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Pentagon Changes Policy on Women

LAND COMBAT: THE EXPERIMENT BEGINS

On October 1, 1994, the Pentagon began to implement sweeping new plans to assign military women in or near previously closed land combat units, on an involuntary basis. In doing so, civilian Pentagon officials ignored the concerns of 42 members of the House of Representatives, who signed a letter addressed to **Defense Secretary William J. Perry** asking that implementation be delayed pending congressional review.

On July 28, September 28, and again on October 14, Defense Secretary Perry and Under Secretary for Personnel and Readiness **Edwin Dorn** addressed letters to House and Senate Armed Services Committee members, all of which declared *unilaterally* that the Department of Defense *need not comply* with certain statutory requirements in the 1994 Defense Authorization Act.

As detailed in the August **CMR Report**, that law directed the Department to report to Congress on a number of important issues, such as the legal consequences of proposed land combat policy changes on women's exemption from selective service registration, and Congress' intention that qualifying standards not be lowered or "gender-normed" to accommodate women in physically-demanding jobs.

It is regrettable that in a matter as important as this, Pentagon officials have resorted to sophistry and deliberate evasion of their clear responsibilities under the law. Following are some of the reasons why the Defense Department's communications with Congress cannot withstand scrutiny and informed analysis:

1. Combat Redefined: Women at Greater Risk

Civilian Defense Department officials have suggested that on October 1 nothing much changed. But it did. Thousands of previously closed positions, including some such as air cavalry that routinely deploy in close tandem with armored units forward of the front line, are now open to women, thanks to a contrived and sanitized re-definition of "direct ground combat." The Pentagon has also eliminated the "Risk Rule," which has exempted non-combatant women from assignments too near the front line.

Both changes overturn established policy, and translate into directives that defy battlefield realities and the best advice of military experts.

In a letter to Senate and House Armed Services Committee leaders, **Campbell University Law Professor William A. Woodruff** pointed out that the previous ground combat exclusion policies, to which the DoD Risk Rule was tied, also closed the 81,000 positions now being opened.

The change in combat definitions and repeal of the Risk Rule after January 1, 1993, the date specified in the law, constitutes a change in policy and triggers the reporting requirements. It is sheer sophistry to suggest otherwise.

2. Involuntary Assignments and Informed Consent

The Department of Defense (DoD) has confirmed that under the new rules women will be assigned involuntarily to newly opened positions that involve greater risk, based on the needs of the service. DoD also confirms that even though women's conditions of employment have been significantly changed, they will not be permitted to prematurely terminate their contracts.

- The admission is, of course, justifiable; no other policy would be workable in wartime. The involuntary nature of the new assignments, however, was not mentioned in DoD news releases.
- It has already been acknowledged by recruiters that there will be no special effort to inform women that they will be put in positions of greater risk under the new policy, which raises questions about the principle of "informed consent" among women at the time of recruitment.
- It also betrays an uneasy awareness of a number of opinion surveys which indicate that involuntary assignments in or near combat units will cause women to be less likely to join or stay in the military, not more so.

3. *Combat Redefined: What's on the List*

Planned new assignments for women as announced on July 29 are not as extensive as those outlined in a revealing memorandum **signed on June 1, 1994 by Army Secretary Togo D. West, Jr.**, whose key advisor on the issue is civilian attorney **Sara E. Lister**. That controversial memo, which was signed without the concurrence of **Army Chief of Staff General Gordon R Sullivan**, was withdrawn after it was sent confidentially to the Center for Military Readiness and released to the media.

Unlike the original June 1 memo, the revised plan announced on July 29 does not include multiple launch rocket systems (MLRS) battalions or units, most combat engineer positions, or special operations helicopter units. It does, however, permit women to enter air cavalry units and some combat engineer, bridge crew and Marine explosive ordnance officer positions—specialties that involve extraordinary physical strength or a high risk of injury or capture.

Also slated for the involuntary assignment of women are thousands of positions in the field headquarters of combat engineer battalions, armored cavalry regiments, special operations aviation regiments, air defense artillery battalions and even Army infantry, and armor brigades, plus Marine light attack helicopters and the command elements of Marine Expeditionary Units (MEUs), which participate in amphibious landings. (Platoons, companies, battalions, regiments and units are smaller than brigades and divisions. Field headquarters of the smaller units are generally closer to combat action or exposure.)

Combat veterans are appalled, but those on active duty dare not dissent.

4. *Prospects for Further Incremental Change*

Now that Pentagon officials have agreed to open tip air cavalry helicopters for the sake of career opportunities, it's only a matter of time before the same flawed rationale is applied, in the name of "consistency," to special operations helicopters, air defense/field artillery including MLRS, combat engineers, armor, etc.

