury, and other trauma-related mental health conditions which might explain a misconduct-based separation, no such guidance exists for claims of racial bias. This adds up to a system where, in order to access veterans benefits, Black servicemembers must navigate two highly-discretionary processes that are vulnerable to racial bias: the DOD's administrative separation process and the VA's character of discharge determination.

Veterans with less than honorable discharges have one other path to improve their access to benefits: apply to their branch of service for a discharge upgrade. A veteran may apply to her branch's Discharge Review Board or Board of Corrections for Military or Naval Records (hereinafter "Boards") to request an upgrade to Honorable. However, the Boards deny 90% of applications, especially if the veteran applies without a lawyer. In addition, the Boards often take years to adjudicate applications.<sup>66</sup> Although in recent years DOD leaders have instructed Boards to take PTSD, Traumatic Brain Injury ("TBI") and Military Sexual Trauma into account when reviewing applications, no similar consideration exists to address the impacts of racial bias.<sup>67</sup> An analysis of recent Board decisions showed that for all of the Boards except one, applications made on the basis of racial discrimination were granted at *lower* rates than the overall grant rate.<sup>68</sup>

## BENEFITS AT STAKE

### VA BENEFITS

VA prevents veterans with an OTH from accessing the following benefits, unless the veteran prevails at a COD hearing.

#### Health care

The VA provides primary and specialty health care to veterans. Unlike the other benefits, a veteran with an OTH may access limited VA health care in certain circumstances. For instance, some veterans with an OTH discharge found "dishonorable for VA purposes" are eligible for limited VA health care for disabilities incurred or aggravated in service, but in many cases these veterans face difficulties accessing that care.<sup>69</sup> Likewise, VA routinely turns away veterans with OTH discharges who, despite their discharge status, should be given mental health care because they are MST survivors or served in combat or as drone operators.<sup>70</sup> VA will treat veterans with OTHs (and civilians) for an emergency, but may bill them afterwards.

#### Financial Benefits for Disabled and Elderly Veterans

The VA provides disability compensation and pension benefits, important sources of income for veterans whose disabilities render them unable to support themselves. Disability compensation

## BENEFITS AT STAKE, continued

is available to veterans whose disability was incurred in, caused by, or aggravated by their time in service, and pension benefits are available to wartime veterans who face poverty and are elderly or have non-service-connected disabilities.

### Education

VA offers tuition assistance for higher education. Education benefits under the GI Bill are the only benefits that, by law, require an Honorable discharge.<sup>71</sup>

### Vocational Training

VA also provides vocation training (Veteran Readiness and Employment Services) to help veterans obtain jobs. This benefit is especially important when a veteran's disability requires them to learn a new skill set for employment.

### Home Loans

The VA's home loan program has allowed generations of veterans to own homes. Historically, government red-lining policies and racist covenants in home deeds prevented Black veterans from accessing this program.

### Burial Benefits

Veterans are eligible for burial in National Cemeteries and with military honors, an important source of dignity for them and their families. Additionally, VA defrays the cost of funeral expenses paid by the veteran's survivors.

## NON-VA BENEFITS

In addition to VA benefits, veterans with an OTH discharge are prevented from accessing additional federal and state benefits.

### Reemployment

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects servicemembers from losing their civilian jobs when they serve their country.<sup>72</sup> However, USERRA fails to protect veterans with an OTH, regardless of whether they prevail in the VA's character of discharge process.

### Naturalization

Not all military servicemembers are U.S. citizens. The law allows non-citizens who serve to become citizens, but only if they receive an Honorable or General discharge.<sup>73</sup>

### State Benefits

In addition to federal benefits offered, all states offer a range of additional benefits to veterans.<sup>74</sup> The types of benefits and eligibility criteria vary widely by state, and the state may or may not exclude veterans with OTH discharges.

The veterans benefits system conveys the gratitude of a nation and serves to reintegrate veterans into civilian life and care for their wounds of war. Yet veterans discharged with less than honorable discharges, especially those with an OTH, are often left to fend for themselves. The consequences can be devastating. Veterans with OTH discharges are more likely to die by suicide, and more likely to have problems

related to untreated mental illness.<sup>75</sup> They are more likely to have a substance abuse disorder, often in conjunction with mental health issues.<sup>76</sup> Veterans with OTH discharges are more likely to be homeless than other veterans.<sup>77</sup> These consequences are far too high for veterans, particularly when the data suggest that many of these discharges have been assigned unfairly.

