



# Center for Military Readiness — Policy Analysis —

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## NEW ARMY POLICY ON WOMEN IN LAND COMBAT: ALMOST ANYTHING GOES

Since the Spring of 2004, the Center for Military Readiness has been reporting on incremental changes in Department of Army practices regarding the “employment” of female soldiers in or near direct ground combat (DGC) units. Department of Defense regulations require that these land combat units be coded for men only, but Army officials have been implementing radical changes in the rules without authorization or notice.

Various types of semantics and sophistry have been to mislead female soldiers, their parents, members of Congress and, apparently, the President of the United States. The controversy led the House Armed Services Committee to debate the issue for the first time in more than 25 years. On May 19, 2005, the full committee approved legislation to codify Department of Defense regulations set forth in 1994, which are still in effect. That legislation, co-sponsored by then-HASC Chairman Duncan Hunter (R-CA) and Personnel Subcommittee Chairman John McHugh (R-NY), would not have removed female soldiers from any position for which they were eligible.

The effort was cut short, however, when Secretary of Defense Donald Rumsfeld met privately with Chairman Hunter, and reportedly promised to produce a full report on the subject of women in or near land combat by March 2006. Legislation mandating such a report by March 31, 2006, was included in the FY 2006 National Defense Authorization Act. The DoD ignored that deadline and diverted the task to an outside contractor, the RAND Corporation, which has not produced anything to date.<sup>1</sup>

The Department of the Army continues to risk the loss of public confidence and trust by recklessly disregarding policy and law on women in land combat. Problematic new precedents are already increasing pressures to eliminate women’s exemption from involuntary service in or near all direct ground combat units, such as the infantry, armor, artillery, Special Operations Forces and, eventually, Marine infantry. The following are examples of major decisions being made by default, despite frequent denials by Army officials:

### A. “EMPLOYMENT” OF WOMEN IN THE INFANTRY

During the ongoing process of unauthorized, incremental policy changes, Army officials have repeatedly and dishonestly denied that anything has changed.

#### 1. *Truth: the First Casualty*

On a Public Radio International (PRI) radio program aired on February 12, for example, Lt. Col. Bryan Hilferty, an official spokesman for the Army, was asked to comment on the controversy surrounding women in or near land combat. Hilferty equivocated with this statement:

*“We are clearly following the law and clearly following DoD Policy.”* But “following” policy and law is not the same as “complying” with policy and law.

The Center for Military Readiness has learned that in a combined arms battalion (CAB) that is currently deployed in Iraq, at least one female soldier, a mechanic, was illegally placed in a short-handed infantry company. The soldier was one of several women “employed” in forward support companies (FSCs) embedded or “collocated” with the direct ground combat (DGC) battalion.

The uncontested order was given in clear violation of current Defense Department regulations, set forth in 1994 and still in effect. Direct ground combat units below the battalion level—such as the infantry, armor, Special Operations Forces and Marine infantry, are required to be all male. Support units that “collocate” or embed with them 100% of the time also are coded for men only under the Department of Defense (DoD) collocation rule.

There is no question that these unambiguous rules apply to the 3<sup>rd</sup> Battalion of the 8<sup>th</sup> Cavalry Regiment, known as the 3-8, which is based at Fort Hood TX and historically was part of the 1<sup>st</sup> Cavalry prior to modular re-organization. Nevertheless, with the knowledge of battalion commanders and all of the CAB’s 770 soldiers, a female mechanic was ordered into an infantry company, which was short-handed due to combat and non-combat injuries, unplanned evacuations and previously scheduled leaves.

## ***2. The Need for Legitimate Congressional Oversight***

“Employment” of the female soldier in or collocated with the combined arms battalion also put the Army in violation of a law mandating congressional oversight. The Secretary of Defense must approve proposed changes in regulations affecting female soldiers, and provide formal notice to Congress 30 legislative days (approximately three months) in advance. No such notice has been given.

The female soldier was recently evacuated for health reasons, but unless something is done more women will be ordered (not allowed) to take the place of infantrymen in “tip of the spear” maneuver battalions, in blatant violation of policy and law. Everyone deployed to Iraq or Afghanistan is serving “in harm’s way,” but nothing about the current war, including the need for self-defense under fire, has changed the missions of direct ground combat troops.

Infantry, armor, Special Operations Forces and Marine infantrymen attacked and liberated Baghdad in 2003, and Fallujah in November 2004. In battles such as these, collocated forward support company soldiers do not attack the enemy with deliberate offensive action, but they do provide logistics, mechanical repair, food service, and other types of constant support to infantrymen and other direct ground combat troops.

