

What Congress Can Do: Sound Policy for Women in the Military

On January 24, 2013, Secretary of Defense **Leon Panetta** announced that he was unilaterally revoking all remaining DoD regulations exempting women from assignment to direct ground combat battalions such as the infantry. On his way out the door, Secretary Panetta directed the military service chiefs to provide by the following May reports on how to implement his mandate to gender-integrate currently all-male fighting units.

The military service chiefs have a narrow opportunity to keep some units all-male, but they will have to justify such designations under newly-imposed burdens of proof. This is a pre-determined, incremental process moving in only one direction, scheduled for completion in 2016. Under recommendations of the DoD-endorsed **Military Leadership Diversity Commission (MLDC)**, successors to current military leaders will be selected only if they support the administration's drive for gender-based "diversity" in direct ground combat.

Left out of the administration's unilateral plan of action is Congress, the branch of government authorized by the **U. S. Constitution** to make policy for the military. (Art. 1, Sect. 8) The administration is excluding Congress and the American people from having a say in one of the most important military/social decisions made in more than twenty years. This affront to Congress also is unfair to the majority of women whose voices have not been heard.

Respect for women in our military is greater than ever, and rightly so. They have served in unprecedented roles "in harm's way" with great courage and personal sacrifice. In the recent wars, however, military women have not served in direct ground combat units that are at issue today. These are the fighting units that *attack* the enemy with deliberate offensive action.

To truly honor and respect military women, Congress should take this issue seriously. Military women, including enlisted women who don't want to be treated like men, deserve more than flattery and clichés. Congress should assign highest priority to military necessity – not self-interest, political illusions, or ideology that denies differences between men and women.

The following are suggestions and background for what could be called a **Sound Policy for Women in the Military Act**:

1. Define and codify women's exemptions from direct ground combat assignments.

To quote the late **Lt. Gen. Victor "Brute" Krulak**, a visionary Marine, "*Congress should draw the line at the point of the bayonet.*" Instead of allowing the Obama Administration's gender-based "diversity" agenda to radically change training and assignment practices in the combat arms, Congress should codify a better approach that recognizes lessons learned since September 11, 2001, as well as realities of ground combat mission requirements that have not changed.

Smaller "tip of the spear" units include **Army** and **Marine Infantry, Special Operations Forces**, and **Navy SEAL** battalions (below the brigade level). Battalion-level **Armor** (tank) and **Artillery** forces also require high levels of physical strength in harsh conditions for long periods of time. All of these military occupational specialties (MOSs), which currently are all-male, seek out and destroy the enemy with deliberate offensive action under fire.

These DGC missions go beyond the experience of being "in harm's way" in a war zone – what might be called "**incident-related**" or "**contingent**" combat. For example, women who have driven in convoys threatened by IED attacks have experienced incident-related combat, for which they needed to be prepared. **Female engagement teams (FETs)** also have performed security and intelligence missions, working with women and children in ways that men cannot.

Conditions in the Middle East have changed since front-line Infantry and Special Operations Forces liberated **Baghdad** in 2003 and **Fallujah** in 2004. Nevertheless, threats from potential adversaries such as **North Korea** still require readiness to fight in harsh conditions on the ground.

All military communities that may be involved in incident-related combat deserve the best training and recognition for their service "in harm's way." Combat arms units that attack the enemy, however, have different missions and requirements, including physical strength beyond the capabilities of most women. Congress should support *both* communities by codifying clear definitions and reality-based principles that would *improve* the **All-Volunteer Force**.

2. To avoid the expense and difficulties of trying to accommodate women in Army Ranger or Marine Infantry Officer Course training, DGC battalions should be designated all-male.

An effort to accommodate a "critical mass" of women in formerly all-male units guarantees that over time, standards will be changed, modified, or gender-normed, making ground combat training programs less effective in preparing both men and women for the contingencies of war. A complicated and expensive effort to modify male-oriented training standards to accommodate women has not been necessary because DGC-designated units are all-male.

Trying to prepare significant numbers of women for potential infantry/Special Operations Forces assignments would steeply increase debilitating injuries in training as well as during deployments. Instead of dual standards, there will be lowered standards – equal but far less demanding than male-oriented standards are right now.

In the end, attempts to keep standards the same in tough training for the combat arms would be futile. High standards perceived as "barriers" to women's careers are unlikely to withstand questions put forth by Army **Gen. Martin Dempsey**, Chairman of the Joint Chiefs of Staff: *"If a particular standard is so high that a woman couldn't make it, the burden is now on the service to come back and explain . . . why is it that high? Does it really have to be that high?"* Since the stated goal is to achieve *"diversity metrics"* and "success" for women, the answer will be "No."

Even if Congress mandated identical tests for men and women, standards will be lowered to comply, or other techniques will be used to gender-norm qualifications. Historically, some trainees who have failed to meet high standards have been retained or promoted anyway, or officials have dropped training events that are suitable for men but too difficult for women.