# DATA ANALYSIS

The data collected by CVLC show a clear and consistent trend: even in the most recent years of service, from Fiscal Year 2014 through 2020, every branch of the military discharged Black servicemembers with less than honorable discharges at higher rates than expected given their representation in the service. As a result, Black veterans as a class are less likely than white veterans to be eligible for veterans benefits.

A basic analysis of the data provided by DOD clearly shows a disparity for Black veterans. In addition, we ran a multinomial logistic regression on the data to confirm the findings and control for gender. The results of our analysis are presented below, and the multinomial logistic regression tables are included in Appendix B.

## BASELINE TRENDS

The data provided by DOD indicates that the use of less than honorable administrative separation has declined slightly from previous averages. The data provided contained 1,244,678 total separations. Those with unknown race or ethnicity or unknown or “uncharacterized” character of service were excluded from the analysis. Once unknowns were excluded, 1,064,574 separations remained for analysis. Between 2014 and 2020, 7.8% of all separations issued were General, down slightly from 8.4% between 2002 and 2013. Encouragingly, 2.3% of separations in our data were OTH, down from 5.8% between 2002 and 2013.<sup>78</sup> While not yet back to World War II levels, this

trend shows a recent small improvement in the military’s use of benefits-disqualifying administrative discharges.

Character of Service	Number of Separations	Percent of Separations
Honorable	952,014	89.43%
General – Under honorable conditions	82,712	7.77%
Under other than honorable conditions	24,487	2.30%
Bad conduct	4,176	0.39%
Dishonorable – Dismissal	1,185	0.11%
<i>Grand Total</i>	<i>1,064,574</i>	<i>100.00%</i>

Although the overall percentage of less than honorable discharges is improving, as our analysis shows, Black servicemembers still receive a disproportionate share of those discharges. Additionally, the number of servicemembers separated less than honorably is substantial. During the time period of data collected, over 107,000 military veterans were administratively discharged without access to full VA benefits.

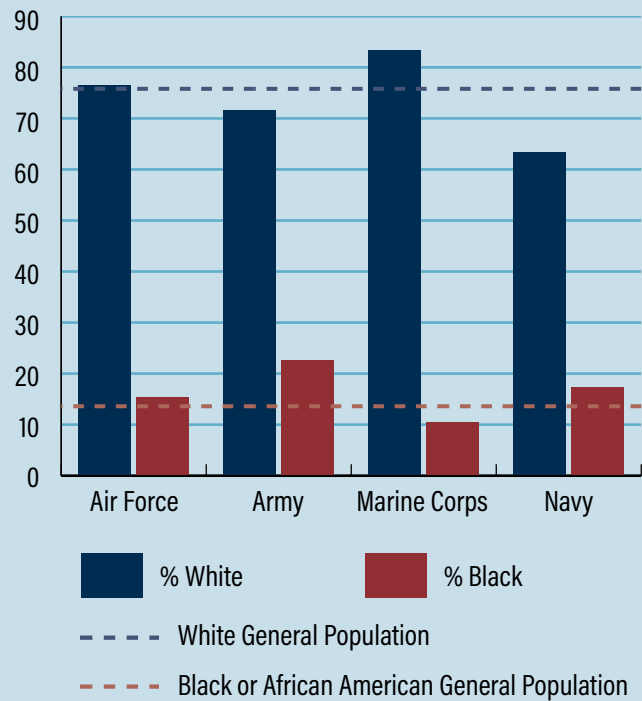
Our data also confirm that Black Americans serve at rates higher than their representation in the general population of the United States. Black servicemembers accounted for 17.9% of all separations in this time period, although they comprise 13.6% of the population.<sup>79</sup> However, this diversity is not equal across all the branches. Only 10.5% of Marines identified as Black, making the Marine Corps less diverse than the U.S. as a whole. Additionally, the low numbers of Black Marines created a small sample size for this study, as discussed below.