As we are starting to see in this war now, collocated FSC soldiers frequently are ordered to take the places of infantrymen lost or evacuated during a war. All must be prepared to evacuate a fully loaded male infantry soldier wounded in battle—on their own backs, if necessary.

When other nearby soldiers are busy firing back at the enemy, the single man carry is a lifesaving function for which there is no substitute. Female soldiers are brave, but no one's son should have to die because Army officials or field commanders violated policy and law by substituting women for men in positions required to be all male.

## **B. ARMY ASKING FOR TROUBLE**

Americans tend to forgive the human failings of courageous men and women who volunteer to serve in the military. There is no excuse, however, for Pentagon officials and members of Congress who are knowingly tolerating illicit policies that are an international scandal in the making.

Sources have informed the Center for Military Readiness that predictable sexual misconduct already is occurring in land combat-located support units that used to be male only. And conditions for an international incident comparable to Abu Ghraib are being created in Military Transition Teams (MTTs), which are critically important in short- and long-term plans to bring American troops home from Iraq.

Tensions are rising, but reporters who are scarce in Iraq are not asking questions. Even if they did, local commanders and combat soldiers are reluctant to discuss sexual misconduct and pregnancies that are occurring in storied land combat units for the first time in history. It is a lose-lose situation, foisted upon them by Pentagon officials who have failed to make logical, responsible decisions on anything to do with women in the military.

The following incidents, as described to CMR by confidential sources, are harbingers of potentially explosive conditions that are sure to worsen every week they are allowed to continue:

### **1. *Sexual Misconduct and Pregnancy***

In the spring of 2004 the 3<sup>rd</sup> Infantry Division, based at Fort Stewart, GA and reorganized into modular Brigade Combat Teams (BCTs), began the notorious practice of administratively "assigning" female support troops in legally open units while physically placing them in support forward support companies (FSCs) embedded with infantry/armor maneuver battalions. Now CMR has learned that at least one of the land combat-located companies in question is dealing with a problem unprecedented in its history: the need to evacuate pregnant soldiers. The impact on unit cohesion and combat readiness is greater in smaller "tip of the spear" units than larger ones.

Elsewhere in Iraq, an experienced combat soldier has observed and reported similar demoralizing problems:

*"The line between the FSC [forward support company] and our infantry battalion has completely broken down. Females from the FSCs are being attached to all male infantry and armor companies with no regard whatsoever.*

*“Interestingly, this same FSC is now having its first sergeant and one of its senior NCOs fired over sexual misconduct. This is a pretty tremendous shock for a company and it will definitely shake, if not ruin, the confidence in the company’s chain of command for the foreseeable future...Those of us who are combat arms officers are not envious of the FSC commander’s job, who has to hold his company together after his first sergeant has been taken down. We are very glad that we do not have to weather such a command environment.”*

In another message, the soldier described what happened in a Civil Affairs (CA) team that employed a female captain to work closely with Iraqi leaders:

*“The female CA captain was sleeping with all of the powerful local Iraqi contacts. She compromised her mission and her team. She was removed from her disgraced team and replaced. Who knows how much classified information she could have given away. At the very least, her team was unable to do its job.”*

Secretary of Defense Robert Gates and members of Congress should investigate and objectively consider the implications of this incident. The sharing of operational plans with Iraqis of questionable loyalty could increase security problems and risks for all coalition troops, including brave Iraqis who are training to fight for their country. The threat is especially worrisome when American troops are working in small teams to train male Iraqis in close combat skills.

## **2. Gender Tensions Could Undermine Iraqi Training Missions**

Advocates on all sides of the Iraq war debate agree that the Iraqis should be trained and prepared to assume more responsibility for their own defense. Military Transition Teams (MiTTs), sometimes called Mobile Training Teams (MTTs), are key to the success of this effort. These 11-15 man teams are composed of commissioned and non-commissioned officers and Marines with ground combat leadership experience.<sup>2</sup>

MTT trainers are embedded with Iraqi units for a year. They teach combat tactics and skills so that Iraqis can assume responsibility for defending their own country. Specialized Army MTT training, which is considered career enhancing for volunteers, takes place at Fort Riley, KS. Other soldiers have been involuntarily assigned to MTTs from battalions operating in Iraq or Afghanistan, without special training at Fort Riley.

