

*Although this report is dated in several respects, it provides a framework for addressing the issues discussed and still faced by women in the military*

## **Women in the Military Issue Paper**

# **Women in Combat**

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# Women in Combat

Serious attention has focused on women's roles in the military since the end of the Persian Gulf War. As a result of women's performance in Desert Storm, Congress repealed the law barring women from combat aircraft assignments and established a Presidential Commission on the Assignment of Women in the Armed Forces to study whether additional positions should be opened to women. This paper outlines the law as it currently pertains to women's assignability, provides arguments against and in favor of opening combat positions to qualified women, discusses the work of the Presidential Commission, and makes recommendations for changes to law and policy.

## Current Law

Although no law bars women from *engaging* in combat, women are excluded from half of all military positions. A single statute, dating from the post-World War II era, limits the assignability of women: 10 U.S.C. 6015 prohibits the assignment of Navy and Marine Corps Women to vessels engaged in combat missions or to other than temporary duty in Navy vessels other than hospital ships, transports and similar vessels not expected to be assigned to combat missions. Statutory bars to women's service on aircraft engaged in combat missions were repealed in 1991; however the Pentagon has failed to implement the new policy.

No statute prevents women from serving in ground combat units. Army and Marine Corps policy, however, excludes women from assignments to units that are likely to become engaged in direct combat. According to the Army definition, direct combat is "engaging an enemy with individual or crew-served weapons while being exposed to direct enemy fire, a high probability of direct physical contact with the enemy's personnel, and a substantial risk of capture. Direct combat takes place while closing with the enemy by fire, maneuver, or shock effect in order to destroy or capture, or while repelling assault by fire, close combat or counterattack." The army uses a Direct Combat Probability Coding System (DCPC), established in 1983, to classify every position based upon the likelihood of engaging in direct combat.

### Percentage of Positions Open to Military Women by Service

Army	52 percent
Navy	59 percent
Air Force	97 percent
Marines	20 percent

Source: Women's Research and Education Institute

In addition, a "risk rule" is applied across the services by the Department of Defense to further limit women's assignability. The risk rule provides that "risks of exposure to direct combat, hostile fire, or capture are proper criteria for closing noncombat positions or units to women, providing that the type, degree, and duration of such risks are equal to or greater than experienced by combat units in the same theater of operations."

These laws and policies function to exclude women from a broad range of positions based

on the mission of the unit (combat or noncombat) rather than the skills required for the individual assignment within the unit. For example, a woman nurse or engineer may not serve on an aircraft carrier although her duties would be identical to her duties on another type of ship.

Because assignment of women is limited by military policy, the military uses a quota system that limits the number of women who may enlist or be admitted to ROTC or the service academies. As a result less qualified men are taken over more qualified women. Currently, about 11 percent of military personnel are women.

Despite their small numbers, military women now serve with distinction in every service . Army and Air Force women are fully integrated

into combat support roles. Among the women who served in Operation Desert Storm were women who flew planes into enemy territory, fired weapons, commanded combat support units, ferried troops in to the combat zone and carried them fuel and supplies. At the conclusion of the war, Secretary of Defense Dick Cheney applauded the women's performance: " They did a bang up job....They were every bit as professional as their male colleagues." He also noted that he "wouldn't be at all surprised to see the role of women in combat expanded in the year ahead."

<b>Women as a Percentage of Total Active Duty Officers and Enlisted Personnel (Numbers of Women Shown in Parentheses)</b>			
<u>Officers</u>			
<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Marines</u>
11.4 (12,197)	10.3 (7,453)	12.9 (13,403)	3.5 (696)
<u>Enlisted</u>			
11.2 (73,794)	10.0 (51,633)	13.6 (63,175)	5.1 (9,012)

## Opposition to Opening Additional Positions to Women

Historically, women have been excluded from combat units because of traditional views of women's appropriate societal roles. The risk rule, for example, suggests that women are excluded from even noncombat positions not because they are unable to perform the jobs, but because of the view that, unlike men, women should be protected from harm. A similar view suggests that women should not kill. For example, in testimony before the Senate Armed Services Committee, General Merrill A. McPeak, Air Force Chief of Staff, indicated that despite his belief that women are capable of flying combat aircraft, he would nonetheless choose a male pilot over a more qualified woman. Even though "logic tells us" otherwise, "I have a very traditional attitude about wives and mothers and daughters being ordered to kill people," he explained. Another common argument suggests that if women were sent into combat, the American public would be reluctant to support the use of military force in the future.

