

June 26, 2024

RE: Vote “NO” on H.R. 8774, the Department of Defense Appropriations Act for FY 2025, and Vote “NO” on Amendments that Harm Civil Rights and Civil Liberties

Dear Representative:

The American Civil Liberties Union strongly urges you to vote “NO” on H.R. 8774, the Department of Defense Appropriations Act for FY 2025. The ACLU also strongly urges you to vote “NO” on amendments that would undermine democratic norms, civil rights, and civil liberties.



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The ACLU opposes passage of this bill and further urges you to vote “NO” on each of the amendments specified in this letter, even if an amendment becomes part of an en bloc amendment.

As passed out of committee, H.R. 8774 is rife with poison pill riders that attack fundamental civil rights and civil liberties. The American people want a budget process that reflects investments in beneficial federal programs. Instead, this bill is compromised by politically motivated attacks that serve to distract and divide people via attacks on the LGBTQ community, attempts to restrict access to abortion and reproductive care, and by suppressing programs that move us forward in pursuit of racial justice. This bill includes poison pill riders that:

- threaten access to abortion and reproductive healthcare for servicemembers and their families;
- deprive servicemembers and their children of information and services related to life-saving gender-affirming care;
- attack programs that provide greater strength and diversity to military programs by attacking Diversity, Equity, and Inclusion-related programs and offices;
- authorize taxpayer-funded discrimination against married same-sex couples;
- silence discussions of race and systemic injustice amongst students and educators; and
- suppress freedom of speech and expression via targeted attacks on the LGBTQ community.

The ACLU strongly urges the House to reject these attacks on servicemembers and their families, contractors, and defense employees who should be free to carry out to their work in service to this nation without fear of losing fundamental freedoms or being subjected to discrimination.

Additionally, there are amendments that would, if adopted, compound the harm that the bill would cause:

The ACLU urges you to vote “NO” on Amendment No. 56, offered by Representative Green, which would unconstitutionally reduce to \$1 the salary of the Secretary of Defense. This amendment would violate the constitutional prohibition against a bill of attainder.

The prohibition against a bill of attainder is so fundamental to the Constitution’s principle of separation of powers and protection of due process that the drafters of the Constitution wrote it into the body of the Constitution itself. Article I of the Constitution provides that “[n]o bill of attainder or ex post facto law shall be passed” by the Congress. U.S. Const. Art. I, § 9, cl. 3. In interpreting the Bill of Attainder Clause, the Supreme Court has held that “legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution.” *United States v. Lovett*, 328 U.S. 303, 315 (1946). Every member of Congress has an obligation to uphold the Constitution by refraining from passing unconstitutional legislation.

The ACLU strongly urges you to vote “NO” on Amendment No. 163, offered by Representative Tenney. This amendment would prohibit funding for the implementation of Executive Order 14019 on Promoting Access to Voting, which is vital to removing barriers to voting and strengthening our democracy.

For these reasons, the ACLU strongly urges you to vote “NO” on final passage of H.R. 8774, after voting “NO” on each amendment described in this letter. Please contact Tara Stutsman at tstutsman@aclu.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Zamore", with a long, sweeping horizontal line extending to the right.

Mike Zamore
National Director, Policy & Government Affairs