In an interview with *Army Times*, Brig. Gen. Dana Pittard spoke very frankly about the importance of sending the right type of soldiers for this important job. As he put it, *“Only combat vets who inspire confidence need apply”* (Dec. 4, 2006)

Given the closeness of the MTT relationship, and the fact that Iraqi units are usually poorly equipped and under attack constantly, MTT personnel who teach direct ground combat skills are required to be all male (*Army Times*, Feb. 6, 2006) Indications are, however, that some women may have been ordered into a land combat MTT composed of soldiers already deployed in Iraq. Given the Army’s reckless disregard for regulations affecting women, this

situation must be investigated and ended before volatile conditions ignite.

It is difficult enough to train new Iraqi combat troops, without forcing men of that culture to accept and embed with female soldiers. Iraqi trainees respect all Americans, including our female soldiers, but MTTs are *combat* schools, not charm schools.

MTT commanders should not have to deal with social tensions that often develop between male and female soldiers—on either end of the sexual harassment/romantic involvement spectrum. Nor should MTT missions be complicated by immeasurable, unprecedented cultural problems. Social tensions and incidents of international misconduct are likely to distract MTT personnel, destroy bonds of trust, and seriously undermine efforts to “stand up” more Iraqi combat battalions.

Male Iraqis have been raised in a culture that will not permit forced intimacy with women in combat training teams. The task of teaching more “enlightened” attitudes reflecting western norms, which could prove more difficult than building a representative government in Iraq, is beyond the critically important mission of MTT soldiers.

It is easy to see turmoil and additional danger developing here—no crystal ball required. Anarchists out to destroy the constructive mission of MTT units could easily use cultural prejudice against women and the West to alienate male trainees who abjure obedience to women.<sup>3</sup>

Treacherous anarchists will do anything to exploit sexual misconduct by American soldiers for propaganda purposes. The U.S. Army is only a photograph away from an explosive scandal far worse than Abu Ghraib.

Struggling Iraq is no place to conduct volatile social experiments with male troops of another culture who are interested in survival, not sensitivity training.

### **C. OFFICIAL DISSEMBLING DISGUISES UNAUTHORIZED POLICIES**

Substituting “truthiness” for truth, Army officials are continuing to deny what soldiers in the field already know. The deception began with an Army briefing dated May 10, 2004, which was obtained and exposed by the Center for Military Readiness.

#### **1. “Assigned” vs. “Attached”**

The May 10 briefing admitted that the practice of administratively “assigning” female soldiers to the legally open brigade level (on paper only), while physically placing them in forward support companies “attached” to infantry/armored maneuver battalions, could be seen as “subterfuge” to circumvent the collocation rule and the notification law. Several Brigade Combat Teams (BCTs) are now implementing this practice, which depends on the fiction that maneuver battalions are all male because gender codes have not been changed in modified tables of organization and equipment (MTOEs). This is more than subterfuge; it is betrayal.

## **2. *Selective “Memory”***

In the same May 10, 2004, briefing the Army also claimed that it could operate under its own rules, adopted in 1992, which are supposedly separate from Defense Department regulations adopted in 1994. But the obsolete 1992 regulation cited (AR 600-13) included a “Risk Rule,” which exempted female support soldiers from areas involving a “*substantial risk of capture.*”

Defense Department regulations issued in 1994 superceded the Army rule, and abolished a similar “Risk Rule” in DoD regulations. The Army cannot recognize one part of an obsolete rule, while ignoring the other, just for the sake of expediency.

### **D. NEEDED: TRUTH IN RECRUITING PRACTICES**

It is wrong to mislead young women about the conditions of their “employment” in the Army. All Americans, and especially the parents of potential recruits, should be aware of what is happening—and beware.

#### **1. *The Dangers of Unrestrained Power***

For more than two years Pentagon appointees and generals have been trying to arrogate for themselves power to send other people’s daughters into or near direct ground combat—anywhere, anytime, even if it elevates risks for other people’s sons, undermines combat missions, and makes military life more difficult and dangerous. Young people need to know this before they take an oath pledging service in the military.

At a minimum, warnings should be posted in recruiting offices. Publications nationwide should inform parents and potential recruits that life-and-death rules affecting female soldiers are subject to change without advance notice, despite the congressional notification law.