The result will be further incremental changes—in the wrong direction, and for the wrong reasons. The devil is not in the details, but in the rationale used to make the decision.

- For example, the operative rationale used to open up air cavalry helicopters, which routinely deploy for reconnaissance purposes in close tandem with armored units forward of the front line, is that a distinction can be drawn between units that "primarily" engage the enemy on the ground (i.e., infantry, armor, and field artillery), and other units which the Pentagon now says do not engage the enemy as their primary mission; (i.e., air cavalry and combat engineers).
- DoD civilians now maintain that air cavalry units "*typically do not collocate with ground combat units for any, length of time.*" (emphasis added) Under this pretense, it's acceptable for women to engage in land combat duties, as long as that happens only *part* of the time.
- But the careful wording contradicts the Army's own authoritative manual on cavalry operations. FM 17-95 states that regimental commanders must closely integrate air and ground cavalry operations, which frequently operate over the same ground, and that "*Air and ground troops are employed by the squadron to perform missions that are frequently the same or overlap.*" (If they survive a shoot-down, helicopter pilots become infantry soldiers.)
- It also ignores the June 16, 1994, testimony of Army Vice Chief of Staff **Gen. J. H. Binford Peay III** who, during his Senate confirmation hearing to become Commander in Chief, Central Command, voiced strong opposition to the assignment of women to air or ground cavalry, combat engineers, and other land positions traditionally closed to women.

Political pressures for more incremental changes in the name of "consistency" are already intense, and Pentagon insiders generally concede that the drive for more "career opportunities" won't end here.

5. *Questions About the Marine Corps*

Marine Lt. General George R. Christmas, Deputy Chief of Staff for Manpower and Reserve Affairs, testified before the House Armed Services Committee on October 6 that the Marine Corps is planning to spend \$1.8 million more in FY 1997 than was the case in FY 1994 for concentrated recruiting efforts aimed at women, toward the goal of increasing numbers of women (both enlisted and officers) from 7,713 to 10,493 over a period of 15 to 20 years.

- General Christmas also said the Marine Corps will provide 22 additional days for the training of enlisted women at Parris Island. Estimates and justification for the additional training costs have not been provided.
- Furthermore, the Marines announced that women will be included in the command element of Marine Expeditionary Units (MEUs) which involve frequent rotations of personnel from sea to shore in amphibious operations.
- The new policy conflicts with the May 5, 1992 testimony of Marine **Lt. Gen. Matthew T. Cooper**, who told the Presidential Commission on the Assignment of Women in the Armed Forces that "**[Because the] Marine Corps Expeditionary Unit ...is small and it spends a great deal of time aboard ship, for extended periods, we do not assign women to these organizations.**"

The Marine Corps did not explain why they are devoting so much effort and money to recruit what appears to be a quota of people who will be less versatile in Marine assignments that require physical strength and endurance.

6. *Selective Service Obligations/Registration for the Draft*

Without citing any authoritative legal opinion in support of their position, the Defense Department suggests that the constitutionality of male-only selective service obligations has not been weakened, even in view of proposed policy changes.

But a number of legal experts, in testimony before the Presidential Commission, said that the Supreme Court's 1981 decision to uphold the male-only Selective Service system, (*Rostker vs. Goldberg*) was conditioned upon the fact that after extensive hearings, Congress determined that women were not needed for combat positions.

- The reporting requirement on the draft issue that was included in the 1994 Defense Authorization Act implies recognition of the fact that as Congress *backs away* from the proposition that women are "not needed" to provide combat power for the armed forces, the legal justification for male-only draft registration becomes significantly weaker.
- **According to Campbell University Law Professor William A. Woodruff, "Defining one's way out of addressing the significant issue, as the Secretary of Defense has done here, could significantly weaken a legal defense of the current male-only draft registration system the next time it is challenged in court,"**

Because court decisions are unpredictable and often irreversible, there is reason for concern about this issue.

7. *Questions about Gender Norming and Double Standards*

Section 543 of the 1994 Defense Authorization Act states that the Secretary of Defense must use job-relevant performance qualification standards, especially for physically demanding occupations, and that double standards and quotas must not be used to increase numbers of women.

DoD claimed in its September 28 letter to Senator Strom Thurmond, ranking member of the SASC, that they have no intention of gender-norming standards to any new positions or career fields opened to women, but conceded elsewhere in the same letter that there are no objective standards that determine who is "qualified" for a particular Military Occupational Specialty (MOS).

At best, it is highly disingenuous and misleading for the Pentagon to suggest that non-existent qualification standards will not be gender-normed.