## RESULTS BY MILITARY BRANCH

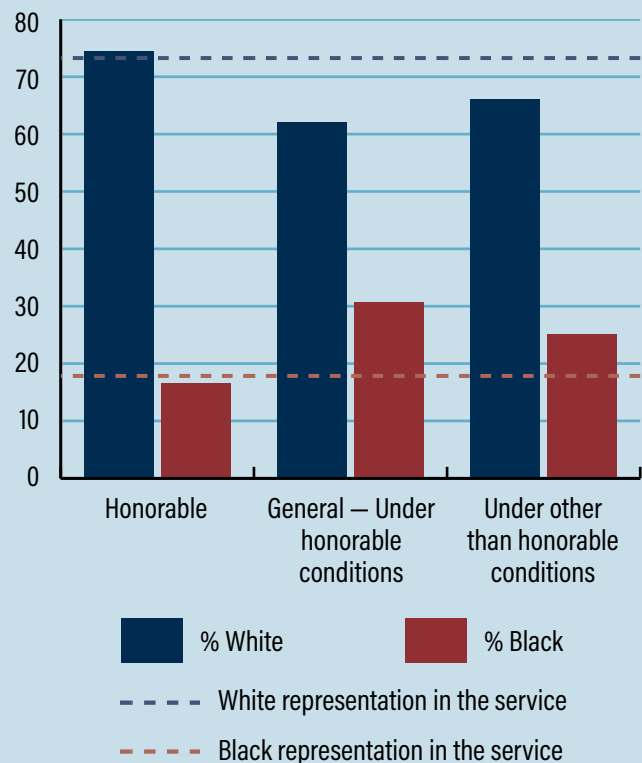
Across all military branches and for the military as a whole, Black servicemembers were more likely than white servicemembers to receive a less than honorable rather than an Honorable discharge.

In absolute values, although Black servicemembers comprise 17.9% of all the servicemembers who left military service between 2014 and 2020, they received only 16.5% of all Honorable discharges.

**PERCENT OF BLACK AND WHITE SERVICEMEMBERS BY BRANCH COMPARED TO GENERAL POPULATION**



**BLACK AND WHITE SERVICEMEMBERS AS A PERCENT OF DISCHARGE STATUS**



However, they received over 30% of General discharges, and over 25% of OTH discharges, an outsized share based on their representation in the service.

In contrast, white servicemembers comprise 73.3% of all separations during this period, yet they obtained 74.5% of all Honorable discharges, and only 62.1% of General and 66.1% of OTH discharges.

The multinomial logistic regression confirmed that these values represent a statistically significant disparity, where white servicemembers are advantaged and Black servicemembers disadvantaged in the administrative separation system.

### In comparison to white servicemembers:

- **In the military as a whole**, Black servicemembers were approximately 1.5 times as likely to receive an OTH and approximately twice as likely to receive a General discharge rather than Honorable.
- **In the Army**, Black soldiers were approximately 1.8 times as likely to receive an OTH and approximately twice as likely to receive a General discharge rather than Honorable.
- **In the Navy**, Black sailors were approximately 2.3 times as likely to receive an OTH and approximately twice as likely to receive a General discharge rather than Honorable.
- **In the Air Force**, Black servicemembers were approximately twice as likely to receive an OTH and approximately 2.5 times as likely to receive a General discharge rather than Honorable.
- **In the Marines**, the data followed the consistent trend showing that Black servicemembers

disproportionately received less than honorable discharges. However, the results were not statistically significant, potentially due to the small sample size of Black Marines. Therefore, we do not present this finding as a numerical likelihood.

In addition to finding that Black servicemembers were more likely than white servicemembers to receive less than honorable administrative discharges (General and Other Than Honorable), our data demonstrate that they are also more likely to receive punitive discharges (Bad Conduct and Dishonorable).

## RESULTS BY YEAR

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We also broke down results for the entire service based on each year for which we received data. Again, the data show that for each year, a disparity existed between white and Black servicemembers.

### In comparison to white servicemembers:

- **In 2014**, Black servicemembers were approximately 1.4 times as likely to receive an OTH and approximately 1.9 times as likely to receive a General discharge rather than Honorable.
- **In 2015**, Black servicemembers were approximately 1.6 times as likely to receive an OTH and approximately 2.2 times as likely to receive a General discharge rather than Honorable.
- **In 2016**, Black servicemembers were approximately 1.7 times as likely to receive an OTH and



approximately 2.3 times as likely to receive a General discharge rather than Honorable.

- **In 2017**, Black servicemembers were approximately 1.8 times as likely to receive an OTH and approximately 2.4 times as likely to receive a General discharge rather than Honorable.
- **In 2018**, Black servicemembers were approximately 1.5 times as likely to receive an OTH and approximately twice as likely to receive a General discharge rather than Honorable.
- **In 2019**, Black servicemembers were approximately 1.3 times as likely to receive an OTH and approximately 1.8 times as likely to receive a General discharge rather than Honorable.
- **In 2020**, Black servicemembers were approximately 1.7 times as likely to receive a General discharge rather than Honorable. However, in 2020 the results for OTH discharges were not statistically significant.

Additionally, for each year analyzed, Black servicemembers were also more likely than white servicemembers to receive a punitive discharge (Bad Conduct or Dishonorable).

