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December 15, 2025

Secretary Robert F. Kennedy, Jr.  
Acting Director Jim O'Neill  
U.S. Department of Health and Human Services  
Centers for Disease Control  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

**Re: CDC's Social Vulnerability Index Being Used to Support and Expand DEI Policies Nationwide**

Dear Secretary Kennedy and Acting Director O'Neill:

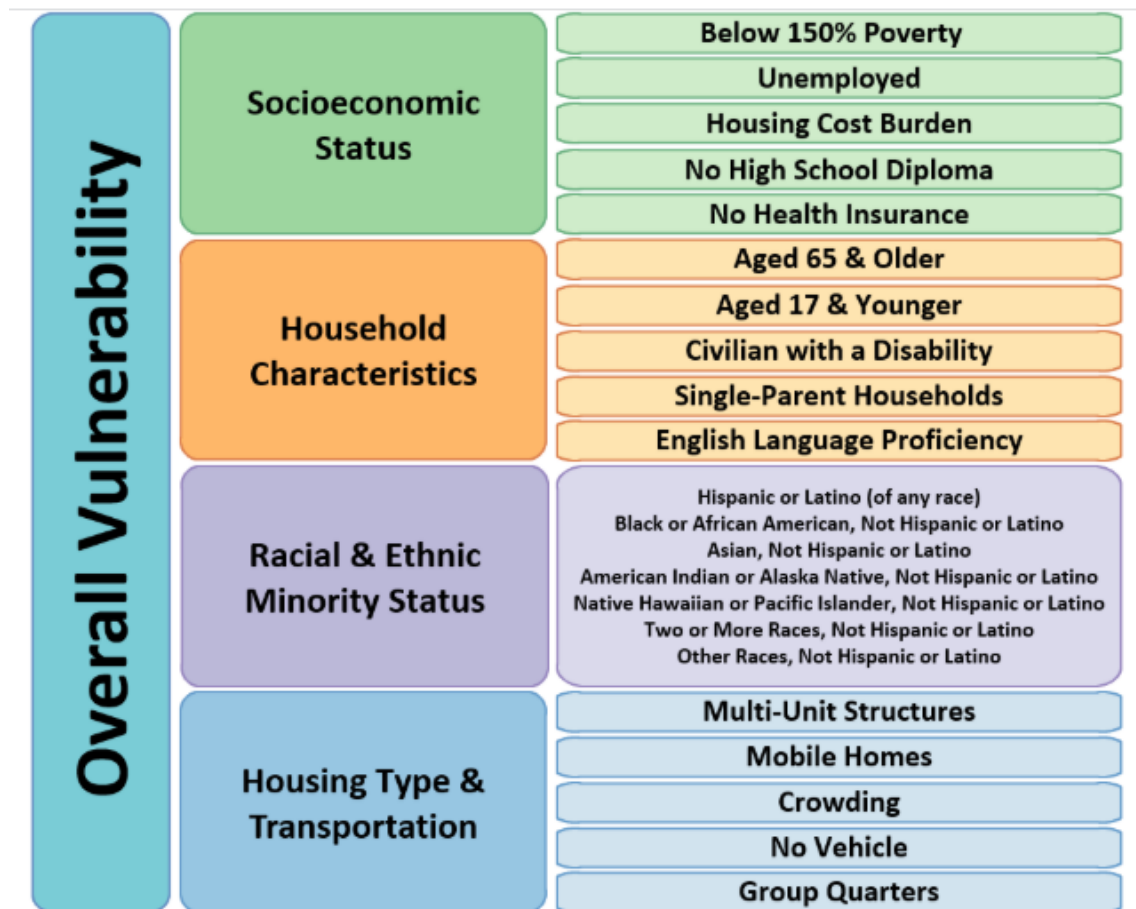
States and local governments around the country use the Centers for Disease Control's "Social Vulnerability Index" to justify numerous race-based programs that steer funding away from certain neighborhoods based on race. In the name of "racial equity," local officials prioritize certain geographic areas for public safety, parks improvements, public swimming pool closures, broadband access, safe drinking water, and disaster assistance. And these governments point to CDC's SVI as the reason for their race-based spending.

As explained more fully below, we at the Wisconsin Institute for Law & Liberty are seeing the effects of this modern-day DEI redlining firsthand on Americans every day. Fortunately, it is a problem that can easily be fixed. **We request that you remove race as a factor from the SVI and therefore prevent its use as a tool to promote discriminatory DEI policies nationwide.**

*Background on the SVI*

The CDC created the SVI as a tool to measure geographic "vulnerability" by calculating negative factors such as unemployment, poverty, inadequate housing, or poor educational outcomes. Currently, the SVI uses sixteen U.S. census variables "to identify communities needing support." Unfortunately, the SVI relies heavily on race: one of the four main categories in the SVI is "racial & ethnic minority status." This turns an otherwise helpful measurement into a racialized DEI tool, steering

benefits and programs to non-white neighborhoods based on the crude racial stereotype that all non-white people are “vulnerable.”