- **Army Col. Dennis Kowal** told the Presidential Commission on March 26, 1992 that according to a 1976 GAO study, as many as 40% - 50% of enlisted women were found to be assigned to MOSs beyond their physical ability, primarily due to recruiting quotas.
- **This is because extremely heavy MOSs often offer bonuses for enlistment, and are available to women for the asking, regardless of physical abilities. When it is determined later on that the person is malassigned, reassignment costs about \$516,000 in retraining costs. Col. Kowal added that the problem still exists today.**

The lack of physical occupational standards for physically demanding MOSs was less of a problem as long as women were not assigned to jobs in which physical strength and/or endurance are essential for survival and performance of a combat mission. But even though the rules have changed, the armed forces remain unprepared to deal with the troublesome issue of double standards, primarily because of political pressures for assignment quotas.

8. *Questions About Liberalized Training Requirements*

The Pentagon has announced that the Army intends to gender-integrate basic training, disregarding the fact that co-ed basic training was tried at Fort Jackson and several other bases in 1977, but was ended in 1982 because men were not being challenged enough physically, and because of high injury rates among women.

Disparities in training performance are due to physical differences between men and women; e.g., women on average have about 40-50 percent less upper body strength, and have about 25-30 percent less stamina and endurance, both of which are crucial for survival and effectiveness in combat units.

The Army's plan to circumvent the problem is to simply change the definition of "proficiency" in basic training. Gender-integrated basic training, currently in progress at Fort Jackson and Fort Leonard-Wood, involves new requirements that will *make it easier for women to succeed*.

- According to a closed-door congressional briefing on gender-integrated basic training, physical training programs will be gender-normed (scored differently) for men and women. In addition, "Individual Proficiency Tests" will be scored not on the basis of physical strength challenges, but on "soldierization" skills such as map-reading, putting on protective gear, and first aid skills.
- In a test co-ed basic training program already in progress, "cohesion" is being evaluated by attitudinal questions about "feeling very close" or "liking one another." This new definition of "cohesion" bears little resemblance to the essential military bonding process which unites soldiers and commanders into effective combat units.
- Interestingly enough, the Army's own test data indicates that among male soldiers, morale is already suffering in the co-ed basic training program.

9. *Command Flexibility*

Defense Department officials are claiming that the opening up of more positions for women in or near close combat units will improve the quality of troops and enhance assignment flexibility.

- But if smaller units that are directed by field headquarters such as combat platoons and companies are still closed to women, it is not credible to suggest that they will be as experienced and therefore as "qualified" as the men whose places they will take.
- **In a drawn-down force in which roles and missions are constantly changing, readiness can only be enhanced by actively recruiting people to serve in or near combat units who are more experienced, versatile and deployable, not less so.**

10. *Pregnancy, Family, and Medical Considerations*

The Defense Department suggests that pregnancy, family, medical and child care issues are of no great consequence.

- **But during Desert Shield and Storm, it was found that military women were three to four times as non-deployable as men. These figures do not include steep increases in voluntary and involuntary discharges (largely due to pregnancy and family problems) that occurred just before and during the Gulf War.**
- At any given time an average of 8-10 percent of military women are pregnant, and rates of lost time for medical and postpartum care among women, compared to medical lost time for men, are significantly higher. Pregnant soldiers are transferred to less strenuous positions, and are not deployable overseas.
- DoD suggests that family problems are manageable because Family Care Plans are required to provide for the care of children in the event of sudden deployment. DoD fails to mention, however, that rates of non-compliance with these regulations are extremely high.

11. Public Acceptance/Cultural Values

DoD maintains that they do *not expect* that the exposure of women and mothers to battlefield violence and capture by an enemy will make a difference with the American public. But numerous surveys of public and military and public opinion indicate that the public's strong opposition to the use of mothers in or near combat units remains extremely strong.

The response also raises a cultural question. Should the Defense Department be taking the lead in promoting public acceptance of brutality against women in wartime situations—including capture and abuse behind enemy lines—when there is no military necessity to do so?

Conclusion

The Clinton Administration is taking advantage of Congress' inattention and neglect of its oversight responsibilities in embarking on a vast social engineering project with potentially dangerous consequences. Under highly questionable circumstances, yet another burden is being imposed on a demoralized military, and the lives of servicemen and women are being put at greater risk.

For the sake of women and men in uniform, the new Congress must schedule hearings to examine all of the previous issues and more. Because lives are at stake, no other issue should be assigned higher priority.



The above analysis is excerpted from testimony filed by the Center for Military Readiness with the House Armed Services Subcommittee on Military Forces and Personnel, as part of the record of their October 6, 1994 hearing. That hearing, which heard only from Administration witnesses, devoted only about 90 minutes to discussion of the issue of women in land combat.