## LIMITATIONS OF THE DATA

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The quality of the data we received from the DOD limited our ability to run a similar multinomial logistic regression comparing races and ethnicities other than white and Black. As discussed in more detail in the next section, the lack of nuance and clarity in the DOD's data collection prevents us from asserting with confidence that no disparity exists for non-Black servicemembers of color.

Additionally, because the “unknown” racial category obscures the race of the individual, these data were excluded from the analysis. Individuals of “unknown” race account for over 3.5% of all separations across all branches. The “unknown” category received a higher proportion of honorable discharges than any other group, meaning that further elucidation of the “unknown” racial category could have an impact on the results of the analysis.

While our study looked at discharge status and race alone, the military tracks additional data on servicemembers that may help it isolate factors leading to these disparities. For instance, disparities may concentrate in certain job types, among certain ranks, within certain bases, or after certain forms of misconduct. A deeper look into this data may reveal when and where disparities are most pronounced.

# DISCUSSION

The data from recent years show that Black servicemembers fare significantly worse than white servicemembers in the administrative discharge system, which means Black veterans are disproportionately cut off from veterans benefits.

Our data only touch the most recent years, showing that disparities are an egregious problem confronting servicemembers in the present day even after recent attention on issues of racial injustice in the military and American society at large. The history of Black military service suggests that similar disparities extend back through previous eras, meaning

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**THE DATA SHOW THAT IN EVERY BRANCH, BLACK SERVICEMEMBERS FARED WORSE THAN WHITE SERVICEMEMBERS IN THE ADMINISTRATIVE SEPARATION PROCESS.**

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that many living veterans of color and their families have been prevented from obtaining veterans benefits. Neither the DOD's discharge upgrade process, nor the VA's character of discharge review process,

contain meaningful guidance geared toward rectifying racial injustice in the administrative separations system. This means untold numbers of Black veterans are left without recourse.

## **DATA SHOW THAT BLACK VETERANS RECEIVE BAD PAPER AT DISPROPORTIONATE RATES**

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Our data analysis confirmed what Black veterans have stated for many years: that they are more likely to receive less than honorable discharges than their white peers. The data show that in every branch, Black servicemembers fared worse than white servicemembers in the administrative separation

process. In our view, these disparities most likely stem from the likelihood of bias in the highly discretionary administrative separation process.

This study set out to determine how service-members of color fared in the administrative separation process.\* Less than honorable administrative separations are viewed by the military as non-punitive, even as they deprive veterans of the important benefits they otherwise would earn by their service. Because these separations are non-punitive, DOD permits more discretion by command and offers fewer procedural protections for servicemembers. This discretion allows high levels of implicit—or explicit—bias against Black servicemembers to endure, while rendering such biases invisible or hard to prove in any individual case. Because of the minimal due process afforded to servicemembers facing administrative separation, there are few safeguards to protect servicemembers from receiving a less than honorable discharge due to bias or other unjust reasons.

Bias is a likely source of the disparity because the military’s recruitment policies provide a measure

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\*Our data finding that Black servicemembers received a disproportionate share of punitive discharges is compatible with other recent research showing racial disparities in the military justice system. Protect Our Defenders, analyzing a data set from overlapping years, found that servicemembers of color faced court martial at higher rates than white servicemembers. *Racial Disparities in Military Justice*, [https://www.protectourdefenders.com/wp-content/uploads/2017/05/Report\\_20.pdf](https://www.protectourdefenders.com/wp-content/uploads/2017/05/Report_20.pdf). Our data demonstrate that in addition to prosecuting servicemembers of color at a higher rate, Black servicemembers receive a disparate share of punitive discharges following court martial.

of control for other factors that could explain the disparity. For instance, in its recruitment process, the military screens for specific levels of educational attainment, prior criminal justice involvement, prior drug use, and previous employment.<sup>80</sup> Therefore,

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**THERE ARE FEW SAFEGUARDS TO PROTECT  
SERVICEMEMBERS FROM RECEIVING A  
LESS THAN HONORABLE DISCHARGE DUE  
TO BIAS OR OTHER UNJUST REASONS**

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these factors are unlikely sources of the significant disparities we found. Additionally, the potential for racial bias fits within the documented trend that less than honorable discharges are disparately imposed on other groups historically disfavored within the military, including servicemembers with PTSD, TBI, or other mental health issues,<sup>81</sup> those who experienced sexual assault and harassment,<sup>82</sup> and LGBTQ servicemembers.<sup>83</sup>

Although our results showed that every branch has a racial disparity in its administrative separation system, only the Air Force has made any attempt to study this issue in recent years.<sup>84</sup> We note that our results showed a disparity in the Marine Corps that was not statistically significant. This is likely due to sample size. The Marine Corps is one of the smallest branches of the military. Additionally, it is the least diverse branch, with only 10.5% of Marines identifying as Black, a smaller percentage than the U.S. general population. Finally, we set a stringent benchmark for statistical significance for this study. As a result of

these factors, we state with confidence that a disparity exists in the Marine Corps' administrative separation process, although we do not provide a percentage likelihood as we do for the other branches.