Other arguments raised by opponents of opening positions to women in Congressional debate and before the Presidential Commission include:

- Women are physically weaker than men and therefore standards would have to be lowered and unit effectiveness jeopardized;
- The presence of women in units leads to fraternization, sexual harassment, and sexual assault;
- Women lose a disproportionate share of time due to pregnancy, which would undermine unit readiness;
- Combat would take women away from their families, which would have harmful psychological effects on the children;
- If combat units are open to women, women would have to be drafted; and
- The presence of women in combat units would adversely affect unit cohesion and undermine the morale of men who do not want to work with women.

These concerns will be addressed below. However, it is important to note that none of these reasons would be sufficient for a civilian employer legally to close jobs to women. However, statutes barring sex discrimination in employment have not been interpreted to protect uniformed military personnel from job bias.

### **Arguments in Favor of Repeal of Combat Laws**

Women are capable of performing assignments in combat units. Top military officials acknowledge that women are qualified to serve on combat aircraft. Lieutenant General Thomas Hickey, deputy chief of staff for personnel of the Air Force, told the House Armed Services Committee that “the one thing I am sure of is there is probably not a combat job in the United States Air Force that women cannot do. They can fly fighters, they can pull Gs, they can do all those things.” The Air Force’s own study, *Women in the Military Cockpit*, concluded that women can be excellent pilots, and during Senate hearings, General McPeak agreed, stating that he is “confident that women can physically meet the physical demands of flying bombers.” Women now train men to fly combat aircraft, serve as test pilots for combat planes, and experience the stress of flying into enemy territory in slower, more vulnerable aircraft.

Women are qualified for other types of combat assignments, in addition to those on aircraft. Although opponents of increased assignment of women focus on women’s ability to perform specific jobs, such as hand-to-hand combat involving significant physical strength, many positions currently closed to women do not fall into this category. As discussed earlier, many assignments currently closed are functionally identical to jobs women now perform successfully. While one might attempt to differentiate open and closed positions based on the additional stress

of a combat environment, it is important to note that women successfully performed as part of combat support units during Desert Storm and received combat pay. According to the Department of Defense, the 40,000 women deployed during the war performed admirably and without substantial friction or special considerations. In fact, the United States Army Research Institute study of Desert Storm found no significant gender differences in job performance, readiness, effectiveness, morale, personal and family coping, emotional well-being, or retention.

Assigning women to combat positions could increase military effectiveness. Legal restrictions on assignability create confusion in times of war, as in Grenada and Panama when commanders did not know if women in their units could legally be deployed; units leaving women behind were short-handed. Opening all positions to qualified individuals regardless of gender would by definition mean that no woman would hold a job for which she was not qualified. There would be no need to lower standards. Rather, removing artificial barriers to assignability will increase flexibility for the military to ensure that every job is filled with the best person. Today, if the best person for a combat assignment is a woman, the best person won't get the job.

In addition, restrictions create an unfair barrier to women's advancement. In the Persian Gulf War, 13 women were killed, two were taken prisoner of war, and many more were injured. But when women who serve in the Gulf come up for promotions, they may be passed over because current policies deny women the experience that provides a route to higher-level jobs. This is as true for women health care personnel who cannot serve on aircraft carriers as it is for women fighter pilots who are barred from flying bombers. The General Accounting Office concluded that the combat exclusion is the greatest impediment to women's attaining higher ranks. Until qualified women are given access to assignments that are central to the military's mission, they will be marginalized.

Pervasive sexual harassment has been another negative result of combat restrictions. Studies show that sexual harassment is most common in nontraditional jobs with low numbers of women. In the military, barriers to assignability have led to a quota system limiting the number of women at all levels including senior positions. They also have created a climate in which it is acceptable to treat women as inferior. A Navy report found that both men and women believe a causal relationship exists between the perception that women are not equal members of the Navy and sexual harassment. Making assignments based on ability rather than gender would go a long way toward ending second-class status and abuse of women in the military.

The incorrect perception that military women lose a disproportionate share of work time, primarily due to pregnancy, has also been used to justify unequal treatment. However, the military has not found pregnancy to be a major problem and in fact, studies show that women have lower absenteeism than do men, even when lost time due to pregnancy is included. Men are more likely to lose time due to discipline problems – drug or alcohol use, fighting, etc. As for concerns about parenting responsibilities, the great majority of single parents in the military are fathers, and more male personnel than women have children at home. Despite perceptions to the contrary, less than one-half of one percent of deployed or activated personnel requested deferments for family reasons, and, according to the Pentagon, deployability of personnel with

family responsibilities was not a significant problem during Desert Storm.