### *Use of SVI*

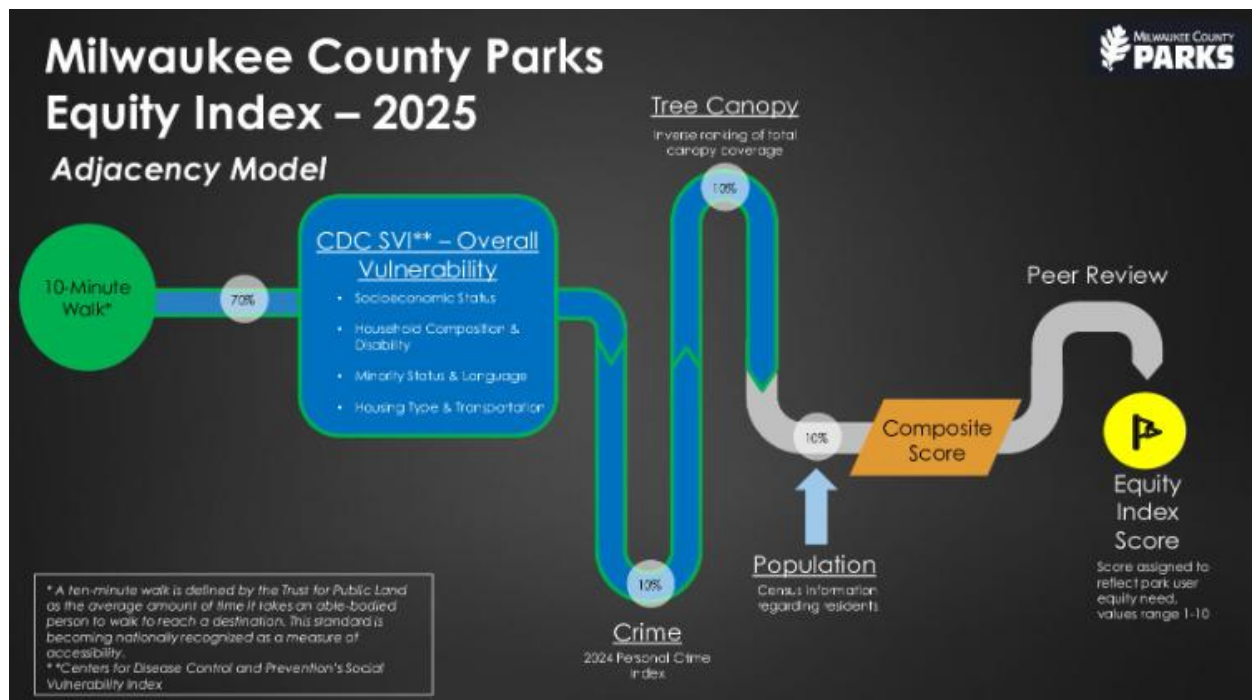
Numerous states and local governments use the CDC’s SVI to justify race-based decision-making.

In Milwaukee, Wisconsin, the county parks department uses the SVI to decide which parks get repairs and improvements. Using CDC’s SVI, which accounts for 70% of the overall score, Milwaukee County develops an “Equity Index Score” to achieve “racial equity.”<sup>1</sup> Their index “consider[s] equity as a determining factor.”<sup>2</sup> According to the Milwaukee Parks Foundation, “parks play an important

<sup>1</sup> Milwaukee County, Parks Department, Parks Equity Index, 2024 Approach & Updates, available [here](#) (last visited Dec. 15, 2025).

<sup>2</sup> Milwaukee County, Parks Department, Parks Equity Index, 2024, available [here](#) (last visited Dec. 15, 2025).

role in elevating communities of color,” “racial equity is central to our work,” and the goal of the equity index is to “reduce or eliminate racial disparities through investments and activation of park spaces.”<sup>3</sup> In other words, parks in white neighborhoods are de-prioritized, while parks in non-white neighborhoods are prioritized.



Milwaukee’s Racial Equity Index has real-world impacts impacting kids and families every year. For example, Hales Corners, a village in Milwaukee County, has a large community pool that has been closed for the past few years.<sup>4</sup> According to recent estimates, the pool needs about \$600,000 in repairs.<sup>5</sup> But those repairs will likely never come. Instead, Milwaukee County plans to close the pool permanently. As you may expect, with a 90% white population, Hales Corners ranks very low on the Racial Equity Index. According to Milwaukee County, Hales Corners ranks 128 out of 153 parks in Milwaukee County, with a 3 out of 10 score and a 0.33 SVI score. So the kids and families in Hales Corners will lose their swimming pool, which has been a community fixture since 1968, because the

<sup>3</sup> Milwaukee Parks Foundation, Equity Index, available [here](#) (last visited Dec. 15, 2025).

<sup>4</sup> CBS 58, “Hales Corners Residents Push for Local Pool to Reopen After Years of Closure,” available [here](#) (last visited Dec. 15, 2025).

<sup>5</sup> Urban Milwaukee, “Shuttered Hales Corner Pool Needs \$600,000 in Repairs,” available [here](#) (last visited Dec. 14, 2025).

residents are too white. The report recommending closure of the Hales Corners pool begins as follows: “equity is a central consideration.” The report emphasizes racial “equity” sixteen different times.<sup>6</sup> No one doubts that the pool would be repaired if it was in a majority black neighborhood.