The data show that this potential bias against Black servicemembers in military discharges is a current and ongoing problem. Our results are from the most recent years of service, casting doubt on the fairness of the current separation process. From 2014 through 2020, there was no trend toward improvement over time.

The existence of these racial disparities should be of serious concern to DOD and civilians who honor veterans for their service to their country. The data show that Black veterans are disproportionately barred from the post-service benefits accessible to their white colleagues. As a result, these veterans lack access to life-saving compensation and healthcare owed them for their service and miss out on the promises of middle-class opportunities for themselves and their families.

## DOD'S DATA COLLECTION MAY OBSCURE DISPARITIES FOR OTHER SERVICEMEMBERS OF COLOR

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Our analysis confirmed a disparity only between Black and white servicemembers. According to our preliminary analysis, servicemembers of other races were not disadvantaged. However, we are concerned

that the data provided by the DOD are not rich enough to ascertain disparities that may nonetheless exist, particularly for Asian, Pacific Islander, and Middle Eastern servicemembers.

The military data had racial categories for "Asian" and "Native Hawaiian or other Pacific Islander," and our preliminary analysis ran these categories separately. Other common data sets in social science categorize these groups under the term "Asian American and Pacific Islander" or AAPI, an umbrella term that contains over 50 different race and ethnicity categories.<sup>85</sup> Disaggregation of data about AAPI individuals reveals trends. For instance, while AAPI as a group have a higher household median income and higher educational attainment than the U.S. average, subgroups within AAPI have significantly lower income and educational attainment than the U.S. average.<sup>86</sup> When data analysis only explores AAPI as a whole, these differences are masked.<sup>87</sup>

Similarly, our data analysis showed no disparity between Asians or Hawaiian Native or other Pacific Islanders and white servicemembers when it came to discharge status. The data set contained some information on ethnicity within the racial group, but this was provided inconsistently, and the data collection methods appeared to use a write-in textbox, leading to a vast spectrum of responses and compromising the comparability of the data. Therefore, we are unable to offer any conclusions on whether members of certain AAPI subgroups in the military face disparities.

For similar reasons, we are unable to determine whether there is a discharge disparity affecting servicemembers of Middle Eastern descent. The

military's data does not track Middle Eastern in any identifiable format. We presume that Middle Eastern servicemembers are identified as "white" race. If so, and if there is a disparity in discharge status for Middle Eastern servicemembers, it could also potentially mask a higher disparity between white and Black discharge status in our analysis.

Finally, the data identified a large number of servicemembers as race "Unknown." Without more precise data, we could not include these individuals in the analysis.

The concept of disaggregation of racial and ethnic data is nuanced, implicates privacy concerns for individuals within small groups, and is complex due to the numerous ways people may self-identify their race or ethnicity. For that reason, we do not suggest a specific solution to this issue, but point out that DOD's current data collection does not enable a complete understanding of whether there are existing disparities within the service branches for servicemembers of color who do not identify as Black.

# RECOMMENDATIONS

## RECOMMENDATIONS FOR THE DEPARTMENT OF DEFENSE

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- 1.** The DOD should standardize and improve data collection across all branches to allow for accurate demographic comparisons and tracking of racial disparities and discharge rates. DOD should review whether and how to track ethnic categories such as subgroups of AAPI servicemembers and Middle Eastern servicemembers.
- 2.** The DOD should conduct a study with similar methodology to this report to determine the extent of racial disparities in discharge status back to at least World War II. Such a study would provide important knowledge to historians, as well as assist living veterans who may still desire to upgrade a disparaging discharge. Additionally, it would provide dignitary value to descendants of now-deceased veterans who may have experienced a bad discharge due to race.
- 3.** The DOD should command each branch to track and report, using centrally-determined metrics, each instance of command action pertaining to alleged misconduct, such as counseling warnings, non-judicial punishment, referrals for investigation, referrals for court martial, and other actions that precede a recommendation for administrative separation. Such disciplinary tracking should include the race, ethnicity, and gender of the service member. Such a report would not capture instances of supervisors who preferentially declined to administer a warning or punishment, nor would it distinguish between disciplinary actions that are merited verses unmerited. However, this data set would reveal when, in the aggregate, disciplinary actions rise to a disproportionate level based on the composition of servicemembers of a particular race, ethnicity or gender within particular commands or units and allow the branch or DOD to take ameliorative action.