For example, a Marine briefing presented to the DACOWITS in September 2011 indicated that hundreds of men and women would be tested on six "common tasks" comparing physical abilities. In 2012, however, the six tests were reduced to three, the most difficult ones omitted.

3. Use precise language. Do not confuse "gender-specific" or "gender-normed" standards that are different for men and women with training programs that treat everyone the same.

Some military officials have used the misleading phrase "gender-neutral," which suggests identical training for both men and women. On the contrary, standards that are different and "gender-normed" to measure "equal effort" are not the same as standards that are identical.

"Gender-specific" or "gender-normed" training uses different requirements or scoring systems for men and women. The new Marine physical fitness training (PFT) test, for example, will require a minimum of three pull-ups on a high bar for women, with eight repetitions earning a 100% score. To get the same 100% score, men will have to do 20 pull-ups on the bar. This basic PFT test and others like it should be described as "gender-specific," not "gender-neutral."

4. Recognize that gender-specific training may be used in entry-level training, provided that a) the program does not supply personnel to physically-demanding occupational specialties; and b) women are exempt from direct ground combat.

The **Presidential Commission on the Assignment of Women in the Armed Forces** called for gender-specific standards in basic, pre-commissioning, and entry-level training, but not in preparation for military occupational specialties that require great physical strength and endurance. Truthfully acknowledging gender-specific standards in early stages of training, which is not considered preparation for direct ground combat, would reduce resentment caused by perceptions of double standards. Conversely, if women's combat exemptions are *not* codified, all gender-normed training programs or scoring systems, including separate obstacle courses with lower bars or special "assists" for women, should be eliminated.

5. Preserve women's exemption from Selective Service by keeping DGC units all-male.

On April 13, 2013, the **National Coalition for Men (NCM)** filed a lawsuit in a California U.S. District Court, challenging the legality of male-only **Selective Service** registration. Citing the policy changes announced by Secretary Panetta, the NCM asked the court to "*end the sex-based discrimination in its military draft registration program and to treat men and women equally.*" Even if the court dismisses this premature case, Congress must understand that both President **Barack Obama** and Defense Secretary **Chuck Hagel** are on the record in favor of equal Selective Service obligations for women.

A landmark Supreme Court ruling, *Rostker v. Goldberg* (1981), recognized the purpose of registration: to prepare for the contingency of a future draft of combat troops. Because women were exempt from combat, the Court upheld their Selective Service exemption because "*Men and women...are not similarly situated for purposes of a draft or registration for a draft.*"

Courts are not predictable, but unless Congress restores women's combat exemptions, federal courts are likely to overturn the *Rostker* precedent. Even if Congress tries to affirm men-only registration, the defining fact that men and women are now "similarly situated" with regard to combat still would remain. Instead of allowing federal courts to decide the issue, Congress should act to establish sound policy. Although many expect that there will not be a time when a draft will be needed, a future national emergency beyond the capacity of the All-Volunteer Force would be complicated even more if women are subject to Selective Service obligations.

6. Reject "Diversity Metrics" Goals Set by the Military Leadership Diversity Commission.

Administration officials have endorsed goals of the **Military Leadership Diversity Commission (MLDC)**, which is pushing women into direct ground combat in order to achieve gender-based "diversity metrics," another name for "quotas." In fact, the 2011 MLDC Report admitted that their plan for non-remedial "diversity management," enforced by a "**Chief Diversity Officer (CDO)** reporting directly to the Secretary of Defense, *"...is not about treating everyone the same. This can be a difficult concept to grasp, especially for leaders who grew up with the EO-inspired mandate to be both color and gender blind."* (MLDC Executive Summary and p. 18)

This concept is a radical departure from the military's honorable tradition of recognizing individual merit – the key to successful racial integration in the military. None of this is necessary to promote women's careers, since Defense Department reports have consistently shown for years that women are promoted at rates equal to or faster than men.

7. Adopt policies that will reduce rates of sexual assault and misconduct, instead of extending them to the combat arms.

On January 24, Gen. Dempsey made the completely unsupported claim that assigning women to DGC units would reduce sexual assaults. Women have been taking on many new roles over the past 20 years, particularly since 9/11. If General Dempsey's theory were correct, misconduct and sexual assault rates would be declining instead of accelerating. Inappropriate relationships and assaults should be discouraged – not extended to the combat arms.

8. Act in a timely fashion, before incremental decisions become irreversible.

On-again, off-again policies susceptible to political winds are not fair to military women or men in the combat arms. Congressional action to effectively "*draw the line at the point of the bayonet*" would provide a coherent, stabilizing baseline. Following that, there should be extensive hearings and an objective review of both historic data and research findings compiled in 2012, which will give insight into scores of issues not mentioned in this analysis. Proponents of further change should bear the burden of proof in showing how such changes would *benefit* both military women and men, while *strengthening* combat arms in the All-Volunteer Force.

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*This policy analysis was prepared for informational purposes by the **Center for Military Readiness**, an independent public policy organization, on behalf of the **Military Culture Coalition**. More information is available at www.cmrlink.org.*