Milwaukee is just one example. There are many more:

- The State of Connecticut ranks drinking water projects based on the SVI.<sup>7</sup>
- The State of California uses the SVI to determine which communities should receive disaster assistance grants.<sup>8</sup>
- The State of Arizona employs SVI to decide where health-related grants should be awarded.<sup>9</sup>
- Cook County, Illinois, prioritizes broadband grants to “communities with the highest [SVI] in Illinois.”<sup>10</sup>
- The City of Boston prioritizes spending to improve “safety on Boston’s streets” based on each location’s SVI score.<sup>11</sup>

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<sup>6</sup> Milwaukee County Parks, “Milwaukee County Parks Aquatics Study,” Aug. 2025, available [here](#) (last visited Dec. 15, 2025). Lest there be any doubt, Milwaukee County officials actually admitted that “our racial equity index” determines whether the Hales Corners pool will reopen. Virginia Small, “Milwaukee County Wants to Close Domes and Many Pools in 2021,” *Shepherd Express*, Oct. 27, 2020, available [here](#) (last visited Dec. 15, 2025).

<sup>7</sup> Connecticut Dept. of Public Health, *Drinking Water State Revolving Fund*, 2022, available [here](#) (“The Connecticut DPH applied the SVI by census tract for every project of this submitted IUP as the first level of calculation to begin the ranking process.”) (last visited Dec. 15, 2025).

<sup>8</sup> California Dept. of Housing and Community Development, *Community Development Block Grant*, HUD Approved 2024, available [here](#) (“The CDC social vulnerability index is intended as a tool to help public health officials and local planners better prepare for and respond to disasters by estimating and planning for the needs of vulnerable populations.”) (last visited Dec. 15, 2025).

<sup>9</sup> Arizona Department of Health Services, *Arizona Social Vulnerability Index*, available [here](#) (“Areas with higher vulnerability and higher population concurrently will have higher resource needs. Resource allocation decisions may look at derived metrics for ‘aggregate vulnerability’ or ‘vulnerability density = aggregate vulnerability per square mile.’”) (last visited Dec. 15, 2025).

<sup>10</sup> Cook County, *Digital Equity, Comprehensive Broadband Planning Initiative*, available [here](#) (last visited Dec. 15, 2025).

<sup>11</sup> City of Boston, *Projects to Improve Safety on Boston’s Streets*, available [here](#) (last visited Dec. 15, 2025).

These are just a few examples. Without a doubt, many more states, cities, and counties rely on the SVI to steer funding to preferred racial groups at the expense of others.

### *Legal Risks of SVI's Racial Criteria*

Because of its racial component, SVI presents significant legal risks for any government agency using the tool. The tool effectively prioritizes black and Hispanic neighborhoods over white neighborhoods because of the racial composition, independent of any specific race-neutral factor, such as poverty. As such, race-based SVI encourages the use of race for its own sake, or at best, as a proxy for other elements already accounted for within the SVI. Therefore, race-based SVI promotes racial balancing, which is unconstitutional. *Parents Involved v. Seattle School District No. 1*, 551 U.S. 701, 732 (2007). Moreover, race-based SVI relies on racial stereotypes (such as “all blacks are vulnerable”), and reliance on racial stereotypes is also unconstitutional. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 220–21 (2023). And when race-based SVI is used to distribute benefits and burdens, race is being used as a “negative” for those citizens of the wrong skin color. *Id.*

Importantly, cities, counties, and states are all recipients of federal financial assistance. Therefore, they are governed by Title VI of the Civil Rights Act of 1964, which prohibits race discrimination. Employing a race-based tool that prioritizes some racial groups over others in the distribution of government benefits, like the SVI, would violate Title VI's nondiscrimination principles.

CDC's continued endorsement of the SVI may give these discriminatory government officials legal cover to continue their DEI redlining. This is troubling, especially considering President Trump's clear direction to CDC to remove racially discriminatory tools, like the SVI. *See* Executive Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing (Jan. 29, 2025); Executive Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 31, 2025).

### *Conclusion*

States, cities, and counties use CDC's SVI to pick and choose where benefits should be distributed. Governments deploy the SVI to achieve “racial equity” or “racial balancing” in violation of federal law and the United States Constitution.

CDC should stop supporting state and local governments in their mission to use DEI redlining in their distribution of benefits and services. You should, therefore, immediately remove race as one of the SVI's factors.<sup>12</sup>

Sincerely,

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<sup>12</sup> In 2025, the Trump Administration attempted to remove the SVI from its website. Ultimately, one court ruled that removing individual webpages does not constitute final agency action, *Doctors for America et al. v. United States Office of Personnel Management et al.*, No. 1:25-cv-00359, 60:33 (D.D.C. July 3, 2025). It is unlikely that a court would find that adjusting the SVI by removing race constitutes a final agency action. Nonetheless, CDC could simply follow notice-and-comment out of an abundance of caution to mitigate litigation risk.