#### **2. *Should Girls Register for a Possible Future Draft?***

There is little evidence that Army officials have considered the short- and long-term consequences of their current unlawful course—including the impact on young women’s exemption from Selective Service registration. The congressional notification law requires an analysis of proposed rule changes on young women’s exemption from Selective Service registration on the same basis as men. No such analysis has been provided to Congress.

This is no small matter, since the Supreme Court has ruled that young women do not have to register with Selective Service because they are not used as replacements for men lost in direct ground combat. If the Army succeeds in abolishing the rules by simply disregarding them, another lawsuit challenging women’s exemption, brought by the ACLU on behalf of men who must register, would probably succeed. Civilian girls and their parents have little awareness of the legal jeopardy being created by radical Army decisions being made by default.

President George W. Bush has the obligation to enforce the congressional notification law, and to hold everyone—including the Secretaries of Defense and the Army, the Joint Chiefs of Staff, and CENTCOM commanders—responsible. All must comply with current DoD regulations and law, or make the case for change in public, not behind closed doors.

Instead of putting unquestioning trust in generals and Pentagon officials in all matters, President Bush and members of Congress need to ask why male soldiers have become so scarce that it is necessary to send young women and mothers to fight the war in battalion-level units that are required to be all male. Defense Department and Army personnel management officials who allowed this to happen should be reassigned or fired.

To remedy shortages, the President should order the Army to scrap gender-based recruiting quotas, which attract single mothers and keep the numbers of female soldiers artificially high. President Bush also should issue a personal call to young men, asking them to consider volunteering for the combat arms.

### **3. *Precedents and Misconduct Threaten Iraqi Training Mission***

In his February 8, 2007, interview with PRI reporter Katy Clark, Lt. Col. Bryan Hilferty was asked to comment on a statement by CMR President Elaine Donnelly, who said that the Army has been using “semantics and sophistry” to pretend that the DoD collocation rule does not exist. Lt. Col. Hilferty sidestepped with this reply:

*“Clearly female soldiers just like male soldiers are in combat in Iraq and Afghanistan. Clearly women and male soldiers are assigned to units and positions in which they have to do combat action, to defend themselves or their units from attack....”*

On the contrary, nothing in the current war—including the presence of anarchists, roadside bombs (IEDs), and the need for self-defense—has changed the definition or mission of direct ground combat (DGC) troops.

All soldiers deployed to Afghanistan and Iraq are serving “in harm’s way,” but direct ground combat troops, such as the infantry, engage the enemy with deliberate offensive action under fire. Lt. Col. Hilferty surely knows the difference, but he continued to spin the story:

*“The moment women were rightfully so allowed to join the army they were going to be in combat. Soldiers by definition are involved in combat.... What women are excluded from is positions in units whose principal mission is direct ground combat, infantry, special forces, field artillery types of things. They have been excluded from those positions and at this time there's no plan to change that.” (Emphasis added)*

Lt. Col. Hilferty's irresponsible statement, which does not even mention the collocation rule, confirmed Donnelly’s point exactly. The Army is pretending that the regulation simply does not exist. But it does.

#### ***Who is In Charge?***

Even if the Army were not ordering women into infantry and other DGC units “*at this*

time,” Col. Hilferty's assurances are meaningless. Given current illicit practices, which have been tolerated by members of Congress and by President George W. Bush, there is nothing to stop the Army from disregarding women's remaining exemptions from the infantry and other direct ground combat units.

Pentagon officials have pushed the feminist agenda far enough. And Congress has been silent for too long. For the sake of military women as well as men in the combat arms, illegal practices involving women must be brought to an end.

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### **Endnotes:**

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1. In 1997 the RAND Corporation produced a report titled “New Opportunities for Women: Effects Upon Readiness, Cohesion and Morale.” Unlike the original draft of this RAND Report, the published version omitted or downplayed negative comments from interviewees in the field, raising issues such as injuries, absences due to pregnancy, and disciplinary problems.
2. There are several different types of these units, and some female soldiers have been trained and located at the Forward Operating Base (FOB) level, in support roles only. It would make sense for American women to train Iraqi women to perform security searches of female civilians, but it is difficult to determine if this is being done.
3. The size of this cultural divide was visible in ceremonies to hand over security responsibilities to Iraqi police and soldiers in Najaf province in December 2006. There were warriors on horseback, martial arts demonstrations and, at one point, the tearing apart and eating of a live rabbit by Iraqi soldiers. *“The leader bit out the heart with a yell, and passed the blood-soaked remains to comrades, each of whom took a bite.”* (*Air Force Times*, Jan. 1, 2007)

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