4. Secretary of Defense Austin and Under Secretary of Defense for Personnel and Readiness Cisneros should issue a memo to the Discharge Review Boards and Boards for Correction of Military/Naval Records providing guidance for adjudicating applications when the applicant contends that they experienced racial discrimination, bias, or harassment. The DOD's existing anti-discrimination regulation at 32 C.F.R. § 70.9(c)(3)(ii)(D) does not provide meaningful guidance to applications or adjudicators, and in practice the Boards rarely apply the existing regulation in any given case. New guidance should require the Boards to grant liberal consideration to applications requesting an upgrade based on racial discrimination, racial bias, or harassment. The new guidance should also state that given the typical lack of documentation of racial bias in any individual veteran's military personnel file, a veteran's testimony or statement alone is sufficient to establish the likelihood that discrimination occurred, and that the Boards should grant upgrades in the interest of justice or equity.

## RECOMMENDATIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS

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5. The VA should rescind 38 CFR § 3.12(d) so as to no longer presumptively deny all veterans with Other Than Honorable discharges access to benefits. The regulation as it currently exists unjustly bars from benefits veterans whose OTH discharge stemmed from factors outside the veteran's control, including racial bias. This regulation is not required by statute, and VA should heed the urging of numerous veterans and advocates who have called for VA to revoke this regulation. Instead, VA should limit denial of VA benefits to only those circumstances where the veteran is statutorily barred by Congress.
6. Immediately, pending revocation or revision of 38 C.F.R. § 3.12(d), Secretary of Veterans Affairs McDonough should issue binding guidance to VA Character of Discharge adjudicators instructing them to consider veteran's claims: (1) that racial discrimination, bias, or harassment negatively impacted the veteran's mental health, or (2) that experiences of racial discrimination, bias or harassment mitigate the misconduct that serves as the basis of the discharge. This guidance should specifically state that when the veteran has a prior

COD decision a supplemental claim may be reviewed with evidence of discrimination, to include the veteran's personal statement.

7. VA should implement a public awareness campaign, with contribution from veterans of color and organizations serving veterans of color, inviting veterans who have been previously turned away from VA or have never applied for VA benefits due to their discharge status, to submit an initial or supplemental claim.

## RECOMMENDATIONS FOR CONGRESS

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8. Congress should pass the GI Bill Restoration Act, which would extend access to the VA Home Loan Guaranty Program and GI Bill education benefits to the spouses and descendants of Black World War II veterans who were denied access to these programs at the conclusion of their service. Additionally, Congress should enact a statute providing that a veteran who shows that a form of discrimination proscribed by federal law was a contributing factor in the veteran's less than honorable discharge may receive VA benefits reserved for honorably-discharged veterans. The statute should also extend the time limit for claiming and using such benefits for a reasonable period of time following enactment of the statute.
9. Congress should commission a Government Accountability Office (GAO) report of VA approvals and denials of CODs for veterans according to race, particularly when veterans raise claims of mental health issues.
10. Congress should likewise commission a GAO report of the military Discharge Review Boards and Boards for Correction of Military/Naval Records on the approvals and denials of discharge upgrade petitions according to race, particularly when veterans raise contentions regarding mental health and/or racial bias.



# APPENDICES

## APPENDIX A: DATA METHODOLOGY FOR MULTINOMIAL LOGISTIC REGRESSION

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This report increases transparency in the administrative separations process by collecting, contextualizing, and analyzing demographic data and administrative separation data from the military service branches from 2014-2020. This report adopts conservative measures of demographic and administrative separation trends, likely understating the racial disparities in discharge statuses given.

### SOURCES OF DEMOGRAPHIC AND ADMINISTRATIVE SEPARATION DATA

The data for this report were obtained from the military service branches pursuant to requests submitted under the Freedom of Information Act (FOIA).<sup>88</sup> We made separate FOIA requests to the Army, Air Force, Navy, and Marines. The Army then transferred our request to the Office of the Secretary of Defense and Joint Staff FOIA Requester Service Center, which

provided data from the Defense Manpower Data Center. This production was responsive to the request for all branches for fiscal years 2014 through 2020. The production contained a data set showing the racial, ethnic, and gender demographics of all servicemembers, their discharge status, paygrade, and years of service. DOD also provided data on the Interservice Separation Code used in misconduct separations, but that data was not used in this analysis. A statistician, Emily G. Simpson, Ph.D., assisted the CVLC team with the statistical analysis of this data and in interpreting the final multinomial logistic regression models. SPSS was used to clean up and code the data received as well as run both preliminary and final models.