Opposition to a hypothetical draft of women should not be used to justify continuation of combat restrictions. Even though restrictions remain in the law, Congress has the power to draft women today. Of course, a draft of combat troops of either men or women is unlikely at this time. If legal restrictions on assignability were repealed, Congress might nonetheless choose to draft only men for ground combat troops. If, as opponents claim, few women are qualified to serve in ground combat, a court applying the reasoning of *Rotsker v. Goldberg* could defer to the will of Congress if Congress determined that men and women were not similarly situated and it was not “worth the added burdens” of registering and drafting large numbers of women to find a few who were qualified. Courts have long granted great deference to Congress in military matters.

Concern that women would be placed in danger if they were allowed in combat should not be used to justify continued restrictions on women’s assignability. As Maj. Rhonda Cornum’s experience illustrates, current policy does not ensure that women will not be injured or captured in the line of duty. Cornum, who was taken prisoner of war during the Gulf War conflict, herself believes that she was treated no worse than the male prisoners of war. Military officials concur that women “can adapt and survive captivity,” as Col. John D. Graham, director of the Joint Services Survival, Resistance, and Escape Agency, the executive agency responsible for overseeing captivity training testified. In fact, Graham believes, “In some cases, they have shown to do this better than men.” The priority should be to minimize danger to both military men and women during times of war.

The presence of women in a unit does not undermine cohesion. Experience and research has demonstrated that cohesion is found in mixed-gender units as well as male-only units in the military. With good leadership, a group of dissimilar individuals can bond based on their commonality of experience, regardless of the gender make-up of the group. In fact, evidence suggests that mixed-gender units may actually communicate and work better than single gender units performing similar tasks.

### **Commission on the Assignment of Women in the Armed Forces**

In 1991, Congress mandated the creation of a temporary Presidential Commission to “assess the laws and policies restricting the assignment of female service members and make findings on such matters.” Composed of 15 members appointed by the President, the Commission is required to report to the President its findings by November 15, 1992.

Although members of the Commission have made efforts to ensure that relevant issues are fully and fairly aired, draft findings have been strongly biased against increasing assignment of women and the Commission’s membership and some aspects of the group’s work have been criticized for the following reasons:

- **Composition.** Several individuals appointed are longstanding opponents of expanding roles for military women. They have used the Commission as a platform to promote their preexisting views. No one who had actively advocated increasing women's roles was appointed.
- **Study of issues outside the scope of military effectiveness.** Time spent on questions of military effectiveness has been decreased due to time spent on cultural issues, despite the fact that legislative history shows Congress to have stricken the study of "social and cultural implications" of women in combat from the list of matters to be reviews. As of August, one out of every eight witnesses had focused on cultural issues, generally from the perspective of right wing organizations.
- **Focus on problems, not solutions.** Areas of inquiry have been heavily weighted toward those identified by opponents of military women as reasons to reject increasing their assignability. Ways in which any such problems might be addressed, however, are neglected. As a result, the draft findings focus on perceived barriers to full integrations of women with no attempt to report solutions identified by expert witnesses.
- **Neglect of problems with current policies.** Although Congress recognized that potential problems of integration should be weighed against problems associated with current policies, only minimal effort has been made to examine the negative implications of the current restrictions.
- **Emphasis on anecdotal rather than empirical evidence.** The Commission has ruled out commissioning live tests or research other than an opinion poll, and most witnesses before the Commission have provided experiential, anecdotal, or opinion testimony.

## **Recommendations**

Congress should carefully review the methodology as well as the recommendations of the Presidential Commission on the Assignment of Women in the Military if it chooses to consider the Commission's proposals.

The Secretary of Defense should immediately order the implementation of the repeal of 10 U.S.C. 8549 and the aircraft portion of 10 U.S.C. 6015 by opening combat aircraft assignments to women.

10 U.S.C. 6015, barring Navy and Marine Corps women other than aviators from serving on combat vessels, should be repealed and the Pentagon should begin phased assignment of women to combat ships.

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The Secretary should reverse policies limiting assignment of women regardless of their qualifications, such as the Direct Combat Probability Coding and the “risk rule,” which closes even non-combat positions to women.

The Secretary should order the institution of fair, gender-neutral performance-based job standards for all positions, which would enable any individual who can meet these qualifications to be eligible for the assignment.

Ceilings on the number of women who may enlist, enroll in ROTC, or be admitted to the service academies should be eliminated.

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