### CODING OF RACE AND ETHNICITY DATA

The military branches require servicemembers to self-report their race and ethnicity. The racial

categories used by the Defense Manpower Data Center are: American Indian/Alaskan Native, Asian, Black or African American, Multi Racial, Native Hawaiian or other Pacific Islander, Unknown, and White. This report omitted from the data analysis any servicemembers that self-reported as Unknown, Multi-Racial, or when race data was missing. The preliminary analysis includes the five remaining racial categories with enough servicemembers to generate statistically reliable results: White, Black or African American, Asian, American Indian/Alaskan Native, and Native Hawaiian or other Pacific Islander. Hispanic was coded using the ethnicity data, with those servicemembers who identified as being of Hispanic ethnicity being coded as Hispanic and all others coded as non-Hispanic. Results of the preliminary analysis showed a significant disparity only for Black or African American compared to White. For that reason, full multinomial logistic regressions were performed only for those variables.

## **CODING OF SERVICE BRANCHES AND CHARACTERIZATIONS OF SERVICE**

The four service branches reported on were coded as: Army, Air Force, Marine Corps, and Navy. Each of the four service branches uses the same naming conventions and ranking for characterizations of service, Honorable, General — Under honorable conditions, Under other than honorable conditions, Bad conduct, Dishonorable — Dismissal, Uncharacterized, and Unknown. This report omitted any servicemembers that had Uncharacterized or Unknown

characterizations of service, and used the 5 main characterizations of service in analysis: Honorable, General — Under honorable conditions, Other than Honorable, Bad conduct, Dishonorable.

## **PREDICTING CHARACTERIZATION OF SERVICE BY RACE FOR EACH SERVICE BRANCH FROM 2014-2020**

Multinomial logistic regression was used to predict the characterization of service for servicemembers across the four service branches, between 2014-2020 based on race. A binary dummy variable was developed for race, and results controlled for gender. White servicemembers functioned as the reference category relative to other racial categories of servicemembers, the primary focus of analysis being on Black or African American servicemembers. Preliminary race analyses were run on white servicemembers relative to each of the following classifications: Hispanic, Asian, American Indian/Alaskan Native, Multi-Racial, and Native Hawaiian or Pacific Islander servicemembers, but the preliminary model did not significantly predict character. Preliminary models also tested an interaction between gender and race, but this variable did not significantly predict character and was removed from the final models. Characterizations of service were also coded as dummy variables for the purpose of this analysis. Honorable characterization of service functioned as a reference category relative to General, Other than Honorable, Bad conduct, or Dishonorable characterization of service.

The following logistic regressions were performed:

- White servicemembers' characterizations of service compared to Black or African American servicemembers:
  - Across all service branches, from 2014-2020
  - For each service branch, from 2014-2020
  - Across all service branches, for each of 2014, 2015, 2016, 2017, 2018, 2019, and 2020

Because of the large number of analyses performed,  $p < 0.001$  was selected as a more conservative cutoff for determining statistical significance. Outputs from analysis included the regression coefficients and odds ratio used for interpretation, standard errors, 95% confidence intervals, and p-values.

## APPENDIX B: MULTINOMIAL LOGISTIC REGRESSION TABLES

Table 1: Multinomial Logistic Regression Predicting Discharge Character Across Branches, 2014-2020, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.755*	.025	.470	.448 - .494
<b>Other than Honorable Race<sup>a</sup></b>	-.415*	.028	.660	.625 - .787
<b>Bad Conduct Race<sup>a</sup></b>	-.456*	.043	.634	.577 - .765
<b>Dishonorable Race<sup>a</sup></b>	-.409*	.072	.665	.583 - .690

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 2: Multinomial Logistic Regression Predicting **Army** Discharge Character, 2014-2020, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.741*	.033	.477	.447 - .509
<b>Other than Honorable Race<sup>a</sup></b>	-.570*	.043	.565	.520 - .615
<b>Bad Conduct Race<sup>a</sup></b>	-.523*	.059	.594	.529 - .667
<b>Dishonorable Race<sup>a</sup></b>	-.536*	.094	.585	.487 - .703

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 3: Multinomial Logistic Regression Predicting **Navy** Discharge Character, 2014-2020, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.683*	.054	.505	.454 - .562
<b>Other than Honorable Race<sup>a</sup></b>	-.816*	.057	.442	.395 - .495
<b>Bad Conduct Race<sup>a</sup></b>	-.650*	.108	.522	.422 - .646
<b>Dishonorable Race<sup>b</sup></b>	-	-	-	-

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

<sup>b</sup> Insufficient unique variability

\*  $p < .001$

Table 4: Multinomial Logistic Regression Predicting **Air Force** Discharge Character, 2014-2020, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.897*	.058	.408	.364 - .475
<b>Other than Honorable Race<sup>a</sup></b>	-.677*	.084	.508	.431 - .600
<b>Bad Conduct Race<sup>a</sup></b>	-.363*	.105	.696	.567 - .855
<b>Dishonorable Race<sup>a</sup></b>	-.353	.167	.702	.506 - .974

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 5: Multinomial Logistic Regression Predicting **Marines** Discharge Character, 2014-2020, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.192	.117	.825	.656 - 1.039
<b>Other than Honorable Race<sup>a</sup></b>	-.178	.113	.837	.671 - 1.045
<b>Bad Conduct Race<sup>a</sup></b>	-.346	.141	.707	.537 - .933
<b>Dishonorable Race<sup>a</sup></b>	-.293	.186	.746	.518 - 1.075

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 6: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2014**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.617*	.062	.540	.447 - .610
<b>Other than Honorable Race<sup>a</sup></b>	-.345*	.070	.708	.617 - .812
<b>Bad Conduct Race<sup>a</sup></b>	-.412*	.097	.662	.548 - .801
<b>Dishonorable Race<sup>a</sup></b>	-.668*	.199	.513	.347 - .757

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 7: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2015**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.783*	.055	.457	.411 - .509
<b>Other than Honorable Race<sup>a</sup></b>	-.454*	.064	.635	.560 - .720
<b>Bad Conduct Race<sup>a</sup></b>	-.466*	.108	.627	.508 - .775
<b>Dishonorable Race<sup>a</sup></b>	-.327	.208	.721	.479 - 1.085

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 8: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2016**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.850*	.066	.428	.376 - .487
<b>Other than Honorable Race<sup>a</sup></b>	-.505*	.074	.603	.522 - .698
<b>Bad Conduct Race<sup>a</sup></b>	-.518*	.115	.596	.476 - .746
<b>Dishonorable Race<sup>a</sup></b>	-.498	.207	.608	.405 - .912

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 9: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2017**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.862*	.064	.422	.373 - .479
<b>Other than Honorable Race<sup>a</sup></b>	-.561*	.073	.571	.495 - .658
<b>Bad Conduct Race<sup>a</sup></b>	-.553*	.115	.575	.459 - .721
<b>Dishonorable Race<sup>a</sup></b>	-.783*	.168	.457	.329 - .635

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 10: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2018**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.759*	.068	.468	.410 - .534
<b>Other than Honorable Race<sup>a</sup></b>	-.407*	.075	.666	.574 - .771
<b>Bad Conduct Race<sup>a</sup></b>	-.481*	.112	.618	.496 - .770
<b>Dishonorable Race<sup>a</sup></b>	-.366	.166	.694	.501 - .960

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 11: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2019**, relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.599*	.077	.549	.472 - .639
<b>Other than Honorable Race<sup>a</sup></b>	-.268*	.084	.765	.648 - .902
<b>Bad Conduct Race<sup>a</sup></b>	-.359	.132	.698	.539 - .905
<b>Dishonorable Race<sup>a</sup></b>	-.197	.211	1.218	.805 - 1.843

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

Table 12: Multinomial Logistic Regression Predicting Discharge Character Across Branches in **2020** relative to Honorable Character

	$\beta$	SE	Odds Ratio	95% CI
<b>General Race<sup>a</sup></b>	-.534*	.079	.586	.502 - .684
<b>Other than Honorable Race<sup>a</sup></b>	-.090	.087	.914	.772 - 1.083
<b>Bad Conduct Race<sup>a</sup></b>	-.231	.138	.794	.605 - 1.041
<b>Dishonorable Race<sup>a</sup></b>	.027	.202	1.028	.692 - 1.526

Note. **Honorable** served as the reference character

<sup>a</sup> Race/Ethnicity coded as 0 = White and 1 = Black or African American

\*  $p